

**WORKING GROUP B**

ENGLISH only

21 and 22 May 2003

**Report of the Working Group Rapporteur****Anti-trafficking and the role of governments:  
What policy measures are needed to reduce the harmful effects of  
trafficking on economies and human security?**

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Working Group B addressed the role of governments in the field of anti-trafficking.

Broadly speaking, the three sessions concentrated on:

- Efforts of government at the national level, including demand side reduction
- Recommendations for governments in their relations with the business community
- International co-operation and co-ordination

Discussion in this session was informed by Prof. Phil Willams' analysis of the nature of the problem, as well as on his recommendations for government responses. The session also benefited from a summary of national reports presented by Louise Callesen. The opening speaker began by dispelling a few myths that pervade the discourse on trafficking. He noted that linkages between three areas are elusive, and that although trafficking is not a new phenomenon, it has changed significantly with the impact of globalization and advanced communications. He noted that slow bureaucratic government structures find it difficult to respond to fast, agile criminal networks, and can be hampered by corruption, the so-called lubricant of trafficking. Furthermore, he stressed that attempts to eradicate or eliminate trafficking are idealistic and should be revised into more realistic goals and targets.

A number of different government approaches to combating trafficking were identified in Prof. William's presentation, including the incremental and unorthodox approaches. However, he stressed that any serious policy to combat trafficking must be comprehensive, and outlined a ten-point strategy that might form the basis of such an approach:

1. Use of a variable geometry framework in which different bodies play different roles;
2. Development of a knowledge base on trafficking;
3. Agreement on clear objectives and better methods to evaluate effectiveness;
4. Combining approaches that attack both the supply and demand sides;
5. Focusing on the networks and increasing the risks of traffickers;
6. Targeting the profits and developing 'white lists';
7. Attacking support structures such as corruption;
8. Enhancing national and international co-operation;
9. Assisting the resistance of the business community to prevent trafficking;
10. Moving from reaction to anticipation.

Ms. Callesen's analysis of the country reports revealed that although many countries include elements of these points in their approaches, none has an overall strategy that encompasses all ten. Some incremental and unorthodox approaches were identified, but few countries reported on demand side policies. Thus, either governments target the symptoms

rather than the causes of trafficking, or they do not perceive a link between trafficking and demand reduction strategies such as development assistance.

The discussion focused on policies at the national level, including inter-agency co-ordination and demand side policies, as well as on international co-ordination and co-operation. Many participants called for the compilation of a set of best practices, which should be shared widely in order to encourage governments to raise standards. One participant proposed a three-pronged approach: the establishment of a legal framework; the development of inter-agency co-ordination processes; and the promotion of international collaboration. A number of recommendations emerged from the discussion.

At the **national level** the following recommendations were identified:

- The establishment of a legislative framework that goes beyond mere criminalization to include elements such as the protection and rehabilitation of victims, including through training programmes and residence/work permits.
- The establishment of national anti-corruption policies and independent commissions for surveillance or monitoring.
- Initiatives to combat money-laundering, including but not limited to implementation of the 40 FATF recommendations. These should seize assets and follow money trails.
- Improved inter-agency co-operation, including the establishment of national co-ordinating bodies in each of the three areas, and the development of national action plans.
- The collection and dissemination of best practices focusing on successful models for implementation at national level, based on practical experiences in OSCE countries.
- A number of alternative approaches, including, in the case of trafficking in human beings, clearer and more open legal immigration policies, the legalization of brothels, or, conversely, prohibition of the purchase of sexual services.

It was stressed that although new and improved legislation is helpful, the real key lies in implementation. **Successful prosecutions and convictions** of trafficking offenses are critical measures of success.

Recommendations also focused on ways to reduce **demand side** factors. These included:

- Awareness raising and education programmes in both source and destination countries.
- Measures to address the root causes of trafficking, through poverty reduction programmes that provide education, and stimulate jobs and opportunities in countries of origin. These might include government-sponsored vocational training programmes, micro-credit lending agencies for women, labour market liberalization and public health intervention.
- Measures to address the root causes of trafficking through good governance, including strengthening of economic and democratic institutions.
- Increased international assistance for such programmes. The potential of OSCE missions to provide such assistance should be supplemented.

Further recommendations could be identified for governments in their relations with the business community in order to build **public-private partnerships**:

- Training for staff of financial institutions on suspicious activity reporting and other measures to reduce money laundering.
- Use of disincentives, such as the loss of insurance for unscrupulous transportation agents.
- Prosecution of companies that exploit foreign nationals.
- Involvement of the media in awareness campaigns.
- Ensuring a free media that can investigate corruption and trafficking.

- Involving the business community in legislative drafting processes.
- Better regulation of the tourist industry.
- Publication of a brochure with simple recommendations for the business community.

At the **international level**, the focus was on ways to remove jurisdictional asymmetries that are exploited by traffickers.

- Common standards (inter-operability) in national legislation in combating trafficking.
- Sharing of best practices on methods and means used by traffickers as well as by governments in combating trafficking. These could take the form of an OSCE booklet.
- Increased co-operation among law enforcement officials. This involves sharing intelligence and other operational information.
- Improved bilateral co-operation with neighbours, especially through mutual legal assistance treaties (MLATs) and other bilateral agreements.
- Improved co-operation at the sub-regional level, perhaps through regional clearing points.
- The convocation of smaller international forums to share experiences and best practices.
- Agreement on international standards with a timeframe for implementation.
- Increased foreign assistance for capacity-building in government institutions, and the involvement of OSCE missions in such processes.