



Organization for Security and Co-operation in Europe

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

20th Conference of the Alliance against Trafficking in Persons

Ending Impunity

Delivering justice through prosecuting trafficking in human beings

30 - 31 March 2020

Hofburg (Neuer Saal), Vienna

CONCEPT NOTE

THE BACKGROUND AND RATIONALE

The 2003 OSCE Action Plan on Combating Trafficking in Human Beings calls on participating States to criminalise human trafficking, to form effective law enforcement and criminal justice responses to the crime, to co-operate with other participating States to this effect, and to guarantee the assistance to and protection of witnesses and victims in the criminal justice system. The sum effect of these measures should entail that perpetrators of human trafficking are prosecuted and convicted, and that victims of human trafficking are accorded the justice they are entitled to.

Despite a robust legal framework on combating trafficking in human beings, **impunity remains widespread across the OSCE region and only a small number of victims of trafficking receive justice for the harm they endured.** Data collected over the past three years shows a steep decline in the number of prosecution cases while the number of identified victims grows. Consequently, there is a large disparity between a high number of estimated victims¹, a much lower number of identified victims², and an extremely low rate of prosecutions and convictions.³ Although the prosecution of traffickers is a cornerstone of the long-term effort to end Trafficking in Human Beings (THB), the criminal justice sector suffers from a number of challenges, including lack of resources, insufficient training and innovation, and limited political will. If perpetrators of THB do not face a credible risk of being convicted and sentenced proportionally to the seriousness of their crimes, there will be nothing deterring them from further offending.

Throughout the conference, **prosecution will be examined as a multifaceted process which includes both law enforcement and judicial actors and which requires a proactive and victim-centred approach.** Efforts will be made to further promote the full and effective implementation of relevant OSCE commitments and recommendations, including relevant Ministerial Council Decisions, namely Enhancing Criminal Justice Responses To Trafficking In Human Beings Through A Comprehensive Approach (MC.DEC/5/08), Enhancing Efforts To Combat Trafficking In Human Beings, Including For Labour Exploitation, Through A Comprehensive And Proactive Approach (MC.DEC/14/06), Strengthening Efforts to Combat All forms of Child Trafficking, Including for Sexual Exploitation, as well as Other Forms of Sexual Exploitation of Children (MC.DEC/7/17) and the Ministerial Declaration on Combating All Forms Of Human Trafficking (MC.DOC/1/11/Corr.1) and the 2013 Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings: One Decade Later (PC.DEC/1107/Corr.1).

Furthermore, the event will mark 20 years since the adoption of the first OSCE Ministerial Council Decision on Enhancing the OSCE's efforts to combat trafficking in human trafficking (MC(8)/1) in 2000. As 2020 also marks the 20th anniversary of the adoption of the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime i.e. the "Palermo Protocol", the Conference will

¹ Estimated by the ILO to be 24.9 million (Source: Global Estimates of Modern Slavery: Forced Labour and Forced Marriage, Geneva, September 2017).

² UNODC reported data on 63,251 identified victims of trafficking from 106 national governments (Source: United Nations Office on Drugs and Crime, Global Report on Trafficking in Persons 2016, New York, 2016).

³ The 2019 Trafficking in Persons Report shows a 52% decrease in prosecutions between 2015 and 2018 within Europe (Western Europe, Southeastern Europe, Eastern Europe and the South Caucasus), despite the number of trafficking victims identified within the area increasing by over 51%. Data within the report also shows that between 2015 and 2018, Europe averaged just 1,500 convictions per year, despite identifying over 13,500 victims per annum.

further serve as a forum to discuss and emphasise the obligations coming under the Protocol as related to prosecution, as well as take stock of progress made over the last two decades.

THE FOCUS

In response to the declining rate of prosecutions of THB across the OSCE region, the 20th Conference of the Alliance against Trafficking in Persons aims to launch a renewed impetus to increase the number and improve the quality of prosecutions. This year's high-level conference will frame the challenges and opportunities to make investigation and prosecution more effective and discuss linkages between prosecution of offenders and protection of victims before, during and after criminal proceedings. It will also highlight good practices, including creative and innovative methods that can bring about positive impact and effectively combat THB crimes. A special emphasis will be put on ways to work smarter, including availing of technology tools, financial investigations, partnerships, proactive investigation methods and prosecution strategies which do not require the testimony of victims.

THE ALLIANCE

The Alliance against Trafficking in Persons is an informal platform for advocacy and co-operation that includes international and civil society organizations. The Alliance was launched in 2004 to combine and co-ordinate the efforts of all its partners behind the common goal of preventing and combating human trafficking. Acting as a framework to improve synergy, the Alliance also supports the OSCE participating States in establishing a harmonized approach to combat this heinous crime which violates human rights and undermines the rule of law, human security and good migration governance throughout the region.

THE FORMAT

The 20th Conference of the Alliance against Trafficking in Persons will be attended by representatives of the 57 OSCE participating States and 11 Partners for Co-operation, major international organizations and NGOs which are partners in the Alliance against Trafficking in Persons, as well as civil society, media, the private sector, academia and relevant professional networks of prosecutors, judges and law enforcement officials. The Conference will provide a forum for exchange of experiences and good practices, and help to identify challenges. It will serve also as a forum for networking among practitioners. Active participation during the discussion sessions and via Twitter - @osce_cthb, #CTHB20 – is also highly encouraged. More information will soon be available at: <http://www.osce.org/event/alliance20>

THE AGENDA

The programme of the Alliance Conference will encourage participants to reflect on strategies for countering impunity and enhancing prosecutions and the rule of law with a victim-centred approach. The agenda of the 20th Alliance Conference will consist of plenary sessions as well as side-events. It will focus on the following goals: i) revitalize political will of participating States and Partners for Co-operation to combat all forms of trafficking in human beings by increasing their efforts to prosecute THB; ii) increase knowledge and understanding of the need to involve all relevant anti-trafficking stakeholders to achieve sustainable results; iii) promote effective and innovative approaches and partnerships to enhance the prosecution of crimes of trafficking in human beings; and iv) advance the implementation of OSCE anti-trafficking commitments, particularly on the topic of prosecution.

Day 1: Monday 30 March

11:00- 14:30

Registration

14:30-15:30

Opening and Welcoming Remarks

15:30-16:00

Keynote Addresses

16:00-16:30

Coffee break

16:30-18:00

Panel 1 – The scope and nature of the problem

*In order to effectively counter impunity for human trafficking offenders across the OSCE region, the scope and nature of the problem must first be understood. This includes accepting the stark picture presented by the data, showing stagnated and in some places even declining rates of prosecution and conviction rates, as well inadequate sentences, which pale in comparison to the severity of the crime and the number of identified victims. A multitude of factors contributes to this phenomenon, ranging from the existence of bottlenecks within the criminal justice system, to a fundamental lack of resources and limited political will. Often these factors coalesce to create a culture of impunity whereby it becomes a norm that traffickers go unprosecuted for THB offences. This panel will analyse the factors underlying impunity in the region and shed light on the obstacles to effective prosecutions. **Topics to be covered: the state of affairs; lack of prioritization of prosecution; obstacles (bottlenecks) contributing to low prosecution rates and inadequate sentencing; requalification under other offences.***

18:00-19:00

Networking cocktail

Day 2: Tuesday 31 March

9:00-10:30

Panel 2 – Working smarter to enhance investigations and prosecutions

The complexity of obstacles contributing to low prosecution rates means that anti-trafficking actors have to adopt innovative measures in order to overcome them. This panel will introduce some of the existing best practices in this regard. This includes outlining: how investigations can avail of new technology tools and proactive methods to detect both offenders and victims; alternative avenues for identifying perpetrators, such as conducting financial

*investigations following the money trail left by traffickers; and how cooperation between law enforcement, prosecutors and judges, at both the national and international level can help resolve evidentiary and jurisdictional issues within a case, as well as maximise shared expertise. **Topics to be covered: Joint Investigative Teams (JITs), co-operation within the criminal justice sector, specialized units, special investigation techniques, early involvement of prosecutors in investigations, financial investigations, technology to assist in investigation and prosecution.***

10:30-11:00

Coffee break

11:00-12:30

Panel 3 – Victim-centred approaches to investigations and prosecutions

*The focus on prosecutions sometimes raises concerns that efforts to prosecute may occur at the expense of attention to victims' rights, including their right to protection, support and remedies. However, prosecuting trafficking offences is not just about punishing traffickers: it is also fundamentally about securing victims' rights and access to justice. The panel will discuss the application of the victim-centred, trauma-informed approach to investigation and prosecution. Victims are often left traumatised through their experiences, and this can be compounded by participation in difficult and lengthy criminal justice procedures, reducing the willingness of victims to report human trafficking. This panel will give an opportunity to discuss: the development of victimless prosecution strategies which do not rely upon victim testimony and minimize the negative impact on victims; how prosecutions can provide greater protection to victims by facilitating access to justice and remedies; the application of the non-punishment principle; and the provision of protection against intimidation and retaliation. The panel will also highlight ways to support victims in the criminal justice process. **Topics to be covered: protecting and restoring victims' rights – including the right to information, facilitating access to justice, legal assistance and compensations, working with victims, developing strategies that do not rely upon victim testimony and minimize the negative impact on victims, applying the non-punishment principle, providing protection against intimidation and retaliation.***

12:30-14:45

Lunch Break – Side-events (tbc) to be held during the lunch break.

15:00-16:30

Panel 4 – Recommendations for the way forward

Prosecution of trafficking cases is highly specialized, labour-intensive, time-consuming and often under-resourced in comparison to other crimes. This panel will outline the practical ways in which laws and policies can be adapted to best contribute to increased and more effective prosecutions. This will include a discussion on investing in an environment that enables effective prosecution and strengthens the implementation of the Palermo Protocol and relevant OSCE commitments. Panellists will share forward-looking recommendations to address challenges presented in previous panels. The panel will also look at good policy practices, examining those addressing various forms of exploitation, and treating the users as offenders. Finally, the panel will discuss how national prosecution strategies can be more effectively

*tailored to provide enhanced prosecutions on the ground and draw greater investment from national authorities. **Topics to be covered: examples of effective national strategies to enhance prosecution and tackle bottlenecks; policy and legislative recommendations on a solution-oriented way-forward.***

16:30-17:00

Closing remarks