



Human Dimension Implementation Meeting ODIHR activities

Tuesday, 3 October 2006

Working session 2 & 3: (specifically selected topic) Addressing factors contributing to the cycle of trafficking

Victims' rights protection is a key component in the OSCE Action Plan to Combat the Trafficking of Human Beings (THB) and the focus of ODIHR Anti-Trafficking work. The identification and protection of victims is crucial in ensuring victims' rights to protection from exploitation, access to justice, compensation, rehabilitation and freedom from ill-treatment including re-trafficking. The importance of adequate identification and assistance was the focus of the ODIHR Conference entitled 'Ensuring Human Rights Protection in Countries of Destination: Breaking the Cycle of Trafficking'¹ and subsequent expert meetings convened under the Alliance against Trafficking. Multi-agency cooperation, including civil society, in accordance with the concept of National Referral Mechanisms has proved important in protecting and assisting victims. However, not all States have established such cooperation. Current information indicates that in the absence of better identification and assistance measures victims remain subject to administrative detention as illegal migrants, are returned to countries without attention being paid to their safety on return and are prosecuted for illegal activities or possession of fraudulent documents. Also where assistance is conditional on victims' collaboration with law enforcement, many victims refuse assistance and fail to claim their rights.

ODIHR activities relating to this Working Session/issue

In 2005 and 2006 the ODIHR conducted activities to support the establishment of national referral mechanisms and improve protection of the rights of trafficked persons. Activities were aimed both at raising awareness of the relevant issues and improving practical implementation of OSCE commitments.

Supporting establishment of National Referral Mechanisms

The ODIHR initiated a series of assessments as the starting point for its work in supporting the OSCE participating States to establish National Referral Mechanisms (NRM). The assessments evaluate policies and practices on the identification, protection of rights and access to justice of trafficked persons. The assessments also include analysis of the implementation of the law and press and media coverage of trafficking in any given country. Assessments are currently under discussion, underway or have been completed in Belarus, France, Kazakhstan, Russia, Turkey and the UK.

¹ "Ensuring the Human Rights Protection in Countries of Destination: Breaking the Cycle of Trafficking", Helsinki 23-24 September 2004, Conference report, OSCE ODIHR.

Numerous meetings were held with OSCE delegations, government structures and civil society in country prior to the assessments. Also measures have been taken to encourage both the State and civil society in each country to act on the findings of the assessments. It is hoped that these findings will be exchanged between countries to raise awareness of the strengths and weaknesses of different approaches to anti-trafficking and stimulate change where needed.

Where assessments have been completed, training has been provided to civil society and local government on the functioning and role of different actors in National Referral Mechanisms (e.g. Kazakhstan). Workshops and further projects have also been developed (in Armenia and Georgia) to strengthen exchanges of good practice on identification and referral.

Protecting rights:

In September 2005 the ODIHR organised an event during the Human Dimension Implementation Meeting on the safety of returning trafficked persons to countries of origin. The event brought together practitioners from countries of destination and origin including Moldova, Poland, Switzerland and the UK to share experiences of assessing the risk that returning trafficking victims face, such as ill treatment and re-trafficking. The event highlighted the international commitments to guarantee return 'with due regard to the safety of the returnee'. The ideas and contacts generated during the event have led to an increased awareness of the right to *non-refoulement* and generated requests for assistance on individual cases.

In May 2006, the ODIHR organised an event on criminal justice and the trafficking victim. The event brought together practitioners from Albania, Germany, Moldova and Romania to present both new research on the protection of rights of trafficked persons in criminal proceedings and the experience of trafficked persons. The participants stressed that victims do not have access to information about their rights or access to legal assistance. They often face pressure from law enforcement to file complaints but rather than receiving protection, face stigmatisation, punishment (including fines and deportation) and criminalisation. Also, compensation is rarely paid to trafficked persons, in either destination or origin countries. This event followed up on information gathered during ODIHR trial monitoring projects. One such project, in Moldova, is about monitoring trafficking trials in order to collate information on the extent of victims' rights protection during criminal proceedings.

Capacity building for OSCE focal points

To strengthen partnerships with the anti-trafficking focal points in OSCE's field missions and to promote the ODIHR's support to National Referral Mechanisms and protection of rights of victims of trafficking, the ODIHR has regularly organised co-ordination meetings for OSCE anti-trafficking focal points. These meetings have for instance focussed on new developments when establishing national referral mechanisms, experiences on identification and protection of victims and co-operation with international experts and NGOs.