

Public Consultation on Trafficking in Persons National Plan of Action
23 February 2012

AWARE is very happy to be able to contribute to this feedback. AWARE held a consultation among its members to gather views and be constructive in this challenging task of setting up a National Action Plan. As such, AWARE submits the following comments for consideration and for further dialogues.

Key Outcomes	Key initiatives
<i>Enablers</i>	
A. Effective implementation of the National Plan of Action	<p>1. Produce Annual self-assessment report of Singapore’s efforts to combat TIP</p> <p>Our comments:</p> <ul style="list-style-type: none"> • AWARE welcomes this effort by the Government to gather feedback on the Trafficking in Persons National Plan of Action. • AWARE agrees with the State’s initiative to produce an annual self-assessment report of Singapore’s efforts to combat TIP. However, we also urge that this report be one that uses international indicators on trafficking so that we will indeed have a national report that stands up to international scrutiny as a fair and balanced report. <hr/> <p>2. Enhance data collection, statistical reporting and monitoring of TIP offences through developing of dashboard</p> <p>Our comments:</p> <ul style="list-style-type: none"> • AWARE welcomes this idea of setting up a dashboard as fundamental to building up an approach to developing indicators, reporting mechanisms and documentation. • AWARE asks that a thorough consultation be held with stakeholders to gather specific feedback on the dashboard before it is accepted nationally. • We also ask that this portal of information – data – be made transparent and that data be disaggregated by various indicators useful for prevention work. • We draw the Government’s attention to Part c, Pt 5 and ask for a dashboard to be developed once the definition on

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	<p>trafficking is accepted as it is spelt out in the Palermo Protocol.</p> <ul style="list-style-type: none"> • Please also see our comments in Part C, point 5. <p>3. Request for funding of TIP initiatives</p> <p>Our comments:</p> <ul style="list-style-type: none"> • AWARE agrees with this initiative, but also seeks clarification for the kind of funding that the State is requesting for. • AWARE proposes that the State set up a compensatory trust fund to aid victims of trafficking. • As trafficking is a cross-cutting issues which intersects both vertically and horizontally on other areas, it is best, we say if each Ministry allocates at least 0.5 percent of its Total Budget to the Trafficking cause for the next five years. AWARE also proposes that the inter-agency task force on TP be developed into a fully-functioning unit in due course. • AWARE identifies many needs that require funding from the Government if an effective National Action Plan on TP is to be set up. These include supporting the direct service work of NGOs, to enhance transborder collaborations, for intensive capacity building of many stakeholders, to conduct research and to invest in rehabilitation schemes. • At the ASEAN level, State should initiate an ASEAN initiative towards trafficking. This can include the sharing of information on trafficking cases, especially to combat trafficking syndicates.
<p>B. Benchmark against international standards on combating TIP</p>	<p>4. Study feasibility of accession to UN Palermo Protocol on TIP</p> <p>Our comments:</p> <ul style="list-style-type: none"> • AWARE urges the Government to play a bigger role, internationally, by ratifying the Palermo Protocol in its entirety. • We advocate for a committee – comprising lawyers from the AGC, private practice and NGOs - to be formed to review all laws that have some bearing on trafficking issues and to study how other countries amended existing laws to be in compliance with the Palermo Protocol.

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	<ul style="list-style-type: none"> • AWARE would like to recommend that the Government keeps the public informed on its progress in acceding to this UN Protocol.
Prevention	
<p>C. Heighten awareness of TIP amongst Government officials, workers, employers and members of public</p>	<p>5. Define sex and labour trafficking offences and indicators</p> <p>Our comments:</p> <ul style="list-style-type: none"> • AWARE is of the view that the definition of Trafficking as set out in the Palermo United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons (2000) should be wholly adopted by the Singapore Government in any legislation adopted in his country. This definition as stated at Article 3 of the Protocol is as follows: <ul style="list-style-type: none"> “Trafficking in persons” shall mean 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 labour or services, slavery or practices similar to slavery, servitude or the removal of organs...” • AWARE would like to direct the attention of the Inter-Agency Task Force to a few documents that might deepen understanding and also various perspectives on identification of Victims. These are An Annotated Guide to the Complete UN Trafficking Protocol (pp 5-10); www.unhcr.bg/other/r_p_g_hr_ht_en.pdf; www.antislavery.org/homepage/resources/PDF/PDFtraffic.htm <p>6. Embark on comprehensive training curriculum for Government officials</p> <p>Our comments:</p> <ul style="list-style-type: none"> • AWARE agrees that this is a crucial element of the NPA. In our view, this training must be provided on a regular basis and continue indefinitely on an updated basis. • We urge that the training programmes include gender, class, rural/urban dimension and also include the dynamics of the power relation between traffickers and victims.

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	<ul style="list-style-type: none"> • AWARE suggests that this training be provided for all government and non-government officials, inter alia but not exclusive to: front line officers across all departments; social workers; health workers; police; immigration officials; court officials; airline carriers; corporate members of the transport industries; media personnel; and airport staff. • AWARE envisages that such training should be specifically provided to foreign workers. This could be achieved by inserting a component on labour and sex trafficking in orientation workshops.
	<p>7. Conduct joint research studies</p> <p>Our comments:</p> <ul style="list-style-type: none"> • AWARE is supportive of initiatives to support further research but would be grateful for further information as to what these studies would entail. For example, a commissioned study to investigate the management of front line immigration services would be considered highly beneficial and one of a number of potential studies, (the contents upon which we would be happy to be part of), which are considered imperative to this issue. • We suggest that research with; other countries would be of considerable value, especially in the areas of training to identify good programmes, efficacy of victim assistance programmes by various agencies. • AWARE notes the value of inter-governmental knowledge sharing and suggests that this be utilised particularly for the prevention of labour and sex trafficking purposes. For example, inter departmental research could be undertaken into cross border match-making agencies, re-entry schemes, interviewing mechanisms of victims.
	<p>8. Conduct TIP campaigns</p> <p>Our comments:</p> <ul style="list-style-type: none"> • AWARE wholeheartedly supports this initiative and would request that campaigns are also directed towards the education of trafficking issues, including detection, for members of the general public. Campaigns should work

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	<p>towards dissipating a culture of blame against victims of trafficking.</p> <ul style="list-style-type: none"> • AWARE suggests particularly that TIP campaigns have clear and direct messages.
<p>D. Early detection of potential TIP case</p>	<p>9. Strengthen case referral mechanism for potential victims and members of public</p> <p>Our comments:</p> <ul style="list-style-type: none"> • AWARE would like to emphasise that in order to strengthen case referral mechanisms that can work effectively, it is important to have a common conceptual understanding of trafficking and be aligned to the definition as set out in the Palermo Protocol without any reservations. Then to accept that trafficking is a transborder issue which then means that case referral mechanisms will need to include an intelligence system that operates at both regional levels (ASEAN) and at the international. Such an intelligence system we agree will function as an early detection system of potential TIP cases. • It is equally important to also establish a well-coordinated, robust, tried and tested inter-government referral system that also includes NGOs. AWARE is of the view that education is key in a system of early detection and this should be directed at members of the general public, students, and workers in specific industries where there are higher chances of persons being trafficked, as in construction entertainment industries. <p>10. Set up TIP national hotline</p> <p>Our comments:</p> <ul style="list-style-type: none"> • AWARE applauds this initiative and welcomes such a move. • AWARE would also like to point out that training of the front-line staff is crucial as their role would be to empathise and be also the early detectors to issues on trafficking. • We ask that this hotline be toll-free and widely advertised in Singapore, in neighbouring countries and in countries of origin from which any of their citizens come to Singapore.
<p>Prosecution</p>	
<p>E. Effective investigation and</p>	<p>11. Strengthen investigation and prosecution processes</p>

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<p>prosecution of TIP cases</p>	<p>Our comments:</p> <ul style="list-style-type: none"> • AWARE would like to emphasise the importance in accepting the Palermo Protocol’s definition on trafficking as the principle on which to develop investigation processes across the various ministries, be in on forced labour issues or on sex trafficking. Without this fundamental any effort to strengthen investigation and prosecution processes will fall short as syndicates can easily remain free of prosecution. As such we make the following suggestions:- <ul style="list-style-type: none"> ○ Robust monitoring of all crime syndicates/ recruiters/ guises for trafficking such as matchmaking agencies and labour recruitment agencies in Singapore and their counterparts in other countries. This should also include regulation for matchmaking agencies, which are currently unregulated. ○ Stepping up cross border controls with increased resources. ○ Setting up undercover operations. • AWARE underscores this point that any investigation process can be subverted if there is no immunity programme to support the victim for her/his cooperation with investigations. We make the following suggestions in this regard:- <ul style="list-style-type: none"> ○ This immunity ought to work along the lines of a Witness Protection and victims be given the right to stay with compensation. AWARE appreciates the tricky situation here but this can be done with cooperation from NGOs and a clear step-by-step approach that also deals with successful re-skilling programme that the witness would prefer to go home. ○ If the witness prefers to go home, with assistive technology, it might be possible, we urge, for the victim turned witness to offer evidence remotely with the cooperation of local police counterparts. ○ Where the victim agrees to be a prosecution witness, efforts must be taken to ensure that court proceedings are away from the media and public and wherever there is sex trafficking that evidence of a victim be heard through video link or other technology out of the view of the accused. ○ All norms that are applied to preserve the dignity of the victim in sexual assault cases ought to be applied or improved upon for victims of sex trafficking. • AWARE also urges that investigation processes can cover reduced prosecution charges if any accused person can cooperate well enough resulting in syndicate leaders and others further up the supply chain being caught for trafficking offences.

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	<ul style="list-style-type: none"> • AWARE urges the Government to use all networks to crack down on syndicates in its investigation processes. • AWARE believes in the next five years it is important for police officers, immigration officers and NGOs to have constant dialogues in a safe environment of sharing and monitoring cases to seek systemic improvements in the following key areas – case management, case investigation, case prosecution, case protection for witness, case re-integration. • Training of all officers becomes a key cornerstone for successful implementation of the Palermo Protocol. <p>12. Fast track TIP cases</p> <p>Our comments:</p> <ul style="list-style-type: none"> • Fast-tracking for prosecution is much welcomed. We presume that the fast tracking relates to BOTH expediting prosecution before the courts AND urgent investigation of TIP cases in order to bring sufficient charges against a trafficker or a person in the trafficking chain. AWARE agrees with this approach for the following reasons: <ul style="list-style-type: none"> ○ The longer it takes to investigate, the harder it will to locate trafficker and those in the trafficking chain, since the traffickers will have begun to take precautions following the escape of the victim. ○ Accelerated efforts in advancing prosecution means that the victim does not have to contend with the stresses and anxiety of a long prosecution. • AWARE asks for additional resources to be set up specialized enforcement teams for sex and labour trafficking. • It is also important to establish meaningful liaisons with the NGO community. • Again we reiterate that for processes to be efficient, sensitive, prosecutors and judges be also appropriately trained to avoid delays and unnecessary adjournments and to list the case in priority to other cases. <p>13. Set up specialized enforcement teams for sex and labour trafficking</p> <p>Our comments:</p> <ul style="list-style-type: none"> • AWARE agrees that there should be specially trained dedicated and cross-sectorial enforcement teams for sex

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	<p>and labour trafficking who are appropriately trained to investigate all possible fronts for trafficking (including syndicates which operate under the guise of matchmaking agencies and maid recruitment agencies). This will lead to speedier intelligence gathering and prosecution.</p> <p>14. Study setting up of joint databases across enforcement agencies</p> <p>Our comments:</p> <ul style="list-style-type: none"> • AWARE raises caution on issues of confidentiality in reference to the cases of the victims and that a security system needs to be in place for this joint database at a certain level of information sharing becomes more exclusive, if at all. • We welcome such a move but are more eager that the database is used to generate meaningful and investigative research (please refer to Sections C7 of the National Action Plan) and to improve Early Detection (please see Section D). • AWARE points out here that it is also possible to use this database to link up on certain fields (non-confidential) with databases in other countries, in concerted investigative efforts of tracking syndicates.
<p>F. Commensurate penalties and deterrence sentencing for convicted TIP cases</p>	<p>15. Review legislations related to TIP</p> <p>Our comments:</p> <ul style="list-style-type: none"> • AWARE is mindful of the fact that for the Palermo Protocol to be ratified, there are many local laws that need amendments. These include the Immigration Act, Women’s Charter, Penal Code, Children and Young Persons Act, Employment of Foreign Manpower Act, Employment Act and others. We urge for a thorough review of existing laws for coherence and ask for a standalone Anti-Trafficking Act to be put in place. We draw attention to the UN Model Law Document on TIP to be used as a benchmark as it is a thorough piece of legislation from which local anti-trafficking laws can be adapted for adoption. • Cognizant of the challenges ahead in amending laws well enough for effective prosecution in this complex area of trafficking where a single person can be charged with multiple offences, AWARE would like to suggest that the accused can be charges cumulatively under the different Acts and bear the deterrent sentences consecutively. We would also like to see civil redress being incorporated into the standalone Anti-Trafficking Act or into the amended laws. This money can then be used to help victims re-enter their countries and/or for re-integration programmes.

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	<ul style="list-style-type: none"> • We would also like to see deterrent penalties for trafficking offences be substantially increased, in severity. • AWARE would also like to see a provision to freeze assets of suspects as investigations are ongoing so that movement of assets is severely limited. <p>16. Engage judiciary and prosecutors on severity of TIP offences and need for commensurate penalties and deterrent sentencing.</p> <p>Our comments:</p> <ul style="list-style-type: none"> • AWARE reiterates here the importance of relevant training which must be continued over a period of time. The Judiciary and prosecution should be trained on the economic model of trafficking, the pathway that trafficked victims take and the threats against victims. Training with such background will go a long way to help the judiciary and the prosecution understand the nature of trafficking, both for migrant workers and trafficked persons, as defined by the Palermo Protocol. • We also propose that the victim has access to compensatory relief from the perpetrator’s (trafficker’s) gains. • AWARE would also like to see the recovery of wealth and fines from traffickers be used to bolster access to legal aid for the victims.
Protection	
G. Enhanced detection and care for victims	<p>17. Develop clear SOPs and indicators to identify victims</p> <p>Our comments</p> <ul style="list-style-type: none"> • AWARE asserts here again that it is important that there is acceptance of the wider definition of trafficking as spelt out in the Palermo Protocol. Based on that as a premise it will be easier to develop the indicators and SOPs for the National Action Plan (please see point18) and SOPs too. <p>18. Train enforcement officers in victim identification management</p> <p>Our comments:</p> <ul style="list-style-type: none"> • AWARE asks for consistency in the indicators to be used. These indicators must be used by all front-line officers

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	<p>whether they are from enforcement, immigration, social agencies. We highlight that there are plenty of materials on this subject and AWARE will be happy to be of help, if needed, in this area. Since the indicators have to evolve into a common set and be based on the definition of the Palermo Protocol it is imperative that all stakeholders are involved in a dialogue process to negotiate on the indicators.</p> <ul style="list-style-type: none"> • AWARE would also like to point out that a clear process based on an approach of being non-judgmental and compassionate towards victims need to be effected. This process must also lead into witness protection programme where it applies in a manner that maintains the confidentiality of the victim, his/her narrative and the whereabouts. • As this is a complex business AWARE would like to urge that there is transparency wherever possible, without putting into jeopardy the delicate nature of these investigations and the safety of the victims. • We urge again the need for regular training, sharing of cases as part of the learning processes.
<p>H. Enhance protection processes supportive of victim's needs</p>	<p>19. Enhance victim care services including medical care, counseling services and translation services</p> <p>Our comments:</p> <ul style="list-style-type: none"> • AWARE believes that for the following points of 19, 20, 21 must stem from a compassionate approach that the Government must takes towards victims, even if they are foreigners from various countries of origin. We believe that only when judgment is suspended and a greater sensitization is developed to the 'push' factors that bring many to our shores in hope, will there be seamlessness in the care programmes that we put in place between the Government and NGOs. • AWARE asks for resource support for NGOs to help victims. We also ask that Government funding comes with reasonable and sensible KPIs that take into account time for reflection – a key component in the rehabilitation of traumatised victims.

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	<ul style="list-style-type: none"> • We also ask for government funds – as suggested earlier at perhaps a 0.5 per cent contribution from each Ministry’s Budget to be matched by the charity dollar – to be instituted to support victims in allowances for everyday living as they stay in the shelter and to sustain their families back home, if they turn into witnesses. • We call upon the Government urgently to bring in specialists to train counselors, social workers and specialist staff from a special team within the Government, to be trained in handing victims of trafficking to reduce as much as possible the re-entry into the trade as sex workers or to leave as embittered individuals when they have been so violated. (See for example http://sg.news.yahoo.com/blogs/singaporescene/felt-left-die-083030354.html) • AWARE asserts that the Witness Protection programme ought to offer opportunities for re-skilling of victims into new trades which will become a cost to the Government. We urge that the Government see this as a humanitarian gesture and our contribution to the global effort to prevent trafficking. <p>20. Facilitate re-entry and return of victims to home countries</p> <p>Our comments:</p> <ul style="list-style-type: none"> • AWARE believes for effective re-entry to take place, Singapore needs to enter into bilateral arrangements with countries while the NGOs can execute in facilitating the re-entry of a victim into the country of origin. This call for a comprehensive partnership is preventive as many victims re-enter the trade when their families are threatened over debts or when they are threatened again. An approach through Crime offices of two countries can at least increase the responsibility for law enforcement officers on the ground. • AWARE asks for a systemic process to be set up, run by NGOs and supported by Government, that we do a follow-up on the ‘returnee’ once every six months over a course of two years, to track the pattern of re-integration and to check re-entry into countries of destination. • We urge the Government to support NGOs that run longer term rehabilitation and re-integration programmes so that we, in Singapore, are known for re-building people’s lives as we also send them home. <p>21. Review adequacy of shelters for TIP victims</p>

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	<p>Our comments:</p> <ul style="list-style-type: none"> • AWARE cannot emphasise enough this point that we need to have a dedicated shelter for each type of victim under the Palermo Protocol - victims of sex trafficking, victims who were exploited as forced labour and yet another, in due course, for organ trafficking. Dedicated shelters means supporting resources with specialist skills, approaches that are rights-based and processes that emphasise the dignity of the victim. • We ask that this sincerity to adhere to the Palermo Protocol be reflected through adequate funding and resources for the shelters, rehabilitation centres, crisis centres and also to fund regular workshops to deepen understanding on trafficking for service providers and Government officials. • We also ask that guidelines be drawn up at State level in the following areas: <ul style="list-style-type: none"> ○ maintaining the shelters as secular spaces – important as it is a multi-faith foreign community; ○ maintaining a credible staff-victim ratio for impact work; ○ maintaining a level of proficiency needed to be employed in shelter work of this nature • We say that as the Palermo Protocol is ratified Singapore also needs to set up a dedicated Council that functions as a coordinating unit, a governance centre, a training centre and one that sets direction together with all the stakeholders on trafficking matters. <hr/> <p>22. Review provisions of legal assistance</p> <p>Our Comments</p> <ul style="list-style-type: none"> • As discussed earlier there must a pool of dedicated and well-trained lawyers who will take up this work and be compensated for it to a certain extent. AWARE believes this can happen only when lawyers are incentivized to come into this field as a regular pool. Currently the same very small pool of lawyers is stretched in handling cases on a pro bono basis and it is not too fair on them. • We assert that training programmes are needed for the lawyers and trafficking and legislative matters must become part of the curriculum at the law faculties of the two Universities – NUS and SMU. • Again AWARE will remind that in all these training a gender dimension needs to be included to reduce the patriarchal residue at all levels. <hr/> <p>23. Review access to work facilitation and training for victims</p>

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	<p>Our comments:</p> <ul style="list-style-type: none"> • We have discussed this thoroughly in the above sections under point 19, 20, and 21 and would like to say that there is a potential for organisations and individuals in Singapore to conduct training in various skills for many of the women and men who have been trafficked. • We urge that a database be formed with the help of NGOs to identify the kind of jobs that victims can return to and we conduct training at the rehabilitation facility to equip victims with those relevant skills. • We urge that all trainers, facilitators who have direct intervention with victims be trained in the issue of trafficking and that they also meet the guidelines that we hope will be drawn up.
Partnerships	
I. Stronger collaboration with foreign Governments and embassies	<p>24. Engage enforcement agencies of source countries for joint-investigation and sharing of information</p> <p>Our comments:</p> <ul style="list-style-type: none"> • AWARE reiterates that this kind of collaboration is crucial in this work and we hope that it will cover all aspects of trafficking – Prevention, Protection, Prosecution and Partnerships. Please also see points 11, 12, 14. • We also ask for regular regional and international dialogues as a platform to share knowledge
	<p>25. Engage foreign countries in their experiences to combat TIP</p> <p>Our comments:</p> <ul style="list-style-type: none"> • AWARE welcomes this initiative to learn from others. Please also see point 7. • We ask that stakeholders who need to get involved in trafficking include the AICHR and ACWC reps as well as key personnel from the trade unions and private sector.

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	<ul style="list-style-type: none"> • We also suggest that lessons can be drawn from drug trafficking is combated as a transborder issue to structure dialogues on TIP. • It will be important to have at least some mission visit to other countries to see how they handle trafficking.
<p>J. Stronger partnership with NGOs, relevant organizations and other elements of civil society.</p>	<p>26. Formalise engagement of stakeholders including NGOs, relevant organisations and other elements of civil society</p> <p>Our comments:</p> <ul style="list-style-type: none"> • AWARE welcomes a formal arrangement with an open door policy to include relevant stakeholders who will surface. We suggest that this be done in a collaborative way with NGOs for the Terms of Reference to be drawn up. • AWARE agrees with the Government in widening this network to also include non-direct service providers. • Nevertheless we believe that it is important to set up a Council for TIP and have a mix of Government and NGOs personnel staff this unit.
	<p>27. Work with NGOs in identifying TIP cases and victims</p> <p>Our comments:</p> <ul style="list-style-type: none"> • AWARE recognizes the importance of having such collaborations (please see point 11-20) but would also urge restraint on the part of law enforcement officers if the direct service provider makes a call that the victim is not ready for police investigations. We appreciate the timeliness in gathering data but we support the need to also have the victim make his/her own choices. • Again we say that the indicators have to be agreed upon between NGOs and Governments and regular dialogues need to take place. • We urge again that setting up a Council will be most useful for all these purposes.
	<p>28. Partner NGOs on outreach initiatives</p> <p>Our comments:</p>

Key Outcomes	Key initiatives
	<ul style="list-style-type: none"> • AWARE believes that outreach programmes done both by government and NGOs will make a bigger impact on public psyche rather than one run by just NGOs. • Public outreach needs to take place also at country of origin with the help of our diplomatic missions and we need the information in many languages. • Again we ask for funds to increase the awareness in Singapore and in countries of origin • We request that Trafficking in Persons needs to become a core curriculum topic in many disciplines at the university. <p>29. Engage businesses on corporate social responsibility for the prevention of TIP in supply chains</p> <p>Our comments:</p> <ul style="list-style-type: none"> • AWARE believes that this is the most challenging area and that it cannot be adequately addressed without direct Government influence. Corporates need to get engaged in this area and most are involved in foreign labour issues. We believe that it can be done with a campaign highlighting the best practices of certain countries and to also create a shame list of companies that have shown bad behaviour.
<p>K. Contribute to the global TIP dialogue and enhance multilateral cooperation in combating TIP</p>	<p>30. Participate actively in meetings, discussions and initiatives on TIP in UN, ASEAN and other international/regional</p> <p>Our comments:</p> <ul style="list-style-type: none"> • AWARE has placed TIP in its Shadow CEDAW report for two years. We understand that MARUAH, a human rights group, has also raised this issue through its Universal Periodic Review. Other NGOs working on migrant workers have also participated in both processes. So it is inevitable that both the Government and the NGOs will have to participate actively in a few multi-lateral platforms both at the regional and international level. We ask that these proceedings be made transparent and that there are consultations pre- and post such meetings.

Contact Person

Braema Mathi
Chair of AWARE CEDAW Committee
braema@gmail.com