

This update summarises some of the actions which GAATW-IS and MOs have been involved in during April with regard to the UNTOC review mechanism discussions and related meetings and the Durban Review Conference.

This month's Advocacy Update contains:

1. A summary of April's actions including the Commission on Crime Prevention and Criminal Justice meeting in Vienna, the UNTOC Conference of Parties Working Group on Trafficking in Persons, discussions on an EU Framework for Action on Trafficking, and the Durban Review Conference.
2. Future programme, including a General Assembly thematic debate on Trafficking, NHRIs research and advocacy, 10 years on from Palermo meeting, the Human Rights Council 11th Session and discussions regarding coordination between the Special Rapporteurs on Trafficking, Slavery and the Sale of Children.

As ever, please let us know if you have responses, thoughts, questions or comments arising from this text at caroline@gaatw.org

Commission on Crime Prevention and Criminal Justice (CCPCJ), 16-24 April, Vienna

The CCPCJ held its 18th Session in April which was relevant to global anti-trafficking discussions as one agenda item was the work of the UNODC in looking at the ratification and implementation of the United Nations Convention against Transnational Organised Crime, which is supplemented by the Human Trafficking Protocol. GAATW-IS attended and made an intervention on this issue. We were also able to engage in other processes taking place in Vienna at this time.

These discussions were very much linked to Review Mechanism discussions at the UNTOC Conference of Parties and some States Parties raised the need for a review mechanism to UNTOC when making interventions on this agenda item.

GAATW-IS made an intervention on the agenda item concerning the work of the UNODC in looking at the ratification and implementation of UNTOC raising two points which we feel are not being given enough attention at an international level:

1. The human rights of trafficked persons; and
2. Effective coordination of anti-trafficking efforts

Under these two points, we asked the UNODC and States Parties to respect international human rights law and obligations under core human rights treaties to trafficked persons when carrying out crime control responses to trafficking in persons. Furthermore we stated that there was a need for the UNODC to coordinate more fully with other UN agencies not only in its role as secretariat to UNTOC but also in carrying out the UN-GIFT programme and during discussions regarding a review mechanism to UNTOC.

Whilst at the CCPCJ we attended a side event given by Professor Mohammed Mattar of the *Protection Project*, based in the US, which was focussed on review mechanisms. This event was attended by delegates from Nigeria, the Czech Republic, Canada and Norway. We asked all four states' representatives whether they would support civil society involvement in a review mechanism to UNTOC, all responded that they would.



Professor Mattar of the Protection Project

During the CCPCJ we were also able to engage with a number of States Parties regarding their thoughts on a review mechanism to UNTOC and are now hoping member organisations will be interested in following up these initial

discussions at a national level.

We will be launching an advocacy action in this regard entitled 'Stop, Look and Listen' which will be aimed at calling on States Parties to UNTOC to support a review mechanism to the Convention and the Human Trafficking Protocol.

Working Group on Trafficking in Persons

Before the 18th Session of the CCPCJ, UNTOC CoPs met for a working group on trafficking in persons to look at States Parties work on implementation of the Human Trafficking Protocol.

This working group came about after Egypt and the EU submitted resolutions to the 4th CoPs calling for review of implementation of the Human Trafficking Protocol. The meetings are closed to anyone other than States Parties and the UNODC in order that they might take up requests for technical assistance and administrative support to the States Parties.

The following states parties to the protocol attended the working group:

Algeria, Argentina, Austria, Belarus, Belgium, Bulgaria, Canada, Cape Verde, Chile, Colombia, Croatia, Dominican Republic, Egypt, El Salvador, France, Germany, Latvia, Lebanon, Malaysia, Mexico, Monaco, Namibia, Netherlands, Nigeria, Norway, Peru, Philippines, Poland, Portugal, Romania, Russian Federation, Saudi Arabia, Spain, Sweden, Switzerland, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela and Zimbabwe. Furthermore the following states whilst not parties to the protocol attended as observers: Burundi, Czech Republic, Greece, Indonesia, Ireland, Japan, Thailand, Andorra, Angola, China, Cuba, Morocco, Pakistan, Qatar, Islamic Republic of Iran, Singapore and Sudan.

Key matters discussed at the meeting relating to implementation of the human trafficking protocol were:

Ratification of UNTOC and the Human Trafficking Protocol and the development of national legislative frameworks and definitions, prevention and awareness raising, training, non-punishment and non-prosecution of trafficking in persons, victim protection and assistance, compensation for trafficking victims and the protection of victims as witnesses. Data collection and a global strategy for combating trafficking in persons were also considered under the agenda item relating to coordination between relevant bodies to combat trafficking in persons.

With regard to protection measures we find paragraph 12 of the outcome document to be particularly important as it calls upon States Parties to:

- (a) Adopt a human rights-based approach to victim protection and assistance, that is not contingent on the citizenship and immigration status of the victim;*
- (b) Develop and apply minimum standards for the protection and assistance of victims of trafficking in persons;*
- (c) Ensure victims are provided with immediate support and protection, irrespective of their involvement in the criminal justice process. Such support may include a right to stay temporarily or, in appropriate cases, permanently in the territory where they are identified.*

The next meeting of the Working Group will take place in January 2010 and will consider two thematic areas in relation to trafficking, we have asked for one to be the impact of implementation of the Human Trafficking Protocol. We will keep you updated on progress towards this.

The outcome report of this working group can be found here:

http://www.unodc.org/documents/treaties/organized_crime/Provisional_version_of_Report_of_the_Working_Group_on_Trafficking_in_Persons_April_2009.pdf

The EU Framework for Action on Trafficking

The French Government, through the UNODC, is supporting an initiative aimed at assisting Member States with implementation of the Human Trafficking Protocol, in identifying and putting in place additional measures they may need, according to their regional and national context as well as institutional and legal systems

This framework is aimed at going beyond simple ratification of the Human Trafficking Protocol and development of national legal frameworks aiming to examine what that means for States Parties

in practice. It is based on five pillars: prosecution, protection, prevention, and national and international cooperation and coordination. It is currently in the development process and in April GAATW MO, *Lefo* was invited to take part in a discussion about the contents and scope of the document. We will update you as we know more about the final document and the scope of its application.

Durban Review Conference (DRC) 20-24 April 09

The Durban Review Conference was planned in 2006 when the UN General Assembly requested the Human Rights Council to prepare the process aimed at reviewing the implementation of the Durban Declaration and Programme of Action (DDPA) aimed at combating racism, racial discrimination, xenophobia and related intolerance. The DDPA was adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR), held in Durban, South Africa

Whilst the contents of the discussions at the DRC were sometimes overshadowed by broader political debates and concerns, some of our allies reported some minor successes in raising migration issues and related discriminations at this forum. We also note the inclusion in the outcome document of 3 paragraphs relating to trafficking, Paragraphs 90-92, which urge states, amongst other actions:

to enact and implement legislation, and to devise, enforce, and strengthen national, regional and global action plans that integrate a human rights perspective, [...and for those states] in which the victimization of trafficked persons occurs to ensure the protection of and assistance to the victims of trafficking with full respect for their human rights, and to actively promote the rehabilitation of the victims of trafficking by providing them with access to adequate physical and psychological care and services, including those related to HIV/AIDS, as well as shelter, legal assistance and helplines, and to facilitate their safe and dignified return to the countries of origin

Articles 73-78 relate to migrants rights and the human rights of migrants whilst drawing States attention to the presence of practices of racism and xenophobia in migration responses. Article 78 in particular looks at women and domestic work calling for protections and mechanisms for redress in this area.

The full text of the outcome document can be found here: <http://www.un.org/durbanreview2009/pdf/DOD%20Rev.1%2015-4-2009.pdf>

FUTURE ADVOCACY

UN General Assembly thematic debate on Trafficking on May 13th 2009 in New York.

This has been initiated by Belarus who also pushed for last year's UNGA thematic debate on trafficking in persons. The outcome resolution from the last UNGA debate called for the UNODC to prepare a report on "Improving Coordination Efforts against Trafficking in Persons" looking at ways to improve coordination involving all stakeholders. NGOs were asked for their input to this report by means of a questionnaire distributed by the UNODC. We understand that the report will be presented at the UNGA thematic debate as it must be produced before 1 June 09. The resolution also called for the Inter-Agency Coordination Group against Trafficking in Persons (ICAT) to be strengthened and we believe that Belarus would like to see a UN global plan of action on trafficking led by ICAT. GAATW-IS will attend this debate and will report back next month.

This month GAATW-IS and the Buhay Foundation for Women and the Girl Child are carrying out research for the purposes of advocacy looking at ASEAN NHRIs efforts to monitor and evaluate government responses to trafficking in persons.

This research involves primary data collection in the four ASEAN NHRI countries, the Philippines, Malaysia, Thailand and Indonesia. We will compile this research into a report for publication at the end of July 09 in time for the Asia Pacific Forum of National Human Rights Institutions in Jordan, August 09.

The IOM is holding a meeting on 21-22 May 09 entitled: 'Ten Years after the starting of negotiations for the Palermo Trafficking Protocol: what view of the future?' - UNTOC and its protocols were opened for signature in Palermo in 2000.

This meeting brings together organisations and actors who were party to the 1999-2000 negotiations on UNTOC with practitioners, academics and representatives from international and

national organisations and governments. IOM's objectives are to: ascertain the current status of Protocol ratification; discuss the successes and challenges of the implementation process; and promote the Protocol's ratification process, there is a particular focus on upholding human rights in anti-trafficking responses. GAATW-IS will attend and has been invited to speak at the event.

The Human Rights Council 11th Session will take place from 2nd - 19th June 09 in Geneva. Important agenda items of note are reports from the Special Rapporteurs on Migrants and Violence against Women on 2nd and 3rd June respectively. The annual full day discussion on Women's Human Rights also takes place on 4th June 09.

GAATW-IS will endeavour to attend parts of the HRC 11th session although has not planned an intervention or parallel event. We hope to meet representatives from the Philippines who will be discussing a resolution on trafficking aimed at supporting the SR on Trafficking in her work and calling for a seminar on human rights and human trafficking to be convened in Geneva in 2010. We also hope to engage other CSOs on review mechanism discussions to UNTOC during the HRC 11th Session.

The Special Rapporteurs on the sale of children, child prostitution and child pornography; trafficking, especially women and children; and contemporary forms of slavery consultative coordination workshop to discuss the work of the three mandates.

These three SRs have decided to consult NGOs regarding the coordination of their work, where there is scope for collaboration and where their work should remain separate. They aim to map out both their individual areas of work and the areas of overlap, to improve their work and develop tools to work with NGOs, treaty bodies, UN agencies and others. They have sent a questionnaire in this regard to interested NGOs. They will also hold a workshop on this issue from 24-26 June 09 in Geneva.