

Side Events Programme

Tuesday 12 April 2016

Identifying victims of trafficking in places of detention

13.30 – 14.45, Bibliotheksaal, 5th floor, *English language only*

Использование новых технологий для торговли людьми с целью принуждения к преступным действиям (The use of new technologies for trafficking in human beings for the purpose of forced criminality)

13.30 – 14.45, Segmentgalerie I, 1st floor, *Russian language only* (только на русском языке)

Data collection and exchange of information in detection of human trafficking cases and identification of victims: challenges, best practices and lessons learned

13.40 – 14.45, Room 201, 2nd floor, *English language only*

13.30 – 14.45

Identifying victims of trafficking in places of detention

Bibliotheksaal, 5th floor, *English language only*

Victims of trafficking are frequently arrested for unlawful activities, such as use of illegal documentation to enter or leave the country or access work, shoplifting, cannabis cultivation or acting as drug couriers. Due to the failure to correctly identify them as victims of trafficking, they are detained in police cells, immigration detention centres, prisons or psychiatric hospitals and subsequently prosecuted and sentenced as wrongdoers, rather than treated as victims of exploitation and coercion. Criminalisation and the experience of imprisonment and deportation can lead to secondary victimisation of trafficked persons, exacerbated by shame, powerlessness and the sense of injustice. The detention of trafficked persons not only contravenes the obligation to protect and assist victims, it also discourages them from co-operating with the investigation and ultimately results in the impunity of traffickers.

The principle of non-punishment of victims of trafficking, enshrined in Article 26 of the *Council of Europe Convention on Action against Trafficking in Human Beings* and endorsed by the *2013 Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings: One Decade Later* is an essential element of the human rights-based approach to combating human trafficking. The policy and legislative recommendations issued by the OSCE on the effective implementation of the non-punishment provision are of particular relevance in this respect.

Panellists will discuss the importance of early, proactive identification of victims of trafficking and the investigation of those who have abused them, as well as current barriers to this. The side-event will also explore the role of National Preventive Mechanisms and other bodies inspecting places of deprivation of liberty in detecting victims of trafficking and ensuring that they are referred for identification and assistance.

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

Moderator: **Petya Nestorova**, Executive Secretary of the Council of Europe Convention on Action against Trafficking in Human Beings

Speakers: **Liz Hales**, Visiting Scholar, Institute of Criminology, University of Cambridge, United Kingdom

Silke Mallmann, Psychologist, Co-ordinator of Talitha Centre for Social Assistance and Counselling for Victims of Human Trafficking and Forced Prostitution, Caritas Carinthia, member of the Austrian National Preventive Mechanism, Austria

Colin Smith, Barrister and Lecturer, Trinity College Dublin, Ireland

13.30 – 14.45

The use of new technologies for trafficking in human beings for the purpose of forced criminality (Russian language only)

Segmentgalerie I, 1-st floor

The wide use of technology by criminal networks for trafficking in human beings (THB) for the purpose of forced criminality requires the law enforcement authorities to respond to this trend by identifying new ways of investigation, improving collection of evidence, building new partnerships, especially with the ICT private sector, and rethinking prevention activities.

The OSCE has played a proactive role in studying and responding to the new trends in the use of technology for THB, including for the purpose of forced criminality. The 2013 Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings, recommends to the OSCE participating States to promote regular training, including on the use of the Internet and other information and communication technologies for committing THB related crimes.

During the side event, the speakers will discuss about how law enforcement in their countries are adapting to the new trends and methods of traffickers, who are using technology more and more in their operations, what measures are necessary to be undertaken to ensure that state institutions have the necessary skills and tools to identify crimes in the virtual space and will also talk about concrete practical cases. They will also address the need to ensure human rights based approach to the victims and to apply, where appropriate, the principle of non-punishment to the victims of THB who were forced to commit offences.

Moderator **Vera Gracheva**, human trafficking international expert

Speakers **Sergey Vinokurov**, Leading Researcher of the Russian Academy of General Prosecutor's Office

Uladzimir Jemialjanaw, Deputy Head of the Second Department of the Main Department on Drugs and Combating THB of the Ministry of Interior Affairs of Belarus

Iurie Podarilov, Deputy Director of the Center for Combating Trafficking in Human Beings of the Ministry of Interior Affairs of the Republic of Moldova

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

13.40 – 14.45

Data collection and exchange of information in detection of human trafficking cases and identification of victims: challenges, best practices and lessons learned (*focused on forced criminality*)

Room 201, 2nd floor, English language only

The unprecedented flow of migrants that resulted in more than 1 million individuals entering the European Union in 2015 and continues to this day has created severe challenges for authorities in identifying victims of human trafficking, specifically among irregular migrants. Such complexities include the handling of cases involving unaccompanied children or individuals without identity documents as well as the health related consequences of victimization and a lack of adequate international co-operation. Furthermore, the intensifying effects of border closures need be taken into consideration. In addition to the pressing human rights and security issues interconnected with the migration situation, there is also a growing demand for a timely adoption of a common set of proactive measures in order to detect trafficking cases and identify victims in an efficient manner.

Despite all the efforts already in place to fight this phenomenon, a major obstacle facing all actors is a lack of systematically collected and analysed relevant data.

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

Moderator: **Guy Vinet**, Head of TNTD/Strategic Police Matters Unit

Speakers: **Pedro Assares Rodrigues**, Specialist in Trafficking in Human Beings, Europol

Michael Nagl, Manager-Global Investigation, Western Union