

Statement by Gunilla Ekberg, former Special Advisor on Trafficking in Human Beings to the Swedish government, House of Commons Standing Committee on the Status of Women Study on Human Trafficking, February 6, 2007.

I am delighted to yet again have the opportunity to address the Committee on the Status of Women. I thank the Committee for being willing to hear my colleague, Kajsa Wahlberg, the Swedish National Rapporteur on Trafficking in Human Beings and myself, via video link.

In my last appearance to the Committee on December 5, 2006, I proposed that the Canadian government should appoint and adequately fund an independent National Rapporteur on Trafficking in Human Beings following the lead of other countries such as Sweden, the Netherlands and Nepal. Today I will speak about what I think would be the benefits of establishing a national rapporteur on trafficking in human beings in Canada, but will also respond to general questions on trafficking in human beings, should the Committee wish to ask such questions.

Why is it important to establish an independent office of a National Rapporteur on Trafficking in Human Beings in Canada?

Today, the work to prevent and combat trafficking in human beings in Canada and the protection and assistance to its victims, is carried out by many different actors on the federal and provincial levels; the federal and local governments, public authorities, and by non-governmental organizations and others within civil society while lacking national overview and coordination. The knowledge of and research into the situation of trafficking in human beings in Canada, as well as into measures to ameliorate this, is surprisingly limited. I suggest that Canada is in need of a central independent mechanism that is responsible for gathering, analyzing and presenting comparative data about the scale and state of trafficking in human beings within and to Canada, and for the evaluation of local and national policy and legal measures and initiatives.

Such an initiative would be consistent with Canada's national legal/Charter obligations, its national legislative approach to the issues, as well as with its international obligations under the human rights instruments. In 2003, Canada presented its 5th and latest national report to the

United Nations CEDAW Committee. Among other things, the Committee expressed its concerns about the lack of measures on trafficking in human beings, especially when it comes to protection and support of victims of trafficking. By implementing a National Rapporteur on Trafficking in Human Beings, especially if made through a cross-party initiative, Canada would show its commitment to the prevention, suppression and prosecution of trafficking in human beings nationally and internationally.

It should be noted that several international and regional instruments specifically encourage member states to appoint National Rapporteurs on trafficking in human beings – such as the recent Council of Europe Convention on Action against Trafficking in Human Beings, and the Outcome Document of the UN Beijing + 5 conference in 2000.

What should be the tasks of a National Rapporteur on Trafficking in Human Beings?

Firstly, it is necessary that a National Rapporteur (NR) on trafficking in human beings should operate as an independent and autonomous entity, with a general mandate to investigate, monitor and analyze the character, state and scale of trafficking in human beings to and within Canada. The NR should also study the effectiveness of already implemented policy, legal and practical measures, or as the case may be, lack of measures.

To be effective, all actions and initiatives of such a NR must have a firm gender equality perspective and be based on internationally recognized principles of non-discrimination (including non-discrimination based on gender, race, ethnicity, disability and sexual orientation). All measures initiated by the NR should also take into account the respect for the human rights and fundamental freedoms of the victims, and be in the spirit of the Canadian Charter of Rights and Freedoms.

The NR should be given a mandate to present annual reports to the government on the extent and development of the situation of trafficking in human beings within and to Canada. Initially the focus should be on trafficking in human beings for sexual purposes as this form of trafficking presents the largest number of victims in Canada. The investigations should later on be extended to other forms of trafficking in human beings, such as for forced marriages, forced labour and

organ trafficking in accordance with Canada's international obligations under the Convention for the Elimination of All Forms of Discrimination of Women (CEDAW) article 6, the Convention on the Rights of the Child (CRC) articles 34 and 35 and the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

In its reports, the NR should pay particular attention to the adequacy of legal and other measures for the protection, assistance, rescue, rehabilitation, reintegration, redress and compensation of victims of trafficking in human beings, especially women and children. Also, the NR should closely monitor and consider the effectiveness of the legislative framework on trafficking in human beings, as well as of investigations, prosecutions and sentencing of buyers, procurers and traffickers and organized crime networks. The NR should actively monitor, evaluate, and publicize information and data about emerging issues, such as new forms and methods of trafficking in human beings of women and children to and within Canada.

A National Rapporteur should be given the authority to issue recommendations on how to develop and ameliorate the work to prevent and combat trafficking in human beings, and victim protection and support in Canada, to federal and provincial governments, to federal and provincial public authorities and civil society at large in annual reports.

In order to carry out its work effectively, the Office of a NR should be adequately funded and authorized to hold consultations with affected groups and individuals, public authorities, members of parliament and legislatures, researchers, representatives of countries with diplomatic offices in Canada, interest groups, non-governmental organizations such as women's equality seeking groups, and other stake holders.

The NR should be given full access to all relevant documentary material such as police investigatory material, witness and victim statements, research reports etc, including material covered by the Privacy Acts. All involved public authorities should be expected to fully cooperate with the NR in order to facilitate her/his investigations. The NR should also have the mandate to act in an urgent situation of trafficking in human beings, and in such a situation have the authority to request information and/or clarification from the responsible public entity.

The Office of a NR should develop, maintain and make publically available a comprehensive and up-to-date national database on data, research, non-identifiable case studies and other documentary material pertaining to trafficking in human beings, especially of women and children in Canada and internationally. The database should also include an updated list of key actors in Canada to be consulted by authorities and the public.

A NR should have the responsibility to establish cooperation with other National Rapporteurs on Trafficking in Human Beings such as the NR in Sweden, Nepal and the Netherlands. Such cooperation could include discussion and development of joint measures to prevent and suppress trafficking in human beings, data sharing about prevention measures, victim protection and repatriation, prosecutions, joint information campaigns, and law enforcement initiatives. The NR should also be expected to liaison with the United Nations Special Rapporteur on Trafficking in Persons, especially in Women and Children, the Special Rapporteur on Violence against Women, and other appropriate United Nations bodies, in order to exchange information and, in appropriate cases, collaborate on joint activities.

To support the work of the NR, and to ensure accountability to the community, an advisory committee should be appointed consisting of representatives of non-governmental organizations with long experience working to prevent trafficking in human beings, researchers, as well as representatives of law enforcement and other key actors.

I urge the Committee to consider a proposal to urgently appoint a National Rapporteur on Trafficking in Human Beings as soon as possible in Canada, while encourage the Government to intensify its work to prevent, suppress and punish trafficking in human beings within the borders of Canada as well as cross-border trafficking.

Thank you!