

OSCE Vienna Roundtable, 12-13 December 2010

Session on New Security Threats

By Dr. Maria Grazia Giammarinaro

OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings

The OSCE considers trafficking in human beings as a transnational threat to security. Trafficking in human beings, however, remains a low-risk crime as it does not receive the same level of criminal justice response as other organized crime such as drug trafficking. Why?

What does trafficking in human beings share with other transnational threats, such as drug trafficking or trafficking in small arms?

- a) Mostly run by organized crime, although not always hierarchically organized or structured as a military-shaped organization;
- b) Linked with the growing trend of criminal markets. In the case of trafficking for labour exploitation, we observe a growing demand for cheap labour, which becomes systemic in certain sectors. Globalization offers the opportunity to move a huge number of people and provide cheap workforce, which in the hands of organized crime often becomes unpaid forced labour;
- c) Systemic role played by corrupt officials;
- d) Reinvestment in other criminal businesses and money laundering as an outcome of the criminal activity; and
- e) Consequently, through trafficking in human beings criminal groups acquire wealth, political influence and capacity to infiltrate the legal economy; trafficking in human beings poses a serious risk for economic and democratic development.

What makes trafficking in human beings significantly different from other types of trafficking or crimes implying trade?

The fact that what is bought and sold are not things but people. Profit is generated through the exploitation of people in slavery-like conditions.

- a) Direct victimization of people affects the modus operandi of the criminal group running trafficking and its criminal skill, which could be particularly cruel or characterized by a strong capacity to manipulate people as in cases of usury or extortion;
- b) The criminal fame of the group plays a major role in subjugating people, therefore a number of criminal activities are carried out to foster such fame and this in turn increases the risk for victims; and
- c) The trafficking process is very complex. People are recruited through false promising offers by specialised travel, recruitment and placement agencies or by acquaintances and other private individuals. People are provided with travel and identity documents, they are transported, accommodated and fed both during their journey and at destination where they are exploited (although in degrading conditions). Often they have to cross borders, and once in the country of destination they are placed in a particular employment or situation where they are under constant control and can be exploited with the maximum profit for the traffickers. All these activities imply specialization of criminal services. This is the reason why organized crime groups running trafficking are often shaped as networks of groups loosely connected with each other rather than as hierarchical criminal organizations.

What are the specific challenges for law enforcement?

Trafficking in human beings is a 'sui generis' crime, which requires sophisticated investigative techniques based on a multidisciplinary and human rights-centred approach.

- a) Law enforcement should be acquainted with the specific modus operandi, which varies dramatically according to the ethnic origin, type of exploitation, etc.;
- b) Human rights considerations must always take first place when any investigative technique is used. For example, regarding the use of undercover agents, the risk for the victim must be the subject of an appropriate risk assessment before deciding to use that technique;
- c) A correct approach to victims is crucial not only to secure evidence but also to protect their rights (this inter alia entails an approach respectful of the person, avoiding instrumentalisation of the victim for investigative and prosecutorial purposes, and preventing re-victimisation, etc.);
- d) The regular use of financial investigation is essential not only to freeze and forfeit the proceeds of crime and detect money laundering but also to identify the connections between different criminal groups running different phases of the trafficking process; and
- e) A multidisciplinary approach and background is needed to deal appropriately and successfully with cases of trafficking in human beings in which it is necessary to make full use of case law related to different types of crime, i.e. rape concerning the consent and the abuse of a situation of personal vulnerability; usury concerning the abuse of social and economic vulnerability of the victim; etc..