



Organization for Security and Co-operation in Europe

Speech of Dr. Maria Grazia Giammarinaro
OSCE Special Representative and Co-ordinator
for Combating Trafficking in Human Beings
at the
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Dear Chairperson of the Permanent Council,
Dear Ambassadors,
Ladies and Gentlemen,
Colleagues,

I am delighted to address the Permanent Council this morning to report to you on the main activities and plans of our Office in 2012. I am also especially pleased to address you after the Human Dimension Seminar which was held in Warsaw on 14-16 May, and I will start by reflecting on this important event.

The Seminar in Warsaw was inspiring and very interesting as it was perhaps the first time that we examined in a systematic way the inter-linkages and connections between the rule of law and anti-trafficking action.

The theme of the seminar¹ allows us to capitalize on longstanding OSCE commitments to ensure the principle of legality, promote and protect human rights, deliver justice and build democratic societies.

The HDS helped shed more light on how the principle of the rule of law and of equal protection under the law for all is crucial for the effectiveness of anti-trafficking action. Indeed, in order to effectively prevent trafficking, prosecute perpetrators and protect victims' rights, we must ensure that trafficked persons and other people vulnerable to trafficking have access to the protection of the rule of law. The Seminar concluded with comprehensive human rights-based recommendations which should attract the due attention of participating States and be considered as a source for future action.

Trafficked persons are among any society's most vulnerable populations. They are poor and socially excluded; they are often migrants with an irregular employment or status, they lack access to opportunities and resources, and have lost their freedom of choice. They are often women and girls bearing discrimination and lacking equal opportunities, therefore disproportionately affected by extreme poverty. These vulnerable people live outside the protection of the rule of law, are unaware of their rights, and face concrete and serious challenges in accessing justice and effective remedies. The main challenge therefore is ensuring equality before the law and equal protection under the law for everyone, and in our case especially for socially vulnerable people including people who bear discrimination on any grounds because among them we can find potential, presumed and actual victims of trafficking.

Efforts in this area are still very much needed as the challenges that lie ahead of us in preventing trafficking and safeguarding the rights of trafficked persons remain significant. Some days ago I came across a news story about a major police operation which resulted in the disruption of an international human trafficking ring and in the arrest of tens of suspects. The article added that the police "recovered numerous forged passports" but it was striking that nothing was mentioned about rescuing or supporting the victims. Many other news items related to human trafficking follow this pattern, manifesting a general lack of attention to the fate of the victims.

¹ 2012 OSCE Human Dimension Seminar, Rule of Law Framework for Combating Trafficking in Human Beings, Warsaw, 14-16 May 2012

Working with governments, parliaments and civil society

The Warsaw seminar has been a powerful way to bring participating States' attention back to the human rights approach to the prevention of and fight against trafficking in human beings. In line with the OSCE commitments, we need to put human rights and the rights of victims at the very centre of anti-trafficking action.²

Following this approach and reasoning, since I took Office in 2010, I have been working on bringing the fight against human trafficking as modern-day slavery closer to the mainstream of human rights advocacy and action. I have called for placing modern-day slavery at the top of the human rights agenda of international organizations, governments, parliaments, NGOs and more broadly civil society including trade unions and the private sector. In these efforts I have been drawing from the OSCE comprehensive approach to security and the cross-dimensional nature of my mandate. Together with my team and with partners in the *Alliance against Trafficking in Persons* we have been working on breaking the isolation of anti-trafficking policy development to promote a holistic approach and more co-ordinated, coherent and effective responses. I am working on all areas of anti-trafficking action foreseen by the OSCE Action Plan¹ - prevention, prosecution, victim protection and support, and partnership - across the three dimensions of the OSCE. I have therefore maintained a fruitful dialogue with the participating States and already enjoyed the opportunity to address the Security Committee and the Human Dimension Committee (respectively on 26 March and 5 May). I will also soon address the Economic and Environmental Committee later this year.

My office and I continue to work with parliamentarians from the OSCE region. For example, in April 2012 in St. Petersburg together with the CIS Inter-parliamentary Assembly (IPA-CIS), the CIS Executive Committee and the Council of Europe we organized a roundtable discussion on trafficking in human beings.

Country visits

In my capacity as Special Representative I carry out advocacy at the highest political level. I have devoted particular attention to country visits; these provide the opportunity for meeting with ministers and other senior government authorities, members of parliament, representatives of the judiciary and NGOs of the OSCE region. The purpose of these country visits is to support ongoing efforts and co-operate with the host authorities to support political processes to enhance anti-trafficking action, as well as being instrumental to dealing with existing challenges. In my reports I offered specific recommendations based on the OSCE anti-trafficking commitments for the consideration of the authorities. The open and constructive dialogue throughout the whole process contributed to the publication of such reports and to generating a follow up at the national level.

At the beginning of the year we published our first two reports on the country visits to the United Kingdom and to Canada. I have also just returned from London where together with the Home Office we organized an important follow-up event with stakeholders including NGOs to discuss my report and recommendations.

At the end of January I had the pleasure of carrying out a country visit to Ireland which afforded an important opportunity, during the Irish OSCE Chairmanship, to hold consultations with key

² OSCE Ministerial Council, *Declaration on Trafficking in Human Beings*, MC(10).JOUR/2 (Porto, 7 December 2002).

stakeholders on Ireland's recent experience in tackling human trafficking and to support ongoing anti-trafficking efforts as the country starts developing its second National Action Plan³.

We are working to issue the next two reports on visits to Moldova and to Ireland and preparing for the next country visits to Bosnia and Herzegovina, Azerbaijan and Portugal. In 2012 I also had meetings with high-level and senior officials in Romania, the Principality of Monaco, and Israel.

Evidence-based research

Building on OSCE commitments and the most recent Vilnius Ministerial Council Declaration on Combating All Forms of Human Trafficking⁴ we have worked on supporting evidence based research to inform anti-trafficking policy. More specifically, based on our UB funding, we have undertaken research on two of the least investigated aspects of THB: trafficking for the purpose of the removal of organs and trafficking cases amounting to torture or inhuman and degrading treatment. I have already briefed delegations on the preliminary findings of these two research projects, so I shall not repeat them here. Allow me just to underline that these two areas of research contribute to deepening our cross-dimensional approach to THB and to seeking and securing synergies with other areas of OSCE expertise such as transnational organized crime and preventing and combating torture.

Projects

My office and I have also initiated a number of innovative extra-budgetary projects. I would like to extend my thanks to Andorra, Austria, Belgium, France, Iceland, Italy, Liechtenstein, Monaco, San Marino, Switzerland and the United States of America for their generous contributions. The main common denominator of these projects is the prevention of human trafficking. These are pilot initiatives which are meant to test and fine-tune approaches with a view to informing policy making. For example, we are working with several Protocol Departments of the Ministries of Foreign Affairs to promote good practices for the prevention of trafficking for domestic servitude in diplomatic households. Another important initiative is implemented in Moldova and is focused on the protection of children left behind by migrant parents, supporting their social and professional integration, inter alia through education, training and assistance, and with a view to preventing abuse, exploitation and trafficking. In the area of prevention I wish to mention also two capacity building initiatives: we are co-operating with the Russian Union of Journalists and the Faculty of Journalism at the Moscow State University to increase and improve the role of the media in the prevention of human trafficking; and we are partners with ICMPD in a capacity building project on trafficking for labour exploitation, funded by the Netherlands, which builds on the *Alliance* conferences and on our thematic publications on this issue. We will also partner with ODIHR in a project funded by Australia, which will be implemented in Central Asia. We are also co-operating with the Italian Ministry of Foreign affairs and its delegation to the OSCE in the organization of a Seminar on Co-operation to Prevent Trafficking in Human Beings in the Mediterranean Region.

³ The first *National Plan of Action to Prevent and Combat Trafficking of Human Beings in Ireland 2009-2012* was published by the Minister for Justice and Equality in June 2009: <<http://www.inis.gov.ie/en/JELR/Final%20National%20Action%20Plan2.pdf/Files/Final%20National%20Action%20Plan2.pdf>>, accessed 12 March 2012.

⁴ OSCE Ministerial Council, *Declaration on Combating all Forms of Human Trafficking*, MC.DD/27/11/Rev.1 (Vilnius, 7 December 2011).

Awareness raising and capacity building are also among the areas to which my Office and I devote particular attention and efforts. We continue contributing to trainings for judges, prosecutors, law enforcement and border guards in partnership with national institutions and international organizations (e.g. with Frontex, the NATO Partnership for Peace Training Centre in Ankara).

External co-operation

Our external co-operation, especially in the framework of the *Alliance against Trafficking in Persons* but also in the context of UN.GIFT, or bilateral co-operation with UNODC and the Council of Europe, continues to advance. Together with partners in the *Alliance* we have identified the theme of the next high level Conference which will be “An Agenda for Prevention of Human Trafficking: Non-Discrimination and Empowerment” (Vienna, 11-12 October). The focus on discrimination is a natural extension of our work on justice and social inclusion and will examine how discrimination in its myriad of forms (especially discrimination based on gender, nationality, membership in a racial or ethnic group, and migration status) contributes simultaneously to the increased vulnerability of certain groups to human trafficking, while at the same time acts to limit their access to justice, services, care, protection and ultimately, social inclusion.

Internal co-ordination

Ensuring fruitful and constructive internal co-ordination continues to be among the main priorities and tasks of my office. We maintain regular dialogue and exchange of information with the various focal points in OSCE structures, institutions and field operations. Through these consultations and exchanges I aim at providing strategic leadership, vision and direction to advance and strengthen OSCE technical and policy efforts in all areas of anti-trafficking action. For example, I have initiated early consultations with colleagues from ODIHR, HCNM, and the Gender Issues in preparation for the next *Alliance* conference and a meeting with anti-trafficking focal points is planned for July.

I will devote particular attention to the planned regular co-operation with the TNT Department, especially concerning the aspects of anti-trafficking action which are related to the fight against organized crime. I will work to create appropriate and effective synergies, especially in the field of enhancing international law enforcement and judicial co-operation which is a common problem in all of the areas of the struggle against organized and other serious crime. At the same time I will continue to work in co-operation with all the OSCE structures including the Gender Issues, OCEEA and ODIHR, in conformity with my co-ordinating mandate.

Conclusion

After two years in office, I would like to share with you my assessment of the results and challenges of my work and of the work of my Office, as well as my assessment of this phase of anti-trafficking action in more general terms.

I believe that there is today a wider recognition of trafficking in human beings as a global problem, from which no country is immune, posing challenges to both institutions and civil society. Awareness has increased about the fact that trafficking in human beings amounts to modern-day slavery, and is not limited to trafficking for sexual exploitation but includes labour exploitation as a growing form of trafficking. I am convinced that the OSCE has made a significant contribution in

this respect. Furthermore, I have started to highlight lesser known forms of trafficking such as domestic servitude, which has been pioneering work, whose value is widely recognized.

My advocacy work has produced remarkable results, especially regarding the new methodology for country visits based on co-operation and transparency. I think that this is a concrete way to make the OSCE instrumental to achieving better results in one of the areas participating States have identified as a priority. Moreover, the publication of my reports and recommendations enables participating States to learn from each other, and be aware of common problems and good practices in the struggle against trafficking in human beings.

We have continued the precious co-operation with NGOs, initiated by my predecessors. I would say that the *Alliance against Trafficking in Persons* is becoming an even more authoritative source of advocacy initiatives, thanks to the contributions of NGOs, international organizations and social partners. I am very proud that as the OSCE Special Representative I host the *Alliance* events and continue to provide ideas for further work.

The challenges that my Office and I still face are mostly related to the fact that our limited human resources do not always allow us to deal with the considerable amount of requests of co-operation or contribution to events we receive on a daily basis. Furthermore, we are not always successful in dealing with the most difficult individual cases, especially when we are requested to facilitate cooperation between the competent authorities of different countries, as well as to facilitate access to services and legal assistance for victims.

In general terms, I believe that we are now in a new phase of the anti-trafficking struggle, and I would like to mention three aspects.

First, the political will. A few years ago the challenge remained how to make governments and other institutions aware of the existence of trafficking as an issue to be tackled. Nowadays the political will to fight against trafficking is a reality in our entire region. However, we still face two major challenges. I notice that a number of countries are indicating that trafficking is decreasing. However, in those countries where sexual exploitation was once an emergency – and therefore a political priority - in the past years, the quantitative decline or stabilization of this form of trafficking could give the wrong impression that trafficking as a whole is decreasing, while on the contrary trafficking for labour exploitation is for sure growing. This wrong perception could weaken and ultimately undermine the efforts made so far to keep trafficking high on the political agenda.

Therefore the political will to fight against trafficking – this is the lesson learned – is something that we cannot take for granted. Motivation and determination to combat trafficking have to be constantly fostered also through innovative means. This remains my main objective, and I will continue to advocate for it.

Secondly, the linkage between anti-trafficking action and other related policy areas. Since the adoption of the OSCE Action Plan, the institution building aspects have been successfully completed, in terms of the establishment of co-ordinating structures and National Referral Mechanisms. However, we should be increasingly aware that anti-trafficking action cannot be successful in isolation; in many countries we are facing for example migration policies which are clearly inconsistent with the declared objective to prevent and fight against trafficking. Therefore the challenge today is to strengthen anti-trafficking structures, also in terms of human resources, and make it possible that they deal with the whole spectrum of cross cutting issues including migration and labour market policies.

Finally, victim assistance and protection. I will take the opportunity of my next address to the HDC to further elaborate on this aspect. I would like to state here that anti-trafficking measures and National Referral Mechanisms in particular have produced significant results. In terms of human rights, every person supported, every life rescued makes a difference. However, these results are not commensurate with the estimated scale of modern-day slavery, and in addition presumed victims too often are still treated as criminals instead of being acknowledged as people entitled to assistance and protection. In the near future I will thus pay particular attention, building on the Vilnius Declaration and also taking into consideration the final recommendations of the Warsaw Seminar, to the human rights related aspects of anti-trafficking action, namely victims' access to justice and remedies, the protection of trafficked persons from detention and punishment for crimes they have committed as a direct consequence of their being trafficked – e.g. the use of forged documents - and the enhancement of international co-operation not only in the field of prosecution but also in the field of victim assistance and protection.