

Call for inputs by the Special Rapporteur on *“Trafficking in persons and protection of refugees, stateless persons and internally displaced persons (IDPs)”*

Contribution from the Office of the OSCE Special Representative and Co-ordinator for combatting trafficking in human beings

Topic: access to international protection of victims of trafficking in persons or persons at risk of trafficking / addressing vulnerabilities to trafficking for people fleeing to seek safety

The identification and protection of victims of trafficking and persons at risk remains highly challenging. Less than 1% of all presumed trafficking victims is ever identified, and too few of those who are identified receive the necessary services and support. Adequately protecting victims of trafficking remains a major gap in the global anti-trafficking response.

Following an analysis of conceptual and procedural issues as well as the challenges and gaps in the protection of victims of trafficking or persons at risk among refugees and asylum seekers¹, the Office of the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings (OSR/CTHB) developed a set of practical measures designed to enhance the identification of and assistance to victims of human trafficking by front-line professionals engaged in migrant and refugee reception procedures in the OSCE region².

Furthermore, in response to the recent flow of women and children fleeing Ukraine to seek safety, the Office of the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings issued policy recommendations on the need to enhance anti-trafficking prevention and response measures, as well as on the risks of trafficking in the digital sphere³. In that context, the OSCE also launched a digital awareness-raising campaign - #BeSafe - in partnership with Thomson Reuters to address refugees’ vulnerabilities⁴.

In 2021, the OSCE conducted a survey to track progress toward implementing anti-trafficking commitments since the previous Survey in 2015⁵. Addressing the challenges in identification of human trafficking, the survey responses highlighted that, most commonly, presumed victims are identified by non-specialist police forces (39 out of 57

¹ [From Reception to Recognition: Identifying and Protecting Human Trafficking Victims in Mixed Migration Flows | OSCE](#)

² [Uniform Guidelines for the Identification and Referral of Victims of Human Trafficking within the Migrant and Refugee Reception Framework in the OSCE Region | OSCE](#)

³ [Recommendations of the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings on the need to enhance anti-trafficking prevention amid mass migration flows | OSCE](#) and [Recommendations on enhancing efforts to identify and mitigate risks of trafficking in human beings online as a result of the humanitarian crisis in Ukraine | OSCE](#)

⁴ [OSCE \(helpforukrainians.info\)](#)

⁵ [Survey Report 2021 of Efforts to Implement OSCE Commitments and Recommended Actions to Combat Trafficking in Human Beings | OSCE](#)

OSCE countries); specialized THB police and investigators (37); and immigration officers and labour inspectors (34). Least commonly, border control officers, judges, labour attachés and trade unions were reported as being able to identify presumed victims.

Furthermore, out of 13,547 cases for which this information was available through the survey, the majority were initially identified by law enforcement officials (71 per cent). In turn, 70 per cent of remaining cases were identified by NGOs/CSOs. Other means through which a lower number of cases were identified included: exit from country; medical professionals; and screening in immigration detention centres. At the same time, 35 countries strongly agreed or agreed that they regularly undertake efforts to identify trafficked persons in places where they are likely to be found (e.g., immigration detention centres, sectors dominated by informal/migrant labour). This represented an increase from 2015/16 survey (33 countries).

Similarly, 35 countries reported allowing NGOs/CSOs access to state facilities (e.g., social service and immigration reception centres, prisons and detention facilities) to assist with the timely identification of victims of trafficking (nine do not, the others did not provide information).

Adopting policies on recruitment and placement of foreign labour force and monitoring their implementation provides another opportunity to prevent and identify human trafficking. As part of the survey, 40 countries provided information on the processes in place for monitoring or ensuring compliance with laws and regulations on recruitment and placement agencies (up from 34 in 2015/16). As with the previous survey, a number of countries referred specifically to controls on immigration-related irregularities and punishments for workers, rather than trafficking-related regulations.

The OSCE therefore recommends periodic training on the identification and referral of trafficked persons for all relevant professionals throughout their careers. Training should target a multi-agency audience and be organized for, but not limited to, law enforcement officers, border guards, immigration officials, staff of refugee and detention centres for irregular migrants, prosecutors, judges, lawyers, labour inspectors, diplomatic and consular staff, social welfare officers, child protection officers, educators and medical workers. Governments are also encouraged to maintain and strengthen measures, where necessary, to allow specialized NGO and CSO access to relevant migrant reception, border, transit and detention facilities for the express purpose of identifying trafficked persons, and those who may be vulnerable to subsequent trafficking.

Within the scope of the survey, OSCE participating States also reported progress on measures to ensure access to education and health care for vulnerable children, in particular girls, minority groups and marginalized populations. The OSCE however recommends that Governments monitor and evaluate the accessibility of these measures targeting vulnerable demographics within their population, such as migrant children, child asylum seekers and those who reside outside of urban areas.