

**COMBATING HUMAN TRAFFICKING
IN THE AMERICAS:**

A GUIDE TO INTERNATIONAL ADVOCACY



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ACRONYMS

CIM	OAS Inter-American Commission of Women
CISC	OAS Committee on Inter-American Summits Management & Civil Society Participation
Commission Convention	OAS Inter-American Commission on Human Rights American Convention on Human Rights
Court	OAS Inter-American Court of Human Rights
ECOSOC	UN Economic and Social Council
IGO	Intergovernmental Organization
IIN	OAS Inter-American Children's Institute
ILO	International Labor Organization
NGO	Non-governmental organization
OAS	Organization of American States
RCGM	Regional Consultation Group on Migration
RCM	Regional Conference on Migration
REMJA	Ministers of Justice or of Ministers or Attorneys General of the Americas
RNCOM	Regional Network of Civil Society Organizations for Migration
SIRG	OAS Summit Implementation Review Group
Summit	Summit of the Americas
UN	United Nations

INTRODUCTION

This Guide introduces a number of institutions and processes in the Americas and the United Nations (UN) in which civil society advocates can advance human rights protections for trafficked persons. These regional and international mechanisms are useful tools for the development of rights-based domestic laws and programs on human trafficking in the Americas. Through these institutions and processes, governments develop consensus documents, such as conventions or treaties, declarations, resolutions and plans of action, that contain important commitments to the rights of all persons. These documents also obligate governments to take specific actions to ensure the ability of people to realize their rights and to enable government officials to carry out their duties to protect and ensure those rights.

International and regional institutions and processes present two types of opportunities for civil society advocacy. One, civil society can speak directly to government officials about their concerns and issues at regional and international meetings and have input into the creation of consensus documents. Two, civil society can use the conventions, declarations, resolutions, plans of action and other documents produced at these supranational meetings to support demands for accountability and laws, policies and practices at the national level.

This Guide focuses only on the first type of advocacy - on increasing civil society participation in the Organization of American States (OAS) bodies and processes, the Summit of the Americas, the Regional Conference on Migration (RCM), the UN and the International Labour Organization (ILO). It seeks to encourage groups and individuals from the Americas to bring their authentic voices, expertise, recommendations and energies to regional and international institutions and processes in order to promote a human rights-based response

to trafficking that recognizes and respects the rights of all trafficked persons*, regardless of their immigration status.

Non-governmental anti-trafficking and other organizations from Central and South America, Mexico and the Caribbean are encouraged to increase their visibility, voice and presence in these supranational institutions and processes to ensure that governments understand and address the full range and scope of the human trafficking and human rights abuses suffered by the victims.

Purpose of This Guide. Many problems affecting local communities, such as human trafficking, cannot be adequately addressed by working only at the national level. While it is necessary to promote human rights-based laws and policies domestically, non-governmental organizations (NGOs) should consider taking the human trafficking issue to international and regional fora and processes where governments negotiate agreements, in the form of treaties, resolutions and plans of action. Those regional and international agreements are important to local activists because governments must implement the agreements into national laws, policies and practices.

More and more governments in the Americas are beginning to formulate policies on human trafficking, often without knowledgeable input from civil society. In many instances, it is difficult or

*This Guide uses the term 'trafficked persons' to mean persons who are trafficked into forced labor, slavery or servitude into many different sites, including factories, farms, brothels and homes. The term 'trafficking victim' is an accurate term for the period of time in which a person is a victim of the traffickers but it is not appropriate for the pre- and post-victim periods. Thus, this Guide uses the term 'trafficked person' throughout except when the person is actually under the control of the traffickers and then the term 'trafficking victim' is used.

impossible for NGOs to influence their governments to adopt human rights frameworks into anti-trafficking measures. Thus, it is imperative for civil society advocates to consider bringing their expertise on human trafficking to the regional and international venues where decisions are being made that influence national policies and laws. These regional and international institutions and processes are crucial tools for bringing about change at the national level. They have the potential to support civil society efforts to transform laws, policies and practices at the national level but only if civil society is involved in the process.

Civil society is increasingly playing a central role in the negotiating these outcomes and commitments. For example, NGOs were actively involved in the negotiation of the UN Trafficking Protocol (discussed in this Guide). NGOs can also monitor government implementation of regional and international agreements and can submit reports to regional and international bodies when states fail to meet their obligations. Additionally, they can bring individual cases to the attention of those bodies for investigation.

Fortunately, civil society in the Americas has access to important human rights instruments and also to a broad range of regional institutions, which are discussed in this Guide: the Organization of American States and its Inter-American Human Rights System, the Summit of the Americas (Summit) and the Regional Conference on Migration (RCM). NGOs have been successful in using human rights instruments and regional institutions to raise awareness of human rights abuses in the region and in holding their governments accountable. However, very little has yet been done in these bodies to address the entire range of problems involved in human trafficking.

Thus, the time is ripe for NGOs to bring their broad range of knowledge and experience on the problem of human trafficking in the Americas to these institutions and processes. Although those bodies and processes have paid some attention to the problem, the focus has been primarily on trafficking of women and children into prostitution and trafficking as a law and order or security issue.

The focus must be expanded since traffickers will exploit the vulnerability of any person, man, woman or child, and hold their victims in many sites, not just in prostitution. The narrow focus on

trafficking as a criminal matter must also be challenged since trafficking is an extreme abuse of the human rights of the victims and cannot be challenged unless the human rights of the victims and vulnerable populations are placed at the forefront of state responses.

International fora, such as the United Nations (UN) and the International Labor Organization (ILO), are also important sites in which civil society can play an important role. More comprehensive work has been carried out at the international level on the issue but very few NGOs from the Americas and Caribbean have participated in the dialogues or meetings in which treaties, policies and activities to combat trafficking have been debated and adopted.

Thus, this Guide provides information that activists from the region will, hopefully, find useful and lead to an increased civil society presence at the regional and international level. People from the Americas are trafficked to countries in Europe, Asia and other far-flung regions of the world and the voices, concerns and experiences of anti-trafficking NGOs and activists from the Americas and Caribbean can make important contributions to the vibrant debate on causes, consequences and solutions to human trafficking taking place at the international level, particularly in the UN and the ILO. This Guide outlines the ways in which advocates can utilize these international mechanisms and bodies to promote a rights-based response by governments and intergovernmental agencies in the region.

Summary of contents. This Guide provides information on major regional and international conventions, institutions and processes that are relevant to the issue of human trafficking. In brief, This Guide introduces:

1. Regional level:

- Organization of American States
- Summit of the Americas
- Inter-American Commission on Human Rights
- Inter-American Court of Human Rights
- Regional Conference on Migration*

* For information on the South American Migration Dialogue (which is not included in this Guide), see: <http://www.iom.int/iomwebsite/servlet/com.crosssyste>

- Primary human rights instruments

2. *International level:*

- UN Trafficking Protocol
- UN Principles and Guidelines on Human Rights and Human Trafficking
- UN Slavery Conventions
- UN Migrant Worker Convention
- UN Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography
- ILO Conventions on Forced Labor and Worst Forms of Child Labor

How to use this Guide. This Guide is intended to be used by organizations and advocates who seek to promote the human rights of trafficked persons and migrants, particularly organizations and advocates who:

- Work on the rights of migrants, women, children or workers
- Conduct trainings on human rights
- Already advocate before regional or international bodies and want to incorporate human trafficking into their work.

This Guide contains facts, analyses and suggestions to start discussions about supra-national advocacy. It does not cover all the issues and facts necessary to create a strategy for regional or international advocacy; however, it contains enough information and advice to enable advocates to debate the questions of whether or not regional and/or international advocacy is appropriate or feasible.

Lastly, This Guide is just that: a guide. Advocates can appropriate and use as much or as little information and advice as they require. The situation in each country and each NGO is unique and the regional and international institutions discussed in this Guide are constantly developing and changing. The Annexes to This Guide contain contacts, references and websites for additional and updated information.

Conceptual Clarity on human trafficking. At the outset, it is important to clarify the definition of human trafficking that is used in this Guide.

ms.iom.official.servlet.ServletPrepareSearchOfficialText and <http://www.un.int/iom/Asuncion.html>.

Human trafficking is often confused with human smuggling. It is important to understand, however, that smuggling and trafficking are not the same. While smuggling always involves crossing a border in an irregular manner, human trafficking occurs within and across borders and can happen to people with or without visas and/or work authorizations. However, although migrants with work permits are often trafficked, most victims are undocumented.

The movement of people into unfamiliar environments is a key element of trafficking since this movement renders a person vulnerable to being held in unfree conditions. Traffickers exploit migrants' lack of information and legal protections, as well as migrants' fear of deportation to hold their victims in unfree conditions.

Trafficking is also typically identified as a problem solely involving women and children. However, the international community now acknowledges that people of all ages and backgrounds are vulnerable to being trafficked into forced labor, slavery and servitude in factories, homes, brothels, farms, restaurants, streets, and any other site in which someone can profit off of the forced labor or services of another person.

The definition of trafficking used in this Guide contains all of the important elements of the international definition contained in the UN Trafficking Protocol, which is discussed in detail later in This Guide:

The recruitment, harboring, transporting, providing or obtaining, by any means, any person for forced labor, slavery or servitude in any industry or site such as agriculture, construction, prostitution, manufacturing, begging, domestic service or marriage.

PART I. ORGANIZATION OF AMERICAN STATES

The Organization of American States (OAS)* is the principal forum for collaboration among all governments (or states)* in the Americas. The OAS supports regional cooperation to promote good governance, strengthen human rights, foster peace and security, expand trade, and address the complex problems caused by poverty, drugs, and corruption.

Two important OAS bodies - the Inter-American Commission on Human Rights (Commission) and the Inter-American Court of Human Rights (Court), along with a number of other OAS bodies - have mandates that directly impact human rights policies and, more specifically, human trafficking policies in the region.**

Therefore, it is essential for advocates to understand what these bodies do, how they operate, and how NGOs can influence their work. It is also important to recognize that:

- NGO advocacy can have a positive impact upon the work of the various OAS bodies,
- NGO expertise is needed and appreciated within the OAS, and
- The OAS is evolving and changing in response to the realities in the region and also to the demands of civil society.

This Guide will, hopefully, inspire advocates working at the national level to consider incorporating OAS advocacy into their work, for example, by speaking with and providing information to their country's OAS delegates at home, by participating in relevant OAS meetings in the region, and/or by bringing cases to the Commission.

* An OAS Organigram is contained in Annex I.

*The terms 'government' and 'state' are used interchangeably.

**NOTE: Websites for all OAS offices, processes and documents and relevant sections of documents are contained in Annex II.

The OAS is a large and complex institution and This Guide focuses only on the most important OAS bodies and processes that have the power and potential to influence regional and national responses to human trafficking.

We have attempted to provide accurate and current information on OAS bodies and processes and on NGO access to the OAS. Much of the information in this Guide was obtained through extensive discussions with experts inside and outside the OAS and is not available anywhere on line or in documents. Readers are advised to access the OAS resources in Annex II to obtain updated information.

Section A of this Part I covers the General Assembly, Permanent Council, specialized bodies in the OAS, and ministerial-level meetings as well as NGO advocacy with those bodies. Section B introduces the important human rights instruments applicable in the region, and Section C provides an in-depth review of the roles of the Commission and the Court, as well as NGO advocacy before these bodies.

A. GOVERNING AND IMPLEMENTING BODIES

General Assembly. The General Assembly is the supreme governing body of the OAS. It develops the overall framework for OAS activities. It establishes the OAS budget and agenda and coordinates the activities of its specialized bodies. Member States are represented at the General Assembly by their foreign ministers, who meet annually to adopt resolutions on significant issues affecting the region as well as to issue mandates that governments agree to implement in the region.

While the General Assembly is ultimately responsible for determining the priorities of the OAS, it relies on the support of the Permanent Council, the General Secretariat and other bodies within the OAS to develop its agenda and to implement its recommendations. In fact, General Assembly resolutions sometimes originate from

proposals recommended by these lower bodies in their formal meetings (described in detail below).

In June 2006, the General Assembly adopted a Resolution on “Hemispheric Efforts to Combat Human Trafficking in Persons: Conclusions and Recommendations of the First Meeting of National Authorities on Trafficking in Persons.” The Resolution was developed at the first meeting of governments and civil society on the issue. It is comprehensive and recognizes that trafficking “violates the human rights of victims and affects society at large.” It requires governments to respect the human rights of trafficked persons and to strengthen international cooperation and requests governments “to adopt an integrated and crosscutting approach to the matter of trafficking in persons.” It also recognizes the important role of civil society in combatting trafficking in persons.

The General Assembly has also issued several other Resolutions on human trafficking. The Resolutions offer important opportunities for civil society to push for their governments to take action since they require governments and OAS bodies to act, to implement the recommendations and carry out activities as well as to report on their progress.

Permanent Council and its committees. The Permanent Council is the permanent governing body of the OAS; it oversees the day-to-day operations, including evaluating and approving all resolutions that will be considered by the General Assembly. Member States are represented by their OAS Ambassadors at the twice-monthly Permanent Council meetings held in Washington, D.C. The Permanent Council is assisted in its work by its committees, which are chaired by Member States.

The two most important committees for human trafficking issues are the Committee on Juridical and Political Affairs, which covers human rights issues, including the rights of migrants, and the Committee on Hemispheric Security, which is responsible for transnational organized crime, including human trafficking.

In 2006, the General Assembly (Resolution 2224, XXXVI-O/06) approved the Inter-American Program for the Promotion and Protection of the Human Rights of Migrants. The Program was created by a Working Group within the Committee on Juridical and Political Affairs. The Program contains many excellent provisions on migrants’

rights and also specific language on human trafficking. The Resolution instructs relevant OAS organs to support the execution and implementation of the Program in the Americas.

In 2005, the Committee on Hemispheric Security issued a Summary of Recommendations for the Proposed Plan of Action Against Transnational Organized Crime, which also contains recommendations relating to human trafficking.

Specialized Bodies. In 2006, the OAS created the Anti-Trafficking in Persons Section (Trafficking Section) within the Department for the Prevention of Threats Against Public Security,* which is within the Secretariat for Multidimensional Security.

The mission of the Section is “to facilitate the exchange of information, provide training and promote anti-trafficking policies in a way that assists the efforts of member states to prevent and combat” human trafficking. It incorporates “human rights, social policy, and transnational crime aspects” in its work. Thus, the OAS views trafficking primarily as a problem of crime and public security and only secondarily as a problem of human rights, economic development or unsafe migration.

Ministerial Meetings. The various national Ministries (e.g., Justice, Labor, Foreign Affairs, and Health) hold meetings approximately every two years to discuss regional issues and to recommend specific policy actions for approval by the General Assembly and implementation by national governments.

The Meeting of the Ministers of Justice or of Ministers or Attorneys General of the Americas (REMJA) has, since 2004, taken a leading role in the OAS on the subject. REMJA is responsible for holding the first Meeting of National Authorities on Trafficking in Persons in 2006. The Recommendations made by the Meeting were adopted by the General Assembly in June 2006 (as described in the section on the General Assembly).

*The activities of the Anti-Trafficking in Persons Unit located in the OAS Commission of Women were transferred to the Trafficking Section.

REMJA will certainly continue its lead on the issue of human trafficking, particularly since the OAS has placed trafficking within the law enforcement framework.

The Ministers of Labor have also discussed trafficking. In 2003, they issued the “Salvador Declaration” recommending governments to adopt national action plans to respond to the problem of human trafficking. The General Assembly endorsed the Declaration (Resolution 1986 (XXXIV-O/04)).

Hopefully, Ministers of Labor will continue to discuss human trafficking since it is essential that the complex problem of human trafficking be considered by bodies and processes dealing with non-law enforcement aspects, such as labor rights violations and forced labor. With encouragement from civil society, the Ministers might also be convinced to make more detailed recommendations on labor exploitation and labor migration issues related to human trafficking.

NGO Advocacy at the General Assembly.

General Assembly resolutions are extremely important for national advocacy because they contain government commitments to take actions at the national level. They are also important for work at the OAS level since they require OAS bodies to take actions on specific issues, such as trafficking. There are thus two main ways in which NGOs can engage in advocacy regarding General Assembly resolutions. They can advocate for the General Assembly to adopt and implement resolutions within the OAS process and for governments to implement resolutions at the national level. The following discussion focuses only on advocacy within the OAS process.

Although the agenda for the General Assembly is decided beforehand by Permanent Council and other OAS bodies (for example, the Commission influences the human rights portion of the agenda), the outcomes of the Assembly are not necessarily predetermined. Resolutions are typically drafted by governments and OAS bodies prior to the meeting but the final form of those resolutions is also subject to changes at the General Assembly. The OAS Trafficking Section will presumably exercise a strong influence on drafting resolutions on the issue.

Before the Assembly meets each year, NGOs can arrange to meet with their country’s delegates in the ministry of foreign affairs and, if possible, meet with or at least communicate with OAS Ambassadors and Commissioners (and the Trafficking Section) in Washington to present their views, concerns and recommendations.

Thus, the goal of the meetings would be to seek support for new recommendations or activities for governments and/or the OAS to undertake to promote a human rights response to human trafficking. It may also be to seek support for a proposed resolution on human trafficking or related issues. As always, regional NGO networks are important for building support in a number of governments for the recommendations.

NGOs attending the General Assembly can meet with government delegates at the informal delegate-NGO dialogues held a day or two before the meeting, which provides NGOs with an opportunity to discuss their concerns and make recommendations. The dialogues are less effective than meeting with delegates in the months before the General Assembly, but they still may influence the outcomes of the meeting.

Advocates may not address the General Assembly directly but they can observe the meetings and take note of statements (called interventions) made by the delegates during the session. They can then speak with delegates ‘in the hallways’ during breaks to respond to issues raised by the delegates and to discuss their concerns and recommendations.

Advocacy at the Permanent Council and its committees. NGOs can attend public Permanent Council meetings as well as participate in most meetings of Permanent Council committees and working groups. For example, NGOs can observe the meetings of the Working Group that drafted the Inter-American Program for the Promotion and Protection of the Human Rights of Migrants.

NGOs should consider taking advantage of this excellent opportunity to bring the issue of human trafficking into the ongoing regional discussions on migration. They could also become actively involved in monitoring implementation of the the Inter-American Program for the Promotion and Protection of the Human Rights of Migrants.

Advocacy with specialized bodies.

Specialized bodies present another excellent avenue for presenting civil society views on human trafficking, General Assembly resolutions and other related OAS activities. Civil society should consider establishing a relationship with members of the Trafficking Section. Since the Trafficking Section is quite new, it will be important for civil society to ensure that the Section places a strong emphasis on the human rights dimensions of the problem.

Human rights are not the main focus of the Section, and so it will be especially important for NGOs to send information about cases and the human rights dimensions of the problem in their country or region. NGOs could also seek to collaborate with the Trafficking Section. For example, it will “provide training” to member states. NGOs should encourage the Trafficking Section to include a strong human rights component in their training materials and even offer to collaborate in conducting the trainings in their countries.

Advocacy at Ministerial Meetings. Despite the absence of a formal mechanism for civil society participation in Ministerial meetings, NGOs may be able to participate in some meetings on an ad hoc basis.

As mentioned previously, Meetings of Ministers or Attorneys General of the Americas (REMJA) have taken a leading role in addressing human trafficking yet REMJA does not currently have any mechanism for NGO participation in their meetings. NGOs are strongly urged to advocate for NGO participation to strengthen the civil society-government partnership.

While many ministerial meetings do not have a history of civil society participation, no hard and fast rule exists on the question. For example, Meetings of Cultural Ministers have opened formal channels for civil society to present recommendations. Labor unions and employers have a formal role in making recommendations to Labor Ministerial Meetings. NGOs have never requested access to these meetings.

Human trafficking was a topic in the last Labor Ministerial Meeting, so NGOs could encourage the Labor Ministerial Meeting Secretariat to allow relevant NGOs to participate in the future meetings.

It would also be very useful for NGOs to advocate for greater involvement by Labor Ministries on the issue, particularly with regard to trafficking of persons into forced labor since this is clearly within the mandate of the Labor Ministries.

Each Ministerial meeting is supported by its own secretariat, which is responsible for providing technical and logistical support to the meeting. To inquire about civil society participation in these meetings, NGOs should contact the corresponding ministerial meeting secretariat.

OAS registration and NGO access to meetings. Many NGOs currently work together in coalitions to maximize their ability to influence the OAS. Their efforts so far have largely focused on encouraging the OAS to create spaces for civil society participation. Their coordinated and persistent advocacy resulted in the General Assembly Guidelines for the Participation of Civil Society Organizations in OAS Activities (the “Guidelines”). This Guidelines establish the procedures for NGO registration and participation in meetings and activities of the OAS political bodies. Information on how to apply for registration is available on the OAS website.

Registered NGOs typically only have to send a letter to the appropriate office in order to register to attend open meetings. Registered NGOs are *guaranteed* participation in the OAS activities outlined in This Guidelines.

Registered NGOs can make oral interventions in open meetings (except at the General Assembly), receive official meeting documents in advance, and distribute documents through official channels.

NGOs that are not registered with the OAS can also participate in most meetings but they must send a letter to the appropriate office asking permission, which can be approved or denied by the body holding the meeting. For example, most meetings of the General Assembly, Permanent Council (and its working groups and committees), and specialized bodies are open to NGO participation regardless of registration status with the OAS but the secretariats for those bodies still have the right to refuse attendance to unregistered NGOs.

NGO participation in the OAS is coordinated by the Committee on Inter-American Summits Management and Civil Society Participation in

OAS Activities (CISC). The CISC holds annual meetings with civil society organizations to discuss ways in which to improve civil society access and participation in OAS activities. NGOs can also contact the CISC office with questions and ideas throughout the year and can visit the OAS civil society web page for updated information.

B. THE INSTRUMENTS OF THE INTER-AMERICAN HUMAN RIGHTS SYSTEM

Numerous inter-American conventions (or treaties) contain provisions addressing the rights that are violated by states, directly or indirectly, in the process of human trafficking. A number of important OAS declarations also address human rights standards that governments must promote and protect.

Conventions. Conventions are international juridical agreements that set forth rights of individuals, for example, the right to life, to freedom, and not to be tortured. Human rights conventions impose obligations on states to protect the rights of people - both citizens and non-citizens - who are within the state's jurisdiction. Some human rights conventions also provide a source of redress for victims by granting power to bodies (such as the Commission and the Court) to hear complaints about abuses and to monitor state compliance.

Additionally, the Commission and the Court have the power to hear complaints about violations of those rights. The Inter-American conventions are normally interpreted independently without reference to interpretations of similar conventions or provisions in UN human rights treaties. Nonetheless, in some cases, the Commission and Court may refer to interpretations by courts of similar human rights provisions contained in UN instruments.

Declarations. Declarations are less formal agreements than conventions but they also signal a commitment by governments to take actions. They

enumerate principles that states agree to uphold and are often more specific than the general language in conventions. OAS member states have adopted declarations on important issues, such as the rights of indigenous people, sustainable development and terrorism.

When states endorse a declaration, they agree not to take any actions that would violate the principles contained in the declaration. Also, some declarations include norms or principles that are universally accepted by the international community. Those norms are known as *jus cogens* (higher law) or customary law and they are legally binding on all governments.

State responsibilities. States have a legal obligation to protect and ensure respect for human rights. They are obligated to enact laws and establish policies and practices to protect the rights contained in human rights conventions and to ensure that all government officials (and the people acting with the government's consent or whose actions are tolerated by the government) are held responsible for violating the rights contained in the convention. Furthermore, states must guarantee these rights even if they have scarce resources.

Consequently, human rights standards require states, with respect to human trafficking, to:

- Establish a legal framework to protect the human rights of all trafficked persons.
- Ensure that all traffickers are punished, including public officials such as police, judges, border guards, etc., and non-public officials acting with the tacit consent of the government.

Instruments relevant to human trafficking. The human rights violations most commonly implicated in human trafficking are addressed in the following American declaration and conventions. State implementation of these conventions (except for the Traffic in Minors Convention) is monitored and enforced by the Commission and the Court.

DECLARATION AND CONVENTIONS RELEVANT TO HUMAN TRAFFICKING

<p>American Declaration of the Rights and Duties of Man</p>	<p>The Declaration sets forth the fundamental rights that are granted to each individual. It is binding upon all OAS members states even though it does not have the legal status of a convention. Human trafficking involves violations of most of the fundamental rights in the Declaration, including, for example:</p> <ul style="list-style-type: none"> • A person’s right to life, liberty and personal security • The right to residence and movement, to work and fair remuneration • The right to work, under proper conditions, and to follow his/her vocation freely • The right to education, due process and asylum
<p>American Convention on Human Rights</p>	<p>This Convention is the primary human rights instrument in the region. It establishes the Commission and the Court, which are responsible for overseeing state compliance with the Convention. The Convention guarantees many basic rights that are important for trafficked people, migrants, and workers, such as:</p> <ul style="list-style-type: none"> • The right to be free from slavery • The freedom of residence and free movement, including rights of non-citizens • Economic, social, and cultural rights
<p>Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social, and Cultural Rights</p>	<p>The Protocol expands the legal obligations of states to protect human rights to include important economic, social, and cultural rights:</p> <ul style="list-style-type: none"> • The obligation to ensure the principle of nondiscrimination • The right to just, equitable and satisfactory conditions of work • The right to form trade unions • The right to health, food, and education
<p>Inter-American Convention on International Traffic in Minors</p>	<p>This Convention came into force in 1997. As of July 2006, 13 states have ratified the Convention. It requires governments to:</p> <ul style="list-style-type: none"> • Criminalize trafficking in minors • Designate a government office to be responsible for the issue • Exchange information across the region • Protect minors and prevent the improper removal of minors from the country

C. THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

Inter-American Human Rights System. This section provides an overview of the structure and functions of the Inter-American Human Rights System and suggests strategies on how NGOs can

use the System to address violations of the human rights of trafficked persons.

The Inter-American Human Rights System is comprised of two bodies - the Commission and the Court. These bodies operate when a state fails to protect the human rights set forth in the Inter-American human rights conventions. When the

national justice system fails to offer and enforce an adequate solution for a human rights violation, the affected parties or their representative may take the case to the Inter-American Human Rights System.

For example, when the Nicaraguan government refused to protect the collective land rights of the indigenous community of Mayagna de Awas Tingni, the Indian Law Resource Center, in collaboration with the Awas Tingni community, petitioned the Commission to require the Nicaraguan government to remedy the violations. Ultimately, the Commission submitted the case to the Court, which ruled in favor of the community and ordered the Nicaraguan government to acknowledge the community's land rights and to pay the community for the harm suffered.

The organization and operation of the Commission and the Court are governed by the American Convention on Human Rights (the Convention). By ratifying the Convention, a government becomes a State Party to the Convention and recognizes (1) the competence of the *Commission* to hear petitions from civil society and other State Parties and (2) the competence of the *Court* to consider cases submitted by other State Parties or by the Commission.

Function of the Commission. The principal function of the Commission is to promote and protect human rights and to serve as the main human rights body within the OAS. It is the primary avenue through which individuals, their representatives and NGOs can access the Inter-American Human Rights System.

The Commission consists of seven independent Commissioners who are elected by the General Assembly and who operate in their personal capacity as Commissioners. Thus, they do not represent the interests of any state.

The Commission convenes twice a year in Washington, D.C. to evaluate human rights violations. Each Commissioner is responsible for overseeing the human rights situation in several countries, and some Commissioners also monitor specific areas of human rights violations, such as the rights of migrant workers and their families.

The primary function of the Commission is to respond to petitions or claims of human rights violations submitted by individuals, groups, or

organizations. They respond by making recommendations to Member States regarding measures that they should take in order to conform their domestic laws and practices to the human rights standards set forth in Inter-American conventions.

At the end of each year, the Commission submits an Annual Report to the General Assembly detailing the status of human rights in the region and its activities during the year. The Annual Report includes information on the status of petitions brought before the Commission, human rights developments in the region, the results of on-site visits made by the Commissioners, reports produced by Special Rapporteurs, the Provisional Measures issued by the Commission and the Court, as well as the status of compliance with decisions made by the Court. The human rights issues highlighted by the Commission in the annual report can also be considered at the annual General Assembly meeting.

NGO Advocacy. The Commission offers a variety of mechanisms for civil society advocacy. Most importantly, NGOs and representatives can present information about specific cases and accusations about general or widespread violations of human rights in their country or the region. Many of the issues brought to the attention of the Commission by civil society are included in the Commission's Annual Report to the General Assembly.

Civil society can bring claims of human rights violations to the Commission through one or more of the following mechanisms:

1. Individual Petitions
2. Provisional Measures
3. Special Rapporteurs
4. On-site Visits
5. Thematic Reports and Country Reports
6. Thematic Hearings

1. Individual Petitions

Who can file a petition. Any individual, group or organization, on its own behalf or on behalf of another, may present a petition before the Commission. The petition must meet the following requirements:

1. Exhaust national remedies; Exceptions. Prior to filing a petition before the Commission, the

petitioner must have failed in its attempt to resolve the case through domestic judicial channels.

However, the petition may be filed without meeting this requirement if one or more of the following four exceptions exist:

- When due process does not exist in the state; or
- When the victim has not had access to the domestic legal process or been unable to exhaustively utilize the legal process (for instance, if the person was unable to remain in the country to testify); or
- When there is an unjustified delay in the national process.*
- Additionally, petitioners need not exhaust national remedies if the petitioner is unable to access domestic courts due to a lack of resources or inability to obtain legal counsel due to threats.†

2. No duplication. The Commission will not accept petitions that:

- Are similar in nature and pending in other international fora (such as the UN);
- Substantially reproduce other pending cases in the Commission; or
- Have already been decided by the same Commission.

3. Time period to file petitions. Petitions must be filed within six months of the date on which the final ruling on the case at the national level is announced. In cases involving one of the four exceptions listed above, the petition should be filed within a reasonable period after the violation.

4. The facts of the case. The petition must be made in writing and should include the following information:

- The contact information of the organization or individual filing the petition, the names of the complainant, the nationality, occupation and address of the complainant.
- The facts of the case, including the date and place of the violation; the evidence of the alleged violation including, if possible,

* American Convention on Human Rights, art. 46(2)(a-c)

† Inter-American Court of Human Rights, Advisory Opinion OC-11/90 August 10, 1990 (Ser. A) No. 11, para. 42.

witnesses' testimonies, names of officials who know about the violation, relevant documents, and contact information of the alleged victim.

- The signature of the complainants or their representative(s). If the complainant is an organization, the signature of the legal representative.
- The petition can also request that the identity of the complainant be kept confidential.

5. Right(s) violated. The petition should specify the Convention article(s)‡ containing the rights that have been violated. It is necessary to include as much detail as possible on the violation and to list the specific convention right or rights that were violated.

For example, in the Brazilian trafficking/forced labor case of “Jose Pereira” the government was unwilling to protect the rights of men who were being trafficked into forced labor in the countryside. The complainant argued that Brazil had violated his right to life, liberty, security, personal integrity, work, just remuneration, and protection from arbitrary detention, slavery and servitude.

Similarly, in other trafficking cases, if a government is deporting trafficked persons to their countries of origin, trafficked persons or their representatives could allege violations of their right of access to justice. A petition would also be warranted if a government prosecutes trafficked persons for illegal entry without regard to the fact that, as victims, they were unable to control their immigration status.

6. Remedy sought. The petition must contain a request for a remedy. For example, a request for fair and adequate reparations must document all damages suffered by the victims, such as lost wages and property, social and medical expenses, and pain and suffering.

7. Hearings. While considering the case, the Commission may hold a hearing to gather more information, and take declarations from witnesses

‡ It is also useful to cite to specific rights contained in the Declaration and other regional and international conventions that have been violated.

and experts as well as receive documents and information from the parties.

8. Review and Recommendations. After the Commission determines that the petition meets all of the requirements, it then requests information from the government cited in the petition. The petitioner will have an opportunity to respond to the information presented by the government. The Commission can also request the parties to submit additional information. The Commission then decides if the petition is ‘admissible’. If it is, then the petition becomes a ‘case’ before the Commission.

At this stage, the Commission invites the parties to reach a ‘friendly settlement’ (see next section 9). If they are unable to reach a friendly settlement, the Commission then decides any human rights violations alleged by the petitioner(s) have occurred.

9. Commission Report. After considering the information presented by the petitioner and the response issued by the state, the Commission prepares a report containing conclusions and, if a violation is found, the Commission makes recommendations to the government on the steps it must take to remedy the human rights violations.*

Some cases do not reach the report stage because the mere filing of a petition may be sufficient to cause the government to remedy the alleged human rights abuse in order to avoid embarrassment or risk criticism by the Commission. The petition may cause the government to expedite the judicial process or take other steps to remedy the problem.

Friendly Settlement. In all stages of the process, the Commission “will make itself available to the interested parties” for creation of a friendly settlement. However, the mere declaration by one of the parties that it is not willing to resolve the case through a friendly settlement is enough to stop the negotiations. If the parties agree to a settlement, the

* Article 48.1.f of the American Convention on Human Rights: <http://www.iachr.org/Basicos/basic3.htm> and Article 41 of the Rules of Procedure of the Inter-American Commission on Human Rights: <http://www.iachr.org/Basicos/basic16.htm>.

Commission verifies that the terms are adequate and appropriate to address the human rights violations involved.

The friendly settlement could include the payment of damages to the victims, new laws and, in some cases, formal acknowledgement by the government that it violated the Convention.

Example of a successful friendly settlement: Brazil trafficking-slavery case. In 2003, Brazil entered into a friendly settlement in the case of a Brazilian man who had been trafficked into slavery in northern Brazil. The petitioner and 60 other men had been lured to a farm where they were held and forced to work without pay and in horrible conditions. Some of the men were shot when they tried to escape. Their situation was not, and is still not, unique to Brazil.

They alleged that the Brazilian government had “failed to respond adequately to the complaints” of slavery, thereby violating their right to life, liberty, and personal security, to work and receive fair wages, to a fair trial and to be protected from arbitrary arrest, slavery and servitude.

In the friendly settlement, the Brazilian government recognized its failure to enforce its international responsibility to prevent slave conditions and made a commitment to prosecute and punish the traffickers and slavers. It also paid compensation to the petitioner, pledged to improve legislation against slave labor, and agreed to develop a national plan to eradicate the practice. It further agreed to submit annual reports to the Commission detailing the actions the government has taken to carry out its obligations under the agreement.

Other Solutions. In the event that a state does not comply with the Commission’s recommendations and has not entered into a friendly settlement:

- The Commission may submit the case to the Court for a determination. Victims and/or petitioners may not submit cases to the Court but they may appear before the Court. More detailed information about this process is discussed below in the section on the Court.
- The Commission may publish an updated report outlining the state’s lack of compliance in its Annual Report.

2. Provisional Measures

Provisional Measures are intended to force a state *immediately* to prevent the occurrence of the action that is causing the harm to the petitioner.

Who Can File a Petition. Individuals or groups can petition the Commission for Provisional Measures in cases involving “extreme gravity and urgency, and when it becomes necessary to avoid irreparable damage to persons.”*

The petition must allege the need for immediate protection and explain why the situation is urgent or serious.

Due to the urgent nature of the injury, the petitioner does not need to prove that all national remedies have been exhausted. However, it is useful to include any actions that have been taken to resolve the situation domestically.

Provisional Measures. If the Commission decides that it is necessary to implement Provisional Measures to prevent an irreparable and imminent harm, it directs the state to adopt measures necessary to prevent the harm. If the state fails to follow the directions of the Commission, the state places itself in an unfavorable position within the Inter-American Human Rights System and the international community.

The effectiveness of this remedy depends upon the “name and shame” force of the Provisional Measures. Leaders typically do not want to suffer public condemnation for human rights abuses and so they either correct the problem before the Commission issues Provisional Measures or they act immediately after the Provisional Measures are issued.

Provisional Measures and human trafficking. Provisional Measures could be extremely important in trafficking cases since governments typically are anxious to deport undocumented migrants, even though some of the migrants are trafficking victims who may be deported back into the hands of their traffickers. In some cases, traffickers are waiting to recapture returnees and traffic them again into forced labor.

* Article 25.1, Rules of Procedure of the Inter-American Commission on Human Rights.

They may also kill the returnees who have provided information to the authorities.

Provisional Measures could prevent this irreparable harm. The Commission could direct the government to stop the deportation until a thorough investigation is completed.

3. Special Rapporteurs

Mandates. Most Commissioners serve multiple functions. In addition to sitting on the Commission, each Commissioner is responsible for monitoring the human rights situation in one or more countries and some Commissioners also serve as Special Rapporteurs,* who are experts on specific thematic issues that affect the region. Special Rapporteurs with mandates relevant to human trafficking include the Rapporteurs on the Rights of Migrant Workers, Rights of Women, Rights of the Child, and Rights of People Deprived of Freedom.

The Special Rapporteurs are particularly useful in situations where the abuses are hard to document, which is particularly the situation with trafficking where trafficked persons are kept in clandestine conditions and, once freed, are deported before they can contact anyone for legal or other assistance. Upon concluding their investigations, Special Rapporteurs write Thematic Reports for the Commission (see section 5 below).

Special Rapporteurs and trafficking. The Migrant Worker Special Rapporteur has issued Thematic Report on the situation of migrant workers (including human trafficking) in México, Guatemala and Costa Rica.

Additionally, the Special Rapporteur on Migrant’s rights has undertaken thematic studies and investigations on issues closely related to human trafficking such as migration, human rights, due process, conditions of detention and smuggling (including human trafficking). Other Rapporteurs could also include human trafficking in their work but have not yet done so.

NGOs can provide Rapporteurs with information about violations of the rights of

*The United Nations also has Special Rapporteurs. See Part IV; also <http://www.ohchr.org/spanish/issues>.

trafficked persons in their countries. They can submit information periodically and fairly informally, making this process more user friendly than the formal process required for submitting Individual Petitions.

Special Rapporteurs benefit greatly from the information offered by civil society as they cannot possibly monitor all human rights violations in all countries.* In many cases, the Special Rapporteurs are unaware of the problem and NGOs are the only reliable source of information about human rights violations.

NGOs can also request Special Rapporteurs to write a report specifically on the human rights abuses suffered by trafficked persons and the pressing need for member states to enact and enforce laws to punish traffickers and protect the rights of trafficked persons.

The Special Rapporteurs on migrant workers, women or children could write these reports; however, only the Special Rapporteur on Migrant Workers has a broad enough mandate to investigate and publicize the trafficking of all adults (including men) and children, as well as all forms of trafficking into forced labor, slavery and servitude in farms, homes, streets, brothels, and factories.

In cases involving the detention or imprisonment of trafficked persons, NGOs can submit information to the Rapporteur on the Rights of People Deprived of Freedom.

4. On-site Visits

The Process. With the government's consent, Commissioners make on-site visits to countries when they feel it is necessary to assess the human rights situation. The Commissioners may decide to make an on-site visit when there is an accumulation of accusations of human rights violations, especially when the violations may signal systematic abuses. They may also make an on-site visit to gather information about a petition filed before the Commission. Occasionally, the

* For example, Mexican NGOs took the initiative to offer the Special Rapporteur information about the conditions of the people who migrate in Mexico. As a result, the Special Rapporteur included much of the NGO information in his 2003 report.

Commission is invited to make an on-site visit by a government that wishes to demonstrate the progress it has made regarding human rights or to promote reforms that are being blocked by legislatures or by exercise of judicial powers.

After an on-site visit, the Commissioner issues a report on the human rights violations with recommendations to the state on measures it should consider taking to improve the situation.

An on-site visit would be very useful to NGO anti-trafficking advocacy campaigns because it would call attention to the situation in the country. A visit would allow Commissioners to obtain first-hand information on the egregious abuses suffered by trafficked persons and also the failure of the government to take adequate measures to stop the crime and protect the victims.

On-site visits allow Commissioners to have direct contact with NGOs working on the issue and with those whose rights have been violated as well as with government officials who have to respond to the complaints received by the Commission regarding ineffective government responses. In general, on site visits focusing on human trafficking would provide high-profile visibility to the issue in the country and in the region.

NGO support for on-site visit. NGOs can play a catalytic role for on-site visits by providing information to the Commission on the scope of the problem. There is no formal mechanism, format, or special date for sending information. However, the information should include as many details as possible about the human rights abuses suffered by trafficked persons in the country, the degree to which the government fails to respect and protect the rights of trafficked persons, the government's attitude towards trafficked persons (e.g., anti-immigrant) and other relevant information. It is also important to include specific cases, without, of course, revealing identifying information of the victims without their written informed consent.

Human trafficking is increasingly on the agenda of governments in the region. The only way for the Commission to fully comprehend the scope of the problem and the human rights violations suffered by trafficked persons in the region is to make on-site visits and to hear testimonies about the actions (or lack of actions) taken by governments.

The first challenge for NGOs is to convince the Commission about the importance of making an on-site visit in a particular country or countries. The second, and more difficult, challenge is to convince the government(s) to extend an invitation to the Commission to make the on-site visit. The Commission will not visit any country without the express invitation or consent of the country involved.

Whenever possible, NGOs should initiate communication with the Commissioners or with the Commissioners' staff lawyers in order to generate support in the Commission for conducting an evaluation of the human rights situation. NGOs should also lobby their Ministers of Foreign Affairs to support an on-site visit.

Assist in preparation for the visit. If the Commission and the government agree on the need for an on-site visit, civil society plays a crucial role in preparing for the visit. Civil society can provide assistance to the Commissioners and, in particular, the Commission's staff in organizing the visit and preparing the agenda. NGOs could make suggestions about the primary issues the Commissioner should address during the visit, the officials he or she should meet, the places or regions that he or she should visit, and other aspects relevant in the specific context of the country.

Prior to the visit, NGOs should consider sending specific information about the human trafficking situation (statistics, legal framework, government actions, etc.) as well as names of persons to contact and places to visit. NGOs may also suggest some solutions to be considered by the Commissioner in the report recommendations. They could also send sample questions for the Commissioner to consider asking government officials and local civil society groups.

Organize meetings with affected parties. During the visit, NGOs should maintain constant contact with the Commission staff in order to provide assistance with any unforeseen aspects of the visit. In this way, civil society can facilitate the work of the Commission and maximize the impact of the visit.

NGOs could also organize meetings for the Commissioner's staff with organizations that are experts on the issue of human trafficking. It is especially important for the Commissioners to meet

the civil society groups that work directly with trafficked persons in the country and that have direct knowledge about the impact of the actions (or lack of actions) taken by the government regarding human trafficking and trafficked persons.

If possible, NGOs should arrange meetings for the Commissioner's staff with individuals who have been trafficked. Prior to these meetings, trafficked persons should be fully informed about the process and how the information will be used. They should also be assured that their names will not be used in any documents without their express permission. Only trafficked persons who have given their fully informed consent should meet with the Commissioner or her or his staff.

Disseminate the results of the visit widely. Civil society should take advantage of the visit to inform the public about the human rights situation of trafficked persons. On the last day of the visit, the Commission usually organizes a press conference and issues a press release. NGOs should disseminate the press release widely in order to educate the public and the media about the visit.

The Commission will issue a report (see section 5 below), with recommendations several months later and NGOs should disseminate it widely, along with its own analysis or commentary. The report is a useful tool for NGO advocacy with government officials about their role in responding to human trafficking. NGOs should analyze the recommendations and develop plans to motivate the authorities to comply with these recommendations.

Follow up with the Commission. Finally, NGOs should continue to report on the human trafficking situation to the Commission and on the degree to which the government is complying with the recommendations.

5. Thematic Reports and Country Reports

Individual Commissioners also prepare two types of reports that evaluate human rights situations. They write Country Reports, which are extensive evaluations on the general human rights situation in a country and Thematic Reports, which assess the status of a particular right in one or more countries.

Commissioners collect information on the human rights situations for these Reports from several sources: through on-site visits and hearings

and from meetings with and information sent by officials and civil society.

Thematic Reports. Special Rapporteurs write the Thematic Reports. If there is no Special Rapporteur on the human rights issue being analyzed, the Special Rapporteur with the closest connection to the issue writes the report. For example, there is no Special Rapporteur on human trafficking so, as previously mentioned, the issue has been included in a Thematic Report of the Special Rapporteur on Migrant Workers and their Families.

Country Reports. The Commissioner responsible for a country writes the country report. To ensure that reports are written in a consistent and appropriate manner, the Commission has developed five criteria for determining whether a country report is appropriate and necessary.

The Commission may take several months to issue a Thematic or Country Report and so, during this time, NGOs should remain in constant contact with the Commission staff in case they need additional information.

NGO Requests for Thematic Reports NGOs may submit a request to a Special Rapporteur or to the Commission in general to prepare a Thematic Report about the situation of human trafficking in the region or in a country. This strategy is useful for encouraging the Commission to monitor the situation of the human rights of trafficked persons. In addition, Thematic Reports can raise awareness within the local population about the seriousness of the situation of trafficked persons and possible solutions, thus increasing the likelihood of improved state responses.

NGOs will need to convince a Special Rapporteur that the severe violations of the human rights of trafficked persons is not receiving sufficient attention from the state and so a Thematic Report is necessary to raise awareness and call attention to the abuses involved.

NGOs Assist with Country Reports. The Commission now responds primarily to requests for Country Reports from governments and not from civil society. The requests can be made by any government.

When the Commission undertakes a report, NGOs can make valuable contributions of

information and can provide assistance to the Commissioner in preparing an on-site visit, in facilitating access to the affected parties during the visit and disseminating the Commission report after the on-site visit.

It is a common practice for many NGOs to continuously send information and documentation of the human rights abuses in the country to the Commission. It is not necessary to wait for the Commission to solicit information from civil society.

6. Thematic Hearings

The Commission holds Thematic Hearings about the systematic violation of particular human rights in a country or in the region. The information presented by civil society at the hearings often has a significant impact on the Commission's understanding about and interest in addressing new situations of human rights abuses.

The Thematic Hearings are held in Washington, D.C., during the biannual meeting of the Commission.

Simple and Useful Opportunity for NGOs. Thematic Hearings are a relatively uncomplicated and quick way for NGOs to bring their message to the Commission. Written requests must be submitted at least 40 days before the Commission session begins.

Hearings provide NGOs with an important and unique opportunity to *directly* provide the Commission with relevant first-hand information, such as testimonies and expert opinions, about abuses committed in a country.

The information presented at a Thematic Hearing is forwarded to the General Assembly in the Commission's Annual Report and it may eventually be discussed at a General Assembly meeting and even contained in a General Assembly resolution.

The first Thematic Hearing on human trafficking was organized in October 2005 by organizations from the United States, Mexico, Guatemala, Honduras, El Salvador and Costa Rica.*

*Global Rights, Sin Fronteras, IAP., Asociación de Salud Integral Proyecto La Sala, Casa Alianza, Centro de

The organizations presented a Report on human trafficking,^{*} which introduced the problem in the region and also made a number of important recommendations for the Commission to consider incorporating into its work.

D. THE INTER-AMERICAN COURT OF HUMAN RIGHTS

The Court is located in San Jose, Costa Rica. It is composed of seven judges who are elected by the OAS General Assembly. The Court is an independent judicial body that adjudicates cases of human rights abuses and interprets the language in conventions and other inter-American instruments.

Cases. The Court resolves conflicts by evaluating individual cases. It only hears cases involving states that have expressly acknowledged the jurisdiction of the Court. Only the Commission and states (and not individuals or civil society groups) may file cases before the Court. To date, only one State has taken a case to the Court.

The Court also limits the types of cases it will hear and only agrees to hear cases that will set a precedent for the region.

Although individuals cannot bring cases to the court, cases brought by civil society or individuals to the Commission may end up in the Court.

Court sessions are typically open to the public so individuals whose rights are affected by a case before the Court can attend the sessions and one representative of the victims may participate “to present pleadings, motions and evidence.”[†]

After reviewing all of the evidence, the Court decides whether or not human rights violations have occurred. If violations have occurred, the Court issues a judgment requiring the state to reform its legislation or adopt other measures. It may also

Estudios Fronterizos y Promoción de los Derechos Humanos, A.C., Centro “Fray Julián Garcés” de Derechos Humanos y Desarrollo Local, A.C., Centro por la Justicia y el Derecho Internacional, Coordinadora Nacional de la Mujer Salvadoreña, Foro Nacional para Migraciones-Honduras, Instituto Centroamericano de Estudios Sociales y Desarrollo.

^{*} Informe: La Trata de Personas; Un Reto para México y Centroamérica. www.globalrights.org/tratadepersonas

[†] Court Rules of Procedure, art. 23.2.

order the state to pay compensation to the victims, and order more innovative measures, such as disseminating public information about the case or create a memorial to the victims.

The Court follows-up on its decisions to ensure compliance, and only closes the case when the requirements of the decision have been fully implemented by the state.

Provisional Measures. In urgent cases, the Court has the power to order Provisional Measures to protect complainant’s basic rights. The Provisional Measures are similar to the Provisional Measures issued by the Commission and are used in “cases of extreme gravity and urgency, and when necessary to avoid irreparable damage to persons....”[‡]

The Commission may request the Court to issue Provisional Measures when the Commission’s Provisional Measures are not effective or sufficient. Only the Commission can request Provisional Measures from the Court.

Advisory Opinions. The Court also plays an essential role in interpreting language in Conventions and other instruments. When requested by a Member State, it will issue an advisory opinion on the meaning of specific norms contained in those documents.

For example, this mechanism was employed in an important decision on the rights of undocumented migrants. The Mexican government asked the court for an advisory opinion ‘on the Juridical Condition and Rights of Undocumented Migrants. Lawyers, academics, and NGOs submitted a ‘friends of the court’ (or *amicus*) brief to the Court in support of the Mexican petition. The brief set out all the legal, policy, and social arguments for an opinion in favor of the rights of undocumented migrants. The Court issued an Advisory Opinion (OC-18/23) upholding the labor rights of undocumented migrants (including trafficked people) in the countries in which they reside.

NGOs and the Court. Court cases can have an enormous impact on governments and can result in an increased respect for and protection of the

[‡] Court Rules of Procedure, art. 25.1.

human rights of marginalized persons. However, the process involved in pursuing a court case is lengthy and expensive. Cases are also not in the control of the victims since only states and the Commission can submit cases.

Nonetheless, NGOs should consider bringing precedent-setting cases on trafficking and issues relating to trafficking (such as slavery, migration, forced labor issues) to the Commission for consideration and a possible Court case.

If a case reaches the Court, NGOs can also work with partners to write or sign onto a “friend of the court” or *amicus* brief on the legal and factual issues being considered by the Court.

NGOs could also consider ways in which to work with their governments to solicit an advisory opinion from the Court in critical cases where the legal status of trafficked persons is unclear in regional instruments.

Despite the tremendous amount of time and effort involved in bringing a case to the Court, it is well worth the effort because the Court has the power to force governments to respond and its judgments establish precedents for other governments in the region.

PART II. SUMMITS OF THE AMERICAS

The Summits of the Americas* are periodical high-level meetings in which heads of state† collaborate on political, economic and social issues of common concern, such as democracy, human rights, rule of law, trade, labor, education, migration, health, gender equality, indigenous peoples and children. The Summits constitute the only forum in which heads of state gather regularly to discuss and agree to collaborate on a wide range of issues. Since 1994, the Summits have emerged as a significant regional mechanism to address issues that otherwise would have to be dealt with in bilateral agreements. Human trafficking is one of those issues.

Although the Summits process is not moving towards the creation of anything approximating the “European Union,” governments are, nonetheless, strengthening the Summits with each meeting and ensuring its vital role in fostering regional cooperation.

Typically, the heads of state conclude each Summit with official documents that have been agreed upon by all states. They issue Declarations and Plans of Action containing mandates that governments agree to implement in their countries and through relevant partners.

OAS role in Summit activities. While the Summits do not officially meet under the aegis of the OAS, the two institutions maintain a reciprocal relationship that has formal underpinnings. Summit Plans of Action contain objectives that coincide with the mission of the OAS and so they establish the OAS work agenda. The OAS also has a formal

* **NOTE:** Websites for all Summit offices, processes and documents and relevant sections of documents are contained in Annex III.

† Summit participants are heads of state of the thirty-four OAS Member States and their delegations. Cuba is a member of the OAS but has been excluded from OAS activities since 1962.

role in the Summits process because it serves as the Summits Secretariat providing institutional and logistical support for the Summits process.

Additionally, the OAS Permanent Council is responsible for monitoring OAS implementation of Summit Plans of Action and has established the Committee on Inter-American Summits Management and Civil Society Participation in OAS Activities (CISC) for this purpose. The CISC also facilitates civil society participation in the Summits process and OAS activities. The CISC submits annual reports to the OAS Permanent Council.

A. THE SUMMITS

Meetings. Summit meetings, which are held approximately every four years, are one component of a larger, continuous process that consists of post-meeting implementation of Summit mandates and pre-meeting planning of the agenda and documents for the next Summit. Between Summits, governments meet regularly in Summit Implementation Review Group (SIRG) meetings to evaluate implementation of Summits mandates. The post-Summits process is quite fluid in that the mandates are often general and can be implemented at various levels, depending upon the emphasis given to the mandates by each government and other institutions such as the OAS.

The real work of developing the Summit agenda, declaration and plan of action begins a year or so before a Summit meeting. Thus, the pre-Summit process is, in many respects, more important than the actual Summit meeting.

Civil society should have a basic understanding of what occurs at each of the pre-Summit meetings and what influences these bodies have on the process in order to develop a strategy to influence the Summit agenda and documents. A brief introduction to the influential meetings and processes follows.

Summit Implementation Review Group (SIRG). The SIRG is probably the most important

body influencing the direction and outcome of the Summits. Its members negotiate and draft the Summit agenda, declaration and the plan of action for the upcoming Summit.

The SIRG meetings serve as both the follow-up and the preparatory mechanisms for the Summit process. Continuity from one Summit to another is maintained through the SIRG post-Summit review of government and intergovernmental organizations (IGOs) implementation, which reveals areas requiring further consideration at the Summit level.

The SIRG monitors implementation by reviewing reports submitted by governments and IGOs outlining the steps they have taken to implement Plans of Action. Many countries have failed to submit reports, depriving the SIRG of information it needs to develop a thorough understanding of the issues faced by Member States in implementing Summit mandates.

The SIRG does not issue reports on member state compliance or make recommendations on steps they should take to improve implementation. It does, however, summarize its work and the national reports in its annual reports to the OAS General Assembly.

The SIRG meets every three to four months in various locations around the region. The Summit chair (which is the host country for the upcoming Summit), in consultation with the Summit Secretariat, determines SIRG meeting locations and agendas. The Ministry of Foreign Affairs appoints either Ministry staff or the OAS Ambassador to attend the SIRG meetings. International agencies and civil society can generally attend these meetings.

General Assembly. Although the General Assembly does not formally control or direct the content of the Summit agenda, the issues highlighted by the General Assembly can strongly influence the agenda content. Since the Ministries of Foreign Affairs direct both the General Assembly and the SIRG, the decisions taken in the OAS General Assembly and the Summit are often interrelated.

For example, when Foreign Ministers attend General Assembly meetings, they take advantage of this time to also participate in a SIRG meeting the day before the Assembly meeting. The Foreign

Affairs Ministers may meet with civil society in the morning to discuss the General Assembly and, later in the afternoon, hold a SIRG meeting. The next day, they attend the General Assembly meeting.

Ministerial Meetings. As explained previously in the section on the OAS, various ministries hold regional meetings, which can influence the OAS and the SIRG. They also have a role in monitoring the Summits process and developing the Summits agenda.

Human trafficking. Human trafficking is a regional problem and so regional actions and solutions are absolutely necessary. Human trafficking first appeared in the 2001 Summit Declarations and has continued to appear in subsequent Summit Declarations.

However, heads of state should do more than simply give a nod to the problem in Summit documents. They need to develop a truly comprehensive regional plan to combat trafficking in the Americas. The Summits seem to be a natural mechanism for developing such a plan; however, whether our leaders will meet the challenge remains unclear.

B. NGO ROLE

NGOs are playing an increasingly important role in shaping the themes and language of Summit Declarations and Plans of Action. Through participation in meetings leading up to the Summits and through dialogue with relevant officials at the national level, civil society is able to pressure governments to adopt actions that strengthen human rights in the region, including the rights of trafficked persons. In addition, NGOs can play an essential role in monitoring the extent to which their governments are implementing the Plans of Action.

Human trafficking has been addressed several times in Summit documents. As many heads of state in the region are now speaking publicly about the presence of human trafficking in their countries, the Summits are an ideal space for NGOs to ask their government officials to take concrete actions. Since NGOs have some access to the Summits process, they can put forward concrete proposals for programs to prevent trafficking, and for laws to protect the rights of trafficked persons and prosecute and punish traffickers.

Thus, when NGOs consider their options for influencing their nation's responses to human trafficking, they should also consider participating in the Summits process. Given the cross-border nature of the crime, the Summits have the potential to be an extremely important arena for NGO advocacy.

NGO Successes. Persistent NGO pressure has led to a more open Summits process, including greater NGO access. For example, nine months prior to the 2005 Summit, the Summits Secretariat coordinated and financed a preparatory roundtable discussion for NGOs to put forth recommendations for the Summit agenda.

The Summits Secretariat also maintains an electronic list to distribute information to civil society representatives. NGOs should contact the Summits Secretariat to request to be added to this list.

It is now up to civil society to take full advantage of these opportunities in order to ensure that the Summits process is as transparent as possible and that civil society participation is respected.

So far, NGOs have also been able to influence Summit outcomes to some degree. A study by Corporación PARTICIPA found that well-organized, sound proposals from NGOs have had a positive impact upon the Summits outcomes. The study reports that 45% of the commitments adopted in the Nuevo Leon Declaration coincide with the recommendations proposed by civil society. This is an impressive record of success for civil society, especially in light of the fact that the Summits are a new mechanism and that NGO participation is still in its nascent stage of development.

NGO Coalitions. NGOs are working together in coalitions to maximize their potential for success during the Summits process. Several coalitions have formed to coordinate activities at the regional level. Among them, the Human Rights Coalition appears to be the most appropriate one to incorporate the issue of the human rights of trafficked persons into its agenda.

Human trafficking is not yet a priority for any of the NGO coalitions; however, Coalition recommendations address the broader issues of migration, labor, gender and human rights, which

are important components of strategies to combat human trafficking. For this reason, it is important for NGOs working on trafficking to collaborate with each other to increase the visibility of the issue within the Coalition and develop their own strategies and coalitions.

Committee on Inter-American Summits Management and Civil Society Participation in OAS Activities (CISC). The CISC oversees civil society participation within OAS activities and monitors OAS implementation of Summit Declarations and Plans of Action.

The CISC meets monthly and NGOs may attend meetings and/or distribute documents to the CISC members for their consideration. Once a year, CISC holds a meeting at which NGOs are invited to make presentations and recommendations to the Commission members.

The issues NGOs would be most likely to bring to CISC involve concerns about civil society participation in OAS and Summit activities, funding for civil society participation, and issues involving OAS implementation of Summit Declarations and Plans of Action.

1. Pre-Summit

NGO Strategy. Most policy decisions agreed upon at the Summits are made before each Summit officially convenes. The draft agenda, declaration and plan of action are prepared during the year or so leading up to the Summit. Civil society should also plan in advance in order to increase their ability to influence the outcome.

First, NGOs should be creative in crafting language on their areas of concern and expertise to fit into the Summit theme. The Summit agenda is always quite broad and even issues that do not fit neatly into the official Summit theme(s) are not necessarily excluded. For example, the theme of the 2005 Summit was "Creating Employment to Confront Poverty and Strengthen Democratic Governance." Although it does not directly mention human trafficking, the issue of poverty is central to any programs addressing trafficking prevention.

Second, NGOs should develop concrete recommendations and, if possible, link their recommendations to the Summit theme or themes. For example, NGOs can submit briefing papers

describing the link between one or more of the issues of the Summit and human trafficking, such as linking the 2005 Summit topic of employment opportunities to human trafficking.

NGOs could then link the issues raised in the briefing papers to a series of recommendations for concrete, measurable and time-bound actions that governments can implement and civil society can monitor. The civil society recommendations on job creation and human trafficking presented to the 2005 Summit are excerpted in Annex III.

It may also be useful for NGOs to propose recommendations on how governments and civil society could collaborate on these projects. It is important to remember that the recommendations should contain high-level commitments that are appropriate for adoption by heads of state.

Third, and perhaps more importantly, NGOs must assess the political context of the issue and each government's priorities for the Summit. Does human trafficking fit in or can it be presented in a manner that would fit into these priorities? Also, NGOs need to find out what their government is doing at the national level about human trafficking and what type of approach they take on the issue. For example, does the government see it as a problem of undocumented immigration, organized crime, labor abuse, sexual violence, etc., and what does the government's view of the issue mean for regional policies? Are there any national laws or policies on the issue? What actions are the government willing to commit to implementing at the regional or international level and what are its limits?

Fourth, once NGOs have information about the position of their governments towards including provisions on human trafficking in the upcoming Summit, they need to share this information with other groups that are willing to advocate before and at the Summit. Even if your own government is completely uninterested in supporting any initiative on human trafficking, other governments might be open to the issue. In this case, strategies would develop regionally to focus on friendly delegations and to ensure that uninterested governments are silent, rather than obstructionist.

Meetings with National Authorities. NGOs can start developing relationships with national officials who have the power to influence the

Summit agenda and outcome. Although a number of officials may be involved in one way or another with the pre-Summit activities, they may not all be interested in the issue of human trafficking. Thus, it is important for NGOs to locate those officials who want to learn about the problem and who are willing to take action.

Summit Delegation. NGOs should try to meet with and brief the relevant staff of the Ministry of Foreign Affairs on the issue of human trafficking in the country and the region. The Foreign Affairs Ministries are ultimately responsible for developing the priorities that governments will include in the Summit agenda and documents.

The Ministry of Foreign Affairs appoints the delegates to SIRG meetings who are usually representatives from the Ministry of Foreign Affairs or from the OAS mission. It should be possible to locate the name and contact information for delegates through the Ministry of Foreign Affairs. The Ministry may have appointed certain individuals focusing on Summit issues. It would be very useful to have a meeting with these individuals.

At the outset, it is important to establish a good working relationship with the delegates since they are the people who have the greatest power to influence the Summit agenda and documents through their role in the SIRG. Even if NGOs are unable to attend the SIRG meetings, they can still present their documents and ideas to the delegates and seek the delegates' support for their proposals. It would, of course, be preferable for NGOs to attend SIRG meetings in order to advocate directly with all of the delegates; however, often the strong support of one delegate is sufficient to at least raise and promote civil society ideas and recommendations.

Since the Ministry of Foreign Affairs is engaged in both the SIRG and the General Assembly, the Ministry has two distinct routes for influencing the Summit agenda. The Ministry can make agenda recommendations through SIRG delegates as well as raise issues in the General Assembly that can then end up in the Summit agenda. Thus, NGOs also have two opportunities to advocate for Summit attention to their issues. Depending upon whether the next meeting is a SIRG meeting or the General Assembly, NGOs can

request their Foreign Ministry to address the issue and make recommendations to the General Assembly directly or to the SIRG through the country's delegation.

The Foreign Ministry will also be responsible for implementing relevant actions adopted at the Summit.

Regional Meetings. Typically, the Summit host country and the Summits Secretariat organize regional pre-Summit meetings for the purpose of collecting suggestions for the Summit agenda. Regional meetings are held a few months prior to the Summit usually in the Summit host country and occasionally in Washington, D.C. Unfortunately, representatives from national Ministries rarely attend these meetings. Typically, the country's Mission in Washington send a representative who then reports back to the home country.

Nonetheless, the meetings are an opportunity for NGOs to exchange information through panel presentations and to develop collective recommendations, which they can then present to the SIRG for inclusion in the agenda, declaration and/or plan of action.

NGOs can contact the Summits Secretariat to find out more about civil society participation in these meetings.

OAS General Assembly Meetings. Since the General Assembly can influence the Summit agenda, it is important for NGOs to understand how civil society is presently working together to influence the General Assembly meetings. For more information on this subject, see the OAS discussion in Part I.

Ministerial Meetings. Some Ministerial meetings are open to civil society participation. For information on attending these meetings, see Part I.

NGOs can present briefing materials and recommendations on human trafficking to ministries, such as the Ministers of Justice, Labor, Women's Affairs and Children's Affairs. Many Ministers have little or no understanding at all of the phenomenon and so NGOs should be prepared to spend a significant amount of time educating officials on the broad range of abuses in human trafficking. It may even be necessary to draft briefing materials, with case studies from the country and region in order to help them understand

that human trafficking is not the same as human smuggling and that human trafficking is a growing human rights disaster in the region and in the world.

The goal of these meetings, with respect to the Summit, is to convert the appropriate Ministers into advocates who would be willing to propose Summit recommendations, for example, at regional Ministerial meetings, for regional measures to combat all forms of human trafficking and to protect the rights of, and provide assistance to, trafficked persons.

Summit Implementation Review Group (SIRG) Meetings. SIRG meetings are open to NGO participation at the discretion of the Summit chair, which is the host country of the upcoming Summit. Since SIRG meetings were first opened to civil society participation in 2003, NGOs have endeavored to increase their presence and influence. They are now able to attend the half-day opening plenary at which they can make presentations. They can also distribute written documents prior to the meeting, which provides governments with an opportunity to consider and respond to their proposals at the plenary.

Foreign Ministers (rather than lower-level delegates) participate in at least one SIRG meeting each year and, while NGOs may attend these meetings as observers, they may not make any statements to the plenary session.

NGOs interested in participating in SIRG meetings need to register with the Summit Secretariat.

OAS Missions. NGOs could also meet or communicate with their country's Ambassador to the OAS in Washington, D.C. and educate them on the need to open a regional dialogue about human trafficking. The Ambassadors are in a position to raise issues such as human trafficking within the OAS and at the Summit planning stage.

Advocates can also speak with the human rights officer and other relevant officers of the permanent missions in Washington, D.C. who might be willing to support proposals to improve the human rights situation of trafficked persons and to develop a regional strategy to combat this serious human rights abuse.

OAS Headquarters. Many of the Summit preparatory and evaluation activities are carried out

in Washington, D.C., where the OAS headquarters is located. Advocates can visit the following offices or send them materials. It may also be possible, through the various coalitions, to partner with an organization in Washington for particular issues.

2. At the Summit

NGOs may only attend the Summit meetings as observers. While Summit meetings are an excellent opportunity for NGOs to network and speak with government officials, they are not generally productive because, at this point, NGOs have no means to impact the formal activities or outcomes of the meetings. Thus, NGOs need to focus on the pre- and post-Summit activities, where they can advocate for issues to be included in the Summit agenda and provide critical review of shortcomings in state implementation of Summit commitments.

3. Post-Summit Advocacy and Monitoring

If a Plan of Action or Declaration includes human trafficking, this is just the first step in the Summit process. Promises on paper must be transformed into reality on the ground. NGOs can and do play a vital role in monitoring implementation and working with their governments to ensure that the promises are realized through laws, policies and support for civil society collaboration.

NGOs should analyze the recommendations adopted in the Summit Plan of Action and Declaration to determine which ministries are responsible for their implementation. Then, they can monitor and evaluate the activities of those ministries as well as continue to communicate their concerns and recommendations to the ministry officials. NGOs can then report these observations and concerns to regional monitoring bodies, such as the SIRG.

Lastly, NGOs will naturally need to decide which of the meetings and activities listed in this Guide are most appropriate for their work. The most important avenues for NGOs to influence the Summit outcomes and follow-up are the pre-Summit and monitoring activities. NGOs have the opportunity to work at the national and/or regional levels. Much of the planning for, and follow up to, Summit meetings is carried out at the local level, so NGOs that cannot afford to travel to meetings

abroad can still play a crucial advocacy role at the national level, as well as collaborate regionally with regional coalitions over the internet.

PART III. REGIONAL CONFERENCE ON MIGRATION

People in the Americas are traveling in unprecedented numbers in search of work, new experiences and a better life or to reunite with their family members. Unfortunately, they often meet with discriminatory practices and legal frameworks that endanger their lives as migrants, especially if they are undocumented. Consequently, the situations in which those migrants are forced to live and work are often brutal and exploitative. In 1996, governments from Panama to Canada created the Regional Conference on Migration (RCM)*, also informally known as the Puebla Process, as a forum for governments to discuss and agree to cooperate on migration issues.†

According to the RCM website, the “fundamental tenets on which the RCM bases its actions are the protection and respect for the human rights of migrants, irrespective of their migration status; the promotion of orderly and secure migration; and the dialogue and cooperation among countries, with the active participation of civil society.”

Unlike other regional processes, most RCM meetings are closed to the public, which governments claim enables them to engage in open and informal discussions about the migration-related challenges affecting their states. This closed-door format, however, is not transparent and severely limits information about the decision-making process. It also seriously impedes the

* **NOTE:** Websites for all RCM offices, processes and documents and relevant sections of documents are contained in Annex IV.

† The South America Conference on Migration focuses on migration in South America. While there is no mechanism in place to ensure coordinated actions among these two Conferences, some members of the RCM are observers in the South America Conference.

ability of NGOs to engage in meaningful advocacy with their governments.

Yet, it is encouraging to note that, over the past several years, the RCM has taken some concrete actions to address human trafficking throughout the region. For example, it has included anti-trafficking language in declarations, hosted trainings on trafficking issues and created a network to address smuggling and trafficking.

Unfortunately, it is not easy to locate information about these initiatives on the internet. Consequently, the information contained in this Guide has been collected from several sources, mainly through discussions with people who participate in the RCM process and accessing the RCM website. Thus, the information in this Guide is not necessarily definitive and is subject to change and modification.

Despite the limitations for civil society participation in the RCM process, several actions undertaken by the RCM to address trafficking leave open the possibility for civil society to encourage governments to develop even more detailed and concrete steps to ensure that traffickers are punished and the rights of trafficked persons are protected. This Part III describes the RCM process and suggests possible points of intervention for advocacy.

A. THE RCM PROCESS

The Vice Ministers of Foreign Affairs and Interior attend the annual meetings of the RCM, which are held in the country that has been elected the year’s President Pro-Tempore. The President Pro-Tempore is charged with organizing and hosting the annual meeting, as well as functioning as the official RCM point of contact throughout the year.

The purpose of the meetings is to discuss current migration issues and to develop common strategies to promote regional cooperation. While

the OAS and the Summit address migration issues generally without great detail, the RCM focuses on how to deal with specific problems and create specific solutions, such as training activities and information-sharing.

Annual Meeting of Vice Ministers. These annual meetings are closed to observers. However, some time (typically, about 45 minutes) is allotted for NGOs to present their recommendations to the Vice Ministers.

Declarations or Joint Communiqués. At the conclusion of each meeting, the Vice Ministers issue a declaration (also sometimes called a joint communiqué) containing the agreed upon conclusions of the member states. The Vice Ministers also may issue a revised version of the RCM Plan of Action, which outlines specific activities that governments agree to undertake to implement the goals of the declarations.

The declarations contain broad political agreements and so governments can exercise discretion on how to implement the agreements. Accordingly, not all governments will implement the agreements in the same manner.

The Regional Consultation Group on Migration (RCGM) (discussed later) monitors implementation of the declarations and then forwards its evaluation to the Vice Ministers for their review.

All of the declarations since 2001 have included some language on human trafficking and have recognized the difference between human trafficking and human smuggling. The relevant text can be found in Annex IV.

Plan of Action. The Plan of Action contains concrete activities corresponding to the broader goals in the annual declarations. While governments are not obligated to carry out the activities in the Plan of Action, the concrete nature of the activities and the reporting schedule for the activities encourages governments to act.

The Vice Ministers have assigned the task of reviewing and revising the Plan of Action activities to the RCGM. At their annual meetings, the Vice Ministers periodically issue a revised Plan of Action in accordance with the recommendations made by the RCGM. The most recent version of the plan of action is posted on the RCM website.

The Plan of Action contains multiple categories of activities, such as conferences, progress reports, training programs, investigations, and public awareness promotion. Member countries or an intergovernmental body, such as the International Organization on Migration (IOM), volunteer or are assigned the responsibility for carrying out the Plan of Action activities.

The responsible country(ies) typically determines the activity's agenda and participants, although, in some instances, the IOM is responsible for organizing the content and logistics for an activity (such as a workshop).

The Plan of Action also contains an "Execution Schedule," which lists timeframes for carrying out activities to meet the Plan's objectives. The Execution Schedule is updated periodically on the RCM website.

The document, *RCM In Brief: What it is, what it does*, includes a list of Plan of Action activities since 1997. Although supporting documents, such as the agenda and conclusions, are posted on the RCM website, information is not posted for all workshops. For example, in 2003, Mexico sponsored a workshop on the "Development of a Regional Work Plan to Combat Migrant Smuggling and Trafficking in Persons." Members of civil society were not invited to attend this meeting, nor is information describing the agenda or outcomes publicly available.

The Plan of Action is divided into three themes: migration policies and management, human rights, and migration and development. Trafficking is included under the first theme although the section on human rights also contains a reference to the issue. In addition to the specific items on trafficking in the Plan, other policies and statements on the human rights of migrants are also applicable to trafficked persons.

As follow-up to the Plan of Action, IOM has produced a chart of trafficking, smuggling and other related laws in the region. Other follow-up activities are listed in the "Activities" section of the Plan of Action.

The references to trafficking in the Plan of Action focus upon law enforcement and information sharing. Although it is critical for governments to adopt and enforce laws

criminalizing human trafficking and to educate the public on the problem, governments must also recognize and protect the rights and needs of trafficked persons. Fortunately, many of the provisions in the Plan of Action supporting the human rights of all migrants, including undocumented migrants, can be applied to trafficked persons.

Additional measures are also required for victims who may continue to be at risk of reprisal from their traffickers. The RCM should consider adopting a comprehensive set of measures to ensure access to justice and safety and support for victims recovering from the shock and physical and psychological violence of their ordeal.

Regional Consultation Group on Migration (RCGM). The RCGM was created by the RCM to assist the vice ministers in drafting the RCM agreements and monitoring their implementation. The RCGM drafts language for the declarations, the Plan of Action and other statements issued at the annual meeting.

The RCGM is comprised of mid-level, technical expert representatives of the Ministries of Foreign Relations or Migration Affairs. The RCGM members meet twice a year and hold a preparatory meeting prior to the annual meeting of Vice Ministers where they finalize the agenda, declaration and other documents that will be considered by the Vice Ministers.

Approximately six months after the annual Vice Ministerial meeting, the RCGM members convene again to review progress in implementing the Declaration and Plan of Action, to exchange ideas and information and to prepare first drafts of the documents for the next Vice Ministerial meeting.

The RCGM also holds workshops and panels and sometimes invites outside experts and civil society to participate and offer recommendations on current issues. For example, the first day of the December 2004 RCGM meeting in Panama, outside experts and civil society participated in a workshop on human trafficking and the UN Trafficking Protocol.

Liaison Officer Network to Combat Smuggling and Trafficking. The Vice Ministers established this Network to assist the RCM on smuggling and trafficking issues. The primary role

of the Network is to exchange information, coordinate activities and formulate recommendations for the RCM. For example, it has coordinated training exercises sponsored by Canada, the United States and Mexico. In the 2004 Panama meeting, it reviewed country reports on anti-trafficking activities. Information about the specific Network activities and membership are not posted on the RCM website nor is information available publicly through other sources.

The President Pro-Tempore of the RCM chairs Network meetings, which are attended by representatives of the Ministries of Foreign Affairs. The Network members are often the RCGM representatives also.

The Network meets a few days before the RCGM meeting in order to review member state activities and to produce recommendations for the RCGM. Unfortunately, these recommendations are not made publicly available. The RCGM generally adopts the recommendations and forwards them to the RCM.

Technical Secretariat. In 2001, the International Organization for Migration (IOM) was given the role of the RCM Technical Secretariat. As such, it assists the President Pro-Tempore with logistical and technical support, provides substantive support to the RCM process and manages the RCM website. It also serves as a liaison between the RCM and civil society.

The Technical Secretariat staff prepares the agendas and format of RCM meetings, acts as a clearinghouse for information gathered from member states, updates the Plan of Action, and carries out various Plan of Action activities, such as investigations and report drafting.

The RCM Technical Secretariat is located in the San Jose, Costa Rica office of the IOM. Questions regarding the RCM should be directed to the Technical Secretariat.

B. NGO PARTICIPATION

Vice-ministerial meetings. The annual RCM meetings are closed to civil society members, except for a brief space of about 60 minutes for NGO oral presentations. NGOs can also distribute documents to the participants and engage in informal advocacy “in the hallways” with government officials.

Since the final declaration and any updates to the Plan of Action are drafted by the RCGM before the annual meeting, civil society has little opportunity to influence the outcomes at the annual RCM meeting. However, the annual meeting does provide civil society with an opportunity to meet with and educate high-level officials from the entire region about their concerns.

RCGM meetings. These meetings are also closed to NGO participation except for a brief opportunity of about 45 minutes for a limited number of NGOs to present their recommendations. Nonetheless, RCGM meetings are very important for NGO advocacy since most of the RCM political decisions, such as drafting the agenda and documents for the annual meeting and evaluating the implementation of RCM policies, are made at those meetings.

Of the two RCGM meetings held each year, the mid-year RCGM meeting affords NGOs the best opportunity for impacting the RCM agenda since the RCGM members are drafting initial versions of the annual meeting agenda and declaration at this meeting. NGOs can also use this time to present their views on the extent to which governments have implemented the Plan of Action. They can also recommend new activities for the Plan of Action.

The RCGM meeting held just prior to the annual meeting presents a more limited opportunity for NGOs to influence the policy direction of the RCM since it is dedicated primarily to fine-tuning the already drafted documents. However, NGOs attending the annual RCM meeting can still plan to attend the RCGM meeting and try to suggest modifications to the draft documents rather than to recommend new proposals.

Liaison Officer Network to Combat Smuggling and Trafficking meetings. As previously mentioned, Network meetings are not open to civil society participation and documents from these meetings are not made public. However, NGOs can speak informally with and distribute documents to members of the Network.

This contrasts with the Liaison Officer Network for Consular Protection, which invites NGOs to make presentations. The reason for the different access to these two Network meetings is unclear and NGOs should actively encourage the RCM to

open the Liaison Officer Network to Combat Smuggling and Trafficking to NGOs.

NGOs can raise important issues at the Consular Protection Network meeting, for example, on the need to provide trafficked persons with access to and receive special assistance from consular officers. They can also speak about the ways in which the needs of trafficked persons are typically different from and more extensive than the needs of someone who was only smuggled.

Regional Network of Civil Society Organizations for Migration (RNCOM).

RNCOM is a regional network of NGOs that participates in the RCM process and advocates for the promotion of human rights of migrants. The RNCOM is recognized by the RCM as the official avenue for civil society participation in the RCM. Consequently, NGOs that want to participate in the RCM process should contact the RNCOM.

RNCOM members are mainly national NGO networks working on migration issues. Some RNCOM members are also individual organizations or academic institutions.

Through consistent advocacy, the RNCOM has been able to create a space for civil society input within the RCM process. As a result, the RCM and the RCGM meetings are now open to limited NGO participation. Members of RNCOM can distribute documents to the delegates and make formal oral presentations at some RCM meetings.

RNCOM has focused its principal advocacy efforts on the promotion and adoption of regional guidelines for the protection of migrants' human rights in situations of interception, detention, deportation and reception* and state ratification of the International Convention of the Protection of the Rights of all Migrant Workers and Members of their Families.

Since 2003, RNCOM has also included human trafficking in its advocacy efforts and in its recommendations to the RCM.

* In Spanish only: Lineamientos Regionales para la Protección de los Derechos Humanos de los Migrantes en Situaciones de Intercepción, Detención, Deportación, y Recepción.
www.crmsv.org/RROCM_Puebla_VI_esp.htm

More governments are recognizing the need to address the problem of human trafficking as a regional problem. A large part of this problem involves the state responses to the migration status of trafficked persons. Thus, civil society now has a tremendous opportunity to assist RCM delegations in developing a comprehensive rights-based plan of action on trafficking. We encourage anti-trafficking organizations to seriously consider joining RNCOM and use their collective expertise and energies to push governments to adopt laws and policies to prevent trafficking, prosecute traffickers and protect the human rights of trafficked persons.

NGO Strategies. NGOs interested in participating in the RCM process must be members of the RNCOM. They can contact a RNCOM member or send an email to the RNCOM to join the RNCOM. Contact information for most RNCOM members is available on the RNCOM and RCM websites.

Next, NGOs might consider ways in which they can work collaboratively to develop a common strategy for ensuring that the issue of human trafficking is on the RCM agenda. Since RNCOM members have only a short time to make oral interventions at RCGM and RCM meetings, it is important to distribute well-drafted and concrete advocacy documents to RCM members. The documents should recommend a limited number of important concrete actions that governments can adopt and carry out within the framework of the RCM mandate.

Advocates can also meet with the government officials who are responsible for implementing the Plan of Action. They should be prepared to provide background information and educational materials for the officials, many of whom may know nothing about human trafficking. It is always necessary for anti-trafficking advocates to educate officials, as well as civil society, on the problem as well as on human rights-based solutions.

Advocates who are able to build positive relationships with the relevant government officials may be able to work with them on planning new activities to propose for the next RCM review of the Plan of Action. They may also be able to collaborate with government officials in carrying out activities for the Plan of Action. Additionally, they can monitor implementation by their

governments and provide assistance, when possible, to overcome difficulties.

To locate the government officials participating in the RCM process, NGOs should contact the Ministry of Foreign Affairs and Migration Department. For some countries, this information is available on the RCM website.

Advocates and activists could also develop in-country strategies to encourage governments to implement the recommendations in the declarations and the activities in the Plan of Action. They could also develop a plan on how to hold governments accountable for implementing their commitments.

Lastly, NGOs could consider advocating for greater transparency within the RCM process. All meeting agendas, participant lists and conclusions should be made available to the public and posted on the RCM website. The RCM should also provide more opportunities for NGOs to participate in meetings and activities. For example, NGOs could request the right to observe the current “closed door” meetings, which would enable civil society to hear the entire range of discussion about issues and thus to be better able to tailor their recommendations.

PART IV. UNITED NATIONS

A number of important United Nations (UN) instruments and mechanisms are available to support domestic advocacy on human rights and human trafficking. The UN has addressed human trafficking in many different bodies over the last two decades and numerous UN conventions and documents address human trafficking and the related human rights abuses of forced labor, slavery and servitude.

The UN is a large and complicated institution and so Part IV only addresses the bodies, conventions, documents and activities that are relevant to the issue of human trafficking.* However, since the root causes and consequences of human trafficking encompass violations of almost all basic human rights, advocates should consider the entire range of UN treaties in advocating for states to ensure and protect the rights of trafficked persons, regardless of their immigration status.

A. UN STRUCTURE†

The UN was created after World War II as an institution in which states can come together to resolve international disputes, particularly those threatening the peace and stability of the world. It is a large and complex institution, composed of many bodies and offices. A diagram of the UN structure is contained in Annex V. The main bodies are briefly introduced below; more information is available on the UN website.

Security Council. The seven-member Security Council is the most powerful UN body in the UN. It has jurisdiction over issues of peace and security between nations. It consists of 5 permanent members (China, France, Russia, United Kingdom, United States) and 10 non-permanent members.

* **NOTE:** Websites for all of the UN bodies, processes and documents and relevant sections of documents are contained in Annex VI.

† An organigram of UN bodies is contained in Annex V.

General Assembly. The General Assembly consists of all member countries of the world. It is the second most powerful body. Ambassadors representing each member country reside permanently in New York and meet regularly to decide issues either by a two-thirds or simple majority vote, depending upon the issue.

Economic and Social Council (ECOSOC). ECOSOC promotes international economic and social cooperation and development and supports the work of the General Assembly. It oversees a number of UN agencies and commissions and makes recommendations to the UN General Assembly. The 54 state members of ECOSOC are elected by the General Assembly.

ECOSOC oversees coordination of all UN activities in a number of Commissions, including the Commissions on Crime Prevention and Criminal Justice, on Social Development and on the Status of Women. The Commissions meet annually to address issues within their mandates.

ECOSOC has also been responsible for facilitating NGO access to the UN through an approval process in which NGOs apply for ECOSOC consultative status to participate in UN activities.

UN Secretariat. The UN Secretariat services the UN organs, such as the Security Council, General Assembly and ECOSOC, and carries out the programs and policies of those bodies. It is headed by the Secretary-General, who is appointed by the General Assembly on the recommendation of the Security Council for a five- year, renewable term.

The Secretary General is involved in many important international activities and can be highly influential in bringing a non-partisan voice to international disputes. The Secretary General is also responsible for numerous activities, and has a number of offices, such as the Office of the Coordinator of Humanitarian Affairs and the

Department of Peacekeeping Operations, to carry out UN mandates and activities.

Former Secretary General Kofi Annan had identified migration as a priority issue for his office, which led to several governments establishing the Global Commission on International Migration. The independent experts appointed to the GCIM held meetings around the world to assess global migration issues (including human trafficking) and, in 2005, issued a final report containing recommendations for moving forward with a comprehensive global approach. The final report is available on the web and includes sections on trafficking.*

Upon recommendation of the GCIM, the Global Migration Group was established in 2006 among UN and other international agencies.† It meets regularly and it will be important for NGOs to monitor progress on this initiative and related activities involving international migration and the UN.

Human Rights Council. Between 1946 and 2006, the Commission on Human Rights was the primary body through which the UN carried out its responsibility to ensure implementation of international human rights standards, recommend new standards, investigate violations and provide advisory and other technical services to governments. It was under ECOSOC. However, many governments were dissatisfied with the functioning of the Commission, particularly with the fact that countries with extremely poor human rights records had been elected to the Commission.

* The Secretary General also appointed a Special Representative for Migration to assist in preparation for a meeting of world leaders in the High Level Dialogue on International Migration and Development in September 2006. It will be useful to monitor the Dialogue and any follow up activities or commitments by governments.

† It includes the International Labor Organization, International Organization for Migration, OHCHR, UN Conference on Trade and Development, UN High Commissioner for Refugees, UN Office on Drugs and Crime, UN Department of Economic and Social Affairs, UN Development Program, UN Population Fund and the World Bank.

To address these concerns, UN Member States agreed in 2006 to replace the Commission with a higher-level body, the Human Rights Council, which is at the same level as ECOSOC. The Council reports directly to the General Assembly (the Commission reported to ECOSOC, which then reported to the General Assembly).

The 47 Council members (the Commission had 53) are elected by an absolute majority of all UN Member States (Commission members were elected by a simple majority of all members present and voting.) Theoretically, the requirement for a majority vote of all members will provide greater protection against the election of countries with poor human rights records. Members are distributed among geographical regions and sit for three years although membership can be suspended by a 2/3 majority vote of the General Assembly. Additionally, in an attempt to ensure that all members support and promote human rights principles, all members are required to pledge to protect human rights.

Many of the details of the transition to the Council are unknown as of printing and so readers are advised to consult the UN website.

Office of the High Commissioner for Human Rights (OHCHR). The OHCHR was created by the General Assembly with a mandate to promote and protect human rights. It is accountable to the Secretary General and is tasked to carry out human rights-related activities by the Secretary General. The OHCHR is a large Office with several departments and it implements its own projects around the world.

Human trafficking has been a high priority for the Office for a number of years. The Office has an Adviser on Trafficking in Geneva and field office staff who work on human trafficking.

The OHCHR has also produced a number of documents on the issue, the most important of which is the *Recommended Principles and Guidelines on Human Rights and Human Trafficking* (see B.2 below).

Special Rapporteurs. Special Rapporteurs are independent experts who have been appointed, until recently, by the Commission on Human Rights, to focus on specific human rights violations. They have also been moved from the Commission to the

Council, which will decide whether or not to change the Special Rapporteur system or maintain the status quo.

Special Rapporteurs make on-site visits to gather information, receive information from individuals, organizations and governments, investigate individual complaints and submit reports and recommendations to the Human Rights Council and the General Assembly. Detailed information about all of the activities of the Special Rapporteurs is available on the web

Several Special Rapporteurs have mandates that address human trafficking: the Special Rapporteurs on trafficking in persons, on the rights of migrant workers, on the sale of children, child prostitution and child pornography and on violence against women. Special Rapporteurs have also written a number of reports containing information about human trafficking in general and about the situation of human trafficking in a number of countries. The reports are available on the web.

Trafficking. The Special Rapporteur on Trafficking in Persons, especially in women and children, was created after a great amount of controversy. Many individuals and organizations were concerned about the creation of a new post to cover trafficking when the issue was already included in the rapporteurships on migrant workers, on children and on women. The Human Rights Commission voted to create the post in 2004. It will be important to ensure that the other Rapporteurs continue to include human trafficking in their reports so that the issue is analyzed through the lens of migration, gender and children.

The Special Rapporteur issues periodic reports on human trafficking situations in general and in particular countries and collects information from all sources in compiling the reports. The Special Rapporteur also has a process to receive individual complaints about government violations of the human rights of trafficked persons.

Migrant Workers. The Special Rapporteur on the human rights of migrants observes and evaluates the human rights conditions of migrant workers (including trafficked persons) and their families throughout the world. The Special Rapporteur receives information from governments and civil society about human rights abuses of migrant workers. The Special Rapporteur also has

a procedure for receiving complaints about rights violations.

This rapporteurship is extremely important to the issue of human trafficking since it looks at the link between migration and the various factors that render migrants vulnerable to all forms of abuses, including human trafficking.

Women. Prior to the creation of the Special Rapporteur on Trafficking in Persons, the issue of trafficking was covered most comprehensively by the Special Rapporteur on violence against women. Given the gender dynamics of human trafficking, the Special Rapporteur will hopefully continue to include human trafficking in her reports.

Children. The Special Rapporteur on the sale of children, child prostitution and child pornography is also important in highlighting the human rights dimension and scope of child trafficking, which is included in numerous reports. The Rapporteur also has a procedure for individual complaints.

Treaty Monitoring by Committees. States parties are required by the conventions on migrant workers, on civil and political rights, on economic, social and cultural rights, on children's rights, on racial discrimination, on women and on torture to submit periodic reports to independent Committees on the progress they have made in implementing these seven conventions.

The Committees consist of independent experts who are not representatives of any government and who serve on the committee in their own personal capacity.

NGOs can submit "shadow reports" (reports that 'shadow' the state report) in order to provide additional information and a civil society perspective on the human rights situation under review.

When invited (and funded) by governments or civil society, committee members also visit countries to see the situation first hand before the annual meeting. Since committee members are independent experts, they are very eager to undertake visits to see the situation first hand. Shadow reports and on-site visits are powerful tools to compel actions by governments since officials do not want to be accused of human rights abuses.

After considering all the reports and other information submitted by governments, experts and NGOs, the committee then issues its observations and recommendations, in the form of ‘final observations.’ The final observations are submitted to the General Assembly and are available on the committee website.

Committees also issue *general comments* containing their interpretation of convention provisions.

Treaty Monitoring by States Parties. Some treaties, the Organized Crime Convention and Trafficking Protocol (discussed below), do not provide for independent monitoring bodies. At the first Conference of the Parties to the Crime Convention and the Trafficking Protocol in 2004, the governments adopted a process to review State Party implementation that does not specifically mention NGO “shadow reports” or information from any outside experts, including experts within the UN system.

Delegates chose instead to authorize the Secretariat to the Crime Commission to gather information from NGOs. The Secretariat summarizes the information received and then distributes the summary, along with general recommendations, at the annual Conference of the Parties.

Individual Complaints. Only the Race Convention, the Covenant on Civil and Political Rights, the Torture Convention and the Women’s Convention establish a procedure for bringing individual complaints of human rights violations:

Once the Committee has accepted the complaint as valid, the state alleged to be committing the human rights violation then submits a response. After reviewing all of the information obtained during the investigation of the complaint, the Committee then issues its decision. In the case of an immediate harm, the Committee may issue an immediate request asking the government to cease a particular activity until a final determination is issued.

Details on the complaint process for each Committee are available at the website for each committee.

1503 Procedure Complaints. This procedure was created to facilitate complaints under treaties

that do not establish mechanisms for receiving complaints. The Human Rights Commission developed this procedure to permit individuals to submit complaints about human rights violations. The Commission would review the complaint and the government’s response and then issue recommendations to resolve the matter. Since only four treaty bodies have the power to receive complaints, this procedure is extremely important.

This Procedure is under review by the Council but we are hopeful that it will continue, in one form or another in the Council.

B. UN INSTRUMENTS RELEVANT TO TRAFFICKING

All UN human rights instruments contain provisions protecting the rights of trafficked persons. The causes and consequences of human trafficking are addressed in human rights instruments on civil, political, economic, social and cultural rights, torture, slavery, children’s rights, women’s rights, migrants’ rights and other treaties.

Almost all human rights instruments are relevant because people who have been trafficked have suffered from violations of almost all of their fundamental human rights: the right to freedom, right of access to justice, right to be free from discrimination, right to an education, right to work, right to be free from torture, slavery, forced labor and servitude, right to marry freely, right to a family, and right to physical integrity.

However, this Guide will only cover the primary UN instruments and documents addressing human trafficking:

- Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children in 2000, which is the first international convention to address all forms of trafficking.*

* The 1949 Convention for the Suppression of the Traffic of Persons and of the Exploitation of the Prostitution of Others is not an anti-trafficking treaty since it focuses on prostitution per se. It criminalizes everyone involved in prostitution and advocates stopping adults (i.e., women) at borders in order to ‘save’ them from possibly working in prostitution, whether trafficking is involved or not.

- OHCHR Principles and Guidelines on Human Rights and Human Trafficking
- Slavery Conventions
- Convention to Protect the Human Rights of all Migrant Workers and their Families
- Additional Protocol to the Convention on the Rights of the Child relating to the Sale of Children, Child Prostitution and the Use of Children in Pornography

1. PROTOCOL TO PREVENT, SUPPRESS AND PUNISH TRAFFICKING IN PERSONS, ESPECIALLY WOMEN AND CHILDREN AND THE CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME

The Convention Against Transnational Organized Crime (Crime Convention) and its two Protocols on trafficking and smuggling were developed in response to what states considered to be an international crisis. Transnational organized crime has increased enormously as result of the collapse of the Soviet Union and the opening up of China, as well as the globalization of the market economy, which has removed many the traditional social services and job protections. Millions of people have been thrown into unexpected poverty and political instability has increased.

Additionally, global communications and travel have improved, making it much easier for people to share information and travel to jobs around the world, even if they cannot do so legally. As a result, people are now migrating within countries, across regions and into every corner of the planet in unprecedented numbers. Due to the fact that most migrants are unable to migrate through regular channels with a visa, organized crime has also grown exponentially and governments are greatly concerned that organized crime is now better financed, equipped and organized than governments.

In an attempt to level the playing field, government officials are increasingly working collaboratively to fight the criminals. One tool they have developed is the Crime Convention and its Protocols on trafficking and smuggling.

During the negotiations to create these new instruments, Global Rights and NGOs from around the world, under the umbrella name of the “Human Rights Caucus,” worked for two years to ensure that

the Trafficking Protocol would include human rights protections for trafficked persons and a comprehensive approach to cover all forms of trafficking.

The Human Rights Caucus efforts were successful in ensuring that the Protocol contains:

- A definition of human trafficking that recognizes women, men and children all as potential victims of traffickers.
- A definition of human trafficking that recognizes the underlying human rights violations of forced labor or services, slavery or practices similar to slavery and servitude. The definition thus ensures that people, who are trafficked into homes, factories, brothels, fields and streets, and any other site, are recognized as victims.
- A number of provisions recognizing the basic human rights of trafficked persons.

The Trafficking Protocol is not, strictly speaking, a human rights treaty since it was developed as a law enforcement tool within the context of the UN Commission on Crime Prevention and Criminal Justice. However, states must implement its provisions in conformity with international human rights standards.

Nonetheless, the Protocol (art. 14) states that “[n]othing in this Protocol shall affect the rights, obligations and responsibilities of States and individuals under international law....” Thus, although the Protocol suffers from a lack of strong human rights language, the entire body of international human rights law is incorporated into the Protocol via this language.

The Trafficking Protocol is not a ‘stand-alone’ instrument. The ‘complete’ Trafficking Protocol consists of the Protocol, relevant provisions of the Crime Convention and the official notes (the *Travaux Preparatoire*), which explain the meanings of certain terms and provisions. Most people do not read the Trafficking Protocol together with the Crime Convention or the *Travaux Preparatoires*. To remedy this situation, Global Rights created the *Annotated Guide to the Complete Trafficking Protocol*, which contains the Trafficking Protocol, important Crime Convention provisions, the *Travaux Preparatoires* and the *Recommended Principles and Guidelines on Human Rights and Human Trafficking* from the

Office of the UN High Commissioner for Human Rights', together with commentaries on the Protocol and Convention provisions. The *Annotated Guide* is available in Spanish, English,

Russian, German and French on the Global Rights website.

A brief summary of the most important provisions discussed in the *Annotated Guide* follow:

IMPORTANT PROVISIONS OF THE TRAFFICKING PROTOCOL AND THE CRIME CONVENTION

Definition of human trafficking (Protocol art.3)

A clear and workable definition of human trafficking is necessary for advocacy and for successful prosecutions of traffickers. The definition in the Protocol is complicated and contains undefined terms because it is actually a *description* of the crime of human trafficking; it is not a *criminal law definition* of the crime

The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.

This *description* of the crime is the product of a consensus achieved over two years by representatives from over a hundred countries. It is a *compromise* and not a carefully-drafted legal definition. A criminal law must contain clear terms and all elements of the crime so that the public has notice about which behavior is prohibited. A clear definition also assists prosecutors in obtaining convictions.

Shortcomings of the definition

Unfortunately, the Protocol falls short of this basic requirement. While the terms “forced labour or services, slavery or practices similar to slavery, servitude,” are defined in international law, there is no international law definition of the terms “exploitation of the prostitution of others” or “sexual exploitation.” There was also no consensus among delegates to the negotiations on the meaning of those terms and so these terms are *intentionally* left undefined. The Travaux Préparatoires (note 64) makes this abundantly clear:

The travaux préparatoires should indicate that the Protocol addresses the exploitation of prostitution of others and other forms of sexual exploitation only in the context of trafficking in persons. The terms 'exploitation of the prostitution of others' or 'other forms of sexual exploitation' are not defined in the Protocol, which is therefore without prejudice to how States Parties address prostitution in their respective domestic laws.

Recommended Definition

For this reason, we encourage governments to omit those vague terms from their criminal law altogether. Trafficking of adults into forced prostitution or other unfree sex-related activities is already included in “forced labor or services, slavery or practices similar to slavery, servitude.” A definition that we recommend, which includes all of

	<p>the essential elements of the Trafficking Protocol, follows:</p> <p>Human trafficking will mean the recruitment, transport, transfer, harboring or receipt of persons, by any means, for forced labor or services, slavery or practices similar to slavery, servitude or unlawful removal of organs.</p> <p>This definition substitutes the phrase “by any means” for the long list of ‘means’ contained in the Protocol description because the means used to place a person <i>into</i> forced labor, slavery or servitude are <i>irrelevant</i> once those end goals are proven. For example, if the prosecutor can prove that the trafficked person was moved into and then held in forced prostitution or forced agricultural labor, then the means used to put the person in that situation are irrelevant to proving the existence of trafficking.</p> <p>Governments that choose instead to adopt the Protocol description of trafficking into their domestic legislation or that choose to include the terms “exploitation of the prostitution of others” or “sexual exploitation” <i>must</i> also develop definitions for those undefined terms.</p>
<p>Corruption (Convention arts. 8 and 9)</p>	<p>In most countries, trafficking cannot occur without the support of corrupt officials but many countries do not have criminal laws on corruption. The Convention requires that all State Parties must criminalize corruption and actively prevent, deter and prosecute the corruption of public officials.</p>
<p>Confiscation (Convention arts. 12 and 14)</p>	<p>The assets of traffickers represent the forced labor or services extracted from the victims. Thus, the Convention requires State Parties to enact laws to confiscate all organized crime assets, including traffickers’ assets. The assets may be shared with other governments to compensate victims.</p> <p>The Human Rights Caucus called upon governments to ensure that the assets are always used, first, to compensate victims, second, to fund victim services and only then to fund law enforcement and prevention activities. It was the position of the Caucus that the assets belong to the victims, not to the state. This position was not reflected in the Protocol or the Convention but should be reflected in domestic laws.</p>
<p>Victim Assistance and Protection (Protocol art. 6, Convention arts. 24 & 25)</p>	<p>States should protect the privacy and identity of trafficked persons, provide them with information on their case, and provide psychological and social services (including housing, counseling, medical services, job training, protection from retaliation and the ability to seek compensation for damages).</p> <p>States should also protect witnesses during the trial, including through video links, and try to relocate witnesses to another country, if necessary.</p>
<p>Status of persons in the Receiving State (Protocol art. 7)</p>	<p>Each State Party “shall consider adopting legislative or other appropriate measures that permit victims of trafficking in persons to remain in its territory, temporarily or permanently, in appropriate cases.” They must give “consideration to humanitarian and compassionate factors” in making their determination. Although this language does not require states to allow trafficked persons to remain in the country, it does force them to explain why they refuse to do so.</p>

Repatriation (Protocol art. 8)	<p>States must accept returnees, “with due regard for the safety of that person.” Thus, the governments sending and receiving the trafficked person must carefully consider the safety of the person <i>before</i> he or she is returned. States are required to do more than simply leave victims at a border; they are required to assure the victims’ safety.</p>
Prevention (Protocol art. 9)	<p>This article establishes state responsibilities to prevent trafficking in countries of origin and destination. Countries of origin must uncover the root causes of vulnerability for trafficking (such as racial and gender discrimination) and take measure to eliminate them.</p> <p>Countries of destination must address “the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking.” This includes government policies that allow one group of persons (such as employers) to have unchecked power over another set of persons (such as undocumented immigrant workers) allowing the first group to exploit and abuse the second group. One important set of policies is the unrealistic and restrictive labor migration laws in most countries of destination that prevent migrants from entering legally and safely to meet the realistic, unmet demand for labor.</p> <p>Governments must take measures to prevent trafficking and revictimization and adopt other measures to prevent trafficking, including They must also work with NGOs and others on programs to prevent trafficking.</p>

Implementation of the Convention and the Protocols is governed by article 32 of the Convention, which requires governments to meet annually to review progress. As mentioned earlier, the Member States decided not to create an independent committee or independent experts to review implementation. Instead, they tasked the Crime Commission Secretariat in Vienna to collect progress reports from governments on their successes and problems encountered in implementing the Convention and the Protocols.

2. RECOMMENDED PRINCIPLES AND GUIDELINES ON HUMAN RIGHTS AND HUMAN TRAFFICKING

Since the Trafficking Protocol only touches on the human rights of trafficked persons, the Office of the High Commissioner for Human Rights developed the *Recommended Principles and Guidelines on Human Rights and Human Trafficking* (Principles and Guidelines). The Principles and Guidelines contain measures that governments should adopt in order to insure that all anti-trafficking laws, policies and practices meet existing international human rights standards.

The Principles and Guidelines is the most authoritative international document listing all of the human rights obligations of governments with respect to human trafficking. It draws upon many sources, including the *Human Rights Standards for the Treatment of Trafficked Persons*, which NGOs worldwide created in 1999 as a reference tool for advocates and governments. The Principles and Guidelines and in the Human Rights Standards are based upon the international human rights standards contained in human rights conventions, all of which recognize the inherent human rights of all human beings, regardless of their immigration or other status.

Despite the resistance of many governments to treating undocumented migrants with respect and recognizing that they have rights, human rights are inherent in all persons and conferred on everyone at birth. Consequently, human rights are not optional or subject to control by any government. While a few rights are connected to citizenship or legal residence, the majority of rights apply to all persons at all times, even when the person has no legal right to be in the territory of the country in which she or he is found. Accordingly, the fundamental human

rights of trafficked persons, regardless of their immigration status, must be respected and protected in all domestic anti-trafficking laws, policies and practices.

Those rights are enumerated in the Principles and Guidelines, which deserve a careful reading. Some of the provisions on prevention, protection, assistance and reparations for trafficked persons follow:

<p>Prevention</p> <ul style="list-style-type: none"> ➤ Strategies to prevent trafficking should address demand (for example, the unfilled demand for labor in destination countries) as a root cause of trafficking. (Principle 4) ➤ States and intergovernmental organizations should recognize that inequality, poverty and discrimination (such as gender, race, sexual orientation discrimination), as well as other, factors, increase vulnerability to trafficking. (Principle 5)
<p>Protection and Assistance</p> <ul style="list-style-type: none"> ➤ Trafficked persons are to be treated as victims, not criminals. (Principle 7) ➤ Governments must protect trafficked persons and provide physical and psychological care and legal assistance and resident permits. (Principles 8 and 9) ➤ Children should be treated appropriately, taking into account their special vulnerabilities, rights and needs. (Principle 10) ➤ Return should be safe (and, to the extent possible, voluntary) and legal alternatives to repatriation should be available in cases where it is reasonable to conclude that repatriation would pose a serious risk to the safety of the trafficked person or her/his family. (Principle 11)
<p>Criminalization, Punishment and Redress</p> <ul style="list-style-type: none"> ➤ States must prosecute all traffickers, whether they are government officials or

<p>non-state actors. (Principles 6 and 13)</p> <ul style="list-style-type: none"> ➤ States should freeze and confiscate the assets of traffickers, which should be used to support and compensate trafficked persons. (Principle 16) ➤ Trafficked persons must have access to effective and appropriate legal remedies. (Principle 17)
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Advocacy using the Principles and Guidelines. The Principles and Guidelines is not a treaty or a convention but it is highly authoritative on the human rights dimensions of human trafficking. The recommendations to states contained in the Principles and Guidelines *supplement* that fills in gaps in the Organized Crime Convention and Trafficking Protocol.

Thus, advocates can use the Principles and Guidelines as an important source in their national advocacy strategies for domestic laws and policies. Any campaign to pressure governments to sign, ratify and implement the Convention and the Protocol should include a campaign to implement the Principles and Guidelines also.

The Principles and Guidelines also establishes a baseline against which governments should be held accountable, which is especially useful for civil society members when writing reports to various UN bodies on the human rights status of trafficked persons in a country.

3. SLAVERY CONVENTION AND THE SUPPLEMENTARY CONVENTION ON THE ABOLITION OF SLAVERY

The Slavery Convention was developed to address the colonial trans-Atlantic slave trade. It defines slavery as “the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised.” This definition also applies to the Trafficking Protocol.

Although government-sanctioned slavery no longer exists, the conditions of slavery still remain in many parts of the world, particularly situations in which people are being bought and sold like commodities. Thus, the Convention continues to be an important instrument to combat slavery and human trafficking.

The Supplementary Convention on the Abolition of Slavery addresses situations that are similar to, but not quite the same as, slavery. The Convention does not contain a definition of practices similar to slavery or servitude but simply lists a number of practices, such as forced marriages, debt bondage, serfdom, and inheritance of a widow or transfer of a person for value. Thus, other practices that are not quite slavery or forced labor are covered by this Convention.

4. INTERNATIONAL CONVENTION ON THE PROTECTION OF THE RIGHTS OF ALL MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES

This new Convention contains many excellent provisions protecting the rights of migrant workers, including trafficked persons, mainly in countries of destination. It entered into force on July 1, 2003. As of publication, it has been ratified by 34 countries (and signed but not yet ratified by another 27), the majority of which are countries of origin.

The Convention guarantees the right of all migrant workers and their families to be free from violence, physical harm, threats or intimidation by government officials or individuals, groups or institutions. It protects the rights of migrants who are legally in the country of destination and also the rights of migrants who are undocumented.

For example, the Convention states that:

- “[n]o migrant worker or member of his or her family shall be held in slavery or servitude,” nor “required to perform forced or compulsory labor” (art. 11)
- “migrant workers shall enjoy treatment not less favorable than that which applies to nationals of the State of employment in respect of remuneration and other conditions of work” (art. 25)

Treaty Monitoring Committee. The Committee on the Protection of the Rights of all Migrant Workers and their Families reviews reports by the State Parties on the measures they have taken to implement the Convention. States are required to submit reports every five years. The Committee also considers information submitted by the International Labor Organization, intergovernmental organizations and national human rights bodies and shadow reports from NGOs. More information about the Committee and

the schedule for government reports is available through the Committee’s website.

Complaints. The Convention establishes two procedures for complaints, one for complaints between State Parties and another for complaints by individuals against State Parties. The system of individual complaints depends upon the willingness of State Parties to allow the Committee to examine individual complaints.

5. OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

The Convention on the Rights of the Child recognizes the right of children to be protected from economic exploitation and harmful work; however, it does not enumerate the specific forms of abuse that could be involved or the remedies for abuse.

To address this gap, a Protocol to the Convention was developed - the Protocol on the Sale of Children, Child Prostitution and the use of Children in Pornography. The Protocol contains provisions on criminalization, extradition, confiscation of assets, services for children and prevention programs.

Treaty Monitoring Committee. State Parties must submit reports every two years to the eighteen independent experts on the Committee on the Rights of the Child, which supervises Member State compliance with the obligations contained in the Convention and the Protocol. NGOs can submit shadow reports to the Committee.

C. NGO ADVOCACY

ECOSOC Status. NGOs can participate in UN activities if they have received accreditation from the Economic and Social Council (ECOSOC). For some meetings, NGOs can apply for temporary accreditation to attend the meeting. However, NGOs that want to participate in UN activities on a regular basis should apply for ECOSOC consultative status. The application requires NGOs to prove that they are active in economic and social issues related to the ECOSOC mandate.

There are three categories of consultative status: general, special and roster. General status allows the broadest participation in UN activities. Special status is usually provided for NGOs with a

specific area of expertise on a few ECOSOC subjects. Roster status allows NGOs to participate occasionally to provide specific technical expertise. The application forms and information on how to apply are available on the ECOSOC website.

It is not known yet whether NGOs having ECOSOC consultative status will automatically be given consultative status to participate in meetings of the Human Rights Council or whether they will have to reapply. Until a decision is made, NGOs with ECOSOC status can attend Council meetings under This Guidelines for NGO participation in the meetings of the now-defunct Human Rights Commission.

Submit Shadow Reports to Treaty Body Committees. NGOs can submit shadow reports to Committees documenting the successes, failures and difficulties their governments are having in implementing treaty obligations. The reports should document the human rights abuses suffered by trafficked persons by state officials or as a result of the failure of states to protect trafficked persons. NGOs typically have a vast storehouse of knowledge and expertise on human rights abuses of trafficked persons, which committee members need in order to adequately analyze the situation in countries under review. NGO participation also promotes transparency in the review process.

Before a Committee meets, it is also possible to invite several Committee members to the country to see and hear firsthand about the situation of human trafficking. Committee members do not have funding for such trips so NGOs would have to raise the funds. Alternatively, if a government invites Committee members for an on-site visit, NGOs can contact the members and invite them to meet with civil society also.

It is also possible for NGOs to provide Committee members with questions to ask government officials when the members and officials engage in ‘constructive dialogues’ during the course of examining the government’s report.

Information on how to write and submit shadow reports is available on the web (see Annex VI).

Submit Shadow Reports to the Conference of the Parties to Organized Crime Convention and Trafficking Protocol. NGOs can also submit shadow reports to the UN Secretariat in Vienna on

the progress of their governments in implementing the Transnational Organized Crime Convention and the Trafficking Protocol. Although no formal procedure for submissions exists, neither the Convention nor the Protocol prohibit such submissions so NGOs could try to push for the Secretariat to consider shadow reports also when preparing its summary and recommendations for the annual Conference.

NGOs with ECOSOC consultative status can also attend the annual Conferences, observe discussions and distribute materials to delegates. They also have the opportunity to make oral interventions to the entire Conference and speak with delegations ‘in the hallways.’

Submit Individual Complaints. Any NGO or individual that encounters a human rights abuse in human trafficking should consider submitting a complaint to the one of the four Committees that receives complaints, or submitting a 1503 Procedure Complaint to the Human Rights Council. Although the process can be quite long, it is low cost and frequently results in a positive change in government policies or laws.

Send information to Special Rapporteurs. The Special Rapporteurs depend heavily on the expertise of researchers, NGOs and other members of civil society around the world to compile the information they publish in their reports. Sometimes the Special Rapporteurs request specific types of information from civil society for special reports.

Advocates can send information to the Special Rapporteurs at any time and can check the websites to find out whether any Special Rapporteur is preparing a report on specific countries or topics. Additionally, NGOs can assist Special Rapporteurs visiting their countries to ensure that they hear from the broadest range of views and meet with non-government experts.

Use international instruments at national level. Every government that has ratified a convention makes a binding commitment to implement the convention’s provisions, such as, to abolish slavery, prevent the sale of children and stop discrimination against migrant workers and their families. However, adopting conforming legislation is only the first step. Governments are

also obligated to ensure that the laws are enforced impartially and objectively.

Unfortunately, many countries that sign and even that ratify a convention are slow to adopt national legislation, sometimes waiting for years. NGOs could consider developing campaigns to demand that their government not only sign and ratify all human rights conventions but that they also adopt conforming legislation and aggressively enforce the laws.

Even in countries where the government has not ratified or implemented key rights instruments, advocates can pressure their governments to apply existing laws on slavery, servitude, debt bondage, rape, assault, false imprisonment, fraud or other relevant offenses to prosecute traffickers and protect victims. Unfortunately, some governments have argued that their 'hands are tied' because 'trafficking' is not prohibited in the country's criminal code. This is simply an excuse to do nothing; trafficking involves many crimes against the person and most countries have laws, such as kidnapping, rape, assault, false imprisonment, forced labor and smuggling, that can and should be used immediately to prosecute all of the traffickers, from the recruiter, transporter, seller to the buyer. There simply is no reason for any country to fail to prosecute and punish traffickers under one or more of existing criminal laws. Advocates should push their leaders to use those laws unless and until comprehensive trafficking laws are adopted.

Advocates can lobby their governments to sign and ratify the Trafficking Protocol and the Crime Convention and also push their governments to adopt laws and policies in conformity with those treaties, as well as international human rights standards. States that have ratified the Convention and the Trafficking Protocol are *obligated* to adopt national laws and policies that implement the provisions of the Convention and the Trafficking Protocol within a human rights framework.

PART V. INTERNATIONAL LABOR ORGANIZATION

A. ILO STRUCTURE

The International Labor Organization (ILO) is a specialized UN agency dedicated to the promotion of labor rights.* Much of its work focuses on the rights of marginalized groups, such as migrants and ethnic minorities. Between Annual Conferences, the Governing Body directs the work of the ILO; it consists of 28 government representatives, 14 employer and 14 worker organizations.

The ILO provides trainings to its members, conducts extensive research on labor and labor-related issues; reviews government implementation of conventions; and issues recommendations for improved implementation.

Numerous ILO conventions cover issues relevant to human trafficking, for example, conventions on the abolition of forced labor, the worst forms of child labor and migrant labor. ILO conventions are on par with UN conventions and State Parties must ensure that conventions are implemented and enforced.

Annual Conference. The ILO holds an Annual Conference of all Member States each June in Geneva. Each Member State sends three types of delegates (plus advisors): two government officials, one employer organization and one worker organization. The employer and worker delegates are nominated by agreements of the country's large employer organizations and worker organizations.

Delegates discuss current labor issues, develop new labor standards, monitor implementation of existing labor standards, and adopt resolutions for future Conferences. Each delegate speaks and votes independently.

* **NOTE:** Websites for all of the ILO bodies, processes and documents and relevant sections of documents are contained in Annex VII.

The ILO also holds Regional Meetings from time to time to discuss and examine issues of importance in specific regions.

Treaty Monitoring. The Committee of Experts on the Application of Conventions and Recommendations reviews periodic reports from State Parties on their compliance in implementing and enforcing the labor standards in each treaty the state has ratified. Worker and employer organizations are also able to submit reports. The Committee does not have a formal procedure for receiving shadow reports, so civil society might instead send information to and meet with the worker organization to ask to have their views included in the organization's report to the Committee.

The 20 independent experts on the Committee examine the reports every two years or five years, depending upon the Convention under review. The Committee submits an annual report on the status of implementation of various Conventions under review to the Annual Conference.

Complaints. Employer and worker organizations can submit complaints, called "representations," to the ILO about a country's non-compliance with treaty obligations. If the ILO Governing Body approves the complaint, a committee is formed to investigate and then prepare and submit a report to the Governing Body.

Member States can also lodge complaints against other Member States and the Governing Body can organize a Commission of Inquiry to investigate the complaint. The Commission can, if necessary, make recommendations to the states on how they should resolve the complaint. If the government does not accept the recommendations, the complaint can go to the International Court of Justice, which is the principal judicial body of the UN.

Lastly, governments and workers' and employers' organizations can submit complaints

about a state that denies workers the right to freedom of association, even if the state has not signed or ratified a relevant convention.

B. ILO CONVENTIONS

ILO conventions establish international labor standards in which governments agree upon numerous labor rights, such as the right to unionize, to collective bargaining, to equal opportunity and treatment, as well as the abolition of forced labor and other standards across the entire spectrum of work related issues. The ILO also issues Recommendations on specific convention provisions.

While a number of ILO conventions are applicable to many aspects of human trafficking, the two conventions most directly addressing human trafficking situations are the Conventions on Forced Labor and the Worst Forms of Child Labour. Two conventions on migrants workers (listed in the Annex) are also relevant.

1. FORCED LABOUR CONVENTION (C.29)

The Convention defines forced labor as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.” (art. 1)

The Convention places the burden upon governments to ensure that forced labor does not exist either in law or practice: governments “shall not impose or *permit* the imposition of forced or compulsory labour for the benefit of private individuals, companies or associations.” (art. 4.1) Thus, governments have a duty to *seek out* and remove all forced labor conditions, for example, in plantations, quarry mines, homes, factories and brothels. They must set up procedures to receive and act upon complaints and punish violators with a penal sanction.

State Parties are required to make annual reports on the measures they have taken to implement the Convention.

2. CONVENTION ON THE WORST FORMS OF CHILD LABOUR (C.182)

The Convention stipulates that, “each Member which ratifies this Convention shall take immediate and effective measures to secure the prohibition and

elimination of the worst forms of child labour as a matter of urgency.”

The “worst forms of child labour” includes trafficking and related abuses:

(a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;

(b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;

(c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;

(d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

The Convention also requires governments to consult with employer and worker organizations to identify where the worst forms of child labor exist, to establish monitoring mechanisms and to develop programs to eradicate such labor.

C. ILO MATERIALS ON HUMAN TRAFFICKING

The ILO has adopted a progressive and leadership role regarding the labor migration rights aspects of human trafficking. It has published a number of articles on human trafficking, forced labor and labor migration that focus on the nexus between trafficking, labor shortages in destination countries and unemployment in origin countries, as well as the need to enforce laws on forced labor and to protect the rights of migrant workers, including trafficked persons.

For example, the following research is available in English on the ILO website:

- Getting at the Roots: Stopping Exploitation of Migrant Workers by Organized Crime
- Globalization, Labour and Migration: Protection is Paramount

In 2005, a Tripartite Meeting of Experts adopted the Draft ILO Multilateral Framework on Labour Migration - Non-binding principles and guidelines for a rights-based approach to labour migration. The document includes language on trafficking within the labor migration framework.

D. NGO ADVOCACY

Monitor Implementation. Only worker and employer organizations can submit information to the Committee of Experts on the status of a Member State's implementation of conventions. However, NGOs could seek to develop a collaborative relationship with the worker organization delegate to the ILO and ask the delegate to include NGO concerns in its submission.

Additionally, NGOs can submit information to the Committee of Experts and the Conference Committee regarding labor rights violations. It is imperative that the information is supported by documents such as court records, sworn testimony, statutes, constitutions, regulations, etc. The Committee is not required to accept or rely upon such submissions but it has discretion to do so.

File Complaints. Only worker and employer organizations can file complaints about violations in a country. However, NGOs can bring information and documentation about violations to the attention of the worker organization delegate and advocate with the organization to file a complaint.

Registration with ILO. Registered NGOs can attend the Annual Conferences and they can also apply to attend the Regional Meetings.

There are three types of registration:

1. General or Regional Consultative Status. International NGOs interested in a wide range of ILO activities can obtain either general or regional consultative status. These NGOs can only be international or regional worker or employer organizations.

2. Special List. International NGOs that are not worker or employer organizations but that support the ILO goals and principals are placed on the Special List. As of publication, there are 150 NGOs on the List. Most of the NGOs working on

migrant labor, human rights, labor rights, or human trafficking could apply.

NGOS on the Special List cannot automatically attend all meetings. Participation is decided on a case-by-case basis and depends upon the relevancy of the issues discussed in the meeting to the work of the NGO.

3. Specific Meeting Invitation. International NGOs that have some particular interest in a topic before the Conference can also be invited to participate in specific meetings.

Annual Conference. NGOs must submit a request for an invitation in order to attend the Annual Conference and Regional Meetings.

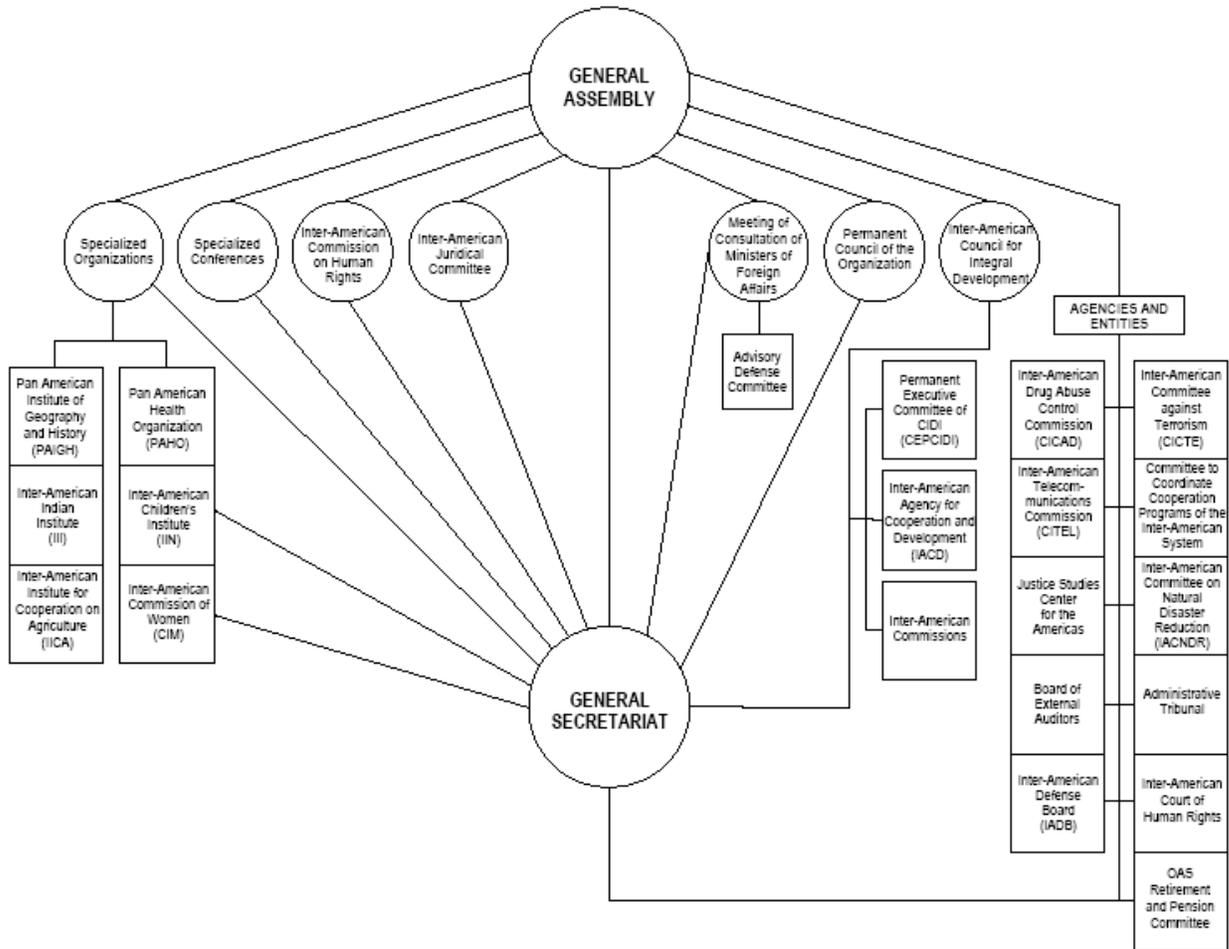
At the Conference, NGOs are able to meet with delegates during a briefing session hosted by the ILO for civil society. In addition, NGOs are permitted to make oral statements and circulate written statements at the Conference.

NGOs should take advantage of these opportunities and organize a meeting with their delegates (especially their worker delegate) before the Conference to discuss the problem of labor abuses and human trafficking. NGOs that are able to travel to Geneva for the Conference can advocate directly with representatives from all parts of the globe and also to meet with the ILO staff who are researching, writing and speaking about human trafficking, labor migration and labor rights.

National Advocacy. Many ILO conventions are incorporated into national law and thus international labor and human right standards are also incorporated into domestic law. Organizations can work at the national level to promote those standards. In countries where conventions have not yet been incorporated into domestic laws, NGOs can campaign for new laws based on the conventions and also can rely upon those conventions in cases brought before the courts.

As with regional and UN conventions, NGOs can use the ILO conventions to pressure their governments to adopt legislation and policies protecting the rights of migrants and workers, including trafficked persons. The ILO research is also a useful tool to promote rights-based policies regarding labor migration.

ANNEX I. OAS ORGANIGRAM



ANNEX II. ORGANIZATION OF AMERICAN STATES

Background Information

- Member States and Permanent Missions (Cuba is a member of the OAS but has been excluded from participation since 1962) <http://www.oas.org/documents/eng/memberstates.asp>
- Information about the OAS <http://www.oas.org/main/main.asp?sLang=E&sLink=../documents/eng/oasinbrief.asp>
- OAS Structure <http://www.oas.org/main/main.asp?sLang=E&sLink=../documents/eng/structure.asp>

General Assembly

Resolutions

- Fighting the Crime of Trafficking in Persons, Especially Women, Adolescents, and Children, AG/RES.1948 (XXXIII-O/03) (2003), www.oas.org/juridico/english/ga03/agres_1948.htm
- Fighting the Crime of Trafficking in Persons, Especially Women, Adolescents, and Children, AG/RES.2019 (XXXIV-O/04) (2004), www.oas.org/XXXIVGA/english/docs_approved/agres2019_04.asp
- Fighting the Crime of Trafficking in Persons, AG/RES 2118 (XXXV-O/05) (2005), <http://www.oas.org/xxxvga/docs/ENG/2118.doc>
- Hemispheric Efforts to Combat Trafficking in Persons: Conclusions and Recommendations of the First Meeting of National Authorities on Trafficking in Persons, AG/RES. 2256 (XXXVI-O/062256) (2006): http://www.oas.org/36AG/english/doc_Res/2256.doc
- The Human Rights of All Migrant Workers and their Families, AG/RES. 2224 (XXXVI-O/06) (2006) http://www.oas.org/36AG/english/doc_Res/2224.doc
- Link to all resolutions: <http://www.oas.org/main/main.asp?sLang=E&sLink=http://scm.oas.org/Reference/english/english.htm>

Permanent Council and its Committees

- Committee on Juridical and Political Affairs: www.oas.org/consejo/CAJP/default.asp
 - Working Group to Prepare an Inter-American Program for the Promotion and Protection of the Human Rights of Migrants Including Migrant Workers and Their Families: <http://www.oas.org/consejo/CAJP/Migrant.asp>
- Committee on Hemispheric Security: <http://www.oas.org/main/main.asp?sLang=E&sLink=http://www.oas.org/consejo>

Specialized Bodies

- Anti-Trafficking in Persons Section: <http://www.oas.org/atip/>
 - Annual Report, April 2005 to March 2006: http://scm.oas.org/doc_public/ENGLISH/HIST_06/MJ00334E08.DOC
- Inter-American Commission of Women: www.oas.org/CIM/default.htm
- Inter-American Children's Institute: www.iin.oea.org/default_ingles.htm

Ministerial Meetings

- **Meeting of Ministers or Attorneys General of the Americas (REMJA)** http://www.oas.org/juridico/english/meetings_of_ministers_of_justice.htm
 - REMJA Secretariat: www.oas.org/juridico/english/default.htm

- 2004 Meeting: www.summit-americas.org/Quebec-Justice/Ministers-Justice/Informe%20del%20Presidente%20de%20la%20Comisi%C3%B3n%20-%20REMJA%20V%20-%20ingl%C3%A9s.pdf
- Conclusion and recommendations of the Meeting of National Authorities on Trafficking in Persons, Venezuela 2006
http://scm.oas.org/doc_public/ENGLISH/HIST_06/MJ00328E06.DOC
-
- Meetings of Ministers of Labor: http://www.oas.org/udse/english/cpo_trab.asp
 - Declaration, XIII Inter-American Conference, 2003:
http://www.oas.org/udse/informe_trabajo/informe/Documentos/DeclarationENG.doc;
www.oas.org/udse/informe%5Ftrabajo/informe/ingles/index.html

Conventions

- American Declaration of the Rights and Duties of Man: www.cidh.oas.org/Basicos/basic2.htm
- American Convention on Human Rights, “Pact of San Jose”: www.oas.org/juridico/english/Treaties/b-32.htm
- Additional Protocol to the American Convention on Human Rights in the Area of Economic, social, and Cultural Rights: www.cidh.oas.org/Basicos/basic5.htm
- Inter-American Convention on International Traffic in Minors:
www.oas.org/juridico/english/Treaties/b-57.html; list of signatory countries:
www.oas.org/juridico/english/Sigs/b-57.html
- Primary instruments of the Inter-American Human Rights System:
<http://www.oea.org/documents/eng/documents.asp>

Inter-American Commission on Human Rights

- Website: www.cidh.org
- Rules of procedure of the Commission on Human Rights: www.cidh.org/Basicos/basic16.htm
- Composition of the Commission: <http://www.cidh.org/personal.eng.htm>
- Annual Reports: www.cidh.org/annual.eng.htm

Special Rapporteurships: <http://www.cidh.org/relatorias.eng.htm>

- Special Rapporteur on Migrant Workers and their Families:
<http://www.cidh.org/Migrantes/defaultmigrants.htm>
 - On-site visits
 - México: <http://www.cidh.org/Migrantes/2003.eng.cap5c.htm>
 - Guatemala:
<http://www.cidh.org/Migrantes/2002eng4.htm#VI.%20%20%20%20%20%20VISIT%20IN%20OLOCO%20TO%20GUATEMALA>
 - Costa Rica:
<http://www.cidh.org/Migrantes/2002eng2.htm#V.%20%20%20%20%20%20VISIT%20IN%20OLOCO%20TO%20COSTA%20RICA>
 - Thematic Reports and Studies: <http://www.cidh.org/Migrantes/migrants.thematic.htm>
- Special Rapporteur on the Rights of People Deprived of Liberty:
<http://www.cidh.org/PRIVADAS/default.htm>

Five Criteria for Commission review: <http://www.cidh.oas.org/annualrep/2000eng/chap.4.htm>

Individual Petitions

- Requirements for the Consideration: Rules of Procedure of the Inter-American Commission on Human Rights (Article 28): <http://www.cidh.org/Basicos/basic16.htm>
- Form for petitioning: https://www.cidh.oas.org/cidh_apps/instructions.asp?gc_language=E
- Brazil Forced Labor case. Friendly Settlement: Report N° 95/03, Petition 11.289, Friendly Settlement, Jose Pereira, Brasil, October 2003, N 95/03 Petition 11.289 10/24/03: <http://www.cidh.org/annualrep/2003sp/Brasil.12289.htm>

Inter-American Court of Human Rights

- Website: <http://www.cidh.oas.org/DefaultE.htm>
- Members of the Court: <http://www.cidh.oas.org/personal.eng.htm>
- Court Rules of Procedure <http://www.cidh.oas.org/Basicos/basic18.htm>
- States that have accepted the Court's compulsory jurisdiction: http://www.oas.org/key_issues/eng/KeyIssue_Detail.asp?kis_sec=2
- Advisory Opinion on Undocumented Migrants, OC-18/23, September 17, 2003, solicited by Mexico: <http://www.corteidh.or.cr/opiniones.cfm?idOpinion=24>
- Mayagna (Sumo) Awas Tingni, August 31, 2001, Series C No. 79: http://www.corteidh.or.cr/docs/casos/articulos/seriec_66_ing.pdf

Civil Society Participation in OAS Activities

- OAS civil society web page: <http://www.civil-society.oas.org>
- Resolution on role of civil: www.oas.org/juridico/english/agres_1707_xxxo00.htm
- Guidelines for the Participation of Civil Society Organizations in OAS Activities: www.civil-society.oas.org/Permanent%20Council/CP-RES-759.htm;
- Manual for Civil Society Participation in the Organization of American States and in the Summits of the Americas Process: <http://www.civil-society.oas.org/documents/Manual%20para%20la%20Participacion%20de%20la%20Sociedad%20Civil%20en%20las%20Cumbres%20y%20en%20la%20OEA%20-%20English%20-%20June%202022,%202006.pdf>
- Registration of civil society organizations: http://www.civil-society.oas.org/Pages/Registration_1_ENG.htm
- Participation of civil society organizations in meetings of the General Assembly: http://www.civil-society.oas.org/Pages/Registration_2_ENG.htm
- Civil Society participation in other OAS Conferences: www.civil-society.oas.org/Pages/Registration_4_ENG.htm
- Corporación PARTICIPA (Spanish only): <http://www.participa.cl/>
- Protecting Economic, Social and Cultural Rights in the Inter-American Human Rights System: A Manual on Presenting Claims. To order copies in English (currently available) contact: Orville H. Schell, Jr. Center for Int'l. Human Rights, Yale Law School, P.O. Box 208215 New Haven, CT 06520-8215, U.S.A., Tel: (203) 432-7480; Email: schell.law@yale.edu

ANNEX III. SUMMITS OF THE AMERICAS

Background Information

- Website: www.summit-americas.org
- Frequently Asked Questions: http://www.summit-americas.org/FAQ_eng.htm#1
- Civil Society Participation in the Inter-American Human Rights System: the Case of the Organization of the American States; and Unfunded Mandates in the Western Hemisphere: http://www.focal.ca/home_e.asp

Summit Secretariat

- http://www.civil-society.oas.org/Pages/Contact_ENG.htm
- <http://www.oas.org/legal/english/gensec/EXOR0203.doc>

Committee on Inter-American Summits Management and Civil Society Participation in OAS Activities (CISC): www.oas.org/consejo/cumbres

Summit Implementation Review Group (SIRG): <http://www.summit-americas.org/SIRG/SIRG-MAIN-documents.htm>

National Reports on Summit implementation: <http://www.summit-americas.org/Quebec-Follow%20Up/national%20reps-summ-eng.htm>

Civil Society participation in the Summit process

- OAS website: <http://www.summit-americas.org/Quebec-CivilSociety/civil-society.htm>
- Civil Society proposals for civil society participation, Monterrey, Mexico, 2003: <http://www.summit-americas.org/Quebec-CivilSociety/Regional%20Forum-eng.htm>
- Coalición Internacional de Organizaciones para los Derechos Humanos en las Americas: coalicion_ong-subscribe@yahoo.com
- Inter-American Democracy Network: www.redinter.org
- Civil society recommendations for 2005 Summit: “Creating employment to confront poverty and strengthen democratic governance”, Washington, DC · January 24 -25, 2005: http://www.summit-americas.org/Documents%20for%20Argentina%20Summit%202005/XXXVII_SIRG/INF3_Roundtable_Summary_of_Recomendations_ENG.doc

SUMMIT DOCUMENTS

Argentina 2005 <http://www.summit-americas.org/IV%20Summit/Eng/mainpage-eng.htm>;
http://www.oas.org/documents/eng/IVSummit_MardelPlata/IVSummit_News.asp

Summit Declaration

“28. We call for an increase in inter-American cooperation and dialogue to reduce and discourage undocumented migration as well as to promote migration processes in accordance with the national legal system of each State and applicable international human rights law. We commit to dialogue in order to reduce the cost and facilitate remittances and *to increase efforts to combat smuggling of migrants and trafficking in persons, in keeping with international instruments of human rights*; to provide for the dignified, orderly, and safe return of migrant, and to invite states to exchange best practices on establishing bilateral programs for migrant workers.”

Summit Plan of Action

“17. To criminalize migrant smuggling and trafficking in persons, effectively enforce national laws and regulations to confront migrant smuggling and trafficking in persons, and strengthen institutions and the training of professional staff to be better positioned to investigate and prosecute the responsible parties, undertake prevention initiatives, as well as protect and assist the victims of these crimes.”

México 2004 <http://www.summit-americas.org/SpecialSummit/mainpage-eng.htm>

Summit Declaration:

“We underscore the importance of cooperation between countries of origin, transit, and destination, to ensure the full protection of human rights of all migrants, including migratory workers and their families, and the observance of labor laws applicable to them, in accordance with the commitments agreed to in the Santiago and Quebec City Summits. We support the adoption of programs for orderly migration as a factor of economic and social development; and we will cooperate in the fight against *trafficking in persons*, which especially affects women and children.”

Québec 2001 <http://www.summit-americas.org/III%20Summit/Eng/III%20summit-eng.htm>

Summit Declaration:

“We recognize the cultural and economic contributions made by migrants to receiving societies as well as to their communities of origin. We are committed to ensuring dignified, humane treatment with appropriate legal protections, defense of human rights, and safe and healthy labor conditions for migrants. We will strengthen mechanisms for hemispheric cooperation to address the legitimate needs of migrants and take effective measures against *trafficking in human beings*.”

Summit Plan of Action, section on migration:

“Reaffirming the commitments made in 1998 at the Santiago Summit concerning the protection of the human rights of migrants, including migrant workers and their families:

Strengthen cooperation among states to address, with a comprehensive, objective and long-term focus, the manifestations, origins and effects of migration in the region;

Promote recognition of the value of close cooperation among countries of origin, transit and destination in order to ensure protection of the human rights of migrants;

Establish an inter-American program within the OAS for the promotion and protection of the human rights of migrants, including migrant workers and their families, taking into account the activities of the IACHR and supporting the work of the IACHR Special Rapporteur on Migrant Workers and the UN Special Rapporteur on Migration;

Commit to undertake the widest possible cooperation and exchange of information among states concerning illegal *trafficking* networks, including developing preventative campaigns on the dangers and risks faced by migrants, particularly women and children who often can be victims of such *trafficking*, with a view to eradicating this crime;

Establish linkages with subregional processes, such as the Regional Conference on Migration and the South American Conference on Migration, which are dialogue fora, in order to exchange information on the migration phenomenon, as well as promote cooperation with specialized international organizations, such as the International Organization of Migration (IOM), in order to advance and coordinate implementation efforts of Summit mandates;”

Summit Plan of Action section on Transnational Organized Crime:

“Encourage all countries in the Hemisphere to consider signing and ratifying, ratifying, or acceding to, as soon as possible and as the case may be, the UN Convention Against Transnational Organized Crime, its Protocol Against the Smuggling of Migrants by Land, Sea and Air and its *Protocol to*

Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, as well as the Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components, and Ammunition, once that protocol is open for signature;

Implement collective strategies, including those that emerge from the Meetings of Ministers of Justice of the Americas, to enhance the institutional ability of states to exchange information and evidence by concluding international agreements on mutual legal assistance where necessary, develop and circulate national reports, and strengthen cooperation, seeking the technical and financial support of multilateral organizations and MDBs where appropriate, in order to jointly combat emerging forms of transnational criminal activity, including trafficking in persons and the laundering of the proceeds and assets of crime and cyber-crime;

Promote, where necessary, and in accordance with national legislation, the adoption of investigation techniques, contained in the United Nations Convention Against Transnational Organized Crime, which are very important tools in the fight against organized crime;”

Santiago 1998 <http://www.summit-americas.org/eng/chilesummit.htm>

Summit Declaration - section on migrant workers

“We will combat all forms of discrimination in the Hemisphere. Equal rights and opportunities between men and women and the objective of ensuring active participation of women in all areas of national endeavor are priority tasks. We will continue to promote the full integration of indigenous populations and other vulnerable groups into political and economic life, with due respect for the characteristics and expressions that affirm their cultural identity. We will make a special effort to guarantee the human rights of all migrants, including migrant workers and their families.”

Summit Plan of Action - section on migrant workers:

Governments will: “Protect the rights of all migrant workers and their families, consistent with each country’s internal legal framework, by taking steps, in case they do not exist, to: 1) provide, with respect to working conditions, the same legal protection as for national workers; 2) facilitate, as appropriate, the payment of full wages owed when the worker has returned to his/her country, and allow them to arrange the transfer of their personal effects; 3) recognize the rights of citizenship and nationality of the children of all migrant workers who may be entitled to such rights, and any other rights they may have in each country; 4) encourage the negotiation of bilateral or multilateral agreements, regarding the remission of social security benefits accrued by migrant workers; 5) protect all migrant workers and their families, through law enforcement and information campaigns, from becoming victims of exploitation and abuse from alien smuggling; 6) prevent abuse and mistreatment of all migrant workers by employers or any authorities entrusted with the enforcement of migration policies and border control; and 7) encourage and promote respect for the cultural identity of all migrants.”

ANNEX IV. REGIONAL CONFERENCE ON MIGRATION

Background Information

- Website: <http://www.rcmvs.org>
- The Regional Conference on Migration (RCM), In brief: what it is, what it has done http://www.rcmvs.org/RCM_en_breve_v13-05-04-Eng.doc
- Technical Secretariat of the RCM: www.rcmvs.org/contactenos.htm

RCM seminars and workshops: <http://www.rcmvs.org/seminari.htm>

Civil Society Participation in the RCM

- <http://www.rrocm.org/>
- RCM civil society participants: http://www.rcmvs.org/pagina_n2.htm
- Enlaces America (RNCOM member): <http://www.enlacesamerica.org/rights/regional.html>

Glossary of terms: www.RCMsv.org/Glosario_v11-05-04-Esp.doc (The RCM glossary also includes UN and OAS definitions for terms, such as human trafficking, human smuggling, forced labor, slavery and the worst forms of child labor).

Plan of Action on Migration Policies and Management, Human Rights and Link between Migration and Development (2004): <http://www.rcmvs.org/plande.htm>

Comparative Matrix of legislation on trafficking in persons and migrant smuggling in RCM member states (2003): http://www.rcmvs.org/investigacion/Trafficking-smuggling_matrix_ver_Mar20.pdf

Declarations

- El Salvador, 2006, Declaration of the XI RCM, http://www.rcmvs.org/XI_RCM.htm
- Vancouver, 2005, Declaration of the X RCM, <http://www.rcmvs.org/10a.htm>
- Panama, 2004, Declaration of the IX RCM, www.rcmvs.org/9a.htm
- Cancun, 2003: Declaration at the VIII RCM, <http://www.rcmvs.org/8a.htm>
- Guatemala, 2002, Joint Communiqué of the VII RCM, <http://www.rcmvs.org/7a.htm>
- San Jose, 2001, Joint Communiqué of the VI RCM, www.rcmvs.org/6a.htm

RRCOM

- NGO Comments on This Guidelines for Victims of Trafficking, 2006, http://www.rcmvs.org/RROCM_comentarios_Lineamientos_Regionales_Eng%20-%20Nov06.doc
- Comments by RNCOM on Regional Guidelines for Special Protection in Cases of the Return of Boys, Girls, and Adolescents Victims of Trafficking, 2006, <http://www.rcmvs.org/RROCM%20-%20INFORME%20FINAL%20GRCM%20Eng%20-%20Nov06.doc>
- Other NGO documents, http://www.rcmvs.org/pagina_n2.htm

ANNEX VI. UNITED NATIONS

Security Council: www.un.org/Docs/sc/

General Assembly: <http://www.un.org/ga/61/>

Economic and Social Council: www.un.org/esa/coordination/ecosoc/

Secretariat: <http://www.un.org/documents/st.htm>

Human Rights Council: <http://www.ohchr.org/english/bodies/hrcouncil/>

Treaty Body Committees

- Committee on Migrant Workers: <http://www.ohchr.org/english/bodies/cmw/index.htm>
- Committee on the Elimination of Discrimination Against Women: <http://www.ohchr.org/english/bodies/cedaw/index.htm>
- Committee on the Rights of the Child: <http://www.ohchr.org/english/bodies/crc/index.htm>
- Human Rights Committee <http://www.ohchr.org/english/bodies/hrc/index.htm>
 - Fact Sheet on the operation of the Committee <http://www.ohchr.org/english/about/publications/docs/fs15.pdf>
- Committee on Economic, Social and Cultural Rights: <http://www.ohchr.org/english/bodies/cescr/index.htm>

Individual Complaint Procedures

- Human Rights Bodies Complaints Procedures: <http://www.ohchr.org/english/bodies/petitions/index.htm>
- 1503 procedure complaints of human rights violations <http://www.ohchr.org/english/bodies/chr/1503.htm>

Office of the High Commissioner for Human Rights: <http://www.ohchr.org/english/about/>

- Adviser on Trafficking: <http://www.ohchr.org/english/countries/coop/global.htm>
- Recommended Principles and Guidelines on Human Rights and Human Trafficking: <http://www1.umn.edu/humanrts/instree/traffickingGuidelinesHCHR.html>

Special Rapporteurs

- Trafficking in persons: <http://www.ohchr.org/english/issues/trafficking/index.htm>
 - Individual complaints: <http://www.ohchr.org/english/issues/trafficking/complaints.htm>
- Human rights of migrants: <http://www.ohchr.org/english/issues/migration/rapporteur/>
 - Individual complaints: <http://www.ohchr.org/english/issues/docs/mmig-quest.doc>
- Sale of children, child prostitution and child pornography: <http://www.ohchr.org/english/issues/children/rapporteur/index.htm>
 - Individual complaints: <http://www.ohchr.org/english/issues/children/rapporteur/model.htm>
- Violence against women, its causes and consequences: <http://www.ohchr.org/english/issues/women/rapporteur/>
 - Individual complaints: <http://www.ohchr.org/english/issues/women/rapporteur/complaints.htm>
- List of current Special Rapporteurs, Working Groups and Independent Experts: <http://www.ohchr.org/english/bodies/chr/special/themes.htm>

Migration issues

- Global Migration Group <http://www.un.int/iom/GMG.html>
- Global Commission on International Migration: www.gcim.org
- International Migration and Development High Level Dialogue: <http://www.un.org/esa/population/hldmigration/>

Treaties

- UN Convention Against Transnational Organized Crime: www.unodc.org/pdf/crime/a_res_55/res5525e.pdf
 - Ratifications: www.odccp.org/odccp/crime_cicp_signatures_convention.html
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children: www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_%20traff_eng.pdf
 - Ratifications: http://www.unodc.org/unodc/en/crime_cicp_signatures_trafficking.html
 - Annotated Guide to the Complete UN Trafficking Protocol in English, French, Spanish, German and Russian : www.globalrights.org/trafficking
- Slavery Convention: <http://www.ohchr.org/english/law/pdf/slavery.pdf>
- Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery: <http://www.ohchr.org/english/law/slavetrade.htm>
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families: <http://www.ohchr.org/english/bodies/cmw/cmw.htm>
 - Ratifications: <http://untreaty.un.org/ENGLISH/bible/englishinternetbible/partI/chapterIV/treaty25.asp>
- Convention on the Rights of the Child: <http://www.ohchr.org/english/law/crc.htm>
 - Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography: www.ohchr.org/english/law/crc-sale.htm
- International Covenant on Civil and Political Rights: <http://www.ohchr.org/english/law/ccpr.htm>
- International Covenant on Economic, Social and Cultural Rights: <http://www.ohchr.org/english/law/cescr.htm>

NGO Consultative Status: <http://www.un.org/esa/coordination/ngo/>

Other Materials

- Producing NGO Shadow Reports to CEDAW: A procedural guide (revised in June 2003), International Women's Rights Action Watch, <http://iwrap.igc.org/Shadow/CEDAWNGOguideJune2003.pdf>
- NGO Shadow Reports Under the U.N. Convention on the Elimination of All Forms of Racial Discrimination (draft copy), September 2005, Global Rights – Partners for Justice, <http://www.ushrnetwork.org/pubs/CERD%20Shadow%20Reporting%20Final.pdf>
- US Shadow Reporting Coordination, <http://www.ushrnetwork.org/page210.cfm>
- Intergovernmental Negotiations and Decision Making at the United Nations: A Guide: http://www.un-ngls.org/d_making.htm
- Human Rights Standards for the Treatment of Trafficked Persons www.globalrights.org/trafficking

ANNEX VII. INTERNATIONAL LABOR ORGANIZATION

Background Information

- Website: www.ilo.org
- ILO mandate: www.ilo.org/public/english/about/index.htm
- ILO International Labor Conferences: www.ilo.org/public/english/standards/relm/ilc/index.htm
- Registration: www.ilo.org/public/english/standards/relm/ilc/index.htm

ILO Conventions and recommendations

Conventions and lists of ratifications: <http://www.ilo.org/ilolex/english/convdisp1.htm>

- Forced Labour Convention C29
- Abolition of Forced Labour Convention C105
- Worst Forms of Child Labor Convention C182
- Migration for Employment Convention C66 and (Revised) C97
- Migrant Workers (Supplementary Provisions) Convention C143

Recommendations: <http://www.ilo.org/ilolex/english/recdisp1.htm>

- Recommendation 35 concerning Forced Labour (Indirect Compulsion)
- Recommendation 190 concerning the prohibition and immediate action for the elimination of the worst forms of child labour
- Recommendation 61 concerning the Recruitment, Placing and Conditions of Labour of Migrants for Employment, 1939
- Recommendation 62 concerning Co-operation between States relating to the Recruitment, Placing and Conditions of Labour of Migrants for Employment, 1939
- Recommendation 86 concerning Migration for Employment (Revised 1949)
- Recommendation 151 concerning Migrant Workers, 1975

Research on labor migration (including trafficking):

<http://www.ilo.org/public/english/protection/migrant/publ/perspecs.htm>

- Getting at the Roots: Stopping Exploitation of Migrant Workers by Organized Crime, Patrick Taran and Gloria Moreno-Fontes Chammartin (2003)
- Globalization, Labour and Migration: Protection is Paramount, Patrick Taran and Eduardo Geronimi (2003)