

# OSCE COMMITMENTS ON TRAFFICKING IN HUMAN BEINGS

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## **OSCE COMMITMENTS ON TRAFFICKING IN HUMAN BEINGS**

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The following are excerpts from decisions of the Organization for Security and Cooperation in Europe (formerly the Conference on Security and Cooperation in Europe) regarding trafficking in human beings. OSCE decisions are adopted by consensus and are politically binding on all OSCE participating States.

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### **MINISTERIAL COUNCIL DECISION**

**Sofia, 7 December 2004**

**(MC.DEC/13/04)**

### **THE SPECIAL NEEDS FOR CHILD VICTIMS OF TRAFFICKING FOR PROTECTION AND ASSISTANCE**

The Ministerial Council,

Reaffirming the strong commitments of participating States in the field of combating trafficking in human beings, in particular the 2000 Vienna Ministerial Council Decision No. 1, the 2002 Porto Ministerial Declaration on Trafficking in Human Beings and the 2003 Maastricht Ministerial Decision No. 2/03 which endorses the OSCE Action Plan to Combat Trafficking in Human Beings, and establishes, under the aegis of the Permanent Council, an OSCE mechanism to provide assistance to participating States to combat trafficking in human beings, consisting of a Special Representative appointed by the Chairman-in Office, and a special unit in the Secretariat,

Recalling the 1990 Conference on the Human Dimension of the CSCE in Copenhagen, which *inter alia* declared that: “The participating States decide to accord particular attention to the recognition of the rights of the child, his civil rights and his individual freedoms, his economic, social and cultural rights, and his right to special protection against all forms of violence and exploitation”,

Recalling the principles of protection and respect for human rights as reflected in the 1989 United Nations Convention on the Rights of the Child, and its related 2000 Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, the 2000 United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, as well as the 1993 Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption,

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Mindful of the primary responsibility of participating States in combating trafficking based on an integrated and co-ordinated approach which includes prevention of trafficking, protection of victims and prosecution of traffickers and their accomplices,

Reaffirming that the general principles of, *inter alia*, the best interests of the child, non-discrimination, participation and survival and development provide the framework for all actions concerning children,

Dedicated to further strengthening the efforts by the OSCE to combat trafficking in human beings, and to continue an active implementation of the Action Plan to Combat Trafficking in Human Beings, as well as to continue the Organization's support to the participating States, on their request, in carrying out their respective national activities in this field,

Taking into account in particular the recommendations in the OSCE Action Plan to Combat Trafficking in Human Beings that the OSCE shall give special attention to the issue of trafficking in children, and also recognizing the vulnerability of unaccompanied and separated children,

Mindful that participating States are committed to protect children from all forms of violence, including sexual exploitation of children, and stressing the importance of respecting their special needs for protection and assistance, and the opportunity for the child to be heard,

Stressing that measures to combat trafficking in children should have a gender perspective and be non-discriminatory,

Underlining that the best interests of the child shall be the primary consideration in decisions taken with regard to trafficked children, including through ensuring representation, as appropriate, for child victims,

Aware of the need for an effective child assistance and protection framework as well as awareness-raising to counter the demand that fosters all forms of exploitation of persons, especially women and children, and which makes children more vulnerable to being trafficked,

1. Decides to enhance OSCE efforts aimed at preventing children from being trafficked, protecting and assisting child victims of trafficking, and prosecuting those who traffic in children, taking into account the OSCE Action Plan to Combat Trafficking in Human Beings;

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2. Encourages participating States to strengthen relevant governmental structures for children. Also encourages participating States to intensify actions, as appropriate, in line with the relevant recommendations for participating States in the OSCE Action Plan on Combating Trafficking in Human Beings to counter factors which contribute to making children particularly vulnerable to trafficking in human beings including: discrimination, based, inter alia, on race, sex, religion or belief, national or social origin, birth or other status; exploitation, as defined in the OSCE Action Plan on Combating Trafficking in Human Beings; poverty; lack of education and displacement;

3. Agrees to strengthen countering demand, including combating child sex tourism. In this context, also invites the participating States to consider, inter alia, elaboration of legal measures aimed at prosecution of their citizens for the sexual exploitation of children, including if such exploitation has taken place in another country;

4. Task the Permanent Council through the Informal Working Group on Gender Equality and anti-Trafficking, with support provided, inter alia, by the Special Representative on Combating Trafficking in Human Beings, and other relevant OSCE structures to elaborate an addendum to the OSCE Action Plan to Combat Trafficking in Human Beings, contributing to its implementation, on addressing the special needs of child victims of trafficking for protection and assistance, including a summary of best practices, by 31 July for further appropriate action;

5. Invites the Informal Working Group to start this work based on commitments made by participating States under existing international conventions to which they are Parties, in order to address appropriately the need to provide special protection measures for children, taking into account the best interests and welfare of the child.

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**MINISTERIAL COUNCIL DECISION**  
**Maastricht, 2 December 2003**  
**(MC.DEC/2/03)**

**COMBATING TRAFFICKING IN HUMAN BEINGS**

The Ministerial Council,

Reaffirming the commitments that participating States have adhered to in the field of combating trafficking in human beings, especially the 2000 Vienna Ministerial Council Decision No. 1, the 2001 Bucharest Ministerial Council Decision No. 6, and the 2002 Porto Ministerial Declaration,

Recalling furthermore Permanent Council Decision No. 557 of 24 July on the adoption of the OSCE Action Plan to Combat Trafficking in Human Beings, which provides participating States with a comprehensive toolkit to combat trafficking in human beings through a multidimensional approach, covering protection of victims, prevention of trafficking in human beings, and prosecution of those who facilitate or commit the crime,

With the goal of enhancing the OSCE's efforts in fighting trafficking in human beings,

1. Decides to endorse the OSCE Action Plan to Combat Trafficking in Human Beings as annexed to this Decision; and
2. Establishes, under the aegis of the Permanent Council, an OSCE mechanism to provide assistance to participating States to combat trafficking in human beings. The mechanism will consist of two parts, complementing the activities of each other: a Special Representative appointed by the Chairmanship-in-Office, and a special unit in the OSCE Secretariat,

The mechanism is set up to:

- (a) Assist OSCE participating States in the implementation of commitments and full usage of recommendations proposed by the OSCE Action Plan to Combat Trafficking in Human Beings;
- (b) Ensure co-ordination of OSCE efforts in combating trafficking in human beings across all three dimensions of the OSCE;

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- (c) Strengthen co-ordination among the relevant authorities of the participating States and between the OSCE and other relevant organizations;
- (d) Raise the public and political profile of the combat against trafficking in human beings;
- (e) Operate in the whole OSCE area and as appropriate, assist the participating States, in a spirit of co-operation and following consultations with the respective authorities of the relevant participating States in aiming at the implementation of their commitments in combating human trafficking;
- (f) Provide and facilitate advice and technical assistance in the field of legislation as well as policy development, together, as necessary, with other OSCE structures engaged in this field;
- (g) Be ready to offer advice to senior level authorities representing the legislative, judicial, and executive branches in participating States and discuss with them the implementation of the OSCE Action Plan to Combat Trafficking in Human Beings and commitments in the field of combating trafficking in human beings. In specific cases calling for special attention, seek direct contacts, in an appropriate manner with the participating State concerned and discuss the provisions of advice and concrete assistance, if needed;
- (h) Co-operate with National Rapporteurs or other national mechanisms established by participating States for co-ordinating and monitoring the anti-trafficking activities of State institutions. It will also co-operate with relevant Non-Governmental Organizations of the participating States. Furthermore, it will assume responsibility within the OSCE for hosting and facilitating meetings for the exchange of information and experience between national co-ordinators, representatives designated by participating States, or experts on combating trafficking in human beings;
- (i) Closely co-operate with the Office for Democratic Institutions and Human Rights (ODIHR) and other OSCE Institutions, the Secretary General, relevant structures of the Secretariat including the Office of the Co-ordinator for OSCE Economic and Environmental Activities (OCEEA), the Strategic Police Matters Unit (SPMU), the Senior Gender Adviser, as well as, where appropriate, the OSCE field operations. The mechanism will draw on the expertise within these OSCE structures, and will see that duplication is avoided. Participate when appropriate in the work of the Informal Working Group on Gender Equality and Anti-Trafficking in Human Beings;

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- (j) Co-operate and co-ordinate with relevant international actors such as the United Nations Office on Drugs and Crime, the United Nations High Commissioner for Human Rights, the United Nations Children's Fund, the International Centre for Migration Policy Development, the European Union, the Council of Europe, the Stability Pact Task Force on Trafficking in Human Beings, the Council of Baltic Sea States, the Southeast European Co-operative Initiative, Interpol and Europol
3. Affirms that the Special Representative will be politically accountable to, and will report regularly and when appropriate to the Permanent Council. It will function in accordance with Decision No. 8 of the Tenth Meeting of the Ministerial Council in Porto;
4. Calls on the Chairmanship-in-office to appoint as Special Representative a prominent personality with relevant expertise, according to OSCE procedures, following consultations with participating States through the Preparatory Committee on his or her mandate. In order to ensure continuity for the Special Representative to carry out his or her responsibilities initially for at least the duration of two successive Chairmanships, the Chairmanship-in-Office will consult with the next incoming Chairmanship-in-Office, within its prerogative, undertake to prolong the Special Representative's duties for the duration of that Chairmanship-in-Office, in accordance with Decision No. 8 of the Tenth Ministerial Meeting in Porto.
5. Tasks the Permanent Council to establish the above-mentioned special unit, as a part of the OSCE Secretariat, with contracted or seconded staff. The Special Representative will have the capacity of the special unit at his or her full disposal in order to effectively implement the above-mentioned tasks;
6. Agrees that both parts of the mechanism will be funded by the participating States through the OSCE Unified Budget in accordance with existing procedures. The ACMF will elaborate, in consultation with the Chairmanship-in-Office and Secretary General, administrative and funding modalities for the mechanism and submit its recommendations to the Permanent Council for approval in time for their inclusion into the OSCE 2004 Unified Budget.

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## **OSCE ACTION PLAN TO COMBAT TRAFFICKING IN HUMAN BEINGS**

### **I. Objectives and purposes of the Action Plan**

1. The Action Plan intends to provide participating States with a comprehensive toolkit to help them implement their commitments to combating THB. It aims to provide participating States with a follow-up mechanism, which will also promote co-ordination between individual participating States, both within the OSCE structures and with other international organizations. The Action Plan adopts a multidimensional approach to combating trafficking in human beings. It addresses the problem comprehensively, covering protection of victims, the prevention of THB and the prosecution of those who facilitate or commit the crime. It provides recommendations as to how participating States and relevant OSCE institutions, bodies and field operations may best deal with political, economic, legal, law enforcement, educational and other aspects of the problem.
2. The Action Plan is further intended to assist participating States in employing these tools by drawing upon existing regional experience gained through the implementation of such concrete initiatives and measures as those undertaken by the Stability Pact Task Force on Trafficking in Human Beings in South Eastern Europe.
3. A comprehensive approach to trafficking in human beings requires a focus on bringing to justice those responsible for this crime, and on carrying out effective measures to prevent it, while maintaining a humanitarian and compassionate approach in rendering assistance to its victims.

### **II. Definition of trafficking in human beings**

The Action Plan is based on the following definition contained in Article 3 of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime: “Trafficking in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the

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purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs”.

The OSCE Ministerial Council in its Decision No. 6 (2001) called on participating States to sign and ratify the United Nations Convention against Transnational Organized Crime, and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children.

### **III. Investigation, law enforcement and prosecution**

Commitments of participating States related to investigation, law enforcement and prosecution have been undertaken in the Ministerial Declaration on Trafficking in Human Beings adopted in Porto in 2002, the Bucharest Plan of Action for Combating Terrorism of 2001, the Ministerial Decision No. 6 adopted in Bucharest in 2001, and the Ministerial Decision on Enhancing the OSCE’s Efforts to Combat Trafficking in Human Beings adopted in Vienna in 2000. In these documents the participating States also agreed on the role of the OSCE in this field.

#### **Recommended action at the national level**

##### 1. Criminalization

- 1.1 Adopting such legislative and other measures as may be necessary to establish as criminal offences the conduct set forth in Article 3 of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.
- 1.2 Adopting such legislative and other measures as may be necessary to establish as criminal offences:
  - Attempting to commit this criminal offence;
  - Participating as an accomplice in this criminal offence;
  - Organizing or directing other persons to commit this criminal offence.
- 1.3 Adopting such measures as may be necessary to establish the liability of legal persons for trafficking offences in addition to the liability of natural persons. Subject

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to the legal principles of the participating State, the liability of legal persons may be criminal, civil and/or administrative.

- 1.4 Making legislative provisions for effective and proportionate criminal penalties, including imprisonment, that take into account the serious nature of this crime. Where appropriate, legislation should provide for additional penalties to be applied to persons found guilty of trafficking in aggravating circumstances, such as in the case of offences involving trafficking in children or offences committed by or involving the complicity of State officials.
- 1.5 Considering legislative provisions for confiscation of the instruments and proceeds of trafficking and related offences, specifying, where not inconsistent with national legislation, that the confiscated proceeds of trafficking will be used for the benefit of victims of trafficking. Giving consideration to the establishment of a compensation fund for victims of trafficking and the use of the confiscated assets to help finance such a fund.
- 1.6 Ensuring that trafficking, its constitutive acts and related offences constitute extraditable offences under national law and extradition treaties.
- 1.7 Adopting such legislative and other measures to establish as criminal offences acts of active or passive corruption of public officials, as referred to in Articles 8 and 9 of the United Nations Convention against Transnational Organized Crime.
- 1.8 Ensuring that victims of trafficking are not subject to criminal proceedings solely as a direct result of them having been trafficked.

## 2. Law enforcement response

- 2.1 Fully implementing anti-trafficking and related measures set out in legislation.
- 2.2 Establishing special anti-trafficking units — comprising both women and men — with advanced training in investigating offences involving sexual assault or involving children, in order to promote competence, professionalism and integrity.
- 2.3 Building capacity in the anti-corruption field.
- 2.4 Developing community-policing programmes: raising levels of trust between the police and the public in order, *inter alia*, to contribute to the acquisition of

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information relating to trafficking and to increase the willingness of victims to report offences.

- 2.5 Enhancing co-operation between law enforcement investigating bodies in order to establish the possibly criminal, trafficking-related origins of suspicious assets.
- 2.6 Providing not only the resources and training for developing intelligence-led policing for the management and analysis of crime and criminal information, but also the other advanced skills and equipment necessary for law enforcement bodies to carry out their anti-trafficking tasks.
- 2.7 Encouraging investigators and prosecutors to carry out investigations and prosecutions without relying solely and exclusively on witness testimony. Exploring alternative investigative strategies to preclude the need for victims to be required to testify in court.
- 2.8 Taking practicable measures to ensure that OSCE mission members who are behaving in breach of the OSCE Code of Conduct for Mission Members and other regulations face prescribed sanctions, including, as appropriate, disciplinary and criminal proceedings.
- 2.9 Targeting corruption of local law enforcement as a matter of priority, and ensuring that appropriate disciplinary and criminal proceedings are undertaken against law enforcement authorities found to be engaged in corrupt practices related to trafficking in human beings.

### 3. Law enforcement co-operation and information exchange between participating States

- 3.1 Co-operating closely with one another and consistent with their respective domestic legal and administrative systems, to enhance the effectiveness of law enforcement action in combating the offences covered by this Action Plan. Promoting similar co-operation and co-ordination between law enforcement agencies within States.
- 3.2 Adopting, in particular, effective measures
  - To enhance and where necessary to establish channels of communication between participating States;

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- To co-operate on inquiries regarding offences covered by this Action Plan;
  - To provide, when appropriate, items or evidence necessary for analytical or investigative purposes;
  - To facilitate effective co-ordination between their competent authorities, agencies and services and to promote the exchange of personnel and other experts, including, subject to bilateral agreements or arrangements between the participating States concerned, the posting of liaison officers;
  - To exchange information on specific means and methods used by organized criminal groups, including, where applicable, routes and conveyances and the use of false identities, altered or forged documents or other means of concealing their activities;
  - To co-ordinate administrative and other measures considered appropriate for the early identification of the offences covered by this Action Plan.
- 3.3 Concluding agreements on bilateral and multilateral law enforcement co-operation to facilitate exchange of information.
- 3.4 Undertaking efforts to develop common standards for the collection of statistical data.
4. Assistance and protection of witnesses and victims in the criminal justice system
- 4.1 Taking appropriate measures within participating States' means, including legislative ones, to provide effective protection from potential retaliation or intimidation for witnesses in criminal proceedings who give testimony concerning offences covered by this Action Plan and, as appropriate, for their relatives and other persons close to them.
- 4.2 Sensitizing law enforcement authorities and officials to their responsibility for ensuring the safety and immediate well-being of victims of THB.
- 4.3 Ensuring data protection and the victim's right to privacy, also in the course of data collection and analysis.

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- 4.4 Facilitating the victim's participation as a witness in the investigation and court hearings or other criminal proceedings by providing him/her with the possibility of relocation as a form of witness protection.
- 4.5 Providing legal counselling for victims when they are in the process of deciding whether or not to testify in court.
- 4.6 Permitting NGOs to support victims in court hearings, if it is not inconsistent with national legislation.

## 5. Training

- 5.1 Providing or improving training for border officials, law enforcement officials, judges, prosecutors, immigration and other relevant officials in all aspects of trafficking in persons.
- 5.2 Giving, in such training programs, consideration to human rights and child-and gender-sensitive issues, and encouraging co-operation with non-governmental organizations, other relevant organizations and other elements of civil society.

## 6. Border measures

- 6.1 Considering taking measures that permit, in accordance with its domestic law, the denial of entry, the revocation of visas or possibly the temporary detention of persons implicated in committing offences as defined by the legislation in force.
- 6.2 Considering strengthening co-operation among border control agencies by, inter alia, establishing and maintaining direct channels of communication.

## 7. Security and control of documents

- 7.1 Taking such measures as may be necessary, within available means, to ensure that travel or identity documents issued by or on behalf of participating States are of such quality that they cannot easily be misused, readily falsified or unlawfully altered, replicated or issued.

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## 8. Legitimacy and validity of documents

- 8.1 At the request of another participating State and in accordance with its domestic law, verifying within a reasonable time the legitimacy and validity of travel or identity documents issued or purporting to have been issued in its name, where there are reasonable grounds to suspect their usage for trafficking in persons.

## **Action for OSCE Institutions and Bodies**

### 9. Legislative review and reform

- 9.1 The ODIHR, and where appropriate the field operations, will continue to promote and support legislative review and reform efforts in compliance with international standards.
- 9.2 The OSCE will further develop co-operation with other relevant partners and organizations.

### 10. Law enforcement response

- 10.1 The OSCE Strategic Police Matters Unit will further promote the concept of community policing.
- 10.2 The Strategic Police Matters Unit and the Office of the OSCE Co-ordinator of Economic and Environmental Activities (OCEEA) will facilitate the exchange of information between participating States on best practices to be used by relevant investigating units to check the possibly criminal and trafficking-related origin of suspicious assets.
- 10.3 The OCEEA will further work together with the United Nations Office on Drugs and Crime Global Programme against Money Laundering and use its good offices to promote the organization of workshops on tackling money-laundering in interested participating States.
- 10.4 As part of its assistance in the development of National Referral Mechanisms the ODIHR will continue to promote and encourage co-operation between law enforcement and civil society.

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## 11. Disciplinary response

- 11.1 The Office of Internal Oversight is requested to maintain data on investigations into offences related to trafficking in human beings by mission members and all subsequent related actions taken thereon. The Secretary General is requested to report regularly to the Permanent Council on measures taken to implement regulations in cases of breaches of the Code of Conduct while respecting the privacy of alleged perpetrators.

## 12. Training

- 12.1 The ODIHR and the OSCE Strategic Police Matters Unit will continue to develop training materials targeted at law enforcement authorities on trafficking and sex crimes investigation, consult with the International Law Enforcement Academy (ILEA) in Budapest regarding possibilities for incorporating this training into ILEA programs, identify law enforcement trainers to conduct training, and facilitate funding training sessions for law enforcement authorities in OSCE participating States.
- 12.2 While international partners such as the International Centre for Migration Policy Development and the International Organization for Migration provide basic police training on how to respond to allegations of trafficking, and others such as the United Nations Development Programme provide advanced training, additional training needs to be provided on dealing with particular aspects of sexual crime, e.g. sexual abuse of children. The OSCE Strategic Police Matters Unit will provide such training in co-operation with the United Nations Children's Fund and other relevant organizations.

## 13. Security and control of documents

- 13.1 The relevant OSCE bodies, in particular the Anti-Terrorism Unit, will continue to facilitate workshops focusing on detecting documents used for illegal purposes in relation to trafficking in human beings, detecting false travel documents being used for entry of trafficked persons, and improving non-technical means of detection, such as interview techniques. In addition, workshops will focus on means of protecting freedom of movement of persons across the border, within the restrictions that are consistent with relevant OSCE commitments.

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## **IV. Prevention of trafficking in human beings**

Commitments of participating States related to prevention have been undertaken in the Ministerial Declaration on Trafficking in Human Beings adopted in Porto in 2002, the OSCE Permanent Council Decision No. 426 of 2001, the Ministerial Decision on Enhancing the OSCE's Efforts to Combat Trafficking in Human Beings adopted in Vienna in 2000, the OSCE Action Plan for Gender Issues approved by the Permanent Council in 2000, the Charter for European Security adopted in Istanbul in 1999, the Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE adopted in Moscow in 1991, the Final Act of the Conference on Security and Co-operation in Europe adopted in Helsinki in 1975. In the above-mentioned documents the participating States also agreed on the role of the OSCE in this field.

### **Recommended action at the national level**

#### **1. Data collection and research**

- 1.1 Collecting separate data related to women, men and children victims of trafficking, and improving research into and analysis of subjects such as the character and scale of THB and the trafficking and exploitation mechanisms deployed by the organized criminal groups, in order to develop effective and well-targeted prevention measures on trafficking in human beings. Promoting more research and exchange of information on trafficking in children.
- 1.2 Identifying the most vulnerable segments of the population and developing specially designed awareness-raising campaigns for them.
- 1.3 Conducting more far-reaching analysis of the root causes of THB, its demand and supply factors, its networks and its economic consequences, and its link with illegal migration.

#### **2. Border measures**

- 2.1 Without prejudice to international commitments in relation to the free movement of people, strengthening, to the extent possible, border controls as may be necessary to prevent and detect THB.
- 2.2 Adopting legislative or other appropriate measures to prevent, as far as possible, means of transport operated by commercial carriers from being used in committing offences, as defined by the provisions against trafficking.

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- 2.3 Where appropriate, and without prejudice to applicable international conventions, obliging commercial carriers, including any transportation company or the owner or operator of any means of transport, to ascertain that all passengers are in possession of valid travel documents. In accordance with domestic law, taking the necessary measures to provide for sanctions in case of violation.

### 3. Economic and social policies aimed at addressing root causes of THB

#### 3.1 In countries of origin:

- Considering as priority goals: the fostering of social-economic and political stability, and the reduction both of migration caused by deep poverty and of supply factors of trafficking. Policies followed in pursuit of these goals should also promote both economic development and social inclusion;
- Improving children’s access to educational and vocational opportunities and increasing the level of school attendance, in particular by girls and minority groups;
- Enhancing job opportunities for women by facilitating business opportunities for small and medium-sized enterprises (SMEs). Organizing SMEs training courses, and targeting them particularly at high-risk groups.

#### 3.2 In countries of destination:

- Implementing measures to reduce “the invisibility of exploitation”. A multi-agency programme of monitoring, administrative controls and intelligence gathering on the labour markets, and, where applicable, on the sex industry, will contribute greatly to this objective;
- Considering the liberalization by governments of their labour markets with a view to increasing employment opportunities for workers with a wide range of skills levels;
- Addressing the problem of unprotected, informal and often illegal labour, with a view to seeking a balance between the demand for inexpensive labour and the possibilities of regular migration;

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- Tackling underground economic activities which undermine economies and enhance trafficking.

3.3 Whether in countries of origin or countries of destination:

- Taking measures to raise levels of social protection and to create employment opportunities for all;
- Taking appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of gender equality, the right to equal pay for equal work and the right to equality in employment opportunities;
- Addressing all forms of discrimination against minorities;
- Developing programmes that offer livelihood options and include basic education, literacy, communication and other skills, and reduce barriers to entrepreneurship;
- Encouraging gender sensitization and education on equal and respectful relationships between the sexes, thus preventing violence against women;
- Ensuring that policies are in place which allow women equal access to and control over economic and financial resources;
- Promoting flexible financing and access to credit, including micro-credit with low interest;
- Promoting good governance and transparency in economic transactions;
- Adopting or strengthening legislative, educational, social, cultural or other measures, and, where applicable, penal legislation, including through bilateral and multilateral co-operation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, and that leads to trafficking.

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#### 4. Awareness-raising

- 4.1 Undertaking, in co-operation with civil society and NGOs, information campaigns to generate public awareness about trafficking in its various forms, including the methods employed by traffickers and the risks to victims.
- 4.2 Increasing awareness about trafficking among immigration authorities and consular and diplomatic personnel so that they use this knowledge in their daily contacts with potential victims.
- 4.3 Encouraging national embassies to disseminate information on relevant national legislation such as family law, labour law and immigration law as is of interest to potential migrants, including through NGOs.
- 4.4 Increasing awareness of other relevant target groups, including policy makers, law enforcement officers, and other relevant professionals such as medical, social services and employment officials, and in the private sector, to THB, to enhance their readiness to address it adequately and to strengthen their institutional capacity to counter it.
- 4.5 Encouraging the consular and visa sections of the diplomatic missions to use printed and other materials in their work with at-risk individuals.
- 4.6 Raising awareness of the media. The perception of the problem of trafficking in human beings brought forward by the media should include a clear explanation of the phenomenon and a realistic portrayal of the victims. To maximize public knowledge and awareness, anti-trafficking campaigns should be conducted with media professionals.
- 4.7 Targeting awareness-raising campaigns also at the most vulnerable groups, including persons belonging to national minorities, children, migrants and internally displaced persons (IDPs).
- 4.8 Extending awareness-raising campaigns to smaller towns and villages whose populations may be at particular risk.
- 4.9 Working in schools and universities as well as directly with families to reach young people and to raise their awareness about trafficking.

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- 4.10 Addressing, also through the media, the need to reduce the demand for the activities of persons trafficked for sexual exploitation, forced labour, slavery or other practices similar to slavery and, in this connection, promoting zero tolerance towards all forms of trafficking.
- 4.11 Establishing well-publicized telephone “hotlines” in the countries of origin, transit and destination, which should serve three purposes: to act as an independent source of advice and guidance to potential victims who may be considering job opportunities or other offers to go abroad, to act as a first point of contact providing access to a referral mechanism for victims of THB, and, furthermore, to facilitate the anonymous reporting of cases or suspected cases of THB.

## 5. Legislative measures

- 5.1 Adopting or reviewing laws, administrative controls and procedures relating to the licensing and operation of sectors of business that, according to intelligence, may be involved in trafficking, such as employment, tourist, au pair, adoption or mail-order bride agencies, as well as hotels and escort services.
- 5.2 Ensuring that measures adopted for the purpose of preventing and combating trafficking in persons do not have an adverse impact on the rights and dignity of persons, including their freedom of movement.

## **Action for OSCE Institutions and Bodies**

### 6. Data collection and research

- 6.1 Enhancing data collection and research on trafficking in persons, particularly on trafficking in children, by building on past research and engaging in exchanges with the United Nations Children’s Fund and other relevant actors.
- 6.2 Tasking ODIHR’s Contact Point on Roma and Sinti with continuing to gather data regarding trafficking in human beings, especially children, and its effects on Roma and Sinti communities.

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## 7. Addressing root causes of THB

- 7.1 The OCEEA will support the promotion and the development of national public information resource centres to allow individuals to check the legitimacy of businesses, particularly those advocating employment abroad, while avoiding overlap with existing Chambers of Commerce facilities or other business registration offices. The OCEEA can function as an intermediary, collecting examples of best practices on easily accessible legitimacy checks and distributing them to interested participating States and/or OSCE field operations.
- 7.2 The OCEEA will continue to promote SMEs training and to target it in particular at high-risk groups, including by assisting in the development of legislation to reduce barriers to the establishment of SMEs.
- 7.3 The OCEEA should develop programmes to tackle economic factors that increase the vulnerability of women and minorities to trafficking, including discrimination in the workplace and lack of access to credit.

## 8. Awareness-raising

- 8.1 The ODIHR and, where appropriate, field operations will continue to contribute to research efforts as well as promoting and carrying out awareness-raising initiatives in co-operation with relevant partners throughout the OSCE region.
- 8.2 The Press and Public Information Section will help to raise media awareness of OSCE activities in the field of trafficking. The ODIHR will enhance training activities with regard to the responsibility of the media for dealing with the topic of trafficking in a sensitive manner and without reinforcing negative stereotypes. Training will stress the complexity of the trafficking phenomenon and the need for a comprehensive response.
- 8.3 In order to ensure that staff of OSCE field operations do not engage in or in any way knowingly facilitate trafficking in human beings, and to fulfil the norms contained in part 4 of the OSCE Code of Conduct which is an integral part of the Staff Regulations, the Secretary General will draft comprehensive staff instructions for review by the Permanent Council no later than 15 November 2003.

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- 8.4 The OSCE Training Co-ordinator, the Senior Adviser on Gender Issues and the Senior Security Co-ordinator will continue to use the induction course to develop and implement staff training on gender issues, trafficking in human beings and on relevant regulations and guidelines, in co-operation with the ODIHR, and to organize special workshops in the field. Heads of field operations will ensure that attendance at such training courses will be compulsory for all staff.
- 8.5 The OCEEA will help to mobilize and strengthen the private sector's efforts to combat trafficking in human beings by raising awareness, and by identifying and disseminating best practices, such as self-regulation, policy guidelines and codes of conduct.

## **V. Protection and assistance**

The OSCE commitments related to protection and assistance to the victims of trafficking in human beings have been undertaken in the Ministerial Declaration on Trafficking in Human Beings adopted in Porto in 2002, the Ministerial Decision No. 6 adopted in Bucharest in 2001, the Ministerial Decision No. 1 adopted in Vienna in 2000, the Charter for European Security adopted in Istanbul in 1999.

### **Recommended action at the national level**

#### **1. Data collection and research**

- 1.1 Collecting data through the exchange and analysis of best practices and other information regarding effective protection of and assistance to victims of trafficking in the OSCE participating States.

#### **2. Legislative measures**

- 2.1 Considering the need for adopting legislation which will provide the legal basis for rendering assistance and protection to victims of THB, especially during pre-trial investigations and in court proceedings.
- 2.2 Ratifying, or acceding to, and fully implementing the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

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### 3. National Referral Mechanisms (NRM)\*

- 3.1 Establishing National Referral Mechanisms by creating a co-operative framework within which participating States fulfil their obligations to protect and promote the human rights of the victims of THB in co-ordination and strategic partnership with civil society and other actors working in this field. (\*The ODIHR's Handbook on Guidelines and Principles to Design and Implement National Referral Mechanisms may serve as a useful source of advice and information regarding the role of NRMs in rendering assistance and protection to victims of THB).
- 3.2 Providing guidance to facilitate the accurate identification and appropriate treatment of the victims of THB, in ways which respect the views and dignity of the persons concerned.
- 3.3 Combining the efforts of law-enforcement bodies, including specially established anti-trafficking units and police at local level, officials of migration and border services, social protection units, medical institutions, as well as NGOs and other civil society institutions as the most relevant actors to be involved in NRM activities.
- 3.4 Establishing appropriate mechanisms to harmonize victim assistance with investigative and prosecutorial efforts.
- 3.5 Drawing special attention to the need for enhanced co-operation between the police and NGOs in identifying, informing and protecting victims of THB.
- 3.6 Linking the activities of NRMs with those of inter-ministerial bodies, national co-ordinators, NGOs and other relevant national institutions to form a cross-sectoral and multidisciplinary team capable of developing and monitoring the implementation of anti-trafficking policies.

### 4. Shelters

- 4.1 Establishing shelters, run by governmental bodies, NGOs, or other institutions of civil society to meet the needs of trafficked persons; these shelters are to provide safety, access to independent advice and counselling in a language known by the victim, first-hand medical assistance, and an opportunity for reflection delay after the experienced trauma. Shelters may be established on the basis of already existing facilities such as crisis centres for women.

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- 4.2 Providing access to shelters for all victims of trafficking, regardless of their readiness to co-operate with authorities in investigations.
- 4.3 Giving special attention to ensuring security for personnel of such shelters, confidentiality of information obtained, and safety and privacy for victims of THB.
- 4.4 Using shelters to provide the kind of training opportunities for victims of THB which will facilitate their future reintegration, employment and independence, as well as improving their competitive capabilities after the experienced trauma.

#### 5. Provision of documents

- 5.1 Ensuring provision of documents, if necessary, as a first step to clarifying the victim's identity and status in countries of destination, thus making it possible to proceed with options of assistance in appropriate cases, such as repatriation, preferably voluntary, provision of a temporary or permanent residence permit, and/or legalization of employment.
- 5.2 Enhancing co-operation amongst law enforcement bodies in the countries of origin, transit and destination, and responsible officials of all institutions involved in the restoration of rights of victims of THB, including the personnel of embassies and consulates of participating States in order to facilitate the speedy verification of personal data and the avoidance of undue or unreasonable delay.
- 5.3 Informing identified victims of THB of their right to access to diplomatic and consular representatives of their country of nationality.

#### 6. Provision of social assistance

- 6.1 Developing social assistance and integration programmes, including legal counselling in a language known by the victim, medical and psychological assistance and access to health care, to be made available either in shelters or other relevant institutions.
- 6.2 Considering, where not inconsistent with national legislation, legal measures to allow confiscated assets to be used to supplement government funding for programmes that address the needs of victims of THB and to compensate the victims in accordance with the gravity of the crime committed against them.

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## 7. Repatriation, rehabilitation and reintegration

- 7.1 Assisting the victims of THB in — preferably — voluntary repatriation to the country of origin with due regard for their safety and that of their families, and without undue or unreasonable delay.
- 7.2 Ensuring due process in all return and removal proceedings, taking into account a humanitarian and compassionate approach.
- 7.3 Considering contributing to the rehabilitation and social reintegration of victims of THB by providing them with social and economic benefits.
- 7.4 Raising media awareness of the need to safeguard privacy by avoiding public disclosure of the identity of victims of THB, or publication of confidential information inimical to victims' security or to the cause of justice in criminal proceedings.

## 8. Provision of a reflection delay and temporary or permanent residence permits

- 8.1 Considering the introduction of a reflection delay to give the victim due time to decide whether or not to act as a witness.
- 8.2 Considering on a case-by-case basis, if appropriate, the provision of temporary or permanent residence permits, taking into account such factors as potential dangers to victims' safety.
- 8.3 Considering, if appropriate, the provision of work permits to victims during their stay in the receiving country.

## 9. Ensuring the right to apply for asylum

- 9.1 Ensuring that anti-trafficking laws, policies, programmes and interventions do not affect the right of all persons, including victims of THB, to seek and enjoy asylum from persecution in accordance with international refugee law, in particular through effective application of the principle of *non-refoulement*.

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## 10. Protection of children

- 10.1 Ensuring that the special needs of children and the best interests of the child are fully taken into account when deciding upon appropriate housing, education and care. In appropriate cases, if there is no direct threat to the safety of the child, providing the children with access to the State educational system.
- 10.2 Deciding on the repatriation of a child victim of THB only after having taken account of all the circumstances of the specific case and if there is a family or special institution in the country of origin to ensure the child's safety, protection, rehabilitation and reintegration.
- 10.3 Considering the provisions outlined in the United Nations High Commissioner for Refugees Guidelines for the Protection of Unaccompanied Minors when elaborating policies targeted at this risk group, and in particular for those who are not in possession of identification documents.
- 10.4 Using bilateral and/or regional agreements on fundamental principles of good reception of unaccompanied children in order to combine efforts targeted at the protection of children.
- 10.5 Ratifying or acceding to, and fully implementing, the Optional Protocol to the Convention on the Rights of the Child, on the Sale of Children, Child Prostitution and Child Pornography.

### **Action for OSCE Institutions and Bodies**

## 11. National Referral Mechanism

- 11.1 Enhancing the activities of the OSCE, especially the ODIHR, in assisting participating States, upon their request, in establishing the NRM.
- 11.2 Tasking the OSCE Strategic Police Matters Unit, together with the ODIHR, with the further development of guidelines or a manual on the identification of suspected victims and of evidence of THB, in order to assist participating States, as appropriate.

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## 12. Reintegration

- 12.1 The OCEEA will facilitate contacts between public and private actors with a view to encouraging the business community to offer job opportunities to victims of trafficking.

## 13. Protection of children

- 13.1 The OSCE as a whole shall give special attention to the issue of trafficking in children and to recognizing the vulnerability of unaccompanied children. Efforts should be made to develop co-operation with specialized international agencies, especially the United Nations Children's Fund and relevant international NGOs, on expert meetings, research and the development of guidelines promoting the best interest of the child.

## 14. Training

- 14.1 Tasking the OSCE Training Co-ordinator, the Senior Adviser on Gender Issues and the Senior Security Co-ordinator in co-operation with the ODIHR with developing information material on how to assist victims of trafficking, especially children, in response to requests either from individuals or governmental and non-governmental bodies, and with providing relevant training for OSCE mission members. The material might also be disseminated to military personnel, peacekeepers and other international staff in the field.
- 14.2 Tasking the ODIHR with the collection and dissemination of information on measures, training programmes and materials already in place in OSCE participating States.

## 15. Legislative measures

- 15.1 In co-ordination with the United Nations Office on Drugs and Crime, the Council of Europe and other relevant actors, the ODIHR will continue to assist participating States, upon their request, in bringing their national legislation into compliance with international norms and standards, particularly by promoting a humanitarian and compassionate approach to the victims of THB.

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## **VI. Follow-up and co-ordinating mechanisms**

Besides monitoring the implementation of the OSCE commitments by participating States through existing OSCE mechanisms, including the annual Human Dimension Implementation Meeting, Review Conferences and relevant human dimension events, The Permanent Council recommends the following actions at the national level:

1. To consider appointing National Rapporteurs or other mechanisms for monitoring the anti-trafficking activities of State institutions and the implementation of national legislation requirements;
2. To consider establishing Anti-Trafficking Commissions (task forces) or similar bodies responsible for co-ordinating activities within a country among State agencies and NGOs, and for elaborating measures to prevent THB, to punish perpetrators of THB and to protect its victims;
3. To improve co-operation between State institutions and national NGOs active in rendering protection and assistance to the victims of THB, combating violence against women and children, promoting gender equality and raising awareness in human rights issues;

Furthermore, the Permanent Council:

4. Tasks the Chairmanship with conducting discussions on follow-up to this Action Plan, including augmenting current structures and examining the need for a new mechanism, with a view to enhancing the OSCE's efforts in fighting trafficking in human beings by raising its political profile and giving it a prominent role on the issue, as well as better co-ordinating work among the three dimensions of the OSCE;
5. Tasks the OSCE relevant structures with hosting and facilitating annual meetings in Vienna of national co-ordinators, representatives or experts on combating trafficking, to monitor the process of the implementation of the OSCE Action Plan. This will provide them with a chance to build networks, exchange information, and outline priorities for co-operation;

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6. Urges the pursuit of close interaction between the OSCE Secretariat, its institutions and its field operations, to assist participating States, where appropriate, in implementing the current Action Plan;
7. Tasks the ODIHR with rendering necessary technical assistance to participating States, when appropriate, in developing National Anti-Trafficking Plans of Action, including legislative and other assistance measures aimed at effective prevention and combating trafficking and protection of victims;
8. Tasks OSCE institutions and bodies with engaging in more extensive regular exchange of information, data collection and research with relevant international organizations;
9. Tasks the ODIHR with the further development of its clearing-house function for the exchange of information, contacts, materials and good practices and with the enhancement of its project activities.

## PERMANENT COUNCIL DECISION

24 July 2003  
(PC.DEC/557)

### OSCE ACTION PLAN TO COMBAT TRAFFICKING IN HUMAN BEINGS

The Permanent Council,

1. Taking into account the universal condemnation of the crime of trafficking in human beings, as well as the numerous related international and regional instruments, such as the 2000 United Nations Convention against Transnational Organized Crime and its supplementary Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air,
2. Reiterating that trafficking in human beings (THB) and other contemporary forms of slavery constitute an abhorrent violation of the dignity and rights of human beings,
3. Reaffirming Vienna Ministerial Decision No. 1 of 2000, Bucharest Ministerial Decision No. 6 of 2001, the Porto Ministerial Declaration of 2002, and existing commitments undertaken by participating States, as well as the OSCE's role in combating trafficking in human beings as agreed by participating States,
4. Concerned that despite all efforts, the last decade has seen a tremendous increase both in incidents of trafficking in human beings and in the number of victims, while prosecution of perpetrators remains unsatisfactory and organized criminal groups have recourse to ever more sophisticated techniques, increasing financial resources and growing networks, and benefit from corruption or lack of awareness of this crime and of its heinous nature among some relevant officials, the media and the public at large,
5. Further concerned that root causes of trafficking in human beings, occurring both in countries of origin and destination, remain insufficiently tackled, in particular causes such as poverty, weak social and economic structures, lack of employment opportunities and equal opportunities in general, violence against women and children, discrimination based on sex, race and ethnicity, corruption, unresolved conflicts, post-conflict situations, illegal migration and the demand for sexual exploitation and inexpensive, socially unprotected and often illegal labour,

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6. Acknowledging that while the primary responsibility for combating and preventing trafficking in human beings rests with participating States, the link of this phenomenon to transnational organized crime requires co-operation at the international and regional level, involving the private sector and NGOs,
7. Convinced that the OSCE, with its well-developed institutional capacity and proven track record, is uniquely placed to effectively assist participating States in the implementation of their commitments, and can, through the Platform for Co-operative Security, effectively co-operate and co-ordinate with relevant international actors such as the Stability Pact Task Force, the United Nations Office on Drugs and Crime, the United Nations High Commissioner for Refugees, the United Nations High Commissioner for Human Rights, the United Nations Children's Fund, the International Labour Organization, as well as the International Organization for Migration, the International Centre for Migration Policy Development, the European Union, the Council of Europe, the Council of Baltic Sea States, the Southeast European Co-operative Initiative, Interpol and Europol,
8. Adopts the OSCE Action Plan to Combat Trafficking in Human Beings, annexed to this Decision, in order both to incorporate best practices and an advanced approach into its anti-trafficking policies, and to facilitate co-operation among participating States, and tasks all OSCE bodies with enhancing participation in anti-trafficking efforts of the international community.



**MEETING OF THE OSCE MINISTERIAL COUNCIL**  
**Porto, 7 December 2002**  
**(MC.DOC/1/02)**

**DECLARATION ON TRAFFICKING IN HUMAN BEINGS**

**I.**

We, the members of the Ministerial Council of the OSCE, declare that trafficking in human beings represents a dangerous threat to security in the OSCE area and beyond.

1. We declare that trafficking in human beings and other modern forms of slavery constitute an abhorrent violation of the dignity and rights of human beings.
2. We recognize that trafficking in human beings represents a serious and rapidly expanding area of transnational organized crime, generating huge profits for criminal networks that may also be associated with criminal acts such as trafficking in drugs and arms, as well as smuggling of migrants.
3. We recall and reaffirm our full adherence to the OSCE's commitments to combating trafficking in human beings, as reflected in the Moscow Document of 1991, the Charter for European Security adopted in Istanbul in 1999, Ministerial Council Decision No. 1 adopted in Vienna in 2000, Permanent Council Decision No. 426 and Ministerial Council Decision No. 6 adopted in Bucharest in 2001, and declare our determination to strengthen co-operation in addressing trafficking in human beings in countries of origin, transit and destination.
4. We reaffirm our determination to combat all forms of trafficking in human beings and call on States that have not done so to consider ratifying or acceding to the United Nations Convention Against Transnational Organized Crime and to its supplementary Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, and to take into account the definition of trafficking in human beings given in the said Protocol.

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5. We declare that ratification and full implementation of both these instruments would enhance the international and national legal framework and enforcement capacities for combating trafficking in human beings. We strongly encourage States to consider concurrent ratification and full implementation of the Protocol Against the Smuggling of Migrants by Land, Sea and Air, also supplementing the above-mentioned Convention.
6. We reaffirm our support for the ODIHR's Anti-Trafficking and Gender Issues units and favour an increased involvement of the ODIHR's Contact Point for Roma and Sinti Issues. We also reaffirm our support for OSCE field operations and the OSCE Secretariat, especially the OSCE Adviser on Gender Issues. We commend them for their comprehensive approach and for facilitating national efforts in prevention of trafficking in human beings, prosecution of its perpetrators and protection and assistance to victims.
7. We also support the work of the Stability Pact Task Force on Trafficking in Human Beings under the auspices of the OSCE. We commend its role as a driving force for the promotion of regional co-operation and the development of relevant initiatives.

## II.

8. We recognize the need to address root causes of trafficking and to reduce the economic and social inequalities and disadvantages, which also provoke illegal migration, and which may be exploited by organized criminal networks for their profit. We also recognize the need to fight corruption, which facilitates the operation of such networks. We recommend that the Office of the Co-ordinator of OSCE Economic and Environmental Activities play an increased role in addressing all economic aspects of trafficking in human beings.
9. We recognize that, in countries of destination, demand for the activities of persons trafficked for the purposes of sexual exploitation, forced labour, slavery or other practices similar to slavery is an integral factor in trafficking in human beings. We urge countries of destination to take measures to effectively address such a demand as a key element in their strategy for effectively preventing and combating trafficking in human beings, and to exercise zero tolerance towards sexual exploitation, slavery and all forms of exploitation of forced labour, irrespective of its nature.
10. We are deeply concerned about reports of involvement by some mission members of international organizations in activities related to trafficking in human beings, particularly in post-conflict countries. We reiterate the importance of Permanent Council Decision No. 426, of 12 July 2001, on trafficking in human beings and encourage the adoption and

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implementation of relevant measures such as the “OSCE Code of Conduct for Mission Members”. We will not tolerate international staff members being involved in any illegal activities, inciting this criminal trade or behaving in contravention of this Code of Conduct. We commit ourselves to take all practicable measures to ensure the accountability of international staff members to their respective national, and when appropriate local, authorities for such activities.

11. We express our concern about the increase in trafficking in minors and, recognizing the special needs of children, we support more research and exchange of information on trafficking in children and, with due regard to the best interest of the child as the primary consideration in all actions concerning children, call for the elaboration of special measures to protect trafficked minors from further exploitation, mindful of their psychological and physical well-being.
12. We will strive for adequate measures to prevent trafficking in human beings in our countries, taking the form, *inter alia*, of target-oriented awareness raising campaigns and education in countries of origin and transit, directed in particular towards youth and other vulnerable groups, and will seek to develop appropriate campaigns in countries of destination, to organize training for relevant officials and government employees in the areas of law enforcement, border control, criminal justice and social services, and to recommend full co-operation with NGOs in this field.
13. We will strive to render assistance and protection to the victims of trafficking, especially women and children, and to this end, when appropriate, to establish effective and inclusive national referral mechanisms, ensuring that victims of trafficking do not face prosecution solely because they have been trafficked. The dignity and human rights of victims must be respected at all times. We will consider adopting appropriate measures, such as shelters, and establishing appropriate repatriation processes for the victims of trafficking, with due regard to their safety, including the provision of documents; and developing policies concerning the provision of economic and social benefits to victims, as well as their rehabilitation and reintegration in society.
14. We recognize that intensified co-operation among relevant actors in countries of origin, transit and destination plays a critical role in the return programmes for victims of trafficking and facilitates their reintegration. Therefore, we encourage all organizations providing assistance to victims, including NGOs, to further develop such co-operation. We

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will consider adopting legislative or other measures that permit victims of trafficking to remain in our territory, temporarily or permanently, in appropriate cases, and giving consideration to humanitarian and compassionate factors.

15. We call on participating States to enhance international co-operation in combating transnational organized crime, including criminal acts such as trafficking in drugs and arms, as well as smuggling of migrants. Such co-operation should include international law enforcement bodies, such as Europol and Interpol, as well as the Southeast European Co-operative Initiative (SECI), with a view to investigating and prosecuting those responsible for trafficking in human beings in accordance with domestic law and, where applicable, international obligations. In this regard, we ask that the Senior Police Adviser should devote increased attention to the fight against trafficking in human beings.
16. We reiterate the need for national strategies in order to unite efforts directed towards combating trafficking in human beings and to enhance co-ordination among national, international and regional organizations in this field. This need could be met through measures such as appointing inter-ministerial bodies and national co-ordinators or, as appropriate, other relevant bodies or mechanisms.

### III.

17. We agree to intensify co-operation, based on a multidimensional approach, among the relevant OSCE structures and institutions, as well as among the OSCE and other relevant international organizations and actors, including the United Nations and its specialized agencies, the Council of Europe, the European Union and the International Organization for Migration, and task the Permanent Council with examining how better to assure such a co-operation with a view to combating trafficking in human beings.
18. We task the Permanent Council, through the informal Working Group on Gender Equality and Anti-Trafficking in Human Beings, with revising the Proposed OSCE Action Plan 2000 for Activities to Combat Trafficking in Human Beings and to elaborate a new draft for further appropriate action by 25 July 2003.
19. We task the Chairmanship-in-Office and the Permanent Council with using existing OSCE bodies and fora to exchange information, review commitments and share best practices on combating trafficking in human beings, as well as with promoting regular participation by experts representing relevant national institutions and bodies, as well as representatives of partner international organizations and NGOs.

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**MINISTERIAL COUNCIL DECISION**  
**Bucharest, December 3-4, 2001**  
**(MC(9).DEC/6)**

The Ministerial Council,

1. Reiterating its commitment to combat all forms of trafficking in human beings, which affects all participating States,
2. Affirming its commitment to developing co-operation and interaction among participating States on anti-trafficking measures and related crimes,
3. Calls on participating States to sign and ratify the United Nations Convention against Transnational Organized Crime, and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children;
4. Welcomes the successful completion of the OSCE's Code of Conduct and Anti-Trafficking Guidelines and their dissemination to the OSCE staff;
5. Reaffirms its support for the work of the ODIHR, field operations and Stability Pact Task Force on combating trafficking in Human Beings;
6. Encourages information exchange with a view to strengthening investigation, law enforcement and crime prevention;
7. Calls on participating States to accelerate taking the necessary measures to fulfil their Vienna ministerial commitments which include prevention of trafficking, protection of victims and prosecution of traffickers and their accomplices.

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**PERMANENT COUNCIL DECISION**  
**12 July 2001**  
**(PC.DEC/426)**

**TRAFFICKING IN HUMAN BEINGS**

The Permanent Council,

1. Aware that trafficking in human beings affects virtually all OSCE participating States,
2. Taking note of the circulation of the OSCE Anti-Trafficking Guidelines and their distribution to all OSCE personnel, including field operations,
3. Mindful of the commitments contained in the Vienna Ministerial Decision on Enhancing the OSCE's Effort to Combat Trafficking in Human Beings (MC(8).DEC/1), which recognizes the primary responsibility of participating States to combat trafficking, and
4. Guided by the Platform for Co-operative Security adopted in Istanbul,
5. Requests the Chairman-in-Office, the Secretary General of the OSCE and the Office for Democratic Institutions and Human Rights, within their capacity, to:
  - Inform other international organizations about the position and the measures already taken by the OSCE, including dissemination by the OSCE Secretariat of the Code of Conduct for OSCE personnel and the OSCE Anti-Trafficking Guidelines;
  - Encourage those international organizations to adopt similar instruments for their personnel if they have not yet done so, to implement them, to investigate cases of wrongdoing, and to take the appropriate measures where necessary;
  - Invite the relevant international organizations to exchange information on their best practices and regulations already adopted in order to combat trafficking in human beings;
  - Encourage them to participate in a joint response to trafficking.

The Permanent Council would appreciate early and regular reports on the results of those contacts.

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**MINISTERIAL COUNCIL DECISION**  
**Vienna, 28 November 2000**  
**(MC(8).DEC/1)**

**Decision on Enhancing the OSCE's Efforts to Combat Trafficking in Human Beings**

The Ministerial Council,

1. Bearing in mind the Charter for European Security, which commits participating States "to undertake measures to eliminate all forms of discrimination against women, and to end violence against women and children as well as sexual exploitation and all forms of trafficking in human beings" and to "promote the adoption or strengthening of legislation to hold accountable persons responsible for these acts and strengthening the protection of victims",
2. Recalling the OSCE commitments on combating the traffic in human beings contained in the Moscow Document of 1991,
3. Recognizing that trafficking in human beings is an increasing problem and convinced of the necessity for the OSCE to enhance its efforts to combat trafficking in human beings throughout the OSCE region, including in conflict and post-conflict situations, and to contribute to national, regional and international anti-trafficking efforts in defence of human rights and the fight against transnational organized crime,
4. Reaffirms that trafficking in human beings is an abhorrent human rights abuse and a serious crime that demands a more comprehensive and co-ordinated response from participating States and the international community, as well as a more coherent and co-operative approach among countries, in particular those of origin, transit and destination;
5. Welcomes the adoption, by the United Nations General Assembly, of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime as well as the definition of trafficking in persons contained therein and calls upon all participating States to sign and ratify the United Nations Protocol as well as the Optional Protocol to the Convention on the Rights of the Child, on the Sale of Children, Child Prostitution and Child Pornography;

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6. Recognizes the primary responsibility of participating States in combating trafficking based on an integrated and co-ordinated approach which includes prevention of trafficking, protection of victims and prosecution of traffickers and their accomplices;
7. Stresses the role of national parliaments in the enactment, among others, of laws necessary to combat trafficking in human beings and welcomes articles 106 and 107 of the Parliamentary Assembly's Bucharest Declaration on trafficking in persons;
8. Agrees to strengthen the activities of the OSCE to combat trafficking and emphasizes the need for intensified co-operation between different OSCE institutions as well as between the OSCE and other international organizations, such as relevant United Nations agencies, the International Organization for Migration, the Council of Europe, the European Union and Interpol;
9. Supports the work of the Stability Pact Task Force on Trafficking in Human Beings and calls in particular for the governments of the region concerned to play an active role in the Task Force;
10. Calls on OSCE institutions, in particular the ODIHR, and field operations, to develop and implement anti-trafficking programmes and to promote co-ordinated efforts in the areas of prevention, prosecution and protection, in co-operation with non-governmental organizations as well as international organizations and other relevant institutions;
11. Undertakes to raise awareness, including with assistance from the ODIHR, non-governmental organizations and other relevant institutions, through, where necessary, establishing training programmes among public officials, including law enforcement, judiciary, consular and immigration officials, about all aspects of trafficking;
12. Commits to take necessary measures, including by adopting and implementing legislation, to criminalize trafficking in human beings, including appropriate penalties, with a view to ensuring effective law enforcement response and prosecution. Such legislation should take into account a human rights approach to the problem of trafficking, and include provision for the protection of the human rights of victims, ensuring that victims of trafficking do not face prosecution solely because they have been trafficked;

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13. Will consider adopting legislative or other appropriate measures, such as shelters, which permit victims of trafficking in persons to remain in their territories, temporarily or permanently, in appropriate cases; and establishing appropriate repatriation processes for the victims of trafficking, with due regard to their safety, including the provision of documents; and developing policies concerning the provision of economic and social benefits to victims as well as their rehabilitation and reintegration in society;
14. Encourages the nomination, where appropriate, of governmental representatives on trafficking to co-ordinate national activities and to ensure regional and international co-operation and to make this contact information available to other participating States;
15. Recognizes that OSCE field operations, within the legal framework of the host countries, can have a valuable role to play in the fight against trafficking, including by regular monitoring and reporting and assisting State authorities through, inter alia, promoting dialogue and acting as a bridge between governments and non-governmental organizations; and institutions, in resolving individual trafficking cases; and calls on field operations to strengthen co-operation among themselves;
16. Calls on the OSCE Secretariat, in co-operation with the ODIHR, to intensify anti-trafficking training in its induction programmes for OSCE field personnel in order to enhance their capacity to monitor, report and respond to the problem of trafficking through regular OSCE activities; and to raise awareness within OSCE institutions and among OSCE personnel of the problems of trafficking; these training programmes should also be made available to participating States and other international organizations;
17. Welcomes the further development of the OSCE Secretariat's Code of Conduct for OSCE Mission Members to include provisions on trafficking in human beings and other human rights abuses, looks forward to its speedy implementation by all OSCE structures and institutions, requests heads of OSCE field operations to take appropriate measures if members of their staff use trafficking victims, and encourages all other international bodies, where appropriate, to adopt similar standards and practices.

*Excerpt from the*  
**CHARTER FOR EUROPEAN SECURITY**  
**Istanbul, November 1999**  
**(SUM.DOC/1/99)**

THE HUMAN DIMENSION

24. We will undertake measures to eliminate all forms of discrimination against women, and to end violence against women and children as well as sexual exploitation and all forms of trafficking in human beings. In order to prevent such crimes we will, among other means, promote the adoption or strengthening of legislation to hold accountable persons responsible for these acts and strengthen the protection of victims. . . .

*Excerpt from the*  
**DOCUMENT OF THE MOSCOW MEETING**  
**OF THE CONFERENCE ON THE HUMAN DIMENSION OF THE CSCE**  
**(Moscow, October 1991)**

- (40) The participating States recognize that full and true equality between men and women is a fundamental aspect of a just and democratic society based on the rule of law. They recognize that the full development of society and the welfare of all its members require equal opportunity for full and equal participation of men and women. In this context they will
- (40.7) - seek to eliminate all forms of violence against women, and all forms of traffic in women and exploitation of prostitution of women including by ensuring adequate legal prohibitions against such acts and other appropriate measures;

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**ADDITIONAL OSCE PROVISIONS ON TRAFFICKING IN HUMAN BEINGS:** The following are excerpts from resolutions of the Organization for Security and Cooperation in Europe's Parliamentary Assembly (OSCE PA) regarding trafficking in human beings. These resolutions were adopted by majority vote of the participants in the annual sessions of the OSCE PA.

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*Excerpts from the*

**EDINBURGH DECLARATION OF THE OSCE PARLIAMENTARY ASSEMBLY  
(EDINBURGH, 9 July 2004)**

**RESOLUTION ON  
COMBATING TRAFFICKING IN HUMAN BEINGS**

1. Reiterating its view, as expressed in previous resolutions of the Assembly, that trafficking in human beings threatens the security of the OSCE region, undermines the rule of law, promotes corruption and also violates human rights and human dignity,
2. Underscoring the importance of a comprehensive approach to trafficking in human beings, comprising the prevention of trafficking, the protection of victims and witnesses and the prosecution of criminals,
3. Recognizing that combating trafficking in human beings must be fought in countries of origin, countries of transit and countries of destination,
4. Being aware that trafficking in human beings is a transnational criminal activity that needs a transnational response from governments,
5. Emphasizing the responsibility of the participating States to fulfil their commitments to combat trafficking in human beings, in particular those contained in the Moscow document of 1991, Charter of European Security of 1999, as well as in the OSCE Ministerial Council decisions of 2000, 2001, 2002 and 2003,
6. Taking in to account that traffickers modify their *modus operandi* as governments start to enforce anti-trafficking legislation, so as to escape prosecution,
7. Welcoming the convening of the Conference on Trafficking in Human Beings at the OSCE Parliamentary Assembly's fall meeting in Rhodes, Greece,

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8. Welcoming also the fact that the conference will be held in conjunction with a Parliamentary Forum on the Mediterranean, since citizens of the OSCE Participating States are trafficked to and/or through the territories of some Mediterranean Partners for Co-operation,

The OSCE Parliamentary Assembly:

9. Calls on the OSCE participating States to implement the OSCE Action Plan to Combat Trafficking in Human Beings, to support the work of the Anti-Trafficking Mechanism created by the 2003 Maastricht Ministerial Council Decision No.2 and to continue supporting the work of ODIHR and all other relevant OSCE Institutions and Bodies;
10. Urges all participating States to sign and ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, which supplements the United Nations Convention against Transnational Organized Crime;
11. Calls upon all participating States to sign and ratify the Optional Protocol to the Convention on the Rights of Child, on the Sale of Children, Child Prostitution and Child Pornography, and also the International Labour Organizations Convention 182, calling for immediate action to ban the worst forms of child labour, including child prostitution and child pornography;
12. Insists that all participating States ensure that their national legislative and other measures provide adequate measures to combat trafficking in human beings, and that trafficking in human beings is criminalized as a serious crime and also that a framework for victim protection is provided;
13. Appeals to participating States, especially countries of origin of victims of trafficking, to take measures in countering factors which contribute to an individual's vulnerability, especially discrimination based on sex, race or ethnicity, physical or sexual abuse, exploitation or institutionalisation of children, and lack of equal access to economic opportunities, and also to increase the level of school attendance, in particular amongst girls and minority groups, and to enhance job opportunities for women;

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14. Appeals to participating States, especially countries of destination of victims of trafficking, to work out a multi-agency programme of monitoring, administrative controls and intelligence gathering on the labour market, especially the sex industry, to reduce “the invisibility of exploitation”, and also to take measures to address the demand for activities of persons trafficked for the purposes of sexual exploitation and forced labour;
15. Calls upon the participating States to ensure that victims of trafficking and witnesses are not subject to criminal prosecution solely as a direct result of having been trafficked;
16. Urges participating States to consider the provision of temporary or permanent residence permits to victims of trafficking in human beings and witnesses, taking into account such factors as potential danger to victims’ and witnesses’ safety;
17. Urges also the participating States to ensure that victims of trafficking and witnesses are effectively protected through the establishment of National Referral Mechanisms, shelter, provision of documents, social assistance, legal advice and assistance in voluntary repatriation, rehabilitation and social reintegration;
18. Insists that participating States take into account the special needs of children and address their best interest concerning care, appropriate housing, education and possible repatriation, to ensure the child’s safety, protection, rehabilitation and reintegration in all circumstances;
19. Encourages participating States to create special anti-trafficking units, to develop community-policing programmes and to enhance co-operation between law enforcement authorities and elements of civil society;
20. Urges participating States to step up their co-operation in combating trafficking in human beings through co-ordination on inquiries, exchange of experts and information on methods used by criminal groups;
21. Encourages participating States to provide training for border officials, law enforcement authorities, judges, prosecutors, immigration and other relevant authorities in all aspects of trafficking in human beings, especially in human rights and child- and gender-sensitive issues;
22. Appeals to the participating States to undertake, in co-operation with relevant NGO’s and other elements of civil society, information campaigns to generate public awareness about trafficking in human beings;

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23. Requests that the participating States acknowledge and undertake measures to address the role of military service members, and civilians accompanying the military in a deployment, in contributing to the demand for trafficking in human beings;
24. Requests also that participating States examine the sufficiency of their national laws and regulations, particularly military codes and domestic laws with extraterritorial applications, to ensure that a legal basis exists to enforce anti-trafficking laws and policies with respect to a State's citizens when serving on a peacekeeping or military deployment abroad;
25. Urges the OSCE Sofia Ministerial Council to adopt a Decision regarding the responsibilities of participating States to address the role of military service members, and civilians accompanying the military, in the trafficking in human beings, including the adoption and implementation of appropriate policies, codes of conduct, training and accountability mechanisms;
26. Calls upon the OSCE Sofia Ministerial Council to give particular attention to the problems of trafficking in human beings in uncontrolled, occupied territories, ensuring constant international control and monitoring under the auspices of the corresponding OSCE institutions by sending special missions to the conflict zone along the line of contact for observation and study of the situation on the ground, in order to gather the requisite information on problems of trafficking in human beings;
27. Recommends that the OSCE Parliamentary Assembly's fall meeting in Rhodes initiates a discussion on developing co-operation in combating trafficking in human beings between the Mediterranean Partners for Co-operation and the OSCE participating States;
28. Looks forward to good co-operation between the OSCE Parliamentary Assembly's Special Representative on Human Trafficking and the OSCE Special Representative on Human Trafficking.

## **Additional Provisions in the Edinburgh Declaration Pertaining to Trafficking in Persons**

### **Chapter II: Economic Affairs, Science, Technology and Environment**

The OSCE Parliamentary Assembly:

41. Calls upon participating States to continue their work on effective concurred strategies, reinforced on a statutory legislative basis, to combat corruption and organized crime, prostitution, economic protectionism in favour of particular countries, money laundering, the financial backing of terrorists, trafficking in human beings, and trafficking in narcotics and weapons;

### **Chapter III: Democracy, Human Rights and Humanitarian Questions**

55. Recalling the recommendations of the OSCE Parliamentary Assembly Rotterdam Declaration concerning national minorities and trafficking in human beings,
58. Emphasizing the central role and responsibility of the national parliaments and parliamentarians to ensure that their legislation meets their obligations concerning the treatment of minorities and their ability to combat trafficking in human beings,
59. Recognizing that since the 1990s, as a result of inter-State and interethnic conflicts and the occupation of a part of one State by another, uncontrolled zones known as “zones of lawlessness” have emerged in certain areas of some countries and are used, among other things, for trafficking in human beings,
65. Pointing out that NGOs are important for providing care and protection to minority members and to victims of human trafficking,
66. Taking note of the fact that trafficking in human beings is the fastest growing facet of organized international crime involving large financial interests and having its links to corruption in some participating States,
67. Recognizing that children and women are particularly targeted for exploitation by traffickers and would therefore benefit from specialized anti-trafficking programmes,

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The OSCE Parliamentary Assembly:

77. Emphasizes the need for the harmonization of national legislation of the OSCE participating States and for bringing it into compliance with international norms and standards in such areas as protection of national minorities, trafficking in human beings and gender equality;
81. Urges all participating States to ensure that their national legislation provides means to effectively fight trafficking in human beings by including adequate penalties for such crimes, protection of victims and facilitating international co-operation as well as providing sufficient resources to law-enforcement and other relevant authorities;
82. Suggests that, as a means of fighting trafficking in human beings, the OSCE participating States provide “hotlines” and other forms of information to potential and actual victims of trafficking in order to inform them about their rights and status, to help them protect themselves against the traffickers and to help them co-operate with the authorities;
83. Encourages the OSCE to take a leading role in the OSCE region in co-ordinating, at the level of headquarters and in the field, all regional efforts to combat human trafficking, in co-operation with the United Nations and other international organizations, so as to ensure a greater level of effectiveness;
84. Encourages all OSCE participating States to co-operate closely, both on a multilateral basis and through relevant international organizations, including NGOs, as well as in their bilateral relations, in efforts to combat trafficking in human beings;
86. Calls upon all OSCE participating States who have not yet done so to ratify and bring into force the UN Convention Against Transnational Organized Crime and its Optional Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; the Convention on the Elimination of All forms of Discrimination Against Women; as well as the Convention on the Rights of the Child with its Optional Protocols on the Involvement of Children in Armed Conflicts and the Sale of Children, Child Prostitution and Child Pornography;
87. Insists that the participating States create a safer environment for children as well as more economic opportunities for young women in potential countries of origin of trafficking in human beings;

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90. Welcomes the appointment of a Special Representative on Human Trafficking as recommended by the 2003 Rotterdam Declaration of the OSCE Parliamentary Assembly and within the mandate given by the 2003 Ministerial Council Meeting in Maastricht;
91. Calls upon the participating States to ensure that the Special Representative on Human Trafficking, in accordance with his or her mandate, should provide accountability for the implementation of the following areas: the integration of a human rights perspective, the establishment and promotion of social and economic rights, de facto gender equality and of a safer environment for children, in addition to the strengthening of the role of civil society through awareness;
92. Appeals to the OSCE participating States to provide the Special Representative on Human Trafficking with sufficient resources, financial and otherwise, to fulfil the mandate, including the resources to carry out research, and to offer their full support and co-operation in his/her work;
93. Reiterates the importance of assisting the OSCE participating States to develop and implement anti-trafficking plans of action, legislation and other means to effectively combat trafficking in human beings as well as to provide relevant training for the OSCE mission members in these matters;

*Excerpts from the*

**ROTTERDAM DECLARATION OF THE OSCE PARLIAMENTARY ASSEMBLY  
(Rotterdam, 9 July 2003)**

**RESOLUTION ON  
COMBATING TRAFFICKING AND EXPLOITATION OF CHILDREN**

1. Underscoring the importance of combating corruption, for the facilitation of economic and political growth and stability, and for the improvement in and promotion of good governance,
2. Noting the deleterious effects of corruption on economic, political and social development of a country,
3. Recalling that the OSCE Ministerial Council Decision of December 2002 recognized the need to fight corruption which facilitates the operation of organized criminal networks,
4. Recognizing the links between corruption, organized crime, international criminal networks and trafficking in human beings,
5. Concerned that law enforcement efforts against human trafficking are undermined by official indifference and corruption,
6. Recalling that the 1991 Moscow Document, the 1999 Charter for European Security, and the OSCE Ministerial Council Decisions of November 2000, December 2001, and December 2002 commit OSCE participating States to seek to end all forms of trafficking in human beings,
7. Noting that the OSCE Ministerial Council Decision of December 2002 expresses particular concern “about the increase in trafficking in minors and, recognizing the special needs of children, supports more research and exchange of information on trafficking in children and, with due regard to the best interest of the child as the primary consideration in all actions concerning children, calls for the elaboration of special measures to protect trafficked minors from further exploitation, mindful of their psychological and physical well-being”,
8. Recognizing that the International Labour Organization estimates that 1.2 million children below the age of 18 are victims of trafficking,

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9. Recalling that the Parliamentary Assembly's Berlin Declaration demanded that special attention be focused on trafficked children and their specific rights and needs,
10. Recalling that the Parliamentary Assembly, in its Berlin Declaration, expressed concern about the existence and prevalence of sex tourism aimed, in particular, at the sexual exploitation of children, and called on OSCE participating States to ensure that their laws contain the requisite jurisdiction to prosecute their nationals who travel abroad for the purpose of engaging in sexual acts with children,
11. Noting with grave concern that the Internet has facilitated the promotion of sex tourism through easily accessible websites advertising such activities, thus, cloaking them in apparent legitimacy,
12. Expressing concern that the Internet and other modern technologies are being used to facilitate the production, collection and distribution of pornographic images of children,

The OSCE Parliamentary Assembly:

13. Urges participating States to redouble their efforts to combat corruption in all areas of society and all levels of government, giving particular regard to instances of corruption that lead to violations of human rights, including trafficking in persons;
14. Urges participating States to take all necessary measures to alert the general public to the dangers of false and illusory promises, particularly offers of lucrative and alluring employment overseas, made by the trafficking networks;
15. Urges participating States to work with civil society in advancing and supporting ideas of accountability and transparency in government, and the promotion of good governance practices;
16. Encourages participating States to provide training to the tourist industry and to tourism educators on child sex tourism and on children's rights and protection;
17. Calls upon OSCE participating States to investigate allegations that police, or other law enforcement authorities, have been complicit in the crime of trafficking in persons and to prosecute any and all law enforcement authorities found to be complicit in such crimes or in efforts to undermine the investigation of such crimes;

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18. Urges all participating States to adopt and implement legislation to prohibit and establish severe criminal penalties for the production, distribution or use of material that visually depicts sexual conduct by children below the age of 18;
19. Encourages participating States to consider practical measures that can be undertaken to combat the use of the Internet for child pornography, such as the creation of “child pornography hotlines” to allow Internet users the possibility of anonymously providing information on offences relating to child pornography to appropriate law enforcement units;
20. Urges that participating States consider establishing within appropriate law enforcement entities specialized task forces on Internet crimes against children to investigate crimes against children committed through the use of the Internet;
21. Urges all OSCE participating States to sign and ratify International Labour Organization Convention 182, calling for immediate action to ban the worst forms of child labour, including child prostitution and child pornography;
22. Calls upon all participating States to sign and ratify the Optional Protocol to the Convention on the Rights of the Child, on the Sale of Children, Child Prostitution and Child Pornography;
23. Urges all OSCE participating States to sign and ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

## **Additional Provisions in the Rotterdam Declaration Pertaining to Trafficking in Persons**

### **Chapter I: Political Affairs and Security:**

The OSCE Parliamentary Assembly:

22. Encourages continued focus by the OSCE on issues of common interest to all participating States, and applauds the Netherlands OSCE Chairmanship's focus on trafficking.

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## **Chapter II: Economic Affairs, Science, Technology, and the Environment:**

The OSCE Parliamentary Assembly:

55. Calls on the participating States to develop effective, co-ordinated strategies, particularly through regional organizations like SECI, the Southeast European Co-operative Initiative, to combat corruption and organized crime, money laundering, terrorist financing and trafficking in human beings, drugs and arms.

## **Chapter III: Democracy, Human Rights And Humanitarian Questions**

73. Considering that trafficking in human beings constitutes a serious and particularly repulsive form of crime, resulting in a modern form of slavery in the OSCE region,
74. Recalling the “Resolution on Combating Trafficking in Human Beings, especially Women and Children”, adopted in Berlin in 2002 and the “Resolution on Combating Trafficking in Human Beings”, adopted in Paris in 2001, in addition to other previous statements of the OSCE Parliamentary Assembly on this appalling form of international criminality,
75. Recalling that trafficking is a form of organized and international criminality which, in response to the intensification of the fight against it, is seeking new forms and sources of financial support, and which must be combated in international co-operation embracing countries of origin, transit and destination,

The OSCE Parliamentary Assembly:

79. Recommends that the OSCE initiates missions and election monitoring of an appropriate nature in established democracies that face new challenges such as the integration of new minorities and the fight against trafficking of human beings;
89. Recommends that the OSCE offer itself to the participating States as the principal international organization in the co-operation and co-ordination of efforts to combat trafficking in human beings and in the development of police capacity and institution-building;
90. Appeals to all participating States to co-operate effectively in order to combat trafficking in human beings in countries of origin, transit and destination;

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91. Calls for the participating States, their parliamentarians in particular, to ensure that their national legislation provides means and tools for combating trafficking, protecting its victims and co-operating on international level;
92. Suggests that the OSCE effectively organize its work on combating trafficking in human beings by appointing a Special Representative on Trafficking in Human Beings, by strengthening the resources of the Senior Police Adviser and by establishing mechanisms to co-ordinate closely with the participating States and all OSCE institutions, bodies and officials involved in combating trafficking in human beings, including the OSCE Parliamentary Assembly, the High Commission for National Minorities, ODIHR and the Senior Police Adviser;
93. Recommends that the Parliamentary Assembly continue to give high priority to its efforts to combat trafficking in human beings.

**From the Resolution on Moldova:**

12. Asks the authorities in Chisinau and Tiraspol to work effectively, in co-operation with their neighbours and relevant international institutions, in order to combat any kind of organized criminality, in particular the trafficking in drugs, arms and human beings.

**From the Resolution on the International Criminal Court:**

6. Welcoming the ICC as a defender of the rights of those, such as women and children, who have often had little recourse to justice, the Rome Statute being the first treaty to contain an extensive list of crimes of sexual violence,
7. Welcoming the explicit reference to trafficking in women and children,

The OSCE Parliamentary Assembly:

8. Calls on the OSCE participating States to make their ratifications meaningful through effective national implementing law that enables them to meet their principal obligations under the Rome Statute, namely co-operating with and assisting the ICC, which is vital to ensuring that the most serious crimes of concern to the international community no longer go unpunished;

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9. Calls on the participating States to look beyond the Rome Statute when incorporating the ICC crimes into national law and to incorporate the most progressive definitions of all crimes under international law, whether they are found in the Rome Statute or elsewhere, this applying particularly to the standard set out in the Optional Protocol to the Convention on the Rights of the Child, which establishes eighteen as the minimum age for participation in armed conflict;
10. Urges the participating States to provide support and protection to victims and witnesses, particularly women and children, to grant special protection visas to enable threatened victims and witnesses with their families to resettle in a safe third country, and to establish a trust fund for victims and their families[.]

*Excerpts from the*  
**BERLIN DECLARATION OF THE OSCE PARLIAMENTARY ASSEMBLY**  
**(Berlin, 10 July 2002)**

**RESOLUTION ON**  
**COMBATING TRAFFICKING IN HUMAN BEINGS, ESPECIALLY WOMEN AND CHILDREN**

1. Aware of the urgent need for OSCE Member States to undertake measures to eliminate all forms of discrimination against women, and to end violence against women as well as sexual exploitation and all forms of trafficking in human beings and to promote the adoption of strengthening of legislation to hold accountable persons responsible for these acts and the protection of victims,
2. Alarmed that human trafficking has become the fastest growing facet of organised crime,
3. Deploring that trafficking in human beings, especially women and children, continues to expand throughout the OSCE region notwithstanding national, regional and international efforts to combat the phenomenon,
4. Noting that the problem of trafficking in human beings is multidimensional in nature – affecting the security, economic and human dimensions of the Helsinki process – and is of relevance throughout the OSCE region,
5. Underlining that trafficking in human beings is a law-enforcement issue and a human rights concern but is first and foremost a violation of human rights,
6. Reminding that parliamentarians in several international organizations like the Inter-Parliamentary Union, the Council of Europe, the Nordic Council and the OSCE, have condemned trafficking as a violation of human rights,
7. Recalling that the 1991 Moscow Document, the 1999 Charter for European Security, the OSCE Ministerial Council Decision of November 2000 and the OSCE Ministerial Council Decision of December 2001 commit OSCE participating States to seek to end all forms of trafficking in human beings including through appropriate legislation and other measures,

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8. Aware that the root causes of human trafficking, such as poverty, unemployment, inequality, patriarchal structures, discrimination, racism, violence and the demand for cheap labour and commercial sexual services have to be addressed,
9. Underlining that combating human trafficking concerns society in its entirety and not just the individuals involved,
10. Alarmed by the existence and prevalence of sex tourism aimed, in particular, at the sexual exploitation of children,
11. Requiring that countries of destination for persons trafficked into sexual exploitation acknowledge their incontestable responsibility to address the demand for commercial sexual services,
12. Deeply disturbed that nationals of OSCE participating States have been implicated in the trafficking of women and girls, and in soliciting the sexual services of trafficked persons, in Bosnia and Herzegovina and Kosovo while serving as part of the international presence in those areas,
13. Aware of the need of a legal framework, improved implementation of legislation, enhanced and improved international cooperation and coordination, and well trained professionals in the field,
14. Regarding the SECI Regional Center for Combating Transborder Crime and the Trafficking in Persons Task Forces established under the Southeastern European Cooperative Initiative's (SECI) auspices as a useful model for cross-border cooperation in law enforcement against trafficking in persons,
15. Emphasizing the need to develop victim assistance and protection mechanisms both in countries of origin and of destination. Government authorities should consider granting of temporary and/or permanent residence permits to victims of trafficking,
16. Welcoming the commitment expressed by OSCE participating States at the Conference on Combating Trafficking in Human Beings, held in Berlin in October 2001, to enhance their efforts to combat human trafficking,
17. Commending the ODIHR Anti-Trafficking Project Fund as a new mechanism to support and fund anti-trafficking initiatives in the field,

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18. Commending the global television campaign launched by the United Nations Office for Drug Control and Crime Prevention (ODCCP) to increase education and awareness about trafficking,
19. Welcomes the proposal of the incoming OSCE Chair-in-Office to address the economic impact of trafficking in human beings, small arms, and illegal drugs at the OSCE Economic Forum in 2003,
20. Calls on OSCE participating States to ratify relevant international documents including the UN Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children,
21. Requests that OSCE participating States take unequivocal responsibility for the problem of human trafficking and take appropriate counter-measures including adoption and implementation of appropriate legislation guaranteeing effective criminal prosecution,
22. Calls on OSCE participating States to ensure that their laws contain the requisite jurisdiction to prosecute acts of trafficking in human beings when those acts are committed abroad by their nationals,
23. Calls on OSCE participating States to ensure that their laws contain the requisite jurisdiction to prosecute their nationals who travel abroad for the purpose of engaging in sexual acts with children,
24. Demands that account has to be taken of the special situation of trafficked children and their specific rights and needs,
25. Urges OSCE participating States and the EU to help ensure that funding is available on a regular basis for priority anti-trafficking initiatives carried out by the ODIHR and OSCE field operations,
26. Urges the OSCE, working with the international community and regional initiatives such as SECI and the Stability Pact, to prioritize the problems of organized crime, corruption and trafficking in human beings, narcotics and arms that plague countries in Southeast Europe, and as a matter of urgency to increase coordination amongst themselves in order to more effectively fight these destabilizing realities,

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27. Encourages the OSCE participating States in Southeastern Europe to utilize fully the capability of the SECI Regional Center for Combating Transborder Crime in Bucharest, Romania, including by appointing without undue delay liaison officers from their police and customs services to serve at the SECI Center;

## **Additional Provisions in the Berlin Declaration Pertaining to Trafficking in Persons**

### **Chapter I: Political Affairs and Security:**

The OSCE Parliamentary Assembly

36. Calls for intensification on a national level of the measures to combat illegal trafficking in all its manifestations and to combat financing of terrorism;
41. Is aware that organized crime, illicit traffic in drugs and arms, and trafficking in human beings affect the security, economy and social structure of all participating States.

### **Chapter II: Economic Affairs, Science, Technology and Environment:**

62. Emphasizes that the struggle against financing terrorism and the methods for freezing the assets of terrorist organizations have to be supplemented by consistent efforts to fight organized crime, illegal trade in drugs and arms, trafficking in human beings, money laundering, taking hostages and other crimes that are a main source of financing terrorist activities;

### **Resolution on Moldova:**

7. Being alarmed at the smuggling and trafficking in drugs, arms and human beings;
14. Emphasizes the urgency of fighting criminality, such as smuggling and trafficking in drugs, arms and, in particular, trafficking in human beings by, *inter alia*, developing and strengthening border controls and by fighting corruption;

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**Resolution on Southeast Europe:**

14. Expresses outrage over the continued enslavement and trafficking of women and children in the sex trade in the region, and the reports of the involvement of personnel of the international presence who encourage this trade as clientele and even participate in trafficking;
26. Recognizes that organized crime, corruption and trafficking significantly undermine efforts to promote democracy and the rule of law in Southeast Europe and serve as a considerable threat to stability in countries in the region;
27. Calls upon the OSCE to play a leading role in the fight against organized crime, corruption and trafficking in human beings, narcotics and arms that plague countries in Southeast Europe;

*Excerpts from the*  
**PARIS DECLARATION OF THE OSCE PARLIAMENTARY ASSEMBLY**  
**(Paris, 10 July 2001)**

**RESOLUTION ON COMBATING TRAFFICKING IN HUMAN BEINGS**

1. Recalling that the 1991 Moscow Document and the 1999 Charter for European Security commit OSCE participating States to seek to end all forms of trafficking in human beings including through appropriate legislation and other measures;
2. Bearing in mind that this Parliamentary Assembly condemned trafficking in human beings in its 1999 St. Petersburg Declaration and 2000 Bucharest Declaration;
3. Welcoming the adoption of the OSCE Ministerial Council Decision of November 2000 on enhancing the OSCE's efforts to combat trafficking in human beings;
4. Noting that the Decision stressed the role of national parliaments in this objective, and underscoring that, pursuant to that Decision, OSCE participating States committed "to take necessary measures, including by adopting and implementing legislation, to criminalize trafficking in human beings, including appropriate penalties, with a view to ensuring effective law enforcement response and prosecution. Such legislation should take into account a human rights approach to the problem of trafficking, and include a provision for the protection of the human rights of victims, ensuring that victims of trafficking do not face prosecution solely because they have been trafficked";
5. Welcoming the adoption in December 2000 by the United Nations General Assembly of two additional protocols to the Convention against Transnational Organized Crime regarding the prevention, suppression and punishment of trafficking in persons, and the smuggling of migrants, appeals to participating States to ratify these texts and the Optional Protocol to the Convention on the Rights of the Child regarding the sale of children, child prostitution and child pornography;
6. Deploring the fact that, despite the increased international attention to the scourge of trafficking in human beings, each year millions of persons around the world continue to be victimized through trafficking for commercial sexual exploitation and other forms of slavery or slavery-like conditions, in violation of their fundamental human rights;

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7. Noting that the OSCE region includes source, transit and destination countries for trafficking operations and that each year many thousands of children, women and men are trafficked for exploitation in OSCE countries;
8. Stressing the role of national parliaments in the adoption of necessary legislation to combat trafficking in human beings and welcoming Articles 106 and 107 of the Bucharest Declaration of the Parliamentary Assembly regarding trafficking in human beings;
9. Supporting the efforts of the Stability Pact Task Force on Trafficking in Human Beings and appealing to participating States to play an active role in this respect;

The OSCE Parliamentary Assembly

10. Deeply disturbed that despite the repeated commitments to ensure adequate legal prohibitions against trafficking in human beings, existing laws in many OSCE participating States remain inadequate to deter trafficking, to bring traffickers to justice, and to protect their victims;
11. Stresses once again that the parliaments and governments of OSCE participating States must review their domestic laws to ensure that trafficking in human beings is established as a criminal offence and that penalties can be imposed that reflect the grievous nature of the offence while protecting the rights of trafficking victims;
12. Appeals to the governments of the participating States to establish national co-ordination and prosecution structures composed, where applicable, of representatives of the public authorities concerned, parliaments, non-governmental organizations and associations;
13. Invites governments to become more involved in the training of members of the authorities specializing in combating trafficking in human beings;
14. Undertakes, together with the participating States, to urge non-governmental organizations and associations to heighten public awareness of the causes and consequences of trafficking in human beings, through information campaigns in the media and socio-economic initiatives in order to warn about and combat trafficking in human beings;

15. Encourages the establishment and strengthening of co-operation between participating States in order to harmonize their procedures regarding:
  - the prosecution of the perpetrators of trafficking in human beings;
  - legal, medical and psychological assistance to victims of trafficking in human beings;
  - information and heightening of public awareness on the causes and consequences of the trafficking in human beings;
  
16. Welcomes the active commitment of non-governmental and other organizations or associations to combating trafficking in human beings and undertakes to co-operate with them.

*Excerpts from the*  
**BUCHAREST DECLARATION OF THE OSCE PARLIAMENTARY ASSEMBLY**  
**(Bucharest, 10 July 2000)**

6. Remembering that in the 1991 Document of the Moscow Meeting of the CSCE, the participating States “categorically and irrevocably declare[d] that the commitments undertaken in the field of the human dimension of the CSCE are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned”;
8. Recollecting that the 1999 St. Petersburg Declaration of the OSCE Parliamentary Assembly noted the importance of combating the trafficking of women and children, strengthening efforts against corruption and organized crime and reinforcing the efforts to end discrimination against Roma and on the grounds of religious belief;
11. Emphasizing that all OSCE commitments, without exception, apply equally to all participating States;
82. Recognizing the links between corruption, organized crime, and trafficking in human beings, recalling the St. Petersburg Declaration on Trafficking in Women and Children and the Charter for European Security, which call on participating States, inter alia, to undertake measures to eliminate trafficking in human beings, and commending the attention given to the issue of trafficking in human beings, including at the Istanbul Summit and as the subject of an OSCE Supplementary Human Dimension Meeting;

The OSCE Parliamentary Assembly

106. Urgently appeals to participating States to adopt and implement laws that criminalize trafficking in human beings while ensuring that victims of trafficking do not face undue prosecution as a result of having been trafficked;
107. Urges participating States to combat trafficking in women by eliminating those obstacles to equal economic opportunity for women which increase women’s need to migrate for employment and, thereby, increase their susceptibility to human trafficking, through the adoption of anti-discrimination laws which enable women to seek effective legal redress if they suffer discrimination in employment on the basis of gender;

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**ST. PETERSBURG DECLARATION OF THE OSCE PARLIAMENTARY ASSEMBLY  
(St. Petersburg, 10 July 1999)**

**RESOLUTION ON TRAFFICKING OF WOMEN AND CHILDREN**

The OSCE Parliamentary Assembly,

1. Condemning the fact that millions of persons every year, of whom the overwhelming majority are women or children, are trafficked into the international sex trade, in gross violation of their fundamental human rights;
2. Underlining that trafficking of persons in all its forms is an evil that calls for concerted and vigorous action by countries of origin, transit and destination, and by international organizations;
3. Noting that international trafficking in persons is not limited to sexual trafficking but also involves forced labour and other violations of internationally recognised human rights;
4. Concerned that sexual trafficking is a particularly brutal form of the international traffic in persons which includes all the elements of the crime of rape because it results in the involuntary participation of another person in sex acts by means of fraud, force, or coercion;
5. Aware that trafficking in women and children in the OSCE region and beyond is inherently related to the global phenomenon of organised crime relating to slavery, forced labour and forced prostitution;
6. Recalling the commitments of OSCE participating States, as set out in the 1991 Moscow Document, to "seek to eliminate all forms of violence against women, and all forms of traffic in women and exploitation of prostitution of women including by ensuring adequate legal prohibitions against such acts and other appropriate measures";
7. Recalling that international law recognises the right to be free from slavery and involuntary servitude, arbitrary detention, degrading or inhuman treatment, and arbitrary interference with privacy or the family, as well as the right to protection by law against these abuses;

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8. Concerned that existing legislation and law enforcement in some OSCE participating States are inadequate to deter trafficking and to bring traffickers to justice and that enforcement against international sexual traffickers is also hindered by official indifference, corruption, and in some instances active official participation in trafficking;
9. Urgently appeals to the Governments of OSCE participating States to adopt or strengthen existing legislation and enforcement mechanisms to punish trafficking perpetrators, particularly those who use force or fraud to traffic women or children into the international sex trade, while protecting the rights of the trafficking victims;
10. Urges the Governments of OSCE participating States to develop nationally and internationally co-ordinated law enforcement strategies to combat internationally organised crime, and particularly the role of organised crime in trafficking of women and children;
11. Recommends that countries of origin, transit and destination of trafficking victims conduct information campaigns to raise public awareness and understanding of this problem;
12. Suggests that the ODIHR convene a meeting of expert advisors and relevant officials from OSCE participating States to develop a co-ordinated strategy for combating this problem.

*Excerpt from the*  
**COPENHAGEN DECLARATION OF THE OSCE PARLIAMENTARY ASSEMBLY**  
**(Copenhagen, 10 July 1998)**

The OSCE Parliamentary Assembly

85. Calls upon the Governments of OSCE participating States to consider as common objectives:
- combatting fraud of an international nature;
  - judicial co-operation in both civil and penal matters;
  - police co-operation to prevent and combat organized crime and all forms of illicit trafficking;
  - the exchange of information within INTERPOL or a European police office, and
  - combating tax evasion;

*Excerpts from the*  
**STOCKHOLM DECLARATION OF THE OSCE PARLIAMENTARY ASSEMBLY**  
**(Stockholm, 9 July 1996)**

The OSCE Parliamentary Assembly,

83. Commending the IOM and the European Union for convening a meeting focusing on the deplorable practice of trafficking in women and girls, which is estimated to involve more than 500,000 victims in Europe;
84. Aware that this practice extends to hundreds of thousands of additional victims beyond the borders of the OSCE community and that the trafficking in women and girls in the OSCE region is inherently related to the global phenomenon of organized crime relating to slavery, forced labour and forced prostitution;
101. Calls upon reforming countries as well as Western states to consider negative social aspects of economic transition, such as the trafficking in women from reforming countries and the need for a more coordinated policy to combat this form of organized crime.

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