

Advocacy Update



Global Alliance Against Traffic in Women



Thanks & Happy New Year from the GAATW-International Secretariat!!!

Hello!

This is the last advocacy update of the year and as such we will try to give an overview of some of the recent developments and upcoming points of relevance for some key advocacy processes and fora at the regional and international level.

This month we would particularly like members' input on advocacy for a review mechanism to the

human trafficking protocol as well as information on any engagement members have had in reporting to CEDAW or the Universal Periodic Review.

This Advocacy Update will cover a wide range of issues, so please click on the hyperlinks to reach those issues which interest you.

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domestic workers.

REGIONAL

- **Europe:** UK, Policing and Crime Bill updates / Spain Immigration Law reform;
- **Asia:** Economic, Social and Cultural Commission for Asia and the Pacific meeting on Beijing plus 15;

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

Update on UNTOC and the Review Mechanism advocacy - Stop, look, listen!!

Advocacy at the first working group and news of the second working group in January

On the 30 Sept 2009 the 1st meeting of the **Open-ended intergovernmental meeting of experts on possible mechanisms to review implementation of the United Nations Convention against Transnational Organised Crime and the Protocols thereto (hereafter the Working Group on UNTOC)** took place. Whilst NGO participation in these meetings is forbidden, GAATW-IS were present in Vienna to speak to states around the meeting. Due to much concern about discussions surrounding a review mechanism for the other crime convention, the UN Convention against Corruption (UNCAC), states did not wish to engage heavily in new discussions on UNTOC, therefore discussion on this matter was very limited at this stage.

However, the UNODC did prepare a background note for the first Working Group on UNTOC based on comments provided by State Parties on their positions on a review mechanism. This note is available here: http://www.unodc.org/documents/treaties/organized_crime/CTOC_COP_WG1_2009_2_E.pdf

In general, from the background note, GAATW-IS discussions and the Working Group meeting the following positions can be identified:

The majority of states:

Want some kind of review mechanism for UNTOC and its protocols with the Conference of the Parties as the main oversight authority. They want it to be based on peer review to be similar in purpose to what was agreed for UNCAC, to be used to promote: i) domestic policies for the implementation of the Convention; ii) technical assistance requirements; iii) international cooperation. States want a mechanism to be transparent, efficient, non-intrusive, impartial, non-adversarial, non-punitive, flexible, non-ranking, and non-critical. It should respect sovereignty and reflect diverse legal systems.



States with strong positions on particular points:

China is hostile to the idea of a review mechanism and would not want reports to be published. China, Iran, Pakistan, Egypt, Sudan and Croatia do not wish to see the inclusion of information from non-state sources. These states and Colombia, the Philippines and Panama have expressed the need to respect state sovereignty. France, Canada, Finland and Peru believe that the mechanism should be more open and transparent, along with Nigeria, Mexico, Bulgaria, Argentina, Norway, Turkey and the Philippines who are positive about the inclusion of civil society comments in some format.

The second Working Group on UNTOC will meet on 25-26th January 2010 and will be immediately followed by a meeting of the Working Group on Trafficking in Persons from 27th-29th January 2010. GAATW-IS staff and representatives from at least six different member organisations will be present in Vienna in order to conduct advocacy for a review mechanism at this time. More information on these working groups can be found here:

<http://www.unodc.org/unodc/en/treaties/CTOC/working-groups.html>

The 12th International Crime Congress and Planned UNTOC advocacy

The ICC will take place from 13-19 April 2010 in Salvador, Brazil bringing together those working on

crime control around the world. The issues for discussion at this Congress include: *Criminal justice responses to the smuggling of migrants and trafficking in persons: links to transnational organised crime; and crime prevention and criminal justice responses to violence against migrants, migrant workers and their families.*

GAATW-IS plans to hold an ancillary event during the Congress with the objective to call for a review mechanism to UNTOC. This event aims to promote the GAATW position on a review mechanism, placing a strong emphasis on civil society involvement in a review mechanism. We plan to raise four specific examples of the pivotal role civil society plays in anti-trafficking responses:

- National coordination and collaboration between GAATW member organisations on trafficking;
- National coordination and collaboration between GAATW member organisations and the government on trafficking;
- International coordination and collaboration between GAATW member organisations across countries and regions;
- International coordination and collaboration between GAATW member organisations and governments across countries and regions.

For more information see: <http://www.unodc.org/unodc/en/crime-congress/12th-crime-congress.html>

Result of the United Nations Convention against Corruption advocacy for a review mechanism

A peer review mechanism was established at the 3rd Conference of Parties (CoP) to UNCAC in Doha from 9-13 November 2009. This means that there will now be an ongoing review process which all States Parties will have to undergo. GAATW-IS participated in activities with the UNCAC Civil Society Coalition which prioritised advocacy for civil society; the publication of reports; and country visits to be included in the terms of a review mechanism. Resolution L9, which established the mechanism, brings together the positions of those states that were friendly towards civil society engagement, the publication of reports and country visits with those who were not. Unfortunately, the final compromise resolution leaves a mechanism which barely permits civil society interaction with country visits on a voluntary basis, with strict guidelines governing any such visits. When completing its self-assessment checklist states are asked to consult with relevant stakeholders including the public and private sector. Shockingly, the country review report will be confidential with only the possibility of a summary of the report being made available to the Implementation Review Group which is meant to be the overarching review body. Whilst the mechanism will be funded by the regular UN budget, any country visits will have to be funded by voluntary contributions. Documents relating to the 3rd Session of the UNCAC CoP can be found here: <http://www.unodc.org/unodc/en/treaties/CAC/CAC-COSP-session3.html>

Update on the Human Rights Council and related reports and events

Universal Periodic Review and upcoming sessions of note

The 6th session of the Universal Periodic Review is taking place between 30 November - 11 December 2009 in Geneva, during which the following countries human rights records will be reviewed: Côte d'Ivoire, Democratic Republic of Congo, Equatorial Guinea, Eritrea, Ethiopia, Bhutan, Brunei Darussalam, Cambodia (to be considered on 1st December from 3-6pm), Cyprus, Democratic People's Republic of Korea, Costa Rica, Dominica, Dominican Republic (to be considered on 1st December from 10am-1pm), Norway, Portugal and Albania.



Cambodian 'rehabilitation' facility - photo from <http://www.digjactive.org/2008/12/08/campaign-mtv-no-exit-in-cambodia/>

Interestingly, in reference to **Cambodia**, Amnesty International's report 'noted NGOs' criticism against a new anti-trafficking law for focusing on the arrest and detention of sex workers instead of traffickers'. Contrary to reports from NGOs, the Cambodian Government country report highlighted the government's success in rescuing trafficked persons and in implementing its anti-trafficking legislation in 2008 including conducting

police training. See

<http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx> for more

information on countries reporting at this and previous sessions.

The 7th Session will take place in February 2010 and will consider the following countries: Angola, Egypt, Madagascar, Gambia, Qatar, Fiji, Iran, Iraq, Kazakhstan, Bolivia, Nicaragua, El Salvador, Italy, San Marino, Slovenia, Bosnia and Herzegovina.

The deadline for submissions to the 8th Session which will take place in May 2010 has now passed. At this session the following countries will be considered: Guinea, Guinea-Bissau, Kenya, Lesotho, Kiribati, Kuwait, Kyrgyzstan, Lao PDR, Grenada, Guyana, Haiti, Spain, Sweden, Turkey, Armenia, Belarus. GAATW Member Organisation LSI Belarus has made a submission to this session.

For the 9th Session of the UPR which will take place in December 2010, the deadlines are: 12 April 2010 for submissions on Liberia, Libyan Arab Jamahiriya, Malawi, Mauritania, Lebanon, Maldives, Marshal Islands, Micronesia; and 19 April 2010 for submissions on **Mongolia**, Honduras, Jamaica, Panama, **United States of America**, Andorra, Bulgaria and Croatia. GAATW-IS would like to know if member organisations are interested in trying to submit information about the impact of the US TIP report in their countries through the USA UPR process - if so contact caroline@gaatw.org

High Commissioner for Human Rights focus on the human rights of migrants

In previous Advocacy Updates I have highlighted the emphasis placed by the High Commissioner for Human Rights on the human rights of migrants. This is now translating into her general rhetoric in debates and discussions focussed on trafficking and migration where she is calling for states to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. During the 12th Session of the Human Rights Council a general debate was held on the rights of migrants in detention centres which was opened by the High Commissioner. In her opening statement she noted that 'the association of irregular migration with criminality promotes the stigmatisation of migrants and encourages a climate of xenophobia and hostility against them'. This panel discussion also included William Gois from Migrant Forum in Asia, Jorge Bustamante the Special Rapporteur on Migrants and El Hakji Malick Sow the the Chair of the Working Group on arbitrary detention. GAATW delivered a statement at this event condemning all detentions of migrants but asking for specific attention to be paid to the detention of trafficked persons and the conditions of their detention. See www.gaatw.org for the full text of this statement.

In the High Commissioner's latest statement, issued on 17 November 2009 - when she presented the OHCHR's strategic management plan to member states - she again noted that migrants will be a focus of their work. In particular, she called for an end to the imprisonment of migrants and more attention to 'the rights of those vulnerable to exploitation, trafficking and abuse, particularly women and children'. We will continue to follow her work in this area and press for the OHCHR to address trafficking in the context of these wider abuses of migrant rights.

Special Rapporteur on Slavery's second report to the Human Rights Council on Domestic Workers



Special Rapporteur on Slavery

Since the submission of her first report on debt bondage, Ms Gulnara Shahinian, the Special Rapporteur on Contemporary Forms of Slavery has now turned her attention to the rights of domestic workers - the theme of her second report which will be delivered in September 2010 at the 15th Session of the Human Rights Council.

In this report she says she will address issues such as regulation of recruitment agencies, visa sponsorship systems and possibly the question of diplomatic immunity and domestic worker exploitation. She will finalize the report in July 2010 and in the first trimester of 2010 she provisionally plans to visit Ecuador and Brazil.

Forthcoming seminar on a human rights approach to trafficking

A joint resolution on trafficking with a specific focus on the OHCHR Principles and Guidelines on Human Rights and Human Trafficking was put forward to the Human Rights Council by Germany and the Philippines at its 11th session in June 2009. Since the adoption of this resolution, the Adviser to

the High Commissioner for Human Rights on Trafficking and delegates from the Philippines and Germany have been planning a seminar on a human rights approach to trafficking for February 2010. GAATW has been in consultation with the organisers about the content of this seminar and hopes that GAATW Member Organisations and the International Secretariat will be invited to speak or at least participate in this seminar once the dates and agenda are finalised.

Update on trafficking at the United Nations General Assembly (UNGA)

The Special Rapporteur on Trafficking reports to the UNGA.

On October 23rd the Special Rapporteur on Trafficking in Persons, Ms Joy Ngozi Ezeilo, presented her annual report to the UN General Assembly which addresses the identification and protection of and assistance to victims of trafficking. The report begins by outlining her conference and consultation engagements, highlights of which include GAATW's Africa Regional Consultation in November 2008, her report presentation at the 10th session of the Human Rights Council in March 2009 and involvement in the UNGA thematic debate on human trafficking in May 2009. She also visited Belarus, Poland and Japan, noting that:

- Belarus: must provide holistic, re-integrative and rehabilitative assistance to trafficked persons, address root causes and the increase in men being trafficked as well as ensuring that anti-trafficking measures don't violate human rights.
- Poland: has no comprehensive and clear definition of trafficking; trafficking is on the increase; judicial proceedings relating to trafficking cases are unduly long; availability and access to social assistance by victims of trafficking are limited with compensation hard to come by.
- Japan: has not ratified the Palermo Protocol, has an unclear identification procedure for trafficked persons and inappropriate shelters and assistance with no access to redress and compensation.

In her general comments she draws on case studies provided by GAATW Member Organisations - the Buhay Foundation for Women and the Girl Child and Foundation For Women. She notes how all states can improve identification efforts, that witness protection should be provided as well as post-trial protection for trafficked persons. Crucially, she notes that 'assistance to victims of trafficking should be non-conditional and not based upon their willingness to cooperate with law enforcement or to participate in trials as witnesses. States should refrain from the practice of according conditional assistance to victims and rather build their trust in deciding on the course of action to pursue'.

Her full report can be accessed here: <http://www2.ohchr.org/english/bodies/GA/64documents.htm>

Ms Ezeilo will present two reports in 2010, the first to the Human Rights Council at its 14th session in June 2010 on the topic of **Regional Cooperation and Sub-Regional Cooperation on Trafficking**. Her second report will be presented to the UNGA in October 2010 and focus on **Prevention**.

Update on migration advocacy

The Global Forum on Migration and Development (GFMD) meetings and summary

GFMD took place in Athens from 2 to 5 November 2009. Under the common theme: "Integrating Migration Policies into Development Strategies for the Benefit of All". GFMD was divided into two separate meetings: the Civil Society Days (November 2 and 3) and the Government Days (November 4 and 5), with one common interface session on the afternoon of November 3rd in which government representatives heard the reports and recommendations from the Civil Society Days.

As in previous GFMDs the term "Civil Society" was broadly used to include a heterogeneous range of development and migrant's rights NGOs, academia, private corporations and trade unions. Civil Society Day discussions were channelled through 4 roundtables that looked at: How to make the migration-development nexus work for the achievement of the Millennium Development Goals (MDGs); Migrant integration, reintegration and circulation for development; Policy and Institutional Coherence; and Partnerships and Building Alliances: Business, and The Future of the Forum.



GFMD roundtable discussion activity

reintegration of migrants, skilled migration programmes such as the blue card ones) and “Development” to remittances. A lot of emphasis was put on data collection, best practices and so on, whilst the human rights protection of migrant workers was somehow sidetracked by the language of ‘migration management’ that prevailed throughout the meeting.

Female migration was mainly addressed in the domestic work context and trafficking was mainly used to highlight the consequences of unmanaged migration and, therefore, as an example of the need to set clear migration policies. There was hardly any talk (or criticism) of border control measures.



International Assembly of Migrants and Refugees' Demonstration

Two CSOs' initiatives took place in parallel to the GFMD: the 2nd International Assembly of Migrants and Refugees - IAMR2 (<http://iamr2athens.blogspot.com>) and the People's Global Action - PGA (<http://www.mfasia.org/peoplesglobalaction/index.html>). Both gathered grass-roots migrant rights' organisations and networks and used GFMD as an opportunity to share information and strategise on issues such as the impact of the economic crisis on migrants, the right to asylum, the destabilisation of the labour market and the criminalisation of undocumented migrant workers.

People's Global Action banners



A rights-based approach to migration and development is still very far from the Global Forum on Migration and Development discussions, and yet it is the focus of the parallel CSOs' initiatives. There is still a big gap between both events and it is important to try and bridge it in view of next year's GFMD. Hopes for a stronger CSOs voice next in 2010 were raised due to the openness of the Mexican government (2010 GFMD will take place in Puerto Vallarta-Mexico) whose ambassador participated at the PGA closing ceremony recognising the role of NGOs as watchdogs and offering a much more transparent and open process for next year. CSOs are also challenged to strengthen our advocacy towards GFMD so that it does not become a self-serving forum for governments to justify their migration policies without hearing what migrants have to say.

If you want more information about GFMD and GAATWs involvement contact nerea@gaatw.org

International Labour Organisation Domestic Workers instrument updates and global actions

The International Labour Organisation (ILO) calendar for the Domestic Workers instrument is as follows:

- Jan. 2010: ILO sends a 2nd Report issued to member states on basis of answers to questionnaires (for which the deadline was August 2009)
- June 2010: 1st International Labour Conference (ILC) discussion. Decision is taken on the form of the draft ILO instrument (whether it is a convention or a recommendation or both)
- Aug. 2010: ILO sends a 3rd report to Member States containing the first draft instrument
- End of November 2010: Deadline for text/ feed-back to first draft instrument
- March 2011: ILO sends 2 reports to Member States - the first examining replies to the 3rd

report, and the second with the text of the draft instrument revised in the light of comments received

- June 2011: A convention or any other agreed instrument will be discussed and adopted or rejected by the ILC

A 'dialogue and strategy meeting between trade unions and grass roots migrants rights organisations on the ILO instrument' was conducted by IAMR2 at the GFMD (see above). GAATW Member Organisations ATKI and AMUMRA participated as well as friends, Coordination of Action Research on Aids and Mobility (CARAM) Asia, the Asia Pacific forum on Women, Law and Development, the Asia Pacific Mission for Migrants, Tenaganita (Malaysia) and trade unions from Senegal, Bangladesh and Malaysia. The objective of the meeting was to discuss how to involve trade unions in advocacy for domestic workers rights focussed on but not limited to the ILO Domestic Work instrument. Outcomes included the creation of a list serve to inform each other about national level activities. There was also discussion of how to strengthen cooperation with the International Trade Union Confederation. A report of this meeting is in preparation, for more information contact CARAM Asia:

caraminfo@caramasia.org

Update on three of the core human rights treaties

International Covenant on Economic, Social and Cultural Rights (ICESCR): Optional Protocol

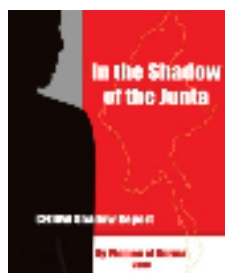
In September, the following states agreed to sign, although not yet to ratify, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights at a UN Treaty Event in New York: Argentina, Belgium, Cape Verde, Chile, Congo, Ecuador, Finland, France, Gabon, Ghana, Guatemala, Italy, Luxembourg, Madagascar, Mali, Montenegro, Netherlands, Portugal, Senegal, Slovakia, Slovenia, Solomon Islands, Spain, Ukraine, Uruguay, and possibly Timor Leste.

This means that the Optional Protocol is now one step closer towards entry into force - which will happen when there are 10 ratifications of the Protocol - this would permit, for those countries which have ratified it, individual communications to be sent to the UN Committee on Economic, Social and Cultural Rights (ESCR) on alleged violations of the economic, social and cultural rights set forth in the Covenant.

The Optional Protocol provides for the possibility of so-called "interim measures" to prevent further damage to the victims of alleged violations. It also creates an inquiry procedure, which may include a country visit to the state concerned and a protection procedure for those to whom investigations by the Committee relate.

In addition, nominations are now in progress for the Committee on ESCR with a deadline of January 2010. NGOs are being encouraged to call upon all states to nominate qualified, independent and capable candidates, to advocate for an open, fair and transparent process for nominations. Furthermore, governments who are members of the UN Economic and Social Council (ECOSOC) should be encouraged to vote only for candidates who meet criteria of independence and impartiality and who are experts in the field of economic, social and cultural rights.

The Convention on the Elimination of all forms of Discrimination Against Women (CEDAW): Country reports and call for information from members



In the Shadow of the Junta, WLB CEDAW shadow report, available at: www.womenofburma.org

First and foremost we wanted to offer the opportunity for members to share their experiences of engaging in CEDAW. We know that many members are involved in the reporting process. Recently we developed a training module on CEDAW for delivery to a Franciscan's International training session which drew on the rich example of reporting to CEDAW from the Women's League of Burma. We would love to share the experiences, learnings, strategies and reports of members so that others can learn from your experiences. Please send any examples or comments to caroline@gaatw.org

At the 44th session of the CEDAW Committee which took place between 20 July - 7 August 2009, the following country reports were considered:

Azerbaijan's 4th report; Bhutan and Denmark's 7th report; Guinea-Bissau, Japan, Liberia and Spain's

6th report; the Lao People's Democratic Republic's combined 6th and 7th report; Switzerland's 3rd report; Timor-Leste's 1st report; and Tuvalu's combined 1st and 2nd reports. For all countries the committee noted a lack of data on trafficking and for some the vulnerability of migrant women to exploitation. In all cases states were called upon to address the 'root causes' of trafficking. Recommendations made in the Committee reports to states of note follow:

SWITZERLAND

Migration: The Committee highlighted the negative portrayal of migrant women in the media and noted that some groups of migrants face greater discrimination than others.

Trafficking: Switzerland was encouraged to ratify the Council of Europe (CoE) Convention on Action against Trafficking in Human Beings, to strengthen measures on trafficking - not only to ensure prosecution and punishment but also protection and recovery. Significantly, the government was urged to 'consider the extension of temporary residency permits and other measures to be in compliance with the Recommended Principles and Guidelines on Human Rights and Human Trafficking developed by the Office of the United Nations High Commissioner for Human Rights in 2002'.

In addition to these general recommendations, the Committee made a specific request that in light of the vulnerability of cabaret dancers to prostitution and violence, the government 'continue to regularly review the visa and other regulations for cabaret dancers, and to consider including provisions that would allow women to change to a different sector of work'

SPAIN

Migration: Comments and recommendations were the same as those made to Switzerland as well as a note on the need to protect growing numbers of migrant women employed in agriculture in Spain.

Trafficking: Spain was commended for its 'integral plan to combat human trafficking for purposes for sexual exploitation' (2008-11). The Committee called on the government to adopt a human rights perspective including protection, rehabilitation and support to trafficked persons. In addition, it called for the government to 'afford full protection under the Convention relating to the Status of Refugees to trafficked women who seek asylum on grounds of gender-based persecution'.

LIBERIA

Trafficking: Liberia was called upon to implement and enforce its 2005 Anti-Human Trafficking Act. The Committee recommended the state increase support and assistance to trafficked persons and improve the economic situation of women (as a root cause of trafficking in the Committees view).

LAO PEOPLE'S DEMOCRATIC REPUBLIC

Migration: The Committee noted the high emigration of Laotian women to Thailand and China and strongly recommended that the government create greater economic opportunities for women in Laos to prevent this trend. It also recommended that the government fully implement its MoU (on trafficking 2005) with Thailand. The vulnerability of migrant women to HIV/Aids was also noted. Consequently, the government was urged to adopt a 'comprehensive gender sensitive migration policy and to continue to conclude bilateral agreements and memorandums of understanding with countries and regions to which Lao women migrate in search of work'. Furthermore, the government was called upon to inform migrant women of their rights and the risks of certain migratory employment channels and to pay due regard to CEDAW committee General Recommendation 26 on women migrant workers.

DENMARK

Trafficking: Interestingly, the government was called upon to 'give greater attention to the recovery and reintegration of all victims of trafficking, regardless of the victim's cooperation in investigations [...and...] to develop guidelines on the handling of claims of gender-related persecution within Danish asylum law and practice so as to develop a more thorough way of identifying victims of trafficking and gender-based persecution'

Further information on the 44th Session can be accessed here:
<http://www2.ohchr.org/english/bodies/cedaw/cedaws44.htm>

At its 45th Session from 18 January - 5 February 2010 in Geneva the Committee will consider the following countries: United Arab Emirates, Botswana, Uzbekistan, Panama, Netherlands and Aruba and Antilles, Malawi, Egypt and Ukraine. All submissions to CEDAW from NGOs must be sent electronically in pdf format (or post) by 18 December 2009. Email: cedaw@ohchr.org

The 46th session will meet from 12 - 30 July 2010 in New York to consider reports from Albania, Argentina, Australia, Central African Republic*, Fiji, Grenada*, Papua New Guinea, Russian Federation, Seychelles* and Turkey. The 47th session will meet on 4 - 22 October 2010 in Geneva and will consider reports from: Bahamas, Burkina Faso, Chad*, Comoros*, Czech Republic, Lesotho*, Malta, Tunisia and Uganda. NB those states with an * next to their names have not submitted reports to the Committee

The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICPRMW): Committee on Migrant Workers discussion on domestic workers

On 14 October 2009, the Committee on Migrant Workers (CMW) held a Day of General Discussion on Migrant Domestic Workers. The Day aimed to develop input for the 99th session of the International Labour Conference in 2010 which will discuss 'Decent Work for Domestic Workers' and consider the adoption of a new ILO instrument on domestic workers by 2011. Furthermore, the discussion aimed to create awareness of the issues feeding into international fora such as Global Forum on Migration and Development (see below). It was mainly attended by civil society organisations, with around 50 participants including from Bahrain, Israel, Italy, Lebanon, the Netherlands and Senegal and regional representations from Africa and Asia. Most panellists were representing UN agencies or Inter-Governmental Organisations. Reports were submitted by NGOs in advance of the session including reports from Latin America and the Caribbean (Defensa de Niñas y Niños Internacional - Costa Rica) / Africa (Association pour l'action sociale et le développement - Cameroon and Defence for Childre International Nigeria) / Europe (RESPECT, Kisa Cyprus, Adi Colf - Italy) and Asia (CARAM Asia, Migrant Forum in Asia, Minda Teves - Philippines).

The main recommendations which arose from the day were as follows:

- For legal channels of migration to be modified to meet demand and for a gender perspective to be applied to migration.
- On awareness raising, states were called on to recognise and promote domestic work as work and the rights of migrant domestic workers.
- To provide detailed information to migrants including on rights, costs, conditions and recruitment practices.
- On training, governments were called on to ensure it is provided free to migrants and covers language skills, legislation, employment skills and rights.
- To provide mandatory training for agencies and brokers on legislation, responsibilities, and conflict resolution; for employers on obligations, cultural sensitisation and conflict resolution.
- State obligations concerning regulating recruitment practices, controlling brokers, licensing, monitoring and penalisation were raised, including clear documentation of migration flows.
- Employment rights and specificities should be outlined clearly including in the new ILO instrument on domestic work, governments need to ensure contracts exist and are enforceable and do not tie migrant workers to one employer.
- To identify an authority with responsibility for domestic workers rights concerns and to ensure access to these services, to ensure the right to organise and receive assistance from consulates for domestic workers.
- Finally, regularisation programmes were noted as a means of ensuring protection for migrant domestic workers.

For the full report of proceedings and all submissions to the event see the Committee on Migrant Workers website at: <http://www2.ohchr.org/english/bodies/cmw/dgd141009.htm>

Regional advocacy

Europe

UK, Policing and Crime Bill updates

The Policing and Crime Bill passed through the UK parliament on 12 November 2009 amidst much opposition from sex workers' rights activists who fought to amend clauses which would place greater restrictions and controls on sex workers in the UK. The English Collective of Prostitutes (ECP) reported one key victory in an amendment to 'clause 14 which will now only criminalise clients who



Demonstration by UK sex workers

“pay for sexual services of a prostitute subjected to force”, rather than the much wider “controlled for gain” which the ECP state could have applied to many consensual arrangements.

The ECP noted that a new definition of “persistence” has been introduced in the bill which applies to loitering and soliciting and makes street workers more vulnerable to arrest. The Bill also includes compulsory

‘rehabilitation’ orders for street workers. The ECP called on everyone to be vigilant to new abuses of sex workers’ rights in the UK. For further

information see: www.prostitutescollective.net

Spain- Immigration Law reform

In October 2009 the Spanish Senate made modifications to the Immigration Law (Ley de Extranjeria) reforming of Article 59 (victims of human trafficking), which contains a reflection period of at least 30 days, enough for the victim to decide whether s/he wants to cooperate with the authorities. The person will have a right to remain in Spain during the reflection period and s/he will receive assistance and will have the right to work during this time. Any process of repatriation/deportation that authorities may have started before the reflection period starts shall be stopped. Article. 59.4 alters the previous conditionality of assistance to trafficked persons slightly, despite the resident permits - and now also work permits remaining conditional on cooperation with the authorities. Such permits can now also be granted based on the trafficked person’s “personal situation” and in order to “facilitate their social integration”. They can also be granted before the status of the person (as a victim) is decided. In addition, Article 59.6 establishes the role of NGOs in providing assistance to trafficked persons.

This has been cautiously welcomed by groups working on trafficking in Spain who see it as progressive in terms of victim protection. However the modifications have been widely criticised by migrant’s rights advocates as, amongst other problem areas, it includes limitations to migrants’ rights, increases the internment period in detention centres for undocumented migrants from 40 to 60 days and limits family reunification rights. For further information . For further information contact: info@proyectoesperanza.org

Asia: Economic, Social and Cultural Commission for Asia and the Pacific meeting on Beijing plus 15;

The UN Commission on the Status of Women will undertake a fifteen-year review of the implementation of the Beijing Declaration and Platform for Action in New York from 1-12 March 2010. In advance of this meeting the UN is undertaking regional reviews. GAATW-IS attended the Asia Pacific review: *UNESCAP Meeting on the Review of Implementation of the Beijing Platform for Action and Its Regional and Global Outcomes* in Bangkok on 16th-18th November. The purpose of the meeting was to reflect on the progress and challenges in implementing the Beijing Platform for Action in the Asia-Pacific region and to develop a regional position for input into next year’s global review. The result of the meeting was an outcome document which is available at http://www.unescap.org/ESID/GAD/Events/HLM-2009/download/BPA09_CRP1E.pdf



In a side event, participants were invited to discuss the UN Secretary General’s Unite to End Violence against Women campaign (<http://www.un.org/en/women/endviolence/>). Participants were asked to consider violence against women in the Asia-Pacific region and to make recommendations for a region specific Unite campaign. The UN is undertaking similar consultations in other regions.