

## **In line with the EU ANTI-TRAFFICKING DAY 18 OCTOBER**

### **Alliance Statement on National Rapporteur or Equivalent Mechanism**

Presented by the OSCE Special Representative for Combating Trafficking in Human Beings (SR) on behalf of the Alliance Expert Coordination Team (AECT), 16 October 2008

#### **Background**

The Alliance Expert Co-ordination Team (AECT) believes that the establishment of national rapporteurs or equivalent mechanisms throughout the European Union and beyond will contribute towards better knowledge and understanding of trafficking in human beings (THB) based on concrete information. The AECT is convinced that this mechanism is an essential instrument which also can contribute towards a comprehensive and sustainable policy against THB based on reliable information. Moreover, implementation of such a concrete instrument at national level is devoted to strengthen the message that first and foremost the responsibility of addressing THB rests in the hands of governments.

We have seen that the lack of reliable data and analysis of information at national and international level on THB has been pointed out in a number of national and international forums as the on-going challenge hindering significant progress towards addressing this crime, in particular, to cite a few: the need for further information concerning changing patterns of trafficking; the complex relationships between traffickers and victims; the background/root factors of trafficking and trafficked persons in order to take adequate prevention measures; child trafficking and the discrepancies between reported numbers of victims and the numbers of victims assisted by relevant stakeholders. Systematic information and analysis would have a direct effect on the effectiveness of measures and responses developed at national and international levels. A National Reporting Mechanism, or an equivalent, would also provide the opportunity to better evaluate responses and monitor concrete results and progress achieved so far. Furthermore, this national mechanism can also contribute towards better regional and international co-operation among similar counterparts since information can be a means of creating a better basis for drawing up policy and developing appropriate action at all levels, from national, regional to international.

The AECT acknowledges that countries are at different stages in the process of creating anti-trafficking mechanisms, and have different constraints, including that of human and financial resources. However, the importance of fulfilling the functions of a national rapporteur or an equivalent mechanism is not about the fulfillment of another anti-trafficking structure, but rather about reporting, reviewing, measuring progress made at national level based on assessment and evaluation, as well as making recommendations in order to address the knowledge gap.

Reaffirming our determination to support and assist States in addressing THB, the AECT recalls and welcomes a number of commitments undertaken by governments, along with recommendations made in relation to the national monitoring and reporting mechanism starting with the **Hague Ministerial Declaration** in 1997 to the recent deliberations from the OSCE “Follow-up Technical Seminar to the 6<sup>th</sup>

*Alliance Against Trafficking in Persons Conference on National Rapporteurs and Equivalent Mechanisms*” 2008<sup>1</sup>.

In general, the recommendations made to such a mechanism aimed at: (1) identification of the scale of the problem; (2) encouraging the exchange of information among counterparts at international level; (3) calling upon the mechanism to draw up annual reports for government discussion at national level with a view to developing appropriate policies (e.g., Parliamentary debate); and (4) encouraging research in order to better understand and address this phenomenon.

When analyzing the existing practices among a number of States, including members of the European Union, regarding national rapporteurs or equivalent mechanisms, one can confirm the advantages of such a function by having better conceptualization of trends, efforts and responses at State level in relation to THB, including the significant impact on national policies and legislation.

Based on existing experiences and with a view to improve the national and regional understanding of THB aimed at sustainable policies in the European Union and beyond, the AECT calls upon States to consider establishing or strengthening national monitoring and reporting mechanisms, by taking into consideration, in particular the concluding remarks and recommendations from the 2007 **6<sup>th</sup> Alliance Against Trafficking in Persons Conference “National Monitoring and Reporting Mechanism to Address THB: the Role of National Rapporteurs”** and more, as follows:

1. States should consider that national reports focus to the extent possible on all forms of trafficking (trafficking for sexual exploitation, for labour exploitation, organized begging, multiple exploitation and for the removal of organs) in accordance with Article 3 of the UN Protocol, thus ensuring a comprehensive coverage of the problem;
2. States should ensure independency of National Rapporteurs and equivalent mechanisms, appropriate jurisdiction including access to all existing information and allocation of resources in order to allow these mechanisms to fulfill their mandate(s) and achieve the results expected;
3. States should ensure that National Rapporteurs or equivalent mechanisms are responsible for the gathering and analysis of data (qualitative and quantitative information) on the broader issues

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<sup>1</sup> The **Hague Ministerial Declaration**, 1997, the first international document which recommends EU Member States to establish a national reporting mechanism, giving birth to the concept of the National Rapporteur; followed by the **Council of Europe Parliamentary Assembly**, Recommendation 1545 urging the governments of Member States “to appoint a national rapporteur on trafficking in human beings in each country affected by this problem”, while encouraging “national and international research into the problem...in order to better understand and fight this phenomenon”, 2002; the **Council of the European Union**, Council Resolution on THB which calls on Member States “to take into account the Hague Ministerial Declaration 1997 which invites Member States to provide or explore the possibilities for the appointment of National Rapporteur” 2003; the **OSCE Action Plan, the OSCE Maastricht Ministerial Council Decision 2/03**, which recommends that participating States: “Consider appointing National Rapporteurs or other mechanisms for monitoring the anti-trafficking activities of State institutions and the implementation of national legislation requirements”; the recommendation from the **EU Expert Group** to the EU Member States stating that “ National Rapporteur or a comparable mechanism should be established in order to systematically collect and analyse information from different sources and actors”, 2005; the importance of empirical evidence is underscored in the **EU Plan on Best Practices, Standards and Procedures for Combating and Preventing Trafficking in Human Beings** , 2005; The **OSCE Brussels Ministerial Decision No.14/06** further underscores the importance of a national self-reporting mechanism and recommends, again, that States “consider appointing National Rapporteurs or similar independent monitoring mechanisms”; and the results from the **OSCE 6<sup>th</sup> Alliance Against Trafficking in Persons Conference “National Monitoring and Reporting Mechanism to Address THB: the Role of National Rapporteurs”**, 2007;

related to trafficking in persons in the context of the ‘three Ps’ (prevention, protection and prosecution), including addressing measures taken to protect victims.

4. States should guarantee that the national report does not lose sight of the importance of issues related to identification, treatment and assistance of victims of trafficking, consequently the ‘voice’ and concerns of trafficked persons should be reflected in the report as part of a victim-centred approach;
5. States should enable National Rapporteurs or equivalent mechanisms to submit, on a regular basis, preferably once a year, a report to the respective legislative bodies (i.e., national parliament, senate, etc) and/or ministerial task forces or other co-ordinating inter-agency bodies in the country for discussion. The annual report should be made public and accessible to the society;
6. National Rapporteurs or the equivalent mechanism should consult with stakeholders at large, including civil society and experts, as well as include their contributions to the national report whenever relevant. Data collection should be done in a manner which protects the integrity of trafficked persons, and research must be an integral part, including gathering and analysis of information on important trends;
7. National Rapporteurs or the equivalent mechanisms can also contribute to gather and disseminate information on THB by being appointed as a national focal point (i.e., response to questionnaires, information to the public and academia, etc);
8. National reports produced by a National Rapporteur or an equivalent mechanism should include a review, assessment and evaluation of government measures to combat THB, as well as document the scope of the problem on the basis of both quantitative and qualitative analysis of information, including disaggregated data about child trafficking. Such national reports can be used to evaluate and review the information reported, identify gaps, make reference to shortcomings and potential areas of improvement, as well as having the “added value” of measuring progress made based on the assessment and evaluation of previous reports;
9. Making recommendations to areas where improvement or amendments are needed is an integral part of the national report and of the work of the National Rapporteur or an equivalent mechanism. Recommendations can also be addressed to NGOs and the general public, private sector, media and other actors whenever relevant to the issue at large;
10. Recommendations made by the national monitoring and reporting mechanism should also cover other aspects of relevant national policy which have an impact on THB. For example, in the field of prevention: recommendations on policy issues related to development assistance, migration policy, gender equality, child protection, social protection and factors influencing the demand of exploitation may be pertinent vis-à-vis the national context. National Rapporteurs or an equivalent mechanism should not shy away from making broader recommendations regarding strategies in the field of prevention, which would include the identification of factors of vulnerability which contribute to THB (e.g., lack of protection for children at risk, such as unaccompanied minors, discrimination against minority groups, etc).

On behalf of the AECT: OSCE/ODHIR, UNICEF, UNIFEM, ICMPD, IOM, ILO, Interpol, Dutch National Rapporteur, Nexus Institute, Anti-Slavery International, ECPAT, La Strada International, Terre des Hommes International Federation, and Save the Children. The International Federation of Red Cross and Red Crescent Societies, also a member of AECT, is not in a position formally to support the statement, but fully supports its objectives.