



Organization for Security and Co-operation in Europe

**Ambassador Madina Jarbussynova,
OSCE Special Representative and Co-ordinator
for Combating Trafficking in Human Beings**

**Statement at the Council of Europe
Conference marking the 10th Anniversary of the opening for signature of the
CoE Convention on Action against Trafficking in Human Beings
June 16, 2015**

Dear Professor Van Dijk,
Your Excellencies,
Distinguished colleagues and partners,

I am delighted to address you today, along with many key actors and close partners on the occasion of this significant 10th anniversary of the opening for signature of the Council of Europe Convention on Action against Trafficking in Human Beings, the first regional treaty in this field focused on the protection of the rights of trafficked persons, and establishing a specific monitoring mechanism.

We have also recently celebrated a 10th anniversary of our **OSCE Action Plan to Combat Trafficking in Human Beings** adopted in 2003 which forms the foundation of OSCE's anti-trafficking action, as a strategic document that gained wide international recognition due to its advanced and detailed recommendations. It is referred to and applied at the national level, promoted by other international organizations, and used by NGOs.

At the Ministerial Council in Kyiv in December 2013, the OSCE participating States renewed their shared commitment to anti-trafficking by adopting **the Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings: One Decade Later, which in addition to the three P's of Prevention, Prosecution and Protection**, added a fourth "P", a chapter on partnerships, highlighting the need for enhanced international co-operation including law enforcement co-operation, co-operation between National Referral Mechanisms (NRMs) and co-operation between public institutions and the private sector. Thus the OSCE participating States committed to strengthening efforts to prevent and fight all forms of trafficking in human beings, and to further enhancing co-operation at the international and regional level.

There are many synergies between the OSCE commitments and the CoE obligations, in part due to the fact that the OSCE was involved in the development of the CoE Convention. The OSCE Office for Democratic Institutions and Human Rights (ODIHR) participated in the negotiations of the draft Convention within its capacity as observer and took part in all meetings during which the draft was discussed. The OSCE ODIHR submitted a written contribution to the **Ad Hoc Committee On Action Against Trafficking In Human Beings, CAHTEH**, on 4 June 2004, on the entire draft Convention formulated on the basis of OSCE Anti-trafficking Action Plan. The ODIHR consistently offered proposals both to the main text of the draft Convention, but also to the Explanatory Report to convey the policy as outlined in the OSCE Action Plan.

We are delighted that the CoE took into account the ODIHR's proposals and that our shared approaches to the major issues were reflected in the final version of the draft. For example:

- the Convention has adopted a human rights approach to trafficking and enhanced victim protection measures;
- the delegations agreed to a new order of topics for Chapter III on 'Measures to promote the rights of victims, guaranteeing gender equality' based on ODIHR's suggestion, to best reflect the assistance cycle after identification as follows: assistance to victims, recovery and reflection period, residence permit, compensation and legal redress, repatriation and return of victims, gender equality;
- the most positive development was the adoption of a separate article on the co-operation between State authorities and NGOs - Article 35 (Co-operation with Civil Society) that is in line with the wording and concept behind the NRM. Besides this, the language proposed by the ODIHR to the explanatory report on this article was accepted in full and may be found in paras. 352 and 353 of the Explanatory Report to the Convention;

- Art 26 of the Convention - Non-punishment clause - was inspired by the wording from Chapter III/Point 1.8 of the OSCE Action Plan.
- The ODIHR also made several interventions calling for the Convention to place particular emphasis on the specific rights of children.

This was a fruitful exercise and a good example of early co-operation between the OSCE and the Council of Europe in the field of setting up international standards on anti-trafficking.

The CoE is one of our closest partners in combating human trafficking. Since 47 OSCE participating States are, at the same time, Member States of the CoE, and all 57 pS are engaged in the work of the United Nations, the coherence of the legally binding UN and CoE anti-trafficking obligations, on one hand, and the OSCE political anti-trafficking commitments, on the other, has created a strong synergy, significantly enhancing its' potential.

We have had the pleasure of working very closely with our GRETA and Council of Europe partners in recent years. For example, in 2012 the OSCE, CoE and the CIS conducted the first ever joint round table on combating THB in Saint-Petersburg”.

A key example of our fruitful co-operation was the first joint high-level OSCE-CoE anti-trafficking conference, “Not for Sale- Joining Forces against Trafficking in Human Beings”, on the occasion of the Austrian Chairmanship of the Council of Europe and the Swiss OSCE Chairmanship, and which was hosted by the OSCE in Vienna in February 2014, and attended by over 400 participants.

The Conference built on the premise that the various anti-trafficking standards, laws, mandates and commitments should be complementary and mutually reinforcing. In

that light, we sought to identify possible avenues of joint action where there is a common approach between the Council of Europe (CoE) and the OSCE.

We took as a basis, from the OSCE side, its anti-trafficking commitments, in particular, the recent 2013 Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings, and, on the other hand, the CoE Convention on Action against Trafficking in Human Beings.

The CoE Convention is open to all countries – and non-member States of the CoE can accede to it. At the OSCE, the Addendum and indeed all of its political commitments are agreed by consensus among all 57 participating States, many of which are also member States of the CoE. There is thus a legal, political and geographical synergy, which underlines co-operation on the promotion of anti-trafficking commitments.

One of the objectives of the “Not for Sale” conference was to take stock of the implementation of various anti-trafficking legal obligations and political commitments, including at the international, regional and national levels, and to highlight the areas in which we can improve. Co-operation and engagement with a full array of stakeholders is critical in achieving this, including with representatives of international organizations, NGOs, specialized agencies, the private sector as well as trade unions.

As a concrete outcome of the conference, the OSCE and CoE agreed upon further avenues for co-operation encompassing all four of the Ps in anti-trafficking action: prevention, protection, prosecution and partnership, all the while drawing on existing - and agreed upon - language from the CoE Convention and the OSCE 2013 Addendum in particular. **This “Draft Framework for Joint Action”** was circulated in spring 2014 to the OSCE pS and CoE Member States for their comments, and the reception was very positive. Certainly, from the OSCE side, the pS are keen for us to continue forging synergies and reinforcing our mutual work.

Several concrete activities have taken place within this Framework for Joint Action, for example focusing on **prevention: addressing demand**: the organisation of a joint side event on Measures that Businesses, Civil Society and Governments can take to Prevent Trafficking in Human Beings for Labour Exploitation, on November 4th during the 14th *Alliance* conference (4-5 November 2014); and **on the prosecution and criminal justice sector**: targeted and practical training for judges and prosecutors on the implementation of the non-punishment principle, a principle which is reflected in several OSCE political commitments, including the OSCE Addendum and of course in Article 26 of the CoE Convention on Trafficking.

The first such workshop was convened in Strasbourg in October 2014, with more than 30 judges and prosecutors from our mutual regions taking an active role in the discussions. We kept the size of the group small, so that the experts could be divided up into working groups where real case studies were presented and debated on the second day. The workshop was opened by Judge Päivi Hirvelä, an active judge on the European Court of Human Rights, which made a lasting impression on the participants, as did the tour of the European Court itself, both kindly facilitated by our GRETA colleagues. The response was overwhelmingly positive and indeed there was a waiting list of participants who were not able to attend due to the lack of space, and for that reason, we convened a second workshop in April of this year. This second workshop followed the same format, but benefited from a very strong regional representation including from Central Asia, Caucasus and Eastern Europe.

In addition, the Swiss and Austrian Embassies at the University of Ottawa jointly organized a one-day conference in October 2014, within the framework of the Swiss Chairmanship of the OSCE and the Austrian Chairmanship of the Council of Europe. It was focused on the protection of trafficking victims, to bring awareness to the treatment of victims of trafficking, to give voice to the trauma faced by victims of

trafficking and to identify best practices with respect to offering victims the assistance they need.

I am pleased with our cooperation, and in particular how our Office and the GRETA closely cooperate and exchange information in particular to make sure that our two organizations avoid duplication while conducting country visits, such as in the preparation of the country visits to Macedonia, Tajikistan and Turkey, and follow up to Azerbaijan which I conducted this year, and to share our respective country reports. The GRETA evaluation reports are an important resource and tool, and I emphasize the GRETA recommendations in my high level meetings when appropriate. I also continue to promote the CoE Convention on Action against THB with the OSCE pS.

I would like to stress the crucial need to form partnerships in combating trafficking in human beings. The gap between the estimated numbers of trafficked persons and the amount of actual criminal cases globally is very worrying. Most victims remain unidentified while the vast majority of criminals enjoy impunity. It is not enough for each organization or stakeholder to develop individual plans and activities – we must really join forces if we want to close this gap.

We need to make this partnership effective by ensuring greater complementarity. Clearly, there is widespread political convergence when it comes to combating trafficking in human beings. Given the scale of the human trafficking phenomenon, the risk of duplication remains relatively small, but we do need to be diligent in fine-tuning our mutually reinforcing and complementary approaches. At times of prolonged financial constraints it is imperative to **forge goal-oriented partnerships at all levels** in order to enhance complementarity, avoid duplication and waste of important resources, to work on the basis of shared objectives and realistic goals.

A recent example of our work in this regard, is our initiative with CoE and UNODC to consider a pilot project for a centralized/shared database to avoid duplication, to improve data collection and sharing. We will conduct a survey of our pS, and we will share a draft questionnaire for peer review with CoE and UNODC and a few other partners who are also involved in data collection.

Besides co-operation in the bilateral format which I mentioned above, co-operation between the OSCE and the Council of Europe takes place in the framework of the **OSCE Alliance against Trafficking in Persons** of which the CoE is a member. The Alliance is an informal platform for advocacy and co-operation among international and non-governmental organization active in the fight against human trafficking initiated by the first OSCE SR Dr. Helga Konrad”.

The first meeting of the Alliance demonstrated wide support to the idea of an informal forum, without institutionalizing but on the basis of common goals and shared approaches, based on voluntary participation for the exchange of information, sharing experience and best practices.

This consultation with International Organizations led to the idea to establish a smaller group of experts, the **Alliance Expert Coordination Team (AECT)**, representing the same organizations at the working level - which meets twice a year in Vienna at the OSCE premises - to update one another, to share trends and developments in the area of THB, calendars of events, discussing gaps and priorities, and other issues making the organizations’ work more effective, and to avoid duplication.

My final point is the critical need to take stock of our legal obligations and political commitments and to do our utmost to promote their full

implementation. Here, there is another advantage in working together, and we can seek synergies for co-operation not only on specific activities, but also in fulfilling our respective anti-trafficking commitments.

At the end of the day, what really matters is **the practical impact these partnerships have on trafficking in human beings on the ground**, especially when it comes to the safety of vulnerable people and the protection of victims. This objective can more readily be achieved when goals are shared, recommendations jointly considered, and feedback between our organizations is exchanged in a direct and constructive way.

Allow me to **conclude** by underlining that while the challenges are common, effective responses should be tailored; while obligations are universal, successful strategies must be developed with the involvement of all relevant international, regional and national counterparts. Ultimately, the prevention of human trafficking, the prosecution of the crime, and the protection of victims' rights are our shared responsibility. To achieve this, we must continue to **join forces, complement each other's efforts and learn from each other's experience, to make anti-trafficking truly a political priority and to work towards our common goal to promote Freedom and a world free from Modern Slavery.** We look forward to continued strong partnerships and collaborative activities to implement our shared and joint goal.

Thank you for your attention.

