



Organization for Security and Co-operation in Europe

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

Office for Democratic Institutions and Human Rights

Enhancing human rights-based and victim-centred approach to identification of and assistance to victims of human trafficking

Warsaw Human Dimension Conference Side Event
2 October 2024, 18:30 – 19:30 (CET)

Venue: Meeting Room 4 - Opera

Early and effective identification of victims of trafficking in human beings (THB) remains paramount in upholding their rights and ensuring their comprehensive protection and access to assistance. The 2003 OSCE Action Plan to Combat Trafficking in Human Beings (PC.DEC/557) addresses protection and assistance as part of the OSCE's multidimensional and comprehensive response to trafficking in human beings and proposes a number of actions that go beyond the assistance and protection of witnesses and victims in the criminal justice system. By recommending the adoption of relevant laws and the establishment of National Referral Mechanisms to protect and promote the human rights of THB victims, the Action Plan calls for accurate, proactive identification and appropriate treatment of victims in ways that respect their views and restore their dignity. It stresses that such efforts will only have an impact when co-operation between law enforcement practitioners and social service providers is established and strengthened. All throughout, the Plan unequivocally places trafficking victims and their rights at the centre of the anti-trafficking response, and the effectiveness of prosecution and prevention efforts depend on this approach.

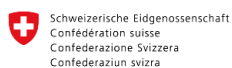
Yet, country visits by the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings and the work of the Special Representative's Office (OSR/CTHB) have consistently revealed that the formal State-led identification of trafficking victims and their long-term protection and assistance are often inconsistent and hindered by the requirement for a victim to participate in criminal proceedings. The challenge is further exacerbated by mass migration flows given the particular vulnerabilities of the displaced population, and these challenges have become even more acute in the context of the humanitarian crisis related to the war against Ukraine. To address this, the OSR/CTHB has developed uniform guidelines on the identification of trafficking victims within the OSCE migrant reception framework¹ and continues to promote the 'social path'^{2 3} of identification as a

¹ OSCE, Uniform Guidelines for the Identification and Referral of Victims of Human Trafficking within the Migrant and Refugee Reception Framework in the OSCE Region. Available at: <https://www.osce.org/secretariat/413123>

² An alternative procedure for the formal identification of trafficking victims implemented by social service providers that triggers provision of assistance and support irrespective of victim's readiness and willingness to co-operate with law enforcement agencies.

³ OSCE, Putting Victims First: The 'Social Path' to Identification and Assistance. Available at: <https://www.osce.org/cthb/538452>

The event is conducted in the framework of an Extra-Budgetary Project "Preventing and responding to trafficking in human beings amid the humanitarian crisis related to the war in Ukraine" implemented with the financial support from the Governments of Finland, France, Germany, Hungary, Japan, Liechtenstein, Poland, Spain, Switzerland, UK and US



“whole of society” approach to victim identification and as an avenue for long-term assistance outside the criminal justice system, which strengthens the role of welfare authorities in the formal recognition of a trafficking victim.

In parallel, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) continues to undertake considerable efforts to assist OSCE participating States in enhancing their support and assistance efforts, in particular by helping to establish robust National Referral Mechanisms (NRMs) and by promoting the ethical survivor inclusion in all anti-trafficking efforts. The ODIHR Handbook “National Referral Mechanisms - Joining Efforts to Protect the Rights of Trafficked Persons (NRM Handbook – second edition)”⁴ provides a framework that all OSCE participating States can adapt and apply within their own national systems. Its purpose is to provide essential ‘know-how’ of the working methods, procedures, and services required to fulfil NRM objectives. The publication is also available in Ukrainian⁵. The NRM Pillar One on Identification and Protection promotes identification methods in a human-rights based and gender sensitive, trauma informed, child sensitive and victim and survivor centred. At the same time, it identifies the various stakeholders involved in establishing and enhancing NRMs and their roles across different institutions, while stressing the need for a multi-disciplinary approach. Most notably, the NRM Handbook-second edition expressly recognizes that survivors’ and victims’ needs and views need to be at the centre of all anti-trafficking policy responses. It calls for early formal identification and recognition of victims of trafficking as an essential component of States’ due diligence obligation to prevent trafficking and protect victims independent of States’ obligation for effective criminal investigation.

Against this backdrop, the side event will discuss promising practices in the identification of and assistance to victims of trafficking in human beings, in particular in ensuring that all trafficking victims gain immediate and unconditional access to protection and long-term assistance, including in the context of the current humanitarian crisis related to the war against Ukraine. It will also provide an opportunity to reflect on further measures and steps needed to enhance the existing State identification and assistance efforts and to turn promising practices into the norm in the OSCE region.

Moderator: Dr. Kari Johnstone, OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings

Speakers

Dr. Kari Johnstone, OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings

Andrew Gardner, Acting Head of the Human Rights Department, OSCE Office for Democratic Institutions and Human Rights (ODIHR)

Theodora Gianni, Hellenic NRM Management Team Co-ordinator, Greece

Miroslav Jovanović, Manager of the Co-ordination Service, Centre for Human Trafficking Victims Protection, Serbia

Jane Lasonder, Vice-Chair of ODIHR International Survivors of Trafficking Advisory Council (ISTAC)

Rachel Witkin, International Anti-trafficking Consultant with a strong focus on frontline practice and lead consultant and writer for the ODIHR NRM Handbook – second edition

⁴ Available at: <https://www.osce.org/odihr/NRM-handbook>

⁵ Ukrainian version of the National Referral Mechanisms - Joining Efforts to Protect the Rights of Trafficked Persons - <https://www.osce.org/files/f/documents/9/a/548020.pdf>