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from : Presidency
to : Multidisciplinary Group on Organised Crime
Subject : “Joint Analysis, Joint Action“
Conference of EU National Rapporteurs on Trafficking in Human Beings
Prague, 30 and 31 March, 2009
- Outcomes of the conference

In order to support cooperation and information exchange regarding the fight against THB, as well as in response to urgent calls for the establishment of National Rapporteurs or equivalent mechanisms, the Czech Presidency organized the Conference of EU National Rapporteurs for Trafficking in Human Beings “Joint Action, Joint Analysis”, which was held in Prague on 30 and 31 March 2009 under the chairmanship of the Czech Ministry of the Interior, in cooperation with the Commission and the OSCE Special Representative and Coordinator for Combating Trafficking in Human Beings.

The Presidency would like to inform delegations about the following conclusions, based on the conference outcomes.

OUTCOMES

The fight against THB is one of the main priorities at the EU level, which is shown by a number of instruments adopted by the Council, the European Commission and EU Member States. Twelve years have passed since the adoption of the Hague Declaration in 1997, followed by a number of other instruments and political commitments highlighting the importance of strengthening or establishing a national monitoring and reporting mechanism.

The international and political instruments which pertain to this issue are:

- The Hague Ministerial Declaration, 1997, (the first international document which recommends EU Member States to establish a national reporting mechanism, giving birth to the concept of the National Rapporteur) and the documents that followed;
- Council of Europe Parliamentary Assembly Recommendation, 2002;
- Council of the European Union, 2003;
- OSCE Action Plan, the OSCE Maastricht Ministerial Council Decision, 2003; and subsequent Brussels Ministerial Decision, 2006;
- Report of the EU Expert Group, 2005;
- EU Plan on Best Practices, Standards and Procedures for Combating and Preventing Trafficking in Human Beings, 2005;
- Council of Europe Convention, 2005;
- Conclusions from the OSCE 6th *Alliance Against Trafficking in Persons* Conference “National Monitoring and Reporting Mechanism to Address THB: the Role of National Rapporteurs”, 2007 and the Alliance Expert Coordination Team Statement on the National Rapporteur or Equivalent Mechanism for the EU Anti-Trafficking, 2008;
- Commission Working Document “Evaluation and monitoring of the implementation of the EU Plan on best practices, standards, and procedures for combating and preventing trafficking in human beings”, 2008
- Efforts and Recommendations on Data Collection, including comparable indicators – Project lead by Austrian Ministry of Interior/IOM, ICMPD (DCIM Projects), ILO (Comparable Indicators), and many others.

There is a common consensus on the EU level that a deeper knowledge and understanding of trends in trafficking in human beings, based on the real picture created using comparable data, is the only possible starting point for efficient trafficking counteractions. It is necessary to mention that there are already many outstanding projects aiming to promote the harmonization of data collection worldwide (the ICMPD project in Southeast Europe, the ICMPD project in the Middle Europe region, of which the Czech Republic is also a partner, the Austrian and IOM project in Vienna “Development of guidelines for the collection of data on trafficking in human beings, including comparable indicators” etc.). Therefore, the Czech Presidency decided first to contribute to all these efforts through the introduction of the best practice in this field, especially in the EU region, via the expert conference which was held in Prague on 30 and 31 March 2009.

The aim of the conference was to support cooperation and information exchange regarding the phenomenon of trafficking in human beings on the EU level, via enhancement of the role of National Rapporteurs or equivalent mechanisms within 27 EU Member States. The conference was organized in response to urgent calls for the establishment of National Rapporteurs or equivalent mechanisms, which have already been highlighted by a number of recognized authorities and international documents.

We believe that the discussion of this topic, supported by the direct presence of National Rapporteurs or equivalent mechanisms, contributed to the establishment of a closer EU network of experts responsible for the collection of data on the national level; and thus directly promote the information exchange. The conference was aimed to promote personal face-to-face encounters of already established National Rapporteurs and equivalent mechanisms, exchange of experiences in establishing and ongoing work of their agencies and offices and through the lessons learned, help to introduce the best practice to other EU Member States, those which have not yet established any equivalent mechanisms.

The Czech Ministry of the Interior, in cooperation with the Commission and the OSCE Special Representative and Coordinator for Combating Trafficking in Human Beings have reflected, reviewed and summarized the responses for the questionnaire prepared by the Czech Ministry of the Interior and received from 22 EU Member States. The provided information has been of such a high value that the Czech Presidency considered as worthwhile to share it: the website www.national-rapporteurs.eu has been created, comprising all the relevant information on National Rapporteurs or Equivalent Mechanisms within EU Member States, contact points, relevant national web sites and documents are placed. Such a web site has been highly welcomed by the participating experts; they also expressed their will to provide other relevant information for these purposes.

The Czech Presidency would like to express its sincere and deep gratitude to all the EU Member States who shared their knowledge, experiences and best practices and thus provided us with very detailed information of very expert value. While more detailed analysis can be conducted into some of the areas to establish trends, identify differences/similarities in the way we tackle potential issues, or what forms of cooperation on the EU level would be most efficient, the following summary should serve as the basis for reflection and discussion on the current state of play within the EU Member States.

Main Findings of the Questionnaire (Summary)

1. 22 out of 27 EU Member States replied to the questionnaire. All respondents recognized the need to establish some kind of monitoring mechanism to tackle this phenomenon of trafficking of human beings on the national level;
2. the majority of the respondents (12 in total) have already appointed an institution, body or a concrete person to fulfill tasks of National Rapporteur or Equivalent Mechanism (and 3 are on the way to establish such a body). In most of the 21 EU Member States, which submitted the replies for the questionnaire, a body which, to the certain extend carry out an assessment of progress made in the implementation of the anti-trafficking policies and national action plans already exists;
3. The largest number of National Rapporteurs or Equivalent Mechanisms was established in a period between the years 2003 and 2007 and the newest established was the Finish National Rapporteur (Operational, January 2009);

4. A number of respondents stressed the need of necessary independency of the National Rapporteur or Equivalent Mechanism as one of the basic features within their role;
5. Respondents indicate that the constitution of National Rapporteur or Equivalent Mechanism within the national anti-trafficking structures varies – for example, they may be part of a Ministry of Justice and Interior through various National Commissions, Tasks or other coordinative bodies to the ombudsman office or accredited independent agency;
6. National Rapporteur or Equivalent Mechanism reporting:
 - Most respondents report to the Government/Council of Ministers or Parliament. However, a number of respondents also gave different examples of reporting in terms of timeframe, use of shadow reports produced by NGOs, etc.
 - Most of the EU Member States expressed that the national reports are being prepared on the information provided from various sources.
 - Some of the reports could be considered as the Antal evaluation of policy papers like the NAP or programs (it is not possible to conclude on the basis of provided responses, if the reports cover all aspects as recommended e.g. by OSCE).
 - Most EU Member States are either already submitting annual national reports on THB or are beginning to do so. The period of regular reporting varies from 6 months to up to 4 years. The Hague Declaration also called for the development of criteria for reporting on the scale, nature and mechanisms of trafficking and the efficiency of policies and measures concerning this phenomenon.

(Most EU Member States indicated – as illustrated by the responses to the questionnaire – that it is possible to find representatives of such national mechanisms which are willing to work together at the EU level in order to tackle common challenges.)

7. Identified Fields of Cooperation by EU Member States:
 - Have regular meetings (preferably twice a year), in order to support the information and best practices exchange among EU Member States to promote joint activities, especially in the field of prevention, protection and assistance provided to victims of trafficking;

- To establish consistency in the type, collection and analysis of national data on trafficking in human beings. This would not prevent other data being collected, but would form a minimum standard that can be shared across the EU to establish more precise trends in the EU territory;
- To establish some consistency, in terms of agreement on the minimum set of data/items to be covered, in the approach taken to the preparation of national (annual) reports; promote and support regular exchange of these national reports among the EU Member States.

The Czech Presidency would next like to introduce the conclusions from the discussions held during the conference panels and working groups:

Panel findings

The various ways in which implementation of such mechanisms is being carried out in the Member States (MS) is in fact, a reflection of the national resources, national structures, the country's stage in addressing THB, etc.

However, it is important to highlight that such variety is not particular to trafficking, but is a natural process in the way EU MS carry out their work and develop their own structures and mechanisms.

Results from the discussion show a number of areas in which there is dissent regarding the function/role or mandate of a national mechanism. In particular, the issue of:

Independency, Autonomy, and Independent Structure;

Separation of the co-ordination/implementation function from monitoring and reporting

However, based on the responses from the questionnaire and statements made during the panel, the majority of representatives concurred on the value of establishing or strengthening the NR/EM at national level. Moreover, based on the presentations, it is possible to identify at first glance a number of common elements (despite differences in approach) when we look at how this function is being implemented.

Perhaps we could agree that on-going practices (given the results produced so far by a number of national mechanisms) could help us to develop a list of minimum standards/items that should be in place in order to have an effective mechanism. I am convinced that we need a more in-depth understanding of each system, followed by an analysis of common features. For now, let me give you a brief overview of what common elements emerged from yesterday's discussion:

1. A certain degree of independency can be said to exist in all the examples given all the way through to complete independent status;
2. In terms of the Added Value of the NR/EM, it was cited as:
 - being the capacity to provide an overview of national efforts to policymakers and practitioners;
 - a tool towards more effective policy and awareness raising;
 - having the potential to assist in the development of a comparable information system (use of similar indicators, etc);
 - an instrument with the potential to strengthen regional co-operation;
 - having the capacity to provide evidence-based information to policymakers and practitioners;
3. All speakers highlighted the involvement of civil society in their work, as well as access to those responsible for the development and implement of policy;
4. Greater importance is attached to evidence, which is then translated into the need for comprehensive data collection, analysis, the need to have qualitative research, etc.;

5. Having the legal basis, which defines the role/function/mandate, as well as appointment procedures, which gives this function the basis to carry out its work, was also emphasized;
6. The need to have access to data and information covering all areas of THB from specific issues to general information was also emphasized;
7. An independent/autonomous budget was mentioned several times;
8. Many NR/EMs also serve as a “focal points” for the dissemination and exchange of information, and have de facto become the ones responsible for answering questionnaires addressed to MS, as well as for providing ready-made responses on behalf of respective government;
9. The importance of having dedicated staff to fulfil this function appropriately was also stressed;
10. In terms of the Monitoring Function, examples given showed that NR/EM carry out reviews of the implementation of policy/legislation/action/programme, identification of trends and responses, identification of good practice, as well as being able to provide a picture on the evolution of trends and implementation of policies, etc. ...
11. It is clear that such a function plays an advisory role, which is reflected for instances in the elaboration of recommendations to Government (e.g., policy and legislative review), as well as recommendations to stakeholders (e.g., identification of needs and practical solutions to be implemented);
12. Another concrete example given by all was the reporting function through an annual report, or otherwise, which is public, and how this tool has contributed to transparency and promotion of public and policy debate (e.g. Parliament).

Overall, the examples presented show clearly that models vary and that we need to know more in terms of how this function operates, the results it generates, and what lessons we can learn from each other. However, we all know that results can only be achieved when the goal we pursue is worthwhile. Structures/functions may need adapting, but we know that we cannot achieve effectiveness and sustainability in our practices without knowledge, especially since we all agreed how rapid this phenomenon evolves.

Perhaps the need to gather, analyse, exchange information, and monitor the situation with a view to address these problems is, in a way, our common thread, guiding us to excel in our work. As such, we need to continue to work together no matter how different we may look at first glance. After all, the project of the European Union is in a way a reminder to us all that differences are not our weakness, but rather our strength.

Working Group findings

Based on the results from the questionnaire, most Member States (MS) welcome (or agreed with) the idea of establishing a network of EU national rapporteurs/equivalent mechanisms (NR/EM).

Based on preliminary analysis of the responses, there are at least three emerging issues, which were shared with the participants:

1. The need for an exchange of information and experiences with the aim to achieve common standards to address THB

Examples of challenges were mentioned, among them the need for comparable data, information on trends, best practices, as well as what issues the network could focus on/or work with.

2. Who would be the facilitator in this process in terms of calling and organizing the meetings and follow-up?
3. Relations to other similar networks/mechanisms and possible co-operation with a view to sharing experiences and practices.

As examples of good practice of similar networks, and co-operation, the EMN and the work of Eurostat were presented.

Based on the model of the EMN and others, one could envisage the EC as the natural facilitator in this process.

Reflection in terms of representation, mandate or the possible function of the network dominated the discussion. In this regard, questions concerning which services or officials should represent the government in such a network (for instance - those having more operations/co-ordination functions versus those in charge of reporting), reflect in a way the composition of the existing NRs/EMs. As such, Member States may be represented in such a network by a national monitoring mechanism that carries out both co-ordination, as well as reporting functions.

Answers to the questionnaire can provide some elements for future discussion, in terms of common areas of work.

A number of MS commented on the value of having a forum for the exchange of information, which allows for the discussion of practical issues, lessons learned, challenges, as well as the identification of areas of future co-operation, etc.

In addition, the possibility of bringing together a number of interested States to consider the modalities of the network was mentioned: what issues should be discussed, minimum tasks in relation to the monitoring function, etc.

The proposed idea of an EU Network on NR/EM is clearly an important issue that needs further dialogue, an exchange of views and reflection among Member States, in particular by those in favour of such a network.