

Second day of the Sixteenth Meeting
MC(16) Journal No. 2, Agenda item 8

DECISION No. 5/08
ENHANCING CRIMINAL JUSTICE RESPONSES TO TRAFFICKING
IN HUMAN BEINGS THROUGH A COMPREHENSIVE APPROACH

The Ministerial Council,

Highlighting its serious concern that trafficking in human beings remains widespread in the OSCE region,

Considering that trafficking in human beings is a grave and heinous crime that violates human dignity and undermines the enjoyment of human rights and fundamental freedoms, and that feeds organized criminal networks,

Taking note of the Council of Europe Convention on Action against Trafficking in Human Beings,

Reaffirming all OSCE commitments to combat trafficking in human beings with special regard to the OSCE Action Plan to Combat Trafficking in Human Beings, including its Addendum on Addressing the Special Needs of Child Victims of Trafficking for Protection and Assistance (the OSCE Action Plan), and the need for their implementation,

Reiterating the important role of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings (Special Representative) in assisting the participating States to implement the OSCE commitments on combating human trafficking,

Reiterating its concern that, despite sustained measures taken at the international, regional and national levels, the number of victims of human trafficking which have been identified and assisted remains limited, and few traffickers have been brought to justice,

Recognizing that providing victims of human trafficking with adequate protection and assistance and enhancing victim identification are among the prerequisites for an effective criminal justice response, including the prosecution of traffickers and their accomplices, to human trafficking,

Reiterating that the commitment to combat this crime applies equally to countries of origin, transit and destination,

Reaffirming our support for efforts by the participating States in co-operation with international and regional organizations, non-governmental organizations and other relevant bodies to consider a comprehensive, co-ordinated and integrated approach to combating trafficking in human beings, which includes, *inter alia*, measures for preventing trafficking in human beings, protecting and assisting victims, with full respect for their human rights, and prosecuting traffickers, as well as to combating the activities of transnational criminal organizations and others that profit from the trafficking in human beings,

Taking note of the OSCE Conference on Successful Prosecution of Human Trafficking: Challenges and Good Practices that took place in Helsinki, on 10 and 11 September 2008,

Determined to enhance effective criminal justice responses to trafficking in human beings,

1. Encourages those participating States that have not yet done so to ensure that all forms of trafficking in human beings as defined in the OSCE Action Plan are criminalized in their national legislation and that perpetrators of human trafficking do not enjoy impunity;
2. Encourages the participating States to ensure that training on combating trafficking in human beings is included in the curricula for law enforcement personnel and that specialized anti-trafficking training is provided for relevant officials in national prosecution services and the judiciary. Each participating State will take into account policies and consequences regarding trafficking in human beings when instructing its military and civilian personnel to be deployed abroad;
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;
5. Calls on the participating States to ensure that, when authorities have reasonable grounds to believe that a person is a victim of human trafficking, that person will not be deported until the identification process has been adequately completed, and that person has been given appropriate assistance, including, if required under domestic law, an appropriate recovery and reflection period during which deportation shall not be enforced;
6. Encourages the participating States to ensure that victims of human trafficking have access without undue delay to secure accommodation, psychological and medical treatment and counselling regarding their legal rights and the services available to them;
7. Calls on the participating States that have not yet done so to provide for special measures of protection and assistance for child victims of human trafficking throughout

criminal proceedings, in accordance with the principles of the best interest of the child, non-discrimination, participation and the opportunity for the child to be heard;

8. Urges the participating States that have not yet done so to ensure that investigations into or prosecution of human trafficking shall not be dependent upon a report or accusation by a victim;
9. Calls on the participating States to continue their efforts to ensure that victims of human trafficking are treated in a manner that respects the full enjoyment of human rights without threat of intimidation or harassment, and to recognize victims' need to have adequate time to recover from trauma;
10. Encourages the participating States to take measures in accordance with the conditions under their respective laws so that victims of human trafficking have the possibility of obtaining fair and appropriate compensation for damage they have suffered, and to claim damages during criminal and/or civil proceedings as appropriate;
11. Calls for increased co-operation by national law enforcement and prosecution agencies with relevant international bodies, including Interpol and Europol, and with the law enforcement agencies of other participating States, for example, through the use of liaison officers or joint investigative teams, where doing so would enhance the efficiency and effectiveness of criminal justice responses;
12. Urges the participating States to intensify measures to disrupt trafficking networks, including by means of financial investigations, investigations of money laundering connected to human trafficking and the freezing or confiscation of the assets of human traffickers;
13. Tasks the Special Representative within existing resources as a part of regular reporting to the Permanent Council to recommend, in co-operation with the participating States, ways to further enhance criminal justice responses to trafficking in human beings.