

# OSCE promoting coordination to fight human trafficking

by Helga Konrad

**A** growing number of participating States of the Organisation for Security and Cooperation in Europe (OSCE) have adopted anti-trafficking laws, amended their criminal codes and/or established national coordination mechanisms to address trafficking in human beings. However, a more sophisticated understanding of human trafficking and a victim-centred approach are essential to tackle this horrendous crime and human rights violation.

National plans of action – and national rapporteurs – are valuable tools in identifying the nature of trafficking and assigning responsibility between government agencies and non-governmental organisations. National action plans must be comprehensive and address all the dimensions of human trafficking – trafficking for sexual exploitation as well as trafficking for labour exploitation, domestic servitude, forced marriages and trafficking in organs. They should also take account of the relatively new phenomenon of internal trafficking. Unless they set out timeframes, delineate responsibilities and specify available human and financial resources, action plans will remain mere paper tigers.

Human trafficking is about the plight and suffering of people and not about criminal transactions in soulless goods. As traffickers ruthlessly exploit the lack of social and legal protection for victims of trafficking, the legalisation of the

status of victims of trafficking is a must. For victims to be able to free themselves from actual or threatened violence they need comprehensive social, economic and legal assistance. This is crucial to effective victim and witness protection strategies.

A central issue is the right of (temporary or permanent) residence for victims in destination countries. Ideally, legal status of residence should be granted irrespective of the victims' ability or willingness to testify in criminal proceedings. Legal status should also imply access to the labour market and entitlement to state welfare benefits and schemes for the compensation of victims of this crime. After a reflection period of at least 30 days (as laid down in the new Council of Europe Convention on Action against Trafficking in Human Beings<sup>1</sup>), the authorities should grant a temporary residence permit for at least six months. This should be renewable, with the possibility that victims – if required – may be allowed to permanently remain in the countries of destination.

Victims of trafficking must have the right to refuse to testify, and if they agree to testify, they should be able to do so in a non-confrontational environment. To expose trafficking victims or to force them too early to confront their exploiters may exacerbate trauma. The process of testifying against the trafficker must not re-victimise

them but should be an empowering, positive experience through which victims' rights are protected and promoted.

Child victims of trafficking ought to be automatically granted an extended stay in the country of destination, pending a durable solution. Just as trafficking victims in general, children in particular should never be criminalised for acts arising from a trafficking situation or sent back to their home countries without careful, individualised risk assessment.

Structured and systematic cooperation between law enforcement agencies and NGOs who run victim protection centres has proven effective in the fight against human trafficking. While we must encourage law enforcement and continue to train officers to better identify and refer trafficking victims, we must also significantly strengthen networks of support services so that victims can turn to and access an immediately supportive environment.

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1. [www.coe.int/T/E/human\\_rights/trafficking](http://www.coe.int/T/E/human_rights/trafficking)