



**Organization for Security and Co-operation in Europe**

**Office of the Special Representative and Co-ordinator  
for Combating Trafficking in Human Beings**

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*22<sup>nd</sup> Conference of the Alliance against Trafficking in Persons*

*Protection: upholding victims' rights  
and strengthening assistance*

**CONCEPT NOTE**

**4-6 April 2022**  
Hofburg, Vienna and via Zoom (upon registration)

## CONCEPT NOTE

### THE ALLIANCE

The Alliance against Trafficking in Persons Conference is an annual gathering of key stakeholders from across the OSCE region aiming to raise the political profile of the fight against trafficking in human beings (THB) and discuss emerging topics and trends in this area. With participation from national authorities, as well as international and civil society organizations, the Alliance helps to coordinate and amplify the efforts of all stakeholders toward the common goal of preventing and combating human trafficking. Since its establishment in 2004 as a framework for advocacy and cooperation, the Alliance has supported OSCE participating States in developing a robust, harmonized approach to combat THB that seeks to protect human rights, security, the rule of law and good governance throughout the region.

### THE FOCUS

The 22<sup>nd</sup> Conference of the Alliance against Trafficking in Persons will **focus on protection and assistance – and specifically the application of a victim-centred approach to support victims of trafficking in human beings and uphold their rights**. The conference will consider how victims can be better identified and assisted, taking into account their individual needs, ensuring that such assistance is unconditionally provided to *all* victims, and adhering to the principles of non-punishment and non-discrimination. The conference will also draw attention to the importance of granting trafficking victims access to comprehensive assistance as part of a durable solution aimed at their full recovery and (re)integration. To this end, the conference will analyse some emerging patterns in State protection systems and approaches. And it will offer guidance on how to expand existing mechanisms to ensure that they take into account victims' views and experiences, are inclusive, non-discriminatory and human rights-based, and designed and implemented in a gender-sensitive and trauma-informed manner.

### BACKGROUND AND RATIONALE

Since the adoption of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Palermo Protocol)<sup>1</sup>, efforts have been made by the OSCE participating States to ensure identification and protection of victims of trafficking in human beings by adopting relevant documents, reflecting its provisions in national legislation, and setting up systems and mechanisms to implement such legislation.

The 2003 OSCE Action Plan to Combat Trafficking in Human Beings (PC.DEC/557) addresses **protection and assistance as part of the OSCE's multidimensional and comprehensive response to trafficking in human beings (THB)** and proposes a number of actions that go beyond the assistance and protection of witnesses and victims in the criminal justice system. By recommending the adoption of relevant laws and the establishment of National Referral Mechanisms to protect and promote the human rights of THB victims, the Action Plan calls for accurate identification and appropriate treatment of victims in ways that respect their views and dignity. It stresses that such efforts will only have an impact when co-operation between law enforcement practitioners and social service providers is established and strengthened. All throughout, the Plan unequivocally **places trafficking victims and their rights at the centre of the anti-trafficking response**.

The 2013 Addendum to the OSCE Action Plan (C.DEC/1107/Corr.1) demonstrated a renewed attention to the needs of victims of trafficking in human beings. It emphasizes that States should provide assistance to victims of THB before the launch of an investigation and that this **assistance should not be conditioned on the victim's willingness to participate in legal proceedings**. It

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<sup>1</sup> 55 of the 57 OSCE participating States are parties to the Palermo Protocol.

urges participating States to ensure that all decisions on the referral process are fair, transparent, and respect the human rights and fundamental freedoms of the victims. To achieve this, the Addendum maintains that such **referrals for assistance can be initiated by actors outside the criminal justice system** for victims of all forms of trafficking, regardless of their nationality. It also provides a comprehensive list of remedies that THB victims should be entitled to including legal counselling and assistance, compensation, temporary or, where appropriate, permanent residence permits, access to the labour market, guarantee of safety of immediate family members, assistance in safe return and reintegration, and the application of the non-punishment principle. The groundbreaking chapter in the Addendum on Partnerships recommends diversifying and extending the range of anti-trafficking stakeholders who should identify, refer and assist human trafficking victims. It also singles out the **need to incorporate anti-discrimination programmes into the national response to THB**, specifically focusing on such vulnerable populations as women, children, members of ethnic, national and religious minorities, and migrants. It calls for ensuring that the protection of the rights of THB victims among these groups is enhanced through **multi-disciplinary partnerships** and the facilitation of dialogue and **co-operation between public authorities, NGOs, trade unions and other relevant institutions**.

Finally, two recent Ministerial Council Decisions<sup>2</sup> focus on the **urgent need to protect child victims of THB**. Building on the provisions of the 2005 Addendum to the OSCE Action Plan (PC.DEC/685) and its fundamental premise of ensuring that all interventions concerning a trafficked child should reflect the best interests of the child, these Decisions encourage participating States to adopt a “victim-centred and trauma-informed approach that takes into account the respective gender-specific concerns of girls and boys... and fully respects the human rights and fundamental freedoms of children subjected to human trafficking or sexual exploitation”. They also call for enhancing efforts to address the specific vulnerabilities of unaccompanied minors and strengthening the response to the online sexual exploitation of children, an alarmingly persistent problem, especially in the aftermath of the COVID-19 pandemic.

Despite such a broad and diverse range of recommendations and commitments, **significant challenges persist in the area of victim protection**.

From the structural point of view, the formal identification of THB victims in the OSCE region largely remains a prerogative of the law enforcement authorities. As a consequence, **identification and assistance in some States**, especially in the countries of destination, **continues to be conditional on victims’ willingness to co-operate with the criminal justice system**, leading to less support and assistance to victims and fewer successful cases. Moreover, identification, referral and assistance mechanisms are often not formalized or reveal systemic biases that lead to challenges in offering durable solutions and compensation to all trafficking victims. **Returns continue to dominate the decision-making process** for the victims of trafficking identified outside their countries of habitual residence, and when safe returns are implemented they are not necessarily administered by the State. **Integration and re-location are rare**, as are examples of granting the THB victims access to temporary or permanent residence and employment opportunities.

In terms of the application of a victim-centred approach, current protection efforts tend to focus on selected vulnerabilities and often lack flexibility to offer non-discriminatory, targeted and needs-based assistance that is sensitive to individual circumstances. **System biases and stereotypes often lead to assumptions** about various forms of exploitation vis-à-vis victims’ gender, and, as a consequence, insufficient attention is paid to some forms of exploitation. The majority of identified victims by States globally continues to be women and girls who are victims of THB for sexual exploitation<sup>3</sup>, while men and boys (if they are identified in the first place) are commonly presumed to only be victims of labour exploitation. The fact that **both women and men, girls and boys are exploited for a wide range of purposes is often overlooked by systems** that are not designed

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<sup>2</sup> Strengthening Efforts to Combat All forms of Child Trafficking, Including for Sexual Exploitation, as well as Other Forms of Sexual Exploitation of Children (MC.DEC/7/17); Strengthening Efforts to Prevent and Combat Child Trafficking, Including of Unaccompanied Minors (MC.DEC/6/18)

<sup>3</sup> UNODC Global Report on Trafficking in Persons 2020. Available at: <https://www.unodc.org/unodc/data-and-analysis/glotip.html> (accessed 25 November 2021).

to be nuanced. Examples of State-led identification and assistance to victims of domestic servitude, THB for organ removal, forced begging or forced criminality remain scarce.

**Trafficking in children continues to be on the rise** – in 2018, about one third of the overall detected victims were children and the number of identified child victims has tripled in the last 15 years<sup>4</sup>. When it comes to **migrant and refugee populations**, identification efforts are often diluted by a **focus on smuggling** of migrants or **eligibility for asylum** and miss opportunities to offer different forms of protection to those who have been exploited on the move. Moreover, protection systems need to promptly adapt to take into account the **vulnerabilities of the people seeking refuge from armed conflicts**. Mostly women and children, these people may fall prey to traffickers during transit or upon arrival at their destination. States should also consider whether existing protection approaches are responsive and sensitive to **minority-based vulnerabilities**: do they take into account that discrimination based on race and ethnicity is among the root causes of human trafficking? Do they offer **minority-tailored protection solutions**? Or, when it comes to **persons with disabilities** - physical, cognitive, intellectual or emotional - are they identified and assisted as trafficking victims at all? Indeed, many **vulnerable groups still fall outside the scope and capacity** of State-led protection systems and continue to be trafficked or re-trafficked. **Victims' voices are still seldom heard** nor are their views always taken into account when developing national strategies and action plans. Now that the anti-trafficking community has entered the third decade since the adoption of the Palermo Protocol and the first OSCE Ministerial Council Decision on combating trafficking<sup>5</sup>, these and other questions require a strong response for the sake of millions of victims of human trafficking who already need protection, as well as those whose exploitation can still be prevented

## THE OBJECTIVES

The programme of the Alliance Conference will encourage participants to discuss protection of victims of trafficking in human beings by examining current State identification and assistance measures and the application of victim-centred, trauma-informed, gender-sensitive and human rights-based approaches. The high level Conference will seek to achieve the following goals: i) take stock of existing protection systems and their capacity to provide comprehensive assistance to all victims of human trafficking; ii) improve understanding of the myriad vulnerabilities that need to be addressed to ensure State protection efforts are inclusive and effective; iii) outline gaps in State identification and assistance mechanisms; and iv) outline potential solutions for filling these gaps. In doing so, the conference will promote the full and effective implementation of the OSCE's anti-trafficking commitments and recommendations, including the OSCE Action Plan to Combat Trafficking in Human Beings and its Addenda, as well as relevant Ministerial Council Decisions. To draw particular attention to the epidemic of child exploitation, a special panel will be devoted to the protection of trafficked children.

## THE AUDIENCE AND FORMAT

The Conferences of the Alliance against Trafficking in Persons are attended by representatives of the 57 OSCE participating States and 11 Partners for Co-operation, major international organizations and NGOs which are partners in the Alliance against Trafficking in Persons, as well as civil society, media, the private sector, academia and relevant professional networks of national anti-trafficking practitioners. The 22<sup>nd</sup> Conference of the Alliance against Trafficking in Persons will be conducted in a blended format and bring the OSCE anti-trafficking community together in person and via videoconference. Active participation during the discussion sessions and via Twitter - @osce\_cthb, #CTHB22 – is highly encouraged. Ahead of the Alliance, participants can use the hashtag #askOSCE to ask questions to the speakers. More information is available at: [22nd Conference of the Alliance against Trafficking in Persons | OSCE](#)

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<sup>4</sup> Ibid.

<sup>5</sup> Enhancing the OSCE's Efforts to Combat Trafficking in Human Beings (MC(8).DEC/1).

