

ALLIANCE AGAINST TRAFFICKING IN PERSONS
Stolen Lives, Stolen Money: The Price of Modern-Day Slavery
SIDE EVENTS PROGRAMME – TUESDAY 25 JUNE

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**13.45 – 14.45: LAUNCH OF FIFTH OCCASIONAL PAPER:
“TRAFFICKING IN HUMAN BEINGS AMOUNTING TO
TORTURE AND OTHER FORMS OF ILL-TREATMENT”**

Bibliotheksaal, 5th floor (English only)

The 2008 OSCE Ministerial Declaration on the Occasion of the 60th Anniversary of the Universal Declaration of Human Rights stressed that *“everyone has the right to life, liberty [...] no one shall be held in slavery, and no one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment”*. Both human trafficking and torture and other forms of ill-treatment are a serious violation to a person’s right to life, liberty and security and of their human dignity and integrity.

This fifth Occasional Paper denounces the use of torture and other forms of ill-treatment by traffickers as a means to subjugate, control and punish trafficked people. It analyses under which circumstances trafficking can amount to torture or other forms of ill-treatment and it identifies the connection between them from a clinical perspective. The Paper also provides the conceptual framework to understand what trafficking cases entail in terms of the physical and psychological effects on trafficked persons, and the legal and clinical implications that flow from this characterization, including in terms of legal entitlements.

In the spirit of the OSCE Athens Ministerial Declaration which *“strongly condemn[s] all forms of torture and other cruel, inhuman or degrading treatment or punishment, which are and shall remain prohibited at any time and in any place whatsoever and can never be justified”*, the Paper builds on the important work of the former UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak and the clinical experience of the Helen Bamber Foundation.

Maria Grazia Giammarinaro, OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings

Professor Dr. Manfred Nowak, Director, Ludwig Boltzmann Institute of Human Rights

Julia Planitzer, Legal researcher, Ludwig Boltzmann Institute of Human Rights

Professor Cornelius Katona, Medical Director, Helen Bamber Foundation

Rachel Witkin, Counter-Trafficking Lead, Helen Bamber Foundation

13.45 – 14.45: ПРОГРАММА СОТРУДНИЧЕСТВА ГОСУДАРСТВ-УЧАСТНИКОВ СНГ В БОРЬБЕ С ТОРГОВЛЕЙ ЛЮДЬМИ: ОПЫТ РЕАЛИЗАЦИИ, ДОСТИЖЕНИЯ, ПРОБЛЕМЫ, ПЕРСПЕКТИВЫ

Room 201, 2nd floor (Russian only)

В настоящее время подходит к концу реализация Программы сотрудничества государств-участников СНГ в борьбе с торговлей людьми на 2011-2013 годы, предполагающей тесное взаимодействие компетентных органов стран СНГ на комплексной основе и повышение эффективности в борьбе с торговлей людьми. К концу 2013 года должна быть принята новая, уже третья Программа сотрудничества на более длительную перспективу (2014-2018 годы). Более того, СНГ располагает адекватным правовым инструментарием в этой области, а именно модельным законодательством, отвечающим высоким международным стандартам.

Модельные законы «О противодействии торговле людьми» и «Об оказании помощи жертвам торговли людьми», а также Рекомендации по унификации и гармонизации законодательства государств-участников СНГ в этой сфере составляют методологическую и правовую основу для совершенствования национального законодательства, включая транспозицию норм международного права, в борьбе с торговлей людьми, органами и тканями человека.

Какие уроки были извлечены государствами в ходе выполнения упомянутой выше Программы сотрудничества? В каких областях удалось продвинуться вперед? С какими вызовами столкнулись государства при выполнении отдельных положений Программы? Какие проблемы возникли в работе по инкорпорации в национальном законодательстве общепризнанных принципов и норм международного права по борьбе с торговлей людьми, в том числе детьми? Каких успехов удалось достигнуть в области совершенствования национального законодательства государств-участников на основе модельного законодательства МПА СНГ? Каким образом новая Программа сотрудничества будет содействовать преодолению существующих проблем?

Обсуждение данных вопросов состоится в рамках Дополнительного мероприятия, которое пройдет под руководством **Ольги Валентиновны Пристанской**, Советника Уполномоченного по правам ребенка при Президенте Российской Федерации. Г-жа Пристанская является одним из авторов модельного законодательства СНГ по борьбе с торговлей людьми и известным экспертом по правам ребенка.

ALLIANCE AGAINST TRAFFICKING IN PERSONS

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SIDE EVENTS PROGRAMME - WEDNESDAY 26 JUNE

12.30 – 13.30: VICTIM RETURN AND REINTEGRATION CARE

Bibliotheksaal, 5th floor (English only)

The OSCE Action Plan to Combat Trafficking in Human Beings encourages participating States to take a humanitarian and compassionate approach when returning, rehabilitating and reintegrating victims. Subsequent ministerial decisions have highlighted the importance of pursuing a victim-centred approach.

At the heart of a victim-centred approach is the need for provision of humane and sustainable victim care and reintegration measures, to safely allow the return of victims of trafficking to their country of origin. The side event will discuss what mechanisms and support structures victims of trafficking need in place to return to their country of origin. The focus will be on fostering a regional EU approach that both EU Member States and OSCE participating States can productively engage with. It will enable attendees to share the challenges they face in preparing and returning victims and provide the opportunity to share practices and experience in delivering victim care whilst also identifying shared areas of challenge for pursuing future multilateral work.

Speakers will explore the issues facing civil society, governments and international organizations charged with policy and delivery of victim care and reintegration, with time for a substantive Q&A session at the end.

Maria Grazia Giammarinaro, OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings

Rachel Aukett, Head of Human Trafficking Team, Migration Directorate, UK Foreign and Commonwealth Office

Andrew Wileman, Anti-Trafficking Coordinator, The Salvation Army
(The Salvation Army deliver the UK Government's victim care package for potential victims of trafficking referred through the UK's National Referral Mechanism.)

Christopher Gaul, Anti-Trafficking Contact Point, International Organization for Migration, London

This side event is organized by the UK Foreign and Commonwealth Office.

13.15 – 14.15: PRESENTATION OF THE SR'S RECOMMENDATIONS ON THE NON- PUNISHMENT PROVISION

Room 201, 2nd floor (English only)

Evidence to date confirms that victims of THB are routinely punished (through administrative detention and the imposition of fines amongst other means) and prosecuted throughout the OSCE region for crimes which were committed as a direct consequence of their trafficking, such as for immigration offences, the use of false documents and drug cultivation. This current situation represents a very stark violation of the human rights of victims and one of the most appalling injustices.

The non-punishment principle has been solemnly affirmed in OSCE commitments since 2000 and a number of other politically and legally binding commitments. In April 2013, the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings issued the "Policy and legislative recommendations towards the effective implementation of the non-punishment provision with regard to victims of trafficking", available online at: <<http://www.osce.org/cthb/101002>>.

During the side event, speakers will discuss the rationale for the non-punishment provision, challenges in its implementation, and the core recommendations of the SR. Speakers will also present actual case studies where trafficked persons have been punished, both within the context of administrative fines and detention, as well as within the realm of criminal justice.

Maria Grazia Giammarinaro, OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings

Liliana Sorrentino, Independent Expert

Patricia Le Cocq, Centre for Equal Opportunities and Opposition to Racism, Belgium

Evelyn Probst, Co-ordinator, LEFÖ-IBF, Austria