



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

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

#### **HIGHLIGHTS of the 14<sup>th</sup> “ALLIANCE AGAINST TRAFFICKING IN PERSONS”**

Vienna, Hofburg, Neuer Saal  
4-5 November 2014

The 14<sup>th</sup> *Alliance* against Trafficking in Persons focused on ethical principles and considerations in preventing and combating trafficking in human beings. Over 300 participants attended the event aimed at strengthening the coherence of international and national anti-trafficking efforts and at advancing the implementation of relevant OSCE commitments. The conference was also live streamed and actively followed on social media.

During the two days, participants addressed a range of important ethical issues and explored measures that OSCE participating States, civil society, international organizations, businesses, trade unions, medical professionals, media and other stakeholders can take to ensure that they do not contribute to trafficking in human beings. In particular, the conference provided a good opportunity to review the strategies to promote ethical sourcing to prevent and combat human trafficking in the private sector, and the impact of codes of conduct in preventing human trafficking in conflict and crisis situations. Moreover, the event focused on the ethical treatment and protection of trafficked persons, and on the ethical considerations in combating trafficking in human beings for the purpose of organ removal.

Efforts to combat trafficking in human beings often entail complex ethical dilemmas, which need to be taken into account in the concrete work undertaken to prevent this heinous crime. Throughout the conference it was repeatedly stressed that preventing and combating trafficking in human beings requires joint efforts and a multi-dimensional approach based on human rights.

Three side events were held on the margins of the conference:

- (1) “Measures that Businesses, Civil Society and Governments can take to Prevent Trafficking in Human Beings for Labour Exploitation” (co-organized with the Council of Europe);
- (2) A Launch of the Handbook on “How to prevent trafficking for the purpose of domestic servitude in diplomatic households and protect domestic workers” (co-organized with the Swiss Chairmanship of the OSCE), and
- (3) “Making Effective Use of Anti-Money Laundering Regimes and Financial Investigations to Combat Trafficking in Human Beings”.

Ultimately, the 14<sup>th</sup> *Alliance* against Trafficking in Persons provided an excellent forum for gathering expertise, exchanging good practices and enhancing dialogue between national authorities, partners, and other stakeholders in the OSCE region.

## WELCOME AND OPENING REMARKS

The opening remarks of the *Alliance* conference were given by the Chairperson of the OSCE Permanent Council **Ambassador Thomas Greminger**, Secretary General **Lamberto Zannier**, State Secretary of the Ministry of Interior of the Republic of Serbia **Aleksandar Nikolić**, UN High Commissioner for Human Rights **Prince Zeid Ben Ra'ad Al Hussein** (video address), Deputy Chairman of the CIS Executive Committee **Vladimir Garkun**, and First Deputy Director of ODIHR **Beatriz Balbin Chamorro**.

All high-level speakers stressed the importance of joint action that is guided by ethical principles in preventing and combating trafficking in human beings. It was recognized that trafficking networks are only able to function when States fail to fulfil their human rights duties. Consumers and employers were also called to take a proactive approach to prevent trafficking in human beings. It was emphasized that anybody can be involved, either knowingly or unknowingly, and that the victim, the human being at the centre, can too easily get lost in the shuffle of how policies get executed. The victim should be recognized in all decisions and policies that can have a link to trafficking in human beings and victims must be treated ethically in order to protect their rights and respect their dignity. The active role played by the OSCE in ensuring that it does not contribute to any form of human trafficking, including through a Code of Conduct and procurement regulations, was duly highlighted, together with the important work regularly performed by the field operations.

## KEYNOTE ADDRESSES

Keynote Addresses were delivered by the IOM Director General **William Lacy Swing**, Special Representative of the OSCE Chairperson-in Office for the Western Balkans Ambassador **Gerard Stoudmann**, and OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings **Madina Jarbussynova**.

The speakers stressed the importance of holistic multi-level action to combat trafficking in human beings. Addresses highlighted the role of businesses, civil society, consumers, and recruitment companies in preventing human trafficking and focused on addressing the demand side. OSCE participating States can promote measures and mechanisms to improve labour conditions in sectors vulnerable to the use of victims trafficked for labour exploitation. They can also take action against exploitation associated with the migration process, including through the establishment of codes of conduct for the recruitment industry. Speakers stressed the urgency to implement zero tolerance policies in order to ensure the highest standards of conduct by officials of international organizations, the military, and private security companies so that they do not contribute to trafficking in human beings and violence against women in crisis and conflict situations.

## **Panel 1: Ethical Sourcing to Prevent Forced Labour and Trafficking in Human beings in the Private Sector.**

The first session was moderated by **Beate Andrees**, ILO with the participation of **John Morrison**, Institute for Human Rights and Businesses (IHRB), **Cindy Berman**, Ethical Trading Initiative, **Igor Kovalchuk**, Seafarers Trade Union (Russian Federation), **Samir Goswami**, Government Professional Solutions at Lexis Nexis, and **Noelle Damico**, National Social and Economic Rights Initiative.

The panel explored measures that the OSCE participating States, businesses, international organizations, civil society, and other actors can take and enforce to prevent abusive and exploitative practices in labour recruitment, in the workplaces and throughout supply chains of the private sector. The speakers encouraged the OSCE participating States to consider enacting zero tolerance policies, and encouraged the private sector, trade unions and NGOs, to promote codes of conduct and decent work conditions to prevent human trafficking.

Concrete suggestions of the panel included:

- *Promoting the ratification and implementation of international human and labour rights standards to create a level playing field for countries and business.*
- *Emphasizing that human trafficking and forced labour cannot be prevented without addressing the inter-linkages between immigration policies, labour standards and monitoring systems, criminal justice, trade and investment; and the necessity to mainstream the fight against trafficking in human beings across these policy areas.*
- *Focusing on what concrete actions governments can take. States are powerful economic actors and should use their purchasing power to tackle human trafficking in supply chains through ensuring accountability and transparency of contractors. This can be done by developing public procurement regulations and by enacting legislation to require companies to demonstrate due diligence in their supply chains and recruitment and procurement policies and practices.*
- *Recognizing the good practices provided by governments, such as the Gangmasters Licensing Authority in addressing exploitation of agricultural workers in the UK and how this model could be translated into other sectors.*
- *Acknowledging that no single company can ensure the protection and respect for the rights of workers in its supply chain without recognizing the role of other companies in improving labour standards across a sector, or industry.*
- *Valuing the worker-driven social responsibility model developed by the Coalition of Immokolee Worker's Fair Food Campaign (USA) and the importance of recognizing the power of organizing workers to advocate for better standards and to take legal action in partnership with other key actors, including business, trade unions, and civil society.*
- *Forming partnerships to improve working conditions in global supply chains through multi-stakeholder initiatives, developing common standards, and recognizing the best collective ways to tackle the complexities of combating human trafficking.*
- *Developing a common set of standards for collecting and sharing data on human trafficking between the OSCE participating States.*

## **Panel 2: Code of Conduct and Zero Tolerance Policies in Conflict and Crisis Situations**

The second panel promoted a joint reflection on the impact that an international military and civilian presence can have on the demand side of the trafficking cycle and explored the steps taken to prevent human trafficking in conflict and crisis situations. The panel was moderated by **Rüdiger Lüdeking**, Ambassador at the German Permanent Mission to the OSCE, with the participation of **Pierpaolo Sinconi**, Center of Excellence for Stability Police Units (CoESPU), **Sylvain Roy**, Department of Field Support/United Nations, **Sonia Munoz**, UNHCR, and **Alan Bryden**, Geneva Centre for the Democratic Control of Armed Forces.

During this session, participants learned about the Codes of Conduct and zero tolerance policies adopted by several international organizations over the past decade to prevent their potential contribution and negative impact in the trafficking cycle in conflict/crisis scenarios. As reflected in Ministerial Council Decision 16/05, the crucial issue remains how to effectively implement these regulations on the ground and guarantee that international peace support missions contribute to combating human trafficking, not to exacerbating the problem.

Concrete suggestions of the panel included:

- *Reiterating the importance of developing efficient zero tolerance policies to prevent human rights abuses and human trafficking in conflict and crisis situations.*
- *Recognizing that enforcing the highest standards of peace support personnel is essentially a question of good governance within these organizations, and about sustaining the legitimacy of peace support efforts.*
- *Focusing not only on standard setting, but also on effective enforcement. Codes of conduct and zero tolerance policies have proved useful, but not necessarily sufficient to prevent human trafficking and punish perpetrators in conflict/crisis situations.*
- *Acknowledging the key role played by the OSCE participating States in conducting comprehensive pre-deployment training and ensuring accountability for the most serious forms of misconduct. The immunity of international peace support officials should not prevent investigations and remedial action. In this context, the focus should be on ensuring both the human rights of the victims and a due process of law.*
- *Focusing on regular monitoring and reporting on cases of misconduct. A good practice in this respect is the UN's three-pronged strategy to address misconduct through prevention, enforcement and remedial action.*
- *Recognizing the important role of senior management in setting the example in anti-trafficking action.*
- *Acknowledging the growing relevance of “non-state” security actors in conflict and crisis situations and affirming the need to develop codes of conduct also for private security providers. The international Code of Conduct for Private Security Service providers is a key instrument in this context and it should be further promoted.*
- *Broadening the focus of international action from sexual exploitation to trafficking for forced labour in crisis situations.*

### **Panel 3: Ethical Treatment of Trafficked Persons**

The third panel was moderated by **Maria Katharina Moser**, Theologian and Ethicist, with the participation of **Tamara Vukasović**, ASTRA, **David Mancini**, Anti-mafia Prosecutor's Office in l'Aquila, **Bärbel Uhl**, datACT/ KOK, and **Nodira Karimova**, NGO Istiqbolli Avlod.

Following the human rights-based approach, the primary responsibility for effectively protecting victims of a crime rests with national governments. However, every actor involved in the identification, prosecution and assistance of trafficked persons bears this responsibility as well. The panellists highlighted ways to ensure that all relevant actors treat each person in a manner that avoids further harm, stigmatization or re-traumatization.

Concrete suggestions of the panel included:

- *Focusing on established principles that are laid down in international standards and jurisprudence, such as non-discrimination, best interest of the beneficiary, non-punishment of victims, and in particular the consent and “do-not-harm” principles. It is essential to efficiently implement these standards.*
- *Recognizing the daily dilemmas of assistance providers and the complexities to find the right balance to not further harm trafficked people during the identification, prosecution, and assistance process, including the return of trafficked persons.*
- *Strengthening the methods to address the personal safety and security of trafficked persons.*
- *Acknowledging that “data protection” is not a technical term but a core human rights’ principle; it is not about protecting data, but about protecting people. Open dialogue is needed on what data we really need to better define strategies that are rooted in human rights.*
- *Strengthening the access to justice for all trafficked persons. If the victims are identified and treated properly in destination countries, it is likely that their rights will be adequately recognized in their countries of origin.*
- *Aiming to mobilize the entire society, especially youth, in improving the reintegration of trafficked people and in finding effective strategies to prevent this phenomenon. Successful reintegration can positively contribute to the prevention of the cycle of human trafficking.*
- *Assessing ways in which the principle of non-punishment of victims of human trafficking can be effectively implemented in practice.*

#### **Panel 4: Medical Ethics and Trafficking in Human Beings for the Purpose of Organ Removal**

The fourth panel was moderated by **Ilias Chatzis**, UNODC, with the participation of **Milbert Shin**, Independent Expert, **Debra Budiani-Saberi**, Coalition for Organ-Failure Solutions (COFS), **Christina Papachristou**, University Hospital of Charité, Berlin, and COFS, and **Igor Codreanu**, Transplant Agency of Moldova and Renal Foundation Moldova.

The panel focused on the role of medical professionals in addressing human trafficking for the purpose of organ removal. The *Addendum* to the OSCE Action Plan to Combat Trafficking in Human Beings (2013) calls upon OSCE participating States to forge new partnerships with healthcare professionals so as to better prevent trafficking for organ removal, which is one of the less well-known forms of human trafficking.

Concrete suggestions of the panel included:

- *Recognizing combating trafficking in human beings for the purpose of organ removal as a common and shared responsibility of participating States, medical personnel, and other relevant stakeholders. Given the global scope and spread of the crime, as well as the complex and highly transnational aspects of the modus operandi, there is a need for a multi-agency and multi-jurisdictional approach.*
- *Enhancing the data collection and evaluating why some regions and groups of people are targeted for this crime.*
- *Acknowledging the broad scope of actors and stakeholders in the crime, especially the medical professionals.*
- *Recognizing that very few of the investigated and prosecuted cases thus far have targeted medical professionals for their criminal involvement in trafficking networks. Training law enforcement, prosecutors and judges on this specific crime and educating about the differences between organ trafficking and trafficking for the purpose of organ removal.*
- *Examining the ethical and legal obligations of medical professionals to clarify any areas of ambiguity and their responsibility to report misconduct, including in a transnational setting.*
- *Focusing on the specific assistance and protection needs of victims of trafficking for organ removal, including long-term medical follow-up, income generation and psychosocial counselling among others. Medical professionals also have an ethical duty to effectively meet the needs of all victims of trafficking, including for organ removal.*
- *Strengthening the proactive steps medical professionals can take to evaluate the consent of potential donors such as by assessing risk-perception and free decision-making ability of the donors. Some other tools which can assist medical professionals in preventing this crime include adequate legislation, independent ethics committees, donor registries and organ allocation institutions on the one hand, to strengthen the regulatory framework of organ donation, and on the other, to reduce the demand by increasing organ donation rates.*