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ALLIANCE AGAINST TRAFFICKING IN PERSONS

Vienna, Hofburg, Neuer Saal
11 – 12 October 2012

**“An Agenda for Prevention of Human Trafficking:
Non-Discrimination and Empowerment”**



**Opening Remarks by Ambassador Janez Lenarčič,
Director of the OSCE Office for Democratic Institutions and
Human Rights (ODIHR)**

Vienna, 11 October 2012

Excellencies,
Distinguished guests,
Ladies and gentlemen,

I am delighted today to welcome you all, our partners in the Alliance Against Trafficking in Persons, together with my colleagues from the OSCE – the Secretary General Mr. Lamberto Zannier, the Special Representative and Coordinator for Combating Trafficking in Human Beings, Ms. Maria Grazia Giammarinaro, the High Commissioner on National Minorities, Mr. Knut Vollebaek and the Head of the Irish Chairmanship Taskforce, Ambassador Frank Cogan. I am also particularly pleased to share this opening panel with Mr. Morten Kjaerum, Director of the European Union Agency for Fundamental Rights.

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I would like first of all to commend the Office of the Special Representative on choosing to focus on **non-discrimination and empowerment as a prevention strategy**, as the theme of this year's High-Level Alliance against Trafficking in Persons. The importance of a collective effort to fighting discrimination and empowering vulnerable groups cannot be underestimated in the context of our commitment to combat all forms of trafficking in human beings. My Office – the OSCE's Office for Democratic Institutions and Human Rights – is dedicated to working with you,

with our partners in the Alliance, to strengthen the effectiveness of participating States' efforts in this regard.

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OSCE participating States have committed themselves to furthering the human rights-based approach to combating trafficking in human beings by addressing, as a first priority, the **root causes of trafficking**. The 2003 OSCE Action Plan to Combat Trafficking in Human Beings addressed the need to tackle the “root causes of trafficking in human beings, occurring both in countries of origin and destination [...] in particular causes such as poverty, weak social and economic structures, lack of employment opportunities and equal opportunities in general, violence against women and children, discrimination based on sex, race and ethnicity”. ODIHR has been tasked by participating States to assist them in the implementation of their human dimension commitments and in doing so, has worked for over a decade to enhance efforts to protect victims and address the root causes that make groups and individuals vulnerable to trafficking and related exploitation.

The connection between discrimination and trafficking has been highlighted time and again in the work that we have undertaken. Being aware of the alarming impact of discrimination on the prevalence of trafficking of women, men and children, we are convinced of the need to combat all forms of discrimination based on race, ethnicity, gender, disability, social and other status as part of an

effective response to human trafficking. The vulnerability of potential victims of trafficking is further aggravated when participating States fail to provide for basic social and economic rights to all – without discrimination. The situation is, of course, exacerbated by the continuing financial crisis in large part of OSCE.

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Our discussions over these two days will be an opportunity to consider, first of all, how discrimination based on race, gender, ethnicity, social and other status contributes to the increased vulnerability of certain groups to human trafficking. Second, we will consider the ways in which discrimination works to limit the access of trafficked persons and vulnerable groups to services, care, protection and, ultimately to equal enjoyment of their human rights – both in countries of origin and destination. Moving beyond recognition of discrimination as a vulnerability factor, our discussions will allow us to better understand the potential of non-discrimination and empowerment programmes as elements of effective prevention and protection strategies.

Much remains to be done by participating States in their responses to trafficking to improve protection of the rights of victims and vulnerable groups in both countries of origin and destination.

First of all, the responsibility begins at home – in the countries of origin. Many of those who become victims of trafficking experience

some form of direct or indirect discrimination in their home country. This is particularly true of groups who suffer discrimination on multiple grounds such as race, ethnicity, gender, disability and other status and who are more likely to make unsafe migration decisions or to find themselves in exploitative situations. These forms of exploitation include not only trafficking for the purposes of sexual exploitation, but also trafficking for labour exploitation, including domestic servitude, as well as forced begging and the removal of organs.

Second: the countries of destination must work harder to eliminate circumstances which are conducive to trafficking in human beings through effective laws, policies and practices aimed at decreasing the demand for the goods and services produced through trafficked labour such as rigorously prosecuting traffickers, and strengthening labour rights and labour protection, among others.

Countries of destination are also required to ensure that victims and presumed victims of trafficking are properly identified, assisted and protected and, if returned back to their countries of origin, this return is safe and dignified. Discrimination against migrant workers with an irregular migration status is particularly worrying in this regard: even in cases where they have been subjected to trafficking and exploitation, such workers continue to be prosecuted for violations of immigration, administrative or even criminal law, violations committed as a direct consequence of being trafficked. Recognition of their status as victims is rare as States continue to prioritize efforts to

control immigration or combat organized crime over efforts to protect victims. Often, there is an underlying – discriminatory – assumption, that such persons lack the same entitlements to labour rights, access to justice and remedies, as the local workers.

Third: the obligations and responsibility of the State towards the trafficked persons continue upon their return to the country of origin. Discrimination and stigmatization of returned trafficked persons limit their access to assistance and protection services. This hinders their reintegration into society and is one of the prime causes of their vulnerability to re-trafficking.

In response to this problem ODIHR has, over the course of this past year, continued to support – both in countries of origin and destination – outreach to vulnerable groups. Our Office has facilitated opportunities for training and information exchange for legal practitioners focused on improving victims’ access to legal assistance, justice and compensation.

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Underpinning these efforts is our ongoing commitment to promoting the establishment of **effective National Referral Mechanisms (NRM)** in participating States across the region. Following our publication of the NRM Handbook in 2004, our Office has contributed directly to training of national stakeholders involved in developing the NRM and has continued to advocate for inclusion of

civil society actors within this mechanism. We are convinced that it is through effective NRM that participating States can increase protection of the victims of trafficking and secure their better identification and assistance, in particular with regard to trafficking for the purpose of labour exploitation.

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In the coming months, we will continue to build on the NRM framework to assist participating States in better understanding what effective NRM consists of and how to implement their OSCE commitments in this regard. ODIHR is also currently finalizing a **Guide on the Human Rights in the Return of Trafficked Persons**, which will offer guidance to participating States on ensuring a safe and non-discriminatory process of return of victims of trafficking to their country of origin or prior residence.

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Our work cannot stop at the point of recognizing discrimination as a vulnerability factor. We should consider what more can be done so that **non-discrimination and empowerment underpin our prevention strategies.**

Allow me to offer an example that could be considered a good practice in this regard. ODIHR has, over the past five years, been particularly active in promoting **peer education** as an effective tool for the

protection and empowerment of marginalized and vulnerable groups. This year, saw the conclusion of peer-education project with the Roma and Egyptian communities in two cities in Albania. Through the ODIHR-supported project, hundreds of families within these marginalized communities have been contacted and assisted by peer educators resulting in increased numbers of registered children, children attending school, children attending recreational and educational classes, children and family members in need receiving medical care and social assistance, and young people assisted in attending vocational training courses and finding employment. Importantly, the peer education work has helped to better inform marginalized Roma and Egyptian communities about their rights and entitlements and how to claim and assert them in an institutional climate that is often hostile and discriminating. Particular attention has been paid to working with young women and their families to prevent school drop out and early marriages.

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Ladies and Gentlemen,

Let us not forget the urgency of the task before us. According to 2012 estimates by ILO, there are 21 million people trapped in forced and exploitative labour situations worldwide. Statistics suggest that, of all the regions of the world, the prevalence rate of forced labour is highest precisely within the OSCE region. It is therefore high time to address the root causes that make people vulnerable to exploitation in

our region. It is also up to us to work with all relevant actors to strengthen NRM and to equip discriminated and marginalized communities and individuals with the skills, services and protection they need to fully enjoy their human rights.

Thank you for your attention and I wish you all a fruitful meeting.