



November 16, 2007

AtJ E-Bulletin Issue 8

Dear members, partners and friends,

Warm greetings from Bangkok!

Welcome to the November issue of the Access to Justice electronic bulletin. This new edition comes after a very exciting week in which we met with some of you on the occasion of the GAATW International Members Congress celebrated from the 5th to the 8th. The second day of the Congress included a session on Access to Justice that allowed all of us to continue sharing experiences and collectively thinking on strategies to improve access to justice to trafficked persons through working groups discussions on advocacy, sharing of technical knowledge between professionals and mechanisms to ensure that trafficked persons receive information about their legal rights. Precisely, this e-bulletin focuses on the important role played by NGOs in ensuring access to information about legal rights to trafficked persons. We want to recognize the work done by NGOs in this area and to share some experiences with all of you.

We also bring you information about the new GAATW specialized legal website that will be launched by the end of this month and that, as this bulletin, aims at facilitating networking, sharing of information and legal resources among a wide community of lawyers, NGOs and advocates.

Finally, you will also find information about anti-trafficking legislation; events and publications that we hope will be of your interest.

And, as we always say, please do share with us your reflections, activities, news and information as this is your e-bulletin!

Warmly,

The Access to Justice Team

THE ROLE OF THE NGOS IN ENSURING ACCESS TO INFORMATION ABOUT LEGAL RIGHTS TO TRAFFICKED PERSONS

Information gathered by the Access to Justice Team since 2006 has consistently showed that even if over the last years there has been enormous advances towards the criminalization of trafficking at national regional and international levels, lack of knowledge about their legal rights is still one of the main obstacles that prevent trafficked persons to access the justice system. In the survey that GAATW conducted among members providing legal assistance in early 2006 this was overwhelmingly rated as the biggest obstacle. Victims, are thus, generally not aware of their rights to a hearing before an impartial tribunal, to hold perpetrators of the crime of trafficking accountable for their actions and to receive compensation; it seems that not enough is being done when it comes to making these remedies known and accessible for trafficked persons.

At the same time, NGOs are proving to play a crucial role not only in providing legal information to those that have been trafficked, but most importantly, in accompanying them throughout the legal process and in making it an empowering one.

Some of the respondents to the questionnaire sent out by the GAATW-IS to members providing legal assistance in early 2006 reflected on the role of NGOs in ensuring access to justice to trafficked persons:

- *While lack of access to justice is not peculiar to the victims of human trafficking alone, they have a special circumstance of not been adequately informed of their rights and possible remedies against their traffickers. Securing access to justice for the victims is not high on the agenda of the governments and rather all initiatives tend towards securing convictions against the traffickers and redeeming the image of the country.* Respondent from Nigeria
- *For victims of trafficking, accessing to justice is almost impossible without assistance.* Respondent from Israel
- *Access to justice depends greatly on the social awareness and knowledge, first, of police or judicial authorities, and secondly, of NGO's whom can advocate on behalf of the victims and provide them information, assistance and protection.* Respondent from Spain
- *Unless they are under the wing of, or enrolled in, an anti-trafficking program the ability of trafficked persons to access the justice system is next to impossible.* Respondent from the Czech Republic

On a separate interview, staff from a German NGO that assists trafficked persons said: *"without assistance from a NGO, it would be difficult for women to independently access to justice system. Because they are lack of knowledge of legal rights, lack of money to pay a lawyer, also lack of private lawyers with expertise on trafficking¹".*

The social assistance programmes run by anti-trafficking NGOs normally include information about legal rights and, if not direct legal assistance, referral to other organizations that represent victims in court. This allows trafficked persons to make informed decisions about their future and prevents their re-victimization.

SHARING EXPERIENCES:

We would like to share with you the experiences of two GAATW member organizations based on recent interviews with them.

Mongolia: The Centre for Human Rights and Development (CHRD) is the only NGO in Mongolia providing pro bono legal assistance to victims of human trafficking. Founded in 1998, the organization runs 14 volunteer staffs in 14 provinces and has one head office with 15 staff in the country's capital. Since 2002 the CHRD has provided legal information to about 37 victims of human trafficking only two of whom brought their cases to court. In 2006, after conducting one training on human trafficking among lawyers, the CHRD established a network of lawyers willing to provide legal assistance to trafficked persons. In addition to this, CHRD has assisted the family members of those that have been trafficked to initiate a network among themselves in which they share the problems they face during the justice process and receive legal assistance from the lawyers².

For more information please contact Ms. S. Dondov at chrd@mongolnet.mn

¹ GAATW Alliance News "Access to Justice" Issue 26, December 2006

² According to an on-line interview 29th October 2007, CHRD-Mongolia

Thailand: The Foundation for Women (FFW) is a non-governmental organization based in Bangkok that provides social and legal assistance to Thai and non-Thai women and children victims of national and cross-borders trafficking. Based on their experience, trafficked women are more willing to bring their cases to court, and to cooperate with law enforcement officials, if they are informed about their legal rights at the same time as they receive social assistance. Social assistance is thus, used as an instrument to empower trafficked women and to inform them about their rights. The FFW also advocates for the centrality of human rights in the national anti-trafficking legislation. They lobbied for the amendment of the Bill against Trafficking in Women and Children (1999), which has recently been revised and improved through a new Draft Bill of Human Trafficking. For more information please contact Ms. Matthana Chetamee at: tukmatthana@gmail.com

Latest developments: the new GAATW specialized website

A new specialized website with legal resources will be available at the end of November 2007 within the general GAATW website. This website has been developed by the Programme on Access to Justice for Trafficked Persons within the GAATW International Secretariat (IS) and aims at supporting GAATW member organizations providing legal assistance, and others, in improving access to justice for trafficked persons. This website wants to be a hub containing relevant information on legislation, cases and best practices, publications and contact details of practitioners and NGOs providing legal assistance around the world.



This website is the direct consequence of the recommendations received by the GAATW-IS during the Global Consultation on Access to Justice in June 2006, namely, "for the IS to help fostering communication, coordination and sharing of information, resources and experiences among members and other NGOs that provide legal assistance to trafficked persons".

With this *Access to Justice* website we hope to create a platform that will ultimately improve the right of trafficked persons to access the justice system, and that will also help legal assistance providers, human rights advocates and practitioners to communicate among themselves and to improve coordination. As with this Access to Justice electronic bulletin, the website is an initial step, but we will need of your active collaboration to improve it.

We will provide you with the address of this new website in the December AtJ e-bulletin, but in the meantime, please communicate with us at: amraa@gaatw.org

News:

- **Anti trafficking legislation**

Argentina: *Creation of the 1st National Programme to prevent and suppress trafficking in Persons and to assist victims of trafficking (October 4th, 2007)* -- The National Programme will fall within the mandate of the Ministry of Interior, which will be responsible for its implementation. It includes a set of steps to promote coordination among governmental bodies and NGOs, to prevent traffic, to assist trafficked persons (including medical, psychological, social and legal assistance), to raise awareness on trafficking, to encourage research on the topic among others. The Programme also envisages the creation of a National Register of Data related to trafficking in persons.

[For more information, please contact the Access to Justice Team](#)

Ireland: Bill altered to tackle human trafficking -- Justice Minister Brian Lenihan has tinkered with controversial laws being proposed on immigration to avoid a major political row over human trafficking. The forthcoming Immigration Bill will now include clauses dealing with victims of human trafficking for the very first time, including offering them anonymity in court, an unprecedented move in Ireland.

<http://www.independent.ie/national-news/bill-altered-to-tackle-human-trafficking-1199651.html?r=RSS>

Niger: New immigration laws -- The government of Niger is designing a new immigration law that will deal with the provisions governing entry and stay in the country by foreign nationals. Niger is signatory of several regional and sub-regional agreements and conventions on the free movement of people and goods under the ECOWAS, the CEN-SAD and the African Union.

<http://www.angolapress-angop.ao/noticia-e.asp?ID=568830>

Qatar: Law to combat human trafficking soon -- The legal Committee at the National Office for Combating Trafficking in Humans has been working on a new law to combat human trafficking in collaboration with external experts.

http://www.thepeninsulaqatar.com/Display_news.asp?section=Local_News&subsection=Qatar+News&month=November2007&file=Local_News2007111224720.xml

Council of Europe (CoE): Convention ushers in new era in legal protection - After the ratification of the CoE Convention on human trafficking, the Council of Europe is in the process of setting up the Group of Experts on Action Against Trafficking in Human Beings (GRETA), an independent human rights monitoring mechanism on the "Convention on Action against Trafficking in Human Beings". This quasi-judicial body will monitor the implementation of the Council's convention.

<http://www.neurope.eu/articles/79828.php>

Serbia: Anti - trafficking network -- An anti-trafficking network will be established in six Serbian towns (Kraljevo, Novi Pazar, Požarevac, Šabac, Kikinda and Sremska Mitrovica). The aim of the local network is to get people to recognize the problem of human trafficking in Serbia.

http://www.b92.net/eng/news/crimes-article.php?yyyy=2007&mm=11&dd=10&nav_id=45271

Events:

Ghana: Workshop for Human Trafficking Management Board opens.

The Human Trafficking Management Board of the Ministry of Women and Children's Affairs (MOWAC) organized a workshop on the Draft National Plan of Action (including national legislation and policies to address trafficking issues such as protection, support, rehabilitation and re-integration of victims). The workshop also addressed human trafficking issues in West Africa.

<http://www.ghanaweb.com/GhanaHomePage/NewsArchive/artikel.php?ID=132972>

Nigeria: Human trafficking: Agency workshop on Health Care -- The National Agency for Prohibition of Traffic in Persons (NAPTIP) conducted a two-day workshop on "Approaches in Health Care of Survivors of Human trafficking in Nigeria".

<http://www.thetidenews.com/article.aspx?qrDate=10/26/2007&qrTitle=Human%20trafficking:%20Agency%20seeks%20assistance&qrColumn=NATION>

Serbia: Two-day seminar on the protection and promotion of human trafficking victims' rights.

The seminar was organized by the Council of Europe's Human Rights Directorate, the Council of Europe Office in Belgrade and the Interior Ministry (MUP) and it served to discuss measures to combat human trafficking, protect victims and new ways of cooperation. It was

attended by representatives of the Council of Europe, the governments of the countries taking part and the NGOs from the countries in the region

http://www.b92.net/eng/news/crimes-article.php?yyyy=2007&mm=10&dd=18&nav_id=44666

Malaysia: The Philippine Embassy in Kuala Lumpur conducts an anti-human trafficking workshop.

The Philippine Embassy in Kuala Lumpur organized a one-day workshop for their personnel to enhance procedures in dealing with cases of trafficking in persons, identifying areas of improvement and recommending measures to improve the provision/delivery of assistances/services to victims of trafficking.

<http://news.balita.ph/html/article.php/20071019103933942>

Sri Lanka: U.S. Teams with IOM and Sri Lankan Government to Help Combat Human Trafficking.

The Sri Lanka's Ministry of defense announced the launching of a new program to combat human trafficking funded by the United States and implemented by the International Organization for Migration (IOM). It is aimed at helping law enforcement officials to identify instances of trafficking in persons and to increase the rate of prosecution of traffickers..

http://www.defence.lk/new.asp?fname=20071018_15

Upcoming events:

OSCE/ODIHR Anti-Trafficking Programme: Workshop on Compensating Trafficked and Exploited Persons; Barcelona (Spain) 10th -12th December 2007.

The anti-trafficking programme of the OSCE-ODIHR identified "strengthening access to justice and rights by trafficked persons in OSCE participating States" as one of its main objectives and in 2007 commissioned a Review to analyze the compensation routes available and the practices on compensating trafficked and exploited persons in eight countries (Albania, France, Moldova, Romania, Russia, Ukraine, UK and the USA³).

The workshop in Barcelona will look at this Review with the following two objectives:

- To allow for an exchange of different positions on compensating trafficked and exploited persons in the OSCE region from the perspectives of victims rights, labour rights and migrants rights activists and state actors;
- To discuss ways forward on compensating trafficked and exploited persons.

<http://www.osce.org/odihr/>

Latest publications:

TITLE: Mapping the Realities of Trafficking in Women for the purpose of sexual exploitation in Cyprus

AUTHOR: Mediterranean Institute of Gender Studies (MIGS)

LANGUAGE: English

PAGES: 59

DATE: October, 2007

DESCRIPTION: The MIGS research project aims at gaining and sharing awareness, knowledge and understanding on the phenomenon of trafficking in women for the purpose of sexual exploitation in Cyprus. The report outlines the weaknesses in the National Action Plan and in the legislative framework regarding this issue and suggests ways to combat this phenomenon.

SOURCE: http://www.medinstgenderstudies.org/wp/wp-content/uploads/migs-trafficking-report_final.pdf

³ 'Compensation for Trafficked Persons in the OSCE Region' researched and written for the OSCE-ODIHR by Katy Thompson and Allison Jernow.

TITLE: **Compendium on Best Practices On Anti Human Trafficking by Law Enforcement Agencies**

AUTHOR: United Nations Office on Drugs and Crime Regional Office for South Asia and Government of India

LANGUAGE: English

PAGES: 52

DATE: 2007

DESCRIPTION: This Compendium has been compiled by the New Delhi Institute of Social Sciences, with the assistance of police agencies in various Indian states, and focuses on "strengthening the law enforcement response against trafficking in persons, through training and capacity building", which were organized during the implementation of the project.

SOURCE:

http://www.unodc.org/pdf/india/publications/compendium_best_practices_1_50.pdf

TITLE: **A Legal Analysis of Trafficking in Person Cases in Kosovo**

AUTHOR: OSCE; Department of Human Rights, Decentralization, and Communities Legal System Monitoring Section

LANGUAGE: English

PAGES: 31

DATE: October, 2007

DESCRIPTION: The report is based on the monitoring of investigations and trials of trafficking cases throughout Kosovo and analyses issues such as the understanding of trafficking among police, judges and prosecutors, the investigation phase and the roles of the trafficked persons in the criminal proceedings. The report concludes that very little progress has occurred in the past years with respect to the handling of trafficking cases, and addresses a number of recommendations to the relevant authorities

SOURCE: http://www.osce.org/documents/mik/2007/10/27620_en.pdf

The GAATW-IS Access to Justice Programme Team will send you updated information and resources on AtJ for Trafficked Persons on a monthly basis. Please forward this E-Bulletin to your networks and contact persons offering legal assistance to trafficked people.

- *You can find this AtJ E-Bulletin and more information about access to justice for trafficked persons on our website www.gaatw.org.*
- *To subscribe free of charge to this AtJ E-Bulletin, please send an email to gaatw@gaatw.org.*

Please send feedback about the AtJ E-Bulletin to amraa@gaatw.org or gaatw@gaatw.org

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