



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

EFFORTS TO COMBAT TRAFFICKING IN HUMAN BEINGS IN THE OSCE AREA: CO-ORDINATION AND REPORTING MECHANISMS

2008 Annual Report of the OSCE Special Representative
and Co-ordinator for Combating Trafficking in Human Beings
presented at the Permanent Council Meeting, 13 November 2008

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FOREWORD

Let me start this 2008 Report by expressing my sincere and deep gratitude to the delegations of the OSCE participating States for their strong support and responsiveness, without which this analytical document could not have been written and published. The Report is the result of joint efforts carried out both in the capitals of the participating States and also here in Vienna, and I gladly acknowledge the responsible approach and contributions of the Governments and delegations of the participating States that provided official information in response to our Questionnaire on anti-trafficking efforts at the national level. We hope that the Report will prove to be a valuable and reliable resource in your capitals, as the information compiled and analysed here is a significant manifestation of our common achievements, and the Report itself has been consciously designed to serve as a solid foundation for conclusions and recommendations.

For their constant support and encouragement in my work, I would also like to offer my cordial thanks to the Finnish OSCE Chairmanship, the Secretary General, the OSCE executive structures, most notably the ODIHR and the field operations, and the members of the *Alliance against Trafficking in Persons*. In particular, I wish to extend my thanks to all the dedicated and highly professional staff and interns in my Office, who have worked tirelessly to provide assistance to the participating States and to myself as the Special Representative, thus enabling this important task to be accomplished in the best possible way.

With the *Platform for Action* elaborated by the Office of the Special Representative in 2007 as our agenda to move forward, and in full compliance with the Brussels Ministerial Decision of 2006 tasking the Special Representative with reporting on achievements in the OSCE area, the Office has collected valuable data on the anti-trafficking structures established in the participating States. These structures constitute the basis for a co-ordinated State response to trafficking in human beings (THB) – a crime that entails serious violations of human rights, undermines human values, and threatens human development throughout the OSCE area.

There is no doubt that the anti-trafficking response does have to be co-ordinated – and for this reason, we call for the appointment of National Co-ordinators and the establishment of interagency co-ordinating bodies, not just as yet another traditional bureaucratic measure, but as a driving force to implement this particular responsibility of any State concerned to face the threat of organized crime and wishing to protect the rule of law.

The response also has to be strategically planned and adequately State-funded – and for this reason, we give our full recognition to the value of National Action Plans, which permit countries to overcome the fragmentation of State efforts and contribute to engaging governmental structures and civil society in the fight against THB, for the protection and promotion of the human rights and fundamental freedoms of all.

Last but not least, in order to promote the national ownership, synergy and effectiveness of anti-trafficking responses, the effectiveness of State responses has to be assessed on the basis of research and detailed analysis of the general situation and the impact of efforts undertaken – and for this reason, we advocate and promote the establishment of a National Rapporteur or an equivalent monitoring and reporting mechanism as a tool that has already proven its validity in a considerable number of the OSCE participating States. We commend the States in question for adopting this approach and call on others to follow them in implementing this important anti-trafficking mechanism.

As is clear from the Report, especially if one compares the present THB situation with the situation at the beginning of the Millennium, much has already been accomplished by the Governments of the participating States supported by civil society and in co-operation with the international community. Nevertheless, the pace of this anti-trafficking movement is still insufficient. We are all still confronted by major challenges. There is no clear indication of a decline in THB. On the contrary, this extremely profitable criminal business is taking on new and sophisticated forms and is flourishing amidst the hardship of the least protected and vulnerable women, men and children – enslaved and severely exploited all over the world. Empirical evidence shows that only a small proportion of the total number of persons trafficked are identified, adequately assisted or compensated for what they have suffered. There are hundreds and hundreds of thousands of victims of THB, and yet only a few criminals are brought to justice – only a few members of the whole global criminal network.

We all have to step up our activities, build sufficient capacity, and budget more adequate resources to bring about more efficient and effective implementation of our international obligations and of the commitments and recommendations of the OSCE. Through advocacy and in our dialogue with representatives of the participating States, whether government members, parliamentarians, NGOs, the media, and/or other stakeholders, we consistently repeat this message, which certainly elicits considerable interest, advice and bilateral dialogue. The OSCE-led *Alliance* conferences focus on the highest-priority THB trends and issues and are a true example of the kind of dialogue that effectively involves not only all the participating States and Partners for Co-operation but also all the main international organizations. Holding these forums for exchange of experience and good practices is not merely a means of fulfilling a task given to us by the OSCE Ministerial Decisions: supported by extremely positive feedback from so many participants, the forums constitute a powerful asset to us all in our common mission.

At the same time, I also have one particular deep and well-founded concern to share with you. From time to time we receive disturbing signals of reluctance to contribute to upgrading our multilateral efforts in order to deal successfully with the challenges of THB. Let me reaffirm that each and every one of the OSCE commitments has been developed as a response to new empirical knowledge of the THB phenomenon – each commitment has added substance to the body of advanced political tools constituting an invaluable segment of the universal framework of legal instruments and political obligations. This coherence in our increasing responses to the new risks and challenges should be maintained until we reach the crucial turning point in our efforts to eradicate THB. Otherwise we will find ourselves lagging behind our ambitious and noble mission. And this we cannot afford to do. I sincerely believe that our 2008 Report will serve as a valuable food-for-thought document to help us reconsider and strengthen our common multilateral approach to the fight against a form of crime that shames us all.



Eva Biaudet
OSCE Special Representative and Co-ordinator
for Combating Trafficking in Human Beings

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The Office of the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings (OSR) wishes to acknowledge the support and contributions of the Governments and delegations of OSCE participating States and Partners for Co-operation that responded to the anti-trafficking survey conducted by the OSR in 2007. Their responses form the basis for the Report.

The OSR would also like to thank the 2008 OSCE Chairmanship (Finland), the Secretary General, the OSCE executive structures, the ODIHR, and the OSCE field operations for their support and contributions to the Report.

The OSR wishes to extend its particular thanks to the team of highly dedicated professionals and experts who developed the Report:

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The OSR also wishes to thank John Nicholson for editing the Report.

The report is being published and printed with the financial support of the delegation of Iceland to the OSCE, to which the OSR offers its sincere thanks.

ACRONYMS and ABBREVIATIONS

ARIAT	Asian Regional Initiative against Trafficking
ATAU	Anti-Trafficking Assistance Unit
EU	European Union
IO	international organization
MoU	Memorandum of Understanding
NGO	non-governmental organization
NAP	National Action Plan
NCM	National Co-ordination Mechanism
NRM	National Referral Mechanism
ODIHR	Office for Democratic Institutions and Human Rights
OSCE	Organization for Security and Co-operation in Europe
OSR (or OSR CTHB)	Office of the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings
SEE	South East Europe
SPTF	Stability Pact Task Force on Trafficking in Human Beings
SR	OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings
THB	trafficking in human beings

EXECUTIVE SUMMARY

This is the third Annual Report produced by the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings according to the requirements of OSCE Ministerial Council Decision No. 13/05 on Combating Trafficking in Human Beings.

The Report covers the work of the Special Representative (SR) between January and October 2007; its content is based on responses by the participating States to a survey questionnaire distributed by the SR in July 2007. It considers: 1) National Co-ordination Mechanisms (NCMs); 2) National Action Plans (NAPs); and 3) National Rapporteurs or equivalent mechanisms. These three elements constitute the core co-ordinating tools used by participating States to plan, organize and implement measures to combat trafficking in human beings (THB).

The preparation of the Report is a core component of the SR's efforts to strengthen ownership and action at the national level in anti-trafficking strategies and policies through an open dialogue with national authorities. In this regard, and in line with the recommendations of the OSCE Action Plan to Combat Trafficking in Human Beings, co-ordination mechanisms are a priority area of work with the participating States, since they not only help to focus Governments' attention and resources on the problem, but also promote the development of practical and timely responses that are adequately co-ordinated and budgeted.

The SR received forty responses from OSCE participating States and four from OSCE Partners for Co-operation. The survey was designed to review in greater detail the progress made in the OSCE area towards the implementation of agreed commitments to establish National Co-ordination Mechanisms, National Action Plans, and National Rapporteurs or equivalent mechanisms. The scope of the report does not include evaluation of the quality of individual participating States' implementation of these mechanisms.

SUMMARY OF CONTENTS

International Framework for Co-ordinating and Reporting on Efforts to Combat Human Trafficking (Chapter 1)

Numerous international instruments stress the importance of co-ordination and co-operation to a country's ability to effectively combat THB. Among these instruments are the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children ("Palermo Protocol" or "UN Trafficking Protocol"), supplementing the United Nations Convention against Transnational Organized Crime; the Council of Europe Convention on Action against Trafficking in Human Beings (the "Council of Europe Convention"); the EU Action Plan on best practices, standards and procedures for combating and preventing trafficking in human beings ("EU Action Plan"); and the OSCE's political commitments, including those reflected in the OSCE Action Plan to Combat Trafficking in Human Beings adopted in 2003, and others subsequently adopted up until the 2007 survey on which the present report is based.

National Co-ordination Mechanisms (Chapter 2)

Structure

The responses to the SR's questionnaire revealed several variations in the structures of National Co-ordination Mechanisms (NCMs) being utilized by the participating States and Partners for Co-operation. Of the States with an NCM, 48.7 per cent indicated that they had a national working group, commission or task force, while 46.2 per cent stated that they had both a national working group, commission or task force and also a national co-ordinator. It was not possible, however, to disaggregate from the participating States' responses the percentage that had made the national co-ordinator a dedicated position, and 5.1 per cent indicated that the composition of their mechanism was "other".

Participation of civil society

Over half (61.5 per cent) of the responding participating States and Partners for Co-operation with NCMs answered that civil society played a role of some kind in national co-ordination. Some included civil society actors as members of their NCM, while others had established formalized and co-ordinated consultative relationships. (This is in line with the OSCE commitments that recommend participating States to establish a National Referral Mechanism or NRM, by creating a co-operative framework within which participating States fulfil their obligations to protect and promote the human rights of the victims of trafficking in co-ordination and strategic partnership with civil society and other actors working in this field.¹ There is a recent trend, led in part by the ODIHR and the OSR, to formally organize working relationships between government officials and NGO service-providers in systems referred to as National Referral Mechanisms. However, it should be noted that the topic of NRMs was not included in the questionnaire.) Of the responding participating States and Partners for Co-operation, 30.8 per cent indicated that they did not involve civil society in their NCM, although some States utilized other means, not fully examined by the questionnaire, of soliciting input from and participation by NGOs.

Leadership of National Co-ordination Mechanisms

The responses showed that most NCMs were directed from within Ministries that have a law enforcement or immigration management perspective, either the Ministry of the Interior or the Ministry of Justice. Only in a few participating States did Ministries with primarily a victim-centred perspective direct the co-ordination of anti-trafficking work.

Budget and resources

Of the responding participating States and Partners for Co-operation with NCMs, 66.7 per cent indicated that their work was inhibited by lack of resources. Many co-ordination mechanisms have little or no budget available to support the work to combat THB.

National Action Plans (Chapter 3)

Purpose

National Action Plans (NAPs) are used to plan a country's actions against THB in a systematic, organized and co-ordinated way. They link a country's framework of operational activities – its programmes and other measures – to its strategic vision. The NAP is the blueprint for how, when and by whom strategic and operational activities are to be accomplished. While the majority of the participating States and Partners for Co-operation (53.7 per cent) reported that they had an NAP or a similarly co-ordinated policy, more than ten per cent of the respondents, some very active in anti-trafficking activities, did not have a formal action plan of this kind.

Scope of NAPs

Nearly all participating States and Partners for Co-operation that have a formal NAP indicated that their national policy response addressed the whole range of categories specified by the questionnaire: legislative reform, prevention, protection and assistance, law enforcement and prosecution, international co-operation, and the roles and responsibilities of a variety of stakeholders.

Accountability

Many participating States and Partners for Co-operation identified governmental actors responsible for implementing elements of their NAPs in order to promote accountability. The majority of States with an NAP indicated that their NAPs contained an implementation timeline to keep progress in combating THB on track.

¹ OSCE Action Plan, Chapter V, paragraph 3.1.

Budgets

Many participating States and Partners for Co-operation identified limitations upon resources, both budgetary and human, as being a significant challenge to implementing their NAP. This represents a considerable disadvantage for these mechanisms to overcome if they are expected to co-ordinate efforts to combat THB in an effective manner.

National Rapporteurs or equivalent mechanisms (Chapter 4)

Purpose

National Rapporteurs or equivalent mechanisms should be instrumental in aiding the States to produce, analyse, utilize and report on quantitative and qualitative data needed to improve anti-trafficking efforts. Of the responding participating States and Partners for Co-operation, 38.8 per cent indicated that they had a National Rapporteur or equivalent mechanism, while 23.9 per cent reported that they did not.

Uses for the report of a National Rapporteur or equivalent mechanism

The participating States and Partners for Co-operation that have established a National Rapporteur or equivalent mechanism pointed to their use of the resulting report(s) for reform of governmental policies and practices, in particular as evidence of success. The resulting reports are being used to improve future legislation, policies and programmes. They also are used to raise awareness of the problem amongst decision-makers and the general public.

Budget

The responses to the questionnaire revealed that a relatively small proportion of the reporting mechanisms had allocated budgets designated for their preparation (30.8 per cent), while the majority did not (61.5 per cent).

Recommendations (Chapter 5)

On the basis of the responses of the participating States, a number of recommendations are made for consideration by the participating States, working in partnership with the SR, for improving the capacity of National Co-ordination Mechanisms, National Action Plans and National Rapporteurs or equivalent mechanisms. Among the key recommendations are:

- Co-ordination activities and mechanisms that are currently unfunded by many participating States should be appropriately resourced, both in terms of budgets and of human resources.
- Participating States should ensure that their NCMs have and use the mandate and authority to co-ordinate anti-trafficking portfolios that comply in full with the participating States' obligations to address all, not part, of the range of manifestations of THB consistent with the Palermo Protocol (and other international instruments), and reflects a human rights and gender-sensitive approach both *de jure* and *de facto*.
- Participating States should ensure that NCMs implement a human rights-, child rights-, and victim-centred approach, as well as a law enforcement or migration management perspective in anti-trafficking efforts.
- Participating States should continue to encourage and facilitate the participation and input of NGOs and other members of civil society in the work of their NCMs and National Rapporteurs or equivalent mechanisms, and in the development of NAPs.
- In the context of NCMs, participating States should consider how they make use of improving research on anti-trafficking to inform their decisions about policy and practice in their own country.

- NAPs and the work of NCMs should reflect planning for co-ordination and/or co-operation at all levels of government in the participating States.
- Planning should include measures addressing the unique needs of child victims of trafficking.
- National Rapporteurs or equivalent mechanisms should exchange best practices as well as comparing and examining findings together for insights that will assist in transnational collaboration and co-ordination efforts.

Annexes

A number of annexes complement the Report, offering, amongst other things: highlights of the 2007 OSCE Field Operations Survey on National Co-ordination Mechanisms, National Action Plans, and National Rapporteurs or equivalent mechanisms; an analysis and brief overview by the ODIHR on its activities and achievements in 2007 and 2008 relevant to the theme of the report; and a summary of the main activities of the OSR in 2008.

INTRODUCTION

BACKGROUND

For a number of years, the OSCE participating States, with the assistance of the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings (SR) and other executive structures, have emphasized that effective co-ordination is essential if States are to advance common responsibilities, objectives and actions in their efforts to combat THB.

The main goal of co-ordination is to identify, marshal, mobilize and organize the wide-ranging efforts of any given country in a coherent way, and thereby to produce the most effective and appropriate anti-trafficking results possible. The frequent activities and multiple structures – conferences, meetings, mechanisms and the like – that are justified in the name of fostering co-ordination are only a means to this end.

As presented in Chapter 1 below, the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (“Palermo Protocol” and “United Nations Convention”)², the Council of Europe Convention on Action against Trafficking in Human Beings (“Council of Europe Convention”)³, and other international standards uniformly urge countries to strengthen co-ordination and collaboration in their anti-trafficking efforts (both domestic and international). Furthermore, the OSCE Action Plan to Combat Trafficking in Human Beings (“OSCE Action Plan”)⁴ recommends the participating States:

1. To consider appointing National Rapporteurs or other mechanisms for monitoring the anti-trafficking activities of State institutions and the implementation of national legislation requirements. **and**
2. To consider establishing Anti-Trafficking Commissions (task forces) or similar bodies responsible for co-ordinating activities within a country among State agencies and NGOs, and for elaborating measures to prevent THB, to punish perpetrators of THB and to protect its victims.

The related OSCE Ministerial Council Decision tasks the SR:

[...] to report to the Permanent Council in June each year, starting in June 2006, on progress achieved in work on trafficking issues in the OSCE. These reports will also contain contributions from OSCE structures, institutions and field operations on developments related to trafficking in human beings throughout the OSCE region and will include an analysis of achievements in the light of the objectives set out in the 2003 Action Plan to Combat Trafficking in Human Beings.⁵

The SR’s first Annual Report⁶ reviewed the implementation of the OSCE’s anti-trafficking commitments in the areas of prevention, protection, prosecution, and co-ordination of and reporting on anti-trafficking activities. The report concluded that implementation of these commitments was uneven and that gaps in implementation existed.

As a result, the SR decided in favour of a special focus on addressing the provisions of the OSCE Action Plan related to the co-ordination of anti-trafficking efforts.⁷ The SR has used a number of different means to promote establishment and to strengthen the institutional mechanisms and capacity for co-ordination available to the participating States. This has included engaging a number of the partici-

2 See UN Trafficking Protocol supplementing the UN CTOC 2000.

3 See CoE Convention No. 197 (2005).

4 OSCE Action Plan, Chapter VI, paragraphs 1 and 2.

5 See OSCE MC.DEC/13/05.

6 See OSCE SR Report 2006.

7 See OSCE SR Report 2007, pp. 21–23, 31–33.

pating States in discussions about the critical importance of co-ordination – in both planning and implementation – to the success of anti-trafficking activities. And in May 2007, as a catalyst for this component of the OSCE Action Plan, the SR convened the 6th *Alliance against Trafficking in Persons* High-Level Conference, entitled “National Monitoring and Reporting Mechanisms to Address THB: The Role of National Rapporteurs”.

In the second Annual Report, the SR reiterated that mechanisms used by the participating States to organize and develop a systematic, comprehensive and co-ordinated response were “fundamental policy and institutional mechanisms, which signal the existence of political engagement with the problem at [the] national level.”⁸

In order to review more systematically the progress made in the OSCE area towards the implementation of agreed commitments and recommendations to establish NCMs, NAPs, and National Rapporteurs or equivalent mechanisms, the SR initiated a survey among the participating States and Partners for Co-operation.⁹

The initial deadline for submission of responses by the participating States was 14 September 2007; however, given the limited number of responses received by that time, the deadline was extended to 15 December 2007. Some participating States requested an additional extension of time for the submission of their responses. In February 2008, the SR had received forty responses from participating States¹⁰ and four from OSCE Partners for Co-operation.¹¹

The Report was commissioned by the SR to review the answers to this questionnaire. These answers provide a partial snapshot of the state of co-ordination efforts among the participating States in late 2007.

Questionnaire structure and methodology

The content of the Report is based almost exclusively upon a review of information elicited in the responses by the participating States to the SR’s survey of July 2007 seeking data about the implementation of the three central components of a country’s anti-trafficking response: National Co-ordination Mechanisms, National Action Plans, and National Rapporteurs or equivalent mechanisms.

The questionnaire template distributed to the participating States and inviting response is attached as Annex B. It was structured along three main lines of inquiry, which may be summarized as follows:

1. Establishing national mechanisms for the co-ordination of anti-trafficking policies and programmes
 - To what extent have the participating States established national co-ordination structures to deal with THB?
 - How do these mechanisms function?
 - Are budgetary resources available?
 - Examples of outcomes/achievements
 - Examples of challenges
2. Implementing National Action Plans or other equivalent policy documents to combat THB
 - What are the scope and structure of these policy frameworks?
 - What are the institutional mechanisms for implementation?
 - Practices in their implementation and review
 - Examples of outcomes/achievements
 - Examples of challenges

⁸ See OSCE SR Report 2007, p. 11.

⁹ See OSCE SR Survey 2007.

¹⁰ The OSR CTHB wishes to thank the following participating States for having responded to the questionnaire: Andorra, Austria, Azerbaijan, Belarus, Belgium, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Holy See, Hungary, Iceland, Italy, Latvia, the former Yugoslav Republic of Macedonia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, Serbia, Slovakia, Slovenia, Sweden, Switzerland, Turkey, Ukraine, United Kingdom, United States of America.

¹¹ The OSR CTHB wishes to thank the following Partners for Co-operation for having responded to the questionnaire: Japan, Thailand, Israel and Jordan.

3. Establishing a National Rapporteur or equivalent monitoring mechanism for reporting on trafficking in human beings
 - Description of mechanism
 - Operation of mechanism
 - Examples of outcomes/achievements
 - Examples of challenges

This report was prepared after reviewing the responses of the participating States and Partners for Co-operation to this questionnaire, which provided the basis for the analysis, findings and recommendations of the Report. The report also draws on the knowledge and expertise of the staff of the Office of the Special Representative on the subject of trafficking in human beings in the participating States, acquired through many years of work in this field and numerous opportunities for direct engagement with anti-trafficking actors. Furthermore, the report benefits from the information collected through the 2007 OSCE Field Operations Survey on National Co-ordination Mechanisms, National Action Plans and National Rapporteurs or equivalent mechanisms.

The report does not contain information on developments in the OSCE participating States subsequent to the date of their submission of response to the Office of the Special Representative; most of the responses analysed in this document date back to the end of 2007.

Several graphs and tables included in the body of the Report are also based on the data provided by the participating States (56) and Partners for Co-operation (11), with 44 responses to the questionnaire in all. The graphs are presented as percentages (along the y axis of each graph) of participating States and Partners for Co-operation responding to that particular questionnaire inquiry (not all participating States and Partners for Co-operation responded to all inquiries). The response N/A was used to refer to the Holy See, for whom the survey questions are not directly applicable because the Holy See does not function in the same way as other participating States (which is not to deny recognition of the Holy See's many activities in prevention of trafficking and support for its victims). The "No Response" category includes the participating States and Partners for Co-operation whose responses to the questionnaire were in a form that was non-conforming, not consistent, or not readily adaptable to permit inclusion with the other survey responses. In a few cases, judgments and interpretations about the intent of the responses were required. As far as this has been possible, explanatory footnotes have been added on the basis of the responses to the survey.

These graphs and tables are intended to help the reader by illustrating or distilling the information provided by the participating States and Partners for Co-operation. For reasons identified below, because the data underlying the graphs and tables reflect a number of variations of approaches by the participating States and Partners for Co-operation as well as responses that are not standardized, the preparation of these graphs necessarily involved some imprecision and should be viewed as reflecting best efforts to give an accurate picture of the information provided by the countries. Furthermore, Annex C, "Tables summarizing key responses by the participating States and Partners for Co-operation", should be considered as a living document: the SR welcomes further contributions to update and improve the information summarized in the tables.

Limitations of the methodology

It is important to be aware of the limitations of the questionnaire and of the information provided in response to it.

To make a preliminary general point, questionnaires, especially broad surveys like this one, do not provide sufficient detail to independently assess, evaluate or compare the facts upon which responses are based. This questionnaire also limited the possibility of clarity and standardization of responses in the following ways. Firstly, in many cases the way in which the survey questions were constructed and presented led to answers that were not standardized. As a result, proper interpretation even of seemingly straightforward responses, such as whether a participating State has an action plan, can be problematic, as it has to be based upon each country's own designation of a document as an action plan regardless of its content. The same word or term might be used by different participating States in different ways to mean different things. Another example: the term "National Rapporteur or equivalent mechanism" appeared to mean

different things to different States, which impaired the possibility, or value, of drawing broad conclusions from the data. For the purposes of compiling and analysing data for the Report, it was necessary to utilize designations by the participating States and Partners for Co-operation as they were given, also for the purpose of quantitative presentations of the data.

In addition, the level and quality of information provided by States in response to the questionnaire was uneven. Many responses were incomplete, ambiguous or abbreviated. A few countries took this opportunity to share additional information and provide relatively rich detail of their activities. Others provided much less information to work with. Some included copies of their NAPs, reports on anti-trafficking activities or other documents to supplement the information in the questionnaire.

The scope of the Report was limited to a review of the data provided by the States' responses supplemented by discussions with the staff of the OSR. Several additional written sources were consulted but the scope of the Report did not extend to including a broader (let alone comprehensive) literature review. As a result, the detail, comprehensiveness, and usefulness of the findings of the Report directly reflect the information shared in response to the questionnaire.

Chapter 1

INTERNATIONAL FRAMEWORK RELEVANT TO CO-ORDINATING AND REPORTING ON EFFORTS TO COMBAT TRAFFICKING IN HUMAN BEINGS

This chapter highlights selected illustrative provisions from some of the primary international instruments (including both the legally binding and the political commitments) relevant to the issues of co-ordination and co-operation within and among the OSCE participating States in their anti-trafficking efforts.

The seminal international instruments and commitments related to trafficking in human beings (THB) all explicitly and implicitly call for countries to develop means to effectively co-ordinate and co-operate on combating THB, both within their borders and transnationally. These instruments and commitments provide an ample legal and policy basis on which the participating States can establish and maintain effective co-ordination and co-operation in the conducting of anti-trafficking efforts. The following examples are illustrative of how the theme of the need for co-ordination and co-operation has been treated in international instruments and commitments.

The statement of purpose (Article 2) of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children¹² (“Palermo Protocol”), supplementing the United Nations Convention against Transnational Organized Crime (“United Nations Convention”), for example, links co-operation to achieving the Protocol’s concrete objectives:

The purposes of this Protocol are:

- (a) To prevent and combat trafficking in persons, paying particular attention to women and children;
- (b) To protect and assist the victims of such trafficking, with full respect for their human rights; and
- (c) To promote co-operation among States Parties in order to meet those objectives.

The Palermo Protocol also includes specific calls for governmental co-operation with NGOs and civil society actors to prevent trafficking in persons,¹³ and in law enforcement training.¹⁴ For example, Article 9, Prevention of trafficking in persons, states:

3. Policies, programmes and other measures established in accordance with this article shall, as appropriate, include co-operation with non-governmental organizations, other relevant organizations and other elements of civil society.

The United Nations Convention (Article 32) also established a Conference of the Parties as a vehicle for States parties to report on their implementation of the Convention. According to the 2006 implementation report of the Conference of the Parties¹⁵:

At its first session, by decision 1/5, the Conference of the Parties decided to carry out the functions assigned to it in article 32 of the Convention by, inter alia, establishing a programme of work for reviewing periodically the implementation of the Trafficking in Persons Protocol (see CTOC/COP/2004/6 and Corr.1, chap. I). In the same decision, the Conference of the Parties also decided that, for its second session, the programme of work would cover the following areas:

12 UN Trafficking Protocol supplementing the UN Convention against Transnational Organised Crime 2000.

13 See UN Trafficking Protocol, Article 9, paragraph 3.

14 See UN Trafficking Protocol, Article 10, paragraph 2.

15 UN Conference of the Parties to UN CTOC Implementation of the UN CTOC 2006, CTOC/COP/2005/2/Rev.1, section B, paragraph 6. In addition, Section C, paragraph 10 of the same Implementation report notes the following:

C. Mandate given by the Conference of the Parties at its second session and subsequent reporting process

10. In its decision 2/1, adopted at its second session, the Conference of the Parties noted the obligation on each State party under article 32 of the Convention to provide the Conference of the Parties with information on its programmes, plans and practices, as well as legislative and administrative measures . . .

- (a) Consideration of the basic adaptation of national legislation in accordance with the Trafficking in Persons Protocol;
- (b) Commencement of the examination of criminalization legislation and difficulties encountered in the implementation of article 5 of the Trafficking in Persons Protocol;
- (c) Enhancing international co-operation and developing technical assistance to overcome difficulties identified in the implementation of the Trafficking in Persons Protocol;
- (d) Exchange of views and experience regarding the protection of victims and preventive measures, gained primarily in the implementation of articles 6 and 9 of the Trafficking in Persons Protocol, including awareness-raising.

A number of provisions of the Council of Europe Convention on Action against Trafficking in Human Beings¹⁶ (“Council of Europe Convention”) underscore the theme of establishing co-ordinated efforts to combat THB. Article 29, “Specialised authorities and co-ordinating bodies”, states:

2. Each Party shall adopt such measures as may be necessary to ensure co-ordination of the policies and actions of their governments’ departments and other public agencies against trafficking in human beings, where appropriate through setting up co-ordinating bodies.

4. Each Party shall consider appointing National Rapporteurs or other mechanisms for monitoring the anti-trafficking activities of State institutions and the implementation of national legislation requirements.

Other provisions of the Council of Europe Convention reiterate the importance of the role of co-ordination in particular contexts. For example:¹⁷

Prevention of trafficking in human beings

1. Each Party shall take measures to establish or strengthen national co-ordination between the various bodies responsible for preventing and combating trafficking in human beings.

And Article 35 of the Council of Europe Convention, “Co-operation with civil society”, states:

Each Party shall encourage state authorities and public officials, to co-operate with non-governmental organizations, other relevant organizations and members of civil society, in establishing strategic partnerships with the aim of achieving the purpose of this Convention.¹⁸

The UNHCHR 2002 Recommended Principles and Guidelines on Human Rights and Human Trafficking, Guideline 1, paragraph 7, recommends that States consider:

7. Establishing mechanisms to monitor the human rights impact of anti-trafficking laws, policies, programmes and interventions. Consideration should be given to assigning this role to independent national human rights institutions where such bodies exist. Non-governmental organizations working with trafficked persons should be encouraged to participate in monitoring and evaluating the human rights impact of anti-trafficking measures.

The EU Action Plan on best practices, standards and procedures for combating and preventing trafficking in human beings (“EU Action Plan”)¹⁹ reiterates the importance of co-ordination in the success of anti-trafficking efforts:

16 See CoE Convention No. 197 (2005) and its Explanatory Report. Furthermore, OSCE MC.DEC/13/05 calls on participating States to consider – where appropriate – signing and ratifying or acceding to the Council of Europe Convention.

17 CoE Convention No. 197 (2005), Chapter II - Prevention, co-operation and other measures, Article 5, paragraph 1.

18 The Commentary on the provisions of the Council of Europe Convention for Article 35 elaborates:
352. The strategic partnership referred to in this article, between national authorities and public officials and civil society means the setting up of cooperative frameworks through which State actors fulfil [sic] their obligations under the Convention, by co-ordinating their efforts with civil society.
353. Such strategic partnerships may be achieved by regular dialogue through the establishment of Round-table discussions involving all actors. Practical implementation of the purposes of the convention may be formalized through, for instance, the conclusion of memoranda of understanding between national authorities and non-governmental organizations for providing protection and assistance to victims of trafficking.
Chapter VI, Article 35 – Cooperation with civil society, Explanatory Report, paragraphs 352 and 353.

19 See EU Action Plan 2005.

In order to address effectively human trafficking an integrated approach is needed, having as its basis the respect of human rights and taking into account its global nature. This approach calls for a co-ordinated policy response . . .

These instruments build upon a foundation established over ten years ago calling for increased co-operative efforts in the fight against THB. The 1997 Hague Ministerial Declaration on European Guidelines for Effective Measures to Prevent and Combat Trafficking in Women for the Purpose of Sexual Exploitation²⁰ reaffirmed the commitment of EU Member States “to maximize co-operation in the fight against trafficking in human beings, and against trafficking in women in particular.” It also is noteworthy as the first international instrument calling for the establishment of National Rapporteurs or equivalent mechanisms.

The OSCE political commitments also place co-ordination at the centre of the participating States’ anti-trafficking activities. The OSCE Action Plan contains provisions calling for better co-ordination of anti-trafficking efforts within and among the participating States. It recommends, for example, that the participating States establish national Anti-Trafficking Commissions or similar bodies to design action plans and co-ordinate activities among State agencies and NGOs.²¹ The relevant passage runs as follows:

To consider establishing Anti-Trafficking Commissions (task forces) or similar bodies responsible for co-ordinating activities within a country among State agencies and NGOs, and for elaborating measures to prevent THB, to punish perpetrators of THB and to protect its victims.

The OSCE Action Plan also recommends that the participating States establish National Referral Mechanisms (NRMs), encouraging them to create “a co-operative framework within which participating States fulfil their obligations to protect and promote the human rights of the victims of THB in co-ordination and strategic partnership with civil society and other actors working in this field.” It then recommends:

3.6 Linking the activities of NRMs with those of inter-ministerial bodies, national co-ordinators, NGOs and other relevant national institutions to form a cross-sectoral and multidisciplinary team capable of developing and monitoring the implementation of anti-trafficking policies.²²

The OSCE Action Plan also recommends that the participating States establish a National Rapporteur or equivalent mechanism, encouraging the participating States:

To consider appointing National Rapporteurs or other mechanisms for monitoring the anti-trafficking activities of State institutions and the implementation of national legislation requirements.

The OSCE Ministerial Council Decision on Enhancing Efforts to Combat Trafficking in Human Beings adopted in 2006 in Brussels²³ again recommended participating States to consider appointing a National Rapporteur or equivalent independent monitoring mechanism and stressed the importance of systematic data collection and analysis.

These OSCE Ministerial Decisions strongly recommend the establishment of mechanisms to organize and facilitate co-ordinated action within and among participating States in the context of the OSCE’s continuing prominent role in the fight against THB.²⁴

It is thus evident that the topic discussed in the present report – the establishment by the participating States of mechanisms for co-ordinating activities aimed at combating THB – is well supported by international instruments.

²⁰ See EU Hague Ministerial Declaration (Dutch Presidency) 1997.

²¹ OSCE Action Plan, Chapter VI, paragraphs 1 and 2.

²² OSCE Action Plan, Chapter V, Article 3. The SR’s questionnaire did not examine the status of the establishment of NRMs and the linking of their activities to the work of other co-ordination mechanisms in the participating States.

²³ See OSCE MC.DEC/14/06, paragraph 3.

²⁴ See OSCE SR Report 2006.

It is perhaps worth noting that the imperative to co-ordinate anti-trafficking efforts is driven and guided by the understanding that the “3-P’s” framework (i.e., Prevention, Prosecution, Protection/Assistance), which is the organizing framework for the applicable international instruments, constitutes a unified, holistic and comprehensive approach made up of interdependent elements. If inadequate account is taken of any component within this framework, the component in question will be a weak link that will undermine other anti-trafficking efforts. For example, investigations and prosecutions are compromised by a failure to provide protection or assistance to victims of trafficking. The failure of service-providers and law enforcement bodies to work co-operatively and in a co-ordinated way is likely to be to the detriment of the objectives of both and is certainly to the detriment of the victims. The flip side of this fundamental point is that no matter how well implemented, an ad hoc or non-comprehensive approach, or an approach that disproportionately addresses one aspect of the problem, has little chance of succeeding as an overall national operational response to reducing THB and assisting victims.²⁵

The breadth of the “3-P’s” framework also means that success requires collaboration both among and within Governments and also with many different organizations and individuals. This collaboration must be co-ordinated and organized.

Finally, to be effective, the co-ordination mechanisms themselves should be seamlessly integrated. Each element depends upon the effective functioning of the others. The implementation of an NAP and the findings of a National Rapporteur or equivalent mechanism, for example, depend upon the effectiveness of the co-ordinating structure. The work of the co-ordination mechanism, in turn, will be more effective if it is based upon the sound analysis of THB within the participating State’s borders provided by the National Rapporteur or equivalent mechanism. The NAP is the planning and prioritizing document that provides an initial framework for organizing the national response.

The notion of utilizing a comprehensive or holistic response, achieved through a well-conceived co-ordination of efforts, is thus at the core of all effective anti-trafficking responses.

²⁵ See Heinrich and Warnath 2008.

Chapter 2

NATIONAL CO-ORDINATION MECHANISMS

2.1 Purpose and rationale of National Co-ordination Mechanisms

The co-ordination of anti-trafficking efforts is a complex undertaking. National Co-ordination Mechanisms (NCMs) exist to provide leadership for the co-ordination of concrete anti-trafficking efforts and activities and also to foster positive collaboration in the pursuing and achieving of a participating State's anti-trafficking objectives domestically and internationally. The fundamental purpose of the existence of an NCM is to organize the collective efforts of a country to produce the most effective and significant anti-trafficking results. This requires that such mechanisms, as far as they can, synthesize and integrate different missions, competencies, responsibilities, authorities, expertise, and perspectives into a unified and coherent operational vision and approach.

As noted in Chapter 1, international anti-trafficking instruments recognize that co-ordination is a *sine qua non* of effective anti-trafficking efforts. The OSCE Action Plan, for example, recommends that participating States “consider establishing Anti-Trafficking Commissions (task forces) or similar bodies responsible for co-ordinating activities within a country among State agencies and NGOs, and for elaborating measures to prevent THB, to punish perpetrators of THB and to protect its victims.”²⁶

To operate properly, an NCM must have a general and overall direction. As a rule, this comes from the participating State's overall strategic and operational framework embodied in its legislation and/or NAP.²⁷ Development of the participating strategic and operational framework should be guided by the work produced by a participating State's National Rapporteur or equivalent mechanism.²⁸ The empirical foundation underlying the strategic and operational framework should draw on the full body of research and studies generated by NGOs, academia and think-tanks.

As discussed in greater detail below, such mechanisms may be structured in different ways. The responses by the participating States to the questionnaire reflected a number of variations in co-ordinating intra-governmental efforts among different government authorities and among local NGOs and international organizations – nationally and internationally. The key matter is to ensure that whatever approach is implemented within a participating State, it will help it to be effective in achieving concrete anti-trafficking objectives, including:

- Reinforcing the importance of THB being treated as one of the Government's priority issues (reflected in adequate resource allocation – both budgetary and human – and effective action);
- Providing leadership in improving laws, policies and practices;
- Leading efforts to ensure the effective and appropriate implementation of laws, policies and practices;
- Integrating strategies and activities;
- Ensuring that anti-trafficking initiatives advance a common vision and do not work at cross-purposes and thus undermine their own effectiveness;
- Maximizing the positive impact of the investment in anti-trafficking activities;
- Informing and educating government officials and the public about THB; and
- Avoiding duplication of effort.

²⁶ See OSCE Action Plan, Chapter VI, paragraph 2. See also MC.DEC/13/06 and OSCE SR Report 2007, Chapter 7.

²⁷ See chapter 3 on National Action Plans.

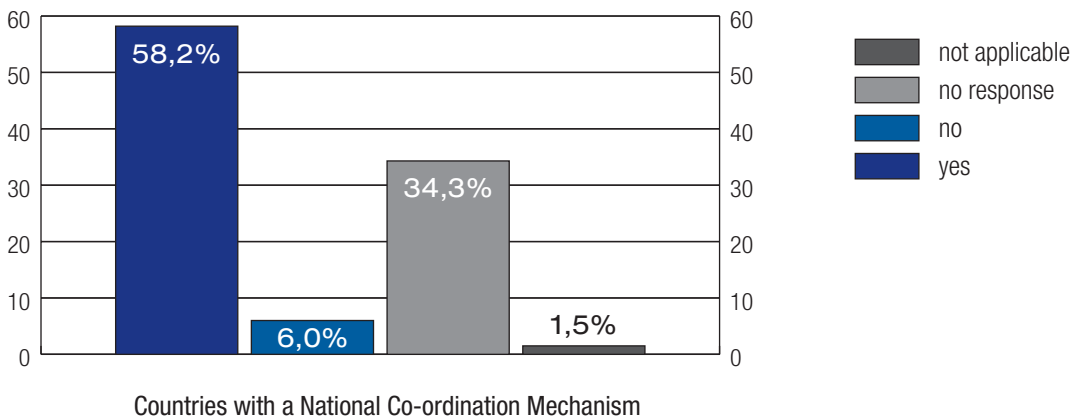
²⁸ See chapter 4 on National Rapporteurs or equivalent mechanisms.

2.2 Responses to the OSCE questionnaire

Overall, the OSCE participating States have actively recognized the importance of establishing co-ordination mechanisms. Nearly all respondents to the questionnaire indicated that they had some form of NCM in place. The responses of the participating States and Partner for Co-operation to inquiries specific to NCMs are found at Annex D, questions 1-8. Annex C, Tables 1, 2 and 3 summarize selected responses by the participating States and Partner for Co-operation pertaining to NCMs.

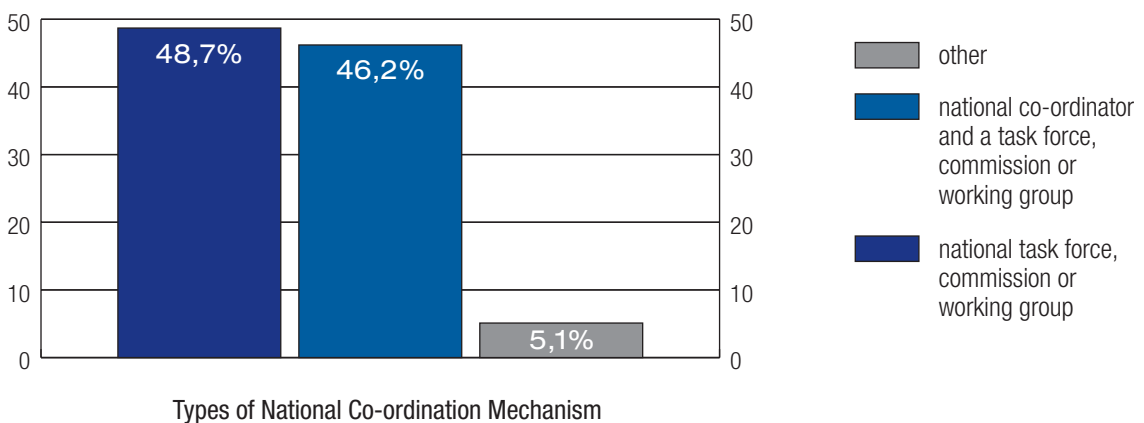
The following graph depicts the responses of the participating States and Partners for Co-operation:

Graph 1: Percentage of countries with a National Co-ordination Mechanism²⁹



The responses to the questionnaire revealed that there are several variations in the structure of NCMs being utilized by the participating States. As shown in Graph 2, 48.7 per cent of participating States and Partner for Co-operation with NCMs stated that they had a national working group, commission or task force. While 46.2 per cent responded that they had both a national co-ordinator and a national working group, commission or task force, 5.1 per cent of countries with an NCM described the composition of their mechanism as “Other”.

Graph 2: Types of National Co-ordination Mechanism³⁰



29 This graph is based on data about 56 OSCE participating States and 11 Partners for Co-operation. Because 34.3 per cent of countries did not respond to the questionnaire, more participating States and Partners for Co-operation may have NCMs than it is reflected in this graph.

30 This graph is based solely on data provided in response to the questionnaire by the 36 OSCE participating States and 3 Partners for Co-operation that reported having NCMs. Because of this, the graph may not fully capture the precise composition of NCMs in the participating States. For example, in many cases, countries reported having both a national co-ordinator and a task force. Where this is the case, this is captured in the graph. However, as not all countries provided the same level of detail, it may be that some countries could more appropriately be described as having both mechanisms but reported only the one or the other. In addition, where countries have their own models of co-ordination this is captured under “Other” because there was insufficient information to determine whether this should (or should not) be categorized as a national commission, task force or working group.

Further information about the nature of countries' respective co-ordination mechanisms, based upon their responses, is summarized in Tables 2 and 3, attached as Annex C.

2.2.1 The composition of National Co-ordination Mechanisms – Integrating expertise and jurisdiction

In the most fundamental sense, an NCM is about identifying and integrating essential expertises and authorities needed to combat THB.

Overwhelmingly, the composition of the participating States' NCMs is inter-ministerial. At least 34 respondents indicated the involvement of multiple ministries.³¹ This implicitly demonstrates that governments understand the need to engage multiple ministries to reflect the multi-disciplinary, multi-jurisdictional and multi-faceted nature of THB. The breadth of membership and participation on the NCM in many countries confirms the recognition that no single ministry or group of ministries can adequately address this issue on its own.

The responses to the questionnaire show that most participating States and Partners for Co-operation have engaged ministries that form at least the core nucleus of competencies involved in a co-ordinated response. These include Foreign Affairs, Justice, Interior, Health/Social Services/Social Protection, Labour/Employment, Education, and Gender Equality/Women.³²

While such ministries are logically at the centre of any anti-trafficking response, there is no “one-size-fits-all” formula that will ensure success for all countries. On the contrary, the creation of an NCM for as complex an issue as THB is not as straightforward as it may seem. The size, composition and organization of an effective co-ordination mechanism should be guided by the need to comprehensively interweave many different competencies and jurisdictions relevant to the State's anti-trafficking work throughout the country and at all levels of government.³³

One issue that has an important influence on effectiveness is the scope and reach of the co-ordination mechanism. Regardless of the number or identities of the ministries involved, the officials serving on an inter-ministerial NCM are only the tip of the iceberg of the competencies, jurisdiction and expertise needed to successfully co-ordinate anti-trafficking efforts. Therefore, it is important to determine how to involve others who are not at the table.

For example, it takes the active engagement of multiple offices within each ministry to be effective. While ministries are typically represented by one or perhaps two representatives at a meeting of an NCM, it is usually the case that within each ministry the services of a larger number of offices, bureaus or officials have to be engaged if the NCM is to dispose over the full range of expertise required to address the issue adequately.

To illustrate this point: The Ministry of the Interior or Justice of a given participating State encompasses a large range of competencies and specialized expertise, and likewise contains a number of civil servants with responsibilities relevant and useful to addressing THB. Some or all of the following matters, for example, can be relevant to the law enforcement response and may be addressed by different officials and offices:

³¹ See responses to the questionnaire, Annex D, and Table no. 2 in Annex C.

³² Responses for each responding participating State listing the Ministries represented on its inter-ministerial group is attached at Annex D, Response to Question 3a.

³³ Because of the existence of different forms of government jurisdiction and legal systems of the participating States, different models or approaches to national/local co-ordination would be necessary.

Examples of competencies and expertise in Ministries of Interior (or Justice) relevant to government anti-trafficking policies and implementation

- Prosecutors (this may be further specialized for specific crimes within the Ministry)
- Investigative units
- Organized crime units, some specialized (possibly organized according to forms or source of organized crime)
- Trafficking in human beings, forced labour, debt bondage, crimes of servitude
- Crimes involving child exploitation
- Prostitution-related crimes
- Immigration policy
- Border officials
- Money-laundering
- Fraudulent documents
- Anti-corruption/oversight
- Crime victim protection services
- Victims of crime
- Liaison with police at other levels of government and community policing programs
- Research on crime issues regarding the crime itself, trafficker profiles and victim profiles
- Criminal intelligence databases
- Liaison with Interpol and other international law enforcement entities

Other ministries represented in a State's inter-ministerial co-ordination mechanism can similarly identify multiple offices, bureaus, or officials whose area(s) of competency, jurisdiction or expertise should be tapped in the fight against THB. Within a ministry providing social and/or health services, for instance, there could be a number of offices working on issues relevant to addressing THB, some of which may be under-utilized. This could be true, for example, of an office responsible for services for children in cases of child abuse, violence and neglect. Within a labour ministry there may be different offices responsible for addressing various aspects of exploitation in the labour context (e.g., labour inspectorates), or offices responsible for marketable job skills training or economic development programmes, which could help a State to address root causes and improve its prevention, protection and reintegration responses in the field of THB.

Thus, NCMs face a major structural challenge in the sheer number of offices and officials that could and should be involved. Each country will face a number of challenges in determining how to involve the range of offices and officials appropriately and effectively when jurisdictions and competencies among and within ministries may overlap at the same time as being highly specialized and strictly compartmentalized.

This structural challenge becomes all the more demanding if it is recognized that a fully functioning NCM should be able to develop, support and advance both policy and operational elements of a Government's anti-trafficking work.³⁴ Co-ordinating bodies thus need to be capable of accommodating and bridging distinct but overlapping policy and operational activities, even though these may be organized in different ways in the relevant offices by different States.³⁵

Finding the proper structure to enable the NCM to successfully lead both policy and operational aspects of combating THB can be difficult. Although setting the membership of a co-ordinating body at a sufficiently high level to have policy decision-making authority will increase the likelihood that the NCM will be effective on the level of government policy, high-level ministerial representatives are unlikely to be engaged in or responsible for operations on a day-to-day basis. And in practice it is above all the work of the lower-ranking officials with day-to-day responsibility for operations that needs to be effectively co-ordinated.

Of course, if the NCM does not have the official authority to provide policy leadership or engage in operational decisions itself, but primarily gives advice to those who do make those decisions, then the mechanism can be weighted more heavily towards individuals possessing technical expertise who are not necessarily policy and/or operational decision-making officials.

³⁴ For the purposes of creating NCMs, the distinction between working at policy level and working at the operational level is a significant one. The policy level relates to establishing, strengthening and co-ordinating the overall legal, institutional and strategic frameworks used to combat THB. The operational level is geared towards building or enhancing the professional capacities and effective implementation of service-providers in delivering support to victims of trafficking or of criminal justice actors engaged in investigating and prosecuting the crime.

³⁵ This situation is not unique to the THB context but is common in addressing modern challenges presented by complex global issues requiring multidisciplinary work.

It is evident that the number of government offices and officials that have a role and/or a stake in a State's anti-trafficking activities can be quite large. Obviously, not all of the potentially relevant offices in each government ministry can send their own representative to inter-ministerial co-ordination meetings. The meetings would become too large and unmanageable. The need to engage more offices than can feasibly attend inter-ministerial gatherings highlights the critical need to transform the work of the inter-ministerial co-ordination mechanism into an intra-ministerial communication mechanism that provides information to all the relevant offices and officials within each of the represented ministries and in the Government, thus making it possible for them to be involved and co-ordinated.³⁶ This challenge can also be met, in part, by forming working subgroups to incorporate some of the broader range of expertise needed. The topic of subgroups is discussed below.

All the questionnaire required from the participating States and Partners for Co-operation was to identify the ministries involved in their NCMs. As a result, it is only in the most general sense that the questionnaire responses indicate what governmental competencies and jurisdictions are represented and properly engaged in each country's co-ordinating structure. For example, when a response indicates that a Ministry of the Interior or of Justice is represented on the national inter-ministerial co-ordination mechanism, it is impossible to determine from that alone how many of the special areas listed in the text box above³⁷ are adequately represented by that ministry's representative (or are perhaps represented by others). Nor is it possible to ascertain whether such officials or offices are involved in co-ordinated action in other ways by the NCM. This can only be established with more detailed information.

2.2.2 Involvement and role of NGOs and civil society

Because not all of the relevant competencies, expertise and perspectives that are needed to respond most effectively and appropriately to THB reside within government, there are important roles to be played by non-governmental organizations (NGOs) and other partners from civil society.³⁸ Recognizing this, international standards invoke the importance of engaging civil society in anti-trafficking efforts.³⁹ The Palermo Protocol,⁴⁰ the Council of Europe Convention,⁴¹ and the OSCE Action Plan,⁴² for example, all contain specific provisions calling for co-ordination, co-operation or strategic partnership with NGOs and civil society. In many States, NGOs have served as catalysts and critical partners with government in the process of developing NCMs, NAPs and other components necessary to the co-ordination of anti-trafficking measures and activities.

36 To accomplish the extensive links across government and within each ministry, formal institutionalized procedures should be in place for sharing information involving decisions made by an inter-ministerial co-ordination mechanism with all relevant offices and individuals within each ministry who have a role or expertise to contribute to the Government's anti-trafficking work. The converse is true as well: the NCM must have a way to tap, in an organized way, the expertise and competencies found throughout the participating State's government to enable it to "bubble up" to provide aid to the members of the inter-ministerial group.

37 See the text box entitled "Examples of competencies and expertise in Ministries of Interior (or Justice) relevant to government anti-trafficking policies and implementation" on p. 28 above.

38 Civil society may include non-governmental entities that are not commonly considered NGOs. Estonia and several other participating States include, for example, a trade union among their civil society participants.

39 See general discussion of international standards in Chapter 1.

40 See UN Trafficking Protocol 2000, Article 9.

41 The CoE Convention No. 197 (2005), Chapter II, Article 5, paragraph 6 states: Measures established in accordance with this article shall involve, where appropriate, non-governmental organizations, other relevant organizations and other elements of civil society committed to the prevention of trafficking in human beings and victim protection or assistance.

42 The OSCE Action Plan, Chapter V, Article 3 emphasizes co-operation with NGOs in the context of establishing National Referral Mechanisms: 3.1 Establishing National Referral Mechanisms by creating a co-operative framework within which participating States fulfil their obligations to protect and promote the human rights of the victims of THB in co-ordination and strategic partnership with civil society and other actors working in this field. [...]

3.4 Establishing appropriate mechanisms to harmonize victim assistance with investigative and prosecutorial efforts.

3.5 Drawing special attention to the need for enhanced co-operation between the police and NGOs in identifying, informing and protecting victims of THB.

3.6 Linking the activities of NRMs with those of inter-ministerial bodies, national co-ordinators, NGOs and other relevant national institutions to form a cross-sectoral and multidisciplinary team capable of developing and monitoring the implementation of anti-trafficking policies.

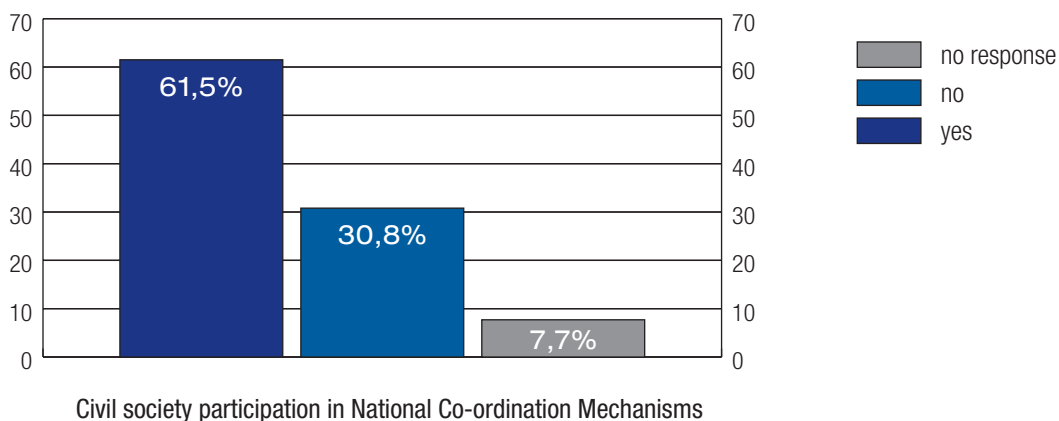
The OSCE Action Plan, Chapter VI, similarly stresses co-operation with NGOs:

3. To improve co-operation between State institutions and national NGOs active in rendering protection and assistance to the victims of THB, combating violence against women and children, promoting gender equality and raising awareness in human rights issues.

Twenty-two participating States (and two Partners for Co-operation) gave the response that civil society performed a role in their NCM. In some States civil society actors were involved as members of the NCM, while other States had established formalized and co-ordinated consultative relationships. Although several States indicated that they did not include civil society membership in the NCM, some of these used other means, not fully examined by the questionnaire, to solicit input and participation by NGOs. These included Azerbaijan, Belarus, Denmark, France, Luxembourg, Netherlands, Norway and the United States.

As reflected in Graph 3 below, of the 36 participating States and three Partners for Co-operation that had NCMs, 61.5 per cent responded that they included civil society participation, 30.8 per cent responded that they did not include civil society participation, and 7.7 per cent provided no response. (The Y axis indicates the percentage of civil society participation among the 39 participating States and Partners for Co-operation who reported having NCMs.)

Graph 3: Civil society participation in National Co-ordination Mechanisms⁴³



The questionnaire asked the participating States and Partners for Co-operation to specify the role(s) NGOs played within their NCMs. The responses indicated that the roles played by NGOs range from observational or advisory through to decision-making. Croatia stated that out of the 17 members serving on its co-ordinating entities, two were representatives of NGOs:

Representatives of civil society organizations are full members of the National Committee for the Suppression of Trafficking in Persons and its bodies (Operating Team and Task Force to Combat Trafficking in Children). In this connection, they equally participate in the decision-making within the powers of the above-mentioned bodies. They are also involved in the preparation of documents, conclusions and decisions adopted by the Government following the proposal of the National Committee.

However, it should be noted that not all responses indicating that NGOs have a decision-making role have the same significance, because not all NCMs have the same authority or engage in the same functions. Thus, a decision-making role in a mechanism that has policy-making or implementing authority would be very different from a decision-making role in a mechanism that is limited to advisory activities. The results of the questionnaire do not allow one to make distinctions of this kind between the nature of NGO participation in the various countries.

Finland recorded that its NGOs played a role that is perhaps typical for civil society bodies working within a governmental structure: "All participants have an equal right to speak, make proposals and take part in evaluation. However, decisions are made by the government."

Within civil society, of course, the role of NGOs should, and typically does, go beyond any formal role that they may be granted as part of a government-led co-ordinating body. In the larger societal context,

⁴³ This graph is based on data from the 36 OSCE participating States and 3 Partners for Co-operation that reported having NCMs.

NGOs play a critical role in advocating that government should exercise full and proper responsibility with regard to THB, especially toward the victims, whose fundamental rights and freedoms have been violated. In some cases, especially in the early stages, NGOs have filled gaps in or supplemented elements in governmental responses, especially and most critically by supporting and caring for victims of trafficking in the absence of adequate government support for these individuals.

NGOs of many types work on THB issues, for example: NGOs working directly with victims of trafficking; community groups and faith-based organizations; human rights and labour rights groups; NGOs protecting the rights of children, women or the socially excluded and marginalized; representatives of immigrant communities; and groups assisting victims of violent crime.

When considering how to organize NCMs, it is important to recognize that NGOs, like their governmental counterparts in ministries, have different competencies and jurisdictions (in the parlance of NGOs, their “missions”). NGOs are not a single monolithic category: they have a great variety of perspectives and priorities. Most tend to have areas of specialization rather than being experts in all of the many facets of THB. For example, some advocacy groups deeply versed in the laws and international standards pertaining to THB may have little or no direct experience of working directly with victims of trafficking. Service-providers, on the other hand, are more familiar with the details of the circumstances and needs of trafficking victims than anyone other than the victims themselves. However, given their understandable and justifiable priority of focusing on the recovery of individual victims, they may not accord the same priority or degree of priority as others to further essential components of a comprehensive anti-trafficking response, such as law enforcement objectives against the traffickers. Some NGOs – notably international NGOs and advocacy groups – may have charter-based mission mandates that require them to view trafficking issues through a very specific lens such as migration, human rights, labour, or demand in the sex industry. The fact that not all organizations use the same lens to address THB is a factor that may be relevant when considering NGO participation in NCMs, just as thought has to be given to how to achieve the requisite mix of competencies and jurisdictions from within ministries.

In the same way that the undue predominance of a single ministry will weaken rather than strengthen government response to THB, restrictive approaches to NGO input and appropriate involvement are counterproductive to a country’s overall THB response. The involving of NGOs should be guided by the principles of inclusion and diversity. Appropriate and reasonable inclusion of the perspectives and participation of all with relevant expertise, competence and experience will provide a valuable contribution to a State’s anti-trafficking efforts. It is the responsibility of the inter-ministerial mechanism to cultivate a broad vision for its work and to ensure that the perspectives informing its actions are comprehensive. No single reductionist perspective on trafficking will enable a State to develop the kind of comprehensively holistic and integrated programmes that will enable them to tackle the problem effectively. If a State does have a narrow perspective, it should consider how to involve other expertise from the broader international and/or domestic civil society community.

The fact that not all countries have the same number of NGOs (or other professionals) experienced in anti-trafficking work means that the challenge of constituting an NCM will vary from country to country. In countries with a sizeable NGO community, the decision as to which NGOs will and will not have a seat on an NCM will raise issues of its own. On the other hand, smaller participating States may need to establish whether they have sufficient local NGO expertise to adequately supplement and complement the competencies, expertise and perspectives provided by government representatives.

The questionnaire did not go into the working relationships between government representatives and representatives of NGOs. However, the quality of these working relationships is one of the central pillars for the prospect of effective anti-trafficking measures and activities in a participating State. This is why the OSCE Action Plan emphasizes the importance of establishing national referral mechanisms (NRMs).⁴⁴ NRMs provide a co-operative framework through which State actors fulfil their obligations to protect and promote the human rights of trafficked persons, co-ordinating their efforts in

⁴⁴ NRMs are an important component of a participating State’s overall co-ordination efforts. NRMs and their inter-relationship with other co-ordination efforts undertaken by participating States was not part of the questionnaire and is, therefore, not within the scope of this report. See also ODIHR 2004.

a strategic partnership with civil society.⁴⁵ In addition, certain useful tools, such as memorandums of understanding (MoUs) between government and service-providers, can be used to organize these working relationships for the better. However, these tools are not sufficient to ensure the necessary quality of co-operation. Substantial attention must be paid to the issues of trust that underlie fruitful co-operation, and to resolving potentially competing interests, priorities or approaches.

Finally, although the proper roles and responsibilities of government and of NGOs or other representatives of civil society are sometimes blurred in practice, they should be respected as distinct. One prominent example is that of NGOs providing assistance and support to victims. NGO involvement in caring for victims of THB is critical, but ultimately, restoring victims' rights and supporting their long-term recovery should be regarded as a responsibility of government; those who have fallen prey to THB should not be dependent on the availability (or, alternatively, the lack of availability) of the services of NGOs, religious institutions, and other civil society actors.

2.2.3 Leadership of National Co-ordination Mechanisms

A number of responses gave information about the leadership of their NCM, even though this was not a specific inquiry of the questionnaire. Many responses identified the lead ministry or official in charge of co-ordinating the inter-ministerial group. Some recurrent lead ministries emerged: Ministry of the Interior, Ministry of Justice, and Ministry of Foreign Affairs. The following table gives, as far as the responses make this possible, the lead ministries (where possible, the ministry names provided by respondents are used):

Table 1: Ministry overseeing the National Co-ordination Mechanism

Ministry/department overseeing the National Co-ordination Mechanism	Number of countries which use this model of national co-ordination
Ministry for Family Affairs, Senior Citizens, Women and Youth	1
Ministry of Family, Youth and Sport	1
Ministry of Foreign Affairs	3 ⁴⁶
Ministry of Human Rights	1
Ministry of the Interior	14 ⁴⁷
Ministry of Justice	8 ⁴⁸
Ministry of National Security	1
Ministry of Rights and Equal Opportunity	1
Ministry of Social Development and Human Security	1
Not specified	8
Total	39

The table makes it clear that participating States show a significant preference for locating the leadership for their anti-trafficking work in the ministries related to law enforcement, that is, the Ministry of the Interior or the Ministry of Justice. Leadership resides less frequently in ministries whose jurisdictions do not focus on law enforcement and/or migration issues and may have more experience in addressing issues involving victims of crime or similarly vulnerable groups. In three instances (Hungary, Turkey and the USA), the leadership for co-ordinating anti-trafficking efforts was located within the Ministry of Foreign Affairs.

⁴⁵ ODIHR 2004, p. 15.

⁴⁶ The United States of America locates the leadership of its inter-agency co-ordination in its Department of State with jurisdiction for foreign affairs.

⁴⁷ In France, the Central Office for the Repression of Trafficking in Human Beings (OCRTEH) depends institutionally on the General Direction of the National Police; in Switzerland, the Swiss Co-ordination Unit against the Trafficking of Persons and Smuggling of Migrants (KSMM-SCOTT) is attached to the Federal Office of Police; in Malta, the co-ordination mechanism is situated in the vice squad within the Malta police force; and in Romania, the National Agency against Trafficking in Persons, which serves a co-ordination function, is located within the Ministry of Administration and Interior; the UK has national co-ordination mechanisms located within the Home Office. These responses are captured in this chart under Ministry of the Interior.

⁴⁸ In the case of Canada, the NCM is co-chaired by the Departments of Justice and Public Safety; in Norway, the mechanism is within the Ministry of Justice and Police. In both cases, for ease of presentation, the responses are captured in this table within Ministry of Justice.

The choice of which ministry is to lead an inter-ministerial working group can have implications for how the issue is understood and approached. In some cases, whether intentionally or not, the placement of leadership may impose a particular policy perspective and operational emphasis. For example, if the lead ministry is a law enforcement or migration regulation agency, this is likely to have important implications for how the State approaches the issue, and perhaps especially for how it understands and implements victim-centred principles in cases of THB.

The choice of ministry may also contribute to the issue being viewed and treated primarily or exclusively as a transnational phenomenon, or being treated in its internal or domestic trafficking manifestations. In the United States, for example, the original anti-trafficking legislation's placement of the Office to Combat and Monitor Trafficking in Persons in the Department of State in 2000 meant that the Office had no statutory authority involving anti-trafficking activities occurring within the United States. This limitation on jurisdiction was addressed in subsequent legislation, which created the Senior Policy Operating Group (SPOG) with overall co-ordinating responsibility and designated as its chairperson the Ambassador-ranked head of the State Department's Office to Combat and Monitor Trafficking in Persons.

Finally, the NCM may not operate successfully, or the issue may be marginalized, if its leadership is established in an office or ministry that does not have much authority within the Government, has a limited mandate, or has low budgetary resources or none at all. Although the responses to the questionnaire did not reveal a clear example of this, this could, for the purposes of illustration, occur if a government categorized and treated THB solely as a "women's" issue and assigned the issue to its under-resourced and under-regarded "Women's Office".

On the basis of its own experience, Slovenia offered several insights into the question of the leadership (and management) of an NCM. In response to question 8, it stated:

In the light of past experience it is recommended that the leadership of such inter-ministerial working groups by a national co-ordinator should be specialized. His or her focus should be especially on THB issues, following international activities in this field, leading and directing the working group, and creating conditions for new ideas and initiatives. If visible progress is to be achieved, a certain level of authority and competence are needed for the realization of the set goals. Management of the co-ordinating body should be supported by a secretariat, and the members of the working group should be experts and/or representatives of individual agencies with sufficient knowledge on THB and human rights.

Effective leadership of the efforts of the NCM, in whatever form it is constituted, is critical; success in the achievement of the ultimate objectives is unlikely without it. While there are no mandatory requirements for the person holding such a position within the participating States, it may be useful to consider some possible core responsibilities of an NCM's director as presented in the following box.

Examples of the core responsibilities of a National Co-ordinator

- Promoting and directing development of anti-trafficking policy;
- Reporting to the Government and parliament regarding the participating State's implementation of its overall policy and programmatic response;
- Liaising with external partners, agencies and donors, and organizing meetings on a regular basis;
- Budget and resource mobilization and co-ordination;
- Chairing regular meetings of the National Co-ordinating Mechanism and supervising the work of subgroups,
- Ensuring political support from leading members of the participating State's Government;
- In the absence of a National Rapporteur taking charge of the overall monitoring, review and evaluation of the implementation of the NAP and/or other anti-trafficking initiatives; and
- In the absence of a National Rapporteur co-ordinating information and data collection, analysis and sharing.

The list of examples is based on and adapted from the work⁴⁹ of a project directed by the International Centre for Migration Policy Development (ICMPD) involving representatives of countries of South East Europe and aimed at strengthening and updating NAPs in those countries. It indicates some of the responsibilities that could be viewed as characteristic of the leadership of an NCM. It makes it clear what a formidable undertaking such a function presents, especially given that, according to the responses to the questionnaire, this task typically has to be performed without a dedicated budget or the authority to direct or command the kind of concerted or co-ordinated action on the part of the other ministries that is necessary if THB is to be fought effectively. Furthermore, the leadership position is often given to a government official who holds other primary responsibilities.

The question of the requirements of leadership within the context of effective inter-ministerial anti-trafficking mechanisms means that a State seeking to determine what leadership approach may be optimal for its particular circumstances will have to take account of a number of factors, notably: governmental organization, the nature of trafficking within its borders, and the overall strategic and operational priorities of its anti-trafficking work in the context of international standards.

2.2.4 Rank of co-ordination leadership

One important consideration related to the appointment of the leadership of a national co-ordinating group – whether that is a national co-ordinator or an official in a designated Ministry – is that office's or official's authority and capacity to lead within the Government. What capacities and restraints are necessary if the responsibilities of this position are to be properly fulfilled?

One factor influencing the prospect for effective leadership is the placement of that position in the Government or State administration. If the leadership of a co-ordinating body is high-ranking, then it is more likely to have the authority to make policy decisions and at least some ability to marshal, if not direct, the co-ordination of efforts in a way calculated to achieve desired anti-trafficking outcomes. On the other hand, unless he or she is in a dedicated anti-trafficking position, a higher-ranking official is more likely to be burdened with other pressing issues competing for time and attention. A lower-ranking official may well be able to dedicate more time to the issue and may be more familiar with the day-to-day operational activities of the government efforts requiring co-ordination.⁵⁰

However, if the leadership post (whether dedicated or not) is entrusted to a lower-ranking government official, the incumbent will have much less ability to lead or even to influence ministries to co-operate. Indeed, such an official may have little ability to influence activities within his or her own ministry or to readily schedule a meeting with the head of the ministry in which he or she is located. Appointing a lower-ranking official to lead government activities could also potentially compromise the independence needed to report objectively on a Government's efforts in a manner likely to strengthen results in the long run. It might also result in lower visibility for the issue in the Government and amongst the general public.

2.2.5 The position of National Co-ordinator

A few participating States made the post of National Co-ordinator a dedicated, full-time position. In other cases, the term was simply a designation accorded to the government official responsible for heading the co-ordination mechanism, for whom this function was just one of a number of items in his or her official ministry portfolio.

In a few cases, this dedicated position was supported by a dedicated office or secretariat. In Croatia, for example, a dedicated full-time staff provides the National Co-ordinator with an ongoing support structure. The United States has created a dedicated Ambassador-rank position to head an office of specialist staff, the Office to Monitor and Combat Trafficking in Persons, and to chair the Senior Policy Operating Group (SPOG), which is the United State's mechanism for co-ordination of the various Departments and Agencies.⁵¹

⁴⁹ See ICMPD 2006, p. 59.

⁵⁰ The countries of South East Europe that have had appointed national co-ordinators since the early 2000s have located them at various different levels of government, including: Minister-level national co-ordinators, deputy ministers, and lower-ranked government officials.

⁵¹ The SPOG includes representatives from the Departments of State, Justice, Homeland Security, Health and Human Services, Labor, and Defense, as well as the U.S. Agency for International Development, the Office of the Director of National Intelligence, and the Office of Management and Budget. The National Security Council, the Office of the U.S. Global AIDS Co-ordinator, and the Department of Education also participate in SPOG meetings.

Several States have established small secretariats to provide crucial support to anti-trafficking co-ordination work. The advantages of employing a full-time dedicated staff of appropriate size are evident when one considers that THB, a complex activity engaged in by full-time professional criminals, can only be effectively fought by full-time professional experts. A supporting office of this kind can greatly enhance the prospects of successful countrywide co-ordination.

It also raises the question of whether in some countries, in the absence of at least some full-time dedicated government officials, it is not somewhat more likely that the Government will need to turn to international organizations and NGOs to take on roles that governmental offices are unlikely to be able to fulfil on account of conflicting time commitments.

2.2.6 Extending national co-ordination to integrate countrywide competencies and capacity

Because many facets of anti-trafficking work, especially in large countries, require the involvement of actors working neither in the capital city nor at the national level, it is important to consider how to incorporate these actors into a country's co-ordinated response. Located at the grass roots in other major cities, towns, or rural areas, these actors are often closest to the deleterious and debilitating impacts of THB on communities, families and individuals. While it is important to target responses to THB strategically, this targeting should be carried out within the context of a co-ordinated countrywide strategy. Concentrating anti-trafficking efforts on a limited number of locations and neglecting the need to co-ordinate efforts widely throughout a country is likely to result in false signs of progress and in the impression that trafficking has been reduced when in fact it has just shifted to other locations.

In accord with the need to respond appropriately to the potential existence of THB in communities across a country, the scope of anti-trafficking efforts should extend throughout that country and include co-ordination with and among those prominently positioned on the front lines. This should include prevention activities, law enforcement operations, and support and assistance for each victim's recovery.

If they have not done this already, participating States should consider drawing up a map of the roles and relationships of anti-trafficking agencies throughout their country in the manner of an organizational chart. This can facilitate a more concrete understanding of the complete blueprint of how any given participating State is implementing its national and international strategies for combating THB. A comprehensive co-ordination blueprint of this kind reveals how the participating State in question organizes itself in its co-ordinated efforts to reach anti-trafficking stakeholders throughout the country (i.e., "countrywide geographic co-ordination").

The nature of this organizational structure will be different for each country and will be influenced by factors such as the size of the State, its degree of governmental decentralization, and its budgetary resources. In some countries, these factors may commend a centralized hub structure emanating out from the NCM, while others may be better served by greater decentralization with the NCM providing more informal guidance to counterpart task forces or similar groups situated throughout the State. In all cases, these task forces should include all the competencies required to reflect the inter-disciplinary nature of THB and should also feature a mechanism for involving and co-ordinating with local NGOs. Most countries may require a combination of formal and informal lines of organization. The key consideration will be how the many elements should be brought together to be most effective. After the framework for this is determined, national strategies and policies should encourage the participation and mobilization of local authorities. Nevertheless, co-ordinating across multiple levels of government and in geographically disparate locations presents many additional complexities, especially where no direct lines of authority exist.

The questionnaire did not ask the participating States and Partners for Co-operation whether their co-ordination efforts were organized at multiple levels of government and with stakeholders across the country.⁵² It was thus not possible to establish how many respondents extend their co-ordination efforts

⁵² To take an example from outside the OSCE, Australia refers to engaging multiple levels of government – federal, State, and local – in a co-ordinated way as the "whole of government approach".

to anti-trafficking actors dispersed throughout the country and employed by non-national government bodies. However, several respondents indicated that there were government or law enforcement officials at levels below the national level, or representatives from local or regional authorities, represented in the NCM.

For example, Switzerland includes representatives of five cantonal conferences or associations on its NCM. Austria's Task Force includes representatives of its federal provinces or *Bundesländer*.

Italy is another example of a participating State that includes representatives of local authorities, in its Co-ordination Committee of Government Actions against Trafficking.

Ukraine has incorporated other levels of government – identifying, for example, “oblast State administrations, Kyiv and Sevastopol City State Administrations” – into the work structured by its NAP.

The United States has established an extensive system designed to co-ordinate inter-agency activities on multiple levels of government. The U.S. Department of Justice has established over 30 regional anti-trafficking task forces across the United States. The U.S. Department of Health and Human Services has formed 17 other anti-trafficking State/local co-operative coalitions. These coalitions consist of city (and/or other local) and State government officials, law enforcement and other criminal justice personnel, service professionals, representatives of faith-based organizations, representatives of ethnic communities, and other relevant actors.

While co-ordination between levels of government is critical, there are additional challenges. Switzerland alluded to the challenges of broad co-ordination and co-operation at multiple levels of government:

Because of Switzerland's federal structure, implementing laws in the field of prosecution and victim protection lies mainly in the jurisdiction of the cantons. Co-operation mechanisms at operational level need to be established in 26 different cantons. Promoting a unified approach takes time.

The response of the Netherlands underlines some of the challenges presented to its NCM by extending governmental co-ordination and co-operation:

Implementation of some elements of the National Action Plan proved to be more difficult than expected due to the fact that combating human trafficking involves a great diversity of actors, at the local, national and international level, each with its own perspective and its own powers and competences.

This shows clearly that where there are different authorities and perspectives involved, effective co-ordination is dependent upon persuasion, co-operation, communication and collaboration.

2.2.7 Specialized substantive groups

For most responses to the questionnaire it was not possible to ascertain whether working groups, task forces or other mechanisms were formally established to address particular topics such as child-trafficking or labour trafficking.⁵³ Several participating States made references to having established subgroups of this kind. The former Yugoslav Republic of Macedonia, for example, has a subgroup to its Secretariat that is dedicated to addressing child-trafficking. Typically, the role of these subgroups is to focus on the details of policy development and implementation.⁵⁴ They can play an important role in dealing with the details of policy and/or operations within more focused areas.

2.2.8 Co-ordinating international and domestic efforts to combat THB

Often the discussion of a State's co-ordination mechanism for addressing THB is carried on as if each Government were working in isolation. We know, however, that international efforts are critical to each country's success and to the collective efforts of the OSCE participating States. The questionnaire did

53 And it can be useful for each subgroup to establish its own targeted plans of action to guide and aid their work.

54 A number of countries also have co-ordinating groups for law enforcement operations. For example, in the United States, the Trafficking in Persons and Worker Exploitation Task Force (TPWETF) co-ordinates investigations and prosecutions of cases, as well as holding training courses and practising community and NGO outreach.

not seek to encourage the respondents to indicate how they co-ordinate the strategic implementation of their international anti-trafficking efforts, through, for example, the development of strategic bi-lateral and multi-lateral agreements or through investments in projects and programmes by donor countries. Several States nevertheless volunteered the information that one of the functions of their NCM was the development of co-operative efforts with other countries.

2.2.9 Limited scope of a National Co-ordination Mechanism and the notion of comprehensiveness

Generally speaking, an NCM gets its overall strategic framework from the country's legislation and/or NAP, and also from other adopted measures and high-level governmental expressions of policy priority and direction.

The questionnaire responses show that several countries address trafficking in human beings in a narrower form than that in which it is found in the OSCE commitments on THB, the UN Palermo Protocol, the Council of Europe Convention, and other international instruments. Simply stated, a number of the OSCE participating States utilize definitions of THB – in law or practice – that are in legally relevant ways narrower than those found in international standards. Consequently, they would appear to be applying “comprehensive” strategies to less-than-comprehensive definitions of THB (in law or practice).

France, for example, has an active NCM that addresses prosecution, prevention and protection – the basic elements of a comprehensive or holistic response to addressing THB. However, France clearly indicated in its answers to the questionnaire that the co-ordinating of its comprehensive response was applied apparently almost exclusively to prostitution.⁵⁵ (France's questionnaire response, referring to its co-ordinating body, the Central Office for the Repression of Trafficking in Human Beings or OCRTEH, stated that “this ministerial structure is mainly focused on prostitution networks.”) Luxembourg⁵⁶ is another example of a participating State that has restrictions on its treatment of THB.

The reasons for any participating State to adopt a definition of THB that is narrower than international standards are not readily clear. Nor did the questionnaire address this matter. For the purposes of the Report, with its focus on the mechanisms of co-ordination of efforts to fight THB, the important point to consider is that if a country's legislation or NAP result in THB being addressed more narrowly or differently – whether *de jure* or *de facto* – than is recommended by the applicable international instruments, then it is impossible for a country to claim to be applying a “comprehensive” or holistic approach.

Other potential categories of more limited or different definitional categories include, for example, a narrow focus on women, illegal immigrants or illegal workers. If, for example, a participating State's legal or working definition does not include forms of labour trafficking, its response will not properly address labour trafficking within the country's borders (and there will probably be no basis or capacity for data collection or co-operation with other participating States). Instead, fighting prostitution will be equated as the totality of what is necessary to fight THB.

In such cases, a participating State's response – and the effective scope of its NCM – will involve a smaller or different range of activities from the one that international standards have designated as constituting a comprehensive response to THB.

A participating State's definition containing fewer manifestations of THB than those specified in the international standard is not the only way in which the scope of an NCM's THB mandate may be narrowed. It may also be narrowed in more subtle and unintended ways. This can happen as a result

55 It is unclear whether the participating States that focus their efforts on identifying and prosecuting prostitution as their trafficking response also make prostitutes eligible for the range of benefits internationally recognized as being available to victims of THB in a comprehensive or holistic response.

56 The Luxembourg response to question number 9a, states:
 “The Ministry for Equal Opportunities has set up a national action plan for equal opportunities between men and women. This action plan foresees under the topic violence the following measures:
 • To set up a network to provide services to women, victims of human trafficking for sexual exploitation
 • To provide a special training to the staff of women's shelters to improve quality standards for women, victims of human trafficking for sexual exploitation
 • To raise awareness among customers of sexual services to understand the problems of women who are victims of human trafficking for sexual exploitation.
 It should be noted that this NAP has been very specifically developed within a gender perspective and does not include other aspects in combating trafficking in human beings.”

of disproportionate distribution of competencies or interests within the working group, when, for example, representatives have experience or interest in addressing:

- Sex trafficking, but not labour trafficking as well; or
- Adult female victims of transnational trafficking, without any office being represented that includes expertise about children, internal/domestic trafficking, or trafficking of men.

Regardless of the scope of a participating State's legal definition of THB, if the missions or expertise of those engaged do not cover the full range of THB manifestations, then important components of a comprehensive trafficking response will be neglected.⁵⁷

2.2.10 Frequency of National Co-ordination Mechanism meetings

The questionnaire revealed a variety of different scheduling practices for inter-ministerial groups. Some were quarterly, some monthly and some "as needed". The frequency of meetings may reflect the practicalities related to scheduling meetings of high level inter-ministerial bodies (attended by ministry heads or "principals"), which can come together for only a few meetings per year to focus on policy-level issues, whereas lower-level inter-ministerial bodies are able to have more regular meetings and focus on more programmatic and practical issues. The frequency of meetings can be viewed as an indicator for an NCM's character, intended purpose, and probable effectiveness.

Croatia's National Committee, with representatives from all competent bodies of State administration, justice and civil society, holds meetings two to four times a year. Between these meetings, the National Co-ordinator is authorized to co-ordinate activities. Croatia's operating team meets at least once a month, and more often if necessary.

The Senior Policy Operating Group (SPOG) responsible for co-ordination of the various Departments and Agencies of the United States' Executive Branch meets quarterly.

2.2.11 Do National Co-ordination Mechanisms serve the objective of co-ordination, namely, achieving effective anti-trafficking results?

Co-ordination is only a means to an end. The primary indicator for the effectiveness of co-ordination should not be based upon the number of stakeholders gathering or the number of meetings held, but upon the quality of the results they produce. When responding to the questionnaire, Austria clearly understood the idea of this connection between the role of the NCM and the use of results-based measures to gauge its effectiveness: "The main challenge presently facing the Task Force is the implementation of the National Action Plan against THB"

The questionnaire asked for information about the "achievements" of the NCM. The responses to the inquiry about the achievements of NCMs confirmed that most States viewed their involvement in developing and/or implementing their respective NAPs as a centrepiece of their accomplishments.⁵⁸ One illustrative example of a participating State referring to the implementation of its NAP was provided by Slovakia: "The Expert Group members are responsible for the performance of tasks set under the National Action Plan to Combat Trafficking in Human Beings by individual ministries"

Similarly, a number of participating States identified policy and/or legal reform as important aspects of the work of the NCMs, some of which may be tied to work with developing NAPs or pursuing independent measures. These included: Azerbaijan, Belarus, Croatia, Germany, Luxembourg, Norway and Serbia, and one Partner for Co-operation, Japan.

⁵⁷ If the participants' mission or expertise is more aligned with combating irregular migration, economic labour exploitation, prostitution or other issues that are implicated by and overlap with THB, but are not THB as contemplated by international legal standards and complying national laws, then the substantive mandate of the NCM is likely to be shifted away, however subtly, from THB. This will dilute the response to THB (which is not to deny that a focus on these overlapping issues can result in some human trafficking accomplishments).

⁵⁸ The States that highlighted the NCM's role in developing the NAP include the following participating States: Austria, Azerbaijan, Belarus, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, Germany, Latvia, Lithuania, the former Yugoslav Republic of Macedonia, Netherlands, Norway, Romania, Slovakia, Slovenia, United Kingdom; and the Partners for Co-operation Israel and Thailand.

Raising awareness of THB among government officials and/or the public was also prominently identified as a function of NCMs. Among the participating States that identified awareness-raising as one of the roles of their NCM were Croatia and Finland, which referred to one of its achievements as “[a]wareness raising among the working group participants, including more broadly the sectors the participants represent as well as among larger public and the media.”

Further elaboration of co-operation mechanisms was also identified as an achievement of a number of NCMs. In some cases, this included co-operation with NGOs. Lithuania, for example, stated that its group’s main achievement was well-co-ordinated co-operation between NGO and governmental institutions in the protection and assistance of victims. In other instances – for example, Finland and Hungary – the responses appeared to refer to developing co-operation on establishing National Referral Mechanisms.

A number of countries linked the work of the NCM to specific operational actions. For example, Azerbaijan had created a special police entity for combating THB, establishing a specialized refuge for the protection and security of victims of trafficking, and had also established a fund for assisting victims. Belarus also pointed to the creation of a specialized anti-trafficking unit within its Ministry of the Interior. Canada highlighted the following two broad elements: training of law enforcement and immigration officials; and establishing guidelines on temporary immigration status, work permit eligibility and access to (interim) Federal health benefits. In Iceland, the national group had established an emergency contact group consisting of representatives of various governmental institutions and NGOs, such as the police, the women’s shelter, the social services and others. Liechtenstein had developed a co-operation model for handling cases of THB. The former Yugoslav Republic of Macedonia indicated that the preparation of standard operational procedures for identification and for the referral of victims of THB was in progress. Romania listed a number of operational activities engaged in by its NCM, including: developing two national prevention campaigns, setting up a national database, creating a National Referral Mechanism, establishing a national charge-free info-line on THB, drawing up and implementing its National Interest Programme to improve the assistance of the victims, which has been providing financial resources for specialized NGOs through the national budget since 2007, and drawing up quality standards for the assistance of victims of THB.

This listing only provides a sample of the many achievements identified by the participating States.⁵⁹ Even so, because of the limits of its format, the questionnaire may not have provided the participating States and Partners for Co-operation with the opportunity to present a full picture of the links between their co-ordinating structure and their effective organized operations.

2.2.12 Do the existing National Co-ordination Mechanisms serve the objective of co-ordination?

The questionnaire did not permit a definitive answer to the question of whether the existing NCMs were serving the objective of co-ordination. Most countries seem to have the appropriate range of ministries participating; some, but not all, have incorporated a working relationship with NGOs in the co-ordination process.

However, this information is not sufficient to answer the more complex question of whether any given NCM is effective in producing anti-trafficking results. The participating States identified a number of key challenges faced in developing effective co-ordination.⁶⁰ They include:

- The fact that different ministries have different objectives;
- Internal co-ordination – notably between State authorities and NGOs and international organizations;
- Co-ordinating with international authorities, especially in the area of investigations and prosecutions. The lack of co-operation among police and other enforcement officials along known trafficking routes across borders was identified as a challenge to law enforcement initiatives;
- A limited capacity of government agencies to accomplish anti-trafficking goals.⁶¹

⁵⁹ See Annex D.

⁶⁰ See Annex D, Question 8

⁶¹ See OSCE SR Report 2006, p. 15

Regardless of the structure of the mechanism, it is clear that success, measured in terms of effective co-ordinated action, will be virtually impossible unless a number of preconditions are satisfied. These include:

- Development and reliance upon an empirical foundation and strong analysis to contribute to informed decisions about policy and practice;
- Operational political support (as opposed to rhetorical political support);
- Adequate resources dedicated to supporting national co-ordination structures;
- Trust among the participating entities;
- Communication flow within government to all relevant stakeholders;
- Effective working relations with civil society;
- Sharing a common goal and developing a vision of the problem;
- A shared understanding of the problem and of the impact of THB on victims and society; and
- Facilitating an understanding of and respect for the mandates and competencies of the various anti-trafficking actors and stakeholders.

The United Kingdom was one of the participating States that mentioned how complex co-ordination becomes when there are competing interests and priorities: “One of the main challenges for the Group has been competing priorities from Government Departments with some viewing this as not a main concern for them.”

The Czech Republic stated that ongoing debate about the respective merits of various State policies (for example, security policy versus social policy) was a challenge facing the inter-ministerial group. Denmark cited the challenge of “securing ongoing co-ordination of the efforts.” And Finland identified “[e]nsuring the commitment of the representatives to the work of the Task Force.” Italy also mentioned the challenge of “the difficulty of co-ordination among different stakeholders.”

While not all States will face all of these challenges, these responses suggest that great attention should be paid to the working relationships of the constituent parts of an NCM. If not addressed and resolved appropriately, any single one of these challenges can be sufficient to undermine the efforts of the NCM and hinder the achievement of the anti-trafficking results it seeks.

2.2.13 Lack of budgetary support: A major problem for National Co-ordination Mechanisms

Many countries indicated that their work was challenged by lack of resources. Many explicitly stated that they had little or no budget available to support the work of their NCMs. A partial list of countries that referred to budgetary issues as a challenge included: Azerbaijan,⁶² Cyprus,⁶³ Czech Republic,⁶⁴ Estonia,⁶⁵ Israel,⁶⁶ Italy,⁶⁷ Finland,⁶⁸ the former Yugoslav Republic of Macedonia,⁶⁹ Norway,⁷⁰ Poland,⁷¹

62 “There were no challenges except finding resources.”

63 “Lack of human resources” and “budgetary limitations”.

64 “Main challenges are usually lack of financial resources to finance preventative or awareness raising measures.”

65 “Scarce resources may become a problem in the future years.”

66 “In addition, budgetary constraints are ever present.”

67 “Financial resources”.

68 “Lack of resources that have resulted”.

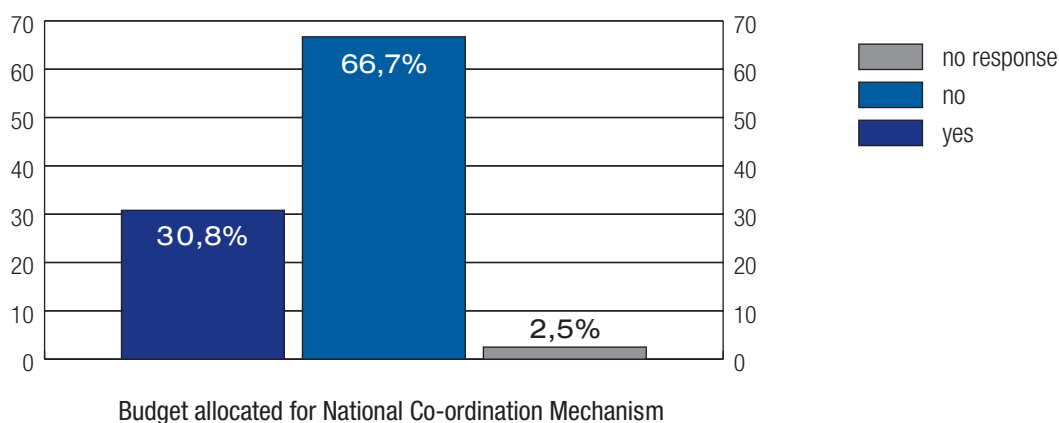
69 “The main challenge is establishing a budget”.

70 “Lack of a budget”.

71 “Financing problems”.

Romania, Serbia,⁷² Turkey,⁷³ Ukraine,⁷⁴ and the United Kingdom.⁷⁵ Graph 4 identifies the percentage of participating States and Partners for Co-operation that have budgets supporting the work of their NCM and that of those that do not.

Graph 4: Budget allocated for National Co-ordination Mechanism⁷⁶



The participating States and Partners for Co-operation that indicated that there was a budget to support at least part of their anti-trafficking work include those identified in Table 2, Annex C. However, the responses to the questionnaire do not reveal the amount or strength of the budgetary support for any given State's anti-trafficking work.

Another budgetary approach reflected in the responses to the questionnaire was the utilization of the budget of the ministries that participated in the NCM and/or engaged in the State's anti-trafficking work. When ministry budgets are utilized, it is at least theoretically possible for NCMs to conduct their work even without dedicated budgets, as the work of an inter-ministerial group of this kind can be carried out through the respective ministries with the support of each ministry's own budget. For this approach to be effective, the ministries have to resource anti-trafficking work adequately. The responses of countries utilizing this budgetary model did not reveal whether the budgetary support of the ministries was adequate.

Furthermore, it appears from the responses to the questionnaire that the participating States and Partners for Co-operation have relatively few offices or specialist officials dedicated on a full-time basis to combating THB and/or assisting victims.

Lack of adequate resources – financial and human – is a fundamental challenge. As government budgeting tends to follow government priorities, it may be possible to use a participating State's budgetary resources to draw some conclusions about its vision of combating THB. Questionnaire responses indicated a general need to allocate more funds for anti-THB programmes in national budgets. Specific budget needs mentioned by respondents included law enforcement, shelters, and support to NGOs, with funds also being needed for capacity-building for all individuals working with victims of THB.⁷⁷

72 "The national anti-trafficking co-ordination mechanism has no budget of its own. That is why each stakeholder (governmental authorities, non-governmental and international organizations) has its own sources of finance (budget, projects, donations, etc.)."

73 "The most important challenge facing the Task Force is lack of budget and resources."

74 "The Interagency board on combating trafficking in human beings is the advisory body. So, it has no budget and resources."

75 "[A] lack of resources has proved difficult especially for victim assistance."

76 This graph refers to the 36 participating States and 3 Partners for Co-operation that reported having NCMs.

77 See OSCE SR Report 2006, p. 15.

Chapter 3

NATIONAL ACTION PLANS

This chapter reviews the status of utilization of National Action Plans (NAPs) and other co-ordinated policy responses by participating States and Partners for Co-operation. It presents a summary of the participating States' responses to the questionnaire and an analysis of the implementation of NAPs based upon those responses.

3.1 Purpose and rationale of National Action Plans

The use of National Action Plans by countries to organize their anti-trafficking responses is not new. The history of using NAPs as planning tools dates back at least to the period of the negotiations of the United Nations Palermo Protocol in Vienna in the late 1990s. In 2000, immediately after the signing ceremony of the protocol in Palermo, the Stability Pact Task Force to Combat Human Trafficking (SPTF) gained the agreement of the countries of South East Europe (SEE) to create and adopt NAPs.⁷⁸ In conjunction with this, the SPTF, working under the auspices of the OSCE, promulgated guidelines in the form of a template for an NAP framework.⁷⁹ The SEE countries presented their NAPs at the 3rd Task Force Meeting in December 2001, and by 2003 most had officially adopted an NAP. Some other OSCE participating States also enacted NAPs during the early 2000s and, in a few instances, even before that. One of the earliest was Belgium, which adopted its first NAP in 1995.

The OSCE is not the only international organization to have adopted its own Action Plan. Further examples are the EU Action Plan,⁸⁰ and the CIS Program of Co-operation to Combat Trafficking in Human Beings.⁸¹ Certain countries in Asia developed early versions of their NAPs in connection with the Asian Regional Initiative Against Trafficking (ARIAT) in Manila in 2000.

An NAP (or other co-ordinated policy response) is intended to do exactly what its name suggests: to plan a country's actions against THB in a systematic, organized and co-ordinated way. It is the blueprint for how, when and by whom strategic and operational activities are to be accomplished. It should link a country's framework of concrete actions – its programmes and other measures – to its strategic vision and priorities. It should address the capacity and resource issues that are needed to supporting the attainment of tangible anti-trafficking results. An NAP thus aims to turn many potential and actual pieces of a country's anti-trafficking puzzle into a coherent portrait of the participating State's plan for its anti-trafficking work.

NAPs first and foremost represent a given State's governmental plan. However, there are many other stakeholders outside of government who must also be engaged in this process and who play key roles in its success as a useful planning tool. Indeed, NGOs were catalysts for the development of NAPs in many countries and continue to play central roles in their implementation.

78 The First Regional Ministerial Forum, held on 13 December 2000, resulted in the Ministers and official representatives of SEE countries signing the Palermo Anti-Trafficking Declaration of South Eastern Europe. National Action Plans for countries in SEE were developed with reference to a Multiyear Anti-Trafficking Action Plan for South Eastern Europe, which was created collaboratively under the auspices of the SPTF. This Regional Multiyear Action Plan addressed thematic areas of research and assessment, raising awareness and prevention including addressing social and economic causes, victim assistance and support, return and reintegration assistance, law reform, law enforcement, international law enforcement, co-operation and co-ordination (see Warnath 2004).

79 See Warnath 2004, pp. 39–41.

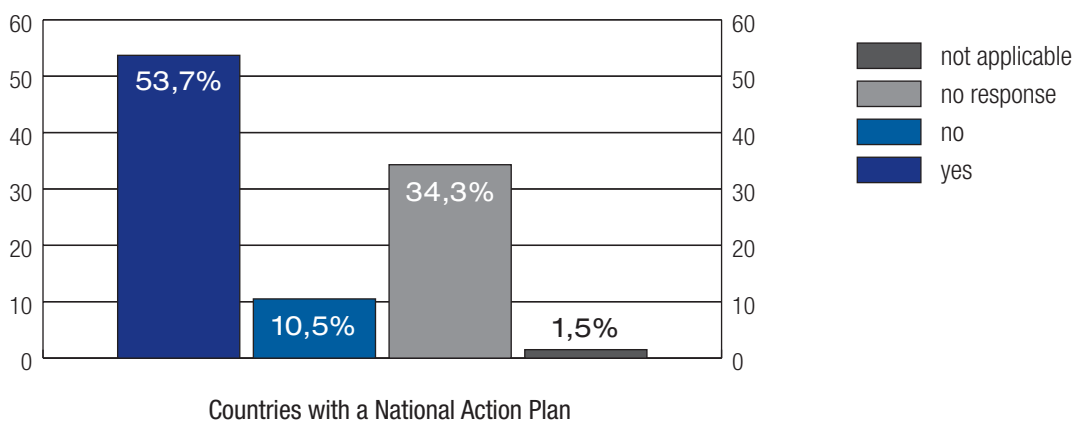
80 See EU Action Plan 2005.

81 See CIS Program for 2007–2010. The Program was adopted by the CIS Council of Heads of State on 28 November 2006 and signed by Azerbaijan, Armenia, Belarus, Kazakhstan, Kyrgyzstan, Russian Federation, Tajikistan, and Ukraine.

3.2 Responses to the OSCE questionnaire

The responses to the OSCE questionnaire indicate that the majority of the OSCE participating States have an NAP or an equivalent co-ordinated policy/programmatic response. Specifically, 33 participating States (and three Partners for Co-operation) responded that they had enacted an NAP. See Table 4, Annex C. Reflecting the fact that the adoption of the earliest NAPs dates back to 2000 or earlier (the earliest one was adopted by Belgium in 1995, as noted above), a number of participating States (e.g., Belgium, Norway, Croatia) indicated that they had revised and updated their NAP since it was first adopted. Graph 5 shows how the responses break down.

Graph 5: Countries with a National Action Plan⁸²



Participating States and Partners for Co-operation with NAPs typically organize the presentation of its organizational content either in 1) chart-based or 2) narrative format.

As an alternative to the adoption of a formal NAP, five participating States responded that they had a co-ordinated response equivalent to an NAP. These were Belgium, Canada, Germany, Switzerland and the United States. Six participating States responded that they did not have an NAP, nor did they utilize an equivalent co-ordinated policy/programmatic response to trafficking at the national level. These were Andorra, Hungary, France, Iceland, Malta, and Liechtenstein.⁸³ Sweden stated:

Action plans are currently being prepared – on prostitution and trafficking for sexual purposes (coordinated by Ministry for Integration and Equality), and on trafficking for other purposes (coordinated by Ministry of Employment).

The remaining participating States either did not respond or provided a response that did not clearly indicate whether they had an NAP or equivalent mechanism in place.

Canada responded that, although it did not have an NAP, it relied upon its Interdepartmental Working Group on Trafficking in Persons (IWGTIP), co-chaired by the Departments of Justice and Public Safety, to co-ordinate its policies and activities utilizing the UN Palermo Protocol to organize and to guide its efforts.⁸⁴

France, responding that it had no NAP, described its approach as follows: “The fight against the Trafficking in Human Beings is organized on a centralized mode, activating a network of organizations and structures of different forms and natures concurring together to give to the authorities all neces-

⁸² This graph is based on data about 56 OSCE participating States and 11 Partners for Co-operation.

⁸³ It is understood that, in some cases, participating States have taken steps to develop or have enacted NAPs since the time of responding to the questionnaire.

⁸⁴ Canada’s response states: “Consistent with international best practices as reflected in the United Nations’ Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children, Canadian anti-trafficking efforts are focused [sic] on the prevention of trafficking, the protection of victims, the prosecution of offenders and collaboration with Canadian and international partners. As discussed above, federal efforts, organized around these themes, are co-ordinated by the IWGTIP.”

sary element to evaluate the situation and take the adequate measures.” France further indicated that its approach was: “global, multi-sectoral and pluri-disciplinary, as recommended by the Council of Europe Convention. It combines preventive and repressive measures as well as protection and assistance for the victims.”⁸⁵

Germany responded that instead of utilizing a single NAP, it had interwoven anti-trafficking planning into the action plans of several other overlapping issues of the Federal Government, in particular, the Action Plan to combat violence against women and the Action Plan for protection of children and young people from sexual violence and exploitation.

Luxembourg incorporates some elements of anti-trafficking in its national action plan for equal opportunities between men and women, an instrument of the Ministry for Equal Opportunity. Luxembourg states:

This action plan foresees under the topic violence the following measures:

- to set up a network to provide services to women, victims of human trafficking for sexual exploitation;
- to provide a special training to the staff of women’s shelters to improve quality standards for women, victims of human trafficking for sexual exploitation
- to raise awareness among customers of sexual services to understand the problems of women who are victims of human trafficking for sexual exploitation.

Luxembourg furthermore noted the following:

[T]his national action plan has been very specifically developed within a gender perspective and does not include other aspects in combating trafficking in human beings.

The United States responded that although it did not have an NAP, it relied upon its legislation and a Presidential Directive to provide the framework to guide its work.⁸⁶

It is evident that there are a variety of approaches that countries rely upon as equivalents to an NAP for organizing their anti-trafficking initiatives.

3.2.1 What is covered in the national policy response?

With very few exceptions,⁸⁷ all responding participating States confirmed that trafficking in human beings was defined in their legislation and/or National Action Plan. In addition, to the question whether they utilized a comprehensive framework of prevention, prosecution, protection and assistance in their legislation or NAP, most participating States answered in the affirmative.

Nearly all respondents indicated that their national policy response addressed the range of categories specified by the questionnaire: legislative reform, prevention, protection and assistance, law enforcement and prosecution, international co-operation, and the roles and responsibilities of different stakeholders. As the questionnaire did not request or elicit additional information on the treatment of these categories, it is not possible to elaborate on the important matter of coverage of the responding States’ national policy responses in their NAPs. (A further discussion about the concept of coverage and “comprehensiveness” in the context of NAPs is presented below.)

85 According to France’s response to the questionnaire, its efforts are directed primarily at prostitution and not THB as the term is defined in international instruments.

86 The United States’ response explains: “The Trafficking Victims Protection Act of 2000 and its subsequent reauthorizations in 2003 and 2005 serve as the guideposts for the US Governments [sic] anti-trafficking response. Additionally, a Presidential Directive issued in 2003 also provides a complementing policy framework.”

87 Luxembourg and Estonia are examples of the participating States that addressed human trafficking but had not defined trafficking in human beings in their criminal law or NAP. Estonia’s response to the questionnaire, for example, explained that its plan was guided by the Palermo Protocol and that although there was no criminal offence specifically defined as “trafficking in human beings”, Estonia made use of many related Penal Code offences.

Most of the respondents indicated that their NAP contained an implementation timeline, time targets or deadlines. However, several participating States indicated that their NAPs did not contain schedules for action. States not utilizing an NAP or equivalent co-ordinated policy response also would not have published timelines.

Switzerland's response indicated that it did not include an implementation timeline in its NAP, but "[i]mplementation schedules were set later in the planning and evaluation process." This serves as a reminder that the participating States develop different approaches tailored to their own needs and circumstances and that there is more than one path to the same destination. Thus, it is not clear to what extent there may remain gaps for some countries in the use of time targets or deadlines for planning, implementation and accountability purposes.

3.2.2 How is the impact of the NAP reviewed and assessed by the Government?

At least 18 respondents indicated that they produce a report, typically annually, reviewing the progress of government anti-trafficking work. More information about reporting on impact of the NAP and anti-trafficking implementation is presented in Chapter 4 below on National Rapporteurs and equivalent mechanisms, which in most participating States are responsible for assessments of this kind.

A number of States answered that they convene one or more meetings of the country's working group or task force to review and assess the measures taken in compliance with the NAP.

Some countries mentioned that NGOs and government consult regarding the review and assessment of the impact of the NAP.

Several countries have an office designated for assessment, although most assign this task to the inter-ministerial group. For example, the United Kingdom stated that the Inter-Departmental Ministerial Group on Human Trafficking monitors the implementation of the UK Action Plan. In the US, the Government's domestic and international efforts are reviewed and reported on by the Department of Justice with input from other relevant Departments engaged in combating THB. In Ukraine, the Ministry of Ukraine for Family, Youth and Sport prepares an annual report regarding the state of implementation of the NAP. In Croatia, the National Committee for the Suppression of Trafficking in Persons and its Secretariat and the National Co-ordinator are responsible for preparing and submitting of reports to the Government regarding the implementation of the Action Plan for the Suppression of Trafficking in Persons.

3.2.3 What have been the primary achievements of the NAP or other co-ordinated policy response?

The participating States and Partners for Co-operation reported many achievements. While the responses provided a range of different specific examples, it was also possible to begin to identify some broad themes, including: raising public awareness, identification and consolidation of expertise, improving co-operation among stakeholders, and increasing research, training and educational activities.

Some specific examples provided by the participating States are presented here for illustrative purposes.

Ukraine, for example, listed a wide range of primary achievements of its Action Plan, including:

- Establishment of the permanently acting commissions for co-ordination of efforts and exchange of information on the issue regarding the combating trafficking in human beings in all regions of Ukraine;
- Establishment within the structure of the Ministry of Internal Affairs of Ukraine, and the successful activity of, the Department on Combating Trafficking in Human Beings and its subordinate units in the regions;
- Increase in the number of the criminal proceedings concerning cases of THB;
- Preventive efforts on local level which include a number of Round Tables, Conferences[,] Seminars and trainings;

Active engagement of the NGOs providing substantial methodological and financial support to the efforts on combating THB;
Creation of a regional network of rehabilitation and reintegration centres and shelters for victims of THB.

Azerbaijan made the following statement:

Within the framework of the National Action Plan and the activities of the Working group under the National co-ordinator the primary achievements were:
Developing normative and legal acts to be included in the legislation of Azerbaijan;
Creating a special police department – the Department for Combating Trafficking in Human Beings under the Ministry of Interior of Azerbaijan;
Establishing a specialized refuge for the protection and security of victims of trafficking;
Establishing a victims' of trafficking assistance fund.

Austria identified one of its accomplishments as “intensified co-operation with the Federal Provinces, clear objectives for measures [against THB] with deadlines, permanent monitoring and exchange of information on measures.”

Belarus pointed to:

[B]ringing national legislation up to international standards and the successful attainment of its State programme, while involving nearly all state agencies into combating trafficking, focusing the attention of Belarus society on problems of trafficking, defining priorities and ensuring their practical execution, and in the course of work improving the mechanism for developing new effective measures to combat trafficking in human beings.

Canada listed a number of achievements, including:

[The] development of a special tool kit for distribution to all law enforcement agencies which includes a training video on identifying potential trafficked victims and their traffickers as well as outlining criminal offences. The training video is available in both of Canada's official languages (English and French) and has been shown at over 100 venues (nearly 4,000 viewers) since completion in March 2006. The video has served to build partnerships between law enforcement and NGOs. Law enforcement agencies across Canada have also received fact sheets and posters to promote awareness on how to identify victims and a wallet-sized contact card for law enforcement officers to contact RCMP [Royal Canadian Mounted Police] regional experts for guidance/assistance on potential trafficking cases.

Croatia pointed to the NAP's role in integrating its response to THB and in covering, for example:

[The] legislative framework for prosecution of perpetrators and adequate assistance to and protection of victims of trafficking in persons, national referral system of assistance to and protection of victims, prevention, education of target groups, international co-operation and co-ordination of activities.

The Czech Republic identified some of the most prominent achievements of the NAP as:

[C]hanges in legislation, realization of number of surveys, educational activities aimed at state employees (policemen, state prosecutors, judges, social workers, etc.), changes in organizational structure of the police, preventative and awareness-raising activities, victim care programme etc.

Finland noted the following amongst its accomplishments:

General awareness-raising of the public, including the media, on the problem of human trafficking; increase in and consolidation of the expertise of governmental representatives. For example, as a direct result of the Action Plan and increased knowledge, different ministries have drafted their own action plans to combat human trafficking. Establishment of a support and assistance system for the victims, including relevant law reforms.

The Netherlands listed a number of illustrative results achieved, including:

[T]he establishment (in 2005 in the town of Zwolle) of a multi-disciplinary Expertise Centre on Human Trafficking/Smuggling that gathers information with a view to supporting or initiating police investigations (the Centre is attached to the National Investigation Service, which is part of the national police);

and

[A]dditional efforts by relevant organizations (notably through the broad dissemination of a checklist of indicators) to detect victims of human trafficking as early as possible.

Slovenia pointed to its NAP, National Working Group and a financial plan to ensure implementation of its established objectives as a demonstration of the Government's commitment to fight THB at all levels.

The responses of the participating States and Partners for Co-operation in their entirety may be found attached as Annex D, Question 14.

3.2.4 What have been the main challenges facing the implementation of NAPs or co-ordinated responses?

It is noteworthy that a number of participating States, echoing their responses regarding challenges for their NCM, expressed concern about the limitations of the resources – both budgetary and human – available for their anti-trafficking work. In addition, several participating States observed that it was a challenge to co-ordinate the range of governmental and NGO actors involved. As many participating States did not mention limitations or challenges in the context of their planning activities, it is difficult to identify additional themes emerging from the responses provided. All of the responses to this inquiry are attached at Annex D, Question 15.

3.3 Analysis of the establishment of National Action Plans

3.3.1 The National Action Plan as a framework as opposed to a planning tool

NAPs should be reviewed with the following initial question in mind: Is the NAP a *general framework* or is it a *plan* to comprehensively combat THB? Both are useful, but the difference lies in whether or not a document contains sufficient specificity and detail, accountability and responsibility. An NAP cannot serve a functional planning purpose if it is drafted at a very general level, for example, if it has many anti-trafficking activities listed to be accomplished but without concrete activities assigned to specific responsible actors, timeframes established for achieving those tasks, or a structure and rationale that brings the elements together in a unified whole, operationally and strategically. In such a case, the NAP document constitutes a framework rather than a planning instrument.

3.3.2 Considering the link between the form/content of a National Action Plan and its function

There is no single template for the structure or content of an NAP, nor should there be. The content of NAPs should advance their function, which is to articulate a coherent, cohesive and comprehensive strategic and operational plan over time within the unique context of each country. An NAP's operational components should reflect the sum of a country's vision of what is strategically necessary to address all aspects of THB and to achieve anti-trafficking objectives within identified timeframes. Finally, an NAP needs to be written with clarity so that it is intelligible to the public as well as to anti-trafficking specialists.

As noted above, NAPs tend to come in one of two formats: 1) chart-based or 2) narrative. Each of these approaches has certain strengths and weaknesses with regard to serving an NAP's function as a practical planning tool, which may be worth consideration by the participating States.

The narrative form tends to tell a more detailed story about strategy and accomplishments. But NAPs structured as narratives tend to be weaker in identifying timeframes for future action and offices or

officials responsible and accountable for action. Chart-based NAPs, on the other hand, are typically clearer at identifying time frames and responsible actors. They tend to have more planning elements, yet most lack the type of explanatory details that can be found in narrative NAPs, which can provide useful information about the policy, strategic and operational context.

Because of the respective strengths and weaknesses of these approaches, it may be that a more effective planning tool could be created by combining the best elements of the chart-based and narrative forms. The chart-based portion of an NAP would distil and identify the specifics of the framework (including a timeline for action) in an easily digestible format. The narrative portion of an NAP would provide elaboration to explain the strategic and empirical basis of the elements of the NAP. The combined document could present the State's plan for combating THB in the fullest and most detailed way, thereby enhancing the comprehensibility and usability of the NAP for all stakeholders.

Some countries have taken steps in this direction by producing both a strategy document and an NAP (or incorporating a strategy narrative into the NAP), for example, Serbia, the United Kingdom, the former Yugoslav Republic of Macedonia, and the Czech Republic. This approach can be very useful. A key to producing the strongest possible planning tool is to identify opportunities to interweave the strategic and operational content very deliberately so that the operational components are linked very specifically and explicitly within the strategic framework. If, for example, a participating State's strategy document refers in its chapter on "prevention" to a range of factors that contribute to THB within the participating State, the NAP's activities on prevention should, as much as possible, reflect the identified contributing factors in the details of the responses planned.

A third approach adopted by several countries, as noted above, was to not utilize a dedicated anti-trafficking NAP or other single instrument of planning at all. At least one participating State (Germany), rather than adopting a dedicated NAP, incorporates its anti-trafficking planning into action plans of several related issues. However, it remains unclear from the information available from the questionnaire alone whether such an incorporation of anti-trafficking measures into other action plans in lieu of adopting a core anti-trafficking NAP achieves the planning integration and comprehensiveness called for in an anti-trafficking NAP. Beyond this, coverage concerns could arise since, for example, the two action plans referred to (i.e., violence against women and protection of young people from sexual violence and exploitation) would not be instruments that address adult males or trafficking involving purposes other than sexual exploitation or violence (although planning for this could be addressed in other ways). Luxembourg, which notes that its NAP has been developed within a gender perspective and does not include other aspects in combating THB, would also seem to preclude integrated strategic planning to address issues such as trafficking of men, forced labour, etc. The responses to the questionnaire do not indicate clearly how these issues are addressed.

The approach of Germany and Luxembourg highlights the useful point that there are a number of policy areas, each with its own governmental planning processes and mechanisms, that overlap with issues involved in THB. These areas feature important initiatives implemented by the participating States that are not designated as anti-trafficking activities *per se*, but which have an influence on the likelihood of success of anti-trafficking strategies. These may include measures such as: plans to combat family violence, violence against women, gender discrimination, organized crime and corruption, and ethnic or religious discrimination; and measures to promote the rule of law, economic development and job skills training, independent media, child protection, youth empowerment, and life skills. Socio-economic policies (including education, migration, and health) that apply broadly and address issues beyond THB are nevertheless essential to the prospect of success in combating THB. Accordingly, it may be useful to think of the process of anti-trafficking planning as involving a family of action plans that supplement and support a State's core anti-trafficking NAP. Selectively integrating anti-trafficking measures into the planning documents of related topics that a Government addresses may help to co-ordinate responses more fully, better reflect the realities of the THB phenomenon, and tap the full range of tools available to combat THB.

Finally, several participating States utilize a "non-NAP" approach. In lieu of an NAP, several participating States referred to the Palermo Protocol's "3-P's" and/or the participating State's legislation as providing the equivalent framework guiding its activities. However, in general, legislation and international legal instruments are not able to fully serve the purpose of an NAP, either operationally or strategically. While legislation and the "3-Ps" can provide the framework within which a participating State's

activities may be categorized conceptually, they are no real substitute for a strong planning tool. NAPs provide needed elaboration and detail within the framework of such legal guideposts. As noted above, a concrete plan should typically include elements that bring operational pieces together throughout a country (including both international and domestic initiatives) in a coherent and integrated way in accordance with a timeframe with means for determining governmental responsibility for progress and attainment of results.

The United States is a noteworthy example of a participating State utilizing a “non-NAP” approach.⁸⁸ Despite not having enacted an NAP, it has been among the leaders of anti-trafficking work globally. At the same time, many of the projects supported by the ample investment of the U.S. in international anti-trafficking projects since 2000 have focused on encouraging and supporting other countries to draft and adopt NAPs.

It is important to note that the absence of an NAP does not necessarily mean that the participating State in question is not engaging in activities to address THB. Several of the participating States that have not adopted an NAP are quite active in conducting THB initiatives within their respective countries and in investing in projects worldwide. Nevertheless, participating States that eschew an NAP or similar planning tool should be vigilant to the possibility that the effectiveness of even very significant levels of anti-trafficking activity may be diminished in unintended and immeasurable ways. The U.S. General Accountability Office emphasized this point while recommending that governmental anti-trafficking actions should tie in directly with an overall organized co-ordinated strategy to help a country determine the effectiveness of its efforts and to adjust its efforts to be more effective.⁸⁹

Accordingly, NAPs remain an invaluable tool for national planning of anti-trafficking activities. Nevertheless, as with every other aspect of anti-trafficking work, no single size fits all. The relationship between the role of NAPs and variables that are specific to individual participating States should be considered. This may take into account, for example, the existing level of engagement by a particular participating State, the scale of the problem that the participating State faces, whether THB is recognized and given visibility as a governmental priority in concrete ways, and whether there may be more effective, efficient and appropriate means of transforming anti-trafficking strategy into organized systematic action given the specific context of a particular participating State.

As part of this examination, it is worth considering whether or how anti-trafficking planning, and an NAP’s role in that process, may change during different stages in the development and maturity of a participating State’s anti-trafficking activities. Clearly, an NAP can play a significant role during a participating State’s early efforts to help prioritize the issue within the Government and organize the development and implementation of concerted anti-trafficking action. As a participating State’s anti-trafficking activities grow, NAPs should remain a valuable tool to provide important cohesion, integration and common direction to the significant activities as they multiply. However, it is perhaps also true that there is a point at a later stage in the development of a participating State’s anti-trafficking activities at which the concept of the NAP will be most useful if it is adapted and tailored in ways that have not yet been reflected upon in order to accommodate the maturity and breadth of anti-trafficking efforts domestically (at different levels of government) and internationally.

3.3.3 National Action Plans, coverage and “comprehensiveness”

The OSCE Action Plan states:

3. A comprehensive approach to trafficking in human beings requires a focus on bringing to justice those responsible for this crime, and on carrying out effective measures to prevent it, while maintaining a humanitarian and compassionate approach in rendering assistance to its victims.⁹⁰

88 The U.S. explains that its work is guided by other instruments: “The Trafficking Victims Protection Act of 2000 and its subsequent reauthorizations in 2003 and 2005 serve as the guideposts for the US Governments [sic] anti-trafficking response. Additionally, a Presidential Directive issued in 2003 also provides a complementing policy framework.”

89 See, for example, U.S. GAO 2006, and U.S. GAO 2007.

90 OSCE Action Plan, Chapter I paragraph 1.

Most participating States describe their approach as “comprehensive”. And, as noted above, most countries indicated that their respective NAPs “covered”.⁹¹

- Legislative reform;
- Prevention;
- Protection and assistance;
- Law enforcement and prosecution;
- International co-operation; and
- Roles and responsibilities of different stakeholders

Yet, as was noted in Chapter 2 on National Co-ordination Mechanisms, “comprehensiveness” is a relative term based upon the scope of a participating State’s anti-trafficking response. The responses to the questionnaire clearly indicated varying degrees of comprehensiveness in the scope of NAPs, and in the implementation of anti-trafficking efforts. An analysis of the responses to the questionnaire reveals that while respondents’ NAPs addressed, at a minimum, broad categories of prevention, protection/assistance, and prosecution, there appeared to be issues of gaps in coverage in some NAPs that merit attention.

The relevant international instruments and supporting material all agree that “comprehensiveness” includes, but should be more than, organizing a country’s anti-trafficking initiatives into broad categories of a strategic framework (e.g., prosecution, prevention, and protection and assistance).

A comprehensive or holistic treatment of THB comprises additional significant associated elements that the participating States should pro-actively address, including:

- Tackling all forms of THB and tailoring responses to meet unique challenges presented by each form;
- Ensuring that the full range of profiles of victims – women, men, children, a parent with children, etc. – are eligible for assistance and that the participating State has the capacity to provide assistance for different profiles;
- Identifying special needs of child victims specifically and adapting child-friendly responses to ensure protection of children’s rights;
- Engaging multiple levels of government in co-ordinated and co-operative responses;
- Incorporating, synthesizing and co-ordinating responses across relevant multiple jurisdictions and disciplines (e.g., addressing human rights issues, social and economic roots, and the role of law enforcement);
- Addressing the full continuum of violation, transnationally from origin to destination, and domestically from recruitment to exploitation;
- Identifying concrete sources that will be relied upon for financial support;
- Utilizing a broad range of implementing agencies and identifying clear roles and responsibilities of stakeholders;
- Engaging and facilitating involvement by civil society stakeholders; and
- Making use of co-operative Memorandums of Understanding (MoUs), and adopting standard operating procedures or other co-operative agreements with service-providers.

Fundamentally, comprehensiveness in planning a co-ordinated response to address THB is premised on a participating State utilizing in law and practice a definition of THB that, at a minimum, encompasses the range of forms of THB specified by the UN Palermo Protocol⁹² and other relevant international instruments. The previous chapter discussed how some OSCE participating States do not address the full range of forms of THB,⁹³ and thus do not address THB comprehensively, even though they may address prevention, prosecution, and protection/assistance within the realm of a narrower definition in law or practice.

⁹¹ Unfortunately, the fact that the questionnaire relied upon the too vague and ambiguous term “covered” meant that the responses were not genuinely informative.

⁹² Article 3 of UN Trafficking Protocol 2000 defines the crime of trafficking as comprising, at a minimum: “the recruitment, transportation, moving, transfer, harbouring or receipt of persons by threat or use of violence or other form of coercion, abduction, fraud, deception, abuse of authority or difficult status, giving or receiving money or other benefit in order to acquire the approval of a person who controls another person for the purpose of exploitation. Exploitation includes, as a minimum, the exploitation of prostitution of other persons or other forms of sexual exploitation, forced labour or service, slavery or slavery-like relationship, or removal of organs.”

⁹³ Several participating States categorize trafficking primarily as an immigration offence. Others address trafficking as primarily (or virtually exclusively) a prostitution-related offence. As described in the previous chapter, Sweden is an example of this. France is another. The Netherlands, Belgium and the Czech Republic are among the countries that have expanded the scope of definitional and operational coverage in recent years.

Because there are many forms of THB, a comprehensive or holistic approach to planning also should encompass a capacity to address appropriately and effectively this range of manifestations, including the different victim profiles presented by the different forms. Trafficking in children, for example, manifests itself in numerous forms; likewise, its victims, by legal definition and in fact, present different profiles and different issues than trafficking involving adult victims. Some participating States such as Croatia, recognizing the range of measures that must be adapted for child victims of trafficking, have enacted a separate NAP for that purpose. It is also possible to incorporate adaptations for children within the main NAP or as an incorporated attachment. The United Kingdom's NAP includes a separate chapter discussing special measures for responding to trafficking in children. However, most participating States have not adapted specific measures to the needs of children and there is little evidence of specific strategies adapted for child-trafficking for many participating States. The plans of the participating States should reflect practical adaptations connected with differences presented by child-trafficking, as well as the range of other forms of THB.

Comprehensive planning in an NAP also means organizing and applying the full range of tools existing within each of the "3-P's" categories. For example, in prevention planning there is the danger of focusing primarily upon awareness/information campaigns and to a lesser extent on planning and implementing activities targeting such phenomena that can contribute to THB, for example, recruitment of victims, demand, corruption, or migration policies. Rarely do NAPs include any meaningful economic-related prevention strategies or activities to reduce (or even investigate the role of) other vulnerability factors commonly identified as heightening the risk of trafficking (both for potential traffickers and victims of trafficking), such as family violence, social exclusion, marginalization of ethnic or migrant populations, and the impact of gender discrimination or the weakness of child protection systems.

While each participating State will need to tailor a different mix of initiatives to its unique circumstances, it is safe to say that prevention carried out only through awareness campaigns or job skills training programmes will not be sufficient to be categorized as a "comprehensive" prevention response. As it is in the interest of countries of destination as well as countries of origin to address the full range of these causal/contributing factors, a comprehensive NAP of countries of destination should include prevention involving the development of economic programmes and other contributing factors in strategic co-operation with the participating States and civil society in countries of origin. Similarly, more reflection may be required in considering what is needed to construct an NAP with "comprehensive" coverage, including a reasonably attainable range and mix of techniques, models, approaches and initiatives, domestically and internationally, within the prosecution and protection/assistance categories.⁹⁴

The participating States should review the role of research in their NAPs. It is increasingly important to determine whether the planning of targeted research to increase actionable knowledge is sufficiently developed in NAPs. Research is not always a topic included in current NAPs, and where it is, there is sometimes an erroneous equivalence drawn between increasing data collection and increasing the kind of analysis that can promote improved understanding and effective responses. The key is to consider for what purpose the raw data will be collected. How will it be used? The plans of the participating States should consider what type and quality of analysis will be needed to transform past, present and future data about THB within their borders into a richer understanding of the phenomenon – with regard both to the victims and to the traffickers – so that policy-makers and practitioners will be able to use it to improve the effectiveness of responses. In the participating States where a National Rapporteur or equivalent mechanism exists, this planning would include addressing the question of how the role of a National Rapporteur or equivalent mechanism (discussed in the next chapter) is integrated into the participating State's co-ordinated response.

Although NGOs were the catalyst and important contributors to the development of NAPs in a number of participating States, it appears that many participating States' anti-trafficking plans suffer from not identifying the roles and responsibilities of NGOs and other civil society actors vis-à-vis government in

94 Consider, for example, the inadequacies of providing accommodation/shelter that is suitable to care for only one profile of victim of trafficking without anticipating the potential need for accommodation and care for other categories of victims that may be found within a country. Most current shelters operating in the participating States that assist women victims of trafficking for sexual exploitation are not currently suitable to accommodate and assist, for example, male victims of labour exploitation or child victims of trafficking. Even victims of transnational versus internal trafficking often have different needs (Brunovskis and Surtees 2007; Surtees 2007). Given that more than one form of human trafficking exists in most of the participating States, this issue presents a gap in the coverage of those NAPs that refer only to providing "shelter" to trafficking victims in general without further reflection upon what may be needed to serve victims of the different profiles of trafficking that may be identified within their borders.

the context of long-term implementation. While government bodies and NGOs must and should work in partnership, their roles and responsibilities are distinct: NAPs should be careful not to blur those distinctions. NGOs perform an important role as implementing partners, but this does not mean that they should supplant the government as the responsible actor for implementing governmental roles, such as ensuring that the rights of trafficked persons are protected and that quality long-term reintegration and recovery services are supported.

As was mentioned in Chapter 2 on National Co-ordination Mechanisms, co-ordination of activities must reach to all levels of government and to all geographical areas of a participating State. An NAP, accordingly, is a tool to organize a country's overall response, not only a country's national Government's response. Many NAPs are written from the perspective of activities of the national Government. But if a component of the strategy will be primarily or wholly implemented at a different level of government or involve co-operation among different levels of government, the national plan should articulate how that component of anti-trafficking work fits into the national plan and how it will be accomplished. All levels of government should be encouraged to have their own action plans.

Another possible gap in NAP comprehensiveness is the treatment of internal trafficking. The responses to the questionnaire did not establish this, but research conducted in some OSCE participating States shows, for example, that the needs for housing and assistance among internally trafficked individuals (the majority of whom are the participating State's citizens) are acute but are often inadequately or inappropriately addressed by shelter and assistance programmes available to victims of transnational trafficking.⁹⁵ (A similar gap has existed for accommodation/shelter for victims of labour trafficking as well.)

Sometimes NAPs do not include an action strategy for securing funding for the concrete activities contained within them and necessary if THB is to be fought and victims of trafficking are to be assisted to recover. This gap is discussed further below.

3.3.4 Budgets

The responses to the questionnaire suggest that one of the major challenges for the implementation of the NAP was the lack of funding. The question of how to achieve full and adequate political, policy, and operational engagement with the problem of THB also arises when little or no budget is applied to the problem. Paradoxically, many countries around the world, including more than a few OSCE participating States, assert that combating THB and providing a safety net for its victims is a top government priority, but provide little if any budgetary support for implementing effective responses.

3.3.5 Updating National Action Plans

An NAP is not a static document. It should rather be viewed as a living document that requires updating periodically as a country's understanding of THB within its borders grows and as the participating State's efforts progress. Several participating States pointed to the updating of their NAPs in their responses to the questionnaire. Croatia indicated that it had regularly revised and updated its NAP. Romania has updated its NAP and the Czech Republic stated that it updates its NAP every two years on the basis of a government evaluation. Other participating States mentioned that they had updated their NAPs; furthermore, it is likely that a number of participating States that did not mention it had done so as well.

In addition to NAPs being subjected to overall updating, several particular NAP areas should be reviewed and, if necessary, updated. These areas include the topics mentioned above as significant gaps in coverage. Another area that most participating States should review is how their NAPs incorporate new knowledge produced by research into their work. Ideally, the knowledge base available to inform the planning of concrete actions by the participating States should continue expanding and become more empirically and analytically rigorous. Romania, which has initiated an Integrated Monitoring System based on a National Data Base to advance their work, is an example of a participating State that has taken a step in the direction of strengthening the empirical basis of its anti-trafficking work. The Netherlands has established a multi-disciplinary Expertise Centre on Human Trafficking/Smuggling that gathers information to support initiating police investigations.

⁹⁵ See Surtees 2007.

Reviewing and updating an NAP also presents an opportunity to determine whether the officials needed to implement it are properly engaged, as a representative or in some other way, in the work of the NCM. This is crucial because any disconnection between the people involved and those needed (in or out of government) for the policies to be put in place will compromise the possibility of achieving the intended results.

Finally, in the future, participating States may need to update or revise their NAPs to incorporate any expansion of co-ordinated approaches resulting from the development of national and transnational referral mechanisms.⁹⁶

3.3.6 Accountability

The concept of accountability relates to responsible public officials achieving effective results in accordance with schedules established in the State's NAP.

To permit this, NAPs should identify the actors/offices responsible for the achievement of their elements. In the past several years, progress has been made in this regard as more participating States have added specificity to their NAPs by identifying responsible actors.

Many NAPs are so structured as to identify a number of implementing entities for each element of the plan. The NAP should clearly identify which government official and/or which office has the lead responsibility and is accountable for implementing each element of an NAP. Accountability arguably should rest with a single identified government agency (preferably with an identifiable official within that agency) for the attainment of each action item (although different government agencies/officials will be accountable for achieving different action items in the plan).

A well-considered and comprehensive NAP will also help reveal, for every one of its elements, who are the right officials and organizations that must be "at the table" (or the extended table at least) and involved in the participating State's NCM and response.

This type of transparency is important. It avoids the problem of "everyone and no-one" being responsible. It also lessens the possibility of transferring core governmental roles and responsibilities to NGOs and or international organizations. To the extent that this occurs, this is the opposite of establishing accountability.

Defining timeframes for results is another element of establishing accountability. There is a meaningful distinction between NAPs that include timeframes for implementation and those that do not. Those without timeframes can serve a valuable organizational purpose, but, as noted above, their status as an effective "plan" is more problematic. A number of responses to the questionnaire alluded to the participating State's establishment of timeframes for action. For example, within the Strategy of the Government of the Czech Republic there is an annex entitled "The Schedule of Measure for executing the National Strategy of the Fight against Trafficking in Human Beings (for the period of 2005-2007)." Inclusion of a "Schedule" to execute the plan makes the time element of action a key aspect of success of the work.

Similarly the Croatian response stated: "All bodies responsible for implementation of certain activities set forth in the Action Plan are obliged to implement them within [the] set deadline."

Some participating States designated a number of initiatives identified in their plans as "ongoing." The participating States should consider whether it would be useful to identify for each "ongoing" activity or objective a number of interim steps or benchmarks along the way that will advance meaningful progress more than is the case if activities are simply designated as "ongoing".

96 See ODIHR 2004 and Surtees 2007.

3.3.7 Assessing impact

An NAP should serve as a yardstick against which each country's actions can be measured by communities of interest, both domestic and international. It should help ensure transparency in the implementation of a country's anti-trafficking policies.

Assessing impact is more than a descriptive exercise; there are elements of evaluation involved. This raises issues of the perspective and expertise of those doing the assessing.

Some countries assign the responsibility of assessing the effectiveness of implementation of the NAP to the same body that is charged with carrying out the mandates. The questionnaire revealed a number of countries that assigned this task of evaluation to the inter-ministerial working group or to one of the ministries, typically the ministry leading the effort. Having such a self-assessment to highlight progress and self-critique is a useful governmental tool. The assessment of anti-trafficking efforts by the governmental body itself can produce valuable insights into its work and perspective. There is value in this, but there are also limitations that should be recognized and mitigated.

In addition, it would be useful to conduct such a governmental self-assessment at least annually and to supplement this by commissioning a detailed independent evaluation at the end of the participating State's planning cycle. These assessments should be publicly available (as most participating States indicated that their reports were). The participating States should also consider supplementing these government-wide assessments with periodic rigorous internal evaluations of each ministry's participation.

In government reports, the objectives of accountability and transparency are best served if the link between a reported anti-trafficking action and the responsible officials/offices responsible identified in the participating State's NAP is tightly drawn.

Assessment of impact should also be based upon standards applied to a baseline. Most countries need to establish appropriate baselines that will enable them to measure real impact (as opposed to focusing only on the process) in order to help target and adapt methods for improving future efforts.

Chapter 4

ANALYSIS OF TRAFFICKING IN HUMAN BEINGS BY PARTICIPATING STATES: NATIONAL RAPPORTEURS OR EQUIVALENT MECHANISMS

This chapter reviews the responses by participating States and Partners for Co-operation to the OSCE questionnaire with regard to the establishment of a National Rapporteur or equivalent mechanism. It first provides an overview of the implementation of this recommendation of the OSCE Action Plan and then analyses some of the main features of such mechanisms.

4.1 Purpose and rationale of National Rapporteurs or equivalent mechanisms

Establishing a National Rapporteur or equivalent mechanism is an important step toward implementing 1) comprehensive qualitative and quantitative data collection, research and analysis of the trafficking situation in the participating State concerned, and 2) a systematic analysis of the effectiveness of measures and policies undertaken to prevent and combat THB.

The value of having an established National Rapporteur or equivalent mechanism is clear. It improves understanding about the nature of the problem in its various forms within the participating States, evaluates the effectiveness and impact (both positive and unintended negative consequences) of government policies and actions against THB and in support of its victims, and presents actionable recommendations for improving policies and practices addressing all forms of trafficking.⁹⁷ In short, a National Rapporteur or equivalent mechanism has been identified as a key means to improve the effectiveness of anti-trafficking policy and practice on the basis of empirical evidence and sound analysis.

The need for an institutionalized response to data collection and analysis is well recognized. The OSCE and other official bodies have observed over a number of years that there is an overall lack of systematic or high-quality research, documentation and analysis on THB. The participating States have repeatedly stressed that this lack of reliable data and research constitutes a continuing challenge to combating THB.⁹⁸

Although it is universally recognized that there is a dearth of useful data and analysis, most of the participating States responding to this inquiry on the questionnaire indicated that they had National Rapporteurs or equivalent mechanisms established and had been preparing and publishing reports with regularity on THB. This apparent paradox frames the issue well.

A National Rapporteur or equivalent mechanism should be instrumental in aiding participating States to produce, analyse, utilize and report on quantitative and qualitative data needed to improve counter-trafficking actions. Given this function, the coexistence of reporting mechanisms, characterized by most participating States as National Rapporteurs or equivalent mechanisms, with a continuing dissatisfaction with the empirical foundation of anti-trafficking work highlights the fact that there is still a long way to go in the effective implementation of National Rapporteurs or equivalent mechanisms.

It is important to realize the adverse consequences of the absence of a systematically organized approach to collecting and analysing information. Decisions made by policymakers and practitioners will continue to be based largely upon fragmented, partial and problematic data about THB. Policies will be enacted, operational models adopted, projects and programmes implemented and “best practices”

⁹⁷ See OSCE SR Report 2007, p. 23.

⁹⁸ See OSCE SR Report 2007, p. 12; and UN Conference of the Parties to UN CTOC Implementation of the Trafficking Protocol 2006 CTOC/COP/2005/3/Rev.1

praised more on the basis of long-standing assumptions and anecdotal information than on strong analysis-based empirical inquiry and findings.⁹⁹

The continuing failure to systematically obtain reliable data and to handle it in positive way through rigorous and insightful analysis for the benefit of the efforts both of States and of the OSCE has profound implications. It undermines the potential effectiveness of initiatives against THB and compromises the investment of funds and human effort.

To highlight several specific provisions presented in Chapter 1 on the international legal framework, there is a long and compelling call by international instruments for the establishment of National Rapporteurs or equivalent mechanisms to strengthen both the gathering and use of data and also the measures taken to report on THB.

The UN Convention established a Conference of the Parties in order to improve the capacity of States Parties to combat transnational organized crime and to review the implementation of the Convention.¹⁰⁰ To date, the resulting Conferences of the Parties have included reporting on, *inter alia*: adoption of trafficking legislation, establishment of institutional mechanisms to combat THB, assistance for victims and prevention measures, and international co-operation. In this context, the Conference of the Parties has reiterated the “obligation on each State Party under article 32 of the Convention to provide the Conference of the Parties with information on its programmes, plans and practices, as well as legislative and administrative measures.”¹⁰¹

The relevant Council of Europe Convention¹⁰² provision states:

4. Each Party shall consider appointing National Rapporteurs or other mechanisms for monitoring the anti-trafficking activities of State institutions and the implementation of national legislation requirements.

But it was over ten years ago, in the 1997 Hague Ministerial Declaration on European Guidelines for Effective Measures to Prevent and Combat Trafficking in Women for the Purpose of Sexual Exploitation,¹⁰³ that the need for establishing such a mechanism was first invoked:

II.1.4 National Rapporteurs

- Provide or explore the possibilities for the appointment of national rapporteurs, who report to Governments on the scale, the prevention and combating of trafficking in women.
- Develop criteria for reporting on the scale, nature and mechanisms of trafficking in women and the effectiveness of policies and measures concerning this phenomenon.
- Encourage the co-operation of national rapporteurs on a regular basis.

The 2002 recommendation of the Council of Europe Parliamentary Assembly¹⁰⁴ and the 2003 resolution of the European Council¹⁰⁵ echoed the call for a mechanism of this kind. The 2003 OSCE Action Plan, in line with the above, stated:¹⁰⁶

1. To consider appointing National Rapporteurs or other mechanisms for monitoring the anti-trafficking activities of State institutions and the implementation of national legislation requirements.

99 The issue of the adequacy of our actionable knowledge base for responding to THB effectively and appropriately is a pressing one. Despite the fact that THB continues to be identified explicitly and repeatedly as a policy “priority” of governments around the world, most counter-trafficking projects are operating without an adequate understanding of what works, what doesn’t and why. At the same time, there is no empirical evidence of a reduction in THB despite all the efforts and progress in the form of passage of laws and in other ways made during the past decade by Governments, the international community and civil society.

100 UN Conference of the Parties to UN CTOC Implementation of the Trafficking Protocol 2006 CTOC/COP/2005/3/Rev.1, section B paragraph 6.

101 UN Conference of the Parties to UN CTOC Implementation of the UN CTOC 2006 CTOC/COP/2005/2/Rev.1, section C paragraph 10.

102 Council of Europe Convention, Article 29, paragraph 4.

103 See EU Hague Ministerial Declaration (Dutch Presidency) 1997.

104 See CoE PA Recommendation No. 1545 (2002).

105 See European Council Resolution 2003/c 260/03.

106 OSCE Action Plan, Chapter VI, paragraph 1.

The Brussels OSCE Ministerial Council Decision No. 14/06 reiterated the recommendation that the participating States establish a National Rapporteur or equivalent mechanism.

In 2007, the SR identified the establishment of a National Rapporteur or equivalent monitoring and reporting mechanism to be a key part of her priorities in partnership with the participating States.¹⁰⁷ She also noted that it was time to transform these long-standing commitments into concrete action and establish mechanisms capable of effective reporting on the problem of THB in each participating State.¹⁰⁸

Following upon this, the Office of the Special Representative organized the 6th *Alliance Conference* in May 2007 on “National Monitoring and Reporting Mechanisms to Address THB: The Role of National Rapporteurs”. This conference began to identify some of the issues and to develop a broader understanding concerning National Rapporteurs or equivalent mechanisms based on existing practices among the participating States. Among the topics discussed were aspects of the function of a National Rapporteur or equivalent mechanism:

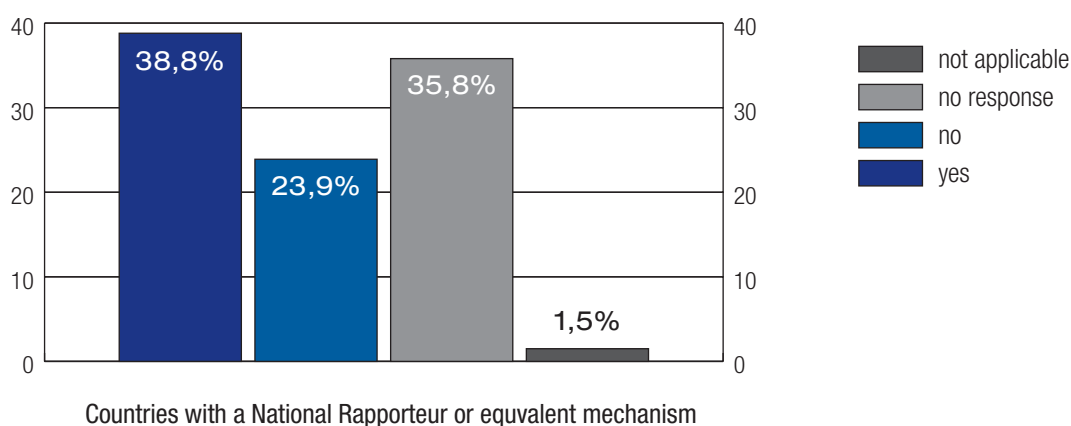
- The role played by such mechanisms in evaluating the scope of the THB problem and the impact of State anti-trafficking measures;
- The institutional approach chosen for this function;
- The tasks of gathering and analysing information and monitoring the implementation of laws and policies;
- The challenges of tackling THB at national level and measuring progress.¹⁰⁹

4.2 Responses to the OSCE questionnaire

4.2.1 Establishment of a National Rapporteur or equivalent mechanism

24 participating States (and two Partners for Co-operation) responded that they had either a National Rapporteur or an equivalent mechanism. Graph 6 depicts these responses in percentages.

Graph 6: Countries with a National Rapporteur or equivalent mechanism¹¹⁰



¹⁰⁷ OSCE SR Report 2007, pp. 21–23.

¹⁰⁸ OSCE SR Report 2007, p. 22.

¹⁰⁹ OSCE SR Report 2007, p. 23.

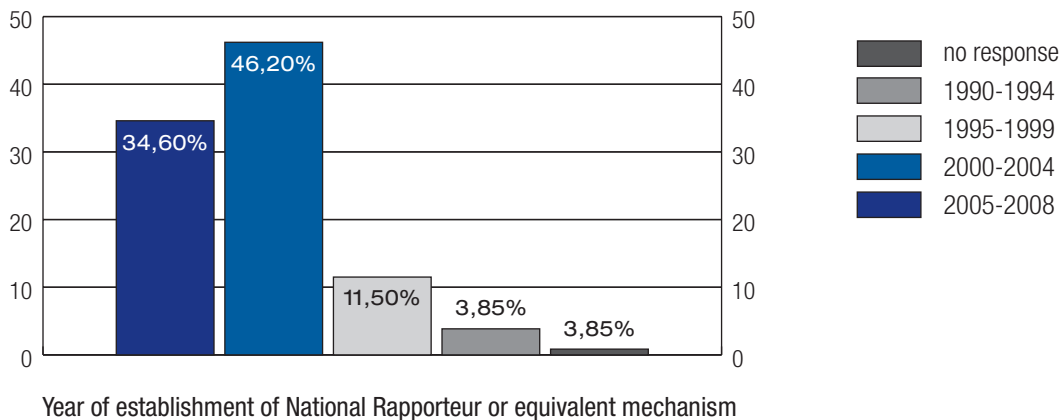
¹¹⁰ This graph is based on data about 56 OSCE participating States and 11 Partners for Co-operation.

Most of the participating States established their National Rapporteur or equivalent mechanisms within the period 2000–2004:

Table 2 – Year of establishment of National Rapporteur or equivalent mechanism¹¹¹

Year countries established National Rapporteur or equivalent mechanism	Number of countries
2008	1
2007	3
2006	1
2005	4
2004	2
2003	3
2002	4
2001	2
2000	1
1999	1
1998	0
1997	1
1996	0
1995	1
Early 1990s	1
No response	1

Graph 7: Year of establishment of National Rapporteur or equivalent mechanism¹¹²



The answers to the questionnaire reflected a range of different placements of this function within the national anti-trafficking structure.

A few participating States responded that they had established an “Independent National Rapporteur”. The Netherlands, which has utilized this model since 2000, stressed important features associated with the independence of its National Rapporteur position (and staff). For example, it produced an annual

111 This table is based on data from the 26 countries which reported having a National Rapporteur or equivalent mechanism.

112 This table is based on data from the 25 countries which reported having a National Rapporteur or equivalent mechanism.

report, “which can include directing criticism at the way governmental institutions at the various levels are handling things.” The Rapporteur and supporting bureau, consisting of a small staff which includes a senior researcher, a researcher, a legal staff member and an administrative secretary,¹¹³ has a budget covering all necessary expenses including costs of research, publishing reports, travel, etc. The Netherlands’ response to the questionnaire stated:

The reports provide the Government and all stakeholders with information on trends and statistics with regard to human trafficking. The reports also discuss problems in combating human trafficking and make specific recommendations, many of which are taken up by the Government. ... Because the reports are made public, they also stimulate public debate of the issue.

The reports also serve as a touchstone for parliamentary deliberations on THB. This shows how an investment in analysis and reporting of THB data can be seen to serve as a foundation and guide for advancing the spectrum of governmental responsibilities.

Sweden has a designated National Rapporteur mechanism that sits within the National Criminal Investigation Department structure and is implemented by a police officer. According to Sweden’s response to its questionnaire, “[t]he mandate of the National Rapporteur (NR) includes the collection and analysis of data and information about the extent of trafficking in human beings in and to Sweden, as well as recommendations on how to prevent and combat it.” The placement of the National Rapporteur mechanism within the National Criminal Investigation Department indicates that a law enforcement lens is applied to the collection and analysis of THB data.

Beginning in the 1990s, the German Bundeskriminalamt or Federal Criminal Investigation Office began producing an annual Federal Situation Report on Trafficking in Human Beings, which focuses on issues pertinent to law enforcement in particular. It does not, for example, report on issues concerning the government role in victim services or prevention. The purpose of the report, a summary of which is made available to the public, is distinctly crime-based:

The report enables police and political decision-makers to assess the threat and the damage potential inherent in human trafficking as well as its significance for the crime situation in Germany. It therefore endeavours to contribute to adapting priorities to meet the situation at hand and assist in decision-making process regarding resources and action to be taken.

In the United States, the Department of Justice produces an annual report entitled *Assessment of U.S. Government Efforts to Combat Trafficking in Persons*. The Department of Justice also prepares a report detailing United States efforts for the United States Congress, in its oversight role, entitled the *Attorney General’s Annual Report to Congress on U.S. Government Activities to Combat Trafficking in Persons*. Both reports, which are available to the public, consider law enforcement and victim issues connected with activities by all federal government entities involved in combating trafficking. One chapter, for example, addresses at length benefits and services given domestically to trafficking victims by the Departments of Health and Human Services, Justice, Homeland Security, Labour, and State, and the Legal Services Corporation.

Belgium has taken a different approach and departed from the model of locating its reporting in a law enforcement-centred environment context. In Belgium, the *Centrum voor Gelijkheid van Kansen en Racismebestrijding* (Centre for Equal Opportunities and Opposition to Racism) has published an annual report on THB since 1996. It provides a critical review of Belgium’s efforts in the light of international standards and includes a victim-centred perspective as well as reviewing criminal issues involved. The report is issued publicly.

In Lithuania, the Ministry of the Interior commissions an independent report from a research institute or similar organization at the end of each year to evaluate the implementation of the NAP and the general situation regarding THB in Lithuania.

¹¹³ At the time of the responses, Austria and Czech Republic indicated that they were to be appointing a National Rapporteur as well.

These few examples illustrate some of the different approaches (although the law enforcement-centred model predominates) among the OSCE participating States. Additional examples are found in the responses of the participating States and Partners for Co-operation attached as Annex D.

The responding States identified the dearth of data useful to the work of the National Rapporteur or equivalent mechanism as a problem. Both the Netherlands and Germany pointed to the difficulty of obtaining hard data, as did a number of other participating States. Germany furthermore made the important observation that data is very much dependent on identified cases, which may or may not be a representative sample of the problem overall for the purpose of data analysis.

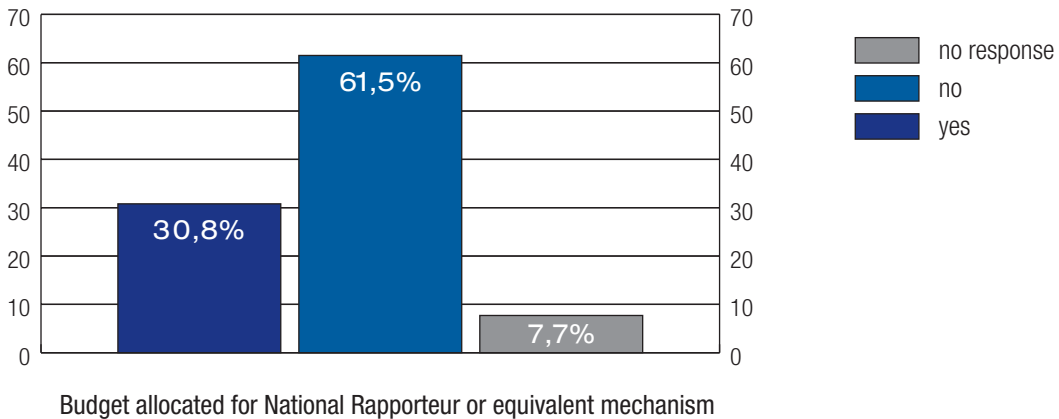
An attempt to collect and analyse data in a more systematic way has been undertaken by Romania, which has initiated an Integrated Monitoring System based on a National Data Base. In Italy, the Commission with the support of its Technical Office has collected data and information since 2000 about the victims of trafficking and exploitation assisted in the framework of a project co-funded by the Department for Rights and Equal Opportunities.

The SR has observed that there is no single blueprint for implementing an effective National Rapporteur or equivalent mechanism and that Governments should decide which type of mechanism is most appropriate and effective within their own institutional, legal and financial constraints.¹¹⁴ However, as discussed further in the analysis section below, while variations of models for issuance of government reports may all constitute a “reporting mechanism” – and be satisfactory means of producing descriptive accounts of a country’s activities – they are not necessarily equivalent tools for taking stock of and informing policy and practice.

4.2.2 Budget

The responses to the questionnaire revealed that few of the reporting mechanisms had a budget associated with their work. Only eight (30.8 per cent) reported having a budget, while sixteen (61.5 per cent) reported that no budget was allocated to the National Rapporteur or equivalent mechanism.

Graph 8: Budget allocated for National Rapporteur or equivalent mechanism¹¹⁵



Identification of the participating States that have or do not have allocated budgets for this function, as well as information about the structure and contents of the report, are presented in Annex C, Table 5 and described by the participating States in their responses attached at Annex D.

114 See OSCE SR Report 2007, p. 11.

115 This table is based on data from the 25 countries which reported having a National Rapporteur or equivalent mechanism.

4.2.3 Achievements

The participating States and Partners for Co-operation that have established a National Rapporteur or equivalent mechanism point to their use of the resulting report(s) for reform of governmental policies and practices, and in particular as evidence of success. The participating States point, for example, to the reports being used to improve future legislation and NAPs.

The Czech Republic indicated that the “main success of the document is gaining political support for the proposed measure (Action Plan).” Similarly, Denmark reported: “In the past the reports have formed the basis for annual discussions on implementation and progress and constituted an important input to the new national action plan.”

Estonia reported:

National development plan has set concrete goal for all the organizations in this field. It has helped to promote the co-operation, understanding and sharing of experiences between respective authorities, not to mention all the concrete measures, which have been implemented to improve the situation in the fight against trafficking in human beings.

Referring to its lead entity, Switzerland wrote: “The internal reports up to now served to assess and revise the priorities of the work program of the KSMM-SCOTT.”

The Netherlands also pointed to the National Rapporteur’s report’s role in providing an informational grounding for evidence-based discussions on THB:

The reports provide the Government and all stakeholders with information on trends and statistics with regard to human trafficking. The reports also discuss problems in combating human trafficking and make specific recommendations, many of which are taken up by the government. Thus, the idea of drafting a national action plan was something that the National Rapporteur had been strongly recommending. Because the reports are made public, they also stimulate public debate of the issues.

Increased awareness was also cited. Latvia pointed to “increased awareness of decision-makers and society, notification of this problem are the main evidences of the success of this report.” Serbia echoed this, stating: “The most important success of the reports has no doubt been the raising of the awareness, in the public and among the professionals, of the problem of all kinds of THB.”

4.3 Analysis of issues raised by responses

4.3.1 Assessing the added value of a National Rapporteur or equivalent mechanism

As indicated above, the majority of responding participating States (24) (and two Partners for Co-operation) indicated affirmatively to having a National Rapporteur or equivalent mechanism. Many of these had established their reporting mechanism three or more years before.

The overriding question for each participating State is whether its reporting process is capable of developing a foundation of data and objective analysis that can and will be used to evaluate and better inform the participating State’s policies and guide the anti-trafficking practices undertaken by stakeholders in the country.

The questionnaire responses, however, are not sufficient to reveal whether the resulting reports will be able to serve as useful tools for policy and practice. To determine this, it will be necessary to look beyond the designation attached to the mechanisms and consider their function in greater detail. It would also be necessary to review in depth the quality and usefulness of the reports that have already been produced by the National Rapporteurs or equivalent mechanisms. Some participating States provided a copy of the reports with their responses to the questionnaire. However, analysis of this sampling of reports was not within the scope of the present report.

The following questions may serve as preliminary indicators of effectiveness (and compliance with international standards) for the participating States:¹¹⁶

- Has the participating State established a centralized mechanism where information from different sources and actors is systematically gathered and analysed?
- Is the main task the collection of data on trafficking in the widest possible sense, including monitoring the effects of implementation of National Action Plans?
- To what degree is the work product of the mechanism intellectually independent and objective?
- Does the National Rapporteur or equivalent mechanism have complete access to, and actively collect, data from all involved agencies, including law enforcement agencies, as well as appropriate access to information from NGOs?
- Does the mechanism directly report to the Government and/or the Parliament and make recommendations on the development of national policies and action plans?
- Is the report made public?
- Importantly, does the report articulate shortfalls and gaps to target areas for improving efforts and not simply catalogue the anti-trafficking activities of the government?

These reflect some of the minimum signposts as to whether reports produced by a National Rapporteur or equivalent mechanism will be able to serve as a tool for policy and practice. These are only the initial questions because these focus primarily on the general institutional structure and process of collecting information. There are a number of further considerations that can influence the potential usefulness of a National Rapporteur or equivalent mechanism for informing policy and practices in ways that will contribute to achieving anti-trafficking objectives.

4.3.2 Considerations relating to the placement of the National Rapporteur or equivalent mechanism

The placement of the National Rapporteur or equivalent mechanism within a Government, its authority, role and responsibilities should be considered with a view to satisfying at least five purposes needed for it to make an effective contribution to a participating State's anti-trafficking efforts:

- Systematic and strategic data-gathering by government bodies countrywide including, to the extent appropriate and possible, by service-providers and other NGOs with relevant information;
- Systematic monitoring and evaluation of the impact of anti-trafficking activities domestically and internationally. This should include an examination of which anti-trafficking efforts are effective (and why) and which are not (and why). The report should examine how each activity fits into the overall national strategic framework and the NAP with the aim of improving responses;
- Expert analysis transforming the raw information into findings that can be used to develop more effective THB policies and practices;
- Identification of future research needs to address practical issues (e.g., trafficking of children for organized begging or THB for labour exploitation in agriculture, or disrupting the traffickers); and
- Reporting [to the Government as well as to other anti-trafficking stakeholders including the public] in ways that can inform and improve legislation, policies, and practices.

¹¹⁶ These questions are adapted from recommendations developed by the EU Expert Group regarding the establishment of a National Rapporteur or equivalent mechanism. See EU Expert Group Report 2004, Recommendation 3.8.1 "Data collection: National Rapporteurs or similar mechanisms", p. 78.

There are several key areas worthy of being highlighted, including: access to needed data, sufficient independence and expertise to render objective and practical/useful evaluation of anti-trafficking initiatives, and commitment to analysing all forms of THB and the associated (i.e. different) profiles of victims.

4.3.3 Placement of the National Rapporteur or equivalent mechanism and objective reporting

Many participating States indicated that the National Rapporteur or equivalent mechanism was part of the national co-ordinator's responsibilities or within a government ministry. These included Azerbaijan, Belarus, Cyprus, Czech Republic, Latvia, Portugal, Serbia, Slovenia, and Switzerland. Even the most free-standing of the mechanisms established so far, the Netherlands' National Rapporteur, is housed in the Ministry of Justice.

To ensure that it brings the greatest added value, the objectivity of the work produced by a National Rapporteur or equivalent mechanism should be assured. To the greatest possible degree, this work needs to be capable of rendering objective and independent analysis, and of publishing findings and criticism of government anti-trafficking efforts.

One issue that will influence the location of a National Rapporteur or equivalent mechanism within the halls of government is the degree to which that particular Government can objectively and usefully monitor and evaluate its own work. At the same time, a "self-review" of this kind in which a Government describes and assesses its own activities can be valuable and even necessary.

Steps can and should be taken to maximize the ability of a National Rapporteur or equivalent mechanism to conduct its work with intellectual independence. This can include, for example, the placement of the position and/or office within the government structure and the bolstering of the National Rapporteur's/equivalent mechanism's authority to carry out its mandate. Additional steps during the preparation and publication of reports can be of key importance. In particular, reports of the National Rapporteur or equivalent mechanism should serve as the basis for a full, open and transparent process of outside review and debate by stakeholders and interested parties in and out of government.

The reports should be the catalyst for parliamentary engagement and public discourse in ways that lead to accountability of responsible public officials. The information and evaluations promulgated by a National Rapporteur or equivalent mechanism should likewise not be considered in a vacuum. They should be assessed comparatively within the context of research and evaluations undertaken by non-governmental actors and academics. In this way, the scope and quality of the data can be fully examined and it will soon be evident whether the analysis of what is not working well is as fully presented as those anti-trafficking efforts that are. Development of such a process of transparency, discussion and accountability should maximize the quality of independence of the work of a National Rapporteur or equivalent mechanism and the value of its contribution to the advancement of anti-trafficking work within a participating State.

Most of the participating States that made the reporting mechanism part of the function of the national co-ordinator or a function assigned to a government ministry referred to producing an annual or periodic overall report. In some cases annual reports may primarily catalogue the anti-trafficking measures taken and planned by the Government and little more. This is at best a rudimentary role for a National Rapporteur or equivalent mechanism.

As data collection strengthens, the role of a National Rapporteur or equivalent mechanism must be more than one of passive gathering, summarizing and packaging of anti-trafficking statistics. Specialized data analysis is required that transforms the raw data into a form from which insights into specific issues may be drawn and which facilitates the formation of conclusions and actionable recommendations. Practical expert analysis is particularly pressing as many of the readers of the reports, such as many of the parliamentarians and other government officials, will not themselves necessarily be experts in THB.

4.3.4 Access to data

One challenge for the National Rapporteur or equivalent mechanism is access to all of the data it needs to do its work. A mechanism's effectiveness is tied to its ability to obtaining full access to data for its analysis to support its recommendations. Partial data is problematic for the credibility and validity of the endeavour. However, the required data is in many hands. Obtaining current data from some bodies, such as law enforcement agencies, can be problematic. Obtaining data from NGOs about victims that they have assisted is often very much tied to factors such as protections for the proper use of the data (e.g., protection of privacy). It should also be recognized that limited NGO resources (budgetary and human) can be strained by requests to organize and provide data.

Most participating States have not yet found the best means of appropriately consolidating the collection and analysis of data from disparate sources. In part, the issue arises from differences in law enforcement data and victim data, especially those in the control of NGOs, but also those potentially held by government sources. At least one country addresses this by keeping the data separated. In Romania, the National Agency against Trafficking in Persons reports only on victims, while data about traffickers is collected within the resource centre dealing with organized crime.

As a result of the complexity of the issues arising from criminal justice data versus data about victims, a number of countries in South East Europe are currently in the early stages of designing/creating dual data collection repositories. This effort is being implemented within the context of the Data Collection and Information Management (DCIM) programme in South East Europe, led by the ICMPD, which is intended to assist in developing a system for organizing comparable data collection and information management – both from the victim and from the trafficker side.¹¹⁷

Some participating States that do not have a National Rapporteur or equivalent mechanism pointed to their support for research reports conducted by non-governmental entities. Such research reports are a critical tool, and indeed should be expanded by most participating States, but such analysis is not the equivalent to the systematic work of a National Rapporteur or equivalent mechanism. Such research should supplement, not supplant establishing a formal position.

Once a participating State has its National Rapporteur or equivalent mechanism in place and functioning, the empirical evidence and analysis that is produced will be able to inform new policies, help reform existing laws and policies, and strengthen practices throughout the participating State.¹¹⁸

4.3.5 Importance of the scope of coverage of the report of the National Rapporteur or equivalent mechanism

A threshold issue bearing on the adequacy of data analysed by a National Rapporteur or equivalent mechanism is a participating State's vision of the parameters of THB.¹¹⁹ The data collected and analysed by a National Rapporteur or equivalent mechanism will be restricted by the limits of a country's definition of THB, *de jure* or *de facto*.

It should be considered whether, in the participating States with narrower legal or operational definitions of THB, there is a practical imperative for any National Rapporteur or equivalent mechanism's mandate to include gathering data and reporting on all forms of THB within a participating State's borders. First, from a research and reporting standpoint, it virtually ensures a partial and/or distorted view of THB within a country's borders. Second, failing to gather information on the full range of THB virtually ensures that the phenomenon will not be effectively identified or addressed.¹²⁰ In addition, it will hinder international analysis and co-ordinated transnational work. Without compatibility of data there is no comparability. The OSCE and other inter-governmental multilateral bodies have a substan-

117 See Surtees 2008.

118 See Dottridge 2007, p. 31.

119 As noted above, several participating States have legal or operational definitions of human trafficking (e.g., in their NAP or the competencies of their co-ordinating body) that neglect forms of trafficking identified by the UN Trafficking Protocol and that countries, in most cases, obligated themselves to criminalize as human trafficking by ratifying the Protocol.

120 The activities of organized crime would be left unfettered in the participating States where some forms of THB are addressed and other are not.

tial interest in not having gaps in data from the participating States that potentially weaken the collective understanding of and response to the problem.

A third reason is that the human rights or victim-centred perspective, which has been adopted as one of the rationales and operational premises of every major international document on THB, requires that all elements of a country's response be looked at. This includes the adequacy of the coverage of a country's legal and operational definition of THB. Arguably, failing to provide protection/assistance to victims of trafficking in categories such as labour trafficking, internal trafficking, trafficking of male victims and so on constitutes a failure to comply with the victim-centred perspective. In fact, it effectively leaves some portion of the total population of THB victims in a country to fend for themselves.

If a participating State assigns the function of a National Rapporteur or equivalent mechanism to one Ministry or another, it should be aware as to whether the location of that function will tend to result in reporting that provides a less than comprehensive picture of THB in that country. For example, a holistic approach would balance gathering of data both about law enforcement responses and also about victim issues.

Chapter 5

RECOMMENDATIONS

This report has examined data provided by the participating States about their National Co-ordination Mechanisms, National Action Plans, and National Rapporteurs or equivalent mechanisms. This chapter offers recommendations based upon the foregoing findings and analysis. The recommendations are offered for urgent consideration by the participating States in partnership with the SR as part of the SR's role and responsibilities in advancing stated priorities regarding strengthening the co-ordination of anti-trafficking efforts. Because each participating State has its own level of implementation of co-ordination activities discussed in the Report, the recommendations should be considered in the context of each participating State's situation; accordingly, the following recommendations are not all applicable to all participating States. They are offered in the hope that they may assist in making anti-trafficking efforts more effective and advancing the implementation of the OSCE's anti-trafficking commitments in this area.

5.1 General recommendations

5.1.1 Capacity and resources to support implementation

If there is a key theme that emerged from the participating States' responses to the questionnaire, it is that the main challenge for the effective implementation of National Co-ordination Mechanisms, National Action Plans and National Rapporteurs or equivalent mechanisms is the absence of supporting resources (or insufficient budgeting and human resources).

Participating States should provide adequate resources (both financial and human) for the work of their anti-trafficking co-ordination mechanisms and National Rapporteurs or equivalent mechanisms.

5.1.2 Comprehensive coverage of all forms of trafficking

Not all participating States address THB in the comprehensive or holistic manner required by international instruments such as the United Nations Palermo Protocol.

Participating States should ensure that the implementation of their NAPs and other anti-trafficking work complies with their obligations to address all, not part, of the range of manifestations of THB consistent with the Palermo Protocol (and other instruments bearing on the international standard definition), and reflects a human rights and gender-sensitive approach both *de jure* and *de facto*.

The participating States should review the mandate, authority and practices of the NCM and the National Rapporteur or equivalent mechanism to ensure that all manifestations of THB are addressed.

Participating States should encourage and facilitate the participation and input of NGOs (and other members of civil society as appropriate) in the work of their co-ordination mechanisms and National Rapporteur/equivalent mechanism and in the development of NAPs.

5.2 National Co-ordination Mechanisms

The foregoing discussion regarding National Co-ordination Mechanisms (Chapter 2) suggests that consideration be given to a number of actions to strengthen the work of these mechanisms.

National co-ordinators or the lead Ministry of participating States' NCMs should ensure that a human rights, child rights and gender-sensitive approach is respected and implemented.

The participating States should consider the contribution toward achieving their anti-trafficking objectives that would be made by employing a dedicated office (secretariat) with a full-time staff that is appropriately resourced to support the work of their co-ordination mechanisms.

The participating States should continue to expand the engagement of a broad range of civil society and private sector actors that can contribute effectively to the work of their NCM.

This report has highlighted the complex web of institutions and actors that need to be engaged by the participating States' NCMs if they are to fully implement their role and responsibilities. Accordingly, participating States should identify ("map out" for internal co-ordination purposes at least) the full range of relevant domestic and international institutions in and out of government that they are to engage when co-ordinating the fight against THB in the participating State.

For the participating States that responded that developing a good working relationship with NGOs on the NCMs was a challenge they faced, efforts should continue to develop ways to strengthen institutional co-ordination and collaboration with NGOs (notably through National Referral Mechanisms and MoUs). At the same time, in order to advance the shared objectives of all NCM members, priority should be given to finding ways to improve the quality of working relationships, including ways to foster underlying trust and improve communication with NGOs in the conduct of cases (e.g., ensuring that investigative interviews are scheduled consistently with the service provision requirements of the NGOs and the recovery needs of victims).

Participating States should focus attention on the level of effectiveness of intra-ministerial co-ordination and communication among offices and officials within ministries that are relevant to the participating State's anti-trafficking work (but which do not all participate in the meetings of the NCM).

Consideration should be given to establishing relevant subgroups – e.g., on child trafficking, on employment and economic-based prevention strategies, on trafficking of marginalized social and ethnic groups – to support the working of the NCM.

National Co-ordination Mechanisms should consider how to incorporate findings of new research as it is produced by the National Rapporteur or equivalent mechanism and other sources to inform decisions about policy and practice in the participating State.

5.3 National Action Plans

National Action Plans should reflect planning for co-ordination and/or co-operation among different levels of government (policy and working levels, central and regional/local).

To promote better understanding of the NAP and to increase its usability (and perhaps to identify gaps), the participating States should consider whether there are opportunities to elaborate the NAP to link its operational components more specifically within the participating State's strategic framework.

Participating States should consider adopting a process that annotates the measures included in their NAPs to identify the sources of data utilized, if any, to support the implementation of policies and action items. For example, if the NAP's prevention approach emphasizes dedicating resources and efforts toward reducing family violence to prevent trafficking, the NAP could cite the empirical basis for targeting this issue (especially if one group is targeted for attention to a larger degree than other groups vulnerable to trafficking).

The participating States should ensure that their NAPs serve as a tool for meaningful accountability. A prerequisite for establishing accountability is clarity in the definition of roles and assignment of responsibility and tasks, as well as clear timelines within which actions are to be accomplished. At least one report by a participating State's Government (typically this would be one responsibility of the National Rapporteur) should link actions taken (or not completed) with the offices identified in the NAP as the responsible actors for implementation.

The detail of NAPs should be revised, if necessary, to reflect the complexity of trafficking. For example, stating that a "shelter" will be built does not take account of the range of accommodation options or the complexity of providing appropriate accommodation for the range of trafficking victim populations.

The development of NAPs should include addressing the question of where funding support will come from for each element of the NAP. Participating States should consider developing an associated funding plan for seeking funding pro-actively.

To assist in gauging the effectiveness of the NAP process, the participating States should commission an NAP self-assessment report at regular periodic intervals to be conducted by an entity able to perform an evaluative review, such as a National Rapporteur or equivalent mechanism. These assessments should be publicly available (as the participating States indicated that their reports most often are) and presented for review to parliamentarians.

Other governmental planning documents should be used to supplement NAPs. Because THB issues intersect with other major policy initiatives (e.g., rule of law, human rights, child protection family violence, social assistance/protection, anti-corruption), the participating States should consider to what extent it would be a valuable supplement to the core anti-trafficking NAP to include provisions aimed at addressing THB (e.g., to address root causes, provision of assistance or disrupting trafficking networks) in the planning documents of other fields of government involvement.

Planning should be strengthened to include provisions specific to the unique needs of child victims of trafficking or by adopting a supplementary NAP.

5.4 National Rapporteurs or equivalent mechanisms¹²¹

The mandate of a National Rapporteur or equivalent mechanism should provide sufficient authority to request and access data (consistent with privacy, confidentiality and other personal data protections) from all necessary sources at the national and local level.

The reports produced by National Rapporteurs or equivalent mechanisms should include evaluations of anti-trafficking work from the perspectives of promoting human rights, child rights, gender-sensitivity and the victim-centred approach.

The work of a National Rapporteur or equivalent mechanism should promote data comparability. This will require significant progress in data compatibility.

To support standardization and comparability of data, the participating States should provide their reporting mechanism with the legal authority to gather data and report on all forms of trafficking covering, at a minimum, the Palermo Protocol definition. This will permit the standardization of data efforts at a minimum level sufficient to achieve compatibility for data analysis purposes.

The participating States should focus on the challenges of improving data collection underlying the quality and usefulness of the work by National Rapporteurs or equivalent mechanisms, which include the following factors:

- Common data sets are not developed across agencies/countries;
- Data is not collected to serve identified analytical purposes, especially to support practical application; and
- Privacy protection of personal data collected from victims must be ensured.

There should be opportunities provided for National Rapporteurs or equivalent mechanisms to review methods, share good practices, and seek to elevate the ability of the participating State National Rapporteurs or equivalent mechanisms across the OSCE area to contribute effectively to anti-trafficking work of their respective participating States and the collective co-ordinated efforts of the OSCE participating States as a whole (for example, by periodic workshops/gatherings of the National Rapporteurs or equivalent mechanisms).

Because countries entrust national reporting responsibilities either to the national rapporteur or to an equivalent mechanism (national co-ordinator or a government ministry), these models should be examined more closely to determine the strengths and weaknesses of this approaches for contributing to anti-trafficking objectives.

¹²¹ See Concluding Remarks, OSCE 6th Alliance Against Trafficking in Persons Conference

The report of the National Rapporteur or equivalent mechanism should be used to revise, adapt and target initiatives contained in the NAP on a regular basis.

The participating States should consider whether independent research institutes or academic institutions with appropriate expertise and capacity could be useful to support data gathering/analysis for the preparation of reports.

Additional attention should be paid to whether current country reports produced by the participating States' National Rapporteur or equivalent mechanism serve as useful tools for policy and practice.

Participating States should ensure that they have submitted all of their relevant anti-trafficking documents – for example, legislation, NAPs, reports by National Rapporteurs or equivalent mechanisms, and key cases – for posting on the ODIHR's Legislationline (www.legislationline.org).

The participating States should develop meaningful data baselines so that assessment of progress and impact over time can be based upon a reference point.

It is important that the reports do not simply catalogue activities and that they articulate shortfalls and gaps in order to target areas in which efforts can be improved.

Annex A

REFERENCES

The principal source for the Report consisted in the responses of participating States and Partners for Co-operation to the SR's questionnaire (see **OSCE SR Survey 2007** below). The responses are attached to the Report as Annex D.

The following is a non-exhaustive list of further documents used. Only documents that appear in the footnotes are given a short form here.

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Commonwealth of Independent States (28 November 2006), *Program of Co-operation to Combat Trafficking in Human Beings, 2007-2010*.

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CoE Convention No. 197 (2005)

Council of Europe (Warsaw, 16 May 2005), *Council of Europe Convention on Action against Trafficking in Human Beings and its Explanatory Report*, Council of Europe Treaty Series – No. 197.

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Stability Pact for South Eastern Europe Task Force on Trafficking in Human Beings (Palermo, 13 December 2000), *Anti-Trafficking Declaration of South Eastern Europe*.

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Dottridge, Mike (2007), *Measuring Responses to Trafficking in Human Beings in the European Union: an Assessment Manual* (Directorate General; Freedom, Security and Justice, European Commission: Brussels).

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Annex B

CO-ORDINATING AND REPORTING ON EFFORTS TO COMBAT TRAFFICKING IN HUMAN BEINGS IN THE OSCE REGION

A NATIONAL CO-ORDINATION STRUCTURES

1. Does your country have a recognized mechanism to co-ordinate policy and programmatic responses to human trafficking?
 - a) Yes
 - b) No

2. If yes, what is the nature of the mechanism?
 - a) National co-ordinator?
 - b) National working group, commission or task force?
 - c) Other? please describe:

3. If the co-ordination mechanism is a working group, commission, or task force, what is the composition?
 - a) Inter-ministerial?
If yes, which ministries are represented?
 - b) Experts/operational?
If yes, which experts are represented?
 - c) Other? Please describe:
Who is represented?
 - d) Are representatives from civil society a part of this group?
What percentage?

Do they function in:
 - A decision making capacity?
 - An observer capacity?
 - Other?

4. By what authority (legislation, recommended action, etc) was this mechanism established?
.....
When was it established?

5. Does the national co-ordination mechanism have a budget?
 - a) Yes
If yes, what does this budget cover?
 - b) No

6. The main function of this group is:
 - a) Advisory
 - b) Policy making
 - c) Implementation
 - d) Other

7. What have been the primary achievements of this individual or group? Please cite specific instances (Examples include legislative and policy reform, encouraging new prevention, protection and law enforcement policies and practices, public advocacy and awareness raising, co-ordinating funding initiatives, etc.).

8. What have been the main challenges facing this group? Please cite specific examples. (Examples can include budget and resources, lack of internal agreement on anti-trafficking policies, competing priorities, lack of co-ordination among different stakeholders, etc).

B NATIONAL ACTION PLANS OR OTHER CO-ORDINATED POLICY RESPONSES

9. Does your country have
 - a) A National Action Plan?
 - b) Other equivalent co-ordinated policy/programmatic response to trafficking at the national level? If so, please explain.

10. What is covered in your national policy response?
 - a) Legislative reform
 - b) Prevention
 - c) Protection and Assistance
 - d) Law Enforcement and Prosecution
 - e) International co-operation
 - f) Roles and responsibilities of Different Stakeholders
 - g) Implementation Time line
 - h) Other:

11. Is trafficking in human beings defined in your legislation/national action plan?
- a) Yes
- b) No
- Please provide us with the definition.
12. Are the elements of a comprehensive approach (prevention, prosecution, protection and assistance) to THB defined in legislation/national action plan?
- a) Yes
- b) No
13. How is the impact of the action plan reviewed and assessed by the government?
14. What have been the primary achievements of the action plan or other co-ordinated policy response? Please cite specific instances. Examples may include inclusion of new stakeholders, clarification of new objectives and/or definitions, a component to assess implementation, etc.
15. What have been the main challenges facing the implementation of this plan or co-ordinated response? Please cite specific examples. (Examples can include budget and resources, lack of political or public support, etc.)

Please provide us with a copy of your national action plan or equivalent policy/programme in one of the official languages of the OSCE: Russian, English, French, Spanish, Italian and/or German, if possible.

C NATIONAL REPORTING MECHANISM

16. Does your country have a national reporting mechanism in place? (Either a national rapporteur or equivalent mechanism)?
- a) Yes
- b) No
17. What is the nature of this mechanism:
- a) Independent National Rapporteur
- b) Part of the function of the national co-ordinator
- c) Function assigned to a government ministry
- d) Independent research institute?
- e) Other? Please explain
-

18. By what authority was this function established?
 - a) legislation
 - b) policy action
 - c) other

19. When was it established?

20. Does this function have a budget?
 - a) Yes
 - b) If yes, what does this budget cover?
 - c) No

21. Structure of reports
 - a) How often are reports issued?
 - b) To whom are they issued?
 - c) Are they made public?

22. Content of reports. The reports cover:
 - a) The scope of the problem of THB?
 - b) Trends and patterns?
 - c) Law enforcement and prosecutorial activities?
 - d) Victim services?
 - e) Prevention activities?
 - f) International co-operation?
 - g) Other?
 - h) Does the content vary from year to year or does each report follow a prescribed model?

23. What have been evidences of the success of this report (suggestions and recommendations that have been implemented into policy, increased national awareness of the problem, other?)

24. What limitations and challenges have you encountered in reporting on THB?

Please provide us with a copy of your national action plan or equivalent policy/programme in one of the official languages of the OSCE: Russian, English, French, Spanish, Italian and/or German, if possible.

Annex C

The OSCE OSR CTHB wishes to thank the participating States that replied to the questionnaire: Andorra, Austria, Azerbaijan, Belarus, Belgium, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Holy See, Hungary, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, the former Yugoslav Republic of Macedonia, Malta, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, Serbia, Slovakia, Slovenia, Sweden, Switzerland, Turkey, Ukraine, United Kingdom, United States of America. The OSR CTHB wishes to thank also the Partners for Co-operation that replied to the questionnaire: Israel, Japan, Jordan and Thailand.

TABLE 1: OSCE participating States and Partners for Co-operation with co-ordination and reporting mechanisms for combating trafficking in human beings

OSCE participating States	National Co-ordination Mechanism (date created)	National Rapporteur or equivalent mechanism (date created)	National Action Plan (date initiated)
Albania			
Andorra	No	No	No
Armenia			
Austria	Yes ¹²²	No	Yes
Azerbaijan	Yes (2005)	Yes (2005)	Yes
Belarus	Yes (2005)	Yes (2001, 2005)	Yes
Belgium	Yes (1995, 2004)	Yes (1995)	Yes
Bosnia and Herzegovina			
Bulgaria			
Canada	Yes	No	Yes
Croatia	Yes (2002)	Yes (2002)	Yes
Cyprus	Yes (2007)	Yes (2007)	Yes
Czech Republic	Yes (2004)	Yes (2004)	Yes
Denmark	Yes (2002)	Yes (2007)	Yes
Estonia	Yes (2006)	Yes (2006)	Yes
Finland	Yes (2005)	No ¹²³	Yes
France	Yes (1958)	Yes	No
Georgia			
Germany	Yes (1997)	Yes (beginning of 1990s)	Yes
Greece	Yes (2004)	No	Yes
Holy See ¹²⁴	Not applicable	Not applicable	Not applicable
Hungary	Yes (2004)	No	No
Iceland	Yes (2005)	No	No
Ireland			
Italy	Yes	Yes (1999)	Yes
Kazakhstan			

122 According to the response from the delegation of Austria to the OSCE, a national task force exists, while a national co-ordinator was to be appointed by March 2008 to oversee the National Task Force; which will include government ministries, academic institutions and NGOs.

123 According to the response from the delegation of Finland to the OSCE, the possible establishment of such an institution is mentioned in Finland's National Action Plan; discussions about the need and functions of such a mechanism are ongoing. In addition, some other bodies such as the Parliamentary Ombudsman and Ombudsman for Minorities follow the issue of THB as part of their regular work.

124 The questionnaire adopts a State and territorial perspective which is not reflective of the specific status of the Holy See. Therefore, while the Holy See did respond to the questionnaire and detail some of the anti-trafficking efforts being undertaken by the Catholic Church, these are not responses specific to the questionnaire.

OSCE participating States	National Co-ordination Mechanism (date created)	National Rapporteur or equivalent mechanism (date created)	National Action Plan (date initiated)
Kyrgyzstan			
Latvia	Yes	Yes (2004)	Yes
Liechtenstein	Yes (2006)	No	No
Lithuania	Yes (2005, supplemented in 2007)	Yes (2005)	Yes
Luxembourg	Yes (2007)	No	Yes
The former Yugoslav Republic of Macedonia	Yes (2001)	Yes (2005)	Yes
Malta	Yes	No	No
Moldova			
Monaco			
Montenegro			
Netherlands	Yes (2004)	Yes (2000)	Yes
Norway	Yes (2003)	No	Yes
Poland	Yes (2004)	No	Yes
Portugal	Yes (2007)	Yes ¹²⁵	Yes
Romania	Yes (2005)	Yes (2005)	Yes
Russian Federation	No ¹²⁶	No ¹²⁷	No ¹²⁸
San Marino			
Serbia	Yes (2001)	Yes (2001)	Yes
Slovakia	Yes (2006)	No	Yes
Slovenia	Yes (2002, 2003)	Yes (2003)	Yes
Spain			
Sweden ¹²⁹	No	Yes (1997)	Yes
Switzerland	Yes (2003)	Yes (2003)	Yes
Tajikistan			
Turkey	Yes (2002)	Yes (2002)	Yes (2003) ¹³⁰
Turkmenistan			
Ukraine	Yes (2002)	Yes (2002)	Yes (2007-2010)
United Kingdom	Yes (2005)	No	Yes
United States of America	Yes (2001)	Yes (2003)	Yes
Uzbekistan			

125 According to the response from the delegation of Portugal to the OSCE, a national monitoring system to be known as an Observatory on THB was expected to be established in the first semester of 2008.

126 According to the response from the delegation of the Russian Federation to the OSCE, an interdepartmental working group operates under the State Duma Committee on Civil, Criminal, Arbitrary and Procedural Legislation and focuses on anti-trafficking legislation. The group includes parliamentarians, experts from NGOs and representatives of various governmental ministries and agencies.

127 According to the response from the delegation of the Russian Federation to the OSCE, a comprehensive national report on combating THB was presented by the Parliamentary Working Group to the Parliament in 2006 in the course of a Parliamentary hearing; however there is no system of regular reporting.

128 According to the response from the delegation of the Russian Federation to the OSCE, although there is no specific NAP, anti-trafficking measures were included in the Mid-Term Programme of Russia's Socio-Economic Development (2006–2008). Furthermore the RF participates in the CIS Action Plan related to the implementation of the CIS Program of Co-operation to Combat THB for 2007–2010. The implementation of the Program is reviewed on an annual basis at the meetings of CIS Ministers of Interior. This is also reviewed at the annual meetings of the CIS Prosecutors General.

129 According to the response from the delegation of Sweden to the OSCE, even if no formally decided mechanism for national co-ordination exists, co-ordination takes place since there is an elaborate system of interministerial joint preparation of all issues which affect more than one ministry. The Ministry of Integration and Gender Equality has coordinating responsibility for measures against THB for sexual exploitation and the Ministry of Labour leads an inter-ministerial working group which will propose measures against THB for labour exploitation. Two National Action Plans are currently being prepared – one on prostitution and THB for sexual exploitation, and another one on THB for other purposes.

130 According to the response from the delegation of Turkey to the OSCE, a new NAP will be soon approved.

OSCE Partner for Co-operation	National Co-ordination Mechanism	National Rapporteur or equivalent Mechanism	National Action Plan
Afghanistan			
Algeria			
Egypt			
Israel	Yes	Yes	Yes
Japan	Yes (2004)	No	Yes
Jordan	No	Yes	No ¹³¹
Mongolia			
Morocco			
Republic of Korea			
Thailand ¹³²	Yes (2005)		Yes
Tunisia			

131 According to the response from the delegation of Jordan to the OSCE, the country does not have an NAP but a co-ordinated policy response to THB in the form of a law on the prohibition of slavery.

132 While the delegation of Thailand to the OSCE did reply to the questionnaire, they did not complete the section on National Rapporteurs or equivalent mechanisms and thus no information is available for inclusion in this table.

TABLE 2: National Co-ordination Mechanisms in the OSCE participating States and countries of the Partners for Co-operation¹³³

The OSCE OSR CTHB wishes to thank the participating States that replied to the questionnaire: Andorra, Austria, Azerbaijan, Belarus, Belgium, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Holy See, Hungary, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, the former Yugoslav Republic of Macedonia, Malta, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, Serbia, Slovakia, Slovenia, Sweden, Switzerland, Turkey, Ukraine, United Kingdom, United States of America. The OSR CTHB wishes to thank also the Partners for Co-operation that replied to the questionnaire: Israel, Japan, Jordan and Thailand.

OSCE participating State	Co-ordination mechanism to combat trafficking in human beings	Date created	Nature and structure of the co-ordination mechanism to combat trafficking in human beings	Budget allocated for co-ordination mechanism ¹³⁴	NGO presence
Albania					
Andorra	No				
Armenia					
Austria	Yes ¹³⁵	2004	National Task Force established by the Federal Government in 2004. It includes representatives of various ministries, of the Federal Provinces, academic institutions and NGOs.	No	Yes
Azerbaijan	Yes	2005	National Co-ordinator overseeing the working group for combating trafficking, which is comprised of various government ministries and agencies.	No	No
Belarus	Yes	2005	National Co-ordinator for combating trafficking (within the Ministry of the Interior) oversees the standing working group on combating trafficking, which includes representatives of various ministries and government departments.	No, the State funds the implementation of State programme.	No
Belgium	Yes	1995, 2004	National task force (Interdepartmental Group). In 1995 the Government created the Interdepartmental Group, chaired by the Ministry of Justice, which was revitalized in 2004 by a Royal Decree. The group meets at minimum twice per year.	No	Yes ¹³⁶
Bosnia and Herzegovina					
Bulgaria					

¹³³ This table summarizes the answers provided to the OSR CTHB on the questionnaire: "Co-ordination and reporting on efforts to combat trafficking in human beings in the OSCE region", sent to OSCE participating States in 2007.

The table reflects only the information submitted in response to this questionnaire. Where OSCE participating States have not completed the questionnaire or where specific questions were left unanswered, no information is available for inclusion in the table and the sections have been left blank. However, this does not necessarily mean that the country in question does not have or has not established since the time of the survey the various mechanisms related to combating trafficking in human beings.

¹³⁴ This column refers to the existence of a dedicated budget for the co-ordinating mechanism. Where no dedicated funding is available, funding for AT activities may be derived from the budgets of the individual agencies/ministries/organisations.

¹³⁵ According to the response from the delegation of Austria to the OSCE, a national co-ordinator was to be appointed by March 2008.

¹³⁶ According to the response from the delegation of Belgium to the OSCE, civil society is partially represented, notably through Child Focus. The Centre for Equal Opportunities also offer links with civil society through its contacts with the reception centres for victims of trafficking.

OSCE participating State	Co-ordination mechanism to combat trafficking in human beings	Date created	Nature and structure of the co-ordination mechanism to combat trafficking in human beings	Budget allocated for co-ordination mechanism ¹³⁴	NGO presence
Canada	Yes	2004	Intergovernmental working group on trafficking in persons co-chaired by the Departments of Justice and Public Safety. It serves as co-ordinating mechanism for federal policy and efforts against trafficking in human beings.	No ¹³⁷	No ¹³⁸
Cyprus	Yes	2007	The National Co-ordinator, from the Ministry of the Interior, is the head of the national co-ordinating group.	No (to be discussed in forthcoming meeting)	Yes
Czech Republic	Yes	2004	The national working group is comprised of a range of government ministries and departments. Minutes from meetings of working group are presented to the public on the website of the Ministry of the Interior.	No	Yes, 20%
Denmark	Yes	2002	Inter-ministerial task force including representatives from a range of ministries	No	No
Estonia	Yes	2006	There is a national co-ordinator (Ministry of Justice) and national working group or networking group.	No ¹³⁹	Yes (10 NGOs, 50% of the membership)
Finland	Yes	2005	National task force, of inter-ministerial composition. The task force functions in two different compositions: the operational work is done mainly in the wider composition while a restricted composition comprising mainly of representatives of governmental authorities only meets when necessary.	No	Yes (approx. 50%)
France	Yes	1958	The Central Office for the Repression of Trafficking in Human Beings (OCRTEH) depends institutionally on the General Direction of the National Police. It is an inter-ministerial structure and is mainly focused on prostitution networks. The OCRTEH addresses THB in accordance with three specialized structures: the OCRTEH for prostitution networks; the OCRIEST for networks of illegal immigration; the OCLTI for illegal workers.	No	No
Georgia					
Germany	Yes	1997	National working group, established under the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth	Yes	Yes (20%)
Greece	Yes	2004	National commission, inter-ministerial, set up at the initiative of the Ministry of Justice	No	Yes

137 According to the response from the delegation of Canada to the OSCE, the intergovernmental working group has no stand-alone budget. Instead federal anti-trafficking efforts are resourced through existing financial and human resources of the participating departments and agencies.

138 According to the response from the delegation of Canada to the OSCE, representatives of NGOs and IOs have occasionally been invited to make presentations to the intergovernmental working group on THB.

139 According to the response from the delegation of Estonia to the OSCE, the budget covers all the activities foreseen in the national development plan or annual action plans. The budget is dependent on the resources available to individual organizations for their particular activities foreseen in the national development plan.

OSCE participating State	Co-ordination mechanism to combat trafficking in human beings	Date created	Nature and structure of the co-ordination mechanism to combat trafficking in human beings	Budget allocated for co-ordination mechanism ¹⁴⁰	NGO presence
Holy See ¹⁴⁰	Not applicable				
Hungary	Yes	2004	Ad hoc multidisciplinary working group against trafficking in human beings which was launched by the Ministry of Foreign Affairs	No	
Iceland	Yes	2005	National working group in Iceland with members from various governmental institutions and NGOs	No	Yes (approx. 30%)
Ireland					
Italy	Yes	1999	The Anti-trafficking Inter-ministerial Commission is a restricted working group, composed of representatives of the main ministries involved on the issue and by some experts. It is chaired by the Ministry for Rights and Equal Opportunities and it is in charge of co-ordinating and monitoring the projects of social protection for victims of THB. The Co-ordination Committee of Government Actions against Trafficking (here CCGAT) is composed of representatives from public entities, trade unions, universities, research institutes and civil society. It sits twice a year and has six thematic working groups which periodically report to the Inter-ministerial Commission.	Yes	Yes (70% of the CCGAT)
Kazakhstan					
Kyrgyzstan					
Latvia	Yes		National Co-ordinator and National Working Group. The national co-ordinator is located within the Ministry of the Interior. The a national working group is designed to discuss a progress of implementation of the <i>National Action Plan for Prevention of Human Trafficking 2004–2008</i> approved by the Cabinet of Ministers Decree No. 132 on 3 March 2004.	Yes	Yes (13%)
Liechtenstein	Yes	2006	National working group/commission/task force, inter-ministerial	Yes	Yes (28.5%)
Lithuania	Yes	2005, supplemented in 2007	A national co-ordinator and a national working group established under the authority of the Ministry of the Interior and comprised of government ministries, NGOs and IOs. Meetings are held quarterly.	Yes	Yes
Luxembourg	Yes	2007	National working group, inter-ministerial. The Ministry of Justice arranges for informal and punctual co-ordination meetings. Other agencies co-ordinate on an operational level such as the Ministry for Equal Opportunities, which is the central body relating to civil society and in charge of social services provided to victims and also the Criminal Police that co-ordinates investigations.	Yes	No

140 The questionnaire adopts a State and territorial perspective which is not reflective of the specific status of the Holy See. Therefore, while the Holy See did respond to the questionnaire and detail some of the anti-trafficking efforts being undertaken by the Catholic Church, these are not responses specific to the questionnaire.

OSCE participating State	Co-ordination mechanism to combat trafficking in human beings	Date created	Nature and structure of the co-ordination mechanism to combat trafficking in human beings	Budget allocated for co-ordination mechanism ¹⁴⁴	NGO presence
The former Yugoslav Republic of Macedonia	Yes	2001	National Co-ordinator and National Commission to Combat Trafficking in Human Beings and Illegal Migration. The National Commission has a secretariat and there is a sub-group for combating trafficking in children.	No ¹⁴¹	Yes (35% of the secretariat, 13% of the sub-group)
Malta	Yes		Other: Vice Squad within the Malta Police Force		
Moldova					
Monaco					
Montenegro					
Netherlands	Yes	2004	National working group, inter-ministerial	No	No
Norway	Yes	2003	National Co-ordinator and national working group. The Ministry for Justice and the Police has the main responsibility for co-ordinating the Government's efforts on the national level to combat human trafficking. An inter-ministerial group has been established, consisting of representatives from a range of ministries. The national co-ordinator chairs the monthly meetings of the group, and is responsible for reporting to a political steering group.	No	No
Poland	Yes	2004	Committee for Combating and Preventing Trafficking in Human Beings, inter-ministerial	No	Yes (25%)
Portugal	Yes	2007	National Co-ordinator appointed with a technical committee to give support. The co-ordination mechanism is inter-ministerial.	No	No
Romania	Yes	2005	National Co-ordinator. The National Agency against Trafficking in Persons was established through the Government Decision 1584/2005 modified and completed by G.D. 1083/2006. The purpose of the agency is to co-ordinate, evaluate and monitor at the national level the implementation by the public institutions of policies in the field of trafficking in persons.	Yes	
Russian Federation	No ¹⁴²				
San Marino					

141 According to the response from the former Yugoslav Republic of Macedonia to the OSCE, there was a procedure ongoing for creating a draft budget for the National Commission in 2008.

142 According to the response from the delegation of the Russian Federation to the OSCE, an Interdepartmental Working Group operates under the State Duma Committee on Civil, Criminal, Arbitrary and Procedural Legislation and focuses on anti-trafficking legislation. The group includes parliamentarians, experts from NGOs and representatives of various governmental ministries and agencies.

OSCE participating State	Co-ordination mechanism to combat trafficking in human beings	Date created	Nature and structure of the co-ordination mechanism to combat trafficking in human beings	Budget allocated for co-ordination mechanism ¹⁴⁴	NGO presence
Serbia	Yes	2001	Anti-trafficking Council, established in 2004 and headed by the Ministry of Internal Affairs. The National Co-ordinator for combating human trafficking is also within this ministry and was first appointed in 2001. There is also the Republic-level team to combat human trafficking (established in 2002), with an advisory body to the Republican team. There are four national working groups focused on: prevention and education; child trafficking; assistance and protection; and law enforcement.	Yes ¹⁴³	Yes
Slovakia	Yes	2006	A national interministerial co-ordination mechanism led by the national co-ordinator (State Secretary of the Ministry of Interior). The national co-ordination mechanism was required under the National Action Plan to Combat Trafficking in Human Beings for 2006-2007 (approved by Government Resolution No. 3 of 11 January 2006). Based on this task/measure, the Minister for the Interior issued order No. 35 of 15 December 2006 on the establishment of the Expert Group to combat human trafficking. The Expert Group is the advisory, initiating and co-ordinating body of the national co-ordinator.	Yes	Yes
Slovenia	Yes	2002, 2003	A national co-ordinator (established 2002), and the interministerial Working Group on the Fight Against THB (established 2003). The group is led by a representative of the Ministry of the Interior as a National Co-ordinator.	No	Yes (approx. 30%)
Spain					
Sweden ¹⁴⁴	No				
Switzerland	Yes	2003	The national working group is the Swiss Co-ordination Unit against the Trafficking of Persons and Smuggling of Migrants (KSMW-SCOTT), with a permanent secretariat attached to the Federal Office of Police. The head of the KSMW-SCOTT secretariat plays the role of a national co-ordinator. KSMW-SCOTT brings together the concerned authorities from both the federal Government and the cantons, as well as experts from civil society. The KSMW-SCOTT is composed of representatives of nine federal offices (integrated in four ministries), five cantonal conferences/associations, and representatives of three NGOs/IGOs.	No ¹⁴⁵	Yes (approx. 18% of the steering committee)

143 According to the response of the delegation of Serbia to the OSCE, the budget is not an independent one but it is part of the State budget.

144 According to the response of the delegation of Sweden to the OSCE, even if no formally decided mechanism for national co-ordination exists, co-ordination takes place since there is an elaborate system of interministerial joint preparation of all issues that affect more than one ministry. The Ministry of Integration and Gender Equality has co-ordinating responsibility for measures against THB for sexual exploitation and the Ministry of Labour leads an interministerial working group which will propose measures against THB for labour exploitation.

145 According to the response of the delegation of Switzerland to the OSCE, the co-ordination mechanism does not have its own earmarked budget. However, measures and projects are financed by the responsible member organization.

OSCE participating State	Co-ordination mechanism to combat trafficking in human beings	Date created	Nature and structure of the co-ordination mechanism to combat trafficking in human beings	Budget allocated for co-ordination mechanism ¹⁴⁴	NGO presence
Tajikistan					
Turkey	Yes	2002	National task force against trafficking in human beings, an inter-ministerial body with representatives from NGOs and IOs. The task force is under the presidency of the Turkish Foreign Ministry.	No	Yes (approx. 7%)
Turkmenistan					
Ukraine	Yes	2002	The Interagency Co-ordination Board on combating trafficking in human beings, chaired by the Home Office, consists of the deputy ministers and chiefs of a number of different ministries and institutions and NGOs and IOs.	No	Yes (approx. 50%)
United Kingdom	Yes	2005	Inter-departmental Ministerial Group on Human Trafficking, comprised of different government ministries	No	No
United States of America	Yes	2001	Cabinet-level, President's Interagency Task Force and Senior Policy Operating Group, which reports to the Task Force.	No	No ¹⁴⁶
Uzbekistan					

146 According to the response of the delegation of the USA to the OSCE, although there is no central budget, most Task Force member agencies have their respective budgets dedicated to operational and programmatic anti-trafficking efforts nationally and internationally, as appropriate.

OSCE Partners for Co-operation	Co-ordination mechanism	Date created	Nature and structure of the mechanism	Budget allocated for co-ordination mechanism	NGO involvement
Afghanistan					
Algeria					
Egypt					
Israel	Yes	2003, 2006	National Co-ordinator and Inter-ministerial Committee of Directors General regarding the Battle against Trafficking in Persons, established by Government resolution in 2003 to deal with THB for sexual exploitation, and in 2006 to deal with all forms of THB. The Committee is chaired by the Director General of the Ministry of Justice. There are also two sub-committees supervising the implementation of the National Action Plans.	Yes	Yes
Japan	Yes	2004	Inter-Ministerial Liaison Committee (Task Force) established at the Cabinet. The member Ministries/Agencies of the Task Force include the Cabinet Secretariat, Cabinet Office, National Police Agency, Ministry of Justice, Ministry of Foreign Affairs, and Ministry of Health, Labour and Welfare.	No ¹⁴⁷	No
Jordan	No				
Mongolia					
Morocco					
Republic of Korea					
Thailand	Yes	2005	National Co-ordinator within the Ministry of the Social Development and Human Security. There are two national committees – the National Committee on Prevention and Suppression of Human Trafficking chaired by the Deputy Prime Minister and the Committee of National Operation Centre on Prevention and Suppression of Human Trafficking chaired by the Permanent Secretary in the Ministry of the Social Development and Human Security.	Yes	Yes
Tunisia					

147 According to the response from the Japanese Delegation, each ministry has its own budget to take related actions for trafficking in persons.

TABLE 3: National Co-ordinators in the OSCE participating States and countries of the Partners for Co-operation

The OSCE OSR CTHB wishes to thank the participating States that replied to the questionnaire: Andorra, Austria, Azerbaijan, Belarus, Belgium, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Holy See, Hungary, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, the former Yugoslav Republic of Macedonia, Malta, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, Serbia, Slovakia, Slovenia, Sweden, Switzerland, Turkey, Ukraine, United Kingdom, United States of America. The OSR CTHB wishes to thank also the Partners for Co-operation that replied to the questionnaire: Israel, Japan, Jordan and Thailand.

OSCE participating States	National Co-ordination Mechanism	Date created	Ministry/department that oversees the National Co-ordination Mechanism ¹⁴⁸
Albania			
Andorra	No		
Armenia			
Austria	Yes ¹⁴⁹	2004	To be appointed in March 2008
Azerbaijan	Yes	2005	Ministry of National Security
Belarus	Yes	2005	Ministry of the Interior
Belgium	Yes	1995	Ministry of Justice ¹⁵⁰
Bosnia and Herzegovina			
Bulgaria			
Canada	Yes	2004	Co-chaired by the Departments of Justice and Public Safety.
Croatia	Yes	2002	Office of Human Rights
Cyprus	Yes	2007	Ministry of the Interior
Czech Republic	Yes	2004	Ministry of the Interior
Denmark	Yes	2002	Not specified
Estonia	Yes	2006	Ministry of Justice
Finland	Yes	2005	Not specified
France	Yes	1958	The Central Office for the Repression of Trafficking in Human Beings (OCRTEH) depends institutionally on the General Direction of the National Police.
Georgia			
Germany	Yes	1997	Federal Ministry for Family Affairs, Senior Citizens, Women and Youth
Greece	Yes	2004	Ministry of Justice
Holy See ¹⁵¹	Not applicable		
Hungary	Yes	2004	Ministry of Foreign Affairs
Iceland	Yes	2005	Not specified
Ireland			
Italy	Yes	1999	Ministry of Rights and Equal Opportunities
Kazakhstan			
Kyrgyzstan			
Latvia	Yes		Ministry of the Interior
Liechtenstein	Yes	2006	Not specified

148 Even where information was provided about the co-ordinating mechanism, it was not always clear which ministry was entrusted with this responsibility. As such, responses in these tables are incomplete.

149 According to the response from the delegation of Austria to the OSCE, a national co-ordinator was to be appointed by March 2008, to oversee the National Task Force, which was to include government ministries, academic institutions and NGOs. No budget will be allocated.

150 According to the response from the delegation of Belgium to the OSCE, the Ministry of Justice chairs the Interdepartmental Group.

151 The questionnaire adopts a State and territorial perspective which is not reflective of the specific status of the Holy See. Therefore, while the Holy See did respond to the questionnaire and detail some of the anti-trafficking efforts being undertaken by the Catholic Church, these are not responses specific to the questionnaire.

OSCE participating States	National Co-ordination Mechanism	Date created	Ministry/department that oversees the National Co-ordination Mechanism ¹⁴⁸
Lithuania	Yes	2005, supplemented in 2007	Ministry of the Interior
Luxembourg	Yes	2007	Ministry of Justice
The former Yugoslav Republic of Macedonia	Yes	2001	Ministry of the Interior
Malta	Yes		Vice Squad within the Malta Police Force
Moldova			
Monaco			
Montenegro			
Netherlands	Yes	2004	Ministry of Justice
Norway	Yes	2003	Ministry for Justice and the Police
Poland	Yes	2004	Not specified
Portugal	Yes	2007	Not specified
Romania	Yes	2005	National Agency against Trafficking in Persons, established through Government Decision 1584/2005, modified and completed by G.D. 1083/2006.
Russian Federation ¹⁵²	No		
San Marino			
Serbia	Yes	2001	Ministry of Internal Affairs
Slovakia	Yes	2006	Ministry of the Interior
Slovenia	Yes	2002, 2003	Ministry of the Interior
Spain			
Sweden ¹⁵³	No		
Switzerland	Yes	2003	Swiss Co-ordination Unit against the Trafficking of Persons and Smuggling of Migrants (KSMM-SCOTT), with a permanent secretariat attached to the Federal Office of Police.
Tajikistan			
Turkey	Yes	2002	Foreign Ministry
Turkmenistan			
Ukraine	Yes	2002	Ministry for Family, Youth and Sport
United Kingdom	Yes	2005	Home Office
United States of America	Yes	2001	Not specified
Uzbekistan			

152 According to the response from the delegation of the Russian Federation to the OSCE, an interdepartmental working group operates under the State Duma Committee on Civil, Criminal, Arbitrary and Procedural Legislation and focuses on anti-trafficking legislation. The group includes parliamentarians, experts from NGOs and representatives of various governmental ministries and agencies. In addition, the Ministry of Interior of the Russian Federation has a number of permanent working groups that co-ordinate international co-operation in the area of trafficking.

153 According to the response from the delegation of Sweden to the OSCE, even if no formally decided mechanism for national co-ordination exists, co-ordination takes place since there is an elaborate system of interministerial joint preparation of all issues which affect more than one ministry. The Ministry of Integration and Gender Equality has co-ordinating responsibility for measures against THB for sexual exploitation and the Ministry of Labour leads an interministerial working group which will propose measures against THB for labour exploitation.

OSCE Partners for Co-operation	National Co-ordination Mechanism	Date created	Nature and structure of the mechanism
Afghanistan			
Algeria			
Egypt			
Israel	Yes	2003, 2006 ¹⁵⁴	Ministry of Justice
Japan	Yes	2004	Not specified
Jordan	No		
Mongolia			
Morocco			
Republic of Korea			
Thailand	Yes	2005	Ministry of the Social Development and Human Security
Tunisia			

¹⁵⁴ According to the response from the delegation of Israel to the OSCE, the NCM was established in 2003 to deal with trafficking for sexual exploitation and expanded in 2006 to deal with all forms of exploitation.

TABLE 4: National Actions Plans and co-ordinated policy responses in the OSCE participating States and countries of the Partners for Co-operation

The OSCE OSR CTHB wishes to thank the participating States that replied to the questionnaire: Andorra, Austria, Azerbaijan, Belarus, Belgium, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Holy See, Hungary, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, the former Yugoslav Republic of Macedonia, Malta, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, Serbia, Slovakia, Slovenia, Sweden, Switzerland, Turkey, Ukraine, United Kingdom, United States of America. The OSR CTHB wishes to thank also the Partners for Co-operation that replied to the questionnaire: Israel, Japan, Jordan and Thailand.

OSCE participating State	National Action Plans and co-ordinated policy responses	Date created	Nature and structure of National Action Plans and co-ordinated policy responses	Review and assessment of the National Actions Plans and co-ordinated policy responses
Albania				
Andorra	No			
Armenia				
Austria	Yes	2006	National Action Plan. The Task Force on Trafficking in Human Beings was established by a decision of the Council of Ministers adopted in November 2004 and placed under the aegis of the Federal Ministry of Foreign Affairs. The main aim of the Task Force is to structure and intensify the joint campaign against trafficking in human beings and it was decided that a National Action Plan should be relied upon as a central guiding structure. This scheme received political approval by parliamentary decision No. E 203 of 12 July 2006. The Action Plan is articulated into several main components: co-ordination, prevention victim, compensation for victims, prosecution, and international cooperation, data collection, monitoring and evaluation. Each one comprises specific measures, and indicates the responsible agency, the time frame for implementation, as well as a monitor indicator.	Comprehensive annual report on implemented and envisaged measures against THB
Azerbaijan	Yes	2004	National Action Plan	
Belarus	Yes	2001, 2006	The Ministry of Interior has developed the State Programme for comprehensive measures against trafficking in humans and prostitution for the years 2002 – 2007, approved by the Council of Ministers on 8 November 2001 (Decree #1636). The State Programme provides for concrete organizational and legal prophylactic activities, measures on victim rehabilitation and widening international co-operation. The next stage is the State Programme on combating crime for the years 2006–2010, the Co-operation Programme of the CIS members on combating trafficking for the years 2007–2010, and other international agreements. In addition, the Decree #3 (2005) provides for a series of activities aimed to improve the fight against trafficking and to develop conceptual solutions that allow for a comprehensive fight against trafficking.	The Ministry of interior reports yearly on combating trafficking to the Council of Ministers, biannually to the interdepartmental commission for combating crime, corruption and drugs under the Security Council of Belarus, to be later reported to the Head of the State. On the basis of the information provided the Head of State and the Government of Belarus make proposals for improvement of anti-trafficking measures in Belarus or internationally for consideration by stakeholders.
Belgium	Yes		There is another equivalent co-ordinated policy/programmatic response to trafficking at the national level. The Bureau of the Interdepartmental Group developed a document to give an overview of the policy followed since the introduction of the interdepartmental co-ordination group for the fight against smuggling and trafficking in human beings. It also has the purpose to determine the important priorities and projects that should be developed during the next legislative period.	This first action plan of the Bureau will have to be discussed at the next meeting of the Interdepartmental Co-ordination Group. This document has the purpose to determine the priorities and the projects in the field of the fight against trafficking in human beings during the next legislative period.
Bosnia and Herzegovina				
Bulgaria				

OSCE participating State	National Action Plans and co-ordinated policy responses	Date created	Nature and structure of National Action Plans and co-ordinated policy responses	Review and assessment of the National Actions Plans and co-ordinated policy responses
Canada	Yes		Canadian AT efforts are focused around the 3Ps – prevention, protection and prosecution – and are co-ordinated by the IWGTP (Interdepartmental Working Group on Trafficking in Persons).	Canada's House of Commons Standing Committee on the Status of Women released a report on THB for sexual exploitation in 2007, and the Government also issued an official response to the parliamentary report.
Croatia	Yes	2002, 2005, 2006 and 2007	The First National Action Plan for the Suppression of Trafficking in Persons established an efficient legislative framework for the prosecution of perpetrators of crimes related to trafficking in persons, efficient identification of victims and care about victims. This has been continued with the adoption of the national strategy, the National Programme for the Suppression of Trafficking in Persons for the period 2005–2008, which defines strategic guidelines of the activities to be implemented in the four-year period. For each year covered by the National Programme, action plans are adopted, and the Government has up to now adopted action plans for 2005, 2006 and 2007. The Action Plan provides a set of measures and activities to be implemented by the competent bodies during the current year in order to improve the system, specifies the funds implementing authorities must ensure, and deadlines for the execution of individual activities. Furthermore, the National Plan for the Suppression of Trafficking in Children was adopted (2005–2007).	The Committee is obliged to submit its annual report regarding the implementation of action plans to the Government of the Republic of Croatia. All bodies responsible for the implementation of certain activities set forth in the Action Plan are obliged to implement them within set deadline.
Cyprus	Yes		National Action Plan. [It sets objectives, priorities and specific measures in the field of prevention, protection and prosecution, and specifies the competent responsible authority for implementation, but does not specify timelines for implementation.]	The Action Plan was reviewed and assessed by the Ministry of the Interior. With the new trafficking law (2007), this task is assigned to the inter-ministerial working group.
Czech Republic	Yes		National Strategy on Combating Trafficking in Human Beings 2005–2007. It includes the Schedule of Measures for Executing the National Strategy (i.e., National Action Plan), which specifies and explains measures to take, establishes the responsible authority, and sets deadlines for implementation.	The Action Plan (which is a part of the National Strategy on Combating Trafficking in Human Beings) is evaluated and updated every two years by the Government.
Denmark	Yes		National Action Plan	A status report is prepared annually for the Government and representatives of almost all political parties in the Parliament.
Estonia	Yes		Estonia has the National Development Plan for Combating Trafficking in Human Beings for the years 2006–2009. It is available in English on the website of the Ministry of Justice: http://www.just.ee/18886 .	Reporting on the implementation of the Development Plan for Combating Trafficking in Human Beings takes place annually. The report will be presented to the Government. The last reporting period was 01.01.2006 - 31.12.2006. By 15 March 2010 at the latest, the Ministry of Justice shall submit the final report to the Government of the Republic for approval.
Finland	Yes		National Action Plan	The first implementation report is to be issued by the end of 2007
France	No ¹⁵⁵			
Georgia				

155 According to the response from the Delegation of France to the OSCE, "Even not formalized in a national action plan, the fight against trafficking in human beings is organized on a centralized mode, activating a network of organizations and structures of different forms and natures, concurring together to give to the authorities all the necessary elements to evaluate the situation and take the adequate measures [...]".

OSCE participating State	National Action Plans and co-ordinated policy responses	Date created	Nature and structure of National Action Plans and co-ordinated policy responses	Review and assessment of the National Actions Plans and co-ordinated policy responses
Germany	Yes		Trafficking in human beings is incorporated into the Action Plans of the Federal Government, such as: to combat violence against women (1999), the second one being scheduled to be decreed in October 2007; for the protection of children and young people from sexual violence and exploitation (2003).	The Federal Working Groups on various topics also have the mandate to monitor the respective action plans. Furthermore the Federal Government publishes reports on the implementation.
Greece	Yes		National Action Plan	
Holy See ¹⁵⁶	Not applicable			
Hungary	No			
Iceland	No			
Ireland				
Italy	Yes		National Action Plan	
Kazakhstan				
Kyrgyzstan				
Latvia	Yes		National Action Plan	According to decree of Cabinet of Ministers during the period 2005–2009 jointly responsible ministries submit all information about the previous year regarding the Action Plan to the Ministry of the Interior. The Ministry of the Interior as a co-ordinator submits an informative report to the Cabinet of Ministers by 1 March every year.
Liechtenstein	No			
Lithuania	Yes		National Action Plan	The Mol is obliged by national legal act to provide a report on the implementation of the Action Plan every half-year to the Government. It also has to assess the implemented means of the Action Plan on the basis of defined quantitative and qualitative criteria that are defined in the Action Plan.
Luxembourg	Yes		The Ministry for Equal Opportunities has set up a national action plan for equal opportunities between men and women. Under the topic of violence, this action plan foresees measures related to human trafficking. The national action plan has been very specifically developed within a gender perspective and does not include other aspects of combating trafficking in human beings.	The impact of the action plan will be evaluated by an external expert team and will be presented in an annual report to the Government.

156 The questionnaire adopts a State and territorial perspective which is not reflective of the specific status of the Holy See. Therefore, while the Holy See did respond to the questionnaire and detail some of the anti-trafficking efforts being undertaken by the Catholic Church, these are not responses specific to the questionnaire.

OSCE participating State	National Action Plans and co-ordinated policy responses	Date created	Nature and structure of National Action Plans and co-ordinated policy responses	Review and assessment of the National Actions Plans and co-ordinated policy responses
The former Yugoslav Republic of Macedonia	Yes	2002 2006	Strategy for Combating Trafficking in Human Beings and Illegal Migration; National Action Plan for Combating Trafficking in Human Beings and Illegal Migration; Action Plan for Combating Trafficking in Children	
Malta	No			
Moldova				
Monaco				
Montenegro				
Netherlands	Yes		National Action Plan	The implementation of the Action Plan and the Supplementary Measures are monitored on a continuous basis.
Norway	Yes	Since 2003	National Action Plan. Since 2003, Norway has had three National Action Plans.	In connection with updates of the plan. Last major review followed the change of Government in 2005.
Poland	Yes		National Action Plan	Each National Action Plan is accepted by the Council of Ministers and yearly assessed by the Committee for Combating and Preventing THB.
Portugal	Yes	2007	First National Action Plan against Trafficking in Human Beings, 2007–2010 (Council of Ministers resolution 81/2007)	The impact of the NAP is reviewed on the basis of annual national implementation reports.
Romania	Yes	2006	National Action Plan	The Final Evaluation of the National Action Plan 2006-2007 will be presented to the Government at the beginning of 2008.
Russian Federation	No ¹⁵⁷			
San Marino				
Serbia	Yes		National Action Plans have been in place in the past and a new one is being developed. Currently there is the Anti-trafficking Strategy adopted in 2006.	The Republican team reports periodically on the measures undertaken to implement the Strategy and Action Plan and this is submitted to the Anti-trafficking Council.
Slovakia	Yes		National Action Plan	The overall impact of the currently applicable National Action Plan will be assessed at the end of 2007. An assessment report is submitted by the Minister for Interior, with the report prepared on the basis of an inter-ministerial review procedure.

157 According to the response from the delegation of the Russian Federation to the OSCE, although there is no specific NAP, anti-trafficking measures were included in the Mid-Term Programme of Russia's Socio-Economic Development (2006-2008). Furthermore the RF participates in the CIS Action Plan related to the implementation of the CIS Program of co-operation to Combat THB for 2007-2010. The implementation of the Program is reviewed on an annual basis at the meetings of CIS Ministers of Interior. This is also reviewed at the annual meetings of the CIS Prosecutors General.

OSCE participating State	National Action Plans and co-ordinated policy responses	Date created	Nature and structure of National Action Plans and co-ordinated policy responses	Review and assessment of the National Actions Plans and co-ordinated policy responses
Slovenia	Yes		The Inter-ministerial Working Group on the Fight Against Trafficking in Human Beings (IWG) prepared a National Action Plan for the period 2004–2006, which was modified and amended through Government decision of 24 November 2005. The present action plan for the year 2007 was confirmed also by Government decision in July last year. On the same concept the Government confirmed the NAP for the period 2008–09. In order to be as efficient as possible, the Action Plans were assessed in terms of source and manner of financing.	The implementation of the Action Plans is assessed by Government.
Spain				
Sweden	Yes		Action plans are currently being prepared – on prostitution and trafficking for sexual purposes (co-ordinated by the Ministry for Integration and Equality), and on trafficking for other purposes (co-ordinated by the Ministry of Employment).	
Switzerland	Yes		Co-ordinated policy/programmatic response to trafficking at the national level. In 2001, an inter-ministerial report “Trafficking of Human Beings in Switzerland” with recommendations was amended by the Government and published. The recommendations serve as the work programme of the KSMM-SCOTT.	Progress in the implementation of the recommendations by the inter-ministerial report (equivalent to national action plan) is periodically evaluated by the Steering Committee of the KSMM-SCOTT, so far in 2003, 2005, and 2007.
Tajikistan				
Turkey	Yes	2003	National Action Plan prepared by the Task Force and implemented. A new NAP is soon to be approved.	It is reviewed and assessed by the Task Force.
Turkmenistan				
Ukraine	Yes	2007	The State Programme and the Action Plan on combating trafficking in human beings for the years 2007–2010 were adopted by the ruling # 410 of 07/03/2007 of the Cabinet of Ministers of Ukraine.	The Ministry of Ukraine for Family, Youth and Sport shall provide the Cabinet of Ministers of Ukraine with an annual report on the issue regarding the state of implementation of the State Programme on combating trafficking in human beings for the years 2007–2010. The report is based on the information received from central executive authorities.
United Kingdom	Yes		National Action Plan	The Inter-Departmental Ministerial Group on Human Trafficking will monitor the implementation of the UK Action Plan, which is a living document that will be reviewed, updated and added to over time.
United States of America	Yes		Co-ordinated policy/programmatic response to trafficking at the national level. The Trafficking Victims Protection Act of 2000 and its subsequent reauthorizations in 2003 and 2005 serve as the guideposts for the US Governments anti-trafficking response. Additionally, a Presidential Directive issued in 2002 also provides a complementing policy framework.	The impact of the US Government national efforts is reviewed and assessed through the quarterly meetings of the Senior Policy Operating Group, through annual reports to the US Congress, and through each agency’s monitoring and evaluation of its anti-trafficking projects.
Uzbekistan				

Partners for Co-operation	National Action Plans and co-ordinated policy responses	Date created	Nature and structure of National Action Plans and co-ordinated policy responses	Review and assessment of the National Actions Plans and co-ordinated policy responses
Afghanistan				
Algeria				
Egypt				
Israel	Yes	2007	National Plan regarding the Battle against Slavery and Trafficking in Persons for the Purposes of Slavery or Forced Labour; National Action Plan to Combat Trafficking for Commercial Sexual Exploitation; Committee of Directors General regarding the Battle against Trafficking in Persons.	Two permanent subcommittees appointed by the Committee of Directors General supervise the implementation of the NAP.
Japan	Yes	2004	Japan's Action Plan of Measures to Combat Trafficking in Persons includes comprehensive measures on prevention, eradication and protection of victims and has played an important role in co-ordinating dispersed but connected fields of work among government agencies.	Task Force convenes periodic meetings to review and assess the measures taken in compliance with the Action Plan. The Task Force also has a regular meeting with relevant NGOs and consultations with other organizations, which have an important impact on the Government in facilitating policymaking on human trafficking.
Jordan	No ¹⁵⁸			
Mongolia				
Morocco				
Republic of Korea				
Thailand ¹⁵⁹	Yes		National Action Plan (the National Policy and Plan on Prevention and Transnational Trafficking in Children and Women) and co-ordinated policy responses (e.g., MOUs on trafficking in women and children to ensure effective co-ordination and implementation in accordance with relevant legislation and policies)	The Ministry of Social Development and Human Security, together with Sukhothai Thammathirat University, has reviewed the national policy and plan for mid-term implementation (2005–07), which is expected to finish in March 2009.
Tunisia				

¹⁵⁸ According to the response from the delegation of Jordan to the OSCE, the country does not have an NAP but a co-ordinated policy response to THB in the form of a law on the prohibition of slavery.

¹⁵⁹ While the delegation of Thailand to the OSCE did reply to the questionnaire, they did not complete this section and thus no information is available for inclusion in this table.

TABLE 5: National Rapporteurs or equivalent mechanisms in the OSCE participating States and countries of the Partners for Co-operation

The OSCE OSR CTHB wishes to thank the participating States that replied to the questionnaire: Andorra, Austria, Azerbaijan, Belarus, Belgium, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Holy See, Hungary, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, the former Yugoslav Republic of Macedonia, Malta, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, Serbia, Slovakia, Slovenia, Sweden, Switzerland, Turkey, Ukraine, United Kingdom, United States of America. The OSR CTHB wishes to thank also the Partners for Co-operation that replied to the questionnaire: Israel, Japan, Jordan and Thailand.

OSCE participating State	National Rapporteur or equivalent mechanism	Date created	Nature and structure of the National Rapporteur or equivalent mechanism	Reporting requirements	Budget allocated for National Rapporteur or equivalent mechanism
Albania					
Andorra	No				
Armenia					
Austria					
Azerbaijan	Yes	2005	National Co-ordinator partly serves as the National Rapporteur, as established by the law on combating trafficking, 28 June 2005.	Annual reporting to the President and the Ombudsman. Reports are not public.	No
Belarus	Yes	2001	In 2001, the reporting mechanism was established on the basis of the State Programme by the Government. According to the mechanism of implementation and control of the State Programme stakeholders provide yearly reports to the Ministry of Interior. The report follows the model prescribed in the State Programme and later in the Presidential Decree No.3/2005	The Ministry of the Interior reports annually to the Council of Ministers of Belarus and from 2005 biannually to the interdepartmental commission for combating crime, corruption and drugs under the Security Council of Belarus, to be later reported to the Head of the State. The reports are available to the public.	No
Belgium	Yes	1995	The Centre for Equal Opportunities and Opposition to Racism (CECLR) is an independent public body that essentially has the role of National Rapporteur in Belgium. The Government also presents an annual report to Parliament on the application of the trafficking law, which is prepared by Criminal Policy Unit (SPC) of the Ministry of Justice.	The CECLR publishes an annual, independent evaluation report on the evolution and results related to human trafficking in Belgium, which is public. The Ministry of Justice presents an annual report on the trafficking law to Parliament.	Yes, Development Plan
Bosnia and Herzegovina					
Bulgaria					
Canada	No				
Croatia	Yes	2002	The National Committee for the Suppression of Trafficking in Persons and its Secretariat and the National Co-ordinator are responsible for preparing and submitting of reports to the Government of the Republic of Croatia regarding the implementation of the Action Plan for the Suppression of Trafficking in Persons. The Secretariat of the National Committee regularly monitors the implementation of certain activities within set deadlines.	The report is conducted in the first quarter of the current year for the previous year.	Yes

OSCE participating State	National Rapporteur or equivalent mechanism	Date created	Nature and structure of the National Rapporteur or equivalent mechanism	Reporting requirements	Budget allocated for National Rapporteur or equivalent mechanism
Cyprus	Yes	2007	Part of the function of the national co-ordinator. Reports are prepared and submitted to the Council of Ministers for approval and then the House of Representatives is informed.	Reports are prepared and submitted annually. They are public.	
Czech Republic	Yes	2004	Part of the function of the national co-ordinator, function assigned to the Ministry of Interior.	The Minister for the Interior submits the evaluation of the National Strategy to combat THB and proposals for its updated to the Government. Reports issued every two years to the Government. They are public.	No
Denmark	Yes	2007	The National Anti-trafficking Centre monitors the majority of activities, results and impact of the Danish effort to combat human trafficking and work together with other government agencies and law enforcement on documentation and development within the area. The Centre is established as a part of The National Board of Social Services.	Reports are prepared and submitted annually to the inter-ministerial task force, the ministers involved and representatives from most of the political parties in parliament. They are public and available on the website.	Yes
Estonia	Yes	2006	The National Co-ordinator (NC) is currently an adviser at the Ministry of Justice (Criminal Policy Department). However, co-ordinating the field of combating trafficking for human beings is not the only task or field of responsibility of the NC. Reporting relates only to the fulfilment of the activities in the national development plan.	Annual reporting, but only on the fulfilment of the national development plan.	Yes, the budget covers the work payment for the Adviser as well as all the activities under the responsibilities of the MoJ according to the National Development Plan
Finland	No ¹⁶⁰				
France	Yes		Part of the function of the National Co-ordinator. It falls within the annual report of the OCRTEH (Central Office for the Repression of Trafficking in Human Beings) on prostitution, procuring and soliciting.	Annual report of OCRTEH to the Minister of the Interior. The reports are not public.	No
Georgia					
Germany	Yes	Beginning of 1990s	Federal Situation Report on Trafficking in Human Beings of the Bundeskriminalamt (German Federal Criminal Police Office)	Annual report presented to police, political leadership and decision-making levels; a summary of the report is published.	No
Greece	No				
Holy See ¹⁶¹	Not applicable				

¹⁶⁰ According to the response from the delegation of Finland to the OSCE, the possible establishment of such an institution is mentioned in Finland's National Action Plan; discussions about the need and functions of such a mechanism are ongoing. In addition, some other bodies such as the Parliamentary Ombudsman and Ombudsman for Minorities follow the issue of THB as part of their regular work.

¹⁶¹ The questionnaire adopts a State and territorial perspective which is not reflective of the specific status of the Holy See. Therefore, while the Holy See did respond to the questionnaire and detail some of the anti-trafficking efforts being undertaken by the Catholic Church, these are not responses specific to the questionnaire.

OSCE participating State	National Rapporteur or equivalent mechanism	Date created	Nature and structure of the National Rapporteur or equivalent mechanism	Reporting requirements	Budget allocated for National Rapporteur or equivalent mechanism
Hungary	No				
Iceland	No				
Ireland					
Italy	Yes	1999	Since 2000, the Anti-trafficking Inter-ministerial Commission, with the support of its Technical Office, has collected data and information about the victims of trafficking and exploitation, assisted in the framework of the project co-funded by the Department for Rights and Equal Opportunities. It is a function assigned to a government ministry. The next objective of the Commission is to extend such monitoring activity in order to create a national observatory with a related database.	Annual reporting to members of the Inter-ministerial Commission. The reports are not public.	No
Kazakhstan					
Kyrgyzstan					
Latvia	Yes	2004	Part of the function of the National Co-ordinator, established by a decree of the Cabinet of Ministers.	Annual report to the Cabinet of Ministers. The reports are public.	No
Liechtenstein	No				
Lithuania	Yes	2005	At the end of each year, the Ministry of the Interior commissions an independent report from a research institute or similar organization to evaluate the implementation of the National Action Plan and the general situation regarding THB in Lithuania. This independent report system was established with the beginning of the second national plan on combating trafficking in human beings in 2005. The report is one of the measures scheduled in the action plan.	Annual report to the National Co-ordinator. The reports are public.	Yes
Luxembourg	No				
The former Yugoslav Republic of Macedonia	Yes	2005	Function assigned to a government ministry	Reporting twice a year to the Government. The reports are public and results are shared at conferences and public meetings.	No
Malta	No				
Moldova					
Monaco					
Montenegro					

OSCE participating State	National Rapporteur or equivalent mechanism	Date created	Nature and structure of the National Rapporteur or equivalent mechanism	Reporting requirements	Budget allocated for National Rapporteur or equivalent mechanism
Netherlands	Yes	2000	The National Rapporteur on Trafficking in Human Beings and her staff have an independent role that can include directing criticism at the way governmental institutions at the various levels are handling things. The function and role of the National Rapporteur were formalized by means of a regulation issued by the Minister of Justice in September 2006.	Annual reports are prepared and presented to the Government of the Netherlands. They are sent to parliament by the Government and made available to the broader public.	Yes
Norway	No				
Poland	No				
Portugal	Yes	2008	A THB Observatory was due to be launched in the first semester of 2008, as part of the function of the national co-ordinator.	The reports are issued on a yearly basis and are submitted to the Presidency of the Council of Ministers. They are public.	No
Romania	Yes	2005	Part of the function of the national co-ordinator	Reports annually to the Government and the reports are publicly available	Yes
Russian Federation ¹⁶²	No				
San Marino					
Serbia	Yes	2001	Part of the function of the National Co-ordinator. The Republic-level team reports periodically on the measures undertaken to implement the Strategy and Action Plan. The report is submitted to the Anti-trafficking Council, which then analyses the results and formulates recommendations to the competent authorities to review the strategic objectives and propose necessary measures.	Annual reports, issued to the National Co-ordinator. The reports are public.	No
Slovakia	No		There is no organization or institute carrying out this activity in Slovakia. As required under a government resolution, an assessment report on the fulfilment of the National Action Plan to Combat Trafficking in Human Beings is submitted once a year by the Minister for the Interior with reports prepared on the basis of an inter-ministerial review procedure.	Annual reports	
Slovenia	Yes	2003	Part of the function of the National Co-ordinator	Reports are drawn up once a year. They are first confirmed by the Government and then later issued to other interested parties. The reports are public.	No
Spain					

162 According to the response of the delegation of the Russian Federation to the OSCE, although there is no system of regular reporting, in 2005 a National Report on THB was presented to the Parliament and to the relevant Ministries by the Parliamentary Interdepartmental Working Group on anti-trafficking legislation. The report was made public at the Second All-Russia NGO Assembly on Combating THB.

OSCE participating State	National Rapporteur or equivalent mechanism	Date created	Nature and structure of the National Rapporteur or equivalent mechanism	Reporting requirements	Budget allocated for National Rapporteur or equivalent mechanism
Sweden	Yes	1997	The function is assigned to the National Police Board (delegated to the National Criminal Police). The mandate of the National Rapporteur (NR) includes the collection and analysis of data and information about the extent of trafficking in human beings in and to Sweden, as well as recommendations on how to combat and prevent it.	Once a year, reports are prepared and made available to the Government and the public.	No
Switzerland	Yes	2003	Part of the function of the national co-ordinator. Until now, regular progress reports and assessments of progress were only made internally in the KSMM-SCOTT.	Reports are internal reports, issued every 2-3 years to the Steering Committee of the KSMM-SCOTT. They are not made public; however, this question is currently being evaluated.	No, apart from the staffing of the permanent KSMM-SCOTT secretariat
Tajikistan					
Turkey	Yes	2002	The National Task Force, part of the function of the National Co-ordinator	Annual report to relevant agencies	No
Turkmenistan					
Ukraine	Yes	2002	"Other": reporting central executive authorities	Annual reports to the Cabinet of Ministers of Ukraine	No
United Kingdom	No				
United States of America	Yes	2003	Function assigned to a government ministry	Reports are prepared and issued annually to Congress and are available to the public	No
Uzbekistan					

OSCE Partners for Co-operation	National Rapporteur or equivalent mechanism	Date created	Nature and structure of the National Rapporteur or equivalent mechanism	Reporting requirements	Budget allocated for National Rapporteur or equivalent mechanism
Afghanistan					
Algeria					
Egypt					
Israel	Yes	2002 2007	Since 2002, the Department of International Agreements in the Ministry of Justice has collected information on trafficking from all relevant government ministries and has prepared a comprehensive report. In 2007 part of this function was assigned to the National Co-ordinator.	Reports are issued annually. The National Co-ordinator's report will be submitted to the Director General of the Ministry of Justice.	
Japan	No				
Jordan	Yes	2002	Independent research institute	Reports are issued annually and are made public	Yes
Mongolia					
Morocco					
Republic of Korea					
Thailand ¹⁶³					
Tunisia					

163 While the delegation of Thailand to the OSCE did reply to the questionnaire, they did not complete this section and thus no information is available for inclusion in this table.

Annex E

HIGHLIGHTS OF THE 2007 OSCE FIELD OPERATIONS SURVEY ON NATIONAL CO-ORDINATION MECHANISMS, NATIONAL ACTION PLANS, AND NATIONAL RAPPORTEURS OR EQUIVALENT MECHANISMS

Introduction

In 2007 the Office of the Special Representative and Co-ordinator for Trafficking in Human Beings (OSR CTHB) conducted a survey among the OSCE field operations on their role and involvement in assisting participating States with the establishment of national anti-trafficking structures. In December 2007, the Special Representative (SR) had received responses from 16 field operations.¹⁶⁴

In line with the OSCE Action Plan to Combat Trafficking in Human Beings, the survey aimed to gather information and data about the role and involvement of OSCE field operations in supporting their host countries in the implementation of three central components of a country's anti-trafficking response, namely: National Co-ordination Mechanisms (NCMs), National Action Plans (NAPs), and National Rapporteurs or equivalent mechanisms.

The content of this annex is based solely on a review of information elicited in the responses by the field operations to the 2007 survey. Where field operations did not complete the survey, or where specific questions were left unanswered, no additional sources of information have been used. However, instances of no-response or non-provision of information related to specific questions do not necessarily mean that the field operation has not been active in that area, or that relevant structures in the host countries do not exist or have not been established since the time the questionnaire was sent out.

The responses by the field operations provide a general overview of the OSCE's involvement in and contribution to these important areas of anti-trafficking work. Furthermore, the responses provided a valuable contribution to the main body of the present annual report, which presents a systematic review of the progress made in the OSCE area towards the full implementation of agreed commitments and recommendations related to developing a comprehensive national anti-trafficking response.

Short synopsis of responses to the survey

The OSCE participating States have agreed to assume responsibility and to be accountable to the public for their anti-trafficking strategies and policies. Therefore, ownership and action at the national level is a guiding principle in the SR's work with the OSCE participating States.

The OSCE Action Plan recommends that States establish national Anti-Trafficking Commissions or similar bodies to design action plans and co-ordinate activities among State agencies and NGOs.¹⁶⁵ It also recommends setting up a National Rapporteur or equivalent mechanism to monitor State anti-trafficking activities and the implementation of national legislation. In a spirit of co-operation, the SR, often in partnership with other OSCE structures, institutions and field operations, has taken the lead in advocating that participating States assume national ownership of anti-trafficking efforts and establish specific national structures to devise concrete measures in prevention, protection and prosecution, and to tackle all forms of trafficking. The SR's advocacy has produced concrete results

¹⁶⁴ The OSR CTHB wishes to thank the following OSCE field operations that replied to the survey: OSCE Presence in Albania, OSCE Mission to Bosnia and Herzegovina, OSCE Mission to Montenegro, OSCE Mission to Serbia, OSCE Mission in Kosovo, OSCE Spillover Monitor Mission to Skopje, OSCE Office in Zagreb, OSCE Office in Minsk, OSCE Mission to Moldova, OSCE Project Co-ordinator in Ukraine, OSCE Office in Baku, OSCE Mission to Georgia, OSCE Office in Yerevan, OSCE Centre in Ashgabad, OSCE Office in Tajikistan, OSCE Project Co-ordinator in Uzbekistan.

¹⁶⁵ See OSCE Action Plan, Chapter VI, paragraphs 1 and 2; and OSCE MC.DEC/14/06.

in the form of State initiatives in the establishment of mechanisms to co-ordinate and monitor national anti-trafficking activities, notably NCMs, interagency commissions, task forces, and National Rapporteurs or equivalent self-monitoring mechanisms. However, it is important to note that not all participating States hosting a field operation have established structures such as these.

The questionnaire template distributed to the field operations was structured along three main lines of inquiry, summarized as follows:

- Existence of a National Action Plan, and contribution of the OSCE field operation to its development;
- Existence of a National Co-ordination Mechanism or national co-ordinator, and contribution of the OSCE field operations to its establishment; and
- Existence of a National Rapporteur or equivalent mechanism, and contribution of the OSCE field operation to its establishment.

This short synopsis is therefore articulated along the same lines.

The role of field operations in assisting host countries in developing a National Action Plan

Most OSCE field operations (75 per cent, or 12 out of 16 respondents) have actively advocated the adoption of a National Action Plan (NAP) to tackle THB, and have subsequently assisted the host country in its development and/or revision. In the majority of such cases, technical assistance consisted of providing expertise and advice in identifying strategic objectives and priorities, and in the drafting of the policy document (e.g., OSCE Mission to Serbia, OSCE Spillover Monitor Mission to Skopje, OSCE Mission to Montenegro, OSCE Office in Baku). In some instances such technical assistance was delivered in co-operation with the OSR CTHB and the ODIHR.

In some instances, field operations (e.g., OSCE Spillover Monitor Mission to Skopje, OSCE Mission in Kosovo, OSCE Project Co-ordinator in Ukraine, OSCE Office in Yerevan, OSCE Office in Tajikistan) actively supported the development of an NAP by providing access to good practices in other countries, and through the organization of ad hoc workshops, round tables, or training courses in close co-operation with the national stakeholders and other partners, for example, the International Centre for Migration Policy Development (ICMPD) and the International Labour Organization (ILO). An interesting example is provided by the OSCE Project Co-ordinator in Ukraine, who has, at the request of the Ukrainian authorities, conducted anti-trafficking training courses for officials in regional governments. One of the objectives of these courses is to assist in the development of regional anti-trafficking plans.

In other cases such as the OSCE Mission to Serbia and the OSCE Spillover Mission to Skopje, the field operations also supported the printing and publishing of the NAP and/or strategy, in order to facilitate its dissemination and make it accessible to a wider public.

Furthermore, field operations have often assisted with the implementation of some of the activities foreseen in their host country's NAP (e.g., OSCE Presence in Albania, OSCE Mission to Bosnia and Herzegovina).

It is worth noting that this area of work by the field operations has often resulted in the promotion and advancement of the implementation of the OSCE Action Plan at national level.

The role and contribution of field operations in assisting the host country in the establishment of National Co-ordination Mechanisms

Most OSCE field operations (69 per cent, or 11 out of 16 respondents) have assisted their host country in the establishment of a National Co-ordination Mechanism (NCM).

In many instances, field operations have played an instrumental role in the establishment of an NCM through such activities as advocacy and the sharing of good practices and information on the mandate

and responsibilities of NCMs in other participating States (e.g., OSCE Project Co-ordinator in Ukraine, OSCE Spillover Monitor Mission to Skopje). This is often done in co-operation and co-ordination with the OSR CTHB and the ODIHR, and through exchanging lessons learned with other OSCE field operations.

Some field operations have also assisted with institution- and capacity-building initiatives for members of inter-ministerial commissions on THB, and for the secretariat of the National Co-ordinator's office (e.g., OSCE Presence in Albania, OSCE Mission to Moldova). In some instances they contributed to the identification of stakeholders to be included in the NCM (e.g., OSCE Mission in Kosovo) by, for example, organizing a round table with the various State, NGO and IO actors in a position to make contact with trafficked persons (e.g., OSCE Mission to Serbia), or through training activities and workshops. In numerous instances, they have also promoted the participation of NGOs in NCMs (e.g., OSCE Spillover Monitor Mission to Skopje, OSCE Mission to Serbia).

Field operations maintain regular contacts with the National Co-ordinator and/or Commission of their host country, and, in most cases, they are invited to participate in their working sessions as observers and/or advisers (e.g., OSCE Spillover Monitor Mission to Skopje, OSCE Mission to Serbia, OSCE Mission in Kosovo, OSCE Project Co-ordinator in Ukraine, OSCE Mission to Moldova). In some instances, field operations play a more active role in the thematic working groups operating under the national Anti-trafficking Commission. An interesting example is provided by the OSCE Mission to Bosnia and Herzegovina, which since 2003 has seconded one national staff member to the Office of the State Co-ordinator on THB issues in order to strengthen its capacity; through this secondment the Mission has enhanced its partnership with the national authorities and has conducted numerous capacity-building activities for various professionals.

Field operations also often encourage and support the participation of NCM members in conferences or seminars in the host country or abroad, for example in the *Alliance* conferences organized by the SR.

One particular area in which field operations are especially active is that of supporting the establishment of National Referral Mechanisms, through, for example, supporting the adoption of MoUs defining the roles and responsibilities of State structures and NGOs in anti-trafficking work (e.g., OSCE Mission to Montenegro, OSCE Presence in Albania), or the establishment of a National Referral Mechanism Office/Agency (e.g., OSCE Mission to Serbia, OSCE Spillover Monitor Mission to Skopje) for co-ordinating the process of identifying and assisting victims of trafficking. This work is often developed in co-operation with the ODIHR.

The role and contribution of field operations in assisting the host country in establishing a National Rapporteur or equivalent mechanism

The establishment of a National Rapporteur or equivalent self-monitoring mechanism is a relatively recent area of work for the OSCE field operations; 37 per cent of the respondents indicated an active role in this area. Most field operations had engaged in awareness-raising with the national authorities, explaining the added value of such a mechanism, sharing good practices, and advocating its being set up. Field operations have assisted in this process through a range of activities including:

- Preparing regular reports on the phenomenon or on anti-trafficking responses (OSCE Mission to Moldova, OSCE Office in Yerevan);
- Conducting assessments on specific aspects of THB (OSCE Presence in Albania, OSCE Mission to Serbia, OSCE Mission in Kosovo, OSCE Spillover Monitor Mission to Skopje). In Serbia, for example the Mission supported research studies conducted by local NGOs (e.g., on new recruitment methods on the Internet). In the former Yugoslav Republic of Macedonia, the Mission supported research on THB and on challenges in claiming compensation;
- Conducting NRM assessments, often in co-operation with the ODIHR (e.g., OSCE Mission in Kosovo, OSCE Spillover Monitor Mission to Skopje, OSCE Office in Minsk);

- Providing data and information gathered through projects supported by the field operation (e.g., projects on trial monitoring and legislative analysis) in order to identify gaps and weaknesses in the three areas of prevention, protection and prosecution (e.g., OSCE Spillover Monitor Mission to Skopje);
- Supporting the creation of a database on THB cases (e.g., OSCE Presence in Albania);
- Promoting information exchange on anti-trafficking activities in the country through ad hoc co-ordination meetings (e.g., OSCE Mission to Moldova) or NGO round tables (e.g., OSCE Centre in Ashgabad); and
- Supporting the participation of relevant national stakeholders in the 2007 *Alliance* Conference on National Monitoring and Reporting Mechanisms to Address THB (e.g., OSCE Project Co-ordinator in Ukraine, OSCE Spillover Monitor Mission to Skopje).

Annex F

SUMMARY OF THE MAIN ACTIVITIES OF THE OSR IN 2008

Raising the public and political profile of combating THB

The Ministerial mandate calls upon the Special Representative to “raise the public and political profile of the combat against trafficking in human beings.”¹⁶⁶ This is achieved through a wide range of initiatives, including: high-level events aimed at promoting the implementation of OSCE commitments; sustained and continued dialogue with the participating States through bilateral meetings with delegations and senior officials in the participating States and in the Human Dimension Committee; contributions to national and regional conferences and experts’ meetings; and the constant promotion of the OSCE’s anti-trafficking work. In 2008, the SR worked towards this goal in close collaboration with the Finnish Chairmanship, which made THB a priority of its year in office.

Dialogue with OSCE participating States

Establishing direct dialogue with representatives of the Governments of the participating States is crucial both to raising the level of priority accorded to combating THB at the national level and also to initiating political processes for the implementation of OSCE commitments. The SR continued to establish partnerships and to deepen collaboration with national decision-makers and practitioners in OSCE capitals. A fruitful dialogue was also continued with the Mediterranean and Asian Partners for Co-operation through bilateral contacts, and through participation in and addresses given at the respective meetings of the Contact Groups with the Mediterranean and Asian Partners for Co-operation. OSCE Partners for Co-operation contributed to the *Alliance* conferences organized by the SR, and also included the thematic issues of THB in the agenda of the Workshop on Human Security (“Human Security Projects in the OSCE Region”, 26 September 2008).¹⁶⁷

The Ministerial Mandate tasks the SR with assisting the participating States in the implementation of commitments and recommendations of the OSCE Action Plan.¹⁶⁸ In practice, this technical assistance is offered by the SR in the course of field visits or other bilateral consultations with the countries and is provided upon request. Throughout the year the SR maintained an active and constant dialogue with the delegations of the participating States, and followed up on requests for assistance.¹⁶⁹

Meetings with government officials from participating States offer opportunities to assess the reality of anti-trafficking measures in the OSCE area, and to engage in direct consultations with the actors responsible for policy and action. During her field visits the SR also met with NGO representatives in order to learn about their perspectives on critical issues and national responses, and to promote the crucial contribution of civil society to anti-trafficking work. All these partnerships are a valuable resource, as was demonstrated by the extensive participation of senior officials and experts from capitals in the OSCE *Alliance against Trafficking in Persons* conferences. These provide opportunities not only to share experience and knowledge, but also to raise the political profile of action against THB.

The following are some examples of the SR’s work in 2008:

166 OSCE MC.DEC/3/06, Paragraph 1(d).

167 Organized by the delegations of Japan, Afghanistan, Mongolia, Republic of Korea, Thailand, Jordan, and a group of participating States (Austria, Spain, Finland, Greece, Ireland, Norway, Slovenia and Switzerland), and chaired by the Ambassador of Kazakhstan.

168 See OSCE MC.DEC/03/06 Paragraph 1(a).

169 In 2008 the SR engaged with officials in several participating States including: Austria, Azerbaijan, Belarus, Bosnia and Herzegovina, Bulgaria, Canada, Cyprus, Finland, France, Greece, Hungary, Italy, Kazakhstan, Lithuania, Monaco, Norway, Romania, Russian Federation, Spain, Sweden, Switzerland, UK, USA. Unfortunately the SR has had to postpone her visits to Armenia and Georgia.

Participation in the Quintet meeting in Helsinki on 2 June 2008

At the invitation of the Finnish Chairmanship, the SR participated in the first meeting of the Foreign Ministers of the OSCE Quintet (Spain, Finland, Greece, Kazakhstan and Lithuania) on 2 June in Helsinki. In her address to the Quintet, the SR said she was encouraged by the fact that the future Chairmanships, Greece, Kazakhstan and Lithuania, following the examples set by Spain and Finland, had shown interest in co-operating closely with the OSR and working hard on fighting THB within the OSCE framework.

At the meeting the SR focused in particular on how important it would be for the Quintet countries to serve as examples by establishing or strengthening their National Rapporteurs or equivalent mechanisms. The SR referred to previous OSCE commitments mentioning the reporting function and importance of gathering reliable information and data on THB, which have also been stressed by most participating States.

Reinforced Human Dimension Committee meeting on 27 May 2008

On 27 May, following the *Alliance Against Trafficking in Persons* High-Level Conference “Child Trafficking: Responses and Challenges at Local Level”, the SR, at the invitation of the Finnish Chairmanship and the Irish Chair to the Human Dimension Committee (HDC), participated in the Reinforced Human Dimension Committee meeting that took advantage of the presence of experts from OSCE capitals who had participated in the Conference. The meeting provided an opportunity for participating States to discuss and review the implementation of commitments and recommendations related to child trafficking. The SR had in advance provided the Chairmanship with suggestions on topics that could be raised at the meeting and a compendium of OSCE commitments specifically related to child trafficking. She stressed the importance of implementing the commitments laid down in the Addendum to the OSCE Action Plan to Combat THB Addressing the Special Needs of Child Victims of Trafficking for Protection and Assistance, and specifically its provisions aiming at ensuring criminalization of child trafficking, effective measures to reduce children’s vulnerability, establishing referral mechanisms focussing on the special needs of child victims, and ensuring an individual durable solution in the best interest of the child. The SR encouraged the participating States to share their experiences on: 1) conducting risk assessments prior to the repatriation of child victims, 2) providing returnee children with appropriate care, and 3) monitoring the well-being of child victims upon their return.

Country assessments

In 2008 the SR decided to initiate a series of country assessments. The overall goal of these assessments is to look into the situation related to THB and anti-trafficking policies implemented in the countries concerned. The goal is to further share knowledge and best practices, and to identify challenges and possible gaps in the implementation of OSCE anti-trafficking commitments and the promotion of key OSCE recommendations.

In 2008 the SR decided to conduct two specific country assessments, one in a country of origin, Romania, and one in a related country of destination, Spain. These assessments contribute to the strengthening of comprehensive bilateral co-operation and dialogue in combating THB between these two participating States, which are closely related as top countries of origin and destination respectively.

During the official visit in connection with the assessment in Spain (23–27 June 2008), the SR engaged in direct political dialogue with high-level officials of the Government and Parliament including the Minister of Foreign Affairs, the Minister of Justice, the Minister of Equality, the Secretary of State for Social Policy, senior officials from the Ministries of Labour and Social Affairs, of the Interior, of Foreign Affairs, the Special Prosecutor for Alien’s Affairs, and representatives of the Ombudsman’s Office and of the local regional government of Andalucía. The SR also had meetings with local NGOs and international organizations, thus learning directly from practitioners about the THB situation in the country, the main critical areas of work, and the main recommendations on policy, law and programmes.

The visit to Spain thus gave a signal at a high level of the priority assigned by the Government to the problem of THB, and of the political will to share good practices and to identify challenging areas where

reform is needed to advance the country's efforts against this crime. These meetings provide the SR with a crucial opportunity to advocate new and more comprehensive legislative and policy measures against THB in line with the OSCE commitments, and to make the important call for the allocation of the requisite budgetary resources.

From 26 September to October 1, the OSR also conducted a working-level visit to launch the assessment in Romania. The OSR staff met with the high-level and working-level representatives of the Ministry of the Interior and Administrative Reform, the President and staff of the National Agency against Trafficking in Persons, the Inspectorate General of Romanian Police, the Border Police, the Chief Prosecutor's office, the Romanian Office for Immigration, representatives of the National Authority for the Protection of Child Rights (ANPDC), and representatives of the Ministry of Justice, the Brasov Regional Centre, and a number of prominent IOs and NGOs.

Expert consultants have been engaged to assist the OSR both in the gathering of information and in analysis. The work under way includes a questionnaire and interviews being conducted at the senior as well as the working levels. The ODIHR Legislative Review unit is contributing to the analysis of Spain's legislative provisions relevant to combating THB. The assessment work is closely co-ordinated with the host country, and its success depends on the level of political interest of the host Government. Indeed it is the political commitment and engagement of the host country to review and improve its anti-trafficking strategy and response that determines the success of this kind of co-operation.

When completed, the assessments will be shared with the host Governments for comments, and then published in order to raise awareness of the problem among the general public. The country assessments are meant to assist participating States by further raising the priority level accorded to combating THB at the national level, and by initiating and supporting political processes for reforms in anti-trafficking legislation and practices at all levels and for the further implementation of OSCE anti-trafficking commitments.

Joint visit with the OSCE Parliamentary Assembly to Bosnia and Herzegovina and participation in the Parliamentary Round Table, 21-22 October 2008

On 20–21 October 2008, the SR visited Sarajevo. The main event of the visit was a Parliamentary Round Table entitled "Eradicating Human Trafficking as a Political Priority: The Role of Parliamentarians", organized by the OSR together with the OSCE Parliamentary Assembly Liaison Office in Vienna and the OSCE Mission in Bosnia and Herzegovina. The Round Table was hosted by the Parliament of Bosnia and Herzegovina and chaired by the Slovenian Member of Parliament and Special Representative of the President on South-Eastern Europe of the OSCE Parliamentary Assembly; the event was opened by the First Deputy Speaker of the Bosnia and Herzegovina House of Peoples. The purpose of the Round Table was: 1) to bring together parliamentarians from the OSCE area, and in particular from South Eastern Europe, to discuss and share good practices in the fight against THB; 2) to further catalyse political will to combat all forms of domestic and transnational THB; and 3) to advance the implementation of OSCE anti-trafficking commitments. The event provided the opportunity for parliamentarians (from Bosnia and Herzegovina, Slovenia, Croatia, Serbia, the former Yugoslav Republic of Macedonia, Bulgaria, Romania, Italy, and Greece) not only to familiarize themselves more closely with the human trafficking situation in Bosnia and Herzegovina, but also to reflect together on the major role they can play in eradicating THB at the national and international level.

During her visit, the SR also met with the Minister of Justice of Bosnia and Herzegovina, the Assistant Minister for Human Rights and Refugee Issues, the National Anti-Trafficking Co-ordinator, and also with local NGOs.

In many OSCE countries, parliaments have played a major role in raising the political profile of work to eradicate THB, by such means as: ratifying the main international instruments and adopting corresponding domestic legislation; initiating parliamentary inquiries on the scope and scale of the problem; scrutinizing government action in tackling human trafficking; recommending further measures in the areas of prevention, protection of victims, and prosecution of the crime; and ensuring adequate State budgetary funding for the implementation of such legislation and related anti-trafficking programmes.

Official visit by the SR to Azerbaijan, 16-18 June 2008

On 16–18 June, the SR paid an official visit to Azerbaijan to engage in a dialogue on the situation regarding THB and governmental anti-trafficking responses. The visit of the SR was co-ordinated with and supported by the OSCE Mission in Baku, which participated in meetings with such authorities as the Deputy Speaker of the Parliament, the Minister of the Interior, the Prosecutor General, the Chairperson of the State Committee for Family, Women and Children Issues, the Deputy Foreign Minister, the National Anti-trafficking Co-ordinator, officials from the Ministry of Justice, and representatives of the ILO, UNICEF, and several NGOs. During her visit, the SR commended the Azerbaijani authorities for passing important anti-trafficking laws and for planning to open new regional shelters for trafficking victims. She encouraged the authorities to increase and institutionalize their co-operation with NGOs on the more effective identification of victims. She once again stressed the importance of conducting specific anti-trafficking training for law enforcement, labour inspectors, medical personnel, and others who may encounter victims in the course of their work. At the request of the Azerbaijani authorities, the SR agreed to follow up her visit by sharing her observations and key recommendations with the authorities in writing.

Official visit by the SR to Belarus, 9-10 April 2008

The SR was invited to pay an official visit to Minsk to address the international conference “Combating Sexual Exploitation of Children”, co-organized with the host country by the International Organization for Migration (IOM), UNICEF, and the OSCE Office in Minsk, and to have meetings with the Belarus authorities responsible for preventing and combating THB. The SR elaborated on the role of Governments as the bodies ultimately responsible for providing assistance to victims, ensuring their rehabilitation, and holding consultations with the main service-providers, who are NGOs. In the course of the visit the host country also provided the SR with an opportunity to hold consultations with NGOs that are recognized and experienced service-providers for trafficked persons. A number of NGOs were officially invited by the authorities to contribute to the conference, and their role was publicly acknowledged by the officials in their presentations. In addition, the SR visited the International Training Centre for Combating THB and Illegal Migration, which was established within the framework of the Academy of the Ministry of Interior in Minsk and serves as the basic anti-trafficking training facility for the CIS countries. During the course of the visit, the OSCE structures – the Strategic Police Matters Unit (SPMU), the ODIHR, and the OSR CTHB – were invited to provide training to a group of law enforcement officials.

The SR's follow-up on regional co-operation in Central Asia

The SR met with officials from **Kazakhstan** on the margins of the UNGIFT Vienna Forum, while the OSR also took the opportunity to meet with officials while attending the Heads of Mission meeting in Astana. Kazakhstan, which is a country of origin, transit and destination, has manifested its political will through the ratification of the Palermo Convention and its Protocols. At its own request, the SR had provided the Permanent Mission of the Republic of Kazakhstan with justification for joining international treaties, thus contributing to and facilitating the process. This is of crucial significance for enhancing the regional approach to THB, and for harmonizing the national legislation of all Central Asian countries and bringing it into compliance with the international standards.

The OSR also met with officials from the **Kyrgyz Republic**. Technical assistance provided at their request by the OSR, in close co-operation with the OSCE Centre in Bishkek, to the State Committee on Migration and Employment of the Republic of Kyrgyzstan led to the recent adoption of the revised Program on Combating Trafficking in Human Beings and Illegal Migration for the period 2008–2010. The OSCE anti-trafficking structures are ready to assist in its implementation, upon request.

The SR took notice of developments in **Uzbekistan**, where strong political will to combat human trafficking was reflected in the adoption of the law “On Combating THB” and in the decision to elaborate an NAP for 2008–2010, which is the basis for the legal framework and efficient operational strategy aimed at the identification of THB cases, prosecution of criminals, and the social rehabilitation and protection of trafficked persons. Furthermore, the high-level State Interagency Commission on Combating THB, headed by the Prosecutor General of Uzbekistan, has been established to co-ordinate the activities of relevant governmental structures in this area, and similar interagency commissions at the local level have been created. These developments have established a constructive climate for the co-ordination

of regional efforts against THB, and have led to a considerable increase in the number of criminal cases and successful prosecutions. These steps in line with relevant OSCE commitments were immediately followed by an increased participation by Uzbek representatives in OSCE anti-trafficking events.

The SPMU and the OSR conducted a training needs assessment mission on police criminal investigation into THB crimes. This was a part of a wider, SPMU police reform needs assessment carried out for the Ministry of the Interior of **Tajikistan**. The SPMU has drafted a training project based on the needs assessment. The project will carry out the training course in Tajikistan this year, and then integrate the training into the Police Academy in Dushanbe. Its principal long-term impact will be on capacity-building for law enforcement and the efficient prosecution of THB in Tajikistan. Similar kinds of training courses are under evaluation for the regional level.

The SR has likewise noted positive developments in **Turkmenistan**, which adopted the "Law on the Battle against Trafficking in Persons", and the increased participation of Turkmen representatives in OSCE anti-trafficking events in 2008.

Promoting the implementation of OSCE commitments

Trafficking in human beings continues to be a high priority for the OSCE, and a cross-dimensional issue that brings all 56 participating States together. In fulfilling her mandate, the SR pragmatically strives to seek a balance between ensuring that work is undertaken with all the 56 participating States in a manner geographically balanced between countries of origin, transit and destination, while at the same time being carried out in greater depth with certain countries or in particular regions.

The *Alliance against Trafficking in Persons* is an effective means of bringing all participating States and the main international organizations and NGOs together. In 2008 the OSR CTHB maintained its commitments to develop further co-operation and co-ordination among the international organizations in the Alliance, those most active in combating THB, with a view to provide the participating States with the unique opportunity to benefit from the most advanced approached and highly professional expertise in specific aspects of THB. The two high-level conferences and the technical seminar held within the framework of the *Alliance against Trafficking in Persons* attracted a total of 588 participants from 55 participating States and five Partners for Co-operation, including representatives from most of the capitals. These forums continue to be a crucial means of advocating for and facilitating greater political will to address critical issues in the implementation of OSCE commitments, in the areas of protection of children and the prevention of child trafficking, in strengthening access to justice and victim identification and assistance, and the establishment of national monitoring and reporting mechanisms.

The topics chosen for the Alliance events fully reflected the priorities of the SR, one of them being a strong response to child trafficking. Taking into account the need to involve local authorities, both those of the municipalities and also a the initial levels of executive power, the SR organized the conference "Child Trafficking: Responses and Challenges at Local Level" (25-26 May 2008). The first to focus on the critical role of local authorities and actors, the conference was well attended by local ombudspersons for children's rights, mayors of major European cities and capitals, representatives of local administrations, and NGOs. The conference focused in part on the alarming emerging trend of missing/disappearance of children, and recognized the problem of inadequately protected unaccompanied children, which makes minors especially vulnerable to trafficking. During the conference, it was stressed that children should be protected regardless of their immigration status, and that sufficient resources should be allocated to implement National Action Plans at local level, to decisively address the reality of children exploited for organized begging, petty crimes and the sex industry. The forum clearly underlined the role of local stakeholders in the fight against what is one of the most cynical forms of THB and encouraged many of them to take an active stand against child trafficking.

The SR and the Finnish Chairmanship co-organized the Helsinki Conference "**Successful Prosecution of THB: Challenges and Good Practices**" (10–11 September 2008), which was addressed by the Finnish President. The event addressed the serious concern regarding the low number of victims being identified, properly assisted, and protected, and also the small number of criminals being brought to justice, while the vast majority enjoy impunity. Unfortunately, many victims are treated as criminals and continue to be blamed by officials for the exploitative conditions they face. The conference was

aimed at further catalyzing the political will of the participating States to combat all forms of THB, at advancing the implementation of OSCE anti-trafficking commitments relating to criminal justice, and at enhancing the participating States' capacity to prosecute cases of human trafficking. This clearly showed the significance of a human rights approach, in which the need of trafficked persons to be protected, assisted and ultimately empowered to live a dignified life is taken as the fundamental starting point during all phases of criminal proceedings and as a precondition for the efficiency of prosecution.

The SR reminded the participating States that they had committed themselves to introducing a thorough discussion on how to strengthen legislative, social and cultural measures for reducing demand, including the criminalization of demand as an option. The conference resulted in numerous recommendations, which the SR made use of when providing the Finnish Chairmanship with her proposal for topics to be included in the Draft Ministerial Decision on Criminal Justice Response to Human Trafficking. It is hoped that this will translate into the adoption of new specific commitments with added value in the forthcoming Helsinki Ministerial Council.

Another priority area of advocacy was related to the establishment and strengthening by the participating States of National Rapporteurs or similar monitoring and reporting mechanisms, which serve the goal of enhancing national ownership in combating THB and make any given country's anti-trafficking response evidence-based and capable of fulfilling its purpose. The follow-up **Technical Seminar** to the 6th *Alliance against Trafficking in Persons* Conference on National Rapporteurs and Equivalent Mechanisms (of 2007) was held on September 22-23, with the aim of assisting Governments seeking to create such mechanisms or interested in raising their capacity. The National Rapporteur or equivalent mechanism has proven its added value in a number of participating States as a tool contributing to a shift in national policies – from perceptions to an approach that relies on concrete information and analysis of the situation. It has become an efficient mechanism to achieve, through a holistic approach, a better statistical knowledge and understanding of THB on the basis of concrete evidence, raising awareness among policy-makers and the general public, assisting in the decision-making process on actions to be taken and resources to be secured, and, finally, elaborating sound policies capable of providing an adequate response to the challenge of THB.

Raising the visibility of OSCE action on THB

Raising the public profile of combating THB and promoting OSCE work in this field are amongst the core activities of the SR, who pursues them by participating in public events all over the OSCE area and doing creative and pro-active work with the media, which has the welcome side-effect of creating more informed and socially responsible approaches to THB.

Participation in conferences and public events

The OSR is recognized as being a centre of excellence on THB with a great deal of expertise. The OSR receives more and more demands and requests for information, speakers, and training. In 2008 the Special Representative and her team have so far contributed to 50 national and regional conferences and expert meetings convened by Governments, civil society, educational institutions, foundations and IOs in the OSCE area.¹⁷⁰ The following are examples of this participation:

European Youth Forum in Barcelona, May 2008

On 2 May, the SR addressed the European Youth Forum in Barcelona. Together with IOM Deputy Director General and a Judge of the European Court of Human Rights she addressed the plenary session on migration and youth. She stressed that while international migration will intensify in the future, on account of continuously increasing income differentials, changes in demographic configurations in different parts of the world, and advances in transport and telecommunications, it is crucial for the international community and participating States to focus on maximizing the benefits of migration,

¹⁷⁰ See end of this summary section for lists of keynote addresses and interventions in conferences, seminars and other events by the Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings.

while minimizing the risks associated with it, notably trafficking in human beings. She pointed out that irregular migrants have an increased risk of becoming victims of human trafficking and that the majority of identified trafficking victims are young women and children.

The ICMPD Regional Seminar in Rome in May 2008

The OSR addressed the third Regional Seminar of the International Centre for Migration Policy Development (ICMPD) *Program to Support the Development of Transnational Referral Mechanisms (TRM) for Trafficked Persons in South-Eastern Europe* in Rome, May 2008. There were over 130 participants in the working seminar including national delegations from Albania, Bosnia and Herzegovina, Bulgaria, Croatia, the former Yugoslav Republic of Macedonia, Moldova, Montenegro, Romania, and Serbia. These included representatives from anti-trafficking co-ordinators' offices, prosecuting bodies, migration authorities and NGOs. The participants also included representatives from Austria, Belgium, Czech Republic, Georgia, Greece, Hungary, Italy, the Netherlands, Spain, the Russian Federation, the UK, Ukraine and the USA. The TRM Guidelines include a range of measures in the areas of identification, crisis intervention, assistance, return, reintegration and criminal procedures for an effective and safe transnational referral of victims of trafficking. The guidelines reflect national ownership and are to be revised in the course of implementation in compliance with national standards and in co-ordination with the respective country's National Referral Mechanisms.

Working with the media

The SR continues to take an active role in promoting in-depth, balanced and comprehensive coverage of human trafficking, notably through continued dialogue with the media, facilitating media access to research and expertise, disseminating best practices in reporting on the phenomenon, taking the lead in writing opinions and feature articles, and promoting opportunities and resources for media education on the issue. The SR's communication strategy has helped to build a good rapport with many journalists and has seen an increased number of articles and better coverage of human trafficking, related issues and the OSCE's work.

Information about the SR's anti-trafficking work has been disseminated by important international and national agencies, newspapers, and information services, and also by broadcast media, including radio and TV interviews.¹⁷¹ The SR also contributes opinion articles and in-depth interviews to specialized magazines and publications.¹⁷² This work is aimed at increasing public awareness and understanding of THB, catalysing public opinion for further action by participating States against THB as a form of modern slavery, and also at promoting OSCE work in this field.

The SR also seeks to promote the work done by OSCE field operations and institutions, making it more visible by taking the lead in writing feature articles both for the OSCE Magazine and also for the Internet. The SR works closely both with press officers and also with anti-trafficking focal points in field operations to illustrate and promote their activities. In the process, all the parties involved learn from each other's work. The SR has continued to produce a weekly press clippings report of news reports, in all the official OSCE languages throughout the region, which is distributed to all OSCE personnel and delegations directly involved in anti-trafficking work.

In February 2008, the SR represented the OSCE in its fight against human trafficking at the Vienna Forum to Fight Human Trafficking (UN.GIFT). The awareness-raising objectives of the Vienna Forum were clearly achieved: over 4,500 media articles resulted, many carried by leading international and national news organizations, including the BBC, Washington Post, Times of India and International Herald Tribune, to mention only a few. The leading global news agencies such as AFP, AP, Bloomberg, DPA, EFE, Kyodo News, Reuters and Xinhua sent daily dispatches, ensuring worldwide and varied coverage. The SR's communication strategy during the event positioned the OSCE as one of the six major organizations fighting human trafficking worldwide.

171 For example: International Herald Tribune, Agence France-Presse, Swiss Info, RIA Novosti, Associated Press, Efe, Azeri Trend News Agency, the Belarusian Telegraph Agency, Helsingin Sanomat, Deutsche Welle, El Pais, El Mundo, VOA News, Kyrkpresen, EVL, Roschier Raidla Times, Vaastuuviko, Cyprus Mail, Oslobodjenje, Dnevni, BBC 4 "Woman's Hour", ORF, RNE, Intereconomia, Sveriges Radio, Xarxajove Catalonia, ORF, RNE, YLE News, SVT.

172 For example: European Union Magazine, the OSCE Yearbook, YDIN, Eurotopics, Kotiliesi Magazine, and Eurasyllum.

The SR has used a variety of means to support the overall public information strategy of the Organization. The public service announcement (PSA) “Unaware”, which draws attention to human trafficking, includes the OSCE logo as a producer together with the other international organizations that form part of the United Nations Global Initiative to Fight Human Trafficking (UN.GIFT). The announcement has been aired by CNN, Al Jazeera and Deutsche Welle. Discussions are in progress with France 24 and other broadcasters to produce multilingual versions of the PSA to broaden its outreach.

The SR website

Significant efforts have also been invested in refreshing and promoting the SR website (www.osce.org/cthb), in order to make it a genuine information gateway to the OSCE’s anti-trafficking work. The daily update of the website means that the site can provide information on the work done in the entire organization, since it is the only OSCE webpage to include latest news on human trafficking from news sources all around the world. The webpage also publishes press releases, feature stories and publications of the different OSCE institutions, structures and field operations working on THB. The SR has enriched its digital library of audio-visuals and other graphic materials, leading in the publication of multimedia material in the OSCE public information website. In an effort to respond to continuous requests for updated information, the website has been used to reflect the “best news reporting” for the general public. News in all official OSCE languages is accessible from the main website. Also, an updated archive of news links is available online, allowing visitors to monitor how the media in different countries is reporting on THB. The SR’s webpage reflects not only the latest news on trafficking in the OSCE area but also serves as an updated source for news stories. The effort invested in the website is reflected by the fact that the number of unique visitors has been constantly increasing, reaching a total number of 26,241 visitors in the period January to September 2008. Each conference’s unique website attracted an average of 1,500 unique visits, making the Internet the central source for information for participants and a repository of information on the outcomes of the events.

Publications

The SR has also been determined to disseminate knowledge and expertise on THB by continuing the OSCE’s “**Occasional Papers Series**” on combating THB. The papers are meant to provide information, analysis, and expertise on various aspects of human trafficking and the challenges in the practical responses to it. The second number published was “Human Trafficking for Labour Exploitation/Forced and Bonded Labour: Identification - Prevention - Prosecution; and Prosecution of Offenders, Justice for Victims”. This paper sets a precedent in the OSCE Secretariat since it will serve as a starting point for similar publications within the Secretariat and follows closely the new publication guidelines set by the Press and Public Information Service. The goal is to enhance the OSCE brand and visual identity by applying a consistent look across the Organization. One more issue is in the pipeline on THB for labour exploitation in the agriculture sector.

The SR has published new fact sheets on human trafficking in all OSCE official languages, adhering closely to the Organization’s visual identity. Also, the SR has worked on positioning human trafficking as one of the specific themes published in 2008 in the special OSCE Magazine edition for the Ministerial in Helsinki. The distribution of the magazine has expanded, focusing on research institutes and think-tanks in key capitals. The **OSCE Magazine** is a useful and relevant handout at seminars, workshops, conferences and other events throughout the entire OSCE area. It has evolved into a tool of public diplomacy that will strengthen the overall knowledge of human trafficking within the delegations.

Joining efforts against THB: Co-ordination and co-operation

Co-ordination of anti-trafficking efforts within the OSCE and co-operation with relevant external international, inter-governmental and non-governmental organizations are core components of the SR’s mandate and work. The SR believes that internal co-operation and co-ordination remain crucial for the OSCE in its dialogue with the participating States on anti-trafficking issues. Joining efforts within and across organizations is crucial to maximizing the impact of actions to counter trafficking by setting common agendas, complementing and supplementing each other’s work while respecting mandates

and acknowledging differences in competencies and expertise and benefiting from mutual collaboration. In its turn, this approach brings benefits to a wide audience and makes dialogue and advocacy with the participating States clearer, more effective and coherent.

Internal co-ordination and co-operation

With its comprehensive and cross-dimensional approach to combating THB, the OSCE has a solid track record of exploiting and building upon the substantial work carried out by its various bodies when dealing with the problem. The SR, the ODIHR, the Office of the Co-ordinator of Economic and Environmental Activities (OCEEA), the SPMU, the Gender Section, the field operations, as well as other structures of the OSCE Secretariat specifically tasked by the OSCE Action Plan, join efforts to support participating States in their anti-trafficking work, and are committed to operating in a coherent and complementary manner on the basis of their respective institutional mandates with the common purpose of promoting the implementation of OSCE commitments at the national level. Through regular exchanges and consultations, the bodies keep each other informed, identify issues of concern and common priorities, set agendas, and maximize the use of limited resources by acknowledging and building on internal institutional resources of expertise when possible. Regular exchanges help share experiences and lessons learned, to sum up and capitalize on ongoing efforts, and to strengthen the Organization's institutional memory and expertise.

Co-ordination and co-operation are therefore ongoing processes that take various forms, including: co-ordination meetings of structures in the Secretariat, where possible with participation of the ODIHR; annual meetings of all OSCE bodies (for example, Anti-Trafficking Focal Points meetings, annual Heads of Mission meetings); bilateral meetings between heads of unit; and, at working level, continuous regular exchange of information, joint planning of activities, and joint development of comments and assistance to participating States, where appropriate.

The following are some examples of work done in 2008:

The SR hosted the annual **Internal Co-ordination Meeting of OSCE Anti-Trafficking Focal Points**, continuing the practice of holding annual focal points' meetings to provide the OSCE field operations with an opportunity to exchange experience and find common ground in identifying priorities and ways to meet the challenges in their anti-trafficking work. Over 25 experts participated from OSCE field operations, structures in the Secretariat (namely, the SPMU, OCEEA, Gender Section, Borders, and the Press and Public Information Section) and institutions (ODIHR), together with colleagues from partner UN and regional organizations (Vienna, 21–22 April 2008).

The OSCE Chairman-in-Office, Finnish Foreign Minister Alexander Stubb, also participated and presented the Chairmanship's Priorities for 2008. At the margins of the meeting the focal points were provided with an opportunity to network and promote OSCE anti-trafficking work with officers from the OSCE delegations dealing with human dimension issues such as THB.

The meeting provided an excellent opportunity to share good practices and lessons learned in the important anti-trafficking work of the OSCE field operations in promoting and assisting host countries in the implementation of the OSCE commitments. In addition, the meeting contributed to further co-ordinating and enhancing a common platform of policy and programmatic priorities in OSCE anti-trafficking efforts.

The SR, together with the ODIHR and other relevant structures, co-operates with field operations on project development, providing – when requested – advice and information on good practices and regional initiatives. Field operations provide strong support for the work of the SR, contributing knowledge and expertise on the THB situation and efforts in the countries where they operate. The SR maintains regular contacts with the field operations, for example, in the Southern Caucasus on the EC-funded project “Development of a comprehensive anti-trafficking response in Armenia, Azerbaijan and Georgia”, which is managed by the ILO in partnership with the ICMPD.

The SR has continued co-operation with the Training Section in the Secretariat in the framework of the **General Orientation (GO) Programme**, which includes a THB module, promoting zero tolerance for THB and contributing to ensuring that each OSCE staff member is familiar with the issue of human

trafficking and aware of his/her duties and responsibilities, as specified in the Code of Conduct for OSCE officials and related rules and instructions.

The Gender Section, the OCEEA, and the OSR are currently conducting joint background research that will be presented at a seminar on gender-sensitive labour migration policies for policymakers, social partners and other key stakeholder groups of the OSCE participating States and Mediterranean Partners for Co-operation. The SR also participated in the meeting of Gender Focal Points discussing the linkages between promoting gender policies and prevention of THB.

In co-operation with the OSR, the UNODC's Global Programme against Money Laundering and the government of the Republic of Cyprus, the OCEEA organized the Regional Meeting on Combating Human Trafficking and Money Laundering in the Mediterranean Rim Region, which took place in Larnaca, Cyprus on 18–19 September, 2008. The main objective of the two-day meeting was to help Mediterranean countries to strengthen their fight against money laundering and human trafficking and improve their co-operation in prevention efforts. The meeting informed government officials from the Mediterranean region on international standards in building an effective system to fight money laundering and THB and how to better co-ordinate the fight against both crimes. The meeting was the first of its kind and aimed to help countries implement best practices to protect their populations, meet their international obligations and improve regional and international co-operation.

The OSR actively participated in the **OSCE First Preparatory Conference for the 17th Economic Forum** on "Migration management and its linkages to economic, social and environmental policies to the benefit of stability and security in the OSCE region" in Prague, on October 16 and 17, 2008. The 17th Economic and Environmental Forum (EEF) process will focus on two main areas: 1) the key challenges related to improved migration management, namely improving the channels for legal migration and reducing illegal migration and combating of corruption and organized criminal activities related to international migration, including THB; and 2) interconnections between migration policies and economic, social, environmental and security policies and how they impact on each other and how a closer policy cohesion can enhance the developmental impacts from migration.

A good example of our co-operation and co-ordination with the Strategic Police Matters Unit (SPMU) in the region was the joint SPMU/OSR training needs assessment mission on the police criminal investigation on THB crimes. The THB part was a part of a wider, SPMU police reform needs assessment for the Tajikistan Ministry of the Interior. Based on the needs assessment, the SPMU has drafted a training project. The aim of the project is to first execute the training course in Tajikistan this year, and then to include the training in the Police Academy in Dushanbe in Tajikistan. Its long-term impact is on capacity-building for the law enforcement and efficient prosecution of THB in Tajikistan. To promote greater regional effect, additional training of this kind is under evaluation and planning.

The Workshop on Promoting Law Enforcement and Judicial Co-operation among Source, Transit and Destination Countries to Combat Human Trafficking and Migrant Smuggling to and from Central Asia was co-organized with the SPMU and the United Nations Office on Drugs and Crime (UNODC) and held in Tashkent in May 2008. This event included all the Central Asian countries plus destination countries such as Israel, the Russian Federation, Thailand, Turkey, the UAE and the USA, and facilitated a fruitful dialogue between them.

The OSR, ODIHR and SPMU also jointly participated in the anti-trafficking training course provided at the International Training Centre for Combating THB and Illegal Migration in the framework of the Academy of the Ministry of Interior in Minsk, which serves as the basic anti-trafficking training facility for the CIS countries, the preparation of the Helsinki Conference on Successful Prosecution, and other events.

The SPMU has arranged, with the support of the OSR, the first online seminar in the OSCE, on countering the sexual exploitation of children on the Internet, acknowledging that crimes of this kind are often also instances of trafficking in children.

The OSR CTHB contributed with a module on THB to a training programme for Border Guards on Increasing Operational Awareness on Detecting Forged Documents, which was organized by the OSCE Action against Terrorism Unit in Montenegro.

The OSR CTHB was invited to contribute to the recent seminar “A Comprehensive Approach to Border Security and Management in the OSCE Area”, organised by the OSCE Finnish Chairmanship (27 October 2008, Vienna), and provided an overview of challenges of identification of THB cases at the borders and ways to enhance efficiency of border officials in combating human trafficking. Together with the Border Unit of the Secretariat, the OSR CTHB will present the OSCE position on related issues at the FRONTEX conference in November 2008 in Warsaw.

The year 2008 has seen the SR specifically strengthening and further developing OSCE internal co-ordination in the area of public information by developing an Annual Communication Plan in accordance with the overall OSCE Communication Strategy and in co-operation with the PPIS, the anti-trafficking focal points, and public information officers in field operations. This has resulted in the improving and promoting of the visibility of the anti-trafficking work carried out by the OSCE structures, institutions and field operations. The SR also actively participated in the **Model OSCE** organized by the PPIS in early July, in which over 140 young people from 30 OSCE participating States engaged in this international project modelling the OSCE. THB was one of the Model OSCE’s main themes.

External co-operation

Since 2004 the *Alliance against Trafficking in Persons* has provided OSCE participating States and Partners for Co-operation with harmonized approaches, sharing of best existing expertise and a channel of dialogue with civil society and international organizations. A team of experts representing leading IOs and NGOs, namely, the *Alliance Expert Co-ordination Team*¹⁷³ (AECT) supports this platform, which provides an operational and consultative forum for strategic networking and joint actions in the OSCE area.

In an effort to continue to strengthen the partnership in the *Alliance*, the SR engaged in bilateral consultations with individual agency members of the Experts Co-ordination Team. These served to facilitate the exchange of views on critical issues in addressing THB, the identification of common areas of work and advocacy, and discussion about how to raise the engagement of Governments in implementing agreed commitments and obligations and supporting the numerous local civil society actors working on THB.

The SR convened two meetings of the *Alliance Expert Co-ordination Team* (AECT), which focused on discussing thematic priorities and programmatic plans in anti-trafficking work. At the first meeting, a number of issues were repeatedly raised as critical to advancing anti-trafficking work, including maintaining a constant focus on child trafficking, the need to review and enhance prevention strategies and work in the broad framework of social-economic policies, strengthening initiatives for victim protection, and improving research in these areas. The OSR, in response to a request from the members of the AECT, held a meeting on September 24 of the main AECT members working in Central Asia to consider the overall situation and trends, and ways to enhance assistance to the countries of the region and create synergies in our efforts to combat THB. The AECT welcomed this regional focus, and encouraged the OSR to hold some future AECT meetings with a geographic or thematic focus. Any steps in this direction will be co-ordinated with the host countries and their OSCE delegations.

The SR significantly contributed to the **United Nations Global Initiative to Fight Human Trafficking** (UN.GIFT) and actively participated in the UN.GIFT Steering Committee (made up of the UNODC, UNICEF, the ILO, the IOM, UNOHCHR, and the OSCE), which was initiated started in 2007, and in the preparation of its main event of 2008, the Vienna Forum. The SR also hosted the breakfast of the Women Leaders’ Council during the Vienna Forum.

In addition, the OSR agreed to take part in an Expert Group Initiative (EGI). This initiative was set up by the members of the Steering Committee to produce practical tools on the issues which may have a serious impact on the ability of the participating States to eradicate human trafficking as an

¹⁷³ The AECT includes representatives from OSCE structures and institutions (SR, SPMU, OCEEA, Senior Adviser on Gender Issues, ODIHR) and from UNOHCHR, UNHCR, UNDP, UNICEF, UNICEF Innocenti Research Center, UNIFEM, UNODC, ILO, WHO, IOM, International Federation of Red Cross and Red Crescent Societies, Council of Europe, ICMPD, Europol, Interpol, European Commission, EC Expert Group, Dutch National Rapporteur, Nexus Institute, Anti-Slavery International, Caritas, ABA CEELI, ECPAT, La Strada International, International Federation of Terre des Hommes, and Save the Children International Alliance.

ultimate goal of the UN.GIFT. An extra-budgetary project has been elaborated and is being conducted “Analyzing the Business and Socio-Economic Causes of Trafficking in Human Beings in order to Decrease Vulnerabilities to THB and to Better Prevent the Crime.”

Another ExB project generously funded by the **Principality of Monaco** is being implemented by the St Petersburg NGO Stellit in close co-operation with the Administration of St Petersburg and under the supervision of the OSR CTHB. The project is aimed at Prevention and Assistance to the Children Victims of Commercial Sexual Exploitation in Russia. The period of its implementation embraces the period 2008–2009.

Working with other multilateral groups and IGOs

In addition to the co-operation in the framework of the *Alliance* and various other collaborations mentioned above, the SR engaged in strengthening co-operation in other bilateral and multilateral forums, in particular with the European Commission (EC), CIS, UNODC, and the Council of Europe, in full compliance with the relevant OSCE decisions taken by the Permanent Council.

The OSR CTHB has developed effective synergy in anti-trafficking work with the **European Commission** and in particular with Directorate General for Justice, Freedom and Security. In a recent statement on the occasion of the European Anti-Trafficking Day the EC Vice-President and Commissioner noted the good co-operation with the SR and referred to two examples of such co-operation and synergy: the AECT Statement on National Rapporteur or Equivalent Mechanism, aiming at promoting better knowledge, understanding and data on trafficking in human beings; and the OSCE participation with an expert in the recently established EU Expert Group on THB.

In accordance with the agreement achieved in the course of the SR’s Minsk visit, the OSCE structures (the SPMU, the ODIHR, and the OSR CTHB), co-ordinating with each other, provided training to a group of law enforcement officials from Belarus, Moldova, and Tajikistan at the Training Centre for Combating THB and Illegal Migration, which had been established on the basis of the Belarus Academy of the Ministry of Interior and serves as the basic anti-trafficking training facility for the CIS countries. The SR intends to develop further this practice of promoting the OSCE guiding principles within the comprehensive, human rights based approach in combating THB and assisting the participating States to implement their commitments and agreed recommendations.

To the fullest extent possible, the SR broadens the scope of international co-operation by engaging in consultations with a wide variety of organizations, such as the Arab League, the CIS Executive Committee, the Council of Baltic Sea States, the European Commission, the European Parliament, NATO, the Nordic Council of Ministers, the African Union, and the UN Rapporteur on Modern Slavery. These efforts at co-operation and co-ordination are significantly contributing to developing concrete common approaches, which facilitate bilateral and regional co-operation and render responses to THB more effective. They have also helped to elevate the visibility and raise the political profile of efforts to tackle THB.

Challenges and the way forward

While OSCE participating States have begun implementing international obligations and OSCE commitments, serious gaps still exist that call for adequate capacity and budgets, as well as more effective and comprehensive responses. In working to catalyse national actions, the SR encounters a number of different challenges. Some of these are of an institutional nature, while others relate to the complexity of developing the sustained actions necessary to eradicating THB in the OSCE area. A summary of how the SR has sought to analyse these challenges and will strive to turn them into opportunities for action in 2009 is outlined below.

Improving ratification and implementation levels is an ongoing goal of the SR in her work. A related challenge is raising the political profile of combating THB and the level of engagement of national governments by acting both at country level and co-operating internationally to combat THB. Through multilateral and bilateral dialogue with the participating States, the SR strives to gain an understanding of the efforts made by participating States in terms of laws, policies and other measures, while conducting

advocacy to generate sustained political will, and improved capacity and funding for concrete actions at national level. The SR takes the view that capacity and resource constraints alone cannot justify inaction; that there is an obligation for participating States, according to OSCE commitments and international norms, to provide effective interventions in preventing THB, to protect victims and uphold their rights, and to prosecute the crime.¹⁷⁴

In accordance with her mandate, the SR will continue to engage in a high-level policy dialogue with the participating States and civil society representatives to promote the implementation of anti-trafficking commitments. This dialogue will take various forms including a number of strategically targeted country visits and regional events. The OSR will work closely with the OSCE Quintet, which provides the opportunity to address THB with continuity over the long term, and to respond to evolving issues and threats, especially in conflict-affected areas. Work at the national level will continue with the ongoing and future country assessments in a spirit of fruitful dialogue and co-operation with participating States and with a view to spurring national efforts and the implementation of commitments against THB.

Accurate information and analysis on THB and the status of implementation of anti-trafficking commitments in the OSCE area remains of key importance to fulfilling the SR mandate and to targeting and tailoring assistance to participating States. It is in this spirit that the SR plans to carry out a survey among the participating States in 2009.¹⁷⁵ On the basis of responses from participating States and the contribution of OSCE structures, institutions and field operations, the SR intends to conduct an analysis of achievements on various aspects of combating THB, especially prevention and the implementation of the OSCE Action Plan. This work can only be achieved with the full support of and responses from the participating States. If these are received, the proposed report will contribute substantially to refining the SR's advocacy and assistance efforts with participating States. Additionally, it will assist in building reliable data and promoting systematic evidence-based research on THB and is also fundamental to the improvement of our framework for prevention work.

The SR's work has also shown that significant efforts and a collaborative attitude have been essential to the success of co-operation within the OSCE, and thus improve the efficiency and efficacy of all OSCE anti-trafficking work. Nevertheless, some challenges remain, especially in creating common long-term operational strategies for accelerating the OSCE anti-trafficking work in the whole region. The SR intends to continue to strengthen this work by planning and developing new joint cross-dimensional initiatives in the future.

The SR has paid due attention to incorporating a gender perspective in all THB responses and to ensuring that these comprehensively address all forms and purposes of trafficking. This is relevant when improving national referral mechanisms and other protection measures to ensure they apply to all forms of trafficking. In 2009, the SR will continue to promote strengthening anti-trafficking policies that include a gender-specific approach and policies designed to prevent trafficking in children, by strengthening relevant institutions, reducing discrimination, and preventing abuse and violence. Additionally, there is an evident need to listen to and consult with victims and other vulnerable people regarding the policies and programmes that affect them. The SR will jointly participate in the OSCE seminar on Gender Sensitive Labour Migration Policies with the OCEEA and Gender Unit. She will also commission an Occasional Paper on Domestic Servitude. Trafficking for domestic servitude almost exclusively affects women and children. They are in an especially vulnerable position, as it is particularly hard to identify this form of THB, which occurs within private homes.

The SR intends to systematically build and enrich the OSCE knowledge-base on national implementation of commitments and on the scope of national responses to THB. The SR has already become a leader in advocating for the establishment of national self-reporting mechanisms in the participating States and for evidence-based research on THB and its responses. The SR will continue co-operating with other parties regarding rendering assistance to participating States and facilitating the establishment or strengthening of a National Rapporteur or equivalent mechanism.

¹⁷⁴ OSCE MC.DEC/1/00, OSCE Ministerial Declaration on THB 2002, and the OSCE Action Plan all refer to the OSCE human rights approach to THB.

¹⁷⁵ In line with the taskings of OSCE MC.DEC/3/06 and OSCE MC.DEC/13/05 to report on progress achieved in work on trafficking issues in the OSCE (Paragraph 3 of both documents).

The SR is already composing a background paper, and will invite participating States to take part in a Technical Seminar on Trafficking for Labour Exploitation Focusing on the Agricultural Sector. The overall aim of the seminar is to consider in greater depth the experiences and lessons learned on existing practices among participating States in the areas of labour trafficking victim identification and protection mechanisms specific to this group, national co-ordination among the services/authorities, as well as prosecution of cases.

Stepping up efforts to prevent THB remains a challenging priority area for the future since it is still not clear what the impact of prevention efforts has been to date. Anti-trafficking policies, in order to be effective, need to address the underlying contributing factors, including the demand for sexual exploitation and inexpensive, socially unprotected, often illegal labour. The SR will therefore strive to explore and specify the linkages between THB and the contextual problems arising from the socio-economic developments in the region which foster an environment where the exploitation of individuals is possible and profitable.

Prevention will be at the centre of the SR's co-operation with the UN.GIFT EGI project "Analyzing the Business Model and Socio-Economic Causes of Trafficking in Human Beings in order to Decrease Vulnerabilities to THB and to Better Prevent the Crime." This project has been elaborated by the OSR in co-operation with a group of leading international experts, and will be published as an exploratory research to the participating States in late March 2009. The research will contain a set of recommendations for interested participating States assisting policymakers to better appreciate the interconnections between human trafficking, other illegal enterprises and legal actors, so that prevention efforts focus more on the economic, social and criminal root causes and workings of THB in order to disrupt the traffickers and to undermine this market. An objective of these counter-trafficking recommendations will be to pave the way for future efforts to maximize synergies with other development, security, and crime control policies currently contemplated or implemented (especially with respect to corruption and cross-border organized crime).

In 2009, the SR plans to follow up on the research recommendations with the annual Alliance Conference gathering stakeholders from all capitals of the participating States. The SR also intends to initiate a high-profile debate with the participation of prominent personalities, leaders, policy makers and innovative thinkers. Such an initiative would raise the broader political profile of the OSCE and its efforts to combat THB. The aim is to generate a political discussion on how THB affects our societies, how it is related to globalization, economic development, migration policies, gender discrimination and other structural factors, and how attitudes and behaviour towards THB can be changed.

The SR will continue to make OSCE efforts on THB more visible especially as an inherent part of OSCE's work on comprehensive security. The SR will continue taking an active role in promoting in-depth, balanced and comprehensive coverage of human trafficking through, inter alia, continued dialogue with the media, facilitating media access to research and expertise, disseminating best practices in reporting on the phenomenon, and promoting opportunities and resources for media education on the issue. The office will continue to enrich its digital library of audio-visuals and other graphic materials that help communicating messages whilst also ensuring respect of the privacy of the individuals involved.

The SR intends to build on the advances made and regards consultations, planning and preparation for 2009 as essential to this process. In this spirit, the SR welcomes all forms of feedback from participating States regarding the overview of work presented in this Annual Report, and also on the challenges and plans for 2009. The SR looks forward to the continued support and partnership of the participating States and OSCE institutions, structures and field operations, in building an effective bulwark against THB, which is a modern form of slavery.

KEYNOTE ADDRESSES AND INTERVENTIONS IN CONFERENCES, SEMINARS AND OTHER EVENTS BY THE OFFICE OF THE SPECIAL REPRESENTATIVE AND CO-ORDINATOR FOR COMBATING TRAFFICKING IN HUMAN BEINGS:

Child Trafficking: How to Improve Victim Identification and Protection, Save the Children Spain (28–29 January 2008, Madrid)

The Vienna Forum to Fight Human Trafficking, UNGIFT (February 12–15 2008, Vienna)

Women Leaders' Council, UNGIFT (12 February 2008, Vienna)

What is the price of a human being? EKN Estonian Council of Churches/SEN Finnish Ecumenical Council (18 February 2008, Helsinki)

Combating Trafficking in Human Beings Course, Partnership for Peace Training Center (18–22 February, Ankara)

Increasing Operational Awareness on Detecting Forged Documents, OSCE Anti-Terrorism Unit Training Programme for Border Guards (6 March 2008, Podgorica)

Euro Atlantic Partnership Council, NATO (11–12 March 2008, Brussels)

Violence against Children: Challenges and Ways of Prevention, Ministry of Internal Affairs of the Republic of Belarus/Central European Initiative (9–10 April 2008, Minsk)

Preventing and Combating Trafficking in Human Beings and Sexual Exploitation of Children, NGO Stellit in cooperation with the St. Petersburg Administration. (14–18 April 2008, St. Petersburg)

Anti-Trafficking Seminar, Finnish Youth Co-operation Allianssi (17 April 2008, Helsinki)

Preparatory Meeting for the III World Congress Against Commercial Sexual Exploitation of Children, UNICEF Innocenti Centre (21–23 April 2008, Florence)

Migration and Youth, European Youth Forum (2–3 May 2008, Barcelona)

II International Conference "Stop Child Trafficking", Tierra de hombres España (7–9 May, Valencia)

Contact Group Meeting with the Mediterranean Partners, OSCE (9 May 2008, Vienna)

Seminar on Combating Human Trafficking for Forced Labour, Israel Ministry of Foreign Affairs Center for International Cooperation (MASHAV), Golda Meir International Training Center (MCTC), Center for International Migration and Integration (11–12 May 2008, Haifa, Israel)

Promoting Law Enforcement and Judicial Co-operation among Source, Transit and Destination Countries to Combat Human Trafficking and Migrant Smuggling to and from Central Asia, SPMU/UNODC (14–15 May 2008, Tashkent)

Third Regional Seminar - ICMPD Programme to Support the Development of Transnational Referral Mechanisms for Trafficked Persons in South Eastern Europe, ICMPD/USAID (17–23 May 2008, Rome)

Trafficking in Human Beings Training, International Training Centre on Migration and Trafficking in Human Beings, (22–24 May 2008, Minsk)

Child Trafficking: Responses and Challenges at Local Level, OSR-CTHB (26–27 May 2008, Vienna)

La Traite des êtres Humains d'Origine Africaine à des Fins d'Exploitation Sexuelle, Ministre de l'Interieur, De l'Outre-Mer et des Collectivites Territoriales, (29–30 May, Paris)

Contact Group Meeting with the Asian Partners for Co-operation, OSCE (30 May 2008, Vienna)

OSCE Preparatory Training to the Kazakh OSCE Chairmanship, CORE-OSCE (5 June 2008, Hamburg)

Validation Workshop Regarding Training Package to Fight Child Trafficking, ILO, (3–4 July 2008, Turin)

Model OSCE Conference, OSCE (4–5 July 2008, Vienna)

Joint Meeting with the Mediterranean and Asian Partners for Co-operation, OSCE (25 July 2008, Vienna)

Successful Prosecution of Human Trafficking – Good Practices and Challenge, OSR-CTHB and Finnish OSCE Chairmanship (10–11 September 2008, Helsinki)

Challenges and Perspective for the Future - Focus on Women and Development, National Committee for UNIFEM in Finland (12 September 2008, Helsinki)

Europe and Central Asia Regional Preparatory Meeting for the World Congress III against Sexual Exploitation of Children & Adolescents, ILO/ECPAT (17 September 2008, Geneva)

European Approaches Towards Data Collection on Trafficking in Human Beings, Federal Ministry of the Interior of the Republic of Austria/International Organization for Migration (18–19 September 2008, Brussels)

Regional Operational Meeting on Combating Human Trafficking and Money Laundering in the Mediterranean Rim Region, OSCE-UNODC–Republic of Cyprus (18–19 September 2008, Larnaca)

Follow-up Technical Seminar to the 6th Alliance Against Trafficking in Persons Conference on National Rapporteurs and Equivalent Mechanisms, OSR-CTHB (22–23 September 2008, Vienna)

Human Security Event, OSCE (26 September 2008, Vienna)

Which Way Forward to Combat Trafficking in Human Beings, Academy of European Law (8 October 2008, Trier)

Human Dimension Implementation Meeting, ODIHR, (8 October 2008, Warsaw)

NORDISK KONFERENS: Prostitution i Norden, NIKK - Nordisk institutt for kunnskap om kjønn/Nordic Gender Institute (16–17 October 2008, Stockholm)

Migration Management and its Linkages with Economic, Social and Environmental Policies to the Benefit of Stability and Security in the OSCE Region, OSCE EEF (17 October 2008, Prague)

Eradicating Human Trafficking as a Political Priority: The Role of Parliamentarians, OSCE-Parliamentary Assembly/OSCE Mission in Bosnia and Herzegovina/OSCE-Office for Combating Trafficking in Human Beings. Hosted by the Parliament of Bosnia and Herzegovina (20–21 October 2008, Sarajevo)

Seminar on A Comprehensive Approach to Border Security and Management in the OSCE Area, OSCE Finnish Chairmanship (27 October 2008, Vienna)

Overlaps of Prostitution, Migration and Human Trafficking, Federal Department of Foreign Affairs, Switzerland (12 November 2008, Berne)

Seminar on Human Trafficking, University of Seinäjoki/Chydenius Institute (17 November 2008, Kokkola)

OSCE Citizens' Forum on Human Dimension, Finnish Board for Enhancing Security in Europe/Finnish NGO Partners on Human Dimension (2 December 2008, Helsinki)

Annex G

ODIHR ANNEX TO THE SPECIAL REPRESENTATIVE'S REPORT 'EFFORTS TO COMBAT TRAFFICKING IN HUMAN BEINGS IN THE OSCE AREA: CO-ORDINATION AND REPORTING MECHANISMS'

This annex aims to provide an analysis and brief overview of ODIHR activities and achievements in 2007 and 2008 relevant to the theme of the report: developments and achievements in the establishment of national anti-trafficking structures.

Background and overview

The OSCE/ODIHR has been focused on promoting human-rights based responses to trafficking since the beginning of its anti-trafficking work in the OSCE region. In 2003 Ministers committed to *'strive to render assistance and protection to victims of trafficking...and establish effective and inclusive national referral mechanisms...'* In 2004 the ODIHR developed a handbook on the concept of national referral mechanisms (NRMs) which provides guidance on the aims and means of establishing an NRM and places protection of the rights of trafficked persons at the centre.¹⁷⁶ Since that time, the ODIHR has sought to promote awareness of the rights of trafficked persons, and the potential role of NRMs in securing their protection, as part of its mandate to support OSCE participating States in the fulfilment of their human dimension commitments.

An NRM essentially concerns the process of identifying and referring victims of trafficking for assistance whilst ensuring respect for the rights of the persons concerned. It is based on the premise that where trafficked persons' rights are properly respected victims may be more willing and able to cooperate with law enforcement in criminal proceedings against the trafficker. This will assist in prosecuting the perpetrators of trafficking which in turn should contribute to a reduction in trafficking. The NRM concept therefore links the protection of trafficked persons' rights with efforts to secure criminal sanctions against the perpetrators of trafficking. The rights however that should be protected under an NRM are broad ranging and include rights to legal counselling, data protection, privacy, access to housing, healthcare, social and medical assistance, reflection periods and temporary or permanent residency, compensation, asylum and protection from unsafe return to countries of origin amongst others.

The OSCE Action Plan to Combat Trafficking in Human Beings recommends that OSCE participating States take a number of steps to establish an NRM. These include adopting an appropriate legal framework that prohibits trafficking and protects its victims; building partnerships between civil society and law enforcement; creating guidelines to properly identify trafficked persons and establishing cross-sector and multi-disciplinary teams to develop and monitor policies.¹⁷⁷

In 2007 and 2008 the ODIHR continued its work to support NRM compatible anti-trafficking responses through the organisation of its events and activities, participation in other organisations' events and finalisation of a number of national reviews.¹⁷⁸ The national reviews assess the steps taken by OSCE participating States to establish NRMs and aim to evaluate the protection of trafficked persons' rights in practice. They have highlighted some good practice and challenges encountered in protecting trafficked persons rights and make recommendations for future action. Conducted in collaboration with the relevant country authorities, the reviews enabled the ODIHR to raise awareness of OSCE commitments on trafficking in the country and gather detailed information on country practices in the establishment of anti-trafficking structures.

¹⁷⁶ See OSCE MC.DEC/2/03. For guidance on establishment of an NRM see ODIHR 2004.

¹⁷⁷ Ibid.

¹⁷⁸ Reviews have been conducted in Belarus, France, Kazakhstan, Russia, Turkey and the UK. None of the reviews have so far been made public.

Current NRM developments in the OSCE region

A number of issues can be highlighted from the NRM reviews and other ODIHR activity relevant to the development of NRMs.

- The term ‘NRM’ has caught on in recent years with reference being made to it in numerous national action plans to combat trafficking and the EU Action Plan on Trafficking.¹⁷⁹ However what is meant by an NRM differs markedly from country to country. In certain countries ‘NRM’ refers to a single state agency whose main function appears to be the approval of the identification process conducted by law enforcement. The state agency then acts as a conduit of data collection on victims alongside providing orientation for victims on service provision. It may also have additional roles relating to defining and ensuring proper standards of assistance provision or organising professional training for service providers. In other countries the term is used to refer to a multi-agency working group created to develop policy on anti-trafficking or provide a forum for consultation on anti-trafficking. The term is also sometimes used to refer to the principle of cooperation between state actors and NGOs in anti-trafficking action so that the existence of cooperation agreements between state and civil society organisations is seen to be indicative of an NRM. The term might also be used to distinguish a state-organised system of referral and assistance from a parallel system in the country, operated for instance by an international organisation. As such, the term ‘NRM’ means different things in different countries. Although there is no single model of NRM promoted by the OSCE, the main purpose of an NRM is to protect the rights of trafficked persons. The series of measures recommended in combination in the OSCE Action Plan and NRM Handbook aim to guarantee such protection. At the same time it is also clear that protection may be arrived at without all measures being adopted. Indeed in certain countries there have been reports of decreasing protection where more formalised mechanisms of identification and assistance have been adopted which clearly contradicts the intention of NRMs.
- Structures and systems in place to identify trafficked persons are not always concerned with securing protection of trafficked persons’ human rights, as the NRM concept requires. Instead they are sometimes aimed at only facilitating investigation of the crime, generating statistics or data on victims of trafficking or securing funding for a service provider that is dependent on funds ear-marked for assisting trafficked persons. Although these aims are not incompatible with ensuring protection of the person identified, in certain cases protection of the trafficked person is secondary or overlooked.
- Differences appear between countries, and within countries, as to who qualifies as a victim of trafficking. National law on trafficking and practice guidance in countries is not always clear as to what constitutes trafficking and who the victims of trafficking are. In certain cases this has been seen to result from a failure to define exploitation, or the degree or nature of coercion or deceit to which someone must be subject before the crime is committed, in national law. Sometimes political sensitivities influence interpretations of who qualifies as a victim so that for instance only foreign nationals are seen as victims, identified and assisted, whilst nationals might be excluded. Distinctions are also often made between ‘deserving’ and ‘undeserving’ victims: where undeserving victims are those that might have committed immigration offences in the course of being trafficked or whose information in connection with their trafficking is insufficient to lead to the location and prosecution of a perpetrator. Such individuals will then not be identified and assisted.
- ‘Identification checklists’ have not been widely developed to promote transparency and consistency in identifying victims amongst state agencies. Instead agencies depend on their own sense of who is a victim which leads to arbitrary and inconsistent identification.
- More often than not civil society organisations are not accorded a role in the identification of victims of trafficking by state agencies, although the guidance on NRM requires cooperation and collaboration between law enforcement and specialised service providers in the identification of victims. Inflexible state structures with sole authority for determining status of a victim are problematic as they lead to the marginalisation of less straightforward cases of trafficking which must also be addressed.

179 See EU Action Plan 2005.

- The NRM guidance requires that ‘frontline authorities’ likely to come into contact with trafficked persons are trained and have a role and responsibility for referring trafficked persons to service providers. However trafficked persons often come to the attention of state actors (for instance immigration officials or agencies regulating labour providers or employers’ compliance with labour laws) that do not have a mandate to protect and assist them. This results in the detention and deportation of trafficked persons and the failure to assist them.
- Few, if any, victims of labour exploitation are being identified by state agencies in many countries. Consultations with civil society organisations working on labour trafficking have also revealed that the NRM concept may be less relevant as the main rights-based focus for organisations tackling labour trafficking. The NRM is largely focused on the identification and assistance of individual trafficked persons to secure their cooperation in criminal investigations against the exploiter/trafficker. But the main civil society organisations working on labour trafficking, which arguably affects much larger numbers of people than those in the sex industry, do not primarily focus on the pursuit of criminal sanctions or the identification of individual victims. Instead they aim to promote respect for the labour and migrants rights of all and develop measures that address the systemic causes of exploitative working conditions which are believed will be more effective in protecting rights and preventing trafficking in the long term. Activities have also revealed that many possible victims of trafficking for both labour and sexual exploitation do not see themselves as victims and are unwilling to be identified and assisted or act as witnesses in criminal proceedings. This also signals the need to seek other ways of protecting victims’ rights which are not dependent on the identification of victims. Action might include supporting outreach and community work to inform people in work sectors prone to exploitation of their rights and remedies and to assist them in organising themselves to improve their situation and make claims, such as for compensation or unpaid wages.

Overview of ODIHR activity relevant to anti-trafficking structures

Further to the national reviews conducted to assess the steps taken by States to secure compliance with NRM principles, the ODIHR has conducted NRM training activities in Kazakhstan, together with the OSCE Centre in Astana, for local authorities focusing on the identification of persons exploited in labour and the role of inter-agency cooperation. At the same time issues relevant to the rights of migrants have also been explored and contacts and collaboration with migrants rights organisations encouraged. Research had also been conducted to better understand the extent and complexity of trafficking for labour exploitation in Kazakhstan which assisted in identifying the participants and locations for the training.

A number of initiatives have been implemented together with the ODIHR’s Contact Point for Roma and Sinti Issues to strengthen identification and protection of Roma victims. In Albania the training of five peer educators of Roma origin was supported to raise awareness amongst the community about child rights issues and child trafficking in the Roma settlement of Kinostudio, Tirana which led to direct interventions ensuring schooling, registration and other social assistance to children. Three workshops were also organised to raise awareness of social rights and provide information on anti-trafficking prevention and protection mechanisms for Roma communities. The workshops were able to provide legal counselling to individuals and resulted in referring certain persons to assistance.

Also in Albania a joint ODIHR-OCEEA project was launched in 2007 which supported the opening of a drop-in centre in Vlore which serves as a first point of contact for possible trafficked persons and a venue for legal and psychological counselling. Also under the project the NGO Centre for Legal Civic Initiatives, has been providing legal counselling and assistance to trafficked persons and other individuals to improve rights awareness, referrals for assistance and secure protection of rights in individual criminal cases.

In terms of supporting individual rights protection, the ODIHR published a study on compensation practices in 8 OSCE participating States in May 2008 which had been presented and discussed as a draft with State and civil society participants during a 3- day workshop in Barcelona in December 2007. Alongside providing a detailed analysis of the right to compensation and how it is being implemented the study makes numerous recommendations to improve the delivery of compensation awards to a

greater number of claimants. The study was also instrumental in the organisation of a recent European consultation on the compensation of trafficked persons in Europe organised by international NGOs which aim to put trafficked persons' right to compensation on the political agenda at an international and national level.

In Georgia a programme to support State and civil society cooperation in the identification and assistance of trafficked persons, raise awareness of rights and provide assistance to trafficked persons continued. The implementing partner convened monthly coordination meetings with local authorities and civil society organisations to develop and monitor anti-trafficking responses and distributed awareness-raising materials about assistance services and rights in border areas where trafficked persons are encountered.

Exchanging experience and practices on trafficking between countries is an important goal of ODIHR's activities as well as ensuring that new actors relevant to the workings of an NRM, such as migrants rights organisations and trade unions, are included in discussions. The ODIHR has therefore brought many NGO and government participants to numerous OSCE events, both in Vienna and Warsaw, and meetings across the OSCE region throughout the two years to strengthen partnerships with these actors.

Policy work is also an important aspect of the ODIHR's efforts to support human-rights based responses to trafficking. In 2007 the ODIHR was one of the core members of a drafting team invited to provide input on new EU recommendations on the identification and assistance of trafficked persons. The recommendations, adopted by the European Union in October 2007, refer extensively to OSCE commitments and the role of NRMs in protecting trafficked persons. This year the European Union will revise the Framework Decision to Combat Trafficking in Human Beings and the ODIHR is also participating in the consultation process. The ODIHR was also invited to prepare a discussion paper for the OSCE Chairmanship on labour trafficking and present it during a Reinforced Human Dimension Committee meeting in 2007. The paper, which called for the inclusion of a wider variety of actors in addressing labour trafficking, including labour unions and inspectorates and recognition of the legal remedies available to trafficking victims through civil and labour law, was used as background for an MC decision on this topic which was adopted in December 2007.

Conclusion

The ODIHR, through its activities, has contributed to a greater recognition of the role of civil society in anti-trafficking structures, particularly in those designed to identify and protect trafficked persons. It has also contributed to a wider acknowledgement of the rights of victims to assistance, residency entitlements and increasingly compensation which should all be made possible through a well functioning NRM. Recognition of the need to bring in more actors to tackle labour trafficking, including labour actors and migrants organisations, also contributes to better- focused anti-trafficking responses and structures. Additional efforts could be made to secure protection of migrants' rights as a means of improving the protection of victims of trafficking and the prevention of trafficking and this remains an area for development.

In the coming year the ODIHR will continue to promote compliance with the concept of NRM insofar as this remains an important means to ensure protection of trafficked persons' rights. It will support the role of civil society organisations in the identification and assistance of victims especially where referral structures are being formalised. At the same time the ODIHR will continue to support outreach- related activities for the purposes of securing assistance and protection to trafficked persons and groups at risk of labour exploitation, who rarely are identified under current structures. It will also continue to support activities promoting the rights of migrants as an effective way of both preventing trafficking and providing protection to victims.



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The Organization for Security and Co-operation in Europe works for stability, prosperity and democracy in 56 States through political dialogue about shared values and through practical work that makes a lasting difference.

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