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REPORTS ON RECENT IPU SPECIALIZED CONFERENCES AND MEETINGS

(i) **PARLIAMENTARY FORUM TO FIGHT HUMAN TRAFFICKING**

Vienna, 12 February 2008

The Parliamentary Forum took place in the framework of and as a prelude to the Vienna Forum to Fight Human Trafficking, a gathering of State and non-State actors organized by the United Nations to forge a coalition against human trafficking. Hosted by the Austrian Parliament, the Parliamentary Forum was organized by the Inter-Parliamentary Union and UN Global Initiative to Fight Human Trafficking.

The Forum was attended by some 112 members of parliament from 58 countries as well as observers from a host of international parliamentary and intergovernmental organizations. It provided an opportunity to examine ways in which parliaments and parliamentarians can be more actively involved in the global drive against human trafficking. In this context, participants shared relevant experiences and best practices. In addition, the Forum was an opportunity for fruitful interaction between parliamentarians, experts, academics, prominent personalities and other anti-human trafficking activists.

A mock trial was staged for purposes of identifying recommended practices for dealing with victims of human trafficking.

The report of the proceedings of the Parliamentary Forum was presented at the Vienna Forum Plenary Session on 14 February.

Following is a report on the main conclusions and recommendations of the Parliamentary Forum.

The Forum revealed the scope, magnitude and complexity of the phenomenon of human trafficking. The combination of panel discussions, interactive sessions - including a mock trial - as well as free-flowing discussions among participants contributed to highlight the point that human trafficking is an increasingly serious crime with ever-evolving and refined techniques that require a multi-disciplinary and sophisticated approach. Indeed, human trafficking involves multiple coercive, abusive and exploitative elements which may be difficult to detect.

Many participants referred to human trafficking as a modern form of slavery involving serious human rights violations. Ms. Barbara Prammer, Speaker of the Austrian National Council called it the cruellest crime of today's globalized world. Participants learned that among the various forms of trafficking, human trafficking ranked third only to the trafficking in arms and drugs, generating more than \$30 billion in profits for its perpetrators. It was also pointed out that most victims of this inhuman trade were women and children. In the words of Eva Biaudet, OSCE Special Representative on Combating Trafficking in Human Beings, unfortunately, human trafficking is a phenomenon that is hidden, well-organized, growing and adapting to measures taken to fight it.

Participants decried the fact that all too often, policies and measures devised by governments to fight human trafficking had the end effect of punishing the victim, who was already suffering from serious abuse by traffickers. All too often, the anti-trafficking war was side-tracked by other emerging problems such as illegal immigration and governments tended to fight trafficking with stringent restrictions on migration, including legal migration. Such measures only helped to drive migration underground and to complicate the fight against human trafficking.

Participants stressed the importance of tackling the root causes of trafficking, which include inter alia the negative effects of globalization, poverty, conflict, gender inequality and poor governance. In the words of actress Julia Ormond, prosecution and imprisonment of offenders are not enough. There must be a resolve to tackle socio-economic problems too. For the fight against trafficking to succeed, it should focus on the victim and their human rights. A three-pronged approach is required to fight trafficking, namely: prevention, prosecution and protection. Some participants proposed the extension of the protection strategy to include compensation for and rehabilitation of victims to enable them to start a new life.

It was also noted that fighting human trafficking effectively required cooperation between source and destination countries and that anti-trafficking policies should be sensitive to local realities, religions and cultures. Many participants pointed to the need for more attention to be paid to the demand side of the problem. In other words, what measures could be taken to curb demand in the destination countries. Another actress, Emma Thompson, suggested that the client, that is the person who pays for sex, should be brought into the discussion. How does that person distinguish between a genuine prostitute and one who has been trafficked?

Examining the role that parliaments and parliamentarians can play in the fight against human trafficking, participants agreed that they should make greater use of their traditional functions of law-making, oversight, representation and resource allocation. In so doing, they should be guided by the three "Ps": prevention, prosecution and protection. Parliaments have a pivotal role to play in ensuring ratification of international instruments, harmonising national laws with these instruments, overseeing their implementation and ensuring that the issue of human trafficking remains on the national agenda. As representatives of the people and opinion leaders, parliamentarians have primary responsibility for raising awareness of the scope of the problem and encouraging reflection on how to combat it. In this regard, partnerships can be built with the media and civil society to educate the public and promote a better understanding of the problem.

Participants shared examples of how their parliaments were tackling human trafficking. For instance, in many parliaments, committees had been set up to deal specifically with the issue of human trafficking. In others, the advocacy work of informal cross-party pressure groups proved extremely valuable. Parliamentarians in one country only patronised hotels that certified that they complied with anti-prostitution laws. Many parliaments have passed legislation, some of it through private members' bills, providing for heavy punishment for perpetrators of human trafficking.

The recommendations formulated during the discussions represent a series of principles and potential avenues for action which participants undertook to take into account when considering policies and action to combat trafficking.

It is the parliament's responsibility to create a comprehensive political and legal environment that is conducive to combating human trafficking. Such an environment should be multidisciplinary in its approach and anchored in the need to protect victims over and above the punishment of perpetrators. In view of the increasingly complex nature of human trafficking, the response should be equally complex and increasingly sophisticated, taking into account emerging developments and aspects of trafficking.

- Specifically, parliaments and parliamentarians should ratify or cause to be ratified relevant international and regional instruments, including the UN Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children;
- Parliaments should bring national legislation in line with international legislation and devise new legislation to respond to emerging dimensions, trends and forms of trafficking, such as forced labour, forced marriages, recruitment of child soldiers, child Internet pornography, etc. They should further harmonize the range of national legislation in related areas so as to make them consistent with one another, for instance legislation governing labour, social security, women's empowerment, civil liberties, State security, development assistance, migration, human rights, etc.;
- Legislation should empower the judiciary to protect victims; it should ensure that victims are not further punished on account of having broken migration rules and that they receive adequate compensation, including through the confiscation of traffickers' assets.

The gravity of human trafficking calls for more robust oversight by parliaments. Ratification is not the end but rather the beginning of the process. Implementation is equally important.

- Parliaments should establish dedicated committees to deal with matters of human trafficking, by monitoring and overseeing government enforcement of relevant legislation, investigating violations and reporting to parliament, etc.;
- Parliament should ensure government compliance with reporting requirements not only vis-à-vis international institutions such as the United Nations, but also to parliament itself. Parliament should also consider providing inputs into and/or review such reports prior to their submission to the relevant authorities.

Currently, anti-human trafficking efforts and programmes are grossly under-funded both at the national and international levels.

- Parliaments should commit to allocate more resources to these efforts, including in the areas of research for a better understanding of human trafficking and its ramifications.

Fighting human trafficking is a multi-stakeholder effort. Parliamentarians should be part of a wider alliance to combat the scourge. For instance, the Alliance Against Trafficking in Persons has been instrumental within the OSCE region, in bringing together parliamentarians, policy makers, civil society and international organizations to work together in combating human trafficking.

- Parliaments and parliamentarians should therefore forge partnerships with civil society organizations in the development and implementation of policies to prevent trafficking. Such involvement should not be understood to mean a devolution of State responsibility in the matter. Parliament should craft legislation and policies that empower civil society organizations, offer them protection in their efforts to protect victims of human trafficking and provide them with adequate resources, including financial resources.
- Parliamentarians should also build useful partnerships with the media in a bid to ensure wider publicity and greater awareness of the problem of human trafficking and expose its negative effects as well as build a coalition with society at large in combating the crime.
- Parliamentarians should promote the use of the Internet in the dissemination of relevant information, experiences and best practices as well as form networks of like-minded parliamentarians;
- Parliaments should promote the institution of a national day of reflection on human trafficking. Such reflection should include State institutions, political parties, non-governmental organizations (NGOs) and the media. Specifically, parliaments could celebrate such a day by bringing together their members to discuss and contribute to concrete policies and results in order to curb the crime of human trafficking. It should be an opportunity to reflect on successes, challenges and new solutions. It was reported that the European Commission had already designated such a day, 18 October, as Human Trafficking Day. Such a practice would be worth emulating in various parts of the world.
- An annual Parliamentary Forum on Human Trafficking could be instituted, for instance on 12 February. Such a Forum would provide an opportunity to measure progress against commitments and identify avenues for further parliamentary action.

Meaningful involvement of parliaments and parliamentarians in the common endeavour to eradicate the scourge requires a fuller understanding of all its aspects, trends, forms and purposes.

- Participants welcomed the joint IPU/UNODC initiative to produce a handbook for parliamentarians as a contribution to the anti-human trafficking drive. In addition to information on existing legal frameworks and mechanisms, the proposed handbook should provide concrete examples of how parliaments around the world are tackling the problem.

Participants stressed the need for cooperation among parliamentarians at the country and international levels. The forthcoming debate on the matter of migration and human trafficking due to take place at the 118th IPU Assembly in Cape Town in April 2008, would be a good opportunity to foster that cooperation.