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Trafficking in Human Beings - A Human Rights Challenge for the OSCE

Introduction

Since the beginning of the 1990s, trafficking in human beings has been growing into a severe and visible problem in the OSCE region. Every year thousands of people, predominantly women and girls, from Central, Eastern and South-eastern Europe, the Caucasus and Central Asia have become victims of this kind of human rights violation. They are trafficked to Western Europe or the US as well as in the regions of their countries of origin, where they are exploited in forced prostitution, other forms of forced labour or services or on the commercial marriage market. According to estimates of the UNDP, each year, 500,000 women from Eastern Europe and the CIS states are victims of trafficking. The US State Department calculates that 50,000 to 100,000 women and children are trafficked to the US each year.¹ Obtaining credible estimates of the number of victims has proven difficult: Statistics are rarely available and the number of unknown cases is high.

Trafficking in human beings has become a lucrative worldwide business with high profits but little risk. Inadequate laws, poor cross-border co-operation on prosecution, the shortage of specialized authorities and trained personnel, corruption and the lack of effective measures for victim and witness protection have led to the perpetrators often going unpunished while in many cases victims are criminalized.

The increasing involvement of complex organized criminal organizations operating transnationally has made necessary new strategies in the fight against this form of criminality and blatant violation of human rights. Cross-border co-operation and co-ordination of the relevant governmental and non-governmental institutions as well as regional and international organizations in the origin, transit and destination countries of trafficking in human beings are an indispensable prerequisite. This affects not only the area of prosecution, but in particular also the protection of victims and witnesses as well as preventive measures in the countries of origin, which include, for example, information campaigns directed at potential victims or the improvement of the economic and social position of particularly vulnerable groups. Combating trafficking in human beings requires a comprehensive, co-ordinated and international approach that encompasses the so-called "3 p's", *prevention, prosecution* and *protection*, equally.

1 Cf. UNDP Human Development Report 2000, The European Union's Report on Gender Equality 1996-2000, figures from the website at: <http://www.antitrafficking.org/tiw.htm>.

This article gives an overview of the problem of trafficking in human beings and OSCE measures relating to this in the human dimension area.

Trafficking in Human Beings: Definition, Causes and Effects

The Definition of Trafficking in Human Beings

Already at the beginning of the 20th century the international community adopted the first conventions for the suppression of the traffic in (white) women in former colonial areas. Trafficking in human beings is thus by no means limited to the OSCE region, but is a global and not at all new problem. However, until a short time ago, there was no definition of this term under international law.

This first changed in 2000 when the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, was adopted. The Protocol defines trafficking in persons as follows:

(...) the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.²

Thus trafficking in human beings does not require any "trade" in the real sense (delivery/receipt of a person against payment) - although such cases do occur - but includes, for instance, the recruitment, transportation or receipt of a person. The primary feature of this definition is not the kind of activity the trafficked person engages in, but the means applied, namely the threat or use of force, deception, abuse of authority or utilizing a relationship of dependence for the purpose of exploiting the person involved. In addition to sexual exploitation, forced labour and practices similar to slavery are cited as forms of exploitation. Thus, this definition also includes, for example, trafficking in

2 UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, Article 3, paragraph (a), UN A/RES/55/25, Annex II, at http://www.odccp.org/crime_cicp_convention.html. Anne Gallagher offers a detailed analysis of the Protocol from the human rights perspective: Anne Gallagher, Human Rights and the New UN Protocols on Trafficking and Migrant Smuggling. A Preliminary Analysis, in: Human Rights Quarterly 23/2001, pp. 975-1004.

domestic servants or textile workers as well as the marriage trade.³ This specification has far-reaching consequences for the States Parties to the Protocol. Most states limit their definition of trafficking in human beings in national criminal law to trafficking into prostitution, if such a distinct criminal offence exists at all. With the entering into force of the Protocol,⁴ the states parties are obliged to adapt their legal systems to the provisions of the Protocol, that is, among others, making trafficking in human beings a criminal offence according to the above-mentioned definition.

The Root Causes of Trafficking in Human Beings

The root causes of trafficking lie firstly in the economic inequalities between the more prosperous and the less-developed countries. As a rule, the countries of origin of trafficking victims are either countries in transition to a market economy or developing countries. Furthermore, inequalities within the countries of origin are decisive as well. Generally in these countries, women are hit particularly hard by the prevailing social and economic conditions. For instance, in the former communist states of Eastern Europe, the number of single mothers has increased since the beginning of the transition to a market economy and women have felt the effects of the decrease in the benefits of the social welfare system intensely. Furthermore, the trend is that the number of unemployed is higher for women than for men, and often female professions do not pay as well and offer less job security. Because of these circumstances, which lead to the feminization of poverty, migration to more prosperous states is for many women the only recourse to secure a livelihood and support for their family members. In turn, the feminization of migration resulting from this leads women to being in particular danger of becoming the victims of trafficking. Alongside these economic factors, one must be aware that also violence against women in many of the former communist states of Eastern Europe has induced large numbers of women to migrate.⁵

3 Cf. Angelika Kartusch, *Das Geschäft mit der Ware Frau - Maßnahmen gegen den Frauenhandel und zum Schutz der Opfer* [The Trade with Women - Measures to Combat Trafficking in Women and to Protect the Victims], in: Elisabeth Gabriel (Ed.), *Frauenrechte. Eine Einführung in den internationalen frauenspezifischen Menschenrechtsschutz* [Women's Rights. An Introduction to International Protection of Human Rights for Women], Vienna 2001, p. 89.

4 For the Protocol to enter into force, ratification by 40 states is required as well as the entry into force of the United Nations Convention against Transnational Organized Crime, which the Protocol supplements. Up to now the Protocol has been signed by 107 states and ratified by 14 states including six OSCE participating States: Bosnia and Herzegovina, Bulgaria, Yugoslavia, Canada, Monaco und Tajikistan (as of 1 September 2002).

5 Cf. for instance, Minnesota Advocates for Human Rights, *Trafficking in Women. Moldova and Ukraine*, Minneapolis 2000, pp. 18f. On the situation of women in the countries of Central and South-eastern Europe and the CIS see UNICEF, *Women in Transition. The MONEE Project. Regional Monitoring Report No. 6*, Florence 1999, as well as the International Helsinki Federation for Human Rights, *Women 2000. An Investigation*

Phases of political instability as well as conflict and post-conflict situations increase the vulnerability of women and girls, which can lead to a rise in trafficking cases. Not least, the military and civil presence of international organizations in post-conflict areas contribute to a higher demand for prostitutes, many of whom are forced into prostitution in brothels.

The Situation of Trafficked Persons in the Countries of Destination

Victims are most often recruited by agencies, intermediaries or acquaintances who promise them lucrative jobs in Western countries and offer to complete the necessary travel formalities. In reality, instead of well-paid jobs, conditions similar to slavery, slavery or forced labour await the women in the countries of destination. They are forced to work under degrading conditions in prostitution, as domestic workers, in sweatshops or restaurants. They are deprived of any form of self-determination, receive very low wages or none at all and have almost no leisure time. Women who are trafficked into prostitution are often pushed into having unprotected sexual intercourse and are thus exposed to considerable health risks like infection from sexually transmitted diseases including HIV/AIDS, or unwanted pregnancies. Because of their illegal residency status, for the most part, these women have no access to medical care.

Escape from dependency and exploitation is almost impossible: Trafficked persons are intimidated by traffickers' use of violence and threats, they are locked up and their passports are taken away. Often they are trapped in a debt cycle that is difficult to break out of: The victim must work off many times the real cost of arranging employment, obtaining visa and false travel documents as well as providing accommodation. Generally, victims do not file police reports because they fear retaliation by the perpetrators, and as a consequence of their irregular status in the destination country, deportation by the authorities.

Inadequate Prosecution and Lack of Victim Protection

Only few cases of trafficking in human beings end with a conviction of the perpetrators, due to lack of evidence. Testimonies of trafficked persons are very valuable sources of evidence in criminal proceedings. However, many victims cannot or do not want to testify because they fear deportation by the authorities and retaliation by the perpetrators, but also as a result of the traumatic effects of their violent experiences. Moreover, it is often the victims who are treated as offenders because of their illegal residency in the country of destination or because they have performed illegal prostitution or other activities and are thus prosecuted while the real culprits go unpunished. Only in

into the Status of Women in Central and South Eastern Europe and the Newly Independent States, Vienna 2000.

a few countries of destination - for instance Belgium, Germany, Italy, the Netherlands or the US - are there already victim and/or witness protection programmes in existence.⁶ This kind of programme makes it possible for trafficked people to obtain a temporary right of residence in the country of destination as well as access to accommodations, medical and psychological care and legal advice. These programmes contribute decisively to the stabilization and security of the victims putting them in the position to take legal steps against the perpetrators. A large part of this care and advisory work is conducted by specialized NGOs - often also in those states in which there are no institutionalized witness and victim protection programmes.

OSCE Measures and Activities to Combat Trafficking

Trafficking affects all OSCE participating States whether they are countries of origin, transit or destination and has a bearing upon all three dimensions of the OSCE. First, trafficking is a problem of the *human dimension* because the victims are subject to severe human rights violations such as the violation of the right to personal liberty and physical integrity, the right to be free from slavery and forced labour, the right to be free from inhuman and degrading treatment or the right to fair and secure working conditions. Furthermore, it affects the *politico-military dimension* in view of the increasing involvement of transnational organized crime, the necessity for more intensive inter-state co-operation resulting therefrom and the problem of corruption. Especially in post-conflict areas, trafficking in human beings is a particularly virulent problem as a result of the social dislocations related to the conflict and due to the large presence of international organizations. Finally, trafficking also affects the *economic dimension* because it can mainly be attributed to the social and economic inequalities between countries of origin and destination (poverty, unemployment, low pay) as well as to those within the countries of origin (feminization of poverty).⁷

Since the 1990s, the problem of trafficking has become a fixed part of the political agenda of international and regional organizations including the OSCE. On the OSCE side, a series of political documents on the topic have been passed and specialized structures created. In recent years, the trafficking problem has increasingly become an integral part of the work of field missions. The activities of the OSCE on this topic have been concentrated without exception on the human dimension.

6 As opposed to Italy, where victims of trafficking also have a right of residence and receive state welfare support even if they do not testify as witnesses, in Belgium, Germany, the Netherlands and the US, these rights are granted only if the victim testifies. Cf. OSCE ODIHR, Reference Guide for Anti-Trafficking Legislative Review with Particular Emphasis on South Eastern Europe, Warsaw 2001, pp. 62-65.

7 Cf. OSCE ODIHR, Trafficking in Human Beings, at: <http://www.osce.org/odihr/democratization/trafficking/>.

OSCE Political Documents

In 1991, trafficking was problematized for the first time as a human dimension issue. At the Moscow Meeting of the Conference on the Human Dimension of the CSCE, the participating States declared they were seeking to eliminate all forms of violence against women, traffic in women and exploitation of prostitution of women.⁸ In 1996 in the *Stockholm Declaration*, the Parliamentary Assembly expressed its concern about trafficking in women and girls in the OSCE region and beyond its borders, and called upon reforming countries as well as Western states to consider trafficking in women as a negative social aspect of the transition to a market economy and to better co-ordinate their policies to combat this form of organized crime.⁹ Three years later in 1999, the Parliamentary Assembly adopted a resolution on trafficking in women and children within the framework of the *St. Petersburg Declaration*. The Declaration emphasized that trafficking in persons was not limited to prostitution but also involved forced labour and other violations of human rights. OSCE participating States were called upon to adopt or strengthen existing legislation and enforcement mechanisms to punish the perpetrators while protecting the rights of the victims as well as conducting information campaigns to raise public awareness.¹⁰ In the same year at the Istanbul Summit, the Heads of State or Government of the OSCE participating States declared their support for measures to eliminate all forms of discrimination and violence against women and children and all forms of trafficking in human beings, for instance by creating the appropriate laws and strengthening the protection of victims.¹¹

Although it was already made a topic for discussion in 1991 in the Moscow Document, trafficking in human beings was until 1996 not problematized at any of the Human Dimension Implementation Meetings and between 1997 and 1999 merely discussed in conjunction with other topics like migration and gender issues.¹² This first changed in 2000 when the OSCE Supplemen-

8 Cf. Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE, Moscow, 3 October 1991, para. 40.7, in: Arie Bloed (Ed.), *The Conference on Security and Co-operation in Europe. Analysis and Basic Documents, 1972-1993*, Dordrecht/Boston/London 1993, pp. 605-629, here: p. 623.

9 Cf. *Stockholm Declaration of the OSCE Parliamentary Assembly towards a Common and Comprehensive Security Model for Europe for the Twentyfirst Century*, Stockholm, 9 July 1996, paras. 84 and 101, at: http://www.osce.org/pa/annual_session/Stockholm/Stockholm_declaration_English.pdf.

10 Cf. *St. Petersburg Declaration of the OSCE Parliamentary Assembly*, St. Petersburg, 10 July 1999, *Resolution on Trafficking of Women and Children*, 10 July 1999, paras. 3, 9, 11, at: http://www.osce.org/pa/annual_session/st_petersburg/stpetersburg_declaration_english.pdf.

11 Cf. *Organization for Security and Co-operation in Europe, Charter for European Security*, para. 24, Istanbul, November 1999, in: *Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), OSCE-Yearbook 2000, Baden-Baden 2001*, pp. 425-443, here: p. 432.

12 Cf. Johannes Binder, *The Human Dimension of the OSCE - From Recommendation to Implementation*. Studienreihe des Ludwig Boltzmann Instituts für Menschenrechte [Study

tary Human Dimension Meeting on Trafficking in Human Beings took place in Vienna. In the Final Report there are, among others, recommendations to define trafficking so that it is not limited to the sex industry (or prostitution) as well as attaching central importance to a human rights approach towards combating trafficking and that trafficking victims should not be treated as illegal immigrants or criminals, but rather as victims of serious crimes. Furthermore, in accordance with the commitments they made in the Moscow Document of 1991 and the Charter for European Security of 1999, the participating States were called upon to combat all forms of trafficking in human beings and ensure that international human rights standards be taken into account. Finally, the OSCE and the participating States were requested to cooperate closely with NGOs.¹³

The *Bucharest Declaration* of the Parliamentary Assembly of the year 2000 contains an urgent appeal directed at all participating States that they criminalize trafficking in human beings and ensure that the perpetrators and not the victims of trafficking face prosecution. Further, those obstacles to equal opportunity for women and men which increase women's susceptibility to becoming victims of trafficking in human beings are to be eliminated. Anti-discrimination laws should be adopted which enable women to seek effective legal redress if they suffer discrimination in employment on the basis of gender.¹⁴ In November of the same year, the OSCE Ministerial Council in its *Decision No. 1* called upon the participating States to ratify the new Protocol to Prevent, Suppress and Punish Trafficking in Persons, adopted by the United Nations General Assembly, as well as the Optional Protocol to the Convention on the Rights of the Child, on the Sale of Children, Child Prostitution and Child Pornography, and to also nominate, where appropriate, governmental representatives to co-ordinate national, regional and international activities against trafficking. The document contains a declaration of intent to consider measures to protect victims including shelters, a temporary or permanent right of residence as well as economic and social support for repatriated victims. The Ministerial Council called on OSCE institutions and missions to develop and implement anti-trafficking programmes. The special role played by the missions in particular in their function as a bridge between governments and NGOs was emphasized. The Secretariat, in co-operation with the ODIHR, was called on to intensify anti-trafficking training in its induction programmes for mission field personnel.¹⁵

Series of the Ludwig Boltzmann Institute of Human Rights], Vol. 10, Vienna 2001, p. 342.

13 Cf. Supplementary Human Dimension Meeting on Trafficking in Human Beings. Final Report, Vienna, 19 June 2000, at: <http://www.osce.org/odihr/democratization/trafficking/>.

14 Bucharest Declaration of the OSCE Parliamentary Assembly, 10 July 2000, paras. 106 and 107, at: http://www.osce.org/pa/annual_session/Bucharest_declaration_English.pdf.

15 Cf. Organization for Security and Co-operation in Europe, Eighth Meeting of the Ministerial Council, Vienna, 27-28 November 2000, Decisions of the Eighth Ministerial Council, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), OSCE-Yearbook 2001, Baden-Baden 2002, pp. 497-501, Decision No. 1: Enhanc-

In 2001, the Parliamentary Assembly stated in its *Paris Declaration* that it was deeply disturbed that despite the repeated political commitments in many OSCE participating States, the laws on prevention and prosecution of trafficking in human beings remained inadequate and stressed the necessity for legal reform at the national level. Furthermore the establishment of national structures to co-ordinate measures against trafficking in human beings by including NGOs as well as more intensive co-operation between participating States on prosecution and implementation of measures for victim protection and information campaigns were recommended.¹⁶ In the same year, the Ministerial Council in its *Decision No. 6* called on the participating States to sign and ratify the United Nations Convention against Transnational Organized Crime and the Protocol against trafficking in persons supplementing it.¹⁷

Specialized Structures within the OSCE

The structures within the OSCE, which have the primary responsibility for dealing with trafficking in human beings are, on the one hand, the Office for Democratic Institutions and Human Rights (ODIHR), and on the other, to an increasing extent, the missions, especially their anti-trafficking focal points.

In 1999, an Anti-Trafficking Unit was set up within the ODIHR Democratization Section. It is made up of an adviser (since 1999) and an officer (since 2000) who deal with trafficking issues. The tasks of this unit include the development and implementation of projects; the promotion and administrative support of projects implemented by missions and NGOs; the co-ordination and networking of ODIHR with the relevant international organizations and NGOs; the strengthening of the dialogue between governments and NGOs; as well as technical support for the OSCE participating States in the development and implementation of legal and political measures against trafficking in human beings and protecting the victims.

On the basis of Decision No. 1 by the OSCE Ministerial Council of November 2000, ODIHR, in 2001, established a project fund, financed voluntarily by participating States, to sponsor mission projects as well as ODIHR activities against trafficking in human beings.¹⁸ Eligible projects should, in

ing the OSCE's Efforts to Combat Trafficking in Human Beings, paras. 2, 7 and 10-13, pp. 497-499.

16 Cf. Paris Declaration of the OSCE Parliamentary Assembly and Resolutions Adopted during the Tenth Annual Session, Paris, 10 July 2001, Resolution on Combating Trafficking in Human Beings, paras. 10-15, at: www.osce.org/pa/annual_session/paris/paris_declaration_english.pdf.

17 Cf. Organization for Security and Co-operation in Europe, Ninth Meeting of the Ministerial Council, Bucharest, 3 and 4 December 2001, reprinted in this volume, pp. 391-417, here: p. 412.

18 Up to now Germany, Great Britain, Monaco, Sweden and Cyprus have earmarked a total of 460,000 euro for this fund. Of this, already 400,000 euro have been distributed (as of April 2002). Source: Interview with Jyothi Kanics, ODIHR, Adviser on Anti-Trafficking Issues on 17 May 2002.

particular, integrate national actors, promote co-operation between governmental and non-governmental actors as well as improving the regional network and co-operation. Up to now, *inter alia* the following projects have been financed through this fund:¹⁹

- In *Albania*, the OSCE Presence there and the National Network against Gender Violence and Trafficking in co-operation with the International Organization for Migration (IOM) in 2001 conducted a train the trainers seminar for both male and female police officers on the topic of trafficking in human beings and violence against women. The training materials were put together by the UNOHCHR, ODIHR and a police trainer from Great Britain.
- In the *Federal Republic of Yugoslavia* in January 2002, the OSCE Mission there organized a training seminar for employees of administrative authorities, social institutions and NGOs with the goal of improving co-operation and task allocation between governmental and non-governmental establishments in the area of victim protection. Among the trainers, there were a German police officer and a German NGO employee who contributed their experiences in dealing with the new concept on co-operation between the police and professional information centres. Building on this seminar, a national concept for co-operation between state authorities and NGOs was developed and its implementation was begun in the summer of 2002. The anti-trafficking focal point of the OSCE Mission to Belgrade took a leading role in the development of this concept for co-operation.
- In 2002 in *Kyrgyzstan*, a short TV ad was produced on trafficking in women. This project, conducted jointly by the OSCE Centre in Bishkek, Internews Kyrgyzstan, the IOM and the NGO network "Women can do it", was aimed at raising public awareness as well as providing information to potential victims.
- In *Poland*, the ODIHR in co-operation with the NGO La Strada Poland has implemented a project on support for trafficking victims who have returned to their countries of origin. The victims are being provided with direct benefits, advice and the financial means to facilitate their reintegration.
- In the *Ukraine* in 2001, a project on the development of a witness protection programme was conducted by the OSCE Project Co-ordinator in the Ukraine in co-operation with the Ukrainian Ministry of the Interior, the public prosecutor's office, the intelligence service, the IOM and two international NGOs. A working group to develop recommendations for a witness protection programme was set up as well as an action plan to

19 Source: Interview with Jyothi Kanics (Note 18) and Gabriele Reiter, ODIHR, Officer on Anti-Trafficking Issues, on 16 August 2002.

co-ordinate the activities of the authorities and NGOs in the area of victim and witness protection.

Furthermore, in 2000, following a recommendation of the Supplementary Human Dimension Meeting on Trafficking in Human Beings of June 2000, an anti-trafficking focal point was established in each OSCE mission headquarters. However, these are not institutionalized posts. In most cases, trafficking in human beings is only one of several topics assigned to democratization of human dimension officers. Only in the Mission to the Federal Republic of Yugoslavia is there one person solely in charge of the problem of trafficking in human beings. The focal points act as contacts in the field for the ODIHR Anti-Trafficking Unit and co-ordinate mission activities on the topic. Furthermore, it is their task to pass on information on suspected cases of trafficking to the national authorities in the host country.²⁰

Training and Guidelines of Conduct for OSCE Personnel

The topic trafficking in human beings does still not constitute a separate component of the basic training course for OSCE mission members, but is discussed in connection with gender issues. In September 2001 and August of the following year, ODIHR conducted two two-day seminars on trafficking in human beings for the anti-trafficking focal points of the missions in the Balkans at which representatives of the Stability Pact Task Force on Trafficking in Human Beings and the OSCE Secretariat participated. Up to now however, events of this nature have only been held occasionally and not in an institutionalized setting.²¹

In 2001, the OSCE Secretary General published the OSCE Anti-Trafficking Guidelines for all OSCE personnel.²² These Guidelines are designed to sensitize OSCE personnel to the trafficking problem and place them in a position to take appropriate steps to combat it. They outline the following measures:

- *Awareness raising* among all OSCE personnel: distribution of written materials on the topic (e.g. the ODIHR background paper "*Trafficking in Human Beings. Implications for the OSCE*"); more intensive consideration of the issue of trafficking in the basic training course for mission members.
- *Monitoring and reporting* by the missions: inclusion of the topic of trafficking in the regular reporting; development of procedures for report-

20 Source: Interview with Gabriele Reiter, ODIHR, Officer on Anti-Trafficking Issues, on 31 May 2002.

21 Source: Interviews with Gabriele Reiter, ODIHR, Officer on Anti-Trafficking Issues, on 14 February 2002 and 16 August 2002.

22 Cf. OSCE Anti-Trafficking Guidelines, at: <http://www.osce.org/odihr/democratization/trafficking/>.

- ing specific instances and suspected cases of trafficking in human beings to the relevant authorities in the host country.
- *Co-ordination*: development of mechanisms that allow an appropriate and rapid reaction to current cases of trafficking in co-operation with the government of the host country as well as the relevant international organizations and NGOs in the field. These kinds of mechanisms could include the following tasks for mission members: verifying the circumstances, facilitation of shelter and translation services for, as well as legal assistance to, the trafficking victims, contacting the consulate of the country of origin of the victim to facilitate obtaining the necessary travel and identification documents, reporting and following-up on individual cases.
 - *Recommended activities* for OSCE institutions and missions: development of projects to combat trafficking, if applicable with the support of ODIHR project funds; mainstreaming anti-trafficking measures into daily work (among others by initiating a dialogue with national governments to encourage action to combat trafficking; promoting legislative reforms; supporting public awareness campaigns; developing mechanisms for victim protection; organizing training seminars for law enforcement or judicial officials; co-operating with NGOs and other civil society partners).
 - *Standards of conduct for mission members*: The commitment to abide by the national laws of the host country and the OSCE Code of Conduct for OSCE Mission Members.

In 2000, this OSCE Code of Conduct was supplemented with an additional provision on trafficking in human beings due to the fact that the strong international presence in post-conflict areas had led to an increase in the number of brothels in which many trafficked women had been forced into prostitution. Furthermore, some male staff of international peace missions were not only clients of these prostitutes, but also made the headlines due to allegedly being actively involved in trafficking in human beings.²³ In this regard, Article 6 of the Code of Conduct obliges OSCE mission members to refrain from any conduct that could be detrimental to the goals of the OSCE. Such conduct includes, among others, being affiliated with persons who are under suspicion of violating norms of national or international law or accepted human rights standards, or who are objectively involved in trafficking in human beings. Furthermore Article 6 states that persons who use the services of a victim of trafficking contribute both to the profit of perpetrators and the harm to victims. Mission members are to adopt “exemplary standards of personal be-

23 See for instance: Frauenhandel: Neue Vorwürfe gegen UNO-Mission in Bosnien [Trafficking in Women: New Allegations against UN Mission in Bosnia], in: Der Standard, 23 July 2001; UN policemen disgraced in Bosnia, in: BBC news, 30 November 2000; Frauenhandel in Bosnien: Kritik an Sfor und UNO [Trafficking in Women in Bosnia: Criticism of SFOR and the UN], in: Die Presse, 22 May 2000.

haviour” to ensure that the OSCE contributes to combating and not aggravating the problem of trafficking in human beings.²⁴

Other ODIHR Activities

In addition to the implementation and support of projects and other activities to combat trafficking in human beings, ODIHR is making efforts to improve regional networking and co-ordination, for instance by organizing conferences or within the framework of the Stability Pact for South Eastern Europe.

- In September 2000, a Task Force on Trafficking in Human Beings was set up within the Stability Pact for South Eastern Europe. Within the framework of this Task Force, which is chaired by ODIHR, representatives of international organizations, national authorities and NGOs work together to co-ordinate activities and resources to combat trafficking in human beings in the Balkans more effectively.²⁵
- In October 2001, ODIHR in co-operation with the German Foreign Office organized a conference entitled “Europe against Trafficking in Persons”. At this meeting, representatives of governmental, international and non-governmental organizations discussed the situation in the countries of destination of trafficking in human beings. Recommendations to the participating States were developed in particular on the topics of victim and witness protection and the position of the victim in criminal proceedings against the perpetrators.²⁶

Furthermore, ODIHR has drawn up a series of documents and materials designed to sensitize OSCE institutions and the participating States to the topic of trafficking in human beings and to offer guidelines on activities to improve the situation. The publications released by ODIHR include the following:²⁷

- The brochure “*Trafficking in Human Beings: Implications for the OSCE. ODIHR Background Paper 1999/3*” was published on the occasion of the Review Conference in preparation of the 1999 Istanbul Summit. It offers an overview of the definition, causes and extent of trafficking, the relevant OSCE documents as well as international and national measures to combat trafficking. A series of recommendations

24 Violations of the Code of Conduct can lead to a verbal or written warning and in serious cases, after a disciplinary procedure, to the dismissal of the person involved. Source: Information provided on the telephone by Andreas Trummer, OSCE Secretariat, February 2002.

25 Further information on the Task Force on Trafficking in Human Beings at: <http://www.osce.org/odihr/attf/>.

26 Documentation on this conference can be found at the ODIHR website, at: www.osce.org/odihr/democratization/trafficking.

27 These publications can be accessed at the ODIHR website, cited above (Note 26).

- to the OSCE and the participating States are to serve as a further working basis.
- The “*Proposed Action Plan 2000 for Activities to Combat Trafficking in Human Beings*” builds on the foundation of the background paper and includes a number of concrete recommendations for the OSCE’s contribution to combating trafficking in the region, however, duplication is to be avoided.
 - The “*Reference Guide for Anti-Trafficking Legislative Review with Particular Emphasis on South Eastern Europe*” of the year 2001 includes an analysis of relevant international and regional standards as well as selected national laws. It offers Parliamentarians, policy makers and NGOs a comprehensive catalogue of recommendations to improve national legislation on trafficking in human beings. This document was developed by the Ludwig Boltzmann Institute of Human Rights (Vienna) in the framework of an ODIHR project.
 - In 2000, ODIHR set up an online database, which contains international and national legal texts in the areas of human rights and the rule of law. This database also contains documents on trafficking in human beings.²⁸

Summary and Conclusions

Trafficking in human beings is a phenomenon with multilayered causes and features. The complexity of this problem demands a comprehensive, multidisciplinary approach to a solution, which should take into consideration each of the so-called “3 p’s”, prevention, prosecution and protection, equally and integrate all relevant actors. Co-operation and co-ordination, on an inner-state as well as bilateral, regional and international level are important components of effective anti-trafficking strategies. The OSCE offers the appropriate forum for the development and co-ordination of common strategies at the highest political levels as well as with regard to activities in the field.

In particular since the year 2000, the topic of trafficking in human beings has had a prominent position on the OSCE political agenda. During that year the Supplementary Human Dimension Meeting on Trafficking in Human Beings took place and Decision No. 1 of the Ministerial Council was adopted on 28 November 2000. Furthermore a specialized unit was created within ODIHR consisting of an adviser and an officer, and anti-trafficking focal points within the missions were established. Additionally, an explicit provision on the topic of trafficking in human beings was included in the Code of Conduct for OSCE Mission Members, a practice that could set an example for other international and regional organizations.

28 This database is accessible at: <http://www.legislationline.org>.

The broad OSCE approach towards the issue of trafficking in human beings which was developed in the course of the 1990s and which distinguishes the OSCE from several other regional and international organizations²⁹ is to be evaluated positively from a human rights point of view: The concept of trafficking is neither limited to trafficking in women nor trafficking into prostitution, but is covered in a comprehensive manner. Rather than viewing the problem exclusively from the perspective of combating illegal migration, organized crime and (illegal) prostitution, it is instead the human rights perspective that is at the centre of political declarations and project work. Even though the numerous existing political documents are not legally binding upon participating States and there is no international instance to monitor states' compliance with OSCE standards, these documents are nevertheless significant as political declarations of intent. As such, they are suited to positively influencing the relevance of the topic and the intensity and quality of the work within the Organization. In addition, they represent a clear and strong political signal to the individual participating States. Despite the necessity of joint action by the governments, international and regional organizations, including the OSCE, as well as NGOs the individual participating States alone possess the competence and responsibility to implement corresponding political and legal measures to combat trafficking at the national level. The work of organizations like the OSCE can promote and co-ordinate national activities and provide them with a framework, but it cannot replace them.

A need for improvements in the basic training courses for mission members can be ascertained. Institutionalized training on the issue of trafficking in human beings has been lacking up to now, although trafficking is an issue of particular concern in post-conflict areas. Through the introduction of a specific training component on the topic of trafficking in human beings for all mission members, the missions could become more sensitized to this subject and the issue of trafficking could be mainstreamed into general mission work, as recommended in the Anti-Trafficking Guidelines.

Furthermore, as a consequence of having recognized the problem of trafficking in human beings as an issue that affects all three dimensions, above and beyond the human dimension, the politico-military and economic dimensions should be given more attention. Thus, measures to combat trafficking in human beings could be integrated, for instance, into the activities of the Co-ordinator of OSCE Economic and Environmental Activities with a focus on improving the situation of women and children in the countries of origin, which is one of the causes of trafficking in human beings.

29 An overview of the relevant documents of international and regional organizations as well as the definitions used in these can be found in: OSCE ODIHR, Reference Guide, cited above (Note 6).