

Office of the Special Representative and Co-ordinator
for Combating Trafficking in Human Beings

COMBATING TRAFFICKING AS MODERN-DAY SLAVERY: A MATTER OF NON-DISCRIMINATION AND EMPOWERMENT

2012 Annual Report of the
Special Representative and Co-ordinator
for Combating Trafficking in Human Beings

ISBN: 978-92-9234-437-5

Published by the OSCE Office of the Special Representative and Co-ordinator
for Combating Trafficking in Human Beings

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DESIGN: Nadina Avdagic | Vienna

Photo on p. 8: OSCE/Larisa G. "Source of Information"

Photo on p. 11: OSCE/Eric Gourlan, OSCE Secretary General Lamberto Zannier

Photos on p. 43: OSCE/Alberto Andreani at the 12th *Alliance* Conference in Vienna on 11-12 October 2012 from left
to right Ambassador Frank Cogan, Head of the OSCE Irish Chairmanship Taskforce, Rani Hong, UN.GIFT Special
Adviser for Victims and Executive Director of the Tronie Foundation, Kenneth Morris, President of the Frederick
Douglass Family Foundation, Maria Grazia Giammarinaro, OSCE Special Representative and Co-ordinator for
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Special Representative and Co-ordinator
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presented to the Permanent Council, 13 December 2012



Organization for Security and
Co-operation in Europe



FOREWORD

This year the OSR/CTHB Annual Report aims to offer a concise overview of the wide range of activities carried out by my Office and by the OSCE's executive structures, institutions and field operations. Taken together, these chapters document the earnest commitment and sincere effort our organization contributed to the fight against human trafficking in 2012. This is also the result of enhanced internal co-ordination and co-operation, especially with the TNT Department, the Gender Senior Adviser and her team, the ODIHR Anti-trafficking Programme, and all the anti-trafficking focal points in field operations. I would like to thank all of these colleagues for their steadfast efforts, dedication and co-operation.

2012 has been a fruitful year. Taking inspiration from the 2011 Vilnius Declaration, I have intensified many aspects of my activities. I carried out four country visits to Ireland, Bosnia and Herzegovina, Azerbaijan and Portugal. The Reports following the country visits done last year are now on our website, including the UK, Canada and Moldova. The Reports of the country visits undertaken this year will be published soon. In the case of the UK, I also had the opportunity to follow-up my Report through a thorough discussion of my recommendations with the Minister of Immigration, Government agencies, NGOs and experts. In 2012, I travelled to 19 countries including two Partners for Co-operation, to meet various public authorities and NGOs, and take part in public events.

In 2012, my Office and I have also implemented a limited number of pilot projects, and I want to take this opportunity to thank our generous donors. Among all these innovative projects, I would like to highlight our work aimed at preventing domestic servitude in diplomatic households, which builds upon the solid experience of a number of participating States, and opens new possibilities of effective action in this field. It is an area in which the OSCE diplomatic community is taking responsibility and effective initiative. I would also like to mention

a project implemented in Moldova addressing the needs of children without parental care, mostly left behind by migrant parents. This project shows how we can promote prevention of human trafficking in a way that really makes a difference in people's lives.

My Office and I carried out innovative research on two important topics, the linkage between human trafficking and torture, and trafficking for the purpose of the removal of organs. The results of our research in these two areas will be published early in 2013.

My Office is constantly providing expertise, often together with TNTD/SPMU and the ODIHR, for a considerable number of trainings for law enforcement and other public officials likely to come into contact with victims and potential victims such as labour inspectors. Particular attention was devoted to training for journalists, including through a dedicated project implemented in co-operation with the Russian Union of Journalists and Moscow State University's Journalism Faculty.

I continued my awareness-raising activities by engaging with intellectuals, scholars, artists and media professionals and also by conducting youth outreach. For example, I gave lectures at the Institute of International and European Affairs in Dublin, at the Universities of Vienna, Oxford and Coimbra, and organized an event on creativity and anti-trafficking action at the Edinburgh Festival of Politics. I promoted a continuous dialogue with Parliamentarians, and I intensified relationships and discussions with the judiciary, including through international trainings.

I am very grateful to the US State Department for the award I received last summer from Secretary of State Hillary Rodham Clinton. I consider this as a recognition not only of my work, but of the work of my capable team, as well as a recognition of the contribution made by the whole OSCE to the prevention of and fight against trafficking in

human beings. The award was also an invaluable way to increase the visibility and impact of my work. During the award ceremony I met so many inspiring women and men committed to the same struggle, and it will remain one of my most cherished memories.

The year 2012 was also a turning point for some key issues. The International Labour Organization published new global estimates on trafficking and forced labour, confirming what we have been saying over the past few years according to anecdotal evidence: human trafficking and forced labour have become a violation of human rights on a massive scale. Now the ILO confirms that there are at least 20.9 million people enslaved globally, out of which roughly 3 million - or even more - are exploited in the countries of the OSCE region.

Today, it is more clear than ever before that human trafficking, as well as forced labour and modern-day slavery, which are overlapping concepts, consist of systemic exploitation of the poor, on a global scale. How to deal with the nature of this phenomenon, which is increasingly linked to economic trends, migration policies and labour market regulations and national legislation on related policy areas, is something we are exploring with our partners in the *Alliance against Trafficking in Persons*.

In the last part of the Report, you will find a paper produced by Isabella Orfano, a well-known anti-trafficking expert, building upon the October *Alliance* Conference "An Agenda for Prevention: Non Discrimination and Empowerment". In her action-oriented paper, she highlights how full recognition of the existing linkage between trafficking and discrimination can lead to new paths for advocacy, and make it possible that anti-trafficking and non-discrimination policies enhance each other. All the rich and inspiring presentations given during the Conference are included in the DVD attached to the Annual Report.

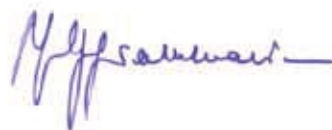
In fact, non-discrimination and empowerment are important steps toward a new approach to combating the global dimension of trafficking. To eradicate it, we need for example to tackle its hidden patterns, including gender discrimination, all the concurrent factors producing social vulnerabilities affecting minorities and marginalized

groups such as Roma, Sinti and Travellers, as well as discrimination against migrants and xenophobia, that can lead to trafficking even when labour migrants have lived for a longer period in the receiving country. To tackle the hidden patterns that make trafficking a structural injustice means, in particular, to challenge discriminatory or even racist attitudes that lead to a sort of normalization of the exploitation of migrants.

One essential element of a new strategy to prevent and combat trafficking as a human rights violation on a massive scale is to ensure that survivors have full access to justice. This includes trafficked and exploited persons' right to compensation through the criminal justice system, civil and labour law litigation, state compensation funds or out-of-court negotiations. Only if we address a broader area of exploitation and enable every individual who worked without being fairly paid and treated to claim her or his rights, only then will we be able to give an effective response to such a widespread human rights violation.

If national legislation enabled exploited persons to obtain restitution of unpaid wages and compensation, for example by ensuring free legal counselling and representation and by establishing dedicated state funds, such legislation would give them justice, and simultaneously enable them to start something new, and build a better life for themselves and their beloved ones, wherever they decide to settle.

Achieving this goal in the region is the OSCE's commitment, and also my own. We need to improve laws and regulations; we are now more aware than ever that we also need to prevent discrimination, which means to consider vulnerable and exploited people including migrants not as "others" but as members of our own community.



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

ACKNOWLEDGEMENTS

I wish to express my gratitude to the Irish OSCE Chairmanship and to the previous Chairmanship of Lithuania, as well as to all participating States and Partners for Co-operation for their support and co-operation during 2012. My sincere thanks also go to Secretary General Lamberto Zannier, the OSCE Secretariat structures, the ODIHR and the OSCE field operations, for their continued support and contributions to my work and to this Report. I also wish to thank the international organizations and NGOs who partnered with us especially in the *Alliance against Trafficking in Persons*. I look forward to continuing to work closely with governments, parliaments, judiciary, civil society and international organizations in the OSCE region to prevent and combat trafficking in human beings.

My warmest thanks go to each and every colleague in my talented and dedicated Office, who have worked tirelessly and diligently to support my work throughout this year in Office and to prepare this Annual Report: Alberto Andreani, Aimée Comrie, Astrid Ganterer, Vera Gracheva, Claire Jessel, Alfred Kueppers, Cristina Mukhtashova, Szilvia Okolicsanyi, Ruth Pojman, Liliana Sorrentino and Georgina Vaz Cabral, as well as our interns and JPOs who worked with us in different periods during 2012: Stéphanie Berry, Nathalie Haefele, Liliya Kim, Konstantia Kostoglou and Alexandra Ronkina. I wish to extend my thanks to Isabella Orfano, who wrote the thematic paper in this report in close collaboration with my team. Additionally, I wish to especially thank my Executive Adviser, Liliana Sorrentino, who has left the OSCE after 10 years of service, for her outstanding contributions to my Office.

And last but not least, I wish to extend my thanks to the following donors that have supported the work of my Office with their generous extra-budgetary contributions: Andorra, Austria, Belgium, France, Iceland, Italy, Liechtenstein, Luxembourg, Monaco, San Marino, Switzerland and the United States of America.

Maria Grazia Giammarinaro

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

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ACRONYMS

AECT	Alliance Expert Co-ordination Team	NGO	Non-Governmental Organization
BiH	Bosnia and Herzegovina	NHRI	National Human Rights Institution
CBSS	Council of the Baltic Sea States	NRM	National Referral Mechanism
CiO	Chairperson-in-Office	OCEEA	Office of the Co-ordinator of OSCE Economic and Environmental Activities
CIS	Commonwealth of Independent States	ODIHR	Office for Democratic Institutions and Human Rights
CIS EC	CIS Executive Committee	OSCE PA	OSCE Parliamentary Assembly
CIS IPA	CIS Inter-Parliamentary Assembly	OSR/CTHB	Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings
CoE	Council of Europe	PACE	Parliamentary Assembly of the Council of Europe
COMPACT	European Action for Compensation for Trafficked Persons	PC	Permanent Council
CRIC	Child Rights Information Centre	PCU	OSCE Project Co-ordinator in Ukraine
CSCE	Conference for Security and Co-operation in Europe	PCUz	OSCE Project Co-ordinator in Uzbekistan
CSTO	Collective Security Treaty Organization	PICUM	Platform for International Cooperation on Undocumented Migrants
CTHB	Combating Trafficking in Human Beings	RRN	Regional Research Network
DC/CTHB	Deputy Co-ordinator	RUJ	Russian Union of Journalists
ECPAT	End Child Prostitution, Child Pornography and the Trafficking of Children	SEE	South-Eastern Europe
EC	European Commission	SR/CTHB	Special Representative and Co-ordinator for Combating Trafficking in Human Beings
EEC	Economic and Environmental Committee	THB	Trafficking in Human Beings
EU	European Union	TIP	Trafficking in Persons
Eurojust	European Union's Judicial Cooperation Unit	TNT	Transnational Threats
Europol	European Police Office	TNTD	Transnational Threats Department
ExB	Extra-Budgetary	TNTD/SPMU	Transnational Threats Department/Strategic Police Matters Unit
FRA	European Union Agency for Fundamental Rights	UK	United Kingdom
FRONTEX	EU Agency for Integrated Border Management	UN	United Nations
FYROM	Former Yugoslav Republic of Macedonia	UN.GIFT	United Nations Global Initiative to Fight Human Trafficking
GRETA	Group of Experts on Action against Trafficking in Human Beings	UNESCO	United Nations Educational, Scientific and Cultural Organization
HDC	Human Dimension Committee	UNHCR	United Nations High Commissioner for Refugees
HDIM	Human Dimension Implementation Meeting	UNICEF	United Nations Children's Fund
ICMPD	International Centre for Migration Policy Development	UNODC	United Nations Office on Drugs and Crime
ILO	International Labour Organization	UN OHCHR	United Nations Office of the High Commissioner for Human Rights
Interpol	International Criminal Police Organization	US	United States of America
IO	International Organization	USD	United States Dollar
IOM	International Organization for Migration	WG	Working Group
MC	Ministerial Council		
MFA	Ministry of Foreign Affairs		
MIA	Ministry of Internal Affairs		
MS	EU Member States		
NAP	National Action Plan		



INTRODUCTION

While significant progress has been made among OSCE participating States in terms of implementing international obligations and OSCE commitments, trafficking in human beings is a growing problem that has become a systemic component of our economies. The scale of human trafficking is massive and it is a serious transnational threat throughout the OSCE region, as well as a grave human rights violation. There are no reliable estimates of the numbers of trafficked persons because most of it simply remains invisible and unrecorded in official criminal and administrative registers. Nonetheless, existing estimates do provide a notion of the size of the criminal industry of trafficking. In 2012, the ILO estimated that 20.9 million people are victims of forced labour globally, although the organization stresses that this is a conservative estimate.¹ Of this total, 4.5 million (22 per cent) are victims of forced sexual exploitation, 14.2 million (68 per cent) are victims of forced labour exploitation in sectors such as agriculture, construction, domestic work or manufacturing, while the remaining 2.2 million (10 per cent) are in state-imposed forms of forced labour.

Trafficking in human beings is considered a low risk/high profit crime. A 2005 study by the ILO estimated that the total market value of human trafficking was USD 32 billion.² A 2009 ILO report estimated that the total global cost of coercion to workers in forced labour and trafficking is about USD 21 billion, excluding victims of forced sexual exploitation.³ This is the amount of money that is stolen from workers in terms of unpaid wages and recruiting fees. At the same time, prosecutions are limited. Data compiled by the U.S. Department of State showed that globally there were 7,909 prosecutions for trafficking in 2011, and 3,969 convictions, with 42,291 victims identified. This is up from 6,017 prosecutions and

3,619 convictions in 2010. There were 33,113 victims identified two years ago.⁴

Over the past decade, participating States have developed a considerable number of important international obligations, commitments, recommendations, and specialized policies and programmes to tackle trafficking. For example, almost all OSCE participating States have integrated anti-trafficking legislation into their national legal frameworks; more than 50 per cent have also established a national co-ordination mechanism and developed a national plan of action. Significant efforts are also underway to establish national referral mechanisms to identify and assist trafficked persons and protect their rights. At the regional level, there are also examples of increasing co-operation which leads to the adoption (or revision and further development) of sub-regional action plans (e.g., at the EU level or at the CIS level) or regional initiatives (e.g., by the Council of Baltic Sea States or by countries in SEE).

Now, the Special Representative and Co-ordinator for Combating Trafficking in Human Beings (SR/CTHB) is calling for a second wave of anti-trafficking action in the fight against modern-day slavery, arguing that anti-trafficking action must be improved in four significant ways. First, the human rights of vulnerable and trafficked persons must take precedence, including their right to compensation. Second, prevention is key, especially through the non-discrimination and social inclusion of vulnerable groups and persons such as Roma, persons belonging to minorities, migrants, children on the move, asylum seekers and refugees. Third, all related policy areas such as migration and labour policies should be consistent with anti-trafficking action. Fourth, enhanced international co-operation is needed to tackle organized crime and to provide better victim protection.

¹ ILO, *Global Estimate of Forced Labour* (Geneva, 2012).

² ILO, *A Global Alliance against Forced Labour* (Geneva, 2005).

³ ILO, *The Cost of Coercion* (Geneva, 2009).

⁴ U.S. Department of State, *Trafficking in Persons Report 2012* (Washington DC, 2012).

In 2012, the SR/CTHB served as a catalyst for this new movement by focusing on a number of these previously neglected issues. At numerous international conferences and seminars she stressed the importance of a victim-centred approach during the prosecution of trafficking cases, meaning that victims must be considered holders of rights in criminal proceedings, not merely sources of evidence. This has a number of implications, including protecting victims from further traumatization and upholding their right to financial restitution.

Non-discrimination was also an important theme, taking centre-stage at the 12th *Alliance against Trafficking in Persons* Conference, on “An Agenda for Prevention of Human Trafficking: Non-discrimination and Empowerment.” Along with a range of high-profile speakers from government, international organizations and NGOs, the SR/CTHB discussed the linkage between anti-trafficking and anti-discrimination work and called for further analysis to gain a better understanding of the multiple ways in which discrimination can lead to victimization in a trafficking pattern. The Conference boosted the vision of anti-trafficking action as part of the human rights discourse, opened new paths for advocacy strategies, and explored ways to ensure that anti-discrimination and anti-trafficking standards, actors and strategies complement and reinforce each other, enhancing both prevention and protection.

The SR/CTHB also took advantage of meetings with high-level government officials to stress that all related policy areas such as migration and labour policies should be consistent with anti-trafficking action. Examples of this included country visits to Ireland, Bosnia and Herzegovina, Azerbaijan and Portugal as well as numerous meetings with Parliamentarians in locations such as Vienna, Dublin, St. Petersburg and London.

The promotion of enhanced international co-operation to tackle organized crime and to provide better victim protection was also discussed at a range of events attended by the SR/CTHB and other Office representatives. For example, the SR/CTHB attended international meetings in Rome in April and October to discuss various aspects of THB cases with judges and prosecutors. The October meeting focused specifically on the treatment of trafficking victims during prosecutions of traffickers and the SR/CTHB urged judges and prosecutors to keep the legal rights of trafficked persons paramount.



OSCE/Ion V.

“Stick Together”



OSCE/Alina F.

“Separation”



OSCE/Julian B.

“Children are forced to work”

2012 TIP Hero Award

Special Representative Maria Grazia Giammarinaro received a Trafficking in Persons (TIP) Hero Award on 19 June 2012 from U.S. Secretary of State Hillary Rodham Clinton to honour her significant contributions in the struggle to end modern-day slavery.

Giammarinaro, who has served as the OSCE Special Representative since March 2010, was one of ten notable individuals from around the world recognized by the



U.S. Department of State

Maria Grazia Giammarinaro receives the Trafficking in Persons (TIP) Hero Award from U.S. Secretary of State Hillary Rodham Clinton on 19 June 2012

U.S. State Department in its 2012 Trafficking in Persons Report, released by Secretary Clinton and Ambassador Luis CdeBaca, who directs the Office to Monitor and Combat Trafficking in Persons.

This high-profile award is given annually to government and international officials, NGO workers, lawmakers, experts and concerned citizens who are committed to ending modern slavery. They are recognized for their tireless efforts – despite resistance, opposition, and threats to their lives – to protect victims, punish offenders, and raise awareness of ongoing criminal practices in their countries and abroad.

“I’m deeply honoured to receive the TIP Hero Award. I consider this a stimulus to redouble my efforts aimed at enhancing the fight against modern-day slavery in the OSCE region”, Giammarinaro said.

She underlined that the United States, under the leadership of Secretary Clinton, has championed the fight against modern-day slavery worldwide.

“This TIP Hero Award contributes to highlighting the OSCE’s commitment to the eradication of modern-day slavery as an integral part of its core values to promote freedoms, rights and security”, she continued.

The Special Representative has promoted the OSCE’s human-rights approach to human trafficking, advocating for a victim-centred focus, and strengthening co-operation between governments and civil society, which has proved vital to both effective protection of victims and successful prosecutions.



OSCE/Jonathan Perfect

OSCE/Eric Gourlian

EXECUTIVE SUMMARY

This is the seventh Annual Report produced by the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings according to the requirements of OSCE Ministerial Council Decision No. 13/05 on Combating Trafficking in Human Beings. This 2005 Decision tasks the SR/CTHB to report annually on the progress achieved over the preceding year's anti-trafficking work carried out throughout the OSCE region.⁵ This report covers the period from January to early December 2012, which corresponds roughly to the third year of the term of Maria Grazia Giammarinaro, the third OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings.

The first section of the Annual Report presents the work carried out by the SR/CTHB and her Office in strengthening the ongoing dialogue and action under the 2012 Irish OSCE Chairmanship with the participating States and, more specifically, with a wide range of Parliamentarians, government authorities and judiciary representatives met during conferences, seminars, workshops and bilateral meetings held in different OSCE participating States.

The second section describes internal co-ordination and external partnerships reinforced or newly established with many international, intergovernmental and civil society organizations to jointly combat human trafficking and fully promote comprehensive measures aimed at the protection of the rights of all trafficked persons as well as the internal co-operation with various OSCE bodies.

The third section provides an overview of the anti-trafficking work of the OSCE institutions, structures and field operations, as well as more details on our co-operation. This includes the Office for Democratic Institutions and Human Rights (ODIHR), the Gender Issues Programme, the Transnational Threats Department (TNTD), and field operations in South Eastern Europe, Eastern Europe, the South Caucasus and Central Asia.

The fourth section is on the 12th *Alliance against Trafficking in Persons* Conference held on 11-12 October in Vienna. This annual high-level conference brings together guests from participating States, international organizations and NGOs. The 2012 Conference focused on the linkage between discrimination and trafficking, boosting the vision of anti-trafficking action as part of the human rights discourse, opening new paths for advocacy strategies and exploring ways to ensure that anti-discrimination and anti-trafficking standards, actors and strategies complement and reinforce each other, enhancing both prevention and protection. The opening address by the SR/CTHB, as well as a paper by international expert Isabella Orfano summarizing and expanding upon the themes of the Conference can be found here.

All of the speeches given at the *Alliance*, as well as a video of the event, can be found on the DVD enclosed on the back of this Report.

⁵ OSCE Ministerial Council, *Decision No. 13/05 Combating Trafficking in Human Beings*, MC.DEC/13/05 (Ljubljana, 6 December 2005).

1. OSR/CTHB ACTIVITIES

The Special Representative and Co-ordinator for Combating Trafficking in Human Beings is tasked with raising the public and political profile of the fight against trafficking in human beings (THB) according to the Ministerial mandate issued on 21 June 2006.⁶ This is achieved through a broad range of initiatives such as high-level events aimed at promoting the implementation of OSCE commitments, sustained and continued dialogue with the participating States through bilateral meetings with delegations and senior officials in the participating States and presentations for the three Committees (Security Committee, Economic and Environmental Committee and Human Dimension Committee); contributions to national and regional conferences as well as expert meetings; and the constant promotion of the OSCE's anti-trafficking work and approach. In order to achieve this final goal, the SR/CTHB met with journalists, students and intellectuals in a wide range of forums. In 2012, this range of activities was made possible by the strong support of the Irish Chairmanship, which backed the Office in the full range of its work.

1.1 Co-operation with Participating States: Country Visits

In 2012, the SR/CTHB continued the series of her country visits. The larger purpose of these visits is to co-operate with participating States with a view to promoting full implementation of OSCE commitments in the field of anti-trafficking policies. The goal is to further share knowledge and promote good practices, and to identify challenges and possible gaps in the implementation of OSCE anti-trafficking commitments. Over the course of the year, the SR/CTHB conducted four country visits, travelling to Ireland, Bosnia and Herzegovina, Azerbaijan and Portugal to exchange views on the situation in a range of participating States and make recommendations on how to sustain progress in the fight against THB. The follow-up reports contributed to the strengthening of the comprehensive bilateral co-operation and dialogue in combating THB between the participating States.

During the country visit to Ireland from 29 January - 2 February, the SR/CTHB met with the Head of the OSCE Chairmanship Taskforce, the Anti-Human Trafficking Unit of the Department of Justice and Equality, Alan Shatter,

TD, Minister for Justice, Equality and Defence, the Head of the Parliamentary Delegation to the OSCE Parliamentary Assembly, the Personal Representative of the OSCE Chairperson-in-Office on Combating Racism, Xenophobia and Discrimination also focusing on Intolerance and Discrimination against Christians and Members of Other Religions. In addition, she held discussions with the Irish



OSCE/Claire Jessel
Maria Grazia Giammarinaro meets with Alan Shatter, Irish Minister for Justice, Equality and Defence during her country visit to Ireland, 30 January 2012

Congress of Trade Unions and a range of NGOs including the Migrant Rights Centre Ireland (MRCI), where she met with trafficking survivors who provided their views on the crime and related their experiences to the SR/CTHB. The SR/CTHB also addressed the Institute of International and European Affairs, giving a lecture on policy dilemmas in preventing human trafficking.⁷

During the country visit in Bosnia and Herzegovina from 12-14 June, the SR/CTHB engaged in direct political dialogue with high-level officials of the Government and Parliament including Bariša Čolak, Minister of Justice, Sadik Ahmetović, Minister of Security, the State Anti-Trafficking Coordinator, the Deputy Minister of Human Rights and Refugees, the Deputy Minister of Foreign Affairs, the Chairperson of the BiH Parliamentary Assembly Joint Committee for Human Rights, Child Rights, Youth, Immigration, Refugees, Asylum and Ethics and many others. The visit also included a meeting with 15 NGOs from around the country.

From 23-26 September, the SR/CTHB visited Azerbaijan and met with high-ranking Government officials, Parliamentarians, members of the judiciary and public

⁶ OSCE Ministerial Council, *Decision No. 3/06 Combating Trafficking in Human Beings*, MC.DEC/3/06 (21 June 2006).

⁷ Lecture on "Policy Dilemmas in Preventing Trafficking in Human Beings" delivered at the Institute of International and European Affairs, Dublin, 2 February 2012, available at <<http://www.iiea.com/events/policy-dilemmas-in-preventing-trafficking-in-human-beings-for-labour-exploitation>>, accessed 22 November 2012.

figures, including the Deputy Minister of Interior and National Co-ordinator in the Fight Against Trafficking in Human Beings, the Deputy Foreign Minister, the Deputy Labour Minister, the Commissioner for Human Rights (Ombudsman) and the Head of the Parliamentary Human Rights Committee. Moreover, with a view to learning more about practical responses and enhancing co-operation with civil society groups, she met with representatives from the Citizens' Labour Rights Protection League, the Azerbaijan Migration Centre and the Azerbaijan Children Union. She visited a state-run shelter for trafficking victims, and consulted with the OSCE's international partners working on anti-trafficking issues.

A 27-30 November trip to Portugal marked the final country visit of 2012, which the SR/CTHB used to meet with high-level officials of the Government and Parliament as well as representatives from NGOs working to combat THB. She met with high-ranking government officials of the Inter-ministerial Committee supporting the Coordinating Entity for the National Plan against Trafficking in Human Beings, headed by the Secretary of State for Parliamentary Affairs and Equality, Teresa Morais, and including representatives of the following entities: Presidency of the Council of Ministers; Commission for Citizenship and Gender Equality (as coordinator of the second National Action Plan on THB); National Rapporteur for Trafficking in Human Beings; Head of Team of Observatory of Trafficking in Human Beings; Ministry for Internal Affairs; Ministry of Justice; Ministry of Employment and Economics; Ministry of Solidarity and Social Security; Ministry of Health, Ministry of Foreign Affairs and the Public Attorney's



Maria Grazia Giammarinaro meets with Damian Green, then UK Minister of State for Immigration, 28 May 2012

Office. The visit also included meetings with parliamentarians and NGOs. The trip served as an opportunity to visit a shelter of victims of trafficking and to hold a lecture at the University of Coimbra. The visit was partly carried out with the Senior Adviser on Gender Issues.

In addition to the above mentioned country visits, the SR/CTHB visited the United Kingdom from 26-29 May, as a follow-up to the 2011 visit, using the opportunity to discuss her Report and Recommendations⁸ with Damian Green, Minister of State for Immigration⁹, other Government officials, NGO representatives and experts at the UK Home Office. The visit included a meeting with the Chief Inspector for Human Trafficking in Wales and meetings with Welsh Assembly officials in Cardiff. Fact-finding meetings with several leading civil society groups were also on the agenda, with the SR/CTHB meeting the head of the London-based Human Trafficking Foundation.

1.2 Working with Participating States and Partners for Co-operation

Alongside the country visits detailed above, the SR/CTHB engaged with participating States in a number of bilateral and multilateral meetings, and, together with her Office, made significant contributions to a wide range of national and international events and initiatives on issues related to THB.

For example, on 22 February, the participation of the DC/CTHB in the sixth annual joint OSCE-Tajikistan task force meeting in Dushanbe (along with the Deputy Director of the Irish Chairmanship Task Force, the Director of the Conflict Prevention Centre and representatives of other OSCE executive structures), enabled the OSCE Office in Tajikistan (OIT) and the Tajik authorities to review OSCE activities in Tajikistan in 2011-2012 and to discuss priorities for 2013, including border security challenges that may arise in view of the forthcoming transition in Afghanistan.

From 27-29 February, the SR/CTHB held bilateral meetings with high-level Romanian authorities including the Director General, Department for Consular Affairs, Ministry of Foreign Affairs, the Secretary of State, Ministry of Justice and the Secretary of State, Ministry of Administration and Interior.

From 17-21 May, the SR/CTHB paid a visit to Israel. She met with high-level Government officials from the Ministry of Interior, the Ministry of Foreign Affairs and the Ministry of Justice. She met with the Head of the Parliamentary Subcommittee for Anti-Trafficking in Women and a range of civil society actors in Jerusalem and Haifa. The SR/CTHB also gave a special address at a workshop titled

⁸ This Report is available under: <<http://www.osce.org/cthb/87013>>, accessed 21 November 2012.

⁹ Damian Green was appointed Minister of State for Policing and Criminal Justice in September 2012.

“Trafficking: A Victim’s Approach” at The Golda Meir Mount Carmel International Training Center in Haifa.

The SR/CTHB devoted particular attention to co-operation with Asian Partners for Co-operation. The SR/CTHB was a speaker at the 2012 OSCE-Thailand Conference on “Strengthening Security through Regional Co-operation: The OSCE Comprehensive Approach and Experiences of Asian Partners for Co-operation”. The Conference was also attended by a high-level audience including the Deputy Permanent Secretary from Thailand’s Ministry of Foreign Affairs, Lithuania’s Deputy Minister of Foreign Affairs and the Chairperson of the OSCE Permanent Council and Ireland’s Permanent Representative to the OSCE.

Subsequently, the SR/CTHB gave a speech on 21 September in Vienna at the Meeting of the Contact Group with Asian Partners for Co-operation entitled, “Combating Human Trafficking in the OSCE Region and Beyond: Significance of Co-operation between the OSCE and Asian Partners”.

Upon invitation by the Czech government, the SR/CTHB paid a visit to Prague on 13 November 2012 to discuss effective responses in the fight against human trafficking, with a particular view on trafficking for labour exploitation. The Special Representative met with the Czech Anti-Trafficking Coordinator, the Deputy Minister of Interior, the Deputy Minister for Foreign Affairs, and Czech civil society organizations, who shared the latest developments on human trafficking in the Czech Republic.

1.3 Working with Parliamentarians

The national Parliaments of the participating States play a crucial role in increasing efforts in the fight against trafficking in human beings. Parliamentarians are key actors in the struggle to generate the necessary political will required to tackle human trafficking and other transnational threats and challenges endangering the security of States and individuals in the OSCE region. Much has been achieved over the past decade thanks to the efforts and partnerships of Parliaments, governments, NGOs and international organizations, and the SR/CTHB continued to cement this progress in 2012 by calling for human rights-based strategies and policies during her numerous meetings with Parliamentarians.

The following are some examples of this work in 2012:

As part of her official country visit to Ireland in February 2012, the SR/CTHB met with representatives of the

Irish delegation to the OSCE Parliamentary Assembly in order to discuss recent domestic initiatives in the fight against THB.

Following the joint OSCE-CoE initiative supported by the CIS structures to hold a Roundtable on Combating Trafficking in Human Beings together with the CIS Inter-Parliamentary Assembly and the CIS Executive Committee (St. Petersburg, Russia), the SR/CTHB addressed the CIS Parliamentarians with a keynote speech.¹⁰

The SR/CTHB addressed Parliamentarians in the context of the “Parliamentarians against Human Trafficking” Conference, attended by RT Hon William Hague MP, Secretary of State, Foreign and Commonwealth Office, United Kingdom and other Parliamentarians from across Europe.

1.4 Working with the Judiciary

In order to strengthen the criminal justice sector response as mandated in the OSCE Action Plan¹¹, the OSR/CTHB continued to work extensively with the judiciary in participating States in 2012 to further improve access to justice for victims of trafficking as well as to provide capacity building on the legal complexities which often characterize human trafficking cases at trial.

On 4-5 April, the SR/CTHB addressed a high-level roundtable organized by the Italian National Judicial Council in the framework of the regular training curriculum for prosecutors and judges. The roundtable discussed legal issues arising during both the investigation phase and the judgement period for crimes involving vulnerable victims who are at risk of being traumatized again by testifying in Court and recalling their past experiences. The conference was attended by judges, public prosecutors, lawyers, professors of law and psychology as well as psychiatrists from Italy and other partner countries.

On 25-26 October, the SR/CTHB addressed in Rome the conference, “Towards a European approach to judicial training on trafficking in human beings ‘The victim’”, organized by Italy’s Superior Council of Magistrates (*Consiglio Superiore Della Magistratura*), the Netherland’s Training and Study Centre for the Judiciary (*Studiecentrum Rechtspleging*) and The Polish National School of Judiciary and Public Prosecution (*Krajowa Szkoła Sądownictwa i Prokuratury*) and attended by prosecutors and judges from the EU 27 Member States.

¹⁰ For more details, please see section 2.2.5.

¹¹ OSCE Permanent Council, *Decision No. 557/Rev. 1 OSCE Action Plan to Combat Trafficking in Human Beings* (Vienna, 7 July 2005).

1.5 Supporting the Work of the Irish OSCE Chairmanship and the Delegations of Participating States

Throughout 2012, the SR/CTHB worked in close collaboration with the Irish OSCE Chairmanship (CiO). In particular, the SR/CTHB contributed as a keynote speaker to the OSCE Human Dimension Seminar on “Rule of Law Framework for Combating Trafficking in Human Beings” held from 14-16 May in Warsaw. Human Dimension Seminars are organized by the OSCE/ODIHR pursuant to the CSCE Summit decisions in Helsinki (1992) and Budapest (1994). The Seminar discussed the multiple challenges of applying the rule of law to combat human trafficking, including the interpretation of the definition of trafficking, and the importance of placing victims at the centre of the criminal justice response. The Seminar was attended by representatives of the OSCE participating States, OSCE institutions and field operations, intergovernmental and non-governmental organizations as well as experts on the rule of law, human trafficking and victims’ rights.

The OSR/CTHB also provided support to a Thematic Event of the CiO organized on 5 November for the delegations of participating States on “Intolerance and Discrimination against Migrants” which matched the aims and topic of the 12th *Alliance* Conference. The event provided a platform to raise awareness and deepen the understanding among OSCE participating States of the importance of migration in the context of relevant OSCE commitments, and to identify remaining implementation gaps in these areas. The thematic event also encouraged the sharing of good practices among OSCE participating States and suggested possible ways forward to address challenges they continue to face.

On 9 July, the SR/CTHB held meetings in Kiev with representatives of the Ministry of Foreign Affairs to discuss opportunities for co-operation during the incoming Ukrainian chairmanship. Subsequently, on 20 September, the SR/CTHB met the Minister of Foreign Affairs of Ukraine Kostyantyn Gryshchenko.

1.6 Research

Academic research and published studies play an important role in the struggle against human trafficking, allowing practitioners to stay abreast of the evolving landscape of criminal networks and loose transnational structures that form the backbone of trafficking activity. The OSR/

CTHB is a key player in the initiative to develop a *Regional Research Network on Human Trafficking*. The aim of the *Regional Research Network (RRN)* is to engage academia and practitioners in promoting and generating a cultural commitment to combat THB thereby improving anti-trafficking responses in the region and beyond.

On 7 February, the SR/CTHB gave the opening address at the Regional Implementation Initiative on Preventing and Combating all Forms of Human Trafficking, hosted by the Italian Parliament in Rome. The event took place in the framework of a Regional Initiative supported by the Austrian Federal Ministers for Women and Public Administration and for Labour, Social Affairs and Consumer Protection - with the Austrian Institute for International Affairs (oiip), in co-operation with the International Organization for Migration (IOM).

On 19 March, the OSR/CTHB joined the pioneer group of participants of the initial meeting to network and discuss ways to form the RRN at Danube University in Krems, Austria. The event saw the participation of experts, researchers and stakeholders from IOs, NGOs, universities and research institutes as well as anti-trafficking practitioners and stakeholders from the public and private sectors in the region. The OSR was invited to join RRN’s Advisory Board.

Co-operation in this creative and innovative framework was further developed at the RRN’s Dialogue Forum “Challenging Existing Discourses, Approaches and Responses to Human Trafficking” on 31 July in Gmunden, Austria. The Forum marked the establishment of a research platform for the RRN and included a presentation of the test version of RRN’s Internet-based THB research network. The SR/CTHB also gave an opening speech at the Regional Roundtable “From Theory to Practice - The Importance of Getting Justice” on 23 November in Vienna held in the framework of the regional Implementation Initiative.

On 24 April, the SR/CTHB organized a briefing to the OSCE delegations dedicated to “Trafficking for the Purpose of Organ Removal”. The SR introduced the initial findings of a research project on the subject, related to cases identified and prosecuted in 17 countries in the OSCE region. The final report is scheduled for publication in early 2013, marking the first time, as far as the Office is aware, that a systematic gathering of these cases has been carried out in the OSCE region.

On 9 May, the Chair of the Human Dimension Committee in Vienna invited the SR/CTHB to present the preliminary findings of her Office’s study on the subject of trafficking

in human beings amounting to torture and other forms of ill-treatment. The research was carried out in partnership with the Ludwig Boltzmann Institute of Human Rights, where Professor Manfred Nowak, former UN Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, is the scientific director, and with the British NGO Helen Bamber Foundation. The linkage between trafficking in human beings and torture is an overlooked aspect of human trafficking. The research, which will be published in early 2013, aims to examine how and when trafficking in human beings can amount to torture and other forms of ill-treatment, as well as to provide the conceptual framework to understand what trafficking cases entail in terms of physical and psychological effects on trafficked persons, and the legal and clinical implications that flow from this characterization, including in terms of legal entitlements.

Another example of co-operation with OSCE sections is the research currently being undertaken jointly by OSR/CTHB and OCEEA on “Leveraging Anti-Money Laundering Regimes to Combat Human Trafficking”, building on the *Alliance* Expert Seminar of the same name from September 2011 organized by OSR/CTHB, OCEEA, TNTD/SPMU and the UNODC.

1.7 Capacity Building

In 2012, the OSR/CTHB successfully implemented its technical assistance mandate by means of capacity building work in several participating States, upon request, through targeted training courses for professionals in the anti-trafficking field, particularly law enforcement personnel. Whenever possible, the OSR/CTHB encouraged civil society’s participation in the training in order to increase co-operation with law enforcement.

On 16 February, the OSR/CTHB attended the FRONTEX preparatory meeting in Warsaw in order to prepare for the pilot Anti-Trafficking Training for Border Guards in Vilnius the following month. The OSR/CTHB discussed the final version of the FRONTEX Manual on THB for frontline border officials developed by OSR/CTHB together with a group of international organizations.

From 13-15 March, the OSR/CTHB contributed to the pilot training course in Vilnius in order to introduce the good practices outlined in the manual. The aim of the course was to test the training materials developed in 2011, and the outcomes will be used as a base for advising national trainers. More than 15 senior border officials from across the EU as well as EU neighbouring states attended the pilot training course.

A representative of the OSR/CTHB attended the SMi Border Security Conference: “Managing Borders between EU and non-EU nations” from 29 February-1 March in Sofia. The representative spoke at a Session on “Cooperation Across Borders”, where issues such as managing borders between EU and non-EU nations in Eastern Europe, co-ordination of joint operations between Member States and the establishment of common training standards were discussed.

Training standards were also in focus at the NATO Partnership for Peace Training Centre course, “Combating Trafficking in Human Beings (CTHB)” held from 5-9 March in Ankara and attended by a representative of the OSR/CTHB. The OSR provided the organization’s perspectives on the issue to course attendees. Officials from the IOM, UNHCR and EUROPOL as well as the NATO School and the Turkish Ministry of Foreign Affairs were among those who led other sessions.

The OSR/CTHB, together with TNTD/SPMU, participated in training sessions organized by the International Training Centre on Migration and Combating Trafficking in Human Beings and funded by the IOM Office in Minsk on “Best Practices and Prospects for Counteraction of Trafficking in Human Beings”. The 21-25 May training course was held for 30 experts in the sphere of counteraction of trafficking in human beings representing the law enforcement bodies of Belarus, Moldova and Ukraine. The OSCE presentation covered measures taken in all participating States to combat trafficking in human beings.

1.8 Extra-Budgetary Projects

On 21-22 June in Geneva, the OSR/CTHB launched the first of a series of workshops on preventing trafficking for



In May 2012, the OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings published the French translation of the 4th Occasional Paper entitled “Travail non protégé, exploitation invisible : la traite à des fins de servitude domestique”, thanks to funding from France and Switzerland. The English, French and Russian versions are available for download from our website: <<http://www.osce.org/cthb>>.



Palais Princier/Gaetan Luci

Maria Grazia Giammarinaro meets with Prince Albert II of Monaco, 20 March 2012

domestic servitude in diplomatic households. The SR/CTHB has taken leadership on this subject, with a view to disseminating good practices. Momentum has also been generated by the adoption of the International Labour Organization (ILO) Convention 189 on Decent Work for Domestic Workers in June 2011. The inaugural workshop in Geneva is part of a series of five that will be held in different OSCE regions to enhance the prevention of this form of trafficking. The project is currently funded by Austria, Switzerland and the United States.

On 13 March, the DC/CTHB launched a project funded by Iceland and the USA for the elaboration and implementation of a special course on “Trafficking in Human Beings: the Global Perspective and the Role of the Media” for undergraduate and postgraduate students of Moscow State University, Faculty of Journalism. The resulting curriculum is intended to serve as a model for future courses in other universities and for youth media, to encourage a stronger role for the media in combating human trafficking.

On 20 March, the SR/CTHB met with Prince Albert II of Monaco, and other Government officials such as State Minister (Prime Minister) Michel Roger, the Government Counsellor for External Relations, the Government Counsellor for Interior and the Government Counsellor

for Health and Social Affairs. The Special Representative signed a letter of intent with the Government Counsellor for External Relations that enables the OSR/CTHB to continue working together in 2012 and 2013 with Monaco on the project “Preventing Human Trafficking in Children without Parental Care in the Republic of Moldova”. The project, also funded by Andorra, Liechtenstein and San Marino, is implemented by the Moldovan NGO Child Rights Information Centre, in co-operation with national and local public authorities.

A representative of the OSR/CTHB also travelled to Moldova with the Deputy Head of Delegation of Monaco from 10-12 April to meet with the local partner in the project. The SR/CTHB followed this trip with an 11-12 September visit to Chisinau to open a photo exhibition by children from three boarding schools at the National Library of Moldova. The photos were produced by project participants after being given professional photography training and assigned to create photographs which deal with the subject of trafficking in human beings. Later, on 11-12 October this photo exhibition was demonstrated to the participants of the 12th *Alliance against Trafficking in Persons* Conference “An Agenda for Prevention: Non-Discrimination and Empowerment” (Vienna, Hofburg).

The OSR/CTHB worked with the OSCE Project Co-ordinator in Ukraine (PCU) to develop a new project on the economic empowerment of vulnerable persons, including identifying potential areas for project support. A series of preparatory meetings with representatives of national and local authorities as well as NGOs took place in February 2012.¹²

The OSR/CTHB continued to provide support to the Mission to Bosnia and Herzegovina for the project on the “Prevention of exploitation and trafficking of the unaccompanied and separated migrant children from Afghanistan and of other children on the move in the Balkans”.

Alongside the extra-budgetary projects mentioned above, the OSR/CTHB is also a partner in a number of selected and innovative projects.

On 27 February, the SR/CTHB delivered the keynote address to the kick-off for the OSCE-International Centre for Migration Policy Development (ICMPD) project “Capacity building for combating trafficking for labour exploitation”, carried out by ICMPD. Subsequently, in the context of the same project, on 18-19 June, the DC/CTHB made a presentation to labour inspectors and other officials from several Central and Eastern European

¹² For more information on this project, see contribution from OSCE Project Co-ordinator in Ukraine in Section 3.4b.

participating States. The training was the first of four to be carried out between June 2012 and February 2013 by the OSCE, ICMPD and NGOs.

The OSR/CTHB has also partnered with the NGO On the Road Italy, which has worked since 1990 to combat trafficking in human beings for sexual exploitation and forced labour as well as forced begging. From 12-14 November, a representative of the OSR/CTHB attended the European NGOs Platform against Trafficking, Exploitation and Slavery in Rome co-ordinated by On the Road.

1.9 Awareness Raising

In 2012, the SR/CTHB continued to pursue her efforts to build support for the anti-slavery movement to eliminate all forms of human trafficking through the establishment of partnerships with intellectuals, opinion leaders, academia, arts practitioners, cultural innovators and the media to raise awareness about the realities of modern-day slavery, and to commit them to its abolition.

Furthermore, the SR/CTHB paid particular attention to



Maria Grazia Giammarinaro speaks to reporters in Sarajevo during her country visit to Bosnia and Herzegovina, June 2012

the development of close co-operation with the media and believes that the influence of the “fourth power” in the prevention of modern-day slavery, awareness raising and in decreasing the vulnerability of most disadvantaged groups of the population, is as crucial as the media’s engagement in the creation of a climate of zero tolerance towards human exploitation in any society.

The following are some more examples of the work done in 2012:

On 6 February, the SR/CTHB paid a visit to Moscow upon the invitation of the Russian Union of Journalists (RUJ), and had a fruitful discussion with prominent Russian

media representatives. The meeting was dedicated to the role of the media in the fight against all forms of human trafficking in the OSCE region. Participants also included representatives of the Federal Migration Service, the State Duma, IOM Moscow, UNHCR and the International Association of Journalists. Subsequently, on 7 February, the OSR/CTHB contributed as a keynote speaker to the Roundtable held at the Moscow State University, Faculty of Journalism. The event was dedicated to the role of journalists in the fight against human trafficking as a serious transnational threat and gross human rights violation, and to the journalist investigation of this heinous crime. It was organized in the framework of the International conference “Journalism in 2011. Values of Modern Society and the Media”.

On 9 March, the SR/CTHB spoke at the UNESCO Roundtable in Paris “Trafficking in Women and Girls” on International Women’s Day. The event was also attended by the Ambassador Extraordinary and Plenipotentiary and Permanent Delegate of Azerbaijan to UNESCO, a UNESCO Goodwill Ambassador and it included the screening of the short film “The Girls from the East”.

The OSR/CTHB participated in the International Colloquium of the Memorial of Nantes from 22-24 March ahead of the formal inauguration of the Memorial on 25 March. Nantes was the largest French slave port in the 18th century and the new Memorial seeks to take responsibility for this past and to fight against slavery through the ages.

On 27 March, the DC/CTHB spoke at the Council on Foreign Relations’ Global Stakes in Human Rights Roundtable on “the OSCE, Human Rights and Human Trafficking”, and gave a lecture to graduate students in a course on “the UN and Emerging Institutions” at Georgetown University on 28 March in Washington DC. On 2 April, she spoke to students at the George Mason University, in Virginia.

On 24 August, the SR/CTHB spoke in Edinburgh at the eighth Scottish Festival of Politics event, “NGOs against Modern-day Slavery: Empowerment and Innovation”, describing how arts and creativity have the power to challenge destructive stereotypes such as ‘otherness’ and inferiority, which are often used to justify exploitation, especially of migrant workers. Her presentation included a range of photographs and other visuals, including an anti-trafficking clip from the NGO Stop the Traffik.

The SR continues to take an active role in promoting in-depth, balanced and comprehensive coverage of human trafficking, notably through continued dialogue with the



Maria Grazia Giammarinaro, Trish Davidson, founder and director of Unchosen and Cora Bissett, actor and director, in Edinburgh at the Scottish Festival of Politics, 24 August 2012

media, facilitating media access to research and expertise, disseminating best practices in reporting on the phenomenon, taking the lead in writing opinions and feature articles, and promoting opportunities and resources for media education on the issue.

Information about the SR's anti-trafficking work has been disseminated by important international and national agencies, newspapers, and information services, and also by broadcast media, including radio and TV interviews.¹³ The SR also contributes opinion articles and in-depth interviews to broadcasters as well as documentary films.

The 2012 Trafficking in Persons (TIP) Hero Award ceremony on 19 June also received widespread media attention, with stories written in publications such as *The Washington Post* and broadcasts appearing on *Voice*

of America and other outlets. The SR/CTHB also filmed interviews for a documentary produced by US-based Slavery Footprint and the US Mission to the OSCE following the event, and taped a broadcast for *Vatican Radio*.

The SR/CTHB seeks to promote the work done by OSCE field operations and institutions, making it more visible by working closely both with press officers and also with anti-trafficking focal points in field operations to illustrate and promote their activities. This allows for widespread media coverage of visits by the SR/CTHB, such as the country visit to Ireland in January-February that was covered by national television station RTE, Newstalk radio and *The Irish Times* newspaper or the June country visit to Bosnia and Herzegovina that was widely featured in the local media as well as the international broadcaster Al Jazeera.

¹³ For example: Al Jazeera, Vatican Radio, Radio Free Europe, Russia Today, Interfax, RIA-Novosti, ITAR-TASS, The Scotsman and Monaco Info.

2. EXTERNAL CO-OPERATION AND INTERNAL CO-ORDINATION

2.1 Internal Co-ordination and External Co-operation on Addressing Transnational Threats (TNT)

The OSR/CTHB works in close co-operation with the TNT Department, including regular exchange of information, joint meetings and joint initiatives.

External co-operation strengthened within the *Alliance against Trafficking in Persons* was complemented by the strengthening of bilateral and multilateral relations with key international organizations involved in combating trafficking in human beings and addressing it as a TNT. In particular, the SR/CTHB works closely with the UNODC, the IOM, the ILO, Interpol, and others. She also co-operates with regional organizations such as the European Commission, NATO, Europol, Eurojust, the CoE, the CIS Executive Committee, CSTO, CBSS, FRONTEX, etc. The UNODC is the key partner for the SR/CTHB in terms of promoting the implementation of the UN Convention against Transnational Organized Crime¹⁴ and the associated Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children¹⁵.

2.2 Co-operation with International Organizations

2.2.1 UNODC

The UNODC and the OSCE have a long history of fruitful co-operation in the fight against human trafficking which has been recognized as an area of mutual priority, and is reflected in the OSCE-UNODC Joint Action Plan for 2012.

This co-operation is well illustrated by the 30 March UNODC-OSCE staff to staff meeting. In the Joint Action Plan, the two organizations re-confirmed their partnership

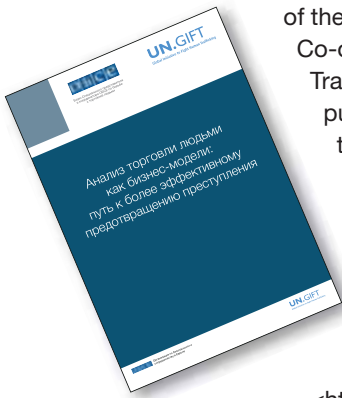
in the framework of the *Alliance against Trafficking in Persons* events and the *Alliance* Expert Co-ordination Team. At the bilateral level the Action Plan envisages that Parties aim to provide technical assistance at the regional and national levels within the OSCE area to develop and maintain regular contacts between missions to ensure that anti-human trafficking technical assistance activities are complementary and mutually reinforcing, e.g., annual UNODC Central Asia regional international co-operation workshop on trafficking in persons cases. Besides, the Action Plan highlights co-operation in the promotion of the application of the UN Trafficking in Persons Protocol to all phases of the organized crime chain perpetuating trafficking in persons, and the identification of joint actions to support such efforts. The Parties agreed to refer to the OSCE anti-trafficking commitments as important and advanced tools to promote a comprehensive and human rights-based approach to the implementation of the existing legal obligations; and in addition, the Parties decided to co-operate in the accumulation of knowledge and expert materials, including contribution of the OSCE Secretariat as an expert agency as well as a broker for the collection of material from the OSCE participating States for the development of the UNODC global case-law database.

The Joint Action Plan includes also the promotion (including through fundraising) of the United Nations Voluntary Trust Fund for Victims of Trafficking in Persons, Especially Women and Children, as well as consulting on possible areas of research and joint actions with a view to contribute to the implementation of the Global Plan of Action to Combat Trafficking in Persons.

The OSR/CTHB has been contributing to the United Nations Global Initiative to Fight Human Trafficking (UN.GIFT) since 2007 by providing input to the Expert Group Initiative Projects, subsequent conferences and projects. With a view to reaching a broader audience and promoting the implementation of the OSCE anti-trafficking commitments, the OSR/CTHB shares all of its publications, anti-trafficking manuals, and other supportive material with the UN.GIFT Knowledge Hub, and provides a link to UN.GIFT resources on its own website. In 2012, the SR/CTHB closely co-operated with UN.GIFT, addressing “Knowledge Management” in co-organizing an informal briefing to Member States on the “Strategic Plan of the

¹⁴ United Nations (UN), *United Nations Convention against Transnational Organized Crime* (15 November 2000).

¹⁵ United Nations (UN), *United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing the United Nations Convention against Transnational Organized Crime* (15 November 2000).



In November 2012, the OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings published the Russian translation of *Analysing the Business Model of Trafficking in Human Beings to Better Prevent the Crime*. The English and Russian versions are available for download from our website: <<http://www.osce.org/cthb>>.

UN Global Initiative to Fight Human Trafficking (UN.GIFT) for the period of 2012-2014”, as a member of UN.GIFT’s Steering Committee.

The Parties also co-operated in gathering information on trafficking in persons for the purpose of organ removal.

2.2.2 UNHCR

In 2012, the OSR/CTHB maintained an active and constructive dialogue with the UNHCR. On 29 August, the SR/CTHB met with representatives of the UNHCR from Geneva and Vienna to discuss co-operation and involvement of OSR/CTHB, and all OSCE anti-trafficking relevant structures, in the Regional Cooperation Framework to Address Mixed Movements in Central Asia, or the so-called “Almaty Process”.

2.2.3 ILO

Throughout 2012, the OSR maintained an active and fruitful dialogue with the ILO through the work of the *Alliance against Trafficking in Persons* and its Expert Co-ordination Team. On 7 May, OSR/CTHB contributed to an expert roundtable in Geneva and provided input and advice on statistical methodology ahead of the publication of a

new global estimate of forced labour, trafficking and slavery-like practices, released at the International Labour Conference in June.

2.2.4 IOM

The OSR/CTHB maintained its strong co-operation with the IOM and its regional offices in 2012. For example, OSR/CTHB was a keynote speaker at the 23-24 May IOM-CSTO International Roundtable on “Enhancement of cooperation among competent bodies of global and regional international organizations in combating human trafficking in Moscow”. OSR/CTHB input was also reflected in the concluding document of the event. The publication reflecting the proceedings of the IOM-CSTO Roundtable, including the OSR/CTHB contribution, was distributed for the participants of the 12th *Alliance* Conference on 11-12 October in Vienna. Also, on 14 November the OSR/CTHB participated in a meeting held by the Secretary General Lamberto Zannier and IOM Director General William Lacy Swing, and contributed to the discussion of further development of the well-established co-operation between the two organizations in the fight against human trafficking. This collaboration was again manifested at the 5th Annual Interregional Workshop “Sharing Practices among Source, Transit and Destination Countries in Adjudication of Trafficking in Persons and Migrant Smuggling cases” co-organized by the UNODC, OSCE and IOM in Ashgabat, Turkmenistan, on 20-21 November, and supported by the OSCE field operations in all Central Asian host countries.

2.2.5 Council of Europe

Co-operation between the Council of Europe and the OSCE structures and institutions in the field of action against trafficking in human beings remains relevant to the principles agreed during the meeting held in Paris on 22 June 2010 between the President and the First Vice-President of GRETA, the SR/CTHB and representatives of the OSCE/ODIHR. The commitment to further co-operation was confirmed at the meeting between the Deputy

New ILO Statistics

In 2012, the International Labour Organization (ILO) issued new global estimates confirming that human trafficking and forced labour have become a violation of human rights on a massive scale. According to the estimates, 20.9 million people are victims of forced labour globally, although the organization

stressed that this is a conservative estimate. Of the total, 4.5 million (22 per cent) are victims of forced sexual exploitation, 14.2 million (68 per cent) are victims of forced labour exploitation in sectors such as agriculture, construction, domestic work or manufacturing, while the remaining 2.2 million (10 per cent) are in state-imposed forms of forced labour. Globally, children represent an estimated 26 per cent of victims.

Secretary General of the Council of Europe and the OSCE Special Representative held in the course of the joint OSCE-CoE-CIS Inter-Parliamentary Assembly-CIS Executive Committee Roundtable in Saint Petersburg, Russia, on 18 April 2012, described below. The meeting concluded with a clear vision of complementarity and added value of the anti-trafficking work of the Council of Europe and the OSCE and an excellent perspective to step up our co-operation having gained new experience in the preparation of the St. Petersburg event.

The two organizations continued to regularly exchange information enabling them to identify priorities and needs where co-operation programmes could facilitate implementation of anti-trafficking standards. They co-ordinate activities in the field of awareness raising and advocacy (including, where relevant, the ratification of the Council of Europe Convention on Action against Trafficking in Human Beings, and the implementation of OSCE political commitments); assistance to Member States, including to national structures (governmental or non-governmental) that are responsible for preventing and combating trafficking in human beings and protecting its victims, especially in the field of training for relevant officials, and other areas.

During its country visits, GRETA delegations consult the local offices of the OSCE (where they have field operations and anti-trafficking Focal Points). Information about publication of final reports of GRETA is systematically communicated to the OSCE.

In 2012, the Council of Europe and the OSCE advanced beyond cross-participation in each other's events and accomplished a joint initiative strongly supported by the CIS Inter-Parliamentary Assembly and CIS Executive Committee. The Joint OSCE-Council of Europe-CIS IPA-CIS EC Roundtable on Action against Trafficking in Human Beings was held in St. Petersburg, Russian Federation, on 18 April 2012, hosted by the CIS IPA Secretariat. The Roundtable brought together over 100 participants from 20 countries, including parliamentarians, public officials, prosecutors, law enforcement officers, researchers and representatives of NGOs. The event was addressed by the Deputy Secretary General of the Council of Europe, the Secretary General of the Council of the CIS IPA, the OSCE SR/CTHB, the OSCE PA Vice-President, the President of GRETA, the Executive Secretary of the Council of Europe Convention on Action against THB, a representative of the PACE, the OSCE/ODIHR, high-level representatives of the CIS EC and its Coordinating Bodies, the UNODC, CSTO PA, IOM, Eurasian Group on Money Laundering and Financing of Terrorism, and OSCE field operations, as well as NGOs.

2.2.6 EU

In 2012, the OSR/CTHB continued to work closely with the EU, including with the Presidencies of the EU, the European Commission, the EU Anti-Trafficking Co-ordinator, FRONTEX (the EU co-ordinating agency for border control), and with the European Union Agency for Fundamental Rights (FRA).

On 3-4 February, OSR/CTHB contributed to the Meeting of the EU Informal Network of National Rapporteurs and Equivalent Mechanisms organised by the Danish Presidency of the EU and the Anti-Trafficking Coordinator (European Commission). The objective of the meeting was to discuss the further development of NRMs in EU Member States (MS) and issues related to the safe return of trafficked persons. The meeting also provided opportunities for an update on recent developments in the field of THB by the European Commission, as well as by individual MS.

On 17 October, OSR/CTHB participated in the National Rapporteurs and Equivalent Mechanisms Meeting co-chaired by the Cyprus Presidency of the EU and the EU Anti-Trafficking Coordinator (European Commission), where participants marked the Sixth EU Anti-Trafficking Day (18 October).

2.2.7 CIS Executive Committee

CIS Executive Committee supported the joint OSCE-CoE proposal to co-organize, together with the CIS Inter-Parliamentary Assembly, a Roundtable on combating trafficking in human beings. OSR/CTHB remained in close contact with the CIS structures in the preparation of the event, its concept and agenda, list of keynote speakers and moderators, as well as technicalities.

2.2.8 ICMPD

The OSR/CTHB is a partner in a number of selected projects including the project "Capacity building for combating trafficking for labour exploitation", carried out by ICMPD.¹⁶ The overall project objective is to support relevant national institutions of the target countries to combat trafficking in human beings for labour exploitation. The project aims to set up a programme encompassing the development of curricula and a series of training sessions, which will focus on trafficking for labour exploitation, taking into consideration related matters such as, among others, cross-border judicial co-operation, transnational

¹⁶ For more information on the OSR/CTHB's projects see section 1.8.

police investigation, and the legal framework of combating labour exploitation. A total of 7 EU countries and 7 non-EU countries are participating in the trainings.

2.3 Co-operation with Civil Society Organizations and National Human Rights Institutions

The main platform for co-operation with NGOs is the *Alliance against Trafficking in Persons*, hosted by the SR/CTHB.¹⁷ During many of her country visits, the SR/CTHB hosted an NGO roundtable where the most active anti-trafficking NGOs are invited to exchange good practices and experiences. Furthermore, the OSR/CTHB has been supporting NGOs working with victims of human trafficking in a number of participating States. The following are some examples of co-operation:

In 2012, one of its implementing partners, NGO Stellit, was awarded with Golden Psyche by the All-Russian Association of Psychologists for the collection of methodological material on providing psychological assistance to the children victims of sexual violence and commercial sexual exploitation, as a part of the OSCE ExB project funded by Monaco on “Preventing child sexual exploitation in Saint Petersburg” (2007-2011). The publication by Stellit was recognized as the best project of the year.

On 19 March, the SR/CTHB addressed the 25th Annual Meeting of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC). The meeting, at OHCHR’s headquarters in Geneva, of the European Group of National Human Rights Institutions (NHRIs) marked the first time that the group placed the issue of human trafficking on its agenda for the meeting. The SR/CTHB addressed the human rights aspect of trafficking and described how the NHRIs could play a role in preventing and combating trafficking. The address also provided the SR/CTHB to give visibility to the OSCE and its work to the NHRIs.

On 3-4 April, a representative of the OSR/CTHB attended the ODIHR “Strategy Meeting for Legal Practitioners Establishing a Network of Lawyers to support trafficked persons” in Warsaw. The meeting was the first activity aimed at establishing a new OSCE-wide Network of Lawyers committed to improving access to justice and effective remedies, including compensation, for trafficked

persons and vulnerable groups. The meeting brought together 45 legal practitioners from law firms, legal clinics, pro bono clearinghouses, civil society and inter-governmental organizations involved in the provision of free legal advice and representation to trafficked persons and vulnerable individuals in more than 20 OSCE participating States.¹⁸

Compensation for trafficked people is crucial in the fight against trafficking – not only as an instrument of restorative justice and prevention of trafficking, but also as recognition by the state of the damages the victims have suffered and important contribution to the victims’ rehabilitation. On 11 October on the margins of the *Alliance* Conference in Vienna, the SR/CTHB opened the Special Event on “Access to Justice, making compensation a reality for trafficked persons” organized by the European Action for Compensation for Trafficked Persons (COMPACT). At the Special Event, which was also the final event within the framework of the EC funded project, the SR/CTHB, who has been supporting COMPACT since its launch in July 2010, emphasized the valuable contribution of COMPACT to the advancement of trafficked persons access to justice and compensation – not just in the 14 countries included in the project from the start (Austria, Belarus, Bosnia and Herzegovina, Bulgaria, Czech Republic, FYROM, Germany, Ireland, Italy, Moldova, Poland, Spain, Ukraine and the UK) but beyond throughout the OSCE region. COMPACT has developed a number of practical tools that can be used and adapted for the whole OSCE region: a methodology for compensation research, an analysis of state compensation funds for victims of crime in several countries, a scheme for practitioners on the various national compensation mechanisms and guidance on how to do test cases and strategic litigation.¹⁹

In 2012, the OSR/CTHB continued to work with the NGO Child Rights Information Centre (CRIC) to implement the project “Prevention of Human Trafficking in Children without Parental Care in the Republic of Moldova”, aiming at the social and professional integration of children at risk.²⁰ The project includes life skills education through ad hoc trainings, enrolment in vocational training courses, assistance in obtaining free of charge accommodation and material support, as well as support in finding appropriate employment. More than 130 residential school students and graduates in the districts of Bender, Orhei and Leova are beneficiaries of the project, funded by Andorra, Liechtenstein, Monaco and San Marino.

¹⁷ For more information on the *Alliance*, please see Chapter 4 as well as the enclosed DVD.

¹⁸ For more information on the network, please see Section 3.1 on ODIHR.

¹⁹ For more details on the COMPACT initiative and the reports and tools developed within its framework please go to: <<http://www.compactproject.org/>>.

²⁰ For more information on the OSR/CTHB’s projects see section 1.8.

2.4 Internal Co-ordination and Co-operation

With its comprehensive and cross-dimensional approach to combating THB, the OSCE has a solid track record of utilizing and building upon the substantial work carried out by its various bodies when dealing with the problem. The SR/CTHB, the TNT/SPMU, the Gender Section, as well as other structures of the OSCE Secretariat, the ODIHR, and the field operations, specifically tasked by the OSCE Action Plan, join efforts to support participating States in their anti-trafficking work, and are committed to operating in a coherent and complementary manner on the basis of their respective institutional mandates with the common purpose of promoting the implementation of OSCE commitments at the national level. Through regular exchanges and consultations, the bodies keep each other informed, identify issues of concern and common priorities, set agendas, and maximize the use of limited resources by acknowledging and building on internal institutional resources of expertise when possible. Regular exchanges help share experiences and lessons learned, sum up and capitalize on ongoing efforts, and strengthen the Organization's institutional memory and expertise.

Co-ordination and co-operation are therefore ongoing processes that take various forms, including: co-ordination meetings of structures in the Secretariat, where possible with the participation of the ODIHR; annual meetings of all OSCE bodies (for example, Anti-Trafficking Focal Points meetings hosted by the OSR/CTHB and/or the ODIHR, annual Heads of Mission meetings); bilateral meetings between heads of unit; and, at working level, continuous regular exchange of information, joint planning of activities, and joint development of documents and assistance to participating States, where appropriate.

The following are examples of work done in 2012:

On 24 February, the SR/CTHB met the High Commissioner for National Minorities (HCNM) in Vienna to co-ordinate plans for the 2012 *Alliance* Conference on non-discrimination and empowerment that took place on 11-12 October in Vienna.

On 5 March, a consultation meeting of the DC/CTHB with ODIHR took place in Warsaw. The meeting included a video-conference presentation by the SR on the priorities of her Office for the year as well as a discussion of ODIHR work and inputs into the agenda of the *Alliance* Conference that took place on 11-12 October in Vienna. ODIHR also presented the key work areas of its

departments and discussed its planned input and participation at the *Alliance*. The DC/CTHB also met with the anti-trafficking unit and the ODIHR Deputy Director.

A senior representative of OSR/CTHB also attended the "Expert Group Meeting on Human Rights Protection in the Return of Trafficked Persons" held by the ODIHR on 27-28 March in Warsaw. The objectives of the meeting were to review and comment on the current draft *Guide on Human Rights in the Return of Trafficked Persons*, to exchange information on current developments on the return of trafficked persons to countries of origin with a view to highlighting gaps in human rights protection and to contribute to strengthening implementation of the existing or developing new recommendations with respect to return.

On 23-24 April, the DC/CTHB attended the 20th OSCE Economic and Environmental Forum, "Promoting Security and Stability through Good Governance", in Dublin. The Forum was attended by more than 200 participants from various fields, representatives from OSCE participating States, OSCE institutions and field operations, OSCE Partners for Co-operation, representatives of international and regional organizations, of civil society organizations, the business community and the academic community. Recommendations for further work in the OSCE on promoting good governance and combating corruption were presented during the discussions. The outcome of the discussions during the Forum Preparatory Meeting in Dublin were further debated in the Economic and Environmental Committee, and contributed to the Concluding Meeting of the 20th Economic and Environmental Forum that took place from 12-14 September in Prague. The SR/CTHB also spoke at this Forum, addressing trafficking in human beings as an issue of good governance, underlying the importance of leveraging anti-corruption and anti-money laundering tools to combat and prevent trafficking in human beings, and simultaneously enhance good governance.

On 19-20 April, the DC/CTHB attended the Regional Meeting of OSCE Heads of Field Operations (Central Asia) at the Hofburg in Vienna. The meeting brought together officials from the Secretariat, field operations, institutions and Parliamentary Assembly and the Troika. The agenda included a range of issues such as a follow-up on Vilnius Ministerial Council issues, the latest national and regional political developments in Central Asia and planned activities and future thematic trends of activities of field operations, institutions and Secretariat units in Central Asia. On 10 July, the SR/CTHB attended the Eastern Europe Regional Heads of Field Operations Meeting 2012 in Kiev.

The OSR also attended the OSCE Meeting of Focal Points for Gender Issues on 23-24 April in Stadtschlaining, Austria. The meeting brought together staff from the Gender Section Team, including the Senior Adviser on Gender Issues and Focal Points from the OSCE's field operations and Institutions. The Gender Section presented its priorities for the year and also shared current gender-related activities. Several workshops were also part of the meeting, focusing on outcome mapping and the communication strategy.

On 28 September, the SR/CTHB delivered the opening speech at the Human Dimension Implementation Meeting in Warsaw. The HDIM brings together representatives

from governments of the OSCE participating States and Partners for Co-operation, civil society, OSCE institutions, OSCE field operations, other OSCE structures, and other international organizations. The Meeting also included a Side Event on "Domestic Servitude in Diplomatic Households – A challenge for the International Community", organized jointly by the SR/CTHB, the Federal Department of Foreign Affairs of Switzerland and the Ministry of Foreign Affairs of Austria. The event was moderated by the Head of the Permanent Mission of Austria to the OSCE, and included presentations by the SR/CTHB, the Permanent Representative of Switzerland to the OSCE and Austria's National Coordinator on Combating Human Trafficking.

3. OSCE INSTITUTIONS, STRUCTURES AND FIELD OPERATION ACTIVITIES

3.1 Office for Democratic Institutions and Human Rights (ODIHR)

ODIHR's work on combating trafficking in human beings consists of providing assistance to OSCE participating States in order to enhance implementation of their OSCE anti-trafficking commitments, including those undertaken in the OSCE Action Plan to Combat Trafficking in Human Beings (MC Decision 2/03). Throughout 2012, the ODIHR Anti-Trafficking Programme continued to assist participating States throughout the OSCE region in strengthening their capacity to prevent trafficking in human beings, promote respect for the rights of and assist trafficked persons, including enabling them to access justice and effective remedies and ensuring their safe return to countries of origin or prior residence. Priority aims for ODIHR this year were to: encourage the anti-trafficking approach of participating States to be focused on the rights of trafficked persons and not only on their role as witnesses in criminal process; promote the importance of strong legal frameworks on anti-trafficking and enhance the victims' access to justice and effective remedies, including the possibility to claim compensation; support strengthening of the National Referral Mechanisms (NRM) for identification of and assistance to the victims of trafficking; and promote safe return of trafficked persons.

Throughout 2012, ODIHR continued to highlight the importance of adequate safeguards in the process of return of trafficked persons at many international forums, as well as in its work with the participating States. ODIHR is currently finalizing a *Guide to Human Rights in the Return of Trafficked Persons* (the Return Guide), which will provide guidance on applying the main human rights principles, derived from OSCE commitments and international standards governing every aspect of the return of trafficked persons including in the further development of national laws and policies. In the process of developing the Return Guide, on 27-28 March 2012 the ODIHR Anti-Trafficking Programme organized an Expert Group Meeting on Human Rights Protection in the Return of Trafficked Persons. This meeting brought together 30

international experts from civil society, UN bodies, EU agencies and other inter-governmental organizations working on issues related to human trafficking and return of trafficked persons and vulnerable groups. The participants discussed and provided comments on the draft Return Guide in their respective areas of expertise, e.g., rights of the child, rights of women, non-discrimination and rights of vulnerable groups, such as persons in need of international protection.

ODIHR continued to support the provision of legal assistance to trafficked persons during the reporting period. In its effort to promote access to justice and effective remedies for trafficked persons, including the possibility to claim compensation, ODIHR organized a meeting for lawyers and legal practitioners on 3-4 April 2012 in Warsaw. The meeting brought together 45 legal practitioners from law firms, legal clinics, pro bono clearinghouses, civil society and inter-governmental organizations involved in the provision of free legal advice and representation to trafficked persons and vulnerable individuals in more than 20 OSCE participating States. During the meeting participants shared proposals for the establishment of an OSCE-wide network of lawyers to improve access to justice and effective remedies, including compensation, for trafficked persons. In the context of promoting the creation of the network among specialized lawyers in the OSCE region, ODIHR supported participation of anti-trafficking lawyers in the PILnet (Global Network for Public Interest Law) European Pro Bono Forum (25-26 October, Madrid).

ODIHR continued its support to the European Action for Compensation for Trafficked Persons (COMPACT) as an Advisory Board member. ODIHR participated in the Special Focus Event, "Access to Justice, making compensation a reality for trafficked persons", hosted by COMPACT on 11 October in Vienna, on the margins of the annual High-Level *Alliance against Trafficking in Persons* Conference organized by the SR/CTHB on 11-12 October 2012, Vienna. ODIHR Director, Ambassador Janez Lenarčič, addressed the *Alliance* at the opening of the conference. ODIHR also participated in the second and third Coalition Meetings of COMPACT in London (March 2012) and Vienna (June 2012).



ODIHR Director Ambassador Janez Lenarčič and Maria Grazia Giammarinaro

Promoting the establishment of an effective NRM for identification of and assistance to victims of trafficking remained a priority of the ODIHR's anti-trafficking activities. The importance of an effective NRM was addressed at other international forums, where ODIHR was also represented. In February 2012, ODIHR took part in the annual meeting of the National Co-ordinators on Anti-Trafficking of the EU Member States in Brussels and delivered a presentation about the ODIHR framework on development of an effective NRM on the national level. On 18 April in Warsaw, ODIHR delivered the keynote address at a seminar on the role of parliamentarians in establishing a NRM, which took place at the Polish Parliament.

Since 2011, on the invitation of FRONTEX (the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union), ODIHR has been involved in the expert group on developing the FRONTEX Training Manual on Fundamental Rights for Border Guards. ODIHR participated in the development workshops in Malta in November 2011 and in Amsterdam in September 2012 and contributed, in particular, in the areas of safe return, identification of victims of trafficking and other vulnerable individuals in need of assistance and protection, as well as on general human rights safeguards at the border.

A highlight of ODIHR's support for anti-trafficking activities in 2012 was its role in organizing the Human Dimension Seminar on the Rule of Law Framework for Combating Trafficking in Human Beings, held on 14-16 May in Warsaw. This was the first such OSCE human dimension event, dedicated to the issue of combating human trafficking, which brought together representatives of Governments, NGOs and IOs working on anti-trafficking from across OSCE region. Four key areas were examined during the Seminar: effective domestic legislative frameworks; appropriate institutional frameworks for effective trafficking investigation, prosecution and adjudication;

the victim in the criminal justice process; and, issues of accountability, accessibility and justice in the context of prevention of trafficking. The participants produced a number of recommendations for the OSCE participating States, OSCE institutions and other inter-governmental and non-governmental organizations, which were included in the Consolidated Summary of the Seminar.²¹ The Office also organized a working session devoted to anti-trafficking issues which took place on 28 September 2012 during the OSCE Human Dimension Implementation Meeting (Warsaw, 24 September – 5 October 2012). This session focused on the implementation of the OSCE Action Plan to Combat Trafficking in Human Beings and highlighted, in particular, the issues of implementation of commitments relevant to establishing effective National Referral Mechanisms for the victims of human trafficking, trafficked persons' access to justice and effective remedies, including compensation, as well as ensuring safe return of trafficked persons.

In line with its legislative support mandate, and upon request of the Director of the Centre to Combat Trafficking in Persons, ODIHR issued a comprehensive review of all legislation related to combating trafficking in human beings in the Republic of Moldova in December 2011, which was translated and forwarded to the Moldovan counterparts by the OSCE Mission to Moldova in 2012.

ODIHR also continued its support and assistance to anti-trafficking stakeholders on the national level. On 1 July 2012 the ODIHR Anti-Trafficking Programme started a new three-year project entitled 'Human Rights Protection for Trafficked Persons and Vulnerable Groups in Central Asia'. The project focuses on three main areas of work: development of NRMs, enhancing access to justice and effective remedies, including compensation, for trafficked persons, and strengthening co-operation among the key stakeholders nationally and in the region including through annual regional events. In 2012, the ODIHR Anti-Trafficking Programme, carried out project inception visits to Kyrgyzstan and Kazakhstan in co-operation with the OSCE field operations in these countries, where it met with relevant Government agencies, intergovernmental organizations and NGOs involved in anti-trafficking action.

From 2008 until December 2011, ODIHR supported a peer education project in Albania, implemented by the Albanian NGO Children of the World and Albania - Human Rights (FBSH-DN). The aim of the peer education project was to increase outreach and access to rights of marginalized Roma and Egyptian communities and provide support for

²¹ For more detailed information about the OSCE 2012 Human Dimension Seminar and the text of the Consolidated Summary see <http://www.osce.org/event/hds_2012>, accessed 19 September 2012.

the local integration of Roma children and their families in an effort to prevent child labour and human trafficking. From 14-17 February 2012, ODIHR's Anti-Trafficking Programme undertook a field visit to Albania and met with the relevant State authorities, international organizations, national and international NGOs in Tirana and Elbasan in order to identify opportunities for the peer education activities to become sustainable beyond ODIHR's funding, as well as possible sources for future funding for the peer education work.

3.2 Gender Issues Programme, Secretariat

The Gender Issues Programme in the Secretariat supports the OSCE's work in combating trafficking in human beings in a number of different ways.

Throughout 2012, the Section continued to compile good practices and innovative approaches to addressing various forms of violence against women, including human trafficking. The earlier compilation *Bringing Security Home: Combating Violence against Women in the OSCE Region - A Compilation of Good Practices*²² continues to be extensively distributed to OSCE delegations, field operations, institutions, as well as to international organizations and NGOs active in the OSCE region.

In September 2012, the event "Women as Agents of Change," highlighted the cross-sectional vulnerabilities placed on women migrants and minorities by underscoring the impact of trafficking as a potential risk factor and challenge.

The Gender Section also supported Gender Focal Points in the field to carry out projects on gender and trafficking (including field operations in Baku, Bosnia and Herzegovina, Albania, Moldova, Uzbekistan, Yerevan, Kosovo and Tajikistan). One forward-leaning project in Uzbekistan created Civic Support Centres (by partnering with a local NGO) where women can receive free business, psychological and legal consultations. The Section also worked alongside the national Trade Unions Federation and Ministry of Labour and Social Protection to facilitate the creation of sewing shops in towns where at-risk women live, ensuring continuous sustainable income to beneficiaries. Finally, the Mission to Serbia worked with journalists to adapt the way they report and raise awareness on human trafficking and ensure that they employ a gender perspective in their writing.

²² This publication is available under: <<http://www.osce.org/gender/37438>>, accessed 22 November 2012.

The Gender Section's work on the conflict cycle has included developing gender-sensitive indicators of early warning mechanisms and has looked at aspects such as the increased numbers of trafficking victims and increased illegal movements of women. The Section is also continuing to advocate for improved reporting and monitoring of these trends across field operations and participating States.

Finally, the Gender Section has prioritized using economic empowerment as a means to combat trafficking. This built on the 2011 publication *Women's Economic Empowerment: Trends & Good Practices on Women's Entrepreneurship in the OSCE Region*²³. In 2012 the Senior Gender Advisor highlighted the role of economic empowerment in her annual address to the Economic and Environmental Committee. She also addressed the impact of gender-inclusive good governance as a means for combating corruption at the EEC Annual closing meeting in Prague in September 2012.

3.3 Transnational Threats Department (TNTD), Secretariat

a. Strategic Police Matters Unit, Secretariat (TNTD/SPMU)

The TNTD/SPMU continued to support the OSCE's efforts to combat trafficking in human beings through a range of key actions in 2012. One of the most notable areas was participation in training activities that focused on the importance of combating sexual abuse of children on the Internet. This included delivering presentations on 22 May for law enforcement officials from Belarus, Moldova and Ukraine in Minsk. TNTD/SPMU staff returned to Minsk on 11 September to deliver a presentation on "Current priorities in preventing and combating sexual abuse of children on the Internet – the OSCE perspective" during a one-week training course on child pornography and the Internet.

The Office also held a training for a range of airport-based law enforcement officials organized jointly by the OSCE Office in Baku and the UNHCR office in Baku where TNTD/SPMU delivered a presentation of case studies on the identification of victims of human trafficking for the purpose of forced labour. A final presentation for law enforcement officials was delivered in Kiev on combating trafficking in human beings during a training course on 21-22 November.

²³ This publication is available under: <<http://www.osce.org/gender/75553>>, accessed 22 November 2012.

Expert group meetings were also an essential part of TNTD/SPMU's work to combat trafficking in human beings. The Office participated in an expert group meeting organized by the ODIHR Office in Warsaw. The agenda included the revision of a draft of the OSCE/ODIHR *Guide to Human Rights in the Return of Trafficked Persons* that had been prepared by an Australian human rights expert Anne Gallagher. It will serve as a recommended standard for policy makers in the OSCE participating States.

TNTD/SPMU received ExB funding to revise existing training manuals used in the course of the OSCE-facilitated police training activities addressing the issue of human trafficking, to identify their strong features and gaps, collect additional materials and develop a new *OSCE Resource Police Training Guide* reflecting current challenges in combating trafficking in human beings. The manual will be used as both a guide and as a minimum standard for both internal and external trainers engaged in specialized police training activities facilitated by the OSCE.

Digital initiatives were a key component of TNTD/SPMU's efforts to combat human trafficking in 2012. On 8 March, the Office launched an online expert discussion forum focused on the sexual abuse of children on the Internet that will also contribute to creating an online e-learning module on preventing and combating this criminal problem for use by law enforcement. TNTD/SPMU also hosted a second regional legal training on digital evidence for police, public prosecutors and judges from South Eastern Europe together with the OSCE Mission to Serbia. It is intended to provide police supervisors, appellate level prosecutors and judges with an advanced understanding of computer crimes, computer forensics, and cyber evidence. Lastly, Irish and UK experts in December delivered a one-week training to enhance the capacity of cyber-crime investigators and cybercrime examiners in Albania using state-of-the-art software.

b. Borders Unit, Secretariat (TNTD/Borders Unit)

In 2012, the TNTD/Borders Unit continued to implement and support a number of training and capacity building activities that contributed to the fight against trafficking in human beings. One area of focus was the launch of an initiative to develop an anti-corruption training curriculum designed specifically for border and customs officials with a view to raise the level of integrity of officials at the border and make them more aware of the consequences of ongoing corruption. The TNTD/Borders Unit supported the capacity-building activities of OSCE field operations in Central Asia on various aspects of border security and

management which resulted in an increased capacity to combat trafficking in human beings at border crossings, such as the Patrol Programming and Leadership project in Tajikistan. In addition, Staff Courses in the OSCE Border Management Staff College (BMSC) in Dushanbe, Tajikistan, included modules on combating human trafficking as a form of transnational organized crime. Furthermore, the BMSC has agreed with the OSR/CTHB to develop a sustainable training module and deliver a dedicated training activity in 2013.

The TNTD/Borders Unit notes that border security and management agencies of the participating States continue to be challenged with trafficking in human beings. As such, several aspects and consequences of migration patterns were the topics of the Annual National Focal Points Network Meeting in Vienna on 30-31 October. Moreover, based on observations made while contributing to and participating in numerous border-related events conducted by national border agencies of participating States or other international organizations in the OSCE region throughout 2012, the TNTD/Borders Unit will explore possible activities that could directly and indirectly enhance border agencies' abilities to address human trafficking. The TNTD/Borders Unit looks forward to continuing this co-operation to support the OSR/CTHB and field operations' work in combating trafficking in human beings.

3.4 Field Operations

a. South-Eastern Europe

OSCE Presence in Albania

In 2012, the OSCE Presence in Albania assisted Government and civil society in addressing all forms of human trafficking and providing protection to victims of trafficking and vulnerable groups. The Presence co-operated with the Office of the National Anti-Trafficking Co-ordinator to implement the Anti-Trafficking Action Plan. To address trafficking for labour exploitation, the Presence organized seminars for labour inspectors, labour and migration officers, police and NGOs. Co-operation was established with the business sector in order to increase their commitment in prohibiting such exploitation. A Code of Conduct for the Prevention of Trafficking for Labour Exploitation was developed and is expected to be launched and approved by private companies in 2013.

In addition, the Presence developed leaflets on migrants' rights and anti-trafficking. The leaflets were published in a number of languages and distributed at the Centre

for Irregular Migrants in Tirana and at all border crossing points. The Presence co-operated with Tirana Law University to involve students who provided legal counseling to irregular migrants held in the reception centre.

The Presence monitored the situation of child trafficking and supported the authorities in drafting a legal framework on child protection. Co-ordination continued with NGOs working on child protection. The Presence provided financial support to the Vatra shelter in southern Albania, thus ensuring the provision of social services for adult victims of trafficking and their children.

The Presence will continue to support the Office of the National Anti-Trafficking Co-ordinator for the implementation of the Anti-Trafficking Action Plan in the areas of prevention of trafficking for labour exploitation, upgrading legislation on victims' rights and enforcement of asset seizure procedures. Co-operation with the business sector will continue to ensure that the Code of Conduct to Prevent Trafficking for Labour Exploitation is a success.

OSCE Mission to Bosnia and Herzegovina

Throughout 2012, the OSCE Mission to Bosnia and Herzegovina (BiH) has continued to assist in strengthening the State's response to trafficking in human beings and specifically provided support to local authorities in drafting the State Strategy and Action Plan for Combating THB (2012-2015). These documents will provide a solid basis for a more modern response to new challenges in combating human trafficking. The Mission will continue to advocate for the allocation of adequate resources for their implementation.

Within the Mission's trial monitoring programme, the OSCE monitored cases against suspected human traffickers and provided assistance to governmental and non-governmental actors as part of the BiH anti-trafficking referral mechanism. Findings were routinely shared with relevant Government and NGO partners in various forums, such as during the monitoring visit of the 'Group of Experts on Action against Trafficking in Human Beings' (GRETA)²⁴. The Mission also assisted in securing power of attorney for a group of workers from Bosnia and Herzegovina allegedly exploited in Azerbaijan until 2009, who will be represented by a legal NGO before the European Court of Human Rights.

During the reporting period, the Mission completed the implementation of an extra-budgetary project²⁵ aimed

at improving the identification and prosecution of THB cases related to labour exploitation. Capacity building activities included seminars for judges and prosecutors, labour inspectors and NGOs. Furthermore, the Mission helped prepare and facilitate the country visit of the OSCE Special Representative and Co-ordinator for Combating THB to BiH²⁶, and also organized a public discussion event, during which the publication on THB for labour exploitation (developed within the project) was presented.

Though the referral mechanism was to some extent developed at the state level, forms of trafficking in BiH have changed to include mostly domestic victims. As such cases are often unreported or incorrectly qualified as less serious offences, adequate support is not provided to the victims. During the reporting period, the Mission's advocacy resulted in the Government's commitment to support referral mechanisms at the local level. The Mission increased support for the four Regional Monitoring Teams, which were formed to more effectively co-ordinate the provision of assistance at the local level. The Mission and the German Development Agency (GIZ) provided logistical and technical support for meetings in the four locations and gained the teams' commitment to meet regularly and strengthen co-ordination.

Since 2009, the Mission has called for adjustments to entity level legislation to ensure compliance with international human rights standards.²⁷ During the reporting period, the Mission further worked with authorities to find a model capable of contributing to the effective prosecution of trafficking cases. With the Mission's support, another milestone was reached in the process of amending trafficking-related criminal legislation. Amendments have been drafted that place international trafficking provisions within the State level BiH Criminal Code, while intra-BiH trafficking will be addressed by amended entity and Brcko District criminal codes. This solution was accepted by the relevant expert body and all four Ministries of Justice. It is important to use this momentum to ensure that the amendments are adopted simultaneously at all levels; legal gaps may arise otherwise.

The Mission also conducted numerous capacity building activities for stakeholders, including judges and prosecutors, armed forces to be deployed in peace keeping operations, NGOs and social welfare centres. In the upcoming period, the Mission will continue to work closely with BiH

²⁴ The visit took place in the period 4 - 18 May 2012.

²⁵ With the financial assistance of the Permanent Delegation of Finland to the OSCE.

²⁶ For more information on the visit of the SR/CTHB to Bosnia and Herzegovina, see Section 1.1.

²⁷ OSCE Mission to Bosnia and Herzegovina, *Trafficking in Human Beings and Responses of the Domestic Criminal Justice System* (2009), <http://www.osce-bih.org/documents/osce_bih_doc_2009070710460618eng.pdf>, accessed 22 November 2012.



Maria Grazia Giammarinaro and Ambassador Fletcher M. Burton, Head of the OSCE Mission to Bosnia and Herzegovina, June 2012

authorities, NGO partners and the international community, ensuring that referral mechanisms at the local level are developed and that criminal legislation is harmonized with international standards. The Mission will also continue to support national authorities and civil society in addressing trafficking for the purposes of labour exploitation.

OSCE Mission to Montenegro

During 2012, the OSCE Mission to Montenegro assisted the Government in its efforts to put the National Strategy for the Fight Against Trafficking in Human Beings 2012–2018 into place. It engaged a local expert to draft this crucial document and prepare a platform for the National Strategy and Action Plan. A local expert was also brought in to translate the document from Montenegrin into English.

Training on Human Smuggling and Trafficking in Persons Investigations was also a key highlight of the Mission's work this year. The Mission organized a five-day training on this topic from 11–15 June 2012, in Danilovgrad, Montenegro. Trainers from the Turkish International Academy against Drugs and Organized Crime (TADOC) were invited, allowing Montenegrin law enforcement authorities to gain an international perspective and apply the experts' experiences to their own work. The training equipped participants with the necessary knowledge, skills, and abilities to effectively and competently carry out criminal investigations regarding illegal immigration and human trafficking. At the end of the course the officers were able to describe common human smuggling and trafficking methods, trends, routes, and explain the role and importance of border controls, to prepare risk assessment maps of human smuggling and trafficking routes into, out of, or transiting through their countries and to prepare risk profiles based on comprehensive risk assessments of the means and methods used by smugglers and traffickers.

The Mission organized a three-day study visit for representatives of the police as well as the National Co-ordinator's Office with Turkish Law Enforcement Agencies. This allowed representatives from Montenegrin law enforcement bodies and other officials to establish direct contact with Turkish colleagues and improve co-operation between law enforcement agencies from both countries. Such co-operation is vital as Montenegro receives many illegal immigrants who use the country as a transit point before moving on to other destinations in Europe.

OSCE Mission to Serbia

Throughout 2012, the OSCE Mission to Serbia continued to play an important role in policy-making and the implementation of complex anti-trafficking activities in the country. At the initiative of the National Anti-Trafficking Coordinator and with the support of the Joint IOM/UNODC/UNHCR Programme to Combat Trafficking in Human Beings, the Mission was actively involved in the re-drafting process for the National Anti-Trafficking Strategy and the development of a 2013–2015 National Plan of Action to Combat Trafficking in Human Beings. The re-drafting process involved a large number of governmental and non-governmental stakeholders. It has resulted in comprehensive policy documents that the Government will adopt by the end of the year.

The Mission also continued with the implementation of a multi-year ExB project entitled *Advancing the Institutional Response to Challenges of Trafficking in Human Beings in the Republic of Serbia* which is supported by the Austrian Development Agency. Activities implemented were divided into four thematic groups: Prevention, Victim Protection, Law Enforcement and Judiciary Components.

Within the prevention component, the Mission initiated the implementation of a large-scale media awareness raising campaign to increase knowledge among potential migrant workers of the risks of human trafficking, particularly for labour exploitation. This represents the very first media campaign in the country focused on labour exploitation. It included the creation of TV and radio spots as well as other advertising materials such as billboards, signs on buses and posters. The campaign was launched in mid-October, with the intention of creating a better understanding of the complexity of the phenomenon. In addition, the involvement of all relevant stakeholders in anti-trafficking work, including such entities as trade unions, is expected to increase as a result of the campaign.

The main focus of the victim protection component was the Mission's focus on street-involved children, one of the

most vulnerable and largely invisible groups of minors. The OSCE Mission carried out research to analyse existing national mechanisms for child protection, legislative frameworks and gaps in prevention and protection of street-involved children. This has resulted in a comprehensive situation analysis and a Model Strategy for Protection of Street-Involved Children that defines strategic goals and the necessary measures for the improvement of legal and institutional frameworks concerning street-involved children.

The OSCE Mission initiated the development of a training manual for police officers dealing with trafficking cases as the main part of the law enforcement component. This will enable the creation of adequate training materials and create a better understanding of trafficking in human beings. The manual was prepared in the form of a case study and included lessons learned and good practices in identifying, referring and protecting victims of trafficking, as well as recommended actions and lessons learned in pre-trial, post-trial and during court procedures. The manual should enable the representatives of the Ministry of Interior, as well as judges and prosecutors, to have a better understanding of the phenomenon, as well as of the position and needs of victims in victim identification and protection.

Mindful of the documented increase in the number of identified child trafficking victims, the Mission organized specialized trainings with the aim of strengthening the capacity of police officers and social workers to detect and respond to child trafficking cases. The specialized trainings will enhance the practical implementation of child protection principles in police officers' daily work. Furthermore, these seminars will facilitate the implementation of the two Ministerial Protocols on Child Protection: The General Protocol for the Protection of Children from Abuse and Neglect of the Ministry of Labour, Employment and Social Affairs and the Special Protocol on the Conduct of Police Officials in the Protection of Minors from Abuse and Neglect of the Ministry of Interior. These Protocols have been developed and adopted in line with international human rights instruments and standards. The specialized trainings took place in November and December 2012.

In order to fulfil the judiciary component of the project, the Mission has implemented a number of anti-trafficking activities and capacity building training sessions over the past three years. These have targeted various professionals, particularly judges and prosecutors. The Mission implemented 30 local-level cross-sector workshops and organized two conferences. It also arranged the revision of a specialized manual for judges, prosecutors and police

officers with the aim to further enhance the institutional response to challenges associated with the fight against trafficking in human beings. The re-election of judges and prosecutors followed by the adoption of cornerstone laws (e.g., Criminal Code, Criminal Procedure Code) all made the judiciary component of the ExB project highly complex. In order to address a number of challenges within the judiciary component, the Mission carried out an impact and needs assessment of the Professional Capacity Building trainings implemented over the past three years. Additionally, the Mission assessed the position and needs of the victims of this crime during pre-trial, post-trial and court procedures to gain a better overview of the professional enhancement needs of the judiciary.

OSCE Mission in Kosovo

There were a number of key developments at the OSCE Mission in Kosovo in 2012 as it continued to engage in advocacy and provide support to local institutions and civil society in order to improve their capacity to identify and assist victims of trafficking, while also preventing and combating trafficking in human beings.

After providing training for relevant anti-trafficking stakeholders and service providers in 2011, the Mission monitored the level of implementation of the *Standard Operating Procedures for Victims of Trafficking Kosovo-wide*. The Mission is providing advice to further improve these procedures and increase assistance offered to victims based on its findings.

In March 2012, the Mission launched a comprehensive media campaign to promote public awareness of the anti-trafficking and domestic violence helpline. The helpline serves as a primary point of contact and information for potential victims, supports the identification of victims of trafficking in human beings and helps refer victims to the relevant institutions for assistance. Through public service spots and expert discussions on television and radio programmes Kosovo-wide, the Mission aimed to raise general awareness about trafficking in human beings. The Mission distributed leaflets providing information on the helpline and available assistance mechanisms for victims of trafficking. During Anti-trafficking Month (18 September to 18 October 2012), 12 billboards were displayed across Kosovo promoting the helpline, while the Mission conducted information activities in secondary schools for approximately 225 students, including non-Albanian communities across Kosovo. Simultaneously, the Mission continued to monitor and provide advice to the anti-trafficking and domestic violence helpline operators in identifying and assisting victims of trafficking. The media campaign resulted in a significant increase



OSCE Mission in Kosovo

Anti-trafficking essay contest winner Maja Markovic in Kosovo, October 2012

in people seeking advice through the helpline, with 230 calls received within the first three weeks after its launch in comparison to about 80 calls from 18 October 2011 to 7 March 2012.

The Mission also supported the Kosovo Police Directorate for Investigating Trafficking in Human Beings in improving services to victims of trafficking. The Mission helped develop a form on victim rights and provided translation into six languages (Serbian, English, Russian, Moldovan, Polish and Bulgarian). Anti-trafficking officers of the Kosovo Police, victims' advocates and social workers use this form when conducting an initial interview with a potential or presumed victim of trafficking.

In the future, the Mission will continue to monitor and promote the rights of victims of trafficking and advise the inter-ministerial working group as well as civil society on how to identify and protect victims of trafficking, including children, and to refer them to the responsible institutions. The Mission will also continue to promote the prevention of trafficking in human beings across Kosovo.

OSCE Mission to Skopje

In 2012, the Mission to Skopje continued to support the efforts of national authorities and civil society to develop and implement effective policies and practices in the fight against human trafficking. A key area was prevention and awareness-raising, targeted at young people – the most

vulnerable group in society. Several activities were undertaken, such as the development of a special school diary containing clear and strong anti-trafficking messages, and creating anti-trafficking messages on social networks such as Facebook and Twitter. The Mission also contributed to the development of the new National Strategy and Action Plan to Combat Trafficking in Human Beings and Illegal Migration in the period from 2013-2016.

At the regional level, the Mission implemented a project against trafficking in children in the Western Balkans, which was supported by the French Government. Three workshops were organized, where NGO representatives from the host country, Albania, Bosnia and Herzegovina, Greece, Kosovo, Montenegro and Serbia, and France, discussed the challenges and their efforts to fight human trafficking. The workshops were also a forum for discussions on new forms of child trafficking and child exploitation and an opportunity to share experiences and practices, and to identify patterns and challenges that exist in the whole region. A set of best practices and recommendations that will ensure more effective and sustainable protection of children at risk and child trafficking victims was endorsed. It is expected that this document will be promoted beyond the Western Balkans so that it can impact the entire OSCE region.

The Mission will continue to encourage national ownership at all levels and the strengthening of a human rights and victim-centred approach in all actions against human

trafficking, as well as fostering regional exchange and co-operation.

b. Eastern Europe

OSCE Mission to Moldova

The OSCE Mission to Moldova continued to work closely with State institutions in the fight against human trafficking in 2012. This contribution included providing support and capacity building to the Permanent Secretariat of the National Committee on Combating Human Trafficking, based on the human rights approach and best practices of similar bodies in other OSCE participating States. The Permanent Secretariat is the operational branch of the National Committee, an inter-agency ministerial-level body to which the Mission provides expertise and recommendations as an observer. The Mission provided recommendations on improving anti-trafficking legislation and a National Action Plan for 2012-2013 following requests from the Permanent Secretariat. This body has introduced recommendations made by the Mission, the ODIHR and the OSCE Special Representative while drafting laws and a new Action Plan.

The Mission draws a link between trafficking and domestic violence, which has been identified by non-governmental organizations as a push factor for trafficking. This was done through capacity-building programmes focused on improving the investigation, prosecution and court handling of human trafficking and domestic violence cases for some 180 judges, prosecutors, lawyers and police officers. The training curriculum was regularly updated to reflect new developments in international law, in particular the European Court of Human Rights, to include cases of trafficking for both sexual and labour exploitation and child trafficking and sexual abuse on the Internet. The Mission also drafted a training manual on domestic violence cases for judges, prosecutors and lawyers.

In the reporting period, the Mission increased its work on empowering women and girls from vulnerable groups in rural areas of both banks of the Dniester/Nistru River to prevent human trafficking. In November and December 2012, in the framework of the global 16-Day Campaign against Gender Violence, the Mission conducted a workshop, press conferences, TV programmes and other initiatives with women and men as well as boys and girls on both sides of the Dniester/Nistru River. The activities were conducted in close partnership with the Government, NGOs and other international organizations, including UN Women and the UN Population Fund (UNFPA). For the first time in Moldova, the Campaign produced a television video (Public Service Announcement) with sports

champions and a video contest among youth on engaging men and boys, as well as women and girls in sending a zero-tolerance message against gender violence and promoting positive male role models. A summer school helped 50 young women from both banks aged 16 to 22 years to increase their self-confidence, knowledge of their rights and risks of domestic violence and trafficking, how to access higher education, and how to enter the labour market and set up small businesses. Other activities focusing on prevention included nine theatre performances of the play *Casa M.* in Russian-speaking communities, including Transdnistria for the first time. The social play is based on true stories of Moldovan women victims of domestic violence, followed by interactive discussions between experts and the public on the causes and consequences of domestic violence and human trafficking.

The OSCE Mission to Moldova's anti-trafficking and gender programme continued to play a leading role in co-ordinating the work of the Government, NGOs and international organizations through monthly co-ordination meetings in Chisinau and other regions, including Transdnistria, in co-operation with the Ministry of Labour, Social Protection and Family, local public authorities and NGOs. The meetings gathered over 200 representatives of State bodies at the national and local level, NGOs and international organizations, and helped strengthen dialogue and exchange information on local developments, ongoing projects and good national and international practices. Three roundtables in Transdnistria saw increased participation by local authorities and closer co-operation with civil society in the social sector.

The Mission assisted the OSCE Office of the Special Representative and Co-ordinator on Combating Trafficking in Human Beings in implementing an extra-budgetary project,²⁸ *Preventing Human Trafficking in Children without Parental Care in the Republic of Moldova*, which empowers more than 120 children from boarding schools through education in life-skills, including how to access vocational training, higher education and the labour market. As part of the project, the Mission, together with the SR/CTHB, opened an anti-trafficking exhibition in Chisinau of photos taken by children from Moldovan residential schools. Children took photographs on human trafficking in their home regions after a professional photography training course. The exhibition was later taken to Transdnistria and other regions of Moldova, as well as to Vienna.

The OSCE Mission to Moldova will continue to advocate for increased state funding for prevention, prosecution, and protection services, including for compensation

²⁸ For more information, see section 1.8.

and shelters for survivors, and improving laws, policies and the capacity of judges, prosecutors and investigators through training. The Mission will monitor trafficking cases in court and continue to provide assistance to upgrade training programmes and curricula for judges, prosecutors, police and lawyers as part of State reforms in the justice sector.

OSCE Project Co-ordinator in Ukraine

Throughout 2012, the OSCE Project Co-ordinator in Ukraine (PCU) continued to provide expert and technical support to the Ukrainian government in the development of the subordinate legislation to the Law of Ukraine “On Combating Trafficking in Human Beings”. This support led to the Cabinet of Ministers’ approval of the following legislative documents:

- State Targeted Social Programme on Combating Trafficking in Human Beings for the period until 2015 (Decree #350 as of 21 March 2012);
- Procedure for the Provision of Status of Victim of Human Trafficking (Decree #417 as of 23 May 2012);
- Procedure for the Provision of One-Time Financial Aid to Victims of Human Trafficking (Decree #660 as of 25 July 2012);
- Procedure for Co-operation of the Anti-Trafficking Stakeholders (Decree #783 as of 22 August 2012).

The approval of the above documents and the results of the piloting of National Referral Mechanism (NRM) to assist trafficking survivors in the Donetsk and Chernivtsi regions prepared the ground for the NRM multiplication in four more regions of Ukraine (Kharkiv, Khmelnytsky, Luhansk and Vinnytsya) as well as streamlining the NRM co-operation modalities in the regions of Chernivtsi and Donetsk. Following the PCU-facilitated preparatory field visits by the representatives of the Ministry of Social Policy of Ukraine (National Anti-Trafficking Co-ordinator) in April 2012, multi-agency roundtable meetings to establish regional NRMs were held in Chernivtsi, Kharkiv and Luhansk and multi-disciplinary Trainings of Trainers on NRM functioning were delivered in Chernivtsi, Kharkiv, Luhansk and Vinnytsya. Similar efforts were undertaken in the rest of the NRM multiplication regions, and the interim results were shared and discussed at a national roundtable on the implementation of the Law of Ukraine “On Combating Trafficking in Human Beings” on 18 October 2012. In addition, in co-operation with the Ministry for Social Policy of Ukraine, 1,000 copies of the PCU-facilitated research on international best practices in identification of child-victims of trafficking in human beings were published.²⁹

²⁹ This research is available online at <<http://www.osce.org/uk/ukraine/93270>> (in Ukrainian only).

The PCU’s efforts to enhance the law enforcement response to human trafficking during the EURO 2012 football championship resulted in the inclusion of anti-trafficking provisions in the Implementation Plan for Integrated National Security Strategy for EURO-2012 (adopted by the Ukrainian Government Resolution #119-p as of 27 February 2012). In collaboration with the State Border Guard Service of Ukraine, the PCU published 500,000 information cards on combating THB which were distributed to EURO-2012 visitors at border crossing points.

The co-operation with the Ministry of Interior of Ukraine remains one of the key priorities for the PCU’s anti-trafficking work. In 2012, 10,000 copies of the updated handbook on precinct police officers’ role in combating human trafficking were published and distributed to the respective Ministry of Interior divisions in all regions of Ukraine. These materials will also be used in the framework of a new specialized course on combating human trafficking for cadets-future front line precinct police officers, whose draft has been developed and awaits piloting.

Following the results of the needs assessment for the Division for Combating Cybercrime of the Department for Combating Cybercrimes and Trafficking in Human Beings of the Ministry of Interior of Ukraine, facilitated by the PCU in 2011, a draft basic level online training course on cybercrime investigation is being finalized and a training room on cybercrime investigation within the specialized unit in the Interior Ministry is being established. The room is being used to conduct a series of training courses on cybercrime investigations for national and regional anti-cybercrime police officers. The first training of trainers’ session was held there from 5-16 November 2012.

To enhance prevention of human trafficking and minimize risks of re-trafficking for its survivors, the PCU in co-operation with the OSR/CTHB worked on the development of a new project on economic empowerment of vulnerable persons. To identify the potential areas for project support, a series of preparatory meetings with representatives of national and local authorities as well as NGOs took place in February 2012. The DC/CTHB, accompanied by a consultant and a PCU representative, visited Kiev and Donetsk to discuss the existing needs and proposed modalities for implementation of the new project with the Ukrainian Ministry for Social Policy, Ministry of Interior, Deputy Governor of Donetsk region, and representatives from the Donetsk regional Department for Co-operation with Public and for Nationalities and Religion, Department for Economy, Department for Family and Youth, State Social Service for Family, Youth and Children, and State Employment Center. The key non-governmental partners, including the Donetsk League of

Business and Professional Women, La Strada-Ukraine as well as the IOM Mission in Ukraine were also involved in the discussions. Following the positive outcomes of the preparatory meetings, the ExB project “Prevention of Human Trafficking in Ukraine through the Economic Empowerment of Vulnerable Persons” (#3200253) was finalized.

c. South Caucasus

OSCE Office in Baku

During 2012, the OSCE Office in Baku strengthened co-operation with Government and civil society actors working in the field of combating trafficking in human beings and labour exploitation. With its implementing partner, the Office established the first shelter for male victims of forced labour in the country, which assisted over 300 migrants subjected to labour exploitation at construction sites in Azerbaijan. Along with the shelter for male victims, the Office supported two civil society operated shelters for female victims of human trafficking and labour exploitation, and for street children.

The Office continued co-operating with the United Nations High Commissioner for Refugees (UNHCR) in strengthening the capacity of front-line officers and migration and border officers in identification and protection of victims of forced labour among asylum seekers and stateless persons. The Office and UNHCR also organized joint training activities for the employees of the migrants’ detention facilities and police education institutions.

One of the major activities of the year was the publication of the Office’s needs assessment report on the services and assistance available for trafficked victims. The report contains 35 recommendations that focus on improving the country’s victim-centred anti-trafficking efforts.

In June, the Office organized an Investigative Reporting Summer Programme on Human Trafficking and Forced Labour. The weeklong programme trained 15 journalists on ethical techniques for interviewing victims and how to remain safe while reporting on trafficking. The course also provided essential knowledge on domestic and international legal remedies. In addition, the Office and the American Bar Association Rule of Law Initiative (ABA ROLI) established a network of lawyers to protect the rights of victims of trafficking and labour exploitation. The Office and ABA ROLI will continue co-operation to increase the capacities of Network members and will present a list of trained lawyers to the Government and civil society agencies that they can provide to victims in need of legal assistance.

In November 2012, the Office organized a three-day specialized course for law-enforcement agencies to increase the capacities of those responsible for victim and witness interviewing and evidence collection. The Office also continued a series of training courses for the staff of shelters, Victim Assistance Centres and counter-trafficking focal points of the State agencies tasked with victim assistance and referral under the country’s National Action Plan to Combat Human Trafficking. In December, the Office hosted a National Conference on Enhancing Co-operation to Combat Human Trafficking and Forced Labour in Azerbaijan. The Conference brought together over 70 representatives of law-enforcement and civil society organizations from countries of origin and destination for Azerbaijan to discuss new trends in human trafficking, the challenges that countries face when investigating and prosecuting human trafficking and forced labour and protecting trafficked victims.

In the future, the Office will continue supporting Government and civil society agencies to improve prevention and prosecution of trafficking and identification, protection and assistance for trafficked victims. The Office will also continue to work closely with civil society organizations in promoting a victim-centred approach and will host a national event to promote *pro bono* assistance to trafficked persons.

OSCE Office in Yerevan

Over the course of 2012, the OSCE Office in Yerevan continued to work closely with the Armenian Government and civil society partners to address the phenomenon of human trafficking by reinforcing co-ordination amongst National Referral Mechanism (NRM) actors and by strengthening the capacity of law enforcement institutions.

In February, the Office released a comprehensive training manual and course curricula for law enforcement personnel on combating trafficking.³⁰ The manual was prepared by four national experts as part of a multi-year EU-funded Extra-budgetary project, and the OSCE participated in the implementation together with the International Labour Organization. Coupled with a training of trainers methodology prepared in 2011, law enforcement training schools and academies currently use OSCE-developed training materials to educate law enforcement students and trainees on anti-trafficking policies and approaches. As a result of the Office’s engagement, all newly trained prosecutors, police, border guards, and labour inspectors in Armenia are familiar with human rights-compliant approaches and practices.

³⁰ This manual is available online at: <<http://www.osce.org/hy/yerevan/87972>> (in Armenian).

During this past spring, the main national anti-trafficking actors and the deputy chair of the Armenian Inter-agency Anti-Trafficking Working Group (WG) requested OSCE support in order to further strengthen institutional and administrative structures. After a review and needs assessment based on the National Action Plan (NAP) for 2010-2012, the Office established a group of experts that provides continuous support to the WG to guide and monitor the implementation of Armenia's NRM. Presently, the WG actively engages with law enforcement agencies to detect and prosecute trafficking cases. The team of two national experts worked with the WG for six months in 2012, providing support for 2010-2012 NAP monitoring and NRM revision. It has also been instrumental throughout the drafting process for the forthcoming NAP (2013-2015).

In order to promote public awareness about the effects of human trafficking and efforts to reduce its proliferation, the Office participates regularly in programming on national television and radio. These interviews are used not only as a stage for presenting the Office's anti-trafficking activities, but also for ensuring that the public is updated and remains well-informed about combating human trafficking.

d. Central Asia

OSCE Centre in Ashgabat

The OSCE Centre in Ashgabat continued its work to support efforts to raise awareness about THB in Turkmenistan. The Centre has worked to prepare training materials that could be used by teachers at the S.A. Niyazov Institute of the Ministry of Internal Affairs when teaching students about issues related to human trafficking, including trafficking for sexual and labour exploitation.

The Centre sponsored the participation of a representative of civil society from Turkmenistan to the *Alliance* Conference in Vienna. In addition, it provided financial support to the 20-21 November Fifth Annual Interregional Workshop "Sharing Practices among Source, Transit and Destination Countries in Adjudication of Human Trafficking and Migrant Smuggling Cases" in Ashgabat that also included presentations by the UNODC, IOM, UNHCR, OSCE, UNICEF, and other organizations.

OSCE Centre in Astana

During 2012, the OSCE Centre in Astana, with the support of the International Organization for Migration and the U.S. Embassy in Kazakhstan, organized a project on Anti-Trafficking policies in Kazakhstan's Legal System.

The goal of the project was to conduct eight two-day trainings on case classification and on victim identification for Kazakh judges. The process of prosecution and details of compensation for victims of human trafficking cases were a particular focus of the trainings.

Along with the training for judges, the Centre carried out a project on identification of trafficking victims in police detention centres and rehabilitation centers for juveniles and homeless persons. This project was conducted by the local NGO "Legal Initiative" and had two components: victim identification through visits to centres of confinement under the Ministries of Interior and Labor and Social Protection, and training of the staff at these institutions. There were six trainings held for the staff of the detention facilities and rehabilitation centers. Training participants came from several regions of the country where the project was implemented. The goal of the training was to equip participants, among them police officers, with tools of identifying victims of human trafficking. The project was wrapped up by a roundtable with representatives of the Ministry of Interior, Supreme Court, General Prosecutor's Office, Ministry of Health, Ministry of Education and the Parliament in Astana on 29 August.

From March to June 2012, the Centre implemented a project on prevention of human trafficking of children from orphanages and special schools, and children with disabilities: awareness raising and social protection measures. The goal of the project was to raise awareness among law enforcement officials, school teachers, orphanage workers and their administrations to particular situations of vulnerability among children and young people in their care. The trainings were held in several cities of Kazakhstan and were conducted by the NGO "Feminist League". To finalize the project a roundtable was organized in Astana with the representatives of the Child Protection Department and representatives from Law Enforcement, NGOs, juvenile police officers, and prosecutors dealing with human trafficking.

OSCE Centre in Bishkek

Throughout 2012, the OSCE Centre in Bishkek supported the Government of the Kyrgyz Republic in upholding its national and international commitments to effectively prevent trafficking in human beings. To this end, the Centre engaged governmental and civil society stakeholders in multi-agency co-ordination, capacity building and grass-roots awareness raising initiatives within the framework of the nationwide anti-trafficking project "Preventing Trafficking in Human Beings in Kyrgyzstan" launched in April 2012.

Actions to support awareness raising of and investigations into human trafficking crimes have been designed to help fulfill the implementation of the “National Action Plan on Combating Trafficking in Human Beings 2012-15” and test some of its key goals on the ground. The aim is to foster co-ordinated responses to the challenges faces in the prevention, investigation and prosecution of trafficking crimes.

An example is the support provided by the Centre to the Kyrgyz Border Guards Service in engaging other law enforcement agencies in the south of the country in information sharing and joint actions on combating human trafficking. For this purpose, a working group composed of southern representatives of the Ministry of Interior, the Prosecutor’s Office, the State Committee on National Security, and also including the Ombudsman’s Representative was initiated in June 2012. The Working Group aims to create a standing platform of dialogue to regularly review challenges and progress in inter-agency co-operation. The Centre also supported the Border Guards Service in boosting the capacity of its officers at border crossing points to detect potential and actual cases of human trafficking.

In order to increase the support given to Kyrgyz nationals in destination countries, the Centre has provided training to the consular department of the Ministry of Foreign Affairs. Among other goals, the action aimed at increasing the outreach potential of the MFA to vulnerable labour migrants as a key at-risk group of human trafficking beyond its national borders. In September 2012, caretakers and educators from selected orphanages and children’s homes in the south of the country at the grass-roots level, received information on the legal framework and social opportunities for effective prevention of trafficking of minors. The activity was conducted by the OSCE Osh Field Office together with local civil society organizations and members of local self-government. With the aim of increasing the available knowledge on trafficking risks in the south of Kyrgyzstan, the Centre has conducted a baseline research in Osh, Jalal-Abad and Batken provinces. The research assessed the vulnerability factors that lead to trafficking and based its findings on interviews conducted with over 1,500 respondents among the working age population as well as youth and victims of trafficking. The research paid specific attention to the migration of Kyrgyz nationals in search of better opportunities within and outside the country after the 2010 events.

The Centre continued to work closely with its international partners, including the UNODC and IOM with regard to facilitating dialogue on prosecution of trafficking crimes in the region by co-organizing a roundtable for prosecutors

from four Central Asian Republics in May 2012. Follow-up actions will be promoted at the regional level. The results of the project will be used to facilitate dialogue and to inform state policies on combating trafficking in human beings in the country. In the coming months, the Centre plans further regional co-operation to improve the investigation of trafficking in human beings with a particular focus on destination countries of Kyrgyz victims of trafficking, as well as to address the issue of under-reporting



Poster for anti-trafficking hotline, OSCE Centre in Bishkek

of human trafficking offences. The capacity of civil society to provide qualified legal expertise to migrants and other at-risk groups will be increased thanks to synergies with the ODIHR implemented project “Human Rights Protection for Trafficked Persons and Vulnerable Groups in Central Asia” launched in July 2012. The outreach potential of awareness-raising preventive work among the population will be maximized through the engagement of diverse stakeholders including community and religious leaders.

OSCE Office in Tajikistan

Starting in December 2011, the OSCE Office in Tajikistan conducted a detailed mapping of ongoing initiatives to combat human trafficking at local, regional and national levels. This country-wide assessment was part of the Office’s continued effort to support implementation of the State’s National Action Plan to Combat Human Trafficking 2011-2013, a document to which the Office contributed when it was in the development process. The assessment

included in-depth research of the legislative framework, available documentation and the capacity of state institutions and civil society organizations to respond to human trafficking. A total of 128 interviews with representatives of 89 different civil society organizations, state institutions and other resource institutions were conducted. The preliminary findings from the mapping exercise include recommendations for more focused programming among international organizations, civil society and Government institutions. The findings from the mapping exercise were presented in September at the open plenary session of the High-Level Dialogue on Human Trafficking, co-chaired by the Inter-Agency Commission on Trafficking in Human Beings and the Ministry of Foreign Affairs. The Office expert who conducted the anti-trafficking initiatives assessment also presented her findings in several consultations with international organizations, diplomatic missions and civil society.

The Office continued to facilitate high-level sessions of the “High-Level Dialogue on Human Trafficking”, the co-ordination mechanism chaired by the Inter Agency Commission on Trafficking in Human Beings and the Ministry for Foreign Affairs. Sessions were convened in March, September and December 2012. Participants included senior officials from the Ministries of Justice, Interior, Education, Social Affairs and Labour, as well as the First Deputy Prosecutor General, the First Deputy of the National Security Committee, representatives of civil society, international organizations and diplomatic missions. Recent discussions in the Dialogue sessions have mainly addressed the implementation of the National Action Plan.

In April 2012, the Office conducted training on human rights and human trafficking in four special schools in Dushanbe. Through the support of the Office of the Head of Mission Charity Fund, a small project has been supported to offer capacity building to teenagers in orphanages, special schools for children with disabilities and juvenile detention centres, on issues related to the Tajik labour code and legislation, human rights and trafficking in people. The teenagers graduated from school, and left their centres in June 2012.

In early July, information and promotion materials dedicated to CTHB - 12,000 posters, 12,000 calendars and 2,000 notebooks - prepared with anti-trafficking pictures that won the 2011 state-sponsored student contest were published. The materials were disseminated by the Office, the Interagency Commission on Trafficking in Human Beings and others among relevant government offices, civil society organizations, OSCE Field Offices, schools around the country and others.

The OSCE Office in Tajikistan and the OSCE Centre in Ashgabat are co-operating in the further use and application of the training manual and materials on CTHB developed by Tajikistan’s Academy of the Ministry of Internal Affairs (MIA) with the support of the OSCE Office in Tajikistan. In June 2012, the OSCE Office in Tajikistan supported attendance of two representatives from Tajikistan’s MIA to an expert seminar convened by the OSCE Centre in Ashgabat.

In April the National Rapporteur on Human Trafficking of Tajikistan, who is also the First Deputy Head of the Police Academy of the Ministry of Internal Affairs, attended a roundtable on combating human trafficking organized jointly by the OSR/CTHB, the Inter-parliamentary Assembly of Member Nations of the CIS (IPA-CIS), the CIS Executive Committee, and the Council of Europe. The participation was supported by the Office, and the National Rapporteur addressed the Roundtable in St. Petersburg on issues related to law-enforcement and national referral mechanisms. The Police Academy of the Ministry of Internal Affairs with the support of the Office has developed and institutionalized a 26-hour course on investigation processes of human trafficking cases which has run every December since 2010, taught by teachers of the Police Academy to the third year students.

The Office was also involved in a range of other activities that affect host country response to trafficking in human beings. In June 2012, the Office’s Anti-Trafficking unit taught human trafficking awareness at the Staff Course of the Border Management Staff College. That same month, the Office organized and hosted Tajikistan’s unique “Preparatory Human Dimension Implementation Meeting” in co-operation with the Office of the Human Rights Ombudsman and the Executive Office of the President. The Office supported the participation of one representative from the Inter-Agency Commission on Trafficking in Human Beings and one representative from civil society in the 12th *Alliance against Trafficking in Persons* Conference in October 2012. It continued to co-ordinate with the Secretariat and ODIHR anti-trafficking units, including offering detailed comments on extra-budgetary project proposals and on project implementation, as well as to co-ordinate with the UNODC, UNHCR and the Danish Refugee Council.

OSCE Project Co-ordinator in Uzbekistan

In 2012 the OSCE Project Co-ordinator in Uzbekistan assisted the Government and civil society in increasing its efforts to combat human trafficking in two priority areas.

The first priority was capacity building for the Inter-agency anti-trafficking commission and other governmental

agencies, including a series of specialized workshops for the territorial branches of the commission. The main focus of the workshops was to establish a more systemic and sustainable counteraction to human trafficking and better co-ordination between the different anti-trafficking stakeholders such as police, health and social workers and NGOs in identifying trafficked persons and protecting their human rights.

In order to promote direct co-operation between the countries of origin and destination and to share expertise among law enforcement professionals and NGOs on how to better ensure the right of trafficked persons to adequate identification, protection and safe return, the PCUz organized two workshops with the countries of transit and destination. Criminal justice experts, anti-trafficking and migrant rights NGOs from the Russian Federation and Turkey, Thailand, Ukraine, Azerbaijan and Georgia discussed the challenges of addressing the threats of human trafficking, barriers to prosecuting human trafficking cases, timely victim identification and referral for assistance and providing legal assistance and representation.

To increase the involvement of the national human rights institutions in the prevention of human trafficking and in establishing a possible mechanism for handling complaints from the victims, the PCUz provided training for the representatives of the Ombudsperson Institution, its regional representations, the experts group under the Ombudsperson and Commission for Observance of Constitutional Rights and Freedoms.

Furthermore the Office started a project on further developing the national referral mechanism in Uzbekistan with the support of U.S. ExB funds. The PCUz jointly with the Uzbek Ministry of Foreign Affairs and experts from the Council of the Baltic Sea States carried out capacity building activities on raising awareness among and providing skills for the diplomatic and consular personnel of the Ministry and diplomatic missions of the destination countries accredited in Uzbekistan. The main purpose of the activities was to help consular personnel learn how to identify victims of human trafficking and refer them for assistance.

The second priority of the Office was to work with the National Federation of Trade Unions and women's rights NGOs on preventing human trafficking by empowering at-risk groups. Training sessions on business entrepreneurship skills for at-risk groups in Tashkent, Samarkand, and Bukhara oblasts, the areas from which the highest number of victims originate, are planned for the end of 2012 and first half of 2013. The women's rights NGO Civil Initiatives Support Centre, supported by the Mission, opened a hotline and launched psychological and legal counselling for vulnerable groups of women in one of the biggest districts of Tashkent city. Currently the OSCE PCUz in co-operation with trade unions is undertaking a pilot project in Tashkent oblast on the creation of small-scale businesses, ensuring continuous Government contractual work and sustainable income to its beneficiaries. The project will make sure that at least 30 at-risk women will be empowered by means of education and employment in the pilot region of Angren, Tashkent oblast.

4. 12th ALLIANCE AGAINST TRAFFICKING IN PERSONS Conference: An Agenda for Prevention of Human Trafficking: Non-Discrimination and Empowerment

In 2004, upon the initiative of the first Special Representative for Combating Trafficking in Human Beings, the OSCE established the *Alliance against Trafficking in Persons* – an informal and innovative platform for co-operation between the OSCE and other major international organizations and NGOs recognized for their active human rights stand against trafficking. The *Alliance* aims to combine the efforts of its more than 30 partners to develop joint strategies and set a common agenda to stamp out modern-day slavery. The *Alliance's* annual high-level conferences and technical seminars held in Vienna bring the best possible knowledge and expertise to the participating States and, at the same time, provide a global perspective on anti-trafficking activities being undertaken by the international community. The *Alliance* Expert Co-ordination Team (AECT) meetings, convened

by the OSR/CTHB twice a year, serve as a consultative forum for the *Alliance* partners and provide an opportunity to exchange work plans, identify gaps, examine evidence to determine priorities, approaches and best practices and plan possible joint actions.

In 2012, the spirit of the original *Alliance* was maintained by engaging in bilateral and multilateral dialogue with various organizations to consolidate existing partnerships and to continue to reach out to a broad range of partners. The SR/CTHB consulted with the AECT members on current trends in anti-trafficking action and shared with them her analysis of the situation and challenges ahead. Productive discussions in the AECT helped advance a common strategic approach and renew the commitment to join efforts and secure synergies in advocacy and in field work.



OSCE/Diana M.

“Lack of freedom”

The Alliance against Trafficking in Persons

International organizations

- UNHCR · UNICEF · UNODC · UN OHCHR
- UN WOMEN · ILO · IOM · IFRC · Interpol
- Council of Europe · European Commission · ICMPD
- Council of Baltic Sea States (CBSS) · Europol · NATO

Non-governmental organizations

- Amnesty International · Anti-Slavery International
- Churches Commission for Migrants in Europe (CCME)
- ECPAT · Human Rights Watch (HRW) · International Centre for Missing and Exploited Children (ICMEC)
- La Strada International · Platform for International Cooperation on Undocumented Migrants (PICUM)
- Save the Children · Terre des Hommes International Federation

Social partners and others

- International Trade Union Confederation (ITUC)
- International Organisation of Employers (IOE)
- Bureau of the Dutch Rapporteur on Trafficking in Human Beings

To promote the implementation of the OSCE commitments and to address new arising challenges, on 11-12 October the SR/CTHB convened the 12th *Alliance against Trafficking in Persons* Conference on “An Agenda for Prevention: Non-Discrimination and Empowerment”.³¹ The event attracted over 350 participants, including prominent speakers such as Ambassador Frank Cogan, Head of Irish OSCE Chairmanship Taskforce, OSCE Secretary General Lamberto Zannier, ODIHR Director Janez Lenarcic, OSCE High Commissioner on National Minorities Knut Vollebaek, Morten Kjaerum, Director, European Union Agency for Fundamental Rights (FRA), Kenneth Morris, President of the Frederick Douglass Family Foundation, Rani Hong, UN.GIFT Special Advisor and child trafficking survivor, Matteo Mecacci, Member of the Italian Chamber of Deputies, Chairman of the General Committee on Democracy, Human Rights and Humanitarian Questions of OSCE Parliamentary Assembly, Marjan Wijers, Human rights consultant and researcher, Bridget Anderson, Deputy Director, Centre on Migration, Policy and Society (COMPAS), Mark Urnov, Professor, Moscow Higher School of Economics, Anastasia Crickley, Head of Department of Applied Social

Studies, National University of Ireland, Founder and chair of Pavee Point Travellers Centre and many others.

The following section contains the opening speech of the SR/CTHB at the Conference (Vienna, 11 October) as well as “Human Trafficking, Non-Discrimination and Empowerment: The Way Forward”, a paper by international expert Isabella Orfano, summarizing and expanding upon its key themes.

Speakers at 12th Alliance against Trafficking in Persons Conference featured on enclosed DVD

- Frank Cogan, Ambassador, Head of Irish OSCE Chairmanship Taskforce · Lamberto Zannier, Secretary General, OSCE · Janez Lenarčič, Director, ODIHR · Knut Vollebaek, High Commissioner on National Minorities (HCNM) OSCE · Morten Kjaerum, Director, European Union Agency for Fundamental Rights (FRA) · Maria Grazia Giammarinaro, OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings · Kenneth Morris, President, Frederick Douglass Family Foundation · Matteo Mecacci, Member of the Italian Chamber of Deputies, Chairman of the General Committee on Democracy, Human Rights and Humanitarian Questions of OSCE Parliamentary Assembly · Marjan Wijers, Human rights consultant and researcher · Mariana Katzarova, Senior Adviser on Anti-trafficking Issues, ODIHR · Andrzej Mirga, Senior Adviser on Anti-trafficking Issues, ODIHR · Bridget Anderson, Deputy Director, Centre on Migration, Policy and Society (COMPAS), UK · Kadri Soova, Advocacy Officer, PICUM · Petya Nestorova, Executive Secretary of the Council of Europe Convention on Action against Trafficking in Human Beings, Council of Europe · Ryszard Piotrowicz, Professor of law, University of Aberystwyth · Patricia Le Cocq, Belgium Centre for Equal Opportunities and Opposition to Racism · Parosha Chandran, Human rights barrister · David Lopez, General Counsel, U.S. Equal Employment Opportunity Commission · Anastasia Crickley, Head of Department of Applied Social Studies, National University of Ireland, Founder and chair of Pavee Point Travellers Centre · Mark Urnov, Professor, Moscow Higher School of Economics · Madina Jarbussynova, Ambassador, OSCE Project Co-ordinator in Ukraine · Kristine Skytte Glue, KVINFO-Danish Centre for Information on Gender, Equality and Diversity · Nivedita Prasad, Project Co-ordinator, Ban Ying · Lisa Wong, Senior officer, Program to Promote the Fundamental Principles and Rights at Work, ILO · Olivier Peyroux, Sociologist and Deputy Director, Hors La Rue · Rani Hong, UN.GIFT Special Advisor for Victims, Executive Director, Tronie Foundation

³¹ For more information on the Conference, including the agenda, concept note, presentations and photos, see <<http://www.osce.org/event/alliance12>>, accessed 20 November 2012.



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

I am delighted and honoured to welcome you today as the host of the 12th *Alliance against Trafficking in Persons* Conference “An Agenda for Prevention: Non-Discrimination and Empowerment”.

I feel privileged to have the pleasure of opening this conference with the contribution of such high-level officials committed to the cause of human rights. I would like to thank Ambassador Cogan, Head of the Irish OSCE Chairmanship Task Force, the OSCE Secretary General, the ODIHR Director, the High Commissioner on National Minorities and the Director of the European Union Agency for Fundamental Rights (FRA) for joining us today. Let me also extend a warm welcome to all our other speakers and participants at this 12th *Alliance* Conference here in Vienna.

In my opening remarks I would like to explain why the *Alliance against Trafficking in Persons* devotes so much attention to the linkage between trafficking in human beings and discrimination, and how the common understanding of its impact will bring added value to our efforts.

Discrimination is always mentioned as a root cause of trafficking. However, further analysis is needed to better understand the multiple ways in which discrimination can lead to victimization in a trafficking pattern, regarding for example the personal, family and social background of actual and potential victims, or their belonging to a national or ethnic minority. In addition, even less has been undertaken in the past with respect to discrimination as a vulnerability factor which can lead to victimization and trafficking during the migration process. Today, very often people are victimized, for example, when they have reached their country of destination, where they very often face discrimination at work, social stigmatization

when they are exploited in prostitution, and sometimes even racist and xenophobic behaviours. This could result in a situation of social isolation and debt bondage and could lead to trafficking for labour, sexual or other forms of exploitation.

In this Conference, by highlighting the linkage between trafficking and discrimination, we want to boost the vision of anti-trafficking action as part of the human rights discourse, open new paths for advocacy strategies, and explore ways to ensure that anti-discrimination and anti-trafficking standards, actors and strategies complement and reinforce each other, enhancing both prevention and protection.

The principle of non-discrimination implies that every individual is entitled to the enjoyment of their rights without discrimination on any grounds.³² The principle of equality before the law is therefore at the core of the rule of law framework which is essential in the struggle against trafficking in human beings. In this respect, the Conference builds upon the excellent Human Dimension Seminar held in Warsaw in May this year.

I would like to introduce three aspects of the linkage between anti-trafficking and anti-discrimination work that will be further explored during the conference, and highlight some action-oriented implications.

First, to be more effective in preventing trafficking we need to tackle the patterns which underpin discrimination and exploitation.

³² Council of Europe, *European Convention on Human Rights*, Article 14 (1950) and Protocol No. 12 (2000), <http://www.echr.coe.int/NR/rdonlyres/D5CC24A7-DC13-4318-B457-5C9014916D7A/0/CONVENTION_ENG_WEB.pdf>, accessed 22 November 2012.

Second, an effective prevention and protection strategy is founded on empowerment and social inclusion.

Third, multiple and inter-sectional discrimination is an essential component of woman's vulnerability to trafficking. Yet, the causes of inter-sectional discrimination also bring empowerment opportunities.

Addressing the first point, human trafficking always implies exploitation, be it in the context of a migration process or within the country. If we want to prevent and combat it, we have not only to address issues related to various forms of exploitation but also tackle the cultural patterns which make such exploitation largely tolerated, especially where migrants are concerned.

We are confronted every day with the fact that, in practice, many cases in which there are clear indications of trafficking – confiscated documents, excessive working hours, no salary and even injuries as a consequence of physical punishment – even these cases very often are not classified as trafficking cases but treated as less serious crimes. One of the reasons behind this shocking situation is that very often the competent authorities fail to grasp the gravity of the exploitation involved.

Well, when we dig and try to better understand and analyse the reasons for this “blindness”, we find, among other factors, discrimination. We discover, for example, how influential the cultural construction of the migrant as the “other”, and of “otherness” as “inferiority” is, although it mostly works in a subtle and hidden way. The same constructions are reflected in any form of discrimination and racism. The same constructions were once used to validate and justify historical slavery.

This is one of the reasons why racism matters and should be better understood as an element that needs to be addressed in the prevention and fight against human trafficking. Not only does it reappear directly in certain forms of exploitation, for example in certain cases of domestic servitude, when a worker is regularly abused through racist language. Moreover, racism is a major component in the hidden structure of discrimination and therefore it offers an easy justification for exploitation. We witness every day, for example, the production of xenophobic stereotypes about migrant workers, depicted as inefficient, incapable of being fully integrated into society, and even criminals. Such stereotypes, among other things, hamper the perception that they could be victims of a serious crime.

Therefore we want to further explore the many reasons why racism still matters, and plays a major role not only

in the history of slavery but also in modern-day slavery. Of course it is not our intention to suggest that historical and contemporary slavery have the same features. However, the differences and similarities should be better understood. If not, the existence of such similarities ironically would lead – and very often in fact leads – to what I call “blindness” toward individual trafficking cases. For example, as long as law enforcement officials do not understand that the restriction of freedom of movement is not necessarily a component of modern-day slavery, and that debt bondage or multiple dependency are the most common means of subjugation, they will continue to identify trafficking cases only in a few extreme situations, and almost exclusively in the field of sexual exploitation.

This is why we are particularly interested in better understanding the nexus between old and new slavery, and we will do it today with the help of one of our keynote speakers, Kenneth Morris. I would like to welcome him and say that we are very proud to have him here with us. He makes an invaluable contribution to the fight against modern-day slavery, bringing forward the legacy of Frederick Douglass, whose inspiring biography and essays are essential to understanding the vital message the abolitionist movement still conveys to the world.

Subsequently, with the help of Matteo Mecacci and Marjan Wijers, and of our panellists later on, we will place human trafficking and the principle of non-discrimination in the broad picture of the struggle for human rights and the rule of law, and will explore recent developments and their implications in this field. In this respect, I would like to mention here the forward-looking concept note drafted by my Office in preparation for this conference.

The second aspect is the nexus of empowerment, non-discrimination and social inclusion as a vision to build a prevention and protection strategy.

This nexus highlights, for example, how deeply the success of anti-trafficking action depends on social inclusion of people with a certain vulnerability profile, and therefore it requires for example the social inclusion of minorities, respect of the rights of migrant workers and their families, the correct implementation of international protection for asylum seekers and refugees, the empowerment of women as a resource for the society as a whole, the implementation of measures regarding education for children and youth and of child-rights procedures based on the best interests of the child and on their participation.

We will explore empowerment from a legal point of view, as we are increasingly aware that trafficked persons' legal empowerment plays a major role as a driving factor of

their access to justice and remedies, and is also a powerful way to prevent re-trafficking and deter crime. This aspect has been discussed extensively at the special event organized this morning by COMPACT, a European civil society initiative aiming to make compensation for trafficked persons a reality, which my Office strongly supports. We will explore further aspects of empowerment through the law such as a full use of anti-discrimination laws and tools, and a full and correct implementation of international human rights instruments and jurisprudence including the ECHR Rantsev judgement. We will also explore empowerment of workers, especially migrant workers, including through information, freedom of assembly and association, and the respect of their rights without any discrimination, especially concerning wages and working conditions. Moreover, we will hear about a prosecuted labour trafficking case in which a clear link has been found between discrimination and trafficking, showing how non-discrimination and anti-trafficking measures can reinforce each other.

We will later discuss a number of ideas for concrete action, taking inspiration from existing good practices in various countries of the OSCE region. All of them are pioneering an innovative approach, which is absolutely different from an old and paternalistic approach towards vulnerable people and groups, and victims of trafficking in human beings. We do not want to tell anybody how to handle their life. After dealing with trafficking for many years we have learned that the right approach to trafficked persons must be non-judgemental, and respectful of their dignity and their self-determination.

For example, we do not want to tell anybody to renounce – for the sake of prevention - their dreams and aspirations, especially those related to migration. We do not want to stop children on the move, or prevent them from seeking better opportunities abroad. We want rather to inform them and eventually protect them during their difficult journey. This is the topic of one of our side events, and of the wonderful photo exhibition you can see at the Hofburg today. We want to reinforce everybody's agency and ability to make informed decisions; we encourage civil society to establish forms of mentoring to help vulnerable people and trafficking victims handling new and unknown situations. We want them to have real opportunities, which means they must receive assistance and counselling in identifying job opportunities both in origin and destination countries. Social inclusion must always be considered the final goal of assistance and support of trafficked persons, whatever kind of exploitation they have been subject to.

In the context of empowerment, particular attention will be devoted to non-discrimination measures and social

integration strategies regarding Roma, Sinti and Travellers minorities, as they are particularly targeted by discrimination and trafficking. As some legal researchers have recently highlighted, systemic discrimination and vulnerabilities to trafficking are so deeply linked that trafficking affecting these communities should be considered inherently discriminatory.³³

Finally, the third aspect – I would really say last but not at all least - is our attention to the gender dimension of trafficking and anti-trafficking action, which is always needed not only when we talk about sexual exploitation but also regarding all forms of trafficking including for labour exploitation. The gender dimension is broader of course, but today I want to focus on women and show how women are affected by the nexus discrimination/trafficking.

According to the recent ILO estimates, women and girls are the vast majority of victims of trafficking for sexual exploitation (i.e., 98 per cent), and represent the 40 per cent of people subject to forced labour exploitation. Therefore, the majority of people subject to forced labour and trafficking worldwide are still women (55 per cent).

Over the past years the focus on gender has highlighted that multiple and inter-sectional discrimination is an essential component of women's vulnerability to trafficking in human beings. This approach is still valid and unfortunately has been confirmed by recent trafficking cases.

Especially the approach of inter-sectional discrimination³⁴ can contribute to highlight not only why discrimination massively affects women but also the fact that ironically, the causes of discrimination also bring empowerment opportunities.

Women are in fact at the crossroads of various identity factors such as sex, family status, language, religion or other belief, residence status, membership to a specific community or minority. In this respect women can be subject to discrimination on different grounds in different social environments. For example, they can be discriminated against as women in their community, and as members of a minority in the society at large.

However, being at the crossroads of various identity components also means that women are simultaneously

³³ OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings in partnership with the Ludwig Boltzmann Institute of Human Rights and the Helen Bamber Foundation, *Trafficking in human beings amounting to torture and other forms of ill-treatment*, Occasional Paper Series (forthcoming).

³⁴ S. Burri, D. Schiek, *Multiple Discrimination in EU Law. Opportunities for legal responses to intersectional gender discrimination?*, The European Network of Legal Experts in the Field of Gender Equality (2009).

capable of learning from different social and cultural experiences, to build bridges between different communities, and take opportunities for social inclusion as soon as they arise. This is what we have witnessed even in extreme situations such as those of survivors of trafficking in human beings. Successful integration into the labour market of the countries of destination, for example, has been possible in many cases, thanks to the extraordinary woman's ability to take advantage in a creative way of training and work opportunities. At the same time, women at crossroads are usually a sort of cultural mediator, who make possible a dialogue between, for example, native and migrant communities, dialogue that is capable of introducing elements of change in both cultures.

This is the reason why we do not want to look at women, even when they are subject to exploitation and trafficking, merely as victims. At least we don't want to see them as mere victims according to the usual stereotype of a victim as a person lacking agency and free will. Rather, we want women to be and be seen as owners of their own destiny and agents of change, as highlighted in a recent inspiring roundtable convened by the Gender Senior Adviser. This way of looking at trafficked women, of building a relationship with them accordingly, and of designing and implementing consistent policies, is itself an empowerment strategy.

Conclusion

In conclusion, I would like to underline that this conference aims to open new paths to advocacy, to better protection of the rights and dignity of victims and potential victims, to the rule of law including access to justice and remedies, and to effective prevention.

In particular, this conference aims to promote a better and updated understanding of trafficking in human beings as – unfortunately – a systemic component of the economy, labour market, and ultimately, our societies as a whole. Furthermore, the Conference aims to build a cultural framework to challenge discrimination as a driving factor of that common sense which leads to a sort of “normalization” of exploitation in our societies.

I am increasingly convinced that, as modern-day slavery has reached such massive and pervasive dimensions in all its forms of exploitation, we need stronger cultural means to prevent and combat it. We need to involve human rights and cultural institutions, academia, teachers, journalists and artists. This will be the topic of our second side event tomorrow.

HUMAN TRAFFICKING, NON-DISCRIMINATION AND EMPOWERMENT: THE WAY FORWARD

Isabella Orfano

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Introduction

Discrimination is both a root cause and a consequence of human trafficking. It is the major constraint in the promotion of a human rights-based approach to counter trafficking and protect its victims. Discrimination is referred to as a constituent part of human trafficking by many instruments and documents,¹ which specifically link the non-discrimination principle with the obligations to protect victims of trafficking.² This linkage requires that all the relevant legislation, policies, measures, and practices aimed at protecting and supporting trafficked persons must be implemented without discrimination on any grounds.³ To date, though, no comprehensive study has been carried out to analyse the complex link between discrimination and human trafficking and to assess the anti-trafficking frameworks' compliance with the non-discriminatory principle.

The OSCE *Alliance* Conference “An Agenda for Prevention: Non-Discrimination and Empowerment” (11-12 October 2012) paved the way to better identify linkages between trafficking in human beings and various aspects of discrimination, and to explore how anti-trafficking and anti-discrimination measures can enhance each other. This paper presents the main issues and challenges discussed during the conference, by also highlighting and further exploring some of them. It also provides a short overview of the legal framework of the non-discrimination principle underscoring its correlations with the anti-trafficking principle. Definitions of the main forms of discrimination are provided to ensure a common understanding of the concepts employed throughout the document. Furthermore, a set of recommendations is presented that is aimed at

¹ OSR/CTHB, *Concept Note to the Alliance Against Trafficking in Persons Conference “An Agenda for Prevention of Human Trafficking: Non-Discrimination and Empowerment”* (2012), <<http://www.osce.org/cthb/93890>>, accessed 22 November 2012.

² Ibid.

³ Ibid.

improving legislation, policies and practices addressing multiple and intersectional discrimination and trafficking, and their correlations. Such recommendations have been taken from the presentations and the roundtable discussion held during the conference, grouped by theme and, in some cases, further developed.⁴ They certainly represent a significant output of the conference to mainstream non-discrimination and empowerment as key components of any anti-trafficking strategy addressing the four P's (prevention, protection prosecution, partnership). Yet, they are far from being comprehensive in scope since they need further consideration and elaboration. Finally, some innovative initiatives and measures of prevention of discrimination and trafficking, support and empowerment of potential and actual trafficked persons are described in text boxes.

Background⁵

The principles of non-discrimination and equality are at the core of all human rights treaties. The right to non-discrimination consists of a number of elements, including, first, the right to be treated equally before the law and to enjoy equal protection under the law, without any discrimination; second, the right to be protected against discrimination and any incitement to discrimination; and third, in the case of a violation, the right to access effective remedies.⁶

The non-discrimination principle has an extensive foundation in international human rights law,⁷ and has also been specifically linked with obligations to protect victims of trafficking. The Palermo Protocol, Article 14 (2), states that nothing in the instrument “*shall be interpreted*

and applied in a way that is discriminatory to persons on the ground that they are victims of trafficking in persons. The interpretation and application of those measures shall be consistent with internationally recognized principles of non-discrimination.”⁸ The Council of Europe Convention on Action against Trafficking in Human Beings provides for the rights of victims to protection “*without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status*” (Art. 2).⁹

The linkage between the principle of non-discrimination and anti-trafficking efforts is therefore engrained in international instruments, and requires that all the relevant measures, and measures aimed at protecting and supporting victims in particular, be implemented without discrimination on any grounds. Such a linkage is also relevant in the context of economic, social and cultural rights. A seminal contribution in this regard was the 2009 General Comment No. 20 of the UN Committee on Economic, Social and Cultural Rights¹⁰. The Committee stated that discrimination “*undermines the fulfilment of economic, social and cultural rights*” and remains a barrier to sustainable development.¹¹ Furthermore, the Committee clarified that “*discrimination constitutes any distinction, exclusion, restriction or preference or other differential treatment that is directly or indirectly based on the prohibited grounds of discrimination and which has the intention or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of Covenant rights*”.¹² The Committee further called upon UN States Parties to address formal and substantive discrimination, direct and indirect discrimination, as well as systemic discrimination.

OSCE commitments on non-discrimination are numerous and longstanding, including within the commitments on trafficking in human beings. The OSCE Action Plan to Combat Trafficking in Human Beings (2003), which is based on a human rights approach, addressed the “*root causes of trafficking in human beings, occurring both in countries of origin and destination [...] in particular causes such as poverty, weak social and economic structures, lack of employment opportunities and equal opportunities*

⁴ All presentations from the Conference are available on the enclosed DVD.

⁵ This section is an excerpt from: OSR/CTHB, Op. Cit.

⁶ In: Aim for Human Rights, *The Right Guide: A tool to assess the human rights impact of anti-trafficking laws and policies*, The Netherlands (2010), see “*Factsheet 6: Right to non-discrimination, equality before the law and equal protection by the law*”, p. 23, <http://www.humanrightsimpact.org/fileadmin/hria_resources/Trafficking_-_Right_guide/The_Right_guide_ENG_Factsheets.pdf>, accessed 22 November 2012.

⁷ See especially: United Nations, *Universal Declaration of Human Rights* (10 December 1948); United Nations, *International Covenant on Civil and Political Rights* (16 December 1966); United Nations, *International Covenant on Economic, Social and Cultural Rights* (16 December 1966); United Nations, *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (10 December 1984); United Nations, *Convention on the Rights of the Child* (20 November 1989); United Nations, *International Convention on the Protection of the Rights of All Migrant Workers and Their Families* (18 December 1990); International Labour Organization, *Convention concerning Discrimination in Respect of Employment and Occupation, C111* (1958); United Nations, *Convention on the Elimination of All Forms of Discrimination against Women* (18 December 1979); United Nations, *International Convention on the Elimination of all Forms of Racial Discrimination* (21 December 1965); United Nations, *General recommendation No. 26 on women migrant workers, UN document, CEDAW/C/2009/WP.1/R* (5 December 2008); United Nations Committee on the Elimination of Racial Discrimination, *General recommendation No. 30 “Discrimination against non-citizens”* (10 January 2004); United Nations, *United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime* (15 November 2000), Article 14 (2); Council of Europe, *Convention on Action against Trafficking in Human Beings, CETS No. 197* (Warsaw, 16 May 2005); European Union, *Charter of Fundamental Rights of the European Union* (2000/C 364/01) (18 December 2000).

⁸ United Nations, *United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime* (15 November 2000), Article 14 (2).

⁹ Council of Europe, *Convention on Action against Trafficking in Human Beings, CETS No. 197* (Warsaw, 16 May 2005).

¹⁰ United Nations Committee on Economic, Social and Cultural Rights, *General Comment No. 20 “Non-discrimination in economic, social and cultural rights”* (art. 2, para. 2, of the International Covenant on Economic, Social and Cultural Rights) (2009), <<http://www2.ohchr.org/english/bodies/cescr/comments.htm>>, accessed 22 November 2012.

¹¹ *Ibid.*, para. 1.

¹² *Ibid.*, para. 7.

in general, violence against women and children, discrimination based on sex, race and ethnicity".¹³ Participating States recognized the significance of "identifying the most vulnerable segments of the population"¹⁴; "taking appropriate measures to eliminate discrimination against women in the field of employment"¹⁵; "addressing all forms of discrimination against minorities"¹⁶ whether in countries of origin or destination; and awareness raising campaigns targeting "the most vulnerable groups, including persons belonging to national minorities, children, migrants and internally displaced persons (IDPs)".¹⁷

Discrimination against children was highlighted as a priority in OSCE Ministerial Council Decision No. 13/04, which encourages participating States to "counter factors which contribute to making children particularly vulnerable to trafficking in human beings, including: discrimination, based, inter alia, on race, sex, religion or belief, national or social origin, birth or other status".¹⁸ Most recently, the Vilnius Ministerial Declaration promoted awareness raising campaigns "aimed at persons at risk of being trafficked and addressing the social, economic, cultural, political, and other factors that contribute to the vulnerability of being trafficked"¹⁹ as well as a commitment to "increase and support prevention efforts by focusing on the demand that fosters all forms of trafficking".²⁰ Finally, to prevent and combat racism, xenophobia, intolerance and discrimination, OSCE participating States have established a robust framework including the 1991 Moscow²¹ and 1994 Budapest²² Documents, the 2005 Ministerial Council Decision on Tolerance and Non-Discrimination,²³ and the 2009 Ministerial Council Decision on Combating Hate Crimes.²⁴

Some key definitions towards a common language and understanding of discrimination

Discrimination can take different forms and be performed through different means, both in the private and public

spheres. It can be formal or institutional, direct, indirect, systemic, multiple or intersectional.²⁵ This will be hereafter explained²⁶ to set out a common understanding of these concepts, which are still confined within the boundaries of the legal and cultural discourse of the scholarly community and are, therefore, rather new to the anti-trafficking field.

Formal²⁷ or institutional²⁸ discrimination refers to State laws and policies as well as to an institution's or a company's procedures and practices that produce discriminatory effects on a given group on the basis of prohibited grounds. This may be either unintentional or intentional. In the latter case, it is then named institutionalized discrimination²⁹. For instance, a foreign trafficked person is sent to a detention centre upon her/his arrival in a given country, or after a police raid in her/his exploitative work premises, and she/he is eventually repatriated without having been identified as a victim of trafficking because the police and the detention personnel have not been trained how to identify trafficked persons.³⁰

Direct discrimination occurs when there is differential treatment to persons with similar positions for reasons related to a prohibited ground. For instance, a former foreign trafficked person being assisted in her/his social and labour inclusion into a given destination country cannot find a job easily because employers refuse to hire migrants, or a trafficked woman who has been sexually exploited is denied by her own family to return home as a result of the stigmatization of prostitution in their community.

Indirect discrimination occurs when laws or policies appear to be neutral, but in practice have a disproportionate impact on certain groups of people. An example is the requirement of a birth registration certificate for school enrolment; this may discriminate against ethnic minorities or non-nationals who have been denied or do not possess

13 OSCE Permanent Council, *Decision No. 557* (Vienna, 24 July 2003); OSCE Permanent Council, *Decision No. 557/Rev. 1 OSCE Action Plan to Combat Trafficking in Human Beings* (Vienna, 7 July 2005), Preamble.

14 *Ibid.*, Part IV, 1.

15 *Ibid.*, Part IV, 3.3.

16 *Ibid.*

17 *Ibid.*, Part IV, 4.7.

18 OSCE Ministerial Council, *Decision No. 13/04 The Special Needs for Child Victims of Trafficking for Protection and Assistance* (Sofia, 7 December 2004), para. 2.

19 OSCE Ministerial Council, *Ministerial Declaration on Combating All Forms of Human Trafficking*, MC.DOC/11/11/Corr.1 (Vilnius, 7 December 2011), para. 11.

20 *Ibid.*

21 OSCE, *Document of the Moscow Meeting of the Conference on the Human Dimension of the Conference for Security and Co-operation in Europe* (Moscow, 1991).

22 OSCE Summit, *Budapest Document 1994: Towards a Genuine Partnership in a New Era* (Budapest, December 1994).

23 OSCE Ministerial Council, *Decision No. 10/05 on Tolerance and Non-Discrimination: Promoting Mutual Respect and Understanding* (Ljubljana, 6 December 2005).

24 OSCE Ministerial Council, *Decision No. 9/09 on Combating Hate Crimes* (Athens, 2 December 2009).

25 United Nations Committee on Economic, Social and Cultural Rights, *General Comment No. 20 "Non-discrimination in economic, social and cultural rights" (art. 2, para. 2, of the International Covenant on Economic, Social and Cultural Rights)* (2009), <<http://www2.ohchr.org/english/bodies/cescr/comments.htm>>, accessed 22 November 2012.

26 The hereafter definitions have been excerpted and further elaborated from: OSR/CTHB, *Concept Note to the Alliance against Trafficking in Persons Conference "An Agenda for Prevention of Human Trafficking: Non-Discrimination and Empowerment"* (2012), <<http://www.osce.org/cthb/93890>>, accessed 22 November 2012.

27 United Nations Committee on Economic, Social and Cultural Rights, *Op. Cit.*, para. 8a.

28 T. Makkonen, *Multiple, Compound and Intersectional Discrimination: Bringing the Experiences of the Most Marginalized to the Fore*, Institute for Human Rights, Abo Akademi University (2002), p. 5, <<http://web.abo.fi/institut/imr/norfa/timo.pdf>>, accessed 22 November 2012.

29 *Ibid.*, p. 5.

30 United Nations Committee on Economic, Social and Cultural Rights, *Op. Cit.*, para. 8b: The UN Committee on Economic, Social and Cultural Rights also considers tackling "substantive discrimination" in order to achieve substantive equality: "Merely addressing formal discrimination will not ensure substantive equality (...). Eliminating discrimination in practice requires paying sufficient attention to groups of individuals which suffer historical or persistent prejudice instead of merely comparing the formal treatment of individuals in similar situations."

uch certificates.³¹ As a consequence of such discriminatory practices, the person concerned can find herself/himself in a situation of destitution and decide to migrate, or agree to unsafe or exploitative work conditions.

Systemic discrimination is pervasively and persistently perpetrated against certain groups as a result of “legal rules policies, practices or predominant cultural attitudes in either the public or private sector which create relative disadvantages for some groups, and privileges for other groups”.³² Systemic discrimination causes higher vulnerability to trafficking in human beings. For example, Roma women and children have been found to be particularly vulnerable to trafficking as a result of structural forms of ethnic and gender discrimination, poverty and social exclusion.³³ In this case, trafficking in human beings should be seen as inherently discriminatory.³⁴

*Multiple discrimination*³⁵ refers to a situation where discrimination occurs on the basis of several grounds operating separately.³⁶ For instance, a trafficked girl from an ethnic minority can be discriminated against only on gender grounds in one situation (e.g., she is forced to marry an adult man as expected by her community traditions) and on ethnic grounds in another (e.g., she is placed in a school for children with mental disabilities even though she is not mentally challenged, or is accommodated in a shelter with no bilingual personnel).

Intersectional discrimination is clearly illustrated by the traffic intersection metaphor³⁷ as explaining how distinct variables simultaneously interact in people’s lives: “In this metaphor, race, gender, class and other forms of discrimination or subordination are the roads that structure the

social, economic or political terrain. It is through these thoroughfares that dynamics of disempowerment travel. These thoroughfares are sometimes framed as distinctive and mutually exclusive avenues of power.”³⁸ For example, an intersectional approach to analysing trafficking for the purpose of domestic servitude would examine the intersection of a worker’s complex identity as being female, a foreign national, a migrant worker, poor, and of low social status, and how that particular constellation of vulnerability may relate to a broad spectrum of laws and policies (such as employment, citizenship, and policies related to gender-based violence).³⁹

In many cases, anti-trafficking national and international legislation, policies, and practices have failed and still fail to consider the multiple identities of potential, presumed, and actual trafficked persons. They have indeed targeted only one or two of the streets of the metaphorical intersection by considering human trafficking – mainly – as a gendered phenomenon (all/most trafficked persons are girls and women, all traffickers are men), a criminal offence to fight especially through the collaboration of trafficked persons (who are required to act as witnesses in exchange for limited-time support and “benevolent” stay permits linked to the duration of the proceedings), or a migration-related issue (trafficked persons are irregular/regular migrants moving across inter/national borders, rather than individuals who are severely exploited at the site of transit and/or destination). Also, anti-trafficking activists and workers tend to reinforce simplified representations of trafficked persons that screen such persons’ multifaceted experiences. Some depict trafficked persons as “helpless victims”, others as “individuals well aware of their rights”, and still others as “clients to accommodate”. Experiences show that a single trafficked person can be a helpless, knowledgeable, insecure, or active individual depending on the stage of her/his trafficking process and support programme. Avoiding any sort of synecdochical representation of trafficked persons can certainly contribute to better understand their individual complexities and prevent forms of both direct and indirect discrimination.

Any trafficked person, in fact, carries multiple layered identities determined by her/his gender, nationality, ethnicity, age, possible disabilities, legal status, social origin, education, language, economic status, religion, sexual orientation, professional experience, and so on. All these identities are deeply interconnected. A trafficked person can be discriminated against based on the combination

31 Ibid., para. 9.

32 Ibid., para. 12.

33 European Roma Rights Centre, *Breaking the Silence: Trafficking in Romani Communities* (Budapest, 2011).

34 OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings in partnership with the Ludwig Boltzmann Institute of Human Rights and the Helen Bamber Foundation, *Trafficking in human beings amounting to torture and other forms of ill-treatment*, Occasional Paper Series (forthcoming).

35 T. Makkonen, Op. Cit., p. 9.

36 European Commission Directorate-General for Employment, Social Affairs and Equal Opportunities, *Tackling Multiple Discrimination: Practices, policies and laws* (2007), p. 16: Some scholars, including Makkonen, have also developed the concept of “Compound Discrimination” to describe situations in which an individual is discriminated against on the basis of two or more grounds at the same time, and where one ground adds to the discrimination on the other ground(s).

37 This concept has been developed by K. Crenshaw, “Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory, and Antiracist Politics”, in *University of Chicago Legal Forum* (1989), p. 149, <http://www-polisci.tamu.edu/upload_images/4/Crenshaw-Demarginalizing.pdf>, accessed 22 November 2012; and K. Crenshaw, “Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color”, *Stanford Law Review*, Vol. 43, No. 6 (1991), pp. 1241–1299. Crenshaw coined this term to explain how race oppression and gender oppression interact in Black women’s lives. The concept was further developed by T. Makkonen, Op. Cit. See also European Commission Directorate-General for Employment, Social Affairs and Equal Opportunities, Op. Cit.; European Union Agency for Fundamental Rights (FRA), *EU MIDIS: European Union Minorities and Discrimination Survey* (2011); S. Fredman, “Double Trouble: multiple discrimination and EU law”, in *European Anti-Discrimination Law Review*, Issue No. 2 (2005).

38 P. Patel, *Notes on Gender and Racial Discrimination: An urgent need to integrate an intersectional perspective to the examination and development of policies, strategies and remedies for gender and racial equality* (2000), p. 3, <www.un.org/womenwatch/daw/csw/Patel45.htm>, accessed 24 October 2012.

39 Association for Women’s Rights in Development (AWID), “Intersectionality: A Tool for Gender and Economic Justice”, in *Women’s Rights and Economic Change*, No. 9 (August 2004), pp. 2-3.

of two, three or even more of these identities. These discriminatory “thoroughfares” are mutually reinforcing and can lead to severe forms of disempowerment and violations of the human rights of trafficked persons. In the last few years, the “single issue approach”⁴⁰ or “single ground approach”⁴¹ to discrimination has been successfully challenged by numerous anti-trafficking frameworks and stakeholders. The latter, indeed, have increasingly adopted holistic and integrated approaches and set up multi-disciplinary teams to address the multiple factors and barriers influencing the prevention of and fight against trafficking, as well as the protection of trafficked persons. Yet, more effort needs to be exerted to reveal the complex intersections between various types of discrimination and potential and actual trafficking situations. As a matter of fact, anti-trafficking measures not fully considering the trafficked persons’ multiple identities and the related-intersectional and multiple forms of discrimination may unintentionally replicate the exclusion factors of the individuals they actually intend to assist.⁴²

Discrimination on multiple and intersectional grounds as a vulnerability factor related to human trafficking

Discrimination is at the heart of human rights’ violations. It is the product of numerous factors, including unequal power and gender relations, prejudice, racism, competition over scarce resources, and fear of change. The most common effects are lack of access to services and to education and employment opportunities, stigmatization, social exclusion, and disempowerment. Moreover, discrimination is closely related to the principles of participation and accountability. It is often the lack of participation of rights holders and accountability of the key duty bearers that perpetuates and reinforces discrimination⁴³, which creates social vulnerabilities that can lead to victimization and trafficking⁴⁴.

Potential and actual trafficked persons can face different levels of multiple and intersectional discrimination before, during, and after their trafficking experience⁴⁵, as highlighted in the following paragraphs. Grounds related

to gender, age, race, ethnicity, nationality, and migration status are hereinafter explored as the main – but not exclusive – discrimination and disempowerment determinants for trafficked persons. In fact, trafficked persons are discriminated against based on a still wider range of grounds, which need to be further identified and analysed within the anti-trafficking framework of action.

Gender grounds

Gender-based discrimination prevents girls and women from enjoying their human, social, and economic rights, including access to education and employment opportunities. As a result, they have limited life options that make them vulnerable to unsafe prospects and arrangements: *“It is the lack of genuine choices that, in turn, renders them more vulnerable than men to certain forms of human trafficking, and particular nationalities and races more vulnerable than others.”*⁴⁶

In the last two decades, economic, political, and social structures have failed to provide just and equal job opportunities

KVINFO’s Mentor Network (Denmark)

The KVINFO’s Mentor Network is a successful initiative fostering the integration of migrant women that can be inspirational for anti-trafficking agencies in their effort to effectively promote the empowerment and social inclusion of trafficked persons.

Set up by KVINFO – the Danish Centre for Information on Women and Gender – in 2002 in Copenhagen, the Mentor Network is a programme that pairs up refugees and migrant women (“mentees”) with women who are firmly established members of the Danish workforce (“mentors”). The mentoring relationship provides the opportunity for one-on-one meetings aimed at assisting the mentees in fully realizing their potential as well as socially integrating into the Danish labour market and society. Since 2002, the Mentor Network has involved 2,600 women firmly established in the Danish workforce and 3,500 women from over 140 different countries.

KVINFO’s Mentor Network has inspired the set-up of similar networks in other sectors in Denmark and has also been adopted by other countries.

The Mentor Network is financed by the Danish Ministry of Refugees, Immigration and Integration Affairs.

Source: <<http://www.kvinfo.dk/side/661>>, accessed 22 November 2012.

40 C.I. Ravnbøl, *Intersectional Discrimination against Children: Discrimination against Romani Children and Anti-Discrimination Measures to Address Child Trafficking*, UNICEF Innocenti Research Centre (Florence, 2009), p. 12.

41 European Commission Directorate-General for Employment, Social Affairs and Equal Opportunities, *Tackling Multiple Discrimination: Practices, policies and laws* (2007), p. 17.

42 C.I. Ravnbøl, Op. Cit., p. iii.

43 Save the Children, *Demystifying Non-discrimination for Effective Child Rights Programming in South and East Asia* (Kathmandu, 2006), p. XXI.

44 Welcome and Opening Remarks by L. Zannier at the OSCE Alliance Conference “An Agenda for Prevention: Non-Discrimination and Empowerment”, Vienna, 11-12 October 2012, <<http://www.osce.org/cthb/97267>>, accessed 22 November 2012.

45 Presentation by M. Jarbussynova at the OSCE Alliance Conference “An Agenda for Prevention: Non-Discrimination and Empowerment”, Vienna, 11-12 October 2012, <<http://www.osce.org/cthb/97464>>, accessed 29 November 2012.

46 A. Gallagher, *The International Law of Trafficking* (Cambridge University Press: Cambridge, 2010), p. 423.

to women. Such failure has significantly contributed to the increasing feminization of poverty, which has led to the feminization of migration.⁴⁷ As a result, significant numbers of – generally unskilled – women from poorer countries have migrated to richer countries to improve their or their family's conditions, soon becoming part of a cheap and unorganized workforce, in many cases as domestic workers, carers for children or elderly people, garment workers or prostitutes. They legally or irregularly travel within and across national borders often as a survival strategy to seek a better life. Even though the global labour market has progressively and significantly become gendered, women still have very few legal and independent opportunities to migrate and, therefore, resort to irregular channels for their migration purposes, generally helped by *mala fide* job agencies, procurers, middlepersons, and alleged friends.

Women decide to migrate for multiple reasons, including the wish to leave gender-biased families and communities, where they may be subjected to low social and economic status, male violence, prejudiced gender stereotypes, harmful traditional practices, and patriarchal systems of power. Once they have left a society where they are discriminated against, women and girls end up being part of global flows of “cheap, expendable, and exploitable”⁴⁸ migrant workers with poor or no labour protection. As women, they are also often subject to sexism, racism and moral condemnation, thus, becoming vulnerable to multiple forms of discrimination and exploitation, which can lead to human trafficking. Discrimination in its various manifestations is clearly intrinsically part of the entire process of trafficking of girls and women – before, during, and after they are trafficked and exploited.

The false distinction between “innocent” and “guilty” victims is one of the most common, unrelenting, and harmful forms of discrimination that trafficked persons are challenged with.⁴⁹ Even though it is relevant to all trafficked persons, this distinction is particularly visible in relation to trafficking into the sex industry. Thus, this line of reasoning mainly affects women since – in most cases – they are the ones providing sexual services. They must then prove that they deserve protection as “real or innocent” victims who did not engage in prostitution before being trafficked, did so only as a result of the trafficking experience, and will not engage in such activity in the future.⁵⁰ *“Underlying this distinction is the view, which is deeply engraved in*

47 United Nations, *Review of Reports, Studies and other Documentation for the Preparatory Committee and the World Conference* [against Racism, Racial Discrimination, Xenophobia and Related Intolerance], A/CONF.189/PC.3/5, para. 81 (27 July 2001).

48 European Commission, *Report of the Experts Group on Trafficking in Human Beings*, Brussels (2004), p. 146.

49 Keynote Address by M. Wijers at the OSCE Alliance Conference “An Agenda for Prevention: Non-Discrimination and Empowerment”, Vienna, 11-12 October 2012, <<http://www.osce.org/cthb/97274>>, accessed 22 November 2012.

50 European Commission, Op. Cit., p. 51.

Oltre la Strada (Italy)

Since 2010, within the framework of “*Progetto Oltre la Strada*” (Beyond the Street Project) co-ordinated by the Emilia-Romagna Region, the Municipality of Ravenna, *Movimento Identità Transessuale* (MIT – Transsexual Identity Movement, Bologna), the Social Cooperatives “*Persone in Movimento*” (Persons in Movement, Ravenna) and *Caleidos* (Modena) offer accommodation and a wide range of support measures to trafficked transgender persons through a specialized team composed of a counselor, a psychotherapist, and a peer operator. The project functions within the Italian social assistance and integration programme aimed at trafficked persons, co-funded by the Italian Department for Equal Opportunities. Recently, accommodation and protection measures for trafficked transgender persons are also offered in Rome and in Naples by anti-trafficking NGOs co-funded by the above-mentioned national anti-trafficking programme.

Source: <<http://www.mit-italia.it>>, accessed 22 November 2012.

*our societies, that the right to protection against abuse is dependent on a woman's sexual purity. The effect is that in many cases, instead of the offender standing trial, it is the victim who has to prove her innocence, thus shifting the focus from the acts of the trafficker to the morality of the victim.”*⁵¹ This dichotomy between “deserving and non-deserving victims” is not only discriminatory but also highly problematic because it prevents trafficked women who have been sexually exploited from looking for help or reporting to the competent authorities due to the fear of stigmatization and easy dismissal. As a result, the rights of this group of trafficked persons are overlooked by duty bearers and thus are further violated by traffickers who continue to strengthen their control and exploitation over them.

Interaction of gender and racial discrimination produces forms of abuse that primarily affect certain racial or ethnic groups, as in the case of trafficked women and girls from given countries who are the addressees of racist attitudes directly or indirectly perpetrated by their exploiters, clients and – sometimes – even anti-trafficking stakeholders.

Also transgender persons are confronted with gender discrimination before, during, and after their trafficking experience. They suffer from multiple forms of direct and indirect discrimination as well as transphobia,⁵² all

51 Keynote Address by M. Wijers at the OSCE Alliance Conference, Op. Cit.

52 Council of Europe, *Combating Discrimination on Grounds of Sexual Orientation or Gender Identity* (Strasbourg, 2011), p. 62. See also: International Commission of Jurists, *Yogyakarta Principles - Principles on the application of international human rights law in relation to sexual orientation and gender identity* (2007), <<http://www.unhcr.org/refworld/docid/48244e602.html>>, accessed 4 November 2012.

of which places them at the brink of society. Throughout the world, in fact, transgender persons are a very socially excluded and vulnerable group, whose representations are highly stereotyped by social prejudices and biased media depictions. Only recently they have been acknowledged as victims of internal and cross-border trafficking as a result of studies⁵³, police investigations⁵⁴, and anti-trafficking support work. Protection and assistance services specifically addressing this multi-discriminated group are practically non-existent in most countries. This lack of targeted services pushes transgender persons – generally trafficked for sexual exploitation – in an even more marginalized position.

Age grounds

Discrimination on the grounds of age is the unfavourable treatment of a person or a group of persons on the grounds of their actual or perceived age. It can affect both children and adults – at any age – and prevent them from enjoying their rights. Legislation and measures addressing age discrimination generally target (older) adults and their unequal access to employment, including through re/training opportunities, or other related services⁵⁵; nevertheless, it also significantly concerns children.⁵⁶ For both categories, discrimination based on the grounds of age can become a vulnerability factor – usually associated with others – leading to situations of marginalization and exclusion, where severe exploitation and also trafficking may thrive.

Most countries have legislation protecting adults from age-based discrimination, whereas only very few⁵⁷ have enacted comprehensive legislation protecting children from age discrimination, including access to goods, facilities and services.⁵⁸ Children face unfair treatment and discrimination as a result of their age because “they are relatively powerless and depend on others for the realization of their rights”⁵⁹. Children face direct and indirect

discrimination in many regards. For instance, they are discriminated against when they are not consulted or heard⁶⁰ – as adults would be – when decisions are made about their lives, both in the public and private spheres; similarly, their access to justice is unequal if compared to adults because of procedures that are not child friendly.⁶¹ Including children in age discrimination legislation would recognize their unique status, prevent them from unfavourable or unfair treatment, and ensure a means of redress if discriminated against.⁶²

The UN Convention on the Rights of the Child (CRC, 1989) specifically addresses non-discrimination of any kind (Art. 2)⁶³ as a crucial right to ensure that children enjoy their entitlements to fundamental rights. The UN Committee on the Rights of the Child has identified 53 grounds of discrimination against children based either on their identity or that of their parents.⁶⁴ All forms of discrimination against children are “exacerbated by virtue of their age and vulnerability which mean they have fewer opportunities for challenging discrimination because, for example, they do not have access to courts and complaints mechanisms on an equal basis with adults.”⁶⁵

Migrant teens can face vulnerable situations due to their age (15-18 years). They are often treated as adults, whereby they are not granted protection as children. In this regard, for instance, certain States apply a variety of methods for age assessment regarding unaccompanied or separated children. However, such methods are often arbitrary, do not take into account ethnic variations, are based on reference materials that are often out of date, or are invasive and can even harm the individuals whose age is being assessed.⁶⁶ As a result, it is possible that due to imprecision in age assessment techniques, unaccompanied and separated children are wrongly assessed as adults and denied access to the special protection and assistance that States are obliged to grant them.⁶⁷

53 U.S. Department of State, *Trafficking in Persons Report 2012* (Washington, 2012); ICMPD, *Transatlantic Journeys: An Exploratory Research on Human Trafficking from Brazil to Italy and Portugal* (Vienna, 2011); UNODC, *The Globalization of Crime. A transnational organized crime threat assessment* (Vienna, 2010); German Institute for Human Rights, *Human Trafficking in Germany Strengthening Victim's Human Rights*, P. Follmar-Otto, H. Rabe (2009).

54 See, *inter alia*, a recent Italian police investigation led to the arrests of 28 persons charged with trafficking in persons for the purpose of sexual exploitation of Brazilian transgender persons (October 2012), in <<http://www.lastampa.it/2012/10/08/italia/cronache/tratta-di-trans-brasiliani-dalle-favelas-all-italia-Gkzd1GDbbVLcKmrUHK7K00/pagina.html>>, accessed 25 October 2012.

55 ILO, *Equality at work: The continuing challenge* (Geneva, 2011), pp. 49-50; United Nations Committee on Economic, Social and Cultural Rights, Op. Cit., para. 29.

56 C. Breen, *Age Discrimination and Children's Rights: Ensuring Equality and Acknowledging Difference* (Martinus Nijhoff Publishers: Leiden, 2006).

57 See, for instance, Australia's *Age Discrimination Act 2004* (amended in 2006) or the Finnish constitutional provisions on age equality specifically including children, in: Child Rights Information Network, *Discrimination: Global report on laws protecting children from age discrimination* (London, 2009).

58 Child Rights Information Network, *Guide to non-discrimination and the CRC* (London, 2009).

59 UN Committee on the Rights of the Child (CRC), *CRC General Comment No. 7: Implementing Child Rights in Early Childhood* (2005), para. 11(a).

60 UN Committee on the Rights of the Child (CRC), *CRC General Comment No. 12: The right of the child to be heard* (2009).

61 Child Rights Information Network, Op. Cit.; on the issue of unequal treatment of children in the criminal justice system, see also: European Agency for Fundamental Rights and Council of Europe, *Handbook on European Non-Discrimination Law* (Luxembourg, 2010), p. 102.

62 Young Equals, *Making the case: why children should be protected from age discrimination and how it can be done. Proposals for the Equality Bill* (London, 2009).

63 United Nations, *Convention on the Rights of the Child* (1989), art. 2: “1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. 2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.”

64 UNICEF, *Implementation Handbook for the Convention on the Rights of the Child* (Geneva, 2008), pp. 24-25.

65 Child Rights Information Network, Op. Cit.

66 SCEP, *Position Paper on Age Assessment in the Context of Separated Children in Europe* (2012).

67 Ibid.

Active participation of children (South-East Asia)

Save the Children (SC) and local NGOs in Bangladesh have supported children's participation in the action against gender-based discrimination, child labour, and trafficking. SC trained about 50 children in child rights, policy making and facilitation skills, and supported them throughout their participation in the development of the National Action Plan for Children. Before submitting their proposals for the Plan, the group of 50 children facilitated numerous regional and district level consultations, which involved a total of 1,500 children, to gather different viewpoints and suggestions. They also met with distinct institutions (law enforcement agencies, national and local authorities, education officers, and employers). Finally, children actively participated in different national and international initiatives to share their experience on discrimination.*

With the support of ECPAT and various local NGOs, young people from Bangladesh, India, and Nepal were trained to set up peer-support programmes in schools located in high-risk areas as well as in shelters, orphanages and rescue homes to share information and provide support to prevent their peers from becoming victims of commercial sexual exploitation and trafficking. The youth were also trained in media and advocacy skills to carry out awareness campaigns targeting those local communities significantly affected by commercial sexual exploitation and trafficking of children.**

* Source: <<http://resourcecentre.savethechildren.se>>, accessed 22 November 2012.

** Source: <http://www.yppsa.org/about_the_project.html>, accessed 22 November 2012.

Along with age discrimination, then, children also face discrimination on other grounds such as, *inter alia*, gender, nationality, ethnicity, disabilities, legal status, social origin, education, language, economic status, religion, or sexual orientation. It is often the combination of different grounds of discrimination that triggers and raises the level of vulnerability of the most at risk children to marginalization, exploitation and trafficking. Unaccompanied and separated children, asylum seekers, displaced children, children living in institutions, and children from poor and ethnic families experiencing multiple or intersectional discrimination are particularly vulnerable to exploitation and trafficking for the purposes of forced labour, forced begging, prostitution, illegal adoption, and illicit activities. Even though it is their age that renders them particularly vulnerable to human trafficking, it is the combination of different forms of discrimination that makes children and adolescents easy prey for traffickers.⁶⁸

Girls are confronted with even more complex forms of intersectional discrimination because of both their age and gender. Since they are little, they are challenged by overt or subtle patriarchal systems and gendered power relations that perpetuate inequalities. In more traditional societies (but not only), son preference is still a very distinct feature of the family and community fabric. This can influence girls to self-discriminate against themselves. They internalize the notion of being inferior to boys and men, a concept constantly reinforced by the family, schools, the community, and the media.⁶⁹ This is

a concept that – day after day – disempowers girls and makes them vulnerable to abuse and exploitation of different kinds. Such discriminatory concepts shape girls' own attitudes and behaviour to the extent that they continue reproducing them also as adults, if their views are not challenged through education and empowerment measures involving also the family, the community, and the schools⁷⁰.

Clearly, children are not a single-dimension social category. All anti-trafficking frameworks need to enlarge their focus and deepen their analysis by adopting an intersectional approach when developing child-friendly and tailored measures to aptly prevent and respond to child vulnerabilities and trafficking. To develop targeted measures with different actors and within distinct fields of action, such frameworks need to take into consideration the complex forms of internal and external discrimination that render children vulnerable to exploitation and trafficking. By doing so, they will not exclude intersectional groups of children – both at home or on the move – from the anti-trafficking prevention and support systems.⁷¹ In this regard, a number of activities for preventing children from being trafficked and exploited, as well as for improving their education and life skills have been developed that take into account what children want or need, “to enable them to turn their hopes and ambitions into reality”.⁷²

68 For a thorough account of the multiple vulnerabilities suffered by undocumented children in Europe, mainly as a result of migration control policies, see: PICUM, *Undocumented Children in Europe. Invisible Victims of Immigration Restrictions* (Brussels, 2008).

69 Save the Children, *Demystifying Non-discrimination for Effective Child Rights Programming in South and Central Asia* (Kathmandu, 2006), p. 56.

70 UN Committee on the Rights of the Child, *Report on the Twenty-ninth Session* (January/February 2002), CRC/C/114, p. 191.

71 C.I. Ravnbøl, *Intersectional Discrimination against Children: Discrimination against Romani Children and Anti-Discrimination Measures to Address Child Trafficking*, UNICEF Innocenti Research Centre (Florence, 2009), p. 41.

72 Terre des Hommes International Federation, *Exploring methods to protect children on the move - A handbook for organisations wanting to prevent child trafficking, exploitation and the worst forms of child labour*, M. Dottridge (2011), <<http://tdh-childprotection.org/documents/exploring-methods-to-protect-children-on-the-move>>, accessed 6 November 2012.

History, Human Rights and the Power of One Curriculum (USA)

In 2013, the Frederick Douglass Family Foundation will launch a pilot human trafficking education curriculum with New York City Public Schools, initially targeting the most vulnerable youth in New York who are at risk of being trafficked for commercial sex as well as for becoming traffickers themselves. The curriculum intends to help young people understand the issue of contemporary slavery better by placing it within the context of historical slavery and then asking them to use the power they have, especially with digital technology and social networks, to effect change on the issue. Students will thus gain a more in-depth understanding of historical slavery and the many forms of modern-day slavery, instructions on avoiding the dangers of human trafficking, and guidance on how to take action on the issue. The curriculum is based on the service-learning teaching method, which combines classroom learning with service in the community or wherever students can turn their ideas into action.

Source: Keynote Address by K. Morris at the OSCE *Alliance* Conference “An Agenda for Prevention: Non-Discrimination and Empowerment”, Vienna, 11-12 October 2012, <<http://www.osce.org/cthb/97273>>, accessed 22 November 2012.

A further step is needed to develop policies and programmes specifically targeting trafficked children. It must be ensured that distinct services are offered to them. In spite of the many policy documents and operational tools produced to address child trafficking and related matters, it is still too often that anti-trafficking frameworks group children and women together. As a result, children and women are offered the same services (e.g., counselling, legal assistance and participation in criminal investigations and legal proceedings, reintegration services), without taking into due account the specific needs of children.⁷³ Moreover, the active participation of trafficked children in the decisions directly affecting them and in the development of child policies and measures is still more on paper than a reality. This is the outcome of an internalized discriminatory attitude that is deeply rooted in the minds of adults who believe that “adults always know what’s best” – thus contributing to the perpetration of discrimination on the grounds of age.

Racial, ethnic, and national grounds

Modern-day slavery has been primarily regarded as the result of gender discrimination, whereas its racial and

ethnic aspects have been and still are overlooked.⁷⁴ For many years, “trafficking in women and children” (for sexual exploitation) has been used as the only appellation to address a phenomenon intrinsically multidimensional with regard to the vulnerable groups targeted, the forms of exploitation entailed, and the social constructions involved.

Yet, nationality, race and ethnicity are factors of subordination and exploitation that can lead to various forms of discrimination and human trafficking. Their cultural construction may not only constitute a risk for trafficking, but it may also determine the treatment that trafficked persons experience in countries of transit and destination. The legal categorization of people from distinct racial and ethnic origins as inferior and undeserving of equal treatment or equal enjoyment of rights was used to justify discriminatory behaviour and practices⁷⁵ during historical slavery. A more subtle form of the same racist categorization is still validated in modern-day slavery as a result of “the cultural construction of the migrant as the ‘other’, and of ‘otherness’ as ‘inferiority’”.⁷⁶ “Otherness”, however, is not merely a cultural construction based on racist attitudes. It is also the product of social hierarchies created through State laws and reinforced by common views about, *inter alia*, un/documented migrants, national and ethnic minorities, different religions, and cultural traditions.⁷⁷

Against this backdrop, it is crucial to acknowledge the linkages among race, nationality, and citizenship and the effects resulting from the related legal frameworks. As a matter of fact, “*the law can be a means of creating difference and can facilitate as well as remedy discrimination. Thus the requirement for anti-trafficking protection can arise not only from individual racism but also from problems that have their roots in legally constructed dependencies*”.⁷⁸ In particular, through the enactment of strict immigration and citizenship laws, States develop citizenship policies that can reproduce new forms of inequalities and vulnerabilities affecting migrants and national minorities, and can even construct a “racialized citizenship”⁷⁹.

⁷⁴ United Nations, *Review of Reports, Studies and other Documentation for the Preparatory Committee and the World Conference [against Racism, Racial Discrimination, Xenophobia and Related Intolerance]*, A/CONF.189/PC.3/5, para. 107 (27 July 2001).

⁷⁵ United Nations Division for the Advancement of Women et al., *Gender and racial discrimination - Report of the Expert Group Meeting* (Zagreb, 21-24 November 2000), p. 5, <<http://www.un.org/womenwatch/daw/csw/genrac/report.htm>>, accessed 25 October 2012.

⁷⁶ Opening Address by M.G. Giammarinaro at the OSCE *Alliance* Conference “An Agenda for Prevention: Non-Discrimination and Empowerment”, Vienna, 11-12 October 2012, <<http://www.osce.org/cthb/97272>>, accessed 22 November 2012.

⁷⁷ Presentation by B. Anderson at the OSCE *Alliance* Conference “An Agenda for Prevention: Non-Discrimination and Empowerment”, Vienna, 11-12 October 2012, <<http://www.osce.org/cthb/97276>>, accessed 22 November 2012.

⁷⁸ *Ibid.*

⁷⁹ United Nations Division for the Advancement of Women et al., *Op. Cit.*, p. 6.

⁷³ C.I. Ravnøl, *Op. Cit.*

Peer education (Albania)

Between 2007 and 2011, the OSCE-ODIHR Office promoted a peer education project targeting Roma and Egyptian communities in two Albanian cities. Peer education has been used as an effective tool for the protection and empowerment of marginalized and vulnerable groups, which may be susceptible also to human trafficking.

Through the project, hundreds of families have been contacted and assisted by peer educators, resulting in increased numbers of registered children, children attending school, children attending recreational and educational classes, children and family members in need receiving medical care and social assistance, and young people assisted in attending vocational training courses and finding employment. The peer education work has helped to better inform marginalized Roma and Egyptian communities about their rights and entitlements, as well as how to claim and assert them in an institutional climate that is often hostile and discriminating. Particular attention has been paid to working with young women and their families to prevent school drop out and early marriages.

Source: Keynote Address by J. Lenarčič at the OSCE *Alliance* Conference “An Agenda for Prevention: Non-Discrimination and Empowerment”, Vienna, 11-12 October 2012, <<http://www.osce.org/cthb/97268>>, accessed 22 November 2012.

Indeed, there are laws that contribute to establishing a sort of discriminatory social hierarchy to access basic rights and services, as their enjoyment depends on an individual's heritage.⁸⁰ In some countries, for instance, undocumented migrants have no access to public services; temporary migrants – including identified trafficked persons – have limited access to health care, social assistance, housing, education and employment opportunities; permanent foreign residents have access to basically all services (but they generally have limited voting rights); finally, nationals are granted all rights, unless they belong to minority groups for whom access to basic services is often limited.

In a number of countries, in fact, minorities tend to be economically and politically disadvantaged, which leads to further inequalities, such as lack of education, access to employment and other institutions.⁸¹ Although membership in a minority group may not be the primary reason

80 Presentation by N. Prasad at the OSCE *Alliance* Conference “An Agenda for Prevention: Non-Discrimination and Empowerment”, Vienna, 11-12 October 2012.

81 UN Economic and Social Council, *Specific Groups and Individuals: Minorities – Report of the independent expert on minority issues*, Gay McDougall, 62nd Session, Item 14(b) (2006); see also: “Time to Act on Roma Inclusion”, in OSCE, *OSCE Magazine*, Issue No. 3 (2012).

for exploitation, it may increase vulnerability to trafficking. This is the case of Roma and Sinti persons, who are currently the most trafficked individuals in the European Union.⁸² It is their low social standing and the resultant exclusion that make them easy targets for recruiters and traffickers. But it is also the indifferent attitude of some public authorities towards Roma and Sinti communities that leave the most vulnerable members of these communities – children and young women – unprotected from exploitation from criminal groups.⁸³

Migration status

Irregular migration status can significantly increase the vulnerability of migrants to conditions of exploitation and human trafficking. Strict anti-immigration policies reduce opportunities for legal migration and thereby result in irregular overstay once migrants' visas expire. Moreover, migrants often turn to third parties for assistance in migrating, sometimes relying on false promises of legal migration and remunerative jobs. They contribute to provide an ever-growing number of clients to smuggling networks, as well as to trap persons into trafficking circles and forced labour or slavery-like conditions. Furthermore, isolated working conditions, long working hours, low payment and social isolation make migrant workers very vulnerable to violence and discriminatory behaviours. Moreover, “insecure migration status” (i.e., irregular status, employer or spousal dependant status) is a huge driver for exploitation, abuse, and underreporting.⁸⁴ It also prevents vulnerable groups, including trafficked persons, from seeking assistance and protection, as they fear they may be arrested or deported.

The current globalized labour market is deeply rooted in an ever-increasing economic competition that constantly calls for production costs cuts and a cheaper workforce, especially in low-skilled sectors where migrant workers are generally employed. In this scenario, workers in general and migrant irregular workers in particular become very vulnerable to exploitation, discrimination, and trafficking. The global economic crisis has significantly deepened their vulnerable conditions. It has worsened the working and living conditions of migrant irregular workers and changed their migratory project plans, especially for those who must lengthen their “period of exploitation” in

82 Europol, *Knowledge Product. Trafficking in Human Beings in the European Union* (The Hague, 2011).

83 Presentation by A. Mirga at the OSCE *Alliance* Conference “An Agenda for Prevention: Non-Discrimination and Empowerment”, Vienna, 11-12 October 2012, <<http://www.osce.org/cthb/97275>>, accessed 22 November 2012.

84 Presentation by K. Soova at the OSCE *Alliance* Conference “An Agenda for Prevention: Non-Discrimination and Empowerment”, Vienna, 11-12 October 2012, <<http://www.osce.org/cthb/97277>>, accessed 22 November 2012. For a comprehensive picture of the daily challenges and discriminatory policies and practices faced by undocumented migrants in Europe, see PICUM's web documentary available in English, Spanish, and French at <<http://undocumentary.org/en/>>.

order to pay back debts. The lack of a regular status is used by their exploiters to further enforce the unbalanced power relations and to prevent the reporting of abuses.

The vulnerability of irregular migrants can be reduced by reinforcing protections in fundamental areas, such as access to basic labour rights, justice and protection, and basic services.⁸⁵ In this regard, several measures can be enacted, including a strict separation between labour inspections and migration status; more regular migration avenues for low-wage work; the right to change employer; the right as a victim of a crime to assistance and remedies

Speak Out Against Discrimination (Council of Europe)

The Council of Europe's "Speak out against discrimination" Campaign (2008-2010) primarily targeted media industry professionals to enable them to have a better understanding of intercultural and anti-discrimination issues, as well as to achieve higher quality and greater coverage on these issues. The campaign was built around three main objectives: Training media professionals; Writing, seeing and hearing diversity in the media; and Producing and disseminating innovative and inclusive information. All activities were based on the principles and values of a culture of respect, mutual understanding and inclusion among journalists for the diverse societies they deliver to. The ultimate goal was to contribute to the prevention of reporting harmful stereotypes in the media, which adds to a segregated view of society, but also to give the means to journalists to allow all groups within the population to be part of media productions and thus, to participate in the public and democratic debate. A wide set of tools were produced, including the Toolbox: Journalism Training, Discrimination & Diversity and media cross-productions (videos, spots, blog, billboards, etc.).

Source: Extracts from <http://www.coe.int/t/dg4/anti-discrimination-campaign/default_en.asp?expandable=0>, accessed 22 November 2012.

regardless of migration status and irrespective of whether the crime has been reported to the competent authorities; the right to access health care, as well as decent housing or shelter regardless of migration status.⁸⁶

Immigration policies can also contribute to shaping the public discourse and representations of both documented and undocumented migrants. This can be the case to the extent that they may indirectly or – in some cases – intentionally support the derogatory perception of migrant

workers, who are "not perceived as equal human beings and so can be abused in ways that would be impossible in respect of workers of the same race/ethnicity".⁸⁷ This type of reasoning supports the common acceptance that migrant workers can then be paid less, because "this is a huge sum for them, anyway", or can be provided with poor working and living conditions, because "at least, here, they have a job, whereas in their country they would be starving...". Such racist attitudes allow for the development of a cultural and social *substratum* that can lead to various types of "normalization" of exploiting irregular migrant workers.

Other common xenophobic stereotypes depict migrant workers "as inefficient, incapable of being fully integrated into society, and even criminals. These stereotypes, among other things, hamper the common perception that they could be victims of a serious crime" and foster xenophobia.⁸⁸ In this regard, the media can in/directly contribute to the enforcement of negative images of regular and irregular migrants, as well as to increasing the confusion among different phenomena (i.e., migrant smuggling, human trafficking, irregular migration, etc.). The role of the media is indeed crucial to investigate and better understand why and how some social, economic and political phenomena involve the systematic abuse of human rights of migrants.

Discrimination resulting from the implementation of anti-trafficking measures

Many anti-trafficking legal provisions, measures and procedures fail to satisfactorily respect or protect the rights of trafficked persons and other groups affected by these measures, such as migrant domestic workers or sex workers.⁸⁹ As a result, through their implementation, governmental and non-governmental actors can negatively affect the rights of trafficked persons and produce or reproduce forms of discrimination. For instance, failure to detect and identify potential and actual victims on the part of the competent authorities can lead to discrimination of the rights of the unidentified trafficked persons. They can be deported to countries where they are at risk of being subject to serious human rights abuses, or they are not granted equal access to effective remedies, including the right to challenge expulsion orders and to pursue such remedies.⁹⁰

87 B. Anderson, J. O'Connell Davidson, *Is Trafficking in Human Beings Demand Driven? A Multi-Country Pilot Study*, IOM Migration Research Series No. 15 (Geneva, 2003), p. 42.

88 Opening Address by M.G. Giammarinaro at the OSCE Alliance Conference "An Agenda for Prevention: Non-Discrimination and Empowerment", Vienna, 11-12 October 2012, <<http://www.osce.org/cthb/97272>>, accessed 22 November 2012.

89 Aim for Human Rights, *The Right Guide: A tool to assess the human rights impact of anti-trafficking laws and policies*, The Netherlands (2010); GAATW, *Collateral Damage - The Impact of Anti-Trafficking Measures on Human Rights around the World* (Bangkok, 2007).

90 UN Committee on the Elimination of Racial Discrimination, *General Recommendation No. 30 "Discrimination against non-citizens"* (2004), para. VI.

85 Ibid.

86 Ibid.

Furthermore, the establishment of closed shelters for trafficked persons⁹¹ and the restricted access to state-run shelters for undocumented migrants⁹² are discriminatory practices that can still be found in several countries.

Also internalized gender-biased and racist attitudes and perceptions of some anti-trafficking stakeholders can contribute to shape support measures and procedures that reproduce discrimination instead of promoting gender equality and empowerment. For instance, stereotypes about particular nationalities or gender roles that are held by some police officers, judiciary personnel, and service providers often negatively affect the identification phase of trafficked persons, as well as their access to protection, assistance, and legal remedies.⁹³ The stereotyping of women from certain places as presumed victims might prevent their freedom of movement, or the idea that men are not likely to be trafficked hinders their identification.

As regards children, there are many practices that highlight the multiple barriers that prevent children from accessing their entitlements and advancement. To name but a few, vulnerable boys and girls, especially those from ethnic communities, have difficulties accessing education, social support, health care, training and employment services.⁹⁴ They are severely discriminated against by institutions if they are placed, without their views being heard, in inadequate residential settings or in care institutions because – as in the case of Roma children – of presumptions that they have troubled families. Furthermore, some State institutions discriminate against children from minorities by placing them *de facto* in schools for children with mental disabilities.⁹⁵ All these practices severely lack a child-sensitive and child-friendly approach that would allow the granting of specialized programmes and services capable of providing safe and durable solutions to empower children and prevent them from becoming victims of discrimination, marginalization and, in some cases, child trafficking.

These are just a few examples that underscore the need to properly train all relevant stakeholders of public and private organizations on human rights issues and anti-discriminatory practices to ensure the proper treatment and

protection of the rights of vulnerable individuals, including trafficked persons and migrants. Most of all, they point to the need to establish a mechanism to systematically assess the human rights impact of anti-trafficking legislation, policies and practices on potential and actual trafficked persons to prevent any violation of their rights and protect them from discrimination of any kind.

Exploring non-discrimination, empowerment and the law

The key challenge across the OSCE region today is not the lack of a legal basis to fight human trafficking, but the lack of correct and full implementation of existing national legislations, action plans, international instruments and OSCE commitments.⁹⁶ The low numbers of identified victims and convicted traffickers⁹⁷ are striking and clearly highlight the need to improve the current anti-trafficking frameworks by enhancing the capacity to identify and protect trafficked persons, as well as to ensure that traffickers are severely punished. It is also crucial that OSCE participating States widen the scope of their anti-trafficking response – currently largely aimed at fighting organized crime or controlling immigration – by placing the protection and empowerment of victims' rights at the centre of their policy and practical responses.

The role of States in protecting, fulfilling and promoting the human rights of their citizens, including trafficked persons, is enshrined in their obligations as duty bearers. According to international standards⁹⁸, the same rights must be granted to foreign trafficked persons found in the national territory. Failure by the States to grant proper assistance to national or foreign trafficked persons risks violation of the prohibition of discrimination under international human rights law.⁹⁹ The States, thus, have the duty to protect trafficked persons as well as to provide short- and medium-term support measures to allow them to regain control of their lives.

The States then play a major role in supporting the empowerment and non-discrimination of trafficked persons by making full and correct use of anti-discrimination laws and tools, as well as international human rights instruments and jurisprudence. The specific scope of the

91 A. Gallagher, E. Pearson, *Detention of Trafficked Persons in Shelters: A Legal and Policy Analysis*, AusAID (2008).

92 PICUM, *Strategies to End Double Violence against Undocumented Women. Protecting Rights and Ensuring Justice* (Brussels, 2012).

93 Presentation by N. Prasad at the OSCE Alliance Conference "An Agenda for Prevention: Non-Discrimination and Empowerment", Vienna, 11-12 October 2012.

94 United Nations Children's Fund, *Risks and Realities of Child Trafficking and Exploitation in Central Asia* (UNICEF Regional Office for CEE/CIS, Geneva, 2009); Alliance against Trafficking in Persons Expert Co-ordination Team (AECT), *Taking a Stand: Effective Assistance and Protection to Victims of Trafficking. Position Paper* (2005).

95 European Roma Rights Centre, *Breaking the Silence: Trafficking in Romani Communities* (Budapest, 2011), p. 48.

96 Keynote Address by M.G. Giammarinaro at the OSCE Human Dimension Seminar "Rule of Law Framework for Combating Trafficking in Human Beings", Warsaw, 14-16 May 2012, <<http://www.osce.org/belarus-closed/90489>>, accessed 22 November 2012.

97 US Department of State, *Trafficking in Persons Report 2012* (Washington, 2012).

98 Council of Europe, *Convention for the Protection of Human Rights and Fundamental Freedoms* (1950), art. 14; United Nations, *International Covenant on Civil and Political Rights* (16 December 1966), art. 26; United Nations, *International Covenant on Economic, Social and Cultural Rights* (16 December 1966), art. 2(2).

99 Presentation by R. Piotrowicz at the OSCE Alliance Conference "An Agenda for Prevention: Non-Discrimination and Empowerment", Vienna, 11-12 October 2012, <<http://www.osce.org/cthb/97278>>, accessed 22 November 2012.

States' duties as to the principle of non-discrimination of trafficked persons has been established by the European Court of Human Rights in the decision *Rantsev v. Cyprus and Russia*.¹⁰⁰ This decision requires States not to submit anyone within their jurisdiction to inhuman or degrading treatment or punishment. Therefore, they are obliged to provide potential and actual trafficked persons with effective measures to protect them and meet their short- and longer-term needs. States must then ensure trafficked persons access to safe accommodation, necessary medical and psychiatric treatment, counselling, legal advice, referral to assistance, and support aimed at long-term social inclusion. In the case of foreign trafficked persons, States must assure that assistance is provided in a language they can understand. Through the fulfilment of these legal obligations, States not only promote the legal empowerment of trafficked persons and their access to justice and remedies, but they also significantly contribute to prevent re-trafficking and deter crime.

Internationally recognized principles of non-discrimination and equality can be taken further to combat trafficking in human beings. It is not always easy to combine trafficking with anti-discrimination tools, because trafficking is a serious crime, whereas anti-discrimination proceedings are civil litigation.¹⁰¹ However, it is important to notice that civil remedies can sometimes be more fruitful for ensuring fair redress to trafficked persons. In this context, civil and labour law, combined with anti-discrimination law, can be used in concrete cases to ensure justice for trafficked persons in terms of remedies and redress. In this regard, innovative approaches are currently being implemented and should be widely promoted. Other tools should be taken further into consideration. For instance, out-of-court negotiations should be better explored as a response to situations of discrimination and exploitation, by better and fully using trade union negotiations, ombudsmen or similar mechanisms, as well as better involving national human rights institutions. Furthermore, free legal counselling and free legal representation should be provided by States to enable (especially) migrants to access anti-discrimination civil action, where foreseen by national legislation.

Parliamentarians and local decisions makers have a specific responsibility in initiating and supporting changes in legislation, practices and policies. They need to be targeted by advocacy and lobbying activities to raise their awareness on discrimination and human trafficking issues, in order to positively impact on the formulation of

any related legislation¹⁰² and, most of all, to place anti-discriminatory and anti-trafficking policies higher in the hierarchy of State priorities¹⁰³.

Finally, access to full information on rights and access to justice and remedies is a key to prevent vulnerability factors that may lead to exploitation and human trafficking. To this end, activities need to be organized that target vulnerable

Chellen and EEOC v. John Pickle Company Inc. (USA)

The U.S. Equal Employment Opportunity Commission (EEOC) set up the Immigrant Worker Team to develop and implement a comprehensive plan to address the intersection of employment discrimination issues affecting workers of foreign national origin. The team is focusing on the issues affecting immigrants and migrant workers, in particular the issue of human trafficking.

Throughout the years, the EEOC has developed innovative approaches to enforce the anti-discrimination laws on behalf of trafficked persons, demonstrating that private civil law suits and private law enforcement by federal authorities can be used to protect victims of exploitation in the workplace as in the case of *Chellen and EEOC v. John Pickle Company Inc.* This concerned 52 skilled Indian workers who were offered a job in the USA. When they arrived overseas, the promises made by the company were not fulfilled: they were paid less than minimum wage and subjected to harsher conditions than the Caucasian, US born workers. The Indian workers were confined in a cramped warehouse building with small beds, broken toilets and no privacy. Under no circumstances could they leave the premises. Once the lawsuit was filed, the workers received T visas that allowed them to remain in the US, participate in the lawsuit, work, and be reunited with their families. After four years of litigation, the court found that both J. Pickle and his company were separately liable to the victims. They were required to pay compensation of over USD 1.3 million in damages.

Source: Presentation by P. D. Lopez at the OSCE *Alliance* Conference "An Agenda for Prevention: Non-Discrimination and Empowerment", Vienna, 11-12 October 2012, <<http://www.osce.org/cthb/97283>> and <<http://www.osce.org/cthb/97281>>, accessed 22 November 2012.

groups, especially migrant workers, to raise awareness on their entitlements, including freedom of assembly and association, non-discrimination treatment, especially concerning wages and working conditions, and compensation.

¹⁰⁰ European Court of Human Rights, Application No. 25965/04, Judgment of 7 January 2010.

¹⁰¹ Presentation by P. Le Cocq at the OSCE *Alliance* Conference "An Agenda for Prevention: Non-Discrimination and Empowerment", Vienna, 11-12 October 2012, <<http://www.osce.org/cthb/97279>> and <<http://www.osce.org/cthb/97280>>, accessed 22 November 2012.

¹⁰² Keynote Address by M. Mecacci at the OSCE *Alliance* Conference "An Agenda for Prevention: Non-Discrimination and Empowerment", Vienna, 11-12 October 2012.

¹⁰³ Welcome and Opening Remarks by F. Cogan at the OSCE *Alliance* Conference "An Agenda for Prevention: Non-Discrimination and Empowerment", Vienna, 11-12 October 2012, <<http://www.osce.org/cthb/97266>>, accessed 22 November 2012.

Non-discrimination and empowerment as a prevention and protection strategy: The way forward

The 2012 OSCE *Alliance* Conference “An Agenda for Prevention: Non-Discrimination and Empowerment” marked a new pathway towards promoting a new cultural framework to address human trafficking as a systemic component of the current economy, labour market, and society, where exploitation and discrimination of vulnerable groups are engrained and still inadequately challenged components. The 2012 OSCE *Alliance* Conference explored multiple and intersectional discrimination as a driving factor of vulnerability for potential and actual trafficked persons, and thus, moved beyond the trafficking context alone and addressed broader structures of institutional and structural discrimination against vulnerable groups.

Adopting an intersectional approach to trafficking is truly ground-breaking, because it significantly contributes to unmasking the multiple linkages between trafficking and cross-cutting issues, including discrimination, thereby revealing the multiple factors that render people vulnerable to exploitation and trafficking. This innovative approach calls for a sort of “second wave” of anti-trafficking action that requires the placement of such multifaceted phenomenon into a much wider context.¹⁰⁴ If during the “first wave” – started in the 1990s – the main concern was to distinguish trafficking from other related phenomena, such as smuggling, irregular migration or prostitution, today it is crucial to take into account the multiple forms of trafficking along with a broad range of related policies, from labour markets to migration and anti-discrimination policies.¹⁰⁵

This new understanding of human trafficking requires a mentality change at the societal level as well as a paradigm shift of those engaged in the anti-trafficking field and in related sectors. This is certainly a huge and long-term challenge that entails both short- and medium-term strategies and actions. It is a challenge that involves re-thinking solutions¹⁰⁶; revisiting, revising, and implementing strategies¹⁰⁷; effective commitment and a will to change in order to enhance legislation and policies aimed at preventing and combating the phenomenon and protecting the rights of trafficked persons, both adults and children.

¹⁰⁴ Concluding Remarks by M.G. Giammarinaro at the OSCE *Alliance* Conference “An Agenda for Prevention: Non-Discrimination and Empowerment”, Vienna, 11-12 October 2012.

¹⁰⁵ Ibid.

¹⁰⁶ Welcome and Opening Remarks by M. Kjaerum at the OSCE *Alliance* Conference “An Agenda for Prevention: Non-Discrimination and Empowerment”, Vienna, 11-12 October 2012, <<http://www.osce.org/cthb/97270>>, accessed 22 November 2012.

¹⁰⁷ P. Nestorova at the OSCE *Alliance* Conference “An Agenda for Prevention: Non-Discrimination and Empowerment”, Vienna, 11-12 October 2012.

During the 2012 OSCE *Alliance* Conference, several recommendations were set forth to better place anti-trafficking action at the core of the human rights discourse, as well as to ensure that anti-discrimination and anti-trafficking standards, actors and strategies complement and reinforce each other, enhancing both prevention and protection. These recommendations are hereinafter presented, knowing that they are a platform for further reflection, exchange, and action to prevent and prosecute human rights violations caused by the interrelation of multiple grounds of discrimination and human trafficking, as well as to comprehensively protect victims.

Legislation

The primary responsibility for the promotion and protection of human rights rests with the State, as the main duty bearer, which shall:

- Ensure correct and full implementation of existing anti-trafficking and related national and international legislation, OSCE commitments, regulations, actions plans, and national referral mechanisms;
- Carry out a regular review of all pertinent governmental policies and laws, including those on human trafficking, immigration and asylum, citizenship, nationality, gender, labour, social welfare, child protection, and discrimination, with regard to their negative impact on potential and actual trafficked persons;
- Repeal all legislation and policies that are found to result in any form of discrimination and prevent from accessing a range of rights, especially in the case of (irregular) migrants;
- Ensure co-ordination, consistency, and mutual reinforcement between the framework of human trafficking and complementary legal frameworks in the areas of migration, asylum, labour, social welfare, gender, child protection, discrimination;
- Ratify the relevant international human rights conventions, including the ILO C189 Convention on Domestic Workers (2011);¹⁰⁸
- Provide undocumented trafficked persons with a stay permit, regardless of their willingness to co-operate with the competent authorities, and ensure their access to protection and redress measures;
- Ensure that the title of stay permits for trafficked persons is neutral, in order to protect their right to privacy;
- Provide for more legal avenues for migrant workers to find jobs in foreign countries, as well as to enjoy the right to change employers;

¹⁰⁸ The ILO C189 Convention has been ratified only by three States, i.e., Philippines, Uruguay, and Mauritius, in <http://www.ilo.org/dyn/normlex/en/f?p=1000:11300:0:NO:11300:P11300_INSTRUMENT_ID:2551460>, accessed 28 October 2012.

- Promptly take measures to combat attitudes and conditions that can perpetuate *de facto* discrimination against vulnerable groups, including minorities.

Research and data collection

Human trafficking research is still limited, poorly interdisciplinary, and is carried out by a “clandestine research population”¹⁰⁹. Updated, comprehensive, and disaggregated data collection systems are still lacking in most OSCE participating States. It is thus key that research institutions and other agencies concerned:

- Develop intersectional methodologies and tools to identify intersectional discrimination and its effects on trafficked persons (i.e., male, female, transgender – both children and adults);
- Develop comprehensive and thorough research on the interplay between human trafficking, poverty, domestic violence, abuse, social exclusion, and racism, in order to recognize and identify occurrences of multiple discrimination;
- Ensure that Roma and Sinti representatives and NGOs are involved in research activities targeting human trafficking and discrimination-related issues;
- Develop strategies and methodologies to collect and analyse data on trafficked persons, minorities, and other groups vulnerable to trafficking;
- In full compliance with existing data protection standards, statistics shall be disaggregated by gender, nationality, age, ethnic group, religion, and disabilities in order to monitor and redress any direct or indirect discrimination.¹¹⁰

Education

Education and the power of knowledge are the keys to freedom¹¹¹ that several States are still failing to provide. To overcome this gap, it is necessary to:

- Ensure quality of education, especially for students from minorities;
- Develop long-term and sustainable education programmes targeting vulnerable groups, including children from minorities;
- Ensure access to education to undocumented children;

- Ensure that language training programmes are available to persons of all ages;
- Develop literacy programmes for adults, especially from minority groups;
- Develop vocational training for persons of all ages;
- Promote peer education programmes targeting especially marginalized vulnerable groups.

Awareness raising

Improving knowledge on human trafficking and multiple discrimination issues is crucial for diminishing the vulnerability factors leading to exploitation and the infringement of rights, and for fostering access to justice. Towards this aim, it is necessary to:

- Develop innovations and actions targeting vulnerable groups to raise their awareness on the forms of multiple discrimination and violation of rights experienced by trafficked persons, before, during and after their trafficking experiences;
- Organize initiatives to promote understanding among decision makers and public authorities of the linkages between multiple discrimination (including poverty, lack of education, lack of access to basic services, social exclusion) and human trafficking;
- Promote seminars and meetings targeting relevant stakeholders.

Access to information

Information and participation are fundamental empowering elements that allow vulnerable individuals, including potential and actual trafficked persons, to become active agents and agents of change. To this end, it is necessary to:

- Develop accessible, understandable and detailed information on pertinent rights and how to effectively access them in countries of origin, transit and destination;
- Ensure that necessary translated information material and services are provided to persons speaking foreign or minority languages;
- Develop information tools targeting illiterate persons;
- Ensure that Roma representatives and NGOs are involved in awareness raising activities targeting human trafficking and discrimination-related issues.

¹⁰⁹ H. Box, “Human Trafficking and Minorities: Vulnerability Compounded by Discrimination”, in *Topical Review Digest: Minority Rights*, University of Denver (2012), <<http://www.du.edu/korbel/hrhw/researchdigest/minority/MinorityRights.pdf>>, accessed 27 October 2012.

¹¹⁰ Presentation by A. Mirga at the OSCE *Alliance* Conference “An Agenda for Prevention: Non-Discrimination and Empowerment”, Vienna, 11-12 October 2012, <<http://www.osce.org/cthb/97275>>, accessed 22 November 2012.

¹¹¹ Keynote Address by K. Morris at the OSCE *Alliance* Conference “An Agenda for Prevention: Non-Discrimination and Empowerment”, Vienna, 11-12 October 2012, <<http://www.osce.org/cthb/97273>>, accessed 22 November 2012.

Access to services

Trafficked persons must be ensured timely access to services and qualified assistance, i.e., accommodation; health care and social, psychological, and legal counseling; and redress. In several OSCE participating States there is a serious lack of available basic services, which can result in unintentional discrimination. It is thus fundamental to:

- Establish quality services addressing trafficked persons and marginalized groups;
- Ensure that access to services is available, accessible, acceptable, adaptable¹¹², namely:
 - Availability – that services are free and also accessible to undocumented migrants; that they are provided by professionals also trained in anti-discrimination matters;
 - Accessibility – that services are accessible to all, including the most marginalized, as well as persons speaking foreign or minority languages;
 - Acceptability – that services are non-discriminatory and culturally appropriate;
 - Adaptability – that services respond to the needs of the assisted persons and are adapted locally to suit specific contexts;
- Ensure that the final aim of any support scheme is always the social inclusion of the assisted persons;
- Employ the human rights impact assessment to assess whether the existing services address unintentional intersectionality, and to certify that they do not contribute to discrimination, stigmatization or marginalization;
- Involve the assisted persons in any step that concerns their protection and assistance in order to allow them to always take fully informed decisions;
- Open shelters for women and the homeless to people with irregular migration status who might be vulnerable to exploitation and trafficking;
- Involve trained peer educators and mediators from foreign and minority groups when providing services;
- Increase the incorporation of anti-trafficking efforts into existing structures dealing with children, such as child protection services, education, victim services, immigration courts, runaway and homeless youth services, and juvenile justice programmes;
- Ensure adequate and timely funding for NGOs that work specifically with trafficked persons and marginalized groups.

¹¹² Concept originally developed to promote and foster the right to education by the former UN Special Rapporteur on the Right to Education, Katarina Tomaševski, in *Human Rights Obligations: Making Education Available, Accessible, Acceptable and Adaptable*, Raoul Wallenberg Institute of Human Rights and Humanitarian Law (Lund, 2001). This concept has been further developed and applied to other human rights fields.

Access to justice

Access to justice is a crucial element to foster the empowerment of trafficked persons and prevent re-trafficking. However, to date, access to justice and redress remains one of the most unexplored and ineffective rights for trafficked persons. To improve the current situation, it is crucial to:

- Include access to justice and compensation in National Referral Mechanisms (NRM);
- Ensure portable justice;
- Secure funding for social and legal assistance;
- Train legal practitioners as well as other relevant anti-trafficking stakeholders, especially law enforcement agencies;
- Disseminate successful case examples and good practice.

Capacity building

Effective protection against human trafficking and from multiple and intersectional discrimination requires knowledge and understanding of these phenomena, as well as proper skills to meet the needs of potential and presumed trafficked persons. It is thus key to:

- Include multiple and intersectional discrimination issues in the training curricula of anti-trafficking stakeholders and professionals, including police officers, prosecutors, judges, non-governmental and international organizations' employees, social workers, child protection officers, labour inspectors, trade unionists, and health personnel;
- Develop training programmes for lawyers to foster their skills in legally addressing forms of multiple and intersectional discrimination suffered by trafficked persons;
- Develop training programmes for teachers and school personnel to improve their skills in preventing discrimination against vulnerable children and recognizing indicators of human trafficking;
- Develop training modules for media professionals to raise their awareness on trafficking and discrimination-related issues, and on the importance of avoiding negative stereotyping of marginalized groups and of enhancing the use of a non-discriminatory language, especially when dealing with stories concerning migrants (e.g., “*undocumented/irregular*” versus “*illegal migrants*”)¹¹³;

¹¹³ United Nations, *Report of the Special Rapporteur on the human rights of migrants*, Jorge Bustamante, A/65/222 (2010); Council of Europe, *Resolution 1509 (2006) Human rights of irregular migrants*.

- Ensure that Roma representatives and NGOs are involved in capacity building activities addressing human trafficking and discrimination-related issues.

National Referral Mechanisms (NRM)

NRMs are in place in several OSCE participating States and, in spite of some gaps, their implementation is constantly improving. In order to improve their capacity to address the interrelations between human trafficking and multiple and interactional discrimination, it is necessary to:

- Ensure that NRMs include the fight against multiple and intersectional discrimination in their mandate;
- Ensure that Roma and Sinti representatives and NGOs are involved in the NRM and minorities issues are addressed;
- Improve access to protection, justice and redress to trafficked persons, including those from minority groups;
- Promote the exchange of practices on human trafficking and multiple discrimination-related issues;
- Establish ongoing forms of dialogue with institutions tasked with minorities' rights, gender issues, racial discrimination, children's issues, documented and undocumented migrants, and so on, to foster understanding, dialogue and co-operation across the grounds.

Independent monitoring mechanisms

National Rapporteurs and related mechanisms, including ombudspersons offices and human rights commissions, can play a significant role in ensuring compliance with national and international standards and norms, combating human trafficking and multiple forms of discrimination, and protecting the rights of trafficked persons (both children and adults). It is thus essential to establish independent monitoring mechanism in all OSCE participating States to:

- Monitor rights, violations, and omissions, and enforce effective implementation of laws and policies to combat all forms of human trafficking and discrimination on all grounds; to protect trafficked persons; and ensure respect for human rights;
- Make recommendations on legislation and policies targeting human trafficking and multiple discrimination-related issues;
- Examine individual complaints lodged by trafficked persons, provide them with legal assistance for victims, and monitor the implementation of anti-discriminatory legislation.

During the 2012 OSCE *Alliance* Conference, references to similarities between historical slavery and modern-day slavery were made in order to establish the strong link trafficking today has with history, and to identify possible lessons to fight current forms of slavery. It has been noted that, as in the past, slavery and trafficking are structural parts of a global system based on “*exploitation and making money by abusing and exploiting*” ‘others’, “breaking their free will, dehumanizing them, destroying their self-confidence, and convincing them they are persons of no importance”.¹¹⁴ Contrary to the past, modern-day slavery has been officially abolished in all countries of the world, and all related offences have been criminalized by national and international legislation. Nevertheless, slavery continues to thrive. Abolishing slavery and criminalizing trafficking are clearly not sufficient solutions to stop their perpetuation.¹¹⁵ It is the legal, social, and cultural system within which structured abuses and human trafficking are rooted that needs to be challenged. Only thus can the multiple vulnerability and discrimination factors be eradicated.

The above-listed recommendations are certainly only a starting point to challenge the existing discriminatory system that renders millions of persons vulnerable to exploitation and human trafficking of all kinds. But they are an important first step to develop a new conceptual and operational framework to better address and fight all forms of trafficking. The 2012 OSCE *Alliance* Conference clearly highlighted that – by taking into account the linkages between multiple and intersectional discrimination and trafficking – it is possible to expose a wider range of vulnerability factors and to design more targeted protection and assistance measures to foster the safety, dignity, and equality of potential and actual trafficked persons. It is thus essential to continue to explore this challenging path through ongoing dialogue amongst all actors concerned to jointly head towards the same goal – to finally achieve a slave-free society.

¹¹⁴ Concluding Remarks by M.G. Giammarinaro at the OSCE *Alliance* Conference, “An Agenda for Prevention: Non-Discrimination and Empowerment”, Vienna, 11-12 October 2012.

¹¹⁵ Keynote Address by K. Morris at the OSCE *Alliance* Conference “An Agenda for Prevention: Non-Discrimination and Empowerment”, Vienna, 11-12 October 2012, <<http://www.osce.org/cthb/97273>>, accessed 22 November 2012.

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ANNEX 2: LIST OF KEYNOTE ADDRESSES AND INTERVENTIONS IN CONFERENCES, SEMINARS AND OTHER EVENTS BY THE SR/CTHB AND HER OFFICE

Lecture on 'Policy Dilemmas in Preventing Trafficking in Human Beings', Institute of International and European Affairs (2 February 2012, Dublin)

Conference on Media Development: Roundtable on Ethical Approaches to Reporting on Trafficking for the Mass Media, Russian Union of Journalists (6 February 2012, Moscow)

2012 OSCE-Thailand Conference on Strengthening Security through Regional Co-Operation: The OSCE Comprehensive Approach and Experiences of Asian Partners for Co-Operation (13-14 February 2012, Chiang Mai, Thailand)

OSCE-International Centre for Migration Policy Development (ICMPD) joint project: Capacity building for combating trafficking for labour exploitation (28 February 2012, Bucharest, Romania)

SMI Border Security Conference: Managing Borders Between EU and non-EU nations (29 February and 1 March 2012, Sofia)

Strategic Plan of the UN Global Initiative to Fight Human Trafficking (UN.GIFT) for the period of 2012-2014 (2 March 2012, Vienna)

NATO Partnership for Peace Training Centre, Combating Trafficking in Human Beings (CTHB) Course (5-9 March 2012, Ankara)

UNESCO Roundtable on Trafficking in Women and Girls (9 March 2012, Paris)

25th Annual Meeting of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (19 March 2012, Geneva)

International Colloquium of the Memorial of Nantes: Realities of Contemporary Slavery (22-25 March, Nantes, France)

Council on Foreign Relations (CFR) Global Stakes in Human Rights roundtable: The OSCE, Human Rights, and Human Trafficking (27 March, Washington, D.C.)

Roundtable on Combating Trafficking in Human Beings - an Evolving Transnational Organized Crime: the OSCE's Role and Commitments to Combat Modern-day Slavery, Council of Europe, OSCE, CIS IPA, CIS Executive Committee (18 April 2012, Saint Petersburg)

Trafficking for the Purpose of Organ Removal: preliminary findings, Briefing to OSCE delegations, OSR/CTHB (24 April 2012, Vienna)

ILO Roundtable on 'The new global estimate on forced labour, trafficking and slavery-like practices'- ILO's Special Action Programme to combat Forced Labour (7 May 2012, Geneva)

2012 OSCE Human Dimension Seminar on 'Rule of Law Framework for Combating Trafficking in Human Beings' (14-16 May 2012, Warsaw)

International Workshop on the Profiles of Trafficking: Patterns, Population and Policies, Israel's Ministry of Justice, The U.S. Embassy in Tel Aviv (20-21 May 2012, Haifa)

Training on 'Best practice and prospects of combating THB', Ministry of Internal Affairs and International Organization for Migration (IOM) in Minsk, CIS International Training Centre on Migration and CTHB in Minsk (21-25 May 2012, Minsk)

Follow-up to the Report of the OSCE Special Representative and Co-ordinator for CTHB, Presentation of the OSCE Country Visit Report at the UK Home Office (28 May 2012, London)

914th Meeting of the OSCE Permanent Council (31 May 2012, Vienna)

OSCE Human Dimension Committee (5 June 2012, Vienna)

Discussion on the topic of Trafficking in Human Beings for Labour Exploitation, International agenda and situation in Bosnia Herzegovina, OSCE Mission in BiH (14 June 2012, Sarajevo)

2012 Trafficking in Persons Report Hero Celebration (18-20 June, Washington DC)

ICMPD training under the joint Project "Capacity Building for Combating Trafficking for Labour Exploitation" (18-19 June 2012, Prague)

"Domestic Servitude in Diplomatic Households - A challenge for the International Community", UN Human Rights Council (21 June 2012, Geneva)

Workshop on prevention of trafficking of human beings for domestic servitude in diplomatic households, OSCE OSR/CTHB (21-22 June 2012, Geneva)

Regional Roundtable 'Challenging Existing Discourses, Approaches and Responses to Human Trafficking', Preventing and Combating all Forms of Human Trafficking: Improving Transnational Coordination and Cooperation; Developing and Strengthening Networks and Partnerships with Third Countries -Implementation of the Master Plan, Austrian Institute for International Affairs (OIIP) and the IOM (31 July 2012, Gmunden)

NGOs against Modern-day Slavery: Empowerment and Innovation, '2012 International Edinburgh Festival, Festival of Politics - Politics. Culture. Creativity. A force for Positive Change, Scottish Parliament (24 August 2012, Edinburgh)

Opening of photo exhibition for project "Preventing human trafficking in children without parental care in the Republic of Moldova", OSCE OSR/CTHB (12 September 2012, Chisinau)

20th Meeting of the OSCE Economic and Environmental Forum, "Promoting Security and Stability through Good Governance" (14 September 2012, Prague)

Women's Empowerment: A Strategic Approach to Prevent Human Trafficking and Re-trafficking: Promoting equal opportunities for women in the economic

sphere, taking into account cross dimensional aspects, OSCE Economic and Environmental Committee (19 September 2012, Vienna)

Portuguese National Parliament Conference on Domestic Servitude and Forced Begging: Invisible forms of THB for Labor Exploitation, Portuguese National Parliament, initiative of the Observatory on Trafficking in Human Beings/Ministry of Internal Affairs (18 September 2012, Lisbon)

Meeting on 'Combating Human Trafficking in the OSCE Region and Beyond: Significance of Co-operation between the OSCE and Asian Partners', OSCE Contact Group with Asian Partners (21 September 2012, Vienna)

Round Table on Human Trafficking for Labour Exploitation, Regional Implementation Initiative (28 September 2012, Vienna)

Implementation of the OSCE Action Plan to Combat Trafficking in Human Beings, Working Session 8, Human Dimension Implementation Meeting (28 September 2012, Warsaw)

Domestic Servitude in Diplomatic Households – A Challenge for the International Community, Side Event to the Human Dimension Implementation Meeting (28 September 2012, Warsaw)

Alliance against Trafficking in Persons Conference - An Agenda for Prevention: Non-discrimination and Empowerment (11-12 October 2012, Vienna)

Parliamentarians Against Human Trafficking (16-17 October 2012, London)

Migrant Domestic Workers, Gender Equality, and Human Rights: 'Protecting the Rights of Migrant Workers in International Law', University College Cork (19 October, Cork, Ireland)

Towards a European approach to judicial training on trafficking in human beings 'The victim', Superior Council of Magistrates (Consiglio Superiore Della Magistratura), Italy; Training and Study Centre for the Judiciary (Studiecentrum Rechtspleging), the Netherlands; The Polish National School of Judiciary and Public Prosecution (Krajowa Szkoła Sądownictwa i Prokuratury), Poland (25-26 October, Rome)

Identification and protection of the victims of trafficking and grave labour exploitation in Friuli Venezia Giulia - Workshop addressed to law-enforcement agencies, public and private institutions (29 October, Gorizia)

Combating human trafficking: Challenges, lessons learned and good practices, OSCE PCUz (30-31 October, Tashkent)

Combating Trafficking in Human Beings in Connection with the Migration Phenomenon, and Ensuring the Protection of Victims in South- East Europe under the 2012 cycle of regional conferences Justice and Human Rights in South-East Europe French Ministry of Foreign Affairs, Romanian National Agency Against Trafficking in Persons (8-9 November, Bucharest)

European NGOs Platform against Trafficking, Exploitation and Slavery, On the Road (13 November, Rome)

Oxford Human Rights Hub Seminar Series, 'The fight against modern day slavery – from theory to practice' (20 November, Oxford, UK)

Roundtable on The importance of Getting Justice in Combating THB for Labor exploitation including Domestic Servitude, Helga Konrad/Regional Implementation Initiative (23 November, Vienna)

Trafficking of women: exploring effective policies and mechanisms to prevent it through education, UNESCO and the Permanent Delegation of the Kingdom of the Netherlands to UNESCO (26 November, Paris)

Trafficking for the Purpose of Labour Exploitation, Center for Social Studies, Coimbra University (29 November, Coimbra, Portugal)

Making Prevention Work: Addressing the Root Causes of Human Trafficking in Europe, Council of Europe, Bulgarian National Commission for Combating Trafficking in Human Beings (4 December, Sofia)

935th Meeting of the OSCE Permanent Council (13 December 2012, Vienna)



Annual Reports:

- 2012: Combating Trafficking As Modern-Day Slavery: A Matter Of Non-Discrimination And Empowerment
- 2011: An Agenda for Prevention: Trafficking for Labour Exploitation
- 2010: Combating Trafficking as modern-day Slavery: A matter of Rights, Freedoms and Security
- 2009: An Agenda for Change: Implementing the Platform for Action against Human Trafficking
- 2008: Efforts to Combat Trafficking in Human Beings in the OSCE Area: Co-ordination and Reporting mechanisms
- 2007: A Platform for Action



Occasional Paper Series:

- 2010: Unprotected Work, Invisible Exploitation: Trafficking for the Purpose of Domestic Servitude (EN/RU/FR)
- 2009: A Summary of Challenges on Addressing Human Trafficking for Labour Exploitation in the Agricultural Sector in the OSCE Region
- 2008: Human Trafficking for Labour Exploitation/Forced and Bonded Labour
- 2007: A Summary of Challenges Facing Legal Responses to Human Trafficking for Labour Exploitation in the OSCE Region



Other Publications:

- 2010: Analysing the Business model of Trafficking in Human Beings to Better Prevent the Crime, OSR / UN.GIFT (EN/RU)
- 2009: Guide on Gender-Sensitive migration Policies, Gender Section / OCEEA / OSR
- 2008: Compensation for Trafficked and Exploited Persons in the OSCE Region, ODIHR (EN/RU)

All publications are available online at <http://www.osce.org/cthb>



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