



Organization for Security and Co-operation in Europe

Office of the Special Representative and Co-ordinator
for Combating Trafficking in Human Beings

16th *Alliance against Trafficking in Persons* conference

Combating trafficking in human beings for the purpose of forced criminality

11 – 12 April 2016

Hofburg (Neuer Saal), Vienna

CONCEPT NOTE

BACKGROUND The *Alliance against Trafficking in Persons* is an informal **platform for advocacy and co-operation** that includes international and non-governmental organizations. The *Alliance* was launched in 2004 to unite efforts around the common goal to prevent and combat human trafficking. It provides a **dynamic framework to develop synergies** and supports the OSCE participating States in establishing a harmonized approach to combat this heinous crime and human rights violation which undermines human security and good migration governance throughout the region.

The *Alliance* conference will be attended by **representatives of the 57 OSCE participating States and 11 Partners for Co-operation**, of major **international organizations** and **NGOs** which are partners in the *Alliance against Trafficking in Persons*, as well as of academia, civil society, the media, trade unions, and think-tanks. Active participation via Twitter - @osce_cthb, #cthb16 - is highly encouraged.

More information may be found at: <http://www.osce.org/event/alliance16>

OBJECTIVE The objective of this high-level event is to address a complex and increasingly widespread form of trafficking in human beings. By discussing human trafficking for forced criminality, the conference will draw attention to the social and legal implications of this form of exploitation, the wide range of criminal activities that it entails, the national and international challenges related to the prosecution of the crime, as well as victims' rights and assistance. A special focus will be given to children as they are one of the most vulnerable groups that are targeted and forced to commit criminal activities. This year's event aims to enhance the coherence of international efforts and develop recommendations to respond to trafficking in human beings in a more comprehensive and expert manner that is respectful of human rights. It is essential to reconcile approaches that safeguard both state and human security for a more effective fight against trafficking of human beings.

FOCUS

The focus of the *Alliance* builds on the OSCE commitments and the conference topics of previous years, in particular combating human trafficking along migration routes (2015). The current migration crisis is putting people, especially children, increasingly at risk of being trafficked. Recent estimates that 10,000 unaccompanied child refugees have disappeared in Europe since their arrival is an additional cause for alarm, as some of these minors may have fallen into the hands of trafficking syndicates.

As stated in the 2013 Addendum to the OSCE Action Plan, the OSCE participating States are concerned over the significant growth in all forms of human trafficking in the OSCE region including for forced criminality. People are trafficked for exploitation in a wide range of criminal activities. Traffickers manipulate and force adults and children to commit a multitude of offences or crimes such as theft, burglaries, pick-pocketing, shop lifting, benefit fraud, forced sham marriage as well as illicit drug production and trafficking. As a result of this *modus operandi*, victims are initially identified by the authorities as suspects or offenders and they may not be easily recognized as actual victims of a serious crime.

Trafficking in human beings for forced criminality has so far been overlooked at the policy level, although it is not a completely new phenomenon. Consequently very few cases have been reported as such by the authorities. The Council of Europe monitoring mechanism on trafficking in human beings noted, in its 2013-2014 Report, that only a few countries provided statistics on trafficking for other exploitative purposes, such as forced criminality. "In 46 per cent of the evaluated countries, GRETA found that compliance with the non-punishment provision was not ensured"¹.

Although the *United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime* does not expressly include this form of human trafficking in its definition of the crime, the fact that trafficked persons are forced to engage in criminal activities as a direct consequence of their situation has been recognized by the *2005 Council of Europe Convention on Action against Trafficking in Human Beings* (art.26) and by the *2011 EU Directive on preventing and combating trafficking in human beings and protecting its victims* (2011/36/EU).

The *2013 Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings: One Decade Later* (PC.DEC/1107/Corr.1) calls on participating States to criminalize, prosecute and prevent all forms of human trafficking - thus including exploitation in forced criminality - while taking adequate measures to ensure that identified victims are not penalized for their involvement in unlawful activities to the extent they have been compelled to do so.

Against this backdrop, the conference will provide coverage of the issue across the different regions of the OSCE area and create a platform for constructive dialogue in order to effectively address trafficking in human beings for the purpose of forced criminality.

¹ Council of Europe, *Fourth General Report of the Group of Experts on Action against Trafficking in Human Beings, 2014*, http://www.coe.int/t/dghl/monitoring/trafficking/docs/Gen_Report/GRETA_2015_1_4thGenRpt_en.pdf. See also OSR-CTHB, *Policy and legislative recommendations towards the effective implementation of the non-punishment provision with regard to victims of trafficking*, OSCE 2013, <https://www.osce.org/cthb/101002>