

Advocacy Update



Global Alliance Against Traffic in Women

Number 5. 2009

Welcome to the fifth Advocacy Update of the year! First and foremost GAATW-IS wants to take this opportunity to bid a fond farewell and wish all the best to Eleanor Taylor-Nicholson, our now former Programme Coordinator who had a long history of work on the advocacy programme!!

This Advocacy Update comes at another busy time as the Human Rights Council 11th session is ongoing; the UN General Assembly has just completed a thematic debate on trafficking, and regional processes are gathering pace.

This month's Advocacy Update will consider:

International Advocacy

1. Reports from the HRC 11th session; UN General Assembly thematic debate on trafficking; CEDAW reporting opportunities.

Regional and member led processes

2. AU Commit launch; EU Framework Decision on Trafficking; ASEAN Human Rights body, Migrant Workers Declaration and Commission on Women and Children discussions.
3. Updates on the deadlines for the Universal Periodic Review and CEDAW shadow reporting and Stop, Look and Listen Advocacy Action.

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

The 11th Session of the Human Rights Council

The 11th HRC took place between 2nd - 19th June in Geneva, Switzerland. GAATW-IS participated in discussions on a resolution on trafficking proposed by the Filipino and German delegations; we also closely followed the reports of the Special Rapporteur (SR) on Migrants and the SR on Violence against Women (VAW) and the election of a new SR on VAW.

1. A resolution on trafficking for submission to the HRC 11th Session

This resolution, proposed by the German and Filipino delegations and directed towards States adopting a human rights approach to trafficking, included a proposed seminar on trafficking to examine rights based responses to trafficking in January 2010.

The resolution incorporates many of the current ongoing processes addressing trafficking at an international level. Interestingly, whilst the resolution initially noted the importance of fairly strong protections for trafficked persons, the language has since been weakened in discussions between State representatives, and is now similar in this regard to the text of the Human Trafficking Protocol.

Whilst initially the resolution made reference to the OHCHR's principles and guidelines on human rights and human trafficking, this reference was removed during States' discussions, and now the article which remains only asks states to 'consider' ratifying the human trafficking protocol.

The resolution was finalised last week and will be put to the Human Rights Council during this, the last week of the 11th session for adoption.

2. Reports from the SRs on Migrants and Violence against Women

The SR on the Human Rights of Migrants, Mr Jorge Bustamante, focuses on the protection of children in the context of migration, yet also mentions his visits to Mexico and Guatemala. In his report he refers to the need for States to mainstream a child rights-approach to migration into national plans, programmes and policies; protect vulnerable children from situations such as trafficking; and to ensure participation in international cooperation processes. His report can be found here: <http://www2.ohchr.org/english/bodies/hrcouncil/docs/11session/A.HRC.11.7.pdf>

The SR on Violence against Women, its causes and consequences, Ms Yakin Ertürk, in her report addresses the Political Economy of Women's Human Rights. Through this report she aims to address women's civil and political rights, taken together with economic and social rights rather than as distinct. She highlights the particular importance of addressing economic and social rights given the current fragile economic climate. She also mentions her visits to Saudi Arabia, Tajikistan and the Republic of Moldova.

This 2009 report is a continuation from her 2007 report looking at the impact of culture on women's rights. The report addresses the issue of culture and VAW, closely examining the link between culture, relations of power, and domination. The report also addresses the, "interconnections between social and economic rights and women's vulnerability to violence". It is in reference to such interconnections that she mentions the processes which lead to trafficking situations.

Crucially she notes:

Trafficking is the dark underside of migration and inseparable from processes of globalization and trade liberalization. State policies that treat trafficked women as criminals or mere victims in need of rescue and rehabilitation fail to take account of their economic agency and their human rights in the prevention, protection and prosecution of trafficking. (para 77)

Ms Erturk's report concludes that the feminization of migration and labour offers risks and opportunities for women's empowerment. In this context she notes the importance of providing avenues for safe and dignified migration to women.

This fascinating report can be found here:

<http://www2.ohchr.org/english/bodies/hrcouncil/docs/11session/A.HRC.11.6.pdf>

3. Other HRC 11th Session agenda items: Discussion on Item 3 (including both the SR on Migrants and VAW's reports) and election of the new SR on VAW.

The discussions on Item 3 of the agenda were dominated by those addressing migrant rights. States expressed concern about violations faced by migrant workers, and particularly addressed detention and repatriation conditions. In particular the Philippines raised the importance of the Convention on the Protection of the Rights of All Migrant Workers and the Members of their Families (CMW) and called for State ratification of the treaty. Also under Item 3, GAATW-IS joined the Asia Pacific Forum on Women, Law and Development (APWLD) and over 60 other organisations in making a statement in support of the SR on VAW and her work, and calling for a special session to address a woman's right to be free from violence.



The current SR on VAW, Ms Yakin Ertürk has now reached the end of her term in office. Her replacement, Ms. Rashida Manjoo of South Africa, was appointed at this Session of the HRC and will now take over the position. Ms Manjoo has a legal background, particularly focussed in areas of Muslim law and gender; democracy and human rights.

UN General Assembly Thematic Debate on Trafficking

This discussion followed last years debate on trafficking, with the outcome resolution, "Improving the coordination of efforts against trafficking in persons" published in December 2008. The resolution led to the UNODC conducting a survey amongst anti-trafficking stakeholders to which GAATW-IS and MOs contributed. These responses were used to prepare a background paper for this year's debate which also addressed whether a Global Plan of Action on preventing trafficking would be advisable. The debate took place on 13 May 09 at the UN Chair in New York and was entitled "taking collective action to end trafficking".

GAATW-IS attended the debate in order to observe proceedings. Most of the discussion focused on States' opinion on a Global Plan of Action (GPA) on Trafficking. Some argued that such a plan would coordinate all instruments employed in efforts to combat trafficking and therefore would be broader than the Human Trafficking Protocol. The main argument against this position was that the GPA would divert States attention away from progress on the Human Trafficking Protocol and devalue it as the core international instrument to fight trafficking. Whilst States demonstrated broad and diverse views on whether or not they support a GPA on Trafficking, the closing comments did not seem to reflect this, as in conclusion it was noted that despite States having ratified international treaties, a blueprint for action on the ground was still lacking and a GPA provides just that opportunity.



GAATW-IS position on a Global Plan of Action on Trafficking:

Whilst we see merit in further dialogue on trafficking at an international level and particularly dialogue which might lead to furthering the existing protections within the Human Trafficking Protocol, we are hesitant to support the GPA initiative. GAATW-IS strongly supports a review mechanism to the Human Trafficking Protocol as a crucial means of holding States Parties accountable for their anti-trafficking responses. We are concerned that the GPA will divert time and attention away from existing international processes

to address trafficking. We also believe that this is less a display of new will to address trafficking and more a means of those states who do not wish to offer the already weak protections laid out in the Human Trafficking Protocol beginning a new process which might provide them with greater control than the UNTOC process. Furthermore, the GPA seems more focussed on international cooperation on crime control than the rights of trafficked persons.

Using CEDAW to promote the rights of migrating women

At the start of May 09 GAATW-IS joined with International Women's Rights Action Watch - Asia Pacific (IWRAP-AP) and Coordination of Action Research on Aids and Mobility-Asia (CARAM Asia) to hold a roundtable on Using CEDAW to Protect the Rights of Women Migrant Workers and Trafficked Women in South and Southeast Asia.

GAATW-IS felt that this roundtable would be a good way to start exploring possibilities for migrant rights, trafficked persons rights and women's rights advocates and practitioners to work together using new CEDAW Committee General Recommendation 26 on Women Migrant Workers. We aimed to explore how CEDAW could be used by GAATW MOs to advance their organisational advocacy objectives and whether, as an international legal instrument with a large number of States Parties, it could provide added value to existing advocacy action.

The roundtable provided a useful forum for discussion on some of the obstacles to collaboration between and within women's rights, migrant rights and trafficked persons rights movements. We also discussed the possibility of engaging with the CEDAW Committee on trafficking and its linkages to migration and labour exploitation in order to further the understanding of this complex issue.

Regional Advocacy

AU COMMIT Launch

On 16 June 09 The African Union launched the Commission Initiative Against Trafficking Campaign (COMMIT).

The main aim of this launch was to raise the profile of trafficking as an issue in the continent. However, there will be a more substantial workshop on this matter held in November which GAATW-IS plans to attend. More information can be found here: <http://www.africa-union.org/root/UA/Conferences/2009/juin/SA/16juin/sa/aicomite.html>

EU Framework Decision on Trafficking

The European Union Council is currently discussing replacing the previous Framework Decision on Trafficking adopted in July 2002 with a new Framework Decision based on the Council of

Europe Convention on Action against Trafficking in Human Beings.

The new Framework Decision (FD) on trafficking was submitted to the EU Council on 26 March 2009. An EU Working Group is now discussing specific parts of the FD, with some states raising concerns on parts relating to victim and witness protection and the 'non-punishment clause'. This new FD is positive in many aspects - such as its focus on human rights protections and compensation for trafficked persons; its broad definition of trafficking; and the 'non-punishment clause' - therefore the WG discussions are being closely followed. Furthermore some European MOs are calling for the inclusion of reference to unconditional assistance for trafficked persons and integrated approaches to trafficking that consider the interrelation and the impact of laws and policies related to migration, labour exploitation and prostitution amongst other activities. The next meeting of the WG takes place on 22 June 09.

Association of South East Asian Nations (ASEAN) Human Rights Body, Migrant Workers Framework Instrument, Commission for Women and Children

As ASEAN Member States prepare to adopt the Terms of Reference for a Human Rights Body there is still widespread concern that such a body will not include a human rights protection mandate.

To date, there is also no protection mandate included in the Commission for Women and Children terms of reference. Moreover, this situation is likely to replicate itself in the Migrant Workers Framework Instrument discussions. Attention is now being focused on pushing for a protection mandate within the AHRB, otherwise many feel it could be too weak to be of any use. Core components in such a mandate are: a) investigation, b) periodic review and c) country visits. For more information see the Forum Asia website: www.forum-asia.org.

The Taskforce on ASEAN Migrant Workers made a formal submission of the Civil Society Model ASEAN Framework Instrument on the Protection and Promotion of the Rights of Migrant Workers during the ASEAN Senior Labor Officials Meeting (SLOM) in Vientiane, Laos on 12 May 09.

The full report can be found here <http://www.workersconnection.org/articles.php?more=116>

The following are proposed activities and dates related to the AMW Framework Instrument provided by the ASEAN Task Force on Migrant Workers:

- **The ASEAN Committee on Migrant Workers meets in Bali on June 17-18.**

The meeting will discuss the scope and coverage of the ASEAN Framework Instrument.

- **The ASEAN Migrant Forum in September 2009 in Bangkok**

- **Ongoing July 2009 to July 2010**

Each National Working Committee or group composed of Civil Society Organisations and Trade Unions should hold more regular meetings with relevant government departments - especially the ASEAN Committee on Migrant Workers focal person.

Further information on these processes and means of engagement can be found at www.workersconnection.org

Membership participation



STOP, LOOK and LISTEN

On or by 1st July 2009 all Member Organisations will receive a 'Stop, Look and Listen' advocacy pack. This will facilitate MO involvement in advocacy action calling for a review mechanism to the Human Trafficking Protocol.

As discussions are ongoing at UNTOC about a review mechanism, our main focus over the next few months is the meeting of a working group to discuss whether or not States Parties to UNTOC should support the idea of a more comprehensive review mechanism. This meeting will take place between 28-30 September 2009. More details to follow - expect an e-mail from the IS!

UPR deadlines

The Universal Periodic Review process under the Human Rights Council offers Member Organisations the opportunity to submit reports on the human rights situation in their country. More information can be found at

<http://www.ohchr.org/EN/HRBodies/UPR/Pages/NewDeadlines.aspx>

Recent discussions at the 5th UPR considered:

Central African Republic, Chad, Comoros, Congo, Vanuatu, Viet Nam, Yemen and Afghanistan; and Uruguay, Belize, Chile, Malta, Monaco, New Zealand, Slovakia and The Former Yugoslav Republic of Macedonia.

The 6th UPR, the deadline for submissions to which has now passed, will take place between 30 November - 11 December 2009, the following countries will be discussed:

Côte d'Ivoire, Democratic Republic of Congo, Equatorial Guinea, Eritrea, Ethiopia, Bhutan, Brunei Darussalam; Cambodia; Cyprus, Democratic People's Republic of Korea, Costa Rica, Dominica, Dominican Republic, Norway, Portugal and Albania.

At the 7th UPR in February 2010 the following countries with the following submission deadlines will be discussed:

1 September 09: Angola, Egypt, Madagascar, Gambia, Qatar, Fiji, Iran, Iraq; and
8 September 09: Kazakhstan, Bolivia, Nicaragua, El Salvador, Italy, San Marino, Slovenia, Bosnia and Herzegovina.

At the 8th UPR in May 2010 the following countries with the following submission deadlines will be discussed:

2 Nov 09 Guinea, Guinea-Bissau, Kenya, Lesotho, Kiribati, Kuwait, Kyrgyzstan, Lao PDR; and
9 Nov 09 Grenada, Guyana, Haiti (linked to DR), Spain, Sweden, Turkey, Armenia, Belarus.

And at the 9th UPR in December 2010 the following countries with the following submission deadlines will be discussed:

12 April 10 Liberia, Libyan Arab Jamahiriya, Malawi, Mauritania, Lebanon, Maldives, Marshal Islands, Micronesia; and
19 April 10 Mongolia, Honduras, Jamaica, Panama, United States of America, Andorra, Bulgaria, Croatia.

CEDAW shadow reporting

Submissions to the CEDAW committee only need to be made two weeks prior to the beginning of the session to the secretariat of the Committee.

Further information can be found here

<http://www2.ohchr.org/english/bodies/cedaw/sessions.htm>

http://www2.ohchr.org/english/bodies/cedaw/docs/NGO_Participation.final.pdf

The forthcoming countries for review by the CEDAW Committee are as follows:

Session 44 (20 July - 7 August 2009): Azerbaijan, Bhutan, Denmark, Guinea Bissau, Lao People's Democratic Republic, Japan, Liberia, Spain, Switzerland, Timor Leste, and Tuvalu

Session 45 (January 2010) Botswana, Egypt, Malawi, Netherlands, Netherlands Antilles, Panama, United Arab Emirates, Ukraine, Uzbekistan

Session 46 (July 2010) Albania, Argentina, Australia, Central African Republic, Fiji, Grenada, Papua New Guinea, Russian Federation, Seychelles, Turkey

Future Session (not yet scheduled) Bahamas, Burkina Faso, Czech Republic, Israel, Malta, Niger, Singapore, Tunisia, Uganda

If you hope to report to either the UPR or CEDAW and would like further information about forming partnerships, how to report, what to report on, when to report or on any other aspect of the UPR process please contact caroline@gaatw.org