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FROM POLICY TO PRACTICE: COMBATING TRAFFICKING IN HUMAN BEINGS IN THE OSCE REGION

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INTRODUCTION

This report is written to fulfil the terms of the Ministerial Council (MC) Decision No. 13/05, which tasks the Anti-Trafficking Mechanism of the OSCE, comprised of the Special Representative on Combating Trafficking in Human Beings (Special Representative/SR on CTHB) and the Anti-Trafficking Assistance Unit (ATAU) to “*report to the Permanent Council in June each year, starting in June 2006, on progress achieved in work on trafficking issues in the OSCE. These reports will also contain contributions from OSCE structures, institutions and field operations on developments related to trafficking in human beings throughout the OSCE region and will include an analysis of achievements in the light of the objectives set out in the 2003 Action Plan to Combat Trafficking in Human Beings*”.¹

The report broadly covers the period from May 2004, the beginning of the term of the first Special Representative on Combating Trafficking in Human beings, Ms. Helga Konrad, former Austrian Minister for Women’s Issues and Chair of the Stability Pact Task Force on Trafficking in Human Beings, and the establishment of the Anti-Trafficking Assistance Unit, through May 2006. Divided into four parts, the report presents an overview of efforts to combat trafficking in human beings (THB) as well as significant challenges encountered throughout the OSCE Region by the participating States as well as by the relevant structures, institutions and field operations. The report concludes with a discussion of challenges and recommendations.

Part I, Combating Trafficking in the OSCE Region: National Efforts, addresses national efforts to combat trafficking in human beings in the participating States. This analysis begins with a discussion of how commonly held misconceptions about the nature of trafficking in human beings hinder efforts to combat the crime. The section then presents an overview of the participating States’ approaches to combating THB, including a list of challenges identified by the participating States themselves, which can serve as the basis for future policy recommendations. Because it is difficult to obtain systematic and uniform data about THB (and this very fact has been identified by the participating States as one of the primary challenges they face in their anti-trafficking efforts), the possibilities of extensive quantitative and qualitative analysis were limited at this stage. None the less, the data obtained from the participating States as well as through country visits and reports did allow for the development of valid preliminary observations about the overall status of States’ efforts to combat THB.

Part II, The Operational Framework for the Anti-Trafficking Work of the OSCE Bodies, describes the efforts of the OSCE structures, institutions and field operations (OSCE bodies) to implement the OSCE Action Plan to Combat Trafficking in Human Beings (the Action Plan). This section addresses the challenges of policy development and co-ordination as well as the implementation of specific tasks in the areas of Investigation, Law Enforcement and Prosecution, Prevention, and Protection and Assistance (following the framework of the Action Plan).

Part III, Next Steps: Challenges and Recommendations, presents overall conclusions based on the

¹ OSCE Ministerial Council Decision No. 13, adopted in Ljubljana, 6 December 2005, MC.DEC/13/05.

analysis of the OSCE bodies in the implementation of the Action Plan. It describes the challenges faced by these bodies in addressing THB, many of which have been identified by the participating States themselves and supported by comments made by the non-governmental organizations (NGOs). The significance of these challenges underscores the need to continue providing further assistance to all the participating States in all areas of the Action Plan, including the establishment of National Referral Mechanisms (NRMs) and capacity building.

Annex, The OSCE Institutional Framework, reviews the major OSCE Ministerial and PC Decisions related to combating trafficking in human beings, beginning with the Helsinki Final Act of 1975 to the most recent Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings: Addressing the Special Needs of Child Victims of Trafficking for Protection and Assistance, PC.DEC/557/Rev.1. This document illustrates the evolution of the OSCE approach towards THB as reflected in its numerous commitments and recommendations, adopted by participating States to address the various dimensions of the problem.

Methodology

The report is written on the basis of primary and secondary sources.

In July 2005 the OSCE Special Representative Ms. Konrad addressed all the participating States with a letter seeking their assistance in assessing the efforts undertaken in each country in the fight against human trafficking. To this end, the States were invited to provide a co-ordinated inter-ministerial response to a survey comprised of multiple choice and open-ended questions on the various aspects of combating THB. The Special Representative also addressed selected relevant NGOs in each participating State and invited them to provide, in partnership with other local NGOs (from three to six) their own answers to the survey.

By March 2006 the Special Representative received 53 responses from States². These included separate answers to the survey provided by Serbia (Serbia and Montenegro), Montenegro (Serbia and Montenegro), Kosovo/Serbia and Montenegro³. Out of 53 responses, two indicated that these surveys were not relevant. Also from among the respondents, four participating State declared that they had not yet recorded any criminal case of THB, and identified no victims of such crime. Four participating States did not provide a response to the survey.

The analysis of all the responses to the survey is an ongoing process and its preliminary outcomes, together with the country assessments of the Special Representative and research of the ATAU, provided the basis for the chapter discussing the efforts of the OSCE participating States.

² Responses from 27 NGOs were also received. They were referenced when their observations helped to provide a context for the responses of the participating States.

³The response was provided by the Advisory Office on Good Governance within the Office of the Prime Minister, the THB Investigation Section of UNMIK Police and two local NGOs.

In order to obtain primary data from the OSCE bodies, the ATAU staff developed a questionnaire in two parts. The first part, a narrative section, addressed goal setting, priorities and resources. The second part, addressing the implementation of the Action Plan, identified the specific tasks designated for all relevant OSCE bodies and asked them to comment on the implementation of these tasks. A draft of the narrative on OSCE bodies was sent to all respondents, providing them with the opportunity to comment.

The Mechanism (the Special Representative and the ATAU) is not mentioned in the Action Plan, having been instituted after its adoption. However, the ATAU responded to all narrative questions relevant to goal setting, priorities, budget and programmatic activities, as well as questions which could be considered relevant to all actors in the Action Plan.

The Office for Democratic Institutions and Human Rights (ODIHR) fully participated in the completion of this report.

To supplement data gathered from primary sources, the ATAU staff consulted previous Special Representative/ATAU reports, meeting records and other documentation of the OSCE anti-trafficking activities.

Acknowledgements

The ATAU would like to express its gratitude to colleagues in the field operations and relevant structures of the Secretariat, and in the ODIHR, for their contribution in completing the questionnaires, as well as the NGOs who responded to our questionnaires. The ATAU recognizes that such a task requires considerable time and effort on top of an already demanding workload. The thoroughness of responses significantly enriched this report which, we hope, will become a useful document for future OSCE anti-trafficking work.

The ATAU would also like to thank the OSCE Secretary General and the OSCE Chairmanship for their continued support of the ATAU efforts. And finally, we would like to thank our intern, Anita Kurzydłak, for her valuable contributions to this document.

I. COMBATING TRAFFICKING IN HUMAN BEINGS IN THE OSCE REGION: NATIONAL EFFORTS

For over a decade, trafficking in human beings has figured prominently in international human rights and policy debates. Fuelled by reports of large numbers of men, women and children taken across international borders (and within their own countries) to be exploited for profit by criminals, anti-trafficking efforts worldwide have resulted in increasing efforts towards ensuring justice for victims and punishment of offenders. In 2000, the United Nations introduced the Convention on Transnational Organized Crime (UNTOC) and the supplementary Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, (the Trafficking Protocol). As of August 2006, 102 countries have become party to the Protocol, including 40 countries throughout the OSCE region, in accordance with Section II. of the OSCE Action Plan to Combat Trafficking in Human Beings (Action Plan), calling upon the participating States to “sign and ratify the United Nations Convention against Transnational Organized Crime” as well as its Trafficking Protocol.

The Protocol, while being primarily a law enforcement instrument, remains significant for its widely accepted definition of the crime of trafficking and for its focus on a framework of prevention, prosecution and protection and assistance. As a result of the requirements placed upon State Parties and supported in Chapter III., Section 1.1.1 of the Action Plan which recommends that the participating States adopt “such legislative and other measures as may be necessary to establish the criminal offences the conduct set forth in Article 3 [of the Trafficking Protocol]”, a growing number of countries have enacted anti-trafficking legislation either as an addition to their criminal codes or as separate anti-trafficking legislation.

In 2005, the Council of Europe introduced the Convention on Action against Trafficking in Human Beings, the first international human rights instrument to address this crime, which states that trafficking violates the integrity and human dignity of the person. The Convention aims to improve the protection of the rights of trafficked persons, thus ensuring a better balance between the prosecution of the crime and the protection of the rights of trafficked persons. The Convention also addresses all forms of trafficking, organized and not organized, national and transnational, and establishes a mechanism to monitor effective implementation by State Parties.

These international milestones notwithstanding, trafficking in human beings remains an issue that is still largely misunderstood and, consequently, inadequately addressed in both policy and practice. This claim can be made primarily based on the low numbers of victims of trafficking who have been identified as such, contrasted with global estimates which point to up to several million victims annually and consequently have not been able to obtain access to justice, including protection and assistance. Not surprisingly, the numbers of arrests, prosecutions and convictions of traffickers remains low. The limited recognition of multiple forms of trafficking, in practice rather than policy, as well as credible indications of re-trafficking are further signs that much work is yet to be done to increase the awareness and understanding of the problem and the effectiveness of counter-trafficking measures, within the OSCE region.

A Misunderstood Issue

THB represents a violation of fundamental human rights. It is also a crime which involves multiple actors, including recruiters, facilitators of transportation and fraudulent employment opportunities, exploiters and end beneficiaries of “goods and services” provided and produced by trafficked persons. The definition of trafficking in human beings provided in Article 3 of the Trafficking Protocol, while gaining wide acceptance, nevertheless leaves many elements of the crime open to interpretation. Notable among these is the absence of a clear definition of exploitation as well as of what constitutes an abuse of a position of vulnerability. Public opinion also contributes to a general lack of understanding of the core elements of the issue. Because perception of an issue plays a significant role in the shaping of policy, it is important to examine at this juncture some of the commonly held misperceptions about THB which are specifically relevant to the OSCE region.

1. *THB is perceived primarily as sexual exploitation.* The recent UNODC “Trafficking in Persons Global Patterns Report 2006” (UNODC Report) documents that THB for sexual exploitation constitutes 80% of **reported** instances of trafficking. This is due to several factors. First, print and broadcast mass media are more inclined to feature stories on sexual exploitation. Second, although growing numbers of countries have expanded their definition of human trafficking to comply with the Trafficking Protocol, these same countries have not yet implemented the appropriate law enforcement or victim protection and assistance mechanisms with which to address different forms of trafficking. The crime is not addressed and consequently not reported. The majority of the participating States mirror this tendency, notwithstanding their comprehensive legal definitions of trafficking; in practice they largely pursue cases of trafficking for sexual exploitation with greater frequency than for other purposes.
2. *Trafficking is frequently interpreted through the lens of irregular migration or smuggling of migrants.* Because trafficked persons are usually exploited through a work situation and do not have legal status in the country of destination, they are frequently treated as illegal migrants, detained as such and summarily deported. This approach both punishes and criminalizes the victim of trafficking while allowing the perpetrators to go free. Furthermore, traditional mechanisms to deter the smuggling of persons, notably strengthened border controls, are limited in their effectiveness to deter trafficking in human beings. Restrictions upon the movement of people will rarely eliminate criminal activity which profits from this movement. The Protocol Against the Smuggling of Migrants by Land, Sea and Air (People Smuggling Protocol), Supplementing the United Nations Convention Against Transnational Organized Crime, underscores the need to distinguish between smuggling as a crime against a state, and THB which is a crime against an individual. Policy and practice should each reflect this distinction.
3. *The dynamics of THB continue to be described along a linear continuum of countries of origin, transit, and destination, ascribing specific characteristics and roles in the trafficking chain to each group, and largely ignoring the phenomenon of internal trafficking.* This

distinction was accurate and useful especially in the mid 1990s, when THB began to attract the attention of the public as well as lawmakers on an international scale. However, the dynamics of THB have changed in the past decade. The UNODC Report documents that human beings from 127 countries are trafficked into 137 countries in all parts of the world. A country can therefore be simultaneously a combination of source, transit and destination country.

Thirty-three OSCE participating States, according to their responses to the questionnaire sent out by the Special Representative, identify themselves as a combination of source, transit and destination countries. How a country identifies itself along this continuum influences both the ways in which it develops anti-trafficking legislation as well as the forms of protection and assistance provided to victims of trafficking. Consequently, countries which have traditionally considered themselves as source countries only might emphasize prevention initiatives and re-integration services for returning victims. Identifying themselves also as countries of transit or destination will require a policy framework to enable the identification of and protection and assistance to individuals trafficked into their countries. The OSCE Action Plan, formulated in 2003, makes the distinction among countries of origin, transit and destination; however, current trends indicate the need to expand our definitions.

The exclusive focus on the transborder nature of the crime is not required by the Trafficking Protocol. Furthermore, taken alone, this focus can lead to a lack of sufficient recognition of internal trafficking. This lack of recognition and concomitant lack of measures to address it result in limited countermeasures and a lack of access to justice for citizens of a country.

4. *The understanding of vulnerability and root causes remains simplistic.* Poverty in countries of origin is still considered to be one of the predominant root causes of THB. This determination has subsequently placed the onus of prevention on these countries, which usually translates into the need to bear the burden for prevention of trafficking through the implementation of awareness-raising campaigns or development programmes, including employment training and micro-enterprise development. While these measures are, in and of themselves, valid, they are none the less insufficient and allow for a polarization of responsibility and action among the different countries of origin, destination and transit. Because the lines between countries of origin and destination increasingly overlap, high vulnerability to THB can be found everywhere: among refugees, unaccompanied and separated children, irregular migrants and their family members, minorities, the disabled, the unemployed and the homeless, and those marginalized by their societies in multiple ways. In other words, there is no single stereotype of a vulnerable group of persons. Increasingly, the definition of vulnerability must include social and economic exclusion, marginalization and discrimination, and not be limited to economic disparity. It is furthermore important to recognize that trafficking occurs in environments in which exploitation is tolerated and where there is a demand for cheap labour and services. Trafficking also occurs in environments where and when there are conditions that enable criminal activity to prosper. Organized criminal networks benefit from post-conflict situations, natural disasters, corruption,

economic disparity, weak rule of law, lack of social protection measures for marginalized populations, and other shortcomings.

Trafficking in Human Beings in the OSCE Region

The OSCE has played an active role in the fight against THB, as reflected in its numerous political commitments taken by consensual agreement of all participating States at the Ministerial level. These commitments, affirming the primary responsibility of the participating States for addressing THB and tasking the OSCE institutions, structures and field operations in clearly defined areas, constitute a comprehensive framework for combating THB (for a detailed development of the OSCE institutional framework to combat THB, please see Annex), and have enabled the OSCE to stimulate active responses by the participating States in the fight against THB.

Reliable statistics on the scope of the problem of human trafficking in the OSCE region are difficult to come by for many reasons. The absence of accurate documentation is partly a function of the activity itself – underground, criminal, and inadequately defined. It is also due to the fact that, in large part, States do not consistently and systematically report on trafficking and indicate that reliable data and research is a significant challenge in combating THB. And finally, funding for research is not a priority among donors. There has never been a satisfactory baseline on which to assess change, and consequently progress in addressing the issue. Data collected from leading NGOs and international organizations (IOs) on numbers of trafficked persons vary in their estimates, from between 500,000 to 4,000,000 individuals trafficked worldwide. The responses provided by the participating States related to the scope of the problem in the OSCE region were no less conclusive. It is difficult to identify trends or draw conclusions from this data, because data collection mechanisms vary from country to country and data are frequently not disaggregated by gender, age, or form of trafficking. However, if we total all the numbers reported by the participating States, at a minimum we reach a total of 25,000 identified victims of trafficking over the past five years in the OSCE region. It is important to note that this number is the total of all numbers reported by all the States. Some respondents provided data for the year 2005 only; others included cumulative data for the past five years. Four States stated, as mentioned above, that they had no data to indicate the presence of victims of trafficking within their borders.

Responding to the challenge to address THB, the participating States have demonstrated good will by taking numerous steps through legislation, appropriation of funds, and implementation of anti-trafficking measures. Credit belongs first and foremost to national and local authorities as well as civil society actors, while the **OSCE bodies** mainly act as a catalyst and a source of expertise. Dialogue and technical assistance have produced results, keeping the issue on the agenda of the authorities and promoting the contribution of civil society to combating THB. Specific initiatives include the establishment of national mechanisms to define, co-ordinate and monitor anti-trafficking activities, the development of national action plans, the inclusion of THB within national legislation, awareness-raising campaigns better co-operation at the bilateral and multilateral levels, and initial efforts towards the establishment of NRM to promote and protect the rights of trafficked victims. Nevertheless, the overall results have been quite modest.

Criminalization of THB across the OSCE Region

The participating States were asked if they considered THB to be primarily a problem of irregular migration, human rights violations, prostitution, forced labour, organized crime, poverty, exploitation or other (with “Gender Equality” being provided as an example), with the opportunity to offer multiple responses. The most frequent answer is that THB is an issue of organized crime (mentioned by 43 respondents). The second most frequent answer is that it is a human rights violation (35 respondents). The least frequent response is that THB is a problem of forced labour. Thirty-three respondents indicated that THB is a problem of poverty. Only two participating States commented that THB was also a function of gender inequality.

The States were asked to identify which forms of THB are included in definition of human trafficking to be found in their national legislation. All respondents indicated that their legislation included trafficking for sexual exploitation and all but two included labour exploitation. Slavery or practices similar to slavery and the removal of organs are included as purposes of THB by the majority of the participating States.

However, when the States were asked to respond to the question, “What forms of trafficking are mainly executed in your country?” the responses indicated a clear gap between policy and practice. The most frequent answer is that THB is executed for sexual exploitation (45 respondents). Trafficking for labour exploitation is the second most frequent response (27 respondents). Consistent with international trends, trafficking for sexual exploitation in the OSCE region is the most predominant form of reported, perceived, documented or identified form of trafficking. It is not to be assumed, however, that it is the most prevalent.

Though the two Protocols supplementing the UNTOC provide for a clear distinction between human trafficking and human smuggling, the law enforcement bodies of the participating States admit to challenges in differentiating these two crimes due to factors which include the extremely lucrative nature of THB, the complexity of proof and the tendency of the judiciary to qualify alleged THB as “illegal migration”, since it is easier to resolve. This confusion leads to considerable judicial errors and mistreatment of trafficked persons, perceived as irregular migrants. This chain of mistakes in identification of cases and of victims in turn leads to the impunity of criminals as well as a denial of justice to victims, and increases the probability of re-victimization of those deported prior to any serious investigation.

This same confusion has further led to an undue emphasis on border control measures, which have proven inefficient in the identification of THB cases and potential victims. Most trafficked persons cross borders legally with appropriate travel documents and frequently do not fit the traditional stereotypes of a victim. In cases where they have already been recruited, they will not yet have experienced any form of exploitation, although the crime has already been committed. These individuals are unaware of their potential exploitation or enslavement, and therefore unable to answer questions in a way that would reveal likely instances of trafficking. Even following experiences of

exploitation, trafficked persons, not being aware of their rights, may not provide evidence that would indicate a trafficking situation.

The role of law enforcement is paramount in addressing THB. According to the participating States, 60% of THB cases are identified through police operations, raids, and intelligence gathering as well as through the investigation of related crimes, including drug trafficking and domestic violence, to name only two. However, these practices do not automatically lead to the protection of a trafficked person or the punishment of the offenders. Victims, suspicious of law enforcement authorities, fear detention and punishment and are reluctant to offer the testimonies which are necessary in anti-trafficking investigations. Notwithstanding the significant investment of resources directed to law enforcement, the States have indicated the perception that the overall impact of training still remains low due to the lack of accompanying measures including political will as well as sufficient resources for ongoing operational activities.

Insufficient Protection and Assistance

Measures for protection and assistance are most often short-term and do not satisfy the needs of trafficked persons, especially child and male victims of THB. Overall, the numbers of victims receiving services remains low compared to the general estimates of trafficked persons within specific countries in the OSCE region.⁴ For those NGOs which do provide services, funds are generally considered to be insufficient for the nature of the efforts required, and they are frequently unable to provide all but minimal and short-term assistance; in some cases, they are not able to provide services for the length of the reflection period in cases where such a provision exists. While more than 75% of respondents indicate having legal provisions on assistance to and protection of trafficked persons and special measures for children, little data is available on the number of beneficiaries and the quality or scope of services offered. While 63% of the participating States declare to have introduced residency permits for victims of THB in their legislation, only 25% are able to indicate how many such permits have been issued. While 58% claim to have legal provision for compensation to be offered to the victims, it is - to the best of our knowledge - more an exception than a rule for victims to receive such compensation.

National Action Plans

Action Plans, while not a universal panacea, can contribute to the development of systematic State approaches to combating THB. Action Plans have emerged as a useful tool in enabling States to set

⁴ This discrepancy has been documented in numerous reports: “Second Annual Report on Victims of Trafficking in South-Eastern Europe”, Regional Clearing Point, IOM 2005; “Report on Activities to Combat Human Trafficking – Fiscal Years 2001-2005”, US Department of Justice, 2006; “Forced Labour in the Russian Federation Today – Irregular Migration and Trafficking in Human Beings”, by Elena Tyuryukanova, International Labour Office, Geneva September 2005; “Data and Research on Human Trafficking: A Global Survey”, IOM 2005; “Trafficking in Human Beings in South Eastern Europe: 2003 Update on Situation and Responses to Trafficking in Persons in Albania, Bosnia and Herzegovina, Bulgaria, Croatia, The Former Yugoslav Republic of Macedonia, Moldova, Serbia and Montenegro, including the UN Administered Province of Kosovo, and Romania”, by Barbara Limanowska, UNICEF/UNOHCHR/OSCE-ODIHR, 2003.

strategic priorities and outline concrete actions, to allocate resources and set realistic benchmarks to ensure visible results for their efforts. Such Action Plans provide an opportunity for pursuing a comprehensive and co-ordinated strategy in the fight against THB. Thirty-four participating States stated that they had developed National Action Plans, many of which are currently being revised and updated. Four States indicated that they were in the process of drafting such Action Plans.

Action Plans should include several core components, among which are: a comprehensive framework for addressing THB (prosecution, prevention, and protection and assistance); its cross-dimensionality (addressing human rights issues, the social and economic roots, and the role of law enforcement); special attention to the needs of child victims of THB, financial support; the identification of clear roles and responsibilities of stakeholders, and a broad range of implementing agencies. Few National Action Plans have included a comprehensive assessment of the scope of the problem of THB in a given country as a background for relevant anti-trafficking measures. National contexts vary, which is why an Action Plan should be flexible to accommodate circumstances particular to each participating State.

A National Action Plan presupposes the existence of some form of national co-ordinating structure which plays a significant role in implementing a State's anti-trafficking agenda. These structures can play a co-ordinating role or function as a national working group or task force; they can also be configured as inter-ministerial groups or commissions composed of high level officials.

National Rapporteurs are responsible for comprehensive qualitative and quantitative data collection, research and analysis of the trafficking situation in a given country and an analysis of the effectiveness of measures and policies designed to prevent and combat THB. Ideally, the National Rapporteur should function independently of the government, and serve as a mechanism to influence policy makers, including by reporting to Parliament. Twelve States indicate that they have such a function, although the exact definition of the role varies. The overall absence of such a function is reflected in the numbers of States which indicated that lack of reliable data and research constituted a challenge to combating THB.

Challenges Faced by the Participating States

The identification of the problem at the national level remains critical for any sense of ownership, including the participation of NGOs, to ensure that the subsequent development of solutions will have a real impact on the situation. The participating States were asked to identify challenges they faced in combating THB. Such challenges and ensuing recommendations, because they come from the States themselves, should be carefully considered in the development of subsequent policies and strategies.

The question was framed to elicit open-ended responses with the States free to provide as much or as little detail as they felt appropriate. To analyse the responses, we referred to the framework of the OSCE Action Plan which defines areas of responsibility at the national level in the areas of Investigation, Law Enforcement and Prosecution, Prevention, Protection and Assistance, and Co-ordination.

The Challenges of Prevention

An analysis of all responses to this question indicated that the majority were related to the prevention of THB. These responses can be grouped according to the following categories, which correspond to issues addressed in the OSCE Action Plan: prevention through public education and awareness; prevention based on data collection and research, and prevention through the implementation of social and economic interventions related to THB. The surveys included 43 references to prevention, twice the number of references in other categories.

Prevention through Public Awareness

In discussing prevention through public awareness, the responses indicated several areas of concern. The States expressed concern about the negative public perception towards victims of trafficking, which is detrimental to the identification of victims of trafficking in countries of destination, and to the full re-integration of trafficked persons in countries of origin. Including information on THB into standardized educational curricula was one suggested way of sensitizing the public as well as targeting potentially vulnerable young girls and boys. Specific mention was made of the need to raise public awareness of all forms of THB, to target programmes specifically for vulnerable populations and to develop campaigns to prevent trafficking in children. Also cited was the need to continue to educate service providers and law enforcement officials on the changing trends and different forms of human trafficking.

Prevention based on data collection and research

The need for reliable information and data on trafficking was cited by the participating States as a challenge to making progress in their efforts to combat THB. In particular, responses included the need for further information on the changing patterns of trafficking, the structure of criminal gangs, the complex relationships between traffickers and victims, child trafficking and the discrepancies between reported numbers of victims and the numbers of victims served. Several States indicated that additional research and data collection should be accompanied by increased data sharing among international actors.

Because this challenge was expressed in such clear terms, and because the problems resulting in lack of reliable data invariably have consequences for the types of anti-trafficking measures which are developed, we strongly encourage the States to consider Section VI., 1., of the OSCE Action Plan, in which it is recommended: "To consider appointing National Rapporteurs or other mechanisms for monitoring the anti-trafficking activities of State institutions and the implementation of national legislation requirements".

Prevention through social and economic initiatives

Several of the participating States indicated that addressing root causes of THB through economic and social interventions was a key challenge in their efforts to combat THB. In particular, poverty

reduction campaigns and improved access to education were cited as important elements in addressing root causes of THB. Also mentioned was the need to address issues of gender inequality and the strengthening of marginalized groups through improved efforts at economic integration. Section IV. of the OSCE Action Plan, “Prevention of Trafficking in Human Beings”, provides a comprehensive approach to prevention which includes the data collection and research, the strengthening of economic and social policies in countries of origin and countries of destination, and awareness-raising.

The Challenges of Investigation, Law Enforcement and Prosecution

States reported equally in terms of challenges related to Investigation, Law Enforcement and Prosecution, Protection and Assistance, and Co-ordination. While some States mentioned the need to adjust national legislation to correspond to recent international instruments and to clarify the distinction between THB and smuggling, the greater number of challenges was perceived to be in the practical areas of law enforcement. The need to place high priority on the investigation of all form of THB cases and to enforce strict punishments for traffickers, including the provisions of confiscations of assets, was most frequently mentioned. This observation corresponds to the analysis of the previous section in which States indicated that, while their legislation covered most forms of trafficking, anti-trafficking measures were targeted only towards limited forms of trafficking. Prosecution as a challenge was cited in numerous instances; the responses did not provide sufficient data to determine the specific nature of the challenges in this area, but other data indicates the challenge of making an adequate case and the difficulty faced by prosecutors when victims decline to testify. The challenge of protecting identity documents against was also mentioned.

The Challenges of Protection and Assistance

The protection of and assistance to trafficked persons remains a high priority area for the participating States, and reflects concern for the victim at every stage of the trafficking process as well as for full protection for the human rights of trafficked persons.

The identification of victims of all forms of trafficking was indicated as a challenge, followed by the need to be able to provide adequate services to trafficked persons. With this context, it is also a challenge to make sure that those individuals who work with victims of trafficking have adequate training.

States specifically mention the need to find mechanisms to address internal trafficking – both in identifying the crime as well as the victims, and in ensuring that adequate legal provisions are in place, including access to services by citizens of the same country.

The changing nature of trafficking, varying trafficking routes and the overlapping definitions of countries of origin and destination create challenges for service providers. Specifically, they must be in a position to offer a wider variety of services to a more diverse population, with direct consequences on the need for interpreters and often cultural mediators in order to meet the needs of trafficked persons.

The difficulty of obtaining victim testimony has long been acknowledged as a challenge in prosecuting trafficking cases. In many cases, victims are fearful of retaliation, notably in the absence of adequate security and witness protection. It will be useful to continue to examine the relationships between rates of prosecution and the comprehensive nature of protection and assistance provided to victims. Sufficient evidence exists to indicate that there is a strong correlation between these factors.

The Challenges of Co-ordination

The OSCE Action Plan contains specific recommendations at the national level in order to ensure better co-ordination of anti-trafficking efforts within and among States. The challenges of such co-ordination were identified by survey respondents in several key areas. States cited the challenges of internal co-ordination – notably between State authorities and NGOs and IOs. States also cited the challenge of co-ordinating with international authorities, notably in the area of investigations and prosecutions. The lack of co-operation among police along known trafficking routes was identified as a challenge to law enforcement initiatives. While States indicated the presence of national co-ordination structures, they also indicated that the capacity to accomplish the set goals was limited and that the need for capacity building was a challenge they experienced in very direct ways.

The Challenges of Resources

Lack of adequate resources – financial and human – was cited sufficiently by participating States to merit inclusion in this discussion. Although few details were provided, the responses indicated a need to allocate funds generally for anti-THB programmes in national budgets. Specific budget needs mentioned by respondents included law enforcement, shelters, support to NGOs as well as funds designated for capacity building for all individuals working with trafficked persons.

II. THE OPERATIONAL FRAMEWORK FOR THE ANTI-TRAFFICKING WORK OF THE OSCE BODIES

II.1. SETTING PRIORITIES

The report will now examine how the political commitments of the OSCE are translated into action. This section will discuss approaches and practices of the **OSCE bodies** in the identification of anti-trafficking programmatic priorities. It will also briefly outline what resources the Organization has allocated to assist the participating States in the implementation of their anti-trafficking commitments.

Within the framework of the Action Plan, each OSCE body has established its own process of identifying specific programmatic priorities. In this process the **Special Representative**, the **Anti-Trafficking Assistance Unit** and the **ODIHR** have provided policy guidance and expert advice to the other bodies of the Organization and to the participating States. Consultations with the participating States, with NGOs, other national stakeholders, and international organizations have also proved to be determinant in the concrete design of programmes and projects. Finally and very importantly, each new **OSCE Chairmanship** sets annual political priorities, which in turn shape the anti-trafficking agenda and the programmatic work of the **OSCE bodies**.

Consulting the participating States

The OSCE budgetary process provides the main institutional channel for the participating States to approve the programmatic outlines of the **OSCE bodies**. The **structures** of the **Secretariat** and the **ODIHR** engage in constructive dialogue with the participating States through direct contacts with officials in delegations and in capitals through country visits and regular OSCE events (e.g. high-level conferences, human dimension events and Economic Forum events). The **Structures** of the **Secretariat** and the **ODIHR** respond to States' direct requests for assistance, and they also stimulate interest and political will through consultations with government officials, on the basis of research and needs assessment. Furthermore, in accordance with its mandate, the **ODIHR** raises awareness, supports, monitors and reports on the implementation of the human dimension commitments.

At the field level, priorities are identified and activities are planned in different ways. **Field operations** are engaged in regular contacts with national stakeholders (e.g. national co-ordinators, ministries of foreign affairs, interior, justice, social affairs) and identify jointly priorities for programmatic activities and concrete partnerships. In some cases **field operations** go through a formal and detailed yearly process of approval by the host Government of each programmatic activity in this field. In some instances, **field operations** encounter major challenges in engaging in anti-trafficking work, posed by host countries' hesitation to address the issue.

The general premise in setting priorities is that each body focuses on fulfilling its individual institutional mandate and accomplishing its own tasks as indicated in the Action Plan. Since 1999 the **ODIHR** has been involved in co-ordinating anti-trafficking activities with field operations through annual meetings. The appointment of the **Special Representative** and the formation of the

Anti-Trafficking Assistance Unit in 2004 gave impetus to the process of strategic co-ordination and setting of common priorities. This process needs to be strengthened to ensure greater coherence in the anti-trafficking work of the Organization.

The implementation of the Maastricht mandate became the priority for the **Mechanism**. Thus, with a view to raising the political profile of the fight against THB and assisting the participating States in implementing the Action Plan, the work of the **Mechanism** was directed to advance the anti-trafficking agenda in a geographically balanced way in the whole OSCE region. The **Special Representative** therefore selected the following directions of work:

1. Raising the awareness and understanding of all forms of human trafficking, especially child trafficking and trafficking for forced/bonded labour;
2. Promoting a multidimensional rights-based approach to combating THB;
3. Promoting the establishment and/or further strengthening of national anti-trafficking co-ordination mechanisms within the participating States;
4. Enhancing OSCE internal co-ordination and boosting external co-operation within the *Alliance against Trafficking in Persons (Alliance)*.

The identification of these priorities was the result of a thorough process of consultations conducted by the **Special Representative** with the key stakeholders, i.e., government authorities in the capitals, Heads of the OSCE Delegations in Vienna, relevant **OSCE bodies**, leading international organizations, institutions and NGOs, and other relevant actors.

The **ODIHR** has identified its specific core priority in strengthening the protection of trafficked persons and vulnerable groups and preventing trafficking by focusing on a number of initiatives in the OSCE region. It builds on the expertise developed within the **ODIHR** in the domain of victims' rights protection. In particular it aims to: (i) supports the establishment of multi-agency anti-trafficking structures responsible for the development of victim-centred policy and practice in anti-trafficking through the promotion of NRMs; (ii) improve strategies permitting the identification of and assistance to trafficked persons, including victims of labour exploitation and Roma victims, by raising awareness of and addressing gaps in current identification models; (iii) strengthen trafficked persons' access to remedies and rights by raising awareness of rights amongst trafficked persons, vulnerable groups and civil society and strengthening linkages to protections available to other groups of persons, such as migrant workers. The **ODIHR** also plays an important role assisting field operations in the identification and implementation of priorities through its focal point meetings and the **ODIHR** Anti-trafficking Project Fund.

Based on the OSCE Action Plan, the **Strategic Police Matters Unit (SPMU)** has chosen a twofold focus: to integrate the law enforcement perspective in OSCE anti-trafficking work and to complement the victim-centred approach with a strategic focus on offenders, including through the development of alternative strategies to victim testimony in order to apprehend and prosecute traffickers.

Similarly, in accordance with tasks in the Action Plan, the **Office of the Co-ordinator for Environmental and Economic Affairs (OCEEA)** identified its three main programmatic fields aimed at prevention and addressing socio-economic root causes as: (i) promoting self-regulation of the private sector; (ii) raising trafficking awareness on THB in countries of destination; and (iii) economic empowerment of groups at risk. Co-operation with the **OSCE bodies** and other international actors at the project development stage helps the **OCEEA** in fine-tuning this work.

The Action Plan - with its specific and precise tasks - sets also the anti-trafficking priorities for the work of the **Action against Terrorism Unit**, the **Training Co-ordinator**, the **Press and Public Information Section** and the **Senior Adviser on Gender Issues**.

The **OSCE field operations** generally set their anti-trafficking priorities according to their specific mandate; the OSCE Action Plan and the national policy on THB - if developed - (e.g. national plan of action); the assessment of the local and national situation; the outcomes of consultations with State officials (e.g. national anti-trafficking co-ordinators), NGOs and relevant international agencies active in the area. Consultations with the **Special Representative**, the **ATAU** and the **ODIHR** also provide guidance to field operations; however these processes are informal and not institutionalized, except for the regular review of projects submitted by field operations for extrabudgetary contributions and in the course of regional Heads of Mission meetings.

The identification of programmatic activities depends also on the **field operation's** internal appreciation of the need, feasibility and sustainability of the activity, the capacity and availability of local implementing partners, the interest and commitment of national actors, the expected impact, the availability of resources and the outcomes of co-ordination with other stakeholders. The main objective is to promote the implementation of the OSCE commitments and contribute to augmenting national capacities to tackle human trafficking. The sum of these processes generates the OSCE multidimensional and comprehensive approach.

Resource allocation

Since trafficking in human beings became prominent on the agenda of the OSCE, significant resources have been allocated at the operational level for staff and programmatic work.

In 2004 the **Chairmanship** appointed Ms. Helga Konrad, former Austrian Minister for Women's Issue and Chair of the Stability Pact Task Force on Trafficking in Human Beings for South Eastern Europe, as **Special Representative on Combating Trafficking in Human Beings**. Ms. Konrad was assisted by an Executive Assistant. At the same time, within the **Secretariat** the **ATAU** was formed with six full-time staff members to support the **Special Representative**. The **SPMU** appointed a full-time police affairs officer to work on THB issues only. The **Training Section** also appointed an officer to work on anti-trafficking and gender issues. The **OCEEA** dedicated two staff members to part-time work on THB issues. The **Senior Adviser on Gender Issues** continued to be a focal point on anti-trafficking issues.

The **ODIHR** has an Anti-Trafficking programme with a team of three full-time staff members in the Human Rights Department and three part-time staff, one within the Legislative Support Unit, Democratization Department, one within the Roma and Sinti Contact Point, and one within the Public Affairs Unit.

Since the Vienna Ministerial Council Decision in 2000 tasked **field operations** to develop anti-trafficking programmes in co-operation with NGOs and other stakeholders, they have all appointed an Anti-Trafficking Focal Point to co-ordinate their anti-trafficking activities and to be a point of contact with the other **OSCE bodies**. At the time of completion of the surveys, eight out of eighteen field operations have full-time national or international staff members solely dedicated to anti-trafficking work (the **Mission in Kosovo**, the **Spillover Monitor Mission to Skopje**, the **Mission to Serbia and Montenegro** – now Mission to Serbia and Mission to Montenegro - the **Mission to Bosnia and Herzegovina**, the **Presence in Albania**, the **Mission to Moldova**, the **Project Co-ordinator in Ukraine**, and the **Office in Yerevan**). In the other field operations, the Anti-Trafficking Focal Point is a mission member - national or international staff - who integrates anti-trafficking concerns into his/her portfolio of activities. All Focal Points are in the human dimension - be this the human rights, rule of law, or democratization department - except for two who are in the economic and environmental unit (the **Presence in Albania**) and in the police unit (the **Mission to Croatia**).

The extent of the anti-trafficking work of **field operations** varies depending on numerous factors, including the mandate, size, local institutional and political context and the activities of other relevant international agencies. Since 2001, resources were increased, especially in the **field operations** in South Eastern and Eastern Europe. However, recently, this trend has been inverted and, at least two **field operations** (the **Mission in Kosovo** and the **Presence in Albania**) have reduced their anti-trafficking staff. From 2001 to 2005 the **Mission in Kosovo** had a specialized section working on the protection of rights of vulnerable persons (women and children, including victims of trafficking). The section, called the Victims Advocacy and Support Section, consisted of seven international professional seconded staff members, one national professional, and eight support staff members. At the time of completion of the surveys, it is limited to only one seconded international post and one national support post. In the **Presence in Albania** until March 2006, one international staff and six national staff posts were funded under an extrabudgetary contribution (EU CARDS project); now there is only one national professional post.

The **ATAU** has tried to collect systematic data for the period 2004–2006 regarding financial resources for anti-trafficking programmatic activities. This has proved challenging since most OSCE budgetary documents tend to include THB resources into the larger human dimension budget line, and it is possible only in some cases to define from existing data the share dedicated to THB. Extrabudgetary contributions are a very important component of the Organization's programmatic work; however it is only since 2004 that a centralized procedure was introduced to ensure that any extrabudgetary pledge to the Organization is channelled through the **Secretariat**, and it has taken some time to ensure its full implementation.

Available data seem to suggest the following trends:

- A decrease in funding allocation from the Unified Budget for programmes to combat trafficking in human beings in the field operations in the Balkans, which in some cases is compensated for by an increase in extrabudgetary contributions. This may be explained by many factors, including that since the late 1990s, a significant investment has been made in anti-trafficking work in this region to build structures and capacities; currently very few victims are identified and assisted, and the problem seems to be decreasing.
- An increase in funding allocation from both the Unified Budget and the extrabudgetary contributions for programmes in Central Asia (e.g. in Bishkek and Dushanbe) due to growing recognition, at the decision-making level, of the threat of THB for the region, and enhanced co-operation both among the CIS countries on anti-trafficking issues and among most Central Asia States and the OSCE. A similar increase is recorded by the **Project Co-ordinator in Ukraine**.
- Continuity of resources allocated in Moldova and Albania. This may be due to the fact that these two countries seem to continue to be main countries of origin for victims of trafficking and attract high media visibility.
- An examination of the overall anti-trafficking work of the Organization indicates an increased dependency on extrabudgetary contributions. Some **OSCE bodies** are therefore becoming more and more project-driven in their anti-trafficking work.

Some **OSCE bodies** have been engaged with anti-trafficking work in the participating States that do not host an OSCE field operation; however, since these activities are fully integrated into the institutional and programmatic work of these bodies, it is hard to assess their financial scope. Involvement in these countries has been facilitated by the political activities launched by the **Special Representative** since 2004.

II.2. CO-OPERATION AND CO-ORDINATION

Co-ordination of efforts within the **OSCE bodies**, as well as with relevant actors from governmental institutions, civil society, and international organizations, is a key component of the Organization's anti-trafficking activities and has helped to maximize resources, promote sustainability and avoid duplication.

Internal Co-operation and Co-ordination

Co-ordination meetings and consultations with the **OSCE bodies** have ensured a multidimensional approach and a clearer understanding of goals and priority areas within the different programmatic activities of the Organization. Consultation with other bodies takes place via co-ordination meetings (in Vienna, Warsaw, and in countries hosting **field operations**); during focal point meetings; prior to and within the *Alliance* events; as part of a specific event (e.g. co-ordination meetings with the Chairman-in-Office (CiO) and Informal Working Groups); during country visits; and at bi-lateral meetings at the OSCE **Secretariat**, and within the context of the Human Dimension Implementation Meetings.

The **Mechanism**, the **ODIHR** and other relevant structures co-operate with **field operations** on project development, providing advice on policy (e.g., national action plans) and exchange of information on good practices. In addition, **field operations** provide strong support for activities such as country visits and assessments and contribute to valuable exchanges of information and analysis. A good example of internal co-operation is the annual meeting with focal points from **field operations**, hosted by the **ODIHR** and attended by representatives from the **ATAU** and **SPMU**. These meetings foster the exchange of information and encourage capacity building on topics such as trafficking for forced labour, evaluation of current anti-trafficking work in the OSCE region, improving strategies on the protection of victims rights and strengthening partnerships and co-ordination.

A significant area of co-operation is the support and assistance provided by different **OSCE bodies** to the Informal Working Group on Gender Equality and Anti-Trafficking (now the Working Group on Human Protection and Non-Discrimination), which operates under the auspices of the Permanent Council. In 2005, the relevant **OSCE bodies** provided technical expertise, background knowledge on specific questions, and drafted proposals and commentaries which contributed to the development of six MC Decisions.

In July 2005, the relevant bodies met in Vienna for a co-ordination meeting aimed at identifying common goals and priorities, as well as strengthening co-operation in the implementation of OSCE anti-trafficking activities. This was the first such meeting after the creation of the **Mechanism**. Members of the group discussed the development of a common programme of activities and a coherent strategy with a view to addressing THB in a comprehensive manner. The intent was to identify complementary areas of work in addressing THB within the OSCE Action Plan. This meeting marked the beginning of joint discussions, and further work remains to be done in the identification of

common objectives and activities. In 2006, the **SPMU** introduced an internal food-for-thought paper on the law enforcement perspective within the OSCE comprehensive approach to combat THB.

Co-operation for the purposes of technical assistance to the participating States takes place between the **ODIHR**, the **Mechanism** and other **relevant structures** in collaboration with **field operations** (whenever relevant) on activities which include intervention letters on matters of concern related to events in a given country; follow-up to country visits by the **Special Representative**; and expertise on the development of national action plans (e.g. in co-operation with **ODIHR** and the **Project Co-ordinator in Ukraine**, with **Spillover Monitor Mission to Skopje**, with the **Centre in Almaty**, the **Centre in Bishkek** and the **Office in Yerevan** as well as in the case of the United Kingdom). The **Project Co-ordinator in Ukraine** sought advice from the **ODIHR** and the **Mechanism** on the establishment of the office of the national co-ordinator.

An example of successful internal (and external) co-ordination with a field operation was the first OSCE Regional Central Asia Conference: “Combating Trafficking in Human Beings – Regional Response”, jointly organized by the **Mechanism** and the Ministry of Foreign Affairs of the Republic of Kazakhstan (18-19 May 2006). The **Mechanism** promoted a regional approach to the issues of combating THB in order to facilitate networking and co-operation among countries facing similar challenges in combating THB, and to bring the OSCE expertise to a specific region. This joint venture required close co-operation - not only between Vienna and Astana, but among Vienna, Warsaw (the **ODIHR**), Astana (MFA and **OSCE Liaison Office**), and Almaty (the **Centre in Almaty**), as well as other **OSCE Centres** in Central Asia. The host country provided an excellent venue, transportation, logistics, a cultural programme, and other important components. This example of co-operation and co-ordination will be followed by the **Mechanism** in the preparation of other regional conferences, workshops and round tables.

Several bodies echoed the need for the **Mechanism** to strengthen its role as the co-ordinating body of the Organization, in particular in areas of information sharing, the development of a common strategy initiated in summer 2005, and a more inclusive approach regarding discussions on the reform. In addition, one of the **field operations** called for more consistency in the interaction between the **ODIHR** and the **structures** of the **Secretariat** regarding the provision of advice on specific needs.

External Co-operation: the Alliance against Trafficking in Persons and other examples

In July 2004, the **Special Representative** initiated a close partnership with the major interlocutors working in the field of THB under the heading of the *Alliance against Trafficking in Persons*⁵ with the convening of the first high-level conference. The *Alliance* was established to develop effective joint strategies, combine efforts of relevant interlocutors in setting a common agenda and, above all, to provide all the OSCE participating States as well as the **Partners for Co-operation** with

⁵ The members of the Alliance include: UNHCHR, UNHCR, UNDP, UNICEF, UNICEF Innocenti Research Center, UNIFEM, UNODC, ILO, IOM, International Federation of Red Cross and Red Crescent Societies, Council of Europe, ICMPD, Europol, Interpol, NATO, EC Expert Group, Dutch National Rapporteur, Nexus Institute, ACTA, Anti-Slavery International, ECPAT, La Strada International, International Federation of Terre des Hommes, Save the Children International Alliance, Amnesty International, European Commission, Council of Baltic Sea States, Stability Pact for South East Europe, ECPAT, Caritas, ABA CEELI, donor agencies and foundations, etc.

harmonized approaches and decision-making aids. This partnership has contributed to a deeper understanding of THB, encouraged effective transnational co-operation among implementing agencies and ensured geographical balance by being able to contribute to efforts in countries of origin, transit and destination. There are two main modalities of co-operation within the *Alliance*, one which involves the organization and implementation of events (e.g., expert level meetings, high-level conferences, and workshops) and another which relates to the co-ordination team made of experts representing leading international organizations and NGOs (e.g. Alliance Expert Co-ordination Team).

Events of the Alliance against Trafficking in Persons

In November and December 2004, under the auspices of the **Special Representative** and with the support of the **ATAU**, two workshops were convened in Vienna, with the participation of selected international experts, including representatives from OSCE institutions and relevant structures – the **ODIHR**, the **Senior Adviser on Gender Issues**, the **OCEEA**, and the **SPMU** – to discuss the topics “What is adequate victim protection and assistance?”; and “Victim protection tailored to the needs of children – a challenge”. The results of these two workshops led to the compilation of a decision-making aid containing a number of recommended actions to be implemented at national and regional level (“Position Paper Taking a Stand: Effective Assistance and Protection to Victims of Trafficking”⁶). The Position Paper was subsequently presented in February 2005 during the “Expert Workshop Meeting of National and International Experts from the OSCE participating States and Partners for Co-operation” held in Vienna under the *Alliance*. Special attention was given to assistance and protection measures directed to child victims of trafficking.

In July 2005, in co-operation with UNHCHR, the **Mechanism** hosted the “Experts’ Consultation to Develop a Legal Framework to Prosecute the Exploitation of Trafficked Persons”. The aim of the consultation was to assess the applicability of current international criminal law and jurisprudence to the situations of trafficking for sexual exploitation and establish individual liabilities of various actors involved in the crime, without doing any harm to the victims of trafficking.

Within the framework of the *Alliance*, the **Mechanism** convened two high-level conferences in Vienna per year providing a forum for ministers and other officials, along with civil society and leading international organizations. In March 2005, the second high-level Conference: “Combating Trafficking in Children” was held, bringing together 250 participants from 48 OSCE participating States, aimed at developing a comprehensive approach to this issue. Useful background information was provided to the members of the OSCE delegations in preparation for the Addendum on Addressing the Special Needs of Child Victims of Trafficking for Protection and Assistance. In November 2005, the third high-level Conference: “Human Trafficking for Labour Exploitation/Forced and Bonded Labour- Identification, Prevention, Protection” was held, bringing together more than 200 participants from the OSCE region to discuss this form of trafficking for the first time. The conference served to spotlight a critical but still insufficiently addressed form of trafficking.

⁶ CIO.GAL/11/05 3 February 2005

The fourth high-level Conference: “Combating Trafficking in Human Beings, Especially Women and Children: Prevention – Protection – Prosecution”, took place in March 2006 in co-operation with the Austrian EU Presidency. The conference was the culminating event of a project financed by the European Commission AGIS Programme 2005, the Austrian Federal Ministry of Interior, Swedish Ministry of Foreign Affairs in co-operation with IOM Vienna, and in partnership with the Swedish Migration Board, the Belgian Federal Police, EUROPOL and the **OSCE Special Representative**: “Comprehensive Training for Law Enforcement Authorities Responsible for Trafficking in Children/Minors”. The conference brought together over 400 participants, including leading government representatives, national anti-trafficking co-ordinators, national and EU Parliamentarians, international organizations and NGOs from the OSCE participating States and Partners for Co-operation.

The four high-level conferences held in Vienna within the framework of the *Alliance* contributed to strengthening the commitment to combat trafficking in human beings and to foster transnational co-operation against this form of organized crime. These forums were held to mobilize the efforts of the participating States to produce an adequate response and promote zero tolerance to the challenge of human trafficking in all its forms.

The Alliance Expert Co-ordination Team

As already indicated, in July 2005 the **Special Representative** initiated the Alliance Expert Co-ordination Team (**AECT**)⁷, a consultative forum of renowned experts from the main international intergovernmental and non-governmental organizations with the purpose of developing strategic networking and partnerships among active players in the field, facilitating an exchange of experience, best practices/lessons learned, as well as joint actions across the OSCE region. The **AECT** met regularly (three times per year), chaired by the **Special Representative**. Since the establishment of the **AECT** four meetings have been convened covering a number of issues, such as:

- Research on data collection, existing knowledge-management databases, presentation of preliminary studies, and sharing of reports carried out by a number of organizations (including UNDP, UNHCHR, UNICEF, UNODC, IFRC, IOM, ECPAT, Save the Children);
- Discussion on the status of international instruments and ways forward (including Council of Europe Convention, UN Protocol, EU Action Plan);
- Thematic discussion on issues related to child trafficking (for the purpose of assisting the participating States in the implementation of the Addendum) and THB for forced/ bonded labour with a view to contributing to the high-level conference in November 2005;

⁷ The AECT includes representatives from the OSCE IWG on Gender Equality and Anti-Trafficking, OSCE Structures and institutions (SR, ATAU, SPMU, OCEEA, Senior Adviser on Gender Issues, ODIHR), UNHCHR, UNHCR, UNDP, UNICEF, UNICEF Innocenti Research Center, UNIFEM, UNODC, ILO, WHO, NATO, IOM, International Federation of Red Cross and Red Crescent Societies, Council of Europe, ICMPD, Europol, Interpol, European Commission, EC Expert Group, Dutch National Rapporteur, Nexus Institute, ACTA, Anti-Slavery International, Amnesty International, Caritas, ABA CEELI, ECPAT, La Strada International, International Federation of Terre des Hommes, Save the Children International Alliance.

- Events in 2005 (including the EU Conference, Human Dimension Meeting, ILO and International Federation of Red Cross Programme, implementation of EU Action Plan) and identification of common priorities, including the compilation of concept papers as a first step in the development of a decision-making aid for practitioners.

As a result of the expertise jointly developed within the Alliance Expert Co-ordination Team, the OSCE had a major share in framing and shaping the EU Action Plan on Combating Human Trafficking, and the OSCE Action Plan was mentioned in the pertinent 2005 EC Communication on THB⁸. The 2005 EC Communication also praised the significance of the OSCE anti-trafficking contribution in developing the concept of National Referral Mechanisms and in initiating a wide forum for co-operation, the *Alliance against Trafficking in Persons*.

As a follow-up, the **Special Representative** took the lead in mobilizing the *Alliance* partners to provide concrete recommendations prior to the elaboration of the EU Plan on Best Practices, Standards and Procedures for Combating and Preventing Trafficking in Human Beings. Moreover, thanks to the collaboration of the **AECT**, the **Mechanism** was able to compile a list of projects⁹ implemented in the region, thus helping to paint a partial picture of the activities and areas of action of the different organizations. Overall, despite its short term of existence, the **AECT** has already shown concrete results and has received very positive feedback from its members as a forum for dialogue and concrete co-operation.

Other Examples

In addition to the above forums, the **OSCE bodies** co-operate with various bi-lateral and multi-lateral agencies in devising technical assistance programmes in the field of anti-trafficking, in developing resources and handbooks for professionals engaged in combating trafficking in persons, and in the implementation of joint projects. Examples of this co-operation include:

- the work carried out with the **Council of Europe** on legislative review;
- the expert consultations with UNHCHR aimed at developing the legal framework for the prosecution of exploitation of trafficked persons;
- the work on child trafficking issues with **UNICEF, Save the Children, Terre des Hommes**, including reference and advocacy for the adoption and implementation of UNICEF and Save the Children guidelines;
- the recent co-operation with the **UNODC** in facilitating the ratification and implementation of the UNTOC and its Protocols in the OSCE area;

⁸ Communication from the Commission to the European Parliament and the Council on Fighting Trafficking in Human Beings -An Integrated Approach and Action Plan, Brussels, 18.10.2005 COM(2005) 514 final.

⁹ Ongoing activity and update.

- co-operation with **IOM** and the **Austrian Federal Ministry of Interior** relating to the elaboration of the resource book for law enforcement officials dealing with child trafficking, within a EU funded programme; and
- **ICMPD** projects on training to law enforcement, judges and prosecutors, as well as the development of guidelines for a National Action Plan¹⁰.

A very important example of co-operation is the participation of the **ODIHR** as an observer to the Council of Europe in the negotiation process of the Convention on Action against Trafficking in Human Beings. To date the **OSCE bodies** have participated in national, regional and international conferences and expert meetings hosted by governments, civil society, educational institutions, foundations and international organizations, thus contributing to a greater visibility and promotion of the OSCE approach in combating THB. Since its establishment, the **Mechanism** consistently receives requests for advice and assistance from national agencies and institutions responsible for international co-operation in the anti-trafficking field (including USAID, SIDA, CIDA, NORAD, ADA, EC-AIDCO, King Baudouin Foundation, and GTZ).

At the local level, the **OSCE field operations** hold regular meetings with national and international counterparts to exchange information, facilitate know-how transfer, identify common priorities and potential partnerships, and implement activities. The modalities vary from taking part in structured anti-trafficking working groups (including thematic groups on child trafficking and NRM, as well as interagency meetings), to being a catalyst in the process by hosting meetings with relevant actors, including civil society, or in facilitating training for law enforcement officials and lawyers. Co-operation with State authorities varies in accordance with the division of labour in relation to THB, thus including ministries responsible for internal affairs, justice, labour, social welfare and migration issues. Regarding international partners, the **field operations** enjoy a wide partnership with UN agencies (i.e., UNDP, UNODC, UNHCR, UNICEF), donors (GTZ, USAID), intergovernmental organizations (IOM, ICMPD), other organizations (ABA/CEELI), as well as government representations (i.e. US Embassy) thus fulfilling the mandate of the Action Plan. Based on the survey, **field operations** have worked in a variety of ways towards improving the co-ordination of anti-trafficking activities at a local level. For example, the **OSCE Spillover Monitor Mission to Skopje** has helped to establish a number of municipal coalitions to combat THB, which aimed at strengthening the work of different regional and local anti-trafficking coalitions located in border areas. Overall, this initiative has as its main goal the promotion of co-operation and of a cohesive approach within the NGO sector, local government and media in order to have a better exchange of information and to establish better prevention mechanisms for human trafficking. A similar approach has been taken by the **Mission to Bosnia and Herzegovina** which, building on its network of field offices, supported the establishment of local working groups of NGOs, law enforcement authorities,

¹⁰ Regional Best Practice Guidelines for the Development and Implementation of a Comprehensive National Anti-trafficking Response; Strengthening Law Enforcement Capacities for Fighting Human Trafficking in South-Eastern Europe - Joint ICMPD/UNDP Romania Follow-Up on Regional Training; EC AGIS project Awareness Training on Trafficking in Human Beings for Police, Border Guards and Customs Officials in EU Member States, Accession and Candidate Countries - Development of a European Curriculum; Comprehensive Training for Law Enforcement Authorities Responsible for Trafficking in Children/ Minors".

social welfare services and IOs to strengthen partnership and co-ordination of anti-trafficking efforts at the local level.

Overall, co-operation within the Organization and between the OSCE and its participating States shows its added value in the fact that the whole OSCE region – whether countries of destination, transit or origin – is engaged in combating THB. Since the 2003 Maastricht MC Decision, the relevant **OSCE bodies** have begun co-operating with States, both East and West of Vienna, in implementing their anti-trafficking commitments. This work contributes to developing concrete common approaches, which facilitate bilateral and regional co-operation and renders responses more effective. External co-operation has resulted in raising the visibility and political profile of the fight against THB, and in developing a joint advocacy strategy. Moreover, the *Alliance* brought the participating States into closer and more targeted co-operation with a large number of international agencies and was instrumental in adding resources, expertise and knowledge. Co-operation remains crucial since trafficking in persons is a transnational crime and demands a parallel strategic approach to enable effective transnational mechanisms of communication and co-operation among governments, law enforcement, judiciary, and NGOs. Such co-operation needs to be enhanced and developed not only in criminal and judicial matters but also in prevention, victim assistance and protection.

III. THE OSCE ACTION PLAN: FROM THEORY TO PRACTICE

According to the Action Plan, the OSCE, “with its well-developed institutional capacity and proven track record, is uniquely placed to effectively assist the participating States in the implementation of their commitments.” To meet this goal, the Action Plan provides the **OSCE bodies** with a variety of relevant tasks in the areas of a) investigation, law enforcement and prosecution, b) prevention of trafficking in human beings, and c) protection and assistance.

This chapter provides an overview of the OSCE anti-trafficking programmes and project activities against the context of the specific tasks of the Action Plan in all three areas. Such a comprehensive analysis will assist all relevant **OSCE bodies** to identify both successful approaches and gaps in the implementation; this analysis serves also as basis for the fourth chapter of the report that provides insight into some of the challenges faced while moving from policy to practice and makes recommendations to address them. Examples of activities undertaken by the **OSCE bodies** illustrate the diversity of forms of assistance offered to the participating States, though, in a report of this length, it is not possible to include a full programme summary for every structure, field operation and institution. The entire list of programme and project activities related to the implementation of the Action Plan, elaborated on the basis of the responses from the **OSCE bodies** to the above-mentioned questionnaire, has been compiled by the **ATAU** and is available upon request.

III.1. INVESTIGATION, LAW ENFORCEMENT AND PROSECUTION

The **OSCE bodies** are tasked to assist the OSCE participating States in the implementation of commitments and full usage of the recommendations of Chapter III of the Action Plan, *Investigation, Law Enforcement and Prosecution*. The areas of assistance are related to criminalization of THB, law enforcement response, law enforcement co-operation and information exchange between the participating States, assistance and protection of witnesses and victims in the criminal justice system, training, border measures, security and control of travel documents and, finally, legitimacy and validity of travel documents.

To implement the above-mentioned tasks, the **Mechanism**, the **ODIHR**, the **SPMU**, the **OCEEA**, the **Office of Internal Oversight (OiO)**, the **Actional against Terrorism Unit (ATU)**, and **field operations**, where appropriate, are supposed to take action in the areas of legislative review and reform, law enforcement response, disciplinary response, training, and security and control of travel documents.

Since 2004, the above-mentioned **OSCE bodies**, focusing on the relevant provisions of the Action Plan, have undertaken the following activities:

III. 9. LEGISLATIVE REVIEW

III.9.1 The ODIHR, and where appropriate the field operations, will continue to promote and support legislative review and reform efforts in compliance with international standards.

III.9.2 The OSCE will further develop co-operation with other relevant partners and organizations.

Prior to the adoption of the UNTOC Convention and its Anti-Trafficking Protocol, there was no internationally accepted legal definition of THB, and the phenomenon as such was addressed by existing legislation of the participating States within an extremely broad variety of provisions dealing with related crimes and offences. Therefore, the need for a unified approach to THB as a crime (and not a mere administrative offence) and the recognition of victims' rights to protection became prerequisites for reaching any progress throughout the OSCE area.

Since 2000, at the request of the participating States, the **ODIHR**, as well as **field operations** (in relevant cases in co-operation with the **ODIHR** and the **ATAU**) provided support in reforming national legislations in accordance with international standards. For example, **field operations** partnered with the **ODIHR** and offered recommendations, comments and expertise to amend Criminal and/or Criminal Procedure Codes (e.g. the **Office in Yerevan**, the **Mission to Georgia**, the **Centre in Almaty**, the **Mission to Serbia and Montenegro**, the **Spillover Monitor Mission to Skopje**, the **Project Co-ordinator in Ukraine**, the **Mission in Kosovo**). In some cases the **ODIHR** and the **field operations** assisted the host country in the development of comprehensive legislation on combating THB (e.g. the **Office in Baku**, the **Mission to Moldova** and the **Mission to Georgia**), or in the introduction of provisions for witness and victim protection (e.g. the **Presence in Albania**, the **Office in Yerevan**, the **Mission to Bosnia and Herzegovina**, the **Mission to Moldova**, the **Office in Podgorica** of the **Mission to Serbia and Montenegro** - now the **Mission to Montenegro** - the **Spillover Monitor Mission to Skopje**, the **Centre in Almaty**), or in improving legislation on the status of aliens (e.g. the **Mission to Bosnia and Herzegovina**, the **Spillover Monitor Mission to Skopje**, and the **Mission to Georgia**), and introducing amendments to other related legal acts to harmonize the reformed legislation in its entirety. Still more has to be done in co-operation with the national authorities by all relevant bodies, including field operations, to assess the adequacy and the limits of the current legislation to ensure the protection of the rights of victims in compliance with the Anti-Trafficking Protocol and international human rights law.

Assistance, which was provided to the participating States in recent years, has permitted many of them to hasten the process of ratification of the UNTOC Convention and the Anti-Trafficking Protocol. Subsequently, its efficient implementation represents another related area of co-operation between the participating States and the **ODIHR**, the **ATAU**, the **SPMU**, and **field operations** (relevant projects were undertaken e.g. by the **Project Co-ordinator in Ukraine** and the **Mission to Georgia**). For example, the **Project Co-ordinator in Ukraine** organized a technical workshop dedicated to the issues of THB, extraterritorial jurisdiction and compelling into prostitution (the topics of new draft articles of the Criminal Code of Ukraine) with a view to discuss possible constraints which might be faced by Ukrainian practitioners in the implementation of the legislation, if adopted. The **ODIHR** contributed to the workshop and together with the **Project Co-ordinator in Ukraine** provided legal support to improve the legislation related to compensation for trafficked victims at the request of the Ministry of Justice of Ukraine wishing to bring it in line with the European Convention on the Compensation of Victims of Violent Crimes (1983).

A comprehensive approach is elaborated in this regard by the **Office in Yerevan** aiming to take steps on a) building capacity of the law enforcement and the judiciary to successfully prosecute THB cases;

b) building capacity of relevant local actors to implement victim assistance and a witness protection programme; and c) assisting with developing a task-force approach of law enforcement to investigate and prosecute human trafficking, parallel with assisting in establishing NRMs to ensure effective protection of victims.

Promotion of legal anti-trafficking standards and assessment of the current stage of their recognition by the OSCE participating States is supported by the **ODIHR** through establishing and maintaining the legislation online database which provides an updated and useful source of legal information on anti-trafficking. The **ODIHR** continues to fine-tune these activities in consultations with the UNODC on how to further data gathering on judicial interpretation of anti-trafficking law.

Other actions taken in the area of legislation review and reform have included ongoing efforts by the **ODIHR** to promote the rights-based approach and its reflection in the legislation to ensure the respect for the rights of trafficked persons in the areas of investigation, law enforcement and prosecution, including guaranteed protection of their rights as witnesses/victims in court procedures.

Beyond the scope of the Action Plan, but in line with tasks related to the legislation review, the **Mechanism**, in co-operation with the UNHCHR, in 2005 conducted experts' consultations on developing a legal framework to prosecute the exploitation of trafficked persons (see Chapter on Co-ordination and Co-operation) with a view to assist the UNHCHR to develop guidelines for legal practitioners.

Challenges in the implementation of international instruments were addressed, for example, by the **SPMU** and the **ATAU** at the UNODC workshop jointly organized together with the OSCE **Chairmanship** for the delegations and representatives of the participating States in March 2006 (Vienna).

III.10. LAW ENFORCEMENT RESPONSE

III.10.1 The OSCE Strategic Police Matters Unit will further promote the concept of community policing.

III.10.2 The Strategic Police Matters Unit and the Office of the OSCE Co-ordinator of Economic and Environmental Activities (OCEEA) will facilitate the exchange of information between participating States on best practices to be used by relevant investigating units to check the possibly criminal and trafficking-related origin of suspicious assets.

III.10.3 The OCEEA will further work together with the United Nations Office on Drugs and Crime Global Programme against Money Laundering and use its good offices to promote the organization of workshops on tackling money-laundering in interested participating States.

III.10.4 As part of its assistance in the development of National Referral Mechanisms, the ODIHR will continue to promote and encourage co-operation between law enforcement and civil society.

In order to assist the OSCE participating States in the implementation of anti-trafficking commitments and international obligations taken under the UNTOC Convention and the Anti-Trafficking Protocol, the **OSCE bodies** offer support in translating the concept of community policing into reality. To achieve this goal, the **SPMU**, on the basis of experience gained in the course of the 2002

Supplementary Human Dimension Meeting “The Role of Community Policing in Building Confidence in Minority Communities”, continues to promote this good practice as one which creates a climate of trust between law enforcement and society. Similar efforts are undertaken by the **field operations** in the framework of projects aimed at boosting overall confidence between municipal residents and the local police thus creating better conditions for community policing in host countries and strengthening the rule of law (e.g. the work done by the **Spillover Monitor Mission to Skopje** and the **Mission in Kosovo**).

Striving towards practical results, the **SPMU** co-operates with the ICMPD in a number of projects related, for example, to the elaboration of Regional Best Practice Guidelines for the Development and Implementation of a Comprehensive National Anti-Trafficking Response, Strengthening Law Enforcement Capacities for Fighting Human Trafficking in South-Eastern Europe, and other similar initiatives of capacity building.

In facilitating the exchange of information between the participating States on best practices to be used by relevant investigating units to check the possibly criminal and trafficking related origin of suspicious assets, the **SPMU** presented a strategy paper on the benefits of confiscation of assets and compensation for victims in counter trafficking for law enforcement (Cycles of Profit) at the **ODIHR** Conference: “Breaking the Cycle of Trafficking in Human Beings” in Helsinki (2004). The main components of this document are an integral part of the Conference’s recommendations available for all participating States.

THB may involve a range of other offences, such as illegal migration, forgery, corruption and money laundering, all of which provide additional opportunities to gather intelligence, initiate investigations and corroborate testimonies in order to prosecute traffickers. To promote advanced approaches to investigation techniques and achieve better results in prosecution, the **SPMU** takes the lead in encouraging law enforcement, by training and advocacy, to focus on financial investigations which provide insight into the crime without relying on victim’s testimony alone. This approach is incorporated into the **SPMU** project to raise awareness and build capacity on alternative investigative strategies, without solely relying on victims’ testimony. The relevant project (under the title “Investigate Trafficking without Relying on a Victim: a Multi-Agency Training Programme”) is designed by the **SPMU** and is implemented in eight SEE and CIS countries in co-operation with the **field operations**, i.e. with the **Presence in Albania**, the **Mission to Bosnia and Herzegovina**, the **Mission to Moldova**, the **Mission to Serbia and Montenegro**, the **Mission to Georgia**, the **Office in Baku**, the **Centre in Almaty**, the **Centre in Bishkek**. The implementation process has already started within the resources provided.

The above-mentioned approach does not diminish the role of witnesses whose contribution often remains crucial for a successful investigation and prosecution. In this regard, promoting strategic co-operation between authorities, including law enforcement and civil society in the framework of a National Referral Mechanism is a priority; such co-operation is important in securing the protection and trust of trafficked persons and therefore has impact on investigation and prosecution. At present, the NRM concept developed by the **ODIHR** has become an internationally accepted framework for

protecting the rights of trafficked persons while prosecuting the traffickers. The relevant **OSCE bodies** are involved in assisting the participating States, upon request, to institutionalize this form of co-operation. For this purpose, the NRM concept as such is integrated into training for law enforcement officials and other professionals (see also III.3 Protection and Assistance). Projects, related to the establishment of an NRM to facilitate assistance and protection of trafficked persons and stimulate co-operation between the law enforcement bodies and relevant NGOs, and are positively assessed by implementing agencies and beneficiaries (for example, “National Referral Mechanism for Victims of Trafficking in the Russian Federation”).

Concerned by challenges in the implementation of THB legislation and by an extremely low number of court cases ending with an adequate punishment of the perpetrators, several **field operations**, often in partnership with the **ODIHR**, implement projects related to monitoring compliance with the OSCE commitments on the right to a fair trial in THB cases. Such activities are meant to assist the participating States in strengthening the rule of law, improving the implementation of existing legislation, ensuring a well-functioning judiciary system and effective mechanisms of human rights protection with emphasis on protection of the rights of witnesses and victims in court proceedings. Such projects frequently provide the basis for training judges, prosecutors and defence lawyers, wherever needed, and are realized by the **Spillover Monitor Mission to Skopje**, the **Mission in Kosovo**, the **Presence in Albania**, the **Mission to Bosnia and Herzegovina**, the **Mission to Moldova**, the **Mission to Serbia and Montenegro**, the **Mission to Georgia**, the **Office in Baku and the Centre in Bishkek**. At present, the **Spillover Monitor Mission to Skopje**, for example, continues to support the monitoring of THB cases along with an additional component, cases related to organized crime, including cases involving allegations of money laundering and corruption. Another interesting example is the work of the **Mission in Kosovo**, which since 2000 has continuously monitored the criminal justice system and created a Victim Advocacy and Support Section, which specifically monitored treatment of victims of trafficking before the law enforcement and social services.

III.11. DISCIPLINARY RESPONSE

III.11.1 The Office of Internal Oversight is requested to maintain data on investigations into offences related to trafficking in human beings by mission members and all subsequent related actions taken thereon. The Secretary General is requested to report regularly to the Permanent Council on measures taken to implement regulations in cases of breaches of the Code of Conduct while respecting the privacy of alleged perpetrators.

In order to exclude any possibility of misconduct of the OSCE officials serving in **field operations**, in 2003 the participating States, via the Action Plan, authorized the **Office of Internal Oversight** to be responsible for maintaining information on instances of involvement in THB of the OSCE staff. This disciplinary approach was further developed in 2005 by the Ljubljana Ministerial Decision No. 16/05, Ensuring the Highest Standards of Conduct and Accountability of Persons Serving on International Forces and Missions. The MC Decision reaffirms the importance of implementing the Code of Conduct for the OSCE Officials and Staff Instruction 11 addressing THB, and instructs the Secretary General, drawing on the expertise of the **Mechanism**, to update these documents in line with this new

Decision, and to circulate them to the participating States for comments and discussion prior to issuance. The task is being implemented currently under the supervision of the **Legal Services**, the **Office of Internal Oversight** and the **Mechanism**.

Two other provisions of the MC Decision No. 16/05 (sharing relevant information and materials with the OSCE Partners for Co-operation, and sharing with relevant international organizations OSCE training materials and other information that could assist in combating THB) will be implemented in the course of 2006 after the re-establishment of the **Office of the Co-ordinator/Special Representative on Combating Trafficking in Human Beings** and his/her appointment.

All the necessary information will be provided to the Secretary General to report annually to the PC on the implementation of this Decision with regard to the Code of Conduct for OSCE Officials and Staff Instruction 11, in accordance with provision III 11.1 of the OSCE Action Plan.

III.12. TRAINING

III.12.1 The **ODIHR** and the OSCE Strategic Police Matters Unit will continue to develop training materials targeted at law enforcement authorities on trafficking and sex crime investigation, consult with the International Law Enforcement Academy (ILEA) in Budapest regarding possibilities for incorporating this training into ILEA programmes, identify law enforcement trainers to conduct training, and facilitate funding training sessions for law enforcement authorities in OSCE participating States.

III.12.2 While international partners such as the International Centre for Migration Policy Development and the International Organization for Migration provide basic police training on how to respond to allegations of trafficking, and others such as the United Nations Development Programme provide advanced training, additional training needs to be provided on dealing with particular aspects of sexual crime, e.g. sexual abuse of children. The OSCE Strategic Police Matters Unit will provide such training in co-operation with the United Nations Children's Fund and the relevant organizations.

Combating THB, still perceived as a comparatively new phenomenon in a number of OSCE participating States, requires a highly professional approach to be effective. To this end, in spring 2004 the **ODIHR** and the **SPMU** held preliminary consultations in the course of three visits paid to the International Law Enforcement Academy (ILEA). The findings marked the necessity to look for other options as well, due to high costs of the training courses, lack of ILEA own training staff, and other financial, personnel and technical reasons.

To address specific aspects of THB and sexual crime, the **SPMU** in co-operation with the UNICEF and other relevant organizations, hosted the first OSCE sexual crimes police training workshop on sexual abuse of children (Vienna, July 2004). This event was followed by an OSCE regional workshop on the investigation of sexual crimes that was held in partnership with the **Centre in Almaty** (8-10 November 2005). The training involved over fifty police officers from Kazakhstan, Kyrgyzstan, Turkmenistan, and the Russian Federation. Experts from the United Kingdom, Europol, Russia and Kazakhstan provided instruction in the latest techniques of investigating sexual crimes.

The value of the training is to be assessed also in terms of networking between participants and police of neighbouring countries, exchange of information, best practices and lessons learned. An event of a much broader scale, which provided such opportunities, was convened under the EC AGIS project “Comprehensive Training for Law Enforcement Authorities Responsible for Trafficking in Children/Minors” in March 2006, initiated under the Austrian Presidency of the EU and conducted in co-operation with the **Mechanism** and the **SPMU** (see Chapter on Co-ordination and Co-operation).

Another EC AGIS project of the same kind, co-implemented earlier by the **SPMU**, was dedicated to “Awareness Training on Trafficking in Human Beings for Police, Border Guards and Customs Officials in EU Member States, Accessions and Candidate Countries – Development of a European Curriculum”.

Field operations also implement training projects as an important component of capacity building, including, for example, interactive skills training courses on investigating and combating THB, available for NGOs, prosecutors, judges, and representatives of the Ministry of Interior and the Police Academy supported by the **Spillover Monitor Mission to Skopje**; training for investigators and specialized training for 1,500 law enforcement officers in all regions supported by the **Centre in Tashkent**, as well as a study tour for the representatives of law enforcement agencies supported by the **Centre in Tashkent** (now **Office of the Project Co-ordinator in Uzbekistan**).

Training takes on different forms depending on the actual needs of the State concerned. For example, the **OSCE Mission in Kosovo** conducted training in Standard Operative Procedures for inter-disciplinary groups that included police officers. Another project was designed to assist the police officers to improve their investigation techniques. The **Mission in Moldova**, in partnership with the **ODIHR** and the Judicial Training Centre carried out the “Capacity Building Project – Anti-Trafficking Training for Judges and Prosecutors” – six two-day seminars related to investigation and prosecution of THB cases, training courses for law enforcement officers, and other trainings events. There are other models of training used in various countries either by the OSCE independently, or in co-operation with relevant international organizations with considerable experience in this area (e.g. ICMPD, IOM, and Council of Europe).

III.13. SECURITY AND CONTROL OF DOCUMENTS

III.13.1 The relevant OSCE bodies, in particular the Anti-Terrorism Unit, will continue to facilitate workshops focusing on detecting documents used for illegal purposes in relation to trafficking in human beings, detecting false travel documents being used for entry of trafficked persons across the border, within the restrictions that are consistent with relevant OSCE commitments.

Successful identification of trafficking cases is closely related to the ability and skills of law enforcement and other related officials to recognize indications of the crime by document control procedures at borders, at the site of the crime, or in other locations. To assist in this area, the **SPMU** developed a strategy to look for such indications and possible perpetrators at borders, or at the consulates issuing entry visas to applicants, to prevent and detect the crime. However, anti-trafficking border efforts produce fewer results than expected due to the failure to distinguish irregular migrants

from THB victims and criteria focused heavily on women. Stepping away from gender stereotyping of sexual exploitation, the **SPMU** strategy is focused on traffickers who are recruiting, transporting, receiving and harbouring victims for other forms of exploitation (mainly, men). This methodology was presented for the first time at a workshop organized by UNODC and the Czech Ministry of Interior and held in Prague in April 2006.

In support of these efforts, the **ATU**, while implementing the relevant Action Plan provisions, held a number of related events: an OSCE-wide conference on travel document security, an OSCE-wide conference on container security, 5 subregional workshops on combating the use of fraudulent and counterfeit travel documents, and 2 subregional workshops on the ICAO minimum security standards for handling and issuance of travel documents. Such forums provide the participating States with modern expertise, exchange of experience, networking opportunities, and easy access to technical advice and support.

III. 2. PREVENTION OF TRAFFICKING IN HUMAN BEINGS

The Action Plan promotes the concept of prevention of all forms of human trafficking as relevant for both countries of origin and destination. An examination of recommended actions at the nation level outlines a general operational framework for understanding prevention of THB within the OSCE.

According to actions recommended at the national level, prevention of THB involves data collection and research based on a comprehensive agenda; border measures, to include strengthening border controls; economic and social policies in countries of origin and destination; awareness-raising, including a broad range of information campaigns designed to generate public understanding of all forms of THB, developed in co-operation with civil society; and legislative measures related to the licensing and operation of sectors of business that according to police intelligence, may be involved in trafficking.

To assist the participating States with recommended actions in the above-mentioned areas, the Action Plan tasks **OSCE bodies** in the areas of data collection and research, addressing root causes of THB, and awareness-raising throughout the OSCE region.

The **SPMU** is not mentioned in the section on Prevention, although some of its assigned tasks are preventive in nature (in particular, training and community policing) and are referenced in the section on Investigation, Law Enforcement and Prosecution. However, sustainable prevention entails creating an unfavourable environment for any phase of trafficking to take place. It might therefore be valid to consider furthering the role of the **SPMU** in assisting the participating States in the area of crime prevention.

IV.6. DATA COLLECTION AND RESEARCH

IV.6.1. Enhancing data collection and research on trafficking in persons, particularly on trafficking in children, by building on past research and engaging in exchanges with UNICEF and other relevant actors.

The Action Plan does not specify the nature of the research and data collection to be undertaken except to emphasize trafficking in children. It is therefore appropriate to assume that research and data collection activities of the **OSCE bodies** would follow the same extensive research agenda as of the participating States and would cover all forms of THB. However, from the information provided, it was not possible to note, except in a few instances, the extent to which different forms of trafficking were addressed by **field operations** mainly in countries of origin and other **OSCE bodies**. It was also not possible to identify data collection or research projects which focused on the demand for trafficking and, in fact, most research activities were directed to the “supply” aspects. The scope of the research and data collection activities themselves is also somewhat limited, which is, in large part, a reflection of the geographic distribution of the OSCE field operations.

The **ODIHR** has initiated and contributed to research efforts to outline how trafficking occurs within the OSCE region and what the responses at policy and working level are in the participating States. A prominent illustration of its data collection and research activities is the UNICEF-OSCE/ODIHR-

OHCHR Report “Trafficking in Human Beings in South Eastern Europe” (hereinafter referred to as the SEERights Report), which documents the human trafficking situation in the region, and the countermeasures adopted. The final edition in a series of three reports was published in March 2005. In addition, the **ODIHR** conducted pilot research on Kazakhstan and the incidence of trafficking for labour and sexual exploitation in September 2005, which considered some of the factors contributing to the demand for exploitable labour. This year a major research project in co-operation with the **ODIHR Migration Unit** and the **OCEEA** is to be launched in Kazakhstan. It will consider many of the factors contributing to the exploitation of migrants in Kazakhstan including those underpinning the demand for exploitable labour and services.

Other examples of applied and practical research include the publication of the “National Referral Mechanisms. Joining Efforts to Protect the Rights of Trafficked Persons. A Practical Handbook” in 2004, which focused on standards and models for responses to anti-trafficking within a framework of partnership between State authorities and civil society. The **ODIHR** also conducted or is conducting NRM assessments in countries not hosting an OSCE presence (i.e. France, the United Kingdom, Russia, and Turkey) involving national research institutions and/or experts in close co-operation with State authorities to reinforce the local ownership and sustainability of the research and its recommendations. In a similar effort, the **ODIHR** has also partnered with the **Centre in Almaty**, the **Office in Yerevan**, the **Mission to Georgia**, and, more recently, with the **Office in Minsk** to conduct NRM assessments.

The **ODIHR** has organized a number of events for the purpose of sharing new research in the field of combating THB. At recent OSCE anti-trafficking focal point meetings, it invited researchers to present new materials on trafficking for forced labour, measures to protect undocumented migrants, NRM assessments conducted in Georgia, Turkey and Russia and trial monitoring projects conducted in Macedonia, Bosnia and Kosovo. The **ODIHR** has also hosted a series of side events during Human Dimension Implementation Meetings to present new developments including research. At the Human Dimension Seminar: “Migration and Integration” (May 2005) it hosted a side event on exploitation in Western Europe at which new research was presented on the exploitation of undocumented migrants in domestic work, hotel and catering, agriculture and construction in Belgium, Switzerland, France and Spain. The event also provided an opportunity to present some of the factors underpinning the demand for cheap, unprotected labour in Western Europe. At the Human Dimension Implementation Meeting (September 2005) it organized a side event on the return of trafficked victims to countries of origin at which was presented research on re-trafficking rates to the United Kingdom and assessments of ill-treatment on return to countries of origin. At the Human Dimension Seminar: “Upholding the Rule of Law and Due Process in Criminal Justice Systems” (May 2006), it hosted a side event on the trafficking victims and criminal justice, presenting recent findings from trial monitoring research in Moldova and Albania and an overview of rights protection for trafficked victims involved in criminal proceedings in Germany.

The **OCEEA** has not been engaged in data collection on THB. However, within the framework of promoting the “Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism,” contact databases have been developed containing information on government

institutions, NGOs, companies and business associations in Bulgaria, Romania, and in Montenegro and Albania respectively, in partnership with the **Office in Podgorica** of the **Mission to Serbia and Montenegro** and with the **Presence In Albania**.

The **Mechanism** fosters exchange on data collection and research primarily through the high-level conferences organized under the auspices of the **Special Representative** in Vienna, which bring together prominent experts in various aspects of prevention, protection and prosecution. Partner NGOs are able to disseminate new research/reports at such events. The **Special Representative** has also hosted meetings of the **AECT** at regular intervals throughout 2005 and 2006 to share new research findings of the Organizations participating in the **AECT**.

Field operations have been involved in data collection activities and in some instances have provided support to local civil society organizations to carry out work on specific research topics. The **Centre in Almaty** in partnership with **ODIHR** funded a local organization to conduct a study on the situation of THB in Kazakhstan, with a particular focus on trafficking for forced labour. The **OSCE Office in Yerevan** provided expert support to two national NGOs to conduct a comprehensive sociological research aimed at revealing the level of trafficking awareness among institutionalized children and graduates of orphanages as well as special schools, and cases of trafficking among these populations; and to assess the level of awareness among different social groups in Armenian society about the phenomenon of THB. The **Mission to Bosnia and Herzegovina** has, since the end of 2005, been involved in setting up a comprehensive data collection mechanism under the Office of the State Coordinator, involving work with several ministries and institutions. The first version of the database will be released in early 2007.

In addition, **field operations** have provided information for the SEERights Report, have facilitated translation, publication and distribution of NRM Assessment Reports as well as legal documents, and have provided input into reports and publications of other NGOs and IOs and have also facilitated dissemination of research in the host country.

IV.6.2 Tasking ODIHR's Contact Point in Roma and Sinti with continuing to gather data regarding trafficking in human beings, especially children, and its effects on Roman and Sinti communities.

The ODIHR Contact Point on Roma and Sinti Issues and the Anti-Trafficking Programme sponsored research related to THB in Roma communities in Romania, Albania, the Former Yugoslav Republic of Macedonia, and Serbia and Montenegro. Findings were presented at the **ODIHR Regional Round Table** in October 2004 organized in partnership with the **Mission to Serbia and Montenegro** in Belgrade reflected in the position paper "Awareness-raising for Roma Activists on the Issue of Trafficking in Human Beings in South-Eastern Europe". A second regional round table is planned for the second half of 2006, in partnership with the **Presence in Albania**.

IV. 7 ADDRESSING ROOT CAUSES OF THB

IV.7.1 The OCEEA will support the promotion and the development of national public information resource centres to allow individuals to check the legitimacy of businesses, particularly those advocating employment abroad, while avoiding overlap with existing Chambers of Commerce facilities or other business registration offices. The OCEEA can function as an intermediary, collecting examples of best practices on easily accessible legitimacy checks and distributing them to interested participating States and/or OSCE field operations.

The **OCEEA**, in co-operation with the **OSCE Presence in Albania** and GTZ targeted the project on Supporting Business and Employment Opportunities for At-Risk Women in Albania to young, unemployed women and potential victims of trafficking in the economically depressed regions of Northern Albania.

The new joint **ODIHR/OCEEA** programme with the **Presence in Albania**, “Combating THB through Economic Empowerment and Protection Measures,” involves state institutions including vocational training, employment and hospitality centres. The **OCEEA** and the **Presence in Albania** aim to provide assistance to those institutions to improve their services for women and to identify local economically viable jobs for them.

The joint project of the **OCEEA** and the **Project Co-ordinator in Ukraine** “Economic Empowerment for Ukrainian Orphans” aims both at increasing awareness and capacity of relevant public actors and at mobilizing the private sector with a view to creating economic empowerment opportunities for vulnerable and disadvantaged young population groups at risk of trafficking.

7.2 The OCEEA will continue to promote SMEs training and to target it in particular to high risk groups, including by assisting in the development of legislation to reduce barriers to the establishment of SMEs.

The **OCEEA** initiated a number of economic empowerment projects to promote SMEs through the OSCE region including activities conducted in partnership with the **Presence in Albania**, the **Office in Baku**, and with local partners in Romania.

IV.7.3 The OCEEA should develop programmes to tackle economic factors that increase the vulnerability of women and minorities to trafficking, including discrimination in the workplace and lack of access to credit.

The beneficiaries of the **OCEEA** project activities are vulnerable groups which are at risk of being trafficked. These are in particular women and children. Examples include the implementation of the Youth Career Initiative in Romania, which involved co-operation with the business community, (e.g. Marriott Bucharest Grand Hotel), for a six month vocational training programme organized within the hotel industry for disadvantaged youth resulting in the provision of marketable skills and increased labour market accessibility.

In Ukraine, **OCEEA**'s pilot project on the "Economic Empowerment of Ukrainian Orphans" strengthened the capacity of youth employment centres to work with the private sector and place orphans in jobs with growth potential, and thereby led to the Ministry of Youth, Family and Sports incorporating the project experience into its 2007 programming for replication in other municipalities.

IV. 8 AWARENESS-RAISING

IV.8.1 The **ODIHR** and, where appropriate, field operations, will continue to contribute to research efforts as well as promoting and carrying out awareness-raising initiatives in co-operation with relevant partners throughout the OSCE region.

The **ODIHR** participated fully in the completion of this report, and has also written a separate report covering the activities of its anti-trafficking programme.

Within target groups, the **ODIHR** focuses on rights awareness of vulnerable groups and trafficked persons. Additionally, the **ODIHR** is broadening the scope of organizations which have traditionally been used to reach out to vulnerable groups and trafficked persons and enhance their awareness (trade unions, migrants' rights organizations, etc.).

The **OCEEA** has been involved in awareness-raising activities. As a preventive measure, the **OCEEA** conducts some activities to raise the awareness of trafficking in countries of destination, in particular in Western countries. In Vienna, the **OCEEA** supported the promotion and screening of the film "Lilja 4-Ever", bringing together representatives from government, civil society, media, the private sector and the general public. The **OCEEA** also supported an exhibition on the Sexual Exploitation of Children and the Code of Conduct for the Protection of Children in Travel and Tourism at Vienna airport.

Field operations have reported a wide range of public awareness activities directed towards diverse target populations. The target audiences for public awareness programmes are quite broad and include both potential victims as well as those engaged in anti-trafficking activities – both service providers and policy makers. Some of these target audiences have included high school students/youth; Roma community; rural women; NGO staff; border guards; police/law enforcement officials; immigration officials; consular officials; judges and prosecutors; journalists; teachers; healthcare professionals and social workers.

Public awareness programmes took on multiple forms which were reflective of the target audience as well as the message. The **Centre in Almaty** provided organizational and financial assistance in the preparation, planning and implementation of the first regional Central Asia anti-trafficking conference working closely with the **Mechanism**, other **OSCE Centres in Central Asia**, the **ODIHR**, as well as with the host country. The **Mission in Kosovo** engaged in several initiatives aimed at raising awareness about violence against women and informing about legal protection measures available for victims (e.g. 2004 awareness campaign on Violence Against women and 2005 information campaign targeting children conducted with the Ministry of Justice, Education, Science and Technology). The **Spillover Monitor Mission in Skopje** supported twelve local NGOs promoting awareness on THB

through training workshops and public education campaigns. The **Project Co-ordinator in Ukraine** organizes regular training for consular officials on the problem of human trafficking and in partnership with **ODIHR** and the **Mechanism** supported the development of a media tool-kit. These programmes, designed specifically for this audience, provide detailed information on measures to be taken to assist potential trafficked victims, as well as tools and skills to respond to instances of THB. The **Centre in Dushanbe** implemented the project, “Training on Human Trafficking Reporting for Journalists,” aimed at increasing the level of awareness on THB issues and motivating journalists to investigate and report cases of THB. In co-operation with a local NGO, the **Office in Podgorica** of the **Mission to Serbia and Montenegro** organized a series of educational seminars for teachers, healthcare professionals and social workers to increase their knowledge on THB and to enable them to increase awareness and understanding among young people. In **Moldova**, with support provided by the **Mission**, the NGO Save the Children, in partnership with the Ministry of Education, implemented the project, “In the World of Lost Steps”, which aimed at raising awareness of trafficking and empowering at-risk children from rural and urban areas.

Except in very few instances, it is not possible from the responses given to determine the extent to which awareness-raising programmes target different forms of trafficking, and most references to content appear to focus on trafficking for sexual exploitation. Most programmes appear to be one-time events, and it is therefore difficult to measure the impact of these types of activities and the extent to which they empowered vulnerable persons to claim their rights or enabled them to make informed decisions about employment opportunities.

IV.8.2 The Press and Public Information Service (PPIS) will help to raise the media awareness of OSCE activities in the field of trafficking. The ODIHR will enhance 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. Training will stress the complexity of the phenomenon of trafficking and the need for a comprehensive response.

The ODIHR raises awareness primarily through its website, press releases and feature stories, as well as through various publications.

The PPIS hosts groups of visitors on a variety of exchange programmes and includes THB as one part of their introduction to the work and activities of the OSCE. As an example, one recent visit of Russian journalists resulted in follow-up interviews concerning the OSCE approach to combating THB.

IV.8.4 The OSCE Training Co-ordinator, the Senior Adviser on Gender Issues and the Senior Security Co-ordinator will continue to use the induction course to develop and implement staff training on gender issues, THB and on relevant guidelines and regulations, in co-operation with the ODIHR and to organize special workshops in the field. Heads of Field Operations will ensure that attendance at such training courses will be compulsory for all staff.

The ODIHR has included a full session on THB into its Human Dimension Induction Course, held in Warsaw for OSCE field staff.

Prior to the creation of the **ATAU**, the **Senior Adviser on Gender Issues**, in partnership with the **Training Section**, was conducting courses on THB in the General Orientation (GO) Programme. The GO, organized by the **Training Section**, contains one module entirely dedicated to THB and is facilitated by one training officer and one **ATAU** adviser. The module was revised in 2006 in co-operation with the **ATAU**. In 2006, the **Training Section**, with substantive input from the **ATAU**, assisted with the preparation of a “Specialization Course in the Framework of the Mission Preparation Training Programme for the OSCE on Combating Human Trafficking in the OSCE Area,” for the Austrian Study Center for Peace and Conflict Resolution (ASPR), Burg Schlaining.

Staff members are also sent to other training events where gender and THB issues are discussed. In some cases, **field operations** - either on their own or in partnership with the **Senior Adviser on Gender Issues** - have conducted training/awareness-raising for their own mission staff on THB and the OSCE Action Plan. **Anti-Trafficking Focal Points** attend focal point meetings and Human Dimension meetings as well as other OSCE events/conferences.

IV.8.5 The OCEEA will help to mobilize and strengthen the private sector’s efforts to combat THB by raising awareness and by identifying and disseminating best practices such as self regulation, policy guidelines and codes of conduct.

The **OCEEA** identified as a best practice of self regulation in the private sector the “Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism”. This was elaborated by ECPAT together with the UN World Tourism Organization and the EU, and funded by UNICEF. Furthermore, the **OCEEA** initiated pilot projects to introduce the Code of Conduct in Romania and Bulgaria, and with the **Office in Podgorica** of the **Mission to Serbia and Montenegro** and the **Presence in Albania**. The second phase of this project will now aim to train industry staff in implementing the principles of the Code of Conduct.

III. 3. PROTECTION AND ASSISTANCE

This section will describe the work of the **OSCE bodies** in supporting the participating States in the implementation of their commitments to assist victims of trafficking and protect their rights. Rather than portraying the activity of each OSCE body in this field, this section highlights the tasks that the Action Plan sets before the **OSCE bodies** and examines what is done to implement them.

The Action Plan reflects the OSCE comprehensive and rights-based approach to combating THB, reconfirming the MC Porto Declaration which affirmed that “the dignity and human rights of victims must be respected at all times”¹¹.

The Action Plan recommends that the participating States establish a legal basis for rendering assistance and protection to victims and develop National Referral Mechanisms to protect and promote the human rights of victims. It recommends, *inter alia*, that appropriate procedures for victim identification be developed and that housing, documents, social and legal assistance, legal status, support in repatriation, rehabilitation and re-integration be provided to all trafficked persons with due attention to the special needs of child victims.

In the “Protection and Assistance” chapter of the Action Plan, the majority of the provisions are addressed to the participating States as it is considered part of each State’s duty to protect victims’ rights and provide assistance to them, while the **OSCE bodies** are tasked to assist, upon request, in the implementation of these commitments. Tasks for the **OSCE bodies** relate to five broad areas of work: national referral mechanisms, re-integration, protection of children, training and legislative measures. These are essentially areas where the OSCE helps in strengthening local capacities and building local institutions; this section will provide examples of the activities in the OSCE region.

National Referral Mechanisms

V. 12. NATIONAL REFERRAL MECHANISMS

V.11.1 Enhancing the activities of the OSCE, especially the **ODIHR**, in assisting the participating States, upon their request, in establishing the NRM.

The Action Plan calls on the participating States to establish National Referral Mechanisms “by creating a co-operative framework within which participating States fulfil their obligations to protect and promote the human rights of trafficked persons in co-ordination and strategic partnership with civil society and other actors working in this field”¹². NRMs are needed in countries of origin and destination to ensure that trafficked persons, who are victims of crime, are treated appropriately, assisted, protected and provided access to justice, as is their right.

In the last few years the OSCE, notably through the **ODIHR**, has supported the participating States in enhancing their capacities to identify, protect and assist trafficked persons. The **ODIHR** has taken the

¹¹ MC Declaration on Trafficking in Human Beings, Porto 2002.

¹² The OSCE Action Plan to combat trafficking in human beings, Chapter V.3.3.1

leading role in this process by developing the NRM concept, advocating for its endorsement by the participating States, and finally providing States, when requested, with practical guidelines and training needed to design such mechanisms and to more effectively protect the rights of trafficked persons. Other **OSCE bodies**, namely **the Mechanism** and **field operations**, have also actively engaged in this process and contributed to promoting the NRM concept and its implementation.

The **OSCE bodies** support the establishment of NRMs in the OSCE region both at policy and operational levels, including through:

- Advocacy efforts;
- Supporting the establishment of national anti-trafficking structures;
- Assessments of practices in victim identification, referral to assistance, protection and access to justice (i.e. NRM assessments);
- Activities aimed at fostering co-operation between government bodies and NGOs;
- Capacity and institution building activities;
- Technical assistance in drafting/reviewing national legislation and/or standard operating procedures of victim protection and referral to support services and/or agreements institutionalizing co-operation between State bodies and civil society organizations.

Such a range of activities implies that the **OSCE bodies** engage in complex work, assisting the participating States in establishing processes and developing mechanisms to concretely respond to individual cases of trafficking in persons.

Advocacy Efforts

The **ODIHR**, often in partnership with **field operations**, has promoted the understanding of the NRM concept and the guidelines for its implementation through meetings and workshops for State authorities, civil society and other actors involved in anti-trafficking work. The NRM handbook has been translated into numerous languages in the OSCE region (including Russian, French, Turkish, Uzbek, Macedonian and Albanian). All **field operations** engaged in the publishing and/or distribution of the NRM handbook among State authorities and civil society of the host country.

At the policy level, the **Special Representative** has also promoted the establishment of NRM both during country visits and at the European Union level. The success of joint advocacy efforts of the **Special Representative** and the **ODIHR** at the EU level is reflected in the recently adopted “EU Plan on Best Practices, Standards and Procedures for Combating and Preventing Trafficking in Human

Beings”¹³, which calls on Member States to ensure that appropriate referral mechanisms are in place to identify trafficked persons and refer them to support services.

Supporting National Anti-Trafficking Structures

The **Special Representative**, in partnership with the other **OSCE bodies**, has taken the lead in advocating with the participating States for the establishment of specific national structures to devise concrete preventive, protective and repressive measures tackling all outcomes of trafficking (i.e. national plans of action). Such advocacy has produced concrete results which take the form of State initiatives in the establishment of mechanisms to co-ordinate and monitor national anti-trafficking activities (i.e. including national co-ordinators, interagency commissions, task forces).

All **field operations** render support to and co-operate with the national mechanisms responsible for the development of the host country’s anti-trafficking policy and for co-ordinating national efforts in this field. Moreover, in many instances field operations have been instrumental to the establishment of such structures and participate in their working sessions as observers. An interesting example is provided by the **Mission to Bosnia and Herzegovina**, which since 2003 has seconded one national staff member to the Office of the State Co-ordinator on THB issues in order to strengthen its capacity; through this secondment the Mission has enhanced its partnership with national authorities and conducted numerous capacity building activities for various professionals.

NRM Assessments

In consultation with the participating States, the **ODIHR** started a series of NRM assessments in countries of origin and destination. The aim is to assess the general trafficking situation in a country (including the incidence of trafficking for forced labour), anti-trafficking structures and policy, as well as practices in identification, access to justice for trafficked persons, protection of their rights and judicial interpretation of anti-trafficking legislation. Such assessments help provide a good knowledge basis for the authorities to improve policies, legislation, if necessary, and practices.

Several **field operations** have also engaged, often in partnership with the **ODIHR**, in conducting NRM assessments through examining practices in identification, referral, provision of housing, social and legal assistance, protection of victims’ rights throughout the assistance process and during their participation in investigation and prosecution (e.g. the **Mission in Georgia**, the **Project Co-ordinator in Ukraine**, the **Office in Yerevan**, and, more recently, the **Office in Minsk**, the **Centre in Dushanbe** and the **Mission in Kosovo** are planning such activities).

Fostering Interagency Co-operation

In most cases the **ODIHR** and the field operations (e.g. the **Mission to Serbia and Montenegro**, the **Mission to Moldova**, the **Mission to Georgia**, the **Office in Yerevan**, the **Centre in Almaty**) have organized round tables with national stakeholders (i.e. State authorities, civil society and other actors

¹³ 2005/C 311/01.

involved in anti-trafficking work) to present findings from the NRM assessments on gaps in victim identification and referral to support and to examine the role of different actors in these processes. Such events contribute to raising common understanding of the issues, developing good communication and strengthening operational networks among practitioners, and lead to more effective interagency co-operation. In other cases, field operations have organized seminars and/or study tours for representatives of State structures and NGOs involved in anti-trafficking work with the aim of learning from other experiences and good practices; such initiatives also crucially contribute to enhance co-operation and co-ordination among NGOs and State authorities (e.g. the **Centre in Tashkent**, the **Centre in Bishkek**, the **Mission to Georgia**).

Co-operation Agreements and Standard Operating Procedures

Several field operations - sometimes in partnership with the **ODIHR** and/or the **Mechanism** - have provided or are providing substantial expertise and technical assistance to the host country in the drafting of standard operating procedures for the appropriate treatment of trafficked persons or in the development of co-operation agreements (memoranda of understanding) among state institutions and NGOs involved in victim identification, assistance and protection (e.g. the **Mission in Kosovo**, the **Mission to Bosnia Herzegovina**, the **Mission to Serbia and Montenegro – including the Office in Podgorica** – and, also, the **Presence in Albania**). The **Mission in Kosovo**, for example, was the first to develop standard operating procedures for foreign victims in 2001, and in 2006 updated the procedures specifically for local child and adult victims.

Capacity and Institution Building

The **ODIHR** is engaged in numerous capacity and institution building activities addressed to relevant State authorities, civil society and other actors. The aims are better identification, assistance and protection of trafficked persons, and improved access to justice and remedies for victims. These activities include:

- training and exchanges of experiences among practitioners, including exchanges between civil society and lawyers from countries of origin and destination to strengthen their collaboration and capacity to work together, as well as to develop strategies for increased legal representation of trafficked persons;
- meetings to present findings from research on victims' access to justice and protection of their rights in criminal and administrative proceedings to identify and promote good practices, as well as to develop strategies on improving protection of victims' rights;
- gathering data on different countries' approaches to risk assessment and the reality of risk on return to countries of origin for trafficked persons.

Most **field operations** together with the **ODIHR** or on their own have engaged in supporting local NGOs that assist victims of trafficking and manage helplines, as well as in activities of capacity

building and training of professionals (e.g. the **Mission to Serbia and Montenegro** including the **Office in Podgorica**, the **Presence in Albania**, the **Spillover Monitor Mission to Skopje**, the **Mission in Kosovo**, the **Mission to Moldova**, the **Project Co-ordinator in Ukraine**, the **Office in Baku**, the **Mission to Georgia**, the **Centre in Bishkek**, namely the **Osh Field Office**).

A good example is the NRM work conducted by the **Mission to Serbia and Montenegro**, which supported the establishment of the Serbian State Agency for Co-ordinating Protection to Trafficking Victims, operating under the Ministry of Labour and co-operating closely with other local authorities and NGOs. The Agency co-ordinates the whole process of identification, needs assessment, referral to support services and liaison with the authorities. The Mission continues to provide expertise and training to local professionals, when requested.

Another positive example is the work of the **Spillover Monitor Mission to Skopje** which, in 2005, initiated a similar project in co-operation with the Ministry of Labour and Social Policy aimed at improving the identification mechanism and the co-ordination of the assistance provided to THB victims. Additionally, the Mission strategically supports the operation of the first NGO-managed safe house for trafficked persons.

The **Mission to Bosnia and Herzegovina** and the **Mission to Moldova** have also engaged in NRM work. The former assisted the Office of the State Co-ordinator on anti-trafficking issues in enhancing its co-ordinating and information management functions and handed to the Co-ordinator a database outlining the existing referral mechanisms for victim identification, protection and assistance, as well as related laws. The latter assisted in the development of NRM in Moldova by supporting the local NGO La Strada to develop a database of social assistance providers for victims of trafficking and publications dedicated to NRM and related issues. The Mission, in partnership with the **ODIHR** and the **SPMU**, complemented this work with training activities for judges, prosecutors and police on human trafficking issues, as well as with technical expertise on the development of anti-trafficking legislation.

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| <p>V. 11. 2. Tasking the Strategic Police Matters Unit, together with the ODIHR, with the further development of guidelines or a manual on the identification of suspected victims and of evidence of THB, in order to assist participating States, as appropriate.</p> |
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Victim identification is a key element of NRM and is the prerequisite for protection of trafficked persons as victims of crime. It requires, among other things, the development of adequate professional capacities of State structures to put an end to the exploitative and abusive situation in which trafficked persons find themselves, and to enable their appropriate identification and treatment. It also calls for strengthened assistance schemes and conditions, which would contribute to individual victims coming forward and identifying themselves as victims of a crime.

The Action Plan recognises the challenges in current State practices of identification and calls on the **SPMU** and the **ODIHR** to assist with the development of identification guidelines. Hitherto, several agencies, governmental and non- governmental, have developed guidelines and manuals on victim

identification for various professional groups; therefore, the **ODIHR**, before engaging in the implementation of this task has decided to conduct an in-depth assessment of needs.

The **SPMU** has co-operated with other police experts to compile a list of indicators to identify victims of trafficking for sexual exploitation, which could also serve as a basis to recognise manifestations of trafficking for other forms of exploitation. The **SPMU** has also advocated for the development of guidelines that aim at the detection of the crime of trafficking not only of victims, and has called for more efforts from law enforcement in devising indicators of the crime and the perpetrator. According to the **SPMU**, this endeavour would contribute to increase the effectiveness of anti-trafficking work.

V.12. RE-INTEGRATION

V.12.1 The **OCEEA** will facilitate contacts between public and private actors with a view to encouraging the business community to offer job opportunities to victims of trafficking.

In the field of re-integration of trafficked persons into society, the Action Plan identifies a very specific task for the **OCEEA** that is to promote employment of trafficked persons in the private sector. The **OCEEA** has found this task challenging because supporting the job insertion of trafficked persons requires a complex and multidisciplinary intervention for which NGOs are often best placed. Therefore, the **OCEEA** is approaching this task by planning a pilot project to support a specialized victim assistance NGO in developing a small agro-tourism business to train and employ trafficked persons in Romania.

Field operations are also often engaged in supporting local NGO projects or local services to assist victims of trafficking and support their social inclusion (e.g. the **Mission in Kosovo**, the **Presence in Albania**, the **Spillover Monitor Mission in Skopje**, the **Mission to Moldova**, the **Project Co-ordinator in Ukraine**, the **Centre in Bishkek**).

V.13. PROTECTION OF CHILDREN

V.13.1 The OSCE as a whole shall give special attention to the issue of trafficking in children and to recognizing the vulnerability of unaccompanied children. Efforts should be made to develop co-operation with specialized international agencies, especially the UNICEF and relevant international NGOs, on expert meetings, research and the development of guidelines promoting the best interest of the child.

The OSCE has recognized that children represent a growing vulnerable group at risk of exploitation and has therefore called on the participating States to strengthen policies and programmes to prevent trafficking in children, to reduce children's vulnerability by promoting a protective environment, and to enhance specialized assistance and protection of child victims in accordance with their best interest¹⁴.

¹⁴ Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings: Addressing the Special Needs of Child Victims of Trafficking for Protection and Assistance, PC.DEC/557/Rev.1.

In line with the OSCE commitments on child trafficking, the majority of the **OSCE bodies** have increased their work to assist the participating States in this field. Such efforts range from raising the political and public profile of combating child trafficking, to providing expertise and advice to the participating States, promoting the adoption and use of relevant international instruments, engaging in awareness-raising and research activities, strengthening the partnership with UNICEF and other relevant international agencies and NGOs.

At the policy level, the **Special Representative** significantly contributed to advance the OSCE agenda on combating child trafficking through numerous activities in partnership with the **OSCE bodies** and IOs, including: expert consultations; active support and technical assistance to the IWG; two high-level conferences on child trafficking; and advocacy efforts throughout the OSCE region for the adoption and use of UNICEF Guidelines on the Protection of Child Victims of Trafficking and Save the Children Statement of Good Practice for Separated and Unaccompanied Children.

The **ODIHR** has similarly enhanced co-operation with agencies having specific expertise on child rights, advocated for the adoption and use of the existing international guidelines on protection of children (see above) and has developed a programmatic focus on prevention of child trafficking in Roma communities.

The **SPMU** has contributed to the initiatives of the **Mechanism** and has also specifically provided police expertise to the development of training materials such as the IOM and the Austrian Federal Ministry of Interior “Resource Book for Law Enforcement Officers on Good Practices in Combating Child Trafficking”.

The **OCEEA** joined efforts with ECPAT and UNICEF and promotes the implementation of the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism in South Eastern Europe.

The **field operations** have also significantly contributed to advancing the OSCE work against child trafficking through advocacy and technical assistance to their host countries, support for NGO projects and close co-operation with relevant agencies in the field. Examples of such activities include:

- Expert participation in the inter-ministerial working groups on child trafficking established by the host countries, especially in South Eastern Europe (e.g. the **Presence in Albania**, the **Spillover Monitor Mission in Skopje**, the **Mission to Bosnia and Herzegovina**, the **Mission to Serbia and Montenegro** and the **Mission to Moldova**). In some cases field operations have also been actively promoting and supporting the creation of such working groups;
- Co-operation with UNICEF to translate and disseminate the guidelines on the protection of child victims of trafficking (the **Mission to Georgia**);
- Funding and supporting NGO projects aiming at the development of a comprehensive system for protection of child victims (the **Mission to Moldova**), providing child victims with direct assistance

and support to social inclusion (the **Mission in Kosovo**), reducing vulnerability of children to THB (the **Mission to Georgia**, the **Project Co-ordinator in Ukraine**), training of professionals involved in direct assistance to child victims and development of a child-friendly referral system (the **Spillover Monitor Mission in Skopje**);

- Interagency co-operation and co-ordination with locally present IOs and NGOs;
- Research activities on awareness of THB among institutionalized children of orphanages and special schools in Armenia (**Office in Yerevan**) and on the trafficking implications of internet usage among children and youth in Serbia (the **Mission to Serbia and Montenegro**);
- Prevention work with vulnerable youth groups (e.g. economic empowerment of orphans is the goal of a joint project of the **OCEEA** and the **Project Co-ordinator in Ukraine**).

V.14. TRAINING

V.14.1 Tasking the **OSCE Training Co-ordinator** and the **Senior Adviser on Gender Issues** and the **Senior Security Co-ordinator**, in co-operation with the **ODIHR**, with developing information material on how to assist victims of trafficking, especially children, in response to requests either from individuals or governmental and non-governmental bodies, and with providing relevant training for OSCE mission members. The material might also be disseminated to military personnel, peacekeepers and other international staff in the field.

The General Orientation (GO) Programme of the **Training Section** in the Secretariat includes a THB module, which promotes zero tolerance to THB and contributes to ensuring that each OSCE staff member is familiar with the issue of human trafficking and aware of his/her duties and responsibilities, as specified in the Code of Conduct for OSCE officials and related rules and instructions. The training module is built on a close partnership of the **Training Section** and the **Mechanism** (see also section I.3 Co-operation and Co-ordination). Another example is the **ODIHR** Human Dimension training for OSCE staff of field operations, every three months in Warsaw.

Neither the **Training Section** nor the **Senior Adviser on Gender Issues** has received requests for materials on how to assist victims of trafficking and no action has been taken to develop them. The **Training Section** also noted that the Action Plan is particularly challenging because it requires the **Training Section** to have very specific expertise in order to develop materials on victim assistance, and therefore requires partnership with other structures with this technical expertise. In this area the **Spillover Monitor Mission to Skopje** organized training on THB for Mission Members. The training consisted of the screening of the film "Lilja 4-Ever", followed by a panel discussion on issues related to human trafficking, the revised OSCE Code of Conduct and the Action Plan.

V.14.2 Tasking the **ODIHR** with the collection and dissemination of information on measures, training programmes and materials already in place in OSCE participating States.

Through its work the **ODIHR** has developed a library of training materials for different professionals, such as law enforcement, judiciary, labour inspectorates, migrants' organizations and immigration services, social workers, medical staff, outreach and shelter NGOs. In several instances the **ODIHR** has also provided comments and expertise on the training materials during the development stage. Such resources are regularly shared with all **OSCE bodies** and, where relevant, with local partners in the participating States. They are also, where appropriate, being used in **ODIHR** awareness-raising and capacity building activities.

The **Mechanism** has also developed a comprehensive digital library on THB issues available for delegations, **OSCE bodies** and the general public, upon request.

V.15. LEGISLATIVE MEASURES

VI.15.1 In co-ordination with the United Nations Office on Drugs and Crime, the Council of Europe and other relevant actors, the **ODIHR** will continue to assist participating States, upon their request, in bringing their national legislation into compliance with international norms and standards, particularly by promoting a humanitarian and compassionate approach to the victims of THB.

The **ODIHR** has undertaken extensive work in the field of legislation and has provided technical assistance to numerous participating States in reviewing their criminal codes or other legal acts to comply with international anti-trafficking legal standards (for a more detailed account of such activities, please refer to the section "Investigation, Law Enforcement and Prosecution" in this chapter).

IV. NEXT STEPS: CHALLENGES AND RECOMMENDATIONS FOR OSCE BODIES AND INSTITUTIONS

The analysis of the framework (PC and MC Decisions – See Annex) and operational context for OSCE activities proves the comprehensiveness of the anti-trafficking political commitments. Nevertheless, the results achieved in combating THB throughout the OSCE region are still limited, and the process of translating commitments into actions is far from being completed. In this regard, the discrepancy between the growing numbers of Decisions and the limited investments at the national and local levels as well as the discrepancy between the growing number of tasks to the **OSCE bodies** and the level of resources available to implement these tasks cause serious concern. The elaboration of new commitments does not necessarily lead to tangible results in combating THB. The core problem rests not with the number of Decisions, but in their comprehensive implementation. This appraisal does not exclude the development of additional measures to be agreed by the participating States, if needed, to address current and upcoming threats and challenges. Furthermore, the development of new commitments should be co-ordinated with other existing international obligations in such a way to ensure that commitments are not contradictory and rather reinforce each other, thus facilitating implementation at the national level.

The OSCE efforts are often met with long-term and short-term challenges of internal and external nature. Some of the challenges require serious improvements in the human rights area and can be dealt with only on the basis of constructive co-operation and continuous dialogue with the States concerned. The external challenges may be related to local political, economic, social, legal, cultural and other constraints, and/or to the level of co-operation with the State concerned, while internal challenges may be linked to the capacity of any of the **OSCE bodies** implementing the Decisions taken by the participating States and related to funding, mandates, requests, priorities, and other parameters. The main responsibility in combating THB resting with the participating States, the catalyst role of the Organization in this area thus largely depends on the good will of all the fifty-six countries to welcome OSCE expertise and the full range of supportive tools to enhance anti-trafficking efforts – East and West of Vienna.

In this regard, and taking into account that the report focuses largely on the efforts undertaken by the **OSCE bodies**, references to external challenges are included in this final chapter in the context of their impact upon the OSCE activities.

This concluding section will summarize challenges faced by the **OSCE bodies** in the implementation of the Action Plan and will offer recommendations which may help to overcome shortcomings and ensure that the **OSCE bodies** fully implement their mandates in assisting the participating States and improve the overall effectiveness of combating THB in the OSCE region.

Translating Policy into Action

The Action Plan is meaningful only so far as the recommendations are implemented, and in this process, **OSCE bodies** face considerable challenges. The OSCE is engaged in numerous and diverse areas related to anti-trafficking efforts, pursued by a variety of bodies. Such efforts have grown in recent years and their efficiency and efficacy can be improved to further engage the participating States in advancing the implementation of the commitments. The OSCE often acts as a catalyst in policy and decision-making processes at the national and regional levels; however such an important contribution is not always easy to measure and appreciate consistently. And finally, OSCE anti-trafficking work has been primarily conducted in countries hosting a field operation and only over the last two years has a more geographically balanced approach within the OSCE region been pursued.

Recommendations

1. Anti-trafficking efforts of the **OSCE bodies** are mostly implemented within a particular national context, and therefore all the **OSCE bodies** should further engage in overall co-operation with the participating State concerned at all stages of the implementation of their programmatic activities. This is the prerequisite for any sustainable result, be it in the area of prevention, legislative reform, establishment of NRMs or other similar endeavours.
2. A more coherent and strategic approach to the overall OSCE anti-trafficking work is needed in order to enhance the efficiency of efforts. A first step is to improve the process of consultations at the working level among the **OSCE bodies** to elaborate a common set of priorities. The **Mechanism**, in co-operation with the other **OSCE bodies**, should enhance its co-ordinating role, establishing a more structured modality of co-operation, including regular meetings, follow-up reports, systematic exchanges of information (i.e., newsletter and calendar of activities) and sharing of research; this will serve to ensure OSCE programmatic co-ordination to fulfil the terms of the Ministerial Council Decision No. 3/06, Combating Trafficking in Human Beings¹⁵. As an example, in addition to the annual anti-trafficking focal point meeting hosted by the **ODIHR**, the **Mechanism** should initiate one anti-trafficking focal point meeting to be held each spring, before the submission of the Programme Outlines. The meeting should serve to discuss programmatic activities with the **OSCE institutions, structures and field operations**, to plan and jointly set priorities, as well as to identify and respond to the field operations' needs for capacity building and policy making. In like manner, a dedicated meeting with each **Chairmanship** should be convened at an appropriate time. Furthermore, the **Mechanism**, in co-operation with the **ODIHR**, the **OCEEA**, the **SPMU**, and after consulting with the upcoming **CiO** on new priorities, can incorporate such issues into the major OSCE events convened in co-operation with other international organizations. The approach used by the **OCEEA** in relation to the organization of the Economic Forum could serve as a model.
3. The **Mechanism** should increase co-operation with the delegations in Vienna in terms of

¹⁵ OSCE Ministerial Council Decision No. 3, adopted on 21 June 2006, MC.DEC/3/06.

providing more substantive levels of information as a way of drawing their attention to the issue. Thus it would intensify dialogue with the capitals to generate political will and offer technical assistance when requested. This can be done for example via the **Informal Working Group on Human Protection and Non-Discrimination** by inviting experts from governmental institutions, NGOs or members of the *Alliance* to give presentations on specific subjects of the Action Plan. Substantive input by experts via the IWG can also contribute to the development of future policy decisions.

4. The **OSCE bodies** should engage in more concerted efforts to spur the implementation at national level of the anti-trafficking commitments, for example as a follow-up to country visits paid by the **Special Representative** or to NRM assessments conducted by the **ODIHR**. Such activities could include round-table discussions with national stakeholders to advance the implementation of the Action Plan, especially in countries not hosting a field operation.
5. The **OSCE bodies** are encouraged to further co-operate in defining common “packages” of technical assistance services that can be communicated in an easy fashion to the delegations, the participating States, and other stakeholders. Such services could include country assessments, project development, legislative review, identification of experts and policy-making aids.
6. In setting priorities, further efforts can be made to enhance a geographically balanced approach within the OSCE region. The **Mechanism** has engaged in extensive and direct consultations with government officials from the majority of the participating States and should pursue this approach further. The initial steps of the **ODIHR** and the **OCEEA** in destination countries and/or countries not hosting a field operation should continue, and lead to closer co-operation with the participating States. The **SPMU** potential for assisting those countries in their anti-trafficking activities should be explored.
7. In order to pursue a more coherent approach, practices of the **OSCE bodies** in conducting needs assessments, identifying and designing projects and systematically appraising the OSCE added value in anti-trafficking initiatives should be strengthened and more harmonized. The activities should correspond to an overall strategy agreed upon by the different bodies, in close consultation with the host countries where activities are carried out.
8. Notwithstanding diversity of resources, expertise and capacity among the **OSCE bodies**, more should be done to assess progress and sustainability of the OSCE anti-trafficking programmatic activities. Some good practices already exist in assessing sustainability. In this process the **OSCE bodies** should take into account the following: adequacy of the response to existing needs, priorities, OSCE added value, political will and tangible commitment of the participating States, the level of national ownership and participation, and the availability of an infrastructure to sustain benefits of the programme after donor assistance has been completed. Such an infrastructure includes capacities, institutional and legal frameworks as well as resources. Tools to strengthen processes of assessing sustainability need to be further developed, institutionalized

and budgeted to ensure the regular evaluation of impact and transfer of know-how from all activities.

9. The **OSCE bodies** should engage in stimulating increased regional dialogue among the **field operations** regarding lessons learned. In addition, the **OSCE field operations** should continue co-operation and co-ordination with international agencies active in the host country, while seeking to strengthen strategic partnership on specific thematic areas or fields of activity.
10. The co-operation within the *Alliance against Trafficking in Persons* and with its Expert Co-ordination Team should remain a priority. In this regard, the *Alliance* partners should continue to be invited to contribute to OSCE initiatives with a view to progressively advance the anti-trafficking agenda.

The OSCE Action Plan: from Theory to Practice

An analysis of the implementation of the Action Plan indicates that considerable efforts are being made across the OSCE region. However, this analysis also shows that this implementation is not always even, that the **OSCE bodies** experience considerable challenges in fulfilling their tasks, and that enhanced dialogue with the participating States can benefit the overall efforts.

Investigation, Law Enforcement and Prosecution

Criminal and anti-trafficking legislation in countries of origin, transit and destination varies widely, for example in the provisions for protection of victims of crime as well as in terms of punishment. Where new anti-trafficking legislation is adopted, there still may be failure in applying relevant articles to cases of THB. Legal gaps or lack of knowledge in addressing specific forms of THB, and lack of guidance on the implementation of the new legislation and international norms considerably decrease the rule of law. Other challenges include lengthy process for introducing relevant amendments into national legislation; the lack of communication and co-operation on an equal footing between law enforcement bodies and civil society institutions; weak interagency co-operation, for example, between the law enforcement bodies and the judiciary; high turnover of staff and, consequently, the need to resume training; limited experience in intelligence-led and financial investigations.

It is important to note that the lack of recognition of all forms of trafficking, including internal trafficking, as well as blurred boundaries between smuggling and trafficking lead to the treatment of trafficked persons as “illegal migrants” who are often detained and charged as criminals. The criminalization of victims may also result from restrictive migration policies, often presented as “preventive” anti-trafficking measures.

Recommendations

11. The **OSCE bodies** should continue providing assistance to review and reform national legislation upon request.
12. There is a need to improve the scope and quality of specialized training and pursue institutionalization of training modules into existing educational curricula of professionals.
13. Despite the complexities related to migration and THB, these issues have to be addressed by the relevant **OSCE bodies** in close co-operation with the participating States in search of mutually acceptable solutions. For the same reason, the **OSCE bodies** should continue to promote a human rights-based approach as an integral part of anti-trafficking work, yet explore new strategies and partnerships in order to advance the anti-trafficking agenda.
14. The analysis of good anti-trafficking practices demonstrates the importance of a human rights-based approach as a prerequisite for successful investigation and prosecution. To this end it is recommended that in co-operation with participating States the **OSCE bodies** continue to analyse the implementation of OSCE commitments and national laws, as well as engage in trial observation in accordance with national legislation.
15. Assistance in enhancing communication and co-operation between law enforcement bodies and civil society institutions, as well as interagency co-operation, remain a priority of the **OSCE bodies** and increase the relevance of promoting the NRM concept throughout the region.

Prevention of Trafficking in Human Beings

The **OSCE bodies** implement a variety of awareness-raising and education campaigns, in response to the tasks of the Action Plan. However, there is little subsequent analysis of the effectiveness of such campaigns, examining the extent to which behaviour has been changed, the different forms of trafficking covered, or the extent of vulnerable populations reached. This situation is not limited to anti-trafficking campaigns in the OSCE region and is rather reflective of the fact that resources are not allocated to evaluation. Efforts to address demand (i.e., factors contributing to THB), recognized as a necessary component for the effective prevention of all forms of THB, have been limited. To some extent, this shortcoming may be linked to certain gaps in the Action Plan which addresses issues of demand primarily within the context of actions recommended at the national level, specifically tasking countries of destination to address this issue, and which does not make a clear parallel to actions assigned to the **OSCE bodies**.

Recommendations

16. The **OSCE bodies** when engaging in raising public understanding of THB should pursue a comprehensive approach to the forms of trafficking addressed, as well as the audiences targeted by such campaigns and should aim at empowering people to make informed choices.

17. The **OSCE bodies** should pursue comprehensive research on all forms of trafficking and the way to combat them in order to identify successful practical measures to address factors contributing to THB.
18. It is suggested that in order to maintain the comprehensive approach to THB and to ensure consistency with actions at the national level the role of the **SPMU** in crime prevention activities is further considered.
19. The **OSCE bodies** are well positioned to encourage national governments to incorporate anti-trafficking strategies into their development agendas as a means to proactively address socio-economic root causes. In parallel, consultations with international organizations such as the World Bank and the UNDP should be initiated to support this aim.

Protection and Assistance

The complexity of establishing an inclusive national referral mechanism for trafficked persons who are victims of all forms of exploitation, children as well as adults, creates multiple challenges for both States' implementation and the work of the **OSCE bodies** in assisting them. Most of the anti-trafficking work appears to address THB for sexual exploitation, especially of women and girls. Accordingly, victims of other forms of trafficking, including internal trafficking, are not always recognized as such, and do not benefit from support services and are not able to access justice and remedies. In many participating States the **OSCE bodies** have observed limitations and shortcomings in victim identification.

Victim assistance and support for social inclusion appears as an area in which only some **OSCE bodies** engage. This is due to many factors, including the existing involvement of multiple national and international actors. Furthermore, in many participating States the **OSCE bodies** have observed on the one hand serious weaknesses in protection schemes for trafficked persons, and on the other hand much investment by participating States in capacity building of law enforcement and in programmes for assisted return of trafficked persons. Therefore, the challenge now is to address the limitations in the local victim support services in the whole OSCE region.

Compensation is also rarely attributed to trafficked persons following proceedings in either countries of origin or destination. Though many States seize traffickers' assets, these are not generally channelled to benefit the victims.

Additionally, an increase in the number of requests for assistance made to the **OSCE bodies** relating to THB cases involving and affecting citizens of the OSCE participating States beyond the OSCE region, requires adequate attention.

Recommendations

20. Victim identification remains an area for improvement. The **OSCE bodies** should review their approach current identification strategies in order to advocate for the strengthened protection of the rights of vulnerable or socially marginalized and to foster the development of more outreach work and of protection schemes that encourage victims of trafficking to come forward.
21. The **OSCE bodies** should ensure a more inclusive and gender balanced approach in their activities in the area of protection and assistance to trafficked persons.
22. It is worthwhile for the **OSCE bodies** to consider strengthening advocacy with the State authorities to make available State-funded services to victims and to ensure that more resources reach them, as well as to expand the capacity of local social services.
23. It is worthwhile for the **OSCE bodies** to consider strengthening advocacy with the State authorities to ensure that trafficked victims are compensated either through criminal or civil proceedings. Additionally, one area of work to be much strengthened relates to enhancing the capacities of local services providing legal assistance to trafficked persons.
24. The **OSCE bodies** should explore ways to enhance collaboration with the Partners for Co-operation in outreach to other relevant regional organizations and countries from which significant migratory flows, including trafficking cases, have an impact on the situation of human trafficking in the OSCE region.
25. There is a need to strengthen collaboration with the Partners for Co-operation to enhance the exchange of lessons learned in combating THB.

These recommendations and their feasibility have to be thoroughly discussed with the **OSCE bodies** and the participating States and, if agreed, should be reflected in the strategic planning of future OSCE anti-trafficking activities.

CONCLUSION

The conclusions and recommendations stated above are drawn primarily from the questionnaires sent to OSCE bodies and do not apply specifically to Participating States. An in-depth analysis that would permit such conclusions remains necessary, and requires extensive resources as well as time. The comprehensiveness of the OSCE anti-trafficking political commitments alone, as can be concluded from this report, does not guarantee fast and sustainable results in eradicating THB in the OSCE region. The process of translating commitments into action, far from being complete, considerably depends on the goodwill of the participating States to engage in the full implementation of their commitments, sustained over time. The growing number of tasks which are assigned to the OSCE bodies has to be followed by appropriating the resources necessary to implement these tasks. The elaboration of new political commitments must be weighed against lessons learned from systematic evaluation of programmatic activities and the potential for results to be achieved in combating THB. Therefore, the challenge remains to strive for comprehensive implementation of the Action Plan and other tasks while fine-tuning the framework which empowers all OSCE bodies engaged in anti-trafficking efforts to assist the participating States in preventing this crime, seeking justice for victims of trafficking and prosecuting criminals throughout the OSCE region.

ANNEX

THE OSCE INSTITUTIONAL FRAMEWORK

The OSCE has a long history of addressing trafficking in human beings as reflected in its political commitments taken by consensual agreement of all participating States at the Ministerial level. These commitments, equally for the participating States and the OSCE institutions, structures, and field operations, constitute a framework for combating THB. This Annex will provide an overview of the basic OSCE documents, demonstrating the evolution of States' approach – from the affirmation of the universal significance of human rights and fundamental freedoms of the Helsinki Final Act in 1975 to the elaboration of comprehensive and far reaching sets of measures, up to 2006, to address the challenges of THB and eradicate this crime.

The Helsinki Final Act of 1975¹⁶ introduced a new era of political and social development in Europe and established the everlasting principles of respect for human rights and fundamental freedoms. It affirmed the inherent dignity of the human person which may be realized only through the “effective exercise of civil, political, economic, social, cultural and other rights and freedoms”. These rights and freedoms, as confirmed by the CSCE participating States, “are essential for his free and full development”. By signing the Helsinki Final Act, the States recognized “the universal significance of human rights and fundamental freedoms, respect for which is an essential factor for the peace, justice and well-being necessary to ensure the development of friendly relations and co-operation among themselves as among all States”.

Adopted at times when THB was considered as a remote phenomenon far from the CSCE area of responsibility, this principle document still remains strikingly significant in the contemporary context. Not targeting THB specifically, it was aimed, *inter alia*, at ensuring a better protection of individual rights and freedoms, thus contributing to the prevention of THB for all forms of exploitation by addressing the vulnerability of those living in poverty and despair. Its provisions related to “the well-being of peoples”, including “freer movement and contacts”, “employment opportunities”, issues of labour migration and the need “to ensure equality of rights between migrant workers and nationals” in the areas of social security, satisfactory living conditions, access to education for children, and the reunification of migrant workers with their families (and, in general, reunification of families). The above provisions have the same political resonance nowadays, being reiterated in numerous international instruments. This fundamental CSCE/OSCE document, creating a new human rights context “from Vladivostok to Vancouver” in politics, paved the way for a chain of Decisions aimed at the protection of an individual from human rights violations, including trafficking in human beings.

The Document of the Moscow Meeting of the CSCE on the Human Dimension (1991)¹⁷, while addressing the lack of equal opportunities for women and gender discrimination, for the first time called on the participating States “to eliminate ...all forms of traffic in women and exploitation of prostitution of women”. This approach, taken in the political context of the forthcoming collapse of

¹⁶Final Act of the Conference on Security and Co-operation in Europe (CSCE), Helsinki, 1 August 1975.

¹⁷Document of the Moscow Meeting of the CSCE on the Human Dimension, Moscow, 3 October 1991

the former Soviet Union, in parallel with increased migration from East Europe and the negative side-effects of globalization, became quickly relevant. Organized criminal groups took advantage of social, economic and institutional disruption and of States' denial of THB, irrespective of warning signals from civil society and independent experts. Nevertheless, the lack of reliable data and the limited knowledge concerning cases of THB impeded any development of anti-trafficking commitments and prediction of the future criminal outburst. Additionally, other political priorities of the 1990s, having a tremendous impact in Europe (conflicts in the post-Soviet area and Balkans), were much higher on the agenda of the CSCE participating States.

The Document of the Helsinki Meeting of the CSCE on the Challenges of Change (1992)¹⁸, in a new political context, addressed the problems of transition to market economies, which, as we see now, had a crucial impact on the vulnerability of population in the countries experiencing socio-economic transformation. It remains valid 14 years after its adoption, and the same problems still have to be addressed to prevent those disadvantaged from becoming an easy prey for criminals.

Seven years passed, and the participating States again reaffirmed their commitment “to eliminate all forms of discrimination against women, and to end violence against women and children as well as sexual exploitation and all forms of trafficking in human beings” – this time in the Charter for European Security (1999)¹⁹, which introduced the concept of comprehensive security fully applicable to THB as a multidimensional phenomenon. Among other things, the Charter called for “the adoption or strengthening of legislation to hold accountable persons responsible for these acts and strengthen the protection of victims”, as well as to step up “efforts across all dimensions of the OSCE to combat corruption and to promote the rule of law”.

One year later, the Vienna Ministerial Council Decision No. 1 (2000)²⁰, became the first in a series of anti-trafficking Decisions, which, from 2000 to 2005, formed the bulk of political commitments in combating THB. Its adoption coincided with a parallel process in the United Nations, which resulted in the legally binding UN Convention against Transnational Organized Crime (UNTOC) and the two Supplementing Protocols – the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air. The OSCE Vienna Decision called upon the OSCE participating States to sign and ratify the UNTOC and its Supplementing Protocols. This manifestation of support for the UN had numerous ramifications: since then the OSCE has enhanced its capacity to serve as a catalyst for enacting the universal anti-trafficking treaty, provided technical assistance to the participating States in reviewing and reforming their legislation in accordance with the anti-trafficking Protocol, and assisted in its implementation. The Vienna Decision introduced an integrated and co-ordinated approach, which, following the UN requirements incorporated “the three Ps” – Protection, Prevention, and Prosecution, reflecting the three OSCE pillars (human, economic, and politico-military dimensions) of comprehensive security, and the structure of the UN anti-trafficking Protocol.

¹⁸ Document of the Helsinki Meeting of the CSCE on the Challenges of Change, Helsinki 1992

¹⁹ The Charter for European Security, OSCE Summit, Istanbul, 18-19 November 1999

²⁰ OSCE Ministerial Council Decision No. 1, adopted in Vienna, 28 November 2000 -MC(8).DEC/1

The Vienna Decision contained other remarkable provisions. It spoke quite clearly about the primary responsibility of States in combating THB and in protecting victims. The adoption of the Vienna Decision marked a step forward, specifically calling for national legislation to “include provisions for the protection of the human rights of victims, ensuring that victims of trafficking do not face prosecution solely because they have been trafficked”. Also for the first time the **OSCE field operations** were tasked to develop anti-trafficking programmes in co-operation with NGOs.

The Vienna Decision, by expressing support to the Stability Pact Task Force on Trafficking in Human Beings (SPTF) and by calling the States concerned to play an active role in the Task Force, laid the foundation for a regional approach to combating THB which continues to guide programme development and activities of the OSCE bodies. The SPTF as such has become a valid pattern of regional co-operation between the States, as well as between the OSCE and relevant international organizations (IOs) active in the region. In years to come, this experience led to the development of a broader framework for co-operation with the formation of the Mechanism and the initiative of the Special Representative to establish the *Alliance against Trafficking in Persons* in 2004.

The participating States considered it necessary to focus on the implementation of the former commitments. That is why the Bucharest Ministerial Council Decision No. 6 (2001)²¹, confirming the validity of the Vienna Decision, emphasized related practical measures, such as the OSCE Code of Conduct and Anti-trafficking Guidelines for OSCE staff, and information exchange in the area of investigation, law enforcement and crime prevention.

Nevertheless, much more was needed to step up the fight against trafficking. The Porto Ministerial Council Declaration on Trafficking in Human Beings (2002)²² became a real breakthrough on the way to developing comprehensive commitments. The Declaration addressed the whole spectrum of THB problems. It vigorously condemned THB as “an abhorrent violation of the dignity and rights of human beings”, and recognized THB as “a serious and rapidly expanding area of transnational organized crime”. It established links between THB, trafficking in drugs and light weapons, and distinguished two forms of organized crime – THB and smuggling of migrants. On this basis, the participating States tasked “the Strategic Police Matters Unit to devote increased attention to the fight against THB” thus adding the law enforcement dimension to the Organization’s anti-trafficking activities.

The Porto Declaration highlighted the root causes of THB, and specified its linkage to corruption and “the demand for the activities of persons trafficked...”. The participating States “urged countries of destination to...effectively address such a demand as a key element in their strategy... and to exercise zero tolerance towards sexual exploitation, slavery and all forms of exploitation of forced labour, irrespective of its nature”. A year later, the Dutch Chairmanship prioritized THB and, *inter alia*, these particular aspects, on its agenda with a view to explore new strategies to combat trafficking, e.g., addressing root causes related to economic conditions and the involvement of the private sector,

²¹ OSCE Ministerial Council Decision No. 6, adopted in Bucharest, 4 December 2001, MC(9).DEC/6.

²² OSCE Ministerial Council Declaration on Trafficking in Human Beings adopted in Porto, 7 December 2002, MC(10).JOUR/2.

including the business community. This approach was reflected in the Eleventh OSCE Economic Forum “Trafficking in Human Beings, Drugs, Small Arms and Light Weapons: National and International Economic Impact”.

The Porto Declaration is known as the first OSCE anti-trafficking document to raise the issue of trafficking in children to the highest political level, and to call for the elaboration of special measures to protect trafficked children from further exploitation. The Porto Declaration also emphasized the rights-based approach (“the dignity and human rights of victims must be respected at all times”; “giving consideration to humanitarian and compassionate factors” regarding issuance of permits for the victims to remain in countries of destination – temporarily or permanently; “developing policies concerning the provision of economic and social benefits to victims, as well as their rehabilitation and re-integration in the society”, etc.). The Porto Declaration became the first OSCE document to introduce the concept of National Referral Mechanisms (NRMs), at that time quite new in the OSCE region. The NRM concept called for an institutionalized strategic partnership between the State bodies, including the law enforcement, and institutions of civil society to enhance protection and promotion of the rights of trafficked persons. It reiterated the need for national strategies and better co-ordination among national, international and regional organizations, appointing inter-ministerial bodies and national co-ordinators, and intensified co-operation with main IOs.

Finally, this significant document laid the basis for the OSCE Action Plan to Combat Trafficking in Human Beings by tasking the PC, through the Informal Working Group on Gender Equality and Anti-Trafficking (IWG), “to elaborate a new draft for further appropriate action”.²³

The task given by the Porto Declaration was implemented by the IWG in co-operation with the **Office for Democratic Institutions and Human Rights (ODIHR)**, the **Secretariat** and its structures, **field operations**, and the representatives of relevant international organizations whose regular participation in and contribution to the meetings of the IWG became a tradition and reaffirmed their long-standing partnership.

The Maastricht Ministerial Council Decision No. 2, Combating Trafficking in Human Beings (2003)²⁴ endorsed the OSCE Action Plan (approved by the PC Decision No. 557 on 24 July 2003), as a fundamental and comprehensive OSCE document which contained far-reaching recommendations for the participating States on best ways and means to implement the OSCE anti-trafficking commitments, as well as precise tasks for the **OSCE bodies** to assist the participating States in this endeavour. The implementation of the Action Plan remains a long-term obligation for the OSCE bodies.

Based on the UN definition of THB, the Action Plan establishes a direct link between the political commitments of the participating States, taken since 1975, and recommendations to be implemented

²³ The first OSCE document aimed at providing concrete tasks to the OSCE bodies, as well as, though to a lesser extent, a set of recommendations to the participating States, had been drafted by the ODIHR in 1999 under the title “Proposed OSCE Action Plan 2000 for Activities to Combat THB”. It was targeted specifically at the implementation of the Moscow Document of 1991 and contained principle ideas remaining equally relevant in 2006. Unfortunately the ODIHR “Proposed Action Plan 2000 for Activities to Combat Trafficking in Human Beings” was not negotiated for a consensus adoption and served only as an internal document.

²⁴ OSCE Ministerial Council Decision No. 2, adopted in Maastricht, 2 December 2003, MC.DEC/2/03.

at the national level in the areas of a) investigation, law enforcement and prosecution; b) prevention of trafficking in human beings; and c) protection and assistance. These recommendations, drawing upon best practices and guidelines elaborated by leading international organizations (e.g. UNHCHR Recommended Principles and Guidelines on Human Rights and Human Trafficking), NGOs, as well as building on the OSCE field and institutional experience, cover the broad scope of State anti-trafficking activities in countries of origin, transit, and destination, and envisage the strategic involvement of civil society (and other social actors) in the fight against THB.

To further assist the participating States in the implementation of commitments and full usage of recommendations proposed by the Action Plan, the Maastricht Decision established an OSCE Mechanism, under the aegis of the Permanent Council, consisting of two parts, complementing the activities of each other: a **Special Representative** appointed by the **Chairman-in-Office** and a special unit in the OSCE **Secretariat**.

The Decision mandated the **Mechanism**, *inter alia*, to ensure co-ordination of OSCE efforts across all three dimensions of the OSCE, strengthen co-ordination among the relevant authorities of the participating States and between the OSCE and other relevant organizations, raise the political profile of the efforts to combat against THB, and operate in the whole OSCE area. In other words, the mandate of the **Mechanism** formulated the geographically balanced and multidimensional approach of the Organization. In June 2006, the dual structure of the **Mechanism** was fully integrated into the **Secretariat** to become known as the Office of the Special Representative/Co-ordinator on Combating Trafficking in Human Beings.

The OSCE Action Plan, as a living document, was developed further in 2004-2005 in accordance with newly established priorities identified in the Sofia Ministerial Council Decision No. 13, The Special Needs for Child Victims of Trafficking for Protection and Assistance (2004)²⁵. This Decision, reaffirming the general principle of the best interest of the child, and recognizing the particular vulnerability of children to trafficking due to the demand that fosters all forms of exploitation, discrimination, and other contributing factors, tasked the Permanent Council, through the Informal Working Group on Gender Equality and Anti-trafficking to elaborate an Addendum to the Action Plan, addressing the above-mentioned issue.

The Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings: Addressing the Special Needs of Child Victims of Trafficking for Protection and Assistance²⁶ was adopted by Decision No. 557/Rev. 1 of the Permanent Council on 7 July 2005 and endorsed by the Ljubljana Ministerial Council as an integral part of recommendations on actions to be taken at the national level. Its provisions were aimed at ensuring criminalization of child trafficking, effective measures to prevent trafficking in children and reduce children's vulnerability, establishing referral mechanisms with focus on the special needs of child victims, and other urgent, target-oriented steps protecting the child from further exploitation and victimization, and ensuring an individual durable solution in the best interest of the child.

²⁵ OSCE Ministerial Council Decision No. 13 adopted in Sofia, 7 December 2004, MC.DEC/13/04.

²⁶ Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings: Addressing the Special Needs of Child Victims of Trafficking for Protection and Assistance, PC.DEC/557/Rev.1.

In 2005 the Ljubljana Ministerial Council addressed one more serious aspect of combating THB, which proved relevant, irrespective of all efforts undertaken by international organizations in order to exclude potential engagement of their military and civilian personnel in cases of THB, as well as prevent and eradicate cases of sexual exploitation and abuse of local and refugee populations, and cases of forced labour. The Ljubljana Ministerial Council Decision No. 16, Ensuring the Highest Standards of Conduct and Accountability of Persons Serving on International Forces and Missions (2005)²⁷, condemning THB as a contemporary form of slavery, considerably raised the responsibility of the OSCE participating States for the conduct of their nationals, and, at the same time, instructed the Secretary General to update the Code of Conduct for OSCE Officials and Staff Instruction 11 addressing trafficking in human beings.

To complete the framework of the OSCE anti-trafficking commitments, it would be necessary to mention other Ministerial Decisions on related issues, such as gender equality, combating violence against women²⁸, travel document security, etc. Each Decision, while reiterating former commitments, adds value to the comprehensive anti-trafficking framework and platform for operational activities. The overall evolution of the anti-trafficking philosophy of the OSCE – from a single mention of the phenomenon to a multidimensional approach and far reaching, advanced recommendations, significant as such, became feasible due to concerted efforts of the participating States and civil society, as the well as the dedication of OSCE staff, standing ready to assist in translating commitments into action.

²⁷ OSCE Ministerial Council Decision No. 16 adopted in Ljubljana, 6 December 2005, MC.DEC/16/05.

²⁸ The OSCE Ministerial Council Decision No. 15, adopted in Ljubljana, 6 December 2005, MC.DEC/15/05, amongst other provisions, “Calls on participating States to consider signing and ratifying or acceding to [...] where appropriate, the Council of Europe Convention on Action against Trafficking in Human Beings”.