



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

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

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**Presentation of the 2010 Annual Report**

**COMBATING TRAFFICKING AS MODERN-DAY SLAVERY:  
A MATTER OF RIGHTS, FREEDOMS AND SECURITY**

**the 843<sup>rd</sup> Meeting of the OSCE Permanent Council**

**Vienna, 9 December 2010**

Dear Chairperson of the Permanent Council,  
Dear Ambassadors,  
Ladies and Gentlemen,  
Colleagues,

I am delighted and honoured to address the Permanent Council this morning, at its first gathering following the OSCE Summit in Astana. I believe that this historic event has given a renewed and reinvigorated impetus to enhance our efforts to prevent and combat trafficking in human beings.

At the outset, I wish to express my sincere thanks to the Kazakh Chairmanship and to the Secretary General for their strong support and encouragement throughout this past year. My gratitude also goes to all delegations of the participating States and Partners for Co-operation for their encouragement and co-operation.

Nine months after taking office, I am particularly pleased to present to you progress and achievements made during this past year, as well as challenges faced. I am equally pleased to share with you in this Annual Report my vision for future actions. Today, I will navigate you through this Report by illustrating its aims and innovative features. I will also discuss the main issues and significant challenges we still face in responding to trafficking in human beings and illustrate the principal thematic priorities which I am determined to pursue during my mandate.

### ***Innovative features and aims of the Report***

This Annual Report is the perfect opportunity to provide a comprehensive and cross-dimensional overview of trafficking in human beings, and of the OSCE's work in this field. We have conducted and built on current research and developed evidence-based knowledge to help us all better understand this modern-day slavery in the OSCE region. We have also highlighted the activities of my Office in 2010. Furthermore, thanks to the valuable and critical contribution of and co-operation with the ODIHR, the Secretariat structures and the field operations, the Report outlines the anti-trafficking efforts of the entire Organization.

With this Annual Report, we seek to support participating States in providing a tool for dialogue and and impetus for exchange on anti-trafficking action, not only with delegations in Vienna, but also with policymakers and practitioners, including law enforcement, prosecutors, judges and civil society, as well as counterparts in international organizations and other new partners. To achieve this goal, we describe the phenomenon in order to foster a shared understanding of both recent achievements and challenges that lie ahead. This is food for thought to inform the design of common strategies and to take concrete steps forward.

I have sought to take stock of the OSCE's anti-trafficking work and have built on the rich experience of the Organization, to provide my vision of the phenomenon, and to outline some ideas for the future work of my Office and of the OSCE in partnership with all participating States.

We know that we can only be effective in partnership with others. This report shows how we have reached out to civil society organizations, the UN and key regional organizations, as well as many other partners on the ground within and beyond the *Alliance against Trafficking in Persons*.

I will not repeat what you have read in the Annual Report. I will only try to summarize the most important messages of the Report. I will subsequently highlight the main challenges and the recommendations aimed at stepping up our common efforts against trafficking in human beings for your consideration as our key partners.

### ***Key messages***

The first key message concerns the reality of trafficking in human beings today. Trafficking in human beings is a complex and multi-faceted problem, and is no longer related mainly to sexual exploitation, but increasingly to labour exploitation.

Trafficking for the purpose of sexual exploitation remains one of the worst forms of trafficking, violating the body, dignity and freedom of its victims, often causing serious and long-term trauma, similar to those observed in victims of torture. Women and girls remain the main groups targeted by traffickers for sexual exploitation; yet current trends show that some male children, young men and transgender individuals in vulnerable conditions also fall prey to traffickers.

Trafficking for labour exploitation is often no less harmful. Hundreds of thousands of migrant workers are placed in certain jobs by organized criminal groups, and exploited in slavery-like conditions. Typically their documents are confiscated, and they are forced to work or provide services during long hours, often to pay back an insurmountable debt. They are subjected to social isolation, starvation, rape and physical punishment, especially when they try to complain or escape; they are deprived of a large part not only of the wages they would be entitled to under regular labour conditions, but even of the much lower wages they had been promised when they left their country. They may also be held captive with subtle psychological coercion, so that the person may not be able to leave, though physically it may be possible to escape. People are forced to work in different labour sectors such as domestic work, construction, agriculture, mining, sweat-shops, fishing, food processing, the textile industry, and the hospitality sector.

The variety of forms of exploitation is endless. New forms have become increasingly visible with people exploited for forced begging, petty crime, pick-pocketing, and also receiving, transporting and selling of stolen goods and drugs. Especially children and disabled persons are exploited in forced begging. Recent cases also confirm the existence of trafficking for the purpose of the removal of organs.

Unfortunately, trafficking in human beings shows no signs of abating worldwide. Especially when we look at trafficking for labour exploitation, we have to be aware that it is a multifaceted and growing phenomenon. Therefore, my first key message is that we should contribute to

changing the perception of trafficking in human beings. It is not a marginal phenomenon, as many still think. It is a new form of slavery on a massive scale. We are still trying to explore the numerous implications of this assumption, and we will further develop research to promote a better knowledge of human trafficking in different areas.

The second key message is that the means used by traffickers have changed. While physical violence continues to be regularly used against some groups of trafficked persons, more subtle methods of coercion and abuse of a position of vulnerability have appeared. These include, for example, psychological dependency in cases of domestic servitude, withholding of wages and debt bondage, and forms of “negotiation” of the exploitative terms and partial earnings sharing. In some countries, such methods, along with the fact that many victims are aware of ending up in prostitution or in an irregular job situation, may significantly challenge their position when identified and required to describe the coercion suffered.

The ever-evolving *modus operandi* pose a real challenge for law enforcement, prosecutors and judges, in both cultural and legal terms. For them, it is still difficult to realize that a person, although she or he has not been locked up in an apartment or in a workplace, could nevertheless be coerced to stay in an exploitative situation because she or he has no viable and acceptable alternative but to submit to the abuse. Yet in several trafficking cases, workers are induced to stay in an exploitative and slavery-like situation even if they are not paid for months. In fact, they see no other viable option than to endure the exploitation.

The result is all too often that trafficking cases, especially for labour exploitation, are rarely qualified as such, criminal networks are not disrupted, perpetrators go unpunished and victims are not identified nor redressed. The limited data available, for example the 5,606 trafficking prosecutions recorded globally in 2009 by the US Trafficking in Persons Report, are not at all commensurate to the ILO minimum estimates of 12.3 million in forced labour worldwide.

The third key message is that trafficking in human beings must be seen as both a human rights violation and a transnational threat to security. According to all the consulted research and studies, trafficking in human beings is mostly a business of organized crime and an inexhaustible source of illicit profits which are linked to and fuel other organized criminal activities, including drug trafficking and money laundering, thrive on corruption and enable organized crime to acquire political influence, and therefore severely undermine the rule of law, and economic and democratic development. Therefore, trafficking is a serious transnational threat to the security of States and individuals, challenging the very foundation of our societies and common values.

### ***Main challenges and recommendations***

We have made significant progress during the past ten years, thanks to the efforts and partnerships of governments, NGOs and international organizations. The OSCE has adopted numerous advanced commitments to prevent and combat trafficking, based on a comprehensive and human rights approach. Specific legislation, anti-trafficking policies and national machineries have been established in many OSCE countries. International and regional

organizations, such as the UNODC and the CIS, have elaborated Model Laws based on best practices, as well as frameworks for action and commentaries for implementation of international instruments and recommendations, namely the Commentary to the UNHCHR “Recommended Principles and Guidelines on Human Rights and Human Trafficking”.

We believe that the UN Global Plan of Action to Combat Trafficking in Persons, which promotes a human rights approach in the fight against modern-day slavery, could become a powerful instrument if fully used by the participating States in the implementation of their commitments and legal obligations deriving from the UN Palermo Protocol. The Council of Europe Convention on Action against Trafficking in Human Beings, the first regional legally binding instrument focused on the protection of the rights of the victim, and its independent monitoring mechanism, GRETA, have gained broad support among the OSCE participating States, 43 of which have signed and 33 among them ratified the Convention.

We welcome the final procedural steps of the EU Council and the EU Parliament towards the adoption of a new and innovative Directive on trafficking in human beings. The new instrument not only establishes new minimum rules regarding the definition of the offence and the penalties but it also contains innovative provisions in the field of protection of victims’ rights and prevention of the crime.

Yet, although a solid foundation and numerous good practices already exist in the OSCE region as outlined above, there are still many inconsistencies and gaps in their actual implementation. In order to highlight the main challenges and recommendations based on the analysis carried out in the Annual Report, let me use the well-known framework of the three Ps: protection of victims’ rights, prosecution and prevention, to which I would like to add ‘partnership’.

### **Protection of Victims’ Rights**

We should do a better job of identifying trafficked persons on a much larger scale, help them to take their life in their hands, and have access to justice and remedies including compensation and labour law remedies. Trafficked persons frequently encounter a widespread culture of disbelief, are too often treated as suspects, and are therefore detained and deported as irregular migrants, even in situations potentially deserving international protection. This is often because the competent authorities do not have the necessary capacity to detect indications of human trafficking; this crime is complex and not always a priority for investigations; or the interests of immigration control may override human rights protection.

We also need to deal with certain negative impact on the human rights of victims deriving from inadequate institutional action. This could relate to the lack of identification or identification procedures which are not respectful of victims’ rights, return decisions without appropriate risk assessment that may endanger the life of trafficked persons, violation of a victim’s right to privacy, or restriction of freedom of movement in a closed shelter.

Victims’ rights are often not effectively protected throughout the identification process, investigation and court proceedings. From this point of view, further capacity building activities

are needed, which should reflect the most innovative approaches adopted in international instruments and documents, and in international and national jurisprudence in the field of victims' rights. Furthermore, legal assistance is essential to ensure that victims are able to claim their rights, including compensation.

In order to tackle all forms of trafficking in a more effective way, it is necessary to broaden the multidisciplinary approach, create partnerships, raise awareness and build capacity in a systematic way especially in the crucial and relatively new field of labour exploitation. Such an approach should aim to secure the proactive involvement not only of NGOs but also of labour inspectors, trade unions and migrant rights organizations in the identification of cases and provision of assistance to victims, especially in the field of trafficking for labour exploitation.

Moreover, hidden labour sectors also require focused attention. Isolated trafficked workers, be they children or adults, do not have access to information and assistance, while the appropriate social service providers equally may not be able to reach out to trafficked workers without the help of an alert public. We have begun to tackle the most hidden labour sectors by addressing trafficking for the purpose of domestic servitude this year and in the future we will conduct research on trafficking for labour exploitation in the construction sector.

It is critical that a person is treated as a victim as soon as there is the slightest indication that she or he might have been subject to trafficking. This approach is vital in the case of children to trigger without delay all the protection obligations envisaged in international standards with a view to securing the best interests of the child and a durable solution for her or his future. In practice, this requires the strong commitment of States to establish dedicated policies and resources to guarantee a protective environment and a best interests determination process for every child on the territory of the State.

### **Prosecution and Criminal Justice Response**

We should do a better job of deterring and effectively prosecuting trafficking in human beings.

Trafficking in human beings is a low risk crime compared to other types of organized crime. Prosecutions and convictions are not only low in numbers but they also – often – reach only individual exploiters, namely the smaller fish. Therefore, trafficking is increasingly profitable and continues to be attractive for organized crime networks.

Moreover, the current features of trafficking in human beings are linked to the systemic involvement of corrupt officials. Corruption is both a driver and a consequence of this crime; it serves to maintain trafficking as a low risk and high profit crime.

Therefore, the challenge is to significantly increase the numbers and the quality of investigations and criminal proceedings, to identify and dismantle criminal networks which are behind every trafficking chain and case, and go after the profits of the crime also as a means of preventing it. To this end, we need to tackle the organized crime dimension of trafficking as a serious matter of national and international security. More advanced and sophisticated techniques are needed to improve the criminal justice response. Financial investigations should be used on a routine basis

as well as on a larger scale to trace, freeze and forfeit the proceeds of crime. This requires decisive improvements in law enforcement and judicial co-operation, especially between the country in which exploitation takes place and the country where profits are reinvested. At the same time, the criminal justice response to corruption in relation with trafficking in human beings should improve significantly.

Furthermore, we need a victim-centred approach in all institutional activities aimed at combating human trafficking. As law enforcement and judicial experience confirm, the protection of victims' rights should be ensured before, during and after criminal proceedings. This is necessary not only to comply with clear obligations under international human rights standards, but also to promote successful investigation and prosecution by securing an essential source of evidence.

## **Prevention**

We now come to the third area of recommendations: prevention, one of the most complex and challenging areas in anti-trafficking policy. Prevention *inter alia* entails: creating better economic opportunities for viable employment, as well as for legal and safe migration, ensuring good governance, the rule of law, stronger anti-corruption mechanisms, and actions targeted at the demand that fosters trafficking in human beings. It also requires research on all aspects of trafficking, its root causes, as well as on the impact and effectiveness of anti-trafficking national machineries and policies. Prevention should also be developed in the field of labour exploitation, for example, by promoting codes of conduct and corporate social responsibility/accountability initiatives aimed at preventing exploitative situations by ensuring better protection of workers throughout supply chains.

An essential aspect of prevention is awareness raising. Trafficking is modern-day slavery on a massive scale. Awareness raising should therefore aim to build something similar to an anti-slavery abolitionist movement including intellectuals, opinion leaders, parliamentarians, arts practitioners and cultural innovators, educators and students, media professionals, business leaders and the private sector, and the general public.

Prevention is one of my thematic priorities and we are seeking to build a strategic and sustained approach to this work through the development of a dedicated cross-dimensional extrabudgetary programme.

## **Partnership**

Partnership is a vital instrument for any meaningful response to trafficking in human beings. The *Alliance against Trafficking in Persons* is certainly a unique mechanism based on mutual trust and close partnership, which serves the goals valuable both for the *Alliance* Partners and the OSCE participating States and Partners for Co-operation, including exchanging best practices and information, exploring new approaches to better tackle trafficking in human beings, establishing shared priorities and undertaking common initiatives.

For all these reasons, we intend to include in our priorities for 2011 the further strengthening and enlargement of the *Alliance*.

## *Conclusions*

I would like to reiterate that the fight against trafficking in human beings is at the heart of the OSCE's founding principle that security begins with the inherent dignity of the individual human being. The Astana Commemorative Declaration strongly reaffirms the OSCE's commitments, and acknowledges that more must be done to ensure their full implementation in the politico-military dimension, the economic and environmental dimension, and the human dimension, notably in the areas of human rights and fundamental freedoms.

The OSCE has devoted much attention and efforts during the last decade to preventing and combating trafficking in human beings. The OSCE comprehensive approach combined with the establishment of the unique high-level and effective mechanism of the Special Representative have enabled the Organization to be internationally recognized for its leading position in the struggle against trafficking in human beings.

It is a strong legacy, which the whole OSCE – I believe – fully recognizes and values. My commitment and that of my Office is to bring forward this legacy, and to continue to move forward together towards further achievements.

During this year, we have carried out many activities and achieved significant results, which the Annual Report describes in detail. We have strengthened our internal co-ordination and the co-operation with our external partners, both international organizations and NGOs. In particular, we have strengthened our co-operation with UNODC and other UN agencies, and with the Council of Europe and its monitoring mechanism, GRETA. We have contributed to reinvigorating the *Alliance against Trafficking in Persons*, which is increasingly recognized as an important player in the international arena, especially in the field of joint advocacy.

We have carried out three country visits, in Germany, Ukraine and the United States. We have completed the country assessment of Spain, which will be soon released, and are completing the country assessment of Romania; we have also have started the country assessment of Kazakhstan. We have built the preconditions for fruitful relationships with the relevant EU and CIS bodies. We have supported the OSCE Partners for Co-operation in their anti-trafficking initiatives. We have worked closely with the Parliamentary Assembly on various occasions, in particular on the occasion of the Palermo session on organized crime.

We have promoted better knowledge of a crucial aspect of trafficking for labour exploitation, on the occasion of the *Alliance* Conference on trafficking for the purpose of domestic servitude. This first attempt of addressing this phenomenon has been highly appreciated, and we plan further work on this subject. We have also promoted better knowledge of a crucial aspect of trafficking as organized crime, through the study *Analysing the Business Model of Trafficking in Human Beings to Better Prevent the Crime* carried out in the framework of UN.GIFT.

We have worked closely with the Kazakh Chairmanship on child trafficking: through the two sessions of the Review Conference in Warsaw and in Astana, and with the essential contribution



of our partners of the *Alliance against Trafficking in Persons*, first of all UNICEF and relevant NGOs, we have built – I believe – a solid base for further work.

Let me also say that all these activities have been carried out thanks to the relentless work of my excellent office, which consists of eight professional staff members, and two general staff members. Two professional positions are vacant. Our operational budget amounts to EUR 235,400; in addition, my office benefited from EUR 170,879 of contributions from Andorra, Finland, France, Germany, Iceland, Kazakhstan, Liechtenstein, Monaco, San Marino and UN.GIFT, and I take this opportunity to warmly thank our donors.

Let me, in conclusion, indicate three directions in which we are trying to further develop our activities, in compliance with my mandate which provides the Special Representative with a wide and cross-dimensional spectrum of tasks, including the co-ordination of all the activities related with the anti-trafficking action.

Strengthening co-ordination is the first priority for the work of my office in 2011. We co-operate on a regular basis with the SPMU, especially in the field of capacity building for law enforcement. We have already undertaken common activities with the OCEEA in the field of the fight against money laundering of profits deriving from trafficking. Both will be further developed in 2011. We have excellent co-operation with the ODIHR in many fields, especially in the field of victims' access to justice and remedies. In particular, together with the ODIHR, we support COMP.ACT, an important NGO-led initiative on compensation for trafficked persons. Furthermore, my Office fully supports the ODIHR with regards to assistance given to victims in concrete cases, aimed at ensuring that victims, and persons who might have been trafficked, receive appropriate and effective legal assistance. During this year we have also worked closely with colleagues in OSCE field operations to further strengthen our already fruitful co-operation.

Secondly, we will continue to work closely with the CiO and are ready to give our contribution to the planned activities, according to the priorities of the incoming Lithuanian Chairmanship.

Thirdly, we will strengthen our work aimed at co-operating with participating States, with a view to promoting the implementation of OSCE commitments by addressing inconsistencies and gaps in anti-trafficking policy. In 2010, we have worked not only with government structures but also with Parliaments and NGOs. In the future, we will further strengthen our relationship with the Judiciary especially in the field of capacity building, in order to promote the effectiveness of the criminal justice response.

Finally, I would like to share just a few thoughts on the general approach to anti-trafficking action, which is at the core of OSCE commitments. As I have emphasized, anti-trafficking action is cross-dimensional and we are trying to elaborate further ideas for action which truly cover all three dimensions. In particular, we have devoted many efforts, especially during this year, to highlight that human trafficking is a transnational threat, and the Astana Commemorative Declaration fully acknowledges this important direction for analysis and action.

Trafficking in human beings is, however, first and foremost a human rights issue, and a human rights-centred approach should be reflected in every anti-trafficking action across the three dimensions. I take this opportunity to say that the Human Dimension Committee is our primary

interlocutor, and to thank its Chairperson and all the human dimension officers for their constant attention, excellent work and support.

Why is trafficking in human beings primarily a human rights issue? The answer could be much longer and touch upon various aspects. Let me highlight only one aspect. Why have so many people of goodwill, and such a wide array of NGOs committed themselves to this cause throughout the OSCE region? I believe it is because human trafficking is a heinous violation of human dignity and a terrible injustice.

In the human rights discourse, the concept of dignity is inextricably linked with the inherent value of every human being, regardless of her or his position in the social, political or economic sphere. We know that trafficked persons are at the bottom of the hierarchy. Dignity is also intrinsically linked with freedom, because every human being is entitled to make the essential decisions regarding his/her life and the life of his/her loved ones. We know that trafficked persons are deprived of this freedom, and this is the reason why we consider trafficking to be modern-day slavery.

In the tireless work of so many people committed on a daily basis to the struggle against organized crime trafficking networks, in the assistance and support to victims, and especially in the tireless and able work of civil society organizations, I see a strong determination to counteract this violation of human rights and dignity.

Trafficking is also one of the worst forms of violence against women. Therefore, if I may use a historic statement of the 1995 Beijing UN Fourth World Conference on Women: women's rights are human rights, and I would add, victims' rights are human rights. This is the cultural 'lens' through which I also read the Astana Commemorative Declaration.

I would like to conclude by saying that we have achieved many results over the past ten years. We have built national anti-trafficking machineries; we have better knowledge and a deeper understanding of trafficking and its workings; and, we have a solid foundation of laws and jurisprudence. The toolbox is there, as a result of the past decade of efforts. The real challenge today is to make full use of it.