

Chairmanship: Ukraine

**SPECIAL MEETING OF THE PERMANENT COUNCIL
(976th Plenary Meeting)**

1. Date: Friday, 6 December 2013 (Kyiv)

Opened: 3 p.m.

Closed: 3.25 p.m.

2. Chairperson: Ambassador I. Prokopchuk

3. Subjects discussed – Statements – Decisions/documents adopted:

Agenda item 1: DECISION ON THE ADDENDUM TO THE OSCE ACTION PLAN TO COMBAT TRAFFICKING IN HUMAN BEINGS: ONE DECADE LATER

Chairperson

Decision: The Permanent Council adopted Decision No. 1107 (PC.DEC/1107/Corr.1) on the Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings: One Decade Later, the text of which is appended to this journal.

Russian Federation (interpretative statement, see attachment 1 to the decision),
Holy See (interpretative statement, see attachment 2 to the decision),
Azerbaijan (interpretative statement, see attachment 3 to the decision),
Armenia (interpretative statement, see attachment 4 to the decision)

Agenda item 2: DECISION ON FORWARDING OF DRAFT DOCUMENTS TO THE MINISTERIAL COUNCIL

Chairperson

Decision: The Permanent Council adopted Decision No. 1108 (PC.DEC/1108) on forwarding of draft documents to the Ministerial Council, the text of which is appended to this journal.

Canada, Turkey, France, Chairperson

Agenda item 3: REVIEW OF CURRENT ISSUES

None

Agenda item 4: ANY OTHER BUSINESS

None

4. Next meeting:

Thursday, 12 December 2013, at 10 a.m., in the Neuer Saal

976th Plenary Meeting

PC Journal No. 976, Agenda item 1

**DECISION No. 1107
ADDENDUM TO THE OSCE ACTION PLAN
TO COMBAT TRAFFICKING IN HUMAN BEINGS:
ONE DECADE LATER**

The Permanent Council,

Reaffirming the relevant OSCE commitments of 2000–2008 and in particular the 2003 OSCE Action Plan to Combat Trafficking in Human Beings,

Recalling the 2011 Vilnius Ministerial Declaration on Combating All Forms of Human Trafficking,

Deeply concerned by the significant growth in all forms of trafficking in human beings (THB), both transnational and internal, seriously alarmed by the increase in child trafficking, trafficking for the purpose of sexual and labour exploitation, for the removal of organs, forced begging, exploitation in forced criminality, and reiterating the particular need to take more vigorous measures against all forms of THB,

Drawing on best practices developed by the OSCE participating States as well as by relevant international organizations,

Recognizing the role of relevant NGOs in providing assistance and protection to the victims of trafficking in human beings,

Taking note of the High-Level Conference on Strengthening the OSCE Response to Trafficking in Human Beings held in Kyiv in June 2013 under the Ukrainian OSCE Chairmanship,

Decides to adopt the Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings: One Decade Later; to attach the Addendum annexed to this decision to the OSCE Action Plan to Combat Trafficking in Human Beings as its integral part; and to recommend the endorsement of the Addendum by the Kyiv Ministerial Council.

1 Reissued due to a correction to the title of the Addendum.

ADDENDUM TO THE OSCE ACTION PLAN TO COMBAT TRAFFICKING IN HUMAN BEINGS: ONE DECADE LATER

I. Purpose of the Addendum

1. The Addendum complements the Action Plan adopted in 2003 and supplemented in 2005, and provides the participating States with an updated toolkit to combat all forms of trafficking in human beings (THB). The Addendum helps to address the current and emerging THB trends and patterns, as well as the most pressing challenges related to the prosecution of the crime, its prevention, and protection of trafficked persons.
2. In its structure the Addendum follows the example of the Action Plan by addressing the “three Ps” (Prosecution, Prevention and Protection) in three separate sections. In addition, it is complemented by a new section on Partnerships.

II. Investigation, law enforcement and prosecution

Recommended action at the national level

1. Criminalizing and prosecuting all forms of THB
 - 1.1 Taking necessary measures for the criminalization of all forms of trafficking, and for the full implementation of relevant national legislation;
 - 1.2 Enhancing the criminal justice responses to human trafficking, including the prosecution of traffickers and their accomplices, while ensuring that victims are treated in a manner that respects their human rights and fundamental freedoms and that they are provided with access to justice, to legal assistance and to effective remedies and other services as applicable.
2. Financial investigations
 - 2.1 Promoting the use of financial investigations linked with THB-related offences; enhancing the capacity of anti-money-laundering authorities and other relevant structures to identify financial activities linked to THB; enhancing the capacities, where necessary, for tracing, freezing and confiscating the instrumentalities and proceeds of THB, in accordance with national law; and considering, where applicable, using confiscated proceeds to

1 The word “draft” has been removed from the title.

fund anti-trafficking initiatives and victim support, including the possibility of obtaining compensation.

3. Promoting transparency and accountability
 - 3.1 Developing, where necessary, and promoting full implementation of national legislation criminalizing corruption related to THB, including by public officials;
 - 3.2 Taking measures, in this respect, where appropriate, to increase the transparency of investigation and prosecution of all THB-related cases.
4. Capacity-building and training
 - 4.1 Promoting regular training courses, as appropriate, in accordance with national legal systems, for officials mentioned in Chapter III, paragraph 5.1 of the Action Plan to Combat Trafficking in Human Beings, on all recent trends and aspects of THB, including methods used by traffickers to abuse legal process and methods to coerce their victims, the use of the Internet and other information and communication technologies (ICTs) for committing THB related crimes, as well as training on the use of financial investigation techniques linked with THB related cases, and exchange of best practices.

Action for OSCE institutions and bodies

1. The Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings (OSR/CTHB), in co-ordination with other relevant OSCE executive structures and in accordance with their respective mandates, will continue to raise awareness in co-operation with participating States and to promote, upon their request, the exchange of best practices developed by participating States and relevant international organizations in the protection of victims and prosecution of THB, including the use of THB-related financial investigations and anti-money-laundering measures.
2. Relevant OSCE executive structures, in line with their respective mandates and upon the request of the participating States, will give assistance, where appropriate, in the planning and implementing of different activities in the sphere of awareness-raising and training in anti-trafficking strategies, in particular in capacity-building for law enforcement efforts to prevent and combat THB.

III. Prevention of trafficking in human beings

Recommended action at the national level

1. Prevention of all forms of trafficking
 - 1.1 Taking further measures to eliminate discrimination against women in the field of employment and to ensure equal opportunity for men and women for

economic participation and equal access to social protection, thereby decreasing their vulnerability to THB;

- 1.2 Promoting targeted awareness-raising and public education in order to ensure respect for the human rights and fundamental freedoms of persons vulnerable to THB. Special attention should be put on children in child institutions/orphanages, children in alternative care, runaway youth, unaccompanied and separated children, children with disabilities, children belonging to national minorities, children without any citizenship, children without birth registration, child asylum-seekers, refugees and IDPs, and children left behind by migrating parents;
- 1.3 Ensuring that all child victims of THB are provided with access to justice and remedies, including the possibility of obtaining compensation, ensuring the protection of children's rights, promoting access to education and health care for vulnerable children, and developing and implementing the appropriate programmes and measures taking into consideration the best interest of the child;
- 1.4 Taking measures, where appropriate, to enhance capacities for monitoring, detecting, investigating and disrupting all forms of trafficking in human beings facilitated by ICTs, in particular by the Internet, including trafficking for sexual exploitation;
- 1.5 Strengthening efforts to address the root causes of all forms of trafficking in human beings, in line with relevant OSCE commitments;
- 1.6 Considering incorporating, or, as applicable, implementing, "zero-tolerance" policies or other similar standards in government procurement of goods and services;
- 1.7 Encouraging the private sector, trade unions and relevant civil society institutions, to promote codes of conduct to ensure the protection of the human rights and fundamental freedoms of workers throughout the supply chain in order to prevent the exploitative situations that foster trafficking in human beings;
- 1.8 Encouraging accessible complaint mechanisms and relevant information for workers to enable them to notify the authorities on abusive practices that foster trafficking in human beings, and taking measures to prevent such abuses;
- 1.9 Promoting clear criteria, in compliance with the national law, for the official registration of recruitment and placement agencies, and monitoring the activities of such agencies in an effort to prevent all forms of THB and exploring possibility of removing the recruitment fees charged to employees;
- 1.10 Promoting measures to prevent THB for domestic servitude, *inter alia* in diplomatic households, to protect domestic workers and inform them of their rights as employees and how to report abuses; ensuring that the victims of

THB receive relevant assistance regardless of the employer's status; recognizing the responsibility of the participating States, that their own diplomatic personnel respect local laws, in particular with regard to the employment of domestic workers;

- 1.11 Developing and implementing policies and actions, including law enforcement co-operation between participating States, to prevent the tourism industry from being used for all forms of trafficking in human beings, in particular for sexual exploitation of children;
 - 1.12 Promoting policies to raise awareness on THB, including for the purpose of organ removal, through developing partnerships with health care and medical professionals, with associations in the medical profession, with transplant organizations and with relevant NGOs, where necessary, and other relevant mechanisms; and as appropriate, developing in this regard partnership with transplant organizations, promoting legal organ donation methods/channels.
2. Capacity-building and training
- 2.1 Encouraging the development and introduction of training programmes on THB-related issues for:
 - Social workers, labour inspectors and other government service providers;
 - Personnel employed by various commercial carriers, in particular airline attendants and staff working on other means of transportation by land and sea, aimed at the identification of trafficked persons, as well as the introduction of measures designed to prevent THB, including co-ordination between commercial carriers and the State law enforcement agencies or through other appropriate mechanisms;
 - Media professionals, including through modules on the use of non-discriminatory language and countering stereotypes and understanding the impact news reports have on victims of THB while covering THB issues;
 - Medical professionals and social welfare services, aimed at assisting victims of trafficking, including victims of THB for the removal of organs as well as on the ethical principles related to organ transplantation, trafficking victim identification and trauma suffered by victims of trafficking;
 - Personnel of the tourism and hospitality industry;
 - Personnel of human resources units of private sector companies.

Action for OSCE institutions and bodies

1. The SR/CTHB will continue to make use of country visits to assist participating States, upon their request, in the implementation of OSCE commitments and support them in the conduct of their national anti-trafficking measures and activities. The SR/CTHB will provide participating States with country visits' reports and, upon their request, technical assistance and expertise, in co-operation with OSCE field operations and other OSCE executive structures, where appropriate.
2. The relevant OSCE executive structures will update, within existing resources, the relevant internal regulations to ensure that no activities of the OSCE executive structures, including contracts for goods and services, contribute to any form of THB.
3. The relevant OSCE executive structures will update the relevant internal regulations to ensure that the OSCE personnel understand their duties and responsibilities and receive relevant training, in particular with regard to the employment of domestic workers.
4. The OSR/CTHB, in co-operation with relevant OSCE executive structures, will continue to promote the exchange of best practices aimed at the prevention of THB for domestic servitude, *inter alia* in diplomatic households, and protection of the victims.
5. The Gender Section of the Secretariat will, where appropriate, assist participating States, upon their request, with promoting gender equality for men and women including through training and the use of tools for raising public awareness thus contributing to the prevention of all forms of THB.
6. The relevant OSCE executive structures, within existing resources, will propagate the OSCE Action Plan and its Addendums in order to raise the profile of THB prevention amongst the general public, in civil society, and in the government and private sectors.
7. The relevant OSCE executive structures will provide assistance to the participating States, upon their request and within existing resources, in the development of training modules for various stakeholders mentioned in Chapter III, paragraph 2.1.
8. The OSR/CTHB, in co-ordination with other relevant OSCE executive structures and in accordance with their respective mandates, will contribute within available resources to the international efforts aimed at providing evidence-based data on patterns, forms and flows of THB for which a lack of reliable data persist.

IV. Protection and assistance

Recommended action at the national level

1. Identification and assistance
 - 1.1 Recommending that relevant State authorities identify individuals as trafficked persons, who have suffered human rights abuses, as soon as there are reasonable grounds to believe that they have been trafficked, and, in

accordance with national law, ensure that victims of THB are provided with assistance even before the investigation is initiated; ensuring that this assistance is not made conditional on the victim's willingness to participate in legal proceedings, without prejudice to the national regulations on the conditions of the residence of the victim in the territory of the State;

- 1.2 Taking appropriate measures, in accordance with national legislation, so that relevant NGOs, trade unions and social welfare services, through a National Referral Mechanism (NRM) or other relevant structures, may initiate referrals for the assistance of victims of all forms of trafficking, regardless of their nationality, and co-operate with relevant authorities by providing information in the victims of THB identification process;
 - 1.3 Ensuring that the process for decisions regarding all referrals of the victims of trafficking is fair, transparent and respects the human rights and fundamental freedoms of the victims, and that the decisions can be reviewed, in compliance with national law;
 - 1.4 Facilitating, where appropriate, simplified procedures for relevant NGOs to obtain permits from the competent authorities to access State facilities, including social service and immigration reception centres, prisons and detention facilities, to contribute to the timely identification of trafficked persons;
 - 1.5 Enhancing the capacity of police, social workers and other public authorities who may come in contact with children and other individuals trafficked and exploited in forced and organized begging to ensure prompt response to their particular needs, with the objective to immediately remove, where possible, victims from harmful and exploitative situations.
2. Access to justice and appropriate remedies
- 2.1 Facilitating access for victims of trafficking, on an individual basis, to relevant legal counselling and legal assistance in order to enable them, in accordance with national laws, to use the opportunities of obtaining appropriate remedies, including compensation for material and moral damage suffered;
 - 2.2 Establishing, where necessary, or facilitating access of victims of THB, regardless of their legal status or nationality, to a State compensation fund or other relevant mechanisms in accordance with national law;
 - 2.3 Recognizing the need of victims of THB to have adequate time to recover from trauma, and providing, in conformity with domestic law and international obligations, a reflection delay, granting temporary or, where applicable, permanent residence permits to victims of THB, as well as the possibility of victims obtaining work permits during their stay and raising awareness of such opportunities;

- 2.4 Providing the safety of immediate family members of foreign citizens who have been victims of THB, in cases of criminal prosecution of traffickers, in accordance with national law and where appropriate legal framework exists, and/or by using the existing channels of law enforcement co-operation;
- 2.5 Ensuring that the necessary assistance is provided in the process of safe return and, through co-operation, where possible, in the reintegration of former victims of trafficking by the authorities, social services or NGOs, as appropriate, of the country of origin;
- 2.6 Taking adequate measures to ensure that, where appropriate, identified victims of THB are not penalised for their involvement in unlawful activities to the extent that they have been compelled to do so.

Action for OSCE institutions and bodies

1. The relevant OSCE executive structures will continue, within existing resources, to promote a comprehensive, including human rights-based, approach in the best interest of the victim to combating all forms of THB and will assist participating States, upon their request, in the implementation of relevant commitments, taking into account the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, the United Nations Global Plan of Action to Combat Trafficking in Persons, and, where appropriate, the Council of Europe Convention on Action against Trafficking in Human Beings.
2. The TNTD/SPMU will facilitate, within existing resources, the exchange of best practices developed in the participating States regarding the protection of witnesses and trafficked persons before, during and after criminal proceedings.
3. The Office for Democratic Institutions and Human Rights (ODIHR), within existing resources, will collect and provide participating States with relevant information on best practices related to identification, assistance to and return of trafficked persons to the countries of origin.

V. Partnerships

Recommended action at the national level

1. Acknowledging that while the primary responsibility for combating and preventing trafficking in human beings rests with participating States, the link of this phenomenon to transnational organized crime requires co-operation at the international and regional level, involving the private sector and relevant NGOs.
2. Enlarging, where appropriate, multi-disciplinary partnership in the framework of NRMs, such as national co-ordinator/co-ordination mechanisms or other national structures, to facilitate dialogue and co-operation between public authorities, NGOs, trade unions and other relevant institutions engaged in anti-discrimination programmes and protection of the rights of women, children, members of ethnic, national and religious minorities, and migrants

to contribute to the identification of trafficked persons and advance the protection of the rights of potential, presumed and actual victims of THB.

3. Strengthening international co-operation between NRMs or other relevant national structures and continuing to work towards an enhanced comprehensive and co-ordinated approach to prevent and combat trafficking in THB and to protect and assist victims of trafficking in cross border cases through the appropriate national and international mechanisms.
4. Encouraging co-operation between law enforcement authorities, other relevant State structures and the private sector to combat THB-related money-laundering activities.
5. Strengthening international co-operation between relevant agencies in countries of origin, transit and destination, including the OSCE Asian and Mediterranean Partners for Co-operation, in compliance with the provisions of OSCE Ministerial Council Decision No. 5/11 “Partners for Co-operation”, and in particular by establishing joint investigation teams, where appropriate.
6. Encouraging the private sector, including the banking sector, credit card companies, ICT companies and Internet service providers, to contribute to the prevention of all forms of THB and disrupting trafficking networks, *inter alia*, by providing THB-related information to the relevant authorities, and encouraging private legal sector entities to provide legal assistance to victims of THB, as applicable.

Action for OSCE institutions and bodies

1. The SR/CTHB will continue, within the existing mandate and resources, to strengthen the work of the Alliance against Trafficking in Persons as a framework for the dedicated co-operation of relevant major international organizations and NGOs.
2. The SR/CTHB will further promote and facilitate, within existing resources, all forms of co-operation among OSCE participating States, including at the bilateral and regional level, where appropriate, and collaboration with major international bodies and entities engaged in combating trafficking in human beings, as well as relevant NGOs.
3. The SR/CTHB will further engage, within existing resources, in action-oriented co-operation with the Mediterranean and Asian Partners, in view of preventing all forms of trafficking in human beings, of protecting victims of trafficking and of contributing to better prosecution against traffickers in countries of origin, transit and destination.

**INTERPRETATIVE STATEMENT UNDER
PARAGRAPH IV.1(A)6 OF THE RULES OF PROCEDURE
OF THE ORGANIZATION FOR SECURITY AND
CO-OPERATION IN EUROPE**

By the delegation of the Russian Federation:

“We join in the consensus concerning the Permanent Council decision on the Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings: One Decade Later and should like to make the following comments.

Trafficking in human beings for the purpose of sexual or labour exploitation, including trafficking in children and trafficking for the purpose of obtaining organs, tissues and cells, has taken on global proportions. A comprehensive approach is required to combat this threat, including preventive measures, effective crime investigation, prosecution of the perpetrators, protection of victims and establishment of socio-economic conditions that would make it impossible for trafficking in human beings to take place.

We note that the draft Addendum to the Action Plan to Combat Trafficking in Human Beings will make it possible to broaden the scope of the OSCE’s commitments in this area, in the first instance with respect to combating forms of trafficking that involve sexual exploitation, including the exploitation of children, and trafficking in human beings for the purpose of obtaining organs.

At the same time, it is regrettable that the decision does not reflect some new forms of trafficking that present a real threat to health and life, notably trafficking for the purpose of obtaining human tissue and cells. This reduces the effectiveness of the efforts by OSCE participating States to confront new challenges and threats, develop appropriate policies and identify suitable ways of reacting.

The Russian Federation is of the opinion that in combating all forms of trafficking in human beings the OSCE should give due attention to the investigation, collection of information and exchange of effective experience in preventing trafficking for the purpose of obtaining human tissues and cells.

We are also of the opinion that in preventing trafficking in human beings additional vigorous measures are needed to eliminate the demand for “human traffic” in countries that are main recipients of this traffic.

We request that this statement be attached to the Permanent Council decision and to the journal of the today's meeting of the Permanent Council.”

PC.DEC/1107/Corr.1
6 December 2013
Attachment 2

Original: ENGLISH

**INTERPRETATIVE STATEMENT UNDER
PARAGRAPH IV.1(A)6 OF THE RULES OF PROCEDURE
OF THE ORGANIZATION FOR SECURITY AND
CO-OPERATION IN EUROPE**

By the delegation of the Holy See:

“The consensual adoption of the Addendum to the ‘OSCE Action Plan to Combat Trafficking in Human Beings: One Decade Later’ does not mean that non-consensual publications or tools mentioned in the text are official documents of the Organization. Therefore, they must not be considered endorsed by all participating States.

According to the above mentioned, the Holy See expresses its reservation in regards to Article 5 under Chapter III entitled ‘Prevention of Trafficking in Human Beings’, subtitle ‘Actions for Institutions and Bodies’ and does not agree with each single tool or all their parts developed or used by the Gender Section of the OSCE Secretariat.”

**INTERPRETATIVE STATEMENT UNDER
PARAGRAPH IV.1(A)6 OF THE RULES OF PROCEDURE
OF THE ORGANIZATION FOR SECURITY AND
CO-OPERATION IN EUROPE**

By the delegation of the Republic of Azerbaijan:

“In connection with the Permanent Council decision adopted on combating trafficking in human beings and in accordance with paragraph IV.1(A)6 of the Rules of Procedure of the OSCE, I would like to make the following interpretative statement:

Agreement achieved on PC decision on “Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings: One Decade Later” required considerable efforts and serious concessions by some delegations, including by the delegation of Azerbaijan.

In joining the consensus on this decision, the delegation of Azerbaijan emphasizes that, under Section III, paragraph 1.5 of the decision, while mentioning “root causes of all forms of trafficking in human beings” the Republic of Azerbaijan refers to the PC Decision No. 557, dated 24 July 2003 on “OSCE Action Plan to Combat Trafficking in Human Beings” which enumerates the agreed definition of the root causes of trafficking in human beings *inter alia* as follows: poverty, weak social and economic structures, lack of employment opportunities and equal opportunities in general, violence against women and children, discrimination based on sex, race and ethnicity, corruption, unresolved conflicts, post-conflict situations, illegal migration and the demand for sexual exploitation and inexpensive, socially unprotected and often illegal labour.

I request that this statement be attached to the Permanent Council decision adopted and included in the journal of today’s meeting.”

**INTERPRETATIVE STATEMENT UNDER
PARAGRAPH IV.1(A)6 OF THE RULES OF PROCEDURE
OF THE ORGANIZATION FOR SECURITY AND
CO-OPERATION IN EUROPE**

By the delegation of Armenia:

“Mr. Chairperson,

Upon adoption of the Permanent Council decision on the Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings the delegation of the Republic of Armenia would like to state the following:

Armenia considers root causes of trafficking mentioned in the decade long documents non-inclusive and not entirely reflective of the current realities particularly in the light of new forms of human rights violation and lack of rule of law.

The factual evidence of the last ten years does not suggest that the unresolved conflicts contribute to the trafficking in human beings in our region.

This decision tasks the SR/CTHB to promote bilateral and regional co-operation on THB-related issues. We see that the contribution of SR/CTHB can be particularly useful in addressing co-operation among those countries that do not have consular representation.

We would like to request that this interpretative statement be attached to this decision and included in the journal of the Permanent Council.

Thank you.”



976th Plenary Meeting
PC Journal No. 976, Agenda item 2

**DECISION No. 1108
FORWARDING OF DRAFT DOCUMENTS
TO THE MINISTERIAL COUNCIL**

The Permanent Council,

Decides to request the Chairperson of the Permanent Council to transmit to the Chairperson of the Ministerial Council the following documents:

- Draft declaration on furthering the Helsinki+40 Process (MC.DD/12/13/Rev.3);
- Draft decision on the freedom of thought, conscience, religion or belief (MC.DD/5/13/Rev.4);
- Draft decision on enhancing OSCE efforts to implement the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area, with a particular focus on Roma and Sinti women, youth and children (MC.DD/6/13/Rev.3/Corr.1);
- Draft decision on improving the environmental footprint of energy-related activities in the OSCE region (MC.DD/7/13/Rev.3);
- Draft decision on the protection of energy networks from natural and man-made disasters (MC.DD/9/13/Rev.3);
- Draft decision on combating trafficking in human beings (MC.DD/8/13/Rev.1);
- Draft ministerial declaration on strengthening the OSCE's efforts to address transnational threats (MC.DD/15/13/Rev.2);
- Draft ministerial statement on the work of the Permanent Conference on Political Issues in the Framework of the Negotiation Process for the Transnistrian Settlement in the "5+2" format (MC.DD/17/13);
- Draft ministerial statement (MC.DD/18/13);

- Draft decision on the time and place of the next meeting of the OSCE Ministerial Council (MC.DD/14/13);

Recommends to the Ministerial Council the adoption of the above-mentioned documents.