



**Organization for Security and Co-operation in Europe
Office of the Special Representative and Co-ordinator for
Combating Trafficking in Human Beings**

Highlights of the International Conference

**“The Critical Role of the Judiciary in
Combating Trafficking in Human Beings”**



13 – 14 November 2019
Tashkent, Republic of Uzbekistan

Disclaimer

The recommendations, statements and positions set out in the following summary have been drafted by the Organization for Security and Co-operation in Europe (OSCE) based on the ideas and suggestions that were raised during the event and informed by the panel discussions. They do not necessarily reflect the position of each individual panellist or the position of their respective organizations.

The views, opinions, conclusions and other information expressed in this document are not necessarily endorsed by the OSCE.

Introduction

Judges play a crucial role in upholding the rights of human trafficking victims as well as in determining the guilt and punishment of perpetrators. In that regard, OSCE commitments and recommendations related to strengthening the role of judiciary as a part of the criminal justice system to effectively combat trafficking in human beings (THB) are outlined in the 2003 OSCE Action Plan to Combat Trafficking in Human Beings, its 2005 and 2013 Addenda as well as a number of Ministerial Council (MC) decisions, including MC Decision No. 7/17 *Strengthening Efforts to Combat all Forms of Child Trafficking, Including for Sexual Exploitation, as well as Other Forms of Sexual Exploitation of Children* and MC Decision No. 6/17 *Strengthening Efforts to Prevent Trafficking in Human Beings*. The provisions urge special attention to enhancing the capacity of judiciary to tackle human trafficking from the perspectives of both prosecution and victim protection, providing and improving training for judges about all aspects of trafficking in persons, especially in human rights and child- and gender-sensitive approaches, and strengthening international judicial co-operation and co-operation of the judiciary with other anti-trafficking stakeholders, where appropriate.

Continuing to use the OSCE as a platform for dialogue on judicial co-operation, the Office of the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings (OSR/CTHB), the Supreme Court of the Republic of Uzbekistan and the OSCE Project Co-ordinator in Uzbekistan in co-operation with the Shanghai Cooperation Organisation (SCO) and other OSCE field operations co-organized a high-level International Conference “The Critical Role of the Judiciary in Combating Trafficking in Human Beings”. The conference gathered judges of the highest supreme or cassation level criminal courts of the 23 OSCE Participating States and SCO Member States to discuss human trafficking-related challenges and ways to strengthen the role of the judiciary as a part of the criminal justice system to effectively combat trafficking in human beings.

The two intensive days of discussion fostered exchange on the role of the judiciary in national and regional anti-trafficking responses, including through upholding victims’ rights and accountability for perpetrators. The event also facilitated a dialogue on international judicial co-operation by sharing experiences on emerging challenges and trends as well as modern approaches in adjudicating human trafficking cases.

The Conference participants underlined the necessity to continue mutual efforts to ensure the effective application of victim-centred and human rights-based approaches while securing

proportional judicial response to human trafficking. They highly praised the event as a unique platform for such thematic dialogue among high-level representatives of the judiciary and noted the need to build on its recommendations in order to strengthen national and regional anti-trafficking efforts.

Welcoming and Opening Remarks

Tanzila Narbaeva, Chairperson of the National Commission on Combating Trafficking in Human Beings, Chairperson of the Senate (Upper Chamber) of the Parliament, Republic of Uzbekistan, **Valiant Richey**, OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, **Kozimdjan Kamilov**, Chairman of the Supreme Court of the Republic of Uzbekistan, **Aizada Subakozhoeva**, Deputy Secretary-General of Shanghai Cooperation Organisation and **Ambassador John MacGregor**, OSCE Project Co-ordinator in Uzbekistan delivered the welcoming and opening remarks. The session was moderated by **Eldor Tuliakov**, Executive Director, Center “Development Strategy”, Member of the Legislative Chamber of the Parliament, Republic of Uzbekistan.

The high-level speakers unanimously acknowledged the unique character of the event, which, for the first time in the OSCE's history gathered the highest-level representatives of the judiciary from OSCE participating States and SCO Member States to discuss the strategic role of judges in combating trafficking in human beings. They emphasized the crucial role that judges play in demonstrating States' zero tolerance to human trafficking by upholding the rights of the victims as well as in determining the guilt and punishment of perpetrators. The OSCE commitments and recommendations¹ related to strengthening the role of judiciary as a part of the criminal justice system to effectively combat trafficking in human beings remain highly relevant and urge special attention to:

- enhancing the capacity of judiciary to tackle human trafficking from the perspectives of both prosecution and victim protection,
- providing and improving training for judges about all aspects of trafficking in persons, especially in human rights and child- and gender-sensitive approaches, and
- strengthening international judicial co-operation and co-operation of judiciary with other anti-trafficking stakeholders, where appropriate.

Acknowledging different approaches to judicial engagement on this topic in the region, the speakers called for sharing good practices, new ideas and lessons learned as THB was not only a human rights violation but also a grave security concern that required broad and co-ordinated engagement to eradicate it both within individual participating States, and across the OSCE region as a whole.

¹ As outlined in the 2003 OSCE Action Plan to Combat Trafficking in Human Beings, its 2005 and 2013 Addenda as well as a number of Ministerial Council decisions, including Decision No. 6/17 Strengthening Efforts to Prevent Trafficking in Human Beings (MC.DEC/6/17) and Decision No. 7/17 Strengthening Efforts to Combat All Forms of Child Trafficking, Including for Sexual Exploitation, as well as other Forms of Sexual Exploitation of Children (MC.DEC/7/17).

In her keynote address, **Ms. Michelle Brewer**, Barrister, Garden Court Chambers (UK), reminded the audience about the variety of manifestations of human trafficking as a crime that operated on supply and demand and the devastating effect it had on its victims, including women, men, girls and boys. She further elaborated on “situational awareness” as a key quality for judges dealing with THB cases. This concept encompasses understanding the different modalities of trafficking, including the vulnerabilities of the victims, interaction with other anti-trafficking stakeholders, and drawing on international law and guidance while enriching it with national experience. Such an approach could help overcome the continuing failure to identify victims of trafficking and ensure their effective access to justice, e.g. by introducing special measures for to empower victims of trafficking to participate in the litigation process. She also underlined the key role of Supreme Courts in delivering justice, especially when the victim experience was not contemplated or understood by the lower courts.

Session 1 – Human Trafficking Case Law: Challenges and Positive Practices

Session 1 was moderated by **Shukhrat Chulliev**, Deputy Chairman of the Committee, the Legislative Chamber of the Parliament, Republic of Uzbekistan, with **Nodira Bobokhonova**, Judge of the Supreme Court of the Republic of Uzbekistan, **Nona Tsotsoria**, Judge of the European Court of Human Rights (ECHR) in 2008-2018 (Georgia), **Carmen Delgado Echevarría**, Judge, General Council of the Judiciary (Spain), and **Valentina Shepotkina**, Vice-President of the Criminal Cassation Court, Secretary of the Second Judicial Chamber of the Cassation Court within the Supreme Court of Ukraine, featured as session speakers.

The discussion focused on the complex, multi-phased and covert nature of human trafficking crime which presented a number of challenges for judges, including in relation to its qualification and adjudication. It drew on case law from human trafficking crimes to facilitate the exchange on common regional challenges and to provide for shared understanding of the approaches that might be used to address them. The discussion also examined the linkages between human trafficking and associated crimes, as well as ways to effectively apply victim-centred and trauma-informed approaches.

The key recommendations of the session include:

- Efficient adjudication in human trafficking cases builds on solid provisions incorporated in national legislation, including in the framework of comprehensive anti-trafficking laws and penal codes.
- National anti-trafficking legislation should be consistent with international law in this area, as it relates to protection of victims of trafficking and ensuring the accountability for THB crimes, and it should also take into consideration global and regional positive practices.
- Uniformity of application of anti-trafficking legislation by the criminal justice and other actors should be ensured by clarifying terminology and providing recommendations based on the analysis of court practice and supplementary data collected by the criminal justice sector and other anti-trafficking stakeholders.

- Such analysis of the court practice and other data, including profiling of victims and offenders as well as analysis of THB flows, serves as a solid background for proper prevention efforts, e.g. by establishing legal labour mobility channels between the countries affected or ensuring awareness raising efforts that target particular groups at high risk of human trafficking.
- While THB cases present particularly complex evidential issues, current approaches to investigating and prosecuting this crime — where victim testimony is often seen as the central (and sometimes only) piece of evidence — should be reconsidered. Proper resources should be allocated to investigate and prosecute human trafficking as an organized crime by judges in co-operation with prosecutors, forensics experts, court staff and law enforcement agencies, thus reducing the burden on victims and avoiding their re-victimization. Establishing a specialized prosecution department for THB can assist in this regard.
- When victims' participation in investigations and prosecutions is crucial, it should be encouraged through victim-friendly court procedures, including remote testimony, using the victim's testimony provided during the pre-trial proceedings, funding for travel and other expenses for victims to attend court hearings, closed court hearings and application of security measures. Adoption of effective measures to identify, protect and socially rehabilitate victims of human trafficking, as well as provision of legal, psychological and other assistance to them while the criminal procedure is ongoing, contributes to efficient adjudication in human trafficking cases.
- Judges should be trained on specific elements of human trafficking crime, in particular, irrelevance of consent of the victim in THB cases, including the consent to travel abroad or provide sexual services, and the abuse of the position of vulnerability.
- The gender dimension of the human trafficking should be properly analysed and addressed by national stakeholders, both at policy and practice levels. While continuous attention should be paid to women and girls as a group at higher risk of human trafficking, national anti-trafficking policies should also provide for a comprehensive response to human trafficking and accommodate the needs of men and boys affected by THB. In addition, law enforcement agencies, judicial authorities, social service providers, local authorities and civil society should gather and analyse gender-disaggregated data not only to develop prevention and protection measures for victims and those at risk, but also to understand and respond to gender dynamics among perpetrators of human trafficking.
- Judges and other criminal justice practitioners should be kept abreast of human trafficking developments in a country. The establishment of an independent position of a National Anti-Trafficking Rapporteur and regular reporting provided by this function can inform the anti-trafficking community, including representatives of judiciary.
- Combating human trafficking for exploitative purposes other than sexual exploitation remains a challenge, in particular as relates to forced labour, forced marriage, exploitation in criminal activities, and others. Increasing the consistency of legal provisions by establishing liability for child and forced labour and other forms of human trafficking in line with the provisions of international law should be prioritized.

- Addressing the demand that fosters human trafficking for various exploitative purposes and criminalization of the use of services or labour of THB victims pose substantial challenge and require harmonization of the concepts in international and national law to ensure consistency of interpretation, application, and proper criminal law qualification of such crimes.
- Lack of mechanisms to hold legal entities criminally liable for human trafficking offences should be addressed by extending the grounds and procedure for applying criminal law measures to legal entities in cases of human trafficking.
- Financial investigations² should be used routinely in THB cases to provide sufficient evidence for the courts to apply confiscation measures, to prove the damage caused to the victims as well as to secure assets to compensate them. International and national standards should be developed to ensure uniformity of approaches in establishing a decent level of compensation to victims of this crime. Compensation for non-pecuniary and pecuniary damage caused by the crime should be supplemented by the payment of wages, which the victims were deprived of due to the perpetrators' criminal actions.
- To efficiently ensure compensation for the damage caused to victims of human trafficking, the possibility of initiating a civil lawsuit in a criminal case should be promoted where applicable. Consideration of the civil lawsuit in the criminal proceedings releases victims from the costs associated with filing of the lawsuit or the obligation to prove their claims as well as allows for seizure of the property of the suspect (accused) or a person financially liable for him/her to ensure the execution of the sentence in the civil lawsuit.

Session 2 – Judicial Response to Emerging Human Trafficking Trends

Session 2 was moderated by **Valiant Richey**, OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, with **Nadiya Stefaniv**, Judge of the Supreme Court of Ukraine, **Maria Da Conceição Gomes**, Judge of Superior Court (Portugal), **Laura Agybaeva**, Judge of the Supreme Court of the Republic of Kazakhstan, **Xavier Laurent**, Deputy Public Prosecutor, Lille Organized Crime Interregional Court (France), and **Alessandro Sutura Sardo**, Deputy Prosecutor, Legal Adviser for the Embassy of Italy in Netherlands featured as session speakers.

The discussions during the second session focused on the challenges posed by globalization, increased mobility, rapid technological development, and prolonged instability in certain parts of the world on human trafficking patterns and the *modus operandi* of traffickers. The speakers highlighted new forms of exploitation of victims recorded in their countries and elaborated on the challenges in proving the crime and detecting the criminals. They also provided a number

² See OSCE/Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, *Following the Money: Compendium of Resources and Synthesized Step-by-Step Guide to Financial Investigations related to Trafficking in Human Beings* (Vienna 2019), <https://www.osce.org/secretariat/438323>

of recommendations in order to inform and equip judges and other criminal justice practitioners for these challenges.

The session presented the following recommendations:

- Technology plays an increasing role in facilitating trafficking in human beings³, including the use of online platforms and social media to recruit and exploit victims, electronic funds transfers, geolocation and other tools which eliminate direct contact between traffickers and victims as well as amongst members of the criminal groups. It is important to raise awareness of judges and other criminal justice practitioners in this regard. Existing training manuals and curricula for judges and other stakeholders should be updated to incorporate technology-facilitated THB, particularly the collection of e-evidence (digital traces like websites and internet browser histories, messengers and software agents, network storages and the contents of computer memory, IP-telephony, electronic money and transaction logs) and its admissibility.
- Trafficking in human beings for exploitation of criminal activities should be understood and criminalized as the exploitation of a person to commit, inter alia, pick-pocketing, shop-lifting, drug trafficking and other similar activities which are subject to penalties and imply financial gain. Such forms of human trafficking, especially, for cultivation and selling of drugs, have become a new trend allowing criminal groups to multiply their proceeds. Comprehensive investigation, prosecution and adjudication of such cases should be ensured, including through the implementation of the non-punishment principle with regard to victims of trafficking.
- Additional attention should be paid to examining the use of reproductive technologies and surrogacy in the human trafficking context. In absence of clear legal provisions, especially at bilateral or multilateral levels, traffickers abuse such programmes, including for child trafficking.
- Criminalizing child trafficking for illegal adoption as well as trafficking in human beings for the purpose of forced begging and forced marriage is also necessary to respond to emerging human trafficking trends.
- While only individual cases of trafficking in human beings for the purpose of organ removal are considered at national level, more States of the OSCE region are reporting such cases which suggests a rising pattern across the region. The developments in biotechnology and transplantation medicine as well as high demand for donor organs require further attention with regard to possible risks of human trafficking as well as enhancement of national and international legislation and criminal justice response.
- Given the complexity and sophisticated, often transnational, character of human trafficking, traditional investigations, with traditional methods of evidence gathering, are insufficient. Judges should encourage investigators and prosecutors to use other mechanisms, including special investigative techniques, to disclose and prove all elements of the human trafficking crime.

³ The presentations and other materials of the 19th Alliance against Trafficking in Persons entitled “Using Technology to Combat Trafficking in Human Beings: Turning a Liability into an Asset” (Vienna, 8-9 April 2019) might provide a useful reference on the subject (<https://www.osce.org/event/alliance19>)

- In addition to being a serious crime on its own, trafficking in human beings is often combined with a number of other crimes, e.g. smuggling of migrants, pimping, money laundering and others. The severity of the sentence imposed by the court in such cases should reflect the gravity of the crimes committed⁴. This will promote social order and demonstrate zero tolerance to human trafficking in modern society.
- It should not be overlooked that Supreme Courts have an important regulatory and guiding role in case law, as well as a guiding role for all judicial courts. Therefore, in matters of law discussion and in cases which present a high degree of complexity, Supreme Courts should be consulted.
- Identification of human trafficking at recruitment and transportation phases when it's difficult to prove the purpose of exploitation poses continuous challenges. While being primarily the responsibility of investigative and prosecutorial authorities, courts can also contribute to the establishment of facts, e.g. by deciding on the need for additional in-depth verification by prosecutors.
- Multi-disciplinary approaches to combating trafficking in human beings at international, national and local levels remains key, especially in times of crisis⁵. Clear policy guidance should be provided to all stakeholders involved in order to minimize possible conflict between the objectives to identify and assist victims of trafficking and security considerations, including maintaining border and migration control.
- Mutual legal assistance and co-operation between countries of origin, transit and destination is crucial and new forms of such co-operation should be encouraged, e.g. bilateral deployment of prosecutors or police liaison officers to assist in investigation of THB cases. Moreover, States should consider establishing regional networks of criminal justice practitioners specialized in combating trafficking in human beings, to share useful information, law enforcement strategies, and to use common databases where possible.

Session 3 – Role of Supreme Courts in Ensuring Effective Application of Human Trafficking Law

Moderated by **Tetiana Rudenko**, Senior Co-ordination Adviser, Office of the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, Session 3 featured presentations from **Oleg Zatelepin**, Judge of the Supreme Court of the Russian Federation, Member of the Judicial Collegium for Criminal Cases, **Biljana Sinanovic**, Judge, Supreme Court of Cassation (Serbia), **Arete Skafida**, Vice Prosecutor, Court of Appeal, Athens

⁴ As outlined in the 2003 OSCE Action Plan to Combat Trafficking in Human Beings, its 2005 and 2013 Addenda as well as a number of Ministerial Council decisions, including Decision No. 1 Enhancing the OSCE's Efforts to Combat Trafficking in Human Beings (2000), Decision No. 15/06 Combating Sexual Exploitation of Children (MC.DEC/15/06) and Decision No. 7/17 Strengthening Efforts to Combat All Forms of Child Trafficking, Including for Sexual Exploitation, as well as other Forms of Sexual Exploitation of Children (MC.DEC/7/17).

⁵ See OSCE/Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, From Reception to Recognition: Identifying and Protecting Human Trafficking Victims in Mixed Migration Flows A Focus on First Identification and Reception Facilities for Refugees and Migrants in the OSCE Region (Vienna 2017), <https://www.osce.org/secretariat/367061> and Uniform Guidelines for the Identification and Referral of Victims of Human Trafficking within the Migrant and Refugee Reception Framework in the OSCE Region (Vienna, 2019), <https://www.osce.org/secretariat/413123>

(Greece), and **Rosalyn Chowdhury**, Solicitor, Judge of the Immigration and Asylum Chamber, (UK).

The session focused on the need for constant professional development of criminal justice practitioners in response to new human trafficking trends and patterns as well as enhancement of international and national legal anti-trafficking frameworks. The speakers agreed that it was of vital importance not only to improve knowledge and skills of each and every legal expert, but also to ensure a coherent approach to the application of the international and national legal norms. Several speakers advocated for publishing an analysis of the jurisprudence that shares the decisions of the Supreme Courts with the judges and prosecutors of the first instance courts as it can clarify the law and the interpretation of THB as well as better harmonize courts' THB decisions. In addition, regular, continuous and sustainable specialized anti-trafficking training for judges was identified as a way to improve consistency in applying anti-trafficking legislation.

The key recommendations of the session include:

- The role of Supreme Courts is key to ensure consistency of judicial practice and correct understanding and interpretation of anti-trafficking legislation by trial and appellate court judges. One of the most promising practices in ensuring consistency of judicial practice in human trafficking cases is a Supreme Court's official clarifications for judges regarding the qualification of a human trafficking crime, judicial procedures for examining evidence, and the approaches to ensuring the constitutional and procedural rights of participants in criminal proceedings, especially minors. These clarifications should be based on the analysis of court practice. Wherever possible, such clarifications should be binding, e.g. when issued as a resolution by the plenum of a Supreme Court.
- When preparing such clarifications, the Supreme Courts should also take in account international law and, to the extent possible, study the court experience of other countries, especially those affected by similar flows and patterns of human trafficking. Different interpretation of international law by States' highest courts poses a risk to efficient judicial co-operation (e.g. it may complicate extradition of persons involved in human trafficking), thus proper attention should be paid to the harmonization of such interpretations among national criminal justice systems.
- Given the complexity of the crime, Supreme Courts should pay particular attention to human trafficking cases when supervising the activities of the lower courts through cassation proceedings and proceedings required by new or newly discovered circumstances.
- Broad dissemination of Supreme Court practice and decisions, including in professional print and online media, e.g. by posting court decisions and quarterly reviews of judicial practice on a Supreme Court website, should be encouraged as it increases the lower courts and other criminal justice practitioners' access to and knowledge of such guidance.
- Supreme Courts have a prominent role in enhancing the judiciary's awareness about trafficking in human beings through continuous education of lower court judges,

including as part of the advanced training courses offered by judicial academies. Current human trafficking trends, challenges related to the adjudication of such cases, and best international and national practices in addressing them should form the core of such training programmes. Continuous attention should be paid to protection of human rights, issues affecting children, and the gender dimension of the crime.

- Provision of independent expert medical evidence in human trafficking cases, produced in accordance with national and international law, assists the courts and should be encouraged by the Supreme Courts. Medical documentation of physical and psychological injuries can help to minimise the risk of re-traumatisation and provide an explanation of difficulties that the victim may face in giving a coherent and consistent account of past events. Medical evidence can identify the relevant safeguards required to meet any individual vulnerabilities that may result in hardships for the victim in the court process. These may include any limitations on the victim's ability to give oral testimony and the specific conditions that can be put in place in order to support them. In addition, medical evidence can serve as additional evidence to consider in evaluating guilt or innocence and as a background for establishing level of compensation to victims of this crime.
- To ensure a victim-centred approach, particularly in transnational cases of human trafficking, Supreme Courts should also encourage the broader use of expert evidence in the course of the trials. For example, country experts can be requested to comment on whether the victim of trafficking's account is plausible in light of their knowledge of that particular country (e.g. the power and reach of the traffickers; whether the victim of trafficking may still be under the control of the traffickers and/or at risk of returning to them and therefore reluctant to provide full disclosure; and the ability and/or willingness of the authorities in the country of origin to provide protection and assistance for victims of trafficking).
- Supreme Courts should consider providing guidance and practice directions with regard to early identification of issues of vulnerability in order to minimise exposure to harm of vulnerable individuals. Where a vulnerable person gives oral evidence, detailed provision should be made to ensure their welfare is protected before and during the hearing. It is necessary to give special consideration to all of the personal circumstances of a vulnerable person in assessing their evidence.
- In human trafficking cases, victims and witnesses may be particularly susceptible to overbearing cross-examination, which risks both unnecessary distress and humiliation of them, worthless answers, or silence. Judges are recommended to use protected questioning techniques as appropriate.
- Special attention should be given to child victims of trafficking⁶ who often have been exposed to traumatic events and multiple forms of maltreatment which can include physical, emotional and sexual abuse. It should be additionally considered that at crucial stages of their development, or throughout their lives, children might have lacked appropriate caregivers or a stable home, and adults with a duty of care to a child

⁶ See OSCE/Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, *Child Trafficking and Child Protection: Ensuring that Child Protection Mechanisms Protect the Rights and Meet the Needs of Child Victims of Human Trafficking* (Vienna, 2018), <https://www.osce.org/secretariat/405095>

might become perpetrators who abuse and exploit them. In this regard, courts should consider that the child's ability to form trusting and healthy relationships could be fundamentally damaged and they may find it extremely difficult to trust any adults.

Session 4 – Enhancing International Judicial Co-operation to Combat Trafficking in Human Beings

Session 4 was moderated by **Uigun Nigmatdzhonov**, Deputy Head of the Academy of the General Prosecutor's Office of the Republic of Uzbekistan, with **Anita Pojakova**, Judge of the Department of Criminal Cases of the Supreme Court of Latvia, **Lepes Temirbekov**, Judge of the Supreme Court of the Kyrgyz Republic, **Ashot Khachatryan**, Judge, Constitutional Court of the Republic of Armenia, and **Ganna Yudkivska**, Judge of the European Court of Human Rights (ECHR), Section President in 2017-2019, featured as session speakers.

As many human trafficking cases have transnational dimensions, with victims recruited in one country, transported through another and exploited in a third country, while traffickers launder their criminal proceeds in other countries, responses to such cases require well-established channels for judicial co-operation. The session, therefore, deliberated on the ways to enhance international judicial and law enforcement co-operation and co-ordination as a key element for consistent application of legal principles as well as comprehensive preservation of victims' rights. The speakers highlighted the positive practices and mechanisms of stimulating these types of transnational partnerships.

The key recommendations of the session include:

- It is critical that all States continue to work closely and engage in the exchange of information and best practices, make better and more efficient use of technology, databases and information in order to ensure co-ordinated efforts against human trafficking.
- Courts have a key role in establishing the guilt of and punishment for a trafficker, protecting and restoring the rights of a victim, identifying the causes and conditions conducive to committing of the crime and responding to them with specific decisions. Therefore, regular exchange of views and best practices on combating human trafficking amongst the high-level representatives of judiciary of the participating States should be established to assist in more efficient operation of national legal systems, developing common approaches to understanding the criminal elements of human trafficking and enhancing the practice of criminal justice response.
- Countries should enhance the application of international legal instruments aiding in combating trafficking in human beings and facilitating international judicial co-operation in such cases, including: the UN Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children; International Labour Organisation Forced Labour and Worst Forms of Child Labour Conventions; Council of Europe Convention on Action against Trafficking in Human Beings, European Convention on Mutual Assistance in Criminal Matters and its Additional Protocols; respective

Recommendations by the Committee of Ministers and PACE; the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union; and Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims.

- The use of existing judicial networks, e.g. European Judicial Network (EJN)⁷, should be considered for the facilitation of judicial co-operation in criminal matters related to trafficking in human beings. Composed by practitioners designated by a State's central authorities in charge of international judicial co-operation, such networks can assist with establishing direct contacts between competent authorities, providing legal and practical information necessary to prepare an effective request for judicial co-operation or to improve judicial co-operation in general, and organising training sessions on judicial co-operation.
- Adoption of mutual legal assistance agreements and other arrangements with States of concern for human trafficking should be encouraged to ensure proper jurisdiction over the alleged offences committed abroad and joint efforts to prevent trafficking in human beings and protect the rights and dignity of the victims.
- While instruments of international organizations, interstate and intergovernmental treaties and domestic legislation provide for international legal assistance in criminal and civil matters, States mostly interact through central authorities, namely the Prosecutor General's Office in the process of criminal investigation and the Ministry of Justice in relation to court decisions. However, this can significantly slow down the process of enforcing international investigative and court requests. To respond to this challenge, the Supreme Courts might consider playing a more proactive role in co-ordinating the activities of the judiciary in providing interstate legal assistance.
- To ensure that mutual legal assistance is afforded to the fullest extent possible, the international community should study the possibility to introduce simplified mutual legal assistance procedures permitting not only central, but also local level agencies of a requesting State, to directly approach relevant-level authorities in a requested State with certain types of requests.
- Exchange of experience when judges have the opportunity to visit their counterparts in other States and familiarize themselves with the practices of human trafficking case examination should be further encouraged to enhance subsequent implementation of the good practices.
- The use of plea bargaining or co-operation agreement instrument in human trafficking cases should be further examined at the national and international level with a view to increase the efficiency of investigative and prosecutorial efforts, including in identification of accomplices and dismantling human trafficking networks, while securing the rights of the victims.
- Despite the existence of a number of international legally binding documents aimed at combating trafficking in human beings for the purpose of organ removal and trafficking in human organs, the necessity for a universal act that addresses all aspects of these criminal actions was articulated. As States face continuous challenges related

⁷ https://www.ejn-crimjust.europa.eu/ejn/EJN_Home.aspx

to identification and prosecution of trafficking in human beings for the purpose of organ removal, further efforts of the international community are needed to develop proper mechanisms and provide comprehensive guidance on combating this type of crime to ensure international law and order and protect the rights and interests of victims.

Closing Remarks

Ikrom Muslimov, Deputy Chairman, Supreme Court of the Republic of Uzbekistan, **Valiant Richey**, OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, and **Ambassador John MacGregor**, OSCE Project Co-ordinator in Uzbekistan delivered the conference closing remarks.

In conclusion of the conference deliberations, the speakers reiterated their gratitude towards the hosts and co-organizers of the event as well as the conference speakers and participants. The two-day discussion proved the need for continuous international exchange on trafficking in human beings amongst the high-level representatives of the judiciary from the OSCE participating States and SCO Member States. The OSCE and its Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings would continue working tirelessly with the OSCE participating States, and the OSCE Partners for Co-operation to strengthen synergies towards a harmonized criminal justice anti-trafficking response in the region. To pursue this goal, the OSR/CTHB would focus its 2020 efforts on enhancing prosecution of human trafficking and devote its annual high-level Alliance against Trafficking in Persons Conference to this topic. Finally, the participants were encouraged to contribute to the expert meeting on trafficking in human beings for the purpose of organ removal which would be organized by the OSR/CTHB in 2020.