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Policy recommendations on anti-trafficking

How to go about them and how to advocate for them

This document aims to offer some guidance and tips on achieving policy change in the area of anti-trafficking. It begins with suggestions on advocacy strategies and techniques that can be useful when seeking to bring about change either nationally or in the international contexts. The second part of the document provides insight into selected international and regional mechanisms with which NGOs can engage and that can help us achieve change.

The type of change that we desire can vary – it can be a change in the law, attempt to improve processes through which trafficked people are referred to assistance or change in the way improvements and obligations, of states as well as civil society organisations, are monitored.

While different countries in Europe might have different needs in terms of change, the processes of achieving those changes and tools how to go about them are to a large extent transferable and can be adapted to the particular national context or circumstances. In essence, those who identify the need for a change (a problem) have to persuade those who are in the position to make that change happen (policy-makers) about that need and press them to initiate the process of change.

Lead Partner

Partner



Achieving change

Advocacy is the term used to describe the process of achieving change and this document offers a mini-guide to NGOs on this.

However, before any process of advocacy can begin, sufficient knowledge – evidence base – about the problem that needs addressing must be available. Collecting information and documenting practices is often usefully done through international monitoring and in developing shadow reporting. That way, the evidence can be used both for advocacy on a national level, but also in the international context, to put pressure on a country using international mechanisms such as the United Nations.

The text below is structured into three main sections. First chapter offers some insight and practical tips on how to develop an effective advocacy strategy and how to advocate for change. In the second section, several tools for assessment and shadow monitoring are listed. Furthermore, this chapter also offers advice on using some of the international mechanisms to exert pressure for changes. The final, third chapter, offers some practical advice on conceiving recommendations and briefings.

What is advocacy and how to advocate for change¹:

Advocacy is any activity that a person or organisation undertakes to influence policies. In the life cycle of a non-governmental organisation a lot of its work is advocacy – often without the organisation realising that this is what it is involved in. The notion of advocacy is often used interchangeably with the notion of lobby. However, lobby is a different, more specific set of actions:

Lobby includes activities that ask policymakers to take a specific position on a specific piece of legislation or on other decisions.

¹ The following resources have informed this section of the document: Advocacy training by Mike Kaye and Kate Willingham, Anti-Slavery International; The Policy Project, Advocacy training manual; Non Profit Action, www.npaction.org

So, what is it that we do when we advocate?

We :

- Pursue a desired outcome.
- Promote a solution to a problem.
- Build the political will for action.
- Try to influence a person or a group of people in order to change something

Advocacy, whether aimed at an individual policy maker or at a general audience, usually has to go through several stages before it can achieve a practical impact.

Advocacy stages include:

- Raising awareness/knowledge of the issue; (for this we will need to dispose of a knowledge/evidence base to demonstrate the problem in an authoritative manner)
- Having the information accepted as true; (again for this more than just anecdotal documentation of the problem is essential)
- Identifying and proposing solutions to the issue (a change)
- Achieving desired change in policy or attitude;
- Ensuring the implementation of policy or change of behaviour.

These stages are applicable both for actions that are aimed at a single issue, or time limited campaigns as well as on-going work undertaken around a range of issues (for example continuous monitoring of state's adherence to human rights treaties).

Each advocacy activity requires thorough planning. The planning needs to take into account a number of internal and external issues and map stakeholders to identify potential allies who might be able to assist in achieving change.

Advocacy planning:

- Identify the problem and the key solutions; (try to break down the problem to basic elements and identify solutions that are realistic and could be conveyed to a non-specialised audience)
- Ensure you have a stable foundation (consider your resources, evidence, reputation, internal communication, etc.);
- Review the political environment (who has power, what is their attitude, limitations on their ability to make the changes to policy/practice); consider also whether any election is upcoming (national/local)
- Set your objectives – make them SMART; (Specific; Measurable; Achievable; Realistic; Time bound)
- Develop an advocacy strategy to achieve these objectives;
- Implement the plan and keep the process dynamic (monitor, evaluate and amend during the project lifetime).

The advocacy goal that you are trying to achieve will determine the strategy to adopt to achieve this goal. In some cases, a single focused activity might be sufficient to achieve what you are pursuing. At other times, you will need to combine several methods in order to achieve the desired outcome.

In general, your strategy will use one or a combination of the following:

1. Grass roots campaigning

This strategy usually involves educational work, publications, raising awareness and mobilising members of the public. Have a clear message and something that people can do (e.g. letter writing, petitions,

postcard, giving money, visit website, inform others) to help you advance your cause. If general public gets involved, it shows that ordinary people, who are voters, are concerned about this issue. This will in turn make the issue more attractive for politicians.

2. Coalition building

It is rare that we achieve change single-handedly. Working with other organisations and individuals and involving them in your campaign can strengthen the whole process. Make links with similar organisations and non-traditional allies (for example trade unions or the police). Also seek the support of influential individuals and groups (e.g. media, sports or music stars, community or religious leaders) that can have better access to those in the position of power. This is valuable because it allows you to: reach a wider audience and mobilise different constituencies; specialise and share tasks between groups; increase your impact; and share your costs.

3. Influencing decision-makers

Your targets of influence include Government Ministers, civil servants and advisors as well as local officials and politicians from other political parties. It could include officials who write guidance or interpret laws (judiciary, immigration officers, police, social workers, etc.). Before attempting to influence those it is important to map who is the most likely target to turn to your side and focus on those that are the most realistic ones.

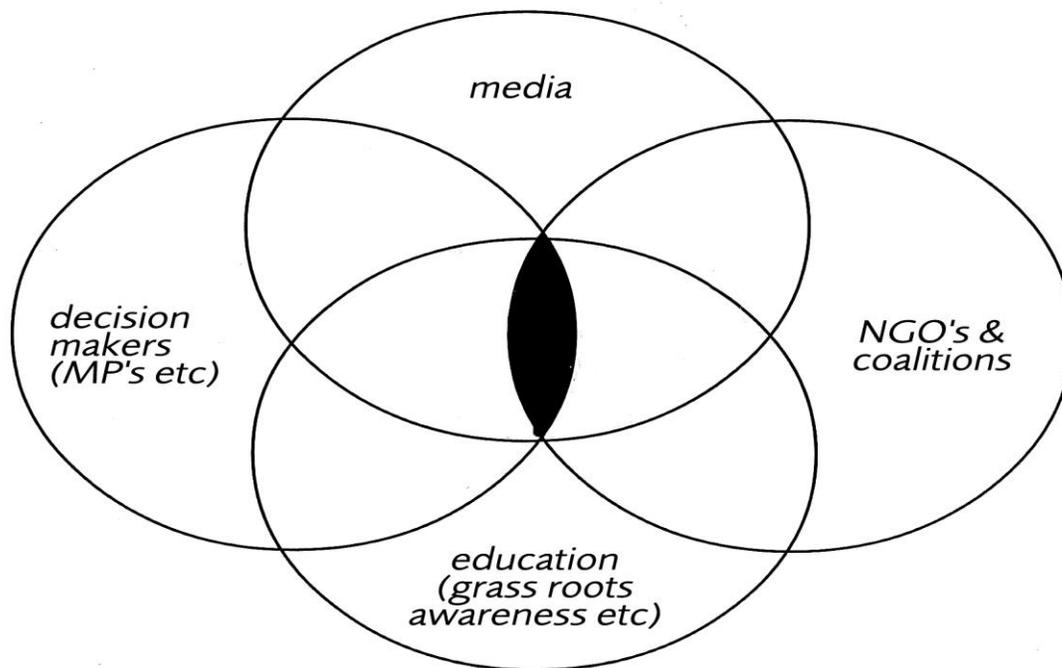
4. Media work

Media can be your best ally, but it can also influence your campaign negatively. You should always remember that your opponents are likely to use media in the same way that you do. Furthermore it might not be always beneficial to involve the media in your campaign.

Work with the media involves getting coverage through the television, newspapers, radio, magazines, the internet, etc. You can work with the media pro-actively (e.g. provide them with stories and tips) and/or re-actively (react to what is being presented in the media, for example write a letter to the editor).

How advocacy tools reinforce each other

The diagram below will help you understand how the various advocacy tools reinforce and complement each other:



Another way how to understand what we do when we advocate is to list all the steps in the process of advocacy. Each of the elements of the process has to be carefully designed and generally, none of them should be skipped. Certainly, in some cases it might not be necessary to work in partnership, but as a general rule, the process should be followed meticulously to achieve the best results.

Advocacy Process

1. Define the issue (“interest”)
2. Set goal and objective (including short term measurable achievements)
3. Identify target audience („subjects“)
4. Build support („partners“)
5. Develop the message (who are you trying to reach? What do you want to achieve?)
6. Select tools that support your interest („instruments“)
7. Raise funds
8. Develop implementation plan (activities and tasks, responsible persons, time frame, resources)

Tools and guidance for monitoring and assessment by NGOs

This section aims to assist you with developing and improving your monitoring processes and collecting your evidence base. First we will offer you several tools that could be used to assess the states performance and to evidence their adherence to international obligations. We will then introduce to you some of the mechanisms which could be used to submit shadow reports or raise your concerns and allegations.

Assessment tools

To assess the **human-rights impact** of anti-trafficking policies in your country, a plethora of international human rights instruments can be used. The Right guide is a useful tool to assist in the process of assessment, using the most relevant human rights tools. It was developed exclusively for the use of NGOs, including small grass-roots and community organisations. The tool has been tested by NGOs in several countries across the globe.

The Right guide (2010 : Aim for human rights, Marjan Wijers, Lin Chew)

The RightT guide is available on-line in English and in French²

Some tools have been developed for the states to assist them in self-assessment of their performance.

These tools can be used or easily adapted for the use by NGOs as well. One of such tools is:

Measuring Responses to Trafficking in Human Beings in the European Union: an Assessment Manual³

(2007: European Commission, Mike Dottridge)

The manual contains questions that allow Member States to assess whether they are implementing anti-trafficking measures and a total of 55 indicators against which Member States can measure their progress. The manual consists of four parts: part I focuses on six guiding principles, all of which are essential foundation stones if the range of other actions required to combat trafficking in human beings are to be successful. The subsequent three parts focus on prevention (Part II), protection and assistance (Part III) and law enforcement strategies (Part IV).

The manual can be downloaded online⁴.

E-notes. Report on the implementation of anti-trafficking policies and interventions in the 27 EU Member States from a human rights perspective (2008 and 2009)

Acknowledging the crucial role played by monitoring and evaluation of the anti-trafficking frameworks in place in each EU Member State to ensure the full protection of trafficked persons' rights, Associazione On the Road (Italy), ACCEM (Spain), ALC (France) and La Strada International (Netherlands) laid the first foundation stones to define a shared and comparable methodology for NGOs to monitor and report on the efficiency and the effectiveness of the anti-trafficking legislation and work that is daily carried out by governments, NGOs and other actors in the field.

² http://www.humanrightsimpact.org/fileadmin/hria_resources/Trafficking_-_RighT_guide/The_RighT_guide_ENG.pdf

http://www.humanrightsimpact.org/fileadmin/hria_resources/Trafficking_-_RighT_guide/The_RighT_guide_FRENCH.pdf

³ Developed on the basis of the recommendations by the EU Group of Experts on Trafficking, as specified in their report of December 2004

⁴ http://ec.europa.eu/anti-trafficking/download.action;jsessionid=xJc4TL3Vv5pxy122RLC2fhS6WsdNIJk2GpNkzZDD2hfcGc3hIbpg!741669820?nodeId=d1476063-c8cc-4f34-9029-02551a1d4177&fileName=Indicators+on+trafficking+in+EU+2007_en.pdf&fileType=pdf

Through the project E-notes (“European NGOs Observatory on Trafficking, Exploitation and Slavery”) – co-funded by the Prevention of and Fight against Crime Programme of the European Commission (DG Home Affairs) – in February 2011 the partners, with the support of researchers and NGOs based in all 27 Member States, issued the first report that assesses the anti-trafficking policy and practice in EU.

The E-notes report (authored by Mike Dottridge) reveals that governments within the EU have different interpretations of what actions should be given priority to stop trafficking and to protect people who have been trafficked and indicates that the protection provided to many trafficked persons is inadequate. There are substantial discrepancies between EU Member States on fundamental aspects of anti-trafficking policy and practice within the EU, such as national legislation to prohibit human trafficking and definitions of trafficking, the existence of coordinating bodies and the process to identify trafficked persons. Several provisions of international and national legislation aimed at protecting the rights of trafficked persons still exist only on paper in the majority of EU Member States. Finally, the report contains recommendations for both governments and the European Union as a whole. A summary of the report is also included in each of the EU’s national languages.

The report, including the tool used for monitoring, can be downloaded online⁵.

Guidelines by the UN Office of the High Commissioner on Human Rights

Aside from tools that are aimed at assessment of responses, it is also useful to know the framework that can serve as a benchmark for assessment and evaluation. In terms of determining the extent to which human-rights approach is applied within anti-trafficking, the guidelines produced by the UN Office of the High Commissioner on Human Rights offer a solid background.

The guidelines are a framework document aimed at developing human-rights based responses at each stage of the anti-trafficking process. The guidelines were developed in 2002. In 2010, these guidelines were further developed into a commentary that details how the application of each of the guidelines can be implemented (and hence also assessed) on the ground.

The text of the guidelines in English, French and Spanish⁶ and text of the commentary are all available online.

⁵ www.e-notes-observatory.org/wp-content/uploads/E-notes-report_Adobe-61.pdf

Monitoring on the national level

Monitoring compliance with obligations and assessment of the implementation of anti-trafficking policies, as well as the human rights impact assessment is one of the tasks of civil society organisations involved in anti-trafficking work.

The evidence of impact on the effectiveness of policies is key when we strive to achieve change. While some organisations whose core business is to provide assistance to trafficked persons might have limited capacity to engage in the policy debate, it is important that their experience from the ground, and the voices of those they assist are fed through. Below are some examples and tips how NGOs can engage on the national level to ensure a positive change for those they work with.

1. NGO Coalitions Monitoring of Anti-Trafficking measures

Sometimes, the most feasible way how to increase capacity of small or grass-root service providers to engage on the strategic, policy level is through coalition working. Practical example of such coalition that works towards a common aim is the Anti-Trafficking Monitoring Group. Founded in 2009 in the UK, the group comprises of some nine NGOs works jointly to monitor the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings.

The group has devised own methodology for shadow monitoring, combining several techniques such as literature review, interviews, initiating questions to be asked of the government by the Parliament and uses the freedom of information legislation to access information about trafficking from the government. A copy of the first report of the group published in 2010, including description of the methods can be found at:

http://www.antislavery.org/includes/documents/cm_docs/2010/f/full_report.pdf

⁶ <http://www.ohchr.org/Documents/Publications/Traffickingen.pdf>
<http://www.ohchr.org/Documents/Publications/Traffickingfr.pdf>
<http://www.ohchr.org/Documents/Publications/Traffickingsp.pdf>
http://www.ohchr.org/Documents/Publications/Commentary_Human_Trafficking_en.pdf

2. National multi-agency working groups and bodies

The context in every country is different. Therefore, it is important to carry out a bit of stakeholder mapping before deciding on the most productive way of advocating for change. The section above suggested an example of an NGO-lead monitoring. Another option is becoming a member of a national working group or a national task-force.

In many countries, the anti-trafficking work is driven by a policy (commonly formulated as an action plan). Part of the implementation process of such policy is a coordination body or mechanism that often includes a multi-stakeholder grouping. It is a sign of good practice, if civil society organisations are represented on this body.

An example of such a body is the Task Force on Combating Human Trafficking (TFHT) that has been working in Austria since 2004. It is headed by the Federal Ministry for European and International Affairs and mandated to coordinate the anti-trafficking measures taken by Austria. The task force holds regular meetings, chaired by the ministry and is composed of representatives of all the competent ministries, the federal provinces and non-governmental organisations.

Another example of a national coordination body, where civil society organisations are invited to participate, can be found in Romania. In 2003, a Governmental Decision⁷ created The Inter-Ministerial Working Group (IWG). The IWG consists of 4 representatives of the Ministry for Administration and Interior; members of other Ministries, including Justice; Public; Labour, Social Protection and Family; External Affairs; Education, Research and Youth; Health; Public Administration; Culture; National Authority for Child Protection and Adoption. Other relevant authorities and institutions with relevant attributions can also be represented. NGOs also participate in the IWG, for example ADPARE is represented. The IWG meets quarterly or more frequently, if necessary. Similar meetings are also held regularly at the regional level, together with the regional ANTIP centre, local authorities and other relevant actors active in the respective region.

In addition to these coordination bodies, in many countries there are on the national level charged with monitoring of the human rights record or bodies, which carry out independent inquiries or accept complaints about the failures in operation and abuse of process by government departments. These bodies take

⁷ Decision no. 299/2003

different forms, such as an ombudsperson or a national human rights commission. For example, the UK Equality and Human Rights Commission has recently concluded an inquiry into trafficking in Scotland and published its findings in a report presented to the Parliament⁸.

International monitoring

Presenting shadow reports to international monitoring bodies is a useful way of reinforcing national advocacy and lobby in an attempt to influence policy change. There are several possibilities that NGOs in Europe can use to exert pressure on their national governments to introduce changes. Below, we will briefly discuss some of them. Please note that the possibilities listed below are not an exhaustive list and that you might find other channels that are more effective for your particular national context.

To engage with some of the bodies or in certain monitoring processes, NGOs will need to either be registered with those bodies or have a formally recognised status. For example, in order to engage with the United Nations process (like interventions at the Human Rights Council or participation and organisation of events at the Conferences of the Parties), NGOs need to have obtained a consultative status with the UN Economic and Social Council (ECOSOC). To date, globally some 3,400 NGOs enjoy this status. Information on how to apply for this status can be found here:

<http://csonet.org/index.php?menu=30>

To attend some conferences and meetings convened by the United Nations, NGOs might not need to have the ECOSOC status, but will have to be registered for accreditation in advance.

Council of Europe

The Council of Europe, based in Strasbourg (France), now covers virtually the entire European continent, with its 47 member countries. Founded on 5 May 1949 by 10 countries, the Council of Europe seeks to

8

http://www.equalityhumanrights.com/uploaded_files/Scotland/Human_Trafficking_in_Scotland_inquiry_into_human_trafficking_in_scotland-full-report_pdf.pdf

develop throughout Europe common and democratic principles based on the European Convention on Human Rights and other reference texts on the protection of individuals.⁹

The Council of Europe is also the home for the Convention on Action against Trafficking in Human Beings, which is the only international treaty that has embedded anti-trafficking measures within the human rights framework. Importantly, the Convention provides set up of an independent monitoring mechanism capable of controlling the implementation of the obligations contained in the Convention by the states. The monitoring mechanism is set up from a group of experts that form a body called GRETA.

GRETA is responsible for monitoring implementation of the ***Council of Europe Convention on Action against Trafficking in Human Beings*** by the Parties. The monitoring procedures that are currently in place include a questionnaire to the states' parties and a country visit. NGOs are a vital part of the monitoring process.

Procedures for evaluation:

1. Questionnaire

GRETA has prepared a questionnaire for the first evaluation round (that commenced in 2010) that states parties have to complete. The questionnaire focuses on the provisions of the Convention which will provide an overview of the implementation.¹⁰ The states have a deadline by which their response to the questionnaire must be received by GRETA. They are obliged to answer all the questions in the questionnaire and provide any supporting data or documentation.

GRETA is also accepting, and is very interested in submissions from the civil society. The input at the questionnaire stage can be either joint with the government or independent. The information needs to be credible and verifiable.

You can either use the questionnaire or answer all, or some of the questions for which you have the most relevant knowledge. You can also decide to draft a shadow report, within your organisation or together with several other organisations in the field of anti trafficking. The information must be submitted in either English or French, the two official languages of the Council of Europe, as there are no resources to translate documents provided in other languages.

⁹ www.coe.int, accessed in September 2011

¹⁰ The questionnaire is available in English at: http://www.coe.int/t/dghl/monitoring/trafficking/default_en.asp

The most useful, taking into account the limited resources and capacity of GRETA, is to submit one consolidated report from a group of NGOs than several separate NGO reports.

In 2012, members of GRETA will conduct country visits to all the 10 countries that are being reviewed this year.

2. Country visits

In addition to the written submission, GRETA also visits all the countries that are under review. During the visit the experts seek to verify the information it has received and to examine and evaluate the practical implementation of the measures taken. During these visits GRETA meets with civil society representatives, including from non-governmental and other relevant organisations. GRETA may also decide to organise hearings with various actors carrying out work to prevent trafficking, to assist and protect trafficked persons and to bring to justice those responsible for violations of the human rights of trafficked persons

What can NGOs do?

- Contact your government and ask to be consulted about measures taken or planned with a view to the implementation of the Convention and its reporting to GRETA:
- Submit information directly to GRETA in the form of an NGO report, which is separate from the government's submission, and which responds to some or all of the questions set out in the questionnaire:

All input from civil society must reach GRETA a date set for each monitoring round possible earlier. It should be sent **in English or French** to the Executive Secretary of GRETA. Contact details and further information can be found at:

http://www.coe.int/t/dghl/monitoring/trafficking/default_en.asp

- Organise a roundtable or platform for civil society when GRETA organises a visit to your country

The result of the monitoring is a report assessing each of the countries. Draft report is shared with the government of the country under review for comments. Once the country has commented on the draft, GRETA will prepare its final report and conclusions which will be sent at the same time to the Party (the

signatory country) concerned and the Committee of the Parties (which is the second pillar of the monitoring process). The final report together with the Party's comments will be made public and cannot be further modified by the country review.

For more about the process of submitting shadow reports, to view reports on countries that have been reviewed and to learn more about the process of monitoring see:

http://www.coe.int/t/dghl/monitoring/trafficking/Docs/Monitoring/GRETA_en.asp#TopOfPage

United Nations Human Rights Mechanisms

The main two bodies that are concerned with the issue of trafficking at the UN level are the UN Office of the High Commissioner on Human Rights (UNOHCHR) and the UN Office on Drugs and Crime. For assessment of the human rights dimension of trafficking, the various human rights mechanisms of the UN can be used:

1. United Nations Human Rights Mechanisms

1.1 The Human Rights Council

The Human Rights Council has 47 elected members which cover five different regional groups. It meets 3 times a year – March, June and September. The Council has two mechanisms which provide opportunities for anti-trafficking advocacy:

- 1) The system of special procedures
- 2) The Universal Periodic Review process

1.1.2 United Nations Special Procedures

The "Special procedures" are mechanisms established by the Human Rights Council to address either specific country situations or thematic issues. As of 2011, there were 33 thematic and 8 country mandates. Those who hold the mandates are Special Rapporteurs, Independent Experts, Special Representatives of the Secretary General or members of Working Groups.

The mandate allows Special Procedures examine, monitor, advise and publicly report on major human rights themes and phenomena worldwide (thematic mandates) or on human rights situations in specific countries (geographic mandates) worldwide, irrespective of convention ratification. They also have the facility to raise urgent allegations in relation to particular cases or trends. Mandate holders act in their personal capacity. They are not UN staff members and are not paid by the UN. OHCHR staff provides some, but limited support to mandate holders.

Thematic mandate holders relevant to our work include: Special Rapporteurs on Contemporary Forms of Slavery, Special Rapporteur on the sale of children, child prostitution and child pornography, Special Rapporteur on the human rights of migrants; Special Rapporteur on trafficking in persons, especially women and children¹¹.

What can the Special Rapporteurs do?

Country Visits

Usually, the Special Procedures visit 2-3 countries per year, sometimes together with other relevant mandate holders. They can only conduct a visit if they have been formally invited by the given country (its government). They either obtain an invitation upon request or accept a standing invitation that some countries issue.

During the visit, the Special Rapporteur meets a range of individuals and organizations (e.g. public officials, NGOs, IGOs, the diplomatic community, academics and religious leaders, traditional leaders, witnesses, victims or their families).

NGOs can contribute to the visits in a number of ways. They can provide background information prior to the visit and highlight any issues (including controversial ones), suggest places to visit and individuals and organizations to meet. They can also work with the mandate during the drafting of the report and provide input on the recommendations.

In the national context, the report can be used to advocate with the Government and to lobby for implementing the recommendations. Depending on their budget, Special Rapporteurs sometimes

¹¹ Details of the respective national Rapporteurs can be found at:
<http://www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx>

convene events, such as seminars and roundtables, focused on the implementation of their recommendations.

It is common that a visit is concluded by a public event, such as press conference. The Special Rapporteur also usually puts out a press release at the end of his/her visit.

A report is prepared on each visit, including findings, conclusions and recommendations. The report is presented to the Human Rights Council during one of its sessions.

Annual (Thematic) Reports

Each year the Special Rapporteurs present reports to the Human Rights Council. The reports are divided into two parts. The first part is a sort of an annual report and covers the activities undertaken in the previous year, such as country visits, meetings attended and any communications issued. The second part is a thematic report.

Like with the country visits, NGOs can contribute to the thematic reports. For example, NGOs can suggest topics for thematic reports, based on their knowledge of the local situation, emerging trends or to highlight issues that are otherwise neglected. They can also respond to the Rapporteur's questionnaire or calls for evidence.

Once the report is completed, NGOs can organise events to coincide with the presentation to the Human Rights Council. These can either be done on the national level or at the UN. Interventions during the interactive dialogue directly at the Human Rights Council session in Geneva take a form of a side event, oral statement and/or written statement.

Communications

Special Procedures are also mandated to send Letters of Allegation and Urgent Appeals to governments (and to others, such as UN bodies, IGOs). The mandate holders do this based on information received or situations brought to their attention.

The information can be submitted by victims or persons on their behalf, by NGOs, IGOS or UN bodies and must be reliable, credible and relevant to Rapporteur's mandate. The Letters of Allegation or Urgent Appeals concern either individual cases of human rights violations, general situations of human rights

concern or laws that do not meet international standards. At the end of each year, the Letters of Allegation and Urgent Appeals sent are collated in a report that is presented to the Human Rights Council. The communications issued are confidential until published in the reports to the Human Rights Council.

The sources of information for the communication are kept confidential indefinitely.

How can NGOs submit information for communications?

The majority of special procedures have a form for use. The information can be found on the relevant section of the website of the Office of the High Commissioner for Human Rights dedicated to Special Procedures:

<http://www2.ohchr.org/english/bodies/chr/special/index.htm#>

It is important that as much information requested in the form as possible is included. The more details and the more exact the description is, the more credible the information appears. If sufficient information is provided the first time around, there will not be a need for the Rapporteur to request additional information and a communication can be issued speedier.

What would we need to provide?

If your communication is regarding a particular case, you need to provide as much detail as possible. It might be helpful to also provide any examples of similar cases or to explain the general context. If your communication relates to a general pattern of human rights abuses or violations, you will need to provide evidence of the problem. The evidence should include statistics, cases that illustrate the problem, relevant laws, newspaper articles, media reports, recommendations of national and international bodies, etc.

As a rule, try to include as much of the following into your communication as possible:

- Person(s) or organization(s) submitting the information

- Who are the alleged perpetrators of the abuse
- Any national laws that are allegedly violated
- When and where the incident took place
- Detailed description of the incident
- Who are the alleged victims
- Explain and describe any steps that have been taken at national level (whether a complaint has been filed; any investigations undertaken; arrests; trials; assistance provided etc.)

As the Special Procedures are not judicial bodies, there is not condition in relation to the national legal processes – you do not have to wait until all the national legal avenues have been exhausted as it is the case with international human rights courts.

1.1.3 Universal Periodic Review (UPR)

The Human Rights Council has been mandated by the UN General Assembly to periodically review the fulfilment by each State of its human rights obligations. The period of review is four years, so each country is reviewed every four years.

The review has several components:

First, the country under review prepares a document outlining what it has done to adhere to its human rights obligations. The document should not exceed 20 pages and is supposed to be prepared in consultation with all relevant stakeholders at the national level.

Second, the Office of the High Commissioner for Human Rights (OHCHR) compiles UN information into a 10-page report. For this, the OHCHR uses reports of UN bodies such as treaty bodies and special procedures.

Third, the OHCHR prepares a 10-page summary of information by other relevant stakeholders, such as NGOs or research institutions.

What happens during the review?

Each UPR session lasts three hours, and takes the form of an interactive dialogue between the Working Group and the State under review. The State under review has approximately one hour for its presentation, replies to questions, and closing remarks. Member and observer States make comments, recommendations and ask questions on any human rights issue. After the review, there is a report on the session summarising the discussion and listing the recommendations made to the State under review, it also notes whether the State accepted or rejected the recommendation made.

How can NGOs participate?

There is a number of ways how NGOs can take part in the process. They can participate in the national consultation process, if one is held. They can also provide input to the OHCHR summary of stakeholders' information. There is a usual format which the submission should follow and it should not exceed 5 pages.

Your 5-page submission should contain the following:

- Evidence of the problem – statistics, cases, description
- Information about current law and policy relating to the issue we are raising
- Analysis of what the government is doing wrong/ not doing / what needs to be changed
- Recommendations

NGOs can also lobby states prior to the UPR Working Group session in order to get them to mention trafficking, ask the State under review a particular trafficking related question or to make a recommendation. NGOs are permitted to attend the UPR Working Group sessions, but only as observers.

The calendar of the UPR reviews and other relevant information about the process and submissions can be found at: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx>

2. Monitoring of the International Labour Standards – engaging with the International Labour Organization'

The ILO is another UN agency with a strong relevance to the anti-trafficking efforts. For those working on trafficking for forced labour, engagement with this organisation can be very important, organisation is the home to all the conventions relating to forced labour and rights of workers (and migrant workers).

The ILO is the only tripartite UN organisation, made up of workers, employers and governments. Unlike other UN mechanisms, the tripartite structure means that NGOs do not have a formal avenue for input. However, there are many ways how NGOs can work with the ILO – for example through working with national unions or global union federations or the ILO supervisory mechanisms. There are two key ILO supervisory mechanisms that we can use for our international advocacy.

2.1 ILO Committee of Experts

State parties to ILO Conventions must submit a periodic report- every 2 years for the ‘Core Conventions’ (i.e. C29 and C182) and every 4 years for other Conventions. The report should be detailed, including all relevant laws, regulations, policy and action taken by the State party.

The Committee of Experts on the Application of Conventions and Recommendations is a group of independent experts. It sits annually from November to December to review government reports, and make a comprehensive assessment of a states compliance with the Conventions. The Committee of Experts issues its report each year in February. The Committee of Experts can make “**Observations**” and “**Direct Requests**” to governments. Observations usually indicate long-standing problems implementing a Convention. Direct requests for further information or clarification can supplement Observations or may stand on their own.

How can NGOs input into this process?

Official ILO and UN documents and submissions made by workers’ and employers’ organisations are treated as primary sources of information with a direct bearing on the examination of the State report. Employers’ and workers’ organisations can submit ‘comments’ (sometimes also called ‘complaints’) to the Committee of Experts on ILO Conventions. They can do so whether or not they are based in the country concerned. Comments highlight breaches in the State’s application of the Convention.

NGOs may not submit Comments directly, but can supply information to workers’ and employers’ organisations willing to take the matter up for them. The ILO must receive material by the end of August to ensure that the Committee of Experts considers it as the following November- December session. So,

NGOs wishing to submit information through workers' and employers' must send it to them in advance of that, usually by mid July.

ILO submissions need to follow a particular structure and include the following:

- Evidence that there is a problem
- Information about the legislation in place with relation to child labour, forced labour, and particularly anything directly related to domestic work or child domestic work; any policy action by the government; any programmes put in place by the government
- Your analysis/critique of why the law and policy in place isn't working and why the problem persists
- Recommendations: what does the government need to do

2.2 Conference Committee on the Application of Standards

The Committee on the Application of Standards (CAS) meets every June as part of the International Labour Conference. It is a tripartite Committee composed of workers and employers organisation and government representatives. The CAS makes an in-depth review of about 25 countries, all drawn from the preceding Committee of Experts' report. The list of countries for review is agreed by the workers and employers group at the beginning of the ILC.

Each country takes about ½ day or possible a day. Each of the parties (workers, employers and governments) will take the floor and make their case and ask questions. The government of the country under review will also respond at a couple of separate stages during the process.

Each case discussion ends in the formulation of a concluding paragraph, which is negotiated by the tripartite groups (The final paragraph is the conclusions section in the report text).

In the worst cases of non-compliance, the Committee on the Application of Standards may decide to include the case in a "special paragraph" in its report to the International Labour Conference. Special paragraphs contain the action that the ILO is going to take- such as a direct contacts mission.

This report of the CAS is then forwarded to the Committee of Experts at its next session to continue the monitoring process. If there is a “special paragraph” then the country will automatically come up for review at the next CAS and the country *should* be reviewed in the next Committee of Experts report.

3. The treaty monitoring bodies

A Treaty, Covenant or Convention are all international standards which have the binding force of law once ratified by a State. All States that have ratified the core human rights Conventions have to make periodic reports to the relevant treaty monitoring bodies below (one year after ratification and then every two years for the Convention on Elimination of Racial Discrimination, every four years for Covenant on Civil and Political Rights, Convention on the Elimination of Discrimination against Women and the Convention against Torture, and every five years for Covenant on Economic Social , and Cultural Right , Convention on the Rights of the Child and the Convention on the Protection of all Migrant Workers and their Families).

Each treaty is reviewed by a relevant committee:

- The Covenant on Economic, Social and Cultural Rights, 1966 (ICESCR) is reviewed by *the Committee on Economic, Social and Cultural Rights*
- The Covenant on Civil and Political Rights, 1966 (ICCPR), with two Optional Protocols. is reviewed by *the Human Rights Committee*
- The Convention against Torture, 1984 (CAT), with one Optional Protocol is reviewed by *the Committee against Torture*
- The Convention on the Elimination of Racial Discrimination, 1965 (CERD) is reviewed by *the Committee on the Elimination of Racial Discrimination*
- The Convention on the Elimination of Discrimination against Women, 1979 (CEDAW) with one Optional Protocol is reviewed by *the Committee on the Elimination of Discrimination against Women*
- The Convention on the Rights, 1989 (CRC) with two Optional Protocols is reviewed by *the Committee on the Rights of the Child*

- The Convention on the Protection of the Rights of All Migrant Workers and their Families is reviewed by *the Committee on Migrant Workers*

All of these bodies, apart from the CRC and ICESCR, have a complaints procedure which can be accessed by individuals or groups which believe that a State is not complying with its obligations, as long as the State has ratified the appropriate Optional Protocol or Article in the Convention. Treaty monitoring bodies operate in a quasi-judicial manner and while their findings are not legally binding they are published and have considerable influence. As a result each body builds up case law on how to interpret the human rights instruments and some follow-up with Governments to see if they have implemented their recommendations.

The reporting cycle is as follows:

1. State submits report
2. Treaty body presents list of issues and questions based on report to the State (opportunity for NGO input)
3. State may submit written replies to queries
4. Constructive dialogue between committee and State during session (opportunity for NGO input)
5. Treaty body issues its concluding observations and recommendations
6. Procedures to follow up on implementation of treaty body recommendations

However, there are some limitations to the monitoring system:

- It can take five years before a particular convention is reviewed
- States may be unwilling (blocking mechanism) or unable (capacity issues) to meet their reporting obligations.
- Individual complaint mechanisms are rarely used (only 35 complaints have been filed under Article 14 of CERD in 24 years) or are used only in specific countries (28 out of 109 countries have never had a complaint filed under the first Optional Protocol of ICCPR).

How can NGOs participate?

Submission prior to the session at which the Working Group draws up the 'list of issues' – the list of issues forms the basis for the review so it is important to try and get our issue on the list if you want it to be addressed during the review.

Further information about the treaties and the work of the treaty monitoring bodies can be found at:

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

US Department of State Trafficking in Persons Reports

Since 2000, the US State Department (the Office to Monitor and Combat Trafficking in Persons) published annually reports which evaluate government on their performance against minimum standards for the elimination of trafficking in persons. These standards are anchored in the Trafficking Victims Protection Act of 2000, as amended. This report is submitted to the relevant committees in the US Congress. This report tends to have a significant political weight. Often the results of the evaluation also inform the direction of where funding is needed that the department also makes available.

How can NGOs participate in the process?

NGOs can either provide information in their countries or submit directly to the State Department.

At the country level, there is a person responsible for the anti-trafficking portfolio at the American Embassy. The official will seek information from the national NGOs, so it is useful to get in touch with the person and provide them with information. The embassies compile a report that is then sent to the Department of State in Washington and used in the preparation of the final report.

When submitting directly to the State Department, NGOs will be invited to make submission through a request (usually a list of questions) published by the Ambassador-at-Large responsible for the work of the Office to Monitor and Combat Trafficking in Persons¹².

¹² For example, for the submission into the 2012 Trafficking in Persons Report, the Ambassador requests submissions in answer to the following questions:

1. How have trafficking methods changed in the past 12 months? (E.g., are there victims from new countries of origin? Is internal trafficking or child trafficking increasing? Has sex trafficking changed from brothels to private apartments? Is labor trafficking now occurring in additional types of industries or agricultural operations? Is forced begging a problem?)
2. In what ways has the government's efforts to combat trafficking in persons changed in the past year? What new laws, regulations, policies, and implementation strategies exist (e.g., substantive criminal laws and procedures, mechanisms for civil remedies, and victim-witness security, generally, and in relation to court proceedings)?
3. Please provide observations regarding the implementation of existing laws and procedures.
4. Is the government equally vigorous in pursuing labor trafficking and sex trafficking?
5. Are the anti-trafficking laws and sentences strict enough to reflect the nature of the crime? Are sex trafficking sentences commensurate with rape sentences?
6. Do government officials understand the nature of trafficking? If not, please provide examples of misconceptions or misunderstandings.
7. Do judges appear appropriately knowledgeable and sensitized to trafficking cases? What sentences have courts imposed upon traffickers? How common are suspended sentences and prison time of less than one year for convicted traffickers?
8. Please provide observations regarding the efforts of police and prosecutors to pursue trafficking cases.
9. Are government officials (including law enforcement) complicit in human trafficking by, for example, profiting from, taking bribes, or receiving sexual services for allowing it to continue? Are government officials operating

The rules for submission of the information are similar like with the other submission processes. As a general rule, comment only on those questions where you can demonstrate direct knowledge on and recommend how you would like to see any deficiencies remedied. Include any relevant data, case studies, photographic materials as well as information about laws and policies.

The Department keeps the sources of information confidential.

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- trafficking rings or activities? If so, have these government officials been subject to an investigation and/or prosecution? What punishments have been imposed?
10. Has the government vigorously investigated, prosecuted, convicted, and sentenced nationals of the country deployed abroad as part of a peacekeeping or other similar mission who engage in or facilitate trafficking?
 11. Has the government investigated, prosecuted, convicted, and sentenced organized crime groups that are involved in trafficking?
 12. Is the country a source of sex tourists and, if so, what are their destination countries? Is the country a destination for sex tourists and, if so, what are their source countries?
 13. Please provide observations regarding government efforts to address the issue of unlawful child soldiering.
 14. Does the government make a coordinated, proactive effort to identify victims? Is there any screening conducted before deportation to determine whether individuals were trafficked?
 15. What victim services are provided (legal, medical, food, shelter, interpretation, mental health care, health care, repatriation)? Who provides these services? If nongovernment organizations provide the services, does the government support their work either financially or otherwise?
 16. How could victim services be improved?
 17. Are services provided equally and adequately to victims of labor and sex trafficking? Men, women, and children? Citizen and noncitizen?
 18. Do service organizations and law enforcement work together cooperatively, for instance, to share information about trafficking trends or to plan for services after a raid? What is the level of cooperation, communication, and trust between service organizations and law enforcement?
 19. May victims file civil suits or seek legal action against their trafficker? Do victims avail themselves of those remedies?
 20. Does the government repatriate victims? Does the government assist with third country resettlement? Does the government engage in any analysis of whether victims may face retribution or hardship upon repatriation to their country of origin? Are victims awaiting repatriation or third country resettlement offered services? Are victims indeed repatriated or are they deported?
 21. Does the government inappropriately detain or imprison identified trafficking victims?
 22. Does the government punish trafficking victims for forgery of documents, illegal immigration, unauthorized employment, or participation in illegal activities directed by the trafficker?
 23. What efforts has the government made to prevent human trafficking?
 24. Are there efforts to address root causes of trafficking such as poverty; lack of access to education and economic opportunity; and discrimination against women, children, and minorities?
 25. Does the government undertake activities that could prevent or reduce vulnerability to trafficking, such as registering births of indigenous populations?

 26. Does the government provide financial support to NGOs working to promote public awareness or does the government implement such campaigns itself? Have public awareness campaigns proven to be effective?
 27. Please provide additional recommendations to improve the government's anti-trafficking efforts.
 28. Please highlight effective strategies and practices that other governments could consider adopting.

It is important to bear in mind that the final country report of the US Department of State is relatively brief, containing only few pages on each country. It focuses on highlighting progresses, changes in trends, or issues that have become important in the years since the last evaluation has occurred.

For more information, please see: <http://www.state.gov/g/tip/index.htm>

European Union

There is no formal monitoring mechanism attached to the European Union. The European Commission is responsible for developing and implementing policy in the area of anti-trafficking. The Directorate General of Home Affairs is responsible for the agenda. In 2010, a new post of EU Anti-Trafficking Coordinator, whose responsibility is to both advise the Director General for Home Affairs and to coordinate on the issue across policy areas of the EC.

There are some opportunities for NGOs to influence the policy of the EC or to participate in event, such as the annual EU Anti-Trafficking Day. Furthermore, the EC has a number of funding streams open to NGOs. For more information, please consult the EC websites:

European Commission resources on human trafficking:

http://ec.europa.eu/home-affairs/doc_centre/crime/crime_intro_en.htm

<http://ec.europa.eu/anti-trafficking/index.action>

In terms of achieving change, similarly like with lobbying your local Members of Parliament, on issues that bear European relevance, NGOs from the EU might find it useful to engage with their respective members of the European Parliament.

The following links might be helpful in understanding the processes and structures of the European Union:

<http://europa.eu/about-eu/>

<http://www.eurunion.org/eu/images/stories/eufocus-understandingeu-5-2011.pdf>

Recommending Changes

Most documents and submissions that we have talked about in this document conclude with a set of recommendations. Hence, instead of a conclusion, we offer you a few tips and trick that you might find useful when putting together policy recommendations. Generally, recommendations summarise the changes you want to achieve and set you what should happen, who should take action and by when.

Often, the recommendations will be aimed at policy-makers and decision-makers. Your primary targets must be those individuals who have the authority to make your change happen (or who can also block your attempt to achieve a change). It is important to bear in mind that those we aim our recommendations are often responsible for more policy areas than just trafficking in human beings. Therefore you will need to form your recommendations in such a way that they not only stand out from any other similar documents they might get, but more importantly ensure that your recommendations are devised simply and clearly.

Here are the top 5 pieces of advice for recommendation writing:

- Ideally do not make more than 5 recommendations at the end of a document. If you need to make more than five, indicate which among the list of recommendations are priority ones.
- Give a time frame for implementation of the recommendations - be as specific as you can. If no specific timeframe can be given, cluster your recommendations as short-, medium- and long-term.
- Identify who should be implementing the respective recommendation. It is not sufficient to just say that the government is responsible – identify the concrete ministry, agency or department.
- Highlight any cost-effective elements and advantages that your recommendations will bring to those who you are targeting. This will make your recommendations more attractive.
- Be realistic. It is unlikely to achieve the optimal solution straight away. Consider what change would be an acceptable stepping stone. A good strategy might be to include one “wish list” type recommendation – that way the other recommendations will appear more realistic.

In addition to publishing recommendations, briefing to civil servants and ministers can be a useful tool in advocating for change. Clarity and brevity is even more crucial when it comes to briefings. Politicians in

particular have a short attention span and if you can get your points across within a few paragraphs, it is less likely that they will be interested in getting involved.

Please consider the following points when writing a briefing:

- Length – be brief, to the point. Ideal length is one A4 page, but try not to exceed 2 pages – state what is desired, why is it desired and how they can help. Before ending, repeat your key ask.
- Use simple, easy to understand language. Avoid jargon and do not assume familiarity with specialised terms or contexts.
- Organise your briefing around three main points or asks. Any more points will dilute attention and decrease the effectiveness of your briefing.