

Working Session 16 "Discussion of Human Dimension - Thursday 9 October
Presentation of La Strada International 'cooperation with OSCE ODIHR on addressing the issue of
trafficking in human beings, in particular to ensure compensation to trafficked persons"

Trafficking in Human Beings

Every year, thousands of women, children and men are trafficked to or from OSCE States. Trafficking in human beings reflects the poor social and legal position of persons in many countries. It encourages deceit, abuse, violence, debt-bondage, blackmail and deprivation of human rights.

Cooperation of OSCE and La Strada International on THB

Trafficking in human beings in Europe is an issue that has been taken up very seriously by the OSCE for many years, as top priority issue.

La Strada International has welcomed the OSCE action plan on trafficking in human beings, and their various reports published and seminars organised to encourage their member states to take further action.

Since more than a decade, La Strada members and La Strada International have been closely cooperating with OSCE and ODIHR on various advocacy and lobby issues on the issue of trafficking in human beings. ODIHR has contributed by providing technical and financial support to national activities on prevention, direct social assistance and advocacy of all about all La Strada offices in the field.

La Strada International is an invited member of the OSCE office of the Special Representative on trafficking in human beings, Alliance expert coordination team meetings since 2005, and has closely cooperated with the current special representative on trafficking, Mrs. Eva Biaudet and the former representative Helga Konrad and their staff members.

Recently LSI and OSCE have started to cooperate on the issue of compensation for trafficked persons.

How have the OSCE and the ODIHR been instrumental to the project development

The Handbook on National Referral Mechanisms published by the Office for Democratic Institutions and Human Rights of the OSCE includes guidance on the importance of compensation as a means of remedy of the human rights' violation experienced by trafficked persons and its important restorative and preventive effect.

The OSCE Action Plan to Combat Trafficking in Human Beings recommends that States should:

*'Consider legislative provisions for confiscation of the instruments and proceeds of trafficking and related offences' and that the 'confiscate proceeds of trafficking will be used for the benefit of victims of trafficking.'*¹

The importance of this is that participating States acknowledged that compensation is a right for trafficked persons that can be recognised and granted even within the existing criminal justice framework that is lacking a human rights culture.

All parties can gain by a system of compensation for trafficked persons; trafficked persons themselves, it provides justice and recognises their right to redress for damage suffered as well as for unpaid labour.

¹ Chapter III, s1.5

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States, because people do not return home empty-handed and so have the means to regain control over their lives and build a future, increasing their chances of successful reintegration into their society, which drastically reduces the chances of re-trafficking.

Recent research found that, although trafficked persons have an established right to compensation and various compensation mechanisms are in existence, the actual receipt of a compensation payment by a trafficked person is, in practice, extremely rare.

Generally, it is acknowledged that trafficked persons are entitled to compensation. And although most European countries have legal provisions for victims of crime to claim compensation for material and non-material damages, in practice, it remains one of the weakest rights of trafficked persons when it comes to accessibility.

Cooperation of LSI and ODIHR on compensation

In line with their findings, La Strada International and Anti Slavery International together with OSCE (in particular ODIHR) Council of Europe, the United Nations and the European Community will implement a three-year pan-European project to mainstream remuneration in national and international anti trafficking policies and practises.

The project concept includes research, development of guidance manuals, trainings, test cases and international advocacy in 15 European countries, a first consultation took recently place in Berlin, beginning of September.

For the project, a European coalition will be formed, consisting of various stakeholders - NGOs that offer direct assistance to trafficked persons, organisation of trafficked persons, members of the legal community, trade unions, migrant rights' organisations and academics.

At the national level in 15 European - all OSCE member states, national compensation coalitions consisting of NGO's, legal community, migrant workers' rights organisations, labour unions and academics will be formed to create a sustainable system to access compensation for trafficked persons.

The contribution of the OSCE is important as it is as an organization actually consisting of the participating States and thus in a position to raise awareness among States for the right to compensation for trafficked persons by (amongst others) organising events and a international conference on the issue of compensation, and also to ensure the commitment of countries for the implementation of activities.

In addition, the earlier support we and other international NGOs received from the OSCE and ODIHR in particular facilitated cooperation between civil society and governments.

Conclusion

We think it is important that OSCE member states, implement good actions on trafficking in human beings, including programmes as regards compensation to trafficked persons.

We are therefore happy that the OSCE reviews the progress made by participating States with respect to their human dimension commitments.

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At a daily basis, La Strada calls upon governments to comply to international and regional human rights standards and set up comprehensive national action plans, sign, ratify and implement international treaties, monitor the human rights impact of measures taken and ensure that any proposed anti-trafficking measure does not adversely affect or infringe upon the human rights of trafficked persons or other affected groups.

I think that the cooperation between La Strada International on the issue of prevention of trafficking in human beings, is a good example, where the ODIHR has facilitated co-operation between civil society and governments.

OSCE can further support this and has an added value in changing situation on the ground. ODIHR already had indicated to want to support developing trainings with La Strada for civil society/lawyers etc to spread the word about compensation.

We hope to work further with OSCE. In particular at the national level, we need the support of the OSCE in order to successfully implement our compensation programme, as well as our core work on the issue of trafficking in human beings.