

**OVERVIEW OF SPECIAL DAY ON TRAFFICKING
2006 OSCE HUMAN DIMENSION IMPLEMENTATION
MEETING**

Warsaw, 27th October 2006

**Overview of Special Day on Trafficking
at the 2006 OSCE Human Dimension Implementation Meeting
and summary of key recommendations**

Introduction

This document provides an overview of the key issues highlighted for consideration during the Special Day on Trafficking at the 2006 Human Dimension Implementation Meeting and accompanying side events.¹ It includes summaries of the presentations of the introductory speakers during the plenary sessions and recommendations proposed during the Working Sessions and side events. It aims to provide the OSCE delegations with background materials on the direction of recent trafficking developments in light of the discussions on a possible Draft Decision on “*Enhancing the implementation of the OSCE Anti-Trafficking commitments through an comprehensive and pro-active approach*” for the 14th Ministerial Council in Brussels.

Also attached as annexes to this document are the Rapporteur’s report from the Special day on trafficking and a complete listing of recommendations submitted during the sessions.

1. Identification and Protection of trafficked persons – Working Session 2

Background and purpose of session

The identification and protection of victims is the starting point for ensuring victims withdrawal from exploitation, access to justice, compensation, rehabilitation and freedom from ill-treatment including re-trafficking. The multi-agency approach represented by the National Referral Mechanism concept has been widely accepted as an effective means of securing identification and protecting trafficked persons rights. The ODIHR’s recent activities, including through its NRM assessments, meetings and workshops has pointed to a number of developments in connection with protection of the rights of trafficked persons and the operation of multi-agency cooperation. These findings, although not necessarily new, provided important background information in preparation for this working session:

The human rights approach:

- (i) Although there is a continuing consensus that the human rights approach should be at the heart of anti-trafficking action, current immigration policies in many destination countries present key obstacles to the promotion of a human rights approach with victims treated as ‘illegal’ migrants. Despite training and the development of guidance tools on identification and referral, many trafficked persons remain subject to enforcement measures as illegal migrants, such as detention and removal.

¹ The ODIHR organised two side events connected with trafficking during the HDIM. The first provided a number of leading NGO’s the opportunity to present recent practice and developments on identification and protection. The second followed the Migrant Workers discussion in the plenary and focused on protecting migrants rights through both a law enforcement lens and broader human rights approach.

Identification and Protection

- (ii) The practice of identification of trafficked persons and referral for assistance remains inconsistent. Identification presents numerous problems in different countries, dependent on interpretations of trafficking in the law and perceptions of the ‘deserving trafficking victim’ by those in a position to identify. Single standardised policies on identification and referral of victims of sexual and labour exploitation are rare and where they do exist law enforcement or immigration control imperatives still tend to intervene excluding cooperation with civil society.
- (iii) Self-identification of trafficked persons remains critical for the protection of trafficked persons and to facilitate the denunciation of trafficking and exploitation. However there are many disincentives preventing trafficked persons from coming forward to the authorities including reprisals from traffickers, repatriation and punishment for migration related offences, illegal activity or possession of fraudulent documents.
- (iv) Criminal proceedings expose victims and their families to risks to their safety whilst the State remains unable to provide adequate witness protection or protect the identity and privacy of the victim in both countries of origin and destination. At the same time participation in the criminal justice process is an important form of redress for trafficked persons and means that trafficked persons must be able to remain in the country while criminal proceedings are underway.
- (v) Assistance to trafficked persons rarely provides long-term solutions and is often conditional on victims’ collaboration with law enforcement. This is seen to inhibit victims from seeking assistance or claiming rights and is discouraging service providers from referring trafficked persons to specialised assistance providers.

Return and non-refoulement

- (vi) Return is a measure increasingly used for trafficked persons in the OSCE region and is of concern because of the risks to safety that victims of trafficking have encountered on return and indications of re-trafficking. Trafficked persons are being returned to countries of origin in the absence of risk assessments which are necessary to ensure that return is both safe and appropriate.

Compensation

- (vii) There is a recognised international legal right to adequate and appropriate remedies for violations of human rights which includes compensation . Compensation payments are rarely made to trafficked persons in either countries of origin or destination. Victims are not being afforded the legal and material assistance needed to pursue compensation payments and cannot effectively claim compensation if not able to remain in countries

where proceedings take place. Other obstacles, invariably linked to trafficked persons immigration status, prevent civil claims or claims to labour tribunals from being pursued.

This working session aimed to highlight and discuss some of these issues and review implementation of OSCE commitments relevant to assistance and protection of trafficked persons.²

Summary of introductory speakers:

The first introductory speaker, Ms Heidi de Pauw of the Belgian NGO, Pag-Asa confirmed reports that although trafficking is a prominent subject of debate, practice indicates that victims are still not properly identified, in spite of raised awareness, harmonised rules and training of 'frontline' services. Protection is extended inconsistently with indications that it is sometimes only offered when valuable testimony is provided for the purposes of investigation, which contradicts the rationale for a period of reflection provided under Belgian law. Trafficked persons continue to be incorrectly classed as illegal migrants, particularly victims of labour exploitation, and returned to their countries of origin and possible re-trafficking. Obstacles to identification were seen to arise from conflicting policy agendas, notably the prevailing concern with immigration control, alongside victims reluctance to come forward where assistance is conditional on collaboration with law enforcement and where there is little to gain from seeking assistance. Also trafficking for labour exploitation remains largely invisible and there have been few instances of identification and protection of labour trafficking victims.

The second introductory speaker, Mr Ion Vizdoaga from the Moldova NGO, Centre for the Prevention of Trafficking in Women indicated that returned victims of trafficking to Moldova are eagerly sought by law enforcement, sometimes together with civil society, but not necessarily for the purposes of affording protection and

² Recommendations and commitments of particular importance for this session include: The Declaration on Trafficking in Human Beings adopted in Porto where participating States are to 'render assistance and protection to the victims of trafficking and...when appropriate, to establish effective and inclusive national referral mechanisms...' Chapter V of the OSCE Action Plan recommends that OSCE participating States establish National Referral Mechanisms by building partnerships between civil society and law enforcement, creating guidelines to properly identify trafficked persons and establishing cross-sector and multi-disciplinary teams to develop and monitor policies. Chapter III of the OSCE Action Plan, Investigation, Law enforcement and Prosecution s.1.5 '...that the confiscated proceeds of trafficking will be used for the benefit of victims of trafficking'; s.1.8 'Ensuring that victims of trafficking are not subject to criminal proceedings solely as a direct result of them having been trafficked'; s.4.1 'Taking appropriate measures ...to provide effective protection from potential retaliation or intimidation for witnesses in criminal proceedings ...and, as appropriate, for their relatives and other persons close to them.'; s.4.5 'Providing legal counselling for victims when they are in the process of deciding whether or not to testify in court'; s.4.6 'Permitting NGO's to support victims in court hearings...'Chapter V, Protection and Assistance: s.3.2 'Providing guidance to facilitate the accurate identification and appropriate treatment of the victims of THB, in ways which respect the views and dignity of the persons concerned'; s.7.1 'Assisting the victims of THB in , preferably, voluntary repatriation...with due regard for their safety and that of their families...'; s.8. Provision of a reflection delay and temporary or permanent residence permits.'

assistance. Trafficked persons increasingly face pressure from law enforcement to file complaints about their experience, and NGO's receive funding for the victims they assist, but victims are often left without access to information about their rights or access to legal assistance. Instead they face stigmatisation, a lack of protection both in terms of their safety and identity during proceedings and sometimes punishment. The speaker indicated that there is also a worrying trend towards generating statistics on criminal cases to satisfy 'international' reporting obligations, which may detract from the provision of appropriate victim assistance and support and is contributing to a growing case-load of poor quality cases. Particular concerns were expressed in connection with the increasing number of convictions of young women, formerly trafficked persons, who act as 'recruiters' in the trafficking chain. This group of offenders possibly represent the best example of failed assistance provision for trafficked persons and highlight both the need to ensure that fair trial standards in criminal proceedings are adhered to alongside the need for appropriate longer term solutions for trafficked persons.

2. Addressing the demand factors in trafficking in persons – Working Session 3

Background and purpose of session

This session aimed to explore the factors contributing to the demand for the services of persons trafficked into the sex industry, agricultural work, construction or domestic work. The issue of demand in trafficking had been publicly debated during the World Cup preparations in Germany and preparations for the 2012 Olympics had led to calls for measures to prevent labour exploitation. Demand has also been raised in the OSCE context during the 2004 conference "Breaking the Cycle of Trafficking", during the winter session of the OSCE Parliamentary Assembly in February 2006 and during PC discussions in connection with Germany's response to allegations of increased trafficking for sexual exploitation during the World Cup.

In May 2005 the ODIHR organised a meeting to present new research on the exploitation of migrant workers in Western Europe which also provided an overview of some factors underpinning the demand for cheap and unprotected labour in Western Europe, seen to encompass the demand for 'trafficked persons' labour. Factors considered included:

- (i) the need for cheap and flexible labour in agricultural work and food processing to service the demands of supermarket chains amongst others;
- (ii) the phenomenon of unregulated forms of work such as domestic work (and agricultural work) which deprived workers of employment protection and encouraged arbitrary treatment;
- (iii) the phenomenon of sub-contracting in certain sectors (such as construction) which contributed to and facilitated hidden exploitation;
- (iv) the lack of effective monitoring or regulation of minimum labour standards in the workplace, particularly in sectors prone to exploitation.

This session aimed to highlight considerations relevant to demand and encourage the exchange of information on possible legal, social, and educational measures to ensure a comprehensive response to the issues.

Summary of introductory speakers

The first introductory speaker, Professor Julia O'Connell Davidson from Nottingham University, UK outlined the definitional problems involved with understanding the question of demand for trafficked persons. The concept of demand could be taken to embrace a broad range of motivations and interests on the part of many different social actors in a range of different settings. It could be taken to refer to employers' requirements for cheap and vulnerable labour, to consumer demand for cheap goods or services, to requirements for household labour, to demand for human organs or to criminal actors demand for vulnerable people to be exploited in a range of different ways (such as in the sex or garment industry or for begging or petty crime). To speak of the 'demand side of trafficking' was to speak of a phenomenon that was multi-faceted with little or no relationship between the varied forms that could be brought under the term.

The second introductory speaker, Dr Bridget Anderson, Oxford University, UK also challenged the lack of clarity in distinctions between 'true' trafficked victims and other less deserving victims. They noted that the Palermo Protocol definition of trafficking failed to define sexual exploitation, forced labour or specify the type or degree of threats, deception, coercion, abuse of power that must be applied for a person to qualify as a victim of trafficking. As a result there was no real consensus on who qualifies as a trafficked victim when in practice people's migration and work experience ranged along a continuum with slow gradations in the types and degree of force and deceit involved. To talk then of demand for trafficked persons labour/services was meaningless since to speak of a 'trafficked person' was to speak of an administrative and legal category applied to certain persons with a set of experiences, although of exactly what those experiences should consist was contested. From the perspective of the State this process often entailed working out the illegal/legal and trafficked/smuggled distinctions rather than whether a person had been subject to forced labour.

The important issues from the unscrupulous employer's viewpoint was rather whether a worker was vulnerable and unprotected, whether the worker was in a position to quit and walk away if the employer abused or failed to pay, whether one would work long or unsocial hours, whether the worker was in a position to demand that the employer observed minimum labour standards. In short both speakers concluded that there is no specific demand for the labour/services of trafficked people and if States are to respond to demand factors in trafficking they can only do so by addressing the more general demand for cheap and unprotected labour and services, as also indicated in the OSCE Action Plan. The same arguments could also be made in connection with promoting ethical consumption as a means of tackling consumer demand. It would make little difference to the ethical consumer whether goods/services had been produced by the forced labour of a trafficked victim, a smuggled migrant, an illegal migrant or whoever. From a human rights perspective the focus on trafficking should concern the incidence of forced labour first and foremost.

Recognising that it is the receiving state that leaves certain groups unprotected, means considering how the state is implicated in the demand side of trafficking. The speakers noted that demand is shaped by policy developments which foster climates

where precarious work flourishes. This is characterised by low pay, long hours, temporariness, insecurity and labour standards inapplicable or difficult to implement. Immigration status also creates vulnerability, where employment is tied to one employer or no access to the formal labour market is allowed. The role of the state in creating this context requires a critical examination of the extent to which it balances the demand for inexpensive labour and possibilities of regular migration. In certain circumstances the state should be brought in to regulate and enforce minimum labour standards, such as in the construction or agricultural sector, as a means of addressing the demand. But such an approach would not address the demand for beggars or children adopted into families and used as unpaid domestic workers.

Educational and other social measures must also play a role. They should be used to combat the tendency of employers to justify certain practices, which do not involve physical abuse, leading many exploitative employers to believe there is no continuity between their practices and those of traffickers. Educational measures can also impact on consumers' behaviour to seek out workers in better conditions and report abusive practices. Finally consideration also needs to be given to the more general problem of racism, xenophobia and anti-migrant sentiment in societies which makes it unremarkable to exploit certain groups in certain settings particularly those whose work or services are stigmatised or socially devalued.

3. Recommendations on Anti-trafficking

The following list of recommendations is based on a selection of contributions provided during the Working sessions and side events at the 2006 HDIM, taking into account those developed in the course of the ODIHR's recent activities. Some recommendations reiterate existing commitments of the OSCE participating States on anti-trafficking whilst some reflect new developments. They are listed thematically.

Prevention

Participating States should adopt measures to discourage employers from exploiting migrants, such as creating licensing systems for labour providers supplying workers in sectors prone to labour exploitation and by supporting monitoring of employment sectors susceptible to labour exploitation.

Participating States should tackle the culture that is negative towards migrants making it easier for employers and others to exploit them by conducting awareness raising campaigns to change the attitudes of the general public towards migrants so that their rights and freedoms are protected.

Participating States should engage in dialogue with the business community that might be at risk of exploiting migrants.

As an essential part of an anti-trafficking strategy, participating States should develop lawful and managed migration channels recognising the essential role migrant labour plays in economies and the demand for opportunities to migrate.

Participating States should develop public awareness campaigns on products and services that are produced by exploitative labour and develop guidance to assist

consumers in identifying goods or services that have not been produced through exploitation.

Participating States need to ensure that information campaigns to raise awareness of trafficking do not contribute to further stigmatising vulnerable groups which may lead to greater vulnerability to human rights abuses.

Participating States need to encourage better informed and responsible media reporting in relation to trafficking for future major sporting or other events to prevent the unnecessary media 'hype' that developed around the 2006 Football World Cup that impacts on the work of service providers.

Identification

To promote identification, participating States should ensure that information on rights, including workers and migrants rights, be disseminated as widely as possible among sectors of the population which may include trafficked persons in order to encourage them to report cases of human rights abuse and to seek out sources of assistance;

Participating States need to ensure that dedicated training regimes for frontline services (including police, social workers, labour inspectors, immigration officials) in a position to identify trafficked persons and detect situations of exploitation are in place and that identification and referral for assistance of trafficked persons does not lead to discrimination among victims on the grounds of nationality;

Participating States need to recognise and address cultural obstacles to identification in government agencies whose guiding imperatives do not revolve around victim protection and where few referrals or decreasing referrals are made.

Protection

Participating States must shift their focus in anti-trafficking from immigration control to prevention of exploitation of migrants and workers and to promotion of workers rights through enforcement of laws on forced labour/slavery/ and minimum labour standards (recalling articles 6 and 7 of the International Convention on Social Economic and Cultural rights (right to work and to fair and reasonable conditions of work) which would reduce incentives for employers to exploit migrant workers and reduce demand in trafficking.

Participating States should encourage mediation and collective action to improve conditions in the workplace, particularly in those sectors vulnerable to labour exploitation

Cooperation should be strengthened with those working on migrants rights issues, including those working with undocumented migrants, as a means of reaching out to groups which are vulnerable to trafficking and to raise awareness of new strategies to strengthen protection of trafficked persons rights.

Participating States should ensure that workers in unregulated forms of work (such as domestic work or agricultural work) are entitled to labour protection.

Participating States should encourage unionisation of trafficked and exploited persons for their protection and develop more strategies to outreach to vulnerable populations through unions and hotlines.

Participating States should encourage the creation of ethical employer associations which will adhere to codes of conduct to ensure protection of the rights of its workers;

Participating States should ensure that trafficked persons are able to remain in the country while criminal proceedings are underway in order to enable them to exercise their right to participate in the criminal justice process.

Participating States need to ensure that witness protection for trafficked persons is made effective and that access to interpreters and legal advice is systematically available.

Participating States need to strengthen protection of the privacy and identity of trafficked persons by ensuring that personal data is stored and used for lawful purposes only and that States take steps to prevent unauthorised access and disclosure of data.

Participating States must give consideration to legislative provisions that fail to address the specific circumstances of trafficking and its victims and that lead to the punishment of trafficked persons inhibiting their self-identification.

Participating States need to ensure that assistance is available to all victims of trafficking and is not dependent on victims' willingness to act as informers or witnesses. State authorities must also ensure that they cooperate closely with NGO's to ensure that assistance is not conditional.

Participating States must ensure that enforcement measures, such as detention and removal of trafficked persons should not be implemented during the period of reflection delay for trafficked persons.

Participating States should sign and ratify the CRC Optional Protocol on the sale of children and child prostitution and child pornography, the UN Convention on the Protection of the Rights of all Migrant workers and their Families, ILO Conventions 29 (Forced Labour) 97 (Migrant Workers), 143 (Migrant Workers) and 182 (Child labour), the Council of Europe Convention on Action Against Trafficking, the UN Transnational Organised Crime Convention and Protocols.

Compensation

Participating States need to ensure that information on judicial and administrative proceedings is available in languages trafficked persons understand so that they can obtain compensation. States also need to ensure that victims are able to remain in the country to pursue compensation claims. Although the victims right to compensation involves firstly a claim against traffickers, in case traffickers are without assets or cannot be found the State should take other steps, such as creating compensation funds.

Participating States should encourage research to explore existing obstacles to implementation of employment rights for trafficked/exploited persons and develop mechanisms to enhance the eligibility of trafficked persons, to access labour courts, regardless of immigration status.

Participating States should be encouraged to support legal assistance for the employment/civil claims of their nationals abroad;

Participating States should stay expulsion procedures for trafficked persons in proceedings before labour courts.

Return/non-refoulement:

Participating States should ensure that formal risk assessments in all cases involving trafficked persons are conducted prior to the return of trafficked persons to countries of origin to ensure that removal or repatriation is an appropriate option.

Participating States should support research and data collection on the extent of ill-treatment/re-trafficking of trafficked persons on return to countries of origin.

Participating States should give greater consideration to the costs and benefits of providing longer term solutions in destination countries to trafficked persons compared with the costs and risks of re-trafficking on return or the likelihood of former victims becoming recruiters for trafficking networks.

Trafficking in Children

Participating States should ensure the provision of specialist care to child victims of trafficking, recognising the particular vulnerability of Roma children and the need to integrate Roma in service provision.

Participating States should ensure that policies and measures to combat child trafficking should be guided by child rights standards (and not migration or public security concerns) and safeguards should be integrated to ensure that they do not have a discriminating effect on the child. Special social policies and protection measures should be developed for communities that are particularly vulnerable, such as socially marginalised groups, including ethnic minorities and migrants.

Participating States need to improve child protection infrastructure in participating States, in both countries of origin and countries of destination, to protect children from abuse and exploitation. Responses should be led by the objective to find a durable solution for the child, based on an assessment of the family and social environment, the opportunities of the child in the place of origin and destination and the will of the child.

Good existing practices, such as street work, peer education and other forms of outreach should be shared and integrated in all prevention and protection work. Networks of all relevant practitioners at the local and national level working with children, such as doctors, social workers, teachers, law enforcement officers, community leaders, civil society organisations should be established and supported.

ANNEXE 1

Rapporteur's Report

Working Session 2 and 3: Addressing factors contributing to the cycle of trafficking

A whole day was dedicated to the specifically selected topic *Addressing factors contributing to the cycle of trafficking*.

The morning session mainly focused on the experiences in the **implementation** of the recommendations of the OSCE Action Plan to combat Trafficking, and measures to improve **protection and assistance** to trafficking victims. Key note-speaker, Ms. Heidi de Paw, presented a short analysis of the Belgium multi-agency response to THB, and how the challenge of identification impacts on the effectiveness of the anti-trafficking responses. One of her main points was that an inconsistency in approaches to the identification of trafficked victims, despite training and normative guidelines, continues to undermine anti-trafficking responses. And that existing measures to provide protection - such as the provision of a reflection delay - are not utilized properly in practice. Ion Vizdoaga from Moldova described a worrying trend towards generating statistics on criminal cases in countries of origin for the purposes of reporting which undermined victim assistance and support and the quality of criminal cases. He emphasised the need to ensure protection of victims rights to privacy and legal assistance during criminal investigations and proceedings.

During the discussions participating States reaffirmed their commitment to fight trafficking in human beings, and shared information about legislative measures taken, institutions set up, interagency bodies, national referral mechanisms and national plans of action.

The importance of giving legal residence and support to victims of trafficking was also emphasised. Networks between NGOs and governmental institutions were highlighted, as well as regional and bilateral cooperation across borders.

The issue of THB in the context of sports events was also addressed. Specific measures like more extensive police controls, specific training of frontline and law enforcement personnel, health workers and social services were proposed.

Several speakers addressed the problem of lack of specific data both on victims and vulnerable population to THB, and underlined the need to address demand as well as supply, and look at the problem of internal trafficking. Other participants pointed to the special vulnerability of the Roma population to trafficking.

The afternoon session dealt with the complex issues that underpin **demand** for the labour or service of trafficked persons in different contexts. Both key note speakers emphasized the inconsistencies in the identification of victims - with obvious consequences in terms of protection of their rights, victim assistance and support - and also how criminal statistics are used and understood. A definitional lack of clarity - in terms of who qualifies as a trafficked victim - makes it impossible to speak of demand

for trafficked persons labour or services. Both key note speakers rather suggested that we should speak of the demand for cheap and unprotected labour, as it is stated in the OSCE action plan against THB.

A victims-oriented approach was mentioned by many participants, and it was pointed out that trafficking is both a law enforcement and human rights concern. One delegation pointed out that their legislation, where the buyers of sex are criminalised, stems from the need to protect the victims. Another State called on the participating States to amend legislation that would criminalise trafficking.

Many participants reminded that *demand* lacks understanding and definition (in the past known only as demand for sexual services), and highlighted the need to look at all purposes for which people are trafficked. One NGO emphasised that the existing demand for labour of vulnerable and unprotected workers - creates more chances for trafficking. To tackle the demand there is a need for labour protection and monitoring of markets where forced labour may occur.

It is important to understand how states are implicated in creating markets where people are unprotected. The role of the state is therefore not only to address unprotected labour but also look at spheres where abuse can occur, and to facilitate their leaving such markets if they so wish.

The importance of focusing on the root causes of trafficking such as poverty, marginalization and discrimination was underlined by some speakers. Several participants also emphasised the need to conduct awareness raising activities, but at the same time be careful in terms of how the images used in awareness raising could lead to negative consequences. One delegation called for a Global partnership - within coordination of anti-trafficking activities could be enhanced. It was also suggested to link people/agencies/institutions who are concerned with helping trafficked persons with empowering them to claim their rights. These new actors can be trade unions, migrants NGOs, and women support organizations that should try to move people from being just victims - to victims who take control over their lives.

To sum up; it seems to be a general consensus of the benefits and efficiency of a multi-agency-approach - with a strong engagement by the so-called front-line-services. However, in order to be able to effectively combat THB and to give swift and adequate assistance to victims, the *definition of demand* and *the identification of victims* must be further evolved and elaborated. In this, States and Governments have a special responsibility – in particular in implementing appropriate legal instruments.

Summary – main recommendations to the OSCE participating states:

- PS should promote a multi-agency approach to THB cases and develop a dynamic mechanism of cooperation among various state institutions and NGOs in detecting THB cases and in referring victims to support services.
- PS should sensitise frontline services (e.g. police, social workers, labour inspectors) to THB and improve their capacity to detect situations of exploitation.
- PS should implement the OSCE Action Plan to combat THB and its Addendum by setting up National Referral Mechanisms, implementing legislative

provisions on legal, social assistance, health care and ensuring that social services are more inclusive of Roma children.

- PS should establish a victim compensation fund, and guarantee victims access to shelters and compensation. Introduce specific criminal provisions against sale of babies, and confiscate assets of perpetrators.
- PS should allocate specific funds on anti-trafficking work in the OSCE budget of field operations.
- PS should sign and ratify the *UN Convention on the Protection of the Rights of all Migrant workers and their Families*, sign and ratify the *CRC Optional Protocol on the sale of children, child prostitution and child pornography* and to sign and ratify the Council of Europe Convention on Action against THB.
- PS should take action to establish and enforce minimum labour standards, in combination with migration policies that recognize the demand for labour and the demand for opportunities to migrate.
- PS should ensure that trafficking for labour exploitation is brought into public view and is addressed.
- PS should develop public awareness campaigns on products and services that are produced by exploitative and forced labour and develop guidance to assist consumers in identifying goods or services that have not been produced through exploitation.
- PS needs to encourage better informed and responsible media reporting in relation to trafficking for future major sporting events

Summary – main recommendations to the OSCE, its institutions and field operations:

- OSCE should intensify anti-trafficking activities in cooperation and coordination with relevant OSCE bodies and with local NGOs. Collect available training resources on THB and share them among participating States. Including providing training to law enforcement, health workers and social services to detect THB cases, identify and assist victims.
- OSCE should collect information and address all exploitative and hazardous forms of child labour in conformity with the ILO standards, and encourage the creation of ethical employer associations which will adhere to codes of conduct that ensure protection of the rights of its workers.
- OSCE should give more attention to the link between sporting events and trafficking in human beings and for continuous awareness raising campaigns.
- Call attention to the problem of street children exploited in a variety of illegal activities. Employ Roma experts in anti trafficking programs and projects.

ANNEXE 2

Compilation of Note-takers recommendations from Working Sessions 2 and 3

SESSION 2- IDENTIFICATION AND ASSISTANCE

NGO PAGASA Keynote speaker

Recommendations to participating States:

- Sensitise frontline services (e.g. police, social workers, labour inspectors) to THB and improve their capacity to detect situations of exploitation
- Ensure that officers in the police academy have a module on THB in their general education curriculum
- Promote a multi-agency approach to THB cases and develop a dynamic mechanism of cooperation among various state institutions and NGOs in detecting THB cases and in referring victims to support services
- Ensure consistency in the application of law
- Ensure consistency in victims' treatment; do not discriminate among victims depending on forms of exploitation or nationality.

NGO. CPTW Keynote speaker

Recommendations to participating States:

- Implement legislative provisions on legal, social assistance health care and housing to trafficked persons
- Establish a victim compensation fund and guarantee victim access to compensation
- Confiscate assets of perpetrators
- Ensure respect of victims' rights in investigation and criminal proceedings, especially right to privacy and right to legal assistance
- Address corruption in connection with THB

NGO European Roma Rights Centre, Hungary

Recommendations to participating States

- Called on participating States to address the issue of child marriage and to better protect child rights
- Called on to NGOs to denounce child marriage and to bring the issue to the attention of the authorities

Council of Europe

Recommendations to participating States:

- Sign and ratify the Convention on Action against THB
- Afford greater protection to trafficked persons, as this is essential to break the cycle of THB

EU

Recommendations to participating States

- Encourage countries of origin and destination to cooperate with the new SR

To the OSCE Special Representative on combating THB

- encourage the SR to continue with the support of ATAU and the other bodies (something missing)the excellent work of Ms Konrad
- give new impetus to the Alliance and continue cooperation with NGOs

To the OSCE field operations

- Intensify anti-trafficking activities in cooperation and coordination with relevant OSCE bodies and with local NGOs (*)
- Allocate specific funds on anti-trafficking work in the budget of field operations (*)

Norway

Recommendations to participating States

- sign the CRC Optional Protocol on the sale of children, child prostitution and child pornography
- sign and ratify the Council of Europe Convention on Action against THB
- actively implement the OSCE Action Plan to combat THB and its Addendum by providing specialist care to child victims, state funded accommodation, and ensuring cooperation of police and immigration to identify and assist children.

Greece

To the OSCE Special Representative on combating THB

- Encourage regional cooperation among participating States and development of bilateral agreements on THB issues
- Promote the establishment of NGO networks

USA

General:

- Provide training to law enforcement, health workers and social services to detect THB cases, identify and assist victims. The US has developed specific training modules and they are available for those interested.

To the OSCE Special bodies

- Gathering available training resources on THB and share them among participating States
- Provide training on identification to frontline services.

NGO AMALIPE Center for Interethnic Dialogue and Tolerance

Recommendations to participating States

- Adopt straightforward policy that takes account cultural and social specificities of population vulnerable to THB. To this aim collect and disaggregate data on vulnerable population and use these data for devising policies
- Recognise the particular vulnerability of Roma children to THB
- Recognise THB for selling of babies and address demand that fosters this forms of exploitation
- Introduce specific criminal provisions against sale of babies
- Establish adequate social services to assist victims and ensure that social services are more inclusive of Roma children

General

- Employ Roma experts in anti trafficking programs and projects

Ukraine

General

- Call for more focused and coordinated efforts from each country, be it origin and destination
- Call for more targeted and coordinated anti-trafficking action from the international community

Canada

Recommendations to the participating States

- Urge participating States and Partners for Cooperation to ratify relevant international instruments (UNTOC) and to ensure that any new regional instruments comply with the principles of existing global standards
- Call on participating States to implement OSCE commitments on identification, assistance and protection

Recommendations to the OSCE bodies

- Called on OSCE Secretariat, institutions and missions to improve coordination and consolidation of anti-trafficking work
- Encouraged OSCE Secretariat, institutions and missions, in partnership with NGOs to focus on providing assistance to participating States in the area of identification and assistance to victims of THB

Switzerland

Recommendations to the participating States

- Set up National Referral Mechanisms in line with the recommendations in the OSCE Action Plan to Combat THB
- Promote cooperation between governmental agencies and NGOs
- Train professionals from front-line services (police, immigration, justice and administrative authorities) in victim identification as key measure to improve protection of victims rights

Albania

General

Called attention on the need to address all forms of exploitation not only exploitation stemming within the context of THB

Called attention to the problem of street children exploited in a variety of illegal activities

Moderator

Summarised the main recommendations of the session by calling for increased cooperation and coordination on various levels, nationally between government agencies and NGOs, internationally between countries of origin and destination.

ODIHR

Reiterated the importance of establishing NRM to better promote and protect the rights of trafficked persons. Referred to two main points presented by the keynote speakers: the inconsistencies in the identification of victims with obvious consequences in terms of protection of their rights and a worrying drive for criminal statistics in countries of origin as very detrimental to victim assistance and support. Mentioned the report produced by ODIHR on their work in the area of victim identification, assistance and protection of rights

SESSION 3 – DEMAND

Ms Julia O’Connell Davidson, Nottingham University

- States should address the general demand for cheap and unprotected labour as a first step in addressing demand factors in trafficking;
- States should take action to establish and enforce minimum labour standards, in combination with migration policies that recognize the demand for cheap labour and the demand for opportunities to migrate;
- States should address the problem of racism, xenophobia and anti-migrant sentiment in societies;
- State should take action to prevent certain forms of labour and services from being socially devalued and/or stigmatized.

Ms Bridget Anderson, Compas Centre, Oxford University

- Destination countries must take action to eliminate the context in which abuse and exploitation occurs;
- Demand for inexpensive labour and the possibilities of regular migration should be balanced (OSCE Action Plan);
- States should look closer at existing labour markets and ensure that mechanisms exist to enable workers to leave those markets;
- Ensure protection of minimum labour rights;
- Trafficking legislation should not be used to restrict the rights of migrants, especially those in vulnerable situations.

USA Institute on Religion and Public Policy

Recommendations to the international community:

- to prioritize trafficking;
- to draft legislation in consultation with NGOs and IOs; OSCE pS that have not criminalise trafficking yet to amend legislation accordingly;
- to strengthen victim and witness support; promote social legislative and human rights support to trafficked persons; to provide training and sensitize military commanders;
- to implement security border controls.

SWITZERLAND

- International organizations should consistently fight trafficking in human beings
- Need to work closer with civil society to work in future on raising awareness to achieve sustainable effect
- OSCE pS, NGOs and IOs should draw from the lessons learned during the recent world cup in Germany.

LA STRADA on behalf of Alliance Expert Coordination Team

- Broaden the awareness and research into all forms of forced labour and exploitation and the factors that underpin its demand;
- Tackle the problem of unprotected, informal and illegal labour which leads to violations of the rights of migrant workers and fosters trafficking and exploitation;
- Support the organisation/unionisation of migrant workers/trafficked persons to enable them to better protect their rights;

- Ensure that that all workers enjoy the same labour rights through Labour law provisions;
- Collect information and address all exploitative and hazardous forms of child labour in conformity with the ILO standards
- Encourage the creation of ethical employer associations which will adhere to codes of conduct that ensure protection of the rights of its workers;
- Develop public awareness campaigns on products and services that are produced by exploitative and forced labour and develop guidance to assist consumers in identifying goods or services that have not been produced through exploitation;
- Sign and ratify the UN Convention on the Protection of the Rights of all Migrant workers and their Families and the Council of Europe's Convention on Action against Trafficking in Human Beings;
- Engage in public awareness campaigns focusing on acceptance of migrants and their families to reduce discrimination and stigmatisation of migrant workers.

IOM

Recommendations for future major sporting events:

- need to work with media for responsible and informed reporting;
- trafficking for all forms of exploit should be brought to the public view;
- need to have practical assistance for trafficked persons;
- Need for future sustainable and continuous action.

RUSSIA

- Root causes of trafficking should be addressed, particularly the demand in countries of destination for cheap labour and the poverty reduction in countries of origin;
- Joint efforts to fight organized crime should continue and the cooperation to train law enforcement should be stepped up;
- Bilateral and international cooperation is needed on law enforcement issues between countries of destination and origin, including the organization of experts meetings on separate issues;
- Anti-Trafficking activities as well as the trafficking situation should be monitored continuously and best practices should be exchange on combating trafficking;
- Joint research on anti-trafficking leading to concrete recommendations should be undertaken;
- Efforts should be made to liquidate channels of illegal migration.

SWEDEN

- Clear instructions for police forces, prosecutors, social workers and other authorities in countries need to be developed on how to address trafficking issues.

USA

- OSCE should give more attention to the link between sporting events and trafficking in human beings and for continuous awareness raising campaigns.