

# **Proceedings of the Round Table on Combating Trafficking in Human Beings**

**organised jointly by the Council of Europe,  
the Organisation for Security and Co-operation in Europe  
(OSCE)  
the Interparliamentary Assembly of  
the Commonwealth of Independent States (CIS) and  
the CIS Executive Committee**

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## Introduction

At any single moment, in any part of the world, women, men and children are bought and sold like commodities for the purpose of exploitation and profit. Trafficking in human beings is not only a serious crime; it is an affront to human dignity and therefore a violation of the most fundamental human rights. No country is immune to this modern-day slavery, and none is capable to meet the challenge of human trafficking without co-operating with other countries.

The international community has developed legal instruments to counteract trafficking in human beings, such as the Protocol to Prevent, Suppress and Punish Trafficking in Human Beings, Especially Women and Children, to the United Nations Convention against Transnational Organised Crime, and the Council of Europe Convention on Action against Trafficking in Human Beings. These binding legal instruments are complemented by the political commitments adopted by the OSCE participating States on human trafficking, such as the 2003 OSCE Action Plan on Combating Trafficking in Human Beings and several Ministerial Council Decisions. At the level of the Commonwealth of Independent States (CIS), reference should be made to the CIS Programme of Co-operation to Combat Trafficking in Human Beings for 2010-2012 and the CIS Model legislation.

In our response to human trafficking, the Council of Europe, the OSCE and the CIS share the same values and goals, which makes our partnership natural and forward-looking. As a manifestation of this synergy, the Council of Europe and the OSCE took a joint initiative which was strongly supported by the Inter-Parliamentary Assembly of the CIS and the CIS Executive Committee. As a result, on 18 April 2012, a joint round-table on action against trafficking in human beings was held in St. Petersburg, Russian Federation, bringing together over 100 participants from 20 countries, including parliamentarians, public officials, prosecutors, law enforcement officers, researchers and representatives of NGOs.

The round-table created a new platform for developing co-operation between the Council of Europe, OSCE and the CIS. The present publication of proceedings of the round-table provides a rich source of information and a collection of good practices and continuing challenges in the fight against human trafficking. It should contribute to increasing the number of signatures and ratifications of the Council of Europe Convention on Action against Trafficking in Human Beings and the implementation of the OSCE anti-trafficking commitments. The publication should also assist in the implementation of the CIS Programme of Co-operation to Combat Trafficking in Human Beings for 2010-2012 and in the preparation of the next Programme, based on the experience gained by our organisations.

Programme	
	<u>Opening statements</u>
10:00 – 10:10	<b>Mr Alexei Sergeev</b> , Secretary General of the Council of the IPA-CIS
10:10 – 10:20	<b>Ms Maud de Boer-Buquicchio</b> , Deputy Secretary General of the Council of Europe
10:20 – 10:30	<b>Mr Ricardo Migliori</b> , Vice-President of the OSCE Parliamentary Assembly
10:30 – 10:40	<b>Mr Murat Tashibaev</b> , Deputy Director of the Department of Security and Prevention of New Threats, CIS Executive Committee
	<b><u>Session one: International legal and political commitments relating to combating trafficking in human beings</u></b>
10:40 – 10:50	<i>Moderator: Ms Ekaterina Badikova</i> , President of the Association of NGOs against trafficking in human beings in Central Asia
10:50 – 11:05	<b>Ms Maria Grazia Giammarinaro</b> , Special Representative and Co-ordinator for Combating Trafficking in Human Beings, OSCE
11:05 – 11:20	<b>Ms Sahiba Gafarova</b> , member of the Committee on Equality and Non-Discrimination of the Parliamentary Assembly of the Council of Europe
11:20 – 11:35	<b>Ms Petya Nestorova</b> , Executive Secretary of the Council of Europe Convention on Action against Trafficking in Human Beings
11:35 – 11:50	<b>Ms Sara Greenblatt</b> , Head of the Organised Crime and Illicit Trafficking Branch, UNODC
	<b>Ms Allison Hollabough</b> , representing Mr Christopher Smith, OSCE PA Special Representative on Combating Trafficking in Persons
	<b>Mr Viktor Cherkessov</b> , member of the United Commission of the IPA-CIS on harmonisation of legislation in the areas of combating terrorism, crime and drug trafficking (written presentation)
	Discussion
12:00 – 12:20	Pause
	<b><u>Session two: Strengthening international co-operation among the law-enforcement authorities to combat trafficking in human beings: best practices and challenges ahead</u></b>
12:20 – 12:30	<i>Moderator: Mr Leonid Ermolaev</i> , Executive Secretary of the Co-ordinating Council of General Prosecutors of the CIS

12:30 – 12:50	<b>Mr Nicolas Le Coz</b> , President of the Group of Experts on Action against Trafficking in Human Beings (GRETA)
12:50 – 13:10	<b>Mr Sergei Vinokurov</b> , Scientific Research Institute of the Academy of the General Prosecutor's Office, Russian Federation
13:10 – 13:30	<b>Mr Vasiliy Neishtenko</b> , Deputy Head of the Co-ordination Service of the Council of the Heads of Border Guard Forces of the CIS
13:30 – 13:50	<b>Mr D. Kazmin</b> , Executive Secretary of the Committee of Heads of Enforcement Divisions (CHED) of the Council of Heads of Customs Services (written presentation)  Discussion
14:00 – 15:30	Lunch
	<b><u>Session three: National mechanisms to co-ordinate action against trafficking in human beings, including prevention, protection of victims, and prosecution of traffickers</u></b>
15:30 – 15:40	<i>Moderator: Ms Vera Gracheva</i> , Co-ordination Advisor, Office of the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings
15:40 – 15:55	<b>Ms Astrid Ganterer</b> , Advisor on combating trafficking in human beings, OSCE Office for Democratic Institutions and Human Rights (ODIHR)
15:55 – 16:10	<b>Mr David Tumasyan</b> , Anti-Trafficking Legal Expert, member of the Legal Sub-Group of the Inter-Institutional Working Group on Combating Trafficking in Human Beings
16:10 – 16:25	<b>Mr Zhakip Asanov</b> , Member of the Committee on Legislation and Judicial Reform of the Parliament of Kazakhstan
16:25 – 16:40	<b>Ms Olga Pristanskaya</b> , Head of Department, Children's Rights Commissioner for the President of the Russian Federation
16:40 – 16:55	<b>Ms Lidiya Drozdova</b> , Deputy Minister of Social Policy of Ukraine
16:55 – 18:00	General discussion and closing statements

## Opening Statement by Mr Alexey Sergeev

### Secretary General of the Council of the CIS Inter-Parliamentary Assembly

Dear colleagues and guests of the Tavricheskiy Palace,

As the host of this roundtable on Joint Action against Trafficking in Human Beings, let me welcome you in this beautiful building which is the home and headquarters of the IPA CIS.

The Assembly was established on 27 March 1992 by a decision of the Heads of Parliaments of the Commonwealth in Alma-Ata (Republic of Kazakhstan) just three months following the creation of the CIS. Today, its members are: Azerbaijan, Armenia, Belarus, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan and Ukraine. Since 2006, the Wolesi Jirga of the Islamic Republic of Afghanistan is an observer of the Assembly.

The bulk of the Assembly's activities is related to law-making to assist the CIS members in building national legislation, harmonizing national laws in the CIS and aligning them with the universal norms and principles of international law.

The 1995 Convention on the establishment of the IPA CIS mandates this organization to draft model laws, make recommendations on the procedure of simultaneous ratification of agreements in the CIS and alignment of national laws with effective international instruments.

Over the two decades of its existence, the Assembly adopted more than 360 model acts ( codes, laws, guidelines and other documents), based on best international practices and standards, that continuously feed into the national legal frameworks of the CIS.

Some of our legal products found their way into international instruments such as the 1993 *CIS Convention on Mutual Legal Assistance in Civil, Family and Criminal Law*, the 1999 *CIS Treaty on Co-operation against Terrorism*, the 2000 *CIS Agreement on Co-operation against Illegal Trafficking of Narcotic Drugs, Psychotropic Substances and their Precursors*, the 2007 *CIS Treaty on Countering the Legalization (Laundering) of Criminal Assets and Financing of Terrorism*, and the *CIS Agreement on Co-operation against Corruption* which is at its final stages of drafting.

The 2005 model law on *Countering Mercenarism* was an extension of the provisions of the International Convention against the Recruitment, Use, Financing and Training of Mercenaries adopted by resolution 44/43 of the UN General Assembly in 1989. The IPA CIS was also instrumental in promoting the norms of the *UN Convention on the Activities of Private Military Company* which is still in draft.

A whole series of international human rights instruments eventually evolved into effective multi-lateral CIS treaties. This was the case with the 2002 *CIS Convention on the Standards of Democratic Elections, Electoral Rights and Freedoms*, the 2008 *CIS Convention on Cross-border Co-operation*, the 2008 *CIS Agreement on Response against the Growing Incidence of Diabetes*. This list is not exhaustive.

As an organization with international legal capacity, the IPA CIS maintains comprehensive relations with international organizations and major research centres based on over 70 agreements. The Tavricheskiy Palace is a venue for unique international events organized jointly with our international partners.

The activities of the Assembly are recorded in its printed editions: *the International Bulletin* published in Russian and English, *the Newsletter*, as well as various thematic compilations.

The Assembly met its 20<sup>th</sup> anniversary with a set of original activities and practices that are continuously evolving.

New forms and configurations of international co-operation emerge in the sphere of building democracy, protection of human rights, fostering peace and security. The International Institute of Monitoring Democracy Development, Parliamentarianism and Suffrage Protection for the Citizens of the IPA CIS Member Nations is marking good progress in the implementation of its statutory mandate.

One of the more effective platforms of co-operation is the *Joint Commission on the Harmonization of Legislation against Terrorism, Crime and Illegal Drug Trafficking in the CIS* which is hosting this roundtable. The establishment of this Commission was a response to the new challenges and threats that entered our lives at the turn of the 21st century.

This body, as its name suggests, is composed of representatives of national parliaments, CIS bodies responsible for security matters, as well as national competent authorities, the United Nations, the OSCE. This ensures analytical quality of model law-making in the Assembly. The Joint Commission has in fact become an effective mechanism of sectoral co-operation in matters of international security. Its establishment in 2004 at the IPA CIS opened a new chapter in the co-operation of CIS Member Nations and the CIS family of organizations in countering new threats and challenges. In the shortest possible time, it allowed for the harmonization and updating of CIS legislation against terrorism, corruption, extremism, illegal drug trafficking, money laundering and financing of terrorism, as well as in border safety.

An example of successful outcome is the CIS legal framework for action against human trafficking finalized in 2008 jointly with the Advisory Board of CIS General Prosecutors and the Research Centre of the Academy at the Prosecutor General's Office of the Russian Federation.

The framework builds upon all effective international standards in the field and includes three model laws and a series of recommendations for the harmonization and streamlining of CIS national legal regimes. (*Countering Human trafficking, Recommendations for the harmonization and streamlining of national laws against human trafficking - 2008, Protection of Children from Information Harmful for their Health and Development – 2009, Recommendations for the harmonization and streamlining of national laws for the Protection of Children from Information Harmful for their Health and Development –2010*). These documents have already won good reviews from many international organisations which reflects the recognition of the response by Assembly and other CIS bodies to the ugly crime of human trafficking.

Today, work is underway on the Commentary to this model legislation which will lay out authentic interpretation of its provisions. Amendments and additions to the model Penal Code and the Code of Penal Process for the CIS as related to human trafficking are also in the pipeline.

I would like to avail myself of this opportunity to express my gratitude to the membership of the Joint Commission for this contribution to the common *aquis* of the Commonwealth. Let me wish productive deliberations to the participants of the roundtable. Thank you for your attention, and I now give the floor to my colleague Ms Maud de Boer-Buquicchio, Deputy Secretary General of the Council of Europe.



**Opening Statement by Ms Maud de Boer-Buquicchio**  
Deputy Secretary General of the Council of Europe

Mr Secretary-General of the Council of the Interparliamentary Assembly of the Commonwealth of Independent States (CIS),  
Members of the Interparliamentary Assembly of the CIS,  
Ladies and Gentlemen,

I am grateful to the Interparliamentary Assembly of the CIS for hosting today's Round-table on a topic which has been a priority for the Council of Europe and for me personally: the fight against trafficking in human beings. Together with the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, Maria Grazia Giammarinaro, we have striven to develop international co-operation with a view to achieving our common objective: zero tolerance against trafficking.

Gathered at this Round-table are representatives of many countries from Eurasia, this socio-political super-continent which has been the cradle of many modern civilisations and which was spanned by the Silk Road, symbolising trade and cultural exchange, linking peoples throughout history.

Today, across the Eurasian space, men, women and children are being traded as a commodity for the purpose of exploitation. Because of the intrinsically clandestine nature of trafficking, it is difficult to state with accuracy how many people are trapped in this modern-day form of slavery. It is estimated that every year human trafficking affects millions of people worldwide.

Traffickers do not discriminate as to whom they exploit, as long as they make a profit. They use women, forcing them into prostitution or domestic servitude; they use men to make slaves on construction sites or agricultural farms; they use poverty-stricken people, coercing them into having their organs removed and sold. Traffickers have no scruples when taking advantage of the most vulnerable - children - to exploit them through child pornography, forced begging or forcing them to commit criminal offences. Today - one hundred and fifty years after the abolition of slavery in Europe - we are confronted with an activity absolutely incompatible with the fundamental values of our civilisations. Because trafficking in human beings is not only a crime, it is an affront to human dignity and therefore a violation of the most fundamental human rights.

This is why over the last 20 years the Council of Europe has been actively engaged in combating human trafficking in its member states and beyond. This commitment reached an important stage in 2005 with the adoption of the Convention on Action against Trafficking in Human Beings - a treaty which provides States with effective tools to prevent trafficking, protect its victims and prosecute traffickers.

I noted with satisfaction that these objectives are also reflected in the CIS Model Legislation on the prevention of trafficking in human beings, approved by the CIS Interparliamentary Assembly in 2008.

The Council of Europe Convention has a comprehensive scope of application, encompassing all forms of trafficking - whether national or transnational, committed by organised criminal groups or by individual offenders - and taking account of all persons who are victims of trafficking. The forms of exploitation covered by the Convention are, at a minimum, sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude, and the removal of organs.

The Convention is a far-reaching treaty which goes beyond the minimum standards agreed upon in the Palermo Protocol to the UN Convention against Transnational Organised Crime. It demands action from States regardless of whether they are countries of origin, transit or destination of victims of trafficking. The Convention places on Parties obligations aimed at enabling the effective prosecution of traffickers and ensuring that they are punished in a proportionate and dissuasive manner. The Convention also provides for a series of measures to protect and assist victims. This is of crucial importance, as victims who break from their traffickers' control generally find themselves in a position of great insecurity and vulnerability. It is therefore necessary to enable them to recover and escape the influence of traffickers which, in turn, can strengthen their willingness to testify and co-operate with the investigating or prosecuting authorities.

The Convention entered into force on 1 February 2008 and has been ratified by 35 and signed by a further 8 Council of Europe member states, including four CIS countries (Armenia, Azerbaijan, the Republic of Moldova and Ukraine). One of the express purposes of the Convention is to promote international co-operation in the efforts to combat trafficking. In this context, it is noteworthy that the Convention is not restricted to Council of Europe member states; non-member states also have the possibility of becoming Parties. I welcome the fact that the "Programme on co-operation between the CIS member states to combat trafficking in human beings (2011-2013)" calls upon CIS member states to consider acceding to the Council of Europe Anti-Trafficking Convention. There is clearly a lot of merit in expanding the application of the Convention. This would not only ensure the harmonisation of national criminal laws and improve the investigation and prosecution of trafficking offences, but would also strengthen the protection afforded to victims.

One of the added-values of the Convention is the setting up of a mechanism to monitor compliance with the obligations contained in the Convention. This monitoring mechanism, GRETA, a multidisciplinary panel composed of 15 independent experts, and the Committee of the Parties to the Convention, ensures that the Convention's provisions are not allowed to remain as merely a theory existing on paper, but that they are effectively implemented.

GRETA's country evaluation reports highlight good practices, loopholes and needs in each country and provide suggestions concerning the way in which the implementation of the Convention might be strengthened. For example, GRETA's evaluation reports have revealed that, while in some countries identification is entirely within the competence of the law enforcement or migration authorities, in others countries social workers, labour inspectors, NGOs, etc., also have the possibility to identify victims of trafficking in human beings and to be involved in a multi-agency identification process. This can be considered as a good practice.

Let me conclude with a story which, unfortunately, is not drawn from fiction. It is the story of Marinela, a 17-year-old student from Romania, who one day in 2008, vanished from her provincial town on the way to school. In the days that followed, friends and family tried to find her, but there were no clues as to her whereabouts. The search intensified but a new identity had been forced on Marinela: she was given a fake passport that transformed her into a 21-year-old adult, then taken to Bucharest and forced on a bus to England. Two days later, she was coerced into prostitution by a pimp who beat her with numbing regularity. On her first day she made £300, enough to support her family in Romania for six weeks, but was forced to surrender every penny. Daily shifts lasted 12 hours, 10pm to 10am, seven days a week.

When police turned up at the Shangri-La Club in Manchester, Marinela and half a dozen other women were arrested for prostitution-related offences. Eventually the police discovered that Marinela was an innocent victim of her Romanian traffickers and was placed in a safe house for vulnerable women. In 2011, her traffickers received the longest sentence for trafficking in UK history. Now Marinela is helping at the safe house in Sheffield, she has begun training as a hairdresser while helping to raise awareness of trafficking. She calls herself a survivor, not a victim.

The story of Marinela is an example of justice being done, but unfortunately this is still far from being the norm. Trafficking victims are notoriously reluctant to describe their experience because of shame, fear and stress, and it is rare for such women to agree to be identified. Motivated by a courageous desire to expose this sordid, violent world, Marinela has revealed the full horror of her ordeal and this should inspire us to act now to put a stop to trafficking in human beings.

The Council of Europe attaches great importance to strengthening regional and global partnerships with all stakeholders combating trafficking in human beings. Our co-operation with the OSCE in this area is a matter of political priority for both organisations. The Council of Europe is also committed to continuing the existing co-operation with civil society with a view to effectively combating trafficking in human beings and in particular protecting the human rights of victims. I am confident that the present Round-table will draw from the rich experience of its participants and will pave the way for continued and successful partnerships.

Thank you very much.

**Opening Statement by Mr Riccardo Migliori**  
 Head of the Italian Delegation to the Parliamentary Assembly of OSCE and  
 Vice President of the OSCE PA<sup>1</sup>

The OSCE Parliamentary Assembly regards today's meeting in St Petersburg as a tangible model of co-operation with the Parliamentary Assembly of the Commonwealth of Independent States (CIS) and the Council of Europe, showing the great potential for fruitful joint initiatives to safeguard human rights, which is the very *raison d'être* of our institution.

As an Italian, I am proud that the official inception of the campaign to combat the trafficking in persons was the High-Level UN Conference of Palermo in 2000, actively promoted by the courageous Italian magistrate Giovanni Falcone, whose dedication to justice inspired the Secretary General of the United Nations to declare in his opening speech, "Crime knows no borders, and we are here today to take down the borders of current national legislation to combat crime more effectively."

I am also particularly proud of the work of Maria Grazia Giammarinaro, the OSCE Special Representative for combating trafficking in persons, for her great achievements and unwavering determination.

Over the past four years, at its sessions in Belgrade and Oslo, Vilnius and Astana, the OSCE Parliamentary Assembly has unanimously adopted resolutions on human trafficking. We have brought the issue to the attention of our Parliaments, and I should like to use this occasion to summarise the position of the Assembly, whereby participating states are called upon:

1) to ratify, if they have not yet done so, the Palermo Convention of the United Nations against Transnational Organized Crime and the attached Protocol to Prevent, Suppress and Punish Trafficking in Persons;

2) to agree to greater co-ordination to ensure a full and effective implementation of the UN Global Plan of Action to combat trafficking in persons;

3) to contribute, with other interested parties, to the UN voluntary trust fund for the victims of trafficking, especially women and children;

4) to fight trafficking on the demand side by means of legislative measures with a transnational dimension that will discourage the exploitation and use of trafficked persons;

5) to consider the matter of inappropriate internet use, take steps to discourage sexual tourism, introduce co-ordinated controls on known perpetrators of sexual crimes who should not be allowed to hide behind the notion that they form part of "sexual minority", and set up hotlines for the reporting of child pornography.

In conclusion, I believe that our meeting should mark the transition from simply highlighting the issue to taking concrete action in an uncompromising battle against this sweeping and alarming global phenomenon.

We need to strive towards instituting a World Anti-Trafficking Day, and take steps to ensure that the next General Assembly of the UN pays close attention to the results of the UN Global Plan of Action to help victims of trafficking.

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<sup>1</sup> H.E. Riccardo Migliori was elected as President of the OSCE PA in July 2012.

### **Opening Statement by Mr Murat Tashibaev**

Deputy Director of the Department for co-operation on security and counteracting new threats of the CIS Executive Committee

Distinguished Chair, distinguished participants of the round table, dear ladies and gentlemen!

Firstly, on behalf of the Executive Committee of the Commonwealth of Independent States, let me extend warm greetings to the participants of the Round table against human trafficking and express my gratitude to the organisers for the opportunity to take part.

Undoubtedly, this event, organised jointly by the Inter-parliamentary Assembly of the CIS, OSCE, Council of Europe, with participation of the CIS Executive Committee and the UNODC, will contribute to the implementation of the provisions of the UN Global Action Plan against Trafficking in Human Beings, approved by the UN General Assembly on 30 July 2010, and calling upon the international community to co-ordinate their efforts in the fight against human trafficking and the protection of its victims.

Trafficking in human beings is a global challenge that transcends national borders. Often, this is a transnational crime, similar in its features to the transnational illegal drug dealing and arms traffic. In order to fight against trafficking in human beings, we need to develop counteraction methods based on the international co-operation, international information exchange and mutual assistance.

I would like to underline that the principles of co-operation within the CIS conform to the international standards, laid in the foundation of the universal agreements approved by the UN and the OSCE.

The experience we have accumulated in the CIS clearly demonstrates that responding to the challenges of security provision and counteracting criminality continuously remains the most relevant field of co-operation among the CIS member states. Notably, this has been stipulated in the action plan for the implementation of the CIS Further Development Concept Plan approved by the Heads of States on 5 October 2007. Thanks to a series of coherent and goal-oriented actions, both legal and organisational mechanisms for inter-governmental co-operation on the fight against transnational organised crime have been set up, including trafficking in human beings which poses a serious threat to the state security and the individual safety.

A comprehensive legal framework and a complex institutional mechanism to counteract modern threats has been set up, maintained and continuously improved within the CIS. Core legal instruments regulating transnational activities to combat human trafficking are the Agreement on Co-operation regarding return of minors to the countries of their permanent residence, approved on 7 October 2002 in Chisinau, and the Agreement on co-operation on the fight against human trafficking and trafficking for the removal of organs and tissues, signed 25 November 2005 in Moscow. The essential purpose of these agreements is to elaborate a co-ordinated strategy and a range of comprehensive legal, socio-economic, informational and other measures aimed to counteract human trafficking, eliminate the root causes of this crime, as well as protect the victims and provide opportunities for rehabilitation. Moreover, building on the provisions of these agreements, two further documents have been drafted and subsequently enforced: the Agreement on co-operation between prosecutors of the CIS and the Agreement on co-operation between the Ministers of Interior of the CIS to combat human trafficking with the aim, among other issues, to improve the prosecution of persons responsible for human trafficking.

In this context, work of the Inter-Parliamentary assembly on the harmonisation of legislation of the CIS member states, deserves a very high appreciation. The Assembly has developed model legislative acts on counteracting human trafficking and the assistance to the victims of trafficking, as well as recommendations on the alignment and harmonisation of legislation of the CIS member states in this area, as presented earlier by the Chair. It is important that the model legislation and recommendations are incorporated into the national legislation of the CIS member states, thus increasing the efficiency of those.

It needs to be emphasised that the supreme authorities of the CIS have co-ordinated and conceptually determined the principles, tasks, main directions, formats and mechanisms for co-operation in this area of joint action. In order to implement activities on the practical level, statutory bodies and specialised authorities of the CIS have been established, such as the Council of Border Troops Commanders, the Co-ordinating Council of the Prosecutors General, the Council of the Ministers of Interior, the Council of the Heads of security and special services, the Council of the Heads of migration services, and the Bureau for the co-ordination of activities to combat organised crimes and other dangerous crimes on the territory of the CIS member states. The responsibility to co-ordinate the activities of these bodies is placed with the Co-ordination conference which is held when necessary. Draft statute on the permanent co-ordinating body is now under deliberation among the member states: this body would continuously work in between the Co-ordination conferences.

In order to turn the conceptual framework into practical actions, medium-term programmes covering periods of three years are being adopted. Moreover, the new Programme of co-operation on the fight against trafficking in persons 2011-2013 adopted by the Council of Heads of States in December 2010, is also now being implemented. The Programme envisages activities aimed at the development of legal foundation for co-operation and harmonisation of the national legislations. It also provides a common platform to conduct joint operative and preventive activities and special operations, as well as outlines informational, scientific, technical and financial support measures to further the co-operation on counteracting human trafficking. The implementation of this Programme allows for a close comprehensive collaboration between the competent authorities of the CIS member states, which renders more effect to the joint activities on combating human trafficking.

In 2011, as part of the implementation activities of the Programme, competent authorities of the CIS member states continued the practice of conducting special activities known as “Channel”, “Transfer”, “Brothel”, “Transit”, “Plot” and others. Law enforcement authorities designed and carried out nine one-off complex operative and preventive activities on the territories of the CIS member states. These resulted in the elimination of 10 illegal migration channels as well as 26 disclosed and cleared criminal activities associated with trafficking in human beings. The experience of conducting such activities and operations is being closely analysed at the meetings of CIS authorities participating in the co-operation on the fight against human trafficking.

The Executive Committee of the CIS prepared a report to the Council of the Heads of States on the implementation of the Programme of co-operation on the fight against trafficking in persons 2011-2013.

It is also worth mentioning that, bearing in mind the importance of strengthening personnel capacities, countries of the CIS are actively co-operating on the staff development, re-training of personnel and advancing professional competencies. An International training centre is hosted by the Academy of the Ministry of Interior of the Republic of Belarus serves as the core organisation focusing on training and advancing professional competencies in the sphere of migration and human trafficking. This Centre has been set up in co-operation with the International Organisation for Migration, and provides an example of successful co-operation between the CIS and other international organisations. In 2011, 45 law enforcement officers from the CIS member states have been trained in the centre.

Overall, CIS has taken a co-ordinated approach towards the fight against human trafficking as well as designed a number of functional measures. On the practical level, based on the last year statistics, the number of crimes in this area went down with 11.2 per cent.

Dear ladies and gentlemen, concluding my intervention I would like to wish all the participants of the round table a productive meeting as well as a useful exchange of information on the latest policies and practical solutions increasing the effectiveness of the fight against human trafficking which indeed is a global challenge.

Thank you for your attention.

**Session one:**  
**International Legal and Political Commitments Relating to**  
**Combating Trafficking in Human Beings**

**Introduction by Ms Ekaterina Badikova**

President of the Association of NGOs to Combat Trafficking in Human Beings in Central Asia  
(moderator)

Good morning dear ladies and gentlemen!

May I open the first session of our Roundtable. This session is dedicated to political and legal obligations of member countries in the field of combating trafficking in persons and protection of victims of trafficking. The phenomenon of human trafficking can be found all over the world, and I think there is no a country which never faced this problem.

International instruments on combating trafficking in persons are very important for the co-ordination of the governments' efforts. And both the activities by governmental institutions and efforts by civil society are crucially important in this field. I believe that the issues of co-ordination of these activities shall be discussed now at our session on the international instruments and obligations. We shall discuss how the nations shall, on one hand, comply with the international requirements, and, on the other hand, how can they keep their cultural identities while following the obligations. The scope of the obligations in the field of combating trafficking in persons is quite wide. First of all, these are the obligations to protect victims of trafficking and other vulnerable groups which, for a number of reasons, are unable to protect themselves. Secondly, these are the obligations on the development of tolerant attitudes to the victims, and the combating trafficking in persons in the countries of destination, transit, and origin. Last but not least, these are the obligations on the assistance and support to the trafficking survivors.

## Presentation by Ms Maria Grazia Giammarinaro

OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings

Your Excellencies, dear Ladies and Gentlemen,

I am delighted and honoured to start the first session of this forum dedicated to giving a comprehensive overview of the most advanced international legal and political instruments, the ones which have to be applied nationally and which serve as effective tools available to all countries without exception. In the CIS region there are no countries – non-parties to the UN Convention against Transnational Organized Crime and its Protocols, no countries which refrained from adopting the OSCE anti-trafficking commitments (otherwise these commitments would not be adopted), and, finally, the Council of Europe Convention on Action against Trafficking in Human Beings can be signed and ratified also by all – even non-members of the Council of Europe (CoE). This bulk of legal and political obligations to eradicate human trafficking remains a live symbol of the joint political will, best knowledge and vision shared by the entire international community. I am delighted that the CIS Programme of Co-operation to Combat Trafficking in Human Beings, as well as the CIS Model Legislation, are in line with these treaties and commitments.

The due implementation of international anti-trafficking law is the very essence of its existence. Let me reiterate from the outset: trafficking in human beings is a security threat in all senses – human, economic, political and military, indeed to the very notion of common and comprehensive security that founded the Organization for Security and Co-operation in Europe. Furthermore, modern-day slavery is a gross violation of fundamental human rights and freedoms, and, committed across the borders or internally, often it has features amounting to torture, ruining the dignity and integrity of men, women and children wherever it occurs. It has become a global phenomenon on a massive scale. This is the reason why need to be more effective in the implementation of international instruments and commitments.

Over a decade ago, we stepped over the stage of ignorance and underestimation of the global scope of human trafficking and its destructive impact. The UN and the CoE Conventions, along with the OSCE Ministerial Decisions, recognized that THB is one of the most prolific, dangerous and cynical forms of organized crime and affront to modern civilization. Why then, irrespective of the international legal framework, does human trafficking demonstrate no signs of diminishing? Why do we have so few convictions often misleading to optimistic assumptions? Why do the victims of this crime, the vast majority of them, remain unidentified and non-assisted? How to make better use of our powerful instruments?

### I. Towards a new understanding of trafficking in human beings as organized crime

The crime is far from static. Traffickers develop new *modus operandi*, enter into new areas of exploitation and make billions of dollars in criminal profits. The *modus operandi* of organized criminal groups has evolved – from traditional mafia-style structures to loosely structured but highly competitive networks. These networks tend not to be bound by a single leader or chain of command, but rather operate with fluid linkages between members and associates, in the absence of a single overarching leader.<sup>2</sup> These groups are flexible and reactive. This is what some call the entrepreneurial model of organized crime – “dealing with any commodity that can be profitably exploited”,<sup>3</sup> a sort of a market/business model of organized crime, in which specific illicit markets expand and contract within patterns of globalization.<sup>4</sup>

While seemingly less organized, these groups are arguably more complex and no less harmful. Not only is the chain of command less structured, but the criminal transaction itself has often been broken down into different phases, which are managed by different criminal groups performing different and often specialized tasks.

<sup>2</sup> N. Tusikov, “The Godfather is Dead: A Hybrid Model of Organized Crime”, in Graciela Martinez-Zalace, Susana Vargas Cervantes and Will Straw (eds.), *APREHENDIENDO AL DELINCUENTE: CRIMEN Y MEDIOS EN AMÉRICA DEL NORTE* (Media at McGill, 2010), p. 143, <<http://media.mcgill.ca/aprehendiendo/natasha-thegodfather.pdf>>.

<sup>3</sup> See Royal Canadian Mounted Police, *The Changing Structure of Organized Crime Groups* (2005, Ottawa).

<sup>4</sup> Ibid.

Trafficking for labour exploitation is a prime example of the specialization of tasks and the fragmentation of the phases of exploitation. Informal recruitment entities, acting beyond formal agencies, are playing an increasing role in facilitating the supply of cheap, informal and often migrant labour within global production chains.<sup>5</sup> Through a combination of wage deductions, payments in kind and debt manipulation, workers recruited by them end up in situations of debt bondage in which they have no other option but to submit to their exploiter.<sup>6</sup>

Another aspect of the *modus operandi* is that traffickers rely less on extreme violence for coercion of victims and increasingly on subtle means of control and abuse of vulnerability. While violence continues to be part of many traffickers' strategies for exerting control over their victims, the use of extreme violence will bear more risk for the perpetrator because it will attract attention from law enforcement and may lead to a higher detection rate.<sup>7</sup>

My third consideration is the following. This kind of loosely structured organized crime is harder to investigate and prosecute. Many trafficking cases are not qualified as such. These are not easy cases to prove from a factual perspective because the evidence may be scattered across different countries and involve different groups. This is one of the reasons for the extremely low rate of investigations and convictions across the world for human trafficking charges.<sup>8</sup> We are faced with an increasing number of cases of document fraud, prostitution, smuggling and other lesser offences which fail to capture the full spectrum of criminality at stake as well as the gravity of the impact. The failure to recognize the evolving forms of human trafficking as organized crime seriously hampers any anti-trafficking policy, underestimating the cumulative effect of its elements, such as the erosion of the rule of law and respect for human rights, systemic corruption, the demoralization of civil society, the intrusion of illicit financial flows into the legitimate economy, low human development levels, systemic poverty, an increase in vulnerability among already disadvantaged groups. The links between THB and other forms of organized crime, such as human smuggling, money laundering, drug and arms trafficking, corruption, identity fraud, and even terrorism put THB high up on the political agenda of all countries concerned.

I would like to be clear about one point: I am not suggesting to move away from the definition contained in the UNTOC and its Trafficking Protocol because of the new *modus operandi* of organized crime. On the contrary, what is needed is a better implementation and full application of the potential enshrined in both the UNTOC and the Palermo Protocol to promote a comprehensive understanding of the complexities of contemporary transnational organized crime and trafficking. Furthermore, since the OSCE is a strong advocate for a human rights-based approach to the three pillars of the fight against THB, prevention, protection and prosecution, we encourage countries to become parties to the CoE Convention on Action against THB, the first European treaty focused on the protection of the rights of trafficked persons.<sup>9</sup> Let me commend the CIS countries for having included the reference to the CoE Convention into the CIS Programme of Co-operation, as well as the recommendation to consider becoming parties to this fundamental treaty.

In this range of instruments the OSCE anti-trafficking commitments constitute a unique set of comprehensive decisions taken by consensus, by all OSCE participating States at the level of their Ministers. These commitments reflect the most crucial elements of the shared response to human trafficking which has been evolving based on knowledge and experience. Each OSCE Decision means a step forward in our approach. The OSCE Action Plan to Combat Trafficking in Human Beings has remained strategic throughout the past decade, with advanced recommendations on steps to be taken at the national level. Decisions providing a general, holistic approach to THB, are enriched by other specific Decisions based on a more in-depth expertise of the new manifestations of the crime, be it child trafficking or trafficking for labour exploitation, or provide a platform for a more effective criminal justice response.

The latest OSCE Ministerial Declaration of 2011 underlines the need to combat all forms of trafficking, and highlighted its least examined forms, such as trafficking for labour exploitation in domestic servitude and trafficking for the removal of organs. Our recent study on trafficking for the purpose of domestic servitude has been translated into Russian and available to all participants of this round table.

<sup>5</sup> S. Barrientos, 'Labour Chains': analysing the role of labour contractors in global production networks (Manchester, July 2011).

<sup>6</sup> OSCE OSR/CTHB, *Unprotected Work, Invisible Exploitation: Trafficking for Domestic Servitude*, Occasional Paper Series no. 4 (2010).

<sup>7</sup> Criminal Intelligence Service Canada, *2010 Report on Organized Crime*, "Fundamentals of Organized Crime" (Ottawa, 2010).

<sup>8</sup> United States Department of State, *Trafficking in Persons Report 2011* (Washington, 2011): includes the following figures for 2010: 6,017 prosecutions globally for trafficking in persons and 3,619 convictions.

<sup>9</sup> OSCE Ministerial Council, *Decision No. 15/05 Preventing and Combating Violence against Women* (Ljubljana, 6 December 2005), para. 3.



As for human trafficking for the removal of organs, my Office has launched a research analysing the scope of this extremely lucrative form of THB in the OSCE region. Its first findings will be presented to the OSCE participating States in a few days in Vienna. Today I would just like to say the following:

This particular form of human trafficking is committed by criminal gangs who benefit from the growing demand for organs and who abuse the acute vulnerability, poverty and despair of those trafficked with the slight hope that the so-called "donation" would mean a better life for them. The gangs are truly international, and the range of those involved is much broader than usual, engaging international brokers, local recruiters, middlemen, medical and nursing professionals, clinical administrative staff, enforcers and many others. This is really the crime which demands better international law enforcement and judicial co-operation.

## **II. The critical role of parliaments in preventing and eradicating THB**

Against this background of today's reality of human trafficking, I would like to share with you some thoughts on the critical role and contribution of parliaments in meeting the challenges ahead.

To start with I would like to stress that national parliaments bear a crucial responsibility in ensuring that national legislation is fully compliant with international standards. This means not only ensuring transposition of the international instruments into national legislation but also doing so in a forward-looking manner which builds on an advanced interpretation of these standards as well as on current knowledge of the *modus operandi* of the criminal networks involved in THB. In other words, it is important to ensure that national legislation is capable of responding to the evolving features of trafficking. For example, the fragmentation in the *modus operandi* of trafficking networks implies that the criminal transaction itself has often been broken down into different phases, not all of which will necessarily be criminal, illicit or involuntary. Thus a victim of trafficking may voluntarily decide to leave his/her country, become a victim of smuggling, and only once arrived in the destination country, become exploited by those enforcing an artificial debt. Thus there may not necessarily be a connection between the exploitation and transfer phases. Attention should thus be shifted from the "transfer" of victims to their "receipt" – which must be seen as receipt of a work performance exacted in coercive or abusive situations. Another important aspect relates to the traffickers' growing use of subtle forms of coercion to control and dispose of people; these include psychological dependency in cases of domestic servitude, and the withholding/non-payment of wages in labour trafficking cases. Workers are induced to stay in their exploitative situation even when they are not paid for months, as they are afraid of losing everything if they leave and they have no other option but to submit to their exploiter. Let me reiterate that national legislation must ensure that these new features are really targeted by the penal law.

Secondly, parliamentarians have a critical role to play in fostering coherence of policy and legislation across various connected fields such as migration and labour market policies. To be effective, laws and policies need to be co-ordinated, complementary and consistent with the objective of protecting the victims, preventing and combating THB. For example, with regard to the labour market Parliaments should establish better regulation and monitoring of recruitment agents, who are often the first segment of a trafficking chain, as they take advantage of the social vulnerability of workers to establish debt bondage and exploitation.

Finally I am convinced that parliamentarians can contribute significantly to raising awareness of trafficking as modern-day slavery, as well as to forging the cultural, social, political and legislative environment for a new understanding of human trafficking, an understanding of the plight of trafficked persons, as well as to promote solidarity and a human attitude towards the victims.

In conclusion, I would like to emphasize that today's event in St. Petersburg is in line with the OSCE Vilnius Ministerial Declaration on Combating all Forms of Human Trafficking and completely coherent with the CIS Programme of Co-operation for Combating Trafficking in Human Beings. I am confident that it will result in further developing our co-operation and contribute to the implementation of international legal obligations and political commitments at the national level. It should also become a new benchmark in the implementation of the CIS Programme of Co-operation for 2011-2013. The OSCE is ready to support the CIS structures in this endeavour.

Thank you for your attention.

### **Presentation by Ms Sahiba Gafarova**

Member of the Committee on Equality and Non-Discrimination,  
Parliamentary Assembly of the Council of Europe

Trafficking in human being is a scourge affecting most countries the world over and, like a number of other criminal activities, is part of the “globalisation of crime”. Europe is among regions most seriously affected by human trafficking, as it comprises countries of origin, transit and final destination of the victims. Women represent the great majority of the victims of trafficking, also due to the gender inequality which is so widespread in our societies (and in most countries of origin of the victims).

Human trafficking has increased in the last years and is thought to represent the third biggest criminal activity in terms of turnover, after trafficking in drugs and weapons. Human trafficking constantly evolves. A worrying development is the growing importance of trafficking in human organs.

Awareness of the size and urgency of the problem has also increased at the international level, which led all the relevant international organisations to engage in fighting against it, each within its respective remit and its own instruments: the United Nations Organisation and its specialised agencies such as the International Labour Organization (ILO), but also the OSCE, the International Organization for Migration (IOM), and the Council of Europe.

I am grateful for this opportunity to represent the Parliamentary Assembly of the Council of Europe here today, as this body has been consistently involved in fighting human trafficking and has addressed this issue on a number of occasions.

The Assembly's Committee on Equal Opportunities for Women and Men was at the forefront of the Assembly's activities in this field for a long time, and presented a number of reports which contributed to bring trafficking in human beings under the spotlight within the Assembly.

The Committee considered that, while victims of trafficking can be both women and men, adults and children, women are particularly affected by this phenomenon. Human trafficking was therefore part of the “core business” of the Committee on Equal Opportunities, which even established a sub-committee (out of three in total) dealing specifically with this issue.

I use the past tense not because we have ceased to work on this matter, but only because earlier this year the Committee was given a new denomination, Committee on Equality and Non-Discrimination, and an enlarged mandate covering discrimination on any ground.

Let me refer to some of the texts adopted by the Parliamentary Assembly of the Council of Europe which are relevant to our theme.

As far back as 1997, in Recommendation 1325 on *Traffic in women and forced prostitution in Council of Europe member states*, the Assembly asked the Committee of Ministers to draw up a European Convention on Trafficking in Women, open to non-member states. In 2002, a recommendation on “Campaign against trafficking in women” called on Council of Europe member states to define trafficking in women as a criminal offence in their national legislation, to incriminate all activities linked with trafficking and to implement measures for prevention. The Assembly was adamant that trafficking in human beings was a violation of human rights and the basic principles of rule of law and democracy. All the subsequent Assembly's texts were in line with this human rights-based approach, which later became the main feature and the added value of the Council of Europe Convention on Action against Trafficking in human beings.

Subsequently, the Assembly was requested to give its opinion on the draft Convention, as part of the standard procedure leading to the adoption of all Council of Europe conventions. The Assembly welcomed the broad scope of Convention and its human rights-based approach based on the protection of victims. It also pointed out some shortcomings, finding that the measures for the protection of victims, which should have been at the heart of the Convention, had become weaker in the course of the negotiations.

However, the Assembly consistently supported and promoted the Convention. In the resolution of 2007 on *Prostitution – Which stance to take?*<sup>10</sup>, the Assembly unreservedly condemned “forced prostitution and trafficking in human beings as modern-day slavery and one of the most serious violations of human rights in Europe today”. Forced prostitution was inextricably intertwined with trafficking in human beings. The Assembly took the opportunity to promote the Convention, which then had not yet entered into force, defining it “one of the most efficient tools in the fight against trafficking in human beings, due to its approach based on victim protection”. The Assembly underlined that the efficiency of the convention depended to a large extent on continent-wide ratification and application, including by the member states of the European Union, as well as on the means made available for the monitoring mechanism of the convention, namely GRETA.

The Assembly continued on the same line of explicit support when it adopted, in 2010, a resolution on *Action against trafficking in human beings: promoting the Council of Europe convention*, calling on member states which had not done so to sign and ratify the Convention, and inviting observer states to do the same. At the same time it asked the national parliamentarians of member states which *had* ratified the Convention to monitor its implementation in their domestic law, and strongly encouraged the European Union to accede as soon as possible. An important recommendation featuring in the text was addressed to the Council of Europe member states, asking to provide GRETA with the financial and human resources which it needed for its activity, in order to guarantee its independence and ensure effective monitoring work.

I would like to mention something that I would not hesitate to call a good practice, which is worth sharing with you. The Parliamentary Assembly has published a handbook for parliamentarians on the Council of Europe Convention on Action against Trafficking, intended as a practical tool for all parliamentarians and other people involved in fighting trafficking in human beings. The handbook presents and explains the main provisions of the Convention and supplies examples of legislation from different countries, which can be particularly useful to parliamentarians, whose responsibilities typically include contributing to drafting pieces of legislation. The handbook is available online on the Council of Europe’s website and you are of course very welcome to consult it and share it.

On 3 December 2010, a conference organised by the Committee on Equal Opportunities for Women and Men of the Parliamentary Assembly was held in Paris under the title *Parliaments united against human trafficking*. The conference was an excellent opportunity for parliamentarians, experts and officers from a number of relevant international organisation to gather and exchange experiences on the fight against traffic in human beings in different regions of the world. In particular they were invited to brainstorm and discuss on how to promote ratification of the Convention, how to ensure its best possible implementation, how to raise awareness, how to ensure the best possible co-operation between all the organisations involved in fighting this scourge.

Our then chairperson, Mr Mendes Bota, underlined that trafficking in human beings is a modern form of slavery, centuries after slavery was abolished in the Western world. I subscribe to his point of view, also as concerns the role of parliamentarians, who carry the responsibility to do everything which is in their power to prevent this barbaric form of modern slavery, to ensure that there is a legislative framework in place to start investigations and prosecute offenders, and to set up a system of comprehensive measures to provide assistance to the victims, be it medical, psychological, social, legal or financial.

Members of parliament can lobby their governments into signing the Convention, initiate and facilitate the procedure of ratification, but also ask their respective governments to give full execution of the judgments of the European Court of Human Rights. Indeed, the Court has stated clearly that trafficking in human beings is a violation of article 4 of the European Convention on Human Rights. This clear indication is one more weapon in the hands of those committed to fighting trafficking.

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<sup>10</sup> Resolution 1579 (2007)

A formal declaration was issued at the end of the Conference under the title “Parliaments united against human trafficking”. The declaration reiterates the primacy and the relevance of the Council of Europe Convention on Action against Trafficking in Human Beings as “the international binding instrument reflecting the highest standards in the field of prevention of trafficking, protection of the victims and prosecution of the offenders, based on a human rights approach”. The participants in the conference expressed their resolve to promote the further signature and ratification of the Convention by all Council of Europe member states, and its accession by non-Council of Europe member states. They underscored the importance of the work undertaken by GRETA and the need to endow it with the necessary means to carry out its monitoring tasks.

The Paris Declaration contains a number of recommendations addressed to Council of Europe member states and to national parliaments. States are recommended, among other things, to sign and ratify the Convention if they have not done so and to fully co-operate with its monitoring mechanism; to introduce Action Plans on human trafficking and closely involve parliaments in their preparation, implementation and in monitoring of the implementation. The Declaration addresses an original proposal: appointing a National co-ordinator on trafficking in human beings; invites to set up a national programme for victims of trafficking. It does not neglect the relevance and importance of the Palermo Protocol to prevent, suppress and punish trafficking in persons, especially women and children: on the contrary, it recommends that member States sign and ratify it.

The Declaration obviously address recommendations also to national Parliaments: they should ask to be systematically involved in the monitoring of policy and legislative measures in the field of trafficking; be pro-active in asking parliamentary questions to members of the government as regards this issue; support the work of GRETA and ask their government to provide GRETA with the necessary staffing and financial resources for its effective functioning. Finally, co-operation and partnership with civil society and non-governmental organisations should be strengthened.

Even though we have a long way to go to fight trafficking in human beings, the work that the Assembly and the Council of Europe as a whole have carried out in the field has proved effective. That is why it has been taken as a model for the subsequent action against another major human rights violation, namely violence against women.

Thousands of women are victims of trafficking every year. But there is also a number of women that suffer violations of their human rights while staying in their own country and close to their families. Even within those very families, violence happens and again, most of the victims are women. My hope is that in the near future the Council of Europe’s mechanisms for fighting human trafficking will find by their side a parallel system devoted to fighting violence against women and domestic violence. When the Istanbul Convention enters into force, a new monitoring body will be established, following closely the model of GRETA. These two systems share the same philosophy, the same approach and the same goal: countering serious violations of human rights and allowing people, especially women, to enjoy their rights and freedoms.

## **Presentation by Ms Petya Nestorova**

### **Executive Secretary of the Council of Europe Convention on Action against Trafficking in Human Beings**

It is a great pleasure to be able to speak to you today. I am familiar with the impressive work that is being conducted at the level of the Commonwealth of Independent States (CIS) as well as an national level to combat trafficking in human beings. And I am glad that we have succeeded in providing a concrete example of partnership with the OSCE, action against human trafficking being one of the four priority areas of co-operation between our two organisations.

The thrust of my presentation is about the role of the Council of Europe in shaping the international legal framework for combating trafficking in human beings and ensuring that it is effectively implemented. I will first speak about main provisions of the Convention, with a particular focus on the rights on victims. In the second place, I will explain the *modus operandi* of the Group of Experts on Action against Trafficking in Human Beings (GRETA), which monitors the implementation of the Convention. Lastly, I will highlight some of the key findings of the first GRETA evaluations, as regards positive and negative commonalities in the ways in which States implement their obligations under the Convention.

Hundreds of thousands of euros have been spent over the last decade in efforts to eliminate (or at least decrease) trafficking in human beings. And yet the number of persons who are trafficked does not stop to grow. The reasons for this are manifold, including social and economic inequalities within and between countries, vulnerability of certain groups, and inadequate law enforcement allowing traffickers to recruit and exploit thousands of people annually. These problems have traditionally been addressed from a law enforcement and migration control perspective. But in recent years, victims of trafficking themselves have gradually moved up the ladder of attention by political decision-makers. To a significant extent this may be attributed to the Council of Europe and its Convention on Action against Trafficking in Human Beings, which adopts a human rights-based and victim-centred approach in all anti-trafficking measures.

#### **1. The CoE Convention: taking a human rights-based approach**

To be effective, and given the nature of the phenomenon, a strategy for combating trafficking in human beings must adopt a co-ordinated and multi-disciplinary approach, incorporating prevention, protection of victims' rights, and prosecution of traffickers. The CoE Convention contains binding and concrete provisions in each of these areas and places obligations on States to take appropriate measures, in partnership with civil society and in co-operation with other States.

An important part of the Convention is to prevent human beings falling prey to traffickers. In order to make prevention effective, the Convention requires Parties to take measure to strengthen co-ordination nationally between the various bodies with social, police, migration, customs, judicial or administrative responsibilities. The Convention underlines the importance of providing appropriate training programmes to all professionals who come into contact with victims. Further, the Convention requires countries to put in place short, medium and long term prevention measures. Information, education and awareness-raising campaigns are important short-term prevention measures, particularly in countries of origin. Social and economic initiatives to tackle the underlying structural causes of trafficking (social exclusion, gender-based violence) require long-term investment.

Another important aspect of prevention is the reduction of demand. The Convention places a positive obligation on Parties to adopt measures to discourage demand that leads to trafficking, as regards all forms of exploitation, and provides a list of such minimum measures.

The CoE Convention requires the introduction of government policies to provide an infrastructure for the early identification of victims and their referral to support. Victims of trafficking must be identified and recognised as such in order to avoid police and public authorities treating them as irregular migrants or criminals. Identifying a trafficking victim is a process which takes time, and therefore the Convention provides for the rights of potential victims by establishing that when the competent authorities have reasonable grounds to believe that a person has been a victim of trafficking, he/she must not be removed from the country until the identification process is completed and must receive the assistance required by the Convention. By virtue of the Convention, victims are entitled to a minimum of 30 days to recover and escape from the influence of the traffickers and to take a decision about their possible co-operation with the authorities. A renewable residence permit should be granted if their personal situation so requires and/or if their continued presence is needed in order to co-operate in a criminal investigation. The return of victims of trafficking must preferably be voluntary and carried out with due regards for the rights, safety and dignity of the victims and the status of relevant legal proceedings.

Further, the Convention places specific and positive obligations on States to protect and promote the rights of victims. Parties are expected to take measures to assist victims in their physical, psychological and social recovery, taking account of the victim's safety and protection needs, in co-operation with NGOs and other organisations engaged in assistance to victims. This assistance must be provided on a consensual and informed basis, taking account of the special needs of persons in a vulnerable position, as well as children, and it must not be made conditional on the victim's willingness to act as a witness. The Convention also establishes that the assistance to victims of THB must include appropriate and secure accommodation. In addition, the Convention establishes the right of victims to receive compensation from the perpetrators or the State, and to receive legal assistance and free legal aid.

In the area of substantive and procedural criminal law, the Convention places on Parties a series of obligations aimed at enabling the effective prosecution of traffickers and ensuring that they are punished in a proportionate and dissuasive manner. Particular attention is paid to the issue of victim and witness protection during investigation and court proceedings. Parties should also provide for the possibility of not imposing penalties on victims for their involvement in unlawful activities. The President of GRETA, Mr Le Coz, will speak in more details about these provisions.

The Convention provides for an independent monitoring mechanism which is designed to control the implementation of the obligations contained in the Convention. I would now like to introduce you to the *modus operandi* of this mechanism.

## **2. GRETA: a guarantor of the practical benefits of the Convention**

The Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA), which first convened in February 2009, is a multidisciplinary panel of 15 experts tasked with monitoring the implementation of the Convention. GRETA members include legal professionals, police officers, prosecutors, judges, psychologists, criminologist, child rights specialists and other professionals with competence in the fields of human rights and assistance to victims. A separate body comprised of representatives of the States Parties to the Convention – the Committee of the Parties – elects these experts for a four-year term.

GRETA follows an evaluation procedure divided in rounds. At the beginning of each round, GRETA defines the provisions of the Convention to be monitored and determines the most appropriate means to carry out the evaluation. GRETA has decided that the duration of the 1st evaluation round shall be four years (2010-2013).

In carrying out its monitoring work, GRETA has the right to avail itself of a variety of means for collecting information. As a first step, GRETA sends a questionnaire to the national authorities of the Party undergoing evaluation. The replies to this questionnaire are a key resource for the assessment. Furthermore, GRETA may make additional requests for information to the national authorities. Another important source of information is civil society and GRETA may decide to address the questionnaire or any other request for information to NGOs, other relevant organisations and members of civil society, which have access to reliable sources of information and are capable of carrying out the necessary verifications of this information.

In addition, GRETA may carry out a visit to the country concerned, in order to collect additional information or to evaluate the practical implementation of measures. Such visits allow for direct meetings with relevant actors (public officials, judges, lawyers, politicians, civil society representatives, academics, etc.). and are also an occasion for GRETA to visit facilities where protection and assistance are provided to victims of trafficking. Thus GRETA may request to visit crisis centres or shelters for victims of trafficking managed by public bodies or NGOs, border posts or hospitals.

GRETA's country evaluation reports contain an analysis of the situation in each Party regarding action taken in the areas of prevention, protection of victims' rights, prosecution of traffickers, and building of partnerships at national and international level to combat human trafficking. The reports highlight good practices, gaps and needs in each country and provide suggestions concerning the way in which the country may strengthen the implementation of the Convention. The reports are drawn up in a co-operative spirit and are intended to assist States in their efforts.

As regards the procedure for the preparation and adoption of reports, GRETA first examines a draft country evaluation report in a plenary session. The draft report is sent to the relevant Government for comments, which are taken into account by GRETA when establishing its final report. The final report is adopted by GRETA in another plenary session and transmitted to the Party concerned, which is invited to submit any final comments. GRETA's reports, together with eventual comments by the authorities, are made public at the expiry of the time-limit of one month for the Party to make comments. This completes the task of GRETA with respect of the Party concerned in the context of the first evaluation round, but is only the first stage in an ongoing dialogue with the authorities. On the basis of GRETA's country evaluation reports, the second, political, pillar of the monitoring mechanism under the Convention, the Committee of the Parties, adopts recommendations concerning the measures to be taken to implement GRETA's conclusions. The expectation of this evaluation set-up is that the combined power of substantial expert assessment and political influence from peer governments will lead to a more effective follow-up on the domestic level.

GRETA is currently the only independent mechanism which performs a systematic evaluation of the implementation of a binding international instrument imposing strict legal obligations on countries in the field of action against trafficking in human beings. As such, GRETA, has the potential to develop consistent standards for monitoring anti-trafficking efforts and to provide valuable proposals for action which could serve as the basis for the anti-trafficking activities of other international organisations. At the same time, GRETA is well aware of the existing expertise of other well-established actors in this area, be it on the regional level (European Union, OSCE) or international level (UNODC, OHCHR, UNICEF, ILO, IOM), and constantly seeks ways for co-operation with these bodies.

### **3. Key findings from the first GRETA evaluations**

GRETA has recently completed a first round of evaluations concerning Albania, Armenia, Austria, Bulgaria, Croatia, Cyprus, Denmark, Georgia, the Republic of Moldova, Romania, and the Slovak Republic. The evaluations of the second group of 10 Parties to the Convention are currently underway and GRETA has already considered draft reports concerning Armenia, Montenegro and the UK.

In general, the countries evaluated so far have taken a number of measures at the legal, institutional and practical level to comply with the Convention provisions. Several of the evaluated countries (Bulgaria, Cyprus, Georgia, Moldova, Romania) have adopted specific laws on combating trafficking in human beings, which provide a good basis for addressing this phenomenon in a comprehensive way. The domestic criminal law provisions have also evolved: there is a tendency towards increasing the penalties for trafficking offences and specifically criminalising new forms of trafficking (e.g. in Bulgaria, trafficking of a pregnant woman with the purpose of selling her child). Some countries have also made it a criminal offence to knowingly use the services of a victim of trafficking (Bulgaria, Croatia, Georgia, Moldova, Romania).

Trafficking statistics still constitute a major difficulty for most countries, with challenges ranging from insufficient disaggregation of existing data on trafficking (e.g. no distinction in relation to gender, age, types of exploitation, etc) to no designated data collection on trafficking at all. GRETA has consistently stressed States Parties obligations for comprehensive data collection and research in order to establish a sound basis for anti-trafficking policy development.

All countries evaluated so far have national anti-trafficking action plans or strategies, which define priorities and set objectives. In general, a lot is being done to prevent and combat trafficking for the purpose of sexual exploitation, however, trafficking for other forms of exploitation, such as labour exploitation or the removal of organs, is not always recognised as a problem and is not adequately addressed in national policies. For example, trafficking for the purpose of labour exploitation is on the rise, but there is lack of training and intelligence gathering to enable relevant professionals to identify victims.

GRETA has stressed the importance of independent external evaluations of the implementation of national plans as a tool for assessing the impact of the activities and for planning future policies and measures. A good example in this respect is Denmark, where an independent evaluation of the second national action plan was performed in 2010.

GRETA's reports pay particular attention to the procedures for identification of victims of trafficking. GRETA considers that proper identification requires the setting up of a coherent national referral mechanism, which ensures that there is co-ordination between all those involved in identifying trafficked persons, that all relevant professionals are trained to carry out their tasks effectively and proactively, and that all victims are provided the assistance and protection measures they need.

Several of the countries evaluated by GRETA have set up formal National Referral Mechanisms (NRM) as a follow-up to the ratification of the Convention. These NRMs provide a framework for public bodies, local authorities and NGOs to share information about potential victims, co-operate in their identification and provide them with assistance. For example, in the two years following the setting up of the NRM in the UK in April 2009, some 1,500 potential victims of trafficking were referred to the NRM, of whom 497 were recognised as victims.

Further, GRETA's evaluation reports reveal that while in some countries identification is entirely within the competence of the law enforcement and migration authorities, in others countries social workers, labour inspectors, NGOs, etc. also have the possibility to identify victims of THB and be involved in a multi-agency identification process. Such examples of good practice exist in Croatia and Moldova. As regards Denmark, GRETA has expressed concern that the approach to the identification of victims has an illegal immigration focus, which results in a fast-tracked decision making aimed at the return to their country of origin of persons who are illegally present in Denmark. This gives victims little motivation to co-operate with the authorities in the investigation.

In the area of prevention, GRETA's reports shed light on the need to assess the impact of awareness-raising campaigns when planning new activities, as well as the importance of investing more efforts in discouraging demand, and in social and economic measures for groups vulnerable to trafficking, which address the root causes of trafficking (the latter being also a tool for preventing re-trafficking).

As regards assistance and protection measures, GRETA's evaluation reports generally reveal the need for more efforts to provide measures adapted to the needs of victims. For instance, accommodation for male victims of trafficking is often missing. Further, more efforts are needed to identify, assist and protect child victims of trafficking, taking into account the best interest of the child. GRETA is mindful of the financial restraints placed on governments by the current economic climate, but at the same time it stresses that it is the responsibility of States to guarantee the assistance to victims (through appropriate financing of service providers).

In the countries evaluated so far, the compensation of victims of trafficking remains generally an underdeveloped area, despite the availability of legal possibilities. This situation can be ascribed to lack of information to victims about their right to compensation and ways to access it, unavailability of legal aid in this respect, or impossibility for victims to remain in the country during the legal proceedings due to refusal to be granted residence permits.

Concerning the non-punishment of victims of trafficking, the evaluations so far reveal a patchy pattern. Some States have adopted legislative measures specific to trafficking victims, while others rely on general duress provisions or provisions which allow prosecutors or judges to reduce sentences in the presence of mitigating circumstances. Article 26 of the Council of Europe Convention, read in conjunction with the Explanatory Report, establishes a positive obligation on Parties to adopt measures that specifically deal with the non-liability of victims of trafficking. Parties do have room in the extent to which the national authorities apply such measures, but legislation specific to victims of human trafficking must first be provided for. Criminalisation of victims of trafficking not only contravenes the State's obligation to provide services and assistance to victims, but it also discourages victims from coming forward and co-operating with law enforcement agencies, thereby also interfering with the State's obligation to investigate and prosecute those responsible for trafficking in human beings.

The Council of Europe Convention and its monitoring mechanism provide a considerable contribution to global efforts to prevent and combat trafficking in human beings. This year and the coming years will see the publication of more GRETA country evaluation reports, which will provide a clearer picture of action against trafficking in human beings, highlight both obstacles which prevent the efficiency of this action and solutions and good practices. Through its evaluation reports, GRETA is committed to strengthening national efforts in combating trafficking in human beings and giving advice to the authorities on legislative and policy developments.

Thank you for your attention.



## **Presentation by Ms Sara Greenblatt**

Head of the Organised Crime and Illicit Trafficking Branch, UNODC

Dear Ladies and Gentlemen,

UNODC, as guardian of the United Nations Convention against Transnational Organized Crime (UNTOC) and the Protocols thereto, assists States in their efforts to implement the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Trafficking in Persons Protocol).

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, was adopted by General Assembly resolution 55/25 on 15 November 2000 and entered into force on 25 December 2003. It is the first global legally binding instrument with an agreed definition on trafficking in persons. The intention behind this definition is to facilitate convergence in national approaches with regard to the establishment of domestic criminal offences that would support efficient international co-operation in investigating and prosecuting trafficking in persons cases. An additional objective of the Protocol is to protect and assist the victims of trafficking in persons with full respect for their human rights.

Since the adoption of the Protocol, while there has been progress in the number of ratifications (currently 147 State Parties) generating amendments to national legislation, there has been less evidence of its effective implementation. The majority of States Parties to the Protocol have adopted at least a minimal legislative and institutional framework to ensure such implementation, however, in view of the varying capacity of Member States to fully implement existing or future measures in the areas under discussion, more concerted efforts have to be made to help Member States in need to develop effective and multidisciplinary anti-trafficking strategies and build dedicated and sustainable resources to implement such strategies. All CIS countries have ratified the Protocol.

UNODC supports Member States to implement the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (hereinafter Trafficking in Persons Protocol), supplementing the United Nations Convention against Transnational Organized Crime (UNTOC) in order to prevent and prosecute the crime, protect the rights of people who fall prey to the criminals who commit the crime, and promote co-operation to these ends.

On 30 July 2010, GA Resolution A/RES/64/293, entitled United Nations Global Plan of Action against Trafficking in Persons was adopted. The actual Global Plan of Action is an annex to the resolution. (Provided in Russian to participants)

The Global Plan of Action has a broad application. The plan contains primarily points of action to be undertaken by Member States, supported by international organizations, civil society, the private sector, the media, and concerned citizens.

Among other things, GA Resolution A/RES/64/293 established the United Nations voluntary trust fund for victims of trafficking, especially women and children and provides the mandate for UNODC to produce biannual Global Report on Trafficking in Persons. (See additional information in a briefing note.)

Since the 1990s, UNODC has been providing technical assistance in the field of strengthening the criminal justice response to human trafficking and migrant smuggling. In 2012, UNODC continues to carry out technical assistance activities to prevent and combat trafficking in persons and the smuggling of migrants in more than 80 countries in Africa, Asia, Central and Eastern Europe, the Middle East and Latin America. UNODC's strategic areas of technical assistance include: prevention and awareness-raising; data collection and research; legislative assistance; strategic planning and policy development; criminal justice system responses; protection of victims and rights of smuggled migrants; international co-operation.

UNODC produced a series of awareness-raising material such as the training film *Affected for Life* and recently launched the Blue Heart Campaign that is a global awareness raising initiative to fight human trafficking and its impacts on society. The Blue Heart Campaign raises awareness of the problem and inspire those with decision-making power to effect change.

UNODC believes that data on the extent and nature of the complex crime of trafficking in persons are crucial to the design and implementation of effective countermeasures. The assessment and research activities conducted by UNODC on trafficking in persons and related activities have contributed to improving the knowledge of shortcomings in the implementation of the Trafficking in Persons Protocol.

*A Global Report on Trafficking in Persons launched in 2009 by the United Nations Office on Drugs and Crime (UNODC)* offers a global assessment of the scope of human trafficking and what is being done to fight it. Based on data gathered from 155 countries, it includes an overview of trafficking patterns; legal steps taken in response and regional and country-specific information on reported cases of trafficking in persons, victims, and prosecutions, including countries of Eastern Europe and Central Asia.

UNODC will publish the next Global Report on Trafficking in Persons in December 2012, and biennially thereafter, in line with aforementioned Global Plan of Action.

In order to address the lack of comprehensive national legal frameworks, UNODC provides legislative assistance in many countries of the world. Such assistance includes the following: assessment of existing and relevant legislation; legal reviews of the gaps between existing legislation and Protocol obligations, and consultation with and advising of multiple parties on implementation; and support for the adoption of necessary legislation.

UNODC is currently finalizing the legislative assessment of the legislation on TIP (and SOM) of the 5 Central Asian countries (under GLOT55 project aiming to promote the implementation of TIP and SOM Protocols. The workshop should take place later this spring.

In 2009, we finalized a Model Law against Trafficking in Persons. The Model Law provides a comprehensive set of provisions, dealing with all relevant issues, and flexible enough to meet the special needs of a diverse range of legal systems. It also takes into account relevant provisions of international instruments.

UNODC, together with UN.GIFT and the Inter-Parliamentary Union developed a Handbook for Parliamentarians to combat trafficking in persons. The Handbook is intended to inspire them to enact sound laws and adopt good practices that will strengthen national responses to human trafficking. The Handbook also contains a compilation of international laws and good practices developed to combat human trafficking and offers guidance on how national legislation can be brought in line with international standards. It outlines measures to prevent the commission of the crime, to prosecute offenders and to protect its victims.

UNODC works closely with national authorities in developing policies and action plans against trafficking in persons and technical assistance was provided in the establishment of relevant infrastructure including in the Black Sea Region.

Pursuing an effective partnership approach, UNODC and Black Sea Economic Co-operation Organization (BSEC) have developed in 2007-2008 a regional project in order to take a significant step forward in strengthening the criminal justice response to trafficking in persons in the Black Sea region. A Regional Action Plan was put in place to help the BSEC Member States to enhance their co-operation in the field of Criminal Justice Response to Human Trafficking, as a framework for regional co-operation towards a more effectively prevention and investigation of human trafficking, increased prosecution and conviction of traffickers, and adequately support and protection of victims and witnesses of trafficking.

In terms of publications, UNODC developed recently the International Framework for Action to Implement the Trafficking in Persons Protocol and updated the Toolkit to Combat Trafficking in Persons that will soon be launched in its third edition. The International Framework for Action is a technical assistance tool that supports United Nations Member States in the effective implementation of the Trafficking in persons Protocol supplementing the United Nations Convention against Transnational Organized Crime and proposes general measures that can be taken in order to more effectively address these challenges.

UNODC, in the framework of the Global Initiative to Fight Human Trafficking (UN.GIFT) has developed the Needs Assessment Toolkit on the Criminal Justice Response to Human Trafficking. The main objective of the toolkit is to guide the assessors in gathering and analysing information pertaining to a country's criminal justice response to human trafficking. It is available in Russian and was provided for copying to a Participant's CD.

In terms of technical assistance for the criminal justice response, UNODC published an Advanced Training Manual for Criminal Justice Practitioners. The manual is composed of 26 modules that address each phase of criminal justice response to trafficking in persons, from identification of victims through investigations and prosecutions of traffickers to the protection of victims. Each module is designed to stand alone in meeting the specific needs of a particular phase of criminal justice response it seeks to address. The modules address areas such as: use of informants in TIP investigations, financial investigation in TIP, interviewing child victims etc.

UNODC also launched a first aid kit aimed to be used by first responders to identify, detect TIP and assist victims of trafficking in persons.

Protection and support is a central component of technical assistance projects carried out by UNODC.

Legal assessment and best practices training: UNODC recently launched a regional Project aimed at strengthening the capacity of the Central Asian Republics (Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan) to identify, protect and assist victims of human trafficking and smuggled migrants -especially women and children, in partnership with NGO and other Civil Society actors, mainly by providing legal drafting support focusing on protection of Victims' rights, developing operational standards for law enforcement personnel on victim identification and conducting training on best practices, and developing a Partnership Plan for effective co-operation among Government, NGO and civil society actors. Expected outcomes include: i) improved legal rights of Victims and witnesses; (ii) strengthened ability of criminal justice practitioners to identify, protect and assist Victims; (iii) enhanced co-operation among Government, NGO, and civil society actors in assisting and protecting Victims; and (iv) increased number of Victims identified, protected and assisted.

Promotion of law enforcement – NGO co-operation: UNODC and the Council of the Baltic Sea States Task Force on Trafficking in Human Beings (CBSS TF-THB) has recently successfully completed the joint "Regional Project on Fostering Non-Governmental Organization (NGO) - Law Enforcement Co-operation in Preventing and Combating Human Trafficking in, from and to the Baltic Sea Region." The key component of the project was the research conducted between April and November 2009 that aimed to help lay the foundation for targeted and consistent approaches in the provision of assistance and protection to victims of human trafficking through improved co-operation among State actors and civil society organizations. The result of the research carried out is the publication of a comprehensive regional assessment report entitled *"Human Trafficking in the Baltic Sea Region: State and Civil Society Co-operation on Victims Assistance and Protection"*.

Bringing together main players involved in investigation, prosecution, adjudication of TIP and assistance/protection of victims (Central Authorities, investigators, prosecutors, judges, NGOs) from origin and main transit and destination countries.

The Regional Office for Central Asia of UNODC (UNODC ROCA) organized Annual Inter-regional Workshops on promoting law enforcement and judicial co-operation among source, transit and destination countries in response to human trafficking in Central Asia. Such workshops aimed to promote international co-operation among law enforcement, prosecutorial and judicial authorities against trafficking in persons in Central Asia and to contribute to the improvement of the domestic anti-human trafficking legislation of the participating countries in order to bring it into closer compliance with the United Nations Convention against Transnational Organized Crime and its protocols.

UN.GIFT was launched in March 2007 by the International Labour Organization (ILO), the Office of the United Nations High Commissioner for Human Rights (OHCHR), the United Nations Children's Fund (UNICEF), the United Nations Office on Drugs and Crime (UNODC), the International Organization for Migration (IOM) and the Organization for Security and Co-operation in Europe (OSCE). One of the current activities of UN.GIFT includes a Joint Programme for Central Asia on Reducing Human Trafficking in Central Asia through a stronger emphasis on legal labour migration.

The *Alliance against Trafficking in Persons* is a broad international forum which aims at combining the efforts of all relevant interlocutors to prevent and combat human trafficking. Participants in the *Alliance* include numerous national authorities, regional, international and intergovernmental, as well as non-governmental organizations.

The Global Migration Group (GMG) is an inter-agency group bringing together heads of agencies to promote the wider application of all relevant international and regional instruments and norms relating to migration, and to encourage the adoption of more coherent, comprehensive and better co-ordinated approaches to the issue of international migration.

ICAT: Established by General Assembly resolution, ICAT aims to improve co-ordination and co-operation between UN agencies and other international organizations to facilitate a holistic approach to prevent and combat trafficking in persons, including protection of and support for victims of trafficking. UNODC is the agency entrusted with the co-ordination of ICAT.

### **Intervention by Ms Allison Hollabough**

representing H.E. Congressman Christopher Smith,  
OSCE PA Special Representative on Combating Trafficking in Persons

Your Excellencies, dear participants,

Let me cordially thank you for the invitation you have sent to Congressman Christopher Smith, OSCE PA Special Representative on Combating Trafficking in Persons, and the opportunity to address this significant Roundtable on combating trafficking in human beings. Congressman Smith unfortunately had no chance to join us due to the fact that today the US Congress is voting. He tasked me to share with you his ideas and thoughts on this issue of our great concern. I will read his address:

### **Written contribution by H.E. Christopher H. Smith**

Congressman, OSCE PA Special Representative on Combating Trafficking in Persons

Excellencies, distinguished guests,

Thank you for inviting Congressman Smith, the OSCE Parliamentary Assembly's Special Representative on Human Trafficking, to participate in this landmark roundtable on human trafficking. He is not able to join us today, due to votes scheduled in the U.S. Congress, but has asked me to share with you his insights and thoughts on this most compelling issue. Congressman Smith's comments are as follows:

I'd like to begin by thanking the Commonwealth of Independent States for focusing on the scourge of human trafficking. This is not the first time St. Petersburg has seen a step forward in the fight against human trafficking. It was here, in 1999, that I had the privilege of offering the first Organization for Security and Co-operation in Europe Parliamentary Assembly resolution on human trafficking, which appealed "to the Governments of OSCE participating States to adopt or strengthen existing legislation and enforcement mechanisms to punish trafficking perpetrators, particularly those who use force or fraud to traffic women or children into the international sex trade, while protecting the rights of the trafficking victims." The resolution was adopted, and ever since human trafficking has been an item—increasingly important—on the OSCE's agenda.

At the same time, the UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, was being developed internationally. In the United States, I was fighting to move my Trafficking Victim's Protection Act.

When I first introduced the Trafficking Victim's Protection Act—commonly referred to as the TVPA—in 1998, the legislation was met with a wall of scepticism and opposition. Both inside of government and out, people thought the bold new strategy that included sheltering, asylum and other protections for the victims, long jail sentences and asset confiscation for the traffickers, and tough sanctions for governments that failed to meet minimum standards, was a solution in search of a problem.

At that time, most people applied the term trafficking exclusively to illicit drugs or weapons. Reports of vulnerable persons—especially women and children—being reduced to commodities for sale were met with surprise, incredulity or indifference. It took two years to overcome opponents and muster the votes for passage. But the struggle was worth it—thousands of victims have been rescued.

Having a law specific to human trafficking—and vigorously implementing it in the United States—has made a tremendous difference. During the first nine years after the TVPA went into effect (FYs 2001-2009): 645 traffickers were charged in the United States under the TPVA compared to 95 defendants charged under lesser statutes in the prior nine years—an increase of 579 per cent; 466 traffickers were convicted under the TVPA—an increase of 513 per cent compared to the 76 convictions under weaker laws with shorter prison sentences in the prior nine years; 1,187 new investigations were initiated—586 per cent more than the 173 opened in the prior nine-year period; 92 criminal enterprises were disrupted, and 44 were dismantled.

In 2010, the U.S. federal government convicted 141 human traffickers, which does not include additional convictions for the commercial sexual exploitation of children or trafficking convictions under state laws. Convicted traffickers under U.S. federal trafficking law face prison sentences ranging from five to 20 years—and, for the first time—life imprisonment for aggravating circumstances. Criminal organizations in the U.S. that traffic in human lives no longer operate with impunity. With the legislative tools we have provided, and the full support of the federal government, law enforcement officials and prosecutors have made human trafficking a top priority.

One of the reasons we in the U.S. have been successful in convicting traffickers is that we have taken a victim-centred approach. The victim's needs should always come first even as we seek the victim's help with law enforcement. Law enforcement officials and prosecutors tell me that it is sometimes difficult to conduct a prosecution with a victim who has been traumatized by human trafficking, but they also tell me it is worth it. Prosecutions with victim witnesses consistently result in convictions and significant sentences. Typically, even victims who do not participate in the trial itself are helpful in ensuring that the prosecution is successful. The victim-centred approach—ensuring the victim's needs are met—has been critical in putting traffickers behind bars and stopping the cycle of human trafficking.

Even more, the victim-centred approach has been critical for the health and well-being of the victim. In the United States, foreign-born victims of severe forms of human trafficking are offered the same care and services as are offered to the UNHCR refugees our country accepts, including medical care, food, housing, mental health treatment, translation and interpretation, immigration and legal assistance, and transportation. Victims with work authorization are helped in finding employment. A network of non-governmental organizations (NGOs) across the U.S. receives government funding to provide these critical rehabilitative services to victims. Last year, these NGOs assisted 1,472 probable victims.

It's crucial that the U.S. does not put foreign victims on the first transport back to the country from which they were trafficked. Rather they are offered the opportunity to stay in the U.S. for a year and encouraged to assist law enforcement. Many victims are eligible to apply for long term visas to stay in the United States under the T visa created by my legislation, as well as the U visa, which allow victims to remain in the U.S. for 4 years with the possibility of becoming citizens. Victims may apply for a T visa if they meet certain criteria, such as complying with reasonable requests for assistance in the investigation or prosecution of acts of trafficking. Victims may also apply if they are less than 18 years old, or are unable to co-operate due to physical or psychological trauma, or if they would suffer extreme hardship involving unusual and severe harm upon removal. The T visa also allows victims to bring their family members to the United States in order to prevent reprisals on family members by traffickers in their home country. Both the T and the U visa puts former victims on the pathway to a new life outside the cycle of human trafficking.

Yet most trafficking in the United States originates not in other countries but within our own country. A University of Pennsylvania study indicates that approximately 100,000 American children under the age of 18 are subject to sex trafficking. They are often in vulnerable situations—foster children, runaways—and most are enslaved for the first time before they are 13 years old. When found, these children are often wrongly charged with prostitution, fined or put in juvenile detention, and then released—still broken and vulnerable—back on to the streets, and to their traffickers. It is an American tragedy, and one that we are working to address. My goal, and it is a goal reflected in much of the current training of local law enforcement, is that these children should be recognized as trafficking victims. They must be offered rehabilitation to break free from the emotional chains of abuse, and their traffickers—including the clients who bought their services—must be held accountable for the hearts and lives they destroyed.

Every two to three years, my original Trafficking Victims Protection Act is reauthorized and improved to reflect the most recent data and lessons learned about human trafficking in the United States and abroad. I rely on the NGOs working on the streets with domestic minors and administering services to foreign nationals in order to better understand what is working and what needs to change in the law. NGOs offered helpful insights as I drafted legislation to reauthorize the TVPA. That bill is now pending before the U.S. Congress.

I am encouraged to see that the CIS has recently developed a Program for Action that contains many positive provisions and initiatives, including provisions on how better co-operation between CIS and OSCE can be promoted. As the Special Representative for Human Trafficking of the OSCE PA, I welcome this co-ordination and the positive trends in the OSCE and CIS regions.

For instance, Uzbekistan has invited the ILO for meetings in Tashkent in May. Tajikistan has reduced the number of forced child labourers in the cotton harvest as well as increased law enforcement efforts. Armenia has also made progress in the area of law enforcement, and has stepped-up public awareness measures to prevent human trafficking. Moldova has taken a lead on victim protection services and expanded its exemplary National Referral System. Ukraine has also worked to improve victim protection efforts by passing legislation that will improve the delivery of services and develop a national victim referral mechanism.

Every step forward counts. Every positive change tips the scale a little more in the direction of freedom for the enslaved, and prison for the slave masters. The fight against human trafficking always requires persistence and often it requires courage—for example the courage to prosecute members of one's own government or law enforcement, sending the message that enslavement of human beings is especially unacceptable and unconscionable when done by those whose duty it is to protect and serve. You all are here today because you have the power to advance the fight against trafficking in your respective countries. I stand ready to assist you in any way that I can. I also look forward to benefiting from a full account of the strategies and best practices that I am confident will come out of the roundtable discussions today.

**Written contribution by Mr Viktor Cherkesov**

Chairman of the Joint Commission of the CIS IPA on Harmonization of Legislation in the field of  
Combating Terrorism, Crime and Drug Trafficking in the CIS region, Chairman of the IPA  
Permanent Commission on Issues of Defence and Security

First Deputy Chair of the Committee of the State Duma of Federal Assembly of the Russian  
Federation on Security and Anti-Corruption

Dear colleagues,

Assistance in the implementation of international treaties and inter-State CIS Programmes of Co-operation in the field of security remains a priority area of activities of the CIS Inter-Parliamentary Assembly.

At this Roundtable I represent the CIS IPA Permanent Commission on Defence and Security and the Joint Commission on Harmonization of Legislation in the field of Combating Terrorism, Crime and Drug Trafficking in the CIS region established in 2004 on its basis.

Major efforts of both Commissions are focused on the development of common legal standards for the CIS Member States to ensure our capability to meet different traditional and new challenges and threats to security in the CIS region on the basis of international law principles and norms. The latter remain an unconditional priority for us all. It is obvious that efficiency in countering contemporary challenges and threats to security is feasible only through closing in the legal systems of the countries of the world.

This direction of activities is realized, first of all, by the development of projects and adoption of Model Codes, Model Laws, Recommendations, and other documents By the CIS IPA Assembly. These acts have the status of recommendations.

Nevertheless, in certain cases the work of the Commission had an impact on the development of international relations coherent with international standards, including at the UN level.

The last six years were featured with increased quality and the volume of our tasks. During this period the Assembly updated, revised, developed and adopted over forty documents, including international treaties. But the majority of these documents belong to model laws and recommendations aimed at the harmonization of the legislation of Member States in the field of countering new challenges and threats to security, including trafficking in human beings.

Among them there were special basic (framework) laws, but also others aimed at the regulation of interaction in related areas.

For example, model laws "on Prosecutor's Office", and the new version of the model law "On operational-investigative activities" adopted by the CIS IPA on 16 November 2006, contributed to the realization of international treaties ensuring common efforts in the fight against human trafficking in the CIS region, such as Agreement on co-operation between CIS Member States in Combating Trafficking in Human Beings, Organs and Cells (25 November 2005). As you may know, in the majority of CIS Member States the police was appointed as responsible body for combating human trafficking. In this regard, I have to mention as relevant the model law "On Police (militia)" adopted by the CIS IPA on 7 December 2002 and the law "On State Protection of Victims, Witnesses and other Parties Contributing to the Criminal Procedure" (of 6 December 1997), and some others.

In the recent years our Commissions were engaged in elaborating new, innovative for the CIS legal practice, documents, aimed at the legal regulation of the borders directly related to the factors that prevent the transnationalisation of the crime in general, i.e. human trafficking.

In March 2007 the Tavricheskiy Dvoretz hosted an International Scientific-Practical Conference on the usage of digital passports containing electronically processed data. The concluding document that was prepared by the Unified Commissions defined major areas of co-operation of States-partners in this field, it also contributed to the realization of the CIS Programme of Co-operation on Combating Illegal Migration for 2006-2008. Needless to say, the illegal migration is a phenomenon significantly increasing the THB-related risks.



The elaboration of special laws on combating human trafficking was envisaged by the CIS Programme of Co-operation in Combating Trafficking in Human Beings for 2007–2010, adopted by the CIS Council of Heads of State on 28 November 2006.

Taking into account the unfavourable criminal situation in the CIS Member States, as well as lack of legal regulations designed for this particular sphere, all Parliaments' delegations – members of the CIS IPA supported the initiative of the CIS Co-ordinating Council of Prosecutors' General to include the elaboration of model laws "on Combating Trafficking in Human Beings" and "On Providing Assistance to the Victims of Human Trafficking", as well as the Recommendations on the Unification and Harmonization of the legislation of the CIS Member States in this field into the Programme. With a view to create a methodological legal basis for the implementation of the international norms related to the fight against human trafficking, organs and cells. They belong to a set of documents that are principally new in the CIS model legislation.

Already in 2007 all documents mentioned above were drafted, negotiated, and adopted by consensus on 3 April 2008 at the 30<sup>th</sup> Plenary Session of the Assembly<sup>11</sup>.

The drafters took into account the entire bulk of international legal instruments,<sup>12</sup> including CIS international agreements, model legal acts of the CIS IPA, and other legal documents regulating international co-operation of the law enforcement bodies in the field of human rights protection.

The framework model law "On Combating Trafficking in Human Beings" was designed to ensure: the creation of a complex of legal, organizational and procedural guarantees for the protection of an individual, the society and the state from all forms of human trafficking and related crimes; the unification of basic juridical terminology used in national legislations; defining the basics of the punishment policies in this field; the unification of approaches to the criminalization and penalization of THB; the creation of a complex system, based on modern methods and technologies, of prevention, identification, dismantling of criminal activities and neutralizing its negative impacts; ensuring judicial accountability for all forms and types of human trafficking and related crimes, as well as identification of all persons accountable for THB; increased efficiency of the law enforcement activities; creation of a legal and organizational basis for the integration and co-ordination of efforts of the Member States; consolidation of efforts of the state and municipal bodies institutions, as well as international, civil society and other organizations, the media and individual citizens.

This act combines a complex legal regulation and a special norm-setting regulation on the fight against human trafficking; it prioritizes the rights and interests of the victims of THB; it also gives a priority to the protection of the rights and interests of children; ensures complete and timely compensation for the harm suffered by the victims of THB; facilitates a systemic and complex approach to the organization of the fight against THB (including its disclosure, prevention, identification, dismantling the criminal groups and their activities; neutralising their impact; ensuring the provision of assistance to its victims, as well as criminal prosecution and bringing to accountability of traffickers, and prevention of re-trafficking). The law is aiming at the inevitability of accountability of legal and physical persons guilty for human trafficking; it introduces the priority of prevention and early prophylactics of THB, initial victimization; social partnership and co-operation in the fight against THB.

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<sup>11</sup> All acts mentioned above are available at the CIS IPA website, in the section "Adopted Documents".

<sup>12</sup> Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 2 December 1949; Slavery Convention, Geneva, 25 September 1926, with amendments introduced into the protocol, 7 December 1953; Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery; Convention on Protection of Children and Co-operation in Respect of International Adoption; UN CONVENTION ON THE RIGHTS OF THE CHILD, 20 November 1989; Optional Protocol to the UN Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, 25 May 2000; UN Convention against Transnational Organized Crime, 15 November 2000; Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime, 15 November 2000; CoE Convention for the Protection of Human Rights and Fundamental Freedoms, 4 November 1950; Council of Europe Recommendations №1583, Autumn session 2002 of the PACE on prevention of Prevention of Recidivism in Crimes against Minors (Strasbourg); Appendix to the Recommendation №R (2000) 11 «Trafficking in Human Beings for the Purpose of Sexual Exploitation» (comment 8) adopted by the CoE Committee of Ministers, 19 May 2000; Recommendation N 190 of the ILO; Recommendation Rec (2001) 16 of the CoE Committee of Ministers on the protection of children from sexual exploitation, 31 October 2001.

The Model Law presents types and grounds for the juridical (legal) accountability for trafficking in human beings committed by physical persons, including officials, and legal persons. It states that the victim's behaviour and reluctance or inability to change his or her anti-social or unlawful behaviour related to THB situation, in accordance with the national legislation does not exclude the accountability of traffickers, and requires higher economic sanction (including confiscation of assets) for trafficking in human beings related to obtaining significant profits and financial gains.

The Law establishes the responsibility of the media for spreading information that may justify crimes and other offences related to THB, and prohibits the abuse of media communications for committing these crimes.

The law introduces the criteria for the criminalization and penalization, defines the variety of subjects of the crime in this area, specifies the juridical accountability for the crimes of THB and related offences, especially against children.

The Law provides a system for the organisation of anti-trafficking measures and the list of its subjects and their functional responsibilities.

Special provisions of the law are dedicated to the basics of the monitoring activities and assessment of the THB situation; planning of activities to combat THB on the basis of a National Action Plan; the activities and responsibilities of an Inter-agency Commission on Combating THB and co-ordination of anti-trafficking measures.

The law also creates ground for better efficiency of anti-trafficking measures through the creation of a centralized system of special operational-investigative divisions (services) in the police (militia), and defines their functions and organizational basis of their activities.

Besides, the law contains provisions on the development of unified internal and inter-state data banks with THB-related information.

To ensure due funding of anti-trafficking measures, the Law envisages the establishment of a State Fund for providing assistance to the victims of THB and defines the organizational framework for its functioning.

The Model Law proposes a regulation of the basics in the anti-trafficking activities aimed at the prevention through applying social, legal, informative, educational, correcting, rehabilitating and other measures.

Furthermore, the Law defines the grounds for international co-operation in this field, including interaction of competent bodies of foreign countries, international and civil society organizations, mechanisms of supervision and control over the implementation of anti-trafficking measures, including the control commissioned by civil society institutions.

The elaboration of the model Law "On Providing Assistance to the Victims of Trafficking in Human Beings" was based on the human rights and victim-centred approach, envisaging that the protection of the rights of the victims is the unconditional obligation of States that failed to prevent the spreading of this medieval crime.

The Model Law is based on the following set of principles: guaranteed State protection, as well as the restoration of the rights and lawful interests of the victims of trafficking; differentiated approach to defining the volume of services for social adaptation and social rehabilitation of the victims of trafficking, depending on their readiness to co-operate with the law enforcement; priority for the protection of rights and lawful interests of child victims of trafficking; State's guarantees for ensuring their security and provision of comprehensive assistance; non-discrimination towards the victims of trafficking, just and humane treatment; non-punishment clause, releasing the victims of trafficking from criminal accountability for socially harmful offences committed in the status of trafficked persons; free of charge access to justice; confidentiality of information about the victims and their relatives; social partnership and co-operation between the State and civil society institutions, international and other organizations in providing assistance to the victims of trafficking.

The Model Law provides a definition of the victims of human trafficking, his/her legal status, irrespective of nationality, victim-type or anti-social behaviour prior to having been involved into the trafficking process, his/her consent to be trafficked or to be kept in bonded condition, procedural status and other circumstances. Certain norms are dedicated to the specificities of the criminal-procedural status of the victims.

Special attention is paid to the grounds for non-punishment or releasing the victims from criminal liability.

The Model Law contains special provisions that guarantee the legal grounds for providing assistance to the victims of trafficking, ensuring their security, the organization of their social rehabilitation and adaptation, establishes minimal standards of assistance to the victims, defines its forms and types (including Psychological, legal, social, medical and other).

The Articles of the Model law provide the organizational system of measures and mechanisms for social rehabilitation of the victims, including the creation of special institutions for them. For example, the Law contains a list of institutions (subjects) ensuring such assistance, it defines the role of civil society organizations (NGOs), international and other organizations in this field. A special Article regulates the establishment of a State Fund for providing assistance to the victims of trafficking.

The Law prioritizes the regulation of specific assistance to be provided to child victims of trafficking, their identification as the victims of THB, up to their social adaptation and rehabilitation, irrespective of their readiness to co-operate with State bodies on issues related to the investigation of the crime committed against them. The Model Law envisages a special procedure of recognizing such children as victims of human trafficking.

The Law reflects the principles of international co-operation in this field, and contains provisions defining the order of the supervision of its implementation and the responsibility for the violation of the law.

Recommendations for the unification and harmonization of the legislation of the CIS Member States in combating THB provide the methodological basis for the development and improvement of national legislation through the transposition of the two model laws.

On 3 December 2010, the Assembly adopted a new Model Law «On Protection of Children from Information Harmful for their Health and Development», and on 28 October 2010 the CIS IPA adopted Recommendations on the harmonization of the national legislation of CIS Member States in the area of child protection from information harmful for their health and development. They are to a large extent related to the prevention of human trafficking, directly threatening the life of children.

It is for sure that by today the CIS has obtained adequate legal instruments to combat trafficking in human beings. This achievement has been recognized in the concluding document of the International Conference «Improving International Co-operation in the Fight against Trafficking in Human Beings» (Moscow, 29–30 September 2009), attended by the representatives of the UNODC, OSCE, CIS, IOM, EU, IFRC, Europol and some other international organizations. This document underlines that the CIS member States significantly contributed to the creation of mechanisms for the implementation of international instruments in this field.

The CIS Model legislation created the basis for the creation and improvement of the special national legislation in Azerbaijan, Belarus, Russia, Moldova and Tajikistan.

Dear colleagues! As a follow-up to the work of the Unified Commission, we got a proposal to include the draft Commentary to the CIS Model Legislation on Combating Trafficking in Human Beings into the CIS Programme of Co-operation for 2011–2013, adopted by the CIS Council of Heads of State on 10 December 2010. The Draft has been developed and presented to the profile commissions of the CIS IPA yesterday. Now it has been forwarded for the consideration of the Plenary Meeting of the Assembly.

We are very keen about the development of another document envisaged by the Programme mentioned above, the draft Amendments and additions to the Model Criminal and Criminal-Procedure Codes for the CIS Member States on issues related to the fight against human trafficking.

All acts adopted by the Assembly are available at its website.

Thank you for your attention.

## **Session two:**

### **Strengthening International Co-operation among the Law Enforcement Authorities to Combat Trafficking in Human Beings: Best Practices and Challenges Ahead**

#### **Introduction by Mr Leonid Yermolayev**

Executive Secretary of the CIS General Prosecutors Co-ordination Council (moderator)

Let me open the second session, entitled “Strengthening international co-operation between law enforcement authorities on the fight against trafficking in human beings – challenges and best practices”.

Dear Colleagues, strengthening co-ordination between law enforcement authorities on the fight against trafficking in human beings is an important issue on our agenda. This direction of work demands our special attention. Joint efforts of international organisations, national legislative authorities and academia resulted in a substantial legal framework to counteract human trafficking and the various components of this crime. At the moment, the most significant challenge lays in the area of law enforcement. The effectiveness of our common work should be measured by looking at actions undertaken in relation to concrete cases, including identification, prosecution, and rendering assistance and opportunities for rehabilitation to the victims.

Statistics is telling us, that in consequence to the adopted within the CIS measures, the number of such crimes has been steadily decreasing. In 2009, 4 289 crimes have been registered in the CIS, in 2010 – 3 543 (17.5 % decrease), in 2011 – 3 146 (11 % decrease). However, talking about the 2011 statistics, we can see that only 2 380 crimes out of the registered 3 146 have been cleared or otherwise closed according to a set procedure. There are about 800 crimes which have not been solved or where there are still wanted suspects. Therefore, there is a considerable room for improvement concerning the effectiveness of our work.

As you know, the majority of CIS member states are considered primarily as countries of origin of the victims of human trafficking and labour exploitation. Taking this into consideration, law enforcement authorities of the CIS are co-ordinating their activities within the framework of the adopted agreements as well as the transnational Programme of co-operation on the fight against trafficking in persons. Principle legal instruments regulating the CIS co-operation on the fight against human trafficking are the Agreement on Co-operation regarding return of minors to the countries of their permanent residence, approved on 7 October 2002, and the Agreement on co-operation on the fight against human trafficking and trafficking for the removal of organs and tissues, signed 25 November 2005. Within the framework of these two international agreements there are specific agreements between the law enforcement authorities. For example, the Agreement on co-operation between prosecutors of the CIS on the fight against trafficking in persons, human organs and tissues signed 3 December 2009, and the Agreement on co-operation between the Ministers of Interior of the CIS on the fight against trafficking in persons signed 17 September 2010.

It should be mentioned, that the practice of developing transnational programmes on counteracting human trafficking has been established in the CIS and has already proved its worth. Such programmes are covering three-year periods. There are around seven such programmes, including the one focusing on the fight against human trafficking currently covering the period 2011 to 2013. The developing agency of this programme was the CIS Co-ordinating Council of Prosecutor's General, we have been working with colleagues on our own initiative. The Council of the Heads of State enforced the programme on 10 December 2010. Moreover, we have consulted with the CIS Executive Committee and decided that a five-year period would be more appropriate. Hence, we are now preparing a number of transnational programmes with a five-year perspective, including the one on trafficking.

I should say, we have already developed a draft programme for 2014-2018 and the first review of the draft will be done during the meeting of the Co-ordinating Council of Prosecutor's General. I have forwarded letters to the heads of transnational bodies of the CIS, the Executive Committee and the Inter-parliamentary Assembly so that they have an opportunity to present their remarks, comments and suggestions. I hope that the Council of the Heads of State will support the programme and we will put it forward for the enforcement by the Presidents. In this Programme we are planning to include all the strategic activities that will allow raising the co-operation to a qualitatively new level. We are conducting this work in co-operation with the International Organisation on Migration, a highly respected organisation. Co-operation with the IOM is clearly structured and well-co-ordinated.

At this point, allow me to finish my introduction and give the floor to Mr Nicolas le Coz, President of the Council of Europe Group of Experts on Action against Trafficking in Human Beings (GRETA).

## **Presentation by Mr Nicolas Le Coz**

President of the Council of Europe Group of Experts  
on Combating Trafficking in Human Beings (GRETA)

Ladies and Gentlemen,

On behalf of the Council of Europe's Group of Experts on Action against Trafficking in Human Beings ("GRETA") I would like to thank the authorities of the Russian Federation, the Commonwealth of Independent States (CIS), the Organisation for Security and Co-operation in Europe (OSCE) and the Council of Europe (CoE), for organising this high-level meeting on action against trafficking in human beings.

I am glad to participate in this Round-table where we will exchange our views on strengthening international co-operation among the law-enforcement authorities and prosecutors because the justice system is the key ring in the chain of combating trafficking in human beings. As it is mentioned in the Recommendation of the Committee of Ministers Rec(2000) on the role of public prosecution in the criminal justice system, prosecution plays a key role in the criminal justice system as well as in international co-operation in criminal matters. Among 15 members of GRETA five are from the area of criminal investigation, public prosecution or criminal court services. GRETA is especially keen to secure effective repression of trafficking while emphasising the "human Rights-based approach" pioneered by the Convention. The human rights-based approach implies carrying out investigations and implementing mutual assistance in criminal law matters if only because this paves the way for the rehabilitation of victims, which includes compensation to be paid by the trafficker.

As regards the subject of my intervention today, I will try to fit into the time allocated, but I wish to explain how the Council of Europe acts against trafficking in human beings. First of all, I will clarify in light of the Council of Europe Anti-Trafficking Convention and reports of GRETA, what conditions are necessary to ensure that co-operation among the states in the field of combating criminal offences is effective. Secondly, I will explain what are the obligations of the Parties in this area, stemming from the Convention. the most comprehensive binding international legal instrument in the field of co-operation between the forces of law and order and the judicial authorities, in other words for mutual assistance in the criminal law field.

For States and their competent authorities to co-operate effectively, it is vital that they share a common language where action against trafficking is concerned; in other words, criminal justice systems should be brought in conformity with the provisions of the Convention. Already in its first article, the Convention (Article 1.b) places the States parties under obligation to conduct "*effective*" criminal investigations and prosecutions. This requires high-quality criminal law with very specific punishment for trafficking, as defined by the Anti-Trafficking Convention and the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (1) and specialisation on the part of investigation and prosecution service staff as well as units (2). The Convention contains provisions which criminalise such actions as recruitment, transportation, transfer, harbouring or receipt of the victim, as well as the means for carrying out these actions such as deceit, violence or any other form of coercion, fraud, deception or, very importantly, the abuse of a position of vulnerability for the purpose of exploitation of a human being. Exploitation can have various forms, mentioned in the Convention: exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs. Consequently, any criminal code text must cover all these elements provided for in the definition of trafficking, and no additional element that could impede evidence-gathering or weaken repression is admissible. Once someone has committed one of the actions covered in the definition while knowing that the victim would be exploited in one form or another, the offence is characterised and punishment must be possible.

In one of its reports GRETA has noted that some Parties went beyond the standards established by the Convention<sup>13</sup>. For instance, in Bulgaria the use of violence is not considered as a means of commission of a crime, but is an aggravating circumstance. Criminal legislation must contain provisions penalising any form of exploitation, which would cover labour exploitation, removal of organs and so on. Criminal codes of states should also envisage aggravating circumstances, applicable when the offence has been committed by a public official, when it endangered the victim's life, when the victim was a child (that is a person under 18 years of age) or when the offence was committed by an organised criminal group. There is one last point to be made regarding trafficking for the purpose of exploitation through begging. Although the Council of Europe text does not expressly prohibit exploitation through begging and trafficking for that purpose, it must in no way be concluded that the Convention does not prohibit them, as forced begging and the exploitation thereof constitute forced labour, in line with the two criteria laid down by International Labour Organisation (ILO) Convention no. 29 of 1930 referred to in the explanatory report to our Convention: work or service exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.

Beyond trafficking itself, the Convention lays down the obligation to criminalise certain conduct related to this offence. Actions aimed at modifying travel or identity documents (e.g. forging documents or falsifying real documents by affixing the victim's photograph) or confiscating, retaining or removing them must be punished in this respect.

Further, the Convention requires States to train investigators and prosecutors in action against trafficking in human beings. This is not about merely making a passing reference to the term "trafficking in human beings" in the general human rights training forming part of basic training, but explaining the specific characteristics of the human trafficking offence that make it differ from offences relating to exploitation and the trafficking of migrants, and also the particular behaviour of the victims. The Convention then calls for the setting up of specialised units within both investigation services and prosecutors' offices, with adequate training and financial resources. Such units may not only be established with investigation services, but also in courts. Judges should also receive relevant training. Such training modules are often prepared and provided by the OSCE. Trainings may comprise co-operation among relevant offices dealing with the criminal law, but also an exchange of best practices among courts and prosecuting authorities from different countries.

I would like now to touch upon yet another obligation of adapting the criminal law system. An unconditional prerequisite for its effective functioning is a correct identification of victims of trafficking and this often is a real challenge to law enforcement officials working inside the country as well as at the frontiers. This is why they have to have a full understanding of what is trafficking in human beings. When we deal with irregular migrants they are at times very difficult to distinguish from victims of trafficking. This is why the national referral mechanisms, mentioned earlier, should aim at providing law enforcement authorities, prosecution and NGOs with rules stipulating a minimum of co-operation among them. If this co-operation is effective then identification of victims of trafficking will be possible and none of them will risk being groundlessly deported.

Further, allow me to recall that the Anti-Trafficking Convention requires that the criminal law of states envisages the application of effective, proportionate and dissuasive sanctions, which would prevent recidivism of these offences. Given the seriousness of the offence, the punishment must above all be adequate, that is commensurate to the gravity of the offence.

Finally, I would like to touch upon an aspect in which courts and prosecution have a crucial role to play. I am referring to the possibility of not imposing penalties on victims of trafficking who were forced to commit unlawful acts due to their trafficking situation. We know that often traffickers force their victims to commit various petty offences in the process of their exploitation and if a victim is not correctly identified and a given unlawful act is not adequately qualified such "offender" may once again become a victim. This is why we should insist on a clear-cut mechanism for identification of victims of trafficking.

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13. Council of Europe, GRETA, *Report on the implementation of the Council of Europe Convention on action against trafficking in human beings by Bulgaria*, 14 December 2011, page 47, §198.

Now allow me to pass onto the second part of my presentation. I briefly described what should a criminal justice system be like within a country. Further, I mentioned that it is of utmost importance for states to speak the same language when it comes to co-operation. The Council of Europe Anti-Trafficking Convention is an instrument for mutual judicial assistance in criminal matters, which must be read in conjunction with the other Council of Europe legal assistance instruments such as the European Convention on Mutual Assistance in Criminal Matters of 1959 or the 1957 Convention. For that reason it does not list their provisions in full.

For requests for assistance with carrying out investigations to be successful, there must also be provision for the necessary investigative actions in the criminal legislation of the requested State, including ordinary methods, as well as special investigation techniques. Such techniques are referred to in Recommendation Rec(2005)10 of the Committee of Ministers and are also mentioned in the UN Convention on Transnational Organised Crime.

It is also very important for the states to envisage international co-operation in such a manner that judicial bodies of one state could address to judicial bodies of another state requests on carrying out an investigation or inquiry and these requests be satisfied. Of equal importance is the mutual trust between the judiciaries of states. The Council of Europe Convention does not mention this openly, but it is essential for the requesting state to indicate that the investigation may be carried out in the receiving state. In such cases mutual trust between the judiciary and prosecuting authorities is simply indispensable because even if in the framework of legal assistance the investigators do not have the possibility of going to a foreign country they should be able to rely on the investigation carried out by their counterparts in that country. I would like to call upon prosecutors, please, when you deal with such cases, show your good will and deal with them with utmost diligence.

I consider it also very important to mention the need of setting up joint investigation teams for investigating into trafficking cases, composed of investigators and judges of different countries. I recall that the UN Convention on Transnational Organized Crime already envisages a possibility of creating joint investigation teams for such offences. It should be noted that the CIS countries can encourage each other towards participating in this type of co-operation. I must once again stress the importance of trust between investigators from different countries when participating in such joint investigations. This requires the States to conclude *ad hoc* agreements authorising this form of co-operation, with their authorities then specifying exactly what is expected, the respective prerogatives, matters relating to the launching of procedures by foreign officials, the carrying of arms by them etc. Above all, the setting up of a joint team, which offers the advantage of avoiding the issuing of international rogatory commissions, must be prepared well upstream, at a number of working meetings between the prosecution authorities and investigation services.

Before finishing my intervention, allow me to touch upon an issue of competence and jurisdiction to investigate trafficking cases. The Anti-Trafficking Convention contains an obligation for Parties to establish jurisdiction for investigating cases of trafficking in human beings committed not only within their territories, but also at the border, on a plane or other means of transport. A state should also be able to declare itself competent to investigate an offence committed abroad, in case when a victim is its national and also when an offence is committed by a stateless person, whose permanent residence is in that state. The State of which the victim is a national must be able to declare itself competent to try the perpetrators and counteract any potential lack of action by the State on whose territory the offence was committed.

I would also like to mention by noting that the Convention promotes co-operation and mutual assistance between courts and investigative bodies in order to increase the efficiency of their work. A number of its provisions allow law enforcement authorities, investigators and prosecutors to act spontaneously when it comes to sending information concerning an offence to other states Parties, who might be interested in the investigation of an offence in question so that the competent authorities in other states are able to act rapidly, avoiding lengthy procedures of formal exchange of information.

Finally, one should stress that the Convention establishes an obligation for states to protect victims of trafficking, witnesses and representatives of NGOs assisting victims and witnesses. What I have in mind is the need of urgent transmission of information between law enforcement agencies and states must provide adequate protection and to victims of trafficking, provide them with accommodation, subsistence support and providing residence permits, where necessary. It is crucial that all countries have in their legislation provisions dedicated to the protection of victims and witnesses of crimes, because often they originate from small neighbourhoods and know each other and in these cases it is difficult to ensure their security. Financial assistance also plays an important role in protecting this category of persons.

And last but not least, another very important aspect – it is necessary that international legal assistance includes transmission of information concerning previous convictions for trafficking offences in other countries. Courts should have information should be aware if a suspect has already been convicted for trafficking in another country; maybe he/she committed these offences before and was sentenced for them. Criminal codes should envisage the transmission of information concerning previous convictions and a possibility of requesting information concerning the criminal record of a person in question, with both their State of origin and the State of habitual residence. This allows adapting the sanction, proportional to the gravity of the offence, fully reflecting all aggravating circumstances.

This, Mr Executive Secretary, ladies and gentlemen, is what I wanted to say to you about the Council of Europe Convention on Action against Trafficking in Human Beings. As I am here on behalf of 15 members of GRETA, I call upon the participants of all states represented here to ratify the Council of Europe Convention in the near future so that there is no place on this continent where the commission of this heinous crime could go unpunished.

Thank you for your attention.



## **Presentation by Mr Sergey Vinokurov**

Chief Research Officer of the General Prosecutors Academy, Russian Federation

Dear Colleagues,

Let me first welcome you to this high-level forum.

Statistics mentioned before concerning the decrease of trafficking incidence makes me worry. Based on my own practical experience I know that the traffickers have got out of hand. Nowadays, advertisement flyers offering sexual services are being put under the windshield wipers of our cars; other flyers inviting to visit saunas, massage parlours and night clubs are dropped directly into our post boxes.

Taking into consideration these circumstances, how can we seriously talk about the number of trafficking cases going down? Of course, we can't. I realise that statistics can be very misleading, however, we also need to use our common sense: after all we live in the real world and have to see things as they are. Therefore, I believe that the above-mentioned data and the positive, soothing results derived from them is yet another alarming signal. As long as we are indicating a decrease of incidence, I interpret this as a marker of the lack of effort put into this work.

In general, keeping in mind the high latency of crimes associated with trafficking it is most appropriate to say that the statistical decrease of incidence is most of the time irrelevant and does not reflect the reality. With this type of crime, we should not unequivocally praise the work of those authorities and leaders who are reporting about their success in making the numbers decrease during a one-year period. I believe it is necessary to look into such data very seriously, in case the statistical data really confirms. General practice shows that the perceived decrease contains a lot of opportunities for the criminals to conceal their crimes and keep their activities away from the official records.

We are now talking about a very serious crime of a transnational character. This is however not an exhaustive characteristics. We are also referring to a large-scale criminal business. There is a huge financial incentive for the traffickers who make fortunes from this criminal activity. The irony of this is that one of the most lucrative criminal activities is not subject of confiscation of proceeds of the crime.

In this context, it is desirable to analyse how the financial aspect of trafficking is being accounted for and used when trafficking cases appear in court. For example, we have carefully analysed more than 200 cases, and the confiscation of proceeds of criminal activities was only included in a few of the court rulings.

Moreover, we have encountered cases when the law enforcement authorities recovered vehicles, which were used to transport victims of trafficking for sexual exploitation and as such could be classified as instruments of the crime. However, for the duration of the investigations, the courts returned the instruments of the crime to the relatives of the accused.

This tells us that not everything is really so trouble-free. I want to underline that the fight against human trafficking and the results of this work is an important indicator of the level of corruption within the state apparatus as well as a significant factor of maturity of the society – society that accepts the consumption of services provided by victims of human trafficking as well as accepts the state's inability to uphold its humanitarian commitments to the victims of trafficking within the framework of the international law. It should be correct to say that there is still a lot of room for improvement in this area.

Among the most acute and critical issues it would be suitable to put an emphasis on a few most burning ones.

The central issue is the fact that up until now we haven't been able to agree on what it is exactly we are fighting against. Crimes in the sphere of trafficking are very diverse and versatile and the states are left to interpret them, which often leads to situations when criminal activities that should be classified as trafficking according to the international legislation are not classified as such on the national level. Many national legislation systems do not include such crimes into their statistical databases as trafficking cases.

Furthermore, it is important to note that even progressive legislation systems of the CIS countries, when it comes to trafficking, tell us that we urgently need to discuss and agree on the definitions. For example, the basis for such a discussion could be the system in Tajikistan, which is fairly progressive.

Particularly, one of the most positive aspects of the national legislation on combating trafficking in Tajikistan is that there is a list of 22 criminal activities that can be associated with trafficking. Another matter is, however, that upon closer reading of this list it is hard to accept all the points.

For example, among the constituent elements of the offence you can find stealing and damaging documents (art. 339 of the Criminal code of Tajikistan) or the forgery of documents and seals (art. 340 of the Criminal code of Tajikistan). Admittedly, it is possible to demand determination of punishment by the cumulation of crimes, on the other side, we have to take into consideration that the criminal code contains most typical scenarios. It is also worth mentioning that the list contains about 5-7 clauses describing constituent elements of the offence that hardly should be there.

At the same time, this seemingly progressive legislation does not leave room for crimes that constitute remnants of slavery and other customs and traditions associated with slavery which are normally classified as trafficking. For example, bigamy or polygamy (art. 170 of the Criminal code of Tajikistan), arranged marriage for girls who have not reached minimum marriage age (art. 168 of the Criminal code of Tajikistan), and marrying a person who has not reached a minimum marriage age (art. 169 of the Criminal code of Tajikistan). There are also other examples of similar offences that by all means can be regarded as necessary to be considered in relation to trafficking, but which are not on the list.

Using the example of the Russian Federation, we can see how significant it is to determine the constituent elements of trafficking correctly. In the Russian Federation, there are two main crimes commonly considered in connection to trafficking: article 127.1 (trafficking) and 127.2 (labour exploitation). According to the statistics, there are hardly more than a hundred such crimes disclosed each year. One may think that a hundred of cases is not a lot, especially when the total number of crimes registered in the country per year amounts to more than three million. One logical question that it than being raised is the following: if the numbers are so low, does trafficking really put public safety at risk, is there any sense in drawing so much attention to this particular crime?

However, if we add other crimes to the statistics, such as article 240 (enticing into prostitution), article 241 (organising prostitution), article 242 (production and distribution of pornographic materials) and some other – which are all matters that need to be included according to the international trafficking legislation – we will see a very different picture. More than 5 000 such crimes are registered in the Russian Federation each year. You have to agree that there is a big difference between a hundred and 5 000, all the more so when you keep in mind that trafficking is a highly latent crime and the statistical figures need to be many times multiplied in order to get to the real numbers.

Therefore, it is very important to agree on the list of criminal acts that constitute trafficking, this is indeed one of the most significant practical tasks that needs to be prioritised.

The next question is: how should this be done in practice? There are ways to do this. For example, in the Russian Federation there is an instruction for law enforcement on a unified system of recording criminal activities. Not long ago, in February 2012, Prosecutor General and the Ministry of Interior issued an instruction on which criminal activities need be recorded and included into statistical databases. Within this index of crimes, there is a number of crimes that should be accounted for in a special way, such as extremism, corruption, etc.

This is a special index of crimes of a particular nature. Following the same procedure, provided that experts and competent authorities will analyse the issue, it could be possible to suggest a similar approach to criminal activities associated with trafficking, in a similar instruction and declare the requirements of this document mandatory. As a result, we will have statistical data over the crimes committed in the Russian Federation which, according to the instruction, are to be recorded as criminal acts associated with trafficking.

If this process continues, similar work can be done on the international level. All of the CIS member states are facing similar challenges. In all of these countries there are mandatory instructions from the law enforcement to collect unified data on the disclosed crimes. It is feasible to reach an agreement on such an index of crimes associated with trafficking within the CIS framework.

This will allow for a better compatibility of data and will enable us to make better judgements on whether the situation is better or worse in a certain country compared to others. We will get an opportunity to compare the data, whereas now, due to the absence of such a unified approach, the data is simply incompatible.

The second point I would like to make is the importance of the implementation of the international commitments on the national level in the CIS member states. CIS Programme of co-operation on the fight against trafficking in persons 2011-2013 has been signed by the CIS Council of the Heads of State, which means that the most high-ranking persons have put their signatures under this document. It could be expected that the activities would be carried out according to a well-established co-operation mechanism. Relevant authorised persons within the presidential administrations or state government apparatus should issue legally binding instructions on the national level that would require the implementation of the Programme.

Unfortunately, a closer analysis of the situation shows that up until this day the above-mentioned Programme that has been referred to several times during this round table, has not acquired any national dimension in the majority of countries. The fact is that even though the Programme has been signed by the most high-ranking officials – the presidents – authorities working on the local level, in regions and republics, are not aware of it. Sometimes this leads to really odd incidents. For example, we are actively working with the Russian NGOs and public organisations which try, on the regional level, to adopt Memoranda of co-operation with the law enforcement. However, their initiative to create an appropriate legal instrument is often declined since the regional law enforcement leaders maintain that there is no legal ground/mandate to conclude such agreements. Even though the Heads of State have signed a document that implies practical co-operation between law enforcement, international organisations and NGOs active in the field, regional authorities are not aware of this.

Hence, one has to admit that the implementation mechanism in place is not well-established and requires immediate attention and improvement. This is a very important issue, which needs to be addressed in a reasonable manner. The international commitments that the CIS member states have acceded to should not be exclusively known to the leaders and officials of the line ministries and other relevant authorities. Awareness of such international agreements needs to reach their end users. By that we mean not only the national ministries and authorities but also local and regional competent authorities. Even more so considering that a significant share of concrete actions mentioned in the Programme needs to be implemented regionally/locally.

One should not forget another challenge, significant from our point of view, which is the improvement of co-operation and partnership between the line authorities of the CIS member states. If we take law enforcement (Co-ordinating Council of Prosecutors General, Council of the Ministers of Interior, Council of Border Troops Commanders) as an example, we can see that these professionals co-operate actively, take part in joint preventive and procedural activities, investigations and other activities, information exchange, etc.

However, in the humanitarian sector, co-operation within the responsible bodies (Council for Humanitarian Co-operation, Council for Health, Welfare, Education and Social Protection) with regard to the Programme commitments is lacking. However, 3<sup>rd</sup> section of the Programme stipulates that the main responsibility for the implementation is placed on the line authorities of the humanitarian sector. In particular, comprehensive assistance to the victims of human trafficking as well the implementation of diverse prevention measures is pointed out.

This lack of co-operation was explicitly illustrated when the Prosecutor General of the Russian Federation tasked the planning group of the next Programme of co-operation for 2014-2018 to draft the Programme as a matter of urgency. The group experienced difficulties obtaining the necessary information. Firstly, the urgency of the matter didn't leave enough time; secondly, it proved to be challenging to get the necessary information about relevant activities of the social (humanitarian) sector of the current Programme.

There is one clear conclusion. Undoubtedly, we need to improve co-operation between all kinds of line authorities, both law enforcement and social (humanitarian). Without such a co-ordinated and comprehensive approach to the issues we are dealing with and the tasks which need to be implemented according to the Programme, we can hardly achieve a positive result.

Finally, I would like to mention another important issue: it is necessary to strengthen the instruments of civil society and their capacity to control the authorities and civil servants.

As practice often shows, the predominant reaction of the civil servants towards any attempts to discuss and fill programmes of co-operation on the fight against human trafficking with practical content, is rejection. In particular, when the current Programme for 2011-2013 was being drafted and approved by a row of officials, we had to argue repeatedly that the fight against the illegal removal of organs and tissues belongs to the domain of human trafficking. The officials who were involved were simply incompetent asking questions such as: "What does organs and tissues have to do with human trafficking. Trafficking is trade, which means there is a seller and a buyer". When such statements were made, we had to gather all our patience to explain and convince.

We have to keep in mind that some civil servants are mainly interested in working less and not having to deal with any troubles. Another matter is the civil society. They, in our opinion, have to stir up the public and the authorities using mass media, working with the public opinion as well as applying other leverages in order to increase the effectiveness of co-operation between the authorities and stimulate them to initiate concrete activities to combat human trafficking.

Finally, the last issue I would like to mention. This also a very important issue and is possibly of a political nature. We have to pay due attention to this issue. Sometimes we can hear that the US State Department moves a country from one group to another, which implies that the State Department considers one country more progressive than others. However, there is a question, dear ladies and gentlemen: what are the criteria, the internationally approved criteria to evaluate the effectiveness of the national actions to combat trafficking?

Are there such criteria in place? Have they been elaborated? If such criteria have been elaborated, they should be, in our opinion, made publically available, and all countries need to know that there are clear, transparent, tested and approved criteria acknowledged by the international community to assess the effectiveness of measures taken in this particular area of work. Then the country groupings would be clear as math, just as twice two makes four. Any country would be able to assess their internal situation and accept that, for example, the country does not occupy a leading position according to certain criteria being satisfied with the position that the country currently has. Therefore, we believe that one of the most important tasks for the OSCE, CoE, expert communities (e.g. GRETA) is to elaborate clear and transparent criteria to evaluate the effectiveness of the measures to combat trafficking and present such criteria to the international (regional) community.

On this note, allow me to conclude my intervention.

### **Presentation by Mr Vasily Neischenko**

Deputy Chair of the Co-ordination Service at the  
Council of Border Troops Commanders of the CIS

Dear Participants of the Roundtable,

First of all, I would like to thank the organisers for inviting me to take part in this very important and timely event, and of course for the opportunity to make an intervention.

The Council of Border Troops Commanders, just as the other law enforcement bodies of the CIS, is very familiar with the issues and challenges that we are discussing today. Such a dynamic discussion and exchange of opinions will of course be of great benefit to us all. I am also ready to answer any questions after my intervention, should they arise.

The Council of Border Troops Commanders of the CIS is of course sharing our common concern about the continuously high rate of incidence of such types of organised crime as drug dealing, smuggling of goods, illegal migration, and of course trafficking as well as other crimes. Our analysis of the current and predicted medium-term situation at the CIS external borders as well as near-border territories of the CIS states shows that these threats, unfortunately, transcend the borders, and in to a varying degree are relevant for all the members of the CIS. Apparently, there is no more need to convince anyone that a single state or authority cannot combat transnational criminality. It is futile and ineffective to attempt to do so singlehandedly. Instead one needs to concentrate and build up efforts to improve the co-ordination between different actors, to elaborate specific approaches to address these challenges from the perspective of law enforcement and international organisations, and lift up this work to a new qualitative level.

The Council of Border Troops Commanders of the CIS pays a specific attention to this work.

Dear Colleagues, let me say a few words about the work done by the Council of Border Troops Commanders of the CIS to combat organised crime and in particular trafficking.

The Council is one of the implementing bodies of the Interstate programme of joint actions to combat criminality and the CIS Programme of co-operation on the fight against trafficking in persons 2011-2013.

The implementation of these Programmes, particularly actions concerning borders, is being carried out according to the plans approved by the Council. The progress of implementation of these two programmes is reviewed yearly at the meetings of the Council and the responsible officials report on the work that has been done.

Finding common approaches towards the fight against trans-border crime, including exchange of practical experience, is also being discussed each year during the Deputies' meetings of various border agencies according to their profile. Heads of Staff, Heads of investigative authorities, Heads of border control, Heads of coast guards and other bodies gather together yearly in order to analyse these challenges in detail, suggest joint measures and exchange ideas about how to counteract these threats.

In order to consolidate the efforts of all the border services within the framework of the Council of Border Troops Commanders, and to increase the capacity to react rapidly, we have established a special Working group for the elaboration of joint measures to combat criminality, illicit drug traffic, terrorism and other violent manifestations of extremism, illegal migration and trafficking. Representatives of different border agencies are taking part in the working group. The main objective of the group is to draft joint co-ordinated suggestions for the Council of Border Troops Commanders. Each year this group is holding its meetings on one of the member states, conducts field studies and in doing so co-operates with other stakeholders, organisations and authorities. All the important questions are raised during these meetings.

The working group has now elaborated an integrated set of additional joint actions in relation to border control aimed at improved prevention and identification of victims of trafficking leaving the country. These actions have been prepared for inclusion into the Programme.

The Council has set up a sufficient legal foundation to co-operate with line authorities of the CIS on the fight against criminality at the external borders. I am speaking about the Secretariat of the Collective Security Treaty Organization, the regional anti-terrorism agency of the Shanghai Co-operation Organisation, and, importantly, FRONTEX. Many people are familiar with the work of the latter and probably co-operate with this organisation. Recently, we have also enjoyed a very lively dialogue with FRONTEX. Furthermore, we co-operate with the Central Asian Regional Information and Co-ordination Centre for Combating Illicit Trafficking of Narcotic Drugs, Psychotropic Substances and their Precursors (CARICC), and the IOM. Our co-operation with organisations such as FRONTEX and the Shanghai Co-operation Organisation allows us to co-ordinate CIS efforts both to the East (Central Asia) and to the West.

At the moment, a special Protocol on co-operation between the Council and the UNODC is under preparation. Moreover, we are in the process of establishing co-ordination with the Border Management Programme in Central Asia and Eastern Europe.

I would like to specifically underline and emphasise that, recently, practical aspects of the work of the Council have primarily been put in focus due to the latest tendencies. We have applied our main method to fight against all types of organised crime at the external borders, and this method has proved successful: namely, we have organised joint specialised border operations as well as joint operational and preventive measures. This is a very practical activity that brings together all the relevant authorities and their actions aiming to address the assigned tasks. They work on all aspects and characteristics, locations and contents, not only with regard to people but also goods. This is a very good, positive result.

Since 2004, 15 special border operations and 17 special operative and preventive operations aimed to counter the above-mentioned threats have been conducted within the framework of the Council. It will suffice to report that 36 000 offenders have been arrested at the borders as a result of these operations.

As mentioned earlier by Mr Vinokurov, one of the most significant components of a successful co-ordination and co-operation is an efficient exchange of information. This is an important factor for any activities at the border. Certainly, a timely, efficient, detailed and speedy analysis of such information is a prerequisite for adequate response measures and security maintenance.

This year we are finalizing our work on the practical application of subscription focal points. This is a functional system. We are finalizing the implementation of an automated system of information exchange which will allow us, the authorities, to retrieve the necessary information efficiently, on the real-time basis. The sooner the information will reach the relevant authorities, the more efficient response measures will be designed, and, even more importantly, implemented. This also includes preventive measures. The database of this system includes the results of joint operations carried out since 2000.

Especially, I would like to name such operations as "Good will", "Unity-2010", "Afghan curve": for the first time, according to a jointly developed concept, border authorities of the countries which are not members of the CIS, were invited to take part. Geographically, these were the countries placed all along the border of the Russian Federation: China, North Korea, Latvia, Lithuania, Mongolia, Norway, Poland, Finland and Estonia. We have also used the capacities of the CIS line authorities: Anti-terrorism centre as well as all other authorities mandated to address these issues, including the above-mentioned international organizations.

A credible example of such co-operation is the materials developed for border guards on the identification of victims of trafficking, directed to us by the International Organization for Migration. These materials came in the right time, when they were needed, and have been forwarded to all the CIS member states in order for the border authorities to take this information into consideration in their daily work.

Analysis of the implemented joint actions shows that the activities carried out allowed establishing an effective co-operation mechanism between diverse stakeholders in the participating states concerning combating organized crime at the external borders of the Commonwealth. Outcomes of such activities have been also improved.

Among the initiatives aimed to combat human trafficking and illegal migration, I would like to draw your attention to the unified system of registering third country nationals and persons without citizenship entering CIS member states. This system was created at the initiative of the Council of Border Troops Commanders and supported by the Federal Migration Service. At the request of the Council of the Heads of State, the Council of Border Troop Commanders has drafted a blueprint of such a system, which was approved on 3 June 2005. In 2006, among other activities to facilitate the launch of the system, an inter-governmental working group was set up in order to prepare a specification as well as an implementation plan. On 18 October 2011, Agreement on the unified system of registration of third country nationals and persons without citizenship entering the member states, was signed at the meeting of Heads of Governments. The present task is to speed up the implementation of the Agreement, in the longer term we would like to integrate the Agreement into the CIS co-operation framework.

Dear Colleagues, in the first place, we believe that by strengthening control of the external borders of the CIS member states we make an important contribution to the improved co-operation between line authorities, the fight against organized crime and trafficking in human beings. Certainly, our starting point is that the state borders need to be safe, however, taking into consideration the imperatives of the present time and the new approaches, the borders also need to be comfortable and civilized. While still preserving their functions, the borders should not disturb people or interfere with any production activities, other aspects of business, transport border crossing. This is a very challenging task – we need to provide safety and comfort at the same time. We hold regular meetings devoted to this topic, where joint actions are being developed. All in all, the Council does everything in order to improve methods of protecting state borders, provide high-level training for professionals, and make use of the last generation technology. These measures have proved successful in many locations.

The second point is the active joint implementation of special operations and joint operative and preventive measures. All participating authorities report positively about these operations. While we experienced some challenges at the onset, especially concerning co-operation with the European organizations, presently all organizations are unanimous, all the activities reach high quality level and are conducted in a practical manner. It is obvious that all the stakeholders are keen on addressing these issues and want to be part of the fight against this common threat.

Thirdly, I would like emphasize the development of co-operation and partnership between the specialized bodies of the CIS and the law enforcement authorities of the CIS member states, border guards, as well as specialized agencies focused on the efficient information exchange and exchange of practical organizational experiences.

The fourth important aspect of our work is to continue and finalize the implementation of the unified information database including the automated system of real-time information exchange.

The fifth point is the reinforcement and toughening of the measures taken to combat transnational organized crime (this issue has already been raised today).

Finally, we need to prepare and make better use of the possibilities provided by the Agreement on readmission.

And lastly, I would like to mention the continuous active full-fledged engagement within the framework of the transnational programme. These are the main directions of our work.

I am convinced that by actively contributing to the discussions concerning these issues today, as well as by taking our work further based on the final documents from this round table discussion, we will achieve better co-operation in the fight against organized crime, including trafficking in human beings.

### **Written Contribution by Mr D. Kazmin**

Executive Secretary of the Committee of Heads of Enforcement Divisions (CHED) of the  
Council of Heads of Customs Services

Dear Colleagues,

The operation of the Committee of Heads of Enforcement Divisions (CHED) within the Council of Heads of Customs Services is carried out according to the Integrated plan of action 2011-2012 and the Order of practical interaction between law enforcement divisions of Customs Services of the CIS member states, as well as bilateral interagency action plans on counteracting violations of customs regulations. The scope of operation includes actions to identify, prevent and suppress smuggling as well as other criminal activities in the area of customs regulations.

In 2011, two extended CHED meetings took place. During these meetings, documents concerning improved co-operation on the fight against illicit drug and psychotropic substances traffic, information exchange, and law enforcement staff development, and canine service activities have been adopted. Moreover, joint operations and preventive activities have been planned for and approved, a number of standardised documents adopted and bilateral agreements achieved.

Overall, since the CHED was established in 2008, 50 international treaties and agreements related to law enforcement and drafted by the CIS Executive Committee, the Inter-parliamentary Assembly or other co-ordination bodies, have been reviewed and adopted.

Analysis of the current situation and the effectiveness of the co-operation between the national customs services in the area of law enforcement, is being carried out on a regular basis at the meetings of our co-ordination body. Decisions are being taken to conduct special operations and preventive activities aimed at counteracting organised crime, terrorism, trafficking in human beings and illicit drug traffic.

Last year, international and interagency operational and preventive activities have been carried out with the aim to identify and clamp down on illicit drug dealing schemes ("Poppy", "Route", "Anaconda", "Afghan curve", "Baltic wind", etc).

In 2009, CHED initiated an international customs operation "Sentry". Four stages of this operation were conducted during 2009-2011. As a result, narcotics, psychotropic substances and precursors were seized on more than 400 occasions, about 42 tons narcotics were confiscated.

In line with our efforts to combat the most dangerous types of smuggling, participation has been arranged in operations such as "Thorn", "Nikita", "Global shield", "Coliseum", "Pangeya – IV", "Energy", etc.

By now, separate agreements on co-operation have been signed with the Inter-parliamentary Assembly, the Co-ordination service of the Council of the Border Troops Commanders, the Anti-terrorism Centre, the Bureau for Co-ordination of Combating Organized Crime and other Serious Crimes, the Co-ordination Council of the Heads of competent authorities on combating illicit drug traffic of the member states of Collective Security Treaty Organization, the Co-ordinating Council of the Prosecutors General.

Exchange of information is being maintained with all the above-mentioned authorities, meetings are being organised, CHED materials are regularly being included in the publications of the CIS Anti-terrorism Centre, the Co-ordination service of the Council of the Border Troops Commanders, and the Bureau for Co-ordination of Combating Organized Crime and other Serious Crimes.

In their capacity as law enforcement agencies, customs services of CIS take an active part in the implementation of trans-national CIS programmes, including the area of combating human trafficking and in co-operation with police and border troops.

Trafficking in human beings is a transnational crime which does not respect national borders. Its components are often similar to those of other transnational crimes, such as illegal drugs and arms traffic. Therefore, internationally developed methods are needed in order to counteract human trafficking, founded on international co-operation practices, such information exchange and joint activities.

Taking this point into due consideration, customs services take all the necessary measures to duly detect the criminal aspects of organised groups' activities.



Since trafficking in human beings is a complex and versatile crime, it is associated with a range of accompanying law violations, such as participation in an organised crime group, corruption, money laundering, child pornography and others.

One of the most important practical tasks for the present day and also for the near future is the prevention and suppression of criminal activities where minor persons are enticed into those as the ones who actually commit the offence (e.g. drug couriers) or for a front, as well as the export, import and transport of child pornography, and the illicit trade in human organs and tissues.

CIS customs services take an active part in a long-term international project “Sesam” which consists in monitoring cash transfers and other financial instruments which are being used by individuals. Such monitoring allows to identify and confiscate illegal gains which have been moved across the borders from the traffickers. Up-to-date information is regularly being fed into the CEN system for law enforcement by the National Contact Points and the Regional Intelligence Liaison Office (RILO) in Moscow, individual cases of seizing cash currency on the CIS territory are being registered in the system. Within the framework of interagency air transport protocols, adopted by the CHED customs services, 210 reports about large-scale foreign currency cash transfers and goods have been forwarded to the relevant authorities in 2011. Based on the investigation results, 25 cases of administrative offence were initiated.

Implementation of this transnational programme is being carried out directly by the customs service as well as by forwarding relevant information to the competent ministries and authorities, participating in joint activities and special operations, and by strengthening the measures of customs control.

A number of suggestions have been forwarded to the CIS Co-ordinating Council of Prosecutors General to be included into the draft programme of co-operation on the fight against trafficking in persons 2014-2018:

- Section “Organisational and practical activities to counteract trafficking in human beings” (to suggest developing national and transnational activities with the aim to detect, trace, seize and confiscate the proceedings of criminal activities from the traffickers, including proceedings transferred across the national borders);
- Section “Co-operation between the competent authorities of the CIS member states, as well as with international and non-governmental organisations” (to recommend conducting co-ordinated procedural actions, preventive and investigative activities as well as special operations to combat human trafficking with the aim to prevent, identify, impede, investigate and clear crimes, associated with trafficking in human beings);
- Section “Informational, scientific and methodological support” (to continue the exchange of experiences and practices on the fight against human trafficking. Arrange regular seminars, round tables, and trainings on relevant issues related to combating human trafficking and the co-operation between state competent authorities and civil society, with participation of international and non-governmental organisations);
- Section “Monitoring mechanisms” (to review the implementation of the Programme. Inform the CIS Executive Committee about the implementation of the Programme on a yearly basis).

In conclusion, I would like to emphasise that the results we have achieved by engaging into joint operative and investigative activities tell us that we have to continue with this work focusing on the identification and shutting down organised crime groups which specialise in illicit traffic of narcotics and psychotropic substances, “commercial smuggling”, as well as trafficking in human beings.

### **Intervention by Mr S.F. Koltun**

Deputy Head of Department on drug control and CTHB,  
Ministry of the Interior of the Republic of Belarus

Distinguished ladies and gentlemen,

I am in charge of a structure of operational units of the Ministry of Internal Affairs of the Republic of Belarus that directly wage a struggle against trafficking in human beings. Combating such an evil is a key direction in our country, liable to special control of our President. The Ministry of Internal Affairs of the Republic of Belarus is the national co-ordinator of this activity.

The national legislation in this sphere is getting constantly improved. Amendments and additions were introduced in 2005, 2008; also they have been prepared in current 2012 year. In 2008 the Criminal Code was supplemented with two new articles which are the usage of slave forced labour and child pornography. The law makes provision for child pornography for up to 13 years of imprisonment, for prostitution – which is an administratively punishable offence – in addition to a fine, an administrative arrest for up to 15 days was introduced. Today, the Criminal Code contains six articles for trafficking in human beings and other crimes as well as child pornography and distribution of conventional pornography.

Since 2002 our country has been implementing a national plan of action in the form of government programs. The program for 2011-2013 is being implemented now. The Ministry of Internal Affairs initiated, developed and adopted the Law of the Republic of Belarus on Combating Trafficking in Human-beings. It is based on the model laws literally developed in the walls of the CIS.

In 2007 the Academy of the Ministry of Internal Affairs established the International Centre for training specialists in combating trafficking in human-beings. It is the basic educational establishment of the CIS. More than fifteen groups of students from the CIS, United Arab Emirates, Vietnam, and Turkey have undergone training here.

Combating trafficking in human-beings and drugs is carried out by the operative units at three levels - ministerial, regional and district. About 50 people are directly involved in combating trafficking in human-beings in our country.

The measures taken allowed to dramatically minimise, first of all, the scale of the interstate trafficking in human-beings. The highest number of facts directly related to human trafficking was registered in 2005 and made up 159 cases. Now the situation has stabilized. The same applies to the reduction of crimes associated with trafficking in human beings abroad, as well as with the identified victims, exported abroad. In our country since 2002 22 criminal organizations and 82 organized groups have been eliminated, more than 1700 persons have been convicted, with 665 of those sentenced to imprisonment. 4600 victims have been identified. Last year alone 458 crimes were detected, including 139 felonies, 2 organized groups eliminated and 295 victims identified.

For the purpose of their own safety today traffickers get the live good in the destination country bypassing Belarus. You can see the pattern when the head of a travel company sent the recruited girls to Switzerland with the castings carried out in the neighbouring Poland. The money was transferred via "Western Union". The criminal was sentenced to 8 years of imprisonment.

As has already been said, Belarus, along with other CIS countries, is a country of origin and transit of live good to more than 30 countries. Last year alone 41 channels to 9 countries were blocked.

The main vector is the Russian Federation, the countries of Western Europe, first of all - Germany, Czech Republic, Poland, Netherlands, Lithuania, as well as countries of the Middle East and the Arab States region such as Turkey, United Arab Emirates and Israel.

Today our officers act on forestalling and arrest of traffickers while attempting to traffic our citizens abroad. Last year alone we clamped down on 17 attempts of trafficking: 11 cases - to Russia, 2 - to Turkey, by one - to Lithuania, Germany, Poland and Azerbaijan. At the international airport "Minsk" an Israeli citizen was detained while attempting to take the deaf-mute girl out the country supposedly for beach volleyball training in Israel. Visas to them were processed at the Embassy of Israel under these purposes. The criminal as well as his accomplice were arrested and sentenced to 7 years of imprisonment. Now you will see the video of the real arrest of the traffickers from Russia, attempting to take out three girls from the country to Kaliningrad for further exploitation in Germany. The offender was sentenced to 8 years in prison. On video tape is the real arrest, it is not a modelled situation.

Along with visiting interstate traffic channels, we actively fight against sexual exploitation within the country. On the tape you can see the real apprehension - the room for prostitution and the so-called "mom", who sexually exploited a number of girls who were in her so-called rent. More than half of the identified victims were subjected to exploitation within the country.

The modern slavery is constantly evolving through acquiring new forms such as sex tourism, child pornography, paedophilia, trafficking for the purpose of organs and tissue transplantation.

Last June the officers of the Organized Crime Department of the Ministry of Internal Affairs stopped the activities of a porno-studio in Minsk. A citizen of both Israel and Russia recruited girls mostly from universities for photo shoots and further shoots for western porno magazines. The cost of a photo shoot ranged up to 20 USD. His accomplice was a student of the Medical University. Last year we stopped the activities of 6 porn studios in Minsk.

The development of localization of the prostitutes is also under control of the Ministry of Internal Affairs. There are 1740 prostitutes are on the records, about 700 of them - in Minsk. In addition, there are men rendering services to both men and women. There are also men and women that provide services to couples. Last year 690 citizens were prosecuted; every seventh of them was sentenced to administrative arrest more than a hundred times. On the tape you can see the real development of the localization of prostitutes in Minsk. The number of prostitutes arrested in Minsk alone during one night of development ranges about 50-60 of them.

Sex tourism belongs to the category of new topical forms of trafficking in human beings in Belarus. In our country in 2009 and 2010 two citizens of Turkey were arrested, who had been involved in organizing sex tours for their countrymen. A sex tour of three or five days cost 1000 USD. Both were sentenced for seven years of imprisonment. The Turkish procurer got 50 USD from each of the prostitutes who were in his rent. Last year a citizen of Bahrain was arrested for being involved in the same criminal business.

No less urgent is labour exploitation, although it is not that large-scaled. The main vector of the export of citizens - is the Russian Federation. There are also cases of labour exploitation, consummation in Turkey and within the country. That's why the activities related to the employment abroad require licensing.

As I have said before another area of our work is child pornography. 36 crimes of this kind were detected last year. 11 - this year.

In 2009 the participants of an international criminal group, headed by three citizens of Russia were prosecuted for committing coercive depraved actions towards children, made photos and placed them on paid western porn sites. The criminal income reached 350,000 USD per week. According to the information of the Ministry of Internal Affairs their accomplice was arrested in Ukraine. They were arrested in the middle of their operational meeting and planned to expand their activities to Donetsk region in Ukraine. Criminals were sentenced from 3 to 8 years of imprisonment.

On the slide you can see the detention of another paedophile (by the way, father of two children, mother and wife did not even suspect) who engaged in corruption and porn-filming of minor, underage girls in his apartment. This offender sentenced to 10 years of imprisonment.

In Gomel an Israeli citizen of Israel and a local resident were imprisoned for 13.5 years with confiscation of property, and 10 years – respectively for getting boys from disadvantaged families drunk and committing sexual depraved acts towards them.

Another criminal group of five was eliminated last year. The offenders were sentenced to 11-13 years of imprisonment for exploiting underage boys.

In this slide you can see a filming of an arrest of a schizophrenic criminal who really turned his three-room apartment into a concentration camp with iron doors closing from the outside, equipped with video peepholes, and plank-beds in three tiers. He kept files on the children, had a methodological textbook on children's preschool education. Children, who visited it, were again children from poor families or inmates of an orphanage. You see, there was no even wallpaper. In every room, which was closed from the outside, there was a refrigerator with some products, a bucket for toilet and porn-magazines. You see the model of the coffin, where he laid the children and took pictures.

Another direction of our activity is to suppress the activity of organ and tissue transplantation. The work is conducted, and there are obvious results in this direction.

### **Session three:**

#### **National mechanisms to co-ordinate action against trafficking in human beings, including prevention, protection of victims, and prosecution of traffickers**

##### **Introduction by Ms Vera Gracheva**

Co-ordination Advisor, Office of the OSCE Special Representative and  
Co-ordinator for Combating Trafficking in Human Beings (moderator)

Dear colleagues,

I would like to highlight only one issue which is directly related to our today's topic. I mean the indicators of the efficiency of anti-trafficking measures. We do have a well-known set of measures, widely recognized as obligatory for any State that has serious concerns about THB situation and wishes all its measures to bring concrete results in the fight against this crime.

For sure, these measures include, first of all, special anti-trafficking legislation. And in this sense the CIS Model legislation represents an excellent example of how it should be done and how it should be in coherence with the definition and cover all forms of trafficking. Only in this case tangible results become feasible.

Besides, there should be National Action Plans or Federal Programmes, these are live documents that get revised and updated regularly and that are developed with due account of the whole bulk of knowledge and information obtained by the moment of the drafting.

Then, there should be co-operation between state structures and civil society institutions, NGOs (our session is dedicated exactly to this particular aspect of combating modern-day slavery).

Furthermore, there should be well established co-ordination at the national level that remains a very important component for all state structures in this or that way engaged in the fight against THB, in the prosecution of offenders, protection of the victims and prevention of the crime. Human trafficking is so multifaceted, it is so closely linked with other forms of organized crime (corruption, organization of illegal migration, money laundering, crimes against the integrity of a human being, coercion of the victims of trafficking into the activities of terrorist organizations, and so on). These forms are multiple, and there is no agency that is capable to manage the implementation of all these tasks alone, without proper co-ordination with partners in related areas. For example, it is obvious that the Ministry of Interior and Investigative Committees have a significant role in the investigation of the crime and identification of offenders; Ministry of Justice has a major role in the improvement of the legislation and requires co-ordination with other agencies; the victim protection is not feasible without the engagement of the Prosecutor's office; the restoration of health of the victims who suffered from human trafficking and their rehabilitation should be managed by the Ministry of health and social protection; THB for labour exploitation should be tackled jointly the Ministry of Interior, Ministry of Labour and Migration Service; Ministry of Education has its own tasks – if we mean groups of children vulnerable for human trafficking, and so on, and so forth. In other words, agencies that have to participate in the State co-ordinated response are quite multiple. In case they are not united by a joint concept, joint Action Plan and joint co-ordinating structures, their activities will inevitably get fragmented (often one agency is unaware of the activities of the other one in the same field).

Many CIS countries do have established such structures. This is not a panacea, of course, and a lot depends on their composition, sufficient funding, inclusion of civil society institutions (NGOs) and co-operation with them, and adequate attention paid to all forms of trafficking. There are no such things as a separate region with THB for sexual exploitation, another region with THB for forced labour, furthermore, forms of exploitation may be multiple in one and the same case.

If we take the OSCE region as a whole, let me inform you that over 60 per cent of the OSCE participating States have established co-ordinating structures to combat THB. Usually, they resemble a pyramid, having at the top an Inter-agency commission and a Chairperson (at the level of a Vice Prime-minister, Prosecutor General, Minister of Social Protection, Minister of Interior, etc.), its Secretariat, the Head of the Secretariat (National Co-ordinator)<sup>14</sup>, and then it develops into a net of similar structures in the regions. It is impossible to manage this work having just a single centre in the capital, there should a net (for example, such a net has been established for Ombudsmen in Russia). The format of co-ordinating structures may have the shape of a Task Force (this format was applied at the initial stage in the Balkans), it may be composed of a national co-ordinator supported by a working group, etc.. In other words, the format may differ, but it has to meet the goals (for example, elaboration of a national action plan, in case there is none, or co-ordination of its implementation and control; in case there is no National Rapporteur or any other monitoring mechanism, this co-ordinating structure may be also responsible for data collection and analysis; preparation of annual report to the government and Parliament; and elaboration of recommendations targeted to raise the efficiency of anti-trafficking measures in the areas of prosecution, prevention and protection; co-operation with the civil society and due attention to its opinion in the work of the co-ordinating structure; international and regional co-operation).

I would like to underline that we highly assess the CIS Programme of Co-operation – this document not only envisages the establishment of national co-ordinating structures, but goes much further advancing to the promotion of due co-ordination and proposing to consider the establishment of a CIS Bureau of national co-ordinators. This could become an extremely important step forward.

All these documents, the CIS Programme of Co-operation and the OSCE Action Plan to Combat trafficking in Human Beings (as well as other OSCE Ministerial Council Decisions on CTHB), and the CoE Convention on Action against Trafficking in Human Beings (for its Parties), and commitments adopted unanimously, envisage the establishment of national co-ordinators or co-ordinating structures. It means that the international community is one hundred per cent sure about the relevance of this instrument, and that we are on the same page and we speak in one language, and do understand the importance of co-operation. I hope that our speakers of today will share their experience of co-ordination at the national level and that they will not hide existing problems that appear from time to time in their everyday practice. We are here not to report about gross victories. We are here to identify existing problems and jointly look for solutions.

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<sup>14</sup> В зависимости от национального контекста, глава межведомственной комиссии может выполнять функции национального координатора.

### **Presentation by Ms Astrid Ganterer**

Advisor on combating trafficking in human beings, OSCE  
Office for Democratic Institutions and Human Rights (ODIHR)

Ladies and Gentlemen,  
Dear colleagues,

First of all, I would like to express - on behalf of my Office, the Office for Democratic Institutions and Human Rights of the OSCE (ODIHR) – our gratitude for being invited to share good practices and challenges and discuss solutions here with you today at this roundtable on combating trafficking in human beings.

ODIHR has advocated for human rights based anti-trafficking responses since the start of the OSCE's work on anti-trafficking in the late 90s when the trafficking discourse and measures were still very much limited to trafficking for sexual exploitation. Since then participating States have adopted a variety of OSCE commitments on human trafficking. In 2003, the OSCE Action Plan on Combating Trafficking in Human Beings was adopted and most recently the Ministerial Council Decisions on Enhancing Efforts to Combat Trafficking in Human Beings, including for Labour Exploitation, Through a Comprehensive and Proactive Approach (2006), on Combating Trafficking in Human Beings for Labour Exploitation (2007) and on Enhancing Criminal Justice Responses to Trafficking in Human Beings through a Comprehensive Approach (2008).

What is a human rights based response? It is a response – policy or single measure - which at all times respect and protect the human rights of those affected and ensures that their rights are not adversely affected by policies and measures. Within such a human rights based approach ODIHR's Anti-trafficking Programme has always focused on the rights of the victims and those vulnerable to being exploited and trafficked: the sex or labour slaves, the exploited migrant workers – with or without regular residence status or work permit.

Particular vulnerable are those working in unregulated or precarious sectors of work: Agriculture, Construction, the care sector, the sex industry just to name a few. A human rights based also means ensuring that international labour standards are respected and basic workers' rights guaranteed and that access to justice and effective remedies is provided in case exploitation occur – regardless of the nature of the work or the contract or the nationality or the immigration status of the worker.

So where do National Referral Mechanisms come into this equation? What, in the first place, is a National Referral Mechanism? And how can functioning National Referral Mechanisms contribute to effectively preventing human trafficking, protecting the victims and prosecuting the perpetrators?

National Referral Mechanisms are frameworks for co-operation between state actors and civil society that allow for the effective protection of the rights of the victims and, as a consequence, also increase the chances for the successful prosecution of the perpetrators.

Evidence suggests and logic indicates that where trafficked persons are given good reason to come forward to authorities to denounce exploitation in an environment of trust and protection they are far more likely to provide valuable evidence and possibly testimony for the prosecution of their exploiters and traffickers. On the other hand, where little or no protection is offered to trafficked persons – where they fear threats or reprisals from traffickers – where no medical, psychological, social, housing, legal or other necessary assistance is given to stabilize them and initiate their recovery – evidence is not given or withdrawn or not provided in a manner that is useful for the prosecution and all too often cases fail. Governments have recognized this also in the 2008 MC Decision on enhancing criminal justice responses to trafficking in human beings through a comprehensive approach, calling adequate assistance and enhanced victim identification as “prerequisites for an effective criminal justice response, including the prosecution of traffickers: Participating states agreed to ensure that law enforcement agencies and where appropriate the judiciary co-operate with each other and with other bodies including social services and civil society organizations to enhance victim identification.

The Handbook on National Referral Mechanisms, developed by ODIHR in 2004, presents some good practice on how best to achieve identification and protection of trafficked persons. The Handbook sets out certain principles, crucial to the good functioning of a referral mechanism. I want to mention some of these key principles:

Firstly, responses to human trafficking should be developed in a multi-disciplinary forum which crucially should include civil society. The purpose of the multi-disciplinary forum is to prevent a clash between 'repressive' strategies on trafficking – which from experience have been seen to alienate trafficked persons by, for example, using them as witnesses against organized crime without protection or detaining them – and instead include empowering strategies. Trafficked and exploited persons need to be seen and treated as rights holders with entitlements and not treated as receivers of charity, depending on the authorities' or (an NGO's) good will. The promotion of close working relationships with civil society is also a good practice in democratic institution building and in this the development of national referral mechanisms on anti-trafficking may pave the way for closer collaboration between civil society and authorities on other issues.

Secondly, institutionalized co-operation between civil society and particularly law enforcement is of fundamental importance. Given the often irregular status of trafficked persons, this co-operation provides a safety net against what may appear conflicting legal positions. This does, however, not mean that victims should be only assisted if they testify or even pushed to testify or share information with law enforcement or the prosecution. The consent of the individual victim involved and the voluntary nature of the assistance is an essential condition for all human rights based anti-trafficking measures – be it information forwarded to law enforcement, accommodation in shelters and other assistance, including medical examinations, participation in legal proceedings or return. Institutional co-operation means, however, that those victims who wish can benefit from existing co-operation and support.

The NRM Handbook, published by ODIHR, sets out best practices on structures that may be created to facilitate the identification and assistance to trafficked persons and includes recommendations on how to create these structures and ensure protection of the human rights of trafficked persons. An independent institution at the national level, such as a Rapporteur, which collects data on and monitors the implementation of anti-trafficking policies and measures can be helpful to identify gaps and strengths in policy and practice.

Our Office is currently looking at revising the NRM handbook to ensure that structures, actors and approaches reflect lessons learned over the last years and are adequate to address more recent developments, such as the need to develop responses against trafficking for labour exploitation. Our work throughout the OSCE region clearly shows that that current anti-trafficking efforts need to acknowledge the need for action at a more general level, such as the improvement of conditions in workplaces prone to exploitation (and not just identifying individuals exploited within, but also addressing the systemic exploitative work situations). We look forward to working with you and civil society stakeholders from the CIS region on the revision of the Handbook.

When designing and implementing anti-trafficking policies and measures, we should not forget: The key element of human trafficking – in terms of rights violations - is the severe exploitation of the work of a human being. Human trafficking does not require cross-border movement; it can happen within the borders of a country. It can happen to men and women, to nationals and to non-nationals, to migrants with a regular or with an irregular immigration status, it can affect illegal work or legal work. Sometimes this is forgotten both by policy makers and practitioners resulting in inadequate prevention and protection measures.

Even though OSCE commitments and also the Council of Europe Convention on Action against Trafficking in Human Beings clearly mandate a comprehensive, inter-disciplinary and human rights based approach to human trafficking, anti-trafficking action at the national level throughout the OSCE region so far mainly remained focused on criminal justice responses. And often such criminal justice responses are not victim-sensitive and do not provide victims of crime with the treatment they deserve.

A lot still needs to be done throughout the OSCE region, including the CIS, to establish victim sensitive justice systems in line with the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (adopted by the UN GA in 1985) which outlines that: Victims should be treated with compassion and respect for their dignity; are entitled to access to the mechanisms of justice and to prompt redress for the harm suffered; and that judicial and administrative mechanisms should be established/strengthened to obtain redress through formal or informal procedures that are expeditious, fair, inexpensive and accessible.

The focus on criminal justice responses in practice often also means that victim assistance is very limited, conditional and short-term assistance measures and often no preventive measures, targeting systemic and structural labour market or migration issues, at all. Effective criminal justice responses to human trafficking are of fundamental importance in the fight against human trafficking (also with a view to their deterrent impact), but they are not sufficient and cannot be the only measures taken. Practice shows – not just on the issue of human trafficking – that criminal justice responses alone are not able to solve the problem of human trafficking. When efforts are only focused on crime detection and immigration control, many victims are overlooked by state authorities and not identified and that there is a real risk of failing to tackle exploitation. The reality of very few victims identified, even fewer assisted and compensated, and very few convictions of human traffickers indicate a need to re-think and to broaden anti-trafficking policies and responses.

Supporting access to rights and remedies, including to compensation, has been one of the priorities of ODIHR's Anti-Trafficking Programme since 2006. In 2008 we published a study on *Compensation for Trafficked and Exploited Persons in the OSCE Region*, highlighting the international standards on compensation and the key barriers, in law and practice, that trafficked persons face in accessing justice and, in particular, obtaining compensation for material and moral damages they suffered. We are very glad to see that now, nearly four years later, trafficked and exploited persons' access to compensation is more present on the agendas of participating States. Providing effective access to compensation for trafficked persons means treating them as rights' holders and enabling them to claim compensation through a variety of mechanisms – criminal, civil and labour law proceedings as well as state compensation funds and mediation. Unfortunately data and work across the OSCE region show that trafficked persons' access to compensation is far from being a reality. It will be interest to discuss what the main challenges and gaps are in the CIS in this context and how they can be addressed.

Before I conclude, I would like to draw your attention to the upcoming Human Dimension Seminar on the Rule of Law Framework for Combating Trafficking in Human Beings, which is planned from 14 to 16 May in Warsaw and at which we hope many of you will be able to participate to share your expertise and lessons learned with the rest of the OSCE region. The discussions and findings of this regional roundtable will be very valuable for the Human Dimension Seminar. Hopefully the agenda will be approved by participating States tomorrow and preparations can start with full energy.

To conclude, our Office believes that, if implemented in the spirit of its founders, the concept of National Referral Mechanism represents the core values developed within the OSCE: human security based on democratic systems, the respect of human rights and the rule of law. We are pleased that in our advisory role as the ODIHR we can support the implementation of these commitments in the CIS region.

I look forward to questions and an active discussion.



### **Presentation by Mr David Tumasyan**

Anti-Trafficking Legal Expert, member of the Legal Sub-Group of the  
Inter-Institutional Working Group on Combating Trafficking in Human Beings  
Human Trafficking or Exploitation: Armenian Legislation and its Enforcement

Under Armenian law, THB is defined in Article 132(1) of the Criminal Code (CC) as: "... recruitment, transportation, transfer, harbouring or receipt of a person for the purpose of exploitation, as well as exploitation of a person or putting or keeping him or her in a condition of exploitation, by means of the threat or use of force not dangerous for life or health or other forms of coercion, of abduction, of fraud, of deception/abuse of trust, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person ...". Exploitation means exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

The following terminology is introduced into the law:

- ▶ Recruitment, i.e. selection of people, search for candidates, campaign, making a list of those who wish (potential victims), etc.;
- ▶ Transportation, i.e. movement of a person from one place to another by any means of transport (not necessarily by crossing the state border);
- ▶ Transfer, i.e. handover of a person to another person, mainly to their exploiters;
- ▶ Harbouring, i.e. concealment of a person in any place or premises;
- ▶ Receipt of a person, i.e. reception of a person from the transferor;
- ▶ Recruitment, transfer, concealing or receiving of children or persons deprived of the capacity to understand the nature and meaning of their deeds due to mental disorder, for the purpose of exploitation.

Aggravating circumstances envisage that the same acts were carried out:

- ▶ 1) towards two or more people;
- ▶ 2) on preliminary agreement by a group of people;
- ▶ 3) by using official position;
- ▶ 4) by using violence or by its threat;
- ▶ 5) by kidnapping;
- ▶ 6) towards an obviously pregnant woman;
- ▶ 7) by organizing transfer of people through RA border.

Also belong to the aggravated circumstances the acts allotted in the first or second Parts of this Article, which

- ▶ 1) were implemented by an organized group;
- ▶ 2) carelessly resulted in the death of the victim or other hard consequences.

The legislation has the following regulations regarding the punishment for human trafficking:

- ▶ Human Trafficking or Exploitation is punished with imprisonment for a term of 5 to 14 years, with or without confiscation of the property, with or without deprivation of the right to hold certain posts for a maximum of 3 year period;
- ▶ Child Trafficking is punished with imprisonment for a term from 7 to 15 years, with or without confiscation, with or without deprivation of the right to hold certain posts for a maximum of 3 year period;

The legislation criminalised also:

- ▶ Use of Services of a person in a state of exploitation;

- ▶ Use of services of a person in a state of exploitation if the state of exploitation is obvious for the service user and if there are no features of crime allotted in Articles 132 and 132.1 of the Criminal Code.

Aggravating circumstances include acts committed:

- 1) against an obviously under-age;
- 2) against a person deprived of the capacity to understand the nature and meaning of his/her deeds due to mental disorder;
- 3) against an obviously pregnant woman;
- 4) against two or more people.

The legislation envisages certain exceptions (Article 132 of the Criminal Code). The person who has suffered from crimes under Articles 132 and 132.2 of the RA Criminal Code shall be exempt from criminal responsibility for crimes of not major or medium gravity in which the person was compelled in the process of trafficking or exploitation and committed under force.

Another exception (Article 132.3 of the Criminal Code) is applicable to a person who has voluntarily provided information about the victim to the law enforcement bodies. In this case the person concerned shall be exempt from criminal responsibility if his/her actions do not involve any other crime.

In November 2008 the Government adopted a decision establishing a National Referral Mechanism, composed of the following competent authorities: Ministry of Labour and Social Issues; Ministry of Foreign Affairs; Ministry of Territorial Administration; Ministry of Health; Police (which is responsible to combat the crime of human trafficking); National Security Service; Ministry of Labour and Social Issues (which co-ordinates provision of assistance to the victims of human trafficking).

The main areas of the NRM's activities include:

- ▶ Receipt and transfer of information about the victim of human trafficking and human trafficking crime;
- ▶ Victim identification;
- ▶ Victim referral;
- ▶ Provision of assistance.

In 2011 we have revealed 5 criminal cases (7 victims):

- ▶ Destination countries: Turkey, Russia

The total number of pre-trial criminal cases for 2011 is as follows:

- ▶ 14 cases (13 victims), destination countries: Turkey, UAE, Russia, Armenia.

Practical problems include the following:

- ▶ absence of some mechanisms for protection of victims of human trafficking;
- ▶ lack of a mechanism to provide free legal aid (attorney) for trafficking victims (is provided by NGOs);
- ▶ lack of compensation of moral damages under current law;
- ▶ lack of state fund/compensation for damage caused to the victims of human trafficking.

Number of victims under Articles 132 and 132.1 of the CC on pre-trial cases:

- ▶ Number of victims – 13 (12 women);
- ▶ Child victims – 6;
- ▶ The total number of victims on the cases pending in court proceedings - 53.

The procedure of the proceedings of criminal cases according to Articles 132, 132.2 and 132.3 of the CC envisages: receipt of information and its verification (by Human Trafficking Unit of the Main Department of Fight Against Organized Crime of the Police of RA); institution of an action and conduct of legal proceedings (by Main Investigation Department of the Police of RA); control (by Department of the Prosecutor's General Office on Control over the Crimes against Human Beings); examination of a case. Then the case is presented to the court of first instance (general jurisdiction), and the case may be transferred to the Court of Appeals and Court of Cassation.

### **Presentation by Mr Zhakip Asanov**

Member of the Committee for Legislative Issues and Judicial Reform of the Mazhilis (Lower chamber of the Parliament) of the Republic of Kazakhstan

Dear participants,

In Kazakhstan, an inter-departmental commission on trafficking in human beings has been established under the auspices of the Government. The operating body of this Commission is the Ministry of Justice. Moreover, local Commissions have been set up in eight regions. In all Commissions both State authorities, NGOs and international organisations are represented.

Activities of the Government are being co-ordinated by inter-departmental action plans, which are being adopted every two years. Within the framework of these action plans, regular trainings for law enforcement and judiciary are being conducted, information and agitation materials are being distributed among young people, actions are being undertaken in order to improve the legislation, maintain co-operation with NGOs, strengthen preventive measures taken by law enforcement, oversee tourist agencies, employment agencies, marriage agencies and agencies organising education abroad. Three governmental action plans have already been implemented, the fourth one, covering 2012-2014 is currently being prepared.

Following the recommendations from the inter-departmental commission, Kazakhstan has ratified a number of international conventions in the area of counteracting trafficking in human beings. In particular, I would like to mention the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children to the UN Convention against Transnational Organised Crime. This Protocol was ratified in 2008, as well as some other conventions, which are probably unnecessary to mention.

In 2006, following the recommendations from the commission, criminal responsibility for trafficking in human beings and trafficking in children was introduced into the Criminal Code. The Code of Administrative Violations has been amended so as to exempt victims of such crimes from deportation regulations. As a result of further amendments, criminal responsibility has also been introduced for the sale and purchase of children, and the removal of organs and tissues. Moreover, the term 'exploitation', which is a qualifying element of the trafficking offence, has been included and defined in the Criminal Code.

Thanks to the adopted legislative measures, trafficking in human beings, including trafficking in children, is considered an especially grave crime/felony and is punished with a sentence of 5 to 15 years of custody. We are in permanent contact with the NGOs, International Organisation for Migration, OSCE Centre in Astana, U.S. embassy. Particularly, I would like to thank the U.S. embassy in Kazakhstan for taking care of all the organisational matters concerning our participation in this event.

Data from the Committee of legal statistics at the General Prosecutor's office demonstrates increased efforts of law enforcement based on the new identification and investigation methods as well as their close co-operation with NGOs where victims often turn for assistance in the first place. In 2009, 36 cases of human trafficking have been identified on our country, however, in 2010 the number increased to 39 and in 2011 to 46. Moreover, you have to bear in mind that over the last two years more than 500 persons have been held criminally liable for deprivation of freedom, enticing into prostitution, pimping and kidnapping. Discussions are now on-going regarding the participation of the state in the rehabilitation of the victims. Draft national standards for victim assistance provision and crisis centres have been developed. These will apply to people who have suffered violence. According to the Law on special social services such persons have the right to receive such services free of charge (covered by public funds).

Following the recommendations from the Commission, the process of ratification of the Hague Convention on the Civil Aspects of International Child Abduction has been initiated. Proposal for a new bill of law stipulating the necessary amendments to the legislation with the aim of improved identification and investigation of such crimes is now being drafted. In particular, article 133 of the Criminal code "Trafficking in children" will be complemented by a qualifying component: when someone knowingly conducts an offence against a pregnant minor. In addition, we would like to complement the Law on advocacy with a provision on pro bono legal counselling for the victims of trafficking immediately upon their report has been presented to the law enforcement.

Within the law enforcement and prosecution agencies, special divisions have been set up focusing on the prevention and investigation of such crimes. Additional teaching hours have been allocated in educational institutions to inform about the respect for human rights and fundamental freedoms and the protection thereof. Law enforcement agencies, in co-operation with educational institutions and with participation of the judiciary and NGOs, organise yearly information campaigns targeting young people within the framework of the yearly regional event “Children in the city by night”.

Specifically I would like to mention that the Ministry of Foreign Affairs has created a special budget line in order to render financial assistance to the Kazakh citizens abroad through local diplomatic representations. This will concern persons who have become victims of human trafficking and other criminal activities abroad, or those who are in a situation of force majeure. Last year, 22 Kazakh citizens have been provided assistance within this programme. Systematic professional training for law enforcement, migration services, and prosecution has been provided covering identification, prevention, suppression and clearance of crime related to human trafficking.

Since 2008, a specialised training centre for staff professional development with focus on illegal migration and trafficking in human beings has been operating at the Academy of the Ministry of the Interior in Karaganda. International experts and partners are invited to contribute to the learning process. Granting the status of a Central Asian training centre to the education facility in Karaganda is now being considered.

Bilateral legal framework is also being expanded. The Kazakh government has signed bilateral intergovernmental agreements on the fight against organised crime, including human trafficking, with 15 states. On the 10 December 2010, the CIS Council of the Heads of State adopted a joint programme. A number of activities mentioned in the programme are also included in the national programme 2012-2014, which, as mentioned before, is currently under deliberation.

Prosecution and law enforcement authorities are carrying out regular special operations, such as “Stop traffic” and “Illegal migrant”, in order to disclose criminal activities related to human trafficking, e.g. transit channels.

In 2010, a public social service commissioning has been issued and a project “Monitoring of the development of secondary social services for the victims of domestic violence and trafficking in human beings, and supporting existing crisis centres” has been developed by the Ministry of Culture and Information in co-operation with the Union of crisis centres of Kazakhstan. Each year, currently third year in a row, certain budgetary resources are earmarked for the implementation of social projects, such as videos, educational seminars for state officials and support to the crisis centre for the victims of human trafficking in Astana focusing on medical and legal assistance as well as provision of temporary accommodation.

This centre provided assistance to 40 victims in 2010 and 58 in 2011. Similar centres operate in Alma-Ata and Kokshetau, resourced by means from international grants. Specialised crisis counselling helplines have been launched by the Union of crisis centres of Kazakhstan with support of the IOM and the Ministry of the Interior, and by the Public Legal Fund with support from the Ministry of Justice. The helpline is state-funded.

## **Presentation by Ms Olga Pristanskaya**

Head of Department for Supporting Activities of the Children's Commissioner  
for the President of the Russian Federation

Dear organisers and participants,

Trafficking in children is a particularly distressing issue, which obviously requires an inter-disciplinary inter-departmental approach, specific methods, specialised authorities and services, specialised professional training for state officials and public service providers responsible for addressing the issue. Trafficking in children also requires complementary legislative and structural guarantees of assistance provision and respect to the rights of the child victims.

To date, there is no specialised agency in the Russian Federation focusing on the implementation of integrated activities against trafficking in children. However, there are around 19 federal public bodies as well as more than a hundred regional bodies, which, according to the responsibilities vested in them and their mandate, conduct certain activities aimed at counteracting trafficking in human beings, providing assistance to the child victims of trafficking and protecting their rights.

Unfortunately, activities of such a great number of public authorities and services are not always being successfully co-ordinated and integrated. Serious efforts are being undertaken by the state in order to overcome this situation. First of all, a governmental commission for the issues of minors and the protection of their rights has been set up and is now operational. The scope of the commission's function includes co-ordination of activities between all the authorities responsible for the prevention of child neglect and abandonment as well child delinquency.

Furthermore, over two years ago, a relatively new type of institution in the structural context of the Russian Federation has been established: the Children's Commissioner for the President of the Russian Federation. Since then, this new institution has successfully found its functional niche and its place in the system of combating trafficking in children and the protection of the rights of child victims. By now, the institute of Children's Commissioners has become self-reliant, independent of other authorities' agendas, carrying out a socially essential task of providing direction and co-ordination to all the stakeholders in the system of child protection. This institution provides a link between the state and the civil society. In 2010-2011, Federal Children's Commissioner was chairing an Inter-departmental commission for the co-ordination of activities in the sphere of child rights protection. The mandate of the commission included the issues concerning missing and exploited children, reaching out to children at risk, prevention of child neglect and abandonment and other challenges. These are all significant factors increasing the risk of victimisation and vulnerability of children at risk to trafficking.

At the initiative of the Federal Children's Commissioner, an Inter-departmental working group has been set up in order to develop a national strategy and a national action plan protecting the interest of families and children in the Russian Federation until 2020. Another working group that has been created to drafting the Target programme "Russia without orphans", that will include four special sections with a strong preventive potential and will address children's risk of victimisation. A special team of professionals within the office of the Federal Children's Commissioner is monitoring crimes committed against adopted children, including children in international adoption when the family is residing abroad. All these initiatives are serving, among other issues, the goal of protecting children from such a hideous crime as trafficking in human beings.

Regional children's ombudsmen are actively and substantially contributing to this work. Their primary responsibility is to maintain independent monitoring of state authorities', officials' and local governments' practices with regard to their respect to the rights of the child. In addition, they contribute actively to the development of various regional prevention programmes and the setting up of innovative institutions and mechanisms. For example, the new practice of appointing school ombudsmen (who are also referred to as commissioners for the protection of the rights of learners) has been spreading fast across the regions. Furthermore, the institute of ombudsman in children's residential institutions is also developing. Upon instruction of the President of the Russian Federation, boards of guardians have been established in almost all of the children's residential institutions across the country. A draft law "On the public monitoring of the protection of the rights of child orphans and children without parental care" has been introduced by the President of the Russian Federation to the State Duma. The law has been approved in the first reading and includes a provision to set up special public monitoring commissions to oversee how the rights of children without parental care are being respected. It is known for a fact that these children are often exploited sexually and economically or forced into criminal activities, including luring them into illicit traffic in narcotic drugs and psychotropic substances; they can also fall victim to human trafficking.

Therefore we expect that the adoption and entry into force of the above-mentioned law will also render a preventive effect when it comes to trafficking in children.

Under the auspices of the Federal Children's Commissioner, an advisory body has been set up, which is tasked with reviewing, collating and disseminating best regional practices focused on children at risk, including children that are victims of serious crime such as trafficking.

A unified data base has been created at the office of the Federal Children's Commissioner. This is an information hub which allows to collect, regularly update, systemise and analyse data according to more than 300 indicators in each of the 83 regions of the Russian Federation. Those indicators include, for example, the types of crimes committed against children, and enable analysis of the cohort of the victimised children. This is the kind of data, which is often missing in the official statistics.

The Commissioner contributes actively to the international efforts on the improvement of legislative mechanisms to protect child victims of trafficking, utilising the associated membership in the European Network of Ombudsmen for Children (ENOC), the Russian representation to the Council of Europe on child protection and the elimination of all forms of violence against children, and the Russian national co-ordinator on child trafficking within the Council of the Baltic Sea States (CBSS). Starting from July this year, Russian Federation will take over the Presidency of the CBSS. The Commissioner, as a national co-ordinator, will play a very important role and participate in the work of the Expert Group for the Co-operation on Children at Risk. A national contact point has also been identified within the Commissioner's Office. CBSS is dealing with children most vulnerable to trafficking, including child beggars and children in need.

The last point I would like to make is the active contribution of the Commissioner to the improvement of the national legislation. We all know that up until recently Russia belonged to the countries with the most "liberal" law against sexual exploitation of children in the world. However, during the last years, a major advancement, even a breakthrough has been achieved in a number of areas.

Since 2009, a series of amendments have been introduced into the Criminal Code aiming to raise criminal liability for sexual crimes and crimes against public morality, including those associated with human trafficking. Last amendments have been introduced in February 2012. Federal law "On the introduction of amendments to the Criminal Code with the aim to raise liability for sexual crimes committed against minors" has been adopted and all the amendments were therewith enforced and included into the General part of the Criminal Code. If any such crime against a minor is committed by a parent, teacher or another person who is responsible for the child's upbringing, welfare and care, this is considered an aggravating circumstance leading to a greater punishment.

Moreover, it is forbidden to issue a conditional sentence to anyone convicted for a crime against sexual integrity of a minor under 14 years old.

The duration of served sentence, after which the convict is allowed to request release on parole, has been extended.

The clause on whether the accused was aware of the fact that (s)he is committing the crime against an underage person has been removed from the list of constituent elements of all crimes committed against minors. In the past, this used to be a loophole impeding the investigation and judiciary practice as well as allowing the accused to avoid liability. This is an important amendment, which we have been fighting for since 2001.

Rape, violent or non-violent sexual act (in case of recidivism) against a minor under the age of 14 can now be punished with a life sentence.

If a crime is committed against the sexual integrity of a child under 12 years old, the law unconditionally acknowledges that the victim was helpless. This means that any sexual assault against such children will be classified as a violent crime and punished accordingly.

In conclusion, another important amendment directly connected to the trafficking in children. Definition of crimes related to child pornography will now include a new qualifying criteria taking into consideration whether the crime was committed with the help of mass media, public ICT networks, the Internet or mobile communication technologies. Four new definitions of a crime have been introduced: publicly disseminating or advertising pornographic materials among minors (we didn't have this particular definition before); involving minors in the dissemination of child pornography; photo or video recording of a minor with the aim to produce or disseminate pornographic materials or objects; involving a minor as a performer in an entertainment show of a pornographic nature. Significant sentences (including deprivation of liberty) are foreseen for these four crimes: for the two latter crimes one can be convicted to 8 – 15 years custody without the right to have any occupation where contacts with children are implied for up to 20 years. This is the highest penalty that has been introduced.

There is still room for improvement in the legislation. Still, there is no liability for the possession of child pornography without any intention to disseminate. The definition of child pornography is also lacking, even though the relevant draft law has been developed back in 2001 and has also passed through all the necessary examination procedures in the State Duma. We hope that this law will soon be enforced.

**Presentation by Ms Lidia Drozdova**  
Deputy Minister of Social Policy of Ukraine

Dear colleagues,  
Dear participants of the Round Table,

Availing myself of this opportunity I would like to express my gratitude to organizers of this event for inviting Ukrainian delegation to participate in the round table on combating trafficking in human beings (THB).

Combating trafficking in human beings is a pressing and serious issue of nowadays. Ukraine is a source, transit and, to a lesser extent, destination country for men, women and children, subjected to forced labour and sex trafficking.

The slide with the data of the Ministry of Interior may familiarize you with the information on identification of crimes in this sphere in Ukraine. The next slide represents statistics on the quantity of victims of THB for the period of 2004-2011. During the mentioned period the number of victims increased from 626 to 814 in 2011.

It also includes information on the implementation of international commitments in the sphere of combating THB undertaken by Ukraine, namely: United Nations Convention against Transnational Organized Crime and the Protocols Thereto, ratified by Ukraine in February 2004; Agreement on the Co-operation of the CIS Member States in Combating Trafficking in Persons, Human Organs and Tissues as of November 2005; Council of Europe Convention on Action against Trafficking in Human Beings, ratified by Ukraine in September 2010.

On 20 September 2011 the Law of Ukraine "On Combating Trafficking in Human Beings" was adopted. It sets up organizational and legal framework for combating THB, securing gender equality, fundamental directions of state policy and principles of international co-operation in this sphere, powers of the executive bodies, procedures for granting status of victim of trafficking and provision of assistance to such persons. Fundamental provisions of the Law cover complex of measures, specifying prevention of and fighting against THB as well as provision of assistance to victims. The Law stipulates that a person, suffered from THB, shall get a special status that allows him/her to receive free primary medical, psychological and legal assistance, support at all stages of criminal procedure, assistance in job search and in getting education, professional training, temporary shelter as well as one-time financial aid.

For the implementation of the Law "On Combating Trafficking in Human Beings" the Ministry of Social Policy of Ukraine will develop a set of legal acts. Primary task for the implementation of the Law was the designation of the National Co-ordinator in the sphere of combating THB. Hence in January 2012 the Cabinet of Ministers of Ukraine issued a decision on National Co-ordinator in the sphere of combating THB. The Ministry of Social Policy of Ukraine was appointed as the Co-ordinator.

In March 2012 the Cabinet of Ministers of Ukraine issued a decision on adoption of State Targeted Social Programme against Human Trafficking for the Period until 2015. The Programme budget amounts to 7 million 393 thousand UAH (950 000 USD). According to the Programme a range of measures will take place in Ukraine by 2015 with the aim to improve national legislation in the sphere of combating THB, to introduce a system to monitor the activities of agencies working in the sphere of combating THB, to conduct new researches on challenges and trends in this sphere, to ensure further training of specialists from law enforcement agencies, social services providers, to raise public awareness regarding modern manifestations of THB, to conduct information and education activities regarding employment and other issues.

The Ministry has also developed a draft decree on the procedure of granting status of THB victim. Granting status of THB victim enables a person to receive free medical, psychological, social, legal and other types of assistance in Ukraine.

Draft decree on national referral mechanism, which was also developed, is currently at the final stage of negotiations with the stakeholders from central executive bodies.



The Ministry also co-ordinates the activity of central and local agencies of executive power, local authorities on implementation of the mechanism. According to the draft, a person identified as a trafficking victim may address or be referred to local administration by any anti-THB agency. The agencies are to provide assistance to victims of trafficking irrespective of their age, sex, citizenship, presence of identity documents, registration, address to law enforcement agencies, participation in the criminal proceedings or any other factors. Local state administration assesses trafficked persons' needs and prepares a rehabilitation plan.

In addition, a draft decree of the Cabinet of Ministers on the procedure of payment of one-time financial aid to victims of trafficking has been developed. The procedure of draft internal approval is also at its final stage and the document is being prepared for submission to the Government. Financial aid is to be paid to citizens of Ukraine, residents of Ukraine, foreigners, persons without citizenship resettled from other states to Ukraine for permanent residence and persons possessing the refugee status in Ukraine who were provided the status of victims of human trafficking respectfully. Scope of financial aid is subject to financial condition of the family of a trafficked victim and shall equal to difference between state living wage and average income of the victim's family. Aid for particular categories – disabled and low-income persons, persons having no family – shall be equal to living wage (around 150 USD).

In Ukraine, NGOs and international organizations are involved in the implementation of a range of tasks in the sphere of providing assistance and protection of victims of trafficking.

In 2009-2011, the OSCE Project Co-ordinator in Ukraine (OSCE PCU) supported the implementation of a pilot project on the development of national referral mechanism for victims of trafficking in Ukraine in two regions: Donetsk and Chernivtsi. The project allowed obtaining experience for further development of supplementary legislation for the implementation of the Law of Ukraine "On Combating Trafficking in Human Beings".

International Organization for Migration (IOM) also renders considerable assistance to Ukraine in the sphere of combating THB. The IOM medical rehabilitation centre has been working since 2002. It's one-of-a-kind institution in Ukraine where comprehensive medical care and psychological assistance is provided on free of charge, secure and confidential basis. Two thousand trafficking victims have been assisted in this centre.

During 2007-2010, the Government in co-operation with IOM and the OSCE PCU conducted: 28 seminars on co-ordination of work of regional executive authorities in the sphere of combating THB, peculiarities of preventive and integration work; 263 trainings on combating THB for civil servants, trainers, psychologists, precinct police inspectors, prosecutors, representatives of NGOs and mass media; 19 round tables on children Internet safety, governmental measures on combating THB (including child trafficking), eradication of all forms of child labour, policy analysis in the sphere of labour migration, national legislation and international standards.

As a conclusion I would like to mention that the area of combating trafficking in human beings stays under special state control in Ukraine and the development and adoption of legislation, crucial for the practical work in this sphere, is at the final stage.

We are open to interagency co-operation, dialogue between OSCE participating states and exchange of experience in the sphere of combating human trafficking.

Thank you for your attention.

## **Intervention by Mr Dmitry Babin**

### **IOM Moscow Office**

Once again I would like to thank you for the opportunity to be present at this important forum. In addition, I would like to thank the speakers for their demonstrated appreciation of the work done by the IOM especially concerning the development of a constructive multi-level dialogue with the regional international organisations on the territory of the CIS as well as with the Russian competent authorities engaged in combating trafficking in human beings and providing assistance to the victims of this crime.

In the future we are planning to further develop our co-operation. We reconfirm our present commitment to this dialogue and co-operation, including with the regional international organisations focused on law enforcement (here I am talking about the competent statute bodies as well as line co-operation authorities of the CIS, as well as other regional organisations such as Collective Security Treaty Organisation and Eurasian Economic Community).

The IOM Bureau in Moscow has started this co-operation, including project implementation, in 2006. I would like to underline the significance of the first CIS Programme of co-operation on the fight against trafficking in persons 2007-2010 for us. We have specifically shaped our activities and projects in such a way as to assist the CIS member states in the implementation of the actions foreseen in this Programme.

Our co-operation is founded on the international agreements signed by the IOM and the competent specialised co-operation bodies of the CIS. Here I'd like to mention the Memorandum of understanding and co-operation with the CIS Executive Committee, the statutory CIS body. Besides, we have more recently signed a Memorandum of understanding and co-operation with the Council of the Border Troop Commanders. We also have signed Memoranda and Co-operation protocols with the Collective Security Treaty Organisation and the Eurasian Economic Community.

Our co-operation is firmly based on this legal foundation and, as it seems, is successfully developing. This is evidenced by the high appreciation of our work that has been demonstrated here. We put a lot of effort into reacting immediately to all suggestions concerning project implementation and assistance to the activities of the specialised co-operation bodies of the CIS.

No less important is to develop co-operation with the Russian competent authorities. This co-operation is also progressing successfully, and we will carry on this work.

In this context I would like to draw your attention to the new Programme of co-operation on the fight against trafficking in persons 2014-2018 that is currently being drafted, as mentioned by Mr Vinokurov.

Taking into consideration the challenge of definitions, also pointed out by Mr Vinokurov, in my opinion, it would be appropriate to assess the possibility to include special provisions in the new document that would clarify the definitions of crime associated with trafficking in human beings. This would be very helpful in the context of data gathering and information exchange, joint project implementation, joint operations, as well as establishing mutually accepted formats of co-ordination. In particular, CIS agreement on the fight against trafficking is already in place. Moreover, similar agreements have been signed by the line authorities, such as the Prosecutors General and the Ministries of the Interior. However, not all the member states have signed those agreements. In order for the number of states acceding to the agreements to increase, and for all the member states to sign the next Programme of co-operation, it is necessary that the Programme contains clear and acceptable definitions of crime and clarifications of what exactly is meant by trafficking in human beings. Certainly, this is beyond our mandate and can only be viewed as an idea for discussion by the persons drafting the next Programme.

Furthermore, I would like to remind you that on 6 April 2012, CIS Council of the Ministers of Foreign Affairs decided to establish the Council of Heads of Financial Intelligence Units. In our opinion, disrupting the economic foundation of trafficking in human beings is the most effective mechanism to combat this crime.

I would appreciate clarification on whether the CIS Council of Heads of Financial Intelligence Units will become one of the implementing parties of the new Programme 2014-2018. From our side, we have put a lot of effort (our OSCE colleagues can confirm) into developing the necessary methodologies focusing on the need to conduct investigations of money laundering in relation to assets incurred from trafficking. We would be able to continue our support to such activities, including support to the Council of Heads of Financial Intelligence Units.

**Intervention by Mr Vladimir Ovchinsky**  
expert of the Public Chamber of the Russian Federation<sup>15</sup>

Dear Colleagues, we have today discussed a whole range of professional challenges both in the area of legislation and organisation. I would like to draw your attention to another matter – the social dimension, the world we live in – and to look ahead into what is to be expected concerning trafficking in human beings in the nearest future.

When does the problem of human trafficking manifest itself, when is the trafficking on the rise? This happens when social inequality, social divide, growing number of people living in poverty are forced to sell themselves, their bodies and souls, in order to survive and help their loved ones to survive. Are there any tendencies in the world towards diminishing social divide and social exclusion? I believe, there are no such tendencies.

If we look at the prognoses done by the leading world economists such as Joseph Stiglitz, Roubini, Krugman, Jeffrey Sachs, all of them, with high level of certainty, are expecting the second wave of the world economic and financial crisis. This will only lead to an increased inequality, serious economic and financial challenges, and will push a lot of people into selling themselves, as well as create another category of people ready to sell others.

At the same time, how does the world look like today? The whole geostrategic map is changing, this is especially relevant to the so called Arab spring revolutions which have uprooted huge numbers of people. Migration processes have become pathological and impossible to control. Everything started with the revolution in Tunisia, when the flow of migrants swept through Europe. Since it is Europe that is organising our event, we need to understand that already at the beginning of past century Europe was not able to cope with illegal migration.

We cannot separate trafficking in human beings from the challenge of migration, especially illegal migration, this is a single process. We have many times mentioned the Programme of co-operation on the fight against trafficking in persons, adopted on the transnational level, however no one mentioned a similar programme on combating illegal migration. These two documents cannot be separated, they go hand in hand, we have to analyse both of them as well as all other documents focused in trafficking in human beings and illegal migration.

Europe is in crisis. It is impossible to predict its consequences. Greece is just one country where default has already taken place. According to the leading economists, Portugal, Spain and other countries stand next on the list. It is completely unclear, whether the European Union or the European Monetary Union will even exist in five years. All of this will have a direct impact on both illegal migration and trafficking in human beings.

Therefore, when we are developing these Programmes, when we talk about the legislation, we also should look ahead. We need to stop talking as if we would be sitting on the Moon in an empty space and nothing would ever be changing. The world is changing rapidly. 2011 is already different from 2010. Nobody knows what is to expect towards the end of this year. In Russia, we don't know, and you in your own home countries don't know either. Orange revolutions come out of nothing, political regime changes become a matter of two or three days, followed by new migration and trafficking flows. Recently we have seen what has happened in Kyrgyzstan. The number of Kyrgyz citizens entering Russia illegally has gone up. And this was completely unexpected.

We have to analyse and make projections. The European community, CIS community has to engage more into analysis and bring together the legislative challenges with the current economic and political issues. If we don't do this, we will always remain at the tail end, we will not be able to catch up with the reality, we will be left behind, always too late.

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<sup>15</sup> In June 2012, Vladimir Ovchinsky was appointed Adviser of the Minister of the Interior and Head of Working Group on Police Reform.

Let's be honest. Mr Vinokurov has rightfully mentioned today that the decrease in the identification of trafficking cases which is currently being registered in the CIS is telling us that all the paper piles, model laws, programmes and agreements are only covering up our reluctance to do anything. The system is paralysed in many countries. In Russia this is certainly the case. When I am abroad I never scold my country and avoid mentioning the downsides. However, now I am in St. Petersburg, my home city, and I can allow myself to be straight. We don't have a specialised anti-trafficking law, despite Russian experts taking a very active part in the development of the CIS model anti-trafficking legislation. There is no co-ordinating body. Russia has not ratified the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, or the UN CRC Optional protocol on Sale of Children, Child Prostitution and Child Pornography. When all the illegal migration and trafficking flows are practically controlled by mafia, Russia, as the only country in the former Soviet Union, demolished the unit specialised on combating organised crime in 2008. It only took 24 hours to get rid of the unit, best staff members were thrown out, investigation reports were destroyed, including those on organised crime groups and gangs engaged in trafficking. As a result, the number of identified crimes directly associated with human trafficking went down by several times during the last four years. Several times! Of course, there are regions, where operative work has been more successful, court cases are being initiated, and organised crime groups identified, however, the systematic approach is gone. We need to build up the system from scratch.

This is why I recommend other countries not to follow our path, not to demolish special units focusing on this crime, especially in the context of the approaching social disaster.

Thank you for your attention.

### **Intervention by Ms Maya Rusakova**

Director of NGO "Stellit"

Dear colleagues,

I would like to mention three issues that, I believe, are important.

Firstly, I fully agree with the speaker that the indicators of a decrease are highly problematic, they do not reflect the real situation. Let's take a look at our centre, a very good one, providing assistance to the children in a difficult life situation – Saint-Petersburg Centre "Transit", a centre for all children found and identified in Saint Petersburg – non-residents of this city. Among them, we have many children who may be identified as a victim of trafficking. But they do not have this status. We know why it happens. And we can't do anything, though the Centre as such is excellent, it provides rehabilitation for all children without any discrimination, medical, social and other assistance. The children are included in all relevant programmes.

Secondly, the problem of the rehabilitation of the victims. Our organization is focussing on children, therefore I will highlight this category. Currently, only a few experts working in such centres, do know how to treat a victim of trafficking, and what to do with a child victim. There is a huge vacuum in this field, and it has to be filled urgently. We have to train officials for various state centres how to identify a victim of THB, children-victims of commercial sexual exploitation, their rehabilitation and integration back into the society which is also a challenge. Otherwise, those minors who are provided with some minimal assistance and support, will upon 18 join the rows of prostitutes and drug addicts, of migrants and victims of labour exploitation. This is a vicious circle.

And the third issue – it is the insufficient usage of the Internet for the prevention of THB and for the identification of children at risk. If you just look at social nets and see the content of discussion there, you will see also how efficient is the recruitment, how the payment is made, how it is all arranged. You don't need to have special skills to see it all.

This is why today we need to be present on the Internet – I mean, "we" – NGOs, police, state structures, to use this space for investigation, for prevention, for identification of persons at risk and for anti-trafficking measures.

Thank you for your attention.

### **Intervention by Ms Natalia Zaibert**

#### **Saint Petersburg Bureau of Russian Red Cross Society**

Our Bureau, in the course of the last three years, is providing information on migration through its Inform-consulting Centre on migration legislation and combating human trafficking. The activities of the Centre from the very start were supported by the IOM-Moscow Office, and this co-operation is developing further.

Inform-consulting Centre provides informative and consultative legal assistance for free for foreigners residing in the Russian Federation, for vulnerable Russian nationals, through the hot-line. In our work we try to use the referral mechanism aiming at providing assistance to the trafficked persons. Such referral mechanism was more efficient at the time of the IOM shelter in Moscow. Unfortunately, since the end of 2009 we don't have such shelters in Russia any more.

The speakers stressed that it is very difficult to work in this field because there is no comprehensive approach to the problem. Why, for example, is it difficult to train social workers how to treat the victims of trafficking? It is so because the Russian legislation has no such legal term as a victim of trafficking in human beings. Therefore, migrants that are actually trafficked victims do not have this status and can't be recognized as such according to the legislation. Our Centre got complains by migrants (the majority of them- Uzbek and Tajik nationals) on the hot-line telephone. They asked to help them to get released and repatriated, even deported. We sent our requests to the law enforcement that usually react fast having got such information, send a brigade there, and set people free. But then migrants are to be deported – they are recognized as “illegal”.

Russian legislation has no regulations for the provision of assistance to the victims of THB. Draft laws, mentioned today (“On Combating THB” and “On Providing Assistance to the Victims of THB”) remain pending in the State Duma for nearly a decade and are not yet adopted.

Surely, there are positive developments: The Russian Criminal Code has a definition of human trafficking, Russia is a State Party to the UN TOC and Palermo Protocol. At the same time we are concerned about the lack of a systematic approach, since there is no national legal act directly related to trafficking, no designated body, no co-ordinating mechanism and no national action plan, according to which state structures, in close co-operation with the civil society, would work together. NGOs working in this field are active not only in Saint Petersburg and Moscow, but in other regions as well, though they are not that many (as it was in the middle of first 2000 decade).

In 2010 our Centre compared the Russian legislation and the international anti-trafficking norms, and assessed the THB situation in Saint Petersburg and Leningrad oblast (region). I have brought a few copies of this study for the participants of this Roundtable. We also co-operate with consulate departments in the prevention area. Supported by the Inform-Bureau of the Council of Ministers of Northern Countries in Saint Petersburg, our Centre organized study trips for Saint-Petersburg officials to Norway and Denmark. These trips were aimed at obtaining information about state anti-trafficking policies and exchange of experience with these countries. This year we are planning a study trip to Latvia and Lithuania. In other words, we are trying to draw attention to this problem and to take concrete steps, but in Russia what is needed is the political will for the elaboration of a complex state approach to the fight against THB.

I believe, the human rights based approach to the state strategy, that was mentioned today on numerous occasions, is exactly this very approach that is needed at present in the Russian Federation. Human trafficking is not just a crime against the state security, but it is a crime against human beings. We have to think about it more.

Thank you for your attention.

## **Intervention by Mr Karim Soliev** National Rapporteur of Tajikistan

I would like to share my views with the participants and ask a few questions.

The first question to Ms Astrid Ganterer, representing the ODIHR, and the second – to Mr. Ovchinsky. But before asking, I would like to draw your attention on two issues. The first one is related to the organization of our activities, and the second – to the criminal legal law aspects.

We all agree that THB has become a global phenomenon and belongs to the most dangerous crimes against human rights. But then let's raise the status of combating human trafficking at a higher level and initiate the process of recognizing it a crime against humanity. What shall we get as a result? Most of all, we will get an opportunity to include this type of crime in the list of crimes from the Rome Statute of the ICC. This could become a very good contribution from our side in the fight against THB, and the mechanisms of the ICC could start working against THB.

Secondly, as we all know, international and regional structures are quite efficient in the fight against certain types of concrete crimes. For example, the fight against money laundering is successfully conducted by the FATF, and in the Eurasian region – by the Eurasian Group. In countering terrorism, we have good examples of the activities of the Anti-terrorist Centre. In the fight against drugs, for example, we have the UNODC, etc. Seems that the time has come to establish a specialized international structure to combat THB.

And thirdly, we all recognize that the results differ from one country to another in the fight against THB. Probably, it happens because of a different level of awareness in this field. Therefore, I would suggest to reorganize the International Training Centre in Belarus working under the CIS framework or, the opposite, to establish another centre, under the UN or another international organization, to educate experts and conduct a 6-month or a year-training.

Now I would raise a few criminal law issues related, first of all, to the definition. Is it relevant to use in the definition the terms of buying and selling in relation to human beings? In some CIS countries we see these definitions in the legislation. Even without "or". And how to approach "self-selling"? This issue is not yet regulated neither in the criminal law, nor in any other.

There are problems related to the victim's consent. In the Protocol, as well as in the legal acts of some CIS countries the victim's consent is not taken into account, meaning that the legislators do not pay any attention to this aspect, while in other countries it matters, though the Palermo Protocol and the CoE convention of 2005 draws the attention to the age of the victim: for adult it matters and the children it does not<sup>16</sup>. Also we are lacking regulations concerning the involvement of the victims into unlawful acts, into armed conflicts, etc.

Furthermore. Since the CIS countries belong to the statutory law legal system, up to now we have not solved the problem of differentiating between the "presumed victim" and «victim». According to the legislation on criminal procedure, the presumed victims is recognized as such by the statement of the investigator or a prosecutor, and has to be provided with a status of an actual victim. Nevertheless we know that this status of an actual victim should be provided much earlier. But eh legislator has not taken a position on this issue, and has not included this legal category into the legislation, thus creating legal obstacles for starting the protecting mechanisms for the actual victim.

Lacking in the current legislation are those norms that are specifically dedicated to the releasing of the victim from criminal liability. Only sectorial legislation provides such options, though we know that the problems of guilt, punishment and releasing from liability belong to the criminal law and not sectorial. These issues deserve to be regulated.

I will highlight child trafficking. Countries which have excluded relevant special articles from their Criminal Codes, dedicated to child trafficking, have committed a big mistake. They qualified child trafficking as an aggravating circumstance, but they did not take into account one point: the definition of THB from Art. 3 of the Palermo Protocol and in Art. 4 of the CoE Convention cannot in all cases be related to minors, for example, in the following situation: when a child is sold to another family for bringing him/her up or if just given to another family which has no children of its own. In this situation the element of exploitation as the necessary component of THB is missing, and such act towards a minor cannot be qualified as THB in the sense of Palermo or the CoE Convention of 2005.

<sup>16</sup> Art. 3 b) of the Palermo Protocol states that if a victim's consent to the intended exploitation is obtained through any improper means (threat, force, deception, coercion, giving of receiving of payments or benefits, abuse of power, or position of vulnerability) then the consent is negated and cannot be used to absolve a person from criminal responsibility. Regardless of whether their consent was obtained without use of any prohibited means, children have special legal status.

**Concluding remarks by Ms Vera Gracheva**  
(moderator)

In conclusion allow me, on behalf of all of us, express our gratitude to Mr Vladimir Bondurovsky and the whole Secretariat of the Inter-parliamentary Assembly for the immense amount of work done in preparation of this round table, for all the efforts you have put into this meeting, so that today we could feel ourselves at ease and would have the opportunity to engage ourselves in these topics, as well as discuss at length issues that leave none of us unconcerned.

On behalf of the initiators of our meeting, I would like to thank the representatives of the international organisations, in particular Ms Sara Greenblatt from the UNODC. OSCE and UNODC have put forward a joint action plan with combating trafficking in human beings as its integral part. I also especially would like to thank Ms Petya Nestorova from the Council of Europe: with this organisation we have now taken a big step moving from mere participation in each other's activities to co-organising this round table. This format of co-operation is most satisfactory.

Finally, I would like to thank the CIS Executive Committee for the support we have enjoyed concerning our initiative to organise this event. I sincerely hope, as all of us do, that this is a start of a long and a very exciting journey towards a common goal. We will meet, we will discuss these challenges, and we will put together all our efforts in order to succeed and not let our adversaries win. There is no other way.

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