



# THE CRITICAL ROLE OF CIVIL SOCIETY IN COMBATING TRAFFICKING IN HUMAN BEINGS

OCCASIONAL PAPER NO. 8

ISBN: 978-3-903128-16-3

Published by the OSCE Office of the Special Representative and Co-ordinator  
for Combating Trafficking in Human Beings

Wallnerstr. 6, 1010 Vienna, Austria  
Tel: + 43 1 51436 6664  
Fax: + 43 1 51436 6299  
email: info-cthb@osce.org

© 2018 OSCE/Office of the Special Representative and Co-ordinator for  
Combating Trafficking in Human Beings

Copyright: "All rights reserved. The contents of this publication may be freely used and copied  
for educational and other non-commercial purposes, provided that any such reproduction is  
accompanied by an acknowledgement of the OSCE/Office of the Special Representative and  
Co-ordinator for Combating Trafficking in Human Beings as the source."

Design: Tina Feiertag, Vienna  
Illustrations: LEOcrafts/ iStockphotos  
Photos: shutterstock, Council of Europe, Michael Rodgers, Blanca Tapia

Cite as: OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings,  
Occasional Paper No. 8: The Critical Role of Civil Society in Combating Trafficking in Human Beings

The Organization for Security and Co-operation in Europe (OSCE) is a pan-European security body whose 57 participating States span the geographical area from Vancouver to Vladivostok. Recognized as a regional arrangement under Chapter VIII of the United Nations Charter, the OSCE is a primary instrument for early warning, conflict prevention, crisis management and post-conflict rehabilitation in its area. Its approach to security is unique in being both comprehensive and co-operative: comprehensive in that it deals with three dimensions of security – the human, the politico-military and the economic/environmental. It therefore addresses a wide range of security-related concerns, including human rights, arms control, confidence- and security-building measures, national minorities, democratization, policing strategies, counter-terrorism and economic and environmental activities.

PARTICIPATING STATES: Albania | Andorra | Armenia | Austria | Azerbaijan | Belarus | Belgium | Bosnia and Herzegovina | Bulgaria | Canada | Croatia | Cyprus | Czech Republic | Denmark | Estonia | Finland | France | Georgia | Germany | Greece | Holy See | Hungary | Iceland | Ireland | Italy | Kazakhstan | Kyrgyzstan | Latvia | Liechtenstein | Lithuania | Luxembourg | the former Yugoslav Republic of Macedonia | Malta | Moldova | Monaco | Mongolia | Montenegro | Netherlands | Norway | Poland | Portugal | Romania | Russian Federation | San Marino | Serbia | Slovakia | Slovenia | Spain | Sweden | Switzerland | Tajikistan | Turkey | Turkmenistan | Ukraine | United Kingdom | United States of America | Uzbekistan

ASIAN PARTNERS FOR CO-OPERATION : Afghanistan | Australia | Japan | Republic of Korea | Thailand  
MEDITERRANEAN PARTNERS FOR CO-OPERATION: Algeria | Egypt | Israel | Jordan | Morocco | Tunisia

The materials in this publication are for general information purposes only, provided on an "as is" basis, without warranties of any kind, including fitness for any particular purpose. The OSCE, specifically, does not make any warranties with respect to the accuracy or completeness of the information in this publication. The views, findings, interpretations and conclusions expressed herein are those of the author(s) and do not necessarily represent the official position of the OSCE and/or its participating States. To the extent permitted by law, the OSCE does not accept any liability for any loss, damage, liability or expense incurred or suffered, which may arise as a result of, or in connection with, the use of information contained in this publication.

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

# THE CRITICAL ROLE OF CIVIL SOCIETY IN COMBATING TRAFFICKING IN HUMAN BEINGS



Organization for Security and  
Co-operation in Europe

# Table of contents



## Foreword

page 6

## Acknowledgements

page 7

## List of acronyms

page 8

## List of boxes

page 9



## Introduction

page 10

### 1.1 Purpose and methodology

page 11

### 1.2 The OSCE and the value of civil society

page 13

### 1.3 The concept of civil society as an integral part of the democratic governance

page 14

### 1.4 Engagement of civil society in anti-trafficking efforts

page 16



## International and regional norms and standards on the role of civil society in anti-trafficking policies

page 20

### 2.1 International and European law

page 21

### 2.2 Non-binding instruments

page 27





## **The role and contribution of anti-trafficking NGOs: examples in practice**

page 36

### **3.1 Partnership**

page 38

### **3.2 Prevention**

page 42

### **3.3 Protection**

page 44

### **3.4 Prosecution**

page 48



## **Recommendations**

page 52



## **Annexes**

page 54

### **1. Questionnaire for the NGO consultation meeting in Warsaw, September 2017**

page 55

### **2. Compilation of OSCE documents addressing the role of NGOs in combating trafficking in human beings**

page 56



OSCE/Michael Rodgers



OSCE/Blanca Tapia



# Foreword

The 2003 OSCE Action Plan defines the OSCE's vision of a multi-agency co-operative response to trafficking in human beings. It calls on the OSCE participating States to consider establishing Anti-Trafficking Commissions or similar bodies responsible for co-ordinating activities within a country among State agencies and NGOs, and for elaborating measures to prevent the crime, punish its perpetrators and protect its victims. Indeed, as witnessed on numerous occasions, the multi-agency and multidisciplinary approach has been critical to the effective prevention and countering of human trafficking.

The inclusion of civil society is a pre-requisite for any viable anti-trafficking strategy. Despite the fact that existing legal and political instruments are explicit about the importance of co-operation between State actors and civil society organizations in ensuring a coherent and meaningful anti-trafficking response, our ongoing dialogue with civil society partners reveals that the such a co-operative approach is not always reflected on the ground.

This Occasional Paper, developed by the Office of the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, is based on the results of consultation meetings organized by the Office in 2016-2017 with a wide range of anti-trafficking NGOs working within the OSCE area. I hope that this publication will serve as a useful source of good practices and as a timely reminder of the added value that civil society brings into our joint efforts to combat trafficking in human beings.

The 2013 Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings, with its chapter on partnerships, gives a new impetus to co-operation in the sphere of combating trafficking in human beings. Such co-operation, could focus on strategic goals or on more target-oriented tasks, such as providing assistance or addressing specific forms of exploitation. The full-fledged participation of civil society representatives in new and existing co-operative frameworks should be universally upheld.

**Thomas Greminger**  
OSCE Secretary General

**“ The inclusion of civil society is a pre-requisite for any viable anti-trafficking strategy.”**

# Acknowledgements

The paper that you have in front of you is a result of a collaborative effort undertaken by many organizations and individuals whose tireless work contributes to the fight against trafficking in human beings. It reflects the overarching importance of partnerships that lay a foundation for any meaningful intervention to address the challenges of modern-day slavery.

First and foremost, very special thanks go to the Government of Switzerland and the Geneva Centre for the Democratic Control of Armed Forces (DCAF) for their invaluable support to the Office of the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings in organizing the NGO consultation meeting in Geneva in 2016. The discussions at this meeting gave a conceptual birth to this paper and re-affirmed its relevance.

The contents of the paper, to the greatest extent possible, reflect the findings elicited through our consultations with a wide range of anti-trafficking NGOs from the OSCE region, operating both at the grassroots level and as international networks. These NGOs come from and work tirelessly in Albania, Austria, Bulgaria, Canada, Denmark, Finland, France, Georgia, Germany, Greece, Hungary, Italy, Kazakhstan, Kyrgyzstan, Moldova, the Netherlands, Poland, Portugal, the Russian Federation, Serbia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, the United States, Ukraine, the United Kingdom and Uzbekistan. Unquestionably, this paper would not have been possible without their contributions.

The text of the publication was initially drafted by a capable and dedicated team of THB experts: Bärbel Uhl, Ryszard Piotrowicz and Liliana Sorrentino. Not only did they summarize the key points of the consultations with the NGO partners, but they also provided a thorough review of relevant instruments and good practices in support of the critical role of civil society in combating human trafficking.

The initial draft was further developed and fine-tuned by a number of OSCE colleagues. In this regard, special words of acknowledgement should go to Tetiana Rudenko, Georgina Vaz Cabral and Oleksandr Kyrylenko for managing the consultation and drafting processes and the publication itself in a spirit of collegiality and good will, as well as to Cynthia Peck-Kubaczek, who edited the draft with the best of her knowledge and experience.

Last, but not least, special thanks should be extended to Suzanne Hoff (La Strada International), Pierre Cazenave (Terre des hommes) and Klara Skrivankova (Anti-Slavery International) for lending a helping hand throughout the process and finding time and energy to peer review the final draft.

The contents of this publication do not necessarily reflect the views or policies of the above-mentioned organizations, nor does it imply any endorsement.

# List of acronyms

<b>AIRE</b>	Advice on Individual Rights in Europe
<b>ATMG</b>	Anti-trafficking Monitoring Group
<b>CBSS</b>	Council of the Baltic Sea States
<b>CCME</b>	Churches' Commission for Migrants in Europe
<b>CIS</b>	Commonwealth of Independent States
<b>CoE</b>	Council of Europe
<b>CSO</b>	Civil Society Organization
<b>CTHB</b>	Combating Trafficking in Human Beings
<b>EC</b>	European Commission
<b>ECHR</b>	European Court of Human Rights
<b>ETUC</b>	European Trade Union Confederation
<b>EU</b>	European Union
<b>FLAG</b>	Forced Labour Action Group
<b>FRA</b>	European Union Agency for Fundamental Rights
<b>GRETA</b>	Council of Europe's Group of Experts on Action against Trafficking in Human Beings
<b>HDIM</b>	Human Dimension Implementation Meeting
<b>IDP</b>	Internally Displaced Person
<b>ICMPD</b>	International Centre for Migration Policy Development
<b>ICTU</b>	Irish Congress of Trade Unions
<b>ILO</b>	International Labour Organization
<b>IO</b>	International Organization
<b>IOM</b>	International Organization for Migration
<b>ITUC</b>	International Trade Union Confederation
<b>MC</b>	Ministerial Council
<b>MRCI</b>	Migrant Rights Centre in Ireland
<b>NAP</b>	National Action Plan
<b>NCM</b>	National Co-ordination Mechanism
<b>NGO</b>	Non-Governmental Organization
<b>NRM</b>	National Referral Mechanism
<b>ODIHR</b>	Office for Democratic Institutions and Human Rights
<b>OSCE</b>	Organization for Security and Co-operation in Europe
<b>OSR/CTHB</b>	Office of the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings
<b>PC</b>	Permanent Council
<b>PICUM</b>	Platform for International Co-operation on Undocumented Migrants
<b>PfC</b>	Partner for Co-operation
<b>SR/CTHB</b>	OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings
<b>THB</b>	Trafficking in human beings
<b>UNGA</b>	United Nations General Assembly
<b>UNHCHR</b>	United Nations High Commissioner for Human Rights
<b>UNHCR</b>	United Nations High Commissioner for Refugees
<b>UNICEF</b>	United Nations Children's Fund
<b>UNODC</b>	United Nations Office on Drugs and Crime

# List of boxes

<b>BOX 1</b>	page
Dimensions and dynamics of civil society involvement in anti-trafficking activity	18
<b>BOX 2</b>	
Examples of type of NGO contributions to anti-trafficking work	37
<b>BOX 3</b>	
NGO membership in the Albanian National Anti-Trafficking Task Force	38
<b>BOX 4</b>	
Anti-trafficking NGOs and the UK Modern Slavery Bill	39
<b>BOX 5</b>	
The Migrant Rights Centres in Ireland and the Forced Labour Action Group	40
<b>BOX 6</b>	
Multi-stakeholder partnership: UNDOK, the drop-in centre for undocumented workers in Austria	42
<b>BOX 7</b>	
Prevention of human trafficking through the economic empowerment of vulnerable persons in Ukraine	43
<b>BOX 8</b>	
The 'Teramo Protocol': a local referral mechanism in Italy	44
<b>BOX 9</b>	
Specialized reception centres run by NGOs in Belgium	46
<b>BOX 10</b>	
Development of social standards of assistance to victims of human trafficking in Kazakhstan	47
<b>BOX 11</b>	
From COMPACT – European Action for Compensation for Trafficked Persons to JUSTICE AT LAST – European Action for Compensation	48
<b>BOX 12</b>	
The American Bar Association Task Force on Human Trafficking: A Toolkit on THB for Bar Associations	49

# CHAPTER

# 1



# INTRODUCTION

# 1.1 Purpose and methodology

✦ The purpose of this Occasional Paper is to outline and analyse the role played by civil society in efforts to address the threat posed by the crime of human trafficking. This paper is an additional tool to assist the OSCE participating States in strengthening their response to trafficking in human beings, especially in the area of partnerships as a fundamental component of an effective anti-trafficking response.

OSCE institutions and field operations strongly support the work of civil society and acknowledge the importance of its role in combating all forms of human trafficking. The Office of the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings works closely with anti-trafficking NGOs in its advocacy initiatives, when organizing events, training exercises and research projects, and during the Special Representative's high-level country visits. The continued co-operation with specialized NGOs and regular consultations with them have demonstrated the need to reaffirm the critical role played by civil society in combating human trafficking, especially in crisis situations. It has also revealed that there is a continuing need to address and alleviate the many challenges faced by anti-trafficking NGOs in their daily work, including advocacy efforts, policy-making engagement, funding and sustainability prospects, service provision roles, and networking and co-operation arrangements.

Relevant to the topic of this publication are all civil society actors engaged in anti-trafficking efforts in the OSCE region, including trade unions, bar associations, business associations, journalist and other types of media organizations, as well as other social and religious groups and associations. However, the paper will only elaborate on the role of non-governmental organizations. The scope of this study is therefore restricted to the contributions of NGOs to the response of States against trafficking in human beings, with a particular focus on specialized anti-trafficking organizations.

The study provides a detailed overview of the role and importance of NGOs in combating trafficking in human beings in the OSCE region as well as of the international legal foundation of their engagement. It should be read as a reference document for the more effective involvement of civil society organizations in preventing and fighting human trafficking at the national and local level. However, the paper does not look into country specific situations, nor does it necessarily represent the views of all civil society organizations.

This Occasional Paper is based on the findings of a number of consultation meetings, desk-based analysis of legal international framework and policy papers, case studies, and assessment and country visit reports.

The OSR/CTHB initiated this endeavour in 2016 when exploring the role of NGOs in national referral mechanisms and the broader scope of anti-trafficking efforts. Within the framework of this study, two consultation meetings with representatives of civil society active in the anti-trafficking field in the OSCE region were organized to discuss the existing modalities of the above-mentioned involvement and challenges.



April 2018, 18th Alliance against Trafficking in Persons conference, side event on the role of NGOs in combating trafficking in human beings (OSCE)



In November 2016, the OSR/CTHB, with the support of the Geneva Centre for the Democratic Control of Armed Forces (DCAF) and co-funding from the Swiss Government, held a first consultation meeting with specialized anti-trafficking NGOs in Geneva, Switzerland. The two-day meeting provided a platform for an expert discussion with 23 NGO representatives from 22 OSCE participating States and an expert exchange with the relevant Geneva-based international organizations (IOM, ILO, OHCHR, UNHCR, UNICEF) on the issues of child trafficking, labour exploitation, crisis-related issues and gender aspects of combating trafficking in human beings. In addition, the participants highlighted the essential role played by NGOs in providing services to trafficked persons, as well as the need for the full-fledged participation of civil society actors in policy and decision-making processes.

The findings prompted a second in-depth consultation meeting, which took place in Warsaw, Poland, on the margins of the OSCE/ODIHR Human Dimension Implementation Meeting in September 2017. It involved 20 NGO representatives from 19 participating States. Based on a questionnaire distributed to the participants prior to the meeting, the discussion centred on the following areas pertinent to the work of anti-trafficking non-governmental organizations:

In addition to the semi-structured consultation meetings, the OSR/CTHB organized a side event on the margins of the 18th *Alliance against Trafficking in Persons* to further enrich the expert dialogue initiated in 2016 in Geneva and to develop recommendations. Focusing on the above areas, the event discussions helped validate some of the findings and recommendations outlined in this report, especially that the role of NGOs should not be reduced merely to that of contracted service-providers. They re-affirmed the need to regard such NGOs first and foremost as human rights defenders whose constructive criticism is vital for democratic processes and crucial for progress. The participants also came to the conclusion that the current trend of tightened security policies is also affecting anti-trafficking NGOs in their daily work. It was pointed out that in the times of shrinking space for civil society and the “unintended side effects” of tightening security policies, participating States need to be conscious of the added value and the complementarity that co-operation with NGOs brings to effective responses to trafficking in human beings.



**Policy  
development  
and advocacy**



**Funding and  
sustainability**



**Service  
provision**



**Networking and  
co-operation**



## 1.2 The OSCE and the value of civil society

The OSCE was the first international structure to embrace a comprehensive approach to security, with its participating States agreeing to establish respect for human rights as one of its founding pillars. As explicitly acknowledged in OSCE commitments, civil society is an indispensable cornerstone of a democratic system of government. In the Charter of Paris, the OSCE participating States committed to “undertake to build, consolidate and strengthen democracy as the only system of government of our nations.”<sup>1</sup> Consequently, the OSCE’s institutions and field operations have implemented this commitment by actively partnering with civil society throughout the region and beyond.

The OSCE participating States have repeatedly recognized that the involvement of civil society is crucial in achieving progress in the Organization’s objectives.

### **Astana Commemorative Declaration: Towards a Security Community, OSCE Astana Summit Meeting (2010)**

**“ We value the important role played by civil society and free media in helping us to ensure full respect for human rights, fundamental freedoms, democracy, [...], and the rule of law.”<sup>2</sup>**

Civil society organizations are particularly well placed to complement participating States’ activities in addressing crimes, especially by assisting and protecting victims as well as monitoring the situation. For instance, in addition to the commitments adopted by the participating States, the 2014 Swiss Chairmanship of the OSCE, under the leitmotif of creating a security community for the benefit of everyone, prioritized the implementation of existing human dimension commitments and strengthening the involvement of civil society in the work of the Organization, to enhance its visibility and make its voice heard in the OSCE’s thematic discussions.<sup>3</sup> The overall aim was to create a continuous dialogue between civil society actors in the OSCE region and the OSCE institutions, with the intention of strengthening the ongoing civil society dialogue at the international level. This was to build upon the existing tradition of OSCE Parallel Civil Society Conferences taking place on the eve of OSCE Ministerial Council meetings. This tradition was initiated by several civil society representatives at the Astana Summit in 2010 and led to the creation of an OSCE-wide NGO-network called the Civic Solidarity Platform.<sup>4</sup>

By engaging with the OSCE, civil society organizations have helped to keep human rights high on the political agenda, to mobilize attention, and to shape OSCE action on a number of pressing issues.<sup>5</sup> This approach is well reflected in the anti-trafficking efforts of the OSCE institutions and field operations. For example, from the outset of the *Alliance against Trafficking in Persons* being established – an international informal platform for advocacy and co-operation against trafficking in human beings launched in 2004 and hosted by the Special Representative and Co-ordinator to Combat Trafficking in Human Beings (SR/CTHB) – civil society organizations were included alongside international and regional organizations.<sup>6</sup>

1 CSCE, Charter of Paris for a New Europe, Paris, 21 November 1990: <https://www.osce.org/mc/39516?download=true> (accessed 15 June 2018).

2 OSCE, Astana Commemorative Declaration: Towards a Security Community, OSCE Astana Summit Meeting, 2010: <https://www.osce.org/mc/74985?download=true> (accessed 20 June 2018).

3 Priorities of the 2014 Swiss Chairmanship of the Organization for Security and Co-operation in Europe (OSCE), Creating a Security Community for the Benefit of Everyone: <https://www.osce.org/cio/109266?download=true> (accessed 18 June 2018).

4 IFSH (ed.), OSCE Yearbook 2015, “Civil Society in the OSCE: From Human Rights Advocacy to Peacebuilding”, (Baden-Baden 2016), pp. 363-373. See also the Civic Solidarity Platform: <http://www.civicsolidarity.org/page/about-us> (accessed 15 June 2018).

5 Civic Solidarity, Safeguarding civil society participation in the Helsinki process – a matter of the OSCE’s *raison d’être*, Civic Solidarity Platform Statement, 11 December 2017: <http://www.civicsolidarity.org/article/1520/safeguarding-civil-society-participation-helsinki-process-matter-osces-raison-detre> (accessed 18 June 2018).

6 The 2006 Ministerial Decision on Combating Trafficking in Human Beings (MC:DEC/3/06) tasked the OSCE Special Representative to further “co-operate and seek synergies with relevant international actors, including regional organizations, intergovernmental agencies and NGOs; continue to convene, chair and organize joint initiatives of the Alliance against Trafficking in Persons”.

# 1.3 The concept of civil society as an integral part of the democratic governance

Although there is well-documented recognition of civil society as a cornerstone of democratic institutions and procedures throughout the OSCE area, defining the concept of civil society poses certain challenges. While political discourse offers many terms that are used interchangeably, there is as yet no distinct definition that is universally agreed upon. For instance, the UN refers to civil society as the “third sector” (along with government and business), while the EU Agency for Fundamental Rights offers a terminology that highlights both the function of civil society as a “watch dog” regarding state institutions, including government and parliament, and as an integral part of a pluralistic society: “[civil society organisations] help ‘give a voice’ to people on issues that matter to them, assist rights holders, monitor governments’ and parliaments’ activities, give advice to policymakers, and hold authorities accountable for their actions.”<sup>7</sup>

It is critical to appreciate the full, broad and diverse scope of civil society, which includes not only formally constituted bodies but also social movements. This is reflected in a recent policy statement of the EU Parliament: “This study assumes a relatively standard and broad definition of civil society, as the sphere of non-coercive association between the individual level and the state level. This definition embraces formally organized NGOs, more loosely structured social movements and individual activists.”<sup>8</sup>

Within this broad understanding of civil society, some further considerations are needed to create a basis for elaboration. Based on the discussion undertaken from 2001 to 2012 by the London School of Economics Global Civil Society Programme, the following forms and functions of civil society engagement could be singled out for the purpose of this Occasional Paper:<sup>9</sup>

1. New public management: civil society as sub-contractors for robust national and intergovernmental policy-making;
2. Corporatization: civil society organizations partnering with companies;
3. Social capital of self-organization: civil society building trust through networking;
4. Activism: civil society monitoring and challenging power-holders.

As can be seen from the above, civil society activities are manifold. While they are sometimes critical of governmental institutions and actions, this is not always the case.

Within the “new public management” model, civil society helps fulfil governmental obligations and policies by taking on the role of sub-contractor for specific services or activities. The anti-trafficking framework throughout the OSCE region provides many examples of civil society forming a co-operation partner contributing to States being able to fulfil their obligations, as for instance, among other things, in identifying victims of human trafficking or providing them assistance and support services.

“Corporatization” is likewise pursued as a strategy by many NGOs working in the anti-trafficking area. Partnering with the for-profit sector, including global corporations, is sometimes regarded merely as a fundraising activity. However, the ramifications of such collaborations can be far-reaching, as will be presented in chapter III below.

“Self-organization” continues to be at the core of civil society movements. A special feature of NGOs working in the anti-trafficking sphere is the fact that they can often represent specific interest groups, such as women, migrants or human trafficking survivors. They can also mobilize for the purpose of advancing particular issues, such as the protection of the rights of trafficked persons or their access to justice, including compensation. Among many other things, their activities address human rights, democratization, social justice, education and labour rights.

“Activism” remains the least institutionalized or organized form of civil society movements. This may include ad hoc social activities and public events, such as public assemblies and social media campaigns. Activism and self-organization are often intertwined, and the transition from activism to self-organization and vice-versa usually happens smoothly. For example, an established NGO may take up an issue because that issue is attracting a high level of public awareness through social activism or – the other way around – an activist group may decide to offer services and counselling to its respective peer group and formalize its activities by becoming an NGO.<sup>10</sup>

7 European Union Agency for Fundamental Rights, *Challenges facing civil society organisations working on human rights in the EU* (2017), p. 13.

8 European Parliament, Directorate-General for External Policies, Policy Department, *Shrinking space for civil society: the EU response* (2017), p. 8.

9 London School of Economics, *Global Civil Society Yearbook 2001–2012*. Available at: <http://www.lse.ac.uk/international-development/conflict-and-civil-society/past-programmes/global-civil-society-yearbook> (accessed 29 June 2018).

10 For example, the Czech Diaconia adopted specialized services for trafficked persons into their portfolio of assisting marginalized populations: <https://www.diaconie.cz/en/> (accessed 19 February 2018). The German NGO Hydra was founded in 1980 by an activist group of people working in prostitution. It offers today a wide range of counselling for people working in prostitution, including for people who have been trafficked: [http://www.hydra-berlin.de/beratungsstelle/beratung\\_bei\\_hydra/](http://www.hydra-berlin.de/beratungsstelle/beratung_bei_hydra/) (accessed 19 February 2018).

OSCE participating States have adopted a variety of legislative, administrative and other measures that form the regulatory environment for civic society operations. Although the specific legal requirements may differ in each country, the following principles are widely applicable in the majority of OSCE Participating States:



**Registered NGOs need to have a transparent structure in terms of managing finances and decision-making procedures;**



**They need to aim their activities at the common social welfare or at the protection of human rights and democratic values, without having an interest in financial profit;**



**Part of their work should be based on voluntariness, for instance the work of the board members.<sup>11</sup>**

The organizational forms of civil society are based on national legislation and are accordingly monitored by the relevant authorities. Over time, many NGOs involved in activities related to human trafficking have developed in-depth knowledge, special skills and technical programmes to reach out to victims of trafficking, including presumed and potential victims, as well as to provide assistance and protection, and to prevent abuse and exploitation. The high level of the professional service provisions of many NGOs for trafficked persons may obscure the fact that their origins were based on broader social movements, including movements for migrants' rights, gender equality and non-discrimination.<sup>12</sup>

In all its forms, civil society can be understood as the glue that holds a diverse society together. It should ideally function as an interlocutor with state actors, representing multifaceted social groups.

### Civil society and the 'shrinking space' discourse

Both European and international organizations have raised concerns about the increasing restrictions on agency and activism in civil society. The European Union Agency for Fundamental Rights (FRA), for instance, conducted a study based on qualitative interviews with civil society experts as well as data from its own research network.<sup>13</sup> The report describes the

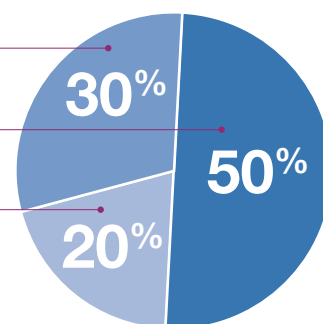
different types and patterns of challenges faced by civil society organizations and highlights promising practices that can counteract various worrying trends. The FRA identified challenges and limitations for civil society in the following areas: the regulatory environment, finance and funding, the right to participation and the ensuring of a safe space.<sup>14</sup>

Furthermore, the European Parliament has analyzed the situation of civil society organizations worldwide in its report *Shrinking Space for Civil Society: the EU Response*. It observed a significant decrease since 2004 in the number of NGOs and their activities.<sup>15</sup> Moreover, the report states that from 2012 to 2015, more than 120 restrictive laws were adopted in 60 countries, including EU members. Of these laws:

**30% placed restrictions on international funding;**

**50% concerned general legal frameworks; and**

**20% were directed specifically against the freedom of assembly.**



In more practical terms, the restrictions imposed upon NGOs were manifested as follows:

- **NGOs receiving funding from abroad have had to register as "foreign agents";**
- **The registration of NGOs has become subject to strict approval and licensing procedures;**
- **NGOs have been faced with punitive taxes;**
- **NGO staff members have been increasingly at risk of persecution and imprisonment.<sup>16</sup>**

These challenges and limitations were also raised during the consultation meetings with anti-trafficking NGOs organized within the framework of the research undertaken for this Occasional Paper.<sup>17</sup> They shared concerns and discussed the restricting policies they had experienced, including the right to free assembly, limited opportunities to voice criticism of governmental strategies, and the increasing reluctance of governments to fund NGO networking activities.

<sup>11</sup> This typology is based on an overview elaborated by the Austrian NGO platform "The World of NGOs"; it can be viewed at: <http://www.ngo.at/ngos/was-ist-eine-ngo> (accessed 22 August 2018).

<sup>12</sup> See for instance the NGOs organized in the La Strada network, such as La Strada Belarus and Animus/La Strada Bulgaria. German NGOs that are members of KOK were also originally self-supporting groups of particular sectors in society, including migrant women, sex workers and faith-based groups.

<sup>13</sup> For more information on the methodology, see European Union Agency for Fundamental Rights, *Challenges facing civil society organisations working on human rights in the EU* (2017) p. 55.

<sup>14</sup> European Union Agency for Fundamental Rights, *Challenges facing civil society organisations working on human rights in the EU* (2017), p. 13.

<sup>15</sup> European Parliament, Directorate-General for External Policies, Policy Department, *Shrinking space for civil society: the EU response* (2017), p. 9.

<sup>16</sup> European Parliament, Directorate-General for External Policies, Policy Department, *Shrinking space for civil society: the EU response* (2017), p.43.

<sup>17</sup> For more detailed information, see the section below on purpose and methodology, p. 18.

# 1.4 Engagement of civil society in anti-trafficking efforts

Trafficking in human beings is a complex crime that can best be addressed by involving all relevant stakeholders. The OSCE participating States have long taken the position that civil society should be engaged in anti-trafficking efforts along with the States themselves.

The Ministerial Council Decision No. 1 “Enhancing the OSCE’s efforts to combat trafficking in human beings” adopted in 2000 was the first OSCE Ministerial Council Decision calling “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.”<sup>18</sup> In 2003, with the adoption of the OSCE Action Plan to Combat Trafficking in Human Beings, participating States explicitly stated in the Preamble that “Acknowledging that while 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.”<sup>19</sup> This statement was again unanimously reaffirmed ten years later in the Addendum to the OSCE Action Plan adopted in 2013.<sup>20</sup>

Two Ministerial Council Decisions adopted in December 2017 – “Strengthening Efforts to Prevent Trafficking in Human Beings” and “Strengthening Efforts to Combat All Forms of Child Trafficking, Including for Sexual Exploitation, as well as Other Forms of Sexual Exploitation of Children”<sup>22</sup> – show that participating States are maintaining and even expanding the scope of their co-operation with civil society organizations (CSOs) in certain areas. For example, the Ministerial Council “calls on OSCE participating States to prevent all forms of child trafficking and sexual exploitation of children, including in tourist destinations, through education and awareness-raising, and to work with the private sector and civil society to raise awareness among the tourism industry, as well as business travellers and tourists, to help eliminate demand that fuels child trafficking and sexual exploitation of children.”<sup>23</sup>

## Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings: One Decade Later (2013)

“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<sup>21</sup> and relevant NGOs ...”

18 OSCE, MC Decision No. 1, Enhancing the OSCE’s efforts to combat trafficking in human beings (28 November 2000), MC(8).DEC/1.

19 OSCE, PC Decision No.557, Action Plan to Combat Trafficking in Human Beings (24 July 2003), PC.DEC/557.

20 OSCE, PC Decision No.1107, Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings: One Decade Later, PC.DEC/1107/ Corr.1, Chapter V.1.

21 On the private sector, see OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, Compendium of relevant reference materials and resources on ethical sourcing and prevention of trafficking in human beings for labour exploitation in supply chains (2018).

22 OSCE, MC Decision No.6/07, Strengthening Efforts to Prevent Trafficking in Human Beings (8 December 2017) MC.DEC/6/17 and MC Decision No.7/17, Strengthening Efforts to Combat All Forms of Child Trafficking, Including for Sexual Exploitation, as well as Other Forms of Sexual Exploitation of Children (8 December 2017), MC.DEC/7/17.

23 MC.DEC/7/17, para. 4.

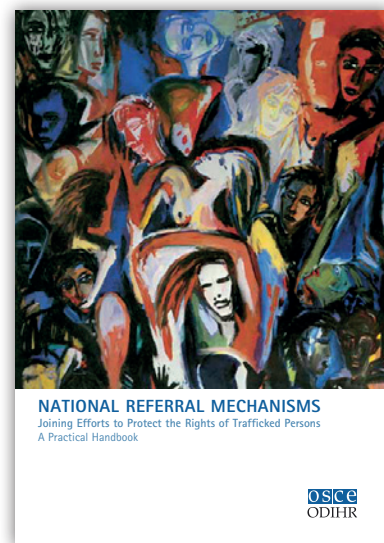


Legal instruments and policy tools urge governments, as described below in chapter II, to engage in co-operation with NGOs for a variety of purposes. For example, according to the OSCE/ODIHR National Referral Mechanisms – Joining Efforts to Protect the Rights of Trafficked Persons: A Practical Handbook (2004)<sup>24</sup> and the conclusion of the 2018 *Alliance against Trafficking in Persons* Conference “Everyone has a Role: How to make a Difference Together”,<sup>25</sup> combating trafficking in human beings requires multidisciplinary and inclusive partnerships that involve all relevant actors from governments, the private sector and civil society to enhance the coherence of anti-trafficking efforts and strengthen co-operation at local, national, regional and international levels.

However, the inclusion of civil society into an overall anti-trafficking response as reflected in the clusters of the four P’s (prevention, protection, prosecution and partnership)<sup>26</sup> is not always an easy endeavour. At times civil society stakeholders challenge their role as mere technical providers without being included in political decision-making processes. In addition, given that the mission of civil society differs from that of governmental and intergovernmental institutions, its activities in the anti-trafficking sphere may sometimes be regarded as too critical towards governmental policies. While the engagement of civil society in victim support and counselling may be welcomed by the authorities, the critical response of civil society to state activities with regard to combating trafficking and protecting and assisting its victims, as well as those at risk of being trafficked, may not always be valued and in fact can provoke resentment. In this regard, it is worth underlining that although state and non-state actors, including NGOs, have different interests and roles that can sometimes lead to tensions, there is a clear continuity in their efforts. Moreover, they are expected to have the same ultimate goal, namely, fighting the crime of human trafficking, assisting its victims and improving the overall situation.

Civil society organizations can – and indeed often do – make active, constructive and positive contributions towards the development of laws and policies regarding human trafficking and, more broadly, the protection of human rights for all. In this regard, they should not simply be regarded as a group of specialized entities offering merely technical support when requested or permitted by the State: “Although (...) [governmental procurement] provides a legal basis and steadier funding to the work of the service providers, it also has the risk of limiting their work to that requested by the State. (...) States often only allocate funding for assistance to officially identified victims of trafficking, while NGOs want to support all people in need as a result of exploitation and abuse.”<sup>27</sup>

A sustainable strategy for including civil society in the anti-trafficking response needs to reflect the many contributions that civil society can provide, while at the same time taking into consideration the potential tensions of a governmental/non-governmental partnership.



OSCE/ODIHR, National Referral Mechanisms: Joining Efforts to Protect the Rights of Trafficked Persons. A Practical Handbook (2004)

24 OSCE/ODIHR, National Referral Mechanisms: Joining Efforts to Protect the Rights of Trafficked Persons. A Practical Handbook (2004), p. 26: <http://www.osce.org/odihr/13967?download=true> (accessed 19 February 2018).

25 On the 18th Alliance against Trafficking in Persons Conference, “Everyone has a Role: How to make a Difference Together”, see: <https://www.osce.org/event/alliance18> (accessed 19 June 2018).

26 See below, chapter IV.

27 Marieke van Doorninck, “Changing the system from within, the role of NGOs in the flawed anti-trafficking system”, in: R. Piotrowicz, C. Rijken and B. Uhl (eds.), Routledge Handbook of Human Trafficking (2017), pp. 419-426.

The following classification of major non-governmental stakeholders illustrates the importance of different types of civil society actors engaged in anti-trafficking efforts, be they a registered entity or an informal association of civil and human rights movements.

#### BOX 1

#### Dimensions and dynamics of civil society involvement in anti-trafficking activity



The range of civil society engagement is wide and diverse, interconnected and multi-faceted. It extends from protecting human rights and ensuring the effective recognition of the rights of trafficked persons, to prevention, education and awareness-raising, to advocacy and watchdog activities to promote transparency and accountability of state actors, and much more. The engagement and co-operation of a wide spectrum of civil society actors in anti-trafficking efforts is also necessary because of the complexity and ever-changing characteristics of the crime. Thus, while most anti-trafficking NGOs were initially involved in this work alongside a focus on women's rights or domestic violence, with the passing of time many more civil society organizations operating in a variety of social fields also adopted an anti-trafficking agenda (or a modern slavery agenda). Such NGOs include those working on human rights, migrant rights, asylum, social exclusion and marginalization, child issues, non-discrimination, corporate social responsibility and business and human rights. Trade unions have also become more active and engaged, as have alternative workers organizations and initiatives.

An effective strategy that NGOs can offer to bridge the gap between potential victims of trafficking and support structures is "peer-to-peer" methodology.<sup>28</sup> Groups identified as vulnerable to trafficking, including (irregular) migrant workers, people working in prostitution, unaccompanied minors and people belonging to ethnic minorities, can easier access information about support and protection when such information is distributed through their own networks of communication.

A widespread network of self-organized and activist groups, such as refugees, migrant workers, violence against women's groups, and children's rights activists, for instance, may contribute to preventing abuse and exploitation of vulnerable and marginalized persons, and ensure that more victims of trafficking are identified and have access to services without discrimination.

Given their first-hand contacts with marginalized groups vulnerable to being trafficked, NGOs can give voice to their concerns and ensure their participation in informing policies and actions that affect them. NGOs also possess invaluable sources of data and information that may shed light on violations of the rights of trafficked persons and other groups that would otherwise remain undetected.

<sup>28</sup> An example of peer-to-peer methodology to fight human trafficking can be found at: <https://ncfy.acf.hhs.gov/news/2017/02/peer-peer-workshops-contribute-ending-human-trafficking> (accessed 22 August 2018).

CHAPTER

# 2



## INTERNATIONAL AND REGIONAL NORMS ON THE ROLE OF CIVIL SOCIETY IN ANTI-TRAFFICKING EFFORTS



## 2.1 International and European law

✦ The participation of NGOs and the wider civil society in anti-trafficking work is regulated by both international and national law. This regulatory foundation consists of legally binding instruments, including treaties, directives and legislation; there are also a number of significant non-binding instruments that influence and often describe the role of civil society organizations, such as guidelines and recommendations. A complete picture can only be obtained when all such instruments are taken into account. Such instruments have been developed by a variety of global and regional entities, including the UN, the EU, the Council of Europe, the CBSS and the CIS. They highlight, *inter alia*, the need to engage civil society in the following areas of anti-trafficking activity:

- Policy and legislation development;
- Prevention, including information campaigns and other awareness raising interventions;
- Identification of victims of human trafficking, in particular in collaboration with law enforcement authorities;
- Protection of victims of human trafficking, including a wide scope of support services, including during criminal proceedings;
- Training and capacity building for all relevant anti-trafficking stakeholders.

As can be seen from the above, the actual engagement of civil society is crucial as well as diverse. However, due to the nature of existing instruments, such engagement is not always necessarily based on a binding duty of the State. The aim of this chapter is therefore to provide an overview of:

1. Where such legal duty exists or, if not a duty, then at least where guidance or recommendation to do so is stated; and
2. What is the nature of such duty or guidance.

While States have legal obligations regarding assistance to and protection and support of trafficked persons, they do not necessarily have to fulfil all such activities themselves. The State may carry out its duty by engaging another entity, such as an NGO, to perform particular functions, although the State remains responsible under the law. It should therefore not be forgotten that States often delegate some or even many of their own functions to civil society organizations.

Section 2.1 of this chapter discusses legally and politically binding instruments that have been adopted by the United Nations, as well as other regional organizations to which OSCE participating States belong, including the Council of Europe, European Union and the Commonwealth of Independent States, on the role of civil society in combating trafficking in human beings. Section 2.2 provides an overview of the relevant non-binding instruments.



### United Nations

#### Palermo Protocol

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime<sup>29</sup> (Palermo Protocol), adopted in 2000, recognized the possible contribution of civil society in several of its provisions. This is particularly significant given that this instrument has been so widely accepted<sup>30</sup> and that it represents the international community's first attempt to address trafficking in modern times. Article 6(3) provides for victim support:

“Each State Party shall consider implementing measures to provide for the physical, psychological and social recovery of victims of trafficking in persons, including, in appropriate cases, *in co-operation with non-governmental organizations, other relevant organizations and other elements of civil society*, and, in particular, the provision of:

- a. Appropriate housing;
- b. Counselling and information, in particular as regards their legal rights, in a language that the victims of trafficking in persons can understand;
- c. Medical, psychological and material assistance; and
- d. Employment, educational and training opportunities” (emphasis added).

<sup>29</sup> UNGA Res. 55/25.

<sup>30</sup> The Protocol had 172 parties as of December 2017.

Furthermore, Article 9, on prevention of trafficking in persons, provides, in paragraph 3: “Policies, programmes and other measures established in accordance with this article shall, as appropriate, include co-operation with non-governmental organizations, other relevant organizations and other elements of civil society.”

Contributions from civil society are also foreseen in Article 10(2) on information exchange and training for law enforcement, immigration and other relevant officials in the prevention of trafficking. Such training, it is stated, “should encourage co-operation with non-governmental organizations, other relevant organizations and other elements of civil society.”

### Security Council Initiatives

In December 2016, the United Nations Security Council adopted Resolution 2331 (2016).<sup>31</sup> This measure, dealing with the links between human trafficking and armed conflicts, also recognizes the role of civil society.

The resolution (in paragraph 3) “[e]ncourages Member States to: (a) Build strong partnerships with the private sector and civil society, including local women organizations, and to redouble their efforts by encouraging these actors to provide information helping to identify, disrupt, dismantle and bring to justice individuals and networks involved in trafficking in persons in areas affected by armed conflict.”

Paragraph 15 of the same instrument refers to national strategic frameworks and action plans against trafficking in persons “developed through broad consultations, including with civil society.”

This resolution was followed by another in November 2017,<sup>32</sup> Resolution 2388 (2017), which deals extensively – albeit not exclusively – with THB in the context of armed conflicts. The Preamble provides, inter alia: “Recognizing the need to continue to foster a global partnership against trafficking in persons among all stakeholders ...” Further, paragraph 20 explicitly mentions the contribution to be made by civil society in assisting States in providing appropriate assistance to children affected by armed conflict.

### Protocol to Forced Labour Convention

In June 2014, the Conference of the International Labour Organisation adopted a Protocol to the Forced Labour Convention.<sup>33</sup> While this instrument is about forced labour, not specifically human trafficking, trafficking does however take place for the purpose of exploiting victims’ labour. The close ties between the two practices are acknowledged in the Preamble: “Recognizing that the content and forms of forced or compulsory labour have changed and trafficking in persons for the purposes of forced or compulsory labour, which may involve sexual exploitation, is the subject of growing international concern and requires urgent action for its effective elimination ...”

Accordingly, this instrument is relevant when assessing the role of civil society. It envisages active contributions from civil society to the effort to prevent forced labour. Article 1(2) establishes the duty of parties to “develop a national policy and plan of action for the effective and sustained suppression of forced or compulsory labour in consultation with employers’ and workers’ organizations, which shall involve systematic action by the competent authorities and, as appropriate, in co-ordination with employers’ and workers’ organizations, as well as with other groups concerned.” Moreover, under Article 6, “[t]he measures taken to apply the provisions of this Protocol ... shall be determined by national laws or regulations or by the competent authority, after consultation with the organizations of employers and workers concerned.”

<sup>31</sup> S/RES/2331 (2016).

<sup>32</sup> S/RES/2388 (2017).

<sup>33</sup> P029 – Protocol of 2014 to the Forced Labour Convention, 1930. As of 9 November 2017, the Protocol has been ratified by 15 OSCE participating States.



## Council of Europe

### Convention on Action against Trafficking in Human Beings

The principal Council of Europe instrument on human trafficking is the Convention on Action against Trafficking in Human Beings, adopted in 2005.<sup>34</sup> It has been ratified by 47 States, including Belarus, which is not a member of the Council. The Convention clearly recognizes the significant role to be played by civil society in giving effect to the objectives of the treaty, which are set out in Article 1(1):

“(a) to prevent and combat trafficking in human beings, while guaranteeing gender equality;  
(b) to protect the human rights of victims of trafficking, design a comprehensive framework for the protection and assistance of victims and witnesses, while guaranteeing gender equality, as well as to ensure effective investigation and prosecution;  
(c) to promote international co-operation on action against trafficking in human beings.”

The role of civil society is explicitly acknowledged in general terms, in Article 35, entitled “Co-operation with civil society”: “Each Party shall encourage state authorities and public officials, to co-operate with non-governmental organizations, other relevant organizations and members of civil society, in establishing strategic partnerships with the aim of achieving the purpose of this Convention.” Under this provision, it is a duty, not a choice, to encourage co-operation between state agencies and NGOs.

According to the Explanatory Report to the Convention, a strategic partnership entails “the setting up of co-operative frameworks through which State actors fulfil their obligations under the Convention, by co-ordinating their efforts with civil society.”<sup>35</sup> This can include regular dialogue involving all actors, with the practical implementation of the Convention’s purposes being achieved (as one example) through “the conclusion of memoranda of understanding between national authorities and non-governmental organisations for providing protection and assistance to victims of trafficking.”<sup>36</sup> Indeed, Article 35 provides the legal foundation for establishing a National Refer-

ral Mechanism, i.e. “a co-operative framework through which state actors fulfil their obligations to protect and promote the human rights of trafficked persons, co-ordinating their efforts in a strategic partnership with civil society.”<sup>37</sup>

Chapter II of the Convention deals with prevention, co-operation and other measures. Article 5(1) requires parties to establish or strengthen co-ordination “between the various bodies responsible for preventing and combating trafficking in human beings.” Although civil society is not specifically mentioned here, the Explanatory Report<sup>38</sup> to the Convention in fact is clear that civil society is seen as one of the bodies being referred to: “The paragraph makes it a requirement to co-ordinate all the sectors whose action is essential in preventing and combating trafficking, such as the agencies with social, police, migration, customs, judicial or administrative responsibilities, non-governmental organisations, other organisations with relevant responsibilities and other elements of civil society.”<sup>39</sup>

Article 5(6) is more explicit and indeed stipulates a mandatory role for civil society with regard to prevention: “Measures established in accordance with this article shall involve, where appropriate, non-governmental organisations, other relevant organisations and other elements of civil society committed to the prevention of trafficking in human beings and victim protection or assistance” (emphasis added). As the Explanatory Report makes clear, while the parties to the Convention are responsible for meeting the obligations laid down in Article 5, they must, as appropriate, involve civil society “in the implementation of preventive measures.”<sup>40</sup>

Article 6 – on measures to discourage demand – appears to go even further in that it refers to the “responsibility and important role of media and civil society in identifying the demand as one of the root causes of trafficking.”<sup>41</sup> Of course, this responsibility is not a duty or obligation in the sense of it being a duty arising under the Convention; it is not an instrument that can bind civil society. However, the Explanatory Report acknowledges that civil society has been a key agency in identifying demand as one of the main causes of trafficking; accordingly, the measures to discourage demand “seek to create maximum awareness and recognition of (civil society’s) ... role and responsibility in that field.”<sup>42</sup>

34 Council of Europe, Council of Europe Convention on Action against Trafficking in Human Beings (Warsaw, 16 May 2005), CETS No.197.

35 Paragraph 352.

36 Paragraph 353.

37 OSCE/ODIHR, National Referral Mechanisms: Joining Efforts to Protect the Rights of Trafficked Persons. A Practical Handbook (2004).

38 CM(2005)32 Addendum 2 final, 3 May 2005.

39 Paragraph 102.

40 Paragraph 107.

41 Article 6(b).

42 Paragraph 110.

Chapter III of the Convention addresses measures to protect and promote the rights of victims. Effective identification of trafficked people is essential so they are recognized as victims of a serious crime and given the help, support and protection they need. Article 10(1) establishes the duty to have personnel trained in identifying victims and to ensure that “the different authorities collaborate with each other as well as with relevant support organisations” in this identification process. Thus, while this provision does not explicitly mention civil society, it clearly makes an indirect reference to it, since in many countries the civil society has played a crucial part in dealing with trafficked people, including their identification. The Explanatory Report is clear on the role for civil society: “The support organisations could be nongovernmental organisations (NGOs) tasked with providing aid and support to victims.”<sup>43</sup>

Article 10(2) contains the duty to adopt legislative or other measures to identify victims, again “in collaboration with other ... relevant support organisations.” Civil society could therefore also be involved in these processes. The Council of Europe’s Group of Experts on Action against Trafficking in Human Beings (GRETA), which has the responsibility for monitoring States’ compliance with the Convention, has often reiterated that “specialised NGOs can substantially contribute to the victim identification process and should be involved in a multi-agency effort to ensure that no victim of trafficking remains unidentified.”<sup>44</sup> It is also necessary to mention that the GRETA expert team includes civil society representatives, thus reiterating the importance of inclusive and comprehensive partnerships in the field of combating trafficking in human beings.

The Rules of Procedure for Evaluating Implementation of the Convention moreover contain provisions concerning information from civil society. Thus, based on a questionnaire it has developed, GRETA seeks information directly from civil society. During its visits, GRETA organizes meetings with relevant civil society actors and visits NGO-run shelters for victims of trafficking.<sup>45</sup>

Article 12 deals with the duty to provide assistance to victims. This includes a clear, albeit conditional, duty to co-operate with civil society: “Each Party shall take measures, where appropriate and under the conditions provided for by its internal law, to co-operate with nongovernmental organisations, other relevant organisations or other elements of civil society engaged in assistance to victims.”

Such assistance includes safe accommodation, psychological and material assistance, emergency medical treatment, translation and interpretation services, counselling and information about legal rights and available services, assistance to have the interests of the victim considered during criminal proceedings against alleged offenders, and access to education for children. While, again, these are a duty of the State, it is very likely that in some States, civil society organisations may be better placed to offer such assistance. This is again acknowledged in the Explanatory Report: “NGOs have a crucial role in victim assistance.”<sup>46</sup>

Article 16, on repatriation and the return of victims, explicitly refers to the role of NGOs in facilitating the safe and dignified return of trafficked people to their home countries when they have been trafficked transnationally. Paragraph 6 provides that “Each Party shall adopt such legislative or other measures as may be necessary to make available to victims ... contact information of structures that can assist them in the country where they are returned or repatriated, such as law enforcement offices, non-governmental organisations, legal professions able to provide counselling and social welfare agencies.”

<sup>43</sup> Paragraph 130.

<sup>44</sup> Council of Europe, 4th General Report on GRETA’s activities, GRETA (2015)1, p. 40.

<sup>45</sup> Council of Europe, Action against Trafficking in Human Beings, Monitoring Mechanism, Role of NGOs. Available at: <https://www.coe.int/en/web/anti-human-trafficking/role-of-ngos> (accessed 17 July 2018).

<sup>46</sup> Paragraph 167.



Chapter V contains measures on investigation, prosecution and procedural law. The significant supporting role of civil society in assisting trafficked people before, during and after a trial is recognized in Article 27(3). It establishes the duty to “ensure ... to any group, foundation, association or non-governmental organisation which aims at fighting trafficking in human beings or protection of human rights, the possibility to assist and/or support the victim with his or her consent during criminal proceedings” concerning human trafficking. Such activities may be risky because of the threat of retribution from the traffickers or their associates.<sup>47</sup> This is recognized in Article 28, on the protection of victims, witnesses and collaborators with the judicial authorities. Paragraph 4 established the duty to adopt measures to provide, “when necessary, appropriate protection from potential retaliation or intimidation in particular during and after investigation and prosecution of perpetrators, for members of groups, foundations, associations or non-governmental organisations” which may carry out the assistance and support functions mentioned in Article 27(3).

### **Convention on preventing and combating violence against women and domestic violence<sup>48</sup>**

This instrument was adopted in April 2011. It does not address human trafficking as such. However, many trafficked women are subjected to physical and sexual violence as part of being trafficked and/or subsequently exploited.

The Convention is explicit in recognizing the role of civil society and the need for States to co-operate with it: “Parties shall recognise, encourage and support, at all levels, the work of relevant non-governmental organisations and of civil society active in combating violence against women and establish effective co-operation with these organisations.”<sup>49</sup>

### **Council of Europe Convention on the Protection of Children Against Sexual Exploitation and Sexual Abuse (Lanzarote Convention)**

The Lanzarote Convention addresses, inter alia, trafficking-related issues, in particular the sexual exploitation of children. It includes a number of provisions that recognize the role and contribution of civil society. For example, with regard to participation in policy-making, Article 9 deals with the participation of children, the private sector, the media and civil society. Paragraph 2 provides that States “shall encourage the private sector [...], as well as civil society, to participate in the elaboration and implementation of policies to prevent sexual exploitation and sexual abuse of children and to implement internal norms through selfregulation or co-regulation.” Further, Article 10, on national measures of co-ordination and collaboration, requires (paragraph 3) that States “shall encourage co-operation between the competent state authorities, civil society and the private sector, in order to better prevent and combat sexual exploitation and sexual abuse of children.” Co-operation with civil society is envisaged also in Article 14, on assistance to victims. Paragraph 2 provides that “[e]ach Party shall take measures, under the conditions provided for by its internal law, to co-operate with non-governmental organisations, other relevant organisations or other elements of civil society engaged in assistance to victims.”

<sup>47</sup> This is noted in the Explanatory Report, paragraph 290.

<sup>48</sup> CETS 210.

<sup>49</sup> Article 9.



## European Union

The EU has adopted several binding instruments on, or relating to, human trafficking. These show a clear recognition of the critical role of civil society in addressing this crime, not only in co-operating with Member States, but also in scrutinizing the effectiveness of States' efforts to address human trafficking.

### Anti-Trafficking Directive 2011/36/EU

This instrument<sup>50</sup> seeks to address THB in a comprehensive way, focusing both on tackling trafficking as a serious crime but also on the protection of and support for victims of trafficking. Already in the Preamble, the role of civil society as a partner of States is acknowledged: "Member States should encourage and work closely with civil society organisations, including recognised and active non-governmental organisations in this field working with trafficked persons, in particular in policy-making initiatives, information and awareness-raising campaigns, research and education programmes and in training, as well as in monitoring and evaluating the impact of anti-trafficking measures."<sup>51</sup>

The operative part of the Directive does not always specifically mention civil society playing a role, although the provision quoted above makes it clear that this is envisaged. Rather, the Directive is framed, when dealing with protection and assistance (Articles 11–17), on the obligations of States towards trafficked persons. Article 11, on assistance and support for victims of trafficking, stipulates the types of assistance and support that might be offered by NGOs or other members of civil society, at least for a period of time: appropriate and safe accommodation, material assistance, medical treatment, psychological assistance, counselling and information.<sup>52</sup>

Article 19 on the establishment of national rapporteurs or equivalent mechanisms is explicit; it stipulates that the tasks of such mechanisms are to be carried out "in close co-operation with relevant civil society organisations active in this field."

### Residence Permits Directive 2004/81/EC

This Directive<sup>53</sup> is relatively narrow in scope, but once again a role for civil society is explicitly recognized. The Directive provides for persons who are not citizens of an EU Member State but who have been trafficked to an EU State and who are co-operating with the authorities to be granted residence permits for limited periods. During the time they are living in an EU Member State on the basis of such a permit, such persons have certain entitlements to assist them in their daily lives and recovery. To this end, Article 12(1) provides: "The third-country nationals concerned shall be granted access to existing programmes or schemes, provided by the Member states or by non-governmental organisations or associations which have specific agreements with the Member States, aimed at their recovery of a normal social life, including, where appropriate, courses designed to improve their professional skills, or preparation of their assisted return to their country of origin ..."

### Other EU instruments

There are other EU instruments that do not deal specifically with human trafficking but which are nevertheless pertinent to evaluating the role of civil society in the context of combating human trafficking. An important example is the Victims of Crime Directive.<sup>54</sup> While this instrument addresses the rights and needs of all victims of crime, in places it singles out particular offences. Victims of human trafficking are specifically identified as being vulnerable to a high rate of secondary and repeat victimization, intimidation and retaliation.<sup>55</sup> The possible contribution of civil society is recognized in the context of victim support service provisions. Article 8(4) provides: "Victim support services and any specialist support service may be set up as public or non-governmental organisations and may be organised on a professional or voluntary basis."

50 Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, replacing Council Framework Decision 2002/629/JHA.

51 Recital 6.

52 Article 11(5).

53 Council Directive 2004/81/EC of 29 April 2004 on issuing residence permits to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration if they co-operate with the competent authorities.

54 Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.

55 Preamble, Recital 57.

## 2.2 Non-binding instruments



### United Nations

#### General Assembly

In August 2010, the General Assembly of the United Nations adopted by resolution the United Nations Global Plan of Action to Combat Trafficking in Human Beings (the Plan).<sup>56</sup> The Plan contains several references to the important role that civil society plays, as well as the effective contributions it can make with regard to anti-trafficking efforts, particularly in providing assistance and support for trafficked people.

The Preamble refers to the need to develop a global plan of action that will “[f]oster co-operation and co-ordination among all relevant stakeholders, including Member States, international organizations, civil society organizations and the private sector, and within various entities of the United Nations system ...” Paragraph 2 of the resolution then urges all stakeholders – Member States, the UN and other international organizations – “as well as civil society, including non-governmental organizations”, the private sector and other entities of the UN system “to fully implement the relevant provisions of the Plan of Action and the activities outlined therein”. This clearly shows that civil society is expected to be actively involved in future actions to assist trafficked people. This is elaborated upon in the Plan of Action itself, which was published as an Annex to the Resolution.

The Resolution itself is explicit in acknowledging and providing for a role for civil society, both in general and specific terms. Paragraph 40 outlines the general role: Member States “[a]cknowledge the important role of civil society organizations in providing assistance and empowerment to victims of trafficking in persons, helping them to seek redress and facilitating the care of and provision of appropriate services to victims, including close co-operation and co-ordination with law enforcement officials”.

With regard to prevention of trafficking, in Paragraph 18 the Plan calls for States to “[p]romote awareness-raising campaigns aimed at persons at risk of being trafficked and at the general public through education and the effective involvement of the mass media, nongovernmental organizations, the private sector and community leaders with a view to discouraging the demand that fosters the exploitation of persons ... and that leads to trafficking”.

In terms of assistance, Paragraph 32 calls upon States to “[p]rovide assistance and services for the physical, psychological and social recovery and rehabilitation of trafficked persons, in co-operation with non-governmental organizations and other relevant organizations and sectors of civil society”.

In the section on the strengthening of partnerships, Paragraph 53 requires States to “[p]romote co-operation and co-ordination among governmental institutions, civil society and the private sector, including the media, as well as workers’ and employers’ organizations, to strengthen prevention and protection policies and programmes”.

The Plan was preceded and followed by regular UNGA Resolutions with regard to trafficking, all of which have confirmed the integral role played by civil society, including NGOs, in the provision of assistance and support to victims of trafficking, awareness-raising amongst those at risk of being trafficked as well as the public at large, and general co-operation to assist trafficked people.<sup>57</sup> The Human Rights Council and the Economic and Social Council have also acknowledged the role of civil society in resolutions adopted on human trafficking.<sup>58</sup>

<sup>57</sup> GA Res 58/137 (2003), Strengthening international co-operation in preventing and combating trafficking in persons and protecting victims of trafficking (Preamble, Paragraphs 3,9); GA Res 61/144 (2006), Trafficking in women and girls (Preamble, Paragraphs 9, 14, 15, 16, 17, 23); GA Res 61/180 (2006), Improving the co-ordination of efforts against trafficking in persons (Preamble, Paragraph 1, 15); GA Res 63/194 (2008), Improving the co-ordination of efforts against trafficking in persons (Preamble, Paragraphs 3, 4, 6, 8, 12); GA Res 64/178 (2009), Improving the co-ordination of efforts against trafficking in persons (Preamble, Paragraphs 3, 5, 6); GA Res 67/190 (2012), Improving the co-ordination of efforts against trafficking in persons (Preamble, Paragraphs 6, 7, 13); GA Res 68/192 (2013), Improving the co-ordination of efforts against trafficking in persons (Preamble, Paragraphs 5, 10); GA Res 69/149 (2014), Trafficking in women and girls (Preamble, Paragraphs 18, 26, 27); GA Res 70/179 (2015), Improving the co-ordination of efforts against trafficking in persons (Preamble, Paragraph 12); GA Res 71/167 (2016), Trafficking in women and girls (Preamble, Paragraphs 6, 17, 20, 29, 32)

<sup>58</sup> See, for example, Resolution 2015/53 adopted by the Economic and Social Council on 21 July 2015, Implementation of the United Nations Global Plan of Action to Combat Trafficking in Persons. Paragraph (e) of the Preamble refers to civil society as a “stakeholder” in this field. Paragraph (f) of the Preamble notes that one objective of the Global Plan of Action is “[t]o foster co-operation and co-ordination among all relevant stakeholders, including ... civil society organisations”. The Preamble also recognizes NGOs as one of the “established channels of assistance” to trafficked persons. Paragraph 3 urges all stakeholders mentioned in the Global Plan of Action (i.e., including civil society) “to continue to contribute to the full and effective implementation of the Global Plan of Action, including by means of strengthening co-operation and improving co-ordination among themselves in achieving that goal”.

<sup>56</sup> GA Res 64/293.

On 19 September 2016, the UNGA adopted Resolution 71/1, the New York Declaration for Refugees and Migrants,<sup>59</sup> which is intended to promote the adoption of policies and measures to address large movements of refugees and migrants. It contains a number of references to human trafficking which may also be linked to the contribution to be made by civil society in supporting and assisting trafficked persons. In paragraph 29, it is stated that Member States "... recognize and will take steps to address the particular vulnerabilities of women and children during the journey from country of origin to country of arrival. This includes their potential exposure to discrimination and exploitation, as well as to sexual, physical and psychological abuse, violence, human trafficking and contemporary forms of slavery."

It is acknowledged that refugees and migrants who are part of large movements are in danger of being trafficked and subjected to forced labour,<sup>60</sup> as is the particular vulnerability of women and girls.<sup>61</sup>

The Declaration is accompanied by two annexes. Annex 1 – "Comprehensive refugee response framework" – appears to recognize the role of civil society. Under Paragraph 5(a), referring to the outset of large movements of refugees, receiving States, along with international organizations "and other partners" as appropriate, must ensure that measures are in place to "provide for adequate, safe and dignified reception conditions, with a particular emphasis on persons with specific needs, victims of human trafficking ... and support the critical contribution of receiving communities and societies in this regard". In terms of support for immediate and ongoing needs, States are supposed to take action "in co-operation with multilateral donors and private sector partners" (paragraph 6).

More explicitly, under paragraph 7(d) host States undertake to "[s]upport local civil society partners that contribute to humanitarian responses, in recognition of their complementary contribution". While this instrument is about large-scale movements of refugees and migrants, trafficked persons or those at risk of being trafficked are acknowledged to be a part of this group; the contribution of civil society to the support and assistance of all is acknowledged.

### United Nations High Commissioner for Refugees

The main focus of the UNHCR's work is the welfare of persons who are seeking, have applied for or have been granted international protection: that is, persons who are in another country and who cannot return to the State of their citizenship or permanent residence because of a well-founded fear of being subjected to persecution or some other threat to their basic human rights. Such threats may be at the hands of the State, or of non-State actors if the State is unable or unwilling to act to provide protection.

While the UNHCR is not primarily concerned with victims of human trafficking, people who have been trafficked to another country may well be at risk should they be compelled to return to their home country. They may have escaped their traffickers and given information to the police or evidence in court. This could well put them at risk of violence or even being re-trafficked. In some countries trafficked persons may be at risk from the authorities or their own families.

It is therefore possible that some such persons may be entitled to refugee status, not because of their having been trafficked in the past, but because of the risks they face in future if compelled to return home, which may be connected to the fact that they have been trafficked. The UNHCR recognized this by adopting, in 2006, Guidelines on international protection: The application of Article 1A(2) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees to victims of trafficking and persons at risk of being trafficked.

The Guidelines are not legally binding but are intended to provide "interpretive legal guidance for governments, legal practitioners, decision-makers and the judiciary, as well as for UNCHR staff carrying out refugee status determination in the field."

The Guidelines focus on the State's obligation to identify trafficked persons, as well as those persons at risk of being trafficked who may qualify for refugee status. However, they acknowledge the role of civil society when addressing the issue of assistance. Paragraph 45 refers to Article 6 of the Palermo Protocol, paragraph 3, which requires parties to consider implementing assistance measures "in co-operation with non-governmental organizations, other relevant organizations and other elements of civil society." In the section on strengthening of partnerships, Paragraph 53 requires States to "[p]romote co-operation and co-ordination among governmental institutions, civil society and the private sector, including the media, as well as workers' and employers' organizations, to strengthen prevention and protection policies and programmes".

<sup>59</sup> A/Res/71/1.

<sup>60</sup> Paragraph 35.

<sup>61</sup> Paragraph 60.







## Organisation for Security and Co-operation in Europe

The OSCE participating States have long taken the position, as noted above in chapter I, that OSCE institutions and field operations should partner with NGOs and that civil society should be engaged, along with States, in anti-trafficking efforts.

The OSCE Action Plan to Combat Trafficking in Human Beings,<sup>64</sup> adopted in 2003, states in the Preamble: “Acknowledging that while 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.”

The body of the Plan contains other measures aimed at engaging civil society with the State. The Plan emphasizes that this involvement should be reflected in all efforts against trafficking in human beings: prevention, prosecution, protection and partnership. For instance, it is recommended that States “[permit] NGOs to support victims in court hearings, if it is not inconsistent with national legislation.”<sup>65</sup> States should also, in training programmes on human trafficking for state officials, “[encourage] co-operation with non-governmental organizations, other relevant organizations and other elements of civil society.”<sup>66</sup> It is noteworthy that these provisions appear in Section III of the Plan, which relates to investigation, law enforcement and prosecution.

Section IV of the Action Plan, on the prevention of human trafficking, recommends, as part of awareness-raising measures, that States undertake, “in co-operation with civil society and NGOs”, information campaigns aimed at the general public.<sup>67</sup> They are also recommended to encourage their embassies in other countries to disseminate information on relevant laws to potential migrants, “including through NGOs.”<sup>68</sup>

Of particular importance is the recommended action with regard to protection and assistance: “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.”<sup>69</sup>

This recommendation is strengthened by the exhortation to “[combine] 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.”<sup>70</sup> From this it is clear that the OSCE sees civil society organizations as a core element of anti-trafficking efforts.

Further provisions recommend linking the activities of NRMs with other bodies, including NGOs, “to form a cross-sectoral and multidisciplinary team capable of developing and monitoring the implementation of anti-trafficking policies,”<sup>71</sup> as well as establishing shelters for trafficked persons that can be run by NGOs or other civil society institutions.<sup>72</sup>

The ongoing commitment of the OSCE to the full engagement of civil society in anti-trafficking efforts can be seen in subsequent instruments and documents. For example, in 2013 the Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings stated in its Policy Paper on Recommendations on non-punishment of trafficked persons for legislators and prosecutors: “Effective identification systems must be established to ensure that victims of trafficking receive essential support and assistance in full accordance with their needs and entitlements. To this end, multidisciplinary co-operation between public officials and NGOs should be encouraged and national referral mechanisms should be established, thus formally recognizing NGOs’ contribution to, and role in, victim identification and assistance.”<sup>73</sup> Further, in the Guiding Principles on Human Rights in the Return of Trafficked Persons, Principle 7 – Co-operation and monitoring – includes the following guidance: “States must ensure co-operation between the government and civil society organizations, including victim-support agencies, trade unions and business and employer organizations that may have a role to play in providing victims with assistance, supporting their reintegration and ensuring their safe return. “In addition, national referral mechanisms and transnational referral mechanisms are important vehicles for in-country and cross-border co-operation, respectively, as they create strategic partnerships between government agencies, civil society and other actors engaged in protecting and promoting the human rights of trafficked persons.”<sup>74</sup>

69 Section V, 3.1.

70 Section V, 3.3.

71 Section V, 3.6.

72 Section V, 4.1.

73 OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, Policy and legislative recommendations towards the effective implementation of the non-punishment provision with regard to victims of trafficking, p. 29 (2013).

74 OSCE/ODIHR, Guiding Principles on Human Rights in the Return of Trafficked Persons, p. 30 (2014).

64 PC.DEC/557, 24 July 2003.

65 Section III, 4.6.

66 Section III, 5.2.

67 Section IV, 4.1.

68 Section IV, 4.3.

The OSCE Action Plan was followed up ten years later in 2013 with an Addendum.<sup>75</sup> Its Preamble once again acknowledges the contribution of civil society: “Recognizing the role of relevant NGOs in providing assistance and protection to the victims of trafficking in human beings”. Specific ways in which civil society can contribute are set out. These include:

- States encouraging civil society to promote codes of conduct that protect the rights of workers throughout supply chains;<sup>76</sup> promoting policies to raise awareness of trafficking in human beings, including for organ removal, through developing partnerships with relevant medical stakeholders and NGOs;<sup>77</sup>
- Taking action to enable NGOs and other bodies to initiate referrals for assistance for all victims of trafficking;<sup>78</sup> facilitating simplified procedures for NGOs to obtain permits to access State facilities to contribute to the timely identification of trafficked persons;<sup>79</sup>
- Ensuring that the necessary assistance is provided in the process of safe return and, through co-operation, where possible, in the reintegration of former victims of trafficking by the authorities, social services or NGOs, as appropriate, of the country of origin;<sup>80</sup>
- That while the primary duty to address trafficking lies with the State, the nature of the crime as a transnational one is such that co-operation with civil society is required at the regional and international levels;<sup>81</sup> and
- Including NGOs in the national referral mechanism framework.<sup>82</sup>

OSCE participating States have reiterated their commitment to co-operation with civil society also in other Ministerial Council Decisions. For example, the OSCE Ministerial Council Decision taken in 2007 in Madrid on Combating trafficking in human beings for labour exploitation calls on participating States to: “[s]upport and promote partnerships between civil society, including NGOs, and State agencies with a labour protection mandate to monitor working conditions, to provide, among others, assistance to victims and prevent trafficking for labour exploitation and violation of labour laws, including through targeted awareness-raising programmes or voluntary codes of conduct.”<sup>83</sup> The Madrid Ministerial Council Decision contains another important provision that is very relevant today:

it requires that States do not criminalize or penalize NGOs engaged in victim assistance. More specifically, the Decision calls upon participating States to: “[e]nsure that civil society organizations, which legally provide assistance to victims of trafficking for labour exploitation, are not penalized or criminalized for providing such assistance.”<sup>84</sup> This provision addresses those situations in which NGOs provide assistance to trafficked persons who have an irregular status in a country, and aims at ensuring that in such situations NGOs are not penalized for facilitating irregular migration.

Another important example of OSCE participating States’ commitment to co-operation with NGOs in anti-trafficking activities is provided in the Ministerial Council Decision on Enhancing Criminal Justice Responses to THB (2008).<sup>85</sup> Here the Ministerial Council addresses issues related to co-operation with NGOs in victim identification and assistance, particularly during criminal proceedings. Paragraph 3 of the Helsinki Ministerial Council Decision “[u]rges the participating States to ensure that law enforcement agencies and where appropriate the judiciary co-operate with each other and with other bodies including social services, and where appropriate with relevant civil society organizations in order to enhance identification of victims of human trafficking.”<sup>86</sup> Further, in paragraph 4 the Ministerial Council “[e]ncourages the participating States where appropriate and where provided for by their respective laws to ensure that civil society organizations engaged in protecting the rights of victims of trafficking have a possibility to provide assistance and support to victims also during criminal proceedings, and in this context, to consider establishing co-operation between law enforcement agencies and civil society organizations.”<sup>87</sup>

In 2017, the OSCE participating States again “[recognized] the contribution of civil society, including religious organizations, in preventing trafficking in human beings, and in assisting its victims”. The two Ministerial Council Decisions adopted on 8 December 2017<sup>88</sup> have expanded the scope of co-operation with civil society in certain areas of concern such as the travel and tourism industry, and re-affirmed the need to co-operate “to enhance efforts to prevent human trafficking, inter alia through increasing awareness of each actor’s role and through facilitating the exchange of information on human trafficking among countries of origin, transit and destination, including the Partners for Co-operation.”

75 Decision No.1107, Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings: One Decade Later, PC.DEC/1107/Corr.1.

76 Section III, 1.7.

77 Section III, 1.12.

78 Section IV, 1.2.

79 Section IV, 1.4.

80 Section IV, 2.5.

81 Section V, 1.

82 Section V, 2.

83 OSCE, Ministerial Council Decision on Combating trafficking in human beings for labour exploitation, MC/ DEC8/07, Madrid, 30 November 2007, para. 5.

84 OSCE, Ministerial Council Decision on Combating trafficking in human beings for labour exploitation, MC/ DEC8/07, Madrid, 30 November 2007, para. 9.

85 OSCE, Ministerial Council Decision on Enhancing Criminal Justice Responses to Trafficking in Human Beings through a Comprehensive Approach, MC/ DEC5/08, Helsinki, 5 December 2008.

86 OSCE, MC/ DEC5/08, para. 3.

87 OSCE, MC/ DEC5/08, para. 4.

88 OSCE, MC Decision No.6/07, Strengthening Efforts to Prevent Trafficking in Human Beings (8 December 2017) MC.DEC/6/17 and MC Decision No.7/17, Strengthening Efforts to Combat All Forms of Child Trafficking, Including for Sexual Exploitation, as well as Other Forms of Sexual Exploitation of Children (8 December 2017), MC.DEC/7/17.





## Council of Europe

In general terms, the fundamental role of NGOs has been formally recognized by the Council of Europe. The Committee of Ministers has stated in a Recommendation that it is: “[a]ware of the essential contribution made by non-governmental organisations (NGOs) to the development and realisation of democracy and human rights, in particular through the promotion of public awareness, participation in public life and securing the transparency and accountability of public authorities, and of the equally important contribution of NGOs to the cultural life and social well-being of democratic societies.”<sup>89</sup>

Prior to the adoption of the Council of Europe Convention on Action against Trafficking in Human Beings, which established the duty to co-operate with civil society (see above), the role of civil society in the context of human trafficking was acknowledged in a number of instruments adopted by the Parliamentary Assembly of the Council of Europe, as well as the Committee of Ministers.

Amongst the instruments the Assembly has adopted, the following relevant passages are found:

- Recommendation 1325 (1997), paragraph (x), which urges States to “grant the various NGOs and associations for victims of prostitution access to courts in order to increase the effectiveness of action against trafficking and enforced prostitution”,<sup>90</sup>
- Recommendation 1545 (2002), paragraph 10(vi), which urges the governments of member States “to create a legislative framework for voluntary organisations which defend victims of trafficking allowing them to take legal action against traffickers, either in conjunction with the victims or on their behalf, with the aim of obtaining damages”; and paragraph 10(vii)(c), which urges States to “encourage constant co-operation and interaction between non-governmental organisations, consulates and police services responsible for the fight against trafficking”,<sup>91</sup>

<sup>89</sup> Recommendation CM/Rec(2007)14 of the Council of Europe Committee of Ministers to member states on the legal status of non-governmental organisations in Europe, adopted 10 October 2007, Preamble.

<sup>90</sup> Recommendation 1325 (1997) on traffic in women and forced prostitution in Council of Europe member states.

<sup>91</sup> Recommendation 1545 (2002), Campaign against trafficking in women.

- Resolution 1337 (2003), paragraph 9(c)(iii), which calls on member States “to co-operate with non-governmental organisations which provide expertise in women’s fundamental rights, labour rights and anti-trafficking activities”,<sup>92</sup> and
- Recommendation 1663 (2004), paragraph 6 (i)(e), which recommends that the Committee of Ministers “urge member states to provide an efficient support network for victims (including emergency accommodation, health care, psychological and legal counselling services) and attribute funds to non-governmental organisations working in this area.”<sup>93</sup>

Three Recommendations adopted by the Committee of Ministers in the run up to the adoption of the Convention are also significant:

- Recommendation No. R (2000) 11, which recommends in paragraph 2 that governments ensure that the recommendation be “brought to the attention of all relevant public and private bodies”, including non-governmental organizations.<sup>94</sup> In paragraph 6 of the Appendix to the Recommendation, States are invited to consider “[taking] co-ordinated action using a multidisciplinary approach involving the relevant social, judicial, administrative, customs, law enforcement and immigration authorities and non-governmental organisations (NGOs).” In paragraph 13, States are further invited to provide appropriate information on trafficking to various stakeholders, including “humanitarian NGOs ... working in the countries of origin of potential victims.”
- Recommendation Rec(2001)16, paragraph 16, which calls upon States to “[r]ecognise and support the central role played by NGOs in preventing sexual exploitation and in helping victims”,<sup>95</sup> and
- Recommendation Rec(2002)5, paragraph 4, which recommends that states review their legislation and policies with a view to “encouraging at all levels the work of NGOs involved in combating violence against women and establishing active co-operation with these NGOs, including appropriate logistic and financial support.”<sup>96</sup>

<sup>92</sup> Resolution 1337 (2003), Migration connected with trafficking in women and prostitution.

<sup>93</sup> Recommendation 1663 (2004), Domestic slavery: servitude, au pairs and “mail-order brides”.

<sup>94</sup> Recommendation No. R (2000) 11 of the Committee of Ministers to member states on action against trafficking in human beings for the purpose of sexual exploitation, adopted 19 May 2000.

<sup>95</sup> Recommendation Rec(2001)16 of the Committee of Ministers to member states on the protection of children against sexual exploitation, adopted 31 October 2001.

<sup>96</sup> Recommendation Rec(2002)5 of the Committee of Ministers to member states on the protection of women against violence, adopted 30 April 2002.



## European Union

In addition to the binding instruments outlined above, the EU has also sought to encourage engagement between States and civil society in various policies and programmes. Some of the most prominent are outlined below.

The Brussels Declaration on Preventing and Combating Trafficking in Human Beings (2002)<sup>97</sup> is not an EU instrument or document, but the conference at which the Declaration was adopted was organised by IOM in close co-operation with the European Parliament and the European Commission.

The Annex to the Declaration sets out a number of recommendations, standards and best practices (for the time). The contribution to be made by civil society is frequently recognized:

- as participants in the future EU Group of Experts on trafficking in Human Beings;<sup>98</sup>
- strengthening European networking on victim assistance;<sup>99</sup>
- training of and by NGO personnel;<sup>100</sup>
- intelligence gathering with regard to the sex and labour markets;<sup>101</sup>
- immediate victim assistance;<sup>102</sup>
- subsequent victim assistance;<sup>103</sup> and
- victim reintegration.<sup>104</sup>

This shows that the need for States to work with civil society to achieve the best possible outcomes both in terms of victim-support and protection and law enforcement was recognized even before the Palermo Protocol had entered into force in December 2003.

More recently, the EU Strategy towards the Eradication of Trafficking in Human Beings 2012–16<sup>105</sup> was intended to provide the basis for the EU's activities with regard to THB until the end of 2016. It aimed “to provide a coherent framework for existing and planned initiatives, to set priorities, to fill gaps and therefore complement the recently adopted Directive”<sup>106</sup> (2011/36/EU).

The role of civil society is mentioned in the following contexts:

- its role in helping to formulate a multidisciplinary, coherent policy against trafficking;<sup>107</sup>
- its inclusion in national referral mechanisms;<sup>108</sup> and
- its being part of a civil society platform, to be established in 2013,<sup>109</sup> for organizations working in victim protection (although this platform dealt with the engagement between civil society organisations and the EU, rather than individual States, its intended function was to co-ordinate organizations active in this field).<sup>110</sup>

<sup>97</sup> The declaration was adopted at a conference in Brussels on 18–20 September 2002. Signatories included the EU, IOM, EU Member States, candidate countries, neighbouring countries including Russia, the US, Canada and China, international organisations, inter-governmental organizations and NGOs.

<sup>98</sup> Paragraph 2 (the two authors of this study each served two terms in the Group of Experts).

<sup>99</sup> Paragraph 4.

<sup>100</sup> Paragraph 9.

<sup>101</sup> Paragraph 11.

<sup>102</sup> Paragraph 13.

<sup>103</sup> Paragraph 14.

<sup>104</sup> Paragraph 15.

<sup>105</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, The EU Strategy towards the Eradication of Trafficking in Human Beings 2012–16, 19 June 2012, COM(2012) 286 final (Strategy).

<sup>106</sup> Strategy, p. 4.

<sup>107</sup> Strategy, p. 5.

<sup>108</sup> Strategy, p. 6.

<sup>109</sup> The EU Civil Society e-Platform against Trafficking in Human Beings currently comprises over 100 members and is consulted with by the EU Anti-Trafficking Co-ordinator. See: [https://ec.europa.eu/anti-trafficking/media-outreach-els/eu-civil-society-e-platform\\_en](https://ec.europa.eu/anti-trafficking/media-outreach-els/eu-civil-society-e-platform_en) (accessed 17 July 2018).

<sup>110</sup> Strategy, p. 12.



## Council of the Baltic Sea States

The CBSS has been involved in a number of projects and initiatives endorsing the active participation of civil society in anti-trafficking activities, including support for and protection of trafficked persons. In March 2014, the Conference on How to Enhance Assistance to Victims of Human Trafficking in the Baltic Region was staged by the Finnish presidency of the CBSS, the CBSS Expert Group for Co-operation on Children at Risk and the CBSS Task Force against Trafficking in Human Beings.<sup>111</sup> As stated, the main objective of the conference was “to serve as a platform for knowledge exchange between anti-trafficking actors in the Baltic Sea region by presenting good practices and challenges on how to enhance assistance to victims of all forms of human trafficking.”<sup>112</sup>

Ten key recommendations were adopted. The seventh, while not naming particular actors, states in part: “Co-operation between different actors at the national and international level is crucial to effectively prevent trafficking in human beings, prosecute offenders and assist victims.”

Other recommendations from the three panels at the conferences that explicitly referred to the role of NGOs were:

- “Include NGOs in consultations related to new laws in this field and as implementing partners in the assistance process”;<sup>113</sup> and
- “Involve less traditional actors that may come in contact with victims in the fight against human trafficking such as the private sector, travel agencies, religious groups etc.”<sup>114</sup>

In addition to these recommendations, several others, while not specifically mentioning civil society, addressed matters that would typically be the concern of civil society, including assistance to trafficked people.

In 2010, the UNODC published the report *Human Trafficking in the Baltic Sea Region: State and Civil Society Co-operation on Victims’ Assistance and Protection*.<sup>115</sup> Funded by the CBSS Task Force against Trafficking in Human Beings, it was part of a project entitled Preparatory Regional Project on Fostering Non Governmental Organization (NGO) – Law Enforcement Co-operation in Preventing and Combating Human Trafficking in, from and to the Baltic Sea Region, which was jointly implemented by the UNODC and the CBSS Task Force against Trafficking in Human Beings.

While this study is now dated, it does give a picture of the extent of involvement of civil society in providing assistance to trafficked persons in CBSS Member States, with the exception of Russia. More recent information can be obtained by referring to the country reports of the Council of Europe’s Group of Experts on Action against Trafficking in Human Beings (GRETA).<sup>116</sup> What is clear is that while practices diverge significantly, the study confirms the pivotal role of civil society: “Co-operation between states and NGOs is crucial to effectively protect and support victims of trafficking.”<sup>117</sup>

<sup>111</sup> <http://www.cbss.org/safe-secure-region/tfthb/> (accessed 23 August 2018).

<sup>112</sup> Recommendations from the Conference on How to Enhance Assistance to Victims of Human Trafficking in the Baltic Region, p. 1. [http://www.cbss.org/safe-secure-region/tfthb/conference\\_recommendations\\_online/](http://www.cbss.org/safe-secure-region/tfthb/conference_recommendations_online/) (accessed 23 August 2018).

<sup>113</sup> Panel 1, Recommendation 4.

<sup>114</sup> Panel 1, Recommendation 7.

<sup>115</sup> <http://www.cbss.org/safe-secure-region/tfthb/> (accessed 23 August 2018).

<sup>116</sup> <http://www.coe.int/en/web/anti-human-trafficking/home> (accessed 23 August 2018).

<sup>117</sup> Human Trafficking in the Baltic Sea Region, p. 45.



## Commonwealth of Independent States

The Programme of Co-operation of the CIS States in Combating Trafficking in Human Beings for 2014–2018 lists among its objectives “the development of co-operation with IOs, NGOs, and civil society institutions in the field of combating trafficking in human beings.” This includes in particular:

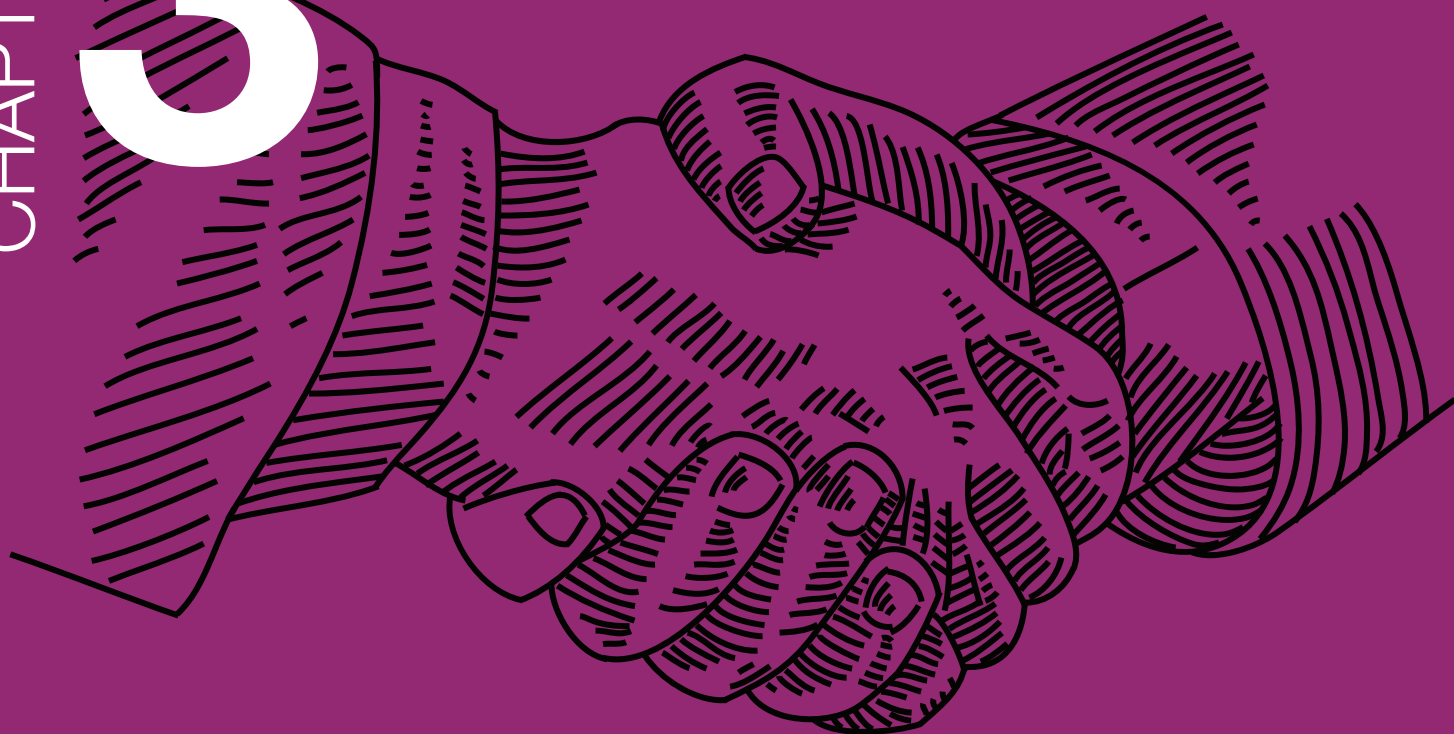
- Continuing the co-operation of the states’ competent authorities with IOs, NGOs which provide assistance to victims of trafficking;
- With the active participation of IOs, NGOs, regularly conducting practical seminars, round tables and training activities to share practices in combating trafficking in human beings;
- Including through co-operation with NGOs, analysing and enhancing the practice of establishing pre-service and in-service training courses for professionals working with victims of trafficking, social workers, psychologists, hotline operators as well as representatives of state employment services, using the resources of pedagogical, medical and other educational institutions.<sup>118</sup>

<sup>118</sup> CIS Executive Committee: Programme of Co-operation of the CIS States in Combating Trafficking in Human Beings for 2014-2018. Available at: <http://cis.minsk.by/reestr/ru/index.html#reestr/view/text?doc=4006> (accessed 5 December 2017).



CHAPTER

# 3



THE ROLE AND CONTRIBUTION  
OF ANTI-TRAFFICKING NGOs:  
EXAMPLES IN PRACTICE



✦ This chapter elaborates on the role of civil society in the context of the traditional four “Ps” of anti-trafficking action: partnerships, prevention, protection and prosecution. It aims at illustrating how the co-operation of NGOs with state institutions works in practice and how vital it is to anti-trafficking action. To this end, this chapter presents examples of promising practices of civil society engagement that the OSR/CTHB has encountered in its work and during its country visits, as well as examples of good practices reported by GRETA and other examples taken from relevant literature. These examples illustrate the richness, variety and significance of the role and contributions of NGOs to the protection of the rights of trafficked persons, and more generally to combating trafficking in human beings.

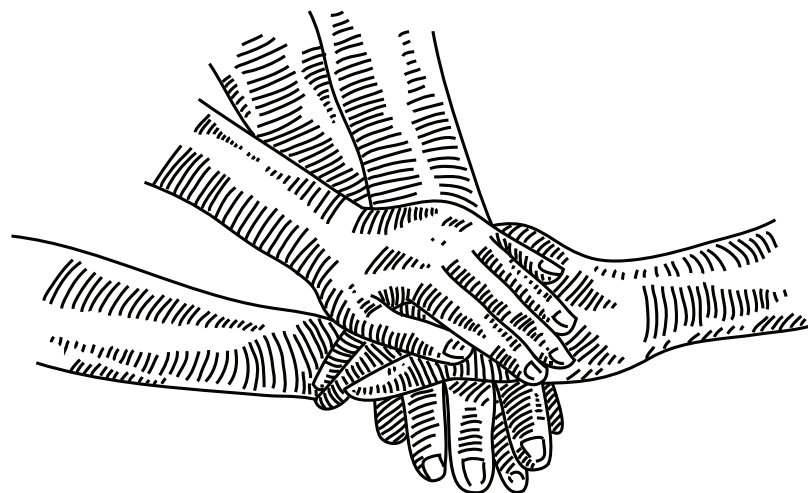
## BOX 2

### Examples of type of NGO contributions to anti-trafficking work

Type of contribution	Modalities of participation
NGO participation in national co-ordination mechanisms	Full members, observers, ad hoc consultations
NGO involvement in the development of legislation and policy, including the design of national action plans	Ad hoc consultations and participation in expert working groups, regular periodic activity as members of the NCM, advocacy initiatives and campaigns
NGO strategic partnership with state institutions in the framework of national referral mechanisms, including for delivering assistance	Co-operation agreements, memoranda of understanding, development of secondary legislation, service agreements, participation in public tenders
NGO partnership with state institutions for management of helplines	Co-operation agreements, development of standard operation procedures
Victim assistance and protection of rights, THB prevention	Independent programmes and initiatives of NGOs supported by public or donor funds, fundraising activities
NGO partnerships with other civil society actors	Joint interventions, joint campaigns, awareness raising
NGO partnership with the private sector and businesses	Joint campaigns, awareness raising, training
NGO contributions to enabling victims' access to justice	Legal representation and third-party interventions before national and international courts
NGO partnership with state institutions in training, capacity building, research activities	Co-operation agreements, development of training curricula

The OSCE region can pride itself on the significant number of NGOs that focus on different aspects of human trafficking: from fund raising and direct service provisions for trafficked persons, to advocacy and close engagement with authorities to strengthen legislation and support prosecutions. It should be noted however that it is beyond the scope or aim of this paper to provide a comprehensive or exhaustive illustration of all such NGO efforts.

## 3.1 Partnership



The OSCE anti-trafficking commitments acknowledge that while the primary responsibility for combating and preventing trafficking in human beings rests with the participating States, the multi-faceted features of this phenomenon and its links to transnational organized crime require multi-stakeholder co-operation, with NGO involvement at the local, national, regional and international levels.<sup>119</sup> Co-operation with civil society, as well as multi-stakeholder partnerships, is necessary across all areas of anti-trafficking action (i.e. prevention, protection, and prosecution). Moreover, as discussed above, it is a legal obligation under the Council of Europe Convention on Action against Trafficking in Human Beings.<sup>120</sup> GRETA, in its monitoring work, regularly highlights “the need to adopt an inclusive approach and develop formal and systematic consultation between governmental and non-governmental actors involved in anti-trafficking action. Civil society, including trade unions, should be involved in the development and implementation of anti-trafficking measures and their evaluation.”<sup>121</sup>

### NGOs as partners in national co-ordination mechanisms (NCMs)

At the national level, the co-operation of States with NGOs can take multiple forms and display various degrees of formalization. One such form is engaging NGOs and fostering their participation in law and policy-making processes led by public authorities. For example, in line with OSCE commitments and other international obligations,<sup>122</sup> NGOs are often a critical partner of governments in national co-ordination mechanisms in the OSCE area. In many instances, NGOs have been instrumental in developing and setting up such co-ordination structures or devising national action plans.<sup>123</sup>

Formalized co-operation frameworks between governments and NGOs have also proved to be vital in those participating States where NGOs are part of inter-governmental procedures and mechanisms, as for instance, EU enlargement or the monitoring of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings.

The degree of NGO engagement in NCMs varies from country to country. For example, in some countries, NGOs are recognized as full members (as for example in Armenia, Austria, Belgium, Georgia, the Netherlands, Latvia, Serbia and Slovenia); in other countries NGOs have an advisory role (as in Moldova) or as observers.<sup>124</sup> The form and modalities of NGO participation and engagement in these processes clearly impact their ability to meaningfully contribute to the informing of relevant laws and policies.



### BOX 3 NGO membership in the Albanian National Anti-Trafficking Task Force

GRETA has identified a promising example of good national co-ordination through NGO involvement in Albania. Anti-trafficking NGOs are members of the National Anti-Trafficking Task Force that is chaired by the National Anti-Trafficking Co-ordinator and includes representatives of national and local authorities and other experts. The Task Force is responsible for monitoring the NRM implementation and strives to support better identification and referral to assistance of victims, as well as co-ordination between the various stakeholders. NGOs also participate in the local multidisciplinary anti-trafficking committees that are established in each county in Albania.<sup>125</sup>

<sup>119</sup> OSCE, Decision No.1107, Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings: One Decade Later, PC.DEC/1107/Corr.1, Chapter V.1.

<sup>120</sup> Council of Europe, CETS No.197, Article 35.

<sup>121</sup> Council of Europe, 6th General Report on GRETA's Activities (2017), p. 31.

<sup>122</sup> Art 29.2 and Art.35 Council of Europe Convention on Action against Trafficking in Human Beings.

<sup>123</sup> OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, *Efforts To Combat Trafficking In Human Beings in the OSCE Area: Co-ordination and Reporting Mechanisms* (2008).

<sup>124</sup> Council of Europe, Reports concerning the Implementation of the Council of Europe Convention on Action Against Trafficking In Human Beings by Armenia GRETA (2017) 1, Austria GRETA (2011)10, Belgium GRETA (2017) 26, Georgia GRETA (2016) 8, Germany GRETA (2015) 10, Latvia GRETA (2017) 2, Moldova GRETA (2016) 9, Serbia GRETA (2017) 37, Slovenia GRETA (2017) 38.

<sup>125</sup> Council of Europe, GRETA, *Compendium of Good Practices on the Implementation of the Council Of Europe, Convention on Action Against Trafficking In Human Beings*, 2016, p.26. See also: Albania GRETA(2016)6.

In many countries in the OSCE area, there are also local multidisciplinary co-ordination groups established either at the regional or municipal level, these usually having NGOs among their members (as for example in Bulgaria, Germany, Lithuania and Ukraine).<sup>126</sup> In Germany, multidisciplinary round tables are regularly organized at the Länder level, in which anti-trafficking NGOs of the KOK – the German NGO network against trafficking in human beings – take part. Further, anti-trafficking NGOs of the KOK network have also established and maintain co-operation agreements with local stakeholders, in particular with the police for victim identification, referral and assistance.<sup>127</sup> At these round tables, NGOs and governmental representatives discuss both individual cases and overall policies, including the need to ensure that trafficked persons have access to compensation or the evaluation of victim/witness protection procedures.

In Ukraine, anti-trafficking NGOs are formalized active members of specialized oblast interagency councils normally chaired by deputy governors for humanitarian issues. Such councils design and administer oblast programmes in support of the National Action Plan on Combating Trafficking in Human Beings, as well as oversee the implementation of the National Referral Mechanism at the local level.

Although formalized co-operation frameworks between governments and NGOs allow for a considerably bigger role of civil society representatives in the area of policy review and implementation, NGOs report that they are regularly confronted with a number of difficulties that make their daily work challenging and often turn NGOs' contributions to policy documents into a mere formality. For instance, they refer to short and unrealistic deadlines set by governments or the lack of transparency in the selection related to the participation in the formalized co-operation frameworks, relevant events or meetings, as well as shortage of resources or no guarantee of funding to implement concrete measures of national action plans.

## NGOs as partners in legislative and policy-making processes

With their expertise, knowledge and experience of directly working with victims of human trafficking, NGOs also contribute to making anti-trafficking legislation and policies more responsive to the realities of trafficking. In most OSCE participating States, public authorities involve NGOs in the development of national action plans against trafficking in human beings, in the format of ad hoc consultations, roundtables, or multidisciplinary working groups. In addition, national action plans often include a considerable number of activities that are specifically implemented by NGOs and for which NGOs often do their own targeted fundraising. There are also many examples of the active involvement and direct contribution of NGOs to the anti-trafficking law-making process in the OSCE area.

### BOX 4



#### Anti-trafficking NGOs and the UK Modern Slavery Bill

A promising example of NGO involvement in law and policy-making is the contribution of British NGOs to the process of developing the Modern Slavery Strategy and Bill through the Modern Slavery Stakeholder Forum. From 2014 to 2016, the Home Office set up this ad hoc forum – comprising several NGOs and other stakeholders – with the purpose of fostering the exchange of information and dialogue with NGOs in the development of new legislation to address trafficking in human beings, forced labour and modern slavery. In addition, a coalition of specialized anti-trafficking NGOs – gathered in the Anti-Trafficking Monitoring Group – presented an alternative Modern Slavery Bill to inform parliamentarians in the legislative process.<sup>128</sup> In 2016, following the adoption of the new bill and the related strategy, the Government established a new group, the Modern Slavery Strategy and Implementation Group, which is chaired by the Minister for Preventing Abuse and Exploitation and includes a steering board of 8 specialized anti-trafficking NGOs and 22 associate members.<sup>129</sup> Such initiatives, if executed in good faith, have the potential to foster effective co-operation between the executive and NGOs.<sup>130</sup>

<sup>126</sup> GRETA Reports: Bulgaria GRETA (2015)32, Germany GRETA(2015)10, Lithuania GRETA(2015)12, Moldova GRETA(2016)9.

<sup>127</sup> Council of Europe, GRETA, Compendium of Good Practices on the Implementation of the Council of Europe, Convention on Action Against Trafficking In Human Beings, 2016, p. 26. See also. Germany GRETA(2015)10.

<sup>128</sup> [http://www.antislavery.org/wp-content/uploads/2017/01/atmg\\_alternative\\_modern\\_slavery\\_bill.pdf](http://www.antislavery.org/wp-content/uploads/2017/01/atmg_alternative_modern_slavery_bill.pdf) (accessed 2 March 2018).

<sup>129</sup> Council of Europe, GRETA, Report concerning the Implementation of the Council of Europe Convention On Action Against Trafficking In Human Beings by the UK, 2016, GRETA(2016)21, para 39. The following eight NGOs participate in the Steering board: Anti-Slavery, Barnardo's, ECPAT, Human Trafficking Foundation, Just Enough UK, Medaille Trust, The Salvation Army, and Unseen.

<sup>130</sup> Council of Europe, GRETA, Report concerning the Implementation of the Council of Europe Convention On Action Against Trafficking In Human Beings by the UK, 2016, GRETA(2016)21, para 336.

NGO participation in such legislative and policy developments enhances the quality and transparency of these democratic processes. Their involvement in such processes takes different extents, forms and modalities, which thus determine the meaningfulness and effectiveness of the contribution of NGOs to the relevant decision-making processes. Timely access to information about such processes as well as transparency and clarity about the participatory criteria and mechanisms can serve as additional important factors conducive to the creation of a favourable environment for NGO participation.



#### BOX 5

#### The Migrant Rights Centres in Ireland and the Forced Labour Action Group

An example of NGO activism and campaigning to promote legislative changes to tackle trafficking for forced labour can be found in the work of the Migrant Rights Centres in Ireland (MRCI). In 2010, in response to the growing number of cases of abuse and exploitation of workers, MRCI set up a Forced Labour Action Group (FLAG), made up of migrants who had been subjected to forced labour as well as other activists. Over the years, FLAG raised awareness of trafficking for labour exploitation and forced labour in Ireland, brought cases to court, and campaigned through public actions, media outreach and advocacy at both the national and international level. FLAG has established strategic partnerships with other organizations, such as the Irish Congress of Trade Unions, the International Trade Union Confederation and Anti-Slavery International. Over time, FLAG's and others' efforts have been successful in achieving legislative changes. In 2013 the Criminal Law Human Trafficking Act was amended to transpose the EU anti-trafficking Directive; it now includes a definition of forced labour in line with the ILO standards.<sup>131</sup>

Despite these positive examples, in recent years specialized NGOs have reported that their access to and participation in policy-making and strategic planning processes has decreased, with governments being generally more inclined to engage them only in the provision of services to trafficked persons. In some contexts, when the status of an NGO and the corresponding registration procedure are contingent on a source of funding and when this funding comes from abroad, such an NGO has practically no possibility for contributing to policy development in any significant manner. In other cases, NGOs are invited to attend meetings but are not seen as reliable and sustainable partners despite their long-term experience.

<sup>131</sup> See the MRCI website for a chronology of their efforts, available at: <https://www.mrci.ie/blog/10-years-fighting-forced-labour-in-ireland/>, and MRCI, *Changing the Law: Making Forced Labour a Crime in Ireland*, 2015, available at: <https://www.mrci.ie/wp-content/uploads/2015/05/MRCI-005-Case-Study-1-A4-V1.pdf>. See also Council of Europe, GRETA, Report concerning the Implementation of the Council of Europe Convention On Action Against Trafficking In Human Beings by Ireland, 2017, GRETA(2017)28, para 14.

NGOs also report that they feel pressured and their meaningful participation is shrinking in particular because of the change in priorities and the adoption of more security-oriented approaches towards anti-trafficking strategies. Additionally, even though states may delegate some of their own functions to civil society organizations, this does not necessarily entail a delegation of resources.

#### NGO watchdog and advocacy activities at national and international levels

Civil society organizations exercise their right to participation in anti-trafficking action through oversight and advocacy initiatives at national and international levels. NGOs are often actively engaged in influencing decision-making processes related to combating trafficking in human beings and human rights protection. In doing so, NGOs often join efforts with other like-minded civil society organizations, both nationally and transnationally, to achieve shared objectives, have a more powerful impact, give a stronger voice to the concerns of trafficked persons and other vulnerable groups, and to represent their interests. For example, NGOs establish their own civil society platforms to develop joint actions, such as joint advocacy, common campaigns, joint interventions and common projects, as well as initiate multi-party research/activities aimed at developing common strategies and influencing policy and law-making at the international level.

One of the examples in the OSCE region that illustrates the above point is the La Strada International NGO Platform, which has been active since 2005 and involves about 30 European NGOs that work with trafficked persons and other groups. This NGO Platform advocates human rights-based policies and interventions in the field of combating trafficking in human beings.<sup>132</sup> It also functions as a forum for NGOs to discuss and exchange experiences, share lessons learned and develop joint initiatives. Within the Platform, different NGOs can take the lead in specific advocacy initiatives. For example, in 2013, La Strada International and Anti-Slavery International developed a guide to support NGOs in reporting their countries' efforts to implement the Council of Europe Convention on Action against Trafficking in Human Beings as well as providing input to GRETA.<sup>133</sup> Later action was also taken by both

<sup>132</sup> See the La Strada International website: <http://lastradainternational.org/ngo-platform>. The LSI NGO Platform includes: Gender Perspectives (Belarus), Animus Association (Bulgaria), La Strada Czech Republic, Open Gate (Macedonia), La Strada Moldova, CoMensha (the Netherlands), La Strada Poland, La Strada Ukraine, Association of Young Azerbaijani Friends of Europe, Anti-Slavery International (UK), ASTRA – Anti-Trafficking Action (Serbia), Hope Now (Denmark), Human Resource Development Foundation (Turkey), KOK (Germany), LEFÖ (Austria), Living for Tomorrow (Estonia), Migrant Rights Centre Ireland, Novi Put (Bosnia and Herzegovina), PAG-ASA (Belgium), PICUM (Belgium), Pro Tukipiste (Finland), Proyecto Esperanza (Spain), FIZ (Switzerland), ALC (France), ADPARE (Romania), FairWork (the Netherlands), Ban Ying (Germany), Victim Support Finland (Finland) and CCEM (France).

<sup>133</sup> The guidance is available at: <http://lastradainternational.org/Isidocs/Guidance%20for%20NGOs%20to%20report%20to%20GRETA.pdf> (accessed 22 August 2018).



organizations to involve NGOs more in the monitoring of GRETA nominations by evaluating the experiences and expectations of NGOs related to GRETA monitoring and providing recommendations for the second and third monitoring rounds.

GRETA maintains a regular dialogue with civil society and seeks to receive information from NGOs on a confidential basis prior to and during each country evaluation visit.<sup>134</sup> For example, in Germany, on the occasion of the first GRETA monitoring visit to the country in 2014, the KOK network of anti-trafficking NGOs organized a one-day round table meeting where it invited relevant NGO stakeholders from across Germany to report to the GRETA representatives. As a result, detailed briefings were provided for many aspects of anti-trafficking policies as well as the actions of the authorities at the federal and Länder levels.

In general, NGOs are quite proactive and reach out to international mechanisms, such as UN Special Procedures, including its Rapporteurs and Committees, or the OSCE Special Representative and Co-ordinator on Combating Trafficking in Human Beings to inform them about the situation in their individual country. In fact, all country visits undertaken by the SR/CTHB begin with a meeting with relevant NGOs and international organizations, which enriches the ensuing dialogue with state authorities in identifying effective ways of enhancing the implementation of the OSCE anti-trafficking commitments.

NGOs often take the lead in independent monitoring and reporting on the THB situation in their individual countries as well as on the State's compliance with its human rights obligations. At the international level, shadow reporting is an important tool for NGOs, as for example, reports submitted to the Committee on the Elimination of Discrimination against Women (CEDAW Committee) or to the Universal Periodic Review (UPR). By submitting a shadow report to a UN treaty body committee, NGOs can highlight issues not raised by their own governments or point out where the government's information may not necessarily fully reflect the real situation. In this regard, the Global Alliance Against Trafficking in Women (GAATW) has developed a "toolkit for reporting to CEDAW on trafficking in women and exploitation of migrant women workers",<sup>135</sup> which provides guidance to NGOs engaged in the CEDAW review process.

At a national level, for example in the UK, Anti-Slavery International hosts and chairs the Anti-Trafficking Monitoring Group, which includes 13 specialized NGOs. The ATMG, operating in accordance with a human rights-based approach, engages in monitoring, research and reporting on the UK's implementation of European anti-trafficking legislation. Research findings provide the basis for advocating better protection of trafficked persons and ensuring their best interests.<sup>136</sup> In Moldova, La Strada has carried out an independent evaluation of the State's anti-trafficking policy, as well as its implementation and impact on the protection of the rights of trafficked persons. This research was based, *inter alia*, on interviews with both trafficked persons regarding their experiences of assistance, and selected anti-trafficking experts themselves. This endeavour resulted in recommendations being presented to the authorities with a view to informing future policy-making and action.<sup>137</sup> In 2016, the NGO Astra in Serbia, in co-operation with other NGO partners under the EU-funded project "Balkans Act Now!", developed a handbook for victims' advocates on monitoring and evaluation of anti-trafficking laws, policies and practices.<sup>138</sup>

Over the years, anti-trafficking NGOs have also developed partnerships with other civil society actors. For example, trade unions, NGOs, faith based organizations and other partners have joined their efforts in common projects on addressing labour trafficking across Europe. The EU-funded FINE TUNE project was led by the International Trade Union Confederation, in partnership with Anti-Slavery International and the Churches' Commission for Migrants in Europe. It brought together NGOs and trade unions working in Austria, Belgium, the Czech Republic, Finland, Ireland, Lithuania, Romania, Spain and the UK.<sup>139</sup> More recently, at the end of 2017, the European Trade Union Confederation (ETUC), Union-MigrantNet and the Platform for International Co-operation on Undocumented Migrants (PICUM) joined their efforts to organize and promote undocumented workers' rights and prevent their discrimination, abuse and exploitation.<sup>140</sup>

<sup>134</sup> See Council of Europe, Action against Trafficking in Human Beings, Role of NGOs, available at: <https://www.coe.int/en/web/anti-human-trafficking/role-of-ngos> (accessed 22 August 2018).

<sup>135</sup> GAATW, A toolkit for reporting to CEDAW on trafficking in women and exploitation of migrant women workers (2011).

<sup>136</sup> The ATMG includes AFRUCA, Amnesty International UK, Anti-Slavery International, Ashiana Sheffield, Bawso, ECPAT UK, Focus on Labour Exploitation (FLEX), Helen Bamber Foundation, Kalayaan, Law Centre (NI), the Snowdrop Project, the TARA service and UNICEF UK. See: <https://www.antislavery.org/what-we-do/where-we-work/uk/anti-trafficking-monitoring-group/> (accessed 22 August 2018).

<sup>137</sup> La Strada Moldova, The impact of anti-trafficking policy on trafficked persons' rights in Moldova (2013). Available at: <http://lastradainternational.org/Isidocs/3041-Impact%20of%20anti%20trafficking%20policies%20in%20Moldova.pdf> (accessed 22 August 2018).

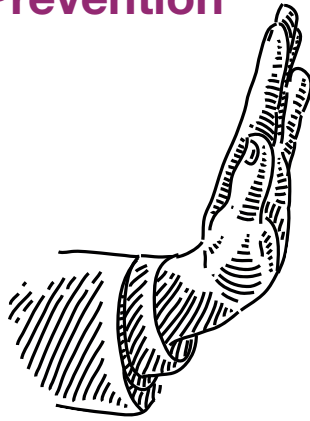
<sup>138</sup> <https://www.astra.rs/en/monitoring-evaluation-anti-trafficking-policies-handbook-victims-advocates/> (accessed 22 August 2018). See also GRETA (2017) 37, para 45.

<sup>139</sup> The FINE TUNE project brought together various partners from across Europe - Anti-Slavery International, UK; Churches Commission for Migrants in Europe, Belgium; AIDrom, Romania; Caritas, Lithuania; MRCI, Ireland; La Strada Czech Republic; LEFÖ, Austria; UGT, Spain; Service Union United PAM, Finland. For more information, see: <https://www.ituc-csi.org/forced-labour-and-trafficking> (accessed 22 August 2018).

<sup>140</sup> [http://picum.org/wp-content/uploads/2017/12/Trade\\_Union\\_Participation\\_EN\\_2017.pdf](http://picum.org/wp-content/uploads/2017/12/Trade_Union_Participation_EN_2017.pdf) (accessed 22 August 2018).



## 3.2 Prevention



As discussed in the previous chapter, international obligations and OSCE commitments in the area of prevention make it explicit that it is up to participating States to implement a wide range of preventive measures to address all forms of human trafficking. They also require that in the implementation of these measures, States should, as appropriate, involve civil society actors.<sup>141</sup> Indeed, across the OSCE region, NGOs are actively involved in a wide array of prevention activities, including awareness-raising, education, capacity building and training, addressing the social and economic root causes of trafficking, developing and promoting codes of conduct for the protection of workers' rights in supply chains, establishing drop-in centres for vulnerable persons at risk of trafficking or specifically for vulnerable and socially excluded children, and managing helplines/hotlines.

There are many instances of NGOs partnering with public institutions in awareness-raising campaigns regarding various forms of trafficking, or focusing on the rights of trafficked persons, migrant workers and other groups. For instance, in the framework of the EU-funded Mirror Project, the Spanish NGO ACCEM and other European NGOs (On the Road and Buon Pastore from Italy, the Churches' Commission for Migrants in Europe (CCME) from Belgium and Fundatia Floarea lalomiteana from Romania) carried out the "c!" campaign, also known as "Open your eyes" campaign, which promoted messages and videos on various forms of labour exploitation and methods of recruitment.<sup>142</sup> In January 2018, the #OpenYourEyes campaign was also launched in the former Yugoslav Republic of Macedonia by the OSCE Mission to Skopje, together with the National Anti-Trafficking Commission, the Bureau for Development of Education, the Skopje-based NGO Open Gate – La Strada, and UNITAS Fund Serbia, with the aim to raise awareness about the dangers of human trafficking among young people through the use of new technologies.<sup>143</sup>

Another interesting example of NGOs advocacy for the protection of victims' rights is the "One story – Two Outcomes" campaign, which was launched by about 20 NGOs in the OSCE area under the umbrella of the La Strada International NGO Platform in December 2013.<sup>144</sup>

<sup>141</sup> Council of Europe, Explanatory Report to the Convention on Action against Trafficking in Human Beings, Paragraph 107.

<sup>142</sup> [https://www.youtube.com/watch?v=7s1rCSxhyYY&feature=player\\_embedded](https://www.youtube.com/watch?v=7s1rCSxhyYY&feature=player_embedded) (accessed 22 August 2018).

### **BOX 6** **Multi-stakeholder partnership: UNDOK, the drop-in centre for undocumented workers in Austria**

The drop-in and counselling centre for undocumented workers UNDOK in Austria was identified by GRETA as an example of a promising practice in the area of prevention. UNDOK is the result of a multi-stakeholder partnership; it is run by trade unions, the Chamber of Labour, the National Student Union and anti-trafficking NGOs such as the NGO LEFÖ-IB and the Men's Health Centre (MEN), as well as other self-organized migrant organizations. It is funded by public institutions in Austria (the Ministry for Labour, Social Affairs and Consumer Protection, and the Vienna Employment Promotion Fund). UNDOK is a one-stop shop offering counselling and support to undocumented migrant workers about their rights, issues of labour law, claims for unpaid wages and compensation and issues of social security.<sup>145</sup>

In numerous OSCE participating States, NGOs manage helplines to inform and counsel people about safe migration, human trafficking risks and possibilities to receive assistance for victims and presumed victims of trafficking. Helplines are often established in partnership with public institutions and may have national or regional coverage. They play a crucial role in both prevention and assistance efforts.<sup>146</sup>

Another growing tendency in broadening the scope and outreach of the prevention work is the co-operation between civil society and the private sector, including global corporations. Initially regarded as a mere fundraising activity, such co-operations have evolved significantly over the past few years in countries all over the OSCE region, and continue to grow and shape themselves in response to the local needs. For example, NGOs often provide enterprises with specific expertise to improve products and services, including conducting anti-trafficking awareness training for staff. In this way, enterprises obtain access to data and knowledge coming from the grassroots work of civil society that they can integrate into their business strategy with the aim of preventing exploitative labour and trafficking. NGOs, for their part, create opportunities for raising funds

<sup>143</sup> OSCE Mission to Skopje:

<https://www.osce.org/mission-to-skopje/368376> (accessed 25 June 2018).

<sup>144</sup> <http://lastradainternational.org/realstories/> (accessed 26 February 2018).

See also the reference to this campaign in the GRETA Report on Bulgaria; the campaign led by the Animus Association Foundation led the campaign in the country and reached out to media and key Bulgarian politicians as well as European institutions. See GRETA(2015)32, para 115.

<sup>145</sup> Council of Europe, GRETA, Compendium of Good Practices on the Implementation of the Council Of Europe, Convention on Action Against Trafficking In Human Beings, 2016, p. 9.

<sup>146</sup> See the directory of national hotlines at: [https://ec.europa.eu/anti-trafficking/citizens-corner-national-hotlines/national-hotlines\\_en](https://ec.europa.eu/anti-trafficking/citizens-corner-national-hotlines/national-hotlines_en) (accessed 23 August 2018).

from non-governmental sources through such co-operations, which may increase their independence and strengthen their capability to scrutinize governmental activities critically. For example, thanks to the support of the Prevention of and Fight Against Crime Programme of the European Union, La Strada International and its partners implemented the two-year project NGOs & Co: NGO-business engagement in addressing human trafficking, aimed at strengthening the co-operation between grassroots organizations and the business sector in effectively preventing and addressing human trafficking.<sup>147</sup>

NGO awareness-raising and training is often meant to make businesses aware of the financial, legal and reputational risks they encounter if they allow abuse, exploitation and trafficking within their operations, including in supply chains.<sup>148</sup> Trafficking in human beings is a serious crime, and the liability of legal persons is a mandatory requirement under international law. Some NGOs also have the expertise to advise businesses on the implementation of human rights due diligence processes to prevent abusive and exploitative practices. In addition, notably through such awareness-raising activities, NGOs can contribute to preventing abuse and exploitation and foster a culture of protection of workers' rights. A further advantage of such co-operation lies in the global display of NGOs' activities, since corporations may use their marketing resources to shed light on this work of civil society.



## BOX 7

### Prevention of human trafficking through the economic empowerment of vulnerable persons in Ukraine

A project implemented by the OSCE Project Co-ordinator in Ukraine aims to create new economic opportunities for victims of trafficking and vulnerable groups, including internally displaced persons, as well as to strengthen the capacity of NGOs to provide services to trafficked victims in a sustainable manner. Launched in 2014, it helps several Ukrainian anti-trafficking NGOs realize their business ideas by adapting the social enterprise model to assist persons at risk of trafficking. The businesses already established through NGOs in Zhytomyr, Lviv and Vinnytsia include a sewing enterprise, a woodworks workshop and a bakery. They provide vulnerable persons with vital job skills, and also bring revenue to fund the NGOs' anti-trafficking activities. It is hoped that such experience will help bring about necessary legislative changes that support similar social enterprises, which would make overall NGO work in Ukraine less dependent on external funding.<sup>149</sup>

<sup>147</sup> For more information see <http://lastradainternational.org/about-lsi/projects/ngos-co> (accessed 17 July 2018).

Another example of an effective NGO-led prevention activity is the direct involvement of human trafficking survivors as well as representatives of at-risk groups in the NGO work itself. Such involvement can have different manifestations, ranging from voluntary participation in awareness raising and advocacy work, to such people being employed as NGO staff members or contributing with their own products and services to an actual NGO operation.

## NGOs complementarity during crisis situations

Another example of civil society's involvement in prevention work in the context of human trafficking and the current migrant and refugee crisis can be found in Turkey, where, in collaboration with the British Embassy, the local NGO Human Resource Development Foundation has implemented an anti-trafficking training programme for their counterparts working in the provinces of Turkey most affected by an influx of Syrian refugees. The main goal of the training has been to share relevant anti-trafficking expertise with local NGOs, in order to reach out to the refugee population, in particular women and children, to reduce the risk of their being trafficked. To date, since the launch of the training programme in 2016, a total of eight training events and three workshops have been conducted in Gaziantep, Şanlıurfa, Hatay, İstanbul, Mardin, İzmir, Adana and Mersin.<sup>150</sup>

Since the outbreak of the crisis in and around Ukraine, OSR/CTHB staff and the Special Representative have personally visited the country to raise awareness of human trafficking and the risks encountered by vulnerable groups as a consequence of the crisis. Numerous meetings with civil society representatives held during these visits have revealed that the local anti-trafficking NGOs were among the first to respond to the needs of a dramatically growing, new and vulnerable group of IDPs. This was done both through relevant information work and by providing direct assistance. The same is true of the NGOs that immediately responded to the increasing demand for assistance in first-line reception and identification centres for migrants and refugees in Greece and Italy, where staff was deployed on the ground and partnerships were established with local authorities and international organizations. Such examples clearly demonstrate the operational flexibility of non-governmental organizations and the high degree of reliability that can be expected from them in times of crisis.

<sup>148</sup> For examples of partnership between NGOs and the private sector, see: OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, Compendium of relevant reference materials and resources on ethical sourcing and prevention of trafficking in human beings for labour exploitation in supply chains (2018).

<sup>149</sup> See also: Economic Empowerment in Zhytomyr: All Kinds of Hats, OSCE Security Community Magazine, Issue 3-4/2015. Available at: <https://www.osce.org/magazine/224201> (accessed 28 June 2018).

<sup>150</sup> See the project description at: [https://www.facebook.com/ukinturkey/posts/1815719515127817?comment\\_id=1877658545600580&notif\\_id=1520933678231247&notif\\_t=comment\\_mention&ref=notif](https://www.facebook.com/ukinturkey/posts/1815719515127817?comment_id=1877658545600580&notif_id=1520933678231247&notif_t=comment_mention&ref=notif) (accessed 23 August 2018).

## 3.3 Protection



As outlined in the previous chapters, NGOs perform very important and vital functions in the area of protection and support to trafficked persons and other vulnerable individuals. They often operate on the frontline, reaching out to potential victims of trafficking and enabling them to access the assistance and support they need and to which they are entitled.

The identification of a person as a victim or a presumed victim of trafficking is the gateway to assistance, protection of their rights as victims of crime and human rights violations, as well as their access to justice. The Council of Europe Convention on Action against Trafficking in Human Beings and the OSCE commitments require a multidisciplinary approach to the identification of and assistance to trafficked persons.<sup>151</sup> Such an approach is founded on the co-operation and strategic partnership among state authorities and NGOs, and is key to ensuring that States comply with their human rights obligations. This should in essence be achieved through the establishment of national referral mechanisms for the identification, assistance and protection of the rights of trafficked persons.

### NGOs as partners in national referral mechanisms

Many OSCE participating States have established strategic partnerships between national and/or local public institutions and NGOs within the framework of their national referral mechanisms. This is often achieved through primary or secondary legislation and/or through specific co-operation agreements that delineate roles, tasks and responsibility of various stakeholders in the process of identification, referral, assistance and protection of trafficked persons (as for example in the former Yugoslav Republic of Macedonia, Serbia, Turkey and the UK).<sup>152</sup> Such partnerships represent a recognition of the knowledge, expertise and competence that anti-trafficking NGOs possess. NGOs are capable of reaching out to victims and potential victims, can establish relationships of trust and also facilitate their access to immediate assistance, care and support. In its monitoring work, GRETA has regularly called upon States to involve specialized NGOs in a multi-agency effort to identify and protect victims of trafficking.<sup>153</sup>



### BOX 8

#### The “Teramo Protocol”: a local referral mechanism in Italy

In some Italian regions, the inter-institutional collaboration and co-ordination between local judicial authorities, the police, public social services and NGOs in the detection, identification of and assistance to victims of trafficking is particularly well developed. For instance, in the Marche region, the NGO On the Road, in close partnership with the local Prosecutor's Office, the district office of the Anti-Mafia Directorate, the various branches of police and the local public authorities responsible for social protection and employment, and others have developed and agreed upon common guidelines to approach presumed victims of THB and other forms of severe exploitation. Initially adopted in 2005, now known as the “Teramo Protocol”, the Guidelines have been recently updated to reflect current features of the phenomenon of human trafficking, as well as legislative developments at national and international level. It thus includes new partners, such as competent local authorities for asylum and international protection, and labour inspectors.<sup>154</sup>

<sup>151</sup> Council of Europe, Anti-Trafficking Convention, Articles 10 and 12.

<sup>152</sup> Council of Europe, 6th General Report on GRETA's Activities (2017); Report by OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, Madina Jarbussynova, following her visit to the former Yugoslav Republic of Macedonia, (2015); Report by OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, Madina Jarbussynova, following her official visit to Turkey (2016).

<sup>153</sup> Council of Europe, 6th General Report on GRETA's Activities (2017), p. 31.

<sup>154</sup> The guidelines are available on the website of the NGO On the Road: <http://www.ontheroadonlus.it/blog/linee-guida-per-lapproccio-alle-potenziali-vittime-di-tratta-degli-esseri-umani-e-grave-sfruttamento/> (accessed 1 March 2018). Reference to the “Teramo Protocol” is also made in the Council of Europe, GRETA Report concerning the Implementation of the Council of Europe Convention On Action Against Trafficking In Human Beings by Italy, 2014, GRETA(2014)18, para 58.

## Victim identification

In its Compendium of Good Practices, GRETA has identified an example of good multidisciplinary practice in victim identification in Moldova.<sup>155</sup> The country's Anti-Trafficking Law entrusts both NGOs and competent public authorities – individually or in co-operation with each other – with the identification of victims of trafficking.<sup>156</sup> The NGO La Strada Moldova, in partnership with the IOM, has developed Guidelines on Victim Identification to serve as a practical tool to enable relevant stakeholders to better recognize THB situations and identify victims more effectively. The Government of Moldova has endorsed the Guidelines as an official instrument for the actors involved in the implementation of the National Referral System.<sup>157</sup>

Some OSCE participating States have established formal identification mechanisms that include NGOs to grant trafficked persons the status of victims. For example, in Armenia, Georgia and Latvia, NGOs are formal members of the State identification commissions granting victim status and enabling victims' access to assistance and support.<sup>158</sup>

Despite the recognition of a need for a multidisciplinary approach to combat human trafficking by the OSCE participating States, in some instances NGOs report experiencing limitations to their ability to act independently. For example, in the context of the current migration and refugee crisis in Europe, against the backdrop of a reported increase in victims of trafficking, some NGOs have experienced difficulties in obtaining access to reception and detention facilities. As a result, specific human trafficking vulnerabilities often go unnoticed, with victims of trafficking not receiving support and being unable to obtain access to justice.<sup>159</sup> In other settings, however, selected NGOs are proactively involved in the screening and identification procedures of victims of trafficking, and they are allowed to approach presumed and potential victims in detention and reception facilities at an early stage.<sup>160</sup> There are also instances of NGOs having access to detention facilities, but lacking safeguards and procedures to ensure effective identification and to facilitate the release of trafficking victims from detention.<sup>161</sup>

NGOs have a crucial role in reaching out to a broader target audience, in particular vulnerable groups, and in detecting new forms of trafficking that have not been identified in the past. For example, NGOs offer counselling at the grassroots level and thus hear many accounts told by marginalized people, including trafficked persons. These accounts deepen the understanding of the dynamics and scale of human trafficking, thus informing and improving the existing formalized identification procedures for victims of human trafficking.

## Victim assistance

NGOs can provide a safe and neutral environment in which trafficked persons can start to recover as well as access various effective support services, including accommodation, material assistance, psycho-social support, social assistance, counselling, legal aid and much more. Moreover, NGOs often facilitate and enable referral of victims to public and other services, such as health care, education, vocational training and employment programmes. NGO-led assistance services support trafficked persons in regaining control of their lives, their health and their livelihoods.

The wealth of knowledge, experience and expertise that NGOs have accrued in their work with and for trafficked persons is an important resource for society; many NGOs have developed specialized services to attend to the specific needs of victims of trafficking and help them access their rights and entitlements. In most OSCE participating States, public authorities and NGOs co-operate in providing assistance to trafficked persons, and in many countries, NGOs are formally recognized as partners that provide victim support services.

Co-operation is arranged in different ways: in some countries authorities organize public tenders or establish other modalities to entrust NGOs with victim assistance. NGOs then run support services relying on public funding, often also drawing on additional resources from other donors (e.g. in Armenia, Bosnia and Herzegovina, Belgium, Ireland, Italy, Latvia, Romania, Slovakia and Slovenia).<sup>162</sup> In this regard, it is important to note that States are also supposed to ensure transparency and

<sup>155</sup> Council of Europe, Compendium of Good Practices on the Implementation of the Council of Europe Convention on Action against Trafficking in Human Beings, 2016. See also, Liliana Sorrentino, Assessment of the Referral System for Victims of Trafficking in the Republic of Moldova (ICMPD: 2017).

<sup>156</sup> Republic of Moldova, Law on Preventing and Combating Trafficking in Human Beings N. 241-XVI of 20 October 2005, Article 15.

<sup>157</sup> Ministry of Labour and Social Protection of Moldova, Decree N. 33/2012 Guidelines on the Identification of Victims and Potential Victims of Trafficking in Human Beings, 20 February 2012.

<sup>158</sup> Armenia GRETA(2017)1, Georgia GRETA(2016)8, Latvia GRETA(2017)2.

<sup>159</sup> The OSCE 2013 Addendum also recommends "facilitating, where appropriate, simplified procedures for relevant NGOs to obtain permits from the competent authorities to access State facilities, including social service and immigration reception centres, prisons and detention facilities, to contribute to the timely identification of trafficked persons." Chapter IV, 1.4.

<sup>160</sup> EU FRA, Thematic Focus: Trafficking, (2016): <http://fra.europa.eu/en/theme/asylum-migration-borders/overviews/focus-trafficking#identification> (accessed 25 February 2018). On the detention of victims of trafficking, see also: EU FRA, Migration to the EU: five persistent challenges (2018): <http://fra.europa.eu/en/publication/2018/five-persistent-migration-challenges> (accessed 25 February 2018).

<sup>161</sup> Detention Action, Trafficked into detention: How victims of trafficking are missed in detention (2017): <http://detentionaction.org.uk/wordpress/wp-content/uploads/2018/02/Trafficked-into-detention-How-victims-of-trafficking-are-missed-in-detention.pdf> (accessed 25 February 2018).

<sup>162</sup> GRETA Reports: Armenia GRETA(2017)1, Bosnia and Herzegovina GRETA (2017)15, Belgium GRETA(2017)26, Ireland GRETA(2017)28, Italy GRETA(2014)18, Latvia GRETA(2017)2, Romania GRETA(2016)20, Slovak Republic GRETA(2015)21, Slovenia GRETA(2017)38.



non-discrimination in their decision-making processes, and that they should respect the independence, plurality and diversity of NGOs.<sup>163</sup>

The international community, especially GRETA, has often reiterated in its reports that it is the State's obligation to ensure that the minimum package of victim support services required by international standards is in place and effectively available to trafficked persons. Thus, when the provision of assistance is delegated to NGOs, the State remains responsible for ensuring adequate funding and quality of services.<sup>164</sup>

However, many NGOs report that despite being formally endorsed as service providers, they often encounter challenges in ensuring continuity of services because state institutions provide insufficient funding, do not provide continuity of funding, or introduce budgetary cuts.<sup>165</sup> During various recent financial crises, many States have reduced or put off the funding they had planned to allocate toward assistance to victims of human trafficking. As a result, many NGOs have become quite dependent on project funding. Some have reduced their activities or are in the process of doing so, and some have been forced to end their services. Finding more sustainable ways to fund victim assistance is becoming increasingly critical.

NGOs have also developed considerable practice in implementing assistance programmes for trafficked persons, not only during their initial recovery but also by accompanying and supporting them in regaining control of their lives. These are often long-term programmes of support that foresee a range of measures directed at supporting and empowering such persons in becoming autonomous, economically independent and socially included.

In Tajikistan, for instance, the NGO Femida runs three shelters: two for male victims of trafficking and one for female victims. The work of Femida is part of Tajikistan's National Action Plan for Combating Trafficking in Human Beings and Illegal Migration. Principle 2 of the Guiding Principles of this Action Plan describes the participation of the civil society sector in combating human trafficking as "conducting research and analysis, conducting preventive activities, providing assistance and support to victims in the shelter for trafficking victims and in the process of their reintegration in the social environment."<sup>166</sup>

In several countries, there are challenges in the provision of specialized accommodation and care and support to child victims of trafficking, in particular with regard to unaccompanied and separated children. While there are several important NGO initiatives and programmes in operation, long-term funding is often lacking. Funding indeed continues to pose a significant challenge to the effectiveness and sustainability of the anti-trafficking efforts undertaken by NGOs in the OSCE region.



#### **BOX 9** **Specialized reception centres** **run by NGOs in Belgium**

In Belgium, the NGOs PAG-ASA, Payoke and Sürya run three specialized reception centres for victims of trafficking. They are the official service providers for victims' assistance and are located in three confidential locations in the country. The centres have a total hosting capacity of about 50 and are open to women, children and men. Trafficked persons have access to the following services: accommodation, psychological counselling, medical aid, legal assistance and representation, including assistance to obtain a recovery and reflection period and subsequently, a residence permit. Specialized staff at the centres support trafficked persons in recovering and regaining control of their lives and help them enrol in language classes and vocational training, as well as in finding work. Following the initial stay in the centres (on average up to six months), trafficked persons move to other types of accommodation and can continue to receive support services from the centres on a nonresidential basis. For example, PAG-ASA in some cases continues providing victim support for several years (three to four). Funding is provided by federal and local institutions. However, since 2012, the NGOs have faced certain challenges due to budgetary cuts and have had to scale down some of their activities.<sup>167</sup>

<sup>163</sup> EU FRA, Victims of crime in the EU: the extent and nature of support for victims, (2015), p. 68.

<sup>164</sup> See, for example, GRETA's reports on Romania GRETA(2016)20, para. 118; Moldova GRETA(2016)9, para. 195, Belgium (2017)26 para. 114, Bulgaria GRETA(2015)32, para. 28.

<sup>165</sup> Issue raised during the 18th Alliance against Trafficking in Persons Conference, OSCE consultation meetings with CSO (2016-2017) and reported by GRETA (Reports: Belgium GRETA (2017) 26, Ireland GRETA (2017) 28.

<sup>166</sup> Report by OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, Madina Jarbussynova, following her visit to the Republic of Tajikistan from 8 to 11 June 2015. Para 29, p. 8.

<sup>167</sup> Council of Europe, GRETA, Compendium of Good Practices on the Implementation of the Council Of Europe, Convention on Action Against Trafficking In Human Beings, 2016, p. 15; GRETA (2017) 26, para. 108–114.



Smaller local NGOs find it difficult to compete for funding with those operating on the international arena, and therefore must fundraise on an ad hoc basis. There is an increasing tendency of private businesses competing with local and national NGOs to receive governmental funding for service provision to trafficked persons. The same can be said about an increasing competition for funding within the NGO community itself.

Notably, many NGOs operate their own programmes of victim support – independently of the authorities – and rely on donors and private sources of funding. These independent programmes are particularly important in those countries where victims' access to assistance is conditional upon the victim's co-operation with the authorities. Thus, by running their own support services, NGOs can support victims and other vulnerable individuals who might not be receiving support otherwise (e.g. having not been identified as a potential trafficked person and/or not having documents or legal residence status). Moreover, some NGOs encourage and support the participation, organization and self-representation of those who are directly affected by trafficking in their programmes and work. This is, for instance, one of the basic principles of the Global Alliance Against Traffic in Women, an umbrella organization with NGO members in 21 OSCE participating States and in other countries across the globe.<sup>168</sup>

In some countries, government authorities have involved NGOs in developing quality standards for victim support services. This is the case, for example, in Romania, where the National Agency against Trafficking in Persons (ANITP) worked with several NGOs (People to People, ADPARE, Ratiu Centre for Democracy) on preparing draft care standards that were then endorsed by the government.<sup>169</sup> In the UK, the civil society organization Human Trafficking Foundation, together with service providers and in consultation with various specialists, took the lead in developing care standards; these standards were then endorsed by the Office of the Independent Anti-Slavery Commissioner.<sup>170</sup>



#### **BOX 10** **Development of social standards of assistance to victims of human trafficking in Kazakhstan**

In 2016, four selected regions of Kazakhstan piloted standards in the provision of specialized social services to victims of human trafficking. These standards were developed by a working group under the Ministry of Labour and Social Protection, including the anti-trafficking NGO Sana Sezim. After the adoption of the standards, Sana Sezim has been actively engaged in their implementation in partnership with state authorities for education, health care and social protection, as well as law enforcement agencies and other NGOs. The focus of this engagement primarily concerns the issues of re-socialization of victims of trafficking and restoration of their rights.

In some countries, authorities have established licensing systems for service providers and hence refer victims of trafficking only to licensed NGOs (e.g., in Serbia).<sup>171</sup> In some contexts, there is the risk, however, that licensing procedures prove too expensive, complex or cumbersome for some specialized anti-trafficking NGOs. It is therefore critical that the impact of such measures be adequately assessed and reviewed, taking into account the quality and range of services provided to victims.<sup>172</sup>

NGOs have also been at the forefront of advocacy efforts to ensure that the return of trafficked persons to their home countries is carried out with due regard to their safety and the protection of their dignity and rights. NGO lawyers are often among the first to remind the state authorities of their non-refoulement obligations; in many OSCE countries NGOs provide counselling and legal assistance to trafficked persons with regard to their right to international protection.

<sup>168</sup> More Information on the work of GAATW, including their advocacy and research work, can be found on their website: <http://www.gaatw.org> (accessed 23 August 2018).

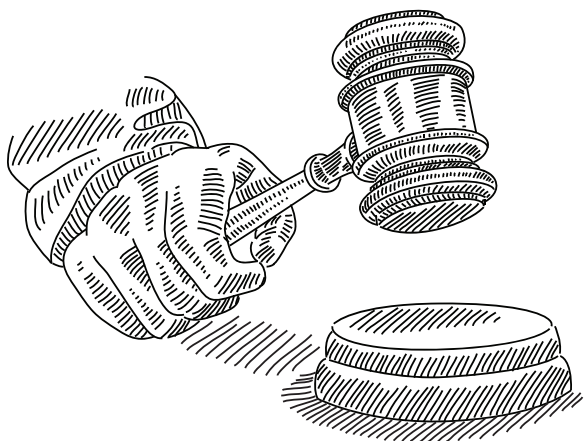
<sup>169</sup> Council of Europe, GRETA(2016)20, para. 118.

<sup>170</sup> Council of Europe, GRETA(2016)21, para. 171.

<sup>171</sup> GRETA Report Serbia, para 125.

<sup>172</sup> See for example GRETA Report Serbia, para 129.

## 3.4 Prosecution



Civil society organizations have historically been at the forefront of THB-related criminal justice responses, including the identification of victims, bringing lawsuits at national level against traffickers, assisting and counselling victims/witness in criminal proceedings, supporting and representing victims in judicial proceedings to uphold their rights and obtain compensation, training criminal justice professionals, and engaging in strategic litigation.

It is now widely accepted that the chances of successful prosecution of trafficking in human beings can be significantly enhanced if the rights of trafficked people are effectively protected and the victims are able to provide evidence against the alleged traffickers. Accordingly, even if not directly engaged in anti-trafficking law enforcement activity, NGOs may nevertheless contribute significantly to the success of such efforts through the help, support and protection they provide to trafficked people, thus facilitating a more effective law enforcement response.



### BOX 11

#### From COMP.ACT – European Action for Compensation for Trafficked Persons to JUSTICE AT LAST – European Action for Compensation

A well-known example of a NGO joint campaign and action for the protection of victims' rights is the COMP.ACT project – European Action for Compensation for Trafficked Persons (2009 – 2012). Co-ordinated by La Strada International and Anti-Slavery International together with 13 other NGOs, COMP.ACT aimed at bringing about systematic and practical changes that would ensure trafficked persons obtaining compensation for the harm suffered and the unpaid work they had been compelled to carry out. The partner NGOs conducted research at both the national and European level on existing practices of granting compensation to victims of trafficking, as well as on the difficulties and obstacles they encounter to realize their right to compensation. At a later stage, they established national coalitions on compensation, and advocated policy and legislative changes and actions to promote and ensure access to justice for trafficked persons. COMP.ACT partners supported over 50 trafficked persons in claiming compensation, with the highest amount granted being € 54,000.

The COMP.ACT project was funded by the King Baudouin Foundation, the European Commission, ICCO and UN.GIFT. The OSCE OSR/CTHB, the OSCE ODIHR and the Council of Europe provided institutional support to the project.<sup>173</sup> Due to the fact that the evidence obtained from COMP.ACT's research shows that very few victims seek compensation, and that among those who do, still fewer receive compensation payments, in October 2017, La Strada International supported by the European Commission started the two-year project JUSTICE AT LAST – European Action for Compensation aiming to improve access to compensation via advocacy, capacity building, legal analysis of compensation claims, seminars and focus group meetings for professionals on claiming compensation. The project is being co-ordinated by La Strada International and implemented in co-operation with partners in Bulgaria (Animus Association), the Czech Republic (La Strada), Spain (Sicar-CAT and Esperanza), Germany (KOK), Austria (LEFÖ), the Netherlands (FairWork), Ireland (MRCI), Romania (Adpare), Macedonia (Open Gate/La Strada) and Serbia (ASTRA).<sup>174</sup>

173 COMP.ACT – European Action for Compensation for Trafficked Persons, Findings and Results of the European Action for Compensation for Trafficked Persons (2012): <http://www.compactproject.org> (accessed 25 February 2018).

174 Justice at Last – Access to Compensation for Trafficked Persons: <http://lastradainternational.org/about-lsi/projects/justice-at-last> (accessed 25 June 2018). See also the recommendations from the side event organized in the framework of the Justice at Last project during the 18th Alliance against Trafficking in Persons conference: <https://www.osce.org/secretariat/384918> (accessed 25 June 2018).

A number of NGOs in the OSCE participating States employ specialized lawyers to protect the rights of trafficked persons and provide them with legal counselling, legal aid and representation in judicial proceedings. Legal aid and representation are crucial in enabling victims' access to justice and in preventing their secondary victimization. However, free legal aid is not always available or effectively accessible for trafficked persons. In many countries, NGOs have therefore established partnerships with pro bono lawyers, jurists' associations and law firms to engage and mobilize their expertise and participation in order to improve access to justice for trafficked persons. In several countries, NGOs have managed to set up their own networks of specialized lawyers (e.g. the NGO Comité Contre l'Esclavage Moderne (CCEM) in France, Astra in Serbia, the Associazione ASGI in Italy), and they have developed a variety of resources to support capacity building of legal professionals working with trafficked persons and representing them in claiming remedies.

NGOs of lawyers such as the Street Lawyers (Gadejuristen) in Denmark or the Human Trafficking Legal Center in the United States work closely with other NGOs to provide trafficked persons access to justice and remedies. They support and represent victims of human trafficking throughout lengthy legal processes, including civil claims, and advance justice and victims' rights through strategic litigation.

The Human Trafficking Legal Center creates a bridge between trafficking survivors and highly skilled pro bono legal representation. It empowers trafficked women, men and children to seek justice. Together they work to hold traffickers accountable for their crimes through civil litigation and criminal restitution. The Legal Center is working to improve federal policy to benefit trafficking survivors.<sup>175</sup>

Lawyers and advocates from NGOs have been and are often still at the forefront of efforts to promote respect for victims' dignity and the protection of their rights as clearly established by international standards, including their right to the protection of their safety, the right to information and interpretation, the right to legal counselling and legal aid, the right to privacy, the right to assistance and the right to compensation. Moreover, lawyers and NGOs advocate the effective application of the non-punishment provision and work to ensure that trafficked persons are not penalized for their involvement in unlawful activities to the extent they have been compelled to do so because they have been trafficked.<sup>176</sup>



#### BOX 12

#### The American Bar Association Task Force on Human Trafficking: A Toolkit on THB for Bar Associations

The American Bar Association Task Force on Human Trafficking launched an awareness-raising campaign to highlight the role that lawyers play in representing victims of human trafficking, and to point out legal measures that can be employed to help facilitate the enforcement of laws on combating trafficking in human beings. The campaign has included the powerful short film *Voices for Victims: Lawyers Against Human Trafficking* as well as a Toolkit for Bar Associations.<sup>177</sup>

In Europe, an interesting recent initiative is the partnership of the Netherlands Helsinki Committee with the Council of Europe to foster the establishment of a network of lawyers and NGOs providing legal assistance to victims of trafficking and improving trafficked persons' early access to legal aid and representation, as well as their overall access to justice.<sup>178</sup>

<sup>175</sup> <http://www.htlegalcenter.org/our-story/our-mission/> (accessed 25 June 2018).

<sup>176</sup> OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, Policy and legislative recommendations towards the effective implementation of the non-punishment provision with regard to victims of trafficking (2013).

<sup>177</sup> American Bar Association Task Force on Human Trafficking: [https://www.americanbar.org/content/dam/aba/multimedia/trafficking\\_task\\_force/resources/TFHT\\_Toolkit/HumanTrafficking\\_Bar.authcheckdam.pdf](https://www.americanbar.org/content/dam/aba/multimedia/trafficking_task_force/resources/TFHT_Toolkit/HumanTrafficking_Bar.authcheckdam.pdf) (accessed 4 March 2018).

<sup>178</sup> M. Wijers, Improving Access to Justice for Trafficked Persons. Lawyers Networking Meeting, Conclusions and proposals for future action, 22 and 23 November 2016, Strasbourg.

Some NGOs are highly specialized in their work and have accrued significant expert knowledge on human trafficking issues. They are recognized for their expertise and are on occasion invited to courts as expert witnesses to help the judiciary understand the psychology of trafficking victims and the side-effects of trauma as it affects their behaviour.<sup>179</sup> As highlighted by the American National Association of Attorneys General (NAAG), “NGOs have the unique ability to educate law enforcement, prosecutors, and judges on victim trauma and the needs of victims to empower them to become survivors and be ready to assist in bringing their traffickers to justice.”<sup>180</sup>

NGOs have also engaged in strategic litigation at the national and international level to contribute to the development of law and policy in the field of combating trafficking in human beings. Specialized NGOs have also been involved in cases brought to the European Court of Human Rights. For instance, the Paris-based NGO CCEM and the AIRE Centre (Advice on Individual Rights in Europe) have provided advice and assistance to victims of human trafficking, including representing victims before the European Court of Human Rights or through third-party interventions. Their role and interventions have contributed significantly to the protection of victims who have seen their rights violated, not received adequate assistance and effective protection, and whose cases were not adequately investigated, thus facilitating access to remedies for these victims. By way of example, the CCEM intervened in two cases: *Siliadin v. France and C.N. and V. v. France*.<sup>181</sup> The AIRE Centre intervened as a third party in the case *Rantsev v. Cyprus and Russia*, and together with PICUM in the case *Chowdury and others v. Greece*.<sup>182</sup>

### The role of NGOs in training and capacity-building

In most OSCE countries, anti-trafficking NGOs are routinely involved in capacity-building activities for public officials and practitioners who are likely to come into contact with trafficked persons, for example training for social workers, health professionals, police, prosecutors, labour inspectors, the judiciary and local authorities. Such efforts are critical not only to enable referral of victims to the most appropriate support service, but also to foster a human rights-based approach and culture of victims’ rights that empowers trafficked persons. For example, all four Austrian national action plans on combating human

trafficking have provided for training activities, both mandatory and optional, in order to strengthen national efforts. Police and immigration officers, child and youth welfare officials, financial police and labour inspectors, the judiciary as well as consular staff are among the target groups. Most trainings are carried out in co-operation with NGOs, in particular LEFÖ-IBF and ECPAT, and whenever possible, a multi-stakeholder approach is promoted.<sup>183</sup>

To respond to the challenge of the current migration and refugee crisis, the NGO network Missing Children Europe operates a toll-free hotline throughout Europe and trains professionals, including law enforcement representatives, with regard to the dangers linked to the high rate of missing children among migrants in Europe. There is a special focus on accessing and combining existing migration databases in Europe, including the Schengen Information System.

Another vivid example of the use of the NGO expertise in strengthening anti-trafficking capacity building efforts in the OSCE region is the OSR/CTHB-led project Combating Human Trafficking along Migration Routes.<sup>184</sup> This first OSCE human trafficking simulation-based learning initiative promotes an innovative approach to capacity building, whereby anti-trafficking practitioners from both OSCE participating States and Partners for Co-operation are called upon to engage in real-time simulated scenarios to identify and investigate human trafficking, thereby improving synergy among key national stakeholders. The live exercises are based on realistic, expert-developed storylines to simulate cases of labour and sexual exploitation among migrants, including child victims. Not only are NGO practitioners invited to participate in the training alongside representatives of law enforcement agencies and public social services, but, importantly, NGO leaders are directly engaged in the design and the implementation of the scenarios, thus contributing to the promotion of an effective multi-agency model of co-operation.

<sup>179</sup> OSCE, Trafficking in Human Beings Amounting to Torture and other forms of Ill-treatment (2013): <http://www.osce.org/secretariat/103085?download=true> (accessed 25 June 2018).

<sup>180</sup> National Association of Attorneys General, Value of Non-Governmental Organizations in Countering Human Trafficking, NAAGazette (29 August 2011) Vol. 5, No. 8.

<sup>181</sup> ECtHR, Case of *Siliadin v. France*, Judgment 26 July 2005, Application no. 73316/01, 2018: [https://hudoc.echr.coe.int/eng#{"itemid":\["001-69891"\]}](https://hudoc.echr.coe.int/eng#{) (accessed 26 June 2018); Case of *C.N. and V. v. France* Judgment 11 January 2013, Application no. 67724/09: [https://hudoc.echr.coe.int/eng#{"itemid":\["001-114032"\]}](https://hudoc.echr.coe.int/eng#{) (accessed 25 June 2018).

<sup>182</sup> For more information, see the AIRE Centre website, in particular: <http://www.airecentre.org/pages/human-rights-litigation-human-trafficking-37.html> (accessed 25 February 2018). See also ECtHR, Case of *Rantsev v. Cyprus and Russia*, Judgment 7 January 2010, Application no. 25965/04; ECtHR, Case of *Chowdury and others v. Greece*, Judgment 30 March 2017, Application no. 21884/15.

<sup>183</sup> Task Force on Combating Human Trafficking, “National action plan on combating human trafficking for the period 2015-2017”, Europe Integration Foreign Affairs, Austria. GRETA (2015)19, Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Austria (2015).

<sup>184</sup> See also: <https://www.osce.org/projects/cthblix> (accessed 2 July 2018).





OSR/CTHB actively promotes the participation of NGOs in multi-agency capacity-building efforts, including through live simulation exercises in Vicenza (2017) and Astana (2018)/OSCE.



CHAPTER

# 4

CONCLUSIONS AND  
RECOMMENDATIONS





There is a need for a meaningful engagement of NGOs in the full spectrum of the anti-trafficking response; they should not be relegated to being service providers contracted by governments. Truly effective anti-trafficking responses benefit from the exchange of thoughts and ideas between all forms of civil society, including social movements, self-organized groups, specialized NGOs, academia and trade unions;



The engagement of civil society in anti-trafficking work needs to be understood within a broader process of strengthening democratic institutions and the rule of law, including the right to free speech;



Specialized NGOs should be admitted as full-fledged members into national co-ordination mechanisms on combating trafficking in human beings;



Specialized NGOs should have a distinct role in formal state-led identification processes for victims of trafficking in human beings, and have a voice in flagging possible non-compliance with agreed principles and approaches;



When States delegate the provision of support and assistance to trafficked persons to NGOs, regular and sufficient funding to ensure compliance with their international obligations should be provided;



Anti-trafficking NGOs should be regularly and meaningfully engaged in capacity building activities, with such activities adequately supported and funded by governments and also reflected in national action plans;



Being flexible and mobile in their *modus operandi*, NGOs should be regarded as a valuable resource for identifying new human trafficking trends and be consulted accordingly in the development of adequate responses;



NGOs should be engaged at local as well as national levels to ensure the sustainability of collaborative efforts between state authorities and civil society;



Civil society stakeholders should embed advocacy strategies in existing regional, European and international co-operation mechanisms involving their respective governments, such as EU enlargement procedures, OSCE commitments or international monitoring;



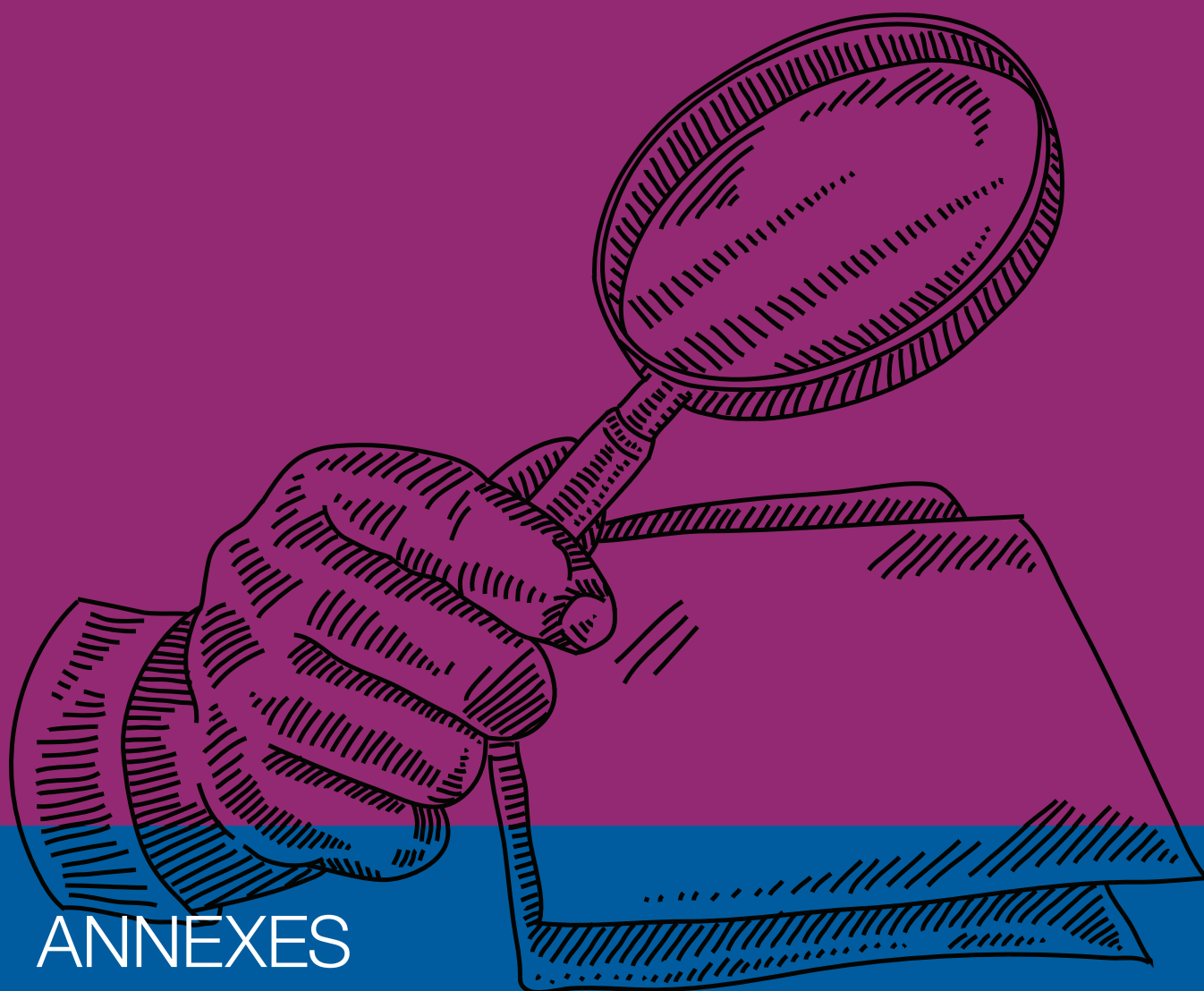
Participating States should recognize the importance of the contribution of specialized NGOs in elaborating effective anti-trafficking strategies, in particular where they represent the voice of victims of human trafficking;



Appropriate measures should be undertaken to include civil society organizations into the development of harmonized procedures and training courses on identification and protection of trafficking victims for effectively combating human trafficking in line with MC Decision on Strengthening Efforts to Prevent Trafficking in Human Beings (MC.DEC/6/17);



NGO personnel should not be persecuted and/or imprisoned for lawful anti-trafficking engagement.



ANNEXES

# 1 Questionnaire for the NGO consultation meeting in Warsaw, September 2017



## Policy making/advocacy

- a. What are the challenges and opportunities for your participation, as service providers, in governmental and intergovernmental decision-making procedures related to anti-trafficking policies, including drafting strategies and action plans?
- b. What are the challenges and opportunities for your participation, as democratic/human rights campaigners/advocacy actors, in governmental and intergovernmental decision-making procedures related to anti-trafficking policies, including drafting strategies and action plans?



## Funding/sustainability

- a. National/international funding: advantages/disadvantages? Does national governmental funding pose a threat to the independence of NGOs? Does the receipt of international funding carry consequences for NGOs? What would be your ideal funding model? Annual or multi-year: pros and cons? In this regard, how is the performance of your work evaluated?
- b. Accountability of NGOs to trafficked people, to the State, to funding bodies: how do we evaluate the performance of NGOs and ensure that they adhere to appropriate standards? What is their duty of care to trafficked people?



## Service provision

- a. Is there a formal identification of victims by the authorities in your country? Can NGOs decide independently to whom they offer services?
- b. Do NGOs have access to restricted areas such as refugee camps, prisons, detention centres, airports (international areas), etc. in order to identify and provide services to presumed victims? Are there experiences in the facilitation of access to restricted areas?
- c. Are NGOs obliged to hand over personal data of their clients to authorities? Is it possible to offer anonymous counselling to presumed victims?
- d. What are the challenges of your daily work in service provision?



## Networking

- a. Do you have the capacity to actively network and exchange with civil society partners at local, national and international levels?

## Co-operation (with the State, with IOs)

- a. Governmental/non-governmental partnerships: are there formal co-operation agreements or other arrangements in place? What are the experiences? Do you know examples of NGOs staff members temporary assigned to State agencies to work on specific tasks?
- b. Co-operation of NGOs with International Organizations and Intergovernmental Organizations: is there a mutual benefit? How to avoid duplication of activities and competition in fundraising? How could OSCE assist you in enhancing your advocacy efforts?



## Other questions

- Role of the media in anti-trafficking policies? Are NGO activities and views covered/reflected by local, national and international media?
- How would you characterize your own role in your country?

## 2 Compilation of OSCE documents addressing the role of NGOs in combating trafficking in human beings

### MINISTERIAL COUNCIL DECISION NO. 6/17

Strengthening efforts to prevent trafficking in human beings (2017)

Recognizing the contribution of civil society, including religious organizations, in preventing trafficking in human beings, and in assisting its victims,

2. Promote dialogue and co-operation among governments, international organizations, civil society, and the private sector, including businesses, and trade unions and employers organizations as social partners, with a view to enhance efforts to prevent human trafficking, inter alia through increasing awareness of each actor's role and through facilitating the exchange of information on human trafficking among countries of origin, transit and destination, including the Partners for Co-operation, and recognizing the importance of the voice of victims of human trafficking in elaborating effective anti-trafficking strategies;

5. Take appropriate measures for effectively combating human trafficking, by developing harmonized procedures and training courses, inter alia on identification and protection of trafficking victims, including for relevant authorities, civil society organizations, health care and social workers as well as others that may have first contact with victims.

### MINISTERIAL COUNCIL DECISION NO. 7/17

Strengthening efforts to combat all forms of child trafficking, including for sexual exploitation, as well as other forms of sexual exploitation of children (2107)

Commending participating States that are working with the travel and tourism industry, including airlines and other modes of transportation, as well as hotels, the broader hospitality industry, civil society, and relevant international organizations to prevent all forms of child trafficking, including for sexual exploitation, as well as other forms of sexual exploitation of children, and to establish and implement procedures for identifying, reporting and addressing suspected child trafficking;

1. Encourages co-operation among participating States, international organizations, and civil society in combating all forms of child trafficking, including for sexual exploitation, as well as other forms of sexual exploitation of children, taking note of their efforts to combat these crimes;

4. Calls on OSCE participating States to prevent all forms of child trafficking and sexual exploitation of children, including in tourist destinations, through education and awareness-raising, and to work with the private sector and civil society to raise awareness among the tourism industry, as well as business travellers and tourists, to help eliminate demand that fuels child trafficking and sexual exploitation of children.

### PERMANENT COUNCIL DECISION NO. 1107

Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings: One Decade Later

Recognizing the role of relevant NGOs in providing assistance and protection to the victims of trafficking in human being,

III. 1.7 Encouraging the private sector, trade unions and relevant civil society institutions, to promote codes of conduct to ensure the protection of the human rights and fundamental freedoms of workers throughout the supply chain in order to prevent the exploitative situations that foster trafficking in human beings;

III. 1.12 Promoting policies to raise awareness on THB, including for the purpose of organ removal, through developing partnerships with health care and medical professionals, with associations in the medical profession, with transplant organizations and with relevant NGOs, where necessary, and other relevant mechanisms; and as appropriate, developing in this regard partnership with transplant organizations, promoting legal organ donation methods/channels;

III. 6. The relevant OSCE executive structures, within existing resources, will propagate the OSCE Action Plan and its Addendums in order to raise the profile of THB prevention amongst the general public, in civil society, and in the government and private sectors;

IV. 1.2 Taking appropriate measures, in accordance with national legislation, so that relevant NGOs, trade unions and social welfare services, through a National Referral Mechanism (NRM) or other relevant structures, may initiate referrals for the assistance of victims of all forms of trafficking, regardless of their nationality, and co-operate with relevant authorities by providing information in the victims of THB identification process;

IV. 1.4 Facilitating, where appropriate, simplified procedures for relevant NGOs to obtain permits from the competent authorities to access State facilities, including social service and immigration reception centres, prisons and detention facilities, to contribute to the timely identification of trafficked persons;

IV. 2.5 Ensuring that the necessary assistance is provided in the process of safe return and, through co-operation, where possible, in the reintegration of former victims of trafficking by the authorities, social services or NGOs, as appropriate, of the country of origin;

V. 1. 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 relevant NGOs;

V. 2. Enlarging, where appropriate, multidisciplinary partnership in the framework of NRMs, such as national co-ordinator/co-ordination mechanisms or other national structures, to facilitate dialogue and co-operation between public authorities, NGOs, trade unions and other relevant institutions engaged in anti-discrimination programmes and protection of the rights of women, children, members of ethnic, national and religious minorities, and migrants to contribute to the identification of trafficked persons and advance the protection of the rights of potential, presumed and actual victims of THB;

V. 1. The SR/CTHB will continue, within the existing mandate and resources, to strengthen the work of the Alliance against Trafficking in Persons as a framework for the dedicated co-operation of relevant major international organizations and NGOs;

V. 2. The SR/CTHB will further promote and facilitate, within existing resources, all forms of co-operation among OSCE participating States, including at the bilateral and regional level, where appropriate, and collaboration with major international bodies and entities engaged in combating trafficking in human beings, as well as relevant NGOs.

#### **MINISTERIAL COUNCIL DECISION NO. 5/08**

**Enhancing criminal justice responses to trafficking in human beings through a comprehensive approach (2008)**

3. Urges the participating States to ensure that law enforcement agencies and where appropriate the judiciary co-operate with each other and with other bodies including social services, and where appropriate with relevant civil society organizations in order to enhance identification of victims of human trafficking;

4. Encourages the participating States where appropriate and where provided for by their respective laws to ensure that civil society organizations engaged in protecting the rights of victims of trafficking have a possibility to provide assistance and support to victims also during criminal proceedings, and in this context, to consider establishing co-operation between law enforcement agencies and civil society organizations.

#### **MINISTERIAL COUNCIL DECISION NO. 15/06**

**Combating sexual exploitation of children (2006)**

9. Supports measures by the participating States, in collaboration with non-governmental organizations (NGOs) and appropriate representatives of relevant sectors of the economy, such as the travel, hospitality or media industries, to eliminate demand for sexual exploitation of children;

12. Advocates that relevant authorities in the participating States, in accordance with national legislation concerning the protection of personal data, work with Internet service providers, credit-card companies, banks and other corporations as well as relevant NGOs, to ensure information related to the sexual exploitation of children is tracked and reported;

13. Recommends the creation of telephone or Internet hot-lines, possibly in collaboration with NGOs, to which individuals can confidentially report instances of sexual exploitation of children, so that such reports can be investigated by law enforcement, and so that victims and their families can receive appropriate support;

16. Encourages relevant OSCE executive structures, within their existing mandates, to devote attention to the area of sexual exploitation of children, including links to trafficking in persons, and emphasizes the need for them and the participating States to co-operate with other international organizations, NGOs and civil society in combating the sexual exploitation of children.

#### **MINISTERIAL COUNCIL DECISION NO. 14/06**

**Enhancing efforts to combat trafficking in human beings, including for labour exploitation, through a comprehensive and proactive approach (2006)**

2. Urges the participating States to promote a comprehensive approach to combating all forms of trafficking in human beings through national, regional and international arrangements, co-operation and co-ordination between law enforcement personnel, labour inspectorates, social protection units, medical institutions, immigration and border service officials, civil society organizations, victim support services, and the business community and any other relevant actors, also including a gender-sensitive approach. To this end, the participating States are recommended to establish National Referral Mechanisms (NRMs), as well as to appoint national co-ordinators;

4. Urges the participating States, in co-operation with international organizations and NGOs when appropriate, to seek to diminish the risk for repatriated victims to be re-trafficked, particularly by addressing factors that make persons more vulnerable to trafficking in human beings such as poverty, discrimination, lack of access to education and economic opportunities, sexual abuse, and domestic violence and by conducting risk assessments to ensure that return of victims is done with due regard for their safety;

6. Encourages the participating States to combat trafficking in human beings for labour exploitation in a more proactive manner, including by;

(e) Promoting outreach strategies, including in co-operation with relevant NGOs, to provide information on trafficking in human beings for labour exploitation to migrant communities and to persons working in low wage labour and particularly vulnerable sectors such as agriculture, construction, garment or restaurant industries, or as domestic servants, in order to improve victims' access to assistance and justice and encourage persons with information on possible trafficking situations to refer victims to such assistance and to report to appropriate authorities for investigation when there are reasonable grounds to believe that a crime has occurred.

### **PERMANENT COUNCIL DECISION NO. 557** **OSCE Action Plan to Combat Trafficking in Human Beings**

#### **III. Investigation, law enforcement and prosecution** **Recommended action at the national level**

4. Assistance and protection of witnesses and victims in the criminal justice system

4.6 Permitting NGOs to support victims in court hearings, if it is not inconsistent with national legislation;

5. Training

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.

#### **Actions for OSCE Institutions and Bodies**

10. Law enforcement response

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.

#### **IV. Prevention of trafficking in human beings** **Recommended action at the national level**

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;

4.3 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.

#### **V. Protection and assistance** **Recommended action at the national level**

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);

3.3 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;

3.5 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.

### Actions for OSCE Institutions and Bodies

#### 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.

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

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.

### MINISTERIAL COUNCIL DECISION NO. 1 Enhancing the OSCE's efforts to combat trafficking in human beings (2000)

The Ministerial Council,

7. 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;

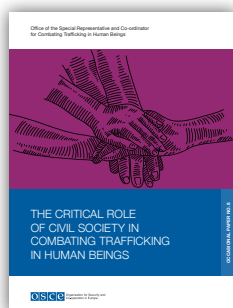
8. Undertakes to raise awareness, including with assistance from the ODIHR, non-governmental organizations and other relevant institutions, through, where necessary, establishing training programmes among public officials, including law enforcement, judiciary, consular and immigration officials, about all aspects of trafficking;

12. 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.

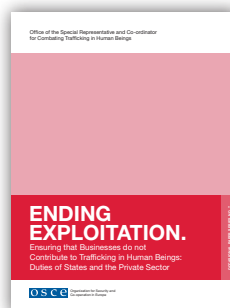
# Our publications

All publications are available online at <http://www.osce.org/cthb>

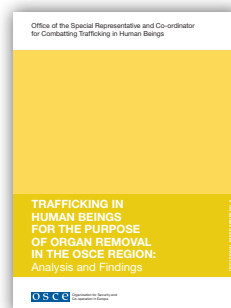
## Occasional Paper Series



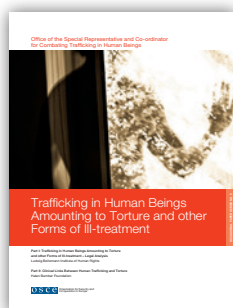
**Occasional Paper No. 8**  
The Critical Role of Civil Society in Combating Trafficking in Human Beings, 2018



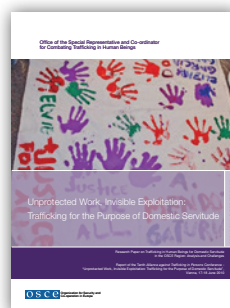
**Occasional Paper No. 7**  
Ending Exploitation. Ensuring that Businesses do not Contribute to Trafficking in Human Beings: Duties of States and the Private Sector, 2014



**Occasional Paper No. 6**  
Trafficking in Human Beings for the Purpose of Organ Removal in the OSCE Region, 2013



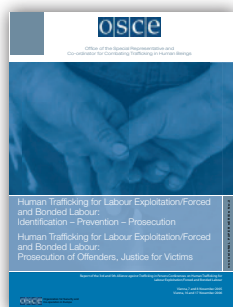
**Occasional Paper No. 5**  
Trafficking in Human Beings amounting to Torture and other Forms of Ill-treatment, 2013



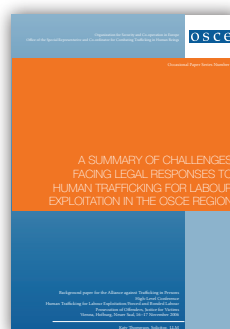
**Occasional Paper No. 4**  
Unprotected Work, Invisible Exploitation: Trafficking for the Purpose of Domestic Servitude (EN/RU/FR), 2010



**Occasional Paper No. 3**  
A Summary of Challenges on Addressing Human Trafficking for Labour Exploitation in the Agricultural Sector in the OSCE Region, 2009



**Occasional Paper No. 2**  
Human Trafficking for Labour Exploitation/Forced and Bonded Labour, 2008

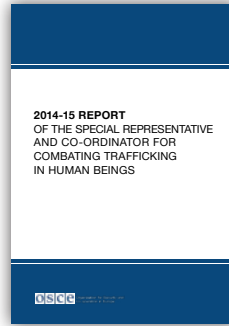


**Occasional Paper No. 1**  
A Summary of Challenges Facing Legal Responses to Human Trafficking for Labour Exploitation in the OSCE Region, 2007

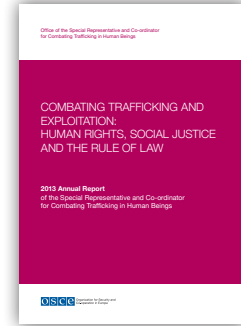
## Annual Reports



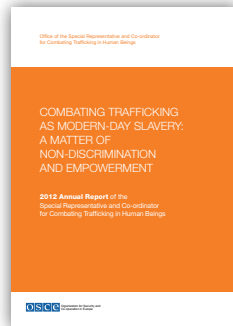
**Annual Report 2016-17**  
The OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings



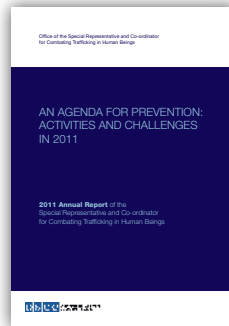
**Annual Report 2014-15**  
The OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings



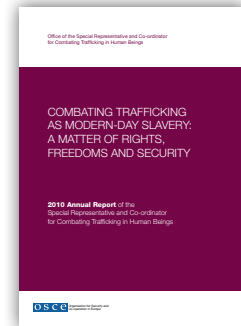
**Annual Report 2013**  
Combating Trafficking and Exploitation: Human Rights, Social Justice and The Rule of Law



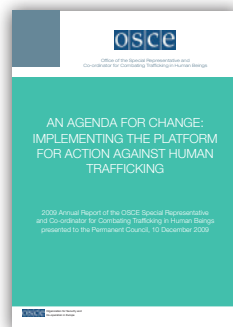
**Annual Report 2012**  
Combating Trafficking as Modern-day Slavery: Non-Discrimination and Empowerment



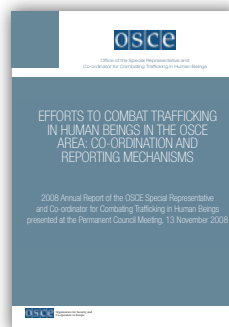
**Annual Report 2011**  
An Agenda for Prevention: Trafficking for Labour Exploitation



**Annual Report 2010**  
Combating Trafficking as Modern-day Slavery: A Matter of Rights, Freedoms and Security



**Annual Report 2009**  
An Agenda for Change: Implementing the Platform for Action against Human Trafficking



**Annual Report 2008**  
Efforts to Combat Trafficking in Human Beings in the OSCE Area: Co-ordination and Reporting Mechanisms



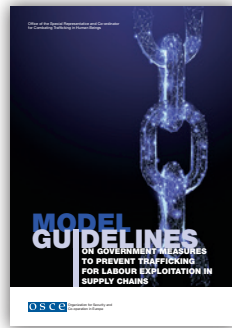
**Annual Report 2007**  
A Platform for Action



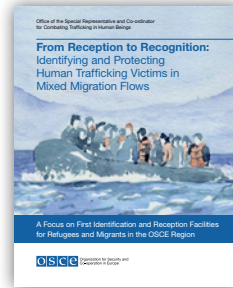
## Other Publications



**2018**  
Compendium of relevant reference materials and resources on ethical sourcing and prevention of trafficking in human beings for labour exploitation in supply chains



**2018**  
Model Guidelines on Government Measures to Prevent Trafficking for Labour Exploitation in Supply Chains



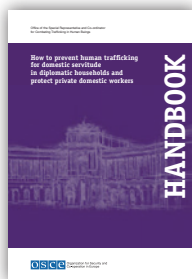
**2017**  
From Reception to Recognition: Identifying and Protecting Human Trafficking Victims in Mixed Migration Flows



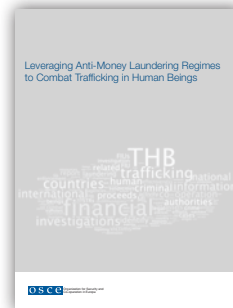
**2016**  
Commentary to the OSCE Action Plan to Combat Trafficking in Human Beings (EN/RU)



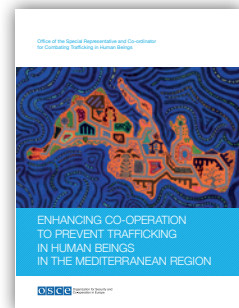
**2016**  
Survey Report 2016



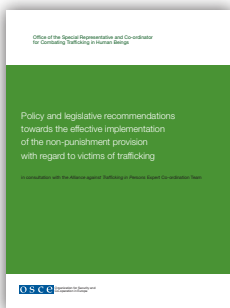
**2014**  
Handbook: How to Prevent Human Trafficking for Domestic Servitude in Diplomatic Households and Protect Private Domestic Workers



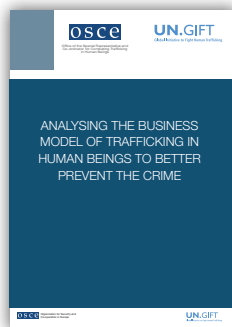
**2014**  
Leveraging Anti-Money Laundering Regimes to Combat Trafficking in Human Beings, OCEEA/OSR/TNTD/SPMU



**2013**  
Enhancing Co-operation to Prevent Trafficking in Human Beings in the Mediterranean Region



**2013**  
Policy and legislative recommendations towards the effective implementation of the non-punishment provision with regard to victims of trafficking



**2010**  
Analysing the Business Model of Trafficking in Human Beings to Better Prevent the Crime, OSR / UN.GIFT (EN/RU)



The Organization for Security and Co-operation in Europe works for stability, prosperity and democracy in 57 States through political dialogue about shared values and through practical work that makes a lasting difference.

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

Wallnerstr. 6, 1010 Vienna, Austria

Tel: + 43 1 51436 6664

Fax: + 43 1 51436 6299

email: [info-cthb@osce.org](mailto:info-cthb@osce.org)

[www.osce.org/cthb](http://www.osce.org/cthb)



Organization for Security and  
Co-operation in Europe