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The OSCE's Efforts to Combat Trafficking in Human Beings

Introduction

The purpose of this article is to share the perspective of the OSCE Special Representative for Combating Trafficking in Human Beings and analyse the added value the OSCE has brought as a leading organization in the fight against trafficking in human beings during the past two years.

This article does not make an effort to duplicate the annual report that the Special Representative is mandated to give the Permanent Council on progress in the OSCE region, even if the period described overlaps the reports of 2007 and 2008. Rather, it makes an effort to capture the political environment of working against trafficking in human beings in the OSCE and the OSCE region.

The OSCE approach is human-rights based; it puts the victim – the human being – and the consequences for him or her at the centre. All responses must be considered, first of all, in terms of their ability to protect the rights of the victim. For this purpose, it is imperative to tell the stories of the various victims – the girl and the boy who are sold and bought to be sex slaves or to perform petty crimes; the young woman who is moved from one sex-club to another and sees dozens of clients every day, who is isolated and forbidden to speak to anyone or to leave, who is held hostage under threats to her family back home; the man who is lured to a good job in a restaurant or a farm and finds himself without pay, without a passport, being treated inhumanely with no possibility of leaving; or the Chinese women working in restaurants during the day and providing sexual services to clients at night, who are thus the victims of multiple exploitation. We believe it is important to show that trafficking is a modern day form of slavery; it is violence; it is torture; it is rape; it is deprivation of freedom; it is fraud and many other serious crimes all tied together by one criminal activity. NGOs who work with the victims locally bring us invaluable information and experience worth sharing.

In the OSCE area, the victims of trafficking in human beings – those that have been identified – tend to be women and girls, particularly with regard to trafficking for sexual exploitation. Women also constitute a significant fraction of victims of trafficking for labour exploitation. Frequently, the victims are foreigners, members of minority ethnic groups, or extremely vulnerable in other ways. Half are estimated to be children.

It should come as no surprise that few hard facts are known about trafficking: The low level of prosecutions and even lower level of convictions means that there are very few verifiable victims. Still, there is a deep preju-

dice in our societies that holds that prostituted women have themselves to blame for their misfortune, and that this somehow reduces the responsibility their exploiters are seen to have for the harm (including violence) they inflict upon their victims. Furthermore, intolerant and xenophobic attitudes create a barrier to empathy with exploited and ill-treated migrant workers.

Trafficking in Human Beings – High on the OSCE Political Agenda

Since the adoption of the OSCE Action Plan to Combat Trafficking in Human Beings (hereafter “Action Plan”) in 2003, the participating States have made efforts to accomplish many of its recommendations. States have developed national action plans, established national co-ordinating structures, and ratified relevant international conventions. They have also begun harmonizing national legislation to reflect the provisions of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children and its parent convention, the Convention against Transnational Organized Crime.

In its reference guide to the OSCE human dimension commitments, The Office for Democratic Institutions and Human Rights (ODIHR) advises on the binding nature of the decisions unanimously taken by the OSCE Ministerial Council. These decisions, though they do not create legally binding norms that could be enforceable in a court as such, are by no means simply non-binding. The OSCE commitments are politically binding on the participating States; they are “more than a simple declaration of will or good intentions; rather, they are a political promise to comply with these standards”.¹ Furthermore, older decisions are not replaced by later ones but are built upon, and the whole must be implemented – as the OSCE *acquis*.

Ideally, this gives the OSCE an opportunity to serve as the organization that can keep pace with the genuine challenges that new human rights problems pose, bringing them rapidly into the political discourse between governments at the highest level. The necessity of reform, whether of legal norms or national practices, can be discussed and developed in dialogue before final compromises are reached that are agreeable to all. At its best, the discourse of the OSCE has significantly contributed to the formation of legally binding international instruments by other organizations. These include the Council of Europe Convention on Action against Trafficking in Human Beings (in force since 1 February 2008), the most modern and most comprehensive European legal instrument in this field.

However, the political climate in the OSCE has undergone a remarkable transformation since 2003. In the run-up to the adoption of the Action Plan, there was a strong spirit of political determination to move forward in a

¹ OSCE Office for Democratic Institutions and Human Rights, *OSCE Human Dimension Commitments*, Volume 1, Warsaw 2005, p. xviii.

multilateral format and a conviction that that OSCE could be a pioneer in this area. This turned out to be the case, and the participating States clearly consider it important that the topic of human trafficking be raised higher up the OSCE agenda, as demonstrated by the fact that it has been the subject of a Ministerial Council decision every year since 2000. It would, however, be pompous to simply declare this a demonstration of the political priorities of the participating States. After all, it is also true to say that trafficking in human beings is one of the few issues in the OSCE where consensus has been feasible – though even here it has not been easy to achieve. Regrettably, the spirit that prevailed a few years ago, when it was believed that working through solutions would bring about new and further-reaching OSCE multilateral commitments and would in fact require legislative reform or changed practises at national level, has been absent during this period.

The Brussels Ministerial Council Decision of 2006 to reform the anti-trafficking mechanism established in 2003 under the aegis of the Permanent Council made the mechanism an integral part of the Secretariat. Following on from the approval of the 2003 Action Plan, this decision once more stepped up the Organization's political engagement in fighting trafficking as an inherent part of the comprehensive security of the OSCE region.

The Brussels Ministerial Meeting took two further decisions related to trafficking in human beings. For the first time, trafficking for labour exploitation was specifically identified as an increasing threat and a specific form of trafficking in Europe that needed to be addressed appropriately. The Permanent Council was tasked with considering ways to further strengthen the OSCE's efforts in this respect. Apart from being more focused of this type of trafficking, however, this decision did not go much beyond the Action Plan. Nonetheless, it provided a solid basis for working towards a further decision on labour exploitation, which could be expected to contain more ambitious commitments. The Office of the Special Representative published an occasional paper on *Legal Challenges Facing Responses to Human Trafficking for Labour Exploitation in the OSCE Region* to facilitate the process. The other decision, on combating the sexual exploitation of children, encouraged the participating States to criminalize extraterritorial offences against children, and tasked the executive structures with ensuring that OSCE staff were trained to keep in mind the Code of Conduct for OSCE Officials and Staff Instruction 11 addressing trafficking in human beings.

The 2007 Spanish Chairmanship requested the assistance of the Office of the Special Representative and its expertise in preparing the draft decision for the Madrid Ministerial on trafficking for labour exploitation. The Special Representative invested a considerable amount of time preparing background materials, and ODIHR wrote a thorough food-for-thought paper with input from the Office of the Special Representative to be discussed in the Human Dimension Committee and to assist the Chairman-in-Office in negotiations.

The discourse in the run-up to the Madrid Ministerial tended to be two-sided: On the one hand, there was a strong consensus that such a decision was needed and would benefit the Organization and the OSCE countries. On the other, it was frequently stated that the decision should not include any commitment to changes in national legislation. A perception among some of the participating States was that their existing legislation constituted some kind of a limit, even if the scope of trafficking in human beings could by no means be understood as declining. The other interpretation of this somewhat contradictory approach is that these countries largely agree on substance, but considered that the international framework of the OSCE was not right for proceeding on this particular issue. Even at this technical level, the topic of migration was clearly able to touch a nerve, and efforts were made to isolate trafficking in human beings from its complex real root causes and consequences and from the need to respond in a comprehensive and cross-dimensional way.

To illustrate this, I can give an example of the Human Dimension Committee discussion on visa, residence, and job permit practices. It is easy to show how dependent a worker becomes on one employer when it is only this particular employer who can reapply for the various permits the worker needs to stay in the country of destination. When an employer is abusive or has a trafficked worker under his control, the chances of escape are slim enough as it is. Nevertheless, some delegations considered the idea of giving workers themselves the right to apply for permits and select their employers to conflict too much with current regulations. It is not political considerations that stand in the way of changing the harmful practices. The resistance stems rather from a basic reluctance to accept any changes in the way things are done.

The 2007 Madrid Ministerial Council therefore did adopt a decision on trafficking for labour exploitation, the second of its kind. This once again demonstrated that OSCE governments consider trafficking in human beings to be a serious issue. Nevertheless, they failed to raise the level of political commitment beyond the existing OSCE *acquis*, which shows that they do not treasure our pioneering role in fighting trafficking in human beings. Improving the international structures aimed at protecting victims, preventing this crime, and prosecuting perpetrators more successfully would require participating States to be willing to revalue existing norms and practices, especially related to migration, the social security of victims, and tackling demand for trafficked labour. This is the reality they need to address if they are serious about eradicating human trafficking.

The 2008 Finnish Chairmanship has, together with the forthcoming chairmanships for 2009, 2010, and 2011 (Greece, Kazakhstan, Lithuania), announced that human trafficking is to be kept as a priority on the long-term OSCE agenda. This announcement promises that there will continue to be a political platform for developing the agenda on trafficking in human beings

towards more substantial commitments in coming Ministerial Councils and, naturally, also for better implementation of existing recommendations and commitments in the participating States.

The Challenges of Implementation

Challenges remain in almost all areas of our activities. They are not the same as in the late 1990s, when none of the authorities were ready to recognize the existence of this modern form of slavery in their countries. But they still keep us from breaking the back of organized crime and tearing the chain of trafficking apart.

The participating States identified many of these challenges in the areas of prevention, protection, and prosecution in their responses to a questionnaire distributed in 2006 by the Office of the Special Representative. Other challenges have been pointed out by international organizations and representatives of civil society, who make up the bulk of service providers for the victims of this crime.

One of the biggest hurdles that has been discussed in the OSCE Human Dimension Committee is the inability to identify cases of trafficking (and hence the victims of trafficking) due to a shortage of professional capacity and a lack of awareness. For example, a failure to differentiate between human trafficking and the smuggling of migrants leads to neglect and mistreatment of trafficking victims, and ensures that offenders are not punished.

The lack of effective protection schemes and funding for non-governmental service-providers causes difficulties in obtaining testimony from the victims, who are often fearful of retaliation. This situation prevails in all countries, despite the fact that there is sufficient evidence to indicate a strong correlation between the degree of protection and assistance provided to victims and the rates of prosecution.

There is a widely recognized inability to collect and analyse data that would make it possible to assess the scope of the problem, partly because of the absence of national *rapporteurs* or an equivalent mechanism. Also lacking are a systematic approach, advanced and well funded national programmes or national actions plans, and sufficient funding for anti-trafficking activities to ensure sustainability and results. Anti-trafficking measures within most states are fragmented due to a lack of co-ordination mechanisms at the decision-making level and the non-involvement of relevant anti-trafficking stakeholders in the decision-making processes, including civil society and the business community.

There is little awareness of the socio-economic root causes of both the demand and supply factors that contribute to trafficking, such as social exclusion and discrimination, inadequate migration policies, and the inadequacy of social protection systems. As a result, few interventions can be made at this

level. Corruption among officials, xenophobia, gender discrimination, and indifference to maintaining respect for human dignity in destination countries make the best possible environment for traffickers.

A negative public attitude towards victims of trafficking – one that does not really recognize them as true victims of crime (and which is detrimental to the identification of victims in countries of destination and to the full re-integration of trafficked persons in their countries of origin) – is aggravated by negative views of migrants and minority ethnic groups and leads to greater tolerance of exploitation and trafficking. Furthermore, the minimal interest in addressing the demand for trafficking for sexual and labour exploitation in countries of destination demonstrates a high degree of social and political tolerance for this kind of exploitation and creates an environment favourable to traffickers and exploitation.

When legislation fails to cover all forms of trafficking, responses tend to be unfocused and simplistic, both with regard to identifying the crime and assisting the woman, child, or man who is its victim. Internal trafficking is not equally acknowledged, leading to problems in both detection and support, as well as in ensuring that adequate legal provisions and services are in place.

Finally, of course, the lack of sufficient resources – financial and human – mean that legislation and action plans remain merely symbolic. Effective use of available resources would also include the evaluation of responses and the collection of data related to trafficking in human beings in each country.

The Alliance Against Trafficking in Persons Conferences 2006-2008

The Alliance Against Trafficking in Persons conferences provide the OSCE and the Special Representative with an opportunity to engage in direct consultations with the actors responsible for policy and its execution, including NGOs; to facilitate the exchange of lessons learned in the implementation of OSCE commitments; to provide a forum for networking among officials, international organizations and NGOs; and to enable the development of strategies to support these processes.

The conference entitled “Human Trafficking for Labour Exploitation/ Forced and Bonded Labour: Prosecution of Offenders, Justice for Victims” aimed at raising political will and improving government authorities’ understanding of this complex issue. This process resulted in new Ministerial Council decisions and led to new commitments by the OSCE participating States. It also contributed to strengthening the role and visibility of the OSCE as a catalyst of knowledge and expertise.

The conference entitled “National Monitoring and Reporting Mechanism to Address Trafficking in Human Beings: The Role of National Rapporteurs” was the first ever international event dedicated to this topic. It was aimed at facilitating the exchange of information among senior governmental

officials, and also succeeded in raising the OSCE's profile as a leader in this field, specifically with regard to relevant EU recommendations. It also contributed to ongoing discussions between the OSCE and governments on the implementation of relevant commitments and potentially to the shaping of future Ministerial Council decisions.

*Human Trafficking for Labour Exploitation/Forced and Bonded Labour:
Prosecution of Offenders, Justice for Victims, 16-17 November 2006*

This conference, which brought expert speakers from various participating States together in dialogue with eminent representatives of delegations, produced recommendations arising in part from the background paper "A Summary of Challenges Facing Legal Responses to Human Trafficking for Labour Exploitation in the OSCE Region",² which was produced by the Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, and in part from the ODIHR "Overview of Special Day on Trafficking 2006 OSCE Human Dimension Implementation Meeting".³ The recommendations were rooted in relevant provisions of the OSCE Action Plan to Combat Trafficking in Human Beings and other OSCE commitments.

While it is possible to debate whether international laws could be stronger, for example whether the reflection and recovery periods in the Council of Europe Convention are sufficient, given the evidence of long term mental and physical health issues suffered by the majority of trafficking victims, it should be remembered that these instruments represent only frameworks or minimal standards.

Effective measures would require practices, regulations, and above all behaviour to change significantly in ways that would benefit new citizens in our societies who are not well integrated politically and may even lack political rights. Political change is always difficult to achieve, but especially when there is no powerful pressure for change.

The experts from the OSCE participating States made many recommendations aimed at addressing trafficking in human beings for labour exploitation: Criminal legislation needs to clearly define terms such as "abuse of vulnerability" and "forced labour" if it is to be helpful; the retention of passports, work permits, and other identity documents by people other than those to whom they are issued should be criminalized; employment permits should not be tied to specific employers and it should be possible for employees to extend or renew a permit him- or herself (otherwise migrant workers are at risk); international legal co-operation in criminal matters needs to be enhanced; improving lawful channels for migration and tackling xenophobia

2 Kay Thompson, *A Summary of Challenges Facing Legal Responses to Human Trafficking for Labour Exploitation in the OSCE Region*, SEC.GAL/199/06, 14 November 2006.

3 ODIHR Anti-Trafficking Programme, *Overview of Special Day on Trafficking. 2006 OSCE Human Dimension Implementation Meeting*, Warsaw, 27 October 2006.

would also be helpful, as would raising awareness about migrants' rights and basic freedoms.

The conference also recognized the role of unions in improving workplace conditions in sectors that are particularly vulnerable to trafficking and labour exploitation, supporting the creation of ethical employment associations that adhere to codes of conduct, and public awareness campaigns that assist consumers in identifying goods and services that have been produced without exploitation. Working together with civil society, the state should move the focus from immigration control to the prevention of exploitation, the promotion of workers' rights, and the pursuit of outreach strategies to propagate information on these rights. Minimum labour standards as contained in labour laws need to be enforced for all workers, independently of their legal status, and front-line actors need to be trained to identify possible victims of trafficking.

A multi-agency, pro-active approach was recommended. Assistance, including legal counselling, legal representation, and compensation schemes, needs to be available to all victims of trafficking and should not be dependent on their willingness to act as informers or witnesses.

National Monitoring and Reporting Mechanism to Address Trafficking in Human Beings: The Role of National Rapporteurs, 21-22 May 2007

At this high-level conference, national *rapporteurs* or persons serving in an equivalent capacity from Albania, the Czech Republic, the Netherlands, Romania, Sweden, and the United States of America shared their experiences. They all demonstrated clear evidence of the impact *rapporteur* mechanisms can have as a contributing factor in combating trafficking in human beings. Some of the leading researchers on human trafficking (e.g. Kevin Bales) estimate that today there are in fact more women, men, and children held in slave-like conditions than during the height of the transatlantic slave trade. Yet we have not been very successful in gathering data on this phenomenon and know little about either the scope or the nature of trafficking. Most importantly, we are ill-informed about the forms that this criminal behaviour takes.

The fact that global estimates of the number of trafficking victims made in recent years have varied so much is indicative of our current lack of knowledge. Different estimates have their basis in different definitions and often depend on whether trafficking within countries is included. The US State Department's annual Trafficking in Persons Report estimates that there are 800,000 victims of international trafficking in human beings, rising to "millions when trafficking within borders is included". And indeed, borders do not constitute a significant obstacle for traffickers, and perhaps never have. The decisive factors seem to be the existence of a market and the opportunities provided by societies that allow trafficking operations to become

established. If too little is done by law enforcement agencies (and the media) to intervene, traffickers can operate with little risk of economical loss. It is perhaps time to analyse how the focus in responding to and preventing this crime can move away from borders.

New patterns of trafficking in children for both sexual and labour exploitation have emerged, and children are increasingly being trafficked to commit crimes such as pickpocketing and for organized begging. The clandestine and multifaceted nature of this crime makes accurate data collection difficult, and identifying victims remains a major challenge. For instance, it can be difficult to identify trafficked children among irregular migrants. National policies on human trafficking are thus based on mere perception, and tend still to focus on combating irregular immigration; they prioritize state security over human security, and focus on guarding borders rather than rescuing victims. It should be recalled that the OSCE Action Plan recommends that special attention be paid to identifying the most vulnerable segments of the population and conducting thoroughgoing analysis of the root causes of trafficking, including demand and supply factors, trafficking networks, and the economic consequences.

All major international organizations agree that effective national reporting mechanisms are of great importance. The oldest of the key international declarations and recommendations calling on states to establish a reporting mechanism is already eleven years old. The 2003 OSCE Action Plan, besides recommending the establishment of a national reporting mechanism, specifically highlighted the need to collect separate data related to female, male, and child victims of trafficking.

The 2005 EU Action Plan on trafficking in human beings also clearly states the need to increase our overall empirical knowledge and advocates systematic data collection and analysis. It calls for increased research into subjects that have largely been neglected, such as the demand side of trafficking and the risks of re-trafficking. The 2006 Brussels Ministerial Council decision also underscored the importance of appointing national *rapporteurs* or similar independent monitoring mechanisms.

Key recommendations of the 2007 conference on the role of national *rapporteurs* were as follows: Trafficking in human beings should be addressed in a comprehensive way, including all forms of exploitation; issues related to prevention and protection should be analysed without relying on figures gathered by law enforcement authorities; reporting mechanisms generally benefit from independence; reporting should be systematic and regular, preferably once a year to parliament or government and should be published, creating a platform for discussion and being open for review. It was seen as essential that the *rapporteur* have access to all relevant information and be given appropriate jurisdiction and resources. The national *rapporteur* should gather and analyse data from a variety of stakeholders, including civil society and experts, and should protect the integrity of trafficked persons.

Making recommendations of areas where improvement or amendments are needed is an integral part of the national report and of the work of the national *rapporteur* or equivalent mechanism. Recommendations should also be made to NGOs and the general public, the private sector, the media, and other actors whenever relevant to the issue at large. In addition, governments should act in accordance with the recommendations.

Assistance to Trafficked Persons: We Can Do Better, 10-11 September 2007

This conference focused on telling real stories. Sharing lessons learned and disseminating research into efforts to assist victims could make the OSCE region better at designing future policies and responses. The conference was attended by many experts from both the public sector and civil society, who shared their experiences and empirical data on issues related to victim identification, protection, and assistance. They all demonstrated clearly the importance of evidence- and research-based knowledge and how it can contribute to the creation of better policies and programmes for combating trafficking in human beings from a victim-centred approach.

We all share a common enemy, the traffickers, who unfortunately seem to be getting better at hiding their criminal activity, constantly changing the way they operate and the routes they use to avoid efforts to catch them. We still hear traffickers state that part of the “beauty” of this branch of criminal activity are the easy profits available at practically no risk. Looking at the statistics in almost any country, and the very modest numbers of convictions for trafficking in human beings, it is easy to see how true this is. Unfortunately this also has repercussions on the victims. Without convictions – and without victims appearing as witnesses and thereby helping the law enforcement agencies – victims’ rights to legal status and rehabilitation are often not upheld.

Listening to victims, it becomes clear that a number of measures that are intended to provide them with protection are inadequate, with the result that they may refuse help. And, once again, the most alarming fact of all is that officials are still often unable to identify victims. Moreover, although the problem is growing, resources are always scarce, and it is therefore vital that the resources that are available are spent much more effectively.

One of the most memorable pieces of research presented at this conference showed that the medical effects on the mind and memory of a victim of trafficking are similar to those suffered by a victim of torture. The victim often loses her memory of the most traumatic events, which means she may not be a very credible witness, her story may be inconsistent, or she may simply appear to be uncooperative. Research has shown that victims need time – at least 90 days – to recover enough to be helpful witnesses. It is thus

vital that law enforcement agencies provide them with assistance and a reflection period.

The conference called upon participating States to strengthen their efforts in the field of research with a view to assessing and evaluating measures, programmes, and policies aimed at combating trafficking, including the identification of gaps and potential areas of improvement. The conference conclusions raised a number of challenges where better implementation of anti-trafficking policies and responses could give results.

Special attention should be given to factors that expose people to risks, to the changing patterns of trafficking, to the weakness of law enforcement agencies and social services in identifying victims and providing them with services, to the complex relationships between traffickers and victims, to better victim identification and more effective referral, to the disappearance of children in protection and to providing them with protection at an earlier stage, to the discrepancies between the estimated numbers of victims and the number of victims provided with assistance, to the health impacts and involvement of health experts, and to the capacity-building needs of all kinds of authorities, to mention only a few areas.

Child Trafficking: Responses and Challenges at Local Level, 26-27 May 2008

It is well acknowledged that eradicating trafficking in human beings requires a comprehensive and cross-dimensional response. We need international cooperation, co-ordinated efforts, and trust between public authorities and civil society. But we also need local responsibility, policies, and action. The speaker from Norway put it simply: “National action plans are worth little unless they are implemented at a local level”.

This conference brought together the knowledge and experience of many local authorities and NGOs to consider the progress made in implementing the OSCE Action Plan on Trafficking in Human Beings and its Addendum on Child Trafficking through a variety of examples and practices.

There was an overwhelming acknowledgement of the sad and growing reality in many of our major cities that children on the move seeking a better life or bearing the burden of responsibility for their families are often not adequately protected, but abused, smuggled, and trafficked. This phenomenon poses a major challenge not only for national governments, but for all local public institutions on a daily basis. Once again, NGOs have helped us realize the scope, complexities, and contradictions of this problem.

There does, however, seem to be genuine progress in acknowledging the scope of this problem and the need to equip local authorities with new tools and concrete resources to strengthen child-protection services – in countries of both origin and destination. Local authorities need to budget

resources and build capacities to respond to the growing reality of children exploited for organized begging and petty crime, and in the sex industry.

The migration of their parents affects children in many ways, not only emotionally. They are especially at risk when simply left behind. It is essential that more opportunities be created for children to reunite with parents who are working abroad and that supportive networks for children who live apart from their parents for long periods of time are strengthened. This needs to be approached in a multidisciplinary, transnational, and cross-cultural way, as experiences from the Netherlands, Austria, France, Moldova, the Russian Federation, the UK, Belgium, Italy, Norway, Romania, Greece, and Albania made clear at the conference.

The local authorities have a direct and compelling responsibility to intervene and ensure that children are protected from exploitation and abuse through a process that focuses on their best interests and specific needs. To decide what action must be taken, a procedure needs to be set up that is able to determine the child's best interest, and this needs to involve a range of professional expertise as well as the participation of the child.

Child victims of trafficking are frequently not identified or are returned home without proper risk assessment having been conducted. Legislative measures must be taken to ensure that children are not criminalized, and that the right of child victims to stay in the country of destination depends neither on the traffickers being identified and convicted nor on the immigration status of the children.

Last but not least: It is absolutely essential to combat demand – whether for sex or for cheap cotton. It is in the interest of international cotton-buying companies that consumers can trust that their products are not produced with the exploitation of children.

The experiences described by participating States and NGOs at the conference point to the urgency of increasing our knowledge of what is happening to thousands of children on the move, undertaking more research on child trafficking, and implementing policies to address the demand for trafficking for sexual, labour, or other purposes. Installing national *rapporteurs*, whose tasks would include gathering local data; increasing child local protection budgets; budgeting resources for outreach work and NGO protection; and providing support services with special competence addressing children were considered essential.

Procedures urgently need to be put in place to enable the best interests of the child to be determined adequately, especially when dealing with extremely vulnerable children, such as unaccompanied asylum seekers, or when deciding whether trafficked children should be returned or allowed to stay. Co-operation between law-enforcement and child-protection authorities in countries of origin and destination need to be improved.

The Function of the Special Representative in Practice

The OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings is in a unique position to carry out political dialogue with governments of participating States, applying the lessons learned from the shared experiences of the participating States and making the most of their commitments in the multilateral framework of the OSCE on a case-by-case basis. There has been growing interest among the participating States in the kind of advice and “soft assistance” provided by the Special Representative and her Office, whether this has taken the form of high-profile country visits or a more comprehensive analysis.

In June 2006, as mentioned above, the anti-trafficking mechanism was transformed into its current form, with the Office of the Special Representative made an integral part of the Secretariat. The Special Representative’s mandate is comprehensive, cross-dimensional, and authorizes her to represent the OSCE politically by raising the public and political profile of the fight against all forms of human trafficking. The Special Representative assists participating States at their request in fulfilling the relevant OSCE commitments and the recommendations of the OSCE Action Plan, co-ordinates anti-trafficking efforts within the OSCE, and co-operates with national authorities, civil society, and relevant international actors.

The mandate is broad and leaves room for prioritizing as well as adapting to the latest changes in patterns of crime, which may pose new problems for implementation. It aims to address all parts of the OSCE area in a balanced way – targeting issues related to countries of origin, countries of transit, and countries of destination. Bearing in mind that trafficking is a problem for every country, prioritizing the activities in different countries is not always easy. Yet the false perception strongly prevails that human trafficking still is mostly a concern of countries of origin.

Many trafficking-prevention projects are targeting victims in countries of origin by focusing on raising awareness about the risks of emigrating. However, research has shown that campaigns are often simply too general to have an impact. It is also reasonable to question the ethics of allocating all the resources available for prevention activities here. The victim, after all, is the one most in need of assistance.

This situation points to the need for donor governments and others to carry out independent evaluations to review the impact of major anti-trafficking projects. It is very difficult to determine best practices or next steps without knowing whether what is already being done has been effective.

Most funding is directed at projects in nations that are considered countries of origin or transit. So far there has been no comprehensive strategy of investment to “link” the work being done in destination countries, e.g. in the EU, to efforts in origin and transit countries in a systematic way. Other ways

of fighting trafficking include creating an environment that is less attractive to traffickers, reducing the size of the market by addressing demand, and, of course, better protecting persons at risk, mostly migrants. This is why, in 2006-2008, there was a special effort to visit capitals west of Vienna – the EU countries and the USA – to focus some attention on countries of transit and destination.

The power of example is obviously not to be underestimated. The Special Representative can also be of great value here in facilitating the dissemination and promoting the adaptation of best practices and lessons learned from those countries in the OSCE region that have integrated the fight against trafficking in human beings in a more comprehensive way and have created specific mechanisms to facilitate this. This is also why the Special Representative continues to promote better implementation in countries that appear to be failing to make the necessary effort to address trafficking in human beings. After all, there is a long way to go, and it is far easier to design responses in a society where basic structures function and corruption does less to undermine your efforts.

One particular theme that runs through all our activities is the issue of child trafficking. Reports indicate a substantial number of missing children in the OSCE region. These children have often arrived as unaccompanied asylum seekers, but are considered to have been smuggled in, and are therefore not provided with adequate protection against what we believe are their traffickers. Research shows that they are likely to be on the way to be exploited in destination countries in domestic servitude or the sex trade. Experience shows that unaccompanied children usually disappear within two days after having been brought into state protection institutions. Recent experiences in countries where compulsory child-protection measures have been taken to protect unaccompanied children have shown positive results. We need to take a look at how to invest more effectively in responses to child trafficking. Children need specialized care, and their interest has to be determined with their participation and with the expertise of various professionals.

Better identification of victims is still the main challenge. This is true of labour trafficking, sex trafficking, and trafficking in children. Experience shows that the more resources are put into investigating, the more cases will be uncovered. This correlation indicates that much more could be done. For the criminal, the kind of exploitation is secondary, the victim is a commodity that will be sold for whatever purpose the market requires. Multiple exploitation is common. Because it is the profitability of this crime that keeps traffickers going, participating States have to emphasize efforts to confiscate the profits of trafficking and related activities.

The participating States have continued to welcome the visits of the Special Representative, the dialogue they enter into with her, and the advice her Office provides. There have been official requests for her to comment on national action plans or policies aimed at better addressing human trafficking.

It seems as if there is widespread acceptance that a visit of the Special Representative provides an opportunity to raise awareness of human trafficking, including public awareness via the media, and to place the topic on the political agenda at the highest level.

The most important ongoing issue on these occasions has been promoting the setting up of the OSCE, Council of Europe, EU, and UN mechanisms for combating trafficking: the Action Plan, the national referral mechanism and, particularly at present, the national *rapporteur*, which signal the existence of political engagement with the problem at national level and efforts to develop a systematic, comprehensive, and co-ordinated response.

In the OSCE region, national action plans have become the main means of organizing, planning, and co-ordinating national efforts to tackle the problem. Most countries have adopted an action plan as a framework to organize their counter-trafficking activities. Some countries' action plans detail responsibilities, timelines, and budgets for actions by the various national agencies; other countries have developed more general plans, which are perhaps less effective and definitely make it harder to measure the impact of policies and programmes.

National referral mechanisms are meant to bring together expertise, responsibilities, and all national efforts to generate a comprehensive and effective response to trafficking in human beings, involving numerous state institutions at national and local level, as well as civil-society organizations.

The OSCE Action Plan calls for the establishment of such mechanisms, and most countries in the region have set them up. The OSCE, with its commitments to establishing national referral mechanisms, recognizes the critical contribution of civil-society organizations. The national referral mechanisms also provide an indication of the importance that governments are attaching to the problem. They should be the leading expression of a country's national anti-trafficking strategy.

A key challenge for many countries is to secure adequate human and financial resources to dedicate to both the co-ordination and the implementation of their anti-trafficking response. Another challenge relates to developing systems and responses that not only comprehensively address the various types of exploitation for which human beings are trafficked, but also adequately tackle the various complex aspects of prevention, protection, and prosecution. Indeed, in many countries there are gaps in the development of comprehensive policies and programmes targeting trafficking in human beings. For instance, it is not uncommon for national action plans to address trafficking for sexual exploitation, but to leave out other forms. Sometimes, measures address only women victims, while children and men, and their specific needs, are not taken into account. Another policy area that is often underdeveloped is that of prevention: measures to address the structural social and economic factors that foster the exploitation of people in slavery-like conditions.

A pressing challenge relates to the lack of systematic and reliable data and research on trafficking in human beings, and the excessive reliance on anecdotal information, which obviously has a negative impact on the development of effective anti-trafficking policies. In response to this challenge, the Special Representative has been working with the participating States to promote the appointment of a national *rapporteur* or an equivalent monitoring and reporting mechanism. The ultimate goal of a self-monitoring and national reporting mechanism is to identify the scope of the problem at national level, assess the impact of government policies and actions to combat trafficking in human beings, and formulate actionable concrete recommendations on how policies and practices can be improved.

Visiting participating States and establishing a direct dialogue with representatives of governments is an important means of elevating the priority of combating trafficking in human beings at the national level and initiating political processes for the implementation of OSCE anti-trafficking commitments. These visits are an opportunity to engage in direct consultations with the actors responsible for policy and action, and to meet NGO representatives, who often make crucial contributions to anti-trafficking work.

In 2008, the Special Representative decided to conduct two specific country assessments, one in a country of origin and one in a related country of destination: Romania and Spain. The overall goal of these assessments is to look into the situation of trafficking in human beings and anti-trafficking policies implemented in the countries concerned. Further goals are to share knowledge and best practices, to identify challenges and possible gaps in the implementation of OSCE anti-trafficking commitments, and to promote key OSCE recommendations.

The assessment work is closely co-ordinated with the host country and its success depends critically on the host government's commitment and engagement in reviewing and improving its anti-trafficking strategy and response.

During the official visits in connection with the assessments, the Special Representative engages in direct political dialogue with high-level officials in the executive and legislative branches of government. Meetings with ministers or deputy ministers of justice, foreign affairs, the interior, labour, social affairs, and women's issues indicate the priority assigned to the problem of human trafficking. They also signal the presence of the political will to share good practices and to identify challenging areas where reform is needed to advance a country's efforts to combat this crime. For the Special Representative, these meetings provide a crucial opportunity to advocate new and more comprehensive legislative and policy measures to combat trafficking in human beings, and importantly, to call for the allocation of the necessary budgetary resources.

During official visits, the Special Representative also always holds meetings with local NGOs and international organizations. This way, she

learns directly from practitioners about the situation in each country, the critical areas of work, and the key recommendations on policy, law, and programmes.

An official visit may also generate an opportunity for the national authorities to further co-ordinate their anti-trafficking work, as well as to further familiarize themselves with each other's work, and with civil society initiatives in this field.

Hearings in parliament and meetings with parliamentarians are another important vehicle that can contribute to bringing the fight against trafficking in human beings to the top of the national political agenda. The simple fact that a parliamentary hearing is dedicated to tackling this issue is an indication to the other public authorities and to public opinion of the relevance of the problem and the need to effectively address this modern form of slavery.

When finalized, the assessments are shared with host governments for comments. The country assessments are then made public and are meant to raise awareness of the problem among the public at large, to further elevate the priority of combating trafficking in human beings at the national level, and to initiate and support political processes for the further implementation of OSCE anti-trafficking commitments.

Conclusion

Ownership and action at the national level has to be the guiding principle in work to combat trafficking in human beings with the OSCE states. Governments have agreed to assume responsibility and to be accountable for their anti-trafficking policies. Eradicating trafficking in human beings is a challenge that requires a diverse set of both immediate and long-term responses. The good news is that a wealth of successful initiatives have already been carried out within the OSCE participating States by both public authorities and civil society.

The Special Representative works to share this experience and the lessons thereby learned in a form that is as practical as possible. It is particularly important that she is able to demonstrate that specific actions in various sectors do not have to be difficult to implement. It goes without saying that all strategies and policies should be as actionable as possible and should include timely responses that are well co-ordinated and adequately funded.