



Ad-Hoc Query on implementation of the Article 19 of the Directive 2011/36/EU on setting up independent role of "National rapporteur or equivalent mechanism"

Requested by SI EMN NCP on 16th September 2014 Compilation produced on 11th November 2014

Responses from Austria, Belgium, Bulgaria, Cyprus, Croatia, Czech Republic, Denmark, Estonia, Finland, France,
Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania,
Slovak Republic, Slovenia, Spain, Sweden, United Kingdom and Norway (21 in Total)

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1. Background Information

Due to the implementation of the Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims and due to the Council of Europe proposals we are in the process of re-establishing the role of national anti trafficking coordinator. More precisely we would like

to collect information from EMN NCPs in which way they implementing Article 19 of the Directive 2011/36/EU - National rapporteurs or equivalent mechanisms, following; "Member States shall take the necessary measures to establish national rapporteurs or equivalent mechanisms.

The tasks of such mechanisms shall include the carrying out of assessments of trends in trafficking in human beings, the measuring of results of anti-trafficking actions, including the gathering of statistics in close cooperation with relevant civil society organisations active in this field, and reporting".

We will appreciate if you can share with us your experience and concrete solutions of setting up the independent role of "National rapporteur or equivalent mechanism" for combating trafficking in human beings of third country nationals based on the Article 19 of the mentioned directive.

We would very much appreciate your responses by 16 October 2014.

2. Responses¹

Austria
Yes
In Austria, Art. 19 of the Directive 2011/36/EU is transposed through the "Task Force Human Trafficking". The Task Force was implemented by a decision of the Council of Minister of 9 November 2004 under the supervision of the Federal Ministry for Europe, Integration and Foreign Affairs. In 2009, ambassador Elisabeth Tichy-Fisslberger was appointed as national coordinator and chairwoman of the Task Force. The Task Force is a domestic coordination mechanism, comprising all relevant ministries, the Federal Provinces and representatives of NGOs. Within the Task Force, working groups for the areas child trafficking (led by the Federal Ministry for Families and Youth), prostitution (led by Federal Ministry for Education and Women), and labour exploitation (led by Federal Ministry for Work, Social Affairs, and Consumer Protection) are implemented. The work of the Task Force as well as all activities to implement the current National Action Plan are summarized in overall reports every year and every three years. The three-year reports are submitted to the Federal Government and the Parliament. The experiences with the Task force are altogether positive, and changes to this structure are currently not intended.

Source: Federal Ministry for Europe, Integration and Foreign Affairs.

¹ If possible at time of making the request, the Requesting EMN NCP should add their response(s) to the query. Otherwise, this should be done at the time of making the compilation.

² A default "**Yes**" is given for your response to be circulated further (e.g. to other EMN NCPs and their national network members). A "**No**" should be added here if you do not wish your response to be disseminated beyond other EMN NCPs. In case of "**No**" and wider dissemination beyond other EMN NCPs, then for the <u>Compilation for Wider Dissemination</u> the response should be removed and the following statement should be added in the relevant response box: "This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further."

Belgium	Yes	The Council of Europe Convention on trafficking in human beings (article 29) makes a clear distinction between the role of the national coordinator (in charge of the coordination of the anti-trafficking policy, art. 29.2) and the role of national rapporteur (monitoring mechanism, art.29.4). The EU directive does not make this distinction.
		In Belgium, until very recently, the role of independent national rapporteur was exercised <i>de facto</i> by the Centre for Equal Opportunities and the Fight against Racism (since March 15th 2014 the Federal Centre for Analysis of Migration flow, Protection of fundamental rights of foreign people and the fight against human trafficking – below "the Centre"), while the coordination was exercised by the Interdepartmental Coordination platform, gathering all relevant federal authorities dealing with this issue and chaired by the Ministry of Justice.
		The Centre is an autonomous public service, with a direction and a board and exercising its tasks in an independent way. Since the first Belgian law on trafficking in 1995, it has been in charge of the stimulation of the fight against trafficking in human beings. Its tasks are: the elaboration of an annual independent and public evaluation report on the results of the fight against trafficking, that is overhanded to the government; the possibility to initiate legal proceedings in cases of trafficking in human beings; to provide the secretariat of the interdepartmental coordination unit and to ensure for the good collaboration between the specialized reception centres for the victims.
		The Interdepartmental coordination platform is, among others in charge of the coordination of the initiatives between the different ministries dealing with trafficking in human beings and to formulate proposals in order to improve the fight against trafficking in human beings. It is the coordination mechanism that sets up for instance, the Action plan on trafficking in human beings and is in charge of its implementation. The government makes every two years a report on the different initiatives taken.
		Since the 1 st of September 2014, Belgium has established its system of National Rapporteur or Equivalent mechanism in a specific way: it is composed, on the one hand, of the Interdepartmental coordination unit, as coordination mechanism and state rapporteur, and on the other hand, of the Centre, as independent rapporteur.
		With this system, the Belgian government did not choose for the easiest option since it is more difficult to mark out the role of the national coordinator (who is at the same time state rapporteur); and also because more than one institution is appointed as national rapporteur or equivalent mechanism (a state rapporteur and an independent rapporteur). In this context the Centre emphasizes the crucial importance of independency for a national rapporteur, as it allows to follow-up, to criticize and to make recommendations in an objective way about all aspects of the fight against trafficking in human beings.
Bulgaria	Yes	
S Cyprus	Yes	The Multidisciplinary Coordinating Group against Trafficking in Human Beings exercised the competences of the national rapporteur or equivalent mechanism. In April 2014 Law 60(I)/2014 was ratified. This Law provides for an independent external evaluator, who is defined as the equivalent of the National Rapporteur. The Ministry of Interior is taking the necessary measures to acquire the services of an independent external evaluator.
Croatia	Yes	

Czech Republic	Yes	In the Czech Republic the role of NREM is assigned to the state administration, specifically to the Security policy department of the Ministry of the Interior. Security policy department is responsible for coordination of the entire agenda and the related activities, for issuing strategic materials dealing with Trafficking in human beings, international cooperation etc. As a National Rapporteur it concentrates on analytical-conceptual work, issues reports, maps the situation in the Czech Republic and cooperates with a wide range of involved actors – national, international and non-governmental as well. Moreover, Security policy department coordinates at national level an Interdepartmental coordination group, which ensures effective flow of information and coordination of the different actors.
Denmark	Yes	
Estonia	Yes	Yes, in Estonian the national coordination is nominated within Ministry of Justice. Tasks of nominated person is according to Article 19 of the Directive 2011/36/EU coordinating and carrying out of assessments of trends in trafficking in human beings, the measuring of results of anti-trafficking actions, including the gathering of statistics in close cooperation with relevant civil society organisations active in this field, and reporting. In Estonia, we have not determined an independent rapporteur. All tasks are carried out by Ministry of Justice.
+ Finland	Yes	In Finland, the Ombudsman for Minorities has been acting as the national rapporteur on trafficking in human beings since 2009. The rapporteur is independent in its activities. Duties of the rapporteur on trafficking in human beings: • to monitor phenomena relating to human trafficking, the fulfilment of international obligations and the effectiveness of national legislation; • to issue proposals, recommendations, statements and advice relevant to combating human trafficking and to implementing the rights of victims; • to maintain contacts with international organizations; • to provide legal advice and assist victims as necessary; and • to report regularly to the Government and Parliament on human trafficking and related phenomena. In her capacity as the rapporteur on trafficking in human beings, the Ombudsman for Minorities has the right, secrecy provisions notwithstanding, to obtain information not only from authorities but also from providers of services and support measures for victims of trafficking as well as from beneficiaries of state aid intended for combating human trafficking. Personal data on an individual victim is available to the Ombudsman only in cases where access to this information is vital in order to perform the reporting duty. If the Ombudsman considers that the matter is of significance as regards the rights of a possible victim of trafficking, she or a public servant subordinate to her can assist the possible victim in securing his or her rights or, if necessary, obtain legal counsel for the victim. The Ombudsman submits a report annually to the Government and every four years to Parliament on human trafficking and related phenomena. For further information please contact Senior Adviser, Venla Roth, +358 295 488 667.

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		It should be noted that Finland has a separate Anti-Trafficking Coordinator. Anti-Trafficking coordination in the Finnish Government was evaluated in a working group with members from the Ministry of Justice, the Ministry of the Interior and the Ministry of Social Affairs and Health. The report handed out by the working group in 2013 gave a clear recommendation to create a task for an Anti-Trafficking Coordinator. The nominated new Anti-Trafficking Coordinator started his three years period in the Ministry of the Interior 1st of June, 2014.
France	Yes	In France, the organization which acts as rapporteur is the Commission nationale consultative des droits de l'homme (National Consultative Commission on Human Rights, CNCDH). The CNCDH is an independent authority which was created in 1957 in order to control the respect of human rights in the country. The CNCDH has been mandated in the framework of the National Action Plan against trafficking in human beings adopted on 14 May 2014. The CNCDH is expected to perform the tasks described in Article 19 of the Directive 2011/36/EU. The precise role of the CNCDH serving as rapporteur will be defined in the coming months.
Germany	Yes	The tasks of a "rapporteur place trafficking in human beings" are currently being carried out by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth together with the Federal Ministry of the Interior at the international level.
Greece	Yes	
Hungary	Yes	The framework for combating human trafficking was laid down by the Government Resolution 1018/2008 on the National Strategy against trafficking in human beings in Hungary. It established a National Coordination Mechanism (NCM) and appointed a national coordinator. The National Coordinator is the Deputy State Secretary for EU and International Relations in the Ministry of Interior. Her main role is to enhance Hungary's counter trafficking efforts and to facilitate interaction between different State and non-State organisations in relation to the fight against human trafficking. She represents Hungary's anti human trafficking response both at a national, at a European and at and international level. The national coordinator chairs the meeting of the NCM which is the main forum of cooperation of the relevant organisations in Hungary. Organizations involved in trafficking issues include the following institutions which are members of the National Coordination Mechanism: Budapest Metropolitan Court; Chance for Families Foundation 2005; EURES Network (European Employment Service); Hungarian Baptist Aid; International Organization for Migration; Ministry of Human Resources, Department for Social Inclusion and Department for Equality; Ministry of Foreign Affairs and Trade, Department for Consular Affairs and Department of the Americas; Ministry of Justice; National Bureau of Investigation, Trafficking in Human Beings Unit; National Crisis Management and Telephone Information Service; National Employment Service; National Institute of Criminology; National Office for the Judiciary; National Police Headquarters; General Prosecutors Office; Office of Immigration and Nationality; Office of Justice, Victim Support Department. The work of the NCM has been complemented by the informal NGO Roundtable since December 2011 and is also chaired by the National Coordinator. The roundtable is comprised of: Association of Roma Women in Public Life; Blue-Line Child Crisis Foundation; Chance for Families Foundation; Department for Mi

		Mission of the NCM and the informal NGO Roundtable: increasing the effectiveness of the fight against trafficking in human beings, strengthening the cooperation and enhancing dialogue between the national coordinator and the concerned authorities. These forums contribute to the mapping of areas of cooperation and help to avoid duplications.
Ireland	Yes	
Italy	Yes	In Italy, there is no independent body that serves as a national rapporteur for Trafficking in human beings. In order to implement Directive 2011/36/EU, and Article 19 in particular, the Italian Government has adopted Legislative Decree 4 March 2014, No 24, which, under Article 7, entrusts the <i>Department for Equal Opportunities of the Presidency of the Council of Ministers</i> with the setting up of an "equivalent mechanism". The Department is in fact responsible for guiding and coordinating interventions aimed at the social prevention of Trafficking in human beings and at the assistance of victims; it also deals with the funding of programmes for assistance and social integration; it monitors and collects statistical data, in close cooperation with civil society organisations active in this field; and it transmits a report to the EU Anti-trafficking Coordinator (ATC) every two years.
Latvia	Yes	The position of National Rapporteur is not established yet. At present the National Coordinator of Latvia is considered as an alternative mechanism to the National Rapporteur. The role and tasks of the National Coordinator is implemented by the Ministry of the Interior. The tasks of National Coordinator include: - to collect and analyze information about the implementation of national policy planning documents related to prevention of human trafficking, legal regulations, as well as overall situation and draft proposals for improvement; - to participate in the procedure of the drafting of policy planning documents and legal acts at national and the EU level, provide the coordination of implementation; - to evaluate the compliance of national policy planning documents and legal acts with the EU anti-trafficking policy; - to monitor and analyze legal acts related to the field of prevention of human trafficking; - to provide functioning and development of the national inter-institutional working group (national anti-trafficking coordination mechanism); - to represent ministry at meetings, working groups, conferences. The National Coordinator is responsible for organization and chairing the inter-institutional working group which is established by the Prime Minister. The inter-institutional working group performs coordination, monitoring, evaluation of anti-trafficking policy, data collection, reporting, training and identification of challenges. This inter-institutional working group complements work of the National Coordinator.
Lithuania	Yes Yes	With a view to implementing the provisions of Article 19 of the Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011, the Minister of the Interior has assigned the Public Security Policy departament under the Ministry of the Interior (MoI) to collect, analyze, assess, sumarize information regarding the situation in the area of trafficking in human beings and anti-trafficking measures being implemented in Lithuania and instructed to provide summarised information and suggestions to him and publish information on the Ministry of the Interior website. The advisor of the Public Security and Public Order Division under the MoI has been appointed to participate in the activities of the informal EU Network of National Rapporteurs or Equivalent Mechanisms on Trafficking in Human Beings and to provide information to the EU Anti-Trafficking Coordinator. The Information Technology and Communications Department, the Police Departament, the Migration Department and the State Border Guard Service have been assigned to provide information within the scope of their competence to the Public Security Policy departament

		twice a year. The Ministry of Interior will contact other responsible institutions, organizations, municipalities and IOM Vilnius office separately to provide related information.
Luxembourg	Yes	In Luxembourg article 19 of the Directive 2011/36/EU was transposed in article 1 of the Law of 9 April 2014, published in Mémorial A-63 of 14 April 2014. The national rapporteur in Luxembourg is the Consultative Commission of Human Rights. The national rapporteur determines the trends on traffic of human beings, evaluates the results of actions taken to fight this phenomenon, including data collection in close collaboration with relevant organizations of civil society which are active in this area and prepares a report at least every two years for Parliament (article 1 § 2).
Malta	Yes	Malta has implemented the requirements of Article 19 through the following measure: In Malta the functions of the NREM are being fulfilled by the Human Trafficking Monitoring Committee. The Committee is set up by the Prime Minister. It is made up of high level officials amongst them the Permanent Secretary of the Ministry for the Family and Social Solidarity, the Attorney General, the Commissioner of Police and the Permanent Secretary of the Ministry for Home Affairs and National Security. The mandate of the Monitoring Committee is to supervise the implementation of anti-human trafficking initiatives in Malta and to provide policy direction in this area. As well as review action undertaken as a result of the National Action Plan and provide recommendations for further action were required. The remit of the Monitoring Committee is to suppress all forms of human trafficking.
Netherlands	Yes	Two European countries, the Netherlands and Finland, have appointed an independent National Rapporteur on Trafficking in Human Beings. Background The post of Dutch National Rapporteur on Trafficking in Human Beings was established on 1st April 2000 as an independent monitoring mechanism of the Netherlands' efforts to combat human trafficking. The post holder since October 2006 has been Corinne Dettmeijer-Vermeulen.
		The basis for the appointment of a National Rapporteur on Trafficking in Human Beings in the Netherlands was laid by the The Hague Declaration, which was adopted in 1997 following a ministerial conference on trafficking in women organised by the EU. One of the recommendations made in this Declaration was that member states should appoint national rapporteurs to report to their governments on the scale, prevention and combating of trafficking in women. National rapporteurs were also encouraged to promote mutual cooperation on a regular basis.
		The European Council's conclusions on the establishment of an informal network of national rapporteurs on trafficking in human beings or similar mechanisms in 2009 also illustrates the need for objective, reliable, comparable and up-to-date strategic information about human trafficking in the EU.
		As of November 15 th 2013, the independent position of the National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children is preserved by a formal Dutch law. The 'Law on the National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children' was adopted by Parliament with broad support.

	·	official policy of an EMIN INCES. Member State.
		Terms of reference and role The task of the National Rapporteur is to report annually on the nature and scale of human trafficking, the mechanisms that play a role in human trafficking, the developments taking place in this field and the effects of relevant policy. The Rapporteur has no executive tasks at operational level.
		The Rapporteur is assisted by the staff of the Office of the National Rapporteur on Trafficking in Human Beings (BNRM), which gathers quantitative and qualitative information through its own research, through secondary analysis of existing databases, and by organising meetings and attending regular consultations. BNRM is also represented on review committees for studies into subjects relating to human trafficking and associated topics. The Rapporteur also participates in international forums, such as steering groups and roundtable meetings on EU policy to combat human trafficking.
		The nature of the mandate requires that the National Rapporteur must be independent. The Rapporteur submits annual reports to the Minister of Security and Justice. The Government responds to the reports and informs Parliament of its conclusions. Through these reports, the Rapporteur plays an important role in monitoring policies to combat human trafficking and the associated legislation. The Government generally publishes a reaction to substantive reports by the Rapporteur, which is then the subject of a plenary debate in the Lower House of Parliament.
		How the Dutch National Rapporteur has made a difference According to the first Dutch National Rapporteur, Anna Korvinus, the importance of appointing a Rapporteur is that it has increased attention for the offence of human trafficking and highlighted the issue and efforts to combat it for the police, the public prosecution service, politicians and the general public. The post has also highlighted the need to do more to deal with the traffickers, and made the police and the public prosecution service more aware of the interests of victims.
		Since 2000, the Rapporteur has made over 200 recommendations to the Dutch Government on subjects including legislation, immigration policy, the position of and help for victims, investigation, the prosecution and trial of offenders, administrative enforcement, awareness and identification of victims, registration, international cooperation and prevention. Many of these recommendations have been endorsed by the Government, and have led, directly or indirectly, to improvements in policy. For example, recommendations concerning the care of victims have led to care being tailored more closely to the specific needs of victims of trafficking and to serious efforts to eliminate shortages of capacity.
		A precondition to the success of the role of the Dutch National Rapporteur has been its independence. The added value of the Rapporteur lies in the post holder's ability to provide an objective analysis of how human trafficking is developing and being addressed. By creating this robust instrument to provide structural feedback on Government policy, the Dutch Government has demonstrated its determination to achieve tangible results in tackling human trafficking.
Poland	Yes	

8	Portugal	Yes	
	Romania	Yes	
	Slovak Republic	Yes	For the purpose of the transposition of the Article 19 of Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011, the Ministry of Interior of the Slovak Republic cooperated with the National Coordinator for Combatting Trafficking in Human Beings in the Slovak Republic regarding the appointment of the national rapporteur or equivalent mechanism. Consequently, the Information Centre for Combatting Trafficking in Human Beings and Crime Prevention of the Office of the Minister of Interior of the Slovak Republic (IC) was appointed as the national rapporteur. IC was established by the Act no 583/2008 on Coll. on the Prevention of Crime and Other Anti-social Activities and on Changes and Amendments to Certain Acts as an institution of the Ministry of Interior without legal subjectivity. Based on the internal rules, the IC has the following responsibilities: • Collection of data and administration of database on criminality in the field of trafficking in human beings based on the official criminal statistics of public authorities, other legal entities, representatives of other states' bodies – mainly EU Member, and international organizations • Preparation of methodological and methodical-technical tools of analysis • Analysis and comparison of primary data, statistical data, information and other documents • Processing secondary analysis of previously finished research and other sources (e.g. data on cases of victims of trafficking in human beings) • Formation of typology of offenders and victims of trafficking in human beings (with an emphasis on psychological and sociological features of offenders and victims) as well as detection of reasons and risk factors causing given negative phenomenon • Research on social, ethnic, geographical, cultural, religious conditionality of victims and offenders of trafficking in human beings according to socio-demographic features • Analysis of international documents and assessment of requirements for their implementation • Provision of data on c
			 prevention of criminality, other legal entities, as well as EU Member States Processing proposals, themes of strategic (long term) and short term programs and measures in the field of human traffic prevention Preparation and submission of reports, summaries, recommendations for legislature and social practice Publishing publications within its own editorial activities (authorship and translations), and creation of a library with both nat and foreign publications (including an archive) Creation of a contact list including national and foreign subjects cooperating in the field of provision of data as well as exch of data related to trafficking in human beings

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			determined as victims of trafficking in human beings. Besides, it is also administrator of the information system Trafficking in Human Beings within the authority of the Ministry of Interior of the Slovak Republic.
			As for the organisational structure, IC is answerable directly to the State Secretary of the Ministry of Interior of the Slovak Republic. Currently, there is 1 Director and 3 employees. There are no departments. Superior of the Director is the State Secretary of the Ministry of Interior of the Slovak Republic who is also responsible for personnel management. IC Director carries out managerial, organisational and coordinative function while respecting responsibilities derived from generally binding legal regulations and standards. Director carries out formation of state policy in the respective field at the level of central body; coordination of national and interstate system with the widest external and internal links to other complicated and extensive systems of various domains and directions with consequences for decisions of nation-wide and interstate impact; conceptual and normative activities of fundamental legislative measures (legal acts) at the central body; manages, organizes and coordinates complicated systems with high number of possible solutions; carries out conceptual and systemic activity when deciding on measures of criminal legal policy of the state in the field of trafficking in human beings; coordinates and participates in fulfilling tasks from national program of the fight against trafficking in human beings; represents IC; cooperates with the Minister of Interior of the Slovak Republic and the State Secretary; takes responsibility for projects in the field of scientific-research related to trafficking in human beings and crime prevention; ensures collaboration between IC and other public authorities and public administration; ensures preparation of position papers of the Slovak Republic in international organizations; and carries out other duties related to human resource management of IC employees.
•	Slovenia	Yes	Slovenia is in the process of implementing Article 19 of the Directive 2011/36/EU and has not decided yet how to implement the mentioned article.
<u>@</u>	Spain	Yes	In Spain, the national rapporteur on THB is the Director of Cabinet of the Secretary of State for Security (Ministry of Interior). Law enforcement statistics on THB are managed by the Intelligence Centre against Terrorism and Organized Crime, under the Secretary of State for Security. Close cooperation is kept with the Government Delegation against Gender Violence (Ministry of Health, Social Services and Equality), which has also competences in the field of THB.
+	Sweden	Yes	The National Police Board was assigned the role of a National Rapporteur (NR) on trafficking in human beings in December 1997. The Swedish NR has a similar mandate to equivalent mechanisms in other Member States, but is not an independent institution.
			The National Rapporteur reports annually to the Government on the results of counter-trafficking efforts, investigations, court rulings and trends in human trafficking in Sweden. It further formulates recommendations for improvements.
			The responsibilities of the National Rapporteur include:
			 Collecting information on the extent of human trafficking in Sweden and abroad; Monitoring progress in the fight against trafficking (e.g. assessment of the effectiveness of the legislative and policy framework on trafficking in human beings, including policies and legislation criminalizing the demand for sexual services);
			 Analysis of investigations, prosecutions and sentencing of buyers, procurers, traffickers and organized crime networks;

			 Monitoring, evaluation and dissemination of information about emerging issues, such as new forms and methods of trafficking in human beings to and within Sweden; Organization of seminars and training nationally and internationally; Development of networks nationally and internationally. Contact: National Rapporteur Kajsa Wahlberg National Police Board P.O. 12256, SE- 10226 STOCKHOLM Telephone: +46 8 401 4687 (direct) E-mail: kajsa.wahlberg@polisen.se Website: http://www.polisen.se/en/English/Startpage/
7 5	United Kingdom	Yes	The Inter-Departmental Ministerial Group on Human Trafficking (IDMG) fulfils the role of national rapporteur in the UK. The IDMG is made up largely of UK Government ministers, including representatives from the Devolved Administrations, and assists in co-ordinating and implementing Government policy on human trafficking.
#	Norway	Yes	Norway does not have an independent National Rapporteur. A national coordinator on anti-trafficking issues works in the Ministry of Justice and Public Security. In 2006, the Government established a "Coordinating Unit for Victims of Trafficking." This unit has a responsibility for improving the cooperation between civil society organisations and relevant authorities. The unit also issues an annual report on current trends, on statistics as well as describing challenges facing anti-trafficking efforts. In total, we believe we have established what constitutes an "equivalent mechanism."
