



Organization for Security and Co-operation in Europe

Madina Jarbussynova

OSCE Special Representative and Co-ordinator

for Combating Trafficking in Human Beings

Presentation

To the LIBE/FEMM Hearing on “*Trafficking of women and children in the context of migration – The new slavery of our times*”

Brussels, 21 June 2018

Check Against delivery!

Mr Chair,
Members of the European Parliament,
Ladies and Gentlemen,

I wish to commend the Committee on Civil Liberties, Justice and Home Affairs as well as the Committee on Women's rights and gender equality for keeping all of us focused on this unquestionably critical topic, and I applaud the hard work of its Chair, Mr Moraes, as well as that of his able team in steering this discussion.

Regrettably, inflamed by the crisis, human trafficking still remains on the rise and manifests itself in a number of scenarios. Forced on the move, people are exposed to ransom, kidnapping, sexual exploitation or are trafficked for forced labour during their life-threatening journeys. Upon reaching Europe, while waiting for their papers to be processed or whilst stranded between borders, already vulnerable groups and asylum seekers are acutely at risk of falling into the hands of exploitative individuals and organized crime networks.

Such scenarios call for concerted counter-efforts of national authorities, civil society and the international community.

Since the outbreak of the current migrant and refugee crisis, my Office and I have been closely engaged in assisting States to better address human trafficking threats faced by migrants, including for sex exploitation and forced labour, across countries of origin, transit and destination. Based on my visits to countries most affected by large movements of people, in particular across the Southern Mediterranean region, my Office published a report entitled *"From Reception to Recognition: Identifying and Protecting Human Trafficking Victims in Mixed Migration Flows"*.

Our report aims to better support the identification and protection of potential victims of trafficking among migrants and refugees and focuses on the roles and responsibilities of a range of stakeholders present in first identification and reception centres. To this end it explores all stages of a typical migrant's journey from disembarkation towards the final determination of status, as it is often during these critical operations that victims can be identified and adequately referred for assistance.

I would like to take this opportunity to present to you, on the one hand, the findings and main recommendations of this report, and, on the other hand, what we see as the legislative measures, tools and procedures, which could effectively enhance responses to human trafficking.

Ladies and Gentlemen,

First and foremost, we find that a harmonized, **multi-agency architecture** is necessary to address the needs of trafficking victims, as well as mitigate the risk of human trafficking to potential victims amongst the migrant population, irrespective of their status or claims.

Failure to implement this risks neglecting the vulnerabilities of a significant proportion of people who may very well fall prey to human trafficking practices as a result. Indeed, the presence of unidentified and unprotected victims of human trafficking allows criminal activities to flourish, adversely affecting the rule of law.

As such, we are more convinced than ever that the establishment of a multi-agency co-ordination mechanism would ensure sufficient expertise to identify vulnerabilities, facilitate information-sharing on presumed victims of trafficking throughout their journey, and guarantee the sustainability of assistance efforts.

Such an inclusive mechanism should be regulated by, primarily, **formalized protocols and guidelines** at both central and local levels; **delegating clear roles** to all actors operating in reception facilities, including medical personnel, social workers and law enforcement agencies, with a supra co-ordination oversight assigned to local authorities. Cross-sectoral co-operation between prosecutor offices, immigration authorities and specialized anti-trafficking NGOs should be legislatively formalized to become the norm.

Ladies and gentlemen,

Alongside the need for a standardized co-ordination mechanism, I will now outline **key recommendations** that I hope the European Union can help to implement across its member states.

To start with, States have a legal and positive obligation to protect victims of human trafficking. The EU Directive 2011/36 requires that Member States implement early identification mechanisms of assistance, in order to protect presumed victims of human trafficking, including legal representation. Victims shall be protected against victimization which may occur when they are interviewed and when they give evidence in court.

In order to comply with this obligation, Member States are required to put in place a legislative and administrative framework to prohibit and punish such acts.

It is therefore recommended that staff at identification and reception centres should be **trained to identify early indicators of human trafficking**. Ineffective identification of victims of trafficking can lead to expulsions or forced removals by host countries. National legislation should be reviewed to ensure that as soon as there are reasonable grounds to believe someone is a victim of trafficking, they should be granted a 30 day recovery and reflection

period during which expulsion orders cannot be enforced and individuals automatically benefit from the right to obtain a renewable residence permit.

Furthermore, better identification is often attained through better **data collection**. In all of our interactions with stakeholders at migrant and refugee reception centres across Europe the necessity to create a national database of identified and presumed victims of trafficking was highlighted. A functional database could reflect all possible interventions by relevant stakeholders both at the level of social assistance and in the context of criminal investigations. This would also pave the way for an individualized approach to victims of trafficking so as to track and streamline national anti-trafficking responses.

Finally, we need to build upon effective practices to protect **unaccompanied minors**. By way of example, the recently adopted Italian law n. 47/2017 offers a comprehensive approach to addressing the needs of unaccompanied minors. Additional safeguards should in fact be put in place to **ensure against the disappearance of unaccompanied minors** after they have been transferred to specialized accommodation centres. Laws aimed at harmonizing the age assessment procedure would aid protection of child victims of trafficking. Initial reception is crucial for building trust and framing children's future interactions with authorities. The results of measures put in place to protect children and, in particular, unaccompanied minors, should be monitored and good practices shared with relevant actors.

Distinguished Members of the European Parliament,

I welcome the recent efforts of the European Union, laid out in the December 2017 Commission Communication, to step up its action against trafficking in human beings. I also wish to congratulate the Commission for the recent **signing of a joint statement** under the initiative of the UE anti-trafficking coordinator, which aims to enhance coordination towards the eradication of

trafficking in human beings. To further these efforts, I would like to encourage you to reflect upon the recommendations of my Office made in our recent migration report and I look forward further our co-operation with EU agencies, in particular in ensuring a gender-specific and child-sensitive approach in combating human trafficking,

We cannot turn our backs on the immense injustice and denial of dignity many migrants and refugees face, and as such, a human-rights centred approach must remain the over-arching principle underpinning all of our efforts. To combat what amounts to one of the most lucrative criminal enterprises on the globe, your conveying power remains more essential than ever.

Thank you for your attention.