

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

Key Action Areas for Parliaments

to Combat Trafficking in Human Beings

The fight against trafficking in human beings (THB) is only as strong as national legal frameworks allow. Since the adoption of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children in 2000 - the Palermo Protocol - States have made progress in criminalizing THB and establishing a basic framework to respond to the crime through prevention, prosecution and protection. However, as the crime has evolved, legislative responses have struggled to keep pace. Parliaments across the OSCE region should pass new laws and regulations that account for the changing nature and scale of the crime, and establish a modern, comprehensive response.

To empower parliaments to update their legislative response, the Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings (OSR/CTHB) has identified key areas where additional action is urgently needed:

- Ensuring comprehensive anti-trafficking response at the national level;
- Securing proactive identification and access to long-term assistance to all victims;
- Preventing trafficking for forced labour in global supply chains;
- Discouraging the demand that fosters sexual exploitation; and
- Addressing technology-facilitated trafficking and online exploitation.

1 Ensuring comprehensive anti-trafficking response at the national level

With the ratification of the UN Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, States criminalized human trafficking by introducing respective articles in their criminal codes or other provisions of national legislation. Furthermore, following particular developments or identified needs, specific pieces of legislation tackling THB in some contexts (for example, asylum and migration) were adopted in certain jurisdictions. Anti-trafficking National Action Plans, aimed to serve as mid-term strategy documents, continue to be unevenly developed in most OSCE participating States, often demonstrating significant gaps in continuity and sustainability of national anti-trafficking efforts.

International anti-trafficking frameworks – both the UN Palermo Protocol and OSCE commitments – require a “4P” approach to prevent the crime, protect victims, prosecute traffickers, and partnership among multiple stakeholders. In reality, however, national and regional anti-trafficking responses often demonstrate a strong law enforcement focus and lack a comprehensive approach with prevention and protection efforts often largely not covered by laws or routinely linked to the criminal justice response. Moreover, ad-hoc and sporadic approach to legislative regulations of trafficking-related issues risks creating duplicative functions and mechanisms or, on the contrary, leave gaps in anti-trafficking architecture and response. Lack of ownership, especially on behalf of non-law enforcement agencies, leads to the de-jure and de-facto lack of a multi-agency approach, when other State institutions expect specialized police units and national co-ordination bodies to cover the entire spectrum of anti-trafficking actions. The dependence on the “generic” mandate of an agency, rather than specifically outlined trafficking-related roles and responsibilities, jeopardizes the uniformity of approaches at the national level and creates loopholes that traffickers could exploit. Finally, in the absence of comprehensive national legal instruments, which provide long-term strategic vision and guidance on combating human trafficking, developing mid-term strategies, like National Action Plans or other subordinate pieces of legislation such as National Referral Mechanisms, often becomes challenging, especially in changing political environments and vis-a-vis other priorities.

What can parliaments do?

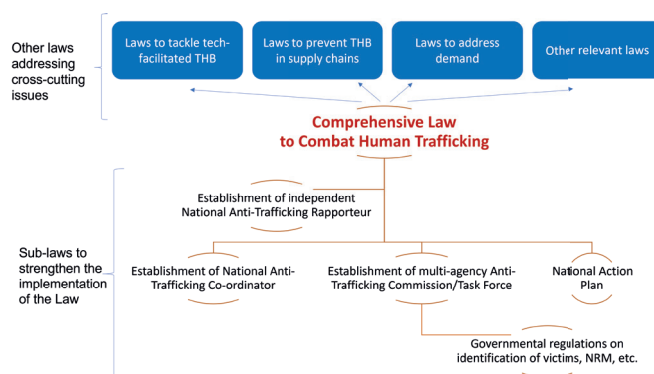
Parliaments have a paramount responsibility in enabling a comprehensive national response to human trafficking. To address the need for a consolidated ‘one stop shop’ on human trafficking in legislation, parliaments, in co-operation with governments and civil society, are encouraged to develop and adopt a comprehensive law on combating trafficking in human beings.

Adopt comprehensive laws on combating trafficking in human beings

The adoption of such a law will help establish the main components of a State’s policy on the issue and sustain a comprehensive 4Ps (prevention, protection, prosecution, and partnership) approach to combating trafficking in human beings. It unifies

anti-trafficking efforts at the national level and specifies the roles and responsibilities of public institutions and other stakeholders, including civil society, local communities, and private business, thus ensuring a ‘whole-of-society’ approach to combating human trafficking, complementarity of efforts, and efficient use of resources. The adoption of the law also provides for the establishment of organizational and legal principles of combating human trafficking, including a human rights-based, victim-centred, gender-sensitive, trauma-informed, and age-appropriate approaches that should guide all anti-trafficking efforts. Finally, the law is an entry point for strengthening the anti-trafficking architecture in a country and provides an opportunity to establish or enhance the mandates of a National Anti-Trafficking Co-ordinator, National Anti-Trafficking Rapporteur¹, Anti-Trafficking Commission/Task Force, and State-led National Referral Mechanism in line with a country’s international obligations and promising practices from the OSCE region.

Key role of the comprehensive Law to Combat Human Trafficking in the national anti-trafficking framework



The law is also instrumental in sustaining and guiding the anti-trafficking response in crisis/emergency situations. It should facilitate establishing clear procedures for the rapid exchange of information on people seeking protection, especially children, registered in transit and destination countries and their place of residence in order to prevent them from going missing and reduce their vulnerability to trafficking in human beings. Furthermore, it should enable smoother monitoring of locations known for high risks of human trafficking, including those related to provision of sexual services, street begging and informal sectors of the economy as well as high-risk business sectors, to help anti-trafficking actors adjust responses according to the constantly changing traffickers’ tactics as well as promote awareness, co-operation, and information-sharing among agencies operating in the same space.

This type of legislation exists in the US (The Trafficking Victims Protection Act of 2000), Ukraine (Law on Combating Trafficking in Human Beings, 2011), UK (Modern Slavery Act, 2015), Kazakhstan (Law on Combating Trafficking in Human Beings, 2024), and some other countries of the OSCE region.

1. <https://www.osce.org/cthb/503920>

The State obligation to promptly identify and assist victims of human trafficking is fundamental. It is enshrined in international legal documents and is a key commitment of OSCE participating States. However, insufficient protection for victims remains a major persisting challenge in today's anti-trafficking efforts, manifesting in low identification numbers, lack of tailored rehabilitation services, unclear prospects for (re)integration, and – tragically – the punishment and re-trafficking of victims.

The link between assistance to victims and their participation in criminal justice processes remains a major obstacle to effective identification and protection. There is a plethora of reasons why victims do not want to engage with law enforcement, starting from fear of retaliation and loss of agency, to distrust of authorities or lack of long-term solutions after criminal proceedings. These factors should not preclude assistance; indeed, they only emphasize its importance. It is high time that anti-trafficking professionals abandoned the concept of 'coercing' victims into co-operation by making access to services contingent on such co-operation. Instead, the focus should be on ensuring proactive victim identification and comprehensive assistance independent of criminal justice systems.

What can parliaments do?

The OSCE publication "Putting victims first: The 'social path' to identification and assistance"² provides recommendations for participating States on adopting and operationalizing a procedure for the proactive identification of trafficking victims that is outside the criminal justice system. This identification procedure is based on the approach that can be referred to as the 'social path' for identifying people who have been trafficked. The term reflects the identification process involving social service agencies or civil society rather than, or in addition to, the criminal justice system.

Adopt laws to mandate State social protection agencies to formally identify victims of trafficking and ensure their access to long-term assistance

Identifying an adult or child as a victim of trafficking is the first stage of protecting them. In many countries, being identified as a trafficking victim is the gateway to services and support specific to trafficking victims, rather than services and support specific to, for example, refugees or children. The primary purpose of identification is not to gather evidence from potential witnesses or victims of crime, nor to collect data about the number of people exploited in trafficking. It is to trigger a State's obligation to provide protection, including all forms of assistance.

The 'social path' approach maximizes the potential of State social protection agencies and re-enforces their mandate to assist vulnerable populations, including victims of trafficking in human beings, by vesting in such agencies the authority to formally identify victims and use existing protection mechanisms to help them fully recover. Critically, it offers a framework that substantially reduces the pressure on victims to prove their trafficking situation, and instead offers them a path toward recovery, rehabilitation, and restoration of their rights. The 'social path' identification procedure should trigger immediate, short-term, and long-term assistance for victims, including psychosocial and medical care, legal assistance, temporary residence and work permits, family preservation and reunification, age-appropriate care and education for children, and suspension of expulsion orders.

This assistance should not be conditional on victims' co-operation with the criminal justice system. At the same time, practice demonstrates that the use of the 'social path' approach and prioritization of assistance concerns increases the likelihood of victims regaining their agency and participating in all aspects of society, including criminal proceedings, with the goal of bringing their traffickers to justice. Indeed, the availability of a 'social path' does not prevent a potential victim-witness from opting to provide testimony to law enforcement officials at any time they wish or feel ready to do so. In fact, timely identification and assistance can greatly facilitate co-operation with law enforcement and the provision of useful evidence as victims are often more willing and able to assist law enforcement in investigating criminals. In addition, identification of trafficking victims in a timely way reduces the wrongful punishment of victims for criminal acts directly related to their trafficking and frees up law enforcement resources to investigate and prosecute the traffickers.

Parliaments can enshrine in legislation proactive, broad victim identification and comprehensive victim assistance, including a 'social path' approach that outlines identification responsibilities of government and non-governmental stakeholders beyond law enforcement agencies. In addition, parliaments should enact in law and policy the 'non-punishment principle' outlined in international commitments³ of OSCE participating States for victims of human trafficking. Moreover, lawmakers should adopt or amend legal provisions for immediate expungement and criminal record relief of victims and survivors of human trafficking, such as vacatur or expungement of convictions for criminal acts directly related to their trafficking. Introduction and effective application of these legislative provisions are crucial particularly when the non-punishment principle fails or is applied later in the criminal proceedings.

2. <https://www.osce.org/cthb/538452>

3. <https://rm.coe.int/168008371d>; <https://eur-lex.europa.eu/eli/dir/2024/1712/oj/eng>

Trafficking in human beings for forced labour is an extremely lucrative crime and is increasingly found in the production of everyday goods and services.

To prevent this, individuals, governments, and businesses can adopt safeguards, such as due diligence and informed purchasing, which help to eliminate the market for exploitation. The concept is straightforward: to end trafficking for forced labour, we must stop paying for it. This will also promote a level playing field for responsible companies.

Previously State-led efforts to this problem have primarily relied on voluntary forms of ethical consumption and non-binding principles of social responsibility. While these measures have raised awareness, they have not been successful at ending exploitation. Stronger protections are urgently needed. In response, a growing number of States are increasingly enacting supply chain due diligence legislation. However, existing legislation can be undermined through legislative changes – particularly in relation to reporting requirements and the scope of monitoring – limiting its effectiveness. Trafficking can occur at any tier of complex global supply chains, making comprehensive and enforceable monitoring across all levels essential.

What can parliaments do?

Parliaments have several powerful tools to improve States' responses to this problem, including due diligence regulations that create legal obligations to identify and eliminate forced labour from business supply chains, and import bans that restrict access to goods and services produced by forced labour.

Adopt due diligence laws

Due diligence regulations require businesses (often over a certain size threshold) to undertake efforts to identify exploitation in their supply chains and address it, establishing civil or criminal liability for companies that fail to comply and creating remediation avenues for affected individuals or groups. By instituting a supervisory mechanism to ensure enforcement, these statutes leverage the power of corporate action to combat forced labour.

The benefits of this type of legislation are numerous. First, it helps to shed light on, and address instances of unfair competition, enabling a level playing field for businesses. Second, it allows for flexible responses, for example covering a specific set of rights or industry sectors, or a wider degree of human rights concerns and environmental and social considerations. Third, it promotes substantive responses from businesses – proportionate to their resources and risk profile – to avoid generic processes and box-ticking exercises. Lastly, it builds on existing corporate due diligence processes, minimizing any additional administrative burden from new reporting requirements.

Examples of due diligence legislation can be found in France (2017 Duty of Vigilance Law), the Netherlands (2019 Child Labour Due Diligence Law), Germany (2021 Act on Corporate Due Diligence Obligations in Supply Chains), and Norway (2021 Transparency Act) and the European Union (2024 Directive on Corporate Sustainability Due Diligence – CSDDD). With others accessible at the OSCE online compendium of supply chains resources⁴.

Strengthen public procurement

Parliaments should also extend this approach to public procurement. Public entities are significant buyers of goods and services across many industry sectors, and thus have leverage to make a substantive difference in combating forced labour and upholding fair competition. Amending the laws and regulations governing the purchase of goods and services for State entities can help ensure State funds are not contributing to forced labour. The OSCE "Model Guidelines on Government Measures to Prevent Trafficking for Labour Exploitation in Supply Chains"⁵ provide advice on how parliaments can adopt such policies and suggests legal provisions which can be used to develop national legislation.

Enable the use of import bans

Import bans set trade restrictions on goods manufactured using forced labour, empowering border protection and customs authorities to detain imports of goods suspected of violating the law, seize and forfeit said goods, or levy fines against importers. By limiting access to goods deemed high risk for forced labour, import bans prevent products extracted through the exploitation of trafficking victims from entering the marketplace.

The benefit of this legislation, in particular for countries of destination, is that it leverages the economic power of consumption to ensure fair competition in domestic markets by removing goods produced by forced labour outside national borders. In this way, it can also promote human rights and impact employment conditions elsewhere, buttressing due diligence legislation in instances where forced labour is widespread in the production of a particular good or within a particular geographic area.

An example of this type of policy response is used in the United States, Canada, and the European Union, and is being considered by other OSCE participating States and Partners for Co-operation.

4. <https://communities.osce.org/display/cthbsource>

5. <https://www.osce.org/cthb/371771>

Trafficking for the purpose of sexual exploitation is one of the most common forms of THB, impacting at least 36% of all identified victims globally. It is also the most lucrative for traffickers, generating 73% of all human trafficking profits or over \$170 billion annually. Those illicit profits represent the economic incentive for the crime: trafficking for the purpose of sexual exploitation is motivated by traffickers' knowledge that they can earn money from men paying for sexual services with trafficking victims.

The demand by sex buyers thus fuels the exploitation of victims and makes buyers responsible for the myriad physical and psychological harms suffered by trafficking victims.

Countering the demand that fosters trafficking for sexual exploitation is therefore a critical intervention for OSCE participating States. It is also an international legal obligation: all parties to the Palermo Protocol, including 55 OSCE participating States, are required to take steps to discourage demand.

What can parliaments do?

The OSCE paper "Discouraging the demand that fosters trafficking for the purpose of sexual exploitation"⁶ provides recommendations to help States meet their international obligations to discourage demand and highlights effective responses currently employed within the OSCE region. Parliaments are ideally positioned to take on some of these measures and ensure their adoption and implementation.

Critically, the options for parliaments to respond to demand extend beyond criminal justice measures: robust prevention measures are also in use throughout the OSCE region that parliaments can support.

Holding sex buyers accountable

States should hold accountable those who buy sex with trafficking victims. In the context of THB for sexual exploitation, strict liability statutes criminalize the purchase of sex from a trafficking victim, irrespective of whether the buyer knows the person is a victim, and are among the most effective and useful criminal justice tools.



While money is paid to traffickers, it is paid by the men who buy sex from trafficking victims.

By focusing on the harm caused by the buyer rather than the buyer's intent or knowledge, such statutes discourage demand in a manner that protects victims better than statutes that only punish the "knowing use" of services from a trafficking victim (whether buyers knew it or not, for the victims it's the same). Such statutes make it easier to hold perpetrators accountable, enabling the laws to be scaled to the size of the problem.

This type of legislation exists in the United Kingdom (2003 Sexual Offences Act), the United States (2015 Justice for Victims of Trafficking Act), and Cyprus (2019 Law on Preventing and Combating Trafficking and Exploitation of Persons and Victim Protection).

Establish a national working group on demand

Outside of adopting legislation to more actively discourage demand, legislatures should also look to foster greater attention toward prevention efforts that target demand. Establishing a working group composed of practitioners and key stakeholders to examine national efforts, research the impact of demand programming and propose and monitor the implementation of new initiatives is a promising practice emerging within the OSCE region.

6. <https://www.osce.org/cthb/489388>

Given their ease of use, low cost, and widespread access, Information and Communication Technologies (ICT) are now central to the modus operandi of human traffickers. Traffickers misuse technology to groom and recruit victims, exercise power and control over them, and exploit them through online advertisements for sexual services and livestreamed exploitation (such as webcamming). This has increased the scale, geographic scope, and speed at which trafficking crimes are being committed, while also creating new forms of exploitation – for example, the live streaming of sexual acts by children – thereby expanding the market for exploitation. By bringing the crime increasingly online or via encrypted messaging apps, ICT has also made human trafficking more difficult for law enforcement to identify and combat by increasing the anonymity of criminals and making trafficking networks more diffuse.

Unfortunately, laws and regulations have not kept pace with the widespread and growing misuse of technology. States urgently need new policy tools to curb technology-facilitated trafficking of children and adults, mitigate the risk of ICT being misused to commit trafficking crimes, mandate online platforms take concrete measures to prevent exploitation, and hold online platforms accountable for failures to protect the public.

What can parliaments do?

In recent years, the OSCE has developed a number of policy guidance⁷ that outline policy responses for States, including areas where parliament can play a leading role, to reverse this trend and curb online trafficking and exploitation. The past year also marks a positive development, particularly with the adoption of the United Kingdom's Online Safety Act⁸ and the European Union's Digital Services Act⁹, which requires online platforms to take stronger measures against illegal content, including trafficking-related activities, by enforcing stricter content moderation and transparency rules. Notwithstanding the growing attention to the challenges posed by technology advancements and robust efforts among several OSCE participating States, legislatures can further enhance regulatory frameworks that prioritize online safety and empower law enforcement to efficiently investigate technology-facilitated trafficking and utilize tech-tools.

Enact regulatory reform prioritizing safety

Parliaments should adopt legislation that enhances safety, establishes mandatory due diligence efforts for technology companies, and creates standards for monitoring and reporting of harmful acts online to protect potential victims and prevent future instances of exploitation.

7. <https://www.osce.org/cthb/514141> and <https://www.osce.org/cthb/579715>

8. <https://www.legislation.gov.uk/ukpga/2023/50>

9. https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/europe-fit-digital-age/digital-services-act_en

Such regulation should require online platforms to:

1. Implement strong prevention measures including:
 - a. "Safety-by-design" principles in the design, development, and distribution of products and systems;
 - b. Age-verification for persons depicted, uploading, and viewing sexually explicit material;
 - c. Consent verification for persons depicted in sexually explicit material; and
 - d. A highly visible reporting and content removal request mechanism.
2. Conduct due diligence on their operations and systems to identify risks of misuse and mitigate them, including by:
 - a. Undertaking proactive monitoring for exploitative materials and misuse of platforms, and establishing mechanisms to allow for direct reporting by the public to companies;
 - b. Removing content expeditiously and preserving it safely for possible use in investigations/prosecutions;
 - c. Reporting illegal content to appropriate/designated authorities; and
 - d. Incentivising legitimate platforms to assume an active role in combating the use of their sites to facilitate trafficking through existing mechanisms under national laws or adopting provisions as needed.
3. Address growing risks posed by Artificial Intelligence (AI), including by:
 - a. Regulating Artificial Intelligence in a way that ensures safety, transparency, and ethical use; and
 - b. Restricting certain AI practices that could be misused in exploitative ways, such as AI systems that manipulate people's decisions, exploit vulnerabilities, or predict a person's risk of committing a crime based solely on profiling.



75% of child victims of sex trafficking are advertised online according to a study.

Regulatory frameworks should also provide enforcement mechanisms aimed at corrective actions over punitive sanctions. Establishing enforcement mechanisms, liability for companies, and transparency standards should be a priority.

Aspects of this type of regulation exist in Germany (2017 Act to Improve Enforcement of the Law in Social Networks), the United States (2017 FOSTA), Australia (2021 Online Safety Act), in the United Kingdom (2023 Online Safety Act) and the European Union (2022 Digital Services Act).

Empower effective investigations of technology-facilitated trafficking and use of tech-tools

Procedural and regulatory challenges in conducting investigations of technology-facilitated trafficking – ranging from obtaining evidence, to cross-border electronic evidence sharing, and using electronic evidence in trial – continue to hinder anti-trafficking investigations and prosecutions, aiding impunity for traffickers and preventing justice from being delivered for victims.

Parliaments should update codes of criminal procedure to enable the use and sharing of digital information by law enforcement, including regulating the retention of unlawful content by online platforms, granting capacity to law enforcement to covertly access devices when warranted and generate evidence via online investigations, and use cutting edge tech-tools to better address the crime.

Taking the next step: how the OSCE can help

The OSR/CTHB has experience in policy development across the OSCE region, and in line with its mandate, stands ready to assist parliaments in advancing legislative tools to address human trafficking. If interested in learning more, please contact us at info-cthb@osce.org or visit our website at www.osce.org/cthb.