

OSCE EFFORTS TO COMBAT HUMAN TRAFFICKING: OUTLOOK AND OPPORTUNITIES

HEARING BEFORE THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE ONE HUNDRED FOURTEENTH CONGRESS FIRST SESSION

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OSCE EFFORTS TO COMBAT HUMAN TRAFFICKING: OUTLOOK AND OPPORTUNITIES

September 17, 2013

COMMISSION ON SECURITY AND COOPERATION IN EUROPE
WASHINGTON, DC

The hearing was held at 10:01 a.m. in room SD-106, Dirksen Senate Office Building, Washington, DC, Hon. Benjamin L. Cardin, Chairman, Commission on Security and Cooperation in Europe, presiding.

Commissioners present: Hon. Christopher H. Smith, Chairman, Commission on Security and Cooperation in Europe; Hon. Steve Cohen, Commissioner, Commission on Security and Cooperation in Europe; and Hon. John Boozman, Commissioner, Commission on Security and Cooperation in Europe.

Witnesses present: Dr. Maria Grazia Giammarinaro, OSCE Special Representative and Coordinator for Combating Trafficking in Human Beings.

HON. BENJAMIN L. CARDIN, CHAIRMAN, COMMISSION ON SECURITY AND COOPERATION IN EUROPE

Mr. CARDIN. Well, good morning, everyone. Let me welcome you to this hearing of the Helsinki Commission. I'm very pleased to be joined by the co-chair of the Commission, Congressman Chris Smith, who is very familiar with the subject that we have on today's hearing, and that is to get an update from the Special Representative and Coordinator for Combating Trafficking in Human Beings, Dr. Giammarinaro. It's a pleasure to have you here, and we thank you for your extraordinary work in this issue.

I am extremely proud of the role that the U.S. Helsinki Commission has played in bringing to the world's attention modern-day slavery in human trafficking. There's been no greater champion of that cause than Congressman Smith during his many years of leadership on this Commission and his work in the United States House of Representatives.

We are proud that as a result of our leadership, our own country has taken a strong leadership on dealing with the trafficking issues. The TIP Report that came out as a result of the work of our Commission and passage of legislation gives a road map to evaluate, on an objective status, how well countries are doing in meeting their responsibilities to combat trafficking.

It has led to in our own country adoption of stronger laws, both at the federal level and at the local level. We have seen international action dealing with the issues of trafficking, from better training of law enforcement to enactment of local laws to the type of leadership from countries that make it clear that they won't tolerate trafficking. That's all come out as a result of the work of the OSCE and the work of our Commission.

We have been in the forefront to make it clear that those who have been victimized are not treated as criminals. And that's been one of our principal objectives, and we have come a long way in that regard.

We have also made it clear it's not just the origin country but it's us, the destination countries and the transit countries, that have responsibility to be involved in dealing with trafficking.

One of the actions that came about as a result of the attention placed on human trafficking was to develop the special representative and coordinator for combating trafficking in human beings. And therefore we are so pleased that she is here.

We also have a special representative of the Parliamentary Assembly, who happens to also be here today, the co-chairman of the Commission, Chris Smith.

So we are, I think, indeed very fortunate to be able to have this hearing today, where we can get an update of where we are and plan to how we can improve a strategy moving forward, because we are looking at what is the next level of action in order to continue the progress that we have made.

In 2010 there was a hearing held that I chaired of the Helsinki Commission, in which you were here, and you gave us an update at that time. Well, much has changed in a short time since 2010 in terms of the global awareness of the scourge of modern-day slavery, but also the sophistication of the methods employed by traffickers to exploit the vulnerability. Countless men, women, and children have faced the brutality of trafficking firsthand, aside from the social and economic costs that extend beyond their captivity.

We must remain resolved and resolute in demanding immediate action from governments around the globe to support civil society's efforts and ensure swift punishment of traffickers to interrupt this violent cycle of exploitation. OSCE initiatives are helping us take this action.

Since your last appearance before the Helsinki Commission, you have been honored as a 2012 Trafficking in Persons Report Hero by Secretary of State Hillary Clinton, and we congratulate you on that honor. You've traveled extensively to contribute your expertise and leadership around the globe. And we are honored to have an opportunity for a candid discussion about the accomplishments during your term and how the OSCE has risen to the challenge by facing the evolving methodologies of traffickers with innovative research, country visits, and regional training.

Before calling on the special representative, let me yield to the co-chair of the Commission, Congressman Smith.

**HON. CHRISTOPHER H. SMITH, CO-CHAIRMAN, COMMISSION
ON SECURITY AND COOPERATION IN EUROPE**

Mr. SMITH. Thank you. Thank you very much, Mr. Chairman. I have a little bit of laryngitis today, so I'll be relatively brief. I want to thank you and Dr. Giammarinaro, the OSCE special rep and coordinator for combating trafficking in human beings since 2009.

Since her term will be ending in February of 2014, this hearing doubles as an opportunity to recognize her extraordinary achievements and thank her for having been unfailing in compassion and diligent in her efforts to end trafficking in the OSCE region. She has been remarkably effective in guiding and holding accountable the OSCE participating and partner states.

I want to thank you for your public and behind-the-scenes efforts to inspire, instruct, and move OSCE states to intelligently fight domestic and international human trafficking. We could not have asked for a special rapporteur with more dedication, passion, political acumen, and expertise. Your tenure has been marked with demonstrable progress throughout the region and many grateful trafficking victims. Thank you for a job well done.

Fortunately for us, you're not quite finished yet, and all of us hope that when you do leave this posting, that you will continue on in this work. But later this year at a ministerial meeting in Kiev, the OSCE will be adding an addendum to the 2003 OSCE action plan to fight trafficking in human beings. I hope many of the best practices you have identified and developed during your tenure will be captured in the addendum.

I would also like to suggest the inclusion of best practices to prevent trafficking on commercial carriers and in hotels. Experts estimate that 600,000 to 800,000 trafficking victims are moved across international borders each year, often on commercial airplanes, trains and buses, where they come into contact with transportation officials and professionals. Traffickers can be stopped, and victims rescued, through highly effective low-cost training to flight attendants and other airport personnel, training such as developed by the U.S. Department of Homeland Security and Nancy Rivard, the president of Airline Ambassadors International.

As the special rep for human trafficking for the Parliamentary Assembly, I was pleased to present—and I literally, you'll recall, sat right next to you, Doctor—to present and promote these best practices at the high-level OSCE conference in Kiev in June of this year, along with Nancy Rivard. Hundreds of victims have been rescued already, with the potential of thousands more.

My supplementary item on this topic, entitled Trafficking Victims Watchfulness: Planes, Trains, Buses and Hotels, as you probably know, was adopted at the OSCE PA annual session in Istanbul in July and calls on participating states to collaborate with commercial carriers, adopting legislation, where necessary, in order to ensure that transportation professionals who are likely to come into contact with a trafficking victim are trained to identify the victim and respond according to a protocol established with law enforcement.

The supplementary item also calls on participating states to collaborate with hotel and travel industry professionals, adopting legislation—again, where necessary—to ensure the use of best prac-

tices for the prevention and identification of human trafficking in hotels.

Finally, the supplementary item underscores the importance of law enforcement coordination with the private sector in order to ensure appropriate interventions. A single regionwide trafficking hotline connected to law enforcement would be very helpful toward ensuring that everyone knows who to call, no matter where they are.

Fortunately, several industry leaders have emerged and developed best practices in this area of trafficking victims watchfulness. Airlines such as Delta and American Airlines, British Airways and Virgin Atlantic, as well as trained service providers, such as our own Amtrak here in this country, have begun human trafficking prevention activities. Hotel chains, including Hilton Worldwide, Hyatt, Accor, Carlson and many others, have committed to training their employees. Airline Ambassadors, ECPAT and the Global Business Coalition Against Trafficking are offering low-cost tools.

With a little encouragement from the OSCE, participating states can transform transportation and hospitality industry standards such that anti-trafficking training is ubiquitous. In other words, it should be everywhere.

Over time, as the pimps and exploiters get caught and jailed, the added positive consequence of trained flight attendants and others will have a profound chilling effect on the traffickers' ability to move victims from one place to another.

With this in mind, I respectfully request that you support the inclusion of these best practices in the upcoming addendum of the action plan.

I would also hope you will keep in another best practice that has developed in the United States, that of interdisciplinary community task forces. Such task forces can be an effective tool in identifying and reaching out to vulnerable and underserved groups in the community, such as the Roma.

In 2012 the OSCE PA adopted our supplementary item on protecting vulnerable populations from human trafficking, which called on participating states to focus their victim response on vulnerable populations such as the Roma population. As you know, the Roma population has been trafficked at disproportionately high rates and have disproportionately low access to services due to marginalization.

The supplementary item urged participating states to establish in major cities special Roma-oriented task force comprised of Romani NGOs, Romani mediators and Romani community representatives, along with member state law enforcement anti-trafficking authorities.

The 2013 Trafficking in Persons Report, required by the legislation that I offered by back in 2000, known as the Trafficking Victims Protection Act, produced by the U.S. Department of State, highlighted notable efforts among OSCE participating states to address the vulnerable Roma population. The report also noted populations of Roma are vulnerable to trafficking in 17 OSCE participating states. I believe efforts to assist these vulnerable people would be enhanced by implementing community task forces, and I hope this will be part of the addendum.

I thank you again for your extraordinary leadership and look forward to your testimony.

Mr. CARDIN. Thank you, Chairman Smith. And again, I applaud your leadership in this area and the action of the Parliamentary Assembly in supporting the work of the special representative.

Dr. Giammarinaro, again, it's a pleasure to have you here. We very much appreciate your leadership. And as Congressman Smith has pointed out, we are looking towards how we move to the next chapter. Tremendous progress has been made, but we need to make more progress. So we welcome your comments.

DR. MARIA GRAZIA GIAMMARINARO, OSCE SPECIAL REPRESENTATIVE AND COORDINATOR FOR COMBATING TRAFFICKING IN HUMAN BEINGS

Dr. GIAMMARINARO. Honorable Chairpersons and honorable Co-Chairmen, first of all, let me thank you for the invitation and for your kind words. I'm honored to testify today for the second time before the Helsinki Commission of the United States Congress in my capacity.

In 2003, as you know, the position of Special Representative and Coordinator for Combating Trafficking in Human Beings was established as a high-level mechanism to promote the implementation of the OSCE Action Plan and other commitments on combating trafficking in human beings in all the now 57 participating states. The mandate of the special representative is to work with the representatives of governments, parliaments, as well as judiciary and civil society, to catalyze the exchange of best practices; to provide technical assistance when requested, especially in the field of training and capacity building; to report on anti-trafficking developments in the OSCE region; and to raise the public and political profile of the fight against trafficking in human beings.

And I have to say that since 2000 the OSCE has adopted important political commitments on an almost yearly basis, and so did the Parliamentary Assembly of the OSCE, to continually strengthen our efforts to combat trafficking in human beings. This includes the 2011 Vilnius Ministerial Declaration on Combating All Forms of Human Trafficking, co-sponsored by the United States and the Russian Federation, which acted as a catalyst for our office to intensify its activities in many respects and reaffirmed our full commitment to the Universal Declaration of Human Rights, which reads, "No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms."

I have served now for three and a half years as the special representative of the OSCE. I took office in March 2010, and my mandate will expire in March 2014. And so it is a good opportunity for me to look back and to look ahead to the future. And I'm really delighted and honored to share with you some thoughts about my assessment of the state of play and some ideas for future work.

It is clear that many efforts, as you said, have been made by governments of the participating states throughout the OSCE region since 2000, with the fundamental contribution of NGOs, I have to say, of various orientation and inspiration, as well as with the support of international organizations, including the OSCE Office of the Special Representative and the OSCE Office for Democratic In-

stitutions and Human Rights, the human rights institution of the OSCE, the ODIHR.

Over this period there have been many visible and encouraging achievements. The key indicators of the level of political will have been increasing. These indicators include, for example, the ratification of international instruments, the adoption of national legislation, the establishment of national anti-trafficking mechanisms and the allocation of adequate financial and human resources for their implementation. All these indicators are positive.

Since 2000, the vast majority of the 57 OSCE participating states have integrated anti-trafficking legislation into their national legal framework, meaning that almost all have specific legal provisions on combating trafficking in human beings, mostly complying with the international standards, especially with the protocol, the so-called Palermo Protocol supplementing the Convention on Organized Crime.

Another important indicator of the political will is the establishment, as I said, of anti-trafficking machinery and the allocation of sufficient resources. I have to say that a majority of participating states have set up anti-trafficking national coordination mechanisms and national referral mechanisms for the assistance and protection of victims and have established the action plans, action plans with clear identified responsibilities for all the competent authorities, especially government authorities. And I'm very proud to say that the OSCE has been instrumental to this process. Now we can say that we have functioning mechanisms everywhere. And this is of course the precondition for further to achieve the results in the future. Not only do we have mechanisms on paper and legislation on paper, but we have really functioning mechanisms—in other words, in every country, there are a certain number of cases brought to the court, there are a certain number of victims identified and assisted, so functioning mechanisms.

Regarding the activity of the Office of the Special Representative and the work we have tried to carry out, to cooperate, to help participating states to carry out their tasks, I would like to mention, first of all, awareness raising. Awareness raising is always, I think, an essential component of anti-trafficking action. Differently from the anti-slavery abolitionist, the historical abolitionist movement, we have to show that slavery exists, and this is not taken for granted, and not everybody is aware of the fact that working conditions comparable to slavery still exist and they are even growing globally.

So this is the reason why we have engaged with the media, with the journalists, especially young journalists, investigative journalists, to promote further action in this field and to promote a correct and effective way to report trafficking cases. This is not always the reality. The reality is that, for example, the press reports about a case of trafficking just saying how many people have been arrested—and, of course, this is very important, but no one single word is devoted to the destiny of the victims, for example. And this is of course something that should be corrected.

We have, for example, promoted an important project in cooperation with the Moscow State University's faculty of journalism. The university taught a year-long course to its journalism faculty on re-

porting human trafficking issues. And we published a course book based on this material earlier this year together with the university and the Russian Union of Journalists, and this was partially funded—the journal is funded by the United States.

I would say that the United States has played a key role in increasing awareness all over the world, not only through the annual Trafficking in Persons Report and the work of many dedicated government officials and legislators at the national, state, and local level—and I would like to take this opportunity to thank Ambassador Luis CdeBaca for his leadership in this field—also I would like to mention the fact that the support given to the work of numerous NGOs active in the field, all over the OSCE region, is support given by the United States. This has led to increased understanding by policymakers and legislative reform, improved co-operation among stakeholders, better statistical knowledge and understanding of trafficking in human beings on the basis of concrete evidence, increased training and educational activities, and improved identification and protection of victims of trafficking.

The second area I would like to mention with a particular emphasis regarding the activity of my office is cooperation. We have worked a lot to promote better cooperation in the OSCE region, co-operation between participating states. And I would like to mention the CIS Program of Cooperation to Combat Trafficking in Human Beings, 2011, 2013, which is an advanced document. And of course, we encourage all the CIS countries to work for an effective implementation of this important program. Another regional good practice is the development of transnational referral mechanisms for the protection of trafficked persons, an effort which builds on the OSCE/ODIHR work on national referral mechanisms and which was funded by USAID.

We are promoting cooperation also beyond the borders of the OSCE region, especially concerning our Mediterranean partners, our six Mediterranean partners for cooperation and our Asian partners for cooperation. Concerning the Mediterranean partners, we are in the process of promoting closer, better dialogues between the two rings of the Mediterranean Sea on cases of trafficking that so far have been dealt with mostly in the framework of smuggling of migrants or irregular migration. But if we see the horrible cases of exploitation, for example, in agriculture in the Southern European countries, we can understand very well that there is a link, there is an obvious, obvious link between a first phase of the migration process that can be consensual, can be facilitated by criminal gangs, but once people are in the destination country, there are intermediaries, criminal intermediaries that place migrants in exploitative situations, and there are a number of investigations going on in different countries of the southern part of the EU showing that this is an increasingly worrying, worrying trend.

The Partners for Cooperation in Asia have launched an important reflection on trafficking, culminating in a very interesting conference held in Australia this year. And I have devoted particular attention to cooperation with this partner, speaking at conferences and cooperating with them in many ways.

What are the challenges? We have talked about achievements. What are the challenges? I would like to mention, first of all, the

dimension of trafficking human beings, a dimension which was not in our radar when we started our anti-trafficking action in the late '90s. We have now reliable estimates issued by the International Labor Organization. These are conservative estimates, so we have to think that the 21 million people globally finding themselves in a situation of forced labor or trafficking in human beings are a minimum of what we can think is the real number. In the OSCE region, we are talking about something like 3 million people. So we have to deal with something new that requires different responses. Probably we still have to better elaborate, better understand how we can deal with this massive scale phenomenon. This is the first challenge.

The second challenge, due to a new trend of trafficking, is the fact that the forms of exploitation—we are now aware that the forms of exploitation are innumerable. I'm not talking only about trafficking for labor exploitation, but, together with trafficking for sexual exploitation, remain the most [wide]spread forms of trafficking. But I'm talking about trafficking for begging, for first in organized begging, which is apparently increasing and involves mainly children, particularly vulnerable victims, children marginalized in vulnerable communities, such as the Roma and Sinti, which are, as Honorable Smith said, particularly and disproportionately affected by trafficking in human beings. I'm talking about the so-called trafficking for forced criminality—in other words, people trafficked to commit crimes and to replace somehow, if I can use this expression, to replace traffickers in the criminal behavior and possibly also in the punishment, because of course, victims are put in the forefront, in the most exposed situation, and are very easily identified by law enforcement and treated, again, as criminals instead of being treated as victims.

I'm talking about trafficking for the purpose of the removal of organs. Until very recently, we were not really sure that this form of trafficking was really significant. Now we have issued recently a new publication on a number of investigated cases in the OSCE region. We have analyzed 11 cases, but we are aware of more. And now we can say that trafficking in human beings for the removal of organs exists, unfortunately, that have specific features, a huge criminal network, which is global and involves, at least in different ways, of course, as nationality of the beneficiaries, the nationality of the donors, victims, or places in which the surgery was carried out, one-third of the OSCE countries. And so we can say that it is.

So we have to admit that today, when we talk about trafficking in human beings, we are talking about a sort of umbrella definition, and under which there are different forms of trafficking implying different issues that have to be dealt with in an appropriate way. So when we think about training of the public officials involved, we have to think about something more complex than what we had in mind a few years ago. For example, we have to think about involving health care officials, about involving the community of certain kind of professionals involved in a particular sector of trafficking. And this makes our task and the task of competent authorities much more complex and difficult. From this point of view, I've been saying that probably we need a sort of shift in our

perception of trafficking human beings and a shift in how we see the next phase of anti-trafficking action.

Just not to be too long and boring—[laughs]—I tried to summarize what my excellent collaborators wrote for me. In other words, I think that we have to consider trafficking human beings in this global, massive scale more and more a problem of social justice. We have to promote a more fair society in which there's no place for tolerance toward exploitation, in which a worker's rights are better protected, because this is the first prevention measure that we can think about when we have to deal with this massive phenomenon.

Secondly, I think that we have to address not only trafficking in the sense of identified cases, because there are a number of reasons why a case is not always—or I would say, sometimes rarely qualified as trafficking, because of the difficulty in the process of gathering evidence, because the definition is complex, because the prosecutors prefer to bring to the court a case which is for a less serious crime, in which the indictment is for a less serious crime, just to be sure to obtain anyway a conviction. There are a number of reasons why a case which shows clear indications of trafficking is not qualified as such—with all the consequences for the victim, because the victim in this case is deprived of the assistance and protection the person would be entitled to under the trafficking regulations.

So we have to think that it is necessary to address a broader area of exploitation, not necessarily with the same tools, the same way, but for example, we have to think about how to promote access to justice of exploited people, because this is also a way to encourage them to come forward and report exploitation they have been subjected to.

Unfortunately, we have to say that in many, many situations, the only result of labor checks or migration checks is that people who are in a situation of exploitation—we don't know if this amounts to trafficking or not. We don't know yet. But the immediate result is just the deportation if they are migrants, the deportation of the workers.

And I would like to say that we still have a big problem of—we can say there is a certain reluctance of competent authorities, especially immigration authorities, to apply the regulation concerning, for example, the reflection period, concerning residence permit or authorization to stay at least for the duration of proceedings, and that allowing the person to get the payment of the salaries, to get compensation. And there sometimes I wonder whether we can really say that trafficking is a priority.

Mr. CARDIN. Let me ask you, if you could, to summarize. I want to leave time for questioning, so if you could summarize the rest so we can—

Dr. GIAMMARINARO. Yes, exactly. So what I think is that looking at the future, we need a sort of second wave of commitments in which there is a clear multidisciplinary approach to trafficking in human beings, in which there is a clear identification of all the cross-cutting issues, because of course we have to be aware that we have to deal with migration policy, labor market policy, child protection systems, all the broader areas that we have to address to

make trafficking more visible and more understandable and to make the anti-trafficking measures more effective. Thank you.

Mr. CARDIN. Well, thank you very much for that summary.

We've been joined by Senator Boozman. We've been joined by Senator Whitehouse and Congressman Cohen. So we appreciate all the Commission members who are here.

Let me start, if I might, with one of the strategies that our Commission has used over the years is that we think it's important to put a spotlight on those that are not doing what they should be doing. And that was the genesis of the TIP Report, which names specific countries, talks specifically about how we rate them and where they need to improve. I must tell you when I meet with representatives from other countries, the TIP Report is frequently mentioned. I chair the Subcommittee on East Asia and the Pacific, and when the representatives from those countries come into my office, the TIP Report's on my desk, and it's one of the issues that they talk about frequently.

So I guess my question to you is, how useful has the TIP Report been in the work that you do, and are there suggestions that you might have as to how we can have a more effective way of pointing out to countries what they need to do to improve their record in combating trafficking?

Dr. GIAMMARINARO. The TIP Report is of course one of the most reliable sources—and this is the first thing I would like to underline—a reliable source of information about every country, not general information but very specific in the different areas of trafficking and anti-trafficking action. And I think that there is also an effect of—this is what I see in the OSCE region, at least—sort of a positive competition, in the sense that a country is very pleased when, for example, the country advances in the score, in the evaluation of the TIP Report. So this has been a real incentive, a real input for countries to do better. Of course, I am aware that this methodology is effective, and in fact, I underline this positive competition.

Of course, this is not our methodology. This is not our methodology because the OSCE is an organization—a consensus-based organization, so our methodology is rather to encourage participating states to do better. But I have to say that I have developed the methodology of country visits lately. Especially during the past two years, I have carried out many country visits. And something that is absolutely new is the fact that the report, including the recommendations and including an evaluation of what every single country has done, is made public.

Mr. CARDIN. So you will be leaving this post in the not too distant future, and we—I join with Congressman Smith—it's going to be an incredible loss, and the person who follows is going to have large shoes to fill.

The OSCE has many strengths, but it is very bureaucratic. The agencies that provide support watch their turf very carefully and are always suspicious of special representatives. Vienna is not known for its speed or its transparency in doing business.

Do you have any observations for us as to ways that we can make the OSCE structure more effective in dealing with the issue of trafficking?

Dr. GIAMMARINARO. Well, I have to say that the OSCE is, if I can say like this without being—nondiplomatic, less bureaucratic than other international organizations. [Chuckles.]

Mr. CARDIN. That may be a compliment. We'll see. I mean—[laughter]—we've had our problems with all international organizations, that's true, and Americans are somewhat impetuous. So I understand our desire for action.

But I must tell you, the lack of transparency in Vienna—the consensus has worked, but when you see key positions blocked for a long period of time and when you see the support agencies sometimes arguing more about turf than substance, it is somewhat frustrating because people are in desperate need of the type of leadership that we can provide.

Dr. GIAMMARINARO. I have to say that of course, this is, you know, a big problem, and this is—[chuckles]—our daily struggle, to make the organization more effective. And one of the ways to make the organization more effective is to potentiate, to strengthen the executive structures, because of course the operational side of the work is carried out by the executive structures, including the secretariat, but not only.

I mention also the ODIHR, the Institution for Human Rights. And the Institution for Human Rights has the added value of independence, so it can carry out activities, projects or political activities in a way which is very effective.

I would like to say that to strengthen the operational capacity of the OSCE, there are two preconditions. One is financial resources. Unfortunately, we are in a very difficult situation from this point of view. Participating states are asking more from the executive structures, but the resources are decreasing dramatically. And I would like to say that from this point of view—I mean the future is not really—I don't look with optimism from this point of view.

Mr. CARDIN. Well, we've had at least some—

Dr. GIAMMARINARO. And the second element is the field operations. The field operations are an enormous added value for participating states in terms of possibility to cooperate and to help in the process of implementing legislation, for example, which is always a very difficult point.

So in a few words, I would like to say that participating states should clearly, clearly decide that this organization should be strengthened.

Mr. CARDIN. Thank you. I just was making an observation. I think there's been progress made on the openness of the budget process. It's still far from resolved, the types of commitments that the participating states need to make, and the consensus issue still makes it challenging to get the long-term commitments to priorities. But I think your points are well taken.

I want to ask one last question dealing with a subject that you brought up, on begging, where very young children are sent out and doing things that are really disturbing. I would like to get your recommendations, not necessarily this moment, as to a strategy to deal with this. Are we talking about parents that require their children to go out to beg? If that's the case, then we need to strengthen our domestic laws on protecting children. Or are these enterprises that have set up that basically exploit young children in an effort

to send them out to beg with certain penalties or rewards based upon what they do in a particular day? Is it connected also to the young pickpocketers that we see in many of the vulnerable areas in the OSCE and elsewhere?

I really would hope that we could develop a strategy under the umbrella of trafficking to see whether we need to strengthen laws, strengthen attention, but to deal with this problem I think all of us have seen during our travels and have seen, quite frankly, in the United States at times, and what we can do to strategize to protect very young children.

Dr. GIAMMARINARO. It is indeed a very complex issue. We have to distinguish cases in which a child is begging with the whole family as a survival strategy, but he is or she is not subject to mistreatment. In this case, I wouldn't say that this is a case of trafficking. Of course we have to deal with this, but not necessarily in terms of a criminal sanction. When we talk about trafficking, we talk about a very serious crime.

There are situations in which the whole family is enslaved and has to beg for the profit of a criminal gang or an individual exploiter. In this case, of course, we are in a situation of trafficking human beings. I don't exclude that even parents could be considered traffickers and exploiters in the sense of trafficking, because when parents use the same methods as exploiters—for example, if the child doesn't bring home the amount of money that the exploiter or even the parent decides is his work performance of the day, the child is beaten, for example. In this case, I would say that even a parent can be considered liable for trafficking human beings.

But the problem is that we should have law enforcement adequately trained to identify every single situation case by case and adopt the solutions that are adopted. Unfortunately, in many, many situations I have to say that in the real world there is a large tolerance and nobody is really checking what is the situation of children begging.

Mr. CARDIN. Thank you. Congressman Smith.

Mr. SMITH. Thank you very much. Again, I apologize for my laryngitis here.

Great testimony, as always. Thank you again, as I said in my opening, for your extraordinary leadership. And I think we ought to recognize again this year the chair-in-office from Ukraine, Kozhara, and Ambassador Motsyk, who have done, I think, a magnificent job. Their Kiev conference certainly was a good best-practices conclave, and I think many people came away further re-motivated but also with a sense of new directions to take.

And if you could, one of the points that I stressed at that conference was the importance of the flight attendant training, if you might want to speak to that, how well you think that might help. Every trafficking victim at some point has to be transported. And if we could interdict during that point of transportation of this person who's been turned into a commodity, I think we could seriously dent these trafficking enterprises, these nefarious enterprises.

Secondly, if I could—I know that you have gone to several countries on your country visits, maybe you might want to speak to that, how well or poorly your recommendations are received. I

know you've been to Bosnia, I think it was last year. I've been to Bosnia. I've been to the shelters there. I've been to shelters all over the world, from Peru to Ethiopia, to Nigeria, to shelters in Romania, in your home country of Italy, particularly in Rome. And one of my biggest takeaways has been the extraordinary efforts made by the faith-based community to meet the women—and they're mostly all women who are in these shelters—deal with emotional trauma that is so deep that without a spiritual component, it is unlikely she will find the kind of healing that she absolutely is entitled to.

And I'm wondering—I know that there are some folks that look at faith-based participation in the trafficking effort with a jaundiced eye, particularly shelters. I've actually had arguments with them. But I have seen the difference. And nothing against the secular-based shelters, they're needed and they're doing a great job, but that faith-based overlay of healing—I met women in your capital city of Rome—I'll never forget it, women who had been trafficked, one from Romania, another one from Nigeria. And the Nigerian woman—her name was Elizabeth—told the story that she had been trafficked for five years, didn't want to come in from the street because she had had a witch-doctor ceremony performed on her in Benin City before she left and thought that horrible consequences would come to her if she left that terrible life.

But she talked about how the sisters—Sister Eugenia, who I'm sure you know—had just been such a source of strength. And so my question would be the importance of faith-based involvement in our anti-trafficking efforts.

And finally, you talked about the victims—two finals. One would be a hotline, a more serious effort to have a hotline within the OSCE region so that one call would then be transferred to help that person either get saved from that situation or get help in some other way, get law enforcement there.

You mentioned 3 million victims within the OSCE. I wonder if you could break that out to how many are labor, sex trafficking; how many organ-trafficking problems do you think—what's the estimate there; and of course, some of the labor and sex trafficking are combined. But just some kind of breakout as to how many fall into each category.

Dr. GIAMMARINARO. Thank you for this question so that to give me the opportunity to talk about our current work to promote an addendum, an update to the OSCE action plan. Why an addendum? Because we think that the OSCE action plan is still a valid document. The approach is a human rights-based approach. It's still valid. And this still needs implementation in certain areas.

But it is also true that since 2003, many things have happened, and we have gained experience. There are new ideas. And this could be useful if reflected in a document complementing the action plan. So the Ukrainian chairmanship is committed to this process. And we are cooperating with the chairmanship, giving a number of inputs and ideas.

In practice, what are the main ideas we are discussing right now? We are discussing about strengthening the chapter on prevention, because we think that prevention would be more and more strategic in the fight against trafficking human beings. And this in-

cludes many areas, including the promotion of public-private partnership, including with commercial carriers, airlines, hotels, et cetera, because of course we are aware that there are very good opportunities to identify at an early stage trafficking cases on the borders, especially when children are involved, because with children, the indicators are more clear and more easily identifiable, if there is trained staff in a position of recognizing these indicators.

But I talk about the cooperation with the private sector regarding, for example, how to keep the supply chain clean from forced labor and trafficking without the action that can be adopted, not only code of conducts as window dressing, façade operations, but, for example, a monitoring mechanism to verify the level of compliance of subcontractors with the regulation that the main enterprises have adopted.

For example, we are working—and this is a good opportunity for me to mention this, and it's an important area of my work—to prevent domestic servitude, which is a particularly hidden form of trafficking, but really affecting victims in a horrible way. We have carried out research, recently published, showing that many victims of trafficking show the same symptoms as victims of torture. In other words, there are forms of violence that are comparable or even legally qualifiable as torture.

And not surprisingly, the vast majority of analyzed cases are cases of trafficking for sexual exploitation and cases of domestic servitude, in which very often extreme labor exploitation is associated with sexual exploitation. And we are working to prevent domestic servitude, especially when it happens in diplomatic households, when the victim is at the mercy of the employer because her or his resident status is linked with this particular employer in the vast majority of countries, and when, of course, the diplomatic immunity makes it impossible for the victim to access remedies.

So we are promoting dedicated workshops involving the protocol services of the ministries of foreign affairs to disseminate good practices, including U.S. good practices, to prevent this form of trafficking. This would be, of course, also reflected in the addendum, but for example, also the monitoring of recruitment agencies, because recruitment agencies are very often the criminal segment of the trafficking chain, placing people in a fraudulent way in exploitative situations.

The second line is the idea is to strengthen the commitments on the repressive side, the law enforcement and judicial side, especially concerning the link between trafficking and financial re-investment and the subsequent money laundering. So in other words, the idea to go after the money to identify trafficking cases and to seize and confiscate the proceeds of crime—also to ensure that victims have compensation after the crime.

And the third is to enhance victim assistance and access to justice. In other words, we are aware that in many countries, still, the possibility to access assistance is made in practice if not in the regulation, if not on paper, is made conditional to early reporting and giving testimony from the side of the victim.

Everybody dealing with victims know that traumatized people—people going through such a horrible experience are very often not—absolutely not in a position to give a testimony at an early

stage. So we have to go the other way around—we have to ensure assistance, and then we can expect the victim will cooperate, and in the vast majority of cases, they will cooperate—they are cooperating. So we would like to strengthen the commitments on the so-called unconditional assistance and access to legal counseling and free legal counseling and representation for the purpose of obtaining compensation.

Mr. SMITH. Real quick on the faith-based—

Dr. GIAMMARINARO. Yes, faith-based organizations—as you know, I also the special representative of the Alliance Against Trafficking in Persons, which is a platform for cooperation with our international organization and NGOs, and we have recently enlarged the partnership, and we have, in the alliance, the (CTME ?), which is the association of group of faith-based organizations, including Caritas, including Catholic organizations, protestant organization et cetera, because we are aware that they are doing well. They are doing a great job in many, many countries, and we are also involved in a number of activities at the national level in which there is excellent cooperation between faith-based and secular organizations. So I think that this is the right way to go ahead.

Mr. CARDIN. Thank you. Congressman Cohen.

**HON. STEVE COHEN, COMMISSIONER, COMMISSION ON
SECURITY AND COOPERATION IN EUROPE**

Mr. COHEN. Thank you, Senator. I'm curious about the organ slavery. We've had some letters, and I know China is a little bit beyond our jurisdiction, or not germane, per se, but about the Falun Gong and organ harvesting—how does this occur in our regions? I mean, are people kidnapped and then they—what happens?

Dr. GIAMMARINARO. What happens is that the so-called broker, which is actually the boss of a big criminal network, has at his disposal a number of people, a number of recruiters, which means people going to the very poor and villages, destitute communities, and explain that there is this possibility to donate an organ for money, and that they will gain very good money. So it is a fraudulent recruitment, at least in the cases we have analyzed.

These are 11 cases—not very many—so we don't know what is the real dimension, to answer your question. But this is very clearly the tip of an iceberg, and we don't know what is. But in these cases, the recruitment was a fraudulent recruitment. So the person was never aware of the real impact on health of the donation of an organ.

Mr. COHEN. Right, but it's—financial is the incentive. It's not—they don't kidnap people and then—

Dr. GIAMMARINARO. No, no.

Mr. COHEN. It's financial. And where are these 11 cases? It's not a very large focus group, but nevertheless.

Dr. GIAMMARINARO. The surgery took place, in this case, in Moldova, if I remember well. I could be wrong, but what I remember is Moldova, is Ukraine and Kosovo for sure. With the involvement of doctors, surgeons of different nationalities, and with the involvement—the donors were from Belarus, from Moldova, again—I don't remember. I can forward further and better information

about that, but in all the analyzed cases, either the person was paid the amount of money that had been promised, but most often, they were paid much less even compared to the amount of money that was promised at the beginning, or not paid at all.

For example, in the Kosovo case, the whole thing was discovered because the donor—I prefer to say the victim—was found at the airport in a state of extreme weakness. He was very sick; he was about to die. And he was not paid at all. He was abandoned in a situation of extreme sickness. So there is always a fraudulent pattern, which, of course, includes the complete lack of information on the consequences of the surgery. What happens is that the person goes back to the community, maybe with a little amount of money, but subsequently, she or he—most are men—cannot work anymore, so it is a vicious circle, and the person falls in a situation—

Mr. COHEN. Doctor, I agree, this is a bad situation, but I don't know if it's exactly slavery. The other workers are basically forced into doing work, whether it's domestic labor, sex, migrants, whatever—this is more consumer protection or laborer employee, or whatever. I mean, it's not right.

Dr. GIAMMARINARO. Yes, this is actually something new that we have to deal with. Of course, cases, as you said, in which people are forced in the sense of physical violence exercised to oblige them to do something exists, but there are also more subtle means of coercion, of what the protocol calls abuse of a position of vulnerability. For example, taking advantage of multiple dependencies of people that are in a foreign country. They don't know the language. They have a huge debt that they have contracted to migrate. They have a situation in which there are isolated—for example, in agriculture—in remote or very, very cold areas, and they depend on the exploiters for everything—for food, even for water.

So they don't have, actually, a way out. They don't have other alternatives but to submit to their exploiters. And this poses a challenge—in particular, a new challenge to law enforcement, because of course, to identify physical violence is much easier than to identify this complex situation of dependency that leads to a compulsion which is not necessarily or not primarily based on complete lack of freedom of movement or physical violence, although physical violence is very often used when the person tries to react or tries to leave.

Mr. COHEN. Thank you for your service and your testimony, and I yield back the balance of my time.

Mr. CARDIN. Senator Boozman is a new member of our Commission. I want to welcome you, first, to the Commission, and thank you for your interest and your commitment to the areas of the Commission's priorities, and it's nice to have you on the committee.

HON. JOHN BOOZMAN, COMMISSIONER, COMMISSION ON SECURITY AND COOPERATION IN EUROPE

Mr. BOOZMAN. Well, thank you, Senator Cardin. And it really is an honor to be a part of this group, and I appreciate you and Congressman Smith's leadership for many, many years. You know, these are such important things, and trying to protect those that can't protect themselves, and you two guys are certainly not new

to that game. So we really do appreciate all your tremendous leadership and all that you represent.

I'd like to, before I ask questions, just associate myself with something that Senator Cardin brought up. I really do think it is important that, as you go around, do reports and things like that, that there is transparency in that. I think the name and shame aspect is important, and certainly, we as a country don't do all that we need to be doing. And I do think that there's some good things in publicly pointing that out—with good reason.

So again, I'd just like to associate myself with that, and do think it is important. Let me ask you—your office has worked with the Ukrainian OSCE chairmanship following the February 2013 Rome expert seminar in preventing trafficking in the Mediterranean region to develop focus guidelines for cooperation on trafficking with their Mediterranean partners. What issues should the OSCE prioritize in its cooperation with our Mediterranean partners as we work to combat the human trafficking?

Dr. GIAMMARINARO. We are in a discussion with our Mediterranean partners, especially because in October, there will be the conference of the Mediterranean partners, and a session will be devoted to trafficking human beings. So we are discussing a number of ideas for possible action, for possible cooperation in operational terms, and one of the ideas that is endorsed by Mediterranean partners is prevention of trafficking, especially of trafficking for labor exploitation, and with a special focus on the role and the commitment of the private sector. So we are thinking about how to deal with this issue in the region, and this could lead also to a number of concrete projects to be implemented.

Another idea we are now discussing is how to—but I mentioned already in more general terms this problem—how to make it possible that workers—in this case, workers coming from North Africa or through North Africa from the sub-Saharan region, the Horn of Africa, et cetera—can be allowed and enabled to claim the rights in the destination countries. Or if the person is returned, how this person can, for example, ask for compensation in a way which makes it easier for the worker to—for example, to make a complaint in the country of origin, and then with a cooperation between the country of origin and the country of the destination, the compensation procedure can be carried out in the destination country. So these are, of course, problems concerning bilateral agreements or multilateral agreements that could be adopted in the region—in this case, it could be even a benchmark to establish a good practice allowing workers to ask for compensation between the country of origin and destination.

Mr. CARDIN. Will my friend yield briefly?

Mr. BOOZMAN. Yes, sir. For sure.

Mr. CARDIN. Doctor, in 2000—because I wrote the law, the Trafficking Victims Protection Act—we wrote and established two new visa categories, a T visa and a U visa. And not only did we say that a victim who makes their way to the United States will not be sent back where he or she—and most of the people would be women—would be re trafficked and hurt and harmed, but their families as well, because they're at risk because of the retaliation by the traf-

fickers could also find their way here, and under the rubric of those visas, find asylum here.

Are other OSCE countries—do they have similar laws like the U.S. T visa and U visa?

Dr. GIAMMARINARO. Yes, I would say that many countries have specific regulations allowing victims of trafficking to stay at least for the duration of the procedures. The problem is, what are the grounds, what are the conditions? Many countries establish—I said that, you know, as a matter of regulation or as a matter of practice—have legal requirements to admit the person, to allow the person to have this possibility, this authorization to stay.

And as I said, in a number of cases, this has proven not effective because if the victim is not ready or not willing because she or he is under threat or is particularly traumatized, et cetera, the whole system doesn't work. So there are regulations allowing the person to stay, but only in a few countries this regulation provides the victim with unconditional assistance. And this, I think, is the right direction.

Mr. BOOZMAN. No, I'm glad you brought that up, Congressman. The reality though is that in many, many cases, the victims are actually prosecuted. You know, you talk about that in your testimony that you have the victims, and they're actually prosecuted for being part of a criminal activity.

Now, I brought all of the state agencies together for a conference not too long ago, and that had to do with trafficking. And they said one of their big things that they've switched over is viewing a 17-year old that is in this as a victim, versus a person that is committing a crime. So we've struggled with this in our country with law enforcement. And the good news, evidently that's coming from the top down.

But that's a real problem, and so do you have any comments about how we can get away from—again, we find these people that we all agree are trafficked and in terrible situations, and yet they end up getting prosecuted along with the people that are doing it.

Dr. GIAMMARINARO. I issued very recently recommendations on how to implement the nonpunishment provision. This is included in the U.N. Global Action Plan and in binding terms for the ratifying countries in the Council of Europe Convention and recently also in the European Union Directive on Trafficking.

In other words, victims committing crime as a direct consequence of the trafficking process, their victimization shouldn't be punished, and not even prosecuted, if possible, and not detained. So in other words, they should be exempted from all the aspects of criminal proceedings in which they are considered offenders and not victims.

Of course, this presents difficulties because in different legal systems—for example, in systems in which prosecution is discretionary or in which prosecution is compulsory, the clause should work in a different way. So I showed you recommendations about how to implement this clause, this provision in a way which is the most favorable to victims of trafficking.

But the real problem there, I think, is a conceptual problem. So in other words, law enforcement should be trained and ready to understand that there is a situation of compulsion. I repeat, not necessarily linked with the use of the physical violence, but very often

it is psychological violence or multiple dependency in which the person doesn't have any other alternative.

For example, the traditional cases are the use of forged documents, the violation of immigration regulations, et cetera. And I would like to underline that even the imposition of fines or of administrative sanctions have very bad consequence for the victim that should be avoided. But there are recent cases in the U.K., for example, in which children were obliged, were compelled to work in cannabis factories.

So it was a serious crime of drug cultivation. And recently, there was a favorable decision of court of appeal recognizing that these children were in a situation of compulsion, and so the prosecution shouldn't have even initiated. So it's a process that is going. We are at a starting point, actually.

Mr. BOOZMAN. Thank you very much, Doctor. Thank you, Mr. Chairman.

Mr. CARDIN. Senator Boozman, thank you very much. Appreciate it.

Senator Boozman raised a very important point on transparency; he was referring back to me. I just don't want to leave this point—I understand the strengths and weaknesses of a consensus organization. But it does not prevent us from naming names. It does not prevent us from putting a spotlight on what is right.

And I've joined Congressman Smith as we've gone to countries and have seen victim centers that are really the way that a country should deal with trafficking victims. And we've been in countries where their law enforcement doesn't get it. And I think it's our responsibility to name countries and how well they're doing. And I don't believe that conflicts with the consensus nature of our organization. So I just really wanted to just underscore that point, because I don't think there's an inconsistency there.

Also, we need to take advantage of every opportunity we have. And we've done that. Senator Whitehouse, who was here a little bit earlier—valuable member of this Commission, also on the Senate Judiciary Committee—as we were reauthorizing the Violence Against Women Act, it gave us an opportunity to strengthen our trafficking laws. So we need to take advantage of every opportunity.

And I think your testimony really points out the complexity of this issue. It's not just one type of trafficking or one type of circumstance. And each country is somewhat different. But you have pointed out patterns that we can be more effective and policies to counter. And that's what we hope—all of us hope, that as we revisit the commitment of the OSCE to rid our region and world of modern-day slavery, that we will up our game and look at ways that we can be more effective in using technology, using the strength of the OSCE to make that progress.

Your testimony has given us a road map. Since this is probably your last time you'll be before the Commission in this capacity, on the behalf of the U.S. Helsinki Commission, we want to thank you for your international service on this issue. We're extremely proud of the role that you have played in helping us with an effective international presence to deal with trafficking. Thank you very

much. And with that the hearing will stand adjourned. [Sounds gavel.]

Dr. GIAMMARINARO. Let me thank the Helsinki Commission for your constant support and your leadership. Thank you.
[Whereupon, at 11:25 am, the hearing was adjourned.]

A P P E N D I X

PREPARED STATEMENTS

PREPARED STATEMENT OF HON. BENJAMIN L. CARDIN, CHAIRMAN, COMMISSION ON
SECURITY AND COOPERATION IN EUROPE

Welcome to this Helsinki Commission hearing on “OSCE Efforts to Combat Human Trafficking: Outlook and Opportunities.” The Helsinki Commission has been an instrumental component in the leadership of United States Government efforts to combat human trafficking. Our Members have a strong history of contributions to the inception U.S. anti-trafficking legislation and compliance. This, coupled with close engagement with actors throughout the Organization for Security and Co-operation in Europe (OSCE) region on trafficking issues, have served to meet our human rights commitments within the Helsinki Final Act of 1975.

I last convened a hearing on human trafficking as Chairman of the Helsinki Commission in July 2010 when we commemorated “A Decade of the Trafficking in Persons Report.” This was the last time the Commission hosted Dr. Maria Grazia Giammarinaro, OSCE Special Representative and Coordinator for Combating Trafficking in Human Beings. Much has changed in a short time since 2010 in terms of global awareness of the scourge of modern-day slavery, but also the sophistication of methods employed by traffickers to exploit the vulnerable. Countless men, women, and children have faced the brutality of trafficking first-hand, aside from the social and economic costs that extend beyond their captivity. We must remain resolute in demanding immediate action from governments around the globe to support civil society efforts and ensure swift punishment of traffickers to interrupt this violent cycle of exploitation. OSCE initiatives are helping us take this action.

We are honored to be joined today by Dr. Giammarinaro. Since her last appearance before the Helsinki Commission, she was honored as a 2012 Trafficking in Persons Report Hero by the U.S. Department of State and traveled extensively to contribute her expertise and leadership around the globe. We are honored to have an opportunity for a candid discussion about the accomplishments of Dr. Giammarinaro’s tenure and how the OSCE has risen to the challenge by facing the evolving methodologies of traffickers with innovative research, country visits, and regional trainings. We look forward to examining the outlook for the initiatives of her office, including the prospect of an addendum to the 2003 OSCE Action Plan on Combating Trafficking in Human Beings, as well as guidelines for OSCE cooperation with Partners for Cooperation in the Mediterranean and Asia.

I see this hearing as an opportunity to examine not only the OSCE’s institutional development on human trafficking, but to reflect on how the U.S. Government can make a greater commitment to ending modern-day slavery. President Obama’s Inter reported substantial progress earlier this year in improving cooperation to prosecute traffickers and deliver life-saving services to victims. Additionally, President Obama signed an Executive Order last September to protect against trafficking in persons in federal contracts. We still have a long way to go and there are many more opportunities for partnership.

We look to you, Dr. Giammarinaro, for recommendations regarding how we can be even more active in overall OSCE efforts to end human trafficking. Thank you for taking the time to join us.

PREPARED STATEMENT OF DR. MARIA GRAZIA GIAMMARINARO, OSCE SPECIAL REPRESENTATIVE AND COORDINATOR FOR COMBATING TRAFFICKING IN HUMAN BEINGS

Honourable Chairperson/s,
Distinguished Members of the Commission,

I am delighted and honoured to testify today before the Helsinki Commission of the United States Congress in my capacity as the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings.

In 2003, the position of Special Representative and Co-ordinator for Combating Trafficking in Human Beings was established as a high-level mechanism to promote the implementation of the OSCE Action Plan and other commitments on combating trafficking in human beings in all the 57 OSCE participating States. The mandate of the Special Representative is to work with the representatives of governments and Parliaments, as well as judiciary of the participating States; to catalyze the exchange of best practices; to provide technical assistance when requested, especially in the field of training and capacity building; to report on anti-trafficking developments in the OSCE region and to raise the public and political profile of the fight against trafficking in human beings.¹

Since 2000, the OSCE has adopted important political commitments on an almost yearly basis to continually strengthen our efforts to combat trafficking in human beings. This includes the 2011 Vilnius Ministerial Declaration on Combating All Forms of Human Trafficking,² co-sponsored by the United States and the Russian Federation, which acted as a catalyst for our Office to intensify its activities in many respects and reaffirmed our full commitment to the Universal Declaration of Human Rights: "No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms."³

I have served as the Special Representative for most of the past four years and I am now in the final year of my work at the OSCE, which began when I took office in March, 2010.

Before I begin, I would like to thank the United States of America for its strong support of my Office during the past four years, and thank the Helsinki Commission and its Chairman, Senator Benjamin L. Cardin and Co-Chairman Congressman Christopher H. Smith for holding this hearing today, and I would like to also thank Ambassador Luis CdeBaca for his leadership in co-ordinating the U.S. Government's fight against contemporary forms of slavery on both the domestic and international levels.

This session is mostly dedicated to a review of the activities of my office during my tenure as Special Representative. I will also focus on the work of the OSCE to combat trafficking in human beings prior to the start of my work and outline some areas where the Organization can focus its efforts in the future. This includes an Addendum to the original Action Plan to Combat Trafficking in Human Beings⁴ intended to complement the existing commitments and recommendations by providing participating States with an updated and more comprehensive toolkit to increase their capacity in combating all forms of trafficking in human beings that takes into account the evolving nature of this crime and human rights violation.

I will begin by touching upon two issues: the state of play in the struggle against trafficking in human beings, and the major challenges we will combat going forward. In my assessment of the state of play I will take into account a number of elements: government action, issues surrounding the increase in trafficking globally, and factors that, if implemented, can increase the effectiveness of anti-trafficking action, as well as ideas that will allow us to create a second-wave of anti-trafficking action.

1. Assessment of the state of play

1.1. Governmental action

It is clear that many efforts have been made by governments of the participating States throughout the OSCE region since 2000, with the fundamental contribution

¹ OSCE Ministerial Council, *Decision No. 3/06 Combating Trafficking in Human Beings*, MC.DEC/3/06 (21 June 2006) <http://www.osce.org/mc/22762>, accessed 5 September 2013.

² OSCE Ministerial Council, *Declaration on Combating All Forms of Human Trafficking*, MC.DOC/1/11/Corr.1 (7 December 2011) <http://www.osce.org/mc/86373>, accessed 5 September 2013.

³ United Nations, *Universal Declaration of Human Rights* (10 December 1948) <http://www.un.org/en/documents/udhr/index.shtml>, accessed 5 September 2013.

⁴ OSCE Permanent Council, *Decision No. 557/Rev.1 OSCE Action Plan to Combat Trafficking in Human Beings*, PC.Dec/557/Rev.1 (Vienna, 7 July 2005) <http://www.osce.org/pc/15944>, accessed 27 August 2013.

of NGOs, as well as with the support of international organizations including the OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings (OSR/CTHB) and the OSCE Office for Democratic Institutions and Human Rights (ODIHR) Anti-trafficking Unit, promoting a comprehensive, human rights based approach to combating trafficking in human beings.

Over this period, there have been many visible and encouraging achievements. The key indicators of the level of political will include the ratification of international instruments, the adoption of national legislation, the establishment of national anti-trafficking mechanisms, and the allocation of adequate financial and human resources for their implementation.

Concerning the ratification of international instruments, the Palermo Protocol to the United Nations Convention against Transnational Organized Crime has been ratified since its adoption in 2000 by all but one of the OSCE participating States.⁵ At the regional level, the Council of Europe Convention on Action against Trafficking in Human Beings (2005), in force since 1 February 2008, has been ratified by 40 Council of Europe member States to date and has been signed by 43 States in total.⁶

Since 2000, the vast majority of the 57 OSCE participating States have integrated anti-trafficking legislation into their national legal framework, meaning that almost all have specific legal provisions on combating trafficking in human beings.

Another important indicator of the political will is the establishment of anti-trafficking machinery and the allocation of sufficient resources to make it function. A majority of participating States have set up anti-trafficking National Co-ordination Mechanisms or similar inter-ministerial bodies to co-ordinate activities among State agencies and NGOs. Increased resources through greater budgetary allocation are essential to better fund such activities.⁷ A key element for allocating resources, setting benchmarks, strategic priorities and concrete actions is the National Action Plan. Such Plans, or an equivalent co-ordinated policy/programmatic response have been put in place by a majority of participating States. The effectiveness of the anti-trafficking machinery depends on its actual implementation, and in particular on the human and financial resources dedicated to the functioning of these structures. In practice, for example, many National Co-ordinators are not engaged on a full-time basis with an official job description, and they often lack sufficient staff and budgetary funding.

Awareness-raising activity to combat human trafficking is important and has been a priority of mine and has strengthened over time since the establishment of the Office of the Special Representative in 2003. I have paid particular attention to the development of close co-operation with the media and I believe that the influence of the “fourth power” in the prevention of modern-day slavery, awareness-raising and in decreasing the vulnerability of most disadvantaged groups of the population, is as crucial as the media’s engagement in the creation of a climate of zero tolerance towards human exploitation in any society.

Reaching out to the next generation of journalists is another key aspect of my awareness-raising activity. I have conducted interviews with student journalists and met with student groups across the OSCE region and launched a project in Russia to establish a special course on “Trafficking in Human Beings: the Global Perspective and the Role of the Media” for students and postgraduates of the Moscow State University’s Faculty of Journalism. The university taught a year-long course at its journalism faculty on reporting human trafficking issues beginning in the spring semester of 2012. We published a course book based on this material earlier this year

⁵ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (New York, 15 November 2000), <https://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf>, accessed 26 August 2013.

⁶ Council of Europe, *Convention on Action against Trafficking in Human Beings*, CETS No. 197 (16 May 2005), <http://www.conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=197&CM=1&CL=ENG>, accessed 26 August 2013. Furthermore the OSCE MC Decision No. 13/05 *Combating Trafficking in Human Beings* (MC.DEC/13/05, 6 December 2005, Ljubljana) calls on participating States to consider signing and ratifying where appropriate the Council of Europe Convention. All Council of Europe member States are OSCE participating States, and non-Council of Europe member States are also welcome to become party to the Convention.

⁷ Organization for Security and Co-operation in Europe, *Efforts to Combat Trafficking in Human Beings in the OSCE Area: Co-ordination and Reporting Mechanisms* (Vienna, 13 November 2008), <http://www.osce.org/cthb/36159?download=true>, accessed 13 September 2013.

together with the university and the Russian Union of Journalists⁸ that was partially funded by the United States.

The United States has played a key role in increasing awareness, not only through the annual *Trafficking in Persons Report*⁹ and the work of many dedicated government officials and legislators at the national, state and local level, but also through supporting the work of numerous NGOs active in the field. This has led to increased understanding by policy makers and legislative reform, improved co-operation among stakeholders, better statistical knowledge and understanding of trafficking in human beings on the basis of concrete evidence, increased training and educational activities, and improved identification and protection of victims of trafficking.

The fight against trafficking in human beings has also been strengthened thanks to increased co-operation which leads to the adoption of regional action plans, such as the CIS Program of Co-operation to Combat Trafficking in Human Beings (2011–2013). Another regional good practice is the development of Transnational Referral Mechanisms for the protection of trafficked persons, an effort which builds on the OSCE/ODIHR work on national referral mechanisms, and which was funded by USAID.¹⁰

Co-operation beyond the borders of the OSCE region is essential to combat human trafficking. The OSCE has developed special relations with six Mediterranean Partners for Co-operation, Algeria, Egypt, Israel, Jordan, Morocco and Tunisia, based on a wide and consolidated framework for dialogue and co-operation. The topic of human trafficking was among the key areas for enhanced dialogue with the Partners, given the transnational nature of this crime and the ever changing patterns of this phenomenon that require the involvement of further stakeholders outside the OSCE region.

The Partners for Co-operation in Asia was launched in the early 1990s to foster a flexible dialogue with the OSCE, at the time when the Organization was taking on a more formal structure, and it now includes Japan, Korea, Thailand, Afghanistan and Australia. I have devoted particular attention to co-operation with these partners, speaking at conferences in Thailand, Australia and elsewhere in the region to ensure that our efforts to combat trafficking jointly are sustained and effective.

Although numerous good practices exist in the OSCE participating States, a significant gap between regulation and actual implementation has been highlighted. There is no doubt that trafficking in human beings has developed into a major criminal phenomenon entailing gross violations of human rights and fundamental freedoms, and heavily affecting economic and labour market sectors such as agriculture, construction, fishing, the textile industry, tourism and domestic work. According to a 2012 report by the International Labour Organization (ILO) an estimated 20.9 million people were in forced labour globally, with women and girls representing 11.4 million, or 55 per cent of the total.¹¹ Separate data compiled by the United States Department of State showed that globally there were 7,705 prosecutions for human trafficking in 2012 and 4,746 convictions with 46,570 victims identified. This compares to 7,206 prosecutions for trafficking in 2011, and 4,239 convictions, with 41,210 victims identified.¹²

The ongoing fallout from the global economic crisis also continues to affect sectors such as agriculture and construction, making forced labour an increasingly attractive option for unscrupulous businesses. Stories continue to surface of slavery-like conditions prevailing among workers in these sectors across the OSCE region.

To conclude on the results of government action in the OSCE area, my general assessment is that political will to combat trafficking in human beings has clearly increased since 2000. Unfortunately, the scale and the scope of human trafficking

⁸ Organization for Security and Co-operation in Europe, Moscow State University's Faculty of Journalism, the Russian Union of Journalists, *Mass Media Against Human Trafficking*, (Moscow, 28 March 2013) <http://www.osce.org/ru/cthb/100483>, accessed 13 September 2013.

⁹ United States Department of State, *Trafficking in Persons Report 2013* (Washington, 2013), <http://www.state.gov/j/tip/rls/tiprpt/2013/>, accessed 27 August 2013.

¹⁰ The International Centre for Migration Policy Development, through the support of USAID and the European Commission, has been supporting Transnational Referral Mechanisms in South-Eastern Europe and in the European Union to develop cross-border referral, assistance and support mechanisms, including all concerned state and non-state actors, to ensure comprehensive and effective assistance and protection for trafficked persons, in line with a human rights based approach.

¹¹ International Labor Organization, *Global Estimate of Forced Labor*, (Geneva, 1 June 2012), http://www.ilo.org/washington/WCMS_182004/lang-en/index.htm, accessed 26 August 2013.

¹² United States Department of State, *Trafficking in Persons Report 2013* (Washington, 19 June 2013), <http://www.state.gov/j/tip/rls/tiprpt/2013/>, accessed 26 August 2013.

has also continued to expand as criminals devise new ways of exploiting the powerless. This should not discourage us, instead, it must stiffen our resolve as we seek to eliminate this crime.

1.2. Combating trafficking more effectively

How to deal with the nature of this phenomenon, which is increasingly linked to economic trends, related policy areas such as migration policies and labour market regulations, and national legislation? This is something we are exploring with our partners in the *Alliance against Trafficking in Persons*, an OSCE-led initiative and partnership with major international organizations and NGOs.

First of all, trafficking in human beings should be seen as an issue of social justice, or more precisely an issue of global justice. The criminal justice response to trafficking is still weak and must be strengthened. However, the prevention of, and fight against human trafficking is first and foremost about building a more fair society, in which there is no acceptance or indifference toward the exploitation of people who are easily enslaved simply because they are poor, destitute, uneducated, marginalised and discriminated against, and therefore deprived of the basic protection of the rule of law. This is a task for governments and public institutions, but it is also a task for every individual. To prevent and combat a massive scale human rights violation, the contribution of women and men of good will is needed, just as it happened in the history of the anti-slavery movement.

Secondly, one essential element of a new strategy to prevent and combat trafficking as a human rights violation on a massive scale is to ensure that victims and survivors have full access to justice. Access to justice includes trafficked and exploited persons' right to compensation through the criminal justice system, civil and labour law litigation, state compensation funds or out-of-court negotiations. Only if we address a broader area of exploitation and enable every individual who worked without being fairly paid and treated to claim her or his rights, only then will we be able to encourage trafficked persons to come forward. Unfortunately we have to admit that, in the vast majority of cases, competent authorities and especially immigration authorities are still reluctant to identify actual cases as trafficking cases, even when there are clear indications of the crime; as a consequence, very often the only outcome of labour or migration checks is the immediate deportation of workers, who are not allowed to claim back-payments of their salaries and compensation.

If national legislation and practice enabled exploited persons to obtain restitution of unpaid wages and compensation, for example by ensuring free legal counselling and representation and by establishing dedicated state funds, such legislation would give justice to trafficked persons, and simultaneously enable them to start something new, and build a better life for themselves and their loved ones, wherever they decide to settle.

Thirdly, we are increasingly aware that we have to tackle all forms of trafficking in human beings. An increasing trend has been highlighted by recent assessments regarding trafficking for labour exploitation including domestic servitude, and dramatically regarding child trafficking. At the same time, trafficking for sexual exploitation has not disappeared, and even in countries in which there are indications of a decrease, we don't know if it is really diminishing or if it is merely becoming increasingly difficult to detect. Also trafficking for forced and organised begging, for forced criminality, for the removal of organs and other new and challenging forms of trafficking deserve further attention and an adequate response.

The 2003 Action Plan to Combat Trafficking in Human Beings remains our strategic document that guides the participating States in the three "P" areas (Protection, Prosecution and Prevention). Its victim centred approach was re-confirmed by the 2011 Vilnius Ministerial Declaration, and its implementation, as well as the implementation of subsequent Ministerial Decisions are an on-going process.

Still, since 2003 the OSCE participating States, international organizations and NGOs, and, in particular, the Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings and other OSCE executive structures and institutions, especially the ODIHR, have gained remarkable experience in combating this heinous crime, and elaborated good practices that were not reflected in the Action Plan a decade ago.

Furthermore, criminal organizations engaged in human trafficking have become much more sophisticated in their *modus operandi*, elaborating new subtle methods of recruitment, and penetrating new economic sectors, both legal and illicit, to exploit their victims and launder their profits. In this context we strongly support the Ukrainian OSCE Chairmanship that recognized the fight against modern-day slavery as one of its priorities, in the work on an Addendum to the OSCE Action Plan. This document, if adopted, could significantly enrich and update the Action Plan and strengthen the coherence of the OSCE response to human trafficking. We would

be happy to provide technical assistance to the Chair and the participating States in this endeavour.

1.3. Combating all forms of trafficking, especially for labour exploitation and child trafficking

It is crucial to take action against the growing phenomena of trafficking for labour exploitation and child trafficking, and therefore I have sought to especially spotlight these issues during my time in office. Labour exploitation occurs in economic sectors in which demand for cheap labour is endemic, and in some instances is fostered through criminal means. Often recruitment agencies encourage migrants to borrow money to cover recruitment fees and travel expenses, and employ these and other abusive and fraudulent practices that either directly lead to trafficking or increase the vulnerability of workers to exploitation. Through a combination of wage deductions, payments in kind and debt manipulation, workers end up in situations of debt bondage in which they have no other viable option but to submit to their exploiter. To this end, I will continue to advocate the protection and promotion of workers' rights, and support the implementation of the ILO Decent Work and Social Justice Agenda, and will continue to engage with trade unions and the private sector as crucial partners to prevent and combat trafficking for labour exploitation.

In a particular area of trafficking for labour exploitation—domestic servitude in diplomatic households—my Office has pioneered work to highlight this particularly hidden form of trafficking. My Office has co-operated with countries where good practices are already in place to sensitize the other participating States on effective measures to prevent this form of trafficking, and we have already held high-level seminars in Geneva and Kyiv as part of a series partially funded by the United States. In this regard, we are glad to have the strong support of Gladys Boluda, Acting Chief of Protocol for Diplomatic Affairs. More seminars are planned in other OSCE regions to enhance the prevention of trafficking in human beings for domestic servitude in diplomatic households. On 8–9 October, a workshop will be held in The Hague for the Balkans and East European countries.

Child trafficking is widespread in the OSCE region and is reported by Europol to be a growing area of organized crime for any form of exploitation, including for child begging. It affects many vulnerable groups of children such as unaccompanied and separated, asylum-seeking and refugee children. There are also vulnerabilities involving children such as those living in institutions, or belonging to ethnic minorities among others. I have thus continued to call for the strengthening of child protection systems, as a powerful means to prevent child trafficking.

1.4. The evolving phenomena of trafficking in human beings

Trafficking in human beings is an evolving phenomena, necessitating great vigilance on the part of criminal justice and legal authorities. While physical violence continues to be regularly used against some groups of trafficked persons, more subtle methods of coercion and abuse of a position of vulnerability have appeared. These include, for example, psychological dependency in cases of domestic servitude, withholding of wages and debt bondage, and forms of “negotiation” of the exploitative terms and partial earnings sharing. In some countries, such methods, along with the fact that many victims are aware of ending up in prostitution or in an irregular job situation, may significantly challenge their position when identified and required to describe the coercion suffered.

The ever-evolving *modus operandi* poses a real challenge for law enforcement, prosecutors and judges, in both cultural and legal terms. For them, it is still difficult to realize that a person, although she or he has not been locked up in an apartment or in a workplace, could nevertheless be coerced to stay in an exploitative situation because she or he has no viable and acceptable alternative but to submit to the abuse. Yet in several trafficking cases, workers are induced to stay in an exploitative and slavery-like situation even if they are not paid for months.

The result is all too often that trafficking cases, especially for labour exploitation, are rarely qualified as such, criminal networks are not disrupted, perpetrators go unpunished and victims are not identified nor redressed. In order to counter this discouraging situation I have met with judges from across the OSCE region at judicial training seminars in order to ensure that trafficked people's legal rights are upheld and given the same importance as punishing perpetrators in court. I also stress the importance of upholding the right to claim compensation, which remains one of the most neglected aspects of providing justice in human trafficking cases.¹³

¹³ See for example, Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its vic-

My assessment of the state of play of anti-trafficking action in the OSCE area is that, despite the significant commitments and action taken, trafficking in human beings is still not considered a strategic issue; nor does trafficking in human beings raise the same level of concern as other human rights issues such as torture, or other transnational threats such as drug trafficking. As a result, an effective law enforcement response to the evolving nature of the crime has been lacking.

2. The challenges

2.1 Implementation of anti-trafficking commitments

I am convinced that in my capacity as the OSCE Special Representative I have to promote a different perception of trafficking in human beings, which has often been treated as a marginal phenomenon, involving the profiles of only certain victims, or limited to sexual exploitation. It is time to ensure that trafficking in all of its forms is acknowledged for what it is: modern-day slavery, on a massive scale, mostly a business of organized crime and a serious threat for national and international security. Instruments that we have built over the past ten years—such as legislation, anti-trafficking policies and national machineries—should now work on a much larger scale.

I have travelled tirelessly on official country visits across the OSCE region, visiting Azerbaijan, Bosnia and Herzegovina, Canada, Ireland, Italy, Romania, Kazakhstan, Moldova, Portugal and, most recently, Romania. During the remainder of my term I also plan to carry out an official country visit to Uzbekistan.

Country visits serve to establish a direct and constructive dialogue with participating States on anti-trafficking policy. During country visits, I hold consultations with government authorities, parliamentarians, and representatives of the judiciary and NGOs on human trafficking issues and aim to share knowledge and good practices.

After each visit, I issue a country report, underlining promising practices of the country, as well as challenges discussed and areas where anti-trafficking policy could be enhanced. The report contains concrete and focused recommendations to support the country in enhancing the implementation of OSCE anti-trafficking commitments. If the country agrees, the report is made public, with a response from the Government, where given.

Country visits are an opportunity to assess these challenges and also tackle issues such as the lack of acknowledgement of the involvement of public officials in trafficking in human beings in some participating States. Few actions have been taken, and even fewer prosecutions have been undertaken where allegations of corruption have arisen.

Such trips also allow me to determine where there are serious gaps and challenges in the adoption of comprehensive anti-trafficking laws and National Action Plans. Some National Action Plans fail to tackle all forms of exploitation, several of which do not include trafficking in human beings for labour exploitation, internal trafficking, child trafficking, or trafficking in men. Trafficking in human beings for labour exploitation as well as all other forms of trafficking should be clearly identified and criminalised.

Participating States still lack reliable data and empirical evidence to understand the problem and respond adequately at the local, national, regional and international levels, perhaps because most countries do not have a National Rapporteur or equivalent mechanism, which can monitor and report on the phenomenon and the impact of legislation, policies and initiatives. The dearth of systematic data gathering and evidence based research can have a profound impact at the national level, undermining the effectiveness of measures and the investment of funds and human resources provided to tackle trafficking in human beings.

2.2 Alliance against Trafficking in Persons

My efforts to combat human trafficking also include *The Alliance against Trafficking in Persons*, an informal platform for co-operation between the OSCE and major international organizations and NGOs recognized for their active stand against modern slavery. The *Alliance* was designed to serve the following goals, beneficial for both the *Alliance* Partners and the OSCE participating States: exchange of best practices and information, sharing of experience, exploring new approaches to better tackle trafficking in human beings, establishing shared priorities and undertaking common initiatives, thus ensuring better co-ordination among international organizations and diminishing duplication. The *Alliance* also was targeted

at providing the OSCE participating States and Partners for Co-operation with harmonized, evidence-based approaches, international expertise, and served as a platform for dialogue with civil society.

The foremost principle is the human rights-centred perspective at the core of all OSCE action against trafficking in human beings. This requires a holistic and integrated approach, giving first place to the rights and legitimate interests of trafficked persons. Victims should be identified at an early stage, assisted and supported in a process which aims at their recovery, and in the medium term at their social inclusion. Therefore, co-operation with civil society organizations is crucial in order to ensure that a confidence building process takes place in a friendly, respectful and protective environment.

There have been two main modalities of co-operation within the *Alliance against Trafficking in Persons*, our annual conference in Vienna and meetings of our co-ordination team of experts from leading international organizations, NGOs, and researchers. The United States has played a significant role in the *Alliance* conference, sending prominent speakers including Kenneth Morris, President of the Frederick Douglass Family Foundation, Rani Hong, Executive Director of the Tronie Foundation, James Felte, Prosecutor, Human Trafficking Prosecution Unit, United States Department of Justice, David Lopez, General Counsel of the U.S. Equal Employment Opportunity Commission, attorney and author Victor Boutros, and Ambassador CdeBaca.

2.3 Internal co-ordination and co-operation

Internal co-ordination and co-operation with other OSCE departments are another essential part of our efforts to fight human trafficking. The joint Transnational Threats Department/Strategic Police Matters Unit (TNT/SPMU), the Gender Senior Adviser and her team and the ODIHR Anti-trafficking Programme are key partners, along with the anti-trafficking focal points in field operations.

With its comprehensive and cross-dimensional approach to combating human trafficking, the OSCE has a solid track record of utilizing and building upon the substantial work carried out by its various bodies when dealing with the problem. My Office and these partners join efforts to support participating States in their anti-trafficking work, and are committed to operating in a coherent and complementary manner on the basis of their respective institutional mandates with the common purpose of promoting the implementation of OSCE commitments at the national level. Through regular exchanges and consultations, the bodies keep each other informed, identify issues of concern and common priorities, set agendas, and maximize the use of limited resources by acknowledging and building on internal institutional resources of expertise when possible. Regular exchanges help share experiences and lessons learned, sum up and capitalize on on-going efforts, and strengthen the Organization's institutional memory and expertise.

Co-ordination and co-operation are therefore on-going processes that take various forms, including: co-ordination meetings of structures in the Secretariat, where possible with the participation of the ODIHR; annual meetings of all OSCE bodies (for example, Anti-Trafficking Focal Points meetings hosted by my Office and/or the ODIHR, annual Heads of Mission meetings); bilateral meetings between heads of unit; and, at working level, continuous regular exchange of information, joint planning of activities, and joint development of documents and assistance to participating States, where appropriate.

2.4 Events and Publications

Occasional Papers and Annual Reports are an essential tool in the fight against human trafficking, providing valuable background information as well as policy tools for decision makers and practitioners dealing with the issue on the ground. During my time in Office, my Office has produced a number of reports and papers to assist practitioners, legislators and others. Because the *Alliance* conferences have been such an important forum for ground-breaking research, they have often set the agenda for new publications from my Office.

The 2010 *Alliance* Conference was inspired by the first Occasional Paper I published, *Unprotected Work, Invisible Exploitation: Trafficking for the Purpose of Domestic Servitude*.¹⁴ This issue has not been adequately addressed so far at the international level and across the OSCE area. The Conference highlighted that the vulnerability of the workers, mainly women and girls, derives from the fact that domestic work is usually under-regulated, under-protected and undervalued. The adoption

¹⁴ Organization for Security and Co-operation in Europe, *Unprotected Work, Invisible Exploitation: Trafficking for the Purpose of Domestic Servitude* (Vienna, 2010), <http://www.osce.org/cthb/75804>, accessed 1 September 2013.

of the International Labour Organization (ILO) Convention on Decent Work for Domestic Workers¹⁵ is an important step in the right direction in guaranteeing workers' rights and preventing domestic servitude.

Domestic servitude must be detected and prosecuted. Adequate punishments are critical, including the possibility for victims to achieve compensation, and for the prosecution to reach not only the final exploiter but the whole supply chain of recruitment and placement companies.

The OSCE is part of the diplomatic community, and we are ready to take action to prevent domestic servitude in diplomatic households, for example by advocating to set up specific procedures and guarantees so that domestic workers who work for members of the diplomatic corps or international organizations are fully informed about their rights, available support, and importantly, remain in possession of their travel and identity documents.

The series of seminars to enhance the prevention of trafficking in human beings for domestic servitude in diplomatic households I mentioned earlier are an important part of these efforts, and the Occasional Paper is used as a key reference work, which was translated also into French and Russian.

A second publication, *Analysing the Business Model of Trafficking in Human Beings to Better Prevent the Crime*,¹⁶ implemented as part of the UN.GIFT Expert Group Initiative, is an exploratory research aimed at understanding what makes trafficking in human beings profitable, considering the demand, costs, risks, revenues, and profit margins and—consequently—to remove a powerful incentive and disrupt the trade. In order to accomplish this goal, the project focused on trafficking at both the individual level, explaining decisions individuals take while conducting a cost-benefit analysis and justifying their actions, and at the organizational level. For the latter, the study focused on a comprehensive description of the economic and social organization of human trafficking, its *modus operandi*, aspects of its business model, the ways in which it interfaces with other criminal enterprises, other types of crimes and the nexus between human trafficking and legal enterprises and professionals (in other words, the environments conducive to organized criminal activity).

The area least explored and understood in the trafficking process is the profit generated by trafficking and the financial investments of traffickers. It is not clear how exactly profits are re-invested to increase the trafficking business, to what extent the profit is spent in maintaining a luxurious lifestyle (the latter was more prevalent in the cases included in this study where this information was available) or how and where the profit is invested in legitimate businesses in the trafficker's home country—or a combination of any of these. It remains one of the most important aspects in controlling trafficking as the seizure of assets of traffickers and trafficking profits will increase the cost to traffickers. Corrupt government officials and legitimate actors facilitate trafficking in human beings and protect traffickers. Their role must be examined in terms of their involvement and the degree to which they can be held accountable in trafficking prosecutions.

A number of policy measures were introduced in this research. These must be undertaken if governments are to be successful at combating trafficking and protecting victims. It is essential to raise awareness among the general population as well as other allies such as private industry. A comprehensive approach must address the supply and demand side of human trafficking, increase the cost and risk to traffickers while reducing the profits generated as a result of this crime. Finally, victim protection and upholding the rights of victims should be at the centre of any investigation.

"*Preventing Trafficking in Human Beings for Labour Exploitation: Decent Work and Social Justice*", was the subject of our 2011 Alliance conference, leading to the publication of *An Agenda for Prevention: Trafficking for Labour Exploitation*¹⁷ together with our 2011 Annual Report. The paper identifies a set of concrete and feasible measures, to be implemented both in countries of origin and destination to prevent trafficking for labour exploitation. Such measures could form an integral part of the political agenda of governments, parliaments, governing judicial bodies, the private sector, and civil society organizations. I have advocated for their adoption

¹⁵ International Labour Organization, *The Convention Concerning Decent Work for Domestic Workers* (Geneva 2011), http://www.ilo.org/brussels/WCMS_157836/lang-en/index.htm, accessed 1 September 2013.

¹⁶ Organization for Security and Co-operation in Europe, *Analysing the Business Model of Trafficking in Human Beings to Better Prevent the Crime* (Vienna, May 2010), <http://www.osce.org/cthb/69028?download=true>, accessed 3 September 2013.

¹⁷ Organization for Security and Co-operation in Europe, *An Agenda for Prevention: Trafficking for Labour Exploitation* (Vienna, 2011), <http://www.osce.org/cthb/86293>, accessed 1 September 2013.

during country visits and on the occasion of meetings with government authorities of the OSCE participating States.

People seeking a better job and finding themselves in a situation of social vulnerability and trafficking—be they irregular/regular migrants or people who are vulnerable for different reasons such as age or disability or discrimination—should be seen first and foremost as workers. They would not fall prey so easily to traffickers if they were granted a decent salary and decent working and life conditions. They are not only men but also women, looking for better opportunities abroad to support their families and ensure education and health care for their children. They are children trying to reach a country where they hope to find a gainful job and subsequently reunite their family. Irrespective of their migration status, they should be considered rights holders as workers whose rights must be protected and promoted.

Furthermore, it is necessary to address not only immediate factors which cause or facilitate trafficking but a larger spectrum of exploitation, involving especially migrant workers. To this end, it is necessary to put in place tailored measures to respond to the different needs of workers, aimed at reducing their vulnerability to trafficking. In this light, trafficking should be considered as a severe form of exploitation of workers in a position of vulnerability, by debt bondage or threats or multiple dependency or psychological constraint.

In 2011, I also organized an *“Alliance Expert Seminar on Leveraging Anti-Money Laundering Regimes to Combat Human Trafficking”*, bringing together leading experts from the fields of law enforcement, international finance and human trafficking to discuss this issue. Investigative information shows a vast phenomenon of reinvestment of the proceeds of trafficking, especially in countries of origin. Money laundering is generally considered one of the common denominators of organized crime and the necessary interface between licit and illicit markets. Through money laundering, the proceeds of any illegal activities including trafficking in human beings are conveyed to the legitimate economic sector for business investments.

The expertise shared at the seminar and subsequent research will allow us to publish our forthcoming Occasional Paper on *Leveraging Anti-Money Laundering Regimes to Combat Trafficking in Human Beings*. It provides an overview of human trafficking and anti-money laundering regimes and how they can interact, describing key issues and challenges for leveraging anti-money laundering regimes to combat trafficking as well as identifying existing good practices, tools, and resources to address the financial and business aspects of trafficking, and provides recommendations to relevant government agencies, NGOs, banks and businesses. In addition, the report includes several case studies of human trafficking and migrant smuggling that highlight existing challenges and practices, as well as a list of possible financial indicators of human trafficking activity.

Our findings suggest that trafficking in human beings and money laundering share several important interfaces, and that efforts to combat trafficking could be significantly enhanced through increased and improved use of the already-available detection, investigation, co-operation, and confiscation tools that are a part of anti-money laundering regimes. By increasing co-operation between agencies, institutions, and professionals that focus on trafficking in human beings and money laundering and facilitating the sharing of expertise and information, national authorities can significantly improve their capacity to identify and explore new information sources and investigative techniques to target and confiscate the criminal proceeds that drive the business of trafficking in human beings.

However, there is currently a significant disconnect between anti-trafficking and anti-money laundering efforts in most jurisdictions, and significant need for more effective use of key anti-money laundering elements such as financial investigations of human trafficking cases, identification and analysis of trafficking-related suspicious transaction reports, and effective inter-agency co-operation between financial intelligence units and law enforcement agencies. The national legal framework to facilitate effective and timely identification, reporting, and response to suspicious financial activity related to trafficking is lacking in many jurisdictions and there is a shortage of financial expertise in law enforcement agencies. International co-operation on financial and other aspects of human trafficking is often slow and limited.

The report lays out existing good anti-money laundering practices, tools, and resources to combat human trafficking, as well as relevant cases studies, that were identified by practitioners. These practices, tools, and resources include secure platforms for international information sharing on trafficking and money laundering-related issues between law enforcement agencies and between financial intelligence units, useful legal tools and typologies by international organizations, investigation, co-operation, and enforcement procedures by law enforcement and prosecution agencies, and advanced detection and analysis methods of financial institutions to identify and report suspicious human trafficking activity.

The 12th Alliance conference “*An Agenda for Prevention: Non-Discrimination and Empowerment*,” inspired my Office to produce a paper looking at discrimination as both a root cause and a consequence of human trafficking. The conference paved the way to better identify linkages between trafficking in human beings and various aspects of discrimination, and to explore how anti-trafficking and anti-discrimination measures can enhance each other.

The document presents main issues and challenges discussed during the conference, by also highlighting and further exploring some of them. It also provides a short overview of the legal framework of the non-discrimination principle underscoring its correlations with the anti-trafficking principle. Definitions of the main forms of discrimination are provided to ensure a common understanding of the concepts employed throughout the document. The paper presents a set of recommendations aimed at improving legislation, policies and practices addressing multiple and intersectional discrimination and trafficking, and their correlations.

I have also issued several noteworthy papers this year. The first, *Policy and legislative recommendations towards the effective implementation of the non-punishment provision with regard to victims of trafficking*,¹⁸ provides specific legislation and policy guidance on the non-punishment principle, making it easier to implement this difficult concept in practice. The non-punishment principle has been solemnly affirmed in OSCE commitments since 2000 and it has become a legally binding obligation for all those OSCE participating States who are parties to the Council of Europe Convention on Action against Trafficking in Human Beings and/or are members of the EU.

However, evidence to date confirms that victims of trafficking in human beings are routinely punished (through administrative detention and the imposition of fines amongst other means) and prosecuted throughout the OSCE region for crimes which were committed as a direct consequence of their trafficking, such as for immigration offences, the use of false documents and drug cultivation. This current situation represents a very stark violation of the human rights of victims and frankly speaking, one of the most appalling injustices.

It is well established that victims of trafficking in human beings stem from the most vulnerable sectors of society; victims are frequently discriminated against, experience socio-economic marginalization, are exploited, without social protection. That these same persons should be tried for crimes committed while in a state of exploitation only serves to lengthen their ordeal and in many cases to threaten their personal safety and liberty as well as to gravely diminish their future prospects of rehabilitation and social inclusion. The starting premise of all efforts to combat human trafficking must be the full protection of the human rights and dignity of victims.

Torture is another aspect of human trafficking that has received very little attention. In order to raise awareness of this terrible human rights violation, we issued the Occasional Paper *Trafficking in Human Beings Amounting to Torture and other Forms of Ill-treatment*.¹⁹ It is the first time, and hopefully not the last, that we developed and issued a research paper in partnership with other institutions, to study both the clinical and legal aspects of this problem. I am very proud that with the Ludwig Boltzmann Institute of Human Rights (BIM), and the Helen Bamber Foundation we were able to partner with two institutions of long-standing expertise and excellence on such an important topic. I see it as my responsibility to ensure that trafficking in human beings is understood in all its complexity, and to deepen this understanding by demonstrating how it is connected to other human rights violations, including torture and other forms of ill-treatment. In particular, it is my duty to denounce and condemn the practice of torture as a method used by traffickers to subjugate, control and exploit victims of trafficking in all its forms.

This research shows indeed very well the extent to which trafficking in human beings is associated with violence and human suffering, such that we can compare it and even consider it to be a form of torture. This association clearly indicates that THB is not only a violation of human rights, is not only a crime, it is also something whose existence is unbearable, against which it is necessary to mobilize moral resources, as in the case of historical slavery. It also suggests, in my view, new criteria to enhance political will against both trafficking and torture, and new means

¹⁸ Organization for Security and Co-operation in Europe, *Policy and legislative recommendations towards the effective implementation of the non-punishment provision with regard to victims of trafficking* (Vienna, 2013), <http://www.osce.org/cthb/101002>, accessed 2 September 2013.

¹⁹ Organization for Security and Co-operation in Europe, *Trafficking in Human Beings Amounting to Torture and other Forms of Ill-treatment* (Vienna, June 2013), <http://www.osce.org/cthb/103085>, accessed 2 September 2013.

to provide victims with additional protection such as reparation which includes not only compensation but also rehabilitation and satisfaction.

I am convinced that the findings of this paper will provide important guidance to state actors, civil society and the international community, to contribute to the improvement of relevant policy and practice, and critically to afford justice to victims of human trafficking. I look forward to continuing to work closely with governments, parliaments, law enforcement, the judiciary, the medical profession, civil society, academics, and international organizations to prevent and combat trafficking through an approach rooted in the rule of law and human rights.

The role of human trafficking in the global organ trade is another area that has received little attention in the past. For this reason, I issued our Sixth Occasional Paper, *Trafficking in Human Beings for the Purpose of Organ Removal in the OSCE Region: Analysis and Findings*.²⁰ To the best of our knowledge, this is the first research paper based on an analysis of available case studies in the OSCE region.

Trafficking for the purpose of organ removal is included in the United Nations Palermo Protocol on Trafficking of 2000 in its definition of trafficking in Article 3, but in fact this form of trafficking remains one of the most unknown and least addressed. In recent years however, we have seen an increase in attention to the subject, in part due to several high profile cases within the OSCE region, as well as due to the long-standing efforts of investigative journalists, academics and victim advocates who have gone to great lengths to shed light on this phenomenon.

Like all other forms of trafficking, it is a violation of the fundamental human rights and dignity of individuals, while also clearly representing a grave form of transnational organized crime. Our findings thus far confirm that very many countries are affected or involved in this form of trafficking in one of a myriad of possible ways, including as: countries of origin for victims, so-called brokers, traffickers, organizers, facilitators, and organ recipients, and/or as sites of transplant centres, clinics, or hosts of medical professionals such as anaesthetists, surgeons, nurses, nephrologists.

Taking into consideration all of these different roles, I can report to you that over a third of the OSCE region has been affected or involved in some way in this form of trafficking. Our research findings confirm a trend that we see across the board in all cases of trafficking, that is, that there is an apparent shift in the *modus operandi* of traffickers away from hierarchical structures towards loosely structured but highly competitive networks. A further feature of this evolving *modus operandi* is a highly specialized division of labour.

Persons trafficked for organ removal also face particular challenges, both during and after the organ removal, and hence we have devoted a special chapter to these issues. Victims are reported to receive small amounts of money, and in some cases, no payment at all. They are often unaware of the long-term and debilitating medical consequences of organ removal and lack of post-operative care as well as the psychological impact of the operation. Victims report strong feelings of shame and social stigmatization within their communities, which may contribute to a lack of access to medical and psychological care. Victims should thus receive compensation for the full impact of the crimes, including not only the immediate and chronic health consequences, but also the effects on their psychological well-being, as well as on their financial situation, or impacts on their livelihood and social integration.

Another issue which I would like to call attention to is the link between trafficking for organ removal and corruption. We know that corruption is an important factor in all forms of trafficking. This is perhaps even more pronounced in cases of trafficking for organ removal because of the important role of “white collar criminals”—here I am referring to the administrators, medical professionals and in some cases, official representatives whose contribution to the criminality is often essential in terms of accessing the certification, approval and medical equipment necessary to set up a transplant clinic. Thus I would say that the role of corruption is decisive in these cases.

In February, I held a seminar in Rome on “Co-operation to Prevent Trafficking in Human Beings in the Mediterranean Region”, focusing on human trafficking from the southern rim of the Mediterranean to Europe, with a particular focus on labour exploitation.

The insightful presentations and discussions at this high-level event have allowed us to produce our forthcoming paper on *Enhancing Co-operation to Prevent Trafficking in Human Beings in the Mediterranean Region*.

²⁰ Organization for Security and Co-operation in Europe, *Trafficking in Human Beings for the Purpose of Organ Removal in the OSCE Region: Analysis and Findings* (Vienna, June 2013), <http://www.osce.org/cthb/103393>, accessed 2 September 2013.

Progressive tightening of migration policies in the northern rim of the Mediterranean, as well as the political instability in the southern rim, particularly in the aftermath of the so-called “Arab Springs”, have fuelled the migration scenario in the region by increasing irregular flows of persons, especially from Tunisia and Egypt, in search for better living and working opportunities as well as international protection in the European Union.

While issues relating to mixed migration flows²¹ in the Mediterranean Region have usually been considered in the framework of smuggling of migrants, recent research and investigations demonstrate that a strong linkage exists between migration processes and subsequent exploitation, both in intraregional migration flows as well as towards the northern rim of the Mediterranean. The stories of the victims provide evidence that migrants—men, women and children—including those entitled to international protection, find themselves in a situation of serious social and economic vulnerability, and often end up being obliged to work in extreme exploitative conditions, particularly in some sectors that are more prone to labour exploitation, such as agriculture, construction and domestic work.

Our 2013 Alliance conference, *“Stolen Lives, Stolen Money: The Price of Modern-Day Slavery”* shed light on a range of financial, social and legal factors surrounding the ongoing debate on globalization, migration, inequality and trafficking.

The conference explored the nexus between trafficking in human beings and salient aspects of the current debate on globalization, including the interconnection between human trafficking and inequalities, importantly those linked with migration, as well as the increasing use of unpaid work to foster the illicit accumulation of wealth, which is at the core of contemporary slavery.

The conference also highlighted the economic, social and political costs of modern-day slavery both in terms of the violation of human rights and dignity of trafficked persons, and in terms of disruption of healthy and legitimate businesses, massive tax evasion, corruption, and erosion of the rule of law. It explored how the approach of global justice can contribute to defining a comprehensive strategy to tackle trafficking in human beings as an increasingly structural component of our societies and economies, to promote the rule of law and a fairer distribution of resources at the national and international levels, and to identify a range of actions aimed at ensuring legal and economic empowerment, restitution, and compensation to trafficked and exploited persons.

The publications and events I have just described illustrate how I have worked to promote a different perception of trafficking in human beings, highlighting the areas of domestic servitude, the trafficking business model, labour exploitation, non-discrimination and empowerment, the non-punishment provision with regard to victims of trafficking, trafficking amounting to torture and other forms of ill-treatment, and trafficking for the purpose of organ removal. These documents also show how contemporary human trafficking has evolved into a phenomenon with so many dimensions where humans were treated like commodities in a cruel and degrading way. Often, such cases were hidden for a long time before being disclosed.

3. Legacy

3.1 Second wave of anti-trafficking action

Now I would like to turn to the future, and what I have termed the new wave of anti-trafficking action which has a broader scope, is more fair and embraces an intersectional approach which places trafficking in a much wider socio-economic, cultural and political context. “If during the ‘first wave’ —started in the 1990s—the main concern was to distinguish trafficking from other related phenomena, such as smuggling, irregular migration or prostitution, today it is crucial to take into account the multiple forms of trafficking along with a broad range of related policies, from labour markets to migration and anti-discrimination policies.”²²

This is a crucial and innovative shift, which is directed to unravelling the multiple linkages between trafficking and cross-cutting policies, especially in the field of migration, labour market regulations and labour rights, discrimination and child protection. This is essential to develop policies, which address those structural socio-

²¹ “A movement in which a number of persons are travelling together, generally in an irregular manner, using the same routes and means of transport, but for different reasons. Persons travelling as part of mixed movements have varying needs and profiles and may include asylum-seekers, refugees, trafficked persons, unaccompanied/separated children, and migrants in an irregular situation.” Also referred to as mixed movements or mixed migration. Source: UNHCR, *Refugee Protection and Mixed Migration. The 10-Point Plan in Action*, Geneva, 2012, p. 291.

²² Organization for Security and Co-operation in Europe, *Combating Trafficking as Modern-Day Slavery: A Matter of Non-Discrimination and Empowerment* (Vienna, 30 November 2012), <http://www.osce.org/cthb/98249>, accessed 4 September 2013.

economic factors that underpin exploitation and trafficking. These factors include the neoliberal policies that appear to have contributed to more poverty, more “necessity-induced (international) migration and exploitative working practices”²³ and to the widening divide between the haves and the have nots. These factors also include issues of race, nationality and citizenship and their related legal frameworks, which may produce legally constructed dependencies and vulnerabilities. For example, restrictive immigration policies and citizenship laws can generate inequalities and discrimination especially of migrants and ethnic minorities, hence rendering these groups more vulnerable to abuse and exploitation.²⁴

This policy shift requires states to review relevant policies and legislation to recognize the unintended impact of certain policies, to develop more nuanced responses which acknowledge the complexity (and ambiguities) of people’s lived realities of exploitation and trafficking, and which contribute to building and strengthening coherence with the goal of tackling exploitation and human trafficking. This also needs planning and co-ordination across various sectors of government and with key external stakeholders (e.g. civil society, private sector, international development organizations etc.) in order to design multi-packaged interventions, which act upon multiple structural contextual factors with a combination of measures. For example, it may be necessary to design economic policies targeting the informal and black economy, policies which are tailored to the economic sector and to the logics of production and marketing within that sector; as well as targeted policies to promote local development, legality and tolerance; these efforts should also include measures for legal counselling services for migrants, capacity building of outreach for rights awareness and basic health care, employment schemes targeting vulnerable groups etc. In other words, this means multidisciplinary policies, mainstreaming and complementing measures aimed at the prevention of exploitation and trafficking in other policy areas with a view to mitigating risk factors by strengthening the general protection of the law for vulnerable and marginalized groups.

In conclusion, the challenges we face are related to the magnitude of trafficking in human beings as modern-day slavery, and a component of illegal markets generated by organized crime. This situation requires a proactive approach, aimed at detecting emerging threats for security at the global and regional level.

Our common commitment should be to acknowledge that slavery still exists more than 150 years after your US President Abraham Lincoln issued the Emancipation Proclamation, and consequently to free the slaves. This means empowering trafficked persons and supporting them in their aspiration to take their lives and their destinies into their own hands.

Today we know much more about the profile of traffickers, about the vulnerability of their victims and *modus operandi* of recruitment into slavery through fraud and deception, about billions of dollars of illicit profits and money laundering, about multiple sectors prone to exploitation, permanently changing routes, and numerous indicators helping to identify cases than we did in 2003 when the Action Plan was issued. Today we can say that we are proud of the Plan: its impact on capacity building in the OSCE region was crucial, and its recommendations were successfully applied in the vast majority of OSCE participating States, who replicated it, in accordance with the national context, in their National Action Plans and anti-trafficking programmes.

But no, we cannot feel satisfied because trafficking networks are never static, they develop new sophisticated tools to enslave men, women and children, to allow illegal money to enrich criminal networks through investment into legal economies that threaten the economic security of the participating States. They adapt their *modus operandi* to the changes in our legislation or in our migration policies. They follow the demand of the market and are on hand to provide the labour force where it is needed most urgently. And from the data we have, we can say that we, together, have to start a new chapter in addressing this global scourge.

Finally, I would like to thank you again, the leadership and staff of the U.S. Helsinki Commission, for holding this important hearing, for your kind invitation to testify before you today, and for your dedication to this challenging issue.



²³ Neil Howard, ‘It’s easier if we stop them moving’. A critical analysis of anti-child trafficking discourse, policy and practice—The case of Southern Benin (December 2012), <http://chd.sagepub.com/content/19/4/554>, accessed 4 September 2013.

²⁴ Organization for Security and Co-operation in Europe, *Combating Trafficking as Modern-Day Slavery: A Matter of Non-Discrimination and Empowerment* (Vienna, 30 November 2012), <http://www.osce.org/cthb/98249>, accessed 4 September 2013.

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