

**Key note Helmut Sax,  
Senior Researcher, Ludwig Boltzmann Institute of Human Rights, Austria**

*Looking for the Missing Link(s) Between Ineffective Action and Accountability  
for Protecting Human Rights - The Case of Anti-Trafficking - Monitoring at  
National and Local Levels*

- **Thank you, Helga**, for the invitation; and for selecting this topic for discussion, despite the topic sounding quite heavy on concepts and structures, a bit boring ...
- This first section of the event has a quite bold title – no rights without justice, but perhaps even more important: **no justice without rights** – I may add: without **effective** protection of rights
- This adds a quality element to rights, in our case, of persons affected by trafficking in human beings
- And I am not talking about rights in the books, in international conventions, European directives, in complex legislation or national referral mechanisms – I am talking about the **impact** on the ground, for those trafficked and exploited
- Two days ago, at UNODC UNTOC Review mechanism, **Constructive Dialogue** with stakeholders – reference to latest Global Report: globally, less victims detected, less convictions, still some 50.000 cases + numbers of trafficked children tripled over last 20 years
- So, I wonder, what is **the missing link**, creating the gap between what we promise and what we achieve?
- **In my view, it's about national, domestic and local monitoring of anti-trafficking action!**
  
- Speaking of effectiveness of action and monitoring - it's about **quality** at both levels, but I will focus now on the monitoring aspect
- Because, from a **human rights-based approach**, you always follow a double strategy, of empowering victims as right holders, and holding the duty bearers, decision-makers accountable – empowerment and accountability
- And in order to understand what works, what progress is made, you need **strong, robust monitoring, as Mike called it** in his excellent, most helpful background paper for this event.
- Mike has referred to the monitoring definition by the OECD, which is basically to collect information in order to assess progress in achieving certain objectives set before

- Again, sounds like a bit of boring job – but far from it – my eight years with GRETA certainly most **rewarding work** in my professional career
- **But speaking of GRETA** – has started now its fourth evaluation cycle, focusing on vulnerabilities to trafficking
- By now, many States Parties welcome this **external evaluation**, take it seriously, as in the case of Austria – current preparations for the forth visit
- Still, there are other countries, and it also has become part of some routine exercise
- **Is it enough** to get a long list of recommendations every four years? Including with recommendations already repeated three times before?
- Isn't there some domestic interest in better knowing what works/what no?
- Thinking of the current process of the next NAP on Human Trafficking in Austria – current self-evaluation process.
- In my view, **no** – addressing 3 areas for discussion and improvement – what to monitor, how, by whom – just a few highlights!

#### **About what to monitor:**

- Broad range of anti-trafficking **measures** - one obvious choice: National Plans of Action; or National referral mechanisms, or specific policies, such as non-punishment principles, or residence titles; or awareness-raising and capacity building measure – one of GRETA's favourites – almost no assessment of its impact
- Focus: national level, but also **sub-national/regional, local level** – in many countries, assistance to victims at municipal level; or child protection at regions/Länder level, like in Austria
- Often, monitoring not clearly **integrated**, only an afterthought – fortunately not in a current major EU project on the rule of law in **North Macedonia** – NAP Child Rights + monitoring instrument => already a recommendation

#### **About how to monitor:**

- It's about information, data, accessibility, availability and making sense of them for assessing progress - typically through progress **indicators** – human-rights based: structural, process/transformational, outcome – have NRM + training + more identified victims
- Important role for **research** to play!
- It's about **quality of monitoring** – see Mike's paper, just highlighting transparency and independence, especially for the final assessment, after collecting all relevant information

- Just to add the importance of **follow-up** – have continuous process, see GRETA examples – interim reports to the CoP, round tables, emergency visits
- And, moreover: make monitoring itself **accessible and self-reflective** – see child participation/North Macedonia – involving children; see **survivor** involvement in anti-trafficking discussions, OSCE, UNODC etc

### **About monitoring by whom:**

- Tricky part ...
- Duty bearers – **state authorities** – self assessment important, internal oversight mechanisms
- Extra discussion – **corporations** as duty bearers, see human rights due diligence/supply chain debate at EU level
- But: question of independence
- **Non-governmental organisations**, including for victim protection: traditional role of critical watchdogs – but depends very much on country situations – shrinking space discussions
- In addition: as in other fields, health services, education, child protection – NGOs often also as service providers – sometimes mandated by governments, or external donors
- Difficult **dual role**, needs self-reflection; + **lack of capacities**
- Then, **National Human Rights Institutions**, like Ombudsman institutions
- Paris Principles – mandate+powers+independence+legislation+capacities, plus more specific standards, see ENOC
- Or see: **National Raporteurs or other mechanisms for monitoring anti-trafficking measures**
- **Article 29/4 CoE THB-Convention**: consider establishment – key features: **separate from coordination + independence**
- Such as in the Netherlands, hello Conny, in Ireland/Irish Human Rights and Equality Commission, or most recently, in Germany, set up a new body, as Bärbel knows best
- Since we have all of you among us, I will not go into further details, just to **conclude**:
- In my view, indeed, the **lack of effective domestic monitoring** is a key missing element in effective protection of the rights of trafficked persons
- In Austria, in our **outgoing NAP** we have a specific action on considering the establishment of such mechanisms, and I am **convinced we need to continue this discussion** also in the near future, including further ideas for domestic monitoring and making our anti-trafficking work more effective!
- **Thank you!**