

# Advocacy Update



Global Alliance Against Traffic in Women

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**Crucially this seventh Advocacy Update of the year contains information about the upcoming WORKING GROUP on a REVIEW MECHANISM to the United Nations Convention against Transnational Organised Crime (UNTOC) and URGENT last minute MEMBER INVOLVEMENT in advocating for States to support an independent means of reviewing their anti-trafficking responses.**

- This includes: an update on the agenda for this meeting and advocacy progress and information about the recent related discussions on a review mechanism to the United Nations Convention against Corruption (UNCAC)

**In addition we will give an update on the discussions at the GAATW Asia Regional Consultation (ARC) as well as looking forward to the 12<sup>th</sup> Session of the Human Rights Council and considering regional advocacy developments.**

1. The GAATW Asia Regional Consultation (ARC) took place in Kathmandu, Nepal between 31 Aug 09 - 4<sup>th</sup> Sept 09, during which around 18 representatives of GAATW Asia Member Organisations joined the Advocacy Workshop to discuss national, regional and international joint advocacy initiatives;
2. The 12<sup>th</sup> Session of the Human Rights Council (HRC) between 14<sup>th</sup> Sept 09 - 2<sup>nd</sup> October 09. At this session the Special Rapporteur on Contemporary forms of Slavery, its Causes and Consequences will deliver her first thematic report focussed on Debt Bondage. GAATW has submitted a joint written statement in response and will also have a panel discussion on this theme on 16<sup>th</sup> Sept 09. Furthermore there is a panel discussion on the Situation of Migrants in Detention Centres taking place on 17<sup>th</sup> Sept 09 on the floor of the HRC;
3. Regional advocacy includes: the Political Declaration for the ASEAN Intergovernmental Commission on Human Rights, the 2<sup>nd</sup> EU networking meeting towards global action against trafficking in human beings.

**Please let us know if you have thoughts, questions or comments arising from this text at [caroline@gaatw.org](mailto:caroline@gaatw.org) We look forward to hearing from you!**

## STOP, LOOK, LISTEN - urgent action for a review mechanism to UNTOC



As you will by now be aware - GAATW has been advocating for a review mechanism to the United Nations Convention against Transnational Organised Crime and its Protocols, including the Human Trafficking Protocol (UNTOC) since it was first raised at the 4<sup>th</sup> Conference of Parties to UNTOC last October 2008. Since that meeting an 'Open-Ended Intergovernmental Meeting of Experts' was established to look at 'possible mechanisms to review implementation of UNTOC' (Working Group on a Review Mechanism). The first meeting of this group shortly takes place between 28-30 September in Vienna, Austria and GAATW-IS and MOs will be present in Vienna at this time.

The main points for discussion in the lead up to this meeting and during this meeting are:

1. Do States think a review mechanism is necessary?
2. What methodology should be used?
3. How should existing information gathering processes be incorporated?
4. Should there be one review mechanism for the whole Convention and its three Protocols or separate mechanisms for each legal document?
5. How can UNCAC discussions be useful to this process?

6. How can a review mechanism help with States' technical assistance needs?

The United Nations Office on Drugs and Crime (UNODC) is currently gathering responses from States to these questions and will put all gathered responses into one document which will be used to guide discussions at the Working Group meeting.

Through GAATW's 'STOP, LOOK, LISTEN' Advocacy Action we have been in contact with State delegates from Nigeria to Canada calling for their support for our engagement in these initial discussions. Unfortunately the Working Group is closed to civil society participation but GAATW-IS and MOs will be present in Vienna during the Working Group meeting in order to gain daily updates on discussions.

**The United Nations Convention against Corruption (UNCAC)**

As you also may be aware discussions about a review mechanism to UNCAC (the second Crime Convention) have been taking place also in Vienna and the final meeting of the working group on this matter took place in August 2009. Whilst this was supposed to be the last meeting of this working group before the 3<sup>rd</sup> Conference of Parties to UNCAC, many of the terms of this review mechanism were left undefined and will need further follow up before the 3<sup>rd</sup> Conference of Parties in November 2009.

Discussions and debate at the UNCAC Working Group related to the transparency of the review mechanism, including: civil society involvement, country visits and publication of the final review document (many states want to keep this completely private). On the first issue of whether civil society should be involved those States strongly in favour were: Nigeria, Uganda, Canada, the EU States and the USA. Then those in favour of optional country visits were Burkina Faso, Cameroon, Colombia, EU States, Indonesia, Iraq, Jordan, Kenya, Peru, the Philippines and Turkey. States of note for their support for transparency throughout the process were Kenya, France and Bolivia.

The discussions at the UNCAC working group are important for those advocating for a working group to UNTOC as States are very likely to take similar positions in both processes.

For further information and to feed back progress in the 'STOP, LOOK, LISTEN' advocacy action please contact Caroline Hames, [caroline@gaatw.org](mailto:caroline@gaatw.org)

**GAATW Asia Regional Consultation (ARC) - including 2 day advocacy workshop**



**GAATW's 4<sup>th</sup> and final Regional Consultation for this round took place between 31 August - 4 September in Kathmandu, Nepal. There were around 65 participants including the IS team, some GAATW board members and resource persons and discussions ranged from sex workers rights to how to engage with the Universal Periodic Review to mental health and caring for caregivers.**

During the ARC there were 3 different 1.5 day workshops of which Advocacy was one and was attended by member organisations and allies based in Indonesia, Nepal, Mongolia, the Philippines, India, Hong Kong and Cambodia. The workshop began with discussions on national advocacy including for migrant women's rights to minimum standards for services for trafficked persons and to end violence against women.

There were then discussions on the ASEAN Intergovernmental Commission on Human Rights, the ASEAN Commission on Women and Children and the ASEAN Committee on Migrant Workers and how these different bodies could be used to advocate for migrant women and trafficked persons' rights. There was also a discussion on the SAARC Convention on Combating the Crime of Trafficking in

Women and Children for Prostitution and some critique of its narrow definition of trafficking and discussion of alternative SAARC advocacy avenues such as the SAARC Social Charter.

Two workshops took place, one on the Universal Periodic Review and Human Rights mechanisms which offer useful advocacy opportunities and the other on working with the media for advocacy. Finally discussions took place on international advocacy looking at the UNTOC review mechanism discussions and 'STOP, LOOK, LISTEN' and at the US Government Trafficking in Persons annual report.

The main outcomes and proposals of the Advocacy Workshop were that:

- **There should be more work done by GAATW-MOs at a national level to identify abuses of human rights in anti-trafficking responses, adding to the evidence of 'Collateral Damage' around the world;**
- **GAATW-IS should facilitate a dialogue with sex workers and other self-organised groups on the human rights abuses they face in anti-trafficking responses and how we can advocate to prevent such abuses as well as strengthening existing efforts by sex worker's rights organizations to prevent trafficking by supporting the empowerment of migrant sex worker organizations;**
- **GAATW Asia MOs should draft a statement to other MOs around the world noting their rejection of the TIP report as a means of documenting and ranking their countries anti-trafficking responses and calling for an independent mechanism in its place;**
- **All should advocate for a review mechanism to the Human Trafficking protocol as an alternative to the US TIP report, raising the review mechanism with National governments and at international fora.**

If you would like further information about this or any other session at the Asia Regional Consultation please contact [caroline@gaatw.org](mailto:caroline@gaatw.org) or our Asia Regional Programme Officer, Aatcharaporn Chaowahem - [aat@gaatw.org](mailto:aat@gaatw.org)

## 12<sup>th</sup> Session of the Human Rights Council, Geneva, 14<sup>th</sup> Sept-2<sup>nd</sup> Oct



At this session the Special Rapporteur on Contemporary forms of Slavery, its Causes and Consequences, Ms Gulnara Shahinian will deliver her first thematic report focussed on Debt Bondage - GAATW has submitted a joint written statement and will organise a panel discussion in response to this report.

We will join Anti-Slavery International and Franciscans' International in organising a panel discussion on this theme on 16<sup>th</sup> Sept 09 between 1300-1500 at Palais des Nations, Geneva with the following speakers:

- Ms. Gulnara Shahinian, Special Rapporteur on contemporary forms of slavery;
- Mr. Ajoy Kumar, Swiss Catholic Lenten Fund;
- Dr Nivedita Prasad, Ban Ying;
- Ms. Caroline O'Reilly, International Labour Organisation Special Action Programme to Combat Forced Labour; and
- A representative of the Government of Brazil.

Also of note is that there is a panel discussion on the situation of Migrants in Detention Centres taking place on 17<sup>th</sup> Sept 09 on the floor of the Human Rights Council.

### **SR on Slavery's First Thematic Report**

Ms Shahinian's report focuses on forced labour identifying two types of debt bondage, one where the debtors life becomes collateral for the debt and the other where their work is used in payment for the debt as in a situation of agency fee repayments for many domestic workers worldwide. She considers the linkages and distinctions between forced labour, bonded labour and trafficking noting that many states often consider bonded labour in legislation in the context of trafficking in persons. However she notes that:

"Unlike someone in bonded labour, a person trafficked has a greater chance of eventually being free. This is because almost every country has introduced trafficking programmes and criminal sanctions on trafficking in national legislation. Internationally, more countries are aware of trafficking and are keen to enforce international and national laws." (para 67)

Concluding:

"Unlike the attention devoted to trafficking, the international efforts to sign, ratify, enforce and monitor the slavery conventions pale in comparison." (para 95)

She makes a number of recommendations in this regard calling for:

- The development of specific legislation and related policy measures to address bonded labour and not-limited to the context of bonded labour in trafficking situations;
- The development of regulations and monitoring mechanisms covering the practices of labour agents;
- Programmes to be developed for the protection and restoration of the rights of people who have been subject to forced labour; and
- Agreements between States and between States and labour agencies and trade unions specifically on migrant domestic workers.

The full report is available to view in English and Spanish on the Human Rights Council website along with the other reports relevant to the 12<sup>th</sup> Session - here:

<http://www2.ohchr.org/english/bodies/hrcouncil/12session/reports.htm>

The GAATW NGO statement on debt bondage will also be available here

<http://www2.ohchr.org/english/bodies/hrcouncil/12session/documentation.htm> in the coming days.

For more information about the events GAATW is participating in or Ms Shahinian's report contact [Caroline@gaatw.org](mailto:Caroline@gaatw.org)

## Regional Advocacy: ASEAN and the EU

**In August many CSOs in the ASEAN area worked on inserting more human rights protections into the Political Declaration for the ASEAN Intergovernmental Commission on Human Rights**

Now in relation to this the High Level Panel The High Level Panel (HLP), which drafted the Terms of Reference of the ASEAN Intergovernmental Commission on Human Rights (AICHR) have drafted the declaration which will be delivered at the 15<sup>th</sup> ASEAN summit in October 09.

In addition the discussions on appointments of commissioners have begun with different States of differing opinions as to how these appointments should be made. At present Thailand and Indonesia are looking at the most open and inclusive selection processes with other ASEAN countries favouring different degrees of openness. As ever should you wish further information on this process and the developments on different ASEAN mechanisms please contact Forum Asia: [yuyun@forum-asia.org](mailto:yuyun@forum-asia.org)

**The 2nd Annual EU networking meeting towards global action against trafficking in human beings organised by the Ministry of Justice, Sweden will take place on 11<sup>th</sup> September 2009.**

This meeting is taking place in the framework of the project "Towards Global EU Action Against Trafficking in Human Beings (THB)" implemented by the Ministry of Justice of Sweden in cooperation with the International Organization for Migration in Vienna, with financial support from the European Commission.

The Vienna meeting will

- 1) Consider existing best practices and recommendations in the area of Prevention of THB that would be included in an Action Oriented Paper on the external dimension of EU justice and home affairs policies on trafficking in human beings;
- 2) Bring solutions to the challenges identified in the 1st National Networking Meeting on 28 May in Stockholm; and
- 3) Work on the finalization of the Ministerial Conference (to take place in October in Brussels on the occasion of the EU anti-trafficking day, October 18 2009).

Nerea Bilbatua from the GAATW-IS and Evelyn Probst, from GAATW-MO, LEFO, will present at the meeting.