

Advocacy Update



Global Alliance Against Traffic in Women

May 2008

Welcome to the Advocacy Update for May. In this issue we bring you a special report from the Freedom Network's annual conference *Action through Alliance: Partnerships in Combating Modern Day Slavery* (USA, 23 - 24 April 2008).

We also have an analysis of the HRC'S 1st session of the Universal Periodic Review (7 - 18 April 2008), highlighting how the HRC has addressed the human rights concerns around trafficking and migration.

We also give information about **Upcoming Events** and **Special Announcements** and would like to draw your attention to the **Request for Information** from Ban Ying, a member organization in Germany, which is seeking examples about legal mechanisms that help domestic workers exploited by foreign diplomats.

Please contact amy@gaatw.org with comments or request for additional information about anything in this issue. We look forward to hearing from you!

REPORT FROM THE FREEDOM NETWORK ANNUAL CONFERENCE, APRIL 2008

Jayne Huckerby is Research Director at the Center for Human Rights and Global Justice (CHRGJ) at New York University School of Law. She is the author of the US chapter of GAATW's Collateral Damage. At the request of GAATW, Jayne graciously agreed to present the findings of the Collateral Damage Report at the Freedom Network's annual conference in Decatur, Georgia USA. This is her report:

From April 23-24, 2008, the Freedom Network hosted its annual conference *Action through Alliance: Partnerships in Combating Modern Day Slavery*. The conference was well attended by a variety of actors including government officials, service providers, lawyers and academics. A number of key issues emerged from the panels and workshops including,

- accountability of service providers;
- strategies for standardizing case management/developing best practices models;
- challenges with ensuring that the reauthorization of the Trafficking Victims Protection Reauthorization Act (TVPRA) does not further intertwine the anti-trafficking and anti-prostitution agenda in the U.S.; and
- approaches to meeting the needs of both U.S. citizens who have been trafficked across inter-state borders and the foreign nationals trafficked to the United States.

On the conference's second day, I led a workshop on the main findings of GAATW's *Collateral Damage*, with a particular focus on the human rights impact of U.S. laws and policies in the areas of prosecution, protection and prevention both in the United States and abroad. The audience was very engaged, and it was an interactive session with a number of questions from participants, including:

- how to practically implement the report's recommendations, including monitoring conditions of repatriation and the call for further evidence-led policy-making;
- further information about the reasons for the selection of countries for Collateral Damage;
- reasons why States favor law enforcement model over human rights model;

- the global impact of the U.S. anti-prostitution pledge;
- the approaches taken in the countries surveyed with respect to making assistance for trafficked persons contingent on co-operation with law enforcement;
- sources for the report; and
- the extent to which trafficked persons are encompassed within the definition of a refugee under various domestic systems.

In addition, particular attention was paid to the recommendations in *Collateral Damage* and how groups can participate in GAATW's *Recognise Rights* campaign.

You can learn more about the Freedom Network at <http://www.freedomnetworkusa.org/>.

The HRC 1st Universal Periodic Review (3 - 18 April 2008)

In our last Advocacy Update, we reported that the first ever Universal Periodic Review (UPR) was being undertaken in Geneva at the Human Rights Council (7 - 18 April 2008). A total of 16 countries were reviewed, all current members of the HRC.

16 Countries undergo first-ever Universal Periodic Review

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|--------------|-------------------|-----------------|--------------------|
| 1. Algeria | 5. Czech Republic | 9. Indonesia | 13. Poland |
| 2. Argentina | 6. Ecuador | 10. Morocco | 14. South Africa |
| 3. Bahrain | 7. Finland | 11. Netherlands | 15. Tunisia |
| 4. Brazil | 8. India | 12. Philippines | 16. United Kingdom |

The reports from these reviews are now out and it is clear that a very wide range of human rights issues and concerns were discussed. GAATW has prepared a brief overview of how trafficking and migration were presented at the UPR, and drawn out the highlights for all of our advocacy efforts.

A quick review of UPR Procedure...

The UPR is a state-led process where each Government in the world will, every four years, have their entire human rights record opened for review by member states of the Human Rights Council.

For each UPR session, around 16 States are reviewed over a period of two weeks. For each State, a Troika of three other member states from different regional groups is assembled to lead the review process. The Troika is responsible for: considering the reports that the State under review and civil society groups submitted before the UPR session; preparing questions that are given to the State before the review, and then after the session, writing up a report including recommendations made to the State.

The UPR session is held in the HRC and has two parts:

1. **Presentation by the State under review:** The State reports on its human rights situation and can also respond to the advance questions.
2. **Interactive dialogue between the HRC members and the State under review:** This session offers Member States an opportunity to comment, request additional information and ask specific questions to which the State under review can respond.

The State may choose to "support" the conclusions and/or recommendations made to them and agree to take them up, or defer their response to the Human Rights Council eighth session in June. Some States also choose to make "Voluntary Pledges and Commitments" in addition to the Conclusions and/or Recommendations, for example **Argentina** pledged "to recognize the competence of the Committee under the International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families".

It was noted by many NGO observers at the UPR that the general tone of the discussions was congratulatory and supportive of the State under review - probably because the council members knew that their turn would be soon. Many members of civil society were very disappointed with this first session. However, as it is the one place where so many issues are reviewed, it does give us some indication about how trafficking and migration are seen by HRC member states as human rights

concerns.

Trafficking

Trafficking was clearly recognised as a human rights issue by the States under review and the Council members reviewing them, as it was mentioned in many of the sessions (only three states did not have it mentioned at all in any session - [Morocco](#), [South Africa](#), [Tunisia](#)). However, like with other topics addressed during the UPR sessions, the discussions were quite superficial, the level of dialogue on the topic varied country to country, and not all countries discussed trafficking. Specifically:

- Seven of the 16 States ([Argentina](#), [Bahrain](#), [Czech Republic](#), [Ecuador](#), [India](#), [Netherlands](#), and [Philippines](#)) mentioned trafficking during their opening presentation, signifying that it was an important issue for them. The statements from these countries primarily cited adopted or pending anti-trafficking legislation however, rather than looking at human rights concerns for trafficked persons. The [Czech Republic](#) and [India](#) were not later asked any questions during the interactive dialogue about their statements on trafficking.
- Questions about trafficking during the interactive dialogue were asked to 10 countries.
- Seven States then received recommendations on trafficking ([Algeria](#), [Argentina](#), [Brazil](#), [Czech Republic](#), [Ecuador](#), [Netherlands](#), and [Philippines](#)). In general, the recommendations were direct in nature and quite varied. Examples include:
 - [Slovenia](#) called for [Algeria](#) to create domestic criminal offence for trafficking;
 - [Bangladesh](#) recommended that the [Netherlands](#) “address the issue of demand in the destination country”.
 - The [Republic of Korea](#) urged [Argentina](#) to “follow up on measures to combat trafficking in migrants, in particular migrant women”.
 - The [UK](#) urged [Brazil](#) to better evaluate “outcomes of planned activities” in the area of “child and slave labour and impunity for those involved in human trafficking”.

Discussion about trafficking issues sparked very little debate among the Member States, with one noteworthy exception:

- The [Netherlands](#) reaffirming its 2000 policy that lifted the ban on brothels in response to [Egypt’s](#) call to reconsider legalizing sex work.

Migration

Migration and migrants rights generated more discussion than trafficking amongst the Member States, but fewer States under review mentioned it in their opening presentation.

- Only five States ([Algeria](#), [Bahrain](#), [Ecuador](#), [Philippines](#), and [Poland](#)) mentioned migrants issues during the opening presentation, again mainly by referencing adopted or pending legislation. The one exception is [Ecuador](#), which provided a brief summary of the country’s efforts to protect migrants’ rights.
- However, questions about migrants rights were asked to States in 14 of the 16 reviews, indicating that other countries see it as a concern. The majority of these questions came from origin country governments. Only in discussions with [Brazil](#) and [Tunisia](#) was migration or migrants rights never raised.
- Nine States under review received recommendations on migration ([Argentina](#), [Bahrain](#), [Czech Republic](#), [Finland](#), [Morocco](#), [Netherlands](#), [Poland](#), [South Africa](#), and [United Kingdom](#)). Recommendations came primarily from three countries ([Algeria](#), [Egypt](#), and [Mexico](#)). In fact [Mexico’s](#) recommendations were included in five of the nine countries Conclusions and/or Recommendations.

Among the most common recommendation on migration was the call to ratify or accede to the [International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families \(ICRMW\)](#). During the [Netherlands](#) interactive dialogue [Guatemala](#) said that all “developed countries should ratify the ICRMW”. [Guatemala](#) was not alone in urging destination countries to ratify the convention; many origin countries ([Algeria](#), [Ecuador](#), [Egypt](#), and [Mexico](#)) repeatedly recommended ratification.

The call to ratify or accede to the Convention was eventually included in five final Conclusions and/or Recommendations, all in Europe ([Czech Republic](#), [Finland](#), [Netherlands](#), [Poland](#), and [United Kingdom](#)). As these were most of the destination countries under review, this is positive and could be followed up by migrants rights organisations. It should be noted that only [Finland](#) actually agreed to

consider this, and the remaining countries said they would respond during the Human Rights Council eighth session in June.

Discussion about migration was sometimes difficult. Some noteworthy exchanges include:

- **Finland** defended its non-ratification of the ICRMW, amidst calls for ratification from five countries (**Algeria, Bolivia, Ecuador, Egypt, and Mexico**) by declaring that it does not think it is necessary. **Finland** was “of the view that the rights of immigrants were covered by existing human rights instruments”. The delegation also stated that migrant workers should not be considered as a separate group, but rather “should in principle enjoy the same rights as the citizens of the country of their destination and should be treated equally”. Still, in the final recommendations **Finland** agreed to consider ratifying ICRMW.
- The **Netherlands** honest response to the question about treatment of ‘illegal’ migrants was that while “certain basic needs are secured ... it would go **too far** to bring the level of access to social rights of illegal migrants to the same level as those of legal migrants”.

Overall, the first UPR session did not break any new ground on trafficking and migration. While the interactive dialogue provided a venue for an active exchange between the State under review and Member States, as with other topics discussed, comments were generic and often congratulatory. Many questions from the Council were left unanswered by the State under review. We hope that the many comments and criticisms expressed following this first round will be taken up by the Council, leading to a more substantive discussion at the second session.

The **second session of the UPR** is going on right now (5 - 19 May 2008). You can find a list of countries under review in our April 2008 Advocacy Update.

GAATW will continue monitoring the UPR sessions, and we would value input from all of you. If you have had the opportunity to contribute to a civil society report, to attend the UPR sessions, or have been involved in another way, please let us know and share your thoughts with us!

UPCOMING EVENTS

The election of 15 members of the Human Rights Council will be held on 21 May 2008.

The human rights council is now three years old, and it is time for new elections. The General Assembly will elect 15 new members to the HRC on May 21. The HRC is comprised of 47 Member States who serve for three year terms. Like last time, all candidates have had to make voluntary pledges about what they will do if they are elected to the Council and these pledges can be good lobbying tools for the future.

The list of candidates includes:

African States (4 vacant seats)	Asian States (4 vacant seats)	Eastern European States (2 vacant seats)	Latin American & Caribbean State (3 vacant seats)	Western European & other States (2 vacant seats)
Burkina Faso	Bahrain	Czech Republic	Argentina	France
Gabon	Japan	Serbia	Brazil	Spain
Ghana	Pakistan	Slovakia	Chile	United Kingdom
Zambia	Republic of Korea	Ukraine		
	Sri Lanka			
	Timor-Leste			

To learn more about the HRC and the election, as well as to see a list of the current members, please visit http://www.un.org/ga/62/elections/hrc_elections.shtml#candidates.

Third session of the Universal Periodic Review (UPR)

The third session of the Universal Periodic Review is scheduled for 1 - 12 December 2008 during which the following Countries will be reviewed.

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| 1. Botswana | 5. Barbados | 9. Liechtenstein | 13. Cape Verde |
| 2. Bahamas | 6. Montenegro | 10. Serbia | 14. Colombia |
| 3. Burundi | 7. United Arab Emirates | 11. Turkmenistan | 15. Uzbekistan |
| 4. Luxembourg | 8. Israel | 12. Burkina Faso | 16. Tuvalu |

NGOs are urged to contribute to the UPR process by submitting information for consideration by the Council. For NGOs interested in submitting a document for the 3rd session of UPR, the **deadline is 14 July 2008**. For more information about how NGOs can contribute to the UPR process please visit <http://www.ohchr.org/EN/HRBodies/UPR/Pages/NoteNGO.aspx>.

Please let us know if you are planning to contribute to this process and if we can help in any way by emailing amy@gaatw.org.

SPECIAL ANNOUNCEMENTS

The **Committee on the Protection of the Rights of All Migrant Workers and Members of their Families** (CMW) held its 8th session from 14 to 25 April 2008 during which Bolivia and Syrian Arab Republic were under review. The CMW reviews the efforts of States that have signed and ratified the Migrant Workers Convention (ICRMW), which at present is only 37 States, all origin countries. To learn more about this session and to read the State Reports and Concluding Observations please visit <http://www2.ohchr.org/english/bodies/cmw/cmws08.htm>.

The Committee will consider the report of El Salvador during the 9th session, 24 - 28 November 2008.

List of candidates announced for the upcoming CEDAW Committee Elections

The list of 21 candidates for the CEDAW Committee has been announced, four of which are current members of the Committee and are being renominated (Shanthi Dairiam, Magalys Arocha Dominguez, Xiaoqiao Zou and Silvia Pimentel). Of the 23 experts that make up the Committee, 11 of the terms are expiring at the end of this year. The 11 new members will be elected during the 15th meeting of States parties to the Convention in New York on 30 July 2008.

The candidates include:

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| 1. Fadheela Al-Mahroos (Bahrain) | 12. Madina Jarbussynova (Kazakhstan) |
| 2. Nicole Ameline (France) | 13. Latifa Jbabdim (Morocco) |
| 3. Magalys Arocha Domínguez (Cuba) | 14. Soledad Murillo de la Vega (Spain) |
| 4. Marie Thérèse Avemeka (Republic of Congo) | 15. Marie-Christine Ntagwirumugara (Burundi) |
| 5. Violet Tsisiga Awori (Kenya) | 16. Silvia Pimentel (Brazil) |
| 6. Barbara Evelyn Bailey (Jamaica) | 17. Victoria Popescu (Romania) |
| 7. Mercedes Barquet Montané (Mexico) | 18. Zohra Rasekh (Afghanistan) |
| 8. Niklas Bruun (Finland) | 19. Xiaoqiao Zou (China) |
| 9. Fahima Charafeddine (Lebanon) | 20. Sajida Abdulvahabova (Azerbaijan) |
| 10. Mary Shanthi Dairiam (Malaysia) | 21. Anne-Marie Coriolan (Haiti) |
| 11. Indira Jaising (India) | |

More information about the elections, as well as a list of the current members of the committee, can be found at the OHCHR's website at: <http://www2.ohchr.org/english/bodies/cedaw/elections.htm>.

REQUEST FOR INFORMATION

The special issue of the abuses faced by domestic workers employed by foreign diplomats, and how to better support the victims of such abuses, has been raised in on several occasions by members organizations that have encountered such cases and tried to support to the workers. However, the immunity that in most cases protects foreign diplomats makes it very difficult to hold them

accountable for their actions and to bring redress and compensation to their victims.

Ban Ying, a member organization in Germany, is seeking examples from other countries of legal mechanisms that help domestic workers exploited by foreign diplomats. Ban Ying has handled similar cases and recognises a need to start collecting information about cases and the mechanisms available. While Ban Ying is especially interested in examples in the European context, they would also like to hear about experiences from other continents.

Please share with us cases, good examples and ideas by sending an email to nerea@gaatw.org, with copy to info@ban-ying.de.