

GAATW International Conference and International Members Congress

November 5-8, 2007
Bangkok, Thailand



CONFERENCE REPORT





Global Alliance Against Traffic in Women

The Impact of Anti-Trafficking Measures
Around the World
Report from the IMC 2007

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EXECUTIVE SUMMARY

IMC 2007 began with a celebratory note; there was welcome Thai instrumental music, the *Creating Change* exhibition highlighting the work of the self-organised groups, a slide show of the Alliance's work during 2005-7 and finally the energising sounds of drums. Rather than moving on to a thematic panel right after the welcome address the entire morning of the first day was kept for networking and getting to know about each other's work. Posters were prepared beforehand by the participants and it was wonderful to see people catching up with each other and making new contacts.

The first thematic session was on Collateral Damage; the recently published research report of GAATW. After brief presentations by the panelists all of whom were part of the research team, participants broke into regional or sub regional groups to discuss the relevance of the report and identify regional priorities and plan follow-up action in the light of the findings of the report.

First and foremost the participants agreed that the report needed a lot of visibility and members and friends of the Alliance should ensure that it gets discussed in various forums.

Other recommendations ranged from very broad suggestions to very specific actions to be taken up within a time frame.

It was commented that as social activists we need to recognise that globalisation controls all aspects of society and we need to intervene in larger discourses. Globalisation is here to stay and therefore we need to address the issue of trafficking in the market economy we live in.

The need to shift to a new framework that can address globalisation, neo-liberalism, including migration and the need to have an affirmative discourse (affirming the rights of women rather than talking about re-victimisation etc.) was emphasized by many participants.

It was also pointed out that talking about a human rights framework would not mean anything by itself and we would need to move into the context of defending migrants' rights. There should be clear policies on migration at the national and regional levels that do not restrict people from moving. Rather than investing all our energies in formulating anti-trafficking legislation there is also an urgent need to call for other laws to be implemented to protect people, especially labour laws. There was a suggestion that GAATW members should also be looking at organising sex workers, domestic workers, factory workers, and agricultural workers.

The need for action based on evidence rather than on assumptions or beliefs was pointed out by several participants. In this context it was recommended that GAATW-IS should look at setting up a research unit that can take up and promote evidence-based research in conjunction with its members and allies.

Across regions there was need to call for an end to conditionality, to include the voices of trafficked persons in policy discussions and to strengthen cooperation among agencies working on the issue of trafficking.

The first session on Day 2 was a celebration of self-organising among affected groups bringing together representatives from sex workers rights, domestic workers rights, labour rights, migrant and refugee rights and women's rights groups. The session underscored the right to create associations, reaffirmed the need for collective voices to bring about change and demonstrated the links among movements to create a wider platform to challenge dominant paradigms.

The session called on everyone to challenge patriarchy at all levels which continues to discriminate against women through different forms of violence over women's bodies, labour choices and ability to access their rights. Panelists pointed out that rights for all means equality and no discrimination, whatever class, skin colour, ethnic group, religion, nationality. However, putting the rights based approach into practice and transform attitudes is a real challenge.

The afternoon session on Day 2 focussed on the issue of Access to Justice for trafficked persons. Illustrated by case studies and the testimony of a trafficked woman the session highlighted the major problems as well as pointed to possible ways ahead.

The second day ended with an evening of celebration, fun, food and music.

November 7 began the members congress with participation primarily of members, the board and working groups. In addition to discussion on the alliance strengthening process and what further steps could be taken in that regard, participants also spent time talking about future advocacy plans, direct assistance and regional priorities.

The need for linkages and for strengthening existing linkages was mentioned time and again. As a starting point a mapping of existing groups comprising members and other like-minded organisations needs to be carried out. This map would include

NGOs in different areas, even where it might be difficult to find organisations providing assistance specifically to trafficked persons. For e.g. in China, Burma, Middle East where there is very little civil society, but victims of trafficking needs to be assisted. Linkages among neighbouring countries and also between origin and destination countries were seen as important. Keeping in mind security concerns, a need for setting up password protected information resource was emphasised. Although the IS was tasked with setting up a data base, revive the on-line discussion forum that was set up in 2005 and collect best practices, there were also recommendations to members to identify possible contacts in the same country or neighbouring countries as well as in countries where GAATW does not have a presence.

The afternoon session of November 7 held a session on advocacy which resulted in a number of recommendations. All members felt that the follow up work on *Collateral Damage* should be given priority and GAATW-IS should lead the process by forming a working group that would carry the work forward. The Vienna Forum scheduled on February 13-15 was seen as the first event in 2008 that should be used as a platform to launch a campaign on a few specific issues. Other specific recommendations included using other international instruments such as CEDAW and CRC in addition to the Palermo Protocol, finding allies in the migrant rights and HIV/AIDs groups and making a collective call to end conditionality. GAATW-IS was specifically requested to make sure that same level of conceptual clarity exists among all its members.

November 8, the last day of the congress mainly dealt with the issue of strengthening the alliance. It was wonderful to see members taking the lead in the process and committing themselves to carry the process forward. Following a session where many

of their queries regarding the structure of GAATW were answered, several small group discussions were held. Members recommended formation of two working groups in early 2008 comprising members of the IS, board and the membership that will look into 1) democratising the decision making process within the alliance and 2) the membership with a view to make it qualitatively stronger. A small group discussion also focused on Africa and members urged the IS to take proactive steps to give more focus to the region by holding a regional consultation there, recruiting a programme officer from the region and nominating an active board member from the region who will be able to give time to strengthen the alliance in the region.

Post lunch session on 8 November held several small group discussions on regional priorities and came up with very specific recommendations.

The Congress came to a close with Sabala's concluding remarks who said that the Congress has been a tremendous success and that it had truly energised the membership by providing a space to meet/interact with each other. Jacqueline Leite also led a lovely ritualistic goodbye session.



BACKGROUND

Every three years the Global Alliance Against Traffic in Women (GAATW) organises a thematic conference and a members congress. The first such event was held in December 2004 on the eve of GAATW's 10th anniversary. Entitled *Human Trafficking & Human Rights: Meeting the Challenges Together*, the four day event was a forum where around 200 people working on the issue of human trafficking from all the continents of the world shared their work, thoughts, concerns and insights with each other.



The 10 years' anniversary of GAATW was an occasion for celebration and reflection with friends and allies. An increase in anti-trafficking activities worldwide, especially since the new trafficking protocol (2000) was drafted, as well as new developments in this arena necessitated such reflection and re-strategising at conceptual, policy and practical levels. It was also an appropriate moment to collectively chart out the future direction of the Alliance. Recommendations from the 2004 Members

Congress formed the core of GAATW International Secretariat's (GAATW-IS) 2005-2007 programme. Further a decision was taken to bring together GAATW's members and allies every three years for collective strategic planning. Although such an event would be highly resource intensive it was seen as a necessity for an alliance that aims to be democratic and consultative.

IMC 2007

The 2005-7 programme of GAATW-IS aimed to carry out a multi country research to analyze the human rights impact of anti-trafficking initiatives, begin a critical discussion among the membership on various aspects of anti-trafficking work with a view to find collective solutions to the challenges faced and to strengthen the alliance by ensuring adequate coordination among its various components such as the membership, the secretariat and the board. By September 2007, *Collateral Damage*, the report of the multi-country research was launched.

Preparations for the IMC were underway by mid-2007. On-line communication with members was started to discuss strategic and programme priorities. After several rounds of discussions with members in all regions, a strategy meeting was held in September 2007 to prepare a draft plan for 2008-10. An International Organising Committee (IOC) was also set up to prepare for IMC 2007. The IOC comprised seven individuals representing member organisations, working group and board members brainstormed and discussed online the contextual and logistical

contents for the event. The IOC and the GAATW International Secretariat took up the responsibility for preparing the agenda for IMC 2007.

IMC 2007 sought to share the findings of the research and hence the theme '*The Impact of Anti-trafficking Measures on Human Rights around the World*'. In addition to having a detailed discussion on Collateral Damage the IMC also sought to look at major issues within anti-trafficking work including access to justice, organising among affected groups and direct assistance and making decisions on future work plans. Time was also allocated for discussions on organisational matters such as the role of the board, decision making processes within the alliance and membership in various regions.



PROCEEDINGS

INTERNATIONAL CONFERENCE

November 5-6, 2007

Inaugural Session

The GAATW International Members Congress held in Bangkok, Thailand started with a concert of Japanese drums and a video showcasing a retrospective of GAATW's activities in the past 3 years. The theme of the first two days echoed GAATW's recent research report; *Collateral Damage*.

Highlighting the conclusion of *Collateral Damage* in her opening address, Bandana Pattanaik, GAATW International Coordinator had said, "The report demonstrates that we are very far from being able to claim that the human rights of trafficked persons and migrant workers are being adequately protected and promoted by state and non-state actors." She added that the findings were a reminder that "all of us need to be more accountable to the people whose rights we are seeking to protect."

The multi-country research project that concretised in the form of the report titled *Collateral Damage* highlighted the impact of anti-trafficking policies of governments around the world. The findings and the recommendations of this report and how these can be carried forth comprise the major component of discussions during the conference and the IMC. Bandana Pattanaik, International Coordinator, GAATW-IS, emphasised that this is the moment to reflect on how the Alliance can build into its work the recommendations of the report.

She said that while anecdotally they had heard of problems and although many

spoke about the 'human rights approach', in practice it was not happening. So the core of GAATW's work during 2005-2007 was to acquire a critical understanding of what is meant by the human rights approach in anti-trafficking work and to find out what was working and what was not.

Consultations and research have revealed that governments, NGOs and other stakeholders are far from being able to claim that human rights of trafficked and migrant persons are being protected by state measures. In fact it has been noticed that some measures are causing harm. While not trying to undermine the sincere and important work being done by governments or civil society organisations, and without distancing GAATW from these efforts, the findings of these consultations certainly are wake-up calls – a reminder that our actions need regular review in view of their impact.

Bandana stated that there is also a need for drafting concrete collaborative plans of action to improve the situation.

Session 1: The Impact of Anti Trafficking Measures on Human Rights around the World

The first thematic session discussed the findings and recommendations of the report in detail.

Mike Dottridge pointed out that it is unusual for an anti-trafficking organisation to bring out a report which is not about the abuse that trafficked people suffer while being trafficked. It is rather about the abuse they suffer at the hands of people supposedly protecting them, and it is about how migrant workers and other groups suffer

as a result of policies and measures adopted by governments and NGOs.

The report records the impact of anti-trafficking measures in 8 different countries – Australia, Bosnia and Herzegovina, Brazil, India, Nigeria, Thailand, UK, and the US. In addition, the report also carries an introduction and a preface.

Why 8 countries? Primarily because these countries had friends of GAATW who could document the situation in those countries. Also, it was important to focus on both destination and origin countries, and countries with very different policies, for example Australia where prostitution is legal, compared to Brazil which has an abolitionist anti-prostitution law.

The report attempts to be objective and is 'evidence-based', and not based on myths of numbers.

The afternoon's discussion on Day 1 focussed on what the report means to GAATW and the members in terms of advocacy and campaigning. Should there be more reflection on whether the recommendations in the report are enough or are more needed? Is there any need for more information gathering/research?

The priority after the publication of the report is to see what issues have been raised in this report that need to be taken forward and whether any changes need to be implemented?

Based on what has come to light, Mike Dottridge said that a two-track process,

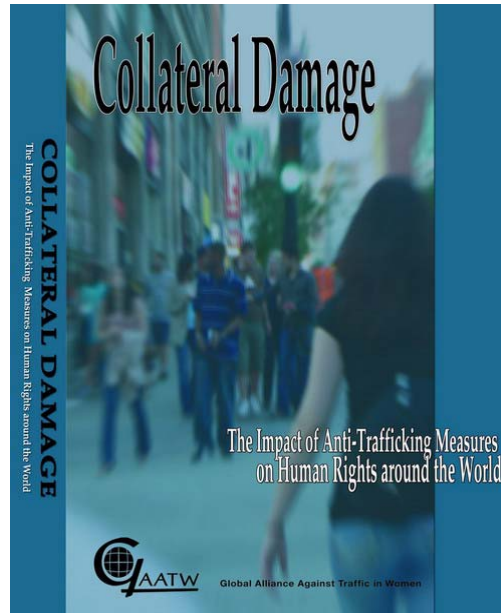
calling for policy change and also advocating against specific policy measures, needs to be adopted. Perhaps by being too zealous in saying that everything is wrong, we might be overlooking what is going right. Also, an ideological stand requires an engagement with the nitty-gritty of what is going on.

Looking back to 2000, it is evident that a lot of time and energy has been invested in spelling out what human rights entitlements trafficked people and other affected groups have. Even before 2000, GAATW had spent a lot of time thinking about this. So the report is anchored in these rights. It is important to hold governments to what they had said (but are violating) -- rather than

engage in a completely different discussion.

Jackie Pollock pointed out that there is a need to call for other laws to be implemented to protect people, especially labour laws.

There was a suggestion that GAATW should also be looking at organising sex workers, factory workers, and agricultural workers. Also, there is a need to look at the mobilisation of all marginalised people, at how women who decide to travel are being discriminated against. There are visa restrictions on them. Ethnic groups who don't have full citizenship are also more vulnerable to trafficking, because they can't claim legal papers to leave the country. So it is important to look at their mobilisation. Men and women living in oppressive regimes cannot exercise their rights, and such regimes too have to be challenged.



The world is changing and migration is one of the challenges of our times. But policies and mindsets have not changed according to current migration patterns. They are not responding to the wants and needs of people who are moving. Anti-trafficking laws are framed in terms of national security, not human security. Jackie pointed out that the global debate on how we respond to trafficking is also connected to the debate on how we want our world to be, how we want people to be able to move with safety, protection and rights.

Jayne Huckerby emphasised that throwing money in the name of anti-trafficking is not enough to ensure protection of rights. We need evidence-led donor relations for any fund-raising or grants. Identifying protection gaps should guide funding.

Organisations on the ground are in a position to criticise the TIP report. GAATW can show what a human rights protective strategy looks like. For instance, groups that take money from the US must sign an anti-prostitution pledge. This has been challenged constitutionally but only within the US. We need to understand the impact of this pledge on the ground.

Discussions in Regional Groups

The afternoon session focussed on acquiring a better and critical understanding of work on human trafficking in the light of the findings of the report. Participants formed six groups based on regions and each group had a facilitator and a note-taker. There were four primary questions to focus on:

- Do you consider the findings and recommendations relevant?
- Do you know of other forms of 'collateral damage' that the report has not documented?
- What are the priority areas for change in your region?
- Is further research needed?

Groups were:

1. SE Asia and a team of 6 from Mongolia

2. South Asia and another team of 6 from Mongolia
3. LAC
4. Europe
5. North America
6. Africa

Kalpna Viswanath, Jagori (India) reported back for South Asia.

She said that there is a tremendous need for such reports in order to create more debate around the issue of human trafficking and *Collateral Damage* should help in actually creating strategies for advocacy at national and regional levels. Further research is needed to make the report more inclusive. We need to look at the links between different groups and include more broad-based concerns based on the report.

There is a need to identify what kinds of information migrants should receive? Should we talk to them about trafficking or list the possible human rights violations they might suffer on the way? Would bringing migration into the discourse used by governments be more helpful?

Trafficking needs to be demystified. There should be clear policies on migration at the national and regional levels that do not restrict people from moving. We need to strengthen advocacy at regional levels, especially not bringing up the SAARC Convention as it can have an adverse impact on the situation. Maybe it is better to advocate for the UN Migrant Workers Convention, and the Social Charter.

More research is needed on the demand side of trafficking before introducing more services/strategies. Survivors should be included in research. We have to look at economic regimes to recognise that globalisation controls all aspects of society and we need to intervene in larger discourses.

Researches must be done in collaboration with local people. GAATW should have a research unit and expand the research to more countries.

Victoria Nwogu, UNIFEM (Nigeria) reported back for Africa.

She said that the findings and recommendations are very relevant but we need laws to be in place to implement the recommendations. New laws should be instituted in a participatory manner and taking into account the particularities of African countries, consulting with affected communities, and looking at other countries' experiences.

Overall recommendations include the urgency to increase the protection of trafficked persons, especially those that have to testify.

The issue of restricted immigration policies is very controversial as countries also have a right to protect their border.

Priorities for change include the ratification of the Palermo Protocol and the creation of local anti-trafficking laws. Countries have to build local legislations that take specificities and peculiarities into consideration.

Interventions should look at the root causes of trafficking (corruption, poverty, lack of opportunities etc). Anti-trafficking initiatives should be as broad as possible. We need to use the findings of the report to measure and evaluate what we have done so far and its impacts. We also need a regional Anti-Trafficking Protocol.

Implementing the recommendations of the report can prove challenging due to lack of resources. In addition, we need more accountability at the international and national levels.

There is great need for information sharing and coordination among agencies and NGOs.

Evelyn Probst, LEFO (Austria) reported back for Europe.

She said that the report is very useful but recommendations are too general. The fact that there is a lack of financial resources is missing from the recommendations.

People affected by trafficking should be included in policy-making and programmes. Many laws have already been implemented in Europe but the laws do not sufficiently address the reality. The implementation is very different from what is on paper (for instance the issue of the reflection period).

Some recommendations from the report which are relevant to Europe are: detention of trafficked persons in detention centres; raids that harm other sex workers; anti-migration measures affecting young people. Case example of a woman who applied for asylum on the suggestion of her traffickers and after she had been trafficked, she could no longer ask for asylum under the circumstance, because of the Dublin Convention.

What needs to be changed in our region is the conditionality of cooperation with law enforcement. Also we need to look at compensation; the factors leading to trafficking; more effective and human rights based identification; pre- and post-impact assessment of anti-trafficking policies and measures.

There is also a need to build a mechanism to respond to bad civil society actions such as NGOs accepting what governments say and not working according to a human rights based approach.

Members of GAATW should be involved in future GAATW researches.

Some open questions that need more reflection are: Any practices/recommendations on how to include

trafficked women into policy-making? Is there any agreement on whether asylum-seeking processes should be open to trafficked women?

Vichuta Ly, Legal Support for children and Women (Cambodia) reported back for South East Asia (1).

The right to intervention is not mentioned. Not much mention about the right to asylum, as well as indication on status as refugees is also missing.

In Asia we need to talk about forced/false marriage, and trafficking of men. We also need to discuss deportation of spouses but not of their children and the lack of legal documents.

Collaboration between countries of origin and destination is needed.

Grassroots community involvement is very important. Information should percolate down to the grassroots level and not only to adults but children as well. Education at home on discrimination against women is crucial. Migrants are at risk of being trafficked because of lack of information about destination/source. Repatriation is a big problem especially in cases of lack of nationality.

We recommend future research on: reintegration and on trafficking of men. There should be collaboration on legal issues. Also there should be more research on transit areas. We need to find out what the marriage laws are in each country. We don't have to focus only on illegal migrants but on legal migrants as well. More work is required on reintegration and protection.

Pernille Tind Simmons, DCA (Cambodia) reported back for South East Asia (2). We did find this report helpful to re-focus towards a more rights-based approach in our work. We need to do more education/awareness raising among government officials in the region.

We need more information on the context of other countries. We have 8 countries

but we need more. Those countries with no legal framework can learn a lot and not repeat the same mistakes.

How do we work with children of trafficked people? They are not trafficked persons but their parents are. We discussed the different needs adults and children have. We need more research on trafficking of boys and men, as it is very important in this region.

“Low budget countries” do not have resources to assist trafficked women and we need to address this. Donors/NGOs need to work together and not compete.

Luciana Campello Ribeiro De Almeida, Projeto Trama (Brazil) reported back for LAC region.

The report is very helpful and important and the realities of other LAC countries are also reflected in the Brazil chapter. The report helps also to look critically at the work of NGOs and the impact of government policies.

There is need to study the anti-trafficking initiatives more critically and thoroughly. The discussion has to be much broader and not just in terms of trafficking for sexual/labour exploitation. There is little information on trafficking for marriage, soccer etc.



More exchange has to take place about experiences especially regarding advocacy. More advocacy work has to be done at the grassroots level.

More research on LAC as there is hardly any information about trafficking in the area. Sharing of information with other regions is also crucial.

Critique of the report: it has too much emphasis on sexual exploitation and there is a need to go beyond it.

Annelee Lepp, GAATW-Canada reported back for North America.

The report is very helpful. The evidence-based approach is very important and this applies to trafficked persons and also to migrant workers as they are badly affected by anti-trafficking policies.

Constraints of funding: In relation to the US, the anti-sex work stand is an obstacle to funding, as well as to dialogue among groups. In Canada funding restrictions are different. There is money for services but less money for advocacy and research.

The involvement of migrant groups in the migration debate. In the US migrant groups are out of the debate; in Canada they have been split (the 'no one is illegal' campaign in Canada tries to bring all migrants together).

We need to figure out how we are going to implement the report's recommendations given the security agenda and the anti-migration approach.

At the end of the morning session, Ratna Kapur captured some of the broad strands that had come up for discussion during the session

- It is clear from all the Working Groups today that this report has relevance. Many people think that this is a transforming moment as we are challenging how trafficking has been looked at during the past years.

- The focus is to look at the overall abuse that has taken place by well-intentioned actors including NGOs and donors and not only governments.

- There is so much negative impact that could have been avoided. We have to ask ourselves who the anti-trafficking agenda has helped. The police? The states? The moral debate? In what ways? What about the donors? We are clear that in many instances victims have been harmed and this cannot be a good strategy that GAATW would support/endorse.

- There is no question that we are not trying to change the framework in which we work. De-linking anti-trafficking from sex work/prostitution is important.

- Globalisation is here to stay and we have to address the issue of trafficking in the market economy we live in.

- We need to shift to a new framework that can address globalisation, neo-liberalism, including migration.

- Talking about a human rights framework is not going to mean anything by itself. We have to move into the context of defending migrants' rights etc. We need to bear this in mind and advance agendas that are going to do 'less harm'.

- We have to have an affirmative discourse (affirming the rights of women rather than talking about re-victimisation etc.).

- It is very important to remember the role the US plays in advancing the anti-trafficking agenda.

- *Collateral Damage* needs a lot of visibility and it is in our hands to give it as much as visibility as we can.

Session 2: Realising Rights of Women

Day 2 was about women's rights around the world, in particular the rights of women migrants. Representatives from different self-organised groups; domestic workers, migrant workers, trafficking survivors, sex

workers, -were invited to talk about how they have addressed challenges, in particular the creation of associations and forming self-organised groups. The speakers spoke about their personal journeys; the problems they faced; and their major successes and challenges. They were also invited to give a specific suggestion about how to work together and how to receive support by donors etc. This was followed by Julie Ham's presentation on her research on self-organised groups.

Kalpana Viswanathan who works for Jagori, a women's rights organisation in India, provided the frame within which the discussion took place.

She said that while migration is full of risks, it is also an opportunity. Many are going into new export industries, care sector, sex and entertainment work. Most are in the informal sector, which is a challenge for protecting rights. This cannot be addressed in isolation. It is important to look at the process of neo-liberal globalisation -- neo-liberal economics means that countries are driven by capital. It is the logic of capital that drives development.

Priorities:

- Challenge the discourse; make the system of global capital and who benefits from it visible. The media does not provide a full picture, only the successes. We must show the other side, and that there is an alternative.
- Continue to pressure our governments to fulfil obligations to ensure rights of all persons. There should be national, bilateral and regional advocacy, and we need to make sure that international conventions are used and accessed at the grassroots level.
- Centre the right to create associations -- the history of the women's movement and labour

movement shows the need for collective voices to bring about change. The issues we are facing need collective power to challenge.

- Strengthen links with labour movements and migrant movements, and women's movement to create a wider platform to challenge poverty.
- Challenge patriarchy at all levels. It continues to discriminate against women -- different forms of violence over women's bodies, labour choices and ability to access their rights.

Eni Lestari, ATKI (Hong Kong) who is an Indonesian domestic worker in Hong Kong said that the main issues facing them are:

- Workers pay extremely high fees to be able to work abroad;
- Most foreign domestic workers pay up to 7 months of salary to their agents. In case of premature termination, they are sent back without a penny;
- According to the 1987 conditions of stay, people have only 2 weeks to find an employer after terminating a contract or wanting to change job, so they take on any job offered to them, no matter the conditions;
- No legal maximum of working hours;
- Abolition of live out agreement;
- A levy on workers since 2003, which prevents wages from being increased. Indonesian government also allows recruitment agencies to demand exorbitant fees. Workers cannot be recruited overseas unless they go through private agencies.

The most important challenge for ATKI now is education and empowerment of migrant workers. We need to build leadership capacity and cultivate new leaders. But we

are live-in domestic workers with only one day off, so we only have limited time.

Suggestions:

- Develop contacts in different destinations and home countries;
- Leverage existing network and relationships - will set up a Malaysian domestic workers' alliance in May 2008;
- Lobby at international level which is dominated by NGOS;
- Develop coordinated actions and campaigns internationally.
- Maximise the international instruments and institutions to support our demands.
- More and more people are trying to find jobs through illegal channels because legal channels are too exploitative and for this reason trafficking is increasing. This is an important issue for GAATW to take up.

Suthasinee, Thai Labour Campaign, Thailand

Our main problem is the discrimination against women workers. Usually we receive less than the minimum payment. We are the first to be fired. When women are pregnant and take pregnancy leave, we are fired and not allowed back to work. We have no opportunity to join tripartite decision-making bodies (workers, government, employers) for policy level changes.

On the issue of how the Thai Labour Convention treats migrant labour, it must be acknowledged that migrants receive lower wages, less than the minimum wage and they cannot access the labour protection law. They have no access to social security services and many other legal and policy protections that Thai workers can access, including that they

cannot join unions or be in decision-making roles in unions.

Challenges: How do we support the participation of women workers in unions as these unions are central to negotiation? How do we work with diverse women workers groups? Then there are issues about decision-making processes, about labour rights -- most workers do not understand gender issues and discrimination against women.

Recommendations: rights for all means equality and no discrimination, whatever class, skin colour, ethnic group, religion, nationality. We all must be protected equally.

Rama Debnath, DMSC, India

The main challenge DMSC faces is punishing the traffickers. Also, we find it hard to prevent the re-entry of a number of unwilling girls into the sex industry. And another issue is ensuring the involvement of all the stakeholders in anti-trafficking activities.

A lot of organisations are working in our area. We should have common guidelines on rescue for all anti-trafficking interventions. Our future plan is to institute a self-regulatory board at state level to maximise involvement of all stakeholders, and to ensure that trafficked girls are repatriated or are reintegrated according to their choice.

Natividad Obeso, AMUMRA, Argentina

(Peruvian woman refugee who has been living in Argentina for 15 years)

The main challenge that refugees and migrant women face is documentation. But now in our struggle I can say that we have managed to change things. We have new legislation in Argentina, which we achieved by making the situation of the migrants visible. When there was a meeting about education, we would show up and say

'Migration and Education'. Then if it was about gender, we would say 'Gender and Migration'. Then if it was a meeting about work, we would say 'Labour and Migration'. In that way we achieved the necessary changes to make ourselves be valued as human beings in Argentina.

As women, another challenge is to provide safe housing for refugee and migrant women. Women need a place to leave their children when they go to work.

We are lobbying with the government to put the MERCOSUR document into effect, so that people are not limited by borders.

Another crucial thing is a migrant centre for migrant and refugee people that can provide up-to-date information on migration and also about the current situation.

Now there are more than 200 million migrants in the world and more than half are women. It is us that suffer most from displacement. We are the ones that suffer stigmatisation from a society that constantly excludes. I suggest creating global strategies that includes inviting those who are engaged in good practices, so that information can be shared in more detail.

Sunita Danuwar, Shakti Samuha, Nepal

One of the challenges that we face is that some big NGOs are intercepting girls at the border. Maybe those who believe in patriarchy think this is the right thing to do, but for those that believe in the rights of women, this is a big challenge.

Another important question not just for Shakti Samuha but for everyone is: who is a 'real' survivor? We need to focus on this because we think that the 'real' survivors are being suppressed. As an alliance, we should develop criteria to identify 'real' survivors.

Another issue is the rights-based approach -- how to put this into practice and

transform attitudes, this is a real issue -- for the government, NGOs and INGOs. A lot of women are going to the Middle East from Nepal and other countries. We cannot stop them from going because we don't believe in that. But we have evidence that not only women but also men are being trafficked. So the question is how can we help them protect their rights and at the same time let them migrate if they choose to?

Julie Ham, GAATW-IS

The research *Respect and Relevance – Supporting Self-Organising as a Strategy for Empowerment and Social Change* was conducted throughout 2007 with the SOGs in GAATW's Alliance. The objective was to know what works for them and how they would like to be supported and how GAATW can contribute to their work.

The principles of self-organisation are detailed in the report. There are empowering elements but also disempowering ones. There are no universal solutions. Some of the issues that had to be addressed were:

- How do you assert your rights while respecting anonymity? How does one reconcile the two (example of sex-workers who don't want their identity to be revealed)?

- Partnerships with other organisations are welcomed and they are valuable and needed. SOGs have pointed out that it is also important for donors to reflect their assumptions related to groups. The SOGs really value establishing links with each other. They learn the most from other SOGs. But when money is needed for partnerships, it becomes very difficult. Creating partnerships cannot be described as a 'project', and so it is difficult to receive money for 'merely' networking.

- It is difficult for SOGs to assert their autonomy precisely because they need to fit in with the requirements of the donors.

Evelyn Probst, LEF , Austria

It is difficult for other self-organised groups to influence decision-making and lobby work. Undocumented people cannot join an organisation, because if they expose themselves, they would be immediately deported.

Survivors of human trafficking don't want to describe themselves forever as such. It's different when we fight for the rights of a sex worker, or a domestic worker. With trafficked women, there are survivors, but they want to have a normal life, have a job, residence permit. Not be reduced to the status of 'survivors' forever.

Julie Ham, GAATW-IS

It is good to ask the question what is that identity and how does that identity evolve over time. Women appreciate that they can share what they have learned, even from traumatic experience, profit from the knowledge that women have, rather than to stick to the 'identity' question. Women have the right to define their own identities.

One of the most interesting things of working with SOGs is to confront the question that if people don't have documents, how can they change things? I think that everyone has the right to be involved and to take action. There seems to be insurmountable problems, but as people continue to take risks, we have to try to break through the barriers.

Practitioners, SOGs, and service providers, how can you do this together?

Session 3: Access to Justice for Trafficked Persons and Migrant Workers

This session chaired by **Victoria Nwogu, UNIFEM (Nigeria)** looked at limitations in Access to Justice (AtJ), through cases in destination and sending countries. The session also focussed on developing strategies on how to improve and to find out the key focus areas/issues that would be further worked on. The main question

is: what is preventing people in accessing justice?

Eleanor Taylor-Nicholson spoke about GAATW's work in this area; Marta Gonzales presented a case from a destination country; and Sandhya Shrestha spoke from the perspective of a sending country.

Eleanor Taylor-Nicholson, GAATW-IS

GAATW's work in AtJ started from a consultation process at the end of 2005 and was based on specific recommendations from the last IMC. In 2006, there was a global consultation, and two national consultations in 2007 -- in Nepal and Nigeria. The main findings of the consultations include:

- Prosecutions do not necessarily mean justice;
- Common problem of improper or lack of identification;
- Immigration response to trafficked persons means that they are not being given information on their rights, rather are being deported;
- NGOs play an important role in informing trafficked persons of their rights;
- Women trafficked into prostitution have more chance of getting their case prosecuted as trafficking, because of continuing emphasis on sex trafficking by police;
- However women who are trafficked into the sex industry are less likely to want to take their cases to court, due to the shame stigma and lack of victim/witness protection;
- Significant weaknesses in domestic laws, and justice systems including backlogs of

cases and delay, as well as corruption;

- Assistance to trafficked persons often depends on certain conditions (cooperation with law enforcement officials in order to get a residence permit);
- Provision of compensation to trafficked persons is very rare, and even where awarded is often not paid.

Main areas of future work for the IS:

- Continue supporting member organizations providing legal assistance, and strengthening networking among them.
- Continue promoting a participatory model of policy-making on access to justice by including all voices in the discussions, particularly the voices of the women who have been trafficked.
- Continue advocating for a legal process that respects the human rights of the trafficked persons.

Marta Gonzales, Proyecto Esperanza (Spain) gave an outline of a case that was not exactly successful but points out some main issues concerning AtJ.

Case study - It is about Inna (name changed) who is from Byelorussia. A friend recruited her in her country. When she came to Spain, she was forced into prostitution for almost one year -- July 2003 to May 2004. She had no freedom of movement as someone usually accompanied her to clients, her employer took almost all of her income, she was not allowed to refuse any client, and her employer confiscated her passport.

Inna managed to escape. She found the police, and told them she wanted to go home. She happened to make contact with that section of police who investigated trafficking incidents, so they started asking her questions, how she came, what had happened to her, and so on. They gained her trust and persuaded her to file her case. The police gave her the idea that process would be easy and fast. After she made the complaint, she was moved to Proyecto Esperanza's shelter house.

After she moved in, first they helped her with getting her identification paper because she had no passport. This was difficult because Byelorussia does not have a consulate in Spain. Had to work with the consulate in Paris. Once the papers were issued, she went back to Byelorussia and obtained another passport. She then came back to Spain.

Inna had witness protection, as that is part of the law in Spain. The police always accompanied her to judicial procedures. She testified behind protective shield; however her voice was not distorted. This worried Inna because she feared that they will be able to identify her. During the criminal proceedings, she was always contacted by the police and judicial authorities through Proyecto Esperanza, which was good. The preliminary hearings were in front of a judge. Two suspects were placed into preventive detention.

The sentence was given in January 2005, eight months after the complaint was filed. Three persons were charged for forced prostitution, trafficking for forced prostitution, illegal detention and rape. They were found "not guilty" for the charges because the judge said there was not enough proof. One was condemned to 7 years of imprisonment for rape. The prosecutor asked for compensation amount of 60,000 euros. She was given 6,000 instead because she did not have any

psychological trauma. She has not received the amount yet.

The positive part is that she received residence status because she collaborated with the authorities. She asked for it in October 2004 and obtained it in January 2005. She obtained her work permit in Feb. 2005.

She was somewhat empowered because one of them received some punishment, and she was able to get residence and work permit. She now collaborates with authorities regularly.

Sandhya Shrestha, Oxfam, Nepal

She gave an overview of what is being done in Nepal based on individual experience, engagement through assistance and funding organisations.

- For many prosecution means to face rejection during and after prosecution from family and society.
- Justice means to have it from family, community, society, market (media, employer, NGO) and from state.
- Reason for not prosecuting are:
 - Lack of protection (social, legal, economic, and stigmatization).
 - Trafficking data is very hard to get. In actuality what we have is less than the number of cases we get as data.
- Obstacles faced by people trying to access justice:
 - No translation facilities; persons have to be able to speak Nepali as other languages and dialects are not taken into account

- Identity of trafficker is difficult to establish
- Geographical location of courts make it inaccessible to many
- Lack of rights-based understanding of people in the judiciary
- Slow implementation of agreed policies
- Lack of laws that are pro-trafficked women
- Lack of labour agreement between countries
- Lack of coordination and networking between countries
- Lack of accountability of embassies.

Mary (Vietnam) spoke about her experiences of the justice process. She graduated from the school of design and arts before going to Taiwan. But she was greatly disappointed because the reality was so different from her expectations.

We, the migrant workers were trapped on one of the floors of a building for 14 days. The locked door opened six times -- 3 times for food and 3 times for bathroom. We knew our human rights were violated, but we couldn't do anything.

Initially we worked 8 hours every day and each worker was in charge of 5-9 machines. Staffing problem soon meant that we had to work for about 16 hours and in charge of 15-20 machines. My salary was reduced. On 26 July 2004, I had an accident. Almost all of my left hand was seriously injured. It was 45 minutes before I could take my hand out of the machine. I was in the hospital for two and a half days when the employer told me to sign a paper promising to send me to a bigger hospital. Once I

signed it, the employer sent me to a room on the second floor of the building, which was dirty, and my friends were rats. I had to go to the hospital three times a day for treatment and I had to pay for everything.

I am a human being but I was treated like a domestic animal. I was seriously injured but determined to survive.

I collected all the hospital bills, took photos of the room for evidence. On 28 Aug 2004, I managed to escape. I went to a centre for legal support in Taiwan where I was given proper treatment and they urged me to seek justice. After a year, with the support of the centre and my efforts, I won the case. In order to help myself and other migrant workers, I came back to Vietnam, took the entrance exam in the department of law. I paid the tuition fee from the money I received as compensation. The course is for 5 years. I met officers from Oxfam Quebec in Vietnam and am happy work on anti-trafficking. In order to improve my knowledge Oxfam sent me to the centre of development of women and children here in Thailand. The course is not complete yet, but I have learnt a lot about anti-trafficking issues and initiatives in the 6 countries of the Mekong sub-region. My experience and difficulties is part of millions that migrant workers go through. But not all face problems or have such luck like mine.

Some responses to the presentations:

When a wrong is done, whose responsibility is it to ensure remedy: the state's, community's, NGOs', or self? How do we bring together the processes to complement each other?

Trafficking instances often start as smuggling but become trafficking. Thus obtaining evidence is very difficult.

It is important to look at issues of occupational health and safety (OHS) of migrant workers like Mary did. In Thailand migrant workers still cannot claim compensation for OHS related problems.

What can we do together to bring traffickers to justice? It is complicated since victims do not want to pursue justice because of threats to security. Even those of us who are working on this are not safe because traffickers are also criminals who are rich.

Countries of origin compete with each other -- countries such as the Philippines, Vietnam, etc. compete with each other on the number of workers they can send. But they don't care about ensuring protection for their workers. There should be lobbying with countries of origin to provide minimum protection to workers. There are many Vietnamese migrant workers in Taiwan but the mechanism/system for them to access justice is not there.

In terms of cooperation between authorities in Europe, there are some agreements on judicial cooperation but in actuality they are failing because in practice, they don't share. So one trafficker might be convicted in one country, and where there would have been a possibility of him getting a higher, more severe sentence in another European country, that is not happening.

Thematic group discussions

Group 1: An advocacy agenda for AtJ

Group 2: How to share technical knowledge between professionals

Group 3: How to ensure trafficked people receive information about their legal status

Suzanne Hoff, La Strada International, The Netherlands

Reporting back for group 1

Key Message = Access to Justice should be available to all.

Everyone should have a good interpreter to access justice, access to compensation, people should not be detained. AtJ should not be conditional. Governments cannot

re-victimize people. People should have the right to return home to their countries. Advocacy should target both governments and NGOs to make justice a priority.

Klara Skrivankova, Anti-Slavery International, GB

Reporting back for group 2

Sharing legal knowledge and practical legal advice between countries and professionals; how to use international law, and transfer of knowledge about positive judgments from using international instruments.

Identification of labour exploitation cases and having indicators to help identification and to bring labour exploitation cases to court. Should work with existing indicators and discuss with ILO how to use indicators to build up cases. Assist in gathering evidence to put a case forward, insufficient evidence has been a barrier to justice.

There are many manuals available, but these should be reviewed and there should be a central point of access. There should be a pool of resources and experts to be used for expert witness reports to support asylum cases.

Sharing of good practices on getting judges and prosecutors involved. Good practice on getting legal community involved, e.g. how to get judges and prosecutors interested in getting involved.

Sandra Claassen, BlinN, The Netherlands

Reporting back for group 3

How trafficked persons can receive information on legal rights?

Make list of information that would be useful for trafficked persons to receive: basic human rights; economic, social and cultural context; information about legal aid organisations; laws and policies in country of destination; labour laws; embassy related information; AtJ

processes; and basic geographic information.

How to get information across to people concerned?

There should be strategies developed which allows migrants to keep their documents. Small booklets can be written in the language of destination country, so it gives migrants some power to communicate.

There should be migration information centres in countries of origin and destination. Information materials available in appropriate language and form. The use of mass media and informative website in sending countries.

Outreach work can be done by returnees if they are...

Many strategies here have already been tried, so instead of repeating, look into impact assessment and evaluation of activities already done.

The involvement of survivors in formulating strategies is important. Their ideas and information needs will be useful.

Nelia Sancho, GAATW Board Member, Philippines, concluded the two-day conference by thanking all the participants. She said that the discussions on how to promote the rights of persons affected by trafficking -- migrant workers, sex workers, trafficking survivors, domestic workers -- were very useful. The findings of the report gave a sense of how to mitigate the negative impact of anti-trafficking measures on affected groups from both state and non-state actors. Some of the other important discussions focussed on: how to affirm the right of all migrants to migrate and receive protection at destination, how to lobby governments to protect the rights of migrants, and how to address Tier threats from the US. There was focussed discussion on the difficulties and obstacles of migrants in accessing

justice. Comprehensive discussions took place on how women in self-organised groups promote their own agency and empowerment. She said that we need to be more critical, aware and vigilant of human rights impact of anti-trafficking measures, and need to be sensitive, reflective and creative to promote the rights of persons affected by trafficking.



International Members Congress

November 7-8, 2007

The second part of the IMC was conceptualized as a members' only event. A few friends and associates of GAATW also stayed on for this part. Although GAATW was launched and led by an alliance of individual activists for several years, over the last few years the IS and the board have made a conscious attempt to transition into an alliance where member organisations would play a more active role. Several steps have been taken by the IS to strengthen communication between members and the IS as well as among member organisations. However, by and large the old organisational structure is still operational. It was clear during the course of 7 & 8 November that this was indeed the right moment for all members present to have greater clarity on the current structure and to start a participatory process to bring about necessary changes that would ensure greater ownership of member organisations in the Alliance.

The Second Triennial Members Congress

Suzanne Hoff from La Strada International declared open the second Members Congress of GAATW with the hope that the sessions would strengthen the Alliance, provide a stronger feeling of belonging to the Alliance, and get a bigger commitment from the members.

In the morning session, Bandana and Stana spoke about the structure of GAATW, and Jacqueline Leite introduced the LAC chapter.

Stana Buchowska, board member of GAATW, introduced the 11 members of the international board, and the tasks of the board.

Members are as follows:

- Mr Thongbai Thongpao, Thailand
- Ms Usa Lerdsrisantad, FFW, Thailand
- Ms Uthaiwan Jamsutee, Thailand Criminal Law Institution, Thailand
- Ms Varaporn Chamsanit, Mahidol University, Thailand
- Dr Jyoti Sanghera, Switzerland/Canada
- Ms Stana Buchowska, La Strada, Poland
- Ms Nelia Sancho, Philippines
- Ms Fahima Hashim, Sudan

Three new members have joined the International Board:

- Ms Eni Lestari, ATKI, Hong Kong / Indonesia
- Ms Sunita Danuwar, Shakti Samuha, Nepal
- Ms Jacqueline Leite, CHAME, Brazil

There are two working groups:

- Research Working Group
- South Asia Working Group

Bandana then gave a brief history of GAATW's structure, and how the first board and working groups were constituted. She also mapped the current strength of the membership. She listed out the responsibilities of the GAATW-IS towards the membership.

The IS's responsibility is to liaise with the members, to be the information hub for the members and work with others working on migration and labour.

- Building facilitating and making exchanges between alliance members
- Processing essential documents
- Developing and making available training modules on gender, political economy, rights-based advocacy, and to research these issues.

Based on comments from the 2004 evaluation, from 2005-2007, very proactive steps were taken by the IS to strengthen the Alliance:

- Membership mapping
- Regular communication services
- Ensuring regional representations in consultations
- Staff with regional responsibilities
- Involvement of members in international advocacy
- Involving members in planning for 2008-2010

Deriving from inputs given by members in 2007 and recommendations from consultations and research reports, a proposed set of Programme Priorities for 2008-2010 has been set out to be discussed during the IMC.

- Promoting a Human Rights Centred Approach to Anti-Trafficking Work
- Building and Exploring Linkages with Migration, Gender and Labour Movements
- Promoting Access to justice
- Realising Rights (supporting the work of self-organised groups in the Alliance)
- Alliance Strengthening
- Research

- Consolidating the Capacity Growth of the Secretariat
- International Members' Congress

Following from that, these are the programme priorities that the IS is proposing for itself:

- Promoting a human rights centred approach
- Building and exploring linkages with migration, gender and labour
- Promoting access to justice
- Supporting work of self-organised groups
- Strengthening the Alliance

None of these areas are new. Particularly in 2005-2007, a lot of work has been done in these areas - so it is really a continuation of our previous work.

Bandana pointed out that more discussion is required during this congress in the following areas:

- Strengthening linking and learning among members. It is not just for us, it is important for members to lead this - what are the needs? How do they link up and how will they carry it forward? Keeping in mind a large number of member organisations do give direct assistance to trafficked women, this is an area where members have said more concrete learning and linking is required.
- Building and exploring linkages with migration, gender and labour. What can the IS do to make this happen?
- Promoting a human rights centred approach. This is broadly GAATW's advocacy agenda and we will

discuss more in the advocacy session.

- A session on regional priorities based on input already received.

After this introductory session, **Jacqueline Leite, CHAME, Brazil**, spoke about LAC which is a network of 18 organisations dealing with issues of trafficking, racism and issues related to domestic workers.

Direct Assistance to Trafficked Persons: Linking and Learning

Marta Gonzales, Proyecto Esperanza, Spain chaired the session. There were two presentations, one from a country of origin (Thailand) and another from a country of destination. The question asked was: As members of an international Alliance, how can we link up to better provide assistance and how can we learn from each other?

Usa Lerdsrisantad, FFW, Thailand, detailed the constraints that her organisation faces in offering direct assistance to women who have returned to Thailand.

Carminha Pereira, FIZ, Switzerland, discussed the assistance they provide to trafficked women.

This session was followed by the break off session where three groups discussed how best linking and learning can take place for direct assistance to trafficked persons. The following were the recommendations made and accepted by the membership:

Recommendations on Direct Assistance

It was decided that there is a need for linkages and for strengthening existing linkages. The general feeling that before such links can be made, we need to know more about each other, and also who else is out there.

We need to map existing groups, what they do and what services they provide. Identify gaps. This has to include NGOs in different areas, even where it might be difficult to find organisations providing assistance specifically to trafficked persons. For e.g. in China, Burma Middle East where there is very little civil society, but victims of trafficking need to be assisted.

Two areas of linkage and cooperation are important:

- Organisations in countries that are close by - maybe all destination or origin. Don't share much but could do more, e.g. between Switzerland and Austria.
- Between countries of origin and destination - transnational/transcontinental.

Roles for members

Security concerns around shared and disseminated information. Since group works with trafficked victims, so many security issues around disclosure. Need to filter information and perhaps set up password system for certain people.

Expansion of membership through the members.

One-to-one collaboration - members of GAATW can directly approach others who can assist them in their work. It can also be a mechanism to set up a mechanism of posting concerns and dilemmas that people could assist each other on specific problems.

Roles for GAATW-IS

GAATW should provide a forum to allow organisations to contact each other, without necessarily passing through the IS.

GAATW IS could be a marriage agency between members and like-minded organisations.

We need a better database of 'like-minded' organisations to understand which are

those we would want to cooperate with, and to identify strategies on how to disseminate information material.

GAATW-IS is requested to set up a regional mechanism for direct assistance by involving organisations that provide assistance - find and identify new ones. Also by involving trafficked victims and the community, and include victims and survivors in the board.

GAATW needs to facilitate good practices in direct assistance. Groups might have own standards, but there is a need for information exchange and sharing good experiences. This could be done through the revival of the e-group. GAATW-IS should encourage more people to be a part of this.

GAATW should take a role in campaigning advocating and outreach in areas where civil society is very limited. A need to find a strategy specific to areas like Burma, Middle East and China - to investigate and study these areas, and how we can assist them?

Direct Assistance: Recommendations for members:

- Identify possible contacts in the same country or neighbouring countries;
- Identify contacts in areas we don't have members eg. China, Middle East, North Africa, etc.;
- Share and learn from organisations in neighbouring countries;
- Make contacts with organisations in origin/transit/destination countries;
- Ensure security and protection of confidentiality in discussions;
- Be a 'marriage agency' between like-minded organisations;
- Develop a central information point for contact details and information on services of organisations in different places

- Have an online discussion forum;
- Do outreach to areas where we do not have members or partners;
- Collect best practices of service and share;
- Organise regional mechanisms for mapping and outreach..

Situation Sharing by Colleagues from Lebanon, South Africa and Kenya

Nelia Sancho, GAATW Board Member, Philippines, invited Zoya Jureidini Rouhana, KAFA, Lebanon, to describe the situation in the Middle East, especially Lebanon. Alice Kubo, Child Helpline International, NL, spoke about the work her organisation does with children in Africa. Vicky Nwogu, UNIFEM, Nigeria, in her presentation emphasised that there should be a representative of Africa in the International Board who can act as a 'mobiliser', this person has to be representative of Africa. In Africa, there are countries that have done a lot on the issue of trafficking. Some regions in Africa have gone very far ahead and they can support other regions that are just starting. She also said that there is a need for a regional network. She enlisted GAATW's support in the formation of such a network.

GAATW's International Advocacy Agenda

Eleanor Taylor-Nicholson gave an update on GAATW's Advocacy Agenda for the past three years and detailed plans for the next three years (2008-2010). She requested members to break off into region-wise groups and respond to two questions which would in turn help GAATW formulate its agenda.

1. What are your regional advocacy priorities? What plans do you have? What would you like the IS to do to support your priorities?
2. Based on work done in the last three years, should we have an

international campaign? If so, what should we be campaigning for?

Also, the groups were asked to discuss two topics:

TIP Report - What should GAATW members do about reporting? Should the IS do anything?

Sporting Events - Should members join the anti-trafficking campaigns?

The following were the recommendations that the groups made in relation to Advocacy:

Recommendations on Advocacy

For Governments

- Lobby for ratification of the Palermo Protocol
- Lobby for national rapporteurs
- Campaign for laws to domesticate the Palermo Protocol, which provide sufficient protection to trafficked persons and a comprehensive definition of trafficking
- TIP Report, shadow report

For international organisations

- Attend the UN.GIFT conference and other regional meetings
- Have trafficking on the agendas of regional organisations: OAS, AU, AC

For NGOs

- Ensure conceptual clarity among all of our members

Strategies

- Understand regional priorities and target regional institutions
- Use other international instruments eg. CEDAW, CRC
- Link countries of origin and countries of destination
- Bring in other organisations, and include trafficking on the agendas of organisations that are not specifically 'trafficking', eg.

Migrant rights organisations, labour organisations AND make sure they talk about trafficking in the right way

- Bring in the HIV/AIDS as allies in any campaign

Role for GAATW-IS

- Coordinate the follow-up campaign for Collateral Damage
- Facilitate conceptual clarity among all members

Specific issues

- Conditionality of assistance
- Domestication of the Protocol

The first day of the Congress concluded with the majority supporting the recommendations on Direct Assistance and Advocacy (Wednesday, 7 November 2007). Suzanne Hoff then read out members' questions about GAATW's structure and membership to be discussed the next day.

Organisational Matters

Discussion on GAATW's structure, board and working groups, and membership continued the following day. Bandana Pattanaik responded to the following queries:



How does an organisation become a member?
 What procedures are in place? Who decided them?
 Are there plans to revise/ expand the membership e.g. in Middle East or China?
 How long does membership last? Should members be evaluated or required to re-apply periodically?
 What are the rights and duties of members?
 What does commitment mean?
 What is the decision-making role of the Board?
 What is the decision-making process about what the Board decides?
 Are there Board members elections?
 Do Board members represent member organisations?
 Do Board members act on their own behalf or for a region? Do they then work in contact with the region?
 How can members from Africa have a voice? (Representation on the Board, Representation within the Secretariat, A regional network)
 Can the membership receive Board Meeting minutes; evaluation/review report; documents on strategies and priorities?

Based on the morning session, the break-off groups had more intensive discussions.

The groups were:

- Africa - what needs to be changed, recommendations, next steps
- Decision-making/role of GAATW structures/more participatory processes
- Criteria for membership and responsibility for members
- Follow up on Collateral Damage
- Strengthening Alliance - what do we mean



Africa

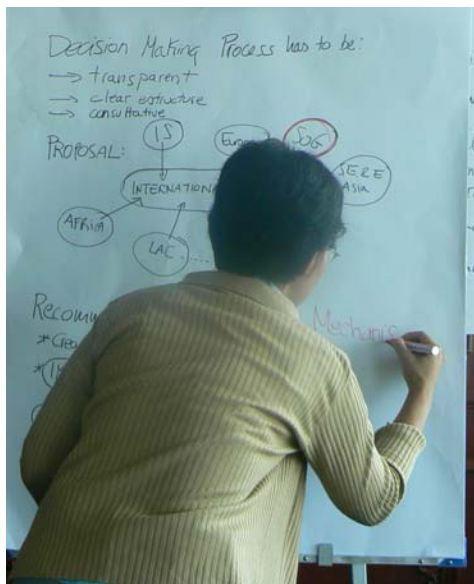
Findings:

1. Importance of having an African network but we need to find out the organisations and the need to identify the issues.
2. Start with a regional consultation not just with 6 members and invite other organisations to join in. Begin the process of discussing the network in Africa. Discuss the differences and what the processes are. The consultation would have to be attended by the Board Member from Africa, would need support from the IS, and would present the comparative experience from the La Strada Network and the REDLAC.
3. Organise training/capacity building to address the needs of the member organisations.
4. Financial Autonomy. It would be good for member organisations to know how they can allocate resources for the setting up of the network.

5. Organise around organisations and expand it from there to be able to secure financial and full autonomy.
6. To find a Board Member who will be active in helping and coordinating with member organisations. She will be the point person for the African network. The person should have time to coordinate with the member organisations. She should also have the experience, and meet the qualifications of GAATW.

Support requested from the IS:

1. To have a Programme Officer who comes from the African region. Somebody who has the knowledge and experience of Trafficking.
2. Trafficking approach should have focus on everyone who is trafficked (women, children and men).



Decision-making/role of GAATW structures/more participatory processes

Recommendations are as follows

1. Board members can be nominated according to regions. There should be one representation per region.

2. The highest decision making body will be the IMC once in 3 years. In every IMC, there will be updating of members of the Board. The working team to lead will be the International Board (IB) and the International Secretariat (IS). Anyone can be nominated to the consultative/advisory board. Can also be comprised of individual/s who will support more on the substance.

Strengthening the Alliance

Recommendations to member organisations:

1. Prioritise networking. Make time for involvement as member of GAATW
2. Review themselves
3. Actively approach like-minded groups, as friends and possible new members. Can also fill geographical gaps in the membership through this.
4. Plan joint actions on concrete issues
5. Inform IS about important developments in country/region
6. Keep in contact with the IS and respond to their communication
7. Take responsibility in case of urgent action/solidarity
8. Regularly check GAATW website and update your information

Recommendations to the IS

1. To continue information to members on legislation, global and regular developments
2. Continue efforts for translation in more languages (with help of members)
3. Website linkages both ways

4. E-group revival
5. More proactive role in linking receiving/sending countries (e.g. facilitate workshop/consultation on specific issue)
6. Inquiry among SOGs and non-English/Spanish speaking members about the best ways to communicate with IS
7. Development of joint research/programme (IS/members) to fill geographical gaps
8. Facilitation in resources
9. Improve dialogue with other networks/movements together with members
10. Facilitate discussion on mission statement to be more inclusive of MO programme.

Criteria for Membership

Recommendation on the procedures:

Set up a working group, composed of Board members, IS staff, member organisations, which would be responsible for reviewing new applications, informing other organisations from the same region. They will be responsible in deciding the membership of the applicant. They would be responsible to set criteria to expand the Membership - e.g. Middle East - to develop a needs assessment and to promote cooperation among members.

Member organisations from Mongolia, Pakistan and Nepal have said that they would like to participate.

Open question from group: Should GAATW have membership fees?

Based on discussions, the majority agreed to have one Working Group on membership and another Working Group on decision-making processes.

Collateral Damage

1. Expand Research (Collateral Damage)
 - a) Using an evidence based approach both in regional and national contacts to strengthen the findings
 - b) Strengthen the arguments
2. Advocacy/International Campaign
 - a) Link international meetings with national campaigns to discuss the findings. - Launch the findings of the existing report on Feb. 13-15, 2008 at the UN.GIFT Conference in Vienna
 - b) A Working Group could work with the IS to write press releases to be ready by January. Other tasks: communication materials, campaign strategy needs to be developed, information kit and consultation meeting with government officials.

4 Key Messages

- ⇒ Ratification of Migrant Convention/ Migrant Workers' Rights
- ⇒ Policies and practices of authorities based on needs assessment of targeted groups, community engagement in policymaking & implementation (including good practices).
- ⇒ What is the evidence of the effectiveness of approach? On what basis?
- ⇒ Trafficking occurs in other sectors and not just in sex work.

Coordination:

- a. Dec 2007 - GAATW will be representing the findings at the UN Human Rights Council

- b. Drafting group - Feb 2008
Launch in UNGIFT, Vienna
(composed of authors, volunteers, orgs)
 - Statement
 - Press Release
 - Info. Gathering
- c. Disseminate findings - Oct 2008 Conference of All Parties to Trafficking Protocol - present alternative country reports to governments.
 - 3. Establish a formal SOG network to particularly look into Direct Assistance.
 - 4. To form a formal network of survivors' organizations. The objective is to make them more visible for advocacy.
 - 5. Campaign for the recognition of domestic work.
 - 6. Membership and contacts expansion especially in North East Asia and the Middle East.

The majority also ratified the recommendations given by the break-off group on disseminating the findings of the report *Collateral Damage*.

Setting Regional Priorities

ASIA

The decisions taken during the group meeting are as follows:

1. To work with Malaysian authorities collectively to improve situation of migrant workers there. Some sort of collective advocacy directed towards the government. This was decided on because it affects quite a few member countries and thus gives a chance for people to collaborate. The countries are namely India, Bangladesh, Nepal, the Philippines, Thailand, etc.
2. Help organize consultations on trafficking (clarity) at the Asia level with migrant workers, SOGs, trafficked persons groups, etc. The IS is to carry out the consultations.

EUROPE

1. Collateral Damage - collect evidence. Overview, research with GAATW's assistance
2. Representative through 3 groups (Membership, Decision Making/Structure, Collateral Damage)
3. Follow up after the meeting in February in Vienna, have a first regional consultation then, LEFO could organise something.
4. Strengthening regional cooperation
5. La Strada to invite GAATW on LS NGO platform
6. Regional consultation
7. Non-members involvement

LAC

No further decision taken. Representative from the LAC region agreed on regional priorities decided previously already.

AFRICA

1. Representation
2. Build the African membership; through regional consultation

(informally approach like-minded organisations)

3. Secretariat

- Programme Officer for the Region (a person who has worked / studied overseas; knows what GAATW has to offer (e.g. family package); what is required)
- Conceptual clarity (if you know members; if you can identify a programme officer)
- UNIFEM is doing a lot in Ethiopia and Lebanon
- Findings of Collateral Damage
- Advocacy at the African Union to get a statement on trafficking

- African Commission on human rights (to take a position on TIP and maybe in future a protocol)

The Congress came to a close with Sabala's concluding remarks. She said that the Congress has been a tremendous success and that it had truly energised the membership. The structure of Alliance is clear and the roles and responsibilities of the members and the Secretariat and the Board have been discussed and clarified. There is clarity on direct assistance and advocacy. Strategies have been worked out at the regional level and some strategies have to be implemented with help from the IS.

The Congress had provided a space to meet/interact with each other. The past two days were full of ideas and strategies but now the challenge is to go forward.



OTHER ACTIVITIES & OPTIONAL SESSIONS

Getting to Know Each Other - Poster Presentation

A networking session provided an opportunity for the participants to meet each other and learn about the work that colleagues are doing in various parts of the world. Everyone who prepared colourful posters was eager to share their own work and keen to listen to others. This session progressed at a relaxed pace, hearing interesting conversations and old friends catching up with each other.

Creating Change Exhibit

The exhibition *Creating Change* was another highlight of the day. It showcased the vitality, commitment and strength of self-organised groups of trafficking survivors, migrant workers, domestic workers and sex workers in Asia. Through creative use of photographs and text the exhibition highlighted the process of social change brought about by self-organised groups. It showed how the lived experience - positive and negative - of every single person is a source of knowledge and personal and professional strength.

Donors and Rights-based Anti-Trafficking Organisations

The first day of the GAATW International Conference ended with an interactive session with some of the grant making organisations present. Representatives from ICCO, the Swiss Agency for Development and Cooperation (SDC), Dan Church Aid (DCA) and Global Fund for Women (GFW) shared their organisations' policies and practices and answered questions from participants. Donors had been asked to respond to two questions:



- 1) How they are organised in terms of financing anti-trafficking organisations?
- 2) Are grants conditional on whether the anti-trafficking organisation works within a human rights based approach?

Donor representatives who attended the session were: Nina Ellinger, Dan Church Aid, India; Henk Bakker, ICCO, the Netherlands; Walter Meyer, SDC, Switzerland; and Dechen Tsering, Global Fund for Women, USA. The representatives gave a brief update on their organisation's objectives, the work they do, and some of their future

programmes. They were unanimous in expressing their commitment to human rights, strengthening civil society and enhancing collaborative work.

Using CEDAW for Migrant Rights and Anti-Trafficking Advocacy

Oy Sim Chin, IRAW Asia Pacific, Malaysia, was invited to give information on how CEDAW can be used for advocacy for anti-trafficking work. This was followed by further discussion on strategies that can be used collectively to combat discrimination against women. She pointed out that the Committee collects information from NGOs, so NGOs should participate and add their input when State Parties are being reviewed. NGOs can provide a lot of valuable information to the CEDAW Committee. The shadow reports from NGOs can be handed over to the governments which can then put it across to the CEDAW. This is a opportunity for NGOs to contribute to CEDAW as much as possible.

NGOs can find out when the governments have to report to the CEDAW Committee; they can then send the shadow reports to the Committee and/or to the government. Some countries send the reports very late. It may be that the government has not yet written its report to the CEDAW Committee. In such a case, the government can be pressured to do so, as it won't like to see that the CEDAW will base its recommendations only on the shadow report.



HARMONISED SUMMARY OF FINDINGS AND RECOMMENDATIONS 2005-2006

FROM THREE CONSULTATIONS WITH INDIVIDUALS ADDRESSING TRAFFICKING DIRECTLY BY:

1. PROVIDING SOCIAL ASSISTANCE
2. PROMOTING ACCESS TO JUSTICE
3. PREVENTING TRAFFICKING

Bangkok, October 2007

Foreword

The dearth of research and the scarcity of recorded primary knowledge is being increasingly recognised and lamented in the field of anti-trafficking. The GAATW International Secretariat (IS) has sought to make a small but we hope significant contribution to filling this lacuna by looking to the experience and knowledge of our member organisations and others working around the world to combat trafficking. We have divided this inquiry into the three fields so commonly discussed in anti-

trafficking work: protection, prosecution and prevention. In doing so, we are recognising that trafficking is a global problem and that many of the challenges we face and the strategies we use to overcome these can, in many instances, be shared and used as a source of inspiration for each other. As part of this endeavour, detailed work has been carried out in exploring country-specific information, compiling personal experiences and facilitating international consultations among like-minded colleagues.

This document, merging the findings of three consultations, reflects the culmination of these multi-country, multi-disciplinary collaborations undertaken over the past two years. Like many publications of this nature that discuss human rights and the prevention of abuse and exploitation, the findings do highlight some of the failures of governments and international organisations in contending with the global phenomenon of trafficking in human beings. In addition however, the consultations have revealed the magnitude and scope of work being done by diverse groups, organisations and individuals in this area.

This report draws attention to the challenges faced by those working in the field and the myriad gaps, both large and small, that complicate and frustrate our work to protect the rights of migrating women. The obstacles we document, indeed, are many and must also be seen in the broader context of the violations of social and economic rights that fuel ever larger flows of migrant workers into unprotected and exploitative work situations.

However, we cannot let these challenges generate despondency. The sense of empowerment, commitment and hope was very much palpable in the three consultations on social assistance, access to justice and prevention. It is my hope that this summary captures part of the spirit and resolve evident in the consultations and offers a valuable and practical record to you all and does justice to your contributions.

We thank all of those who have been involved in this process – the women who have so generously shared their experiences with us, our colleagues and friends, our member organisations that work tirelessly to protect the rights of trafficked persons, those who helped in organising and

facilitating the consultations, and our donors who have given us continuing support.



Bandana Pattanaik
GAATW International Coordinator

Providing Social Assistance to Trafficked Persons

The trafficking cycle cannot be broken without attention to the rights and needs of those who have been trafficked. Appropriate protection and support should be extended to all trafficked persons without discrimination.

(Office of the High Commissioner for
Human Rights,
Recommended Principles and
Guidelines on Human Rights and
Human Trafficking)

Social assistance in the anti-trafficking framework

Social assistance is a broad term for all assistance provided to a person after she has been identified as trafficked. Trafficked women, children and men suffer a multitude of human rights violations at various stages and sites in the course of trafficking. Indeed, rape, physical and emotional abuse, torture and inhumane treatment, severe health risks, discrimination and exploitation are the experiences of many. The harm suffered through the trafficking process is such that recovery is both precarious and lengthy, even with adequate support mechanisms.

Improving access to assistance and the range of social interventions available to support trafficked persons, then, is an urgent

concern in countries of origin, destination and transit. Despite competing agendas among agencies in the anti-trafficking arena, most find shared ground in the need to provide a diverse and intersecting range of social assistance services for trafficked persons, encompassing safe accommodation, health care, counselling and emotional support, legal assistance, vocational trainings and education.

GAATW global consultation and report on social assistance

The GAATW report, *Making Do: Providing Social Assistance to Trafficked Persons*, furthers this discussion from an international and practical perspective. Trafficked persons, as victims of human rights violations, are legally entitled to adequate and appropriate remedies. Where this assistance has been available, we have seen empowering and positive stories of individuals who have left traumatic events behind and re-imagined their lives. In practice however, most trafficked people do not have access to appropriate services, either because they are never identified, or the assistance they receive does not meet their needs.

For social assistance providers, the process of giving assistance can be rewarding but also complex and challenging. It requires dedication and compassion for often little financial benefit, and close contact with other stakeholders, such as the police, the government and the women themselves. As we reflect on the work that has been done in anti-trafficking in recent years, it is these women who are able to describe the realities of providing social assistance, the challenges and the good practices, and direct us to what needs to be changed.

The report is based predominantly on data emerging from the Global Consultation on Social Assistance, held 26-30 November 2005 in Bangkok, and a desk review of contemporary social assistance programmes operated by governments, international organisations, local NGOs and others working in the field. Results were further substantiated with primary data gathered from several detailed country reports submitted by relevant organisations and the outcomes of an e-group discussion, staff exchange programme and member networking facilitated by the GAATW-IS. The following are

the findings and recommendations given by our members and partners who work to provide social assistance.

Making Do: major findings and recommendations

I didn't know who to trust so I ended up a slave. Now you tell me that in order to be free, I need to trust a stranger?

(The 'rescue paradox', courtesy of Safe Haven, USA)

Identification of trafficked persons

- No clear, standard procedure exists in most countries for identifying trafficked persons and criteria for identifying trafficked persons differ between both countries and regions. Process for identifying trafficked persons should be formalised to the maximum possible extent to minimise harm and create common understanding.
- A brothel raid is the most common identification strategy but is problematic as raids often lead to further rights violations, not only of trafficked persons but of other sex workers. In all identification processes therefore, the principle of 'do no harm' should be the guide. 'Rescues' should be conducted by specially trained personnel only, knowledgeable in the area of human rights, sensitive to the situation and cognizant of the power dynamics involved. Collaboration and formal training should exist between NGOs and specialised police teams.
- Trafficked persons in situations outside of brothel-based sex worker contexts, such as those working in factories or on farms, or as domestic workers, are difficult to reach. Sometimes this is because they are isolated and do not know how to get help, or because not enough attention has been given to people in these sectors. Identification strategies using community outreach should be developed to target these specific workplaces.
- Interviews with trafficked persons are being done by multiple agencies, and often not according to international standards for interviewing trafficked persons. Interviews should be kept to a minimum in order to

minimise potential for re-victimisation. NGO assistance providers can help by giving interviewers specialised training.

- The reasons why trafficked persons do not come forward are complex and varied, including:
 - Unwillingness to be labelled *trafficked* because of the associated stigma;
 - Limited knowledge of rights;
 - Language barriers;
 - Experiences of abuse, threats to family, and penalties from employers or agents;
 - Corruption among government officials, police or military;
 - Concerns over deportation, illegal residency and lack of appropriate documentation;
 - Sense of loyalty to those on whom they have been dependent.

As a result, agencies should avoid labelling identified persons as 'victims of trafficking' and effective services, including witness protection and empowering strategies, should be given as a matter of course.

- Further, identification of trafficked persons and provision of support services should remain separate functions supplied by autonomous and unattached agencies.

Providing social assistance to trafficked persons

- The provision of social assistance is complicated by issues of safety, freedom, and type and ethics of shelters for trafficked persons. The golden standard for all social assistance programmes and their delivery should be whether they empower those using the services.
- Shelters that restrict freedoms, prevent contact with the outside world and do not provide activities for trafficked women that are appropriate to them slow down recovery. Guidelines for shelters based on human rights principles should be established and adopted, incorporating feedback from trafficked women who have utilised the service. Shelters should not pressure trafficked persons to participate in any activity against their will.
- Assistance that controls the behaviour of the individual can also create dependency on service providers. While it

is challenging, assistance providers must balance the need to reduce a person's vulnerability to re-victimisation with avoiding dependency.

- Effective psycho-social support services can be extremely beneficial and positive. However, they are not available in many countries due to lack of funding or trained shelter staff who have knowledge about trafficking and positive counselling models. Training programmes would benefit health care providers, shelter staff, psychologists and others. Such training should aim to sensitise them to the specific complexities of human trafficking and migrant issues.
- Similarly health care for trafficked persons is limited in some countries. Increased services for health, counselling and testing for STDs and STIs are needed.
- Trafficked persons rarely are involved in the process of their own recovery, nor do they have an opportunity to contribute to how programmes should be run. Accurate information regarding the process of assistance and clarification of shelter rules should be prepared and shared with trafficked persons and they should be given opportunities to provide input.
- Assistance services are usually seriously under-funded and under-staffed and often cannot provide all of the assistance needed by a particular individual. Strengthening of networks between NGOs and service organisations could ensure that the varied needs of trafficked people have been met and the services provided are relevant and beneficial.
- Systematic gathering and processing of information about trafficked persons and assistance measures that endeavour to centre their rights would be of great value to those working in the field. 'Good practices', such as the peer-based models that allow women to gather, share, discuss and train, should be recorded and incorporated into social assistance programmes.

Social inclusion and (re)integration

- Reintegration programmes have failed to address systematically the root causes of trafficking in human beings (i.e. poverty, gender discrimination, class distinctions), leading to increased

- vulnerabilities to re-victimisation. Inclusion strategies should focus on sustained and sustainable work with women and men in the informal sector, especially where migrants are concerned.
- Gaps remain in responses to the demand for employment in the informal sector, including tolerance for workers to work in abusive and exploitative conditions. Programmes need to focus beyond trafficking for the purposes of sexual exploitation to provide realistic information on migration for labour options for women seeking other transnational labour alternatives.
 - Networking between destination and origin countries is weak and uncoordinated and responsibility for social integration currently rests exclusively with typically under-resourced NGOs in countries of origin.
 - Inclusion and (re)integration of trafficked persons will benefit from stronger networking between destination and origin countries.
 - Many of the support programmes for repatriated trafficked women have excluded other young women and girls from obtaining assistance – to be eligible one must identify with having been ‘trafficked’.
 - Stigma associated with prostitution extends to all trafficked women, regardless of industry. Awareness raising campaigns should be included in inclusion and (re)integration work to facilitate a shift in attitudes towards trafficked persons.
 - Lobbying of governments to adopt policies for safe migration and the signing and ratifying of the Palermo Protocol to ensure the protection of the rights of trafficked persons is required.

Access to Justice for Trafficked Persons

Access to justice in the international anti-trafficking arena

In an effort to combat transnational organised crime, the prosecution of traffickers has become a key strategy of governments

around the world to ending trafficking. Prosecution, however, requires the cooperation of the victim to undergo the gruelling process of providing evidence and testifying against the trafficker in court, a process that can take several years. In many cases, the provision of assistance is made conditional on a willingness and the need of the authorities for such cooperation. For some, the legal process may be cathartic and an opportunity to obtain a sense of closure and justice. For other individuals who have already been severely exploited and may be suffering the many effects of such trauma, participation in processes which are generally inefficient, poorly resourced and without adequate protections for the person’s privacy and confidentiality, can lead to further trauma. It may also place the person and the family at risk of reprisals from the traffickers.

The criminal justice approach has also overlooked the fact that as victims of serious human rights violations, trafficked persons have rights to an appropriate remedy. For some, this may involve filing a criminal case and seeing the trafficker prosecuted. For others, more relevant may be the payment of compensation, the return of essential personal documents and a flight home.

GAATW global consultation and report on access to justice for trafficked persons

The GAATW consultation on Access to Justice took a different approach to the other consultations in that it drew together a wide range of stakeholders in the justice process, including NGOs that provide legal assistance, police and prosecutors and trafficked women who have been through a criminal trial. As this was a new area of discussion for many among our membership, we sought first to learn what work has been done, and whether there are common experiences and challenges faced by trafficked women seeking justice. The report is based mainly on data emerging from questionnaire responses from 26 organisations and discussions at the global consultation meeting held in Bangkok from 7 to 9 June 2006, together with a desk review of relevant international laws and principles. The following findings and recommendations were therefore drawn from a wide range of people working on this issue.

Access to justice: major findings and recommendations

Overview of prosecutions and access to justice

- The criminal justice system can be a source of empowerment for trafficked persons as it has the potential to legally and publicly recognise and provide redress for the wrongs done to them. However, inadequate support and protections during this process can lead to trafficked persons feeling re-victimised. NGO service providers perceive that very few trafficked women get a sense of justice from the prosecution of the trafficker, and rather find the process draining, difficult and resulting in very little concrete benefit for them in the end.
- Access to justice for trafficked persons is typically very low around the world. While trafficking is understood as a global phenomenon that is on the increase, most countries have prosecuted only a small handful of cases, if any. Access to justice should be given more recognition as an essential human right that is a routine aspect of social assistance to trafficked persons.
- In both developed and developing countries, trafficked persons have very limited access to information on legal rights and their options for enforcing those rights; without the support of an NGO to provide such information, access to justice is negligible. Respondents did note however that most trafficked persons do have access to translation services and free legal advice in criminal cases if they are identified. Information campaigns about legal rights should therefore be targeted at undocumented workers to promote identification.
- The need for knowledgeable and compassionate support at consulates in countries of destination is imperative, as embassies are often the first place to which women turn for assistance.
- Justice through a trafficking framework is easier for women trafficked into prostitution as a result of the disproportionate emphasis given to identifying victims in this sector. Police should investigate other sectors in order

that other trafficked persons do not get overlooked.

- Women trafficked into prostitution are often less willing to participate in prosecutions because of the shame and stigma associated with coming forward, and risks of retaliation from traffickers. For this reason, measures to ensure privacy, confidentiality and victim/witness protection are a necessity.
- The commitment of the trafficked person and long-term support of an NGO in the search for justice is vital, as the process is normally long and difficult. For this reason, good and supportive social assistance is a necessity.
- Weaknesses in domestic legal systems are also key deterrents, including such problems as delays, expense and unfamiliarity with trafficking among legal actors.
- In almost all countries, witness protection systems for trafficked persons are weak, particularly after the trial has concluded. This is a major deterrent to women wishing to participate.

Legal and institutional frameworks

- Significant progress has been made to criminalise trafficking and its component acts, training police and devising policy responses. Efforts should be made now to ensure all forms of trafficking of men, women and children are covered and given equal attention.
- The criminalisation of trafficking is a necessary step to making access to justice possible; in countries where trafficking has not yet been criminalised, prosecution of traffickers has proven difficult. Efforts should be made in all countries now where trafficking has not been addressed to obtain a good legal framework.
- Specialist training in human trafficking for police forces is a reality in many countries, with many already establishing dedicated anti-trafficking units. Nevertheless, incompetence or unwillingness among the police, prosecutors and judges is one of the most common problems identified by NGOs support workers – training often does not emphasise trafficked persons' human rights or reach all or the right police

- personnel. Training should continue, but be targeted to reach those police personnel who will come into direct contact with trafficked persons, and be based on human rights.
- While the police have been a focus, prosecutors and judges in most countries surveyed have not received specialised training on trafficking. This should be a priority.
 - In general, trafficking cases are expensive to investigate because of their often international nature and the complexity of the case. Police and NGOs from almost all countries included said that funding was insufficient, or was weighted to police but not NGOs or vice-versa. In origin countries, international donors are supporting much of the anti-trafficking work. Funding of anti-trafficking work must be provided to all agencies and organisations that play a role in getting cases investigated and prosecuted.

Cooperation and collaboration

- The transnational nature of most trafficking cases makes international cooperation between police and between NGOs essential to collecting sufficient evidence.
- Investigators and NGOs require access to information or witnesses in countries of origin, transit and destination to ensure successful prosecutions.
- Lessons can be shared between countries about how to use the law creatively and protect the rights of trafficked persons. Regular information exchange would be beneficial, but must respect the time limitations of those working in the field.

Compensation in trafficking cases

- The provision of adequate and effective compensation to trafficked persons is extremely rare and, in general, has not been a priority for legal actors or NGOs.
- Given that trafficking is still relatively new, NGOs and lawyers are still inexperienced in compensation options and need more information.

- Where possible, labour cases should also be taken on behalf of trafficked persons, as they are faster and more efficient than seeking civil compensation avenues.

Prevention of Trafficking

Strategies aimed at preventing trafficking should take into account demand as a root cause. States and intergovernmental organizations should also take into account factors that increase vulnerability to trafficking, including inequality, poverty and all forms of discrimination and prejudice. Effective prevention strategies should be based on existing experience and accurate information.

(Office of the High Commissioner for Human Rights, Recommended Principles and Guidelines on Human Rights and Human Trafficking)

Trafficking prevention initiatives in the international arena

‘Prevention’ broadly refers to pre-emptive interventions implemented before any of the forms of trafficking identified in the UN Protocol (2000) have occurred, including trafficking for the purposes of sexual exploitation, forced labour, slavery, servitude and the removal of organs. Prevention strategies essentially seek to remove or mitigate the cultural and socio-economic conditions in both countries of origin and countries of destination that fuel opportunities for trafficking or increase the vulnerabilities of women and children to being trafficked.

Consequently, poverty, unemployment, gender discrimination and domestic violence, as well as restrictive migration policies and poor labour protections, have become pressing concerns for organisations that are already overstretched and motivated by diverse stakeholders and ideologies.

GAATW global consultation and report on prevention initiatives

Despite the increasing attention, however, only a limited body of material exists on strategies implemented by NGOs, international organisations and governments, much less on the influence of those endeavours. The GAATW prevention report aims to contribute to filling this lacuna, providing a practical catalogue of the projects, activities, experience and observations of global prevention initiatives. Moreover, it provides a basis for the stimulation of new ideas and a discussion point for the challenges, new directions and evaluative mechanisms in the prevention of human trafficking.

The basis of the report stems from the results of a Global Consultation on Prevention of Human Trafficking, held 13-16 November 2006 in Bangkok with a delegation of 22 practitioners, specialists and academics. Data was also drawn from a desk review of current literature about prevention strategies and programmes and the findings of an international questionnaire of 28 NGOs, international organisations and selected government agencies in five continents.

Prevention: key recommendations

Prevention strategies in countries of origin

- There should be community-based techniques comprising both prevention and re-integration of returned women.
- Strategies must be underpinned by the realities experienced by survivors and their needs.
- Governments of countries of origin should aim to abolish detrimental recruitment practices, including compulsory training and detention of potential migrants, lack of information about rights, and extortionate fees that make migrant workers more vulnerable to exploitation at the destination point.

Safe migration

- Governments must view migrant workers as individuals needing opportunity and protection, rather than as marketable commodities providing cheap labour or foreign exchange.
- Multi-country, multi-disciplinary collaboration can improve safety and conditions for migrant workers.

- There should be preparatory education for potential migrants.
- There should be more research on the connection between migration and trafficking.

Prevention strategies in countries of destination

- Target strategies at a broader range of stakeholders, including migrants, sex workers, traffickers and pimps, employers, clients of sex workers, consumers of goods and politicians.
- Broaden the focus of awareness about trafficking in destination countries from only the sex industry to other informal sectors where abuse occurs including domestic work, construction work and agriculture.

Monitoring, Evaluation and Impact Assessment

- Establish evaluative indicators for trafficking prevention programmes that are dynamic and ongoing.
- Constantly and critically self-evaluate and reflect on practices and policies.

General Recommendations

- No 'best' practice exists in prevention programmes but 'better' ones should always be aimed for.
- Constant revision of objectives is essential.
- Further information from beneficiaries should be gathered.
- Strategies and activities should include regular checks for unintended consequences.
- Activities should be based on the 'do no harm' principle.

General Conclusions and Recommendations

With the wealth of information, perspectives and needs shared with the GAATW-IS through the three consultations, it is now possible to draw some general conclusions about where we are in our work, and where we should be going.

First, the need to address trafficking in the context of migration and labour is striking. In all three areas of work, protection, prosecution and prevention, trafficking and migration overlap. For example, from the need to open more legal migration channels in order to reduce vulnerability to trafficking, to the limits on individuals' abilities to seek justice in the destination country because of their status as 'illegal migrants', to the need to provide information through migrant communities to reach those people who need assistance. This connection does not support the common trafficking-migration linkage, therefore, that increasing border security will stop trafficking, or that trafficked persons are first and foremost illegal migrants and should be deported unless they can help the destination country with a prosecution.

This points strongly to the need to address protection of the rights of all migrant workers as part of our efforts to combat trafficking and empower trafficked persons.

Second, it is clear that the criminal justice approach has been the main anti-trafficking strategy of many governments; in most countries laws have been passed and special police units trained. While this is positive and evidence of governments starting to address trafficking, it has not necessarily translated into better protection of rights. Indeed, rights are often further violated during raids by police or by insensitive prosecution processes that do not provide adequate protection or support.

The criminal justice approach is clearly state-centred and security-driven, and we must continue to promote the protection of

human rights as the centre of anti-trafficking work.

Third, trafficking into sexual exploitation is still being given disproportionate emphasis in most countries. It is reflected in laws that only recognise serious exploitation in the sex industry as trafficking, in services that are targeted only at women from this sector, or in prevention strategies which focus only on young women.

Recognising that trafficking is a human rights issue that can affect all workers in informal sectors is crucial to challenging such exploitation.

Fourth, much anti-trafficking work is still taking a paternalistic approach to trafficked persons, rather than an empowering one, although this may be starting to change. Women who are 'rescued' from their situation are still being placed in closed shelters where they are given activities to do that are deemed appropriate but which may not be what they wish or need to learn. Prevention strategies also seek to keep women at home and control their behaviour, rather than give them support, advice and protection on their journey.

We need to continue to call for trafficked women and others who are affected by anti-trafficking work to be involved in developing the policies and programmes that seek to help them, and to challenge repressive strategies.

Finally, the three consultations have shown us that an extraordinary amount of work and thought, energy and care has been generated to challenge trafficking and empower the women, men and children affected by it. Many lessons have been learnt and strong bonds have been made. While continual self-reflection, cooperation and exchange of experiences is challenging when those working in anti-trafficking often do so in challenging circumstances, the three consultation processes have shown that this is possible.

COLLATERAL DAMAGE: Summary of the Report

According to the United Nations High Commissioner for Human Rights anti-trafficking measures “*shall not adversely affect the human rights and dignity of persons, in particular the rights of those who have been trafficked and of migrants, internally displaced persons, refugees and asylum seekers*”¹. However, human rights defenders have become more and more concerned that many strategies designed to fight trafficking have proven counter-productive for the very people they were intended to benefit.

The Global Alliance Against Traffic in Women (GAATW) has thus commissioned a research project exploring the ‘collateral damage’ that anti-trafficking measures have had on trafficked persons as well as on those at risk of being trafficked in eight countries across five continents. The conclusions point to loopholes in the global anti-trafficking framework and call for urgent improvements to ensure that trafficked persons do not become ‘victims of anti-trafficking’. The recommendations are directed at governments, policy makers, law enforcement officials, labour and human rights defenders, human rights bodies and institutions as well as at NGOs at national, regional and international levels. The report is a thoughtful reminder that the rights and interests of affected people need to be at the centre of any policy and practice intended to improve their human rights.

Introduction to this anthology and recommendations according to principles in international law which should guide governments in their choice of anti-trafficking policies and practices by Mike Dottridge, Editor of the report.

GAATW dedicates this anthology to migrant women and, in their name, calls for respect for human rights at home, abroad and on the way [Preface by Jyoti Sanghera, GAATW Board Member].

AUSTRALIA, by Elaine Pearson

Despite commendable efforts on the part of the Australian Government to deal with human trafficking, the focus has been predominantly on combating trafficking into the sex industry. Negligible attempts have been made at detecting trafficked workers in industries such as construction, agriculture, hospitality and manufacturing. Various cases were identified in these sectors of workers working in highly exploitative conditions. Some such workers had entered legally under a ‘457 Visa’ for semi-skilled employment. While the ‘457 Visa’ is meant to secure some level of protection for migrant workers, in fact, it can make it difficult for workers to leave exploitative work conditions, since the visa ties workers closely to their employers. There is a realm of exploitation of migrants on these visas and cases of severe exploitation on the grounds of ‘debt bondage’ - recognised as slavery under Australian Criminal Code - have been reported.

The Government offers a comprehensive schedule of support services and visa protection opportunities to those who are able and willing to assist the criminal justice process. However, temporary visas for trafficked persons are not made available until after the outcome of trafficking trials, thus causing more anxiety and stress for victims in the short-term. Where women and men who have been trafficked into Australia are reluctant or unable to cooperate, they are repatriated to their home countries, in some cases, with the requirement that they bear the expenses of their detention and removal on their own. Privatisation of support services to victims of trafficking has marginalised NGOs from victim assistance, policy making and implementation.

BOSNIA AND HERZEGOVINA, by Barbara Limanowska

To date, reported cases of human trafficking in Bosnia and Herzegovina have been concentrated in the sex industry. However, there is some evidence that human trafficking happens for the purpose of labour exploitation in other sectors of the informal economy too. The chapter also sheds light on the problems, which members of the Roma community face.

The anti-trafficking scenario in Bosnia and Herzegovina is shaped by a series of Memorandums of Understanding (MoUs) between the Ministry of Security, IOM and five national NGOs, setting out the rights and obligations for cooperation in providing assistance to trafficked persons. The agreements have proven to seriously impact the human rights of trafficked persons and hinder participation of NGOs in advocating for more suitable structures for the protection and security of trafficked persons. For instance, as a consequence of the conflation of trafficking with prostitution linked to the idea that prostitution is considered an offence against public order and punishable with prison sentences, trafficked persons have, under the guise of 'their own security', been offered a 'choice' of either being charged with prostitution or agree on being held in closed NGO shelters. The agreements, furthermore, apply only to foreign women trafficked into the country but do not include protective measures for returnees or persons trafficked within Bosnia and Herzegovina.

Women trafficked into Bosnia and Herzegovina returning to their countries of origin through organised repatriation have reported difficulties ranging from stigmatisation, criminalisation and re-victimisation as well as lack of protection and long-term support. The chapter author calls for better coordination between countries of origin and destination, for an accessible procedure to apply for refugee status on the grounds of humanitarian law as well as for Witness Protection Programs with relocations to third countries.

BRAZIL, by Frans Nederstigt & Luciana Campello R. Almeida

Awareness of human trafficking in Brazil is generally low. Victims of trafficking and slavery-like practices do not recognise themselves as such since many forms of severe exploitation - in a country with dramatic levels of social inequality and lack of work opportunities - are rampant. Despite awareness raising campaigns, human trafficking is limited to an international phenomenon happening solely for the purpose of prostitution, failing to make a difference between the voluntary or forced nature of it. They also do not reflect the reality of persons who are trafficked at the hands of family members or friends. Cases of internal trafficking for labour in soy and sugar cane plantations, for international drug traffic as well as into conflict situations in neighbouring Colombia still go largely unnoticed. The authors emphasise that as long as root causes such as poverty, lack of job opportunities and discrimination are not tackled, any anti-trafficking initiative will merely have a palliative effect. Nevertheless the Brazilian context also offers interesting future possibilities. Human trafficking is now on the political agenda with the promulgation of a *National Policy to Combat Human Trafficking*.

Concerns over lack of communication and coordination among different agencies in Brazil are raised. While in single cases they are able to offer some protection to victims of trafficking, they fail when protection requires some coordination and when it needs to be extended to family members.

The chapter further explores the impact of anti-trafficking measures on Brazilian migrant women. Research carried out at the international airport of Sao Paulo indicates that numerous women have been refused entry to European countries and are forcibly repatriated on the basis of suspected involvement in the sex industry. This points to an instrumentalisation of anti-trafficking measures to pursue restrictive immigration policies and an abolitionist agenda towards prostitution. This does not only have detrimental impact on the safety and security of the women concerned but it ignores the fact

that trafficked women and their traffickers often travel together.

INDIA, by Ratna Kapur

Anti-trafficking initiatives in India have emerged from debates surrounding the legality or illegality of prostitution and, as such, they display profound misunderstanding of the phenomenon of human trafficking. The conflation of trafficking with prostitution has led to the neglect of trafficked persons in other sites of exploitation as well as of men and boys. Women and minor girls have been treated equally, that has served to infantilise adult women. Anti-trafficking initiatives have had severe repercussions on the life of sex workers, women and children. Government policy addresses only internal trafficking, ignoring people from Bangladesh and Nepal who are trafficked into India as well as Indians trafficked to the Middle East for the purposes of factory work, performing in circuses, camel jockeying, begging, domestic labour, adoption, organ removal and marriage.

Sex workers have suffered enormous harm under anti-trafficking measures. Police officers have been more concerned with arresting and charging prostitutes (ignoring the difference between the voluntary or forced nature of their activities) rather than traffickers and have collaborated with traffickers, who 'pay' bails for the arrested prostitutes, causing them to fall into deeper enslavement. Children living in premises where prostitution is suspected are forcibly removed from parental care. Rescued prostitutes, even if placed in 'protective homes', are detained and forced to submit to medical examinations against their will while facing appalling living conditions.

In the name of protecting women from trafficking, the Indian Government has imposed restrictions on the emigration of women, particularly young unskilled or semi-skilled women. Such measures have served to push these women to migrate through clandestine means. The chapter provides evidence of how the security of the state rather than the security of the migrant has been foregrounded and the impact of this on migrants living in India.

NIGERIA, by Victoria Ijeoma Nwogu

Nigeria has taken a leading role in Sub-Saharan Africa for anti-trafficking initiatives. As one of the first countries to ratify the UN Trafficking Protocol, Nigeria has, in fact, adopted it beyond the requirements by including internal trafficking and stipulating severe penalties for offenders into national policy. In 2003 the Government enacted the *Trafficking in Persons Prohibition Law Enforcement and Administration Act* and in 2004 it set up a respective Agency² comprising among other departments an investigation unit and a legal department responsible for the prosecution of all trafficking cases in Nigeria.

Despite Nigeria's commendable initiatives, little improvement has been made in securing the human rights of affected persons. The Act is mainly oriented towards the prosecution of traffickers rather than victim protection, resulting in a low number of convictions. No effective protection is offered to trafficked persons and their families and trials are still held in public, seriously hampering a person's willingness to testify against their traffickers. To date, no restitution or other forms of compensation have been granted to the victims. Further, trafficked women can - ostensibly for their own security - be detained in shelters, with limited freedom of movement.

The legal conflation of trafficking with forced prostitution has led to the neglect of trafficking for other forms of labour as well as to the stigmatisation of women found to have been trafficked for sexual purposes. Measures aimed at protecting children from trafficking have resulted in severe restrictions on their freedom of movement. Further preventive measures have failed to financially empower target groups. Such practices follow from a short-sightedness towards the increasing poverty in Nigeria, which drives women men and children to leave their homes in the hope of better opportunities. The chapter also draws attention to the ineffective regulation of recruitment agencies, that

operate on their own terms - often involving abuse, exploitation and trafficking.

THAILAND, by Jackie Pollock

Thailand and the neighbouring countries have initiated many interventions, policies, laws and MoUs to combat trafficking. However, most have served to prosecute traffickers and repatriate undocumented migrant workers. Little or no progress has been achieved in the protection of the rights of trafficked persons or the regulation of safe working conditions. The lack of recruitment services for migrants from Cambodia, Lao PRD and Burma as well as inefficient recruitment services for Thai migrants have created dependency on an unmonitored network of brokers that bears the potential threat of abuse and exploitation.

This chapter points at some of the legal and structural deficiencies. For victims of trafficking and serious labour exploitation, protective measures, that entitle them to long-term rights and residence permits in Thailand, are not in force. Sentences against traffickers and exploitative employers are dismally low and inevitably send the message that exploitation of migrant workers is a minor crime. While the Ministry of Social Development and Human Security has, in recent years, made efforts to collaborate with NGOs in destination countries in Europe, there have been hardly any forms of collaboration in other regions. The chapter offers several examples of Thai women trafficked to other Asian countries as well to the Middle East where the Thai Government has proven incapable of providing them with any kind of support.

The chapter elucidates how human trafficking intrinsically happens where a weak labour framework is in place. It gives the example of the Thai Labour Protection Act which, despite offering protection to migrant workers regardless of their residence status, does not cover the sectors of the informal industries where most migrant workers are employed, such as agriculture, fishery industry and domestic work.

UNITED KINGDOM (UK), by Klara Skrivankova

While human trafficking has gained priority on the UK's political agenda, gaps persist in policies concerning protection of the human rights of trafficked persons. A strong focus on immigration offences has deviated the attention from human rights violations against migrants in the UK. The chapter provides a series of examples demonstrating how the conflation of anti-trafficking measures with restrictive immigration policies has brought about an inconsistent system for tackling human trafficking.

To date, the UK regards human trafficking as a problem of organised illegal immigration rather than as a human rights issue. On the one hand, the UK was reluctant to submit to European legislation aimed at combating trafficking by making better protection available to trafficked persons. The UK justified its reluctance on the grounds that immigrants might misuse provisions for victims of trafficking to extend their stay in the UK. On the other hand, the UK has financially supported activities and programmes to combat trafficking in countries of origin without matching this with efforts to stop labour exploitation in the UK itself and to raise awareness about the demand for cheap labour at the national level. Such an approach has led to the criminalisation of most trafficked persons who are punished for being undocumented, detained and forcibly deported without access to protection measures to which they are entitled under international law.

While the current anti-trafficking legal framework foresees measures to prosecute and punish traffickers, protection to trafficked persons is given on a case-by-case basis. This approach has failed to contribute to anti-trafficking legislation complying with human rights standards. Evidence shows that where trafficked persons have been treated as undocumented migrants, detained and subjected to arbitrary deportation, law enforcement officials have failed to recognise

that these people may reside in the country with legal status or may already be UK citizens. A lot now depends on the performance of to new police anti-trafficking units set up at the end of 2006.

**UNITED STATES OF AMERICA (US), by
Jayne Huckerby**

The indivisibility of prostitution and trafficking is reflected in all US anti-trafficking measures. This understanding, accompanied by a strong moralist approach towards prostitution, has been detrimental to the human rights of women, and in particular sex workers, both in and outside the US. While the US devotes extensive financial resources to anti-trafficking efforts, the benefit of these resources is severely undermined by its legal position not to fund projects or groups that promote, support or advocate the legalisation or practice of prostitution.

Cases of successful prosecution of traffickers in the US focus disproportionately on sex trafficking and remain disproportionately low compared to the estimated number of cases of human trafficking. The low rate of prosecutions is matched by a low rate of victim identification as well as assistance certification.

The chapter explores the background and implications of the Trafficking in Persons (TIP) Report, which the US Secretary of State submits annually to Congress. The author assesses the anti-trafficking measures of the US against the required standards on the basis of which countries around the world are being evaluated (through a ranking in different tiers) and concludes that the US falls short of these very same standards.

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HUMAN RIGHTS

AT HOME,
ABROAD
AND ON THE WAY