

**Alliance Against Trafficking In Persons:
National Monitoring and Report Mechanism to Address THB:
The Role of National Rapporteurs**

Organization for Security and Co-operation in Europe
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Dear Madams, dear Sirs!

Thank you very much for the invitation to take part in this important meeting and share with you some ideas and experience in the area of coordination, monitoring, reporting to address TIHB in Ukraine.

I am speaking both on behalf of La Strada which is leading Ukrainian NGO in this area and the Committee on Legislative Provision of the Law-Enforcement Activity, which is responsible for developing legal framework combating with TIHB and implementing parliamentary control in this area.

Monitoring is an integral part of any state policy. Especially it concerns TIHB as the latest researches, conducted by international organizations and NGOs, as well as analysis of practical experience show us tendency to increase number of trafficking cases, new tendencies, new forms of trafficking, increasing internal TIHB, especially men and children.

If to speak about Ukraine, I have to mention that there is neither National Coordinator office nor National Rapporteur in our country, even in situation of support the idea of creation this institutions by OSCE, others IO and NGOs.

Coordination without Coordinator, reporting without Rapporteur. But it is not only Ukrainian situation. And it does not mean that there is no any coordination or monitoring system in our country.

So, Ukraine was the first post-soviet country which

- included and adopted special article against TIHB in the Criminal Code in 1998;
- adopted the first National Action Plan on Prevention of Trafficking in Women and Children in 1999;
- created special divisions within Ministry of Interior combating the crimes related to TIHB in 2000;
- created the Intergovernmental Task Force Group (Council) in 2002.

I can continue this list but it is not my task here. As a person actively involved in anti-trafficking activity both at national and international levels since 1995, I worry very much about the stable developing and keeping these achievements at the moment.

So, the third NAP for the period till 2010 was adopted by the Cabinet of Ministry of Ukraine only in March, 2007. State program was absent during the whole 2006. There is no state report for 2006. We have a lot of new people both at the national and local (oblast) level in the governmental bodies, who know nothing about the problem. According to my strong opinion if we had a National Coordinator such situation would be impossible.

We of course can criticize this program as very poor and partly formal. But on the other hand, implementation of all paragraphs is important and difficult task for Ukrainian Government.

What we have in this program about monitoring and reporting process?

P.2 To monitor national legislative acts in order to establish if they are in line with norms of international law on combating trafficking in human beings, and submit timely proposals to the Cabinet of Ministers of Ukraine regarding amendments to them.

*Ministry for Family, Youth and Sports,
Ministry of Justice, Ministry of Internal
Affairs, Ministry of Foreign Affairs,
Ministry of Labour, Ministry of Education
and Science, Ministry of Health Care,
along with non-governmental and
international organizations.*

2007-2010

P. 4 To hear information, once in six months, from heads of central bodies of executive power engaged in anti-trafficking activities about the progress in the implementation of the State Programme on Combating Trafficking in Human Beings for the period until 2010 in order to assess its efficiency.

*Inter-agency Coordination Council on
Combating Trafficking in Human Beings.*

2007-2010

p.5 To organize annual regional and inter-agency meetings/seminars to coordinate the efforts, analyze and modify/specify the strategy to prevent human trafficking and fight against it.

Ministry for Family, Youth and Sports, Ministry of Internal Affairs, Ministry of Foreign Affairs, Ministry of Education and Science, Ministry of Justice, Ukraine's Security Service, Ministry of Labour, Ministry of Transport and Communication, State Committee on TV/Radio, State Border Service Administration, State Committee on Nationalities and Religious Affairs, State Committee on Entrepreneurship, Council of Ministers of the Autonomous Republic of Crimea, oblast state administrations, Kyiv and Sevastopol City State Administrations.

2007-2010

This program is available in English at La Strada-Ukraine web-site.

As we see from the Program, the responsible agencies for monitoring and coordination are the Ministry on Family, Youth and Sport Affairs and Inter-Agency Coordination Council on combating TIHB, which does not exist now.

In such situation we of course support idea of creation special independent office of National Coordinator and National Rapporteur in Ukraine.

A lot of preparative work was done during 2005 in cooperation with OSCE. And Ukraine as OSCE member state is obliged to implement OSCE action plan combating with TIHB and establish independent office of National Coordinator.

Unfortunately during the passing from the draft version to the approved state document a lot of positions were "lost", including the paragraph about creation of the National Coordinator's office.

I have to mention, that Program draft was developed with support and participation of different IOs and NGOs like OSCE, ILO, ICMPD, La Strada – Ukraine in cooperation with representatives from different governmental institutions.

But it is really very important to have political will!

I also would like to stress that a very important role plays the Council of Europe Convention on Action against Trafficking in Human Beings which also obliges countries which ratified it to develop monitoring mechanisms. Ukraine signed this Convention and at the moment is in the process of preparation for its ratification.

Some words about monitoring and reporting.

Mohamed Mattar already has mentioned importance of international instruments like CEDAW, CCR, etc. I would like to add ILO Conventions against forced labor, Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography.

Ukraine as other countries – members of the Conventions prepares regularly states reports which are crucial part of the monitoring process.

And in connection with this I would like to continue the topic of NGOs participation in such reporting and monitoring process.

As TIHB is a crime and strong violation of human rights, I consider, we should not forget about opportunities and possibilities of Ombudspersons structures, which exist in majority of countries of OSCE region and have special human rights violation monitoring procedure and reporting.

As for me, it is not only a question of using NGOs data or information but also a question of possibility and readiness of NGOs for preparation shadow reports, which should be taken into consideration by both governmental structures and IOs.

Some examples.

Ukrainian NGOs have good experience in this area:

- CEDAW – 2002
- Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography – 2006
- Reports of the Ukrainian Helsinki Human's Rights Group on Violation Human's Rights (2004, 2005, 2006) with special chapter about TIHB, which have been prepared by La Strada – Ukraine.
- 2007 – Shadow report on UN Convention against Torture.

As a panel's discussant, I have questions to my colleagues.

- Do you have experience in your countries with shadow reports of NGOs on TIHB?

- What is your opinion about effectiveness of such activity?

To my mind, it is really very important to develop this system both at national and international (regional) level. And I see a very important role of OSCE in this process.