



**Dr. Maria Grazia Giammarinaro,
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for Combating Trafficking in Human Beings
at the**

**Seminar on Co-operation to Prevent Trafficking in Human Beings in the
Mediterranean Region**

Opening Remarks

Friday 8 February 2013

Your Excellency Minister Terzi di Sant'Agata,
State Secretary Morais,
Chair Ambassador Prokopchuk,
Secretary General Zannier,
Chair of the Mediterranean Contact Group Ambassador Greminger,
Excellencies, Ladies and Gentlemen,

I would like to join the Secretary General in thanking Italy and Minister Terzi di Sant'Agata for supporting today's Seminar and the Presidents of the Italian Parliament and the OSCE Parliamentary Assembly for providing us with this unique institutional venue.

My thanks also go to the countries of the Mediterranean Partners for Co-operation – both government and civil society organizations - who have supported this initiative and who have expressed interest in continuing to work with my Office in making our fight against human trafficking in the Mediterranean region more effective. We have 22 participating States, 6 Mediterranean Partners and 1 Asian Partner present here today in addition to a significant presence of civil society representatives from the OSCE region, North Africa and the Middle East.

Excellencies, Ladies and Gentlemen, dear colleagues,

We are here today to discuss how to better prevent human trafficking in the Mediterranean region. Migrants, in particular undocumented migrants, are still amongst the groups and individuals who are most vulnerable to exploitation and human trafficking. The sheer extent of human tragedies the recent migration from the Maghreb and Mashreq to the European Union has produced is unspeakable and has made it impossible to look away. Those who arrive on this side of the Mediterranean are considered lucky; they survived a perilous journey that is deadly for so many others. This human tragedy however has also produced a momentum. There is more attention to migration again on the political agenda nationally and internationally, and we should make good use of this momentum to look beneath the

surface and live up to our responsibilities – as OSCE participating States and Partners – to protect the fundamental rights of all people.

If we look in more depth at what often seems simply irregular migration or smuggling of people, we can see - that already from the outset of their travel or soon upon arrival many migrants find themselves again living and working in inhuman conditions, exploited and discriminated against.

As a young indebted and exploited migrant says in the documentary *Io sono* (I exist) by Barbara Cupisti - which we will have a chance to discuss in our side event at lunch today – about her exploiters: The immigration detention centre is not the place for me, I am a correct person, I am now paying for them, they should be in prison, I denounced them, I would denounce them again.

Excellencies, Ladies and Gentlemen, colleagues,

Only once we ensure that the exploiters are punished and have to pay – and here I also mean financially in terms of paying back salaries owed and compensation – and that those exploited are protected, will we be able to prevent further exploitation. Trafficking for labour or sexual or other forms of exploitation has one objective: to make money out of the exploitation of others. Only once such behaviour is effectively punished and exploiters are obliged to pay wages owed, will there be justice and deterrence. Only then will the victims of unscrupulous exploiters be able to restart a new life back home, allowing us to prevent trafficking and re-trafficking.

Before going back to the question of what we can do and what we can do better, I would like to briefly touch on a specific issue of human trafficking for labour exploitation which I have made one of the key issues of my Office's work over the past few years: domestic servitude. Domestic servitude is an issue which is very relevant – not exclusively, but also – to the Mediterranean region, with nationals from the countries of the Partners of Co-operation – mainly women and girls – exploited in domestic work in OSCE participating States and nationals and foreigners from African countries held as

domestic slaves in North Africa. Too little is still being done on this issue on both sides of the Mediterranean, and I commend the civil society organizations and governments which are addressing this issue with the seriousness needed - including domestic servitude in diplomatic households which is even more challenging. I would like to use this opportunity today to initiate, with all of you, a dialogue on how to combat domestic servitude and explore possible joint activities in the Mediterranean region.

Ladies and Gentlemen, colleagues,

The last two *Alliance* Conferences my Office organized were dedicated to the issues of decent work as anti-trafficking prevention and anti-discrimination as an empowerment strategy in anti-trafficking efforts. Both topics are very relevant to the Mediterranean region. The victims we are talking about are nearly always heavily indebted, exposed to discrimination and violence, and in fact are often outlaws, especially since irregular migration has become a crime in many countries. What can we do to make sure that these enhanced efforts and initiatives at the policy level in the wake of the so-called Arab Spring to protect human rights and manage migration contribute to the prevention of human trafficking?

For once, we have to make sure that migration status does not trump human rights – neither in the OSCE region nor in the Partner countries. The EU has already taken the initiative. For example, the Trafficking Directive establishes that assistance must be unconditional for victims. Moreover, the Employer Sanctions Directive makes employers liable to pay back outstanding remuneration to irregular third country nationals and establishes obligations on States to systematically inform them about their rights under this provision. The directive also obliges States to put in place effective complaint mechanisms and it aims at improving the accountability of contractors and subcontractors.

Secondly, bilateral and multilateral agreements related to migration issues need to match the needs and rights of those people that are the subjects and often objects of the business of migration and migrant

workers. An agenda to stop irregular migration is not necessarily an anti-trafficking agenda, as restrictive migration policies are a component of the social vulnerability of migrants which is exploited by organized crime and unscrupulous employers.

Therefore it is necessary to better analyse the impact of EU and national migration policies on the trends of human trafficking, and find an appropriate balance between different policy goals. For example, if we want to prevent trafficking in human beings, we should allow and enable every migrant subject to exploitation to claim the payment of their salaries and compensation, before and after the return which should be preferably voluntary, and even when they have not been officially recognized as a trafficked person. For this purpose, mixed migration flows should be addressed in a way that allows every migrant to be aware of their rights and have access to legal counselling, which is crucial to encourage migrants to report exploitation.

Return should not be the only option for undocumented migrant workers, who have been subject to trafficking or exploitation. In any case, shared responsibility between the two sides of the Mediterranean should suggest measures accompanying the return of migrants, and promoting their social inclusion both in sending and receiving countries. This scenario would prevent migrants from once again taking the risk of unsafe migration and thus selling themselves into slavery a second time.

Both sides of the Mediterranean need to take responsibility: countries of origin (and transit) and countries of destination. The lack of decent work and social protection, poverty, unemployment, discrimination and denial of human rights and access to justice are push factors for migration. These same factors make migrants vulnerable to exploitation and easy prey for traffickers and unscrupulous employers. So, there is a lot of common ground in terms of what needs to be achieved, and it can only be achieved by joining forces, with an understanding of shared responsibility, by learning from each other and building on each other's experience.

Last but not least, I hope that the experience we have gathered on anti-trafficking policy and practice in the OSCE region over the last decade and more – at ODIHR, the field presences and my Office – can help in building and enhancing such policy and practice in our Mediterranean Partner countries. There is good practice, and I just want to name a few notable examples, but they are by far not the only ones: recent investigations in Italy that have exposed clear patterns of exploitation of migrant workers, including from North Africa, in agriculture, the identification and referral for assistance of Moroccan exploited migrant workers through labour inspectors in Belgium; and enhanced efforts to combat domestic servitude, in France, including exploitation of women and girls from North Africa.

Addressing modern slavery in the Mediterranean region is essential and urgent. The OSCE is ready to facilitate and promote enhanced cooperation between governments and civil society in the Mediterranean region to address the multiple challenges of a strategy aimed at eradicating modern slavery. To this aim, we are ready to take action in a spirit of complementarity with other international organisations and the EU.

A more robust response to human trafficking is needed, in the region and beyond. There is no other option, both in terms of human rights protection and security. As a matter of fact, we are facing a growing criminal phenomenon which increasingly affects crucial sectors of the economy on both sides of the Mediterranean. We should act more effectively now, as impunity and economic power of organized crime could negatively affect our societies and undermine the transition process in the aftermath of the Arab Spring.

More concrete ideas for follow-up will be discussed in the panels. I would only like to mention four areas in which ideas for follow-up could be explored. Firstly: access to justice and remedies, and measures to accompany a safe, dignified and preferably voluntary return. Secondly, capacity building for law enforcement and prosecutors, especially in the field of investigative techniques aimed at ensuring confiscation of the proceeds of crime, and preventing reinvestment and money laundering.

Thirdly, preventing and fighting against domestic servitude on both sides of the Mediterranean, by addressing the phenomenon of the “petites bonnes”. Last but not least, innovative ideas to engage with social partners and businesses could be explored to reduce the demand for cheap labour that fosters human trafficking.

I look forward to our discussions today and to working together on concrete issues and activities with you.

Thank you.