



OSCE Anti-Trafficking Guidelines

Overview

Trafficking in human beings is one of the most pressing and complex issues in the OSCE region. Every year, hundreds of thousands of women, children and men are trafficked to or from OSCE states into conditions amounting to slavery. Among these, many are young women and girls lured, abducted, or sold into sexual servitude. Available evidence suggests that the problem is expanding rapidly in the OSCE region.

Trafficking in human beings affects virtually all OSCE states. It is an affront to human dignity, often involving violence and terror. Trafficking touches on issues of human rights, inequality, discrimination, rule of law, crime control, law enforcement, corruption, economic deprivation and migration. The problem can be particularly acute in areas of conflict, frozen conflict and post-conflict. Trafficking cuts across all dimensions of the OSCE's work and as such requires a multifaceted approach.

The Charter for European Security commits all OSCE participating States to „*undertake measures to eliminate...all forms of trafficking in human beings. In order to prevent such crimes we will, among other means, promote the adoption or strengthening of legislation to hold accountable persons responsible for these acts and strengthen the protection of victims.*„

The Vienna Ministerial Council in 2000 decided to strengthen OSCE activities in this field.

These guidelines are intended to ensure all OSCE personnel, institutions, and field operations recognise the problem of trafficking in human beings, understand the OSCE's commitments, and undertake appropriate action. OSCE personnel, through their conduct and activities, must be at the forefront of efforts to combat trafficking.

To achieve these ends, all OSCE personnel should:

- Be aware of this problem and its implications;
- Be prepared to contribute to OSCE efforts to combat trafficking;
- Know what to do if confronted with an individual case;
- Report instances or suspicions of trafficking in human beings to a designated staff person who will inform relevant national authorities; and
- Abide by local laws and adopt exemplary standards of personal behaviour to ensure the OSCE is contributing to combating trafficking, and is not exacerbating the problem.

Background

Despite efforts to combat trafficking in human beings, the phenomenon is flourishing and expanding throughout the OSCE region. Current legislation, policies and strategies have proven inadequate to prevent or suppress trafficking, or to protect the human rights of trafficked persons.

Among the most significant limitations in current law and policy is the failure to treat trafficking as a serious human rights issue. In practice, trafficking is often approached only as a problem of illegal migration or prostitution. As a result, the victims of trafficking are often treated as criminals, while the traffickers most often go unpunished. The OSCE, through its Ministerial Council Decision and work in the Stability Pact Task Force, is committed to a human rights based approach in the combat of trafficking.

Due to the hidden, illegal nature of both trafficking and smuggling of human beings, it is likely that trafficking networks make use of already established smuggling routes. However, trafficking is distinguished from illegal immigration, or from smuggling of persons, in that it includes an element of force, deception or coercion, and it is carried out for the purpose of placing a person – whether for pay or not – into involuntary servitude or an otherwise abusive situation. Persons may also be trafficked domestically, not crossing international borders.

In order to more effectively combat each stage of the trafficking process, a broad definition of trafficking has been adopted in the U.N. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

Trafficking cuts across all dimensions of the OSCE's work:

- It is a *human dimension* issue of major proportions. Trafficking in the first instance strips the victims of their rights to liberty, dignity, security of person, the right not to be held in slavery, the right to be free from cruel and inhuman treatment, and – for the many trafficked minors – the other rights they are entitled to as children.
- It affects the *politico-military dimension* of security – transnational organised criminal groups thrive on the proceeds of trafficking, illicit profits are used to corrupt government officials, and the costs and risks to law enforcement agencies are greatly increased. The international nature of many cases calls for increased cross-border co-operation. In addition, trafficking can be a particular problem in post-conflict areas as a result of social dislocations, while a large international presence can actually contribute to the incidence of trafficking.
- As an element of the *economic dimension*, trafficking exists largely because of economic and social inequalities between, and within, countries. High rates of poverty, unemployment, low pay, and discriminatory labour practices all contribute to its spread. Increased trafficking is associated also with the dislocations resulting from economic transition, particularly the increased feminisation of poverty.

The OSCE has already begun to engage in a number of activities to combat trafficking and/or assist victims, including in the fields of law enforcement, public awareness, research, training, and support for non-governmental organisations. Several OSCE missions have undertaken anti-trafficking initiatives in various fields. The ODIHR has launched a number of projects and chairs the Task Force on Trafficking in Human Beings under the Stability Pact for South Eastern Europe.

Guidelines

The OSCE and its personnel must be fully committed to combating trafficking in persons, in line with the Charter for European Security and the Ministerial Council Decision on enhancing the OSCE's efforts to combat trafficking in human beings. To this end, the following guidelines are established for all OSCE personnel, institutions, and field operations:

Awareness and Training: All personnel should develop awareness of the problem of trafficking in human beings in the OSCE area. The Secretariat, in co-operation with the ODIHR, will ensure that written materials are made available to all personnel (e.g., the current publication *Trafficking in Human Beings: Implications for the OSCE*) and more materials on trafficking issues will be incorporated into the basic training course for OSCE field personnel.

Monitoring and Reporting: Field operations should consider trafficking issues as an appropriate subject for inclusion in their regular reporting. Field operations should establish procedures with the national governments of their host countries through which to report specific instances or suspicions of trafficking to local law enforcement authorities.

Co-ordination: In consultation with the ODIHR, OSCE field offices should also be involved in co-ordinating an appropriate, timely response mechanism to urgent trafficking cases in close co-operation with their host Government, other Governments, international organisations and non-governmental organisations in the field. In the event that OSCE field offices are confronted with a likely case of trafficking, such a response, where appropriate, could include:

- verifying the circumstances and allegations of the trafficking case with due regard to the alleged victim's safety;
- facilitation of shelter and translation services for, as well as medical and psychological assistance to, the trafficking victims;
- facilitation of legal assistance to trafficking victims, including special protection due to their status as witnesses of a crime;
- liaison with consular and border authorities in order to facilitate obtaining the necessary travel and identification documents to allow the safe and orderly voluntary repatriation of trafficking victims;
- monitoring and reporting follow-up to individual cases of trafficking, with the victim's consent, in order to avoid revictimization and to contribute to the effective prosecution of perpetrators, as well as to the reintegration of trafficking victims into society.

Standards of Professional Conduct: All personnel should abide by local laws and adopt exemplary standards of personal behaviour. Field personnel should abide by the OSCE Code of Conduct for OSCE Mission Members, which has been recently updated by the OSCE Secretariat to take trafficking into account.

Activities: OSCE institutions and field operations, in co-ordination with the ODIHR, are encouraged to develop activities and projects to combat trafficking, appropriate to their size and their mandates. Field operations can apply for funding for projects in this field to ODIHR which manages a small anti-trafficking fund. Furthermore, efforts should be made to mainstream anti-trafficking objectives into their daily routines and activities. These may include such steps as: initiating a dialogue with national governments to encourage action to combat trafficking, promoting legislative reform to enhance the probability of a successful prosecution of traffickers and the protection of victims, supporting public awareness campaigns including information about trafficking to vulnerable groups, developing mechanisms for victim protection, organising training for law enforcement or judicial officials, and co-operating with NGO and other civil society partners to combat trafficking.