

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

Three 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 three areas where additional action is urgently needed:

- Preventing trafficking for forced labour in global supply chains;
- Addressing technology-facilitated trafficking and online exploitation; and
- Discouraging the demand that fosters trafficking for the purpose of sexual exploitation.

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Preventing trafficking for forced labour in supply chains

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.

Current 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.

What can parliaments do?

Parliaments have several powerful tools to improve States' responses to this problem, including due diligence regulations which create legal obligations to identify and eliminate forced labour from business supply chains, and import bans which 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 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), Germany (2021 Act on Corporate Due Diligence Obligations in Supply Chains) the Netherlands (2019 Child Labour Due Diligence Law) and Norway (2021 Transparency Act). With others accessible at the OSCE online compendium of supply chains resources.

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 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 customs and 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 from 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 and Canada and is being considered by other OSCE participating States and Partners for Co-operation.



The profits from forced labour tripled between 2004 and 2014, and are now worth an estimated \$50 billion a year.

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Combating technology-facilitated trafficking

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, particularly through online advertisements for sexual services. 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, 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 offences, mandate online platforms take concrete measures to prevent exploitation and hold online platforms accountable for failures to protect the public.

What can parliaments do?

The recent OSCE publication, “Policy responses to technology-facilitated trafficking in human beings: analysis of the current situation and considerations for moving forward” outlines policy responses for States, including areas where parliament can play a leading role, to reverse this trend and curb online trafficking and exploitation. In particular, legislatures can establish 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.

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; and
- c. A highly visible 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; and
- c. Reporting illegal content to appropriate/designated authorities.

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), Australia (2021 Online Safety Act) and the United States (2017 FOSTA) (and are being considered in the United Kingdom (2021 Draft Online Safety Bill) and the European Union.



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

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.

Confronting the demand that fosters trafficking for sexual exploitation

Trafficking for the purpose of sexual exploitation is the most common form of THB, impacting at least 50% of all identified victims globally. It is also the most lucrative for traffickers, generating two-thirds of all human trafficking profits or \$100 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" 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.



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

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.

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) and Cyprus (2019 Law on Preventing and Combating Trafficking and Exploitation of Persons and Victim Protection). Other examples imposing strict liability on the commercial sexual abuse of minors specifically can be found in the US, such as in Washington State.

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.

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.

