

## RECOMMENDATIONS FROM THE INTERNATIONAL MEMBERS CONGRESS (IMC 2007)

The first thematic session on November 5 focussed 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.

Again on November 8, a small group discussion was held to come up with concrete follow-up action plan on **Collateral Damage**. The following paragraphs summarize all the recommendations on **CD**.

### RECOMMENDATIONS ON COLLATERAL DAMAGE

It was clear from all the Working Groups discussions on November 5 that Collateral Damage has created a very useful resource. It is unusual for an anti-trafficking alliance to not talk about the abuses trafficked persons suffer in the hands of traffickers but through well intentioned efforts of governments and NGOs. Further all these negative impacts could have been avoided. We have to ask ourselves who the anti-trafficking agenda has helped.

- 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. We need to demystify trafficking and move into the context of defending migrants' rights.
  1. There should be clear policies on migration at the national and regional levels that do not restrict people from moving.
  2. 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.

3. 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.

#### **Further Recommendations on Collateral Damage on November 8**

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) Discuss the findings in national and international forums. Eg. Launch the findings of the report on Feb. 13-15, 2008 at the Vienna Forum. *(It was noted that GAATW is organising a side event on 12 December 2007 at the UNHRC and GAATW member WOREC is organising an event on 9 December in Nepal to discuss the report.)*
  - b) Set up a Working Group comprising members and authors to work with the IS to make follow-up plans and develop campaign strategies. Press releases, statements other communication materials with key messages will need to be prepared.

#### **RECOMMENDATIONS FROM THE SESSION ON SELF-ORGANISING (DAY 2, SESSION 1)**

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, gender, skin colour, ethnic group, religion, nationality. However, putting the rights based approach into practice and transform attitudes is a real challenge.

## **ACCESS TO JUSTICE (DAY 2, SESSION 2)**

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.

### **Some Challenges in Accessing Justice**

- 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.
- 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.
- Sending countries 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.
- 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.

### **Recommendations on Access to Justice**

- 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.
- There should be lobbying with countries of origin to provide minimum protection to workers.
- 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. A2J should not be conditional.
- Advocacy should target both governments and NGOs to make justice a priority.

- 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.
- 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?
  1. 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.
  2. There should be migration information centres in countries of origin and destination. Information should be in appropriate language and form. Most important is involvement of survivors in formulating strategies, their ideas and what they need, what information would be useful.
  3. Outreach work can be done by returnees; brokers play an important role as they have direct contact between employer and workers; use of mass media in sending areas; informative website.

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

**November 7** began the members congress with participation primarily of members, the board and working group members. In addition to discussion on the alliance strengthening process, participants also spent time talking about future advocacy plans, direct assistance and regional priorities.

### **RECOMMENDATIONS ON DIRECT ASSISTANCE (DAY 3, SESSION 1)**

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 or other agencies in different areas, even where it might be difficult to find organisations providing assistance specifically to trafficked persons.
- 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 emphasized. **It was recommended that the IS should do this secure database and revive the e-group on direct assistance and collect best practices on DA.**
- GAATW members should identify possible contacts in the same country or neighbouring countries as well as in countries where GAATW does not have a presence.
- There should be a special pro-active strategy for regions or countries where there is no GAATW contact but which might be a destination or origin point. Investigate and study these areas, form new contacts and try to set up support systems. This would include areas where civil society is very limited such as Burma, Middle East and China
- In time GAATW-IS could 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.

### **RECOMMENDATIONS ON ADVOCACY (DAY 3, SESSION 2)**

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.

Day 3 concluded with the majority supporting the recommendations on Direct Assistance and Advocacy sessions.

## **ALLIANCE STRENGTHENING (DAY 4, SESSION 1)**

**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.

### **Recommendations to member organisations to strengthen the Alliance:**

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 to strengthen the Alliance**

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.

**Recommendations to make the GAATW Board more representative and make the decision making process democratic**

1. Board members should represent the membership of a specific region. (This was questioned as some regions such as Asia wondered if North Asia should be just clubbed under Asia.) Experts (non-members) can be nominated to the consultative/advisory board by members or current board members.
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).
3. Members recommended formation of **two working groups** in early 2008 comprising members of the IS, board and the membership that will look into 1) democratizing the decision making process within the alliance and 2) the membership with a view to make it qualitatively stronger.

**Strengthening the Alliance in Africa**

Discussion also focused on Africa and members urged the IS to take proactive steps to give more focus to the region.

1. The first step would be to identify organisations and prioritise 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 access 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. 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.

#### **SETTING REGIONAL PRIORITIES (DAY 4, SESSION 2)**

The decisions taken during the **Asian Members 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.
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 decisions taken during the **European Members Group** meeting are as follows:

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



The decisions taken by the **LAC Members Group**:

Representatives from the LAC region agreed on the regional priorities decided previously already (both during the Regional Consultation in 2006 and during the planning phase in mid 2007) In addition, a regional meeting is planned for March 2008 and therefore, they felt that this would be a good forum to finalize the planning. The decisions are as follows:

1. Collateral Damage: in general, there is an important lack of information on trafficking at regional level and therefore, further research is needed (especially on the areas of trafficking for labour exploitation, and trafficking for marriage, soccer and modeling). We need to move trafficking outside only sexual exploitation and also, to be more active at the "political level" (activists).
2. Strengthen the REDLAC and expand it to countries where it is not represented.
3. Support the REDLAC in regional lobby and advocacy (through preparation of a handbook for regional advocacy, for example) at the OAS level and in other forums, and, if needed, to the members when doing national advocacy.
4. Regional consultations, to which non-members in the region as well as other organizations from destination countries (Europe, Asia) should be invited. Topics to address during these consultation should include Direct Assistance SoGs, AtJ
5. Expand the AtJ and Realizing Rights programmes to the region.
6. LAC members, to participate in the GAATW staff exchange programme and in the Working Groups that will be created.
7. Training (conceptual clarity, and gender and trafficking).
8. Sharing of information at regional level.

The decisions taken by the **Africa Members Group** meeting are as follows :

- Build the African membership through regional consultation and by informally approaching like-minded organisations
- Recruit a 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 of members should be at the same level
- UNIFEM is doing a lot in Ethiopia and Lebanon, may be collaboration is possible
- Disseminate findings of Collateral Damage in the region
- Carry out advocacy at the African Union to get a statement on trafficking
- Lobby the African Commission on Human Rights (to take a position on TIP and maybe in future a regional protocol)

