



A TOOLKIT FOR
REPORTING TO CEDAW
ON TRAFFICKING IN
WOMEN AND
EXPLOITATION OF
MIGRANT WOMEN
WORKERS

Global Alliance Against Traffic in Women

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Introduction

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is an international human rights treaty which aims to eliminate all forms of discrimination against women and to promote equal rights between men and women worldwide. CEDAW is of great significance to trafficking in women and the exploitation of migrant women workers because it obliges states to uphold, promote, protect, respect and fulfil many rights which are critical in preventing and eliminating trafficking in women and the exploitation of migrant women workers and ensuring that adequate and rights-enhancing protections and remedies are afforded to those affected.

The fulfillment of states' obligations and duties under the Convention is monitored by the CEDAW Committee, a group of 23 independent human rights experts. One of the key ways in which state implementation is monitored is through the periodic review process, in which state parties are obliged to report to the Committee on measures undertaken to implement the Convention which subsequently assesses state progress and identifies areas for improvement. Non-governmental organizations (NGOs) also have the opportunity to provide information to the Committee on the situation of women's rights in countries under review and to lobby them to address issues of particular importance with the state.

Over the years, throughout the review process, trafficking and the exploitation of migrant women workers have been addressed with varying degrees of success. Limited understandings and experience of working on trafficking, as well as a strong prostitution abolitionist presence within the Committee has meant that more often than not trafficking has been dealt with in the context of sexual exploitation and in isolation from migration, labour and discrimination issues. Information provided to the Committee by NGOs on the situation of trafficking has typically been similarly narrow in scope and depth, and disconnected from the broader issues within which it exists. A more comprehensive and nuanced approach to trafficking and the exploitation of migrant women workers must be adopted if the review process is to be effective in advancing women's rights in these particular areas of concern.

Accordingly, this toolkit provides guidance to NGOs engaging in the CEDAW review process. It hopes to enable NGO reporting to provide more thorough information on the situation of trafficking in women and the exploitation of women migrant workers

and to link these areas of concern with migration, labour and discrimination issues. It also provides lobbying tools for NGOs to facilitate effective advocacy to the Committee on these issues, in order that the Committee is better equipped to address trafficking and the exploitation of migrant women workers with states under review.

What is CEDAW?



The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is an international human rights treaty which aims to eliminate all forms of discrimination against women and to promote equal rights between men and women worldwide. As of November 2011, 187 states are party to the Convention.

States parties to CEDAW are obliged to establish national legislative, judicial, administrative and other measures to prohibit discrimination and accelerate equality between men and women. Specifically, states parties must take action to address, among other issues:

- Trafficking and the Exploitation of Prostitution (Article 6);
- Education (Article 10);
- Employment (Article 11);
- Health (Article 12);
- Law (Article 15);
- Violence against Women (general recommendation 12 and 19); and,
- Migrant Women Workers (general recommendation 26).

The Convention

The Convention comprises introductory text, outlining its content and significance, and six parts:

PART I: The general substantive framework of the Convention

Discrimination (Article 1)
Policy Measures (Article 2)
Guarantee of Basic Human Rights and Fundamental Freedoms (Article 3)
Special Measures (Article 4)
Sex Role Stereotyping and Prejudice (Article 5)

PART IV: Specific substantive areas of the Convention

Law (Article 15)
Marriage and Family Life (Article 16)

PART II: Specific substantive areas of the Convention

Trafficking and the Exploitation of Prostitution (Article 6)
Political and Public Life (Article 7)
Representation (Article 8)
Nationality (Article 9)

PART V: The CEDAW Committee and procedures pertaining to the Convention

Committee on the Elimination of Discrimination against Women (Article 17)
National Reports (Article 18)
Rules of Procedure (Article 19)
Committee Meetings (Article 20)
Committee Reports (Article 21)
Role of Specialized Agencies (Article 22)

PART III: Specific substantive areas of the Convention

Education (Article 10)
Employment (Article 11)
Health (Article 12)
Economic and Social Benefits (Article 13)
Rural Women (Article 14)

PART VI: Administration and interpretation of the Convention

Effect on Other Treaties (Article 23)
Commitment of States Parties (Article 24)
Administration of the Convention (Articles 25-30)

GENERAL RECOMMENDATIONS

The Convention also comprises general recommendations which elaborate on specific aspects of the Convention and/or particular issues affecting women to which states parties should dedicate more attention. General recommendations are developed by the CEDAW Committee (see page 34); as of November 2011 there are 28 general recommendations:

No. 1	1986	Reporting guidelines	No. 16	1991	Unpaid women workers in rural and urban family enterprises
No. 2	1987	Reporting guidelines	No. 17	1991	Measurement and quantification of the unremunerated domestic activities of women and their recognition in the GNP
No. 3	1987	Education and public information programmes	No. 18	1991	Disabled women
No. 4	1987	Reservations	No. 19	1992	Violence against women
No. 5	1988	Temporary special measures	No. 20	1992	Reservations
No. 6	1988	Effective national machinery and publicity	No. 21	1994	Equality in marriage and family relations
No. 7	1988	Resources	No. 22	1995	Article 20 – Committee meetings
No. 8	1988	Article 8 - Representation	No. 23	1997	Women in political and public life
No. 9	1989	Statistical data	No. 24	1999	Article 12 - Women and health
No. 10	1989	Tenth anniversary of the adoption of CEDAW	No. 25	2004	Article 4, paragraph 1 - Temporary special measures
No. 11	1989	Technical advisory services for reporting	No. 26	2008	Women migrant workers
No. 12	1989	Violence against women	No. 27	2010	Older women and protection of their human rights
No. 13	1989	Equal remuneration for work of equal value	No. 28	2010	Article 2 - The core obligations of states parties
No. 14	1990	Female circumcision			
No. 15	1990	Women and AIDS			

How is CEDAW relevant to trafficking in women and the exploitation of migrant women workers?

CEDAW is of significance to trafficking in women and the exploitation of migrant women workers because it obliges states to uphold, promote, protect, respect and fulfil many rights which are critical in preventing and eliminating trafficking in women and the exploitation of migrant women workers and ensuring that protection and remedies are afforded to those affected.

For example, central to CEDAW is the right to non-discrimination in law and practice.

Discrimination as a cause of trafficking and labour exploitation

Discrimination against women can be a contributing factor to the trafficking in women and exploitation of migrant women workers. For example, women who do not share equal access to education or employment with men are at a greater risk of becoming trafficked or exploited in the work place, as they may be obliged to migrate for work; be less able to negotiate the conditions of their work; have less leverage to negotiate the conditions of their work; and have less knowledge of their rights.

Discriminatory immigration and emigration laws and policies which restrict the ability of women, or particular groups of women, to freely leave or enter a country or district can also make women more vulnerable to exploitation such as trafficking or forced labour. When women cannot freely leave or enter a country they are forced to seek clandestine avenues of migration to make their journey; oftentimes this will involve the assistance of a broker or third party, who may, turn out to be a trafficker, or take advantage of their limited understanding of their new environment or their legal status.

Similarly, immigration or employment laws and policies which restrict the ability of migrant women, or particular groups of migrant women, to freely seek or change their employment, or make the right to remain in the country dependent on the sponsorship of an employer, can increase women's vulnerability to trafficking and labour exploitation. Such laws and policies give extraordinary power to employers, leaving workers with little leverage to negotiate the conditions of their work.

Ensuring that states are fulfilling their obligations under Articles 2: Non-discrimination; 6: Trafficking; 10: Education; 11: Employment; 15 (4): Freedom of Movement; general recommendations 12 and 19: Violence against Women; and, general recommendation 26: Migrant Women Workers, is therefore critical in the prevention and elimination of trafficking and labour exploitation.

Discrimination after or for having been exploited

Trafficked women and migrant women workers can also face discrimination after or for having been exploited. For example, in some countries particular groups or nationalities of migrant women might be more or less likely to be identified as trafficked, granting some the right to access social and legal assistance and denying others. Similarly, assistance or the use of national legal systems might only be made available to those of a particular legal status or those who are willing to cooperate with national criminal justice agencies. Further, 'assistance' provisions can sometimes violate women rights; oftentimes trafficked women will be placed in a shelter or other welfare facility from which she is unable to leave.

Ensuring that states are fulfilling their obligations under Articles 2: Non-discrimination; 6: Trafficking; 10: Education; 15 (1): Equality before the Law; 15 (4): Freedom of Movement; general recommendations 12 and 19: Violence against Women; and, general recommendation 26: Migrant Women Workers, is therefore critical in ensuring that trafficked women and exploited migrant workers are provided with adequate and rights-enhancing protection and remedial mechanisms.

Trafficked women and returnee migrant workers can also face discrimination from family and local communities for rights violations they may have experienced abroad. Ensuring that states are fulfilling their obligations under Article 5: Stereotyping and Prejudice can assist in the elimination of discrimination against returnee migrant women.

CEDAW is also relevant because it obliges states to prevent and protect against violence against women:

Eliminating violence against women

CEDAW specifically obliges states to eliminate all forms of violence against women (general recommendation 12 and 19) regardless of the nationality or legal status, and to suppress all forms of trafficking in women (Article 6).

HOW IS THE IMPLEMENTATION OF CEDAW MONITORED?

The implementation of CEDAW by states parties is monitored by the Committee on the Elimination of All Forms of Discrimination against Women. The CEDAW Committee comprises 23 independent human rights experts, from around the world, with knowledge of the issues covered by CEDAW.

The Committee monitors state implementation in two key ways:

Periodic reviews

State parties are obliged to submit reports to the Committee outlining how the rights of the Convention are being implemented every four years. The Committee reviews the report, discusses implementation with the state, and addresses state concerns and recommendations.

Communications

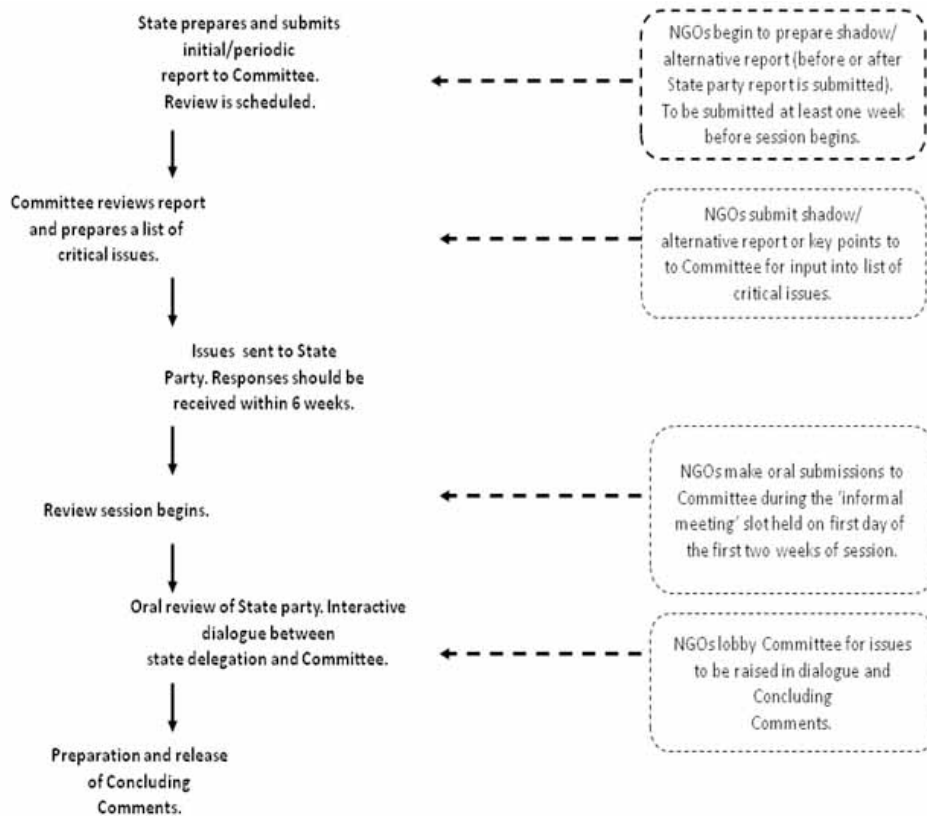
The Committee also receives complaints from individuals or groups of individuals who claim to have had rights, protected under the Convention, violated. They also initiate inquiries into situations of grave or systematic violations of women's rights (See Case Compilation and Analysis on Access to Justice website at [/www.gaatw.org/atj/](http://www.gaatw.org/atj/)).

This toolkit focuses on the periodic review process.

THE COMMITTEE

Name	Nationality	Term Expires
Ms. Ayse Feride Acar	Turkey	31.12.2014
Ms. Nicole Ameline (Vice-Chairperson)	France	31.12.2012
Ms. Olinda Bareiro-Bobadilla	Paraguay	31.12.2014
Ms. Magalys Arocha Dominguez	Cuba	31.12.2012
Ms. Violet Tsisiga Awori (Rapporteur)	Kenya	31.12.2012
Ms. Barbara Evelyn Bailey	Jamaica	31.12.2012
Ms. Meriem Belmihoub-Zerdani	Algeria	31.12.2014
Mr. Niklas Bruun	Finland	31.12.2012
Ms. Naela Mohamed Gabr	Egypt	31.12.2014
Ms. Ruth Halperin-Kaddari	Israel	31.12.2014
Ms. Yoko Hayashi	Japan	31.12.2014
Ms. Ismat Jahan	Bangladesh	31.12.2014
Ms. Indira Jaising	India	31.12.2012
Ms. Soledad Murillo de la Vega	Spain	31.12.2012
Ms. Violeta Neubauer	Slovenia	31.12.2014
Ms. Pramila Patten	Mauritius	31.12.2014
Ms. Silvia Pimentel (Chairperson)	Brazil	31.12.2012
Ms. Maria Helena Lopes de Jesus Pires	Timor Leste	31.12.2014
Ms. Victoria Popescu (Vice-Chairperson)	Romania	31.12.2012
Ms. Zohra Rasekh (Vice-Chairperson)	Afghanistan	31.12.2012
Ms. Patricia Schulz	Switzerland	31.12.2014
Ms. Dubravka Šimonović	Croatia	31.12.2014
Ms. Zou Xiaojiao	China	31.12.2012

THE REVIEW PROCESS



WHY IS IT IMPORTANT FOR ANTI-TRAFFICKING AND MIGRANT RIGHTS ADVOCATES TO ENGAGE IN THE REVIEW PROCESS?

While the Committee receives information on the implementation of the Convention from the state, it is equally important that the Committee receives information from NGOs with expertise in the area of trafficking and migration. Those working on these issues have critical insights into how measures undertaken by the state are directly impacting on the situation of trafficking in women and migrant women workers in a given country, of which the state might have no knowledge or may not wish to share with the Committee.

The Committee relies on NGOs to share this information with them and to direct them to where the key areas of concern lie. **An analysis of the review of states whereby NGOs have engaged in the review process compared with reviews of states whereby NGOs have not participated, clearly shows that without NGO input, reviews undertaken by the Committee lack depth, relevance and fortitude.**

Further, while Committee members are chosen for their knowledge of areas relevant to the Convention, many members have limited understanding and experience working on trafficking and related issues. There has also been a history of a strong prostitution abolitionist presence within the Committee meaning that more often than not trafficking is dealt with in the context of sexual exploitation and in isolation from broader migration, labour and discrimination issues. Some improvements have been made in recent years, with the presence of more knowledgeable Committee members and the inclusion of General Recommendation 26 on women migrant workers. However, many gaps in the Committees' review of states in this area remain.

Also, in efforts to protect women from harms resulting from trafficking and labour exploitation, there has also been a tendency for Committee members to promote protectionist anti-trafficking measures, the result of which can themselves be disempowering to women and even rights-violating. Examples of this include: the abolition of all sex work; shelters which prohibit migrant women from leaving; and restrictions on women's migration.

Participation in the review process enables NGOs to broaden the Committee’s understanding on trafficking in persons and the exploitation of migrant women workers, to promote effective and rights-enhancing anti-trafficking measures, and as a result, ensure that reviews will work to effectively advance women’s rights and the situation of trafficked and migrant women workers.

HOW CAN ANTI-TRAFFICKING AND MIGRANT RIGHTS ADVOCATES ENGAGE WITH THE REVIEW PROCESS?

The main objectives of NGOs engaging in the review process are to:

- Raise the Committee’s awareness of key issues and concerns as they relate to state implementation of the Convention;
- Lobby the Committee to raise key issues and specific questions with the state during the interactive dialogue; and,
- Influence the Concluding Observations and Recommendations, ensuring the promotion of rights-enhancing anti-trafficking strategies and measures.

There are a number of formal and informal opportunities in which NGOs working on trafficking and migration can work to achieve these objectives before and during the sessions at which states are reviewed. These are explored in the following pages.

HOW CAN NGOS PARTICIPATE BEFORE THE SESSION?

Pre-sessional working group

After receiving the state report, in advance of the interactive dialogue (in which the Committee questions the state on the implementation of the Convention in person), the Committee will meet to discuss the report and draw up a List of Issues. The

List of Issues might include areas on which the state has failed to report or an interrogation of the measures implemented. The List of Issues is important because it is an indication of what the major focus of the State party review will be, and the last opportunity for governments to submit written information on issues they may have overlooked or be trying to avoid.

For every state reviewed there is a corresponding committee member appointed Country Rapporteur who is responsible for preparing the List of Issues and the Concluding Comments and Recommendations (see page 33-34). The List of Issues is sent to the state party, which is required to provide written replies before the session at which it is scheduled for review.

NGOs can submit written information to the Office for the High Commissioner of Human Rights (the UN body mandated to support human rights treaty bodies) before the Pre-Sessional Working Group meeting. This could be a shadow report or a short written statement highlighting key issues the Committee should consider in preparing the List of Issues. NGOs can also make an oral presentation to Committee members at the beginning of the Pre-Sessional Working Group.

Information provided should include:

- Critical issues facing women (including trafficked persons and migrant workers) in the country under review, and
- Gaps/analysis of the government's report.

See section 'The Shadow Report: Organisation and Issues to Address' for ideas on issues to consider raising (go to page 20).

Shadow/alternative reporting

What is a shadow/alternative report?

A shadow or alternative report is produced by NGOs and submitted to the CEDAW Committee providing information on how a state under review is meeting its obligations and duties outlined in the Convention.

The difference between a shadow and an alternative report is that with a shadow report NGOs have had access to the state report prior to making their submissions, allowing NGOs to comment on the information submitted by the state to the Committee. Alternative reports are submitted without having had access to the state report.

Reporting partnerships

Reports can be written and submitted by one or multiple groups. In many instances women's groups will form a coalition for the purpose of shadow reporting, although there is no obligation to collaborate. A single NGO can make an independent submission. The Committee will receive multiple reports for the same country, although it may be strategic to liaise with other reporting NGOs to ensure that the number of reports submitted is manageable, enabling the Committee to read all submitted reports.

When submitting a report that seeks to address all or most aspects of the Convention it can be useful to collaborate with multiple NGOs, enabling those with particular areas of expertise to contribute information on relevant issues covered by the Convention. This approach enables NGOs to ensure that an analysis of the whole Convention is covered. It also enables groups to collectively prioritise the key areas of concern and present these to the Committee cohesively.

While the collaborative approach has its benefits, the reality is that in practice it can be difficult to gain consensus between the contributing NGOs on what to include in the report. As a result issues that are either contentious or important to some, but not others, might not be included in the report or watered down. Similarly, in an effort to keep the report to a manageable and readable length, each issue may only be allocated one or two pages.

In instances where NGOs wish to address one or two specific issues or themes covered by the Convention, it can be more appropriate to submit a report independently. This approach enables NGOs, with expertise on specific areas of the

Convention (such as anti-trafficking), to present to the Committee in-depth information on issues of particular importance without compromising the length of the report or the perspective adopted. The down side of this approach however, is that it can result in the various NGOs submitting reports to essentially be in competition with one another for the Committee's time and appreciation for the issues raised.

NGOs reporting on the situation of trafficking and or women migrant workers should consider both approaches to reporting and decide what is best given each individual country context.

Another approach that those reporting on trafficking and or women migrant workers rights might consider is the partnering of NGOs in countries of origin and destination. For example NGOs from Indonesia (a country of origin) and Jordan (a country of destination) might consider submitting a joint report on the situation of migrant women workers in Jordan, or NGOs from Nigeria (a country of origin) and Switzerland (a country of destination) might report on the situation of trafficking in persons from Nigeria to Switzerland.

Such an approach allows for the comprehensive reporting on issues that affect trafficked women and exploited women migrant workers before, during and after their migration experience.

Organising and addressing key issues in the shadow report

During the interactive dialogue the Committee addresses issues and poses questions to the state according to article, as a result, shadow reports are best organised article by article. Organizing a report in this way enables the Committee to easily navigate and raise issues addressed in a shadow report with the state.

Shadow reports which address trafficking and labour exploitation most commonly do so uniquely under Article 6: Trafficking and Exploitation of Prostitution. While this is a useful article under which to report, trafficking is linked with many other issues covered by the Convention and accordingly also can be addressed from within a number of other articles, including Articles 1-2: Discrimination; Article 5: Stereotyping and Prejudice; Article 10: Education; Article 11: Employment; Article 12 – Health; and, Article 15: Law.

Reporting on trafficking and labour exploitation solely under article 6 tends to promote a narrow understanding of what causes trafficking, the needs of trafficked persons and migrant workers after their rights have been violated, and similarly narrow understandings of the measures necessary to address it. Reporting on trafficking and labour exploitation under a wider range of articles is important as it allows for trafficking to be understood and addressed within the broader framework in which it exists (See GAATW (2010). Beyond Borders: Exploring Links between Trafficking and Migration, in GAATW Beyond Borders Working Papers Series. Bangkok: GAATW. Available at: <http://www.gaawt.org/publications>). For example, if we know that poor access to education can be a root cause of trafficking, then states need to address equality in education as a measure to address trafficking.

Suggested shadow reporting template: Issues and considerations to address

This template provides guidance on how to comprehensively report on the situation of trafficking in persons and women migrant workers under CEDAW, including issues to consider and under which articles to raise them. The issues covered are non-exhaustive; some will be more or less relevant to different country contexts.

Article 2: Policy measures to be undertaken to eliminate discrimination

Report here on laws, policies or practices which:

- Ban or restrict women, or particular groups of women, from immigrating and/or emigrating.

Consider, for example:

- The denial of exit or entry visas or permits, on the grounds of women's age, marital status, pregnancy or maternity status, or their assumed vulnerability to trafficking or exploitation.

Issues raised under article 15 could also be raised here.

Article 5: Sex roles and stereotyping

Report here on laws, policies or practices which:

- Promote or reinforce perceptions of women as 'vulnerable' and 'weak'.

Consider, for example:

- Protectionist 'assistance' measures, such as the detention of women and girl victims of trafficking.

Report here on laws, policies or practices which:

- Promote or reinforce perceptions that all sex workers are trafficked persons and that all trafficked persons are sex workers.

Consider, for example:

- The raid and 'rescue' of sex workers in the name of anti-trafficking;
- Discrimination against trafficked persons and sex workers for their (assumed) involvement in sex work or 'immoral' behaviour.

Report here on laws, policies or practices which are:

- Prejudice against particular groups of migrant women workers.

Consider, for example:

- Stereotyping or prejudices against domestic workers or other low paid migrant workers;
- Stereotyping or prejudices against workers of particular nationalities/ethnicities.

Article 6: Trafficking and Prostitution

Report here on laws, policies or practices which:

- Promote, or fail to address, definitions and understandings of trafficking that are inconsistent with the international definition of trafficking as laid out in the Human Trafficking Protocol.

Consider, for example:

- National anti-trafficking legislation in which the definition of trafficking is absent or inconsistent with the definition laid out in the Human Trafficking Protocol;
- The conflation of sex work and trafficking by the state, officials, social service providers and the public;
- The failure of the state, officials and social service providers to address trafficking for purposes other than sexual exploitation;
- A poor understanding of trafficking and its component acts, by officials and social service providers identifying and working with trafficked persons.

Report here on laws, policies or practices which:

- Hold, or fail to hold, governments to account for their anti-trafficking measures.

Consider, for example:

- Absent or inadequate monitoring and evaluation mechanisms, to oversee the implementation of anti-trafficking measures and their impact.
- Consider in particular, the independence of the evaluation mechanisms and the involvement of relevant government agencies and civil society.

Article 7: Political and Public Life

Report here on laws, policies or practices which:

- Enable or disable migrant workers to participate in political and public life.

Consider, for example:

- The involvement of women migrant workers, trafficked persons and relevant non-governmental organizations in policy formulation, implementation, monitoring and evaluation.

Article 10: Education

Report here on laws, policies or practices which:

- Ban or restrict women or girls, or particular groups of women or girls, from accessing education.

Consider, for example:

- The denial of education, on the grounds of women/girls sex, nationality, legal status or their ability to pay.

Article 11: Employment

Report here on laws, policies or practices which:

- Ban or restrict the employment of migrant women, or particular groups of migrant women.

Consider for example, visa schemes which:

- Restrict the employment of women migrant workers to specific jobs or industries;
- Exclude particular female-dominated occupations;
- Terminate when their time-fixed contracts end or are terminated by their employer;
- Are premised on the sponsorship of an employer or spouse;
- Are dependent on the undertaking and results of mandatory health examinations;
- Prohibit and terminate if women migrant workers marry nationals or permanent residents, become pregnant or secure independent housing.

Report here on laws, policies or practices which:

- Fail to protect the rights of women migrants in the work place.

Consider for example:

- Restrictions, bans or lack of protections of work sectors dominated by women migrant workers, such as domestic work and some forms of entertainment;
- Absent or inadequate monitoring of recruitment agencies, employers and places of work;
- Exploitation and abuse of women migrant workers, including:
 - Exploitative fees/debt charged by employment agents
 - Restrictions on freedom of movement, including the confiscation or destruction of travel or identity documents belonging to women migrants by employers and recruiters.
 - Long working hours
 - Poor or non-existent health and safety protection

- Non-payment of wages
- Substandard housing
- Restrictions, bans or poor access to workers collectives.

Article 12: Healthcare and Family Planning

Report here on laws, policies or practices which:

- Ban or restrict women, or particular groups of women or girls, from accessing appropriate and adequate healthcare.

Consider, for example:

- The denial of health care, on the grounds of women's nationality, legal status, their ability to pay, and their willingness to cooperate with national criminal justice agencies;
- The provision of specific and tailor-made assistance for trafficked persons and exploited migrant women workers;
- Access to adequate healthcare in detention facilities, including shelters, which consider the specific needs of pregnant and breastfeeding women.

Report here on laws, policies or practices which:

- Discriminate against trafficked or migrant women workers:

Consider, for example:

- Visa schemes which are dependent on the undertaking and results of mandatory health examinations;
- Mandatory HIV and other medical testing for trafficked or migrant women workers.

Article 15: Equality before the Law

Report here on laws, policies or practices which:

- Fail to result in the correct identification of trafficked women and exploited migrant workers.

Consider for example:

- The deportation of trafficked women as an irregular/undocumented migrant;

- Consider the legal status and nationality of those identified as trafficked and those deported as irregular migrants.
- The quality and frequency of training provided to those identifying victims on human rights, discrimination and identification;
- Cooperation mechanisms between relevant authorities, officials and nongovernmental organizations to facilitate the identification and provision of assistance to trafficked persons established.

Report here on laws, policies or practices which:

- Fail to protect trafficked persons from detention, prosecution and deportation.

Consider for example:

- The prosecution of trafficked persons for violations of immigration laws or for the activities they are involved in as a direct consequence of their situation as trafficked persons;
- Place trafficked persons in a shelter or other welfare facility from which she is unable to leave, or compel victims to remain for the duration of lengthy criminal proceedings.

Report here on laws, policies or practices which:

- Ban or restrict migrant women, or particular groups of migrant women, from accessing justice.

Consider for example:

- Restrictions on the use of the legal system by women migrant workers to obtain remedies;
- The linking of legal assistance and protection to cooperation with national criminal justice agencies;
- The loss of work/residency permits after having reported abuse;
- The failure to regularize migrant women's status during legal proceedings;
- The provision of free legal aid;
- The quality of information about legal proceedings and witness protection;
- Housing and work opportunities for the duration of legal proceedings.

HOW CAN NGOs PARTICIPATE DURING THE SESSION?

Oral statements

The Committee will hear information directly from NGOs about states under review in the form of an oral presentation. All NGOs wishing to provide information on one particular country will collectively have between 10 and 20 minutes to address the Committee. This is a key opportunity for NGOs to highlight and raise the Committee's awareness of key issues and concerns as detailed in shadow reports.

Informal lunchtime briefing session

NGOs can organise and invite committee members to a lunchtime briefing session. This is an opportunity for NGOs to brief the members on the key issues and for the Committee to ask clarifying questions on information provided by the state or NGO reports. While Committee members are not obliged to attend, the majority will participate for at least a short period of time. This is also an opportunity to lobby the Committee to raise particular issues or pose specific questions to the state during the interactive dialogue; this could be done orally, or by distributing written information.

One-to-one meetings

While the Committee members are in session for the majority of the day, and often tied up with briefing sessions at lunchtime, one-to-one meetings can be arranged before, after and sometimes during the session. **One-to-one meetings are one of the best ways to raise members' awareness of critical issues in need of addressing and to lobby for particular issues or specific questions to be raised with the state during the interactive dialogue.**

Meetings should be arranged strategically to include:

- The Country Rapporteur; and,

- Those with an interest in trafficking in persons and women migrant workers rights.

Identifying key committee members

Committee members tend to take responsibility for reviewing state implementation of specific articles or themes covered by the Convention in which they have expertise or interest. **In lobbying members it is therefore important to identify and target those which focus on trafficking and related areas such as labour and migrant rights.** A review of previous interactive dialogues between the Committee and states indicate that the following members are of particular relevance to trafficking and the exploitation of migrant women workers:

Committee Member	Relevant Area of Interest
Ms. Violet Tsisiga Awori	Trafficking - generalist
Ms. Naela Mohamed Gabr	Trafficking - national machinery
Ms. Nicole Ameline	Trafficking - international coordination and criminal justice
Ms. Zohra Rasekh	Trafficking - health and harmful practices
Ms. Ismat Jahan	Trafficking and safe migration – links between the two
Ms. Zou Xiaoqiao	Migrant rights - generalist
Ms. Yoko Hayashi	Migrant rights - generalist
Ms. Patricia Schulz	Decriminalization of prostitution and non-protectionist measures
Mr. Niklas Bruun	Labour rights - primarily of citizens rather than migrants
Ms Silvia Pimentel	Access to justice - generalist

This is a non-exhaustive list of questions and issues that NGOs reporting on trafficking and the exploitation of migrant women workers might like to lobby the Committee to raise with states during the interactive dialogue. Some will be more or less relevant to different country contexts. The names in brackets are suggested Committee members who might be interested in raising the particular question identified.

Article 2: Policy measures to be undertaken to eliminate discrimination:

What plans does the state party have for removing restrictive immigration/emigration laws and policies and increasing avenues for legal immigration/emigration as a measure to address the root causes of trafficking? [Awori/Jahan]

What multi-stakeholder monitoring and impact evaluation of laws and policies relating to labour, migration and trafficking does the state party undertake? Please elaborate on any findings. [Awori/ Gabr/Jahan]

Article 5: Sex roles and stereotyping

What measures has the state party undertaken to educate those identifying/working with trafficked persons as well as the general public on the situation of trafficking in persons, to eliminate stereotypical representations and understandings of trafficking in persons, and to ensure that anti-trafficking measures are founded on quality evidence, and not stereotypes or assumptions? [Awori/Gabr/Rasekh]

What measures has the state party undertaken to promote a culture of respect for women migrant workers and their families and amend prejudicial language in official documents and regulations. [Hayashi/Jahan/Xiaoqiao]

Article 6: Trafficking and Prostitution

Outline steps and provide a timeline for integrating into national law, including amendments to current laws and policies, a definition that is in line with the Palermo Protocol to the United Nations Convention against Transnational Organized Crime. [Awori/Gabr]

Why has the state party not yet ratified the Protocol? What is the timeframe for doing so? [Awori/Gabr]

Could the state party clarify its understanding of 'trafficking' and 'prostitution' and the difference between these terms? Outline steps and provide a timeline for amending laws and policies where there is conflation. [Awori/Rasekh/Schultz]

Measures and funding allocated to address trafficking thus far have focused on trafficking for the purpose of sexual exploitation. What plans does the state party have to address trafficking for purposes outside the sex sector? [Awori/Rasekh/Schultz]

Currently border control is at the centre of the state party's anti-trafficking work. What plans does the state have for expanding this work? What measures is the State taking to ensure anti-trafficking responses are victim-centred and considered not just as a crime against the State but also as severe violations of individuals' rights? [Awori/Jahan]

Please provide statistics for the number of trafficked persons identified, where possible, disaggregated by gender, nationality, legal status and site of exploitation. [Awori/Gabr]

What plans does the state party have to establish multi-agency, sectoral and disciplinary monitoring and impact evaluation mechanisms in order to effectively oversee the implementation of anti-trafficking measures? [Ameline/Awori/Gabr]

Article 7: Political and Public Life

Please provide information outlining measures and mechanisms in place to increase the involvement of women migrant workers, trafficked persons and relevant non-governmental organizations in policy formulation, implementation, monitoring and evaluation. [Hayashi/Jahan/Xiaoqiao]

Article 10: Education

Please provide statistics, showing the numbers and percentage of girls and women in primary, secondary and tertiary

education, where possible disaggregated by gender, ethnicity, nationality and legal status. [Hayashi/Jahan/Xiaoqiao]

What measures are in place to ensure the provision of and access to free education, including with regard to migrants regardless of their legal status? [Hayashi/Jahan/Xiaoqiao]

Article 11: Employment

Provide information outlining measures planned to eliminate laws, policies and practices which restrict the employment of migrant women, including visa schemes which:

- Restrict the employment of women migrant workers to specific jobs or industries;
- Exclude particular female-dominated occupations;
- Terminate when their time-fixed contracts end or are terminated by their employer;
- Are premised on the sponsorship of an employer or spouse;
- Are dependent on the undertaking and results of mandatory health examinations;
- Prohibit and result in the termination of the visa if women migrant workers marry nationals or permanent residents, become pregnant or secure independent housing.
- [Bruun/Hayashi/Jahan/Xiaoqiao]

What measures does the state party take to promote the labour rights of migrant workers? [Bruun/Hayashi/Jahan/Xiaoqiao]

What protections are in place for work sectors dominated by women migrant workers, such as domestic work and some forms of entertainment? [Bruun/Hayashi/Jahan/Xiaoqiao]

Outline information provided to migrant workers, including where, how, the format and language in which information is provided. [Bruun/Hayashi/Jahan/Xiaoqiao]

What laws, policies and measures are in place for labour site monitoring and inspections for treatment of labourers in the state party; which worksites are included; what is the frequency of labour inspections; what training do inspectors receive on

identifying victims of trafficking, labour exploitation and other rights violations? [Awori/Bruun/Gabr/Hayashi/Jahan/Xiaoqiao]
What laws, policies and measures are in place for monitoring recruitment agencies and practices? [Bruun/Hayashi/Jahan/Xiaoqiao]

What measures are in place ensuring that migrant workers have access to workers collectives and that participation is promoted? [Bruun/Hayashi/Jahan/Xiaoqiao]

Article 12: Healthcare and Family Planning

Outline current processes and criteria for identifying trafficked persons and exploited migrant workers, including training provided to those identifying victims. What safeguards are in place to prevent those whose rights have been violated from being criminalised and deported as irregular migrants? When will the government adopt a multi-stakeholder approach, with formal cooperation mechanisms between relevant authorities, officials and nongovernmental organizations to facilitate the identification and provision of assistance to trafficked persons and exploited migrant workers. [Awori/Gabr/Jahan/Rasek]

Provide details of free health and other social services made available to trafficked persons and exploited migrant workers? Including: the scope of services; services for pregnant and breastfeeding women; services available in detention facilities, including shelters for trafficked persons; and services made available to those without documentation. Provide details of cooperation with NGOs in the provision of these services. [Awori/Gabr/Jahan/Rasekh]

Is assistance to trafficked persons linked to cooperation with national criminal justice agencies? If so, provide details, including a timeline for the elimination of this practice in law and policy. [Awori/Gabr/Jahan/Pimentel]

In what respect are medical examinations for migrant workers and trafficked persons mandatory? What are the implications for those with HIV/Aids, terminal medical conditions or disabilities? What plans does the state party have to eliminate this practice? [Awori/Gabr/Jahan/Rasekh]

What health care is available to migrant workers, both documented and non-documented? [Hayashi Jahan/Rasekh/Xiaoqiao]

Article 15: Equality before the Law

Outline current processes and criteria for identifying trafficked persons and exploited migrant workers, including training provided to those identifying victims on human rights, discrimination, gender sensitivity and identification. What safeguards are in place to prevent those whose rights have been violated from being criminalised and deported as irregular migrants? When will the government adopt a multi-stakeholder approach, with formal cooperation mechanisms between relevant authorities, officials and nongovernmental organizations to facilitate the identification and provision of legal assistance to trafficked persons and exploited migrant workers? [Awori/Gabr/ Hayashi/ Jahan/Pimentel]

What measures are in place to ensure that trafficked persons are not prosecuted for violations of immigration laws or for the activities they are involved in as a direct consequence of their situation as trafficked persons? [Awori/Gabr/Jahan/Pimentel]

Are trafficked women required to enter shelters or other welfare facilities? Are they free to leave at their own will? Outline plans and a timeline for ending the mandatory detention of trafficked persons? [Awori/Gabr/Jahan/Rasek/Schulz]

Provide details of free legal services made available to trafficked persons and exploited migrant workers, including the scope of services and services made available to those without documentation. Provide details of cooperation with NGOs in the provision of these services.

Is assistance to trafficked persons linked to cooperation with national criminal justice agencies? If so, provide details, including a timeline for the elimination of this practice in law and policy. [Awori/Gabr/Jahan/Pimentel/Rakesh]

What measures are in place to ensure that information about legal proceedings is provided in a language that is accessible and understandable to migrant women? [Awori/Gabr/Hayashi/ Jahan/Pimentel]

What assistance and protection measures are in place for trafficked persons and migrant workers involved in legal proceedings including: the provision of accessible information about legal proceedings; the regularization of legal status; witness protection; and, housing and work opportunities for the duration of legal proceedings? [Awori/Gabr/ Hayashi/ Jahan/Pimentel]

What measures are in place to ensure that trafficked persons and exploited migrant workers have access to compensation mechanisms for violations committed against them? Provide an outline of measures available, claims submitted by trafficked persons and migrant women workers, and compensation awarded. [Awori/Gabr/ Hayashi/ Jahan/Pimentel]

Concluding observations and general recommendations

Following the interactive dialogue, the Country Rapporteur formulates concluding observations and general recommendations for the state under review. These outline positive aspects, principal subjects of concern and the Committee's recommendations on how to address challenges faced by the State party in implementing the Convention.

Influencing the concluding observations and general recommendations is important because: the Committee will monitor the state's efforts to implement recommendations at subsequent sessions, meaning that issues raised here, will likely be addressed again in subsequent reviews; and, NGOs can use the concluding observations and general recommendations to lobby for the implementation of the Committee's recommendations at the national level.

It is important to note that in order for an issue to be raised in the concluding observations, it must have been raised in the interactive dialogue; therefore, lobbying the Committee before the interactive dialogue and monitoring the interactive dialogue to ensure that key issues are being raised and highlighting gaps to the Committee is essential.

After the interactive dialogue NGOs could try to meet with the Country Rapporteur, or provide them with suggested recommendations in written format, to lobby for the inclusion of key recommendations.

SUGGESTED GENERAL RECOMMENDATIONS

This is a non-exhaustive list of recommendations that NGOs reporting on trafficking and the exploitation of migrant women workers might like to lobby the Committee to include in the Concluding observations and recommendations of states reviewed. Some will be more or less relevant to different country contexts.

General

1. Withdraw all reservations to CEDAW.
2. Ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children Supplementing the United Nations Convention against Transnational Organized Crime, and take immediate action to implement the Protocol with due diligence, notably through the establishment of monitoring and evaluation mechanisms and the enshrinement of a victim-centred approach in national law, ensuring that all measures implemented in the name of anti-trafficking do no harm to, *inter alia*, trafficked persons, migrants and women.
3. Ratify and apply the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.
4. Ratify and apply ILO Convention 189 and its supplementary recommendation on Decent Work for Domestic Workers.

Specific Recommendations

5. Remove restrictive immigration and emigration laws and policies, which discriminate against women, or particular groups of women, and increase avenues for legal immigration and emigration.
6. Conduct multi-stakeholder monitoring and evaluation of laws, policies and practices relating to labour, migration and trafficking to assess their impact on the rights of trafficked persons and migrant workers and amend any rights violating laws, policies and practices accordingly.
7. Promote a culture of respect for migrant workers and their families and amended prejudicial language in official

documents and regulations.

8. Eliminate stereotypical representations and understandings of trafficking in persons by educating those identifying/working with trafficked persons and running public awareness campaigns on the situation of trafficking in persons and its component acts.
9. Adopt an evidence-based approach to trafficking, ensuring that laws, policies, programmes and campaigns are based on evidence collected from trafficked persons, exploited migrant workers, and NGOs with expertise in this area.
10. Ensure that women migrant workers, trafficked persons and relevant non-governmental organizations are involved in all stages of relevant policy formulation, implementation, monitoring and evaluation.
11. Ensure the provision of and access to free education for all regardless of gender, ethnicity, nationality and legal status.
12. Eliminate laws, policies and practices which restrict the employment of migrant women, including visa schemes which:
 - Restrict the employment of women migrant workers to specific jobs or industries;
 - Exclude particular female-dominated occupations;
 - Terminate when their time-fixed contracts end or are terminated by their employer;
 - Are premised on the sponsorship of an employer or spouse;
 - Are dependent on the undertaking and results of mandatory health examinations;
 - Prohibit and result in the termination of the visa if women migrant workers marry nationals or permanent residents, become pregnant or secure independent housing.
13. Ensure that mechanisms are in place for the provision of clear, reliable and accessible information to migrant workers about their labour rights and avenues for assistance in instances where rights are being violated.

14. Implement robust and frequent mechanisms for labour site monitoring and inspections for treatment of labourers and train inspectors to accurately and rapidly identify victims of trafficking, labour exploitation and other rights violations.
15. Implement robust and frequent mechanisms for labour site monitoring of recruitment agencies and practices.
16. Implement cooperation mechanisms between labour inspectors, trade unions, NGOs, and other relevant civil society to ensure that exploited workers are correctly identified and are able to access the necessary social and legal services.
17. Ensure that comprehensive legal protections are in place for work sectors dominated by women migrant workers, such as domestic work and sex workers.
18. Promote the right of migrant women workers to organize and freely associate.
19. Develop guidelines and procedures for officials who might come in contact with trafficked persons such as labour inspectors, health and safety executives, social workers and law enforcement officials and immigration and border control officials to permit the rapid and accurate identification of trafficked persons, ensuring that immigration laws and procedures in no way impede the identification of trafficked persons. Train them in human rights, anti-discrimination and identification.
20. Implement formal multi-stakeholder cooperation mechanisms between relevant authorities, officials and nongovernmental organizations to facilitate the identification and provision of social and legal assistance to trafficked persons.
21. Remove all legislation and policies which make legal and social services conditional on trafficked persons' cooperation with law enforcement.

22. Ensure access to social and legal services for migrant workers and trafficked persons, regardless of their legal status, making special provisions for pregnant and breastfeeding women, including in detention or welfare facilities.
23. Ensure that trafficked persons are not prosecuted for violations of immigration laws or for the activities they are involved in as a direct consequence of their situation as trafficked persons.
24. Cease all arbitrary detention of trafficked persons, whether in shelters, half-way homes or any other establishments, such establishments must on no accounts be closed.
25. Cease mandatory health checks for trafficked persons and women migrant workers.
26. Provide trafficked persons and exploited migrant workers with information on the right to remedy, mechanisms and procedures available to exercise this right, and how and where to obtain the necessary assistance. Legal assistance should be provided free of charge.
27. Ensure access to assistance and protection measures for trafficked persons and migrant workers involved in legal proceedings including: the provision of accessible information about legal proceedings; temporary residency permits; witness protection; and, housing and work opportunities for the duration of legal proceedings.
28. Establish compensation schemes for trafficked persons and exploited migrant workers, ensuring that eligibility requirements do not discriminate, for example on the grounds of nationality and long-term residence requirements.

HUMAN RIGHTS

at home, abroad and on the way...



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