



Time to Stop, Look and Listen Urgent Action for a Review Mechanism



Fact Sheet 2: What is a review mechanism?

A review mechanism is a structured and on-going process of review to see how conventions and protocols are being put into practice.

It raises key questions such as: Is the Convention or Protocol meeting its objectives? How many States have put the right laws and policies into place? What is the impact of these laws and policies? Is the Convention or Protocol helping to solve the problem?

The United Nations Convention against Transnational Organized Crime (UNTOC) and its Protocols

A review mechanism for UNTOC and its Protocols (including the Human Trafficking Protocol) will help ensure that the Convention is properly implemented and that it fulfils its purpose. It also helps to ensure that UNTOC is actively implemented rather than something agreed to on paper that is never put into practice.

It has been almost 10 years since the development of the Human Trafficking Protocol, and it is time to assess the progress that has been made in its implementation.

Questions which need answering are: How are States putting the Human Trafficking Protocol in to practice? Is it being used to effectively prevent trafficking? Is it being used to protect and assist trafficked persons with full respect for their human rights?

Some common features used by other review mechanisms (for example, Human Rights Conventions and anti-Corruption Conventions) to review how they are put into practice include:



- First step: A self-assessment checklist/report by States
- Second step: A review either between countries or by experts
- Third step: A dialogue between the review group established in the second step and **States Parties**

A review mechanism should also involve NGOs and other civil society organisations. The following steps are ways that civil society can be involved in this process:

- A system should be in place to collect all other relevant information that will help assess how the Protocol is being implemented, for example through country visits, through meetings with NGOs in-country, or through shadow reports by civil society etc.
- Follow up and technical assistance identification – civil society can help identify where technical assistance is needed
- Technical assistance delivery – civil society provide technical assistance or can request it

Why is a review mechanism important?

If appropriately developed, a review mechanism could help make States accountable in implementing laws and policies related to the Human Trafficking Protocol.

An effective review mechanism would benefit Civil Society Organisations by allowing:

- Interaction between States, experts, affected individuals and civil society
- Country visits to assess how the Protocol is being put into action, including dialogue with national Civil Society Organisations
- Follow up to States Parties' implementation reports which would offer an opportunity to track progress
- Gathering of information from other relevant conventions as a means of feeding into the reporting process

- The involvement of independent experts¹ in the assessment of States
- Dialogue between State Parties and an independent review group (formed by independent experts or countries), with the possibility of civil society organisations contribution before, during or after these dialogue sessions

An effective review mechanism would benefit States by allowing:

- Technical assistance to help States better understand the provisions of the Human Trafficking Protocol
- An impartial, inclusive and fair, global review of States Parties anti-trafficking responses, which would be non-punitive, non-conditional and non-ranking (and could act as a counter review policy to the current annual US TIP Report)
- A means of States Parties accessing information which would help with criminal justice responses to human trafficking and ensure respect for human rights.

Examples of Existing Review Mechanisms that you might be aware of:

In Latin America and the Caribbean an example of a review mechanism is ***the Inter-American Convention against Corruption Mechanism***: The Mechanism to review the implementation of the Inter-American Convention against Corruption (MESICIC). This is made up of both the Conference of **States Parties** (CoSP) and a Committee of Experts. The CoSP holds overall authority over the Mechanism, the Committee of Experts is made up of members put forward by each of the States Parties. MESICIC reviews 10 countries each year, first countries carry out a self-assessment based on a questionnaire and civil society may also submit responses. The Committee of Experts carries out technical analysis of convention implementation involving meetings with governments and civil society and the exchange of information and best-practices between states. The Secretariat then prepares a report to submit to sub-groups for review by government experts who assess States' performance then present their findings to the plenary of the committee of experts where the country reports including recommendations for States Parties to implement are approved.

In Europe an example of a review mechanism is **The Council of Europe Convention on Action against Trafficking in Human Beings monitoring mechanism**. This consists of two strands: **The Group of Experts against Trafficking in Human Beings (GRETA)** made up of between 10 and 15 experts in this field from varied geographical and professional backgrounds but to be taken only from those countries who are party to the convention; and the **Committee of the Parties** comprised of Ministers representing states parties to the Convention and non-members of the Council of Europe. GRETA evaluates measures taken by each States Parties to implement the Convention, including country visits where required, and produces a report relating to each State's performance which the Committee of the Parties may use in making recommendations. GRETA may also propose amendments to the Convention which the Committee of the Parties must agree by consensus before adopting.

Monitoring mechanism to the Convention on the Elimination of all forms of Discrimination against Women (CEDAW). The monitoring of CEDAW is carried out by the Committee on the Elimination of all forms of Discrimination Against Women made up of 23 independent experts on women's rights elected by secret ballot from a list of nominees put forward by **States Parties** who are elected for a term of 4 years. The members and committee functions are funded by the United Nations who also provides secretariat services. **States Parties** to the Convention submit reports to the Committee based on guidelines produced by the Committee, they must include NGOs in report preparation. A selection of 8 states present their reports at each 3 week session of the committee, a reporter for each state chosen from amongst the committee members facilitates the committee report consideration process. The Committee discusses the contents of States' reports and its background research with States Parties when civil society actors can also join discussions. Following this concluding comments and general recommendations to states are made by the Committee.

¹ Elected from lists submitted by States following wide consultation ideally to include representatives from civil society.