



Organization for Security and Co-operation in Europe

Special Representative on Combating Trafficking in Human Beings

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PC Statement

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On the one hand, I should like to take a look back at the eight months I have been in office as OSCE Special Representative on Combating Trafficking in Human Beings and, on the other hand I should like to give an outlook on the activities planned for 2005.

In addition to the detailed work plan which was forwarded to you a couple of months ago, I should like to comment on my past and future activities.

Since my appointment in May, I have visited one third of our participating states – most of them, as agreed, countries of destination. These visits served the purpose of discussing with government ministers and representatives, local NGOs and IOs active on the ground in the fight against trafficking in persons the status of implementation of the OSCE commitments and of the OSCE action plan on trafficking in human beings.

My thanks go to the delegations here in Vienna for their support in arranging these country visits, which met with a very favourable response. My interlocutors were welcoming and cooperative and in several cases we discussed and agreed concrete follow-up action, ranging from the development of coordination structures and national plans of action via awareness raising campaigns, round tables, and national and/or regional conferences to legislative reform. The national ownership approach was greatly appreciated.

For 2005 I am planning to take on the second third of the OSCE participating states – this time adding a number of the CIS countries.

Considering the cardinal importance of cooperation and coordination, I intend to continue and intensify the work launched in July this year within the ‘Alliance against Trafficking in Persons’ regarding concerted and streamlined approaches to all the dimensions of human trafficking, especially trafficking in children, trafficking for forced and bonded labour, trafficking for forced marriages and trafficking in organs. The idea is to provide high-quality background information to governments on these issues as decision-making aids in the formulation of anti-trafficking strategies.

Subsequent to consultations with the Chair-in-Office, I am planning to convene two high-level meetings of the ‘Alliance’ – one in March and one in October – invitations to which shall go to high-ranking government representatives and governmental coordinators on human trafficking of all OSCE participating States and partners for cooperation. In response

to the decision recently taken by the Ministerial Council in Sofia, the March meeting will be devoted to the fight against trafficking in children. The October meeting will be on trafficking for forced and bonded labour.

Alliance meetings at expert level will generate back-up for these conferences.

Moreover, I should like to use this opportunity to draw attention to some of the problematic and weak points in the approaches taken to human trafficking:

There is the matter of victims of trafficking not being identified as such. Many victims continue to be deported as illegal immigrants or are categorised as perpetrators of criminal offences, fined for administrative offences or taken into custody.

There is the problematic issue of individual laws interfering with one another which often leads to victims not being recognized as victims and being sanctioned for criminal acts arising from the trafficking transactions.

There is the matter that only a few countries are able to appropriately address trafficking in children.

There is the problem of lacking infrastructure designed to provide appropriate assistance and protection to victims of trafficking including children, such as shelters, hotlines, provision of legal, medical, psychological support etc..

There is the matter of national legislation not properly reflecting the definition of human trafficking as given in the respective UN Protocol nor providing for punishment of traffickers and their accomplices which reflects the severity of the crime. Many destination countries have not yet ratified the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

There is the problem that the legal tools used in the fight against organised crime, such as wire-tapping, tracking the financial assets of the criminals, addressing the crime from beginning to end, long-term under-cover investigations and surveillance, etc., are hardly ever utilised in human trafficking cases.

There is the problem that human trafficking is constantly confused with human smuggling and that the two concepts are used interchangeably. Smuggling of people – although often undertaken in dangerous or degrading conditions which may even lead to the death of people – generally ends with the arrival of the people smuggled at their destination. Human trafficking, on the other hand, is characterized by deception, coercion etc. and involves the ongoing exploitation of people who are deprived of their freedom and forced into slavery-like situations, from which the criminals derive their profits. Very often, when crossing borders people are not yet aware of the fate in store for them which may lead to their enslavement by traffickers and their accomplices. Therefore, the over-emphasis on the act of illegal border-crossing fails to address the essential part of human trafficking meaningfully and efficiently.

We have to recognise that human trafficking cannot be managed by measures of exclusion and control only. The emphasis on control, deterrence and immediate repatriation of victims of trafficking is often the beginning of a vicious circle.

We must be aware of the fact that State policies, which primarily tend towards measures of self-protection as opposed to a more comprehensive approach to the issue, are counter-productive and therefore part of the problem.

Then, there is the problem that in a number of countries there are no institutionalised national structures enabling a coordinated approach on the part of the various ministries and ensuring effective interaction between all the main actors and agencies in the fight against human trafficking.

In many countries there is also a lack of institutionalised cooperation between law enforcement and NGOs as the service providers for victims of trafficking. And also the cooperation between police and judiciary needs to be upgraded.

And last but not least there is a need for more research into the scope and nature of human trafficking at national, regional and international levels and for awareness raising of all the dimensions of human trafficking.

Widespread training holds a large part of the answer to the continuing need for spreading understanding. What is called for is thorough training of law enforcement officers, both front-line police and special investigators, of prosecutors and judges and also vigilant border officials have an important role to play.

Another factor designed to diminish the conceptual confusion over definitions is the process of criminal law reform in which the individual countries must engage vigorously. When countries wrestle with the practical distinctions required to distinguish legally between smuggling, illegal immigration and human trafficking, and various other crimes, they find it necessary to refine and clarify these distinctions.

This impacts not only on criminal law provisions but also on measures for providing assistance and victim/witness protection. The differences between human trafficking, smuggling and illegal immigration again reveal themselves when countries must determine which benefits they will provide to human trafficking victims that they will not provide to smuggled persons or illegal immigrants and why.

Concluding, let me point out once again, that all of this will influence the understanding in this field. Those involved in investigating and enforcing the laws refer to what the law says. That is why human trafficking requires its own set of enacted laws. And the human trafficking laws enacted and implemented must be comprehensive in order to match the multi-dimensional character of this horrible crime and human rights violation.