



**Organization for Security and Co-operation in Europe**

*Special Representative  
on Combating Trafficking in Human Beings*

**ALLIANCE**

**AGAINST TRAFFICKING IN PERSONS**

**STATEMENTS AT THE FIRST MEETING**

**VIENNA, 23 JULY 2004**



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## WELCOMING ADDRESSES

**Ambassador Ivo Petrov**  
**Chairman of the OSCE Permanent Council**

Ladies and Gentlemen,

It is an honour and a privilege to address the first meeting organized by the OSCE Special Representative on Combating Trafficking in Human Beings, Dr. Helga Konrad, which aims at consolidating existing partnerships with main international organizations into an alliance against trafficking in human beings.

Trafficking in Human Beings is currently one of the most urgent and complex human rights issue which demands a more appropriate and co-ordinated response from the international community. The response to this multifaceted, ever increasing problem, must be interdisciplinary and international. We are faced with a transnational crime and combating this global problem will require concerted action at national, regional and international levels. Countries of origin, transit and destination must work together in order to achieve significant progress.

Therefore, in December 2003, the OSCE in its Ministerial Council in Maastricht has adopted a comprehensive Action Plan to Combat Trafficking in Human Beings, which addresses the problem comprehensively, covering protection of victims, the prevention of trafficking in human beings and the prosecution of those who facilitate or commit the crimes. To assist participating States in the implementation of this Plan, the comprehensiveness of which has been developed in cooperation with other international organizations, the position of a Special Representative has been created, which is now filled by Dr. Helga Konrad. She will be assisted by an Anti-Trafficking Assistance Unit in the Secretariat, consisting of 4 Professionals. The Unit will promote coordination between individual participating States, both within the OSCE structures and with other international organizations. Other OSCE structures, such as the Office for Democratic Institutions and Human Rights, the Strategic Police Matters Unit, the Office of the Coordinator of Economic and Environmental Affairs, and other relevant staff will continue to assist these efforts through a multidisciplinary approach.

Various OSCE Declarations and Commitments reaffirm that trafficking in human beings is an abhorrent human rights abuse and a serious crime that demands a more comprehensive and coordinated response from participating States and the international community.

From a practical point of view, we can already look back on a number of substantial achievements in the implementation of anti-trafficking measures within the OSCE. Please allow me to point out some examples:

During the last years, numerous OSCE Field Missions established focal points that are solely committed to anti-trafficking measures. They assist hosting governments and civil society in designing and implementing National Plans of Action, National Referral Mechanisms as well as supporting legislative reviews.

A practical handbook on how to design and implement National Referral Mechanisms (NRM) has been published recently by the OSCE/ODIHR. It takes into consideration the necessity to develop a multidisciplinary and cross-sectoral approach to establish human rights protection mechanisms for victims while ensuring successful prosecution of the perpetrators.

An Anti-Trafficking Programme on the Public-Private Co-operation in the Prevention of Trafficking in Human Beings has been developed by the Office of the OSCE Co-ordinator of Economic and Environmental Activities (OCEEA). In three sub programmes it (1) promotes self-regulation of the private sector to join counter-trafficking efforts, (2) will help improve awareness raising in countries of destination and (3) create economic empowerment opportunities for potential victims. The implementation of this Programme has now started.

Finally, the OSCE has created strict standards of behaviour to ensure that its staff acts in compliance with international human rights standards precluding in any way affiliation with persons involved in trafficking in human beings.

In conclusion I would like one more time to stress that only strong international coordination and cooperation of our efforts will allow us to more effectively combat trafficking in human beings.

I wish all participants every success.

Thank you for your attention.

**Ambassador Ján Kubiš**  
**OSCE Secretary General**

Trafficking operates in destabilized areas and destabilizes them further. When government structures and institutions are weak, organized crime moves in to fill the void. Criminal networks also deploy their activities within and across the borders of other States in the OSCE region and pose a serious threat to our common security. Trafficking in human beings, as one of the areas of transnational organized crime, is a problem which affects all our countries. It is a problem that no country can solve on its own. In the OSCE it has been recognized as a common concern, for which a common response is needed.

Since 1999 the OSCE has developed strong commitments to fight against trafficking. These were summarized in the **Action Plan to Combat Trafficking in Human Beings** which was endorsed in the Ministerial Council at Maastricht last December. Most recently, a Special Representative to the Chairmanship on Combating Trafficking in Human Beings has been appointed and an Anti-Trafficking Assistance Unit will be operational in the Secretariat in September.

This builds on the existing cross-dimensional approach involving field missions, the ODIHR and specialized units in the Secretariat.

Several **field missions** assist host States in legal reforms in order to enable ratification and compliance with the Palermo Protocol. They also support governmental representatives, civil society actors and law-enforcement structures to develop national referral mechanisms as a co-operative framework focussing on respecting the human rights of trafficked persons and on effective ways to give the victims the necessary assistance and services. The aim is to cope with the supply side of this problem, and to assist the victims of this modern form of slavery.

**The Strategic Police Matters Unit** is tasked with the enhancement of community policing, facilitating police training and the development of relevant materials. As a result of the first OSCE Meeting of Police Experts in 2003, a workshop will be held next week here in Vienna on investigating sexual crimes.

**The Office of the Coordinator for Economic and Environmental Affairs** has developed several projects aimed at groups at risk, such as young women in countries of transition, giving them the possibility to receive training on the development of Small and Medium size Enterprises, in order to increase their job opportunities. The Co-ordinator is also working on self-regulatory mechanisms, such as codes of conduct, in order to stem exploitation in various economic fields including in the tourist and entertainment industry.

**The Secretariat** is developing and implementing training for all staff members on the issue of trafficking. A strong emphasis is made on the importance of an exemplary behaviour of our staff. As I said during the EU STOP conference in Brussels in September 2002, it is of utmost importance that our staff (particularly in field missions) reflect the values which we promote through their own behaviour, on the job and in their private time. We have to practice what we preach. We can not, even unwittingly, contribute to human trafficking. Acceptable standards of behaviour have been outlined in a Code of Conduct and a general

staff instruction. I note that a similar approach is being taken by other international organizations and I think that it is useful to compare notes in this regard.

Work ethics is just one of the areas where a continuous exchange of information and co-operation can be fruitful. The OSCE remains committed to co-operate with other international organizations and co-ordinate efforts to address all areas of combating trafficking. In the **Edinburgh Declaration of the OSCE Parliamentary Assembly**, issued on 9 July of this year, the OSCE is encouraged "to take a leading role in the OSCE region in co-ordinating, at the level of headquarters and in the field, all regional efforts to combat human trafficking, in co-operation with the United Nations and other international organizations, so as to ensure a greater level of effectiveness."

Co-operation and co-ordination among different institutions and NGOs is indispensable in order to avoid duplications and to create synergies among different programmes which will help to enhance effectiveness of these planned actions. Positive lessons on the benefits of sharing information and expertise can be learned by the role played by the **Anti-Trafficking Task Force of the Stability Pact for South Eastern Europe**. I am glad that its leader, Helga Konrad, will be bringing her rich experience to the OSCE.

A word of caution. As in other aspects of the OSCE's work, we have to make sure that there is a link between commitments and resources. Much of the OSCE's anti-trafficking work depends on extra-budgetary contributions. That is welcome, but in order to have a co-ordinated and sustainable strategy we need to have sufficient core funding. It will also be important to ensure internal co-ordination of the OSCE's multi-faceted approach, especially because anti-trafficking has some many dimensions: the human aspect, legal, policing, borders, socio-economic. New programmes should be developed taking into account existing structures and linking them to ongoing activities, in order to create an interaction that produces a combined effect which is greater than the sum of separate parts.

In conclusion, I fully support the efforts of the Special Representative to strengthen and consolidate our existing partnership with other organizations, to promote a common strategy in the fight against trafficking, building on the anti-trafficking activities that have been developed in the last years. Each of our organizations has its specialized field of operations. But we are allies in a common cause. Working together we can take effective action against trafficking in human beings.



**Helga Konrad**  
**OSCE Special Representative on Combating Trafficking in Human Beings**

Let me warmly welcome you again to this meeting right before the summer break – a few of those invited may already be on holiday – so I appreciate it all the more that such an august group has gathered here today in support of the *Alliance Against Trafficking in Persons*.

Bearing in mind that the key to sustainable solutions in the fight against trafficking in human beings is cooperation and coordination, I am happy to have this opportunity to consolidate the existing partnership with other international, intergovernmental and non-governmental organisations, which was the outcome of our joint anti-trafficking work in South-Eastern Europe, and to extend it to the entire OSCE region.

If trafficking in human beings is to be counteracted effectively, and the fight against it is to be taken forward, then we shall have to pool all our forces and resources. In order to provide guidance on anti-trafficking management to those responsible on the spot – namely the governments and governmental authorities – the various players and stakeholders have to interact. What is in demand here, is our cooperation – the close cooperation of all major international organisations and NGOs – on this intricate problem of human trafficking. What is needed is your, is our profound expertise, our international know-how – to put it in a nutshell – our joint and common vital input.

As we all know, trafficking in persons is a very complex problem and cannot be captured in single-snapshot. It is better characterised as a series of actions unfolding like a movie. This is to say that it does not happen within a given moment in time, and then it is over, nor does it happen in one place. It is not perpetrated only in the country where the victim or the criminal is discovered, it is much rather a chain or series of criminal offences and of human rights violations starting in the country of origin and extending over time and across countries of transit into countries of destination. Even internal trafficking – which is on the rise – involves a series of crimes and human rights violations that extend over time. And the different links/parts of this chain require different responses.

I have tried to make today's agenda reflect the diverse dimensions of this continuum. And my thanks go to all those who are going to share their specialised experience and knowledge with us today and to throw light on this complex/intricate puzzle and on the appropriate and necessary responses.

I would hope that as one of the outcomes of this meeting we could help decision-makers, practitioners and donors to make the right choices in their approaches to human trafficking and to find the right path to effectively combating this horrible crime.

If we use the UN Protocol against Trafficking in Persons as the starting point of the modern era of confronting human trafficking, then this world-wide problem has now received concerted international attention for at least four years. This was when governments started to put this issue on their political agenda, the broad enactment of anti-trafficking laws began, funding for anti-trafficking projects and programmes began to flow, and more and more governments, organisations and individuals devoted increasing attention to this problem.

Many good things – ranging from structural and institutional measures and collaborative initiatives to the development of comprehensive action plans at national levels - have been done and continue to be done. Yet, in spite of all these activities there does not seem to be evidence of a substantial reduction of human trafficking. But this is what all our activities are supposed and meant to be about.

We must be aware that when we got to the starting line the traffickers were already far ahead in this race and notwithstanding the progress we have made, we are still lagging behind, struggling to catch up. So we cannot rest on our laurels, just as a marathon runner cannot celebrate finishing the first mile.

So, the question is no longer what can be done about human trafficking but rather how we can do more and do it better and how to fit the various pieces of the puzzle together in order to achieve maximum effectiveness and sustainability.

And it is clear: There is no time to lose or wait.

We must no longer accept that traffickers collaborate more efficiently than democratic bodies and authorities do. We must ultimately accept that trafficking in persons is multi-dimensional and cannot be reduced to a simplistic, one-dimensional issue.

The eminent representatives of international, intergovernmental and non-governmental organisations who are meeting here today mirror the multi-dimensionality of the subject at issue. With your support and assistance I shall – in my new capacity as OSCE Special Representative on Combating Trafficking in Human Beings – try to contribute to making the unacceptable impracticable, to paraphrase the Armenian Ambassador to the OSCE.

I would like to call meetings such as this once or twice a year, in order to strengthen this ALLIANCE AGAINST TRAFFICKING IN PERSONS and to discuss developments and trends, to see where we stand and whether we are moving in the right direction.

## A COUNCIL OF EUROPE CONVENTION FOR VICTIMS OF TRAFFICKING – THE VICTIM-CENTRED APPROACH

**Maud de Boer Buquicchio**  
Deputy Secretary General, Council of Europe

### I. No crime without victim

In Europe today, we accept the existence of dealers and supermarkets that sell people against their will. You can help yourself from a selection of "cleaners", "sex objects", "babies", "children and disabled persons ready for anything", "sundry organs", etc. You can even consult specialised catalogues or agencies which help you to find the person, or rather the "object", that you want.

It is happening on our doorsteps, in our industries and our fields, in our embassies and our homes, our fitness centres and our hotels. All kinds of customers use the services on offer: sick people, low-income households, diplomats, executives, lonely men, infertile women...

Against all logic, our society seems to tolerate this new form of slavery.

Trafficking in human beings **is obviously a crime**. This "business" is believed to be growing fastest in Central and Eastern Europe and the former Soviet Union. Europol estimates that the industry is now worth several billion dollars a year. This is also alarming because illicit profits are frequently used for corruption and other criminal activities. It is therefore urgent that this crime is properly prosecuted and that preventive measures are taken to avoid it spreading any further.

Of course, the political speech denounces trafficking in human beings as a crime. But this is not enough. We have to put it plainly: **trafficking in human beings is an affront to human dignity and therefore a violation of the most fundamental human rights**.

Trafficked persons are **victims** of violations of their fundamental rights. They are therefore entitled to adequate protection. To guarantee effective protection we first need to ensure that trafficked persons are recognised and treated as VICTIMS. This is a first, obvious – but oh so essential - step. However, in place of that missing step, there is very often an abyss into which victims fall and where traffickers hide to continue their trade in all impunity. Some may even think that the victims are also partly responsible for their fate. Even worse, some seem to think that trafficked persons are not victims at all. The persons who are the object of these transactions do not even have the consolation of being considered as victims. They are vulnerable people trying to survive or to improve their situations, far from their countries and their families, deceived by intermediaries, trapped by their "users", abandoned by a legal and social system which fails to protect them and is incapable of opening the gates of their imprisonment.

Compensation for the suffering and effective protection of the victim from any future harm constitute additional and important steps which are, unfortunately, far from being granted by most of our systems.

## II. Both the crime and its victims are our concern

By its very nature, trafficking nearly always implies several states. To address the question effectively, **international co-operation** is a must. The international community feels concerned and this is very good news. Many initiatives have been taken to fight trafficking. The ultimate aim is to protect the social order. All international organisations around this table have addressed this issue. We have elaborated recommendations and action plans (both at international and national levels), reviewed national legislations, implemented assistance programmes, launched awareness raising campaigns and monitored progress. In this meeting room, we are all convinced that fighting trafficking means prevention, prosecution, awareness raising and last, but not least, protection of the victims.

And yet, so far, international **legal** co-operation has concentrated mainly in the measures needed to identify and prosecute the criminals, seize their gains, break their networks and eradicate the problem. These measures are indeed important but are they enough? The answer is no. Our social order cannot be effectively protected if we fail to protect and assist the direct victims of trafficking.

The 45 member states of the Council of Europe have of course ratified the European Convention on Human Rights, as well as numerous other texts which prohibit slavery, torture and inhuman and degrading treatment. It is then only natural that they are determined today to address the question of the victims of trafficking, by means of a legally binding instrument: a European Convention on action against trafficking in human beings.

The text of the Convention is currently going through its second reading. I have been observing the negotiations and I want to share with you my **mixed feelings** about the way our concerns are addressed.

### 1. Satisfaction

I obviously see with satisfaction the many measures foreseen to protect and assist the victims.

You will be pleased to hear that the current draft Convention includes a Chapter (III) entirely devoted to the measures **to protect and promote the rights of victims**, including gender equality issues. Very briefly, these measures cover:

- Identification of the victims: the authorities dealing with trafficking should co-operate with each other and be assisted by trained and qualified experts that will help them to identify the victims and to issue residence permits when appropriate. In those cases where there are reasonable grounds to believe that a person has been a victim of trafficking, states are asked to refrain from expelling that person from their territory until the identification process is completed.
- Assistance for the victims: the objective is to ensure their physical, psychological and social recovery, and the provision of appropriate and secure housing, medical and material assistance, counselling and information (in particular legal advice) in a language they understand; financial support, employment and training opportunities (including the possibility of obtaining work permits).
- Compensation and legal redress: the Convention guarantees legal advice and compensation for victims of trafficking. Such a compensation could be financed, for

instance, through the establishment of a fund for victim compensation, which could be funded, *inter alia*, by the assets confiscated from traffickers.

- Protection of private life (through appropriate management of data by the authorities and through the promotion of responsible behaviour of the media).
- Recovery and reflection period. Countries of destination and transit are requested to allow a victim to stay on their territory over a period of time which will have to be sufficient to allow the victim to recover, escape from the influence of traffickers and to be in a position to take an informed decision on co-operating with the competent authorities.
- Residence permits: an important provision tackles this controversial and difficult question. It would request states to provide, in conformity with their national laws, for the possibility of delivering a renewable residence permit to victims. I am particularly glad that the drafters of the Convention are not limiting the delivery of a residence permit to the victims' co-operation with law enforcement authorities. Indeed, the draft Convention will enable countries to deliver residence permits to victims of trafficking also when their stay is necessary owing to their personal situations.
- Repatriation of victims: a specific provision aims to cover those cases in which the victim returns to his/her country of origin. Some of the issues at stake are: the victim's safety, documentation, re-integration on the labour market and prevention of re-victimisation. Particular attention is paid to the cases in which the victims are children and to the need to co-operate with NGOs, law enforcement structures and social welfare agencies.

### **2. Relief**

There is an important point that was missed by existing international instruments: the need to prosecute not only the traffickers but also the consumers of the "services" that victims of trafficking are forced to provide to. I am relieved to note that the draft Convention contains a provision asking the states to criminalise the use of services of a victim when the "consumer" knows that the person in question is a victim of trafficking. As obvious as this may seem, we still hear voices being raised against such a measure. I am relieved to see that our member states have decided not to hide behind wrong arguments such as respect of privacy or procedural difficulties.

### **3. Optimism**

The establishment of a monitoring mechanism continues to be one of the main added values of the future Convention. The possibility for an independent body to examine the situation in the states party and to draw conclusions likely to help them to make the necessary progress is an enormous asset.

Another reason to be optimistic is that civil society is closely following the drafting process. We consider the participation of civil society both in the negotiation process of the Convention and in the implementation of its provisions as crucial in the success of any policy and legislation aimed at fighting trafficking.

I was extremely pleased to see that the last negotiation round started with the hearing of three major international NGOs: Amnesty International, Anti-Slavery International and *Terre des Hommes*. Their contributions, both oral and written, were instrumental, during the negotiations which followed, in developing provisions which addressed the core needs of victims. We look forward to continuing this dialogue with interested NGOs, which may have access to the latest version of the draft Convention at any time.

As regards the implementation of the provisions of the Convention, the text requires states to take measures to involve non-governmental organisations, other relevant organisations or other components of civil society. The vital role played by NGOs both in the prevention of trafficking and in the effective protection of victims is fully recognised and encouraged.

#### 4. Worry

I am worried about the confusion that underlies the position of some of our member countries. Indeed, some authorities still mix the question of illegal migration with the issue of trafficking.

But illegal migrants are NOT victims of trafficking. Illegal migration and trafficking are different issues that need to be addressed separately. Of course, as any other vulnerable person, an illegal migrant may become a victim of trafficking. Some countries fear, however, that illegal migrants **voluntarily** become victims of trafficking to benefit from the protection granted to those victims. To this argument, I would oppose two remarks:

1. Firstly, one cannot voluntarily become a victim of trafficking. The definition of trafficking implies the absence of free consent of the victim. Traffickers use means such as threat, force or other forms of coercion, abduction, fraud, deception, abuse of power, etc... In the case of children (under the age of 18), the absence of those means of coercion and the existence of consent are irrelevant because the victims are minors.
2. Secondly, the event of an abuse of a right is not a reason to ignore that right. Just take the example of a man who kills his wife to cash in on the money from a life insurance. Would a case such as this justify that we decide not to protect all widows in the world? Do we really think that many people are ready to risk going through torture, ill-treatment, and deprivation of liberty, etc... just to move abroad? Aren't these persons supposed to migrate because they wish to improve their standard of living?

I am also worried because this confusion has a threefold effect:

1. victims of trafficking are denied their rights;
2. victims are treated as guilty people (illegal migrants): they are re-victimised;
3. one important (if not the most important) element of the policy against trafficking is neglected with the consequent risk of failing to address the issue in its complexity.

The conclusion is that such confusion will make us fail in our ultimate goal: to restore and protect social order.

## 5. Confidence

Despite the difficulty of the negotiations, I am confident in the outcome. For the first time, countries of origin, transit and destination have decided to use a binding instrument to develop a common policy against trafficking with due regard to the victims and which includes a monitoring mechanism.

Individual countries address the question from different angles, use different tools and achieve different results. International co-operation means re-thinking the whole national system and the necessary changes may sometimes be faced with major obstacles (ranging from social perception to legal traditions and economic reality).

Despite all of this, the Council of Europe's member states are drafting provisions which are both more far-reaching and precise than any other existing international binding instrument. I am confident in their ability to reach the highest possible level of commitment. This Convention should go beyond existing international texts, but should also reflect much more than the minimum common denominator of the different national policies.

## III. A common concern deserves joint action

Ladies and Gentlemen,

I was very pleased to accept Mrs Konrad's invitation to this meeting. I was invited to speak about our draft Convention and the victim-centred approach. I deliberately omitted mentioning the many other efforts that we deploy in the fight against trafficking. Allow me just to draw your attention to the last reports of our Human Rights Commissioner as they are highly relevant to our discussions. I trust that my very personal and frank assessment of the draft Convention will contribute to feed a discussion to which I attach the utmost importance. Our discussion should indeed help us to find the answers to a very simple but crucial question:

**How do we – international organisations, bodies and actors- make sure that our resources are used in the best possible way to protect the values and achieve the goals that justify our very existence?**

I see enormous potential around this table. We bring together here a variety of expertise, political and legal tools, social support, financial backing, commitment and motivation. We have the unique opportunity to combine all these resources and attitudes to achieve a common goal: eradicate trafficking.

In my presentation I outlined a few difficulties that we have encountered in our negotiation process. I am convinced that if all the international organisations present here today agree on how to tackle each single issue and to combine their efforts to remove the obstacles, we will have all fulfilled our mandate.

Dear Helga,

I like the heading you gave to this meeting: "Alliance against trafficking". It makes me think of the story of the Lord of the Rings and the "Fellowship of the Ring" that was created to

defeat Evil. Every single member of that Fellowship had a different background and specific abilities. In the past, some of them had ignored or even fought each other. One day, they realised that they had a common goal. Fighting together, side by side, they discovered the interest of combining their efforts and trusting each other. They then achieved the noblest of aims.

Ladies and Gentlemen,

We should not care about who bears the ring. We should remember our common concern and remain loyal to our common goal. We just need to make sure that the ring is destroyed and that Evil is defeated. We have therefore to concentrate in what can be done, how, when and by whom.

I am at your disposal.



**Gerda Theuermann**

**Director Consultancy Services, International Centre for Migration Policy Development**

First of all, I would like to congratulate you, Madame Chair, on your appointment as the OSCE Special Representative on Combating Trafficking in Human Beings, which will allow you to spread out your knowledge and energy in this field of expertise, acquired in your tireless efforts in and with South Eastern Europe, to the whole OSCE region.

It is a pleasure to be here today and to address this important forum bringing together the main international organisations and agencies active in the combat of human trafficking as well as the OSCE participating states in order to form an alliance against the scourge of human trafficking. This alliance is a logical extension of the excellent and exemplary co-operation and co-ordination mechanism that you have managed to establish for the anti-trafficking response in South Eastern Europe. My organisation is proud to have been actively contributing by way of being part of the Expert Co-ordination Team of the Stability Pact Task Force on Human Trafficking (SPTF), together with other organisations present here and through implementing a range of regional training and capacity building measures. The experiences gained in South Eastern Europe have been unique in many ways and have actually established benchmarks and minimum standards for the entire OSCE region, both in terms of anti-trafficking policies and also as regards the fostering of a co-ordinated approach, seeking to avoid duplication and bringing scarce resources to an optimum use.

ICMPD therefore very much welcomes the idea of forming an anti-trafficking alliance for the OSCE region, and herewith pledges its full support to you, Special Representative, as well as to the OSCE bodies and its participating countries.

Madam Chair,

ICMPD would also like to express its appreciation of the work carried out in the context of the Council of Europe Ad Hoc Committee on Action Against Trafficking in Human Beings (CAHTEH), drafting a Convention on action against trafficking in human beings. The draft convention puts its main emphasis on the victims of trafficking crime, in order to ensure that anti-trafficking measures are responsive to their needs and thus offer the victims a fair chance to recover from the atrocities they have suffered. This victim-centred approach constitutes the main value of this draft Convention and offers an important complement to the United Nations Convention against Transnational Organised Crime and its protocol on human trafficking.

Trafficking in persons, while being a form of organized crime, constitutes first and foremost a human rights violation. A response to this crime therefore necessitates a human rights based, victim-centered approach, as amply laid out in the guidelines issued by the United Nations Office of the High Commissioner for Human Rights (UNHCHR), which is also represented here today. Accordingly, “the human rights of trafficked persons shall be at the centre of all efforts to prevent and combat trafficking and to protect, assist and provide redress to victims”. As is known, such an approach does not only fulfill the basic duty of governments vis-à-vis victims of crime, but it also furthers the combat of organized crime in that it renders investigation, prosecution and court procedures more efficient.

Madam Chair,

Trafficked persons are entitled to protection, assistance and redress in their own right and regardless of their willingness or capacity to press charges and/or give testimony against their traffickers. In this regard, the draft Convention is of crucial importance, as it proposes a definition of minimum standards for the basic social protection and assistance that should be afforded to victims. We would hope that the minimum standards eventually agreed upon by state parties will include safe and appropriate housing, medical and psychological care, counselling and information in a language the victims can understand, legal assistance, material and financial support, education, training and employment opportunities. All services must be provided on a voluntary and confidential basis and in a non-discriminatory and non-judgmental manner. The services must offer a real opportunity for trafficked persons to fully recover from the exploitation and trauma they have gone through, and to acquire their self-reliance in order to restart lives of their own choice.

It is important for official bodies to remember not only that trafficked persons are victims of crime and as such entitled to assistance, protection and redress, but also that their confidence in the State and its ability to protect the victims' interests are essential factors in influencing the victims' decision to co-operate with authorities in the prosecution of traffickers.

The draft Convention contains many indispensable elements that have so far been left to national discretion. These include the provisions relating to compensation and legal redress for victims; the identification of victims (especially the preparedness by state parties not to remove presumed trafficking victims from their territories prior to the conclusion of the identification procedure); as well as the provisions on a minimum recovery and reflection period for victims. Such a stabilisation period, irrespective of the victims' co-operation with the authorities, constitutes a crucial component in the anti-trafficking response. It allows victims to recuperate and to take informed decisions about their future options and whether or not to co-operate with the authorities in the prosecution of traffickers. The granting of such a stabilisation period is not only in compliance with states' obligations to protect the human rights of victims, it also serves to better prepare the victims' repatriation or their (re-) integration in the same or a third country and thus avoiding further re-trafficking. Victims must not be seen as instruments for prosecution. Experience has shown that taking the rights of victims seriously has in fact encouraged victims to participate in judicial proceedings, and thus is a crucial factor for enhancing effective criminal investigations and prosecutions.

It goes without saying that civil society is the key to a successful anti-trafficking response, and that they should be fully involved in all aspects, from prevention, to victim identification, assistance and support, including supporting the victims in their contact with the criminal justice system, and lastly, the repatriation of victims. Mention should be made of the fact that the OSCE ODIHR has recently issued a handbook containing guidelines on the co-operation of NGOs, law enforcement and the judiciary in the context of National Referral Mechanisms. NGOs should also be given an adequate role in the design and implementation of national anti-trafficking strategies and action plans.

Madam Chair,

The human rights based, victim-centred approach has been the basis of ICMPD's previous and current anti-trafficking programmes and projects in South-eastern Europe. The

experiences gained can provide some useful best practices on the actual implementation of these guidelines also for other parts of the OSCE region.

In the framework of the Stability Pact Task Force on Trafficking in Human Beings (SPTF), ICMPD has contributed to the development of a three-pronged training programme, which is human rights based and victim-centred and targets the key law enforcement and criminal justice agents, namely:

- (1) General police,
- (2) Special anti-trafficking investigators, as well as
- (3) Prosecutors and judges.

Well-trained law enforcement officers as well as prosecutors and judges knowledgeable about the special issues of trafficking in human beings are an indispensable part of an effective strategy to counter this horrible crime and human rights violation. The resulting training modules were validated, tested and adopted as regional standards by the countries of the South Eastern European region, and are now being included in the regular training curricula of police and judicial training institutes throughout the region.

Concerning the general police, ICMPD and the Austrian Ministry of the Interior have supported the countries in the SEE region to develop a regional best practice guide for anti-trafficking training of the general police, which was the first of its kind. Targeting non-specialist police this training module aims at enhancing the potential of these police officers to provide the initial response to trafficked victims, from better identification of victims to adequate treatment and protection, as well as the referral to shelters; moreover, front line police can contribute to anti-trafficking investigations by way of low-level counter trafficking intelligence gathering; lastly, the better co-operation between the police and NGOs is being promoted. To this end, the training is framed as awareness training, and to be delivered with input from NGOs, social workers, trauma specialists etc. The training standard promotes a new understanding of law enforcement as servant to society, as well as a balance between the objective of prosecuting perpetrators with the rights and needs of victims.

The second prong, the training module for special investigators, was developed under the leadership of UNDP Romania. Targeting specialised counter-trafficking investigators that hold specific responsibility for the crime, the module seeks to develop the capacity and investigative skills of specialist anti-trafficking investigators as well as enhance co-operation of specialised investigators in the region according to a regional investigative standard. ICMPD and UNDP Romania have agreed with the countries concerned to jointly follow up on generalist and specialist police training, thus promoting a comprehensive law enforcement training strategy.

The third component, a regional training standard developed for judges and prosecutors in 13 participating SEE countries/territories also subscribes to a multi-disciplinary, human rights based and victim centred approach. The module seeks to enhance a new understanding of the criminal justice system where the state recognizes its dual responsibility to both prosecute and convict the perpetrators, while also protecting the victims of crime, restoring their human rights and avoiding any further damage to the victim. In addition to a general awareness raising part and a description of the trafficking crime, and its impact on the victims, the module contains best practices for victim-sensitive prosecution and court proceedings.

Madam Chair,

ICMPD has also initiated a new regional project funded by the EU CARDS programme, which seeks to contribute to a more effective and sustainable national and regional anti-trafficking response in participating Western Balkans countries in a spirit of national ownership and in particular with the full involvement of civil society (NGOs). The project is implemented in close cooperation with the SAp countries, in partnership with the NGO Women's Room from Croatia and the NGO Victimology Society from Serbia working closely with the SPTF and its supporting organisations, especially the OSCE anti-trafficking focal points in the region.

Targeting the national anti-trafficking co-ordinators and national co-ordination teams, the project seeks to strengthen the capacities of these teams to develop and implement comprehensive national strategies and operational action plans, including in-built mechanisms for co-ordination, information management, ongoing assessments, monitoring and evaluation of anti-trafficking measures as well as review of strategies and action plans at regular intervals. As is known, governments in the region have established basic national structures and have also endorsed comprehensive national strategies and action plans to counter trafficking in human beings. Based on the actual experiences in their implementation in the past years, participating countries will consolidate their best practices into a comprehensive set of regional minimum standards, and guidelines for national strategies, action plans and monitoring schemes, for all areas of the national response (including coordination and supporting framework, prevention, protection and assistance as well as prosecution). A first set of regional minimum standards and guidelines should be ready by October 2004, and will be available also for other OSCE participating countries that are in the process of developing national strategies.

As for other activities, ICMPD also supports the International Labour Organisation (ILO) in capacity building and training to tackle the issue of trafficking for forced labour exploitation, and UNICEF in capacity building for child sensitive referral and protection schemes.

The work carried out in the context of the Stability Pact Task Force on Human Trafficking has brought about very sophisticated policy approaches and operational tools and best practice guides which can be of great use to the entire OSCE region.

As an example, ICMPD will, in partnership with some of the governments involved in the development of the regional anti-trafficking training standards for police and the judiciary, embark on projects to develop European (EU) curricula for police, border police, and the judiciary in the EU member and candidate states. Equally, contacts have been initiated to develop training and capacity building activities also in Central Asia, the Caucasus region and other CIS countries.

Madam Chair, Ladies and Gentlemen,

I wish us all a fruitful and successful cooperation in the framework of the Alliance against Trafficking in Persons. Allow me to reiterate the full commitment of ICMPD to work closely with the Special Representative, the OSCE bodies and the OSCE participating countries.

## THE HUMAN RIGHTS COMPONENTS IN THE FIGHT AGAINST HUMAN TRAFFICKING

**Zdislaw Kedzia**

**Chief of Research and Right to Development, UNOHCHR**

Mr/Ms Chairperson

Fellow panellists, Ladies and Gentlemen

I would like to begin by thanking OSCE and its recently appointed Special Representative on Combating Trafficking in Human Beings, Ms. Helga Konrad, for organising this event and for providing an opportunity to debate on this very crucial issue. May I also congratulate OSCE for taking the initiative in setting up a potential alliance against trafficking in persons. There is no doubt that this problem has a global expanse and ramification and can be countered only by partnership of diverse players. In this context, I would also like to thank OSCE for close cooperation offered to our Office in different places, as e.g. in South-East Europe.

The crime of human trafficking means large numbers of victims, especially women and minors, tricked, sold, or otherwise coerced into situations of exploitation, forced labour or slavery-like-practices. Trafficking represents the denial of the right to liberty and security of the person, the right to freedom from torture, violence, cruelty or degrading treatment, the right to freedom of movement, the right to domicile and family, the right to education and health – everything that makes for a life in dignity. By its very definition, trafficking in human beings constitutes one of the grossest human rights violations.

Yet, despite its undeniable human rights dimensions, trafficking continues to be addressed as a mainly “law and order” problem and located primarily within the crime prevention framework. This is understandable as long as we speak about trafficking as a crime. This approach is, however, highly inadequate if applied to trafficked persons – victims of trafficking. As a consequence, victims of cross-border trafficking are criminalized and prosecuted as illegal aliens, undocumented workers or irregular migrants, rather than seen as victims of a crime. Women and young girls who are trafficked into the sex industry are rather charged with the crime of prostitution than receive assistance as victims. Trafficking as a crime needs to be prevented, the perpetrators prosecuted, and the rule of law strengthened. However, it is crucial that in all anti-trafficking interventions the human rights of the victim remain paramount and at the centre. It is, indeed, a challenge for the entire human rights community and I am very pleased to note that this approach is shared in this room, as previous speakers pointed it out.

Last year marks a critical phase in the area of anti-trafficking work, as crucial standards have been set. The UN Convention Against Transnational Organized Crime and the two Palermo Protocols became vital instruments addressing the issue of human trafficking and related aspects. In addition, the International UN Convention for the Protection of Migrant Workers and their Families also entered into force last year. The 60<sup>th</sup> session of the Human Rights Commission has established a new mandate – the SR on Trafficking in Human Beings, Especially Women and Children. The mandate holder is expected to be in office by the Fall

of 2004. The coming months will witness the implementation of these standards, and the aim of the OHCHR will be to provide policy and legal coordination to help integrating human rights at all levels of their implementation.

Against this backdrop of recent encouraging developments at the international, regional and national levels, the questions we need to ask ourselves are : Are the human rights of victims and potential victims of trafficking better protected? Is there a reduction in the magnitude of human trafficking after ten years of anti-trafficking interventions? Can we respond to any of these questions with a loud and clear ‘yes’?

From the reports and assessments coming in from various quarters we learn that the lives of those caught up in the sordid web of trafficking has not improved in any significant way. Attempts to reduce human trafficking and set up protective mechanisms for the victims and potential victims have not been particularly effective. This is not a very uplifting reflection but it is, I believe, an honest one.

Reports coming in attest to the fact that more people are being trafficked than ever before. The pool of potential victims in most parts of the world is growing on account of widespread inequalities, insecurity of food and livelihoods, violence, conflict, discrimination, and a general uprootment of populations resulting in unprecedented migrations. Increasingly restrictive immigration policies compel those desperate for work to turn to unscrupulous traders in human beings. Traffickers are able to operate with impunity because of inadequate law enforcement and protective measures for migrants, and in some instances, due to corruption. The global sex industry which claims a large number of victims in some regions, flourishes without any checks and constraints.

If we would like to claim to have been rather active in countering trafficking we should ask ourselves: What more can we do? What is it that we are not doing right? How do we assess the impact of our own anti-trafficking work and through which lens?

It seems that two fundamental principles should be referred to in this context:

- First: that human rights must be at the core of any credible anti-trafficking strategy; and
- Second: that we must work from the perspective of those who most need their human rights protected and promoted, i.e. from the perspective of victims of trafficking and those vulnerable to it.

These two principles are of course, interrelated. By placing human rights at the centre of our analysis and interventions, we are compelled to consider the needs of trafficked persons – and thereby confront poverty, inequality and discrimination which are the root causes of the phenomenon in the first place. Such an understanding then drives us to address prevention issues at the same time as providing assistance to the victims of trafficking and setting up protective measures so that their human rights are not further violated. By resorting to a genuine human rights approach which enables us to boldly declare “in the best interest of the trafficked person” we will find ourselves relying on integrated and comprehensive anti-trafficking strategies which address prevention, prosecution and protection in a holistic manner.

What does it mean to make human rights the core of anti-trafficking work? It means first and foremost, acknowledging that trafficking and related practices such as debt bondage, forced

labour, forced prostitution and forced marriage are themselves a violation of the basic human rights to which all persons are entitled.

A human rights approach also demands that we acknowledge the responsibility of governments to protect and promote the rights of all persons within their jurisdiction. This responsibility translates into legal obligations on governments towards eliminating trafficking and related exploitation.

Since the trafficked person is a victim of trafficking mostly upon being harboured in situations of forced labour and exploitation in the country of destination, a human rights approach places added responsibility on governments of destination countries. This translates into major concerns such as: proper victim identification, efficient prosecution of traffickers and above all, extending support and assistance to trafficked persons needed for victims to recover, including in the context of residence, repatriation and resettlement, as well as special measures to address the needs of child-victims.

The additional obligations on countries of destination are therefore crucial for these entail dealing with the entire complexity of anti-trafficking interventions, from prevention to prosecution and to protection. No longer can countries of destination simply assert that human trafficking is a ‘problem of those poor countries out there’ because the demand for trafficked persons and their confinement into sites of forced labour occurs within their own borders. Countries of destination need not only to refrain from policies which might inadvertently contribute to the human rights violations of trafficked persons but they also need to put in place special provisions which will enable the victims of trafficking to recover and reclaim their lives as human beings.

A human rights approach to trafficking also means enhanced bilateral and multilateral cooperation between countries of origin and destination in order to address the root causes of trafficking from the standpoint of prevention and to affect sustainable reintegration of the trafficked person into society, be it in the country of origin or destination, from the perspective of assistance and protection.

Finally, for the OHCHR, a human rights approach to trafficking implies that all parts of the international system should integrate human rights into their analysis of the problem and into their responses. This is the only way to retain a focus on the trafficked person, to ensure that trafficking is not simply reduced to a problem of migration, a problem of public order, a problem of law enforcement, or a problem of transnational crime

In developing detailed human rights based responses to each stage of the trafficking cycle our Office issued the **Recommended Principles and Guidelines on Human Rights and Human Trafficking** in July of 2002. We see it as a tool which aims to integrate the human rights of victims of trafficking is at all levels of anti-trafficking interventions. Taken together, we hope that the Recommended Principles and Guidelines will continue to contribute to the development of the human rights approach to trafficking.





**Ambassador Christian Strohal**  
**Director, ODIHR**

First of all, I would like to join those who have thanked the new OSCE Special Representative on Combating Trafficking in Human Beings for organizing this conference. You provide us with an open and inclusive forum to discuss how to create a viable partnership between OSCE and all other international organizations to help in the fight against trafficking in human beings.

The OSCE Office for Democratic Institutions and Human Rights has been actively involved in combating trafficking in human beings for some years now, co-operating closely with OSCE field missions and other international organizations.

Based on the experience my Office has, I would like to present to you the following five points for action:

**1. Protect the human rights of victims**

Effective protection of the victim must be at the core of our fight against trafficking. To ensure victim protection, every anti-trafficking strategy must be based on a human rights approach.

Trafficked victims should not be treated as criminals or as illegal migrants, but as victims of serious human rights violations with the right to effective legal remedies, to legal protection, to non-discriminatory treatment and to rehabilitation.

ODIHR has, from the outset, taken a comprehensive approach in its anti- trafficking work. Our priority has been, and continues to be, to ensure that the protection of the human rights of any victim of trafficking is taken into account in all three areas of combating trafficking in human beings: prevention, protection and prosecution.

**2. Act on the Action Plan**

The **OSCE Action Plan to Combat Trafficking in Human Beings** is a major step forward in fighting trafficking. But it is only a promise. Promises have to be realized if they are to become anything more.

First of all, it must be realized by the governments of all the 55 OSCE participating States who have adopted the Plan.

Secondly, it must be realized by all of us and we should monitor the status and the progress of its implementation. At the same time, we must take note of any shortcomings, and provide a comprehensive assistance framework so that this promise can be realized without delay.

The Action Plan recognizes the importance of the ODIHR's work in all 3 dimensions of anti-trafficking work: prevention, protection, and prosecution.

**With the implementation of the Action Plan, the ODIHR will increase its efforts in a number of areas, namely:**

- **AWARENESS RAISING**: Promoting and carrying out awareness raising initiatives throughout the OSCE region, enhancing training activities with regard to the responsibility of the media for dealing with the topic of trafficking in a sensitive manner and without reinforcing negative stereotypes;
- **LEGISLATIVE REVIEW AND REFORM** – assisting the OSCE participating states in reforming domestic legislation and bringing it into compliance with international standards;
- **CAPACITY BUILDING**:
  - of national institutions and civil society (training of NGOs working in the anti-trafficking field and of national authorities), professional exchanges and provision of materials and publications;
  - intensify anti-trafficking training for OSCE field personnel in order to enhance their capacity to monitor, report and respond to the problem of trafficking - such trainings currently take place through the Human Dimension Induction Course carried out by the ODIHR on a regular basis;
- **NATIONAL REFERRAL MECHANISMS**: to design and establish NRMs closely with OSCE field missions and SPMU, develop materials and guidelines on the identification and interrogation of presumed trafficked persons, as well as for their social inclusion;
- Continuing to develop its **CLEARINGHOUSE FUNCTION** for collection and dissemination of information on measures, training programmes, and materials already in place, exchange contacts and good practice, thus to build institutional memory and capacity;
- Rendering **TECHNICAL ASSISTANCE** to participating states in developing National Action Plans and policies to combat trafficking in human beings;
- to continue supporting the OSCE field missions and their local partners in fulfilling OSCE commitments through the **ODIHR Anti- Trafficking Project Fund**.

### **3. Strengthen comprehensive national referral mechanisms**

A significant achievement in implementing the OSCE Action Plan to Combat Trafficking in Human Beings is the development of comprehensive national systems, so-called **National Referral Mechanisms**.

They are a practical tool for countries, both governments and NGOs to meet challenges connected to trafficking in human beings, most importantly protecting the human rights of the victims.

Key aspects of National Referral Mechanisms, such as co-operation between police and non-governmental service providers, have been developed and implemented in several countries. They are based on the experience that a major precondition for effective anti-trafficking measures is the strengthening of relevant local and national institutions.

Earlier this year, ODIHR published a handbook on this issue, as a practical guide. Our next priority is to develop further guidelines and training materials for the design, implementation and monitoring of National Referral Mechanisms.

The handbook will also soon be published in the Russian version, enabling the governmental officials and NGOs in a number of the OSCE participating States to get familiar with the NRM approach.

#### **4. Strengthen comprehensive international cooperation**

At the international level, a special effort has to be made to ensure close and effective cooperation, in order to protect and assist victims of trafficking. They remain extremely vulnerable, even in the few cases when identified.

The provision of medical and psychological treatment remains scarce and problematic. The victims are rarely permitted to stay, even temporarily, in the destination country, but are usually sent back to their countries of origin. Without any assistance there, when repatriated, they are all too often simply re trafficked.

These issues will be discussed at the conference "**Ensuring Human Rights Protection in countries of Destination: Breaking the Cycle of Trafficking**" organized by thee ODIHR and the Finnish Ministry for Foreign Affairs on **23 -24 September in Helsinki**.

The conference will build on recommendations from the 2001 Berlin Conference "Europe against Trafficking in Persons".

It will address the gaps in the human rights protection of trafficked persons in countries of destination.

It will aim to identify effective strategies to ensure human rights protection.

It also seeks to exchange good practices and identify practical measures to implement the OSCE Action Plan in countries of destination.

And I am particularly glad that the Special Representative has accepted an invitation to open the Conference, together with the Foreign Minister of Finland.

#### **5. Support the new Special Representative**

Finally, let me say once again: ODIHR welcomes the appointment of **Minister Helga Konrad as the OSCE Special Representative on Combating Trafficking in Human Beings**. We stand ready to support the work of the SR and her unit and to coordinate all related activities with her. Thank you.



## TRAFFICKING IN CHILDREN AND MINORS

**Helena Eversole**

**UNICEF Representative for Bosnia and Herzegovina**

Good morning, Madame Chair, Ambassador Petrov, Secretary General Kubiš, Dr. Konrad, Distinguished Guests, Ladies and Gentlemen. I am delighted today to be representing the UNICEF Regional Director of UNICEF's office for Central and Eastern Europe, the Commonwealth of Independent States and the Baltic States.

First of all, I would like to congratulate Dr. Helga Konrad on her new position as OSCE's Special Representative on Combating Trafficking in Human Beings and thank her for her tireless work over the past 5 years as the Chair of the Stability Pact Task Force – in particular, for the efforts made on behalf of child victims of trafficking. She deserves recognition not only for raising awareness about child trafficking but especially for ensuring that concrete steps are being taken by governments in South Eastern Europe to address this problem.

Madame Chair, UNICEF's mandate is to advocate for the protection of children's rights and to support governments and other social actors in the fulfilment of these rights. We are guided by the Convention on the Rights of the Child and we work towards integration of children's rights into policies and strategies and promote them as enduring ethical principles of behaviour towards children.

UNICEF's human rights based approach to programming focuses on strengthening the capacities of **child protection systems** and of those **individuals** who are responsible for protecting children from harm – within the government as well as in the family and the community. In other words, UNICEF supports the strengthening of protective structures and capacities in the environment around the child.

When we examine the capacity gaps of both systems and individuals charged with protecting children, we clearly see that long term commitment and systematic work are required to achieve ultimate goal of eliminating trafficking in children. This **work must address root causes** of trafficking, such as poverty, discrimination, family violence, and social exclusion that make children and women especially vulnerable, or at high risk, to many forms of violence and exploitation, including trafficking. We also must take action to address the demand for sex and labour from children.

With these opening remarks, let me focus now on two areas: firstly on the trends in the trafficking of children that we now know. Secondly a few words on what UNICEF is doing to address these trends.

UNICEF, OSCE's Office for Democratic Institutions and Human Rights (ODIHR) and the UN Office for the High Commissioner of Human Rights have co-sponsored a **research for policy development** project for the past 3 years. This project has produced **two** comprehensive reports on the trends and responses to trafficking in South Eastern Europe. While you are all aware of these general trends, allow me to highlight some of the specific trends in relation to children.

The first Report gathered information from organisations working on trafficking in the region in 2002. A key finding indicated that **teenage girls under the age of 18 were being trafficked for the purposes of sexual exploitation, and children under the age of 12 – both boys and girls – were being trafficked for labour exploitation.** It was documented that young children were being trafficked from Albania to Greece and Italy for the purposes of begging and selling small items on the street.

This information was re-confirmed in 2003, with additional reports of trafficking of children not only from Albania to Greece and Italy, but also from Moldova and Romania for labour and sexual exploitation to the Russian Federation, Poland, the Czech Republic, and other EU countries. The majority of trafficked children were reportedly coming from the poorest, most disadvantaged and, often, dysfunctional families. Many of them were perceived to be from the Roma community.

In the 2003 Report, it noted that fewer trafficking victims were being identified in general. The analysis of this finding showed that the decrease in number of victims did not indicate a reduction in the number of people being trafficked but, rather, was an indication of the relative ineffectiveness of existing identification and assistance measures. The report estimated that approximately 90% of the foreign women working in the sex industry in the Balkan countries were victims of trafficking. Of this, between 10 and 15% were thought to be children, with an increase of up to 30% among trafficking victims from Moldova or Albania.

The horrors faced by children as a result of trafficking continue. Governments of South Eastern Europe have increased their anti-trafficking responses, especially through policy development and legislation reform, and have now acknowledged the issue of child trafficking. However, there continues to be considerable confusion about the definition of a ‘child’ and of a ‘child victim of trafficking’, and the largest share of support to anti-trafficking work still goes to law enforcement rather than victim support. Police throughout Europe regularly mistake trafficked children for adult victims. There is very little proactive identification of potential child victims, nor do police work on the assumption that a potential victim is a child pending verification of their age.

Many countries of South Eastern Europe have recently established bilateral cooperation agreements with countries in Western Europe to govern the repatriation of children. Children who may be illegal migrants, unaccompanied minors or victims of trafficking are rounded up off the streets of Western European countries and returned to their country of origin with little attention paid to their personal circumstances or victim status. Children are being repatriated without having had a Guardian appointed at any stage of the process, with no risk or security assessment carried out prior to their return and with very few services available upon their arrival in their country of origin. They are, quite simply, “dumped” back home and left to fend for themselves with little in the way of protective services and with no attention to what might be in their best interests.

Other trends that deeply concern UNICEF are:

- the level of internal trafficking of children – both for the purposes of labour and sexual exploitation,
- the trafficking of Roma children and involvement of certain Roma communities in trafficking, and

- the support required for women victims of trafficking who either left children when they were trafficked and/or are returning home with children born in the country of her victimization

So, based on these trends in child trafficking or child protection related to trafficking, UNICEF has taken serious steps at both policy and community or service delivery levels to address them.

At the policy level, UNICEF's work to strengthen the protective environment in the countries of SEE includes:

- the development of protection standards and supporting governments in their implementation. Building upon OHCHR's 'Recommended Principles and Guidelines on Human Rights and Human Trafficking' (2002), UNICEF developed, '**Guidelines for the Protection of the Rights of Child Victims of Trafficking**', in May 2003. Members of the Stability Pact Task Force on Human Trafficking committed themselves to implementing these Guidelines at their annual regional meeting in December 2003 and UNICEF is supporting governments to fulfil this commitment.
- UNICEF Child Protection staff in all SEE countries are cooperating with National Anti-trafficking Coordinators and participating in the child trafficking working groups to ensure that **National Plans of Action against Child Trafficking are developed and implemented** in accordance with a child rights approach.
- In the countries of South Eastern Europe, we are developing a **training manual** to facilitate the implementation of the UNICEF Guidelines within the framework of the National Plans of Action for Children and developing Standard Operating Procedures relating to different services for child victims.

At the local level, then, and within this context of strengthening legislative and policy frameworks, UNICEF is working with its international and local partner organisations and NGOs to enhance the capacities of child protection systems: professionals and service providers to protect and fulfil children's rights. Specifically, we have been:

- strengthening **referral mechanisms** for child protection, relevant for child victims of trafficking or other violations
- **training different professionals** to be able to identify and assist children at risk as well as to teach children skills to protect themselves;
- strengthening the child rights components of **training courses for police, judges and prosecutors;**
- **creating networks** of institutions and professionals that take an active role in child protection;
- **strengthening the capacities of local NGOs** and promote collaboration between them and other actors in this field;
- **ensuring that shelters** for victims of trafficking include appropriate forms of assistance for returned child victims;

UNICEF is also participating as an Observer in the Council of Europe's process to negotiate a new **European Convention on Action against Trafficking in Human Beings**. The first draft of this very important Convention had no specific references to children other than defining a child as any person under the age of 18. We are working collaboratively with members of the Convention Secretariat and Council of Europe member States to ensure that

Parties to the Convention do more than refrain from harmful actions and are obliged to undertake positive actions on behalf of children.

While the Palermo Protocol was the first UN Convention to directly respond to and regulate the issue of trafficking, the language in the Protocol is non-binding, and it does not contain specific provisions regarding the right of children to special protection measures. The Council of Europe and its member states gave Convention Secretariat the unique mandate to improve upon Palermo Protocols through developing this new European Convention. The drafting process so far has made good progress in expanding the scope to demarcate both trans-national and national trafficking, and in developing a detailed monitoring mechanism. However, to ensure that child victims of trafficking are assured of their right to be protected, the European Convention will need to go even further in meeting its mandate.

As the negotiations are still on going, UNICEF is actively promoting inclusion of child protection provisions in this Convention. **Since all member states of the CoE have ratified the Convention on the Rights of the Child, UNICEF is suggesting that the CRC be systematically integrated into this new European Convention.** As such, the language of the “child rights approach” would be more appropriate than the current “child-sensitive approach” being used in the Convention Preamble.

UNICEF is also advocating with the Convention Secretariat and the Council of Europe member states that the following elements be included in the Convention in order to ensure a minimum level of protection for child victims:

- i. **Irrelevance of consent** in the case of a child victim of trafficking;
- ii. **Presumption that the victim is a child**, when the age of the victim is uncertain and there are reasons to believe that the victim is a child
- iii. **Assistance to a child victims not being conditional** on their willingness to act as a witness;
- iv. **Use of child-sensitive interview techniques** and video-taped testimony for criminal proceedings;
- v. **Appointment of an appropriate adult immediately** upon identification of a child victim to act in the best interest of the child and ensure a durable solution; and,
- vi. **Risk and security assessment** of the context in the country of origin of the child prior to repatriation.

Let me conclude, that as an active participant in the Expert Task Force established in the context of the Stability Pact Task Force against Trafficking in Human Beings, UNICEF is hoping that, this Alliance Against Trafficking in Persons will continue to build upon the solid results and professionalism of the Expert Task Force, and be a forum where information is openly shared, issues are frankly discussed, organisational roles are clearly defined, and commitments are acted upon.

It will take no less to ensure strong cooperation at all levels in the fight against trafficking in human beings and to ensure a strengthened protective environment for all children.



**Boris Scharlowski**  
**Coordinator International Campaign against Child Trafficking, Terre des Hommes**

Madam Chair,

Dear representatives of OSCE Member States,  
Dear representatives from international and intergovernmental organisations,  
Dear colleagues from non-governmental organisations,  
Ladies and Gentlemen,

I would like to start by thanking the OSCE Special Representative on Combating Trafficking in Human Beings, Dr. Helga Konrad, for inviting the International Federation terre des hommes and its International Campaign against Child Trafficking to take part in this meeting of the Alliance against Trafficking in Persons. The fact that trafficking in children is put on the agenda of this gathering, gives a clear and strong positive signal.

As Co-ordinator of the International Campaign against Child Trafficking I would like to share with you some impressions of terre des hommes field experiences. Following this I will describe our main recommendations to the international community. In view of the time constraint I will only be able to offer you an overview of these issues.

**From grass roots work to international campaigns: Terre des Hommes' experience**

I represent the non-governmental organisation *terre des hommes*, a network of organisations based in eight different countries, all by two of them in Europe, which provide direct help to underprivileged children. We currently support development and humanitarian aid projects in 71 countries around the world. For the past three years we have been running a campaign on the topic of trafficking of children. This campaign follows an integrated approach including awareness raising activities, advocacy work towards relevant institutional actors and field programmes. Those focus on prevention, protection, voluntary assisted repatriation and rehabilitation of trafficked children. Campaign activities are being carried out in 36 different countries. Over 900 partner organisations throughout the world are contributing to the campaign's success and the achievement of its aims. In addition, personalities, such as the Nobel Prize Winners Nelson Mandela and Desmond Tutu as well as the internationally renowned child's rights expert Graça Machel, support these aims. Thus many of the remarks I will make today are based on the experience terre des hommes and its partners have gained during this campaign.

**The case of trafficked children from Albania**

According to estimations made by international organisations, at least one million children per year become victims of trafficking. As a global phenomenon, Europe does not escape from this crime; approximately 120,000 women and children per year, solely from the states of Southern and Eastern Europe, are brought into the former member states of the EU as estimated by the OSCE and the UNHCR. As stated by the Council of Europe, all 45 member states – without any exception – are affected by the phenomenon of child trafficking.

Taking into account this framework terre des hommes started running a broader range of field programmes in different countries of the world. One of them is focussing on the trafficking of Albanian children towards the EU, particularly to Greece and Italy. Sticking to the definition as presented by the 'United Nations Convention against Transnational Organised Crime', this

project is dedicated to prevent endangered children to be trafficked and to give support to the victims. In 2002 terre des hommes received the Human Rights Award of the French Republic for this programme. As an international development NGO specialised on the rights of the child, terre des hommes is interested in sharing its expertise with other actors. This is why, it seems appropriate and legitimate to present some key elements and some lessons drawn from this European field experience. Anyhow many lessons drawn from this programme may be transferable to other national and regional contexts. Thus the case of Albania shall serve as an example to illustrate the complexity of this severe violation of child's rights. Of course as trafficking in children is a crime which occurs in any country of the world, it is not intended to scandalise the situation in one specific country.

### ***Lesson 1: Trafficking is a complex and evolving issue***

Trafficking encompasses a high complexity and diversified nature. As my previous speaker pointed out, in Albania, like in many other countries, poverty and structural unemployment need to be considered as root factors. Specific social or cultural features of the Albanian societal context have to be considered as root causes as well, such as a high rate of familial structural indebtedness, dysfunctional family contexts, low educational backgrounds or the growing acceptance of children as potential income generators. Furthermore, the complexity of trafficking cannot be understood if the 'demand' factor is neglected. Better wages and working conditions abroad work as an important pull factor. But the fact to leave one's family and hometown increase the vulnerability of potential victims.

### ***Lesson 2: Trafficked children suffer various forms of victimisation along the trafficking chain***

Albanian children victims of trafficking suffer various kinds of harm. Besides others children are forced by traffickers and their parents to leave. The consent of the victim is irrelevant. The transportation and passing of the frontiers is highly hazardous. To ensure full dependency traffickers use generally physical or psychological violence. In the country of destination (mainly Greece and Italy) Albanian children are mainly exploited for begging, sale of small items, illicit activities, drug trafficking and sexual exploitation. Victims may also suffer violent treatments by police forces. Compulsory repatriation and deportation frequently leads to new exploitation. Albanian children simply dropped at the border by the authorities easily become newly victims of traffickers. Once rescued and repatriated, victims of trafficking often suffer social revictimisation, especially when victims have been sexually exploited.

### ***Lesson 3: A complex issue needs a complex, progressive and non-standardised response***

The complexity, flexibility and peculiarity of such a modus operandi request complex and specific responses. Through a multi-annual programme, terre des hommes and its partners in Albania, Greece and Italy try to build an adequate response based on the following two axes: *Primary prevention*, which does not consist simply in informing vulnerable groups about the risks of trafficking but includes as well such aspects as combating school truancy, realising information campaigns in schools and ensuring an institutional child protection policy. *Secondary prevention*: This form of prevention refers to the need to react in advance on foreseeable political and societal developments. One actual example may be the case of the Olympic Games in Athens in August 2004 which – according to terre des hommes and its partners - are supposed to cause a raise of trafficking in children in Greece and the neighbouring countries.

### ***Lesson 4: The protection of victims needs a co-ordinated action***

A full collaboration between authorities, police forces, custom services, lawyer and judicial institutions, social services and NGOs involved is a key element if a proper protection, voluntary assisted return and rehabilitation process shall be ensured. Such a co-ordination would create practice standards shared by all actors. A voluntary assisted return, seen as the best solution in order to start an adequate rehabilitation process of victims, has to be *quick, safe, legal, prepared* and *in full compliance with the requirements of the Child Right's Convention*. In order to secure such a best practice to be implemented, bilateral agreements between the involved governments have to be put into force.

### ***Last and general lesson***

The case of Albania shows that generic definitions, standard policies and declarations of commitments must be shared by all actors involved in combating trafficking. Nevertheless it is of primary importance to consider the phenomenon of child trafficking according to the specific context in which it happens. This includes the adaptation of initiatives to the different national and cultural contexts, to develop appropriate measures on what is happening in practice and to work in a co-ordinated frame between all actors involved, may that be state or non-state actors.

### **Recommendations**

In view of this crime and the serious violations of human rights which accompany it and on the basis of its direct intervention in field programmes, the International Federation Terre des Hommes and the International Campaign against Child Trafficking make the following recommendations:

### **Application of international instruments in full compliance with the best interest of the child**

- It is a fundamental necessity for the well-being of the child to be at the heart of all measures introduced by the Member States of the OSCE. In the context of combating trafficking in human beings and children, all OSCE-relevant political instruments as well as accompanying measures must be reviewed with regard to this fundamental principle.
- In this context the 'UN-CONVENTION ON THE RIGHTS OF THE CHILD', the 'HAGUE CONVENTION ON PROTECTION OF CHILDREN AND CO-OPERATION IN RESPECT OF INTERCOUNTRY ADOPTION' and the 'ILO-CONVENTION CONCERNING THE PROHIBITION AND IMMEDIATE ACTION FOR THE ELIMINATION OF THE WORST FORMS OF CHILD LABOUR' have to be applied and implemented without any restrictions whatsoever as far as victims of child trafficking are concerned.
- Particularly in the implementation of the 'UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME' and its supplementary 'PROTOCOL TO PREVENT, SUPPRESS AND PUNISH TRAFFICKING IN PERSONS, ESPECIALLY WOMEN AND CHILDREN' (Palermo Trafficking Protocol) by OSCE Member States, the best interest of the child has to be guaranteed.
- Trafficking in children should be clearly defined in all legal and other non-binding document of the OSCE Member States.

### **Increasing the victims' right to protection**

- The struggle against child trafficking is not to be negotiated exclusively under the aspect of internal security purposes. In addition to the co-ordination of national laws and the optimisation of criminal prosecution, the specific need for protection of the victims has to be taken into particular account. Here the investigation authorities and security authorities responsible for foreign subjects as well as the institutions in charge of the implementation of the immigration policies must be especially sensitised and trained towards the reality of trafficking in human beings.
- The asylum legislations of OSCE Member States must be adapted to correspond to the provisions of the Convention on the Right's of the Child. Child-specific reasons for fleeing a country or applying for asylum must be recognised. Also children who are being persecuted by non-state organisations must be granted asylum. Hearing procedures and asylum procedures have to be conducted in a form which is suitable for children.
- Victims of child trafficking must be given a safe residence permit for the duration of their stay in the territory of a Member State of the OSCE.
- Children who have been victims of child trafficking must be able to benefit fully from the support measures for children and youth which are available in their country of residence, and also be able to live in accommodation which is suitable for children. A guardianship arrangement must be made immediately for all refugees who are unaccompanied minors.
- If trafficked children can not be guaranteed a safe future in their country of origin, they are to be granted suitable prospects in a Member State of the OSCE. In addition to the measures already mentioned, this should include in particular unlimited access to medical and therapeutic care, the right to attend school and, if applicable, the necessary work permit.

### **Fighting the causes is of primary importance**

- The external aid policy of OSCE Member States needs an integrated approach especially in the field of the development co-operation, poverty eradication and migration policies. It has to be reviewed and implemented in full compliance with human rights standards in beneficiaries countries which are origin countries of trafficked children. In this context terre des hommes urges all governments to implement the '20/20 initiative' set-up at the 1995 World Social Summit in Copenhagen, according to which the donor countries should spend 20 percent of their means and the receiver countries 20 percent of their entire budget for fundamental social services. Equally the implementation of the fundamental 'Millennium Goal', according to which the proportion of absolute poverty in the world population is to be halved by 2015, is to be hurried along.

As the co-ordinator of the International Campaign against Child Trafficking I invite you to work with us to combat child trafficking. Let us stop this despicable crime from gaining further ground!

## THE INSTITUTION OF NATIONAL RAPPORTEURS

**Anna Korvinus**

**National Rapporteur on Trafficking in Human Beings, The Netherlands**

Madame Chair,  
Ladies and Gentlemen,

It is a pleasure to address you today at this conference.

I assume that the word ‘alliance’ is connected to the notion of being an ‘ally’.

And that’s why we are here today, to combine our experiences and views in the fight against trafficking in persons.

I was invited to contribute to this meeting by telling you about my task and role as the Dutch National Rapporteur on this issue, and about why it is important to have such an institute. I will do so, but perhaps I can not resist the temptation to seize this opportunity to also touch upon some of the recent recommendations, that are laid down in my 3<sup>rd</sup> report, that was presented to the Dutch Government just this week (on the 20<sup>th</sup> of July).

Trafficking in human beings is a topical subject to which attention should be paid in order to intensify the efforts to combat it, not only in my country but in other countries as well.

I therefore welcome the outcome of the OSCE ministerial conference of December last year in Maastricht: the launching of the OSCE action plan to combat trafficking in human beings.

Well, to start with my task as a national rapporteur: One of the key elements in a successful counter trafficking strategy is knowledge. Knowledge is power. Power not used in the sense of ‘high and mighty’, as a static condition, but as a dynamic concept to approach and tackle the problem efficiently, to improve the fight against it, in policy making and in the application of the law (or other regulations) in practice. Therefore, solid research and analysis is at the basis of effective anti-trafficking measures that a government should take. That is why I was appointed in 2000 by the Dutch government. I am assisted by a small bureau. It is our task to collect data and other information on the nature and scale of the trafficking problem, on the mechanisms playing a role in it and on the effects of the policy pursued. The scope of our activities includes all aspects of trafficking in human beings. It regards information on perpetrators, on modus operandi, on victims, but also on more general themes like prevention, legislation, governmental policy and important developments in these fields, on the national and international level. This information is gathered from all possible individuals, organs and organisations, both state and non-governmental, that deal with the trafficking issue. We report our findings to the Dutch government, for which the Minister of Justice is acting as the coordinating Minister. Our reports contain qualitative and quantitative information on criminal investigation and prosecution, information with regard to prevention and on victim support.

Next to reporting about our findings, it is also our task (- I referred to this by mentioning the third report - and I consider this rather important) to formulate recommendations to the

government in order to improve in any way the policy and practice in the fight against trafficking.

The reports are commented by the government and then discussed in a Parliamentary debate. The goal is of course that the recommendations are recognised as relevant and are followed up by government and parliament in its controlling role. Regular reports can make changes and trends visible. So far we have presented three reports, the first two also available in English.

For an effective approach of the trafficking problem on the *international* level, it would be a good idea to appoint national rapporteurs in more countries. Together they could aggregate national information to a higher, regional, or at least a European level. Thus forming the basis for a true international approach of this mainly transborder crime. At least to start with, this 'bottom-up strategy' is to be preferred to a system in which one uniform model of data gathering would be imposed from supranational level. In spite of the existence of a universal document as the Palermo protocol, countries still differ in many ways (trafficking laws, police organisations, NGO's, facilities for victim's etcetera). It is thus quite obvious that we should seek for and look at what we have in common, rather than at what we fundamentally disagree upon. I'm afraid that directly using a top-down international uniform model, without a national basis, will lead to merely general findings.

A call to appoint national rapporteurs or kind like bodies was done before, in the 1997 Hague Declaration, and was repeated in the 2002 Brussels Declaration and again in last years' OSCE Action Plan. These documents stress the importance of improved research and analysis, including on the character and scale of the trafficking and on the methods used by the traffickers. The OSCE Action Plan further recommends the exchange of available information.

I come to an essential point. In order to report and recommend on developments in an objective and non biased way, the preferable position of a rapporteur would be *independent*. No authoritative relation between the rapporteur and state or non-governmental organisations, yet having access to all existing information. The task of the rapporteur should further be kept separate from operational tasks and from functioning as a complaint body in concrete cases.

(The next information perhaps will be rather detailed, but I was asked to tell you also something about how my mandate is organised.).

My appointment and the reasons for opting for an independent position of the national rapporteur, was discussed in Dutch parliament. Furthermore, the government gave an explanation on the conditions under which and the way in which this task could be performed. These discussions and parliamentary debate are available in the form of official parliamentary records. Besides, the terms of reference and conditions of my appointment were of course discussed with me and are laid down in letters to me from the Minister of Justice, acting on behalf of the government. They include an appointment for 4 years, renewable after expiration, an independent position, establishment of the Bureau of the Dutch Rapporteur, comprised of 3 academic staff members and a secretary, an annual budget, the nomination of the ministry of justice as formal contact point to the government and for the logistic needs and support to the Bureau (in terms of housing, labour conditions and financial services). Although my mandate and terms of reference are thus clearly and formally described, there is not a separate document, available for distribution, in which the in's and out's of the national rapporteurs' 'contract' are laid down in particular. This is not uncommon

in Dutch tradition and in no way hampers my staff or me in functioning. Nevertheless it means that I can not hand out to you a special paper as a model describing the formalities around such an appointment.

To round off, I dwell a moment to some points, concerning the contents of the third report. (I already warned you that I would take advantage of this occasion.)

It stresses the relation between repression and prevention, it stresses also that the claim for respecting and protecting the human rights of the victim should be tied up with law enforcement. For, effective law enforcement is essential to uphold the rule of law, of which human rights standards form the basic. (I emphasize this. It is not that a human rights centred approach is contradictory to effective law enforcement, it is at the basis of it. But in the application - as always - the practical consequences might have competitive elements. Because in a trial, in the proceedings the judge must look for a balance between the human rights claim of the victim and the suspect ). Repression is not only important to restore justice, but also for prevention reasons. If perpetrators are not brought to justice and are not stopped, (and their gains not seized, for which in most law systems a conviction is needed) they can and will go on with their profitable criminal activities, making new victims. It is important in this respect that more victims stand up against their exploiters and that the circumstances to do so will be reassuring enough to encourage them to cooperate with the authorities. Therefore countries should improve their level of protection and (other) assistance to the victims, according to the basic requirements in the Palermo Protocol (and - following this - in the EU Framework Decision).

Article 6 of this Protocol states for example that each state party shall endeavour to provide for the physical safety of the victims, *while they are within their territory*. But an adequate level of protection can only be achieved in a transnational way. The regulations of the single countries should be tuned, so that protection (and assistance) does not stop at the border, but is taken over by the neighbouring country when the victim enters that territory. This requires international cooperation and fine tuning. When progress can be made in this respect, that may enhance the willingness of victims to cooperate with the police and the prosecution, which will increase the chance of an effective law enforcement.

In dealing with victims of trafficking, there is a shared responsibility for countries of origin, transit and destination. But when it comes to the aspect of returning a victim (repatriation) as a consequence of the illegal status of a person, there is a special obligation to the returning state party, mostly the country of destination. This is laid down in art. 8 of the Protocol, which states that such return shall be with due regard to the safety of the person.

Of course - to be realistic - safe return cannot be 'guaranteed' to the full extent in an other country, but a state should demonstrate at least more efforts than simply returning a victim. So we recommended to the Dutch government that minimum standards for a safe return should be developed, next to an individual risk assessment of the victim before sending back such a person. Again this asks for international cooperation and fine tuning. When the government acts with more respect for the rights and interests of the victim, perhaps such an arrangement will also lower the barrier to cooperate with the authorities.

Speaking about 'returning', I return to the subject of the role of a national rapporteur. You may raise the question: What is the influence of such an official? Well, in fact it is restricted to the 'weapon' of the publicity of the reports and the possibility to convince the government, parliament and the general public that the recommendations made are necessary, reasonable

and based upon a lot of reliable information. In this way there is some kind of authority, but real progress depends on the activity of the policy makers and the people in practice. We try to supply them with enough munition to do so (and keep in contact with them).

Ladies and gentlemen, for a moment I bring you back to ancient times, when Montesquieu put into wordings: 'injustice committed to an individual is a threat to us all.' Within this lies a call for solidarity. And - I add - a lack of solidarity is a threat for society and democracy. As you are distinguished guests, I visit also Spinoza for you, who said: Everyone has as much rights as he has power. Of course this a quite cynical observation, but within this lies a call to change such a reality by showing - again- solidarity. Back to today, to end with something that may be you'll remember and in line with the current habit to use a simplification to carry the message: I know the Dutch behaviour is sometimes surprising and amazing, as is made clear in the English expression 'a Dutch concert', meaning making a lot of noise. But I hope in this matter more countries will follow the Dutch example, so that we can have a multi-tuned concert, making big noise to give a voice and face to what is the title of this conference: 'alliance against trafficking in persons'. Let's start to work on that.



## THE LABOUR DIMENSIONS OF HUMAN TRAFFICKING

**Roger Plant**

**Head of Special Action Programme to Combat Forced Labour, ILO**

Your Excellencies

Distinguished participants, all

It is a real pleasure to attend the first meeting of this Alliance. I must begin of course by congratulating Helga Konrad on her challenging new assignment, and also by thanking her for consistent support for my own organization and programme over the past few years. Indeed the subject she has asked me to address today, the labour dimensions of trafficking, is one on which Helga Konrad herself has been a particularly articulate spokesperson. In the Stability Pact Task Force on trafficking, and also in the various OSCE fora where we have had animated debates over these issues.

Since beginning my present assignment some two and a half years ago, as the first time the ILO has had a promotional programme on global forced labour issues, I have been particularly concerned with two basic questions.

**First**, how can the ILO and its partner agencies best come to grips with, document and effectively tackle the strictly *labour* or *forced labour* dimensions of human trafficking, most particularly in the destination countries where these abuses are most likely to occur? How can we assist our Member States to develop the appropriate law and policies, enabling their law enforcement agencies to identify cases of trafficked forced labour, to prosecute those responsible for exacting it, and where appropriate to provide compensation to the victims? Also, of course, what are the most suitable measures of prevention in this same area?

**Second**, how can we involve labour market actors and institutions in action against *all forms of trafficking*, whether for labour or sexual exploitation? The questions are of course different, but I prefer to address them both today, as part of the labour dimensions of trafficking. The ILO may have a particularly strong mandate when it is dealing with labour exploitation concerns. But it also has a role to play in harnessing transport, hotel, tourism and other unions; in monitoring all forms of job recruitment and placement; in encouraging job placement agencies to regulate themselves, or in getting labour inspectors to cooperate with other law enforcement and criminal justice agencies.

Over the past few years the discourse on human trafficking, and the wealth of actors involved in anti-trafficking activities, has clearly been changing. Some two years ago, we encountered some reticence at meetings like this to encompass a broader approach. The concerns of governments and policy-makers, activists and the media was primarily with the sexual exploitation of women and children. Things have now moved on, thanks in large part to the drafters of the Palermo “Trafficking Protocol” to the United Nations Convention against Transnational Organized Crime, which entered into force just a few months ago. Its definitional article clearly identifies exploitation in the form of forced labour or services, and slavery or practices similar to slavery, and implicitly requires ratifying States to consider these broader dimensions of trafficking in their new legislation on the subject.

Since then, the labour dimensions of trafficking have received progressively greater recognition. We can see this in last year's OSCE Action Plan against Trafficking, or the latest US State Department *Trafficking in Persons Report*, released last month. This gives almost equal weight in its country analyses to forced labour and sexual exploitation, identifying various forms of forced labour in both industrialized and developing countries.

A further important change has been the growing willingness of governments to treat trafficking as a sub-set of migration concerns. In the ILO context, this has been apparent in the deliberations of the World Commission on the Social Dimensions of Globalization; and most recently, in our Conference discussions last month on migrant workers. The Commission called for a multi-lateral framework for the cross-border movement of people, as part of global efforts against trafficking. The ILO Conference called for strengthened measures to combat trafficking, including (in addition to the prosecution of offenders and protection of and assistance to victims), efforts to address the root causes of the problem in countries of origin, including access to regular labour migration channels.

The stage is set for intensified national and international action. Not surprisingly, many actors are now turning to the ILO for some guidance and leadership. We need conceptual clarity on issues of trafficking and smuggling, better understanding of the nature and extent of the problem, more attention to demand factors, better national laws, better procedures for implementing these laws, and perhaps above all a change in national attitudes and perceptions in many destination countries.

A few months ago, after careful preparation and discussions with several Government ministries, we released a report on the new forced labour in Russia. It focused on coercive conditions of recruitment and employment of irregular migrants from the CIS countries, Moldova, Tajikistan, Ukraine and elsewhere. There was tremendous press interest at the Moscow launch. What impressed me most was the number of journalists who commented that "this is the first time we have seen things this way". To portray irregular migrants as victims, rather than as undesirable competing with Russians for jobs, seemed to represent an entirely new perspective on things.

In most of Western Europe, it is not so very different. In general terms it is known that migrant workers from the poorer countries - from Africa, Latin America, Asia and Eastern Europe - do the dirtiest, most dangerous and poorly paid jobs in agriculture, construction, garment factories, contract cleaning, or as domestic workers. Yet there is very little systematic information, as to how many of these persons are trafficked, or as to the overall recruitment processes.

So I would like to share some information today, as to how we are trying to improve the data gathering, and how we are following this up with some practical activities of law and policy guidance, and training and capacity building for law enforcement agencies.

On data gathering, we began with surveys of returned migrants in four origin countries (Albania, Moldova, Romania and Ukraine), building up a data base covering just under 300 entries of forced labour cases. But not all those who described forced labour situations had actually been trafficked. Some 62% had actually been *trafficked* into forced labour situations. Among the trafficked victims, an estimated 64% were women but just over a quarter were adult males. We found that trafficked victims of forced labour mostly found a job abroad through an intermediary, though social networks were also important. Though trafficked and

non-trafficked victims of forced labour often work in the same sectors, our research to date has helped understand the proportions in each sector. The largest proportion of trafficked victims of forced labour, approximately one third, are subject to sexual exploitation. After that, they are most frequently found in construction, entertainment or bar-tendering, and agriculture.

We have also been able to identify the *forms of coercion*, ranging from open violence against the migrant worker or relatives; debts to the employer or intermediary, lack of freedom of movement, withholding of wages, threats of violence, or threats of denunciation to the authorities or deportation. The most serious coercion has been absolute restriction on freedom of movement, though retention of identity documents has also been perceived as an important constraint. Altogether we have found that trafficked victims of forced labour are subject to the worst forms of abuse, not least because of the range of actors with a vested interest in keeping them in a situation of vulnerability. And we are gradually developing a picture that points to a *forced labour continuum*, along the spectrum between the most flagrant and perhaps milder forms of forced labour abuse. This point is important, we shall see, when we consider remedial measures against forced labour and trafficking. Along this continuum, women are generally worse off than men in all trafficked situations.

Our research on origin countries was followed by detailed case studies in destination countries. This has covered, so far, France, Germany, Japan, Russia and the United Kingdom. There is no time today to go into detail, The results will be summarized in our next global report on forced labour in 2005. But together, the results so far are pointing to similar dilemmas in all destination countries. There are various forms of coercion against trafficked migrants, sometimes in ethnic enclaves (as with Chinese migrants in France), sometimes in the shadow or informal economy (as with small garment factories), but sometimes also involving mainstream industries in construction or the food supply chain. Forced labour is recognized generally in constitutions as a crime. But in the private sector it is a crime that is hardly ever detected, prosecuted and punished. And when there is a continuum, ranging from perhaps minor deception over work conditions to flagrant physical restraint and violence, it is of obvious importance for practical purposes to distinguish the serious and lesser offences.

Our initial research phase is now reaching its conclusion, and we are embarking on a more operational phase of activities. This includes, as I have said, law and policy guidance, training and capacity building, and some integrated programmes involving mainly labour actors in origin and destination countries.

On the first point, we have the guide to ILO Conventions and practical action. This covers, in addition to the ILO's forced labour Conventions themselves, a range of other pertinent ILO instruments on migrant workers, discrimination, freedom of association, the worst forms of child labour, employment agencies and labour inspection, among others. We would like this guide, which we shall shortly be posting on our website, to be a "moving instrument" of best practice. There is already some national good practice in identifying and prosecuting forced labour and slavery-like practices, in the United States for example. But we are still on the foothills of this problem, and there is an immense amount still to be done.

On training, I can share with you our new manual on *Trafficking for Forced Labour: How to monitor the recruitment of migrant workers?* This builds on experience particularly in Romania, bringing police officers and labour officials together. We are now following this up with a further manual aiming to encourage self-regulation by employment agencies.

The next real challenge will be to get governments of the destination and origin countries to work together on these problems, building their joint capacities to combat the forced labour outcomes of human trafficking. So I would like to thank the European Union and the governments of Germany and the United Kingdom for supporting our latest initiative, developed together with the International Centre for Migration Policy Development. This involves several countries of Central, Eastern and Western Europe, aiming to improve administrative controls, to involve labour market institutions, and to facilitate cooperation between countries of origin and destination. A similar programme is also under way between Tajikistan, Uzbekistan and Russia.

In conclusion, we welcome this alliance. We thank Helga Konrad once again for bringing us into it. We are always looking for new partners, to combine our efforts, to learn from each other, and where possible to add the value of the ILO's particular standard-setting mandate and technical expertise to the global fight against trafficking.

**Mary Cunneen**  
**Director, Anti Slavery International**

Firstly I would like to thank the ambassador, and Dr Konrad, for asking me to speak here today. This initiative of the OSCE, is a welcome step in looking at all forms of trafficking, and bringing together those with considerable experience and expertise on this issue.

As Roger Plant from the ILO Forced Labour programme has just highlighted, there is increasing awareness and understanding of the forced labour outcomes of trafficking in human beings. In this presentation, to follow on from the comments of Roger, and other presentations here today, I would like to focus on how, and why it is necessary to look at labour and migration policies, if we are to successfully combat trafficking.

This discussion is particularly timely in following the commitment in the OSCE action plan last year, of member States to review their labour and migration policies. So far the main focus of counter trafficking policies have been looking at law enforcement aspects, and in particular in relation to trafficking into commercial sexual exploitation .

Measures for victim protection, and prevention measures have lagged behind. It is only now that greater attention is being paid to these, and in particular in the context of trafficking for all forms of labour exploitation.

As Roger has outlined, we are now aware that significant numbers of those who are trafficked- men, women and children, are trafficked into forced labour – for example, in agriculture, industry such as construction, or domestic service.

With globalisation there is an increasing demand for cheap, unskilled labour. This has seen not only an increase of the so called invisible, service sector , such as domestic service, sex work or au pairs, for example, but also in the increasing informalisation of previously formal sectors, such as construction, or agriculture. The very nature of these sectors, as informal, unregulated and often hidden, makes them vulnerable to abusive and exploitative labour conditions.

At the same time, the demand for labour in these sectors, is largely being met by migrant workers. The majority of trafficked persons are migrant workers. Demand in countries of destination, coupled with push factors in countries of origin, has led to an abundant supply of migrant workers to meet these needs. However lack of migration policies that enable safe formalised migration to occur, has led to this demand being met through illegal forms of migration- be that trafficking, or smuggling.

What is clear from this, is that to tackle trafficking, States need to look beyond strategies that are primarily based on prosecution, and protection of victims rights, important though these are, to prevention strategies. In the realities of the current globalised economy, this requires consideration of both migration, and labour policies.

Firstly, in looking at migration, States need to look at ways to enable formal, safe migration to occur, which will enable the demand for labour in countries, to be met by migrant labourers. In practical terms we would recommend the following actions;

Firstly to promote a safe, rights based approach to migration, States should ratify the UN Convention on the Rights of Migrant Workers and their Families. This provides human rights protection standards for migrant workers.

Secondly States should develop transparent and accessible migration policies. These should include regulation of travel, employment and au pair agencies; provisions criminalising the retention or possession of passports, documents or permits by persons other than the document holder; the provision of work permits or visas, which are not linked to a specific employer or type of employment.

Thirdly, education about, and promotion of, safe migration possibilities and practices in countries of origin is needed.

However, in addition to enabling safe migration to occur, labour practices and conditions also need to be addressed to tackle the forced labour outcomes of trafficking.

We would urge states to ratify and implement the relevant ILO standards. Standards need to be applied in both the formal, and informal sectors.

To enable implementation of labour standards, a number of measures are required. These include raising awareness of trafficking for forced labour, and the need for labour standards amongst policy makers, employers, unions, labour inspectors, and law enforcement. Finally the involvement of workers, through awareness raising, and organisation, needs to be promoted, to enable workers to claim their own rights and standards.

Ultimately, trafficking for forced labour should not occur, if barriers between demand and supply of labour are removed, and if provisions are in place that ensure labour standards are met. It is by looking at ways in which labour markets can be regulated, and demand for labour met in a managed way, that States should be able to further develop effective counter trafficking strategies.

## MIGRATION AND TRAFFICKING IN PERSONS

**Marco A. Gramegna**

**Director, Counter-Trafficking Service, IOM**

**Vice-President of the Group of Experts on Trafficking of the European Commission<sup>1</sup>**

Trafficked persons are migrants who end up working being abused and exploited, particularly, in the informal sector. Inequalities of wealth between and within countries, and the increasing demand for migrant workers will keep raising migration trends in the future. Europe is faced today with growing immigration pressures together with the aging of its population.

Poverty, lack of opportunities, gender discrimination, among other factors in countries of origin and the growing inequality of wealth within and between countries is increasingly leading more people to make the decision to migrate in order to seek a better life abroad. According to IOM, the number of people residing outside their home country has increased from 105 million in 1985 to 175 million in 2000.

Many governments have responded by promoting more restrictive immigration policies. Such policies only reduce the opportunities for regular migration and, thus, provide greater opportunities for traffickers to operate.

Low fertility rates and longer life expectancy means that most developed countries have an ageing population. This will lead to labour shortages, skills shortages and an increased tax burden on the working population in order to support and provide social benefits to the wider population.

Even if European governments rigorously promote policies to put more people into the job market this will not change the fact that our economies will become increasingly dependent on migrant workers in the coming years. In order to stabilise the size of the working population in the EU member states, there needs to be a net inflow of some 68 million foreign workers and professionals between now and 2050.

Globalisation, and increasing de-regularisation of the work force, increases this vulnerability of the unskilled migrant worker. Labour is cheap, expendable and exploitable, and so vulnerable to trafficking.

Traditionally women have had less access to education and skilled labour markets. With the opening up of traditional societies women have become more aware of opportunities, and wanted to seek positive improvements to their situation, often through migration. The break down of traditional society roles has seen increasing numbers of women becoming responsible for the family income, and seeking to maintain this through remittances from migration. IOM estimates that 50% of world-wide migrants are female. Yet migration policies and opportunities are male oriented.

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<sup>1</sup> Several of the ideas in this paper reflect deliberations within the European Commission's Experts Group on Trafficking

Women are more likely to migrate into unskilled, unregulated sectors, in particular domestic service and sex work, two sectors that are often not seen as 'work', that have minimal protection or regulation, with workers often physically isolated and over exploited.

The demand for migrant workers will be filled by irregular migration unless policy makers recognise that it is in their national interest to facilitate and manage this process. Countries of destination benefit from the contribution migrants make to the economy through their work, their innovation and their tax contributions. If channels for regular migration were opened up, migrants would not have to put themselves in the hands of smugglers and traffickers and would also be in a better position to defend their labour rights in the receiving country. Governments in countries of origin could also better manage the migration process in order to make sure it contributes to their own country's economic and social development.

Uncontrolled migration can have a negative impact on developing countries, particularly those that already have significant problems in terms of education, adult literacy and child mortality. These countries cannot afford to lose their most skilled professionals to satisfy recruitment shortages in developed countries.

Jointly developed migration programmes between countries of origin and destination can maximise the positive impact of migration on development while limiting depletion of skilled labour in countries of origin. Such programmes would include the option of short-term migration and of return to the country of origin. They may also include training to enhance the migrants' skills while abroad and to facilitate the sharing of information, contacts and expertise with local staff when they return. They may also contain agreements on how to maximise the impact of remittances in order to promote long-term development in the country of origin.

States' policies in promoting immigration controls, and reducing opportunities for regular migration, have not been effective in preventing migration. Rather they have had the effect of creating a market for irregular migration, often through organised crime, through trafficking and smuggling of people. Fewer opportunities for legal migration, in combination with strong push- pull factors, have led people to use desperate means to migrate, and to being vulnerable to both smuggling and trafficking.

There is a greater vulnerability to trafficking where there is lack of access to regularized migration mechanisms, lack of experience of migration between countries, and lack of regulation of the labour market.

Legal migration schemes need to be open and accessible Agencies facilitating migration should be regulated. Visas should not tie an employee to a particular employer or type of employment. Fees for providing work permits or visas should be clear and reasonable. Travel, visa and work permit documents should remain the property of the employee.

Organized migration needs to be promoted in origin countries. Migration could be a survival strategy, an opportunity to improve one's life or part of tradition. Trafficking and exploitation are less likely to occur where established migration information and mechanisms exist. States should therefore promote information about organized migration, for example through education, exchange programmes, clear processes to facilitate migration and regulated employment.



Policy responses to trafficking have tended to concentrate on the illegal aspects of this type of migration. However, the true abuses that occur in trafficking are not the movement across borders, but the exploitative work conditions for the trafficked persons.

Policy responses to trafficking have tended to concentrate on identifying trafficking as a crime, to apprehend and punish traffickers. Hence, the Palermo Protocol provides for the mandatory criminalisation of trafficking and provision of penalties, with discretionary provisions for assistance and protection of witnesses. European response has reflected this, most recently the Directive for Short Term Residence Permits, within a migration framework, only applying to those who assist in criminal proceedings.

The EU has recognised this new patterns, with the commitments made at Tampere 1999 to create a common EU policy on asylum and migration. This comprehensive approach includes action to counter the root causes and to create more legal immigration possibilities with full integration of those legally admitted, while countering irregular migration, including the readmission of irregular migrants into their countries of origin.

The European Commission in its Communication on Tampere June 2004 has stated that there must be a realistic approach, taking account of economic and demographic needs, to facilitate the legal admission of immigrants to the Union, in accordance with a coherent policy respecting the principle of fair treatment of third-country nationals. The communication underlines the need for an integrated approach to combat trafficking in persons.

The Brussels Declaration established the basis for the EC action plan against trafficking. The creation of the EC Experts' Group on trafficking and our deliberations towards an improved European action against trafficking are, among others such as the OSCE, promissory signals of action at the European level to combat trafficking.

However, despite these commitments many governments have continued to respond with a restrictive approach to migration and immigration policies. The effect of these has not decreased migration, but rather has left migrants more vulnerable to irregular forms of migration, including smuggling, trafficking and labour exploitation.

The promotion of regular and managed migration and standards based working conditions has the potential to reduce trafficking by offering migrants and other workers a mechanism which is safer and guarantees their human and labour rights.

In summary, our recommendations would include the following:

1. States should promote regular and managed<sup>2</sup> migration, based on demand and need, which is gender sensitive and implies the establishment of clear and comprehensive policies, laws and administrative arrangements to ensure that migration movements occur to the mutual benefit of migrants and the economic and social development of both the countries of origin and destination. This should enable legal migration and integration of migrants and migrants' rights while addressing the root causes of migratory flows. The policy should to be open and should include: regulation of travel and employment agencies; provisions criminalising the retention or possession of passports, visa, work permits or other documents by persons other than the

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<sup>2</sup> Migration management is the establishment of clear and comprehensive policies, laws and administrative arrangements to ensure that migration movements occur to the mutual benefit of migrants, society and government.

document holder; work permits or visas not linked to a specific employer or type of employment, and education and promotion of organized and safe migration possibilities and practices.

2. States should provide a standard based approach to trafficking and migration. Elements of such an approach are the promotion of regular and managed migration, a gender sensitive migration policy and adherence to international standards of protection of the human rights of all migrants, both legal and illegal. Trafficked persons deserve special attention.

3. A gender sensitive migration policy: Women and children are more vulnerable to trafficking as the sectors in which they traditionally are employed - for example sexual services and domestic work - are less likely to be regulated, and more likely to be infiltrated by traffickers. Additionally women and children are less likely to have information about migration opportunities. Migration policies need to reflect and address these inequalities. Consideration needs to be given to the extent that largely unrecognised informal sector work or services (such as sex or services) should be regulated within migration or employment policies in order to protect trafficked persons.

3. Enforce international standards of protection for all migrants (both legal and illegal): Key to ensuring safe migration is the protection of migrant's rights. States should ratify and implement the appropriate conventions, in particular the United Nations Convention on the Protection of the Rights of All Migrant Workers and their Families 1990 as well as the Palermo Protocol against Trafficking.

Yet to effectively combat trafficking, as the Brussels Declaration recognises<sup>3</sup> the whole spectrum from prevention through prosecution and protection, needs to be addressed. Thus, the underlying factors including the undeniable increasing demand for migration, must be addressed. Strategies that only focus on law enforcement are unlikely to be effective without addressing the requirement for migrant labour, either through legitimate or illegal channels.

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<sup>3</sup> Brussels Declaration “The comprehensive European policy against human trafficking needs to address the entire trafficking chain, comprising countries of origin, transit and destination alike, targeting recruiters, people who transport the victims, exploiters, other intermediaries, clients, and beneficiaries. Also the development of a broader policy on migration management can offer a substantial contribution in reducing and preventing trafficking in human beings. Furthermore, root causes of trafficking, not least including unemployment, poverty, gender inequalities, including the status of girls, social and cultural attitudes, and the demand for sexual services, cheap labour and other forms of exploitation must continue to be at the forefront of the long-term efforts to fight human trafficking effectively. A global approach to trafficking must address all forms of exploitation, including sexual exploitation, labour exploitation, in particular child labour, and begging.”

**Gottfried Koefner**  
**UNHCR Representative in Austria**

The complex, multi-dimensional character of trafficking has led the international community to approach the problem from a number of perspectives – trafficking can be viewed primarily as an organised crime issue or as a human rights issue, or as a labour-related problem. These three different facets are however closely interlinked with other issues such as the international protection needs of trafficked women, men, girls and boys and UNHCR's role in that regard, equally deserving of attention. The linkages between trafficking and asylum have been the subject of some debate in the context of UNHCR's Global Consultations process, particularly in relation to the asylum-migration nexus and gender-related persecution.

With an increased government focus on policies of deterrence and tightening migration control it has become increasingly difficult for refugees and asylum-seekers to reach asylum countries or to achieve family reunion through legal means. This trend has been exacerbated in the post-September 11 environment, with security concerns becoming an international priority. With regular arrival routes closed, many refugees turn to smugglers as the only feasible means of trying to reach safety, in spite of the dangers inherent in the smuggling process itself and the financial costs involved. Others still may fall into the hands of human traffickers – women and children being particularly vulnerable.

Trafficking in human beings has been an increasing concern for UNHCR and two areas are of particular relevance to us: legislative developments and victim protection.

**Legislative Developments**

I would like to say a few words about the emerging legal framework for combating smuggling and trafficking of people, that is, essentially the two Protocols against smuggling of Migrants and Trafficking of Persons, which supplement the United Nations Convention against Transnational Organised Crime. UNHCR's participation, in close co-operation with other UN agencies, throughout the drafting process resulted in the inclusion of a saving clause in the Protocol against Trafficking<sup>1</sup>. The intention of this clause is to safeguard the rights of asylum-seekers and refugees under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees. It is UNHCR's understanding that this would imply, at the very least, adequate access to some form of identification and screening process so that persons in need of international protection are able to submit applications for refugee status.

UNHCR has been equally engaged in the work of the OSCE informal working group on Gender Equality and Anti-Trafficking, contributing to the development of the OSCE Action Plan To Combat Trafficking in Human Beings adopted last December in Maastricht and ensuring appropriate reference to international protection needs in the final version of that document.

**Victim Protection**

Trafficking is generally recognised as a serious human rights violation and the protection needs of victims are addressed side by side with criminal control measures in instruments such as the Palermo Protocol. In addition to the general protection needs of victims of

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<sup>1</sup> The Smuggling Protocol contains a similar clause.

trafficking, UNHCR is of the view that some such victims may merit recognition as refugees – trafficking in certain circumstances being tantamount to a form of persecution underpinning refugee recognition.

To avoid confusion on this point let me first clarify that UNHCR's position is not that being a victim of trafficking is in itself sufficient ground for a refugee claim but rather that the trafficking experience must be given full and adequate consideration in the broader refugee claim assessment. It may happen that the motivation for trafficking coupled with the inability or unwillingness of their country of origin to provide protection, some victims of trafficking may in fact be refugees under the 1951 Convention refugee definition. This may sound self-evident but in reality it is a relatively new phenomenon for the refugee status determination procedures for many States.

UNHCR is examining appropriate ways of protecting asylum-seekers who are potential victims or who have already fallen prey to traffickers. For example, in Albania, UNHCR co-operates with both state and non-state actors in an initial screening procedure to assess the profile and needs of irregular migrants. This system permits the early identification of those in need of protection whether asylum-seekers or victims of trafficking and ensures that they are channelled to the agencies and institutions best equipped to deal with their needs. Further analysis is still required in follow-up to this initial assessment to determine if a victim of trafficking is also a refugee in need of international protection.

Another example is a UNHCR project in Slovenia in co-operation with the asylum section of the Ministry of Interior and the national NGOs Association Kljuc and Slovene Philanthropy, which aims to produce and disseminate information geared towards asylum-seekers considered at risk of falling victim to trafficking activities. The possible involvement of UNODC and OHCHR in this project is currently under discussion.

### **Inter-Agency and Governments' Efforts**

We cannot overstate the importance of continued inter-agency and inter-governmental co-operation in relation to activities touching upon trafficking, either in an explicit manner or more indirectly as part of the broader migration debate. In this respect, the Global Commission on International Migration, established in December 2003 at the initiative of the UN Secretary General, is worth mentioning. At a more modest level, there is also the Geneva Migration Group which brings together the respective Heads of UNHCR, UNODC, ILO, OHCHR, UNCTAD and IOM. This grouping has met regularly for over a year now and has proved an effective channel for information sharing on matters of common concern in the migration and asylum arena.

Finally, I would mention just two recent developments which may prove to be of interest to the work of the OSCE Special Representative on Combating Trafficking in Human Beings:

- The entry into force on 1 July 2003 of the 1990 United Nations Convention on the Protection of the Rights of Migrant Workers and Members of their Families and the establishment of the corresponding treaty monitoring body which will act as the guardian of this convention;
- The decision by the United Nations Human Rights Commission, meeting in Geneva in April of this year to endorse the creation of a new mandate for a Special Rapporteur on Trafficking. The work of the Special Rapporteur once she assumes her responsibilities is likely to prove of direct relevance to our joint efforts.

UNHCR is currently working on guidelines, which will elaborate upon the issue of trafficking as a form of persecution. We very much count on your collaboration to focus due attention on this aspect of trafficking and to help us improve the plight of refugees entangled in trafficking scenarios.



## TRAFFICKING IN PERSONS AND ORGANISED CRIME

**Jean-Paul Laborde**

**Principle Officer, Division for Treaty Affairs, UNODC**

Madame Chair  
Your Excellencies,  
Ladies and Gentlemen,

First, I would like to congratulate you Madame Chair on your new position as the OSCE's Special Representative on Combating Trafficking in Human Beings. You have displayed a dynamic and proactive attitude toward combating this heinous crime in assembling this conference and formulating the "Alliance Against Trafficking in Persons."

I would also like to thank you and all those present today for allowing me the opportunity to elaborate on the role of organized crime in trafficking in persons.

Indeed, organized crime and trafficking in persons has taken on a direct and positive correlation around the world. Today, I would like to address four main issues related to this topic:

**First**, the extent of human trafficking at the global level and data illustrating the correlation between organized crime and trafficking.

**Second**, UNODC's special areas of expertise and how they will contribute to this Alliance,

**Third**, an update on the status of the Convention on Transnational Organized Crime and its Protocols,

**And finally**, if I may, offer suggestions on potential steps the Alliance could make toward an action-oriented agenda.

### *1. Global perspective*

Human Trafficking is truly a global phenomenon touching all corners of our planet. Organized criminal groups use all means possible to transfer human beings across borders. According to the UNODC's database on trends in human trafficking, some clear patterns emerge.

As you can see from **Figure 1**, there is a clear trend indicating a strong correlation between levels of per capita income and human trafficking. By and large, this confirms the commonly held belief that poorer countries are points of origin and richer countries are points of destination.

However, if you look at **Figure 2**, a few interesting observations can be made. For instance, Central and Eastern Europe are primarily transit zones while Asia is more a destination than an origin region. The explanation for the latter could lie in the regional disparities within Asia.



# Human Trafficking originates with poverty

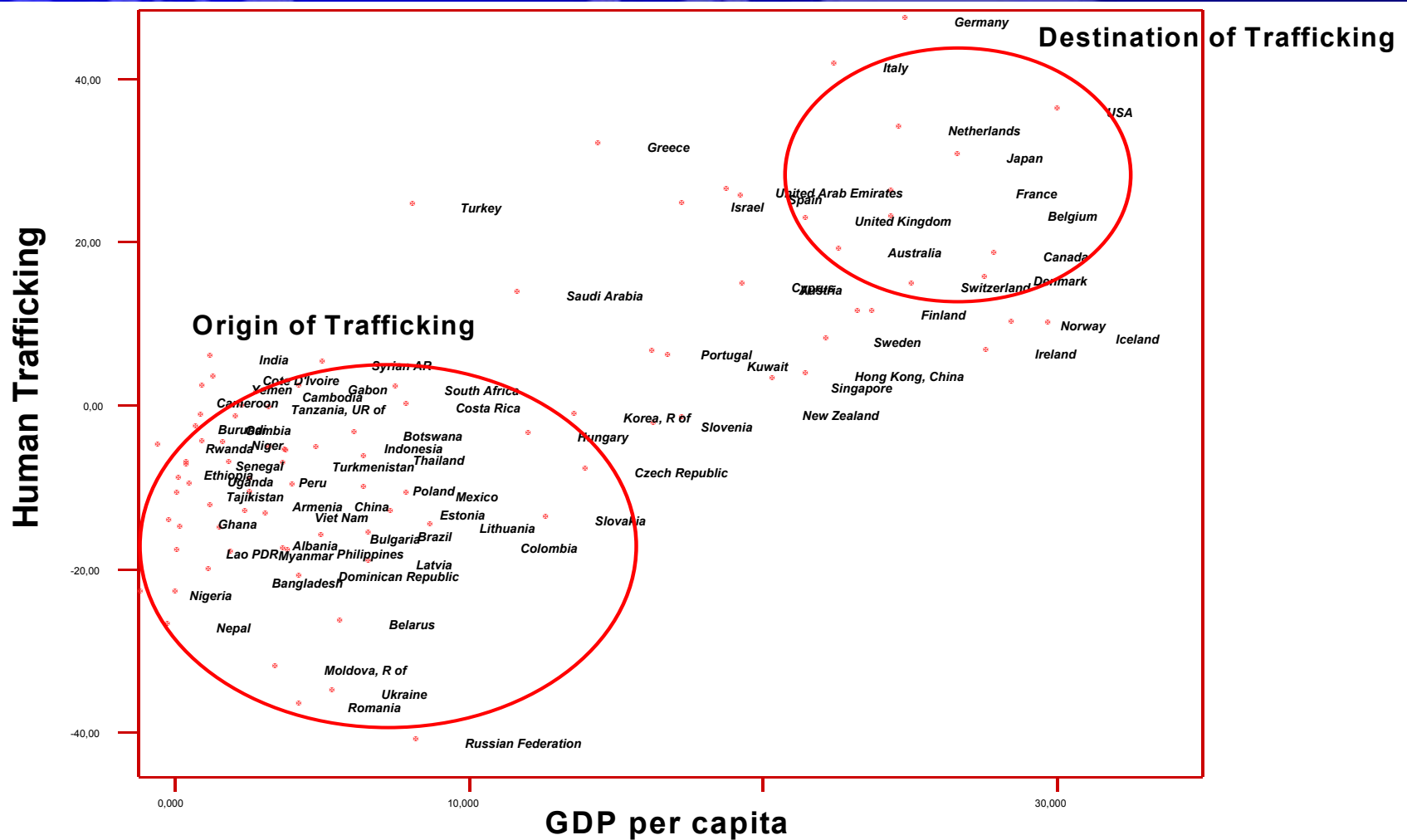


Figure 1





## Trafficking in Human Beings

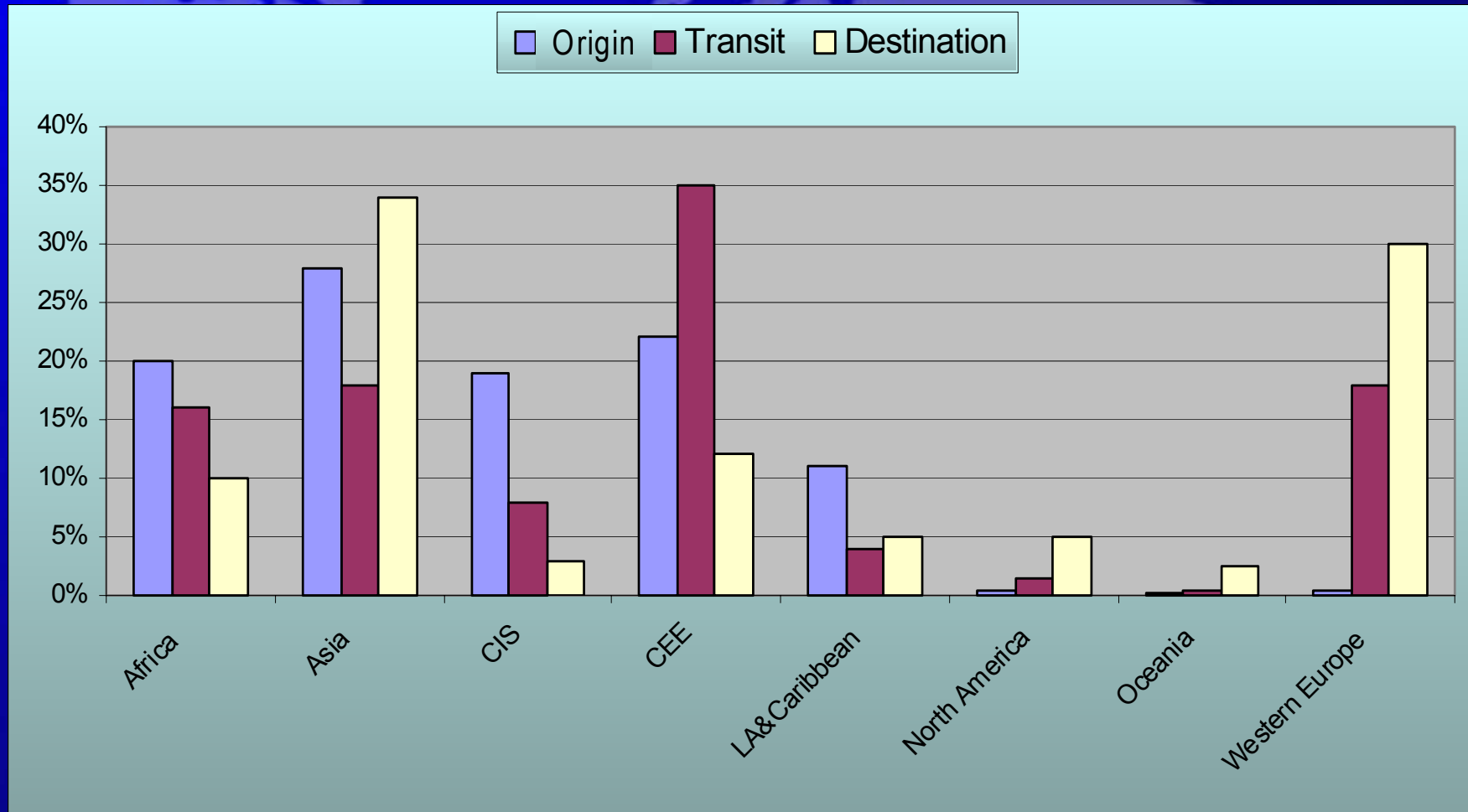


Figure 2

By correlating our Human Trafficking Index with a variation of Transparency International's Corruption Perception Index, it becomes clear that countries with low scores on the Integrity Perception index are also likely to be places where it is easy for traffickers to obtain their "Human Cargo." In other words, a country showing a high level of corruption is likely to see organized criminal groups commodifying its citizens (see **Figure 3**).

Finally, the link between organized crime and human trafficking becomes apparent as you look at **Figure 4**. It is found that countries scoring high on the UNODC organized crime index tend to be countries of origin while those with low levels of organized crime tend to be countries of destination. This correlation reflects a kind of structural imbalance in the "market" for trafficked human beings.

Because organized criminal groups are vital in securing a supply of the "human commodity", countries with a high level of corruption and a strong network of organized crime are likely to be fertile grounds for traffickers.

### ***2. UNODC expertise***

Keeping in mind the above links between organized crime and human trafficking, I would like to emphasize some of the core competencies that the UNODC can provide to the international community and more specifically to this Alliance. While human trafficking is indeed a multi-disciplinary phenomenon, UNODC focuses on providing an international criminal justice perspective that is an essential component in the fight against trafficking in persons. For example, UNODC focuses efforts on gathering information on offenders. Based on our experience in the field, we have collected information on those who were suspected of being involved in trafficking as well as on those who have been found guilty. As a result of focusing in this area, UNODC has had the opportunity to construct key observations regarding links between organized crime and trafficking in persons.

### **3. The Convention against Transnational Organized Crime and its protocols**

The UN Convention against Transnational Organized Crime and the Protocols were adopted by the General Assembly in November 2000. The Convention entered into force on 29 September last year. The Protocol to Prevent, Suppress and Punish Trafficking in Persons as well as the Protocol against the Smuggling of Migrants have also entered into force. The Convention and its Protocols provide a unique, worldwide legal framework through which the fight against organized crime and trafficking in persons can be effectively reinforced. Together, they set in place processes and structures to initiate and sustain cooperation among Member States. The Conference of Parties, which met for the first time last June, provides an effective tool for implementing and monitoring these legal instruments.



## Human Trafficking and Corruption

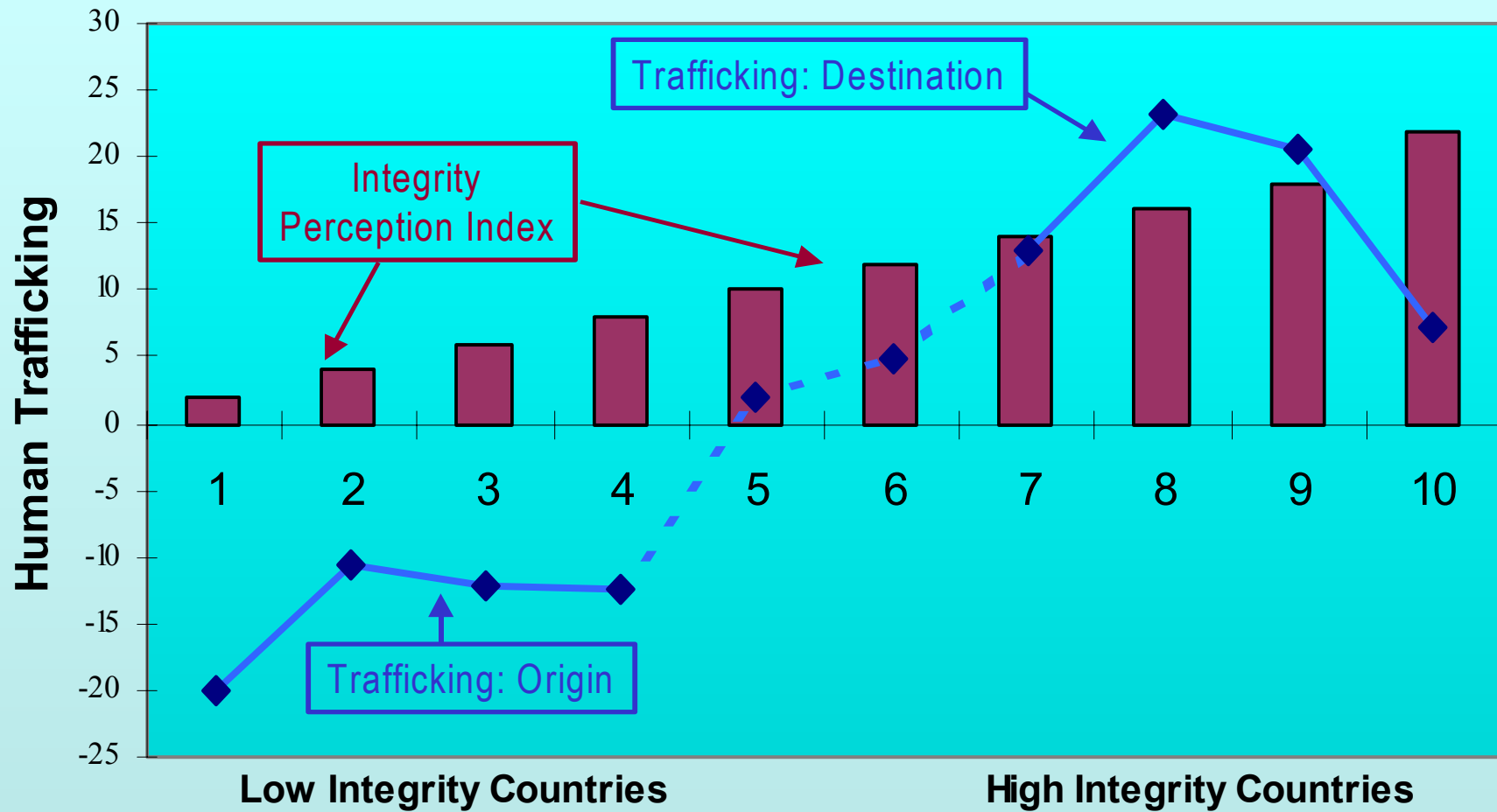


Figure 3



# Human Trafficking and Organized Crime: A correlation

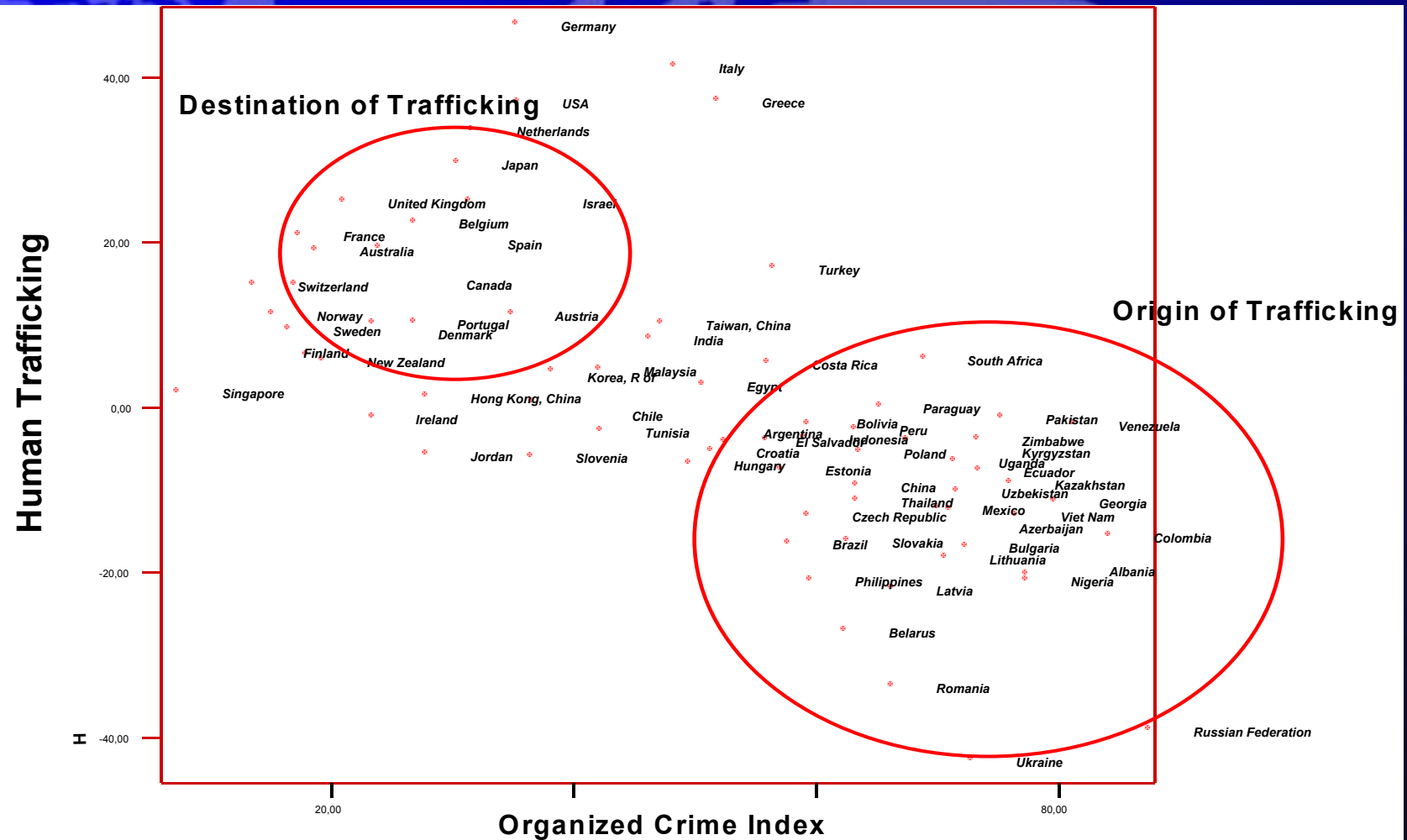


Figure 4

To date, the Convention has been signed by 147 Member States and ratified by 82 Member States. The Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children has been signed by 117 Member States and ratified by 64 Member States while the Protocol against the Smuggling of Migrants by Land, Sea and Air has been signed by 112 Member States and ratified by 57 Member States.

	<b>Date Entered into Force</b>	<b>Parties</b>	<b>Signatories</b>
<b>TOC</b>	29 September 2003	85	147
<b>Trafficking Protocol</b>	25 December 2003	67	117
<b>Smuggling Protocol</b>	28 January 2004	59	112

*Figure 5*

The entry into force of the Convention and the two Protocols represent a major step in the fight against transnational organized crime and trafficking in persons. Not only was it the first time that Member States of the United Nations agreed on a definition for “trafficking in persons,” but Member States also compelled themselves to embody the definition in their national legislation and to make trafficking in persons punishable at the proper level and by relevant authorities.

#### ***4. An action-oriented agenda***

I would like to take a moment to outline, as I said, an action-oriented agenda. As stated before by many distinguished participants, trafficking in persons is a very complex organized criminal activity. Since it can and most often does involve many different jurisdictions, partnerships between various Member States are vital. Governments must increasingly cooperate in their counter-trafficking initiatives by sharing information and providing assistance. The same applies to inter-governmental and non-governmental organizations, including UNODC. We stand ready to co-operate with OSCE and its field office network as well as with other organizations in the Alliance in order to contribute to the combat of human trafficking. UNODC has acquired specialised experience in combating human trafficking as a crime. Our legal expertise has been especially useful to a number of IGOs and NGOs who focus on the victims’ perspective. Likewise the wide network of the OSCE’s field offices can be extremely useful for us in the implementation of field-level activities. I am sure that in working collaboratively, we can implement a mutually beneficial agreement on strategies, techniques and subsequent evaluations that will further our common agenda.

Ladies and Gentlemen, it is a fact that organized crime is involved in human trafficking. Problems of trafficking and organized crime can be countered only if there is a fundamental commitment to implement laws and anti-human trafficking policies as well as to international cooperation. Unless this commitment is made and we act in alliance, trafficking in persons and organized crime will undermine the ability of States to effectively protect the dignity of their citizens. We are confident that under your leadership we will make concrete progress in this effort.

Thank you.



**Hamish McCulloch**  
**Assistant Director, INTERPOL**

Over the last 10 years Interpol have identified a growing trend by international criminal networks to diversify from their traditional crime areas, such as drug trafficking, into new forms of crime involving trading in human beings. The term ‘modern day slavery’, which does not truly reflect the sexual and financial exploitation that victims of trafficking are subjected to, is often used to describe the activities surrounding the trafficking of persons and our findings confirm that there is no doubt that international organised crime is responsible for this human suffering.

The reasons for this diversification of activities by criminals are very simple: people indulge in criminal activity to make money, but the criminal has to balance the risks against the profits to be made, and the trafficking of persons is a high profit crime area - with a lower risk of detection and lesser risk of a long term of imprisonment, compared with other traditional crime areas.

The international nature of these crimes are apparent, not only because it involves victims, being moved across international boundaries, but also as a result of the need for criminals to network between source and destination countries.

Many of those involved first made their criminal association when involved in other criminal activities and, as the demand for women to work for pimps in prostitution and others for gang masters in agriculture and other service industries increased, the networks of recruiters and other criminals required to provide false documents, transport and many other services, including the laundering of the financial proceeds, have developed.

To combat this growing phenomena, Interpol has brought together officers from many of the Organization’s 181 member states who, with specialist officers from the General Secretariat have been working to provide law enforcement with the information they need to combat the trafficking of persons, many of whom end up in Europe working in the sex industry where they are sold, resold, and passed between different criminal groups as commodity.

Interpol also recognise the assistance that others can provide in the fight to combat the trafficking of people. Apart from the OSEC we also work with many other organizations such as the IOM (International Organization for Migration), SECI (South Eastern European Co-operation Initiative), EUPM (European Police Mission in Sarajevo), ICMPD (International Centre for Migration Policy Development), The Baltic Sea Task Force and Europol, to name but a few.

The brutal nature of these crimes demands that all stakeholders work together, not only to identify and prosecute the criminals involved and destroy their networks, but also to rescue those suffering at the hands of the exploiters.

The Trafficking in Human Beings sub directorate at the General Secretariat, which I am responsible for, has a specific working group, which focuses on the trafficking of women from Eastern Europe to anywhere else in the world. The initial analytical results were published this week and are in the process of being distributed.

Many of the findings confirm the ruthlessness of the criminals involved and their total disregard for human life.

- 15 cases involving many women from Belarus destined for Russia bought for 40 Euros each
- Over 43% of the victims were forced into prostitution
- Many women were raped by their captors
- 9% of the women were kept locked up like animals
- Women trafficked from Europe as far as Mexico and China

And of those who knew that they would be working as prostitutes, none believed that the conditions they were forced to work in would be as bad as they were and none received the money they were paid by clients. Many received nothing.

These are just examples of some of the disturbing findings but the report also highlights the enormous amount of money that the criminals make as the information received confirmed that during each stage of the trafficking process the different criminal groups increased the price of the victims until many were being sold for thousands of Euros. And each and every one of those Euros will have to be repaid through forced prostitution.

Interpol will continue to maintain this crime area as a major priority for the Organization. Our trafficking programme is expanding to other regions of the world to take into account the truly global nature of this form of criminality, but what we have to remember is that there is a lot more to do.



## CORRUPTION AND HUMAN TRAFFICKING

**Professor Ugo Draetta**  
**Chairman, Stability Pact Anti-Corruption Initiative (SPAI)**

Dear Dr. Konrad,  
Ladies and Gentlemen,

First of all, let me thank you for the opportunity to participate in such a distinguished meeting, with such a noble purpose: **to form an “Alliance” to fight trafficking in human beings.**

Before starting my short intervention, allow me, please, to convey to you **Dr. Busek’s best wishes for the success of this meeting.**

I will begin my speech with the latest developments in the **initiative to fight corruption in South East Europe**, SPAI, which has recently started to transfer to the region the responsibility of its management. In March 2004, the SPAI Regional Secretariat Liaison Office has become operational and has undertaken its first steps in implementing *SPAI Strategy for 2003 and Beyond*. It will serve as a concrete and visible commitment of the regional states to the continuing, concerted and coordinated fight against corruption in that part of Europe.

The Regional Office will concentrate on networking in the region, evaluating the actual status of Anticorruption National Strategies and preparing the agreed activities of the work-plan. **Together with me and the team in Brussels, the Sarajevo-based office will be part of the “package” we are offering for the “Alliance”.**

In my position I seek further support from international partners (countries and organizations, including the most important NGOs active in the field, like American Bar Association, Transparency International and Open Society Institute) in order to provide the Regional Office with a sustainable partnership for the future. The implementation of the “regional ownership” objective is the cornerstone of our strategy. **I am calling upon all the international partners present here to profit from the presence of the office in Sarajevo and its perspective to become a “Centre of Excellence” on anticorruption, where experts from the region could be trained and learn from regional and international experience in fighting corruption.** The Regional Office in Sarajevo could then be utilised by the other international organizations active in fighting corruption for supporting the implementation of their activities in the region.

As SPAI Chairman I have to underline the efforts made by all our regional partner countries to achieve results and progress in adopting and implementing National Strategies on Fighting Corruption.

Distinguished audience,

The damage caused by corruption is well known. In South East Europe, corruption has eroded the rule of law and the stability of democratic institutions, breaching fundamental

rights and freedoms and undermining the trust and confidence of citizens in the fairness and impartiality of public administration. It has undermined the business climate, discouraged domestic and foreign investment, wasted economic resources and hampered economic growth, thus threatening the very objectives of peace, democracy and prosperity.

In response, the Stability Pact for South Eastern Europe made the fight against corruption a top priority upon its founding in Cologne (Germany) in June 1999. This was formally endorsed in Sarajevo a month later. On 16th February 2000, again in Sarajevo, Stability Pact countries, including the EU member states, the countries of the region and the international donor community, adopted an Anti-Corruption Initiative – SPAI.

Why have countries of South Eastern Europe, along with the international community, mobilised to fight bribery and corruption in the region? The answer is simple: corruption respects no borders, knows no economic distinctions and tends to affect all government bodies. No country of South Eastern Europe can afford the social, political and economic costs that bribery and corruption entail. As such, the fight against bribery and corruption has moved to the top of the regional political agenda. Not so long ago, bribing public officials to obtain any deal was at least a tolerated practice in the wide parts of the region. Today, South East European countries, associated with the international community, will play by stricter rules. The legal and institutional frameworks are being reformed according to European and other international standards. This is not only needed in order to outlaw the practice of bribing public officials, but also to promote a whole arsenal of legal instruments and to improve ethical standards in the public sector, to establish the rule of law, to curtail money laundering and to clean up public procurement practices. The private sector and the civil society are playing a crucial role in turning these new rules into reality.

Of course, there is a lot to be done in this respect. Among the fields where corruption has its influence is trafficking in human beings. The phenomenon is complex, as the previous honourable speakers explained to us. That's why, it affects widely different categories of public officials, including those in charge with prevention and fighting trafficking. Also, temptation is high even for politicians.

And here we have our regional initiative. SPAI provides incentives for policy reform and sets out a number of commitments for policy reforms that SEE countries need to implement in order to eradicate corruption. There are five pillars:

1. Adhesion to and implementation of European and international anti-corruption instruments;
2. Promotion of good governance and reliable public administrations;
3. Strengthening of legislation and promotion of the rule of law;
4. Promotion of transparency and integrity in business operations and fight against bribery of public officials;
5. Promotion of an active civil society.

Since the initiation of SPAI in February 2000, the environment for cooperation against corruption in South-eastern Europe has changed considerably:

- Countries have made significant progress in the adoption of relevant international instruments.

- All countries of South-Eastern Europe are now members of the Group of States against Corruption (GRECO) under which their compliance with European anti-corruption instruments is monitored.<sup>1</sup> Some also participate in the OECD monitoring mechanism.
- In all countries comprehensive anti-corruption plans have been adopted and are under implementation.
- In some countries, institutional mechanisms to manage the implementation of these plans as well as specialised institutions to investigate and prosecute corruption have been created.
- The capacity of civil society organisations to support anti-corruption measures have been strengthened, as reflected in some countries in the formation of anti-corruption coalitions or the creation of national chapters of the NGO Transparency International.
- The readiness of donors and international organisations to support specific anti-corruption projects has increased and a – yet limited – number of projects have been implemented.
- In November 2002, countries of South Eastern Europe signed up to the London Statement in which they committed themselves, among other things, to develop and implement national anti-corruption plans and anti-corruption laws, to build public support against corruption, and to engage in judicial networking and other forms of regional cooperation.
- In June 2003, together with the European Union, the countries of the Western Balkans committed themselves to implement strong reforms in the Justice and Home Affairs' field, including fighting corruption.

SPAI will continue to promote the prevention and control of corruption as a means to strengthen democracy, the rule of law, human rights, and social and economic progress, and thus to contribute to further European integration.

Against this background, SPAI's added value in the future will have to be measured in terms of the support it can provide to:

- the elaboration, improvement and implementation of national anti-corruption plans
- the strengthening of specialised anti-corruption services
- networking and engaging regional dynamics and synergies

In all these activities, the newly established SPAI Regional Office based in Sarajevo will play an important role, also as a part of the increasing regional ownership.

Distinguished Audience,

Responding to an appeal by the Special Coordinator, the member states of the South East European Cooperation Process have started a campaign against organized crime and corruption in the region in order to boost the effectiveness of their actions at the national and the regional level. At their meeting in Bucharest on 18 May, the Justice and Home Affairs Ministers called for measures to strengthen implementation and to prepare for enhanced cooperation with the EU-related structures, like Eurojust and Europol, in the meantime using the already existing regional mechanisms – the initiative to fight corruption that I am chairing, for example.

The Ministers decided to monitor progress under this campaign on an annual basis and to report such progress at the annual EU-Western Balkans Summit meetings. The Romanian

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<sup>1</sup> Evaluation reports containing recommendations are available under [www.greco.coe.int](http://www.greco.coe.int).

Chairmanship in Office introduced proposals in this connection on the mechanism, the calendar, and concrete measures for implementation under the campaign, in order to have this year, on 3<sup>rd</sup> of December, the first “regional report” presented by the region itself.

The initiative I am chairing, SPAI, will assist the efforts done within the **campaign to fight organized crime and corruption in South East Europe** that we, future “members of the Alliance”, have to consider in our plans.

Among the priorities identified within the campaign, to which our Regional Office could contribute I can mention:

- To adopt a Regional Anticorruption Charter;
- To strengthen regional cooperation in fighting corruption by ratifying and implementing the UN Convention against corruption;

Regarding this last priority I can share with you that a workshop has been already planned with UNODC to be organized in September for South East Europe.

Ladies and Gentlemen,

Allow me to conclude that corruption is an evil that we should fight with all our efforts. Corruption is linked to the organized crime and particularly to trafficking in human beings. It is proved that human traffickers cannot succeed without the support they receive from the corrupted authorities. In some cases that you, Dr. Konrad, are aware about, from your experience in the field, corruption at the highest levels of judicial system and other public administration institutions affected seriously the decisions taken.

It is the time to unite ourselves in this battle. I wish us success!

## THE ROLE AND RESPONSIBILITY OF PEACEKEEPERS IN THE FIGHT AGAINST HUMAN TRAFFICKING

**Jean-Christian Cady**

**Deputy Special Representative of the Secretary General for Police & Justice, UNMIK**

Madame Chair

Let me start by congratulating you on behalf of UNMIK for your appointment as the OSCE Special Representative on Combating Trafficking in Human Beings.

A Peacekeeping Mission brings peacekeepers in their hundreds from different parts of the world into a society that is still in conflict within itself. It brings people with a lot of money into an economy and a society that are shattered from war. In many peacekeeping areas, the international presence had in the past an impact on prostitution and human trafficking. This is of course the last thing we want. We peacekeepers, or I should say we peace builders, are in an area to act as role models to establish the rule of law and democratic institutions, and not increase and fuel organised crime.

Kosovo has long been one of the roads of human trafficking from East to Western Europe. Conflict and lawlessness, in Kosovo as also in its surroundings and most of Eastern Europe, served as a catalyst for organised crime that is most visibly manifested in 'human trafficking'. Therefore, one of the early priorities of UNMIK was, and remains, combating the plague of human trafficking in Kosovo. I am happy to share with you how we progressed during the last five years in addressing this problem through a multi-dimensional and cooperative approach.

The fact that criminals undertake 'human trafficking' as a profiting enterprise implies that it is governed by the laws of economics, that is the interplay of demand and supply. The United Nations Interim Administration Mission in Kosovo has addressed trafficking in persons both on the demand and supply ends. There is a critical third dimension to the fight against human trafficking – the human dimension of protection and rehabilitation of the victims of trafficking. We have addressed this problem too.

### **Addressing demand**

How have we addressed the demand side of the problem in Kosovo? This has been done through a policy of 'zero tolerance' enforcement against traffickers and pimps, as also strict enforcement against violators among UNMIK staff, combined with measures to ensure sustainability of our efforts by developing local capacity to address the crime with the required sensitivity and effectiveness.

Bolstered by stringent laws and specialized investigative capability, the police and justice system has made significant progress in the fight against human trafficking over the last four years. The Trafficking and Prostitution Investigation Unit in Police conducts daily raids, operations and bar checks directed at premises where trafficking in persons or prostitution activities were suspected. Several establishments have been closed down and perpetrators have been brought to justice.

To ensure that the presence of international peacekeepers in Kosovo does not act as an incentive for prostitution, codes of conduct are strictly enforced against UNMIK staff. A list of 'Off Limits Premises', that is establishments suspected of involvement in prostitution but fronted as legitimate businesses, is produced at the end of each month and disseminated throughout UNMIK. Disciplinary action against any UNMIK staff found in the premises is strictly enforced irrespective of whether the concerned individual was actually indulging in sexual activities or otherwise.

To ensure comprehensiveness and sustainability, from the outset UNMIK has sought close working relationship with other international and non-governmental organisations working in the area of trafficking and prostitution. The Kosovo government has been encouraged to develop a comprehensive Kosovo Action Plan to address the problem of human trafficking. The Kosovo Police Service (KPS) is being sensitized and trained to effectively address this crime. The KPS are being increasingly associated in the investigations and operations relating to the crime.

### **Addressing supply**

The supply factor has to be addressed both locally and internationally, given the fact that the large majority of trafficked victims come from East European countries like Moldova, Romania, Ukraine and Bulgaria, and are routed through Serbia, Macedonia, Montenegro and Albania.

While internationally the problem is addressed through a regional approach within the framework of international cooperation, locally this involves coordination with institutions, both governmental and non-governmental, in addressing the inter-related causes ranging from organized crime, poverty, education level, gender issues and so on. This necessitates a multi-dimensional response spanning several government functions including social welfare, law-enforcement, justice, public services, culture, health and education, as well as non-governmental initiatives directed at addressing the social and economic causes for the crime.

UNMIK works closely with the Southeast European Cooperative Initiative (SECI) on trans-border and regional initiatives in the fight against trafficking. In collaboration with the Stability Pact Task Force on Trafficking in Human Beings, UNMIK has been involved in evolving a comprehensive strategy to combat trafficking in human beings and has been engaged in regional training, exchange and cooperation plans.

Besides, UNMIK has signed police cooperation agreements with all its neighbours including Serbia, Montenegro, FYROM and Albania. This reinforces cooperation in the fight against cross-border organized crime and in particular trafficking in human beings.

### **The human dimension**

The third aspect of UNMIK's policy has been to create a strong human rights framework to protect and assist victims of trafficking. Prostitutes are seen and treated more as victims than as law infringers. In compliance with European and other international standards UNMIK has created a framework for providing protection and assistance to victims of trafficking including legal representation, counselling and temporary secure housing.

A special unit called the 'Victims Advocacy and Assistance Unit' (VAAU) has been formed within the Department of Justice. The VAAU works with the Police Trafficking and Prostitution Investigation Unit and other organizations like OSCE, IOM, the Inter-Ministerial

Working Group of the Kosovo government and several NGOs to address the human rights concerns of victims in the process of investigation, prosecution, shelter and rehabilitation.

In case of child victims, police works with the Centres for Social Work (CSW) of the Ministry of Labour and Social Welfare, that are based in each municipality. Immediately upon identification of a child victim, that is those under 18 years of age, the police notify the CSW to serve as the child's guardian. No interviews are conducted with the child in absence of a social worker.

**To conclude**, the fundamental principle underlying UNMIK's approach has been the recognition that problems of this nature cannot be effectively addressed solely as a law and order issue. The essentially socio-economic genesis of the problem and its multi-dimensional as well as trans-national nature necessitate a more comprehensive approach involving multi-disciplinary governmental and non-governmental bodies. Ultimately, it is only through the active involvement of civil society that the problem can be effectively and sustainably addressed.

This is why this meeting of the Alliance against Trafficking in Persons is so useful. We have made progress in combating human trafficking in Kosovo. Our fight is not over and it will never be. But Kosovo can be used as an example for other peacekeeping missions of a successful approach to combat human trafficking and prostitution.





**Susan Pond**

**Head of Partnership for Peace and Cooperation Programmes, NATO**

## **NATO POLICY ON COMBATING TRAFFICKING IN HUMAN BEINGS**

1. This NATO policy takes into account the universal condemnation of the crime of trafficking in human beings and reiterates that it constitutes a serious abuse of human rights, especially affecting women and children. It is a transnational problem, requiring concerted multilateral action if it is to be defeated. Trafficking in human beings, affects countries of origin, countries of transit and countries of destination. This modern day slave trade fuels corruption and organised crime. It has the potential to weaken and destabilise fragile governments and runs counter to the goals of NATO-led efforts especially in South Eastern Europe. A zero-tolerance policy regarding trafficking in human beings by NATO forces and staff, combined with education and training, is required.

2. Allies reaffirm their commitment to promoting peace and security in the Euro-Atlantic Area and to combating the trafficking in human beings and agree the following policy. NATO will support and sustain further development of practical cooperation between nations and between NATO and other international institutions such as the UN, OSCE and International Organisation for Migration. NATO will also consult with NGOs active in this field with a view to improving its existing mechanisms and measures for the implementation of the present policy. Close exchange of information and experience between NATO and the EU should also be developed in accordance with agreed procedures.

3. This policy on combating the trafficking in human beings aims to reinforce efforts by NATO and individual nations to prevent and combat trafficking and the commitments undertaken in the context of other international organisations including the “UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime”. and the OSCE Action Plan to Combat Trafficking in Human Beings. NATO and non-NATO troop contributing nations will develop and implement various measures that discourage the demand by their military and civilian personnel that fosters all forms of exploitation of persons.

4. In the context of this policy trafficking means, the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat of use of force or other forms of coercion, of abduction, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purposes of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others, or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

5. This policy is developed by NATO in consultation with its Partners and nations contributing forces to NATO-led operations. Allies re-affirm their commitment to ratification, acceptance or approval of the UN Convention and relevant Protocol and agree:

- (a) to review national legislation and report on national efforts to meet obligations associated with the UN Convention and its Protocol in accordance with the relevant decisions taken by the Parties to those treaties;

- (b) to encourage all nations contributing forces to NATO- led operations to ratify, accept or approve the UN Convention Against Organised Crime and relevant Protocol and adhere to the OSCE Code of Conduct;
  - (c) that this policy is aimed at securing standards of individual behaviour;
  - (d) that all personnel taking part in NATO led-operations should receive appropriate training to make them aware of the problem of trafficking and how this modern day slave trade impacts on human rights, stability and security, as well as being informed of their own responsibilities and duties and the respective responsibilities of International Organisations in this field;
  - (e) in the conduct of operations, to continue efforts, within their competence and respective mandates, to provide support to responsible authorities in the host country in their efforts to combat trafficking in human beings;
  - (f) to incorporate contractual provisions that prohibit contractors from engaging in trafficking in human beings or facilitating it and impose penalties on contractors who fail to fulfil their obligations in this regard; and
  - (g) to evaluate implementation of their efforts as part of the ongoing reviews carried out by the competent authorities.
6. In order to ensure maximum effectiveness of the present policy, NATO nations commit themselves to ensure full national implementation of this policy. Non-NATO Troop contributing nations are expected to take similar steps upon joining a NATO-led operation.
7. NATO personnel serving at NATO Headquarters and its Agencies as well as those taking part in NATO led operations should continue to conduct themselves with regard to the highest professional standards and with respect to national as well as international law.

## **NATO Guidelines on combating trafficking in human beings for military forces and civilian personnel deployed in NATO-led operations**

### **Introduction and Scope**

1. The present guidance is intended for the use of military and civil elements that, while not being NATO staff, participate in operations under NATO command and control. Its aim is twofold:
- (h) to define the basic standards of behaviour to which NATO-led forces must adhere in the course of their work; and
  - (i) to define the parameters within which NATO deployed forces can, within their competence and respective mandate, provide support to responsible authorities in the host country in their efforts to combat trafficking in human beings.
2. This guidance is aimed at highlighting the general principles and activities that participating nations are expected to request from their nationals. It is not exhaustive and will require, as appropriate, specific implementing actions by individual nations and forces to be fully effective. This includes, where necessary, ratifying/acceding to/approving the “UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime” and implementing its requirements, as well as ensuring implementation of the present guidelines.

### **General Principles**

3. Forces conducting operations under NATO command and control are prohibited from engaging in trafficking in human beings or facilitating it. This prohibition also applies to any civilian element accompanying such forces, including contractors.
4. Forces conducting PSO under NATO command and control, will support, within their competence and mandate, the efforts of responsible authorities in the host country in combating trafficking in human beings.

### **Definitions**

5. With reference to the definition of trafficking in human beings, Allies reaffirm their adherence to and compliance with the provisions of Article 3 of the “UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime”.
6. In particular, trafficking in human beings means the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat of use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purposes of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others, or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

### **Implementing Guidelines**

7. The implementation of the principles at Paragraphs 3 and 4, above, can only be successful if appropriate implementing measures are taken by NATO Authorities and Troop Contributing Nations.
8. For NATO Authorities this includes as a standing requirement:
  - (a) the development of specific policy provisions, within existing PSO doctrine, for the role of NATO-led forces in supporting, within their competence and mandate, the efforts of responsible authorities in the host country to combat trafficking in human beings;
  - (b) the establishment, at NATO educational institutions (NS, NDC), of specific training modules devoted to raising the awareness of the issues connected to the trafficking in human beings and of the means to combat it. These modules will be designed and implemented with the advice of anti-trafficking experts, including intergovernmental and non-governmental organisations with expertise in this area; and
  - (c) the development of an evaluation mechanism to analyse progress on combating trafficking, as well as of a confidential and transparent NATO internal reporting mechanism on violations of the present policy.
9. In the planning and conduct of PSO, NATO Authorities will:
  - (a) include in the relevant portions of the Operational Plan (OPLAN), specific measures, within their competence and mandate, to support the effort of responsible authorities in the host country in combating the trafficking in human beings;

- (b) include, in the pre-deployment phase, specific training on issues related to trafficking in human beings;
  - (c) assess the conformity of contributing forces to the principles defined in this document; and
  - (d) identify within the Area of Operations, local and international organisations with capacity for protecting and housing adult and child victims of trafficking and the establishment of appropriate liaison arrangements with such organisations.
10. As a standing requirement, troop contributing nations will organise specific training modules preparing their forces and accompanying civilian elements and contractors for PSO. Such modules may include training on the issue of trafficking in human beings and legal consequences stemming from the violation of anti-trafficking laws, as well as training on the means to support, within their competence and mandate, the efforts of responsible authorities in the host nation to combat trafficking in human beings. Similar modules may also be developed by PfP Training Centres and included, as appropriate, in their training curricula.
11. As a standing requirement, it is recommended that troop contributing nations:
- (a) review, if necessary their existing criminal legislation, including the enforcement of such legislation, to ensure that members of the forces – as well as civilian elements – who engage in trafficking in human beings, or facilitate it, are liable to appropriate prosecution and punishment;
  - (b) provide details of their national legislation and national efforts to combat trafficking;
12. In the planning and conduct of a NATO-led PSO, it is recommended that troop contributing nations:
- (a) conduct specific pre-deployment training on criminal issues including those related to trafficking in human beings and the means to combat it;
  - (b) conduct timely investigation and prosecution of cases of misconduct by members of their forces or civilian elements, including contractors;
  - (c) develop specific mechanisms for reporting crimes , including those related to trafficking in human beings;
  - (d) in accordance with national legislation, create and disseminate policies explicitly protecting whistleblowers who come forward with evidence of crimes, including trafficking in human beings, and
  - (e) in accordance with national legislation, retain records of misconduct by individuals, including, those related to trafficking in human beings, for use in recruitment, vetting and deployment.

**NATO Guidance for the development of training and educational programmes to support the policy on combating the trafficking in human beings**

1. Training and creating awareness are key elements to ensure the successful implementation of this policy. In particular, training will provide information required to identify trafficking and will put military and civilian personnel on notice of consequences for engaging in trafficking.
2. Two different kinds of training to be offered by NATO and national training institutions are envisaged for the implementation of the present policy:

- (a) a general module, aimed at the personnel (military or civilian) to be employed in a NATO operation, with a twofold focus:
    - outline the characteristics of trafficking in human beings; and
    - summarise the national and international legal provisions which punish those who engage in trafficking in human beings, or facilitate it;
  - (b) specific modules, aimed at all those categories of personnel who have specific responsibilities, either under national legislation or under the present policy, to police the behaviour of personnel or take specific actions to combat trafficking.
3. The general module will need to include, as a minimum, the following elements:
- (a) background information on the trafficking phenomenon, its origins, its victims, its perpetrators (organised crime) and an overview of the purposes for which human beings are trafficked including those links which exist between trafficking and the illegal sex industry;
  - (b) if the training is imparted in a pre-deployment context, an outline of the specific instances of trafficking to which personnel might be confronted in the deployment area from a security perspective. In this respect, training would address how trafficking in human beings supports other elements of organised crime that present a threat to the mission;
  - (c) guidelines to detect instances of trafficking or identify trafficked people, and how to deal with such events (reporting, actions to be taken, etc.); and
  - (d) a summary of the legal provisions affecting those who engage in trafficking or facilitate it.
4. The specific modules will contain, as a minimum, the following elements:
- (a) For commanders and supervisors: how to deal with reports concerning involvement of their subordinates in trafficking and what measures to take; and
  - (b) For military police units which are part of national contingents: how to investigate allegations of involvement in trafficking by members of their national contingent, with specific focus on the sensitive aspects of such an investigation, such as victim identification and protection.
5. To ensure the greatest effectiveness training modules should:
- (a) be provided to all levels of military and civilian personnel;
  - (b) include information tailored to the specific situation/requirement of the target audience;
  - (c) be developed with input from anti-trafficking experts of international and non-governmental organisations with experience in combating trafficking;
  - (d) where feasible focus on “train the trainers” events to ensure the dissemination of appropriate information at all levels;
  - (e) should include case studies, interactive methods of training; and
  - (f) make use of distance and computer based training.

## **Guidelines for NATO staff on preventing the promotion and facilitation of trafficking in human beings**

### **Introduction and Scope**

1. The present rules set out the standards expected of all NATO staff in furtherance of the mandate of the North Atlantic Council, as laid out in PO(2003)185(INV).

2. These rules apply to all NATO staff, whether on post or deployed on mission on behalf of the Organisation.

### General Principles

3. The basic principles for the behaviour of NATO Staff are laid down at Article 12.14, 13.1 and 13.2 of the NATO Civilian Personnel Regulations.

4. In conformity with established procedures and regulations with specific reference to trafficking in human beings, this means that:

- (a) NATO staff shall not engage in trafficking in human beings, including for the purpose of sexual exploitation, nor they will facilitate it; and
- (b) NATO staff shall have the duty to report to his/her supervisors any instance of human trafficking of which he/she may have become aware, as well as any concerns that he or she may have regarding the involvement of another NATO staff in trafficking in human beings including for the purpose of sexual exploitation.

### Definitions

5. With reference to the definition of trafficking in human beings, NATO reaffirms its adherence to and compliance with the provisions of Article 3 of the “UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime”.

6. In particular, trafficking in human beings means the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat of use of force or other forms of coercion, of abduction, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purposes of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others, or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

7. “NATO staff” means international civilian personnel (seconded or freelance), i.e. personnel of a NATO body recruited from among the nationals of members of the Alliance and filling international posts appearing on the approved establishment of that NATO body. The present policy applies also to consultants and temporary personnel.

### Implementing Guidelines

8. In order to implement the principles spelled out at Paragraph 4, above, the following measures are required:

- NATO Secretary General will, drawing upon the expertise acquired by other regional, international, intergovernmental, and non-governmental organisations and in coordination with the Director of the International Military Staff and NATO Strategic Commanders, develop specific guidelines which will define, i.a.: the specific standards of behaviour to which NATO staff will abide; and the investigative and disciplinary procedures to be implemented.
- Member Nations will ensure that NATO staff who are under their jurisdiction and who have engaged in criminal activities related to trafficking in human beings, are prosecuted in accordance with their national legislation and procedures.



## Organization for Security and Co-operation in Europe

*Special Representative  
on Combating Trafficking in Human Beings*

### **ALLIANCE AGAINST TRAFFICKING IN PERSONS**

**Vienna, Hofburg, Neuer Saal**

**23 July 2004**

**9 am – 2 pm**

#### **AGENDA**

**9.00 – 9.15 hrs Welcoming Addresses**

Ambassador Ivo Petrov, Chairman of the OSCE Permanent Council  
Ambassador Jan Kubiš, OSCE Secretary General  
Ms Helga Konrad, OSCE Special Representative on Combating  
Trafficking in Human Beings

**9.15 – 11.00 hrs A European Convention for Victims of Trafficking – the Victim-Centred Approach**

Ms Maud de Boer-Buquicchio, Deputy Secretary General, COUNCIL OF EUROPE  
Ms Gerda Theuermann, Director Consultancy Services, ICMPD

**The Human Rights Components in the Fight Against Human Trafficking**

Mr Zdislaw Kedzia, Chief of Research and Right to Development, UNHCHR  
Mr Jürgen Merz, EUROPEAN COMMISSION  
Ambassador Christian Strohal, Director ODIHR

**Trafficking in Children and Minors**

Ms Helena Eversole, UNICEF Regional Representative  
Mr Boris Scharlowski, Coordinator International Campaign against Child Trafficking, TERRE DES HOMMES

**The Institution of National Rapporteurs**

Ms Anna Korvinus, National Rapporteur on Trafficking in Human Beings, The Netherlands

**11.00 – 11.30 hrs Coffee Break**

**11.30 – 14.00 hrs The Labour Dimensions of Human Trafficking**

Mr Roger Plant, Director, Forced Labour Special Action Programme, ILO  
Ms Mary Cunneen, Director, ANTI-SLAVERY INTERNATIONAL

**Migration and Trafficking in Persons**

Mr Marco A. Gramegna, Director, Counter Trafficking Service, IOM  
Mr Gottfried Köfner, UNHCR Representative in Austria

**Trafficking in Persons and Organised Crime**

Mr Jean-Paul Laborde, Principle Officer, UNODC  
Mr Hamish McCulloch, Assistant Director, INTERPOL

**Corruption and Human Trafficking**

Professor Ugo Draetta, Chairman SPAI

**Role and Responsibility of Peacekeepers in the Fight Against Human Trafficking**

Deputy SRSG Jean-Christian Cady, UNMIK  
Ms Susan Pond, Head of Partnership for Peace and Cooperation Programmes, NATO

**Discussion**

**Closing of the Conference**