



Global Alliance Against Traffic in Women

Asia Regional Consultation

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CONSULTATION REPORT



TABLE OF CONTENTS

ACRONYM GLOSSARY	4
ABOUT GAATW’S REGIONAL CONSULTATIONS	5
OPENING PLENARY: Challenges to Realisation of Women’s Rights in the Asian Region and the Role of Civil Society	6
LINKING TRAFFICKING WITH GENDER, MIGRATION AND LABOUR.....	8
SUMMARY	8
INTRODUCTION TO LINKAGES BETWEEN TRAFFICKING, GENDER, MIGRATION AND LABOUR.....	9
THE LINKS BETWEEN TRAFFICKING AND MIGRATION.....	11
CLARIFYING THE LINKS BETWEEN TRAFFICKING AND MIGRATION	11
MAPPING MIGRATION AMONG PARTICIPANTS’ COUNTRIES, PARTICIPANTS’ OBSERVATIONS	13
PARTICIPANTS’ MIGRATION WORK	14
THE LINKS BETWEEN TRAFFICKING AND GENDER.....	14
CONTEXTUALISING ANTI-TRAFFICKING WITHIN THE WOMEN’S MOVEMENT	14
GENDER - TRAFFICKING LINKS IN PARTICIPANTS’ WORK, A GROUP DISCUSSION	15
THE LINKS BETWEEN TRAFFICKING AND LABOUR.....	17
UNITY FOR TRANSFORMATION	17
RE-VISITING LINKAGES	19
ADVOCACY	21
SUMMARY	21
INTERNATIONAL ADVOCACY.....	22
GAATW’S ADVOCACY WORK	22
<i>STOP, LOOK, LISTEN!</i> Advocating a review mechanism to the human trafficking Protocol	22
UNIVERSAL PERIODIC REVIEW TRAINING WORKSHOP	24
REGIONAL ADVOCACY	25
UNDERSTANDING ASEAN: ITS SYSTEMS & STRUCTURES.....	25
SOUTH ASIAN ASSOCIATION FOR REGIONAL COOPERATION (SAARC)	27
NATIONAL ADVOCACY	28
FROM LOCAL TO NATIONAL EFFORTS ON SAFE MARRIAGE AND SAFE MIGRATION AS ANTI-TRAFFICKING MEASURES	28
ELIMINATION OF HUMAN TRAFFICKING: AN ADVOCACY EXPERIENCE FROM CENTRAL JAVA-INDONESIA.....	29
URGENCY OF RATIFICATION OF 1990 UN CONVENTION FOR THE PROTECTION AND ENFORCEMENT OF INDONESIAN MIGRANT WORKERS’ RIGHTS	30
ENGAGING WITH THE NEPAL NATIONAL HUMAN RIGHTS COMMISSION ON ISSUES OF VIOLENCE AGAINST WOMEN	31
DISCUSSION ON MEMBERS’ AND ALLIES’ ADVOCACY PRIORITIES	32
USING THE MEDIA (TRAINING)	32
PSYCHO-SOCIAL ASSISTANCE: SELF-CARE FOR CAREGIVERS.....	33
SUMMARY	33
GAATW MEMBERS’ RESPONSES ON PSYCHO-SOCIAL CARE AND CAREGIVERS’ NEEDS	33
The ART 2 HEALING.....	34
DANCE MOVEMENT THERAPY	36
DISCUSSION.....	37
DOMESTIC WORKERS RIGHTS AND THE ILO CONVENTION ON “DECENT WORK FOR DOMESTIC WORKERS”	39
SUMMARY	39
GAATW’S WORK ON DOMESTIC WORKERS’ RIGHTS	39
THE PROPOSED ILO CONVENTION ON DOMESTIC WORK 2008-2011.....	40
DECENT WORK FOR DOMESTIC WORKERS, PRESENTED BY RETNO DEWI	41
ASOSIASI TENAGA KERJA INDONESIA-INDONESIA (ATKI-INDONESIA)	41
ORGANIZING THE MIGRANT GROUP: AN EXPERIENCE FROM WEDORO VILLAGE - INDONESIA	42
FOREIGN DOMESTIC WORKERS IN SINGAPORE	43
DOMESTIC WORKERS MOVEMENT IN NEPAL	44

MIGRANT DOMESTIC WORKERS IN THAILAND: OUR WORK IN DETENTION CENTRES,.....	45
SITUATION OF WOMEN MIGRANTS AND DOMESTIC WORKERS IN CAMBODIA,	45
IMPACT OF ANTI-TRAFFICKING LEGISLATION ON THE RIGHTS OF SEX WORKERS	47
SUMMARY	47
CAMBODIA’S LAW ON SUPPRESSION OF HUMAN TRAFFICKING AND SEXUAL EXPLOITATION	47
HONG KONG: CRIMINALISATION OF SEX WORK AND TRAFFICKING.....	49
THAILAND: ANTI-TRAFFICKING AND SEX WORKERS’ RIGHTS	50
DISCUSSION FOLLOWING PRESENTATIONS	51
ANNEX 1: AGENDA	53
ANNEX 2: LIST OF PARTICIPANTS	56
ANNEX 3: QUESTIONNAIRE TO MEMBERS.....	58

ACRONYM GLOSSARY

AATWIN	Alliance Against Trafficking in Women and Children
ACMW	ASEAN Commission on Migrant Workers
ACWC	ASEAN Commission on Women and Children
AICHR	ASEAN Inter-Governmental Commission on Human Rights
ASEAN	Association of Southeast Asian Nations
ATKI	Association of Indonesian Migrant Workers in Hong Kong or Asosiasi Tenaga Kerja Indonesia
BNP2TKI	<i>Badan Nasional Penempatan dan Perlindungan Tenaga Kerja Indonesia di Luar Negeri</i> or the National Agency for the Placement and Protection of Indonesian Workers
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CHRD	Center for Human Rights and Development
CWCC	Cambodian Women's Crisis Center
CWDA	Cambodian Women's Development Agency
CWISH	Children-Women in Social Service and Human Rights
FFW	Foundation for Women
GAATW	Global Alliance Against Traffic in Women
GAATW IS	Global Alliance Against Traffic in Women International Secretariat
GEFONT	General Federation of Nepalese Trade Unions
GFMD	Global Forum on Migration and Development
HIV/AIDS	human immunodeficiency virus/acquired immune deficiency syndrome or acquired immunodeficiency syndrome
HRC	Human Rights Council
ILO	International Labour Organisation
IMC	International Members Congress
IMWs	Indonesian migrant workers
IOM	International Organisation for Migration
LRC-KJHAM	Legal Resources Center - Untuk Keadilan Jender dan hak Asasi Manusia
MGEC	Mongolian Gender Equality Now
MOs	Member Organisations
MOU	Memorandum of Understanding
MTUC	Malaysian Trade Union Congress
NGOs	Non-governmental organisations
OHCHR	Office of the High Commissioner for Human Rights
SAARC	South Asian Association for Regional Cooperation
SEVA	Manav Seva Sansthan
TOT	Training of trainers
TWC2	Transient Workers Count Too
UN	United Nations
UNTOC	UN Convention against Transnational Organised Crime
UPR	Universal Periodic Review
USAID	United States Agency for International Development
US TIP	United States Trafficking in Persons (US TIP) Report
WG	Working Group
WORD	Women's Rights Development Centre
WOREC	Women's Rehabilitation Center

ABOUT GAATW'S REGIONAL CONSULTATIONS

GAATW's Asia Regional Consultation is the 4th and largest in our series of Regional Consultations, with 35 organisations and 60-65 participants present. The Regional Consultations are held to strengthen our Alliance, provide a space to get to know each other, share what we've learned through our work and plan joint actions. Each region's membership differs and each Regional Consultation has been unique. The 1st Regional Consultation was in Europe in October 2008 with approximately 18 member organisations in Europe, most of whom focus specifically on anti-trafficking work. In November 2008, we held the Africa Regional Consultation: Then we had only 4 member organisations (now we have 6 in the region). African members and allies came together and discussed each other's work, migration and other issues within the African context, and developed conceptual clarity on trafficking. In May 2009, we had the Latin American and the Caribbean Regional Consultation in Brazil, where members focused on Access to Justice.

GAATW's membership in Asia has the largest number of members and the widest diversity amongst members. What is it that is diverse and unifies us? We have members who are much more experienced than GAATW, much older than GAATW, but there are also small and new organisations. This region also has a sizeable number of what we call self-organised groups (groups led by women with direct experience of the issue they are working on). While this region's membership is extraordinarily diverse, all these organisations are working with women, working to ensure that the rights of different groups of women are protected by the state. So we are not starting with what is happening in trafficking but rather what is the state of women's rights in the places where we work - be it a state in India, in Nepal, in Mongolia, from each of the locations we work in - what are the challenges and opportunities that exist.

*- Bandana Pattanaik, GAATW International Secretariat,
2009 Asia Regional Consultation*

OPENING PLENARY: Challenges to Realisation of Women's Rights in the Asian Region and the Role of Civil Society

After Bandana's introduction to the Asia Regional Consultation, plenary speakers Jyoti Sanghera (GAATW International Board), Renu Rabjhandari (WOREC, Nepal), Vathany Sy (Cambodian Women's Crisis Center), and Batzaya Jamsrandorj (on behalf of GAATW's member organisations from Mongolia) presented their thoughts on the key women's rights issues impacting women's rights activists. Participants shared their thoughts and experiences from their countries. The key issues of concern from both speakers and participants focused on the use of women's morality in women's rights agendas and the impact of protectionist approaches on women's rights agendas. Speakers and participants also reflected on the 'projectisation' of women's rights movements and participants' work.

THE IMPACT OF MORALITY-DRIVEN AGENDAS AND PROTECTIONIST APPROACHES ON WOMEN'S RIGHTS

In her presentation, Renu from WOREC (Nepal) challenged the use of women's morality in Nepal's political agenda such as policy makers' moralistic view of women's bodies and framing people in sex work or people migrating for sex work as trafficked. Women's rights movements or anti-trafficking groups also became moralistic, and banning sex work became a big part of the agenda. In response, WOREC started to work on women human rights defenders issues as **marginalised groups started to be attacked as immoral**: "We held a hunger strike and we went out on the street in black petticoats (i.e. semi-naked) so we were seen as an immoral group...If we look carefully we see protectionist approaches towards women's rights and knowingly or unknowingly, women's groups are also supporting this **moral notion of women's rights**".

Vathany from the Cambodian Women's Crisis Center (CWCC) called for approaches that empower women and promote their right to earning an income rather than just protecting them. She also shared how **social ideas about women's morality acted as a barrier to legal justice and increased women's vulnerability to violence**: "Some people still think that violence is justifiable as discipline when a woman is considered not to be a good wife or mother. Women are frustrated when they are told not to file cases that would question their reputation when they seek help from local authorities in rape cases." In response, CWCC actively created space to talk about grievances: "We already have local authorities working in these places who think that this is the right thing to do - so why not build on that and create a space for women to talk?"

Lawan (Tuk) from Foundation for Women (Thailand) shared their experiences working with women who had returned to Thailand after working abroad. Many of the women she encountered had experienced violence and bad treatment overseas but were unable to access any kind of support in Thailand. In particular, **women who were forced into prostitution received very negative treatment when they come back**, even from the authorities who were supposed to help. The authorities criticized women for working in prostitution and refused to assist them, leaving many returnee women to deal with their trauma alone. She also argued that the Thai government is now **trying to control women's migration as a way to prevent trafficking**.

Participants from Indonesia and Nepal shared that their governments had issued **migration bans** for women to specific countries in the name of protection. However, rather than stopping abuse, such measures only criminalised women and increased risks during migration. Januka from Shakti Samuha (Nepal) explained how **gender-based discrimination pushed women to find work abroad** in areas where there is no protection for them. The Nepal government has banned women from migrating for work in the Gulf Countries but illegal channels are increasingly used. Januka further explained that as women migrate "illegally", the government and society argue that it is women's fault for migrating and blames them for any abuses suffered. Currently, there are government provisions to support women who have been exploited, harassed and trafficked, but the provisions have not yet been enacted.

Nelia from the Philippines explained how the Buhay Foundation was attempting to change law enforcement's focus on criminalising women working in entertainment establishments (arrest, detention). The Buhay Foundation is trying to address this through a **series of dialogues** in the Philippines to engage different groups, including NGOs that do 'raid and rescue'. Retno from ATKI (Indonesia) added that while the Indonesian government benefits from women's migration, the government has also taken a protectionist approach which violates the rights of migrants. She argued that **migrant workers' organising efforts were needed to change governments' protectionist approaches**: "As a migrant worker, me and many members of my organisation cannot find any regulations for protection in these policies...This means I have less power in bargaining with employers and the government. In this situation, we realise it is important for migrant workers to organise ourselves, we cannot face these issues without organising together."

In response to participants' shared experiences, Jyoti (GAATW Board) emphasised: "It is ridiculous for governments to pass these bans. By stopping women from working in bars, it is not because the jobs are bad but because there are no regulations or laws to help protect those workers...There is no country that does not have violations against women happening, so even preventing women from migrating does not mean that they will not face the similar exploitation in their own country." She argued that when governments interpret the rights agenda as **protectionist (disempowering) rather than protecting rights**, this protectionism aims to control the rights of women (for example by banning women from working in certain countries). Banning is not a solution but is more of a problem that forces migrants to go through alternative processes. Jyoti asked all participants to consider: **What concrete things do we mean by 'rights'?** What does it mean to have a response which is truly empowering?

'PROJECTISATION' AND REFLECTING ON OUR WORK

In their presentations, Jyoti (GAATW Board) and Renu (WOREC, Nepal) also challenged current trends towards issue-based organisations and the **'projectisation of movements'** rather than movement-building and mobilisation at the ground/national/international level. The 'projectisation of movements' refers to, among other things, the relationship between those who are able to give money (donors) and those who can implement the project and the impact reporting requirements have on work on the ground. In particular, anti-trafficking work has been a donor-driven agenda to a large extent, which *Collateral Damage* signaled. Jyoti asked: "What in our practice, when we of necessity have to take money, converts us into 'log frame ladies'? When are we going to get back to pushing the agenda on women's rights?" Renu explained that donors will take up only those issues which appeal to the government (such as peace-building and conflict transformation issues in Nepal) and that Maoists in Nepal are pushing identity politics very strongly: "We want these movements to grow but **between projectisation on one hand and identity politics on the other hand - how do we strategise** and how do we keep our women's movements' identity intact within that fragmentation?"

Vathany (CWCC, Cambodia) asked: "**How do we wake up people who pretend to sleep?**" and challenged what she saw as Cambodia's complacency for various rights: "When we talk about environmental issues in Cambodia, when we talk about change for land rights everyone comes together but when we talk about women's rights, we say 'let the women deal with it'." She argued: "If we had true partnership/engagement between civil society and states, we would have real progress. Unfortunately, what we find is that talk of women's rights and mainstreaming gender in national policy is the "in" thing to say but not to do".

Batzaya presented an **overview of women's rights in Mongolia** on behalf of GAATW's member organisations in Mongolia¹. She explained that women's rights at first glance is encouraging: "At university level, more than 70% of students are girls. 50% of the economically active population are women, and women are 51% of the employed workforce." Yet while the equality of women and men is guaranteed in legislation, the violation of women's rights is very high in Mongolia; gender-based violence occurs in domestic violence, sexual violence and rape, trafficking and prostitution. She argued that women's rights are violated because of ineffective government policy, poverty (36%), corruption, traditional stereotypes, and unemployment.

¹ Human Security Policy Studies Center, Gender Equality Center and the Center for Human Rights and Development

LINKING TRAFFICKING WITH GENDER, MIGRATION AND LABOUR

SUMMARY

It is important to understand how trafficking is linked to other issues (i.e. women's rights, labour rights and migrant rights): to ensure that anti-trafficking policies are not infringing on people's other rights, such as the right to mobility; to ensure that other government policies (e.g. migration policies, labour laws) are not negating efforts to counter trafficking; to increase advocates' effectiveness in handling ambiguous cases or assisting persons with multiple identities (e.g. refugee, trafficked person, migrant worker); to increase the range of possible remedies for trafficked persons (e.g. labour cases, filing for asylum); and to strengthen cooperation among diverse groups working to stop exploitation.

The links between migration and trafficking: Migration and anti-trafficking policies can adversely affect one another when migration is being restricted or 'managed' (especially women's migration) in the name of anti-trafficking. Individuals can be simultaneously perceived as a criminal (by the state) as an irregular migrant and a victim of trafficking. The more migrants are able to make informed decisions within a sphere of rights protections, power as women and freer migration possibilities, the less they will face indebted, coerced or forced situations in which a third party is involved in assisting migration and/or job brokering. Participants discussed the main migration issues they dealt with including: returnee migrant issues and the role of returnee migrants in assisting/educating prospective migrants; advocating to change government labour export policies; and safe migration methodologies to disseminate information to prospective migrants.

The links between gender (or in this instance, women's rights) and trafficking: Renu from WOREC Nepal started this session by contextualising anti-trafficking within the women's movement and how anti-trafficking efforts could either diminish or strengthen the women's movement's aims to challenge control of women's productivity (i.e. reproduction), migration and sexuality and also the importance to acknowledge and learn from successes in the women's movement. Participants noted that it still remains a challenge incorporating sexual rights or analysis of women's sexuality into labour rights spaces, even when women constitute a large portion of the global workforce. Other participants pointed out that governments were making problematic links between gender and trafficking by using the anti-trafficking discourse to justify restrictions on women's rights or by incorporating morality into anti-trafficking policies. Trafficking for the purposes of marriage was an issue Mongolian, Nepali and Indian organisations were dealing with. Participants also framed safe migration as a woman's issue. The issue of sex work was brought up during the gender sessions and remained a challenging issue for many participants: sex work as a work option for some women; complexities around discussing demand in relation to trafficking; and how sex workers are sometimes mistakenly identified as both trafficked persons or traffickers. Participants affirmed that there is a clear distinction between women and children.

The links between labour and trafficking: The intersections between trafficking labour occur in relation to issues such as the demand for cheap, exploitable workers; (lack of) regulation around informal labour sites; monitoring sites of bonded labour; monitoring child labour; regulating labour recruitment practices; enforcing labour standards and recruitment practices; and anti-trafficking partnerships with unions, employers and those lobbying for labour rights. Samar Thapa from the General Federation of Nepalese Trade Unions (GEFONT, Nepal) gave a presentation on GEFONT's work with Nepali migrant workers who experience a range of human rights violations and challenges in accessing fair labour migration opportunities such as inadequate government policies and legal protections; exploitative and deceptive recruitment agency practices; abusive employers; and a lack of support systems for workers who have experienced exploitation and/or abuse. Participants' responses to GEFONT's presentation challenged perceptions of migrant women's realities; how to expand spaces for women's involvement and women's issues in the labour rights movement; the organisation's analysis of women's divorce and family separation; and how to best protect migrant workers' rights in destination countries.

Clarifying linkages: After the linkages sessions, participants shared their understanding and their questions on the linkages theme and its implications for their work. Participants said they grappled with the concept of ‘linkages’ and how it impacted their work and the people they assisted but added that it became clearer through discussions on each other’s work. Other participants added that anti-trafficking links with other issues beyond gender, migration and labour, such as peace movements, internal displacement, land rights and peasants’ rights. Participants discussed ‘legal trafficking’ (or government’s indirect or direct role in trafficking); how to link these issues at the international level; how to bring in gender and feminism into labour rights spaces; women’s multiple identities, occupational mobility and geographical mobility; the differences between identifying victims of trafficking and undocumented migrants; and the links between all these themes, such as gender-based discrimination in government labour migration policies.

In summary, participants affirmed that there is a close link between trafficking, migration, labour, and gender but that they are also different from each other. For instance, there is a very thin line which can differentiate migration from trafficking, but migration is movement from one place to another whereas trafficking involves three elements (movement, means, purpose). From 1999-2009, there have been a good number of laws related to migrants enacted by different countries. However, anti-trafficking laws have also impacted people’s migration and sex workers rights. But we can fight trafficking by protecting the rights of all migrants.

Looking ahead, participants want to work together and campaign on one key issue around decent wage, job and dignity; encourage women’s involvement in trade union and increase awareness among trade unions on women’s issues; increase understanding on the links between trafficking, globalisation and global security; and continue the dialogue on linkages.

INTRODUCTION TO LINKAGES BETWEEN TRAFFICKING, GENDER, MIGRATION AND LABOUR

*“Trafficking without a wider context looks strange, and creates a strange fear”
- Rebecca Napier-Moore, GAATW International Secretariat*

As part of our anti-trafficking work, we are asking: (1) how is trafficking linked to other fields and (2) how is trafficking different from other fields? Rebecca from the GAATW International Secretariat presented an introduction to concept of ‘linkages’.

First, a refresher on concepts: *migration* is movement from one place to another (legal or illegal); *smuggling* is when one is moved illegally by a third party across borders for profit; *trafficking* is when one is *moved* and *exploited* by a third party. In the case of adults, via deceptive or coercive means. Trafficking can be legal or illegal movement, within or across borders. Migrants often find themselves in *forced labour* when they cannot freely leave a situation, if they are kept in the house/workplace and are forced to work under threat or violence or psychological coercion.

The distinctions between trafficking, smuggling and other forms of exploitation are important because different crimes have been committed and can be prosecuted. These concepts are mainly there for legal reasons. With trafficking, various criminal and labour laws are violated. With smuggling, immigration laws are violated. This affects our work, and how we take cases. Though we think all people have the same rights, in reality, victims of trafficking may have more rights under the law of the receiving country, e.g. temporary right to stay or to stay in shelter not detention. Though we think all migrants should have rights! This differs across different national contexts.

GAATW has always looked at trafficking in the context of labour migration, and has always focused on women, e.g. incorporating these linkages in our mission statement: *“GAATW promotes rights of women migrant workers and trafficked persons and believes that ensuring safe migration and fair work places should be at the core of all anti-trafficking efforts”*. In 2007, our research report, *Collateral Damage: The Impact of Anti-Trafficking Measures on Human Rights Around the World* found that anti-trafficking frameworks have had negative impacts on trafficked persons,

migrating women (e.g. imposing restrictions on movement), sex workers (raids) and workers from other countries (using anti-trafficking as an excuse for crackdowns on undocumented workers).

If there is collateral damage to women, to migrants, and to workers, we need to be able to see how anti-trafficking is affecting other groups as well as trafficked people and we need to be able to see how migration policies, work situations, and gender norms are affecting the groups we work with, including trafficked persons.

The aim is to place our anti-trafficking work in broader contexts. Anti-trafficking work is sometimes very specialised. But we need to pay attention to other measures and laws besides anti-trafficking as trafficked persons and the other groups we work with are affected by laws around migration and labour. We also need to ensure that other laws don't negate the progress we've achieved on countering trafficking, laws such as restrictive immigration measures, laws not allowing women to move, measures to raid brothels, crackdowns on workplaces where migrants are, building big dams that displace people, and agreeing to cut labour conditions in Export Processing Zones. Recognising the links between trafficking, migration, gender and labour will also increase our understanding of the root causes of trafficking as well as maximise advocacy capacities by connecting with sister movements. When we define our work so narrowly, we might be unwittingly closing our eyes to the exploitation that doesn't qualify as trafficking as some of the elements of trafficking are dependent on interpretation, difficult to prove or because only one or two of the defined trafficking elements are present in a particular case.

Some members are already linking trafficking with migration, gender and labour issues by undertaking work on safe migration as a trafficking prevention measure, increasing their understanding of national labour contexts, working with labour unions to work for better conditions or to take a trafficked person's case to a labour court, and using CEDAW to highlight discrimination against women, and now women migrant workers (under General Recommendation 26). Most of us work in many areas already and we want to encourage more groups to. Nelia from the Buhay Foundation (Philippines) noted that anti-trafficking advocates need to look beyond anti-trafficking laws (which can be very problematic) in order to provide assistance to trafficked persons.

Many participants agreed and discussed the linkages between trafficking, migration, gender, labour and globalisation (or power relations between the global North and South). However, participants from Jainaseni Secretariat (India), Shakti Samuha (Nepal) and AATWIN (Nepal) **shared their concerns about diluting trafficking issues by linking them to other issues** such as migration, gender and labour and maintained that linking issues should not confuse organisations' focus on trafficking, particularly as trafficked persons faced substantial social barriers, such as discrimination and stigma which is also part of anti-trafficking work: *"It might be different in other countries, but in Nepal, once you have been sold, your family doesn't look upon you positively. If you are victimised in other circumstances, the treatment you get is different. If you are victim of trafficking, you'll get different treatment. So it should be kept separate."* Social victimisation of trafficking survivors and the long-term physical and mental health effects of both trafficking and the following stigma around trafficked persons was stressed by Shakti Samuha (an organisation run by survivors) as a reason to keep the boundaries between trafficking and migration clear *"Those who were trafficked are victimised by society. We have experienced and know what that means."*

Rebecca and Bandana emphasised that yes there are differences between migration and trafficking, and that possibly by gaining rights for migrants, trafficked people might be better protected. There is a need to reflect on **whose interests are being served** by an isolated or by a broader perspective on trafficking - Is it in the interests of governments, or of trafficked persons, or of people migrating, or of women, or of sex workers or of workers in general? The categories of trafficked person, migrant, refugee, etc. are used by NGOs, activists, lawyers, migrating people, and government parties for different reasons. Advocates and practitioners must assess when we want to use them - and for what purpose?

Understanding broader contexts becomes even more critical when we encounter cases that do not fit neatly into one category. For instance, in April 2008, 54 Burmese migrants died in the back of a truck on their way to Thailand. Many of the surviving women were counted as trafficked and given assistance. Among the survivors all the men were defined as 'illegal aliens' and deported. The law has now changed and would more likely count them as trafficked if this happened today.

Exploited migrants, trafficked persons and other groups we work with may define their experiences differently, based on how they perceive their own experience and what uses (or risks) certain identities or categories have. Some see the trafficking definition as a way to stay in a destination country. Many in Thailand who are defined as trafficked don't want to be called that - it means being effectively 'detained' in a shelter for 0.5 -2 years. Is it worth being called trafficked? Many people opt to get deported. Some migrant women tell GAATW that they do not understand the categories - that they are often unjust: Why is one migration/work abuse worthy of attention and another not?

Anti-Trafficking Frameworks CAN BE useful. For some people they give a wanted exception to deportation. Anti-trafficking can flip the migrant from being law violator to a victim deserving justice and compensation. And sometimes justice and compensation are won in a rights-enhancing and empowering manner. While this works in the favour of a few, it also creates hierarchies among migrants: People who also suffer exploitation but do not quite meet all the criteria of a trafficked person are detained, deported or forced to go underground.

But we can increase our work's effectiveness by strengthening our capacities to understand, analyse, and utilise linkages. In terms of direct assistance, a service provider can assist a woman in making a decision to take or not to take a trafficking case forward; to file for asylum; or to file a civil law suit; or not at all. This same example applies to higher level advocacy. We can fight for trafficked and migrant women's rights by lobbying governments, regional and global bodies to better protect not only trafficked persons' rights, but also migrant rights generally, women's rights, and workers' rights.

THE LINKS BETWEEN TRAFFICKING AND MIGRATION

CLARIFYING THE LINKS BETWEEN TRAFFICKING AND MIGRATION

Presented by Rebecca Napier-Moore, GAATW International Secretariat

Stopping migration is not stopping trafficking but increasing the vulnerability of women, their vulnerability to violence. Everyday, there at least 2-3 chartered flights from Nepal that leave for the Gulf countries with some 500 men and women flying out as migrant workers to the Gulf. Some governments tried to stop the movement of women to some Gulf countries because of the abuse and labour law violations that were happening. However, research showed that the movement of women has not stopped when legal avenues are closed. Women continue to go through irregular routes which can increase the risk of trafficking. If stopping migration has not stopped trafficking, then what we need in order to stop trafficking is to stop the abuse and the violence.

It is important to distinguish migration from trafficking. Migrants are negatively impacted if all migration is equated with trafficking. Attempts to stop trafficking by stopping migration will not be effective and may even increase trafficking, as shown in *Collateral Damage: The Impact of Anti-Trafficking Measures on Human Rights Around the World*. But in order to stop trafficking, it is necessary and important to be informed about and to work towards safe migration.

Governments are already linking trafficking and migration but they're making a bad link between trafficking and migration by saying "if we stop migration, then we stop trafficking". **Migration and anti-trafficking policies can adversely affect one another** when migration is being restricted or 'managed' (especially women's migration) in the name of anti-trafficking. Sometimes in efforts to 'manage' migration, a government will curtail trafficked persons' internationally or nationally recognised rights. **Anti-trafficking policies can be problematic for migrants' rights** if trafficking is increasingly connected with 'irregular migration' (at GFMD for instance), if it is implied that clamping down on irregular migration will best address trafficking (when the opposite is true as more controls actually facilitate trafficking). **Migration management efforts can adversely affecting anti-trafficking efforts** such as when States promote a few opportunities for temporary or circular migration but maintain severe restrictions for those not entering through those limited

channels or when opportunities are greater for ‘skilled’ workers, but not for working classes, many of whom are women workers (who then are left with third parties to access better opportunities).

Because anti-trafficking policies affect migrants, we need to make them better and less restrictive in practice - less restrictive of migrants, of women, of sex workers. **Because all trafficked persons are migrants**, enhancing all migrants’ rights is important in reducing trafficking. The more migrants, especially women, are able to make informed decisions within a sphere of rights protections, power as women and freer migration possibilities, the less they will face indebted, coerced or forced situations in which a third party is involved in assisting migration and/or job brokering.

A migrant rights agenda tends to focus on the rights to migrate, to seek asylum, to freedom of movement, to translation, to health, to return to your country, to freedom from discrimination, to citizenship, to leave any country, and to livelihoods and development in home countries, among others. **A rights agenda in anti-trafficking includes** rights to compensation, to non-conditional assistance, to access to justice, to information, to remedy and redress, to freedom from forced or compulsory labour, to bodily integrity, among others.

Rights Tools and Perspectives Anti-trafficking Can Draw On from Migrant Rights:	Tensions:
Use of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	Sometimes lacking strong gender perspective
Viewing migrants as rights-bearers and agents, not as criminals	Difficult to navigate tensions within migrant rights movement, some groups seeing all migrants as forced
Not seeing strict exploited v. non-exploited migrant categories	
Fighting for the rights of ALL migrants, not just trafficked persons	Prioritising international and documented migrants
Placing attention on all sectors of migrant work	Tends to ignore sex work entirely
Showing agency and empowerment of migrants	Sometimes women migrants victimised in language used

Rights Tools and Perspectives Migrant Rights Can Draw On from Anti-trafficking:	Tensions:
Fighting against protectionism and victimisation in the way migrants and especially migrant women are treated	Crime dimensions of trafficking can take away from a rights-based approach.
Calling attention to women’s voluntary migration, women’s reproductive health, stigma attached to women migrants, culturally-laden family responsibilities	Some anti-trafficking measures have led to restrictions on migrants’ movement
Maintaining the special protections gained for trafficked persons, e.g. exemption in otherwise unfriendly immigration regimes	Often sensationalistic, which takes media and states’ attention away from the majority of migrants, who also need their rights met
	Internal divides in anti-trafficking are strong

One tool is the **International Convention on the Protection of all migrant workers and members of their families** (2003). Jyoti described it as an excellent Convention and truly a rights based Convention. It covers the entire migration process; it gives the right to live and enter the country of origin; the right to be free from torture, inhuman and degrading treatment; the right not to be held in slave-like conditions; and is applicable to all migrant workers without any discrimination. It is groundbreaking and radical in nature because it covers illegal processes, forced labour, and the demand for exploitative labour. The drawbacks are that it has only been ratified by a small number of countries, there is no enforcement and it is a very ‘messy’ document.

MAPPING MIGRATION AMONG PARTICIPANTS' COUNTRIES, PARTICIPANTS' OBSERVATIONS

HOW HAVE ANTI-TRAFFICKING LAWS IMPACTED MIGRATION?

- In India, trafficking is associated with sex work so when women travel or migrate, people assume that women are migrating for sex work. Women are then placed under India's ITPA or anti-trafficking prevention act.
- In Central Java, Indonesia, the local anti-trafficking prevention act (2008) restricts women and men who want to work outside of their village. Institute Perempuan (Indonesia) is conducting research on how these discriminatory laws are impacting women.
- In Indonesia, village leaders in Yogyakarta province have become much more strict in granting permission for women to migrate abroad for work. This is leading to falsifying documents.
- Istiatun from Yasanti (Indonesia) explained how local authorities were limiting anti-trafficking services to people within their own districts. Local authorities can issue regulations. She explained: "In my district, many have to move to another district where they are allowed to migrate to another region. So the first issue is that, when trafficking occurs, authorities don't want to help a victim because this person is not registered in the district. Another issue is that provinces and districts will deny responsibility for persons requiring repatriation by saying 'it is not our responsibility because the person is not from our district'".

HOW DO MIGRATION LAWS AFFECT TRAFFICKED PERSONS AND/OR TRAFFICKING?

- In Thailand, police look at the immigration law and define trafficked persons as illegal migrants rather than as victims of trafficking. The Thai government has also announced restrictions on registration policy which puts migrant workers at risk. Migrants have a certain time period to register as migrants, so middlemen offer assistance with registration processes for a lot of money. Foreign migrants are encouraged to register so they can access health and social security but this also increases the risk of being trafficked. The number of migrants has increased due to Thailand's MOUs with other countries and traffickers.
- In India, restrictive migration policies force people to travel through irregular means. Girls under 18 are not allowed to travel to other countries.
- In Indonesia, migration laws are pushing many middlemen and migrants to falsify documents.
- Immigration police have become stricter towards migrants crossing borders, leading to migrants having to cross borders illegally.
- Migrants are having to pay a lot of money to gain documents, and to pay brokers that will help them cross borders.
- Restrictive migration policies are providing many opportunities for brokers to benefit financially from migrants.
- Destination countries often see trafficking victims as undocumented migrants. Chhon from Legal Support for Children and Women (Cambodia) presented a case of woman who had migrated to Malaysia and was exploited in her work as a domestic worker. Because her work permit was tied to her employer, she became an undocumented migrant once she escaped her abusive employer. Although she was a victim of exploitation, the police detained her as an undocumented migrant.

WHAT MIGRANT RIGHTS ARE IMPORTANT IN YOUR COUNTRY?

1. Dignity of labour. Right to employment. Right to safe employment/working conditions.
2. Migrants' rights protection in the destination country and from the recruitment agency.
3. Right to collective bargaining, freedom to join a trade union.
4. Make labour contractors/recruitment agencies more accountable and enforce penalties.
5. Enhance transparency of migration policy. Free flow of information about migration (structure of placement fee, visa application) should be granted to all people, and in language that everybody can understand.
6. MOU between sending country and receiving country.
7. Reproductive rights for migrants in destination countries.
8. Right to job mobility and direct hiring, without requiring intermediaries such as recruitment agencies.

Retno from ATKI (Indonesia) also pointed out that working on migration issues also requires looking at the factors that necessitate migration, such as the lack of employment opportunities and gender discrimination, to name a few examples. Prathueng from Women's Rights Development Center

(WORD, Thailand) also talked about their migration work which included working with local volunteers in countries of origin and countries of destination.

PARTICIPANTS' MIGRATION WORK

RETURNEE MIGRANT ISSUES

Retno, ATKI (Indonesia): “When I’m organising in the villages or Jakarta, I face many woman who are not migrants but I know the situation is that **almost all women want to work overseas.**” Sichan from Cambodia Women’s Development Agency added: “Women want to go abroad and they raise their problems during the meetings we organise. Returnees share problems prospective migrants will likely face in destination countries. Some women return to build a house, some women will believe NGOs’ guidance but are **more likely to listen to returnee migrants.**” Lawan, Foundation for Women (Thailand) affirmed the value of sharing experiences: “Another lesson we learned working with trafficked returnees is that many of them don’t know where to go for help so we publish information for trafficked returnees. I think the challenging part is how to reach women we are not working with so we use different strategies including working with the media, talk shows, telephone hotlines. **And we encourage trafficked returnees to share their pre-migration, destination and reintegration experiences.**”

GOVERNMENT LABOUR EXPORT POLICIES

Retno, ATKI (Indonesia): “Our government sends Indonesians to work abroad to solve the economic crisis. The Indonesian government has revised the law on sending migrant workers abroad to make it easier to recruit more migrant workers to work abroad. Many recruitment agencies just want to send more workers but are not interested in protecting them. Workers are trafficked overseas. There are many high fees and it’s easy to take workers’ money away from them. ATKI takes on trafficking cases but the **traffickers are from the BNP2TKI office in charge of placement and recruitment of migrant workers as part of the government.** In Hong Kong, many workers are terminated because employers have lost their job. If they don’t want to go back to Indonesia, they have to pay high placement fees or escape to China or Macau (no placement fees are required to work in Macau). The global crisis has also resulted in many NGO workers have been terminated and have chosen to become migrant workers themselves.”

SAFE MIGRATION METHODOLOGIES

Legal Services for Children and Women (LSCW, Cambodia) emphasised that we can’t say ‘stop migration’ but we can try to educate women on how to migrate safely: “In Cambodia, **some migrant women don’t believe** the information we provide on safe migration, because they’ve returned home safely from undocumented migration”. Shan from Zi Teng (Hong Kong) also pointed out that how safe migration information delivered is extremely important. She stressed that there are so many problems around providing pre-departure information: “Educational levels can be quite low and some prospective migrants are illiterate. It’s a lot of information, and **we need to really think about different kind of ways to share this information:** How women can migrate safely when women think they are being stopped, inviting sex workers who’ve worked overseas to share their experiences. When experiences are shared by other women, women easily listen”. Pooja from Shakti Samuha (Nepal) talked about how her group met the chief at the district office to inform women during passport application processes, provided counselling by bringing in women who had gone abroad to share their experiences and to show that women are actually returning. Amarin from Gabfai (Thailand) shared how they used art and games to teach people about human rights, labour migration issues, globalisation and trafficking in an easy and funny way.

THE LINKS BETWEEN TRAFFICKING AND GENDER

CONTEXTUALISING ANTI-TRAFFICKING WITHIN THE WOMEN’S MOVEMENT, presented by Renu Rabjhandari of WOREC (Nepal)

Renu talked about **patriarchy** and control of women in three ways: productivity (reproduction only), migration, and sexuality. **Regarding productivity** she asked how to establish women’s work as work. That is an advocacy issue. **Regarding migration**, she noted that women’s movement is

restricted. Social ideas such as women as the ‘goddess of the house’ are used to curb their movements. Renu argued that agents are sanctioned by society to control women’s movement. Single women cannot get a passport without permission of a male family member. Due to a protectionist rule, Nepali women cannot go to Gulf countries as those countries are considered unsafe yet men migrate and come back economically independent and informed. Yet at the same time, women’s migration is used as a tool for financial gain by governments. **Regarding sexuality** Renu argued that “we don’t have control over our own body, so we get utilised by society. Morality becomes a tool to control women’s bodies. Many NGOs don’t want to touch that”. While economic empowerment is an important priority, Renu questioned whether enough was being done to deconstruct ideas of women’s sexuality that underpin migration and work trends for women.

“We have to look not just at what is going wrong, but **also look at what is going right**. Economic independence is one important priority among women’s rights groups. When looking at labour rights, we have to include women’s work sectors: domestic work, sex work, and other informal sectors. In the labour sector, workers, and among those migrant workers, and among those women migrant workers are the most vulnerable”. Renu concluded by affirming that we have to fight patriarchy, inequality towards women, by using our labour rights (women’s work is work), our migrant rights (women’s right to movement), and our sexual rights.

After the presentation, Transient Workers Count Too or TWC2 (Singapore) commented that a challenge in linking with trade unions would be the difficulty incorporating sexual rights or analysis of **women’ sexuality into Marxist organisations**. Renu pointed out that trade unions now are starting to include domestic work. Shan from Zi Teng (Hong Kong) also pointed out that NGOs need direction themselves on how to think about their own sexuality, as she sees that even safe sex NGOs have difficulty with that.

GENDER - TRAFFICKING LINKS IN PARTICIPANTS’ WORK, A GROUP DISCUSSION

Indonesian participants pointed out that governments were making problematic links between gender and trafficking by enforcing restrictions on all forms of women’s rights, with some of those restrictions implemented in the name of trafficking. TWC2 (Singapore) stated that not granting a day off for domestic workers in Singapore was a woman’s rights issue as it prevents women from exercising their rights.

MARRIAGE

Trafficking for the purposes of marriage was an issue **Mongolian, Nepali and Indian organisations** were dealing with. Ganbayasgab Geleg from MGEC (Mongolia) identified marriages between Mongolian women and South Korean men as a trafficking-related issue. GEFONT (Nepal) discussed **‘paper marriages’ between Nepali women and Korean men**. For instance, in one case, a woman arrived at the Korean airport where she was picked up and taken to a household where she had to take care of everyone in the family. She had originally paid more than 1 million Nepali rupees thinking she would have a better life.

Trafficking of girls and young women for the purposes of ‘fake’ marriage was the main form of trafficking described by **Gania Unnayan Committee (GUC, India)**. Usha from GUC explained that governments didn’t take this issue seriously with little effort to assist families when girls went missing. Sometimes girls were married to 4 brothers and sent to work in the fields during the day and providing sexual services for family members and houseguests. Part of GUC’s anti-trafficking efforts included empowering and organising adolescent girls as a trafficking prevention measure. **Lalita from Jajnaseni Secretariat (India)** further explained that girls can be trafficked out of the state, married and come back, sold twice, thrice, and returned. It then becomes very difficult for her to establish herself in her own community. For instance, she loses her voting rights and without voting rights, it is not possible to get a ration card which excludes you from public distribution systems (food at lower prices), she cannot get land or access to any public programs. When women return with children, children are not getting into schools, causing language difficulties.

RESTRICTIONS ON WOMEN’S MOVEMENT AND ORGANISING

GEFONT (Nepal) discussed women working as undocumented workers in other countries. Until 2 years ago, there were restrictions banning women from migrating to Gulf countries for work.

Because of the restrictions, women were not allowed to use the domestic airport so they had to go through India. The women migrating were typically less educated, had lower incomes and had less exposure to travel so they were at an increased risk of trafficking by having to go through India. After a long struggle over the past 2 years, women can now move legally: They can use the Nepali airport but still experience a lot of **harassment from immigration officials**. GEFONT explained: “When we meet with women returnee migrant workers, the problem is sexual harassment because it is a very private issue”. Most of the workers that have organised in places like Hong Kong and South Korea are men. Most women are undocumented domestic workers with no time to organise.

Lalita from Jainaseni (India) also framed **safe migration as a woman’s issue**. Their research found that most women migrating from Orissa are undocumented because of the patriarchal belief that women don’t migrate, only men migrate. The only labour migration registrar existed in the district labour office, mainly for men as the head of the family with little or no registration of women’s travel. In response, Jainaseni advocated for separate registration for women so they could benefit from interstate migration law.

SEX WORK

Because of the historical confusion between trafficking and sex work, there is still great stigma around a trafficked person’s identity. Istiatun from YASANTI (Indonesia) explained that they tried to avoid the term trafficking as Indonesian definitions of **trafficking were very tied to morality**. To facilitate work within district authorities, they used other words, such as women and child protection, in order to increase authorities comfort with these issues.

Shan from Zi Teng (Hong Kong) also pointed out how experienced **sex workers are sometimes perceived to be traffickers themselves** (if they have connections and information about where she wants to work). Women may embody various roles in trafficking processes that are hard to separate, e.g. agent, trafficker or facilitator.

Although sex work is spoken of by some as a “last resort”, it’s also important to recognise that for many women, sex work may present a better work option than other forms of labour (such as factory work, agricultural work). It’s important to recognise that women assess their options seriously and make decisions strategically based on the options available.

Participants talked about the **complexity in talking about demand** in relation to trafficking. On the one hand, participants agreed that demand was something that needed to be talked about but at the same, talking about demand is complicated due to the confusion around sex work and trafficking. The conflation between demand and trafficking (e.g. the Swedish model) and the criminalisation of clients was perceived to be obstructing anti-trafficking efforts, interfering with harm reduction approaches, contributing to exploitative environments and increasing the vulnerability of sex workers (e.g. due to police raids) by driving sex work underground. In addition, the emphasis on demand for commercial sex was perceived to exclude efforts to target the demand for cheap labour and forced labour.

DISTINCTIONS BETWEEN WOMEN AND CHILDREN

Participants also spoke about the need to guard against conflating women and children and to distinguish the distinct needs and capacities of women and children. Although the Human Trafficking Protocol outlines the two categories of women and children, interpretation of the Protocol and patriarchal ideas have sometimes fostered protectionist ideas only around women’s and children’s vulnerability. When women and children are conflated in anti-trafficking work, this can impinge on women’s right to self-determination by infantilising women and can ignore the distinct protection needs of children and young people.

Definitions of women and children will also impact the assistance that is provided. For instance, various Nepali laws define a child differently, with some laws defining children as persons under 14 and other laws defining children as persons 16 and under. The number of young women under the age of 18 and working in sex work is an extremely complicated issue; while participants advocated to remove children from exploitative environments, it is important that advocates also acknowledge some children’s needs to assist their families financially.

THE LINKS BETWEEN TRAFFICKING AND LABOUR

The intersections between trafficking and labour occur in relation to issues such as the demand for cheap, exploitable workers; (lack of) regulation around informal labour sites; monitoring sites of bonded labour; monitoring child labour; regulating labour recruitment practices; enforcing labour standards and recruitment practices; and anti-trafficking partnerships with unions, employers and those lobbying for labour rights. Jyoti (GAATW Board) stressed that civil society doesn't do that enough in anti-trafficking work: "Labour recruitment agencies are formally regulated but there is very little monitoring and regulation happening. Stakeholders were trying to control the women but there is very little work to actually control the regulation of agencies who are operating. And this is where the focus of anti-trafficking work really should be. So the labour framework definitely needs to enforce anti-trafficking work at every level. And the one group that is working in this area is certainly the lobbying of domestic workers around the ILO Convention on Domestic Work. There are some lessons to be learned from the organisation of domestic workers and how we are going to organise other sectors in anti-trafficking."

UNITY FOR TRANSFORMATION by Samar Thapa, General Federation of Nepalese Trade Unions (GEFONT Migrant Committee), Nepal

The General Federation of Nepalese Trade Unions (GEFONT) is **one of largest Trade Union Federations in Nepal** and is trying to merge 8 national federations in Nepal. It was established on 20 July 1989. GEFONT has 27 affiliated Trade Unions, and 330,619 members (as of April, 2009), 17% of whom are women and 83% men. Nine trade union councils are part of GEFONT from the industrial sector; garment-carpet and allied sector; transport allied sector; tourism sector; agriculture and plantation sector; education, communication, finance and service sector; non-agriculture informal sector; urban informal sector; and the health sector. GEFONT's work focuses on organisation-building, expansion and mobilisation of workers, social protection, women's leadership development and gender equality, campaigning for single unionism, labour law, international relations and foreign employment (campaigning for "One International Centre"), youth participation in the union movement, research, and economic self-reliance.

According to the Foreign Employment Department of Nepal, **there are 1,447,789 migrant workers** (with work permits) excluding those working in India. It's assumed that the same number of Nepali workers are undocumented in countries around the world. According to the National Institute of Development Studies (NIDS) around 2,000,000 women are working in two dozen countries. Around 150,000 Nepali women are working undocumented in Gulf countries.

Nepal is one of the major labour exporting countries in South Asia. The top destination countries are Qatar, Saudi Arabia, Malaysia, United Arab Emirates, Bahrain, Lebanon, Israel, Kuwait and Macau. **Major problems for Nepali migrant workers include** inadequate government policies/laws (domestic/bilateral/international) or no implementation of laws; and workers who are not trained, 'unskilled', uneducated, or undocumented. Agencies may often have fraudulent documentation processes, no awareness about workers' rights and legal issues, and demonstrate a lack of cooperation with employers and workers, and irresponsible actions towards Nepali migrant workers' conditions in countries of destination. Agents may often be unregistered or only appointed to threaten workers. There are an estimated 700-800 illegal recruitment agencies in Nepal and many informal agents or individuals traveling to villages to recruit workers. Employers have been reported for torturing workers, threatening workers, forced labour, pressured workers to work contrary to their contract, dominating workers, not paying or underpaying workers and maintaining an unhealthy working environment. Diplomatic missions are accused of not taking migrant worker issues seriously. Migrant workers can also face problems in countries of destination, particularly if there are no bilateral treaties, no responsibilities towards workers welfare, no humanitarian laws, or no ratification of international human rights instruments, etc.

Nepal has not ratified ILO Conventions 97 and 143, or the UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families yet. Lobbying has started for ratification and domestication of ILO and UN Conventions. Domestic laws related to

migrant workers are not perfect but are better than before and include the Interim Constitution of Nepal, 2006 (2063); the Foreign Employment Act 2007 (2064); the Foreign Employment Regulation 2007 (2064); and the Human Trafficking and Transportation (Control) Act 2007 (2064). The Constitution has recognised trade union rights such as the right to employment, the right to organise and collective bargaining, and the right to fair labour practice; however, the Constitution is silent on migrant workers' rights. The Foreign Employment Act 2007 contains provisions to make foreign employment "safe, well managed and decent" and regulates foreign employment agencies, agents, government bodies, migrant workers and regularises workers' selection processes, agreements, offenses and punishment, compensation and remedies, case investigation, etc. The Human Trafficking and Transportation (Control) Act 2007 (2064) prohibits human trafficking and smuggling of human organs of Nepalese people anywhere in the world. But the domestic law itself doesn't apply in destination countries, so migrant workers are still unsafe.

GEFONT for Migrant Workers started to organise Nepalese migrant from 1993. Support groups were established in some countries for migrant workers. GEFONT was involved in drafting and enforcing the Foreign Employment Act 2007, particularly around compensation for migrant workers to use for repatriation. We raised legal awareness and support of victims; worked with diplomatic personnel; launched a safe migration program for prospective migrant workers; built networks with national trade unions, trade unions in destination countries and civil society; and advocated for bilateral treaties between Nepal and destination countries. GEFONT encounters about one case each day of Nepali migrant workers in Malaysia and the Gulf, and has been able to solve 200. GEFONT has built up relations with local trade unions (e.g. in Hong Kong) and with civil society (e.g. Tenaganita in Malaysia) in countries of destination. They are starting to cooperate with other trade unions in Nepal on safe migration. In Malaysia, there are thousands of Nepali workers and we have organised them as a GEFONT support group. They are a very close part of MTUC (Malaysian Trade Union Congress). We also have a Nepalese migrant organisation in Korea and very close relations with KTCU in Korea (GEFONT has an office inside KTCU). There are thousands of Nepali women who are working as domestic workers. They don't have an opportunity to go out and we still have limited access to women workers.

Q & A

Participants' questions after Samar's presentation focused on and challenged perceptions of migrant women's realities. Participants asked how GEFONT reaches women migrant workers in the informal sector, shared the difficulties they experienced when trying to discuss equal wages with trade unions, spoke of the sexual exploitation some women experienced during reintegration, and challenged the value of 'stopping illegal migration' campaigns without increasing access to alternative migration opportunities beforehand.

The Q&A session presented a number of opportunities for women's rights advocates to work together with trade unions based on shared goals such as working for improved labour standards and safe migration. However, some challenges remain, particularly gender bias or trade unions' lack of awareness around women's rights issues. In GEFONT, the primary space for women's issues remains a separate women's council and a domestic workers union.

On campaigns to prevent divorce and prevent family separation: A participant from Mongolia shared that families are now allowed to migrate together instead of only individual male migrants. GEFONT answered that they advised migrant workers to migrate for a period of no longer than 3 years, and to come home once every three years if they stay longer. GEFONT argued that if migrant workers stayed longer, this affected family relationships such as wives seeking divorce. Another Nepali participant reacted to this with statements about patriarchy and a woman's right to divorce.

On efforts to protect the rights of migrant workers in destination countries: Remittances from Nepali workers contribute more than 25% of the national economy. GEFONT informs labour attachés in destination countries and maintains contacts in destination countries such as NGOs and shelter homes. EPS, a migrant trade union in Korea, held strikes for more than one year sitting in Seoul Cathedral to change the training visa but didn't address the worker as a migrant worker; there still was no freedom to change workplaces.

On the income migrant workers send back to their countries and GEFONT's work with returnee migrants: GEFONT replied that most are not successful in saving money and that those who migrated to South Korea were more successful and able to invest in land. GEFONT also added the most migrants in the Gulf spent money for their families' welfare.

RE-VISITING LINKAGES

I was thinking, it kept sounding as if we are looking at 'to link or not to link'. The choice is not for us. The linkages are there, they are linked. - Bandana Pattanaik, GAATW International Coordinator

The intersections between trafficking, gender, migration and labour are complex and at times, the line between linking and conflating can become thin. A concluding workshop was held on participants' reflection on the linkages theme and its implications for their work. For this session, questions were collected from all participants and answers were provided by Bandana. A second Q&A round followed. Participants said they grappled with the concept of 'linkages' and how it impacted their work and the people they assisted but added that it became clearer through discussions on each other's work. Some participants said they struggled or needed more clarification on specific issues such as the demand side of trafficking and paradigms on sexuality. Other participants added that anti-trafficking links with other issues beyond gender, migration and labour, such as peace movements, internal displacement, land rights and peasants' rights.

On 'legal trafficking': Retno (ATKI) from Indonesia explained how the Indonesian government's migration law can facilitate trafficking, particularly through the law that states that migrant workers can only access work through recruitment agencies. Many of these recruitment agencies are perceived to be violating the rights of migrants and indirectly involving the government in trafficking of migrant workers. Bandana replied that while the term has no legal base, it is a very interesting phrase for advocacy and to express anger towards government policy. When advocates realise that states are not fulfilling their human rights responsibilities (particularly states using out-migration as policy), advocates have to determine how and if to engage with the government, such as ATKI's lobbying work in both destination and origin countries.

On linking trafficking, gender, migration and labour at the international level: Bandana stressed: "These issues are already there at the international level. We do not necessarily link by working together, but at least by taking time to step back and see the broader picture. Linkages is not necessarily an advocacy issue, but for our own work and making sure that all the work we do doesn't harm the people we work for or that other things don't negate the effect of our work. NGO work is a big sector with more and more 'issue-based' organising which can result in 'tunnel vision'. For instance, after the tsunami occurred, many people lost so much and some anti-trafficking groups used this event to discuss how post-tsunami trafficking would increase - this is an example of 'tunnel vision'."

On bringing gender and feminism into labour rights: Participants asked various questions on how to link labour rights with women's rights, including how to encourage women to join trade unions, and how to encourage unions to address issues such as violence against women (VAW). Bandana replied that trade unions are one way of organising that have typically been very masculine and patriarchal spaces. The issue is how do you learn to converse with them and how to incorporate your issues with theirs, where is it possible to engage with them. She affirmed that looking at the history of movements would also provide some lessons for present advocates - Why did they organise? Why did they divide? On what lines did they divide? She stressed that advocates could learn a lot from unions and their mobilising power. There are also links with socialism and the women's movement. In some developing countries, there are many older links between feminism and Marxism. Istiatun (Yasanti) shared an example of a women's alliance in Yogyakarta, Indonesia, that linked labour and trafficking issues with health and environmental issues; an alliance where activists came together to broaden their perspective on their own work and share their thoughts on these issues. Bandana also mentioned an alternative women's union in Africa working with workers in the flower farming sector, a very effective group comprising 18,000 people.

On women's multiple identities: Shan mentioned that in Hong Kong, experienced sex workers are being labelled as traffickers. Bandana discussed how women might have multiple identities. GAATW's past research among sex workers, domestic workers and factory workers showed that out of 500 women, many had done all three types of jobs. This pointed towards **job mobility in addition to geographical mobility**. Within limited opportunities, women weighed their options and chose a particular job at a particular moment in time. The same applies to agents. An agent can be a helper to one woman, and a cheater to another. Earlier, Jata Shankar from SEVA (India) shared the difficulties identifying trafficked persons at the India-Nepal border as some migrants crossing the border could be migrants one day, trafficked the next. Jyoti (GAATW) added that traffickers' identities can be complicated too - in some contexts, traffickers may be locals trying to make a living selling women to a brothel; in other cross-border contexts, traffickers may be much more demonised (e.g. US, Canada).

On the differences between identifying victims of trafficking and undocumented migrants: LSCW (Legal Services for Children and Women) from Cambodia asked how linkages could be made between issues impacting victims of trafficking and victims of irregular migration. Batzaya from Mongolia described how many who lost their animals in a natural disaster had to migrate to urban centres for work. Women were not informed about working conditions or salary and had no freedom - does this constitute trafficking or labour exploitation? Sichan (CWDA) from Cambodia discussed how many undocumented migrants experienced violence and how undocumented migration issues were dealt with under the Cambodian government's MOU with the Thai government. Bandana asked participants to consider how organisations identify and categorise people and how they define people who have been re-trafficked. Lawan (FFW) from Thailand emphasised that people will always express their autonomy. Trafficking is often a solution to a problem; the cycle of trafficking and return continues if root causes aren't addressed adequately. She asked "who are the people being pushed aside?"

On the links between gender, migration and labour: One example for many of the participants related to gender-based discrimination in government labour migration policies; more specifically, some governments (e.g. Nepal, Bangladesh, Indonesia) banning women's labour migration to specific countries where women workers had suffered extreme abuse (such as particular countries in the Middle East and the Gulf). In these instances, rights became contradictory as government efforts to protect women's right to freedom from abuse infringed on women's right to work and women's right to mobility.

In conclusion, Bandana discussed the 'climate of fear' emerging in many countries and how this impacted the people participants worked with. For instance, fear of terrorist attacks, border checking, rise of fundamentalism and how state security concerns impacted aspects of people's lives.

ADVOCACY

SUMMARY

- **International advocacy:** GAATW International Secretariat discussed our current advocacy efforts for the creation of a review mechanism to the UN Convention against Transnational Organised Crime (UNTOC), the parent convention to the Human Trafficking and Smuggling Protocols as a means to assess the impact and effectiveness of governments' anti-trafficking policies and measures. A training on engaging with the Universal Periodic Review process was provided by the Office of the High Commissioner for Human Rights (OHCHR) which outlined upcoming report submission deadlines, guidelines and structures for reports and the review dialogue process as well as follow-up procedures. Members and participants discussed international mechanisms which they used in their work such as the United States annual Trafficking in Persons (US TIP) Report and the Convention on the Rights of all Migrant Workers and their Families (CMW) and Convention on the Elimination of all forms of Discrimination against Women (CEDAW).
- **Regional advocacy:** FORUM-ASIA presented their advocacy for the Association of South East Asian Nations (ASEAN) Intergovernmental Commission on Human Rights. Their main advocacy message now that the AICHR has been established is focussed on how to make it a stronger body through the appointment of independent commissioners with a mandate to proactively investigate human rights abuses, i.e. moving from human rights *promotion* to *protection*. Possibilities to integrate trafficking and migration issues into the work of AICHR were discussed. Renu Rabjhandari joined representatives from IOM to provide an overview of the South Asian Association for Regional Cooperation (SAARC), with a focus on utilising SAARC's Social Charter as an advocacy tool and highlighting the narrow definition of trafficking within the SAARC convention.
- **National advocacy:** 4 presentations on local advocacy contexts from Jajnaseni, India (efforts on marriage registration and safe migration as anti-trafficking measures), Solidaritas Perempuan and LRC KJHAM, Indonesia (trafficked persons' barriers to accessing justice and advocacy efforts for the Indonesian government's ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families) and WOREC, Nepal (engagement with the Nepal National Human Rights Commission on issues of violence against women) were shared. Members from the Cambodian Prostitutes Union and Action for Reach Out as well as representatives from the Asia Pacific Network of Sex Workers (APNSW) and Zi Teng identified police violence against sex workers, the harmful impact of anti-trafficking policies on sex workers and efforts to decriminalise sex work as their advocacy foci. CWCC highlighted how certain government structures and practices resulted in a legitimised form of trafficking ("license to traffic") and explained their advocacy on safe migration and regulation of recruitment agencies. CHRD talked about their efforts to improve anti-trafficking laws and advocacy around comprehensive rehabilitation services and foreign investment as trafficking prevention measure. WOREC spoke about their advocacy on labour rights for entertainment workers. From this workshop, participants suggested issues to inform advocacy messages such as: the need to de-link trafficking and sex work and to continue advocating for the rights of trafficked persons; as well as raising concerns about losing focus on anti-trafficking by making linkages with other movements and the possibility to send some cases to AICHR- for regional advocacy.
- **Using the media in our advocacy (training session):** Participants received training from GAATW friend, Rajashri Dasgupta on effective and ineffective media practices by NGOs. Rajashri stressed that NGOs needed to understand how the media functions in order to be effective in our media work.

The following actions were proposed from the advocacy workshop discussions:

1. For GAATW to conduct further consultation with sex workers and other self organised groups unpacking sex workers' human rights and violations of those rights as well as identifying advocacy strategies as anti-trafficking organisations in this area. One concrete proposal was for a forum for members who document cases of sex worker abuse to share examples and support sex

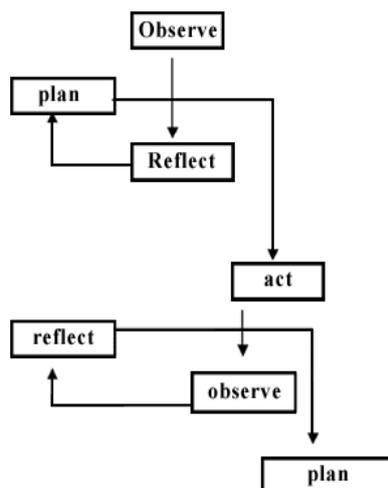
worker organisations in their work to prevent trafficking, e.g. empowerment, identification, safe migration information.

2. For civil society to conduct national reviews of anti-trafficking frameworks' implementation to look at the anti-trafficking measures and policies on trafficking at the ground reality. (We can use as reference here the findings and recommendations of *Collateral Damage* which looked at anti-trafficking measures of 8 governments and its impact on the ground).
3. For all to advocate an effective review mechanism to UNTOC, including its Protocols so that there would be an independent global overview of States anti-trafficking efforts which we might use to hold governments to account.
4. To continue to discuss and collate views on the US TIP report
5. To draft a joint statement on the SAARC Convention and SAARC's treatment of trafficking
6. To set up an e-group for advocacy so we can continue networking and share our plans on national, regional and international advocacy.

INTERNATIONAL ADVOCACY

GAATW'S ADVOCACY WORK, presented by Caroline Hames, GAATW International Advocacy Officer

From GAATW's beginnings in the early 1990s, advocacy has formed a core part of the GAATW research-action spiral. We continue to use this research-action spiral today:



- Observe - UNTOC and the Human Trafficking Protocol are in place but States are implementing anti-trafficking policies and measures that are negatively impacting migrant women.
- Reflect - Research into the impact of anti-trafficking initiatives, speaking to members and publishing *Collateral Damage: The Impact of Anti-Trafficking Measures on Human Rights Around the World* and presenting a series of recommendations to call on governments to address harms caused by anti-trafficking measures.
- Plan - Actions based on *Collateral Damage* recommendations to governments, National Human Rights Institutions, and civil society organisations.
- Act - Advocacy with governments to use evidence based approaches in anti-trafficking responses, assess whether their work is having a positive or negative response on trafficking, and now to advocate for a review mechanism to UNTOC.

GAATW advocacy is based on synergy at national, regional, international levels such as identification of advocacy priorities at the national level by Member Organisations, sharing advocacy priorities and strategies, and collaborating on regional and international action between the International Secretariat, Member Organisations and regional and international mechanisms.

STOP, LOOK, LISTEN! Advocating a review mechanism to the human trafficking Protocol, presented by Caroline Hames, GAATW International Advocacy Officer

UNTOC (2000) includes the Protocol for the Prevention, Suppression and Punishment of Trafficking in Persons, especially Women and Children (Human Trafficking Protocol) and the Protocol Against the Smuggling of Migrants by Land, Air and Sea (Smuggling Protocol).

The Human Trafficking Protocol defines trafficking as the **act**: the recruitment, transportation, transfer, harbouring or receipt of persons, **by means of**: the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person **for the purpose**: of exploitation. Exploitation at a

minimum includes: exploitation of the prostitution of others, other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs. The approach taken to trafficking within the framework of this convention is one of crime control rather than rights-based.

Now almost 10 years on from initial negotiations for the Human Trafficking Protocol it has 132 signatories or ratifications. GAATW's advocacy since the Protocol entered into force in 2002 to the present day has included the National Advocacy Project involving national campaigns for ratification and briefings on appropriate implementation and the production and publication of *Collateral Damage: The Impact of Anti-Trafficking Measures on Human Rights Around the World*, which concluded that, in their implementation of anti-trafficking frameworks States are failing in their obligations to respect, protect and uphold human rights and monitoring and evaluation of States' work on trafficking which would include civil society input does not exist.

The publication of *Collateral Damage* highlighted a need for a review mechanism that could be used to assess the positive and negative impact of anti-trafficking policies and measures and to assess whether the Protocol was meeting its objectives to combat trafficking. A review mechanism is a structured and on-going process to review how conventions and protocols are being put into practice, assesses whether a Protocol or Convention is meeting its objectives and if appropriately developed, it could help enforce government accountability.

GAATW is advocating for a Review Mechanism through our campaign entitled *Stop, Look, Listen*. We are calling on States who have ratified or signed UNTOC to...

- **Stop:** Reflect on both the progress made to date on human trafficking and the gaps which remain;
- **Look:** Review legislation, policy and practice which has been implemented or used to combat human trafficking; and
- **Listen:** Evidence based approaches must guide anti-trafficking responses; trafficked persons and civil society must be included to ensure their views inform State Parties' responses.

At the 4th Conference of Parties of States to UNTOC in October 2008, a Working Group was established to discuss a review mechanism. In June 2009, GAATW sent the *Stop, Look, Listen* advocacy action pack to members. From June to September 2009, GAATW members met with their respective governments and signed the petition. The first UNTOC Working Group meeting was held between 28-30 September 2009 when States discussed the idea of a review mechanism and possible options for review. GAATW will continue with the campaign for a review mechanism at the second UNTOC Working Group meeting to be held in January 2010 and at the International Crime Congress in April 2010. A further decision in this regard will be made at the 5th Conference of Parties to UNTOC in October 2010.

GAATW believes a review mechanism could help focus the Human Trafficking Protocol on human rights and has developed 5 key guiding principles to an effective review mechanism: (1) civil society engagement; (2) review of implementation and impact of implementation on human rights; (3) country visits; (4) independent experts; and (5) sustained funding. Common features to all review mechanisms include a self-assessment checklist or report, review of report - either conducted by peers, a secretariat or independent experts and a dialogue between review group and States Parties. Good features in some review mechanisms include: individual or group complaint procedures, mandatory involvement of civil society, formula for civil society interaction with treaty body, open constructive dialogue, inclusion of information from a wide range of sources in the final report and a follow up on recommendations made in the final report.

The whole universal periodic review compels action. - Bishaka, Jainaseni (India)

The **Universal Periodic Review** is a process through which every country's progress on human rights issues is assessed. Every 4 years every State is reviewed through this mechanism and must then implement the recommendations and agreements through that process. It's a cycle and a process which it is hoped over time will improve human rights protections across the world.

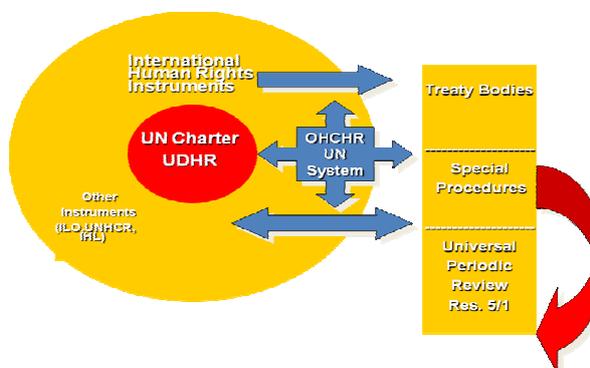
The Universal Periodic Review is located within the **Human Rights Council (HRC)** which is a subsidiary body of the General Assembly composed of 47 UN Member States. It is based in Geneva and meets for at least 10 weeks per year for special sessions.

The **basis** of the Universal Periodic Review includes: the UN Charter, the Universal Declaration of Human Rights, human rights instruments to which a State is party, voluntary pledges and commitments made by States and any applicable international humanitarian law. All 192 UN Member States are examined by the UPR mechanism. The **periodicity of the review** for the first cycle is 4 years with 48 States considered per year. So far, 80 countries have been reviewed. According to the calendar of reviews: India and Indonesia were reviewed in 2008, Cambodia will be reviewed in the 6th session, Mongolia will be reviewed in the 9th Session in 2010 and Nepal will be reviewed in the first quarter of 2011.

Documentation: There are 3 reports, one from UN, one from civil society and one from the State. The **State** is supposed to prepare a report (based on consultations with stakeholders) following general guidelines (Annex HRC Decision 6/102), not exceeding 20 pages and submit it 6 weeks before the review. This should cover the entire 4 year period since the first review. **OHCHR** has to compile a 10 page report based on information in the reports of UN human rights treaty bodies, UN Special Procedures and other relevant official UN documents (including relevant observations and comments by the State concerned). Then we have the **stakeholders** report which is all NGO, civil society organisations, National Human Rights Institutions, academics. OHCHR then compiles this into total 10 page report. Stakeholders are encouraged to submit information to OHCHR and this should highlight the key issues of concern, offer recommendations and/or best practices, use professional and not abusive language, and only include first-hand accounts (not secondary sources) and information that is verifiable and specifically tailored to the UPR process (i.e. not utilising other reports that have been submitted to other separate committees). Stakeholders submissions in that summary report must be very brief (5 page maximum) unless it's a coalition of national organisations (who are allowed up to 10 pages). This must be submitted in a standard format and cover the 4 year period and provided to OHCHR 5 months before the actual review and should be sent to uprsubmissions@ohchr.org. States have to submit their reports 6 weeks before and everyone else a lot quicker than that. The deadlines are so short because the OHCHR prepares a 10 page summary of all submitted reports which gets submitted to Member States. People can use the information they submit to CEDAW or other treaty bodies but it must be tailored to the UPR format; if submissions don't follow the UPR format then key bits of information might get lost.

Best practices for methodology and consultation: The State report should stress the methodology used and the consultation undertaken. Consultations should be conducted with various State departments as well as established National Human Rights Institutions and human rights NGOs. Consultations should take place at the start of the process. The **stakeholder reports** must include information on the domestic framework for the promotion and protection of human rights including: the nature of the State; international human rights obligations; incorporation of

Human rights sources, systems and mechanisms



international treaties in domestic law; constitution and major human rights legislation; the national human rights protection systems; and government mechanisms to follow up on recommendations of Special Procedures, etc. Aspects that should be considered are: equality and non-discrimination; civil and political rights and fundamental freedoms; personal liberties and security; torture, and other cruel, inhuman or degrading treatment or punishment; administration of justice; economic, social and cultural rights; women's rights and gender equality; children's rights; and promotion and protection of the rights of specific groups. UPR reports are also meant to highlight achievements, best practices, challenges and constraints such as: constitution and legal reforms; official training and education in human rights; public awareness-raising and engagement; and actual human rights protection.

The UPR Review Process involves: (1) the UPR Working Group of the Human Rights Council which is 47 Member States; (2) Troika (system of 3 Rapporteurs who are appointed to a particular countries process, selected at random); (3) report of the UPR Working Group consisting of a summary of the interactive dialogue, including recommendations and conclusions of delegates to which the State will give its views concerning the recommendations and conclusions and make voluntary commitments as necessary at any stage of the process; (4) final UPR documents comprising the Working Group report, voluntary commitments made by the State, replies presented by the State to other raised issues, a summary of the views expressed on the outcome of the review by the State, and the Member and Observer States of the Council, and general comments made by other stakeholders; and (5) adoption of the UPR outcome by the Human Rights Council plenary (stakeholders have a chance to give comments). It's a 3 hour review, all of this effort goes into that 3 hour review, one hour for the State to present their report and receive questions and 2 hours for interactive dialogue. Other stakeholders can attend and be witness to that review. Then 48 hours later the Working Group takes 30 minutes to adopt the report.

The content of the outcome report includes: An HRC assessment of the human rights situation in the State; positive developments and challenges faced; best practices; emphasis on cooperation for the promotion and protection of human rights; recommendations for the provision of technical assistance and capacity-building in consultation with the concerned State; voluntary commitments and pledges made by the country; recommendations that the State supports and other recommendations.

In a sense, **the most important phase is the follow up.** The outcome of the UPR, as a cooperative mechanism, should be implemented primarily by the State concerned and, as appropriate, by other relevant stakeholders. The subsequent review should focus on the implementation of the preceding outcome. The international community will assist in implementing the recommendations and conclusions regarding capacity-building and technical assistance, in consultation with, and with the consent of, the country concerned. And in considering the outcome of the universal periodic review, the Council will decide if and when any specific follow-up is necessary. After exhausting all efforts to encourage a State to cooperate with the Universal Periodic Review mechanism, the Council will address, as appropriate, cases of persistent non-cooperation with the mechanism.

REGIONAL ADVOCACY

UNDERSTANDING ASEAN: ITS SYSTEMS & STRUCTURES, presented by Yuyun Wahyuningrum from FORUM-ASIA

Aims and purposes: ASEAN was established in 1967 to accelerate economic growth, social progress and cultural development in the region and to promote regional peace and stability through abiding respect for justice and the rule of law in the relationship among countries in the region and adherence to the principles of the UN Charter. It now consists of 10 countries (the Philippines, Vietnam, Malaysia, Singapore, Thailand, Burma, Laos, Indonesia, Cambodia and Brunei).

From 1967 to 2008, ASEAN has changed from being **state-centred to becoming more people-oriented**. In 2003, ASEAN leaders resolved that the ASEAN Community shall be established

comprising three pillars, namely: ASEAN Security Community, ASEAN Economic Community and ASEAN Socio-Cultural Community. The new ASEAN Charter ratified by all in 2008 mentioned that enhancing peace, security and strengthened values in the region were key. We noted that strengthening democracy and enhancing good governance and rule of law as crucial. This is not the first time that ASEAN has included human rights in a body - in 1993 they committed to having a Human Rights Body in the 'Vienna Declaration and Plan of Action' which arose out of a meeting in Vienna, Austria to which ASEAN representatives took discussions on 'Asian Values' and highlighted their distinct nature from 'Western values'. Governments are now more comfortable that the inclusion of the promotion and protection of human rights and fundamental freedoms does not constitute losing 'Asian values' to 'Western values' but there's still a long way to go.

The establishment of the **ASEAN Inter-Governmental Commission on Human Rights (AICHR)** was mandated by Article 14 in the ASEAN Charter. From July 2008 to July 2009, a High Level Panel of 12 members (although ASEAN has 10 countries) met monthly and the first draft of a terms of reference for AICHR was submitted to ASEAN foreign ministers during the 14th ASEAN Summit in February 2009. The final draft was adopted during the 42nd ASEAN Ministerial Meetings in July 2009. Although there were a couple of compromises (e.g. such as reduced emphasis on protection), AICHR was seen as a mechanism that would evolve over time. The Terms of Reference, Political Declaration and Members of this body will be announced at the 15th ASEAN Summit in October 2009.

The Political Declaration is the guidance or political blessing from leaders offered to the terms of reference. The Political Declaration was developed during August and September only. As the terms of reference are weak, the AICHR needs independent and strong commissioners to move the process forward, however not all countries will have a transparent selection process (only Thailand and Indonesia have agreed to a transparent selection process so far). The **Terms of Reference** place promotion of rights first, then protection. The wording of the Terms of Reference is also not as strong as it should be, for example instead of including country visits, they have just included country 'studies'. Trafficking and migration have been identified as 'thematic issues' within the work of AICHR. There is also no guarantee of independence and effectiveness of AICHR - particularly concerning appointments, removal, mandate, financial autonomy, or the secretariat. The Terms of Reference give the Secretary-General of ASEAN the power to bring relevant issues to the attention of AICHR (Art. 7.1).

Important articles are Article 4.6 on the elimination of violations against women, Articles 4.8 and 4.9 ensuring women's voices are heard, Article 4.10 on obtaining information from women on women's rights situations, Article 4.12 on having thematic reports, Article 6.6 on the Annual Meeting of AICHR, and Article 6.8 guaranteeing that AICHR is the overarching human rights institution within ASEAN.

AICHR as a toothless body: Ten members from 10 member states will serve 3 year terms, it will be chaired by country which occupies the ASEAN chair at the time. Representatives are accountable to the appointing government (Art. 5.2) and can be replaced at any time by their government (Art. 5.6) but are asked to act impartially according to the ASEAN Charter and Terms of Reference (5.7). Decision making is by consensus and consultation. Members will meet twice a year. If we look at this structure, we see that we need strong staff for the secretariat. The other important article is Article 6.9 which states that AICHR shall work with all ASEAN sectoral bodies dealing with human rights to determine the modalities for the ultimate alignment with the AICHR; this includes the ASEAN Commission on Women and Children, the ASEAN Committee to Implement the ASEAN Declaration, and the ASEAN Commission on Migrant Workers (ACMW).

Civil society involvement is included in the ASEAN Charter. During the 12 month discussion and development period, the High Level Panel of ministers met with civil society on 5 occasions for consultations. From 2008-2009, there were also 16 national consultations and 6 regional consultations from 9 countries and different thematic issues; 3 inputs submitted to the High Level Panel and 1 submission sent to the Australian Parliament; national, regional and international lobby activities were conducted; 3 interface meetings with High Level Panel; and a coordination meeting with other groups was conducted to see a commonalities of the inputs.

The problem is that the Terms of Reference has been confidential for a year so no one can comment. Confidentiality becomes very powerful when it comes to practice. Three interface meetings with the High Level Panel have been carried out but after some of these we felt very hopeless and defensive. We suggested that non-interference should be followed by something unrelated to human rights; if it doesn't concern human rights then there shouldn't be interference but they said that civil society does not understand the international relations doctrine. The debate has not been healthy as governments have seen themselves as the parties with the answers.

To address this, we had a public campaign with a clear message that has been covered extensively by the media; two of our representatives were rejected at the ASEAN summit which became a story for the media. We learned that we needed a clear singular message so we called for an ASEAN Human Rights Body with **teeth (accountable, independent, effective)** which was very offensive for ASEAN governments who have been accused of being toothless tigers for so many years. We have written many open letters endorsed by 278 signatories. Trust building is a big challenge as governments distrust civil society and civil society distrusts governments. Numbers, representation and pluralism matter. It's important to identify and assess allies regularly and divide roles among allies, e.g. who will lobby high level officials, who will deal with media, etc.



In ASEAN, there is no specific mechanism to address trafficking specifically, only an unused declaration on trafficking (2001) so civil society will have to lobby the AICHR, ACMW and ACWC to call for the inclusion of trafficking issues. The AICHR will be established in October so groups should meet with the commissioners in January 2010 (an important month for engagement) and ask them to include this as a priority issue. The ACWC Working Group has also agreed that trafficking should be taken as one of the priority issues for ASEAN. The first draft of the Terms of Reference for the ACWC will be developed in November 2009. **Advocating for a human rights framework for trafficking will be more challenging** than incorporating trafficking as a criminal justice issue. Even though trafficking cuts across all 3 ASEAN pillars, if trafficking is seen as an issue involving men, it's likely to come under the political security pillar, if it's seen as an issue about women and children, it's likely to come under the social and cultural pillar.

SOUTH ASIAN ASSOCIATION FOR REGIONAL COOPERATION (SAARC), presented by Sarat Dash from the International Organisation for Migration (IOM)

The SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution entered into force in December 2005 following ratification by member governments. A resistance network in 1996 first initiated the call for a regional convention to prevent trafficking and during the same year SAARC ministers put forward a paper on this issue. During the 9th SAARC meeting, trafficking was incorporated into the agenda due to the advocacy and lobbying efforts by SAARC groups. At the 9th SAARC meeting, there was discussion about the **limitations of this convention** but it was signed in 2002. The major limitation is the singular focus on trafficking for the purposes of prostitution and it does not make a distinction between trafficking and voluntary migration. It also fails to make adequate distinctions between women and children, does not address the needs of women who choose not to repatriate, lacks provision for victim compensation and adequate monitoring mechanisms.

IOM has been trying to undertake a regional research study with the Asia Development Bank to **look at the institutional framework and accountability mechanisms of the SAARC Anti-Trafficking Convention** at regional and national levels and develop a strategy paper designed as a tool for civil society. In August 2008, SAARC invited civil society representatives from 6 different countries for a regional consultation to see how the process could be taken forward. It was proposed that there would be a regional consultative group followed by national coordination groups who would assess

the Convention from a national perspective and form a lobby group at the national level which would ultimately feed up to the regional lobby. When the proposal was submitted to all SAARC governments only 3 countries endorsed this proposal.

IOM's study has come up with some recommendations and the assessment report will be presented at the 2009 SAARC summit in Sri Lanka. Our recommendations include: (1) SAARC should expand the title and scope of the Convention to include all persons who are trafficked and all forms of human trafficking in the region (not only for the purposes of prostitution); (2) support SAARC member states to harmonise their anti-trafficking legislation; (3) ensure more comprehensive recognition and protection of the rights of trafficked persons; (4) strengthen regional cooperation in implementing the convention and adopt specific measures to increase interstate cooperation in relation to legal cooperation and interdiction measures; (5) support SAARC secretariat to develop a resource centre; (6) amend the convention to establish an independent treaty monitoring process.

The development of the SAARC Anti-Trafficking Convention has only been possible because of continued pressure from civil society. A lot of activities took place within civil society groups, starting with the initial draft. We tried to have different groups at different meetings to convince our government that in this region trafficking isn't happening only for the purpose of forced prostitution but governments were still reluctant to engage. I don't think there was one civil society group in the region that was happy with this convention. Although civil society pressured for a broader definition of trafficking, there was a lack of coalition efforts among anti-trafficking groups in the region and government concerns about US TIP reviews led to cooperation with and domination by anti-prostitution groups backed by anti-prostitution government donors (such as USAID): "If the government has done work with USAID money they get a better rating in the US TIP report - they felt they should work with USAID-funded groups so that USAID would know we are working on this."

Renu Rabjhandari, WOREC (Nepal) noted that, **aside from SAARC's weakness as an advocacy tool, one of the serious limitations of the SAARC Anti-Trafficking Convention** is that it couldn't acknowledge the complexities within anti-trafficking practice, for example, young children who are trafficked into another country but who do not want to return to their home country or sex workers who want to continue working in the sex trade or people who wanted to migrate abroad but were trafficked. Civil society has argued for amendments but it hasn't been functional. India has only resisted broadening the mandate to include issues other than trafficking for the purposes of prostitution. She noted that the Social Charter was a better instrument for advocacy and highlighted her advocacy in this area as well as planned initiatives.

Although not legally binding, she noted that this clearly specifies the root causes of trafficking, human rights consequences of trafficking, poverty and economic progress as important issues so perhaps this is an avenue for civil society. The Ministry of Women in Nepal has become very involved in the SAARC process and has started to put elements of the Social Charter into their discussions on trafficking. Other lobbying efforts have focused on efforts to create a SAARC reintegration fund or a fund to support repatriated migrants in starting a new life. She also identified the Asia Pacific Forum for Human Rights as another body that was willing to engage with civil society on anti-trafficking issues.

NATIONAL ADVOCACY

FROM LOCAL TO NATIONAL EFFORTS ON SAFE MARRIAGE AND SAFE MIGRATION AS ANTI-TRAFFICKING MEASURES, presented by Bishaka from Jainaseni, an anti-trafficking network organisation in Orissa, India

Initially, we chose 2 foci for advocacy: marriage registration and safe migration. Since trafficking is seen in a human rights framework and understood in the broader context of women's rights, it becomes easier to build alliances with other women's rights groups and raise support for the issue. What we've realised is that building alliances with other groups and networks are necessary if advocacy is to succeed.

The issue of marriage is very important in the eastern part of India and we think many girls and women are trafficked into unregistered marriages². In the 1990s, we didn't know what trafficking was but still saw young girls being married into the eastern part of India, an area with different languages and cultures. Marriage is like salvation for young girls in Indian culture, every parent wants their daughters to be married, by any means. When we urged parents not to give their children away for marriage, they resisted.

So then we suggested **marriage registration as a way to prevent and track unregistered marriages** and to stop trafficking of women and children into marriage. The government has not made marriage registration compulsory due to a lack of infrastructure for such a vast population but we are trying to show that local infrastructures such as local women's organisations can be an alternative mechanism to support marriage registration. So we've developed and distributed a simple registry form and oriented self-help groups and *panchayat* representatives (local government) on marriage registration procedures; held mass meetings on the advantages of marriage registration such as prevention of unregistered marriages, domestic violence, dowry torture and prevention of child marriage; lobbied the government for marriage registration on the basis of their commitment to CEDAW, Article 16; and aligned with other state level and national level women's organisations who are also lobbying for compulsory marriage registration. Since 2006, the Orissa government has enforced marriage registration. Marriage registration has helped with many things, including addressing age of marriage because people can no longer lie and marriage for purposes of dowry only also began to decrease.

Our safe migration campaign and advocacy work is grounded in women's right to mobility and right to work. Although India requires people to document and register their travel between states, we learned through consultations with migrating women that people often migrate without documents and without registering beforehand. And those who have registered themselves with the labour department have typically only registered the male head of the family, still leaving women and children vulnerable. To address this, we have met continuously with government officials from the law department, the labour department and trade unions to discuss including women and children independently in migration registries; developing IEC materials on safe migration (such as postcards that can be mailed to the NGO in the area to seek help); organising meetings with migrant workers on what kind of precautions they have to maintain to ensure their safety at the destination point; and protesting protectionist approaches to migration (such as protesting government bans on railway ticket sales to migrants).

One participant questioned whether migration registration requirements was a protectionist measure but Jainaseni saw **migration registration as a women's rights issue**. Currently, only men are recognised to be migrants but Jainaseni is urging the government to recognise women as migrants and individuals rather than an appendage of a man's family. Jainaseni explained that they saw safe migration as a trafficking issue and talked about the migrant workers they encountered who, while not trafficked, were in extremely exploitative, "trafficking-like" situations that required intervention and assistance as a labour rights issue.

ELIMINATION OF HUMAN TRAFFICKING: AN ADVOCACY EXPERIENCE FROM CENTRAL JAVA-INDONESIA, presented by Evarisan, Legal Resources Center - Untuk Keadilan Jender Dan Hak Asasi Manusia (LRC-KJHAM Indonesia)³

Indonesia has 4 national instruments to deal with trafficking: (1) Law No. 7 (1984) on the Ratification of the Convention on the Elimination of all forms of Discrimination against Women (CEDAW), Article 6; (2) Criminal Code, Article 297; (3) Law No. 23 (2002) on Child Protection, Article 83; and (4) Law No. 21 (2007) on the Elimination of Criminal Act on Human Trafficking. The 2007 Law on the Elimination of Criminal Act on Human Trafficking obligated the State: to protect the privacy and identity of victims of human trafficking; to provide information and support on trial processes so victims' concerns would be considered in criminal trial processes; to provide physical,

² It should be noted that marriages are not legally required to be registered in India. Some advocates feel that it is easier to take cases of problematic marriages as abuse cases rather than trafficking.

³ For more information, visit: http://www.gaatw.org/index.php?option=com_content&view=article&id=539:lrc-kjham&catid=127:Asia&Itemid=5

psychological and social recovery services, in partnership with NGOs if needed, and to provide education, skills training and working opportunities; to guarantee the legal system in giving opportunities to trafficking victims to receive compensation or restitution from the losses they incurred; to protect trafficking victims from re-victimisation; to protect witnesses and/or victims; and to issue policies, programs, activities, and allocate financial resources towards prevention and case management. The law also states that receiving countries or sending countries have the obligation to repatriate trafficking victims to their country of origin.

Despite these national instruments, from the 68 human trafficking cases handled by LRC-KJHAM during 2006-2009, only 1 case resulted in a court decision in favour of the trafficking victim(s) receiving compensation for lost wages. The other cases did not result in restitution.

The **obstacles victims face in accessing justice** include: law enforcement bias and/or conceptual confusion around trafficking identification; law enforcement defining exploitation as a physical or criminal issue rather than a psycho-social issue; a lack of a restitution mechanism; law enforcement difficulties identifying trafficking cases according to the 2007 Law No. 21 on the Elimination of Criminal Act on Human Trafficking; and lack of effective coordination within the Witness and Victims Protection Institution. And although the government has issues Minimum Standards on Services provided to trafficked persons (SPM), these do not incorporate a gender-based, child rights and human rights perspective; for example, the “legal aid for victims of human trafficking” includes “legal aid from the police department, general attorneys, and judges” but excludes pro-bono lawyers and paralegals.

To address these obstacles, we have been consulting with the police and general attorneys and assisting case management throughout court processes. Law enforcement is only using the Law on Child Protection or the Law on Placement and Protection of Migrant Workers or the Criminal Code but are not using the Law on the Elimination of Criminal Act on Human Trafficking.

Our recommendations for improving anti-trafficking law on Indonesia are:

- Orient Law No. 21 (2007) on the Elimination of Criminal Act on Human Trafficking to law enforcement and at the grassroots level.
- Optimally use the law enforcement mechanism, because until now, only very small numbers of traffickers have been sentenced with Law No. 21 (2007) on the Elimination of Criminal Act on Human Trafficking.

URGENCY OF RATIFICATION OF 1990 UN CONVENTION FOR THE PROTECTION AND ENFORCEMENT OF INDONESIAN MIGRANT WORKERS’ RIGHTS, Presented by Riska, Solidaritas Perempuan (Women’s Solidarity for Human Rights), Indonesia⁴

In the last 12 years, the numbers of Indonesian Migrant Workers has continuously increased. Presently, there are more than 6 million Indonesian citizens who work abroad, 80% of whom are women domestic workers. Domestic work remains the single most important source of income for women with low levels of education in Indonesia. In 2008, approximately Rp. 86 Trillion in remittances was sent back to Indonesia and according to the latest global statistics, \$283 billion USD to developing countries. Migration is becoming increasingly feminised due to increasing poverty, impact of structural adjustment policies (SAPs) on the national economy (e.g. reducing social services as enforced by the World Bank), women’s desire to improve their living standards, obligations to family, gender-based discrimination determining employment options for women in countries of origin and destination and the importance of migrant remittances for home country economies.

Migrant workers are extremely vulnerable to human rights violations

Pre-departure	On Site	Repatriation
Document forgery	Unpaid salaries	Deportation
Isolation	No paid day off	Deception
Recruitment fee is too expensive	Heavy workload and long hours	Extortion

⁴ For more information, visit http://www.gaatw.org/index.php?option=com_content&view=article&id=541:solidaritas-perempuan-&catid=127:Asia&Itemid=5

Debt bondage	Retained passport by employer	Discrimination
Inadequate information training	Physical and psychological abuse	Lack of medical care
Unofficially employed	Lost contact, over contract.	Psychological abuse
Personal documents held by recruiting agency	Breach of contract	No Crisis Centre in the Post Arrival
Sexual harassment	Trafficking	
No health guarantee	Lack of health and work safety information	
Physical and psychological abuse	Death	

Based on our meetings with NGOs and government, there are **4 aspects to Ratification of International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990)**: (1) substance or recognising that migrants are social beings with families and communities and including both documented and undocumented migrants under rights protection; (2) mechanisms; (3) National Action Program as the Convention should have been ratified by 2005 according to the 2004-2009 National Action Program but wasn't, a delay that was also noted by UN Special Rapporteurs, the CEDAW committee and other international bodies; and (4) State sovereignty, as government resistance is due to concerns that they will have to protect their citizens in other countries.

Currently, we are **lobbying for ratification** by campaigning using strategic cases; raising public support through rallies, media road shows and joint petitions; initiating a multi-stakeholder dialogue to strengthen the government's commitment to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; organising an Indonesian migrant workers' summit; and lobbying stakeholders and legislative members.

Our recommendations for future action are to: encourage ratification in the year 2009 according to the Human Rights National Action Plan and National Legislation Program; formulate lobbying and advocacy strategies at the national, regional and international level based on the results of the 2009 post-election; identify the root of resistance of the Ministry of Manpower on ratification; identify partners from the government such as the Foreign Affairs Department, Ministry of Women Empowerment, Department of Immigration (Director General of Human Rights), Coordinating Ministry of Wealth, and Vice President's office; organisational collaboration in strategising advocacy between migrant workers, civil society, and migrant workers; and integrate advocacy of all stakeholders at national and regional levels.

ENGAGING WITH THE NEPAL NATIONAL HUMAN RIGHTS COMMISSION ON ISSUES OF VIOLENCE AGAINST WOMEN, presented by Joytsana Maskay, Women's Rehabilitation Center (WOREC)⁵, Nepal

Nepal's National Human Rights Commission was established in 2000 as a statutory body and became an independent and Constitutional Body by the Interim Constitution of Nepal 2007. There are 2 separate Commissions for Dalit issues and the National Women's Commission. The National Human Rights Commission handles complaints, conducts hearings and investigations, issues public recommendations, consults with relevant government bodies and collaborates with NGOs.

Violence against women: From April-July 2009, WOREC documented 1221 cases of violence against women involving domestic violence, physical torture, psychological harassment, sexual violence (rape), murder, and trafficking. 83% of the perpetrators were male and 15% of the perpetrators were female. In 2008-2009, 80 cases were reported to the National Human Rights Commission.

WOREC engages with the National Human Rights Commission at district (WOREC has office in five districts) and national levels. **Areas for improvement** in addressing violence against women include: there is a lack of gender sensitivity; lack of commitment to addressing violence against women (violence against women is not seen as a political issue, women submitting complaints are not taken seriously); processing of complaints is inefficient; investigations are slow and insufficient;

⁵ For more information, visit:
http://www.gaatw.org/index.php?option=com_content&view=article&id=469:worec&catid=127:Asia&Itemid=5

and there is limited collaboration between the National Human Rights Commission and NGOs with NGOs typically taking the lead in identifying and following up with cases and complaints.

DISCUSSION ON MEMBERS' AND ALLIES' ADVOCACY PRIORITIES

Participants from **Asian sex workers organisations** - the Cambodia Prostitutes Union, Action for Reach Out (Hong Kong), Zi Teng (Hong Kong) and the Asia-Pacific Network of Sex Workers - had similar advocacy priorities focusing on addressing police violence against sex workers, working towards decriminalisation of sex work and the harmful impact of anti-trafficking laws on sex workers. In addition Action for Reach Out (Hong Kong) also identified migrant workers rights as a focus as migrant women are excluded from legal sex work activities and negative legislation which has endangered sex workers in Hong Kong by forcing them to operate indoors and individually, there have been increases in murders of sex workers as a direct result. The Asia-Pacific Network of Sex Workers (Cambodia) also identified protesting against mandatory testing for HIV and STDs as an advocacy priority.

The **Cambodian Women's Crisis Center** identified 4 main issues: (1) documenting policies that criminalise undocumented migrants, leading to unsafe migration practices; (2) the need for stronger regulation of recruitment agencies, right now it seems like a "license to traffic" as the government will provide a license to an agency for the right fee but do not actually regulate them, and holding the recruiting agencies accountable means holding the government accountable; (3) corruption and conflict of interest in government; and (4) advocacy outreach in the community with local authorities (police, community leaders, village leaders) to help identify and advocate about gender-based violence.

Women's Rehabilitation Center's (WOREC, Nepal) advocacy focuses on their safe migration campaign, advocating for their government to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and has been pushing for the labour rights of entertainment workers who are often at risk of internal trafficking.

The **Center for Human Rights and Development (CHRD, Mongolia)** focuses on advocating \ for better laws on trafficking, specifically to amend the article of the criminal code following the ratification of the Human Trafficking Protocol (May 2008) and to push for the inclusion of victim protection law within anti-trafficking law, specifically to include financial and psychological compensation, rehabilitation services, and prosecution. CHRD's advocacy efforts also include advocating for foreign investment and job development as a means to prevent trafficking.

Participants also discussed **the US Government Trafficking in Persons report or the TIP report**. Caroline provided an overview for the report's motivations and processes. Participants discussed the accuracy of their specific countries' narratives in the 2009 TIP report. Whilst some countries such as Indonesia and Cambodia noted good points for advocacy with their governments, participants collectively rejected the US review and called for an UN administered review instead.

USING THE MEDIA (TRAINING)

Rajashri Dasgupta critiqued the way in which NGOs engage with and relate to the media. She emphasised that NGOs needed to understand how the media works in order to be effective. Other suggestions included: not writing lengthy press releases, aiding media in their research in order to incorporate our perspective; not taking media relationships for granted; and continuing to educate the media and nurture long-term relationships.

PSYCHO-SOCIAL ASSISTANCE: SELF-CARE FOR CAREGIVERS

SUMMARY

Providing care and support to persons who have suffered trauma is extremely demanding work that requires practitioners and community workers to work intensively with other people's experiences of trauma. This becomes potentially more challenging but also potentially more rewarding when caregivers are women who have experienced and survived trauma themselves. Many of our member organisations in Asia provide direct assistance to trafficked women and several member organisations consist of women with previous histories of trauma who are now counseling others. Therefore, based on members' experiences and feedback, we included a session in order to increase participants' understanding of self-care issues and the impact of intensive carework on service providers' health and well-being, and to introduce some creative methods service providers could use to process their experiences, increase self-awareness and reduce the risk of burnout. The creative methods introduced are grounded in the belief that the creative process involved in movement and art also leads to healing and is life enhancing. One such methodology is Dance Movement Therapy through which a person can engage creatively through movement to further their emotional, cognitive, social and physical integration. It is practiced as both individual and group therapy which entails education and social service.

FOLLOW UP ACTION PLANS

Participants agreed that follow up action should be to hold a Training of Trainers (TOT) including needs assessment, planning sessions, training, follow-up and evaluation to achieve the following objectives: (1) to provide conceptual clarity on psycho-social care and on alternative psycho-social care therapy in relation to empowerment of women and children who are trafficked victims and caregivers; (2) to increase skills in using alternative psycho-social therapy for trafficked persons and caregivers; and (3) to conduct trainings at the national and local levels.

Participants also noted advocacy around psycho-social care in their follow up plans, such as: promoting and advocating the lessons learnt from the national/local trainings; holding a series of dialogues in different national and regional foras; documentation and publication (video, posters, leaflets, etc.); and coordinating workshops. These activities would (1) influence policy makers to understand the importance of psycho-social care for victims of trafficking; (2) influence society particularly NGOs to understand the importance of psycho-social care; and (3) integrate psycho-social care within human rights based services for victims.

GAATW MEMBERS' RESPONSES ON PSYCHO-SOCIAL CARE AND CAREGIVERS' NEEDS, presented by Bandana Pattanaik, GAATW International Secretariat

Advocating for the rights of trafficked women particularly on access to psycho-social assistance has been at the centre of our work. In preparation for this workshop, the International Secretariat collected information from member organisations in Asia and Europe, the 2 regions with the greatest number of organisations providing direct care to trafficked persons. Of the 100+ members in GAATW's membership, 70 member organisations provide psycho-social care for women who have been trafficked or abused (some with both women and children, and a much smaller number with just children).

GAATW member organisations were asked what do they notice about women who have been abused and how do they, as service providers, respond:

What do you notice?

- Women feel afraid, ashamed, guilty, angry, confused, 'crazy', helpless, worried
- Women find it difficult to trust others
- They try to make use of people
- Some women sexualise everything

What do you do?

- Provide emergency/immediate support such as counselling and basic care and then refer to other professionals e.g. doctors and psychotherapists. Respondents said that psycho-social care should be handled by

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| <ul style="list-style-type: none"> ➤ They become clinging or overdependent on others ➤ Sleeping disorder, self-mutilation ➤ Some people get exhausted or faint when they see the color red | <ul style="list-style-type: none"> experts and taken carefully. ➤ Use techniques like art therapy, visualising, relaxation, metaphors and stories. ➤ Provide long term professional care in several steps - crisis intervention (3-8 meetings), psychological counselling (longer term), individual empowerment. ➤ Some responded that they can't do anything except basic counselling due to resource constraints. |
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Participants also pointed out that trauma needs to be recognised along a continuum (of which PTSD or post-traumatic stress disorder is an extreme) and within a particular context or circumstance (where a trauma response may be an attempt to adapt to an extreme circumstance). Participants warned against over-medicalising trauma issues and emphasised that psychological and social care are only effective when integrated with each other and tailored to individual needs. Participants also reflected on the need to make sure shelters or safe homes didn't contribute to women's psychological problems and the emotional difficulties women might face through the assistance process (e.g. long waiting periods for court cases).

As caregivers work intensively with other people's trauma and recovery needs, it is important that caregivers take time and effort to deal with the intense emotions they work with every day. We asked caregivers and service providers among GAATW members what they did to care for their own emotions and the challenges they experienced in looking after themselves and their colleagues.

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| <p><i>What does your organisation do to care for the care-givers because you're listening to difficult life stories everyday? How do you deal with it?</i></p> <ul style="list-style-type: none"> ➤ Regular supervision both in a group and one and one by professionals ➤ Intervention by colleagues ➤ Staff meetings and sharing ➤ Staff retreat ➤ Meditation retreats ➤ Nothing in the organisation but friends help | <p><i>What are the challenges in looking after your own emotional health when caring for others?</i></p> <ul style="list-style-type: none"> ➤ Under-resourced organisations - time, money and people ➤ Over burdened with work ➤ Silence and taboo around anything to do with 'mental health' |
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The ART 2 HEALING⁶, facilitated by Lydia Tan

Self-care and caretakers well-being: Recent research has found that caretakers who listen to reports of trauma, horror, human cruelty and extreme loss can be overwhelmed. Caretakers interact with people who are distressed and in crisis, through their work and/or through their familial and social responsibilities. When the caretakers are emotionally exhausted, it has a detrimental effect on the organisations they work in (such as decreased service quality, low morale and high staff turnover) and can result in burnout, compassion fatigue, vicarious trauma and counter-transference/transference. To help reduce the impact of stress and to help prevent burnout, caretakers need to be aware of self-care strategies and maintain a balance between professional and personal demands.

Burn-Out: At its extreme, the emotional and mental depletion that comes with full-blown burnout can lead to serious personal and professional impairment. Symptoms include frustration, anxiety, and depression; irritability and impatience; frequent illness; declining job performance, conflict with colleagues, indifference or hostility towards clients; and/or withdrawal, accompanied by a sense of meaninglessness. Risk factors include working with clients in emotionally draining

⁶ *The Art2Healing Project is a non-profit, creative arts therapy organization dedicated to serving individuals at risk, particularly women and children who are victims of trauma. The project provides psychological support, education and empowerment through the creative art therapies, awareness-based practices such as yoga, and women's health.*

situations; repetitive and stressful interactions; accumulation of job demands; lack of free time; feelings of lack of control; a negative work atmosphere and difficult and complex client issues.

Compassion Fatigue is often known as secondary stress disorder and considered a natural consequence of caring intensely for a traumatised person to whose suffering we are exposed to. It involves emotional and physical erosion that occurs when helpers are unable to regenerate themselves. Symptoms can be cognitive (rigidity), emotional (powerlessness, guilt), behavioral (irritable) spiritual (questioning the meaning of life), personal relationships (withdrawal, mistrust), somatic (sweating, breathlessness), and work performance (low morale, motivation, absenteeism).

Vicarious Traumatization comes from exposure to client's narrative, graphic details, re-enactments combined with therapist characteristics, i.e. personal experiences of trauma. Symptoms include: the therapist experiencing symptoms of his or her clients; disruption of the therapist's self-protective beliefs about safety, control, predictability and attachment; the therapist feeling like a helpless witness to a client's repetitive self-destructive behavior; cynicism, despair and loss of hope; deep disruptions about sense of identity and diminished self-capacities. Risk factors include repeated professional exposure to traumatised clients; a personal history of trauma; a high number of trauma clients, and less experience and training in the field.

Counter-transference: When the client transfers past attitudes to the present. The affective, ideational and physical responses of counter-transference in trauma counseling can include sadness, rage, grief, shame, self-doubt, confusion, intrusive images, somatic reactions, sleep disturbances, agitation and drowsiness (Pearlman & Saakvitne 1995, Wilson & Lindy, 1994). Two types of defensive counter-transference reaction by trauma therapists are (1) avoidance reactions such as denial, minimisation, distortion, counter phobic reactions, detachment and engagement from an empathic stance and (2) over-identification including idealisation and excessive advocacy for the client, as well as guilt due to the caretakers failure to provide adequate assistance.

Caretaking or caregiving is an extremely demanding profession. Counselors have strong feelings of responsibilities (e.g. for positive therapeutic outcomes) for 'high-risk' or demanding populations, yet measures of success may be ambiguous, long-term and not easily quantified. Counselors usually have an acute sense of empathy for their clients and their experiences and are closely exposed to the struggles and suffering of their clients.

Building self-care skills among caregivers: The self-care strategies counselors use will depend on factors such as their personal histories of trauma, natural coping styles, the nature of external stressors and how empowered caregivers are in seeking outside support. An effective counselor's self-care program is a holistic approach and works across many domains including cognitive (reading for pleasure), emotional (laughing, allowing yourself to cry or to seek therapy), physical (eating and exercising regularly), spiritual (spending time outside in nature, meditation), and social support (meeting friends, going to parties). In addition, caretakers need to learn to: (1) identify their own reactions and themes that elicit strong counter-transference reactions; (2) develop awareness of their own specific somatic signals of distress; (3) understand early warning signs of vicarious traumatization in themselves; (4) accurately name and articulate their own trauma-related inner experiences and feelings and (5) when feeling overwhelmed, take time to heal and recover.

In developing self-care skills, caregivers can ask themselves:

1. Have you ever thought of finding help?
2. How do we know when a counselling session or a client has affected you?
3. How do we provide caretakers to do self-reflection?
4. Does your organisation have sufficient resources to get supportive environment?
5. Are you as caregivers working at the right level or your expectations are too high?
6. Are you being provided with enough support?

The 10 most helpful activities that trauma therapists use include:

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| 1. Discussing cases with colleagues | 6. Socialising |
| 2. Attending workshops | 7. Exercise |
| 3. Spending time with family or friends | 8. Limiting case load |
| 4. Travel, holidays, hobbies and movies | 9. Developing spiritual life |
| 5. Talking with colleagues between sessions | 10. Receiving supervision |

Organisational strategies for supporting caregivers: It is important for organisations to foster an environment in which work-related stress is accepted as legitimate; where the problem is owned as an organisational one and not just an individual one; where the focus is to seek solutions (such as setting clear and manageable caseloads and minimising bureaucracy) rather than attribute blame; and where support are clearly expressed to the suffering caretaker. Organisations can ensure that adequate resources are made available to help therapists to process disturbing clinical material through clinical supervision, case conferences, peer process groups, personal psychotherapy, trauma therapy training, professional development and regular organisational team meetings that provide opportunities to validate feelings and establish supportive relationships.

Questions for organisational reflection include: Does the counselor have a say in decision making processes? Are the current policies following best-practice treatment? Is the caretaker working at the right level of skill? Are the workplace expectations too high or not challenging enough? Is the caretaker being provided with enough support? Are there opportunities for quality supervision and debriefing and peer support?

Art of Healing Exercise

After presenting on the various dimensions of self-care for caregivers and establishing guidelines for emotional safety in the session (e.g. confidentiality, respect and attentiveness), Lydia guided participants through a few exercises to assist them in their caregiving work:

- **Meditation/breathing exercise:** Participants were told to find a safe, comfortable place to sit with both feet on the floor and hands in their laps. Participants were guided to focus on their breath and releasing a sound when they exhaled while picturing a symbol or scene in their mind.
- **Art exercise visually demonstrating what sustains us and nurtures us in our work:** After personal reflection on the things or people that nurture participants in their caregiving work and the professional and emotional needs they have as caregivers, participants drew and illustrated their needs and supports on paper and shared their feelings and artwork with other participants.
- **Body sculpture exercise:** Participants paired up and mirrored each other's action. Once one person started the action, her partner mirrored the action and described what she felt in her body when she tried to mirror the other.

DANCE MOVEMENT THERAPY, facilitated by Sohini of Kolkata Sanved⁷

Kolkata Sanved's vision is to establish Dance Movement Therapy as a psycho-social rehabilitation process. When I was a student I felt like dancing changes people's lives. When I started my work with trafficked persons forced into prostitution and rehabilitation care, that's when I thought of an alternative therapy program. Together myself and a group started Dance Movement Therapy in 2004. Now, 30 organisations are implementing this work.

- Sohini, Kolkata Sanved

Sohini observed "I saw that some survivors have tremendous artistic skills and they really want to be artists. I started training survivors to do dance therapy." She went on to say that it's important to remember that the goal of Dance Movement Therapy is not to become an artist or a big star but rather, the goal is to use the arts to nurture caregivers emotionally, psychologically and spiritually. She then guided participants through a few exercises they could practice when they needed to tend to their own emotional and psycho-social needs.



⁷ Kolkata Sanved is a registered society based in Kolkata, West Bengal, India. It uses Dance Movement Therapy (DMT) as an alternative approach to counseling, psychosocial rehabilitation, expression, and empowerment. Kolkata Sanved's primary mission is to promote dance movement as a therapeutic tool for those who are most vulnerable and underprivileged. More information can be found on their website: <http://www.kolkatasanved.org/>



Warm up & group exercises: Sohini instructed the group to follow her movements. The exercise started from different body movements and by making use of the space within the room. After the physical exercise, participants were asked to sit down in a comfortable position with their eyes closed. One by one the Sohini and Priya touched the head and shoulders of the participants. Afterwards, most of the women from WOREC (Nepal) echoed that when they felt the facilitator's hands on their head they felt that they were being supported, some said they felt more relaxed, and one woman said it felt like this was her 'moment' because most of the time she gives time to listen to other women but not to herself.



Pencil exercise (for balance and encouraging participation): Participants were asked to use their finger and think of it as a pencil. They were asked to focus on the pencil and move it in different directions as they move their body in rhythm to the background music. Next, participants were asked to form pairs. One person held the pencil and led the other through various movements.

Balloons: Sohini instructed all participants to hit their balloons with their head, hand, shoulder, hips, etc. Participants all worked hard to steady their balloons to prevent them from falling to the floor. Afterwards, participants were again asked to be in pairs with the balloon pinned in between them. They were asked to synchronise their movement so that balloon would not fall out or burst. Some participants used eye coordination while others focused their attention in their partner's body movement. Sohini explained afterwards that playing the balloon (in addition to being fun) also allowed people to open up to new ways of moving their bodies and responding with their bodies.



DISCUSSION

Participants found this session very appealing and many had plans to share what they learned with their friends, colleagues and the groups they worked with, including trafficked persons, migrant workers, children and prisoners. Sohini reminded everyone that Dance Movement Therapy worked in different ways with different communities but could be adapted to each community, for example by using local music, local instruments or people's voices (if no instruments or music is available). For instance, Kolkata Sanved has started working with domestic workers and since they don't have a regular day off, facilitators sometimes meet them at the train station for 15 minutes to dance, chat or do art work.

While participants were very enthusiastic about sharing what they learned, Sohini also reminded participants that these exercises were shared so that participants could use them in their own lives and not as a TOT or "Training of Trainers" exercise. This led to a lively discussion where participants and facilitators discussed how to maintain the integrity of the therapy without dance therapy becoming the exclusive domain of "experts". This concern was particularly important for participants from feminist and/or self-organised groups: "we need to bring a feminist approach in doing that, we believe that every woman have their own experiences and no one is better than the other. If we want to do a TOT I want to feel that I am good enough to participate in the dance

therapy.” Sohini explained that it takes about a year to train adequately to teach Dance Movement Therapy to others as developing a program for a particular group involves assessing that group’s specific needs, strengths and boundaries and tailoring movements and exercises to that group’s resources, needs and culture.

Participants also discussed the risks and strengths of using the arts in assistance and recovery programs. In some political and cultural contexts, the use of the arts and movement is perceived as a threat or something to be controlled (e.g. bans on practicing yoga or dancing in fundamentalist contexts). In other instances, the arts and movement therapies are considered another mode of reaching women who may not be interested in talking therapies alone or in contexts where there is still a stigma around counseling services.



Other issues impacting service providers included: the responsibility of destination countries in providing assistance and recovery services, caregivers seeking psychological counseling themselves, and the difficulties in limiting one’s workload, particularly for practitioners working in areas where they may be the only support available to traumatised persons.

DOMESTIC WORKERS RIGHTS AND THE ILO CONVENTION ON “DECENT WORK FOR DOMESTIC WORKERS”

SUMMARY

Organisations working for the rights of domestic workers in Indonesia, Singapore, Nepal, Thailand and Cambodia presented on the situation of migrant domestic workers in their respective countries and what actions were being taken to strengthen domestic workers rights, including a presentation on the proposed International Labour Organisation Convention on Domestic Work.

While labour migration is promoted by sending countries (remittances by migrant domestic workers are often a substantial contribution to developing economies) and migrant domestic workers are in great demand in destination countries, the presentations demonstrated that in many countries, migrant domestic workers are extremely vulnerable to a **wide range of human rights violations** during the recruitment phase and in their place of work, including economic exploitation (such as illegal salary deductions, debt bondage, expensive employment agency fees, no days off), physical and sexual violence, and extreme control of their personal movements (required to stay in the employers house for 24 hours, not allowed to contact family or possess a cell phone, etc.).

Labour recruitment systems and immigration laws leave many domestic workers highly indebted, living overseas in “irregular” status, and afraid to report abuse. Domestic work is unregulated and migrant domestic workers are typically not recognised as labourers under national labour laws, which excludes workers from benefits and labour protections, leaving extremely limited avenues for legal remedy in cases of abuse and exploitation. Presenters argued that governments responded to cases of abuse against domestic workers by restricting migration or privatising recruitment agencies, rather than improving protection of workers’ rights or providing safe migration processes.

Domestic workers rights advocates are **working for change** by providing direct assistance to domestic workers (such as counseling and shelters), developing information resources, organising domestic workers, lobbying for legal protections, policy changes, and international standards but also trying to change employers’ and people’s attitudes about domestic workers to value and respect the important work domestic workers do. Participants **highlighted the need to focus on action**, to share information about laws, ways to monitor recruitment processes, and repatriation procedures. There’s also a need to continue monitoring the attitudes from the ground and not just to push at the state level. There is also a need to raise awareness on safe migration and to look at the holistic picture on the issue of women’s rights and status in society to improve rights protection and to link with mainstream women’s movements on this issue.

At the end of the session, participants agreed to the following actions:

- Create a GAATW petition in support of adopting the ILO Convention on Domestic Work and to call for the inclusion of migrant domestic worker related-issues and ask GAATW members to sign and then send this petition to Regional Bodies (such as ASEAN and SAARC), ask members to send it to their governments, ministries of labour/migration and/or send to trade unions. GAATW will send this petition to the ILO as well.
- Develop an email group to discuss how GAATW members and GAATW IS can work together to strengthen efforts on domestic work; and use the email group as an opportunity to exchange information and strategies among members working on domestic worker issues.

GAATW’s WORK ON DOMESTIC WORKERS’ RIGHTS

GAATW’s mission is to ensure that the human rights of all migrating women are respected and protected, including the right to leave one’s country, to earn a livelihood, and to be treated humanely and with dignity. GAATW has a long history of supporting and working with self-organised groups of migrant women, trafficked survivors and other communities, including domestic workers.

GAATW's activities around domestic workers rights include: development and publication of *The Migrating Women's Handbook*, a manual developed to promote safe migration and fair working conditions; video advocacy such as GAATW's partnership with ATKI-HK to produce a 10-minute advocacy video addressing the impact of 'Placement Fee for Indonesian Migrant Workers in Hong Kong' and calling for it be abolished; international advocacy by raising issues impacting domestic workers through GAATW's advocacy work; through the *Realising Rights* programme which aims to strengthen and empower self-organised groups in socio-economic development and political participation; and by supporting our members working on domestic workers rights.



Voicing our messages...a tea towel campaign sharing domestic workers' messages in Asia



THE PROPOSED ILO CONVENTION ON DOMESTIC WORK 2008-2011

International Labour Organisation (ILO) Convention on Domestic Work

The ILO's mandate is to protect all workers including migrant workers to help ensure productive employment is under decent working conditions. This has been strengthened by the ILO core conventions developed to focus on these issues. In March 2008, the ILO Governing body agreed to place "decent work for domestic workers" on agenda of International Labour Conference in 2010. The result will likely be a new ILO Convention on Domestic Work to be adopted in 2011.

The 8 Steps to Pass a Convention are: (1) ILO Governing Body agrees to place issue on the agenda of upcoming International Labour Conference; (2) the ILO will prepare a report that analyses the Laws and Practices of member states on the issue; (3) the report will be circulated to member states and to workers and employers' organisations for comment; (4) members will also be sent a questionnaire requesting input on elements of a new convention; (5) the 'Law and Practice report' and responses to questionnaires will be discussed at International Labour Conference (in this case, in 2010); (6) following the 2010 Conference, ILO will circulate draft convention to members for comments; (7) this draft convention will be 'tabled' for discussion, amendment and adoption at next International Labour Conference (in this case 2011) and (8) government, employer and worker

delegates have one vote each in plenary; a new convention must be adopted by a two-third majority.

Benefits of an ILO Convention on Domestic Work would be a legally binding international treaty that would address general principles, including respect for the human rights of domestic workers and recognise the Right to Decent Work. It may require states who ratify to adopt/implement national action plans and or address particular work conditions and it could provide guidance for national policies, including provisions regarding free association, minimum wage, working hours, health and safety, access to social security.

Potential problems or limitations of an ILO Convention on Domestic Work are that it may: be unlikely to address *migrant* domestic workers due to pressure from governments to focus only on local domestic work; include optional elements, such as non-binding or “soft” clauses; it is an “optional” Convention, not an ILO “Core Convention” so governments can choose to ratify/implement it or not (e.g. only 41 countries have ratified the UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families ; only 3 countries have ratified ILO Convention No. 157 on the Maintenance of Social Security Rights of Migrants); and there is no space for domestic workers within “Tripartite” as they are typically not part of / do not have unions, especially migrant domestic workers, and so will have to ‘carve’ new spaces out in order for migrant domestic workers to participate.

Opportunities for NGOs, domestic workers groups, and allies include:

- 1) Contributing to the ‘Law and Practice Report’: the ILO welcomes NGO documentation regarding conditions for domestic workers and relevant laws, practices etc.
- 2) Questionnaire: ILO will send out questionnaire to member states in 2009 requesting input on issues to be covered by the new conventions - only ILO member states can formally respond; NGOs may make informal input.
- 3) Participation in the 2010 International Labour Conference: NGOs can register to attend the ILC in Geneva in June 2010, and while attending can make statements and/or organise side events to raise awareness of issues impacting domestic workers.
- 4) Most important of all...Advocacy with ILO member states, workers’ and employers’ groups: Lobby trade unions, employers’ groups, and individual governments for the inclusion of certain provisions and to support the conventions.

GAATW member organisations are actively involved in campaigning for an ILO Convention on Domestic Work, including Foundation for Women (Thailand), Association of Indonesian Migrant Workers or Asosiasi Tenaga Kerja Indonesia (ATKI in Hong Kong and Indonesia), National Domestic Workers Movement (NDWM in India), Children-Women in Social Service and Human Rights (CWISH in Nepal) and Transient Workers Count Too (TWC2 in Singapore).

Timeline

April-June 2008	ILO collecting information and documentation regarding policies, legislation, regulations and practices towards domestic workers, as well as concrete recommendations
July-Oct 2008	Drafting “Law and Practice” report
January 2009	Report and questionnaire will be translated into various languages and sent out to ILO’s Member States
August 2009	Deadline for submission of replies to questionnaire
January 2010	Report issued to Member States on basis of answers to questionnaire
June 2010	First discussion at International Labour Conference
August 2010	First draft of convention to be sent to Member States for feedback
December 2010	Deadline for feedback on first draft
June 2011	Debate and feedback about second draft: Adoption of Convention!

DECENT WORK FOR DOMESTIC WORKERS, PRESENTED BY RETNO DEWI ASOSIASI TENAGA KERJA INDONESIA-INDONESIA (ATKI-INDONESIA)

Most of the 6 million Indonesian migrant workers are women doing what is often referred to “unskilled labour” or “the 3 Ds” - dirty, difficult and dangerous work yet Indonesia has not provided

adequate human rights protection for its migrant workers. Indonesia has not ratified the UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990) and the National Law No.39/2004 for the Placement and Protection of Indonesia Migrant Workers Abroad only protects the interest of labour agencies by focusing on sending migrant workers and neglecting the protection of workers.

The recruitment and pre-departure phase is trapping IMWs into debt bondage as many sell their home or care to pay for large employment placement fees and agents can deduct workers salary for 7 months if the worker leaves before finishing their contract. Migrants' right to have adequate information for safe migration and right to healthcare is neglected or denied and agencies will often restrict migrant workers from communicating with their families. Basic identity documents are also falsified, e.g. "I was only 15 in Singapore but my passport said I was 21". **During the migration or sending process**, documents such as passports, visas and contracts are confiscated.

Working in destination countries, workers experience illegal salary deduction and overcharging, e.g. domestic workers in Hong Kong are often deducted 7 months salary for employment fees in direct violation of the Hong Kong law that limits salary deductions to 1 month; long working hours with no days off or leave allowed, e.g. domestic workers in Saudi Arabia often can't leave the house or talk to strangers as employers feel domestic workers will try to escape; physical and sexual violence; discriminatory treatment by the Indonesian embassy or consulate, e.g. in Hong Kong the consulate general regularly advises domestic workers to keep quiet about abuses and human rights violations; restrictions on movement such as staying in the employers' house for 24 hours; exclusion from the minimum wage in Hong Kong; and layoffs or job termination immediately after the 7 month salary deduction period for the majority of migrant workers.

We "arouse, mobilise and organise" Indonesian migrant workers both in countries of origin and destination, generate public awareness of the problems facing Indonesian migrant workers and mobilise broad cooperation both at national and international levels to encourage the protection of Indonesian migrant workers. **We also campaign for peasants** as that's what most migrants were before such as campaigning to stop land grabbing.



ATKI is responding to human rights violations in Hong Kong and Indonesia by campaigning against the Indonesian government's placement fee structure and the work conditions forced on IMWs in destination countries; providing counselling to migrant workers, "We aren't trained as professionals but we can share our experiences"; providing temporary shelter; providing legal assistance through the courts of "labour tribunals"; advocating for employment insurance management; and campaigning to allow employers to hire workers directly thereby saving migrant workers large employment agency fees. "We need governments to fulfill their responsibilities and protect our rights."

ORGANIZING THE MIGRANT GROUP: AN EXPERIENCE FROM WEDORO VILLAGE - INDONESIA, presented by Pajiyem, Migrant Group Wedoro (MGW)

Repatriation of Migrant Workers: Migrant worker salaries are used to pay for family debts and families' daily expenses in the country of origin. There are some migrant workers are unable to return home with any money as their employers refused to pay it, their employers abused them, or if the salary has been used during their work in the country of destination (e.g. paying employment agency fees). Several countries that are not recommended for migrant workers include Australia, Spain, New Zealand and Canada. Non-payment and abuse by employers ensures that workers are required to migrate again for economic opportunities if there are no sufficient job opportunities in their home village or home country (low wages for peasant work).

Creating Migrant Group Wedoro (MGW): In 1999, a student from the University of Diponegoro



invited LRC-KJHAM (or LEGAL RESOURCES CENTER- UNTUK KEADILAN JENDER DAN HAK ASASI MANUSIA) to be a resource person on safe migration for the migrant workers in the village. In 2009, our village also became a site for a feminist participatory action research project conducted by LRC-KJHAM with support from GAATW. As part of this action research project, we had meetings, home visits, discussion, and training provided by Terre des Hommes Netherlands (on counseling, gender, paralegal work, economic empowerment). LRC-KJHAM also

connected us to the Social Welfare Office where we received funding to establish a credit union (revolving fund) and open up a small shop.

Migrant Group Wedoro's Activities: Since our beginnings in 1999, we have built an information centre in our village on safe migration, we provide information to women who want to become migrant workers including a list of Indonesian agents all over Indonesia and we handle cases referred by LRC-KJHAM.

How do women feel joining Migrant Group Wedoro?

"I could recognize or understand what I've been through when I became domestic migrant worker."

"I could share information to others and help other women who want to do migration."

"I could share my experience without being afraid."



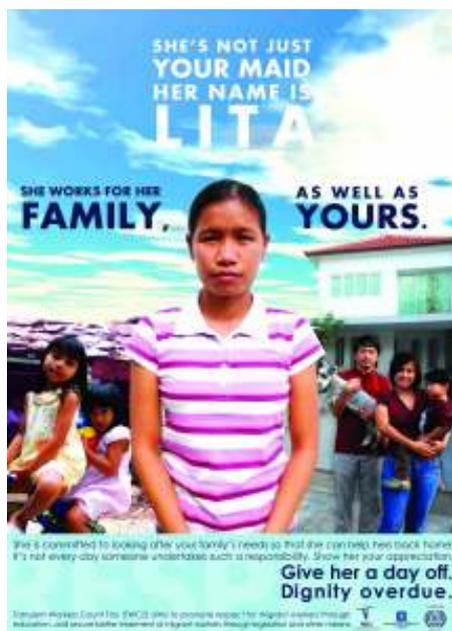
FOREIGN DOMESTIC WORKERS IN SINGAPORE, presented by Transient Workers Count Too (TWC2)

One in four households in Singapore employ domestic workers with approximately 180,000 foreign domestic workers (FDWs) in Singapore, most from Indonesia and the Philippines but also large numbers from Sri Lanka, Myanmar, and India.

While the Employment Act ensures basic rights for Singaporean and migrant workers (such as maximum work hours, paid medical leave, mandatory rest days, overtime pay, annual leave, and paid holidays), domestic workers are **excluded** from these protections. A domestic worker has no maximum work hours (with a typical day lasting from 5am to midnight), no medical leave (if a domestic worker gets seriously ill, she is often sent back to her home country), no overtime (as there is no maximum work hours), no annual leave (2 weeks is recommended but often not given), no mandatory rest day and no paid holidays. Implementation of current bilateral policies is also a problem: Singapore and the Philippines have a bilateral agreement designating a day off and minimum wage but the contracts domestic workers sign in the Philippines are often substituted with less protective contracts once domestic workers arrive in Singapore.

Due to lack of regulation, foreign domestic workers face other **difficult working conditions** such as insufficient living quarters as they often share a space with the person they care for, or the kitchen, hallway, or living room; inadequate food with many domestic workers not getting enough food and others not getting culturally or health appropriate food (e.g. dietary conditions); and lack of access to personal documents (including passports, bank accounts etc. with reports of some

employers using employees' ATM cards); and limitations on workers' movement as workers are tied to a specific employer and transferring employers will add 2-3 months of debt.



Other human rights violations against domestic workers include physical and psychological abuse, no maternity rights within Singapore, social isolation (e.g. employers banning cell phones, locking workers in the apartment, employers forbidding contact with others), debt bondage with many workers working 9 months without salary (in the past, employers were responsible for covering employment agency fees, now this burden is placed entirely on domestic workers).

The Day Off Campaign (www.dayoff.sg), a joint initiative between TWC2, HOME, and UNIFEM

TWC2 is advocating for a weekly day off through the *Day Off Campaign* targeting public opinion. We want people to give their domestic workers a day off because they think it is right, not because the law tells them too. The campaign includes an online statement of support (which supporters can sign), posters, information booths at various events, and a “viral video” campaign. We are also currently conducting a major research project on *Day Off* issues.

DOMESTIC WORKERS MOVEMENT IN NEPAL, presented by Purnakala Sharma from Children-Women in Social Service and Human Rights (CWISH)⁸

Currently, there are 56,000 child domestic workers in Nepal with 21,000 them working in the Kathmandu valley. In 2005, 77% of child domestic workers in Kathmandu were under 15 years of age and 66% of child domestic workers were girls. Most child domestic workers did not receive their salary themselves. While Nepalis may work as domestic workers abroad, domestic work is generally not regarded as respectable work in Nepal.

Present laws relevant to child domestic worker advocates in Nepal include the Child Labour Regulation and Prohibition Elimination Act (1999), ILO Convention No. 138 or the Minimum Age Convention (ratified by Nepal in 1997), and the ILO Convention No. 182 or the Convention on the Worst Forms of Child Labour (ratified by Nepal in 2002).

Since 1996, CWISH has been working to end the exploitation of child domestic workers and works with approximately 500 domestic workers and child domestic workers. Our efforts to end the worst forms of labour in child domestic work include: a business skill-based literacy program, raising awareness among women and youth domestic workers, forming youth and women's groups, strengthening affiliations with trade unions, organising capacity building training, providing legal support for domestic workers and operating a hotline for child domestic workers. We have also drafted a document outlining domestic workers' rights to be included in Nepal's new constitution. CWISH has also contributed to the current advocacy campaign for an ILO Convention on Domestic Work by surveying the situation of domestic workers in the Kathmandu Valley, informing women domestic workers and holding focus group discussions on the proposed ILO Domestic Workers Convention.

We have found the following to be effective tools for CWISH's advocacy efforts: promoting community based efforts including community police forces; lobbying and campaigning with political parties, labour ministries and NGOs working on child labour issues; and working with municipal and local NGOs and trade unions such as the Nepal Independent Domestic Workers' Union (NIDWU), the 1st trade union of domestic workers with 858 members in 16 chapters.

But the following gaps still remain in Nepal: research and information; legal provisions for workers in the informal economy; engagement between trade unions and the informal sector; limited

⁸ www.cwish.org.np

capacity for advocacy and networking activities; and financial and material resources for domestic worker organisations.

MIGRANT DOMESTIC WORKERS IN THAILAND: OUR WORK IN DETENTION CENTRES, presented by Lawan Wichailerd, Foundation for Women (FFW)

The Foundation for Women's (FFW) work in detention centres has included working with migrant domestic workers from Thailand's neighbouring countries, Laos and Burma. From the migrants we work with in the immigration detention centres, more than 50% of migrants are domestic workers with the remainder of detained migrants previously working in the agricultural and sex work sectors in Thailand. The majority are between 13-15 years of age.

Abuses by household employers: Some migrant workers migrate to Thailand through agents but some migrate with the assistance of relatives, who also assist migrants with finding employment. Workers start as soon as they arrive at the employers' household, with typically long hours (4-5am to midnight), no rest days. We have also heard reports that employers will lock workers in the household at night and unlock them in the morning; movement outside the house is permitted only 1-2 times a day. We also encounter cases of physical and sexual abuse by employers, including cases of sexual abuse by male employers and cases of physical violence by the female employer if she unhappy with the interaction between her husband and the migrant domestic worker.

Victimisation/criminalisation by police: Police have often criminalised migrant domestic workers who have been abused or sought help. For instance FFW encountered a case where a 17 year old domestic worker was raped by her employer but charged as an "illegal" migrant by the police and sent to the immigration detention centre even though all persons are protected from sexual violence under Thai criminal laws. Part of FFW's anti-trafficking work is identifying trafficked migrants that have been criminalised and sent to the immigration detention centre. By identifying migrants who have been trafficked, FFW is able to provide legal protection and counseling and transfer migrants to a shelter home. **Indonesian participants** also talked about handling similar cases in Indonesia. For instance, an undocumented and underage domestic worker was raped by her employer's son. She killed the employer's son and was charged and detained by the police, then deported as an "illegal" domestic worker.

Legal advocacy strategies for domestic worker abuse cases: Advocates are at a disadvantage when advocating for the rights of domestic workers as there is still no legal recognition of domestic work as work in Thailand (which means domestic workers are excluded from legal protection), the length of time needed for legal remedy and the fact that FFW cannot refer to any laws for minimum wage for migrant workers, leaving informal negotiation with employers as one of the only options. Currently, we are also seeing how we can use the domestic violence laws to protect anyone in the household, including employees. **This was also affirmed by Indonesian participants** who explained that in Indonesia, if a husband does not give money to his wife for 3 months, this is considered domestic violence, and argued that the same treatment with a domestic worker should also be included under domestic violence law.

Currently, FFW is advocating for legal and economic protections such as a minimum age for domestic workers (15 or older), registration of domestic workers by their employers, a 8-10 hour workday, 1 day off a week, overtime pay, social security, sick leave and the right to organise themselves. So far, we have gotten support from selected government agencies and the Thai National Commission on Human Rights.

SITUATION OF WOMEN MIGRANTS AND DOMESTIC WORKERS IN CAMBODIA, presented by Legal Support for Children and Women (LSCW)

Women migrants, particularly women migrants with limited education, comprise the majority of domestic workers in Cambodia. As in other countries, domestic workers work in extremely demanding environments (long working hours, no days off, unpaid holidays, insufficient food and accommodation, no guarantee of safe work conditions), with little protection or respect for their human rights. For example, domestic workers often experience close control of their movements in and out of the employer's household, employers searching their belongings, restriction of going out

of the employer's household, restrictions on communication with others, frequent physical/mental/sexual abuse and limited healthcare. Employers often exploit domestic workers economically by denying proper work contracts, withholding salary, bonding domestic workers to them by debt. Legally, access to justice is very difficult for domestic workers as they are not protected by existing labour legislation, there is no or limited access to redress for justice and compensation and no right to organise or no de-facto representation by trade unions.

Vathany from the Cambodian Women's Crisis Center spoke briefly about Cambodian domestic workers working in Malaysia: There is no Memorandum of Agreement (MOA) or Memorandum of Understanding (MOU) between Malaysia and Cambodia yet Cambodian domestic workers are very much in demand in Malaysia. We found a contract that actually specified that the worker had to work from 5.30am to 10pm or until the job was done and the worker was not allowed to keep the contract. A MOU between Cambodia and Malaysia could help standardize contracts yet the Malaysian government is not interested in laws protecting domestic workers.

IMPACT OF ANTI-TRAFFICKING LEGISLATION ON THE RIGHTS OF SEX WORKERS

SUMMARY

Speakers from sex workers rights groups in Cambodia, Hong Kong and Thailand discussed the impact of their respective countries anti-trafficking laws on sex workers. Anti-trafficking laws in Cambodia, Hong Kong and Thailand are criminalising women in sex work and creating a mechanism for police to abuse, exploit and extort money from sex workers. Violence against sex workers and other gross human rights violations are being perpetuated by law enforcement and “rehabilitation centres”, both supported by **anti-trafficking laws that criminalise aspects of sex work**. Anti-trafficking laws also appear to provide a way for governments to monitor and limit women’s sexuality and intimate interaction, not just women in sex work. The impact of the US anti-trafficking policies (based on anti-prostitution objectives) on other countries’ laws and autonomy is a great concern, particularly for participants from developing countries that are dependent on US aid (the US will only provide aid to countries ranked as Tier 2 in their annual Trafficking in Persons or TIP report).

Sex workers continue to fight for their rights and organise for social change, including lobbying for better anti-trafficking laws that do not result in human rights violations against women in sex work. If women in sex work have more bargaining power, they have more options to improve their situation and are more able to fight exploitation. All speakers asserted that **decriminalisation would assist anti-trafficking efforts** and help protect the safety, well-being and income security of women in sex work. Decriminalisation of sex work would enable clients and sex workers to provide information to the police without fear of arrest, and would decrease the demand for traffickers as women would not have to rely on middlemen, brokers, smugglers or traffickers to access income opportunities. Speakers also argued for the recognition of sex work as work so that women in sex work would be covered under labour protection rights and workers rights.

Although GAATW members may have differing opinions about sex work, all participants agreed that violence against sex workers must be condemned and that violence is happening in the name of anti-trafficking. At the end of the consultation, GAATW emphasised that the Alliance condemns the ‘raid and rescue’ methodology but also emphasised the need to develop alternative methodologies to identify trafficked persons in a way that wouldn’t violate the rights of others, particularly sex workers. Suggestions for future action on the sex work/anti-trafficking nexus were also developed during the advocacy session (please see summary for Advocacy section).

CAMBODIA’S LAW ON SUPPRESSION OF HUMAN TRAFFICKING AND SEXUAL EXPLOITATION

PRESENTERS: CHAN Dyna, Cambodia Prostitutes Union and Sara BRADFORD, Asia-Pacific Network of Sex Workers (Phnom Penh office)

Cambodia’s 2008 law on anti-trafficking and sexual exploitation criminalises solicitation by sex workers as an anti-trafficking measure, resulting in brutality and exploitation of sex workers by police and human rights violations in “rehabilitation centres” for sex workers.

Cambodia’s 2008 Law on Suppression of Human Trafficking and Sexual Exploitation defines sex work as a form of sexual exploitation in Article 23: “ ‘Prostitution’ in this law shall mean having sexual intercourse with an unspecified person or other sexual conduct of all kinds in exchange for anything of value” and Article 24: “A person who willingly solicits another in public for the purpose of prostituting himself or herself shall be punished with imprisonment from 1 to 6 days and a fine from 3,000 riels to 10,000 riels (\$0.75- \$2.50)”. By passing this law, Cambodia secured its Tier 2 rating in the US’s Trafficking in Persons (TIP) report and ensured continuation of US aid to Cambodia (the US government provides millions of dollars of aid to Cambodia but does not provide aid to countries rated at a Tier 3 trafficking level); however this law explicitly penalises sex workers for soliciting business.

Human rights violations occurring under Article 24 (which criminalises solicitation as an anti-trafficking measure): The “*Policies Environment Regarding Universal Access and the Right to Work of Entertainment Workers in Cambodia*” report by the Cambodian Alliance for Combating HIV/AIDS (CACHA) found that Cambodia’s 2008 anti-trafficking law violated international guidelines, encouraged gender discrimination and increased danger for women in sex work. Human rights violations were perpetrated by both State and non-State actors. Human rights violations by police include brutality and exploitation, physical and verbal abuse, sexual exploitation (e.g. exchanging sex for release from arrest), extortion and bribery, and humiliation (e.g. forcing women to take off their clothes and walk around in front of other police and women). Sex workers also experienced discrimination and stigma from their communities.

Harms resulting from Article 24 (criminalising solicitation as an anti-trafficking measure) on sex workers’ income security and sexual health: Enforcement of Article 24 has led to mass shutdowns of brothels, and the loss of income opportunities for women in sex work which has resulted in decreased attention to health care as women prioritise economic security over overall health concerns. HIV prevention and sexual health efforts have been obstructed as STI (sexually transmitted infections) clinics report a huge decline in the numbers of sex workers seeking health care since the passing of Cambodia’s anti-trafficking law and as law enforcement increasingly use safe sex supplies (such as condoms) as evidence of criminal activity under the anti-trafficking law. NGOs and service providers also report difficulties in reaching women as women change their workplace locations often and into other venues to avoid arrest under the anti-trafficking law. New venues for sex work such as karaoke bars, massage parlors and beer gardens have placed older sex workers at a disadvantage, leaving older sex workers to risk arrest by soliciting publicly for business.

How sex workers are released from arrest under Article 24: Some workers were released without intervention (29%). Sex workers gained release from arrest with the assistance or intervention of NGO (22%) and business owners (9%). Other sex workers offered sex services (6%), money, and/or valuable items in exchange for release from arrest (34%).



Human rights violations in “rehabilitation centres”: When women are arrested, they are taken into the police station and kept for interrogation for at least 14 hours before released in the morning to a “rehabilitation centre” run by the Ministry of Social Affairs (MoSA). The Ministry claims these centers offer vocational training, education, English lessons and other rehabilitation services for trafficked persons.

Reported human rights violations collected by Cambodia Prostitutes Union, Women’s Network for Unity, LICAHDO, and Open Society Institute included: contaminated food and water (where food and water are available); denial of HIV/AIDS treatment; denying women food or water; accompanying women to the toilet; death of inmates in custody; gang rape by guards, police and other inmates;

severe physical beatings; verbal abuse; detainment of children as young as 6 months old; theft; soliciting bribes; lack of sanitation and hygiene; mixed gender incarceration; overcrowding; and leaving workers’ families without an income source (while women are detained).

What are sex workers rights groups and our allies doing about this? Rather than being targeted by anti-trafficking initiatives, sex workers want to assist law enforcement officers and NGOs to locate and address actual trafficking cases but are repeatedly excluded by police and NGOs in anti-trafficking work. Local NGOs and human rights groups have been collecting evidence of the human rights violations taking place daily in Cambodia. Since these activities, raids, arrests and extortion of sex workers have reduced. Now, the police go around and collect some money from sex workers in public spaces and let them continue to work.



Efforts by the **Cambodia Prostitutes Union** include: public campaigns; calling for solidarity from allies including officers from different government ministries, media and other NGOs working with sex workers; developing a play and advertisement demonstrating the different types of discrimination encountered by the police; media advocacy such as participating in radio campaigns and producing a TV commercial about the problems sex workers face. Efforts by the **Women's Network for Unity (WNU**, comprising sex workers) include: a day of action where over 400 Sex Workers gathered at WNU to show their

solidarity and opposition to the anti-trafficking law; a traditional Buddhist ceremony held by sex workers to pray for their safety and for the souls of the police who abused them and protesting the USAID funded MTV Exit Concert in Phnom Penh after MTV refused to include their voices in the Exit Campaign, citing USAID's Anti-prostitution contract clause as a reason. Efforts by the **Asia-Pacific Network of Sex Workers (APNSW)** include: regular meetings with UN agencies and Cambodian authorities about the anti-trafficking law; continued awareness-raising and campaigning events against the anti-trafficking law; international press coverage of the situation regarding the anti-trafficking law; research and publications on human rights violations; and online posts and web sites opposing the anti-trafficking law.

HONG KONG: CRIMINALISATION OF SEX WORK AND TRAFFICKING

PRESENTERS: Elaine LAM and Shan, Zi Teng, a sex workers rights organisation

Traffickers benefit from the criminalisation of sex work: Traffickers benefit in industries where labour protections are limited and where labour violations are intense. Traffickers benefit from the criminalisation of sex work because sex work is not considered an occupation but constructed as a criminal activity, the rights and properties of sex workers are not protected under labour laws. As countries try to clear up local sex industries (sometimes in the name of anti-trafficking), sex workers may be forced to migrate elsewhere. Women without any legitimate channels for migration have no option but to rely on middle-men/agents to assist their migration. However, relying on informal channels increases risk of misinformation: *"Many take this opportunity to treat girls badly - their relatives tell them from mainland china - if you go to Hong Kong you can earn \$20,000 per month but actually you can only earn \$1000 per month in Hong Kong and only if you don't use condoms. And you will still face daily harassment from the police."*

Zi Teng's anti-trafficking work: equipping women with self-protection tools: In our experience, the more information women have, the less vulnerable they are to abusive environments. Therefore, our work includes (1) providing pre-departure information on destination countries, such as our migration handbook, *Things To Know Before You Go*; (2) providing language and training courses to enhance understanding about destination countries; and (3) developing partnerships with groups in other countries, e.g. when we know a woman is going to migrate, we can contact our allies in that country so they can provide information to her before she travels.

Problems and limitations with current anti-trafficking approaches

Root causes: Current anti-trafficking approaches ignore the government's complicity in encouraging trafficking for cheap labour. Because of poverty, countries like China want to relax their immigration laws in order for their citizens to obtain work. For example, Macau is famous for its entertainment industries but how can such a small place sustain such a large industry other than with a large supply of cheap labour. The **biggest trafficker is the country itself**. If we don't deal with inequality and lack of opportunities, governments will continue to encourage women to find opportunities overseas, even if it means personally risking their and their families' safety.

Criminalisation....

....of trafficked persons with irregular migration status: Trafficked persons with irregular migration status may find themselves criminalised rather than assisted by authorities. For example,

women trafficked to China were told they were going to Korea for domestic work. They could not return home because they had no money, no return ticket, and no visa. We talked to the Chinese government who said since they had overstayed, they would need to pay a fine.

....**of sex work:** Current anti-trafficking measures rely heavily on criminalising sex work and police raids, but raids are not followed by screening and protection of trafficked persons. Women who have been trafficked are instead frequently treated as criminals and punished harshly after they have been “rescued” by the police. In one instance, a customer found a trafficked person and tried to help but instead the customer was arrested. Due to the criminalisation of sex work, anti-trafficking is frequently used by law enforcement as an excuse to exploit those in the sex industry, and these “rescue” raids create opportunities for police to exploit or abuse sex workers and trafficked persons including arbitrary arrest, physical beatings, strip searches, detention with no access to legal representation. This law provides opportunities for the exploitation of sex workers as it leaves sex workers with little bargaining power - last year more than 9 girls were murdered.

Lack of information provided to trafficked persons on the assistance they will receive: Trafficked persons are reluctant to seek help from the authorities because there is no clear and standard procedure for victim identification and repatriation and trafficked persons are not given adequate information about the assistance they will receive and under what conditions (e.g. cooperation with law enforcement). No follow-up support is available after repatriation; as a result, trafficked persons are at risk of being punished by their government after they return home.

Motivated more by government interests than the interests of the trafficked person: What the government is doing is signing many anti-trafficking laws to show to the media and the public that we're doing something. This makes the anti-trafficking law ineffective because it's not motivated by the interests of the trafficked person.

Recommendations

- **Transparency** in the current anti-trafficking policy should be sharply enhanced, e.g. how long does the identification procedure take, which party is responsible for covering home travel costs. Only when this information is transparent and standardized, will trafficked persons have the confidence to trust and seek assistance from authorities.
- There is space for cooperation with anti-trafficking organizations but if sex work is not recognised as work then anti-trafficking efforts aren't going to address the root of the problem. The risk of being trafficked would be much lower if sex workers were able to access lawful channels for migration. **Decriminalising sex work** is an important measure.
- Every country has a report from the US government but we need a monitoring mechanism that is truly independent. Can we have some **independent mechanism** that small NGOs can engage in?

THAILAND: ANTI-TRAFFICKING AND SEX WORKERS' RIGHTS

PRESENTER: Porn, Empower Foundation

Because the US gives aid to Thailand, Empower Foundation feels that the Thai government is concerned about giving good data for the US Trafficking in Persons (TIP) report which results in **anti-trafficking policies that are influenced by the US's position on eradicating prostitution** rather than addressing trafficking.

Visa policies are racist, sexist and classist. Why is it not OK for working class, non-white women from poor countries to travel or migrate? It is quicker, less humiliating and more effective to pay a broker to arrange the trip.

Anti-trafficking policy used by police to exploit sex workers: The police have permission to raid business premises under the name of anti-trafficking. They also gave permission to Thai people to report cases in different sectors but this encourages the public to take part by tying information to commissions for finding cases. There was a Thai anti-trafficking law issued in June 2008. Since then, there have been a number of raids on karaoke bars and massage parlours by the police. We feel this law gives too much power to the police, and this gives them opportunities to bribe and extort money. Police decide who is a trafficking victim and who isn't. Identification processes are often determined by a woman's documentation. We feel that anti-trafficking efforts focus more on

law enforcement needs (e.g. what's needed to prosecute traffickers) rather than on the victims' support needs. In cases of repatriating women to their countries of origin, the process and support is very limited. There is ambiguity around which laws apply to which women. If Thai women are arrested during raids they are dealt with under Thai prostitution laws. Migrant women without proper documents or underage youth are kept in detention to act as witnesses.

Empower's work: One concern for us is when sex workers think Empower is part of police raids. When this happens, we need to **build up that trust** with sex workers again. We also worry that activists in Thailand are more focused on looking for trafficking in sex work rather than talking about the **rights of sex workers**. From our work last year working with 5000 women in Chiang Mai, we only had one case of trafficking. When she realised that she had been trafficked she was able to escape and find a way to get a new job herself. It is also important to get sex workers organisations involved - we recognise the support from others but sex workers should take a key role in addressing trafficking in sex work.

In conclusion, when people cross the border to work in destination countries and the job has good working conditions, their work is recognised as work, they have access to services, and if the government has adequate security standards and health standards - no one would be a trafficking victim. It is time to recognise **sex work as work** and recognise that sex workers are entitled to labour protections such as work standards and work safety. Sex workers don't need any special kind of rights or treatment, we just want to access rights that every worker is provided.

DISCUSSION FOLLOWING PRESENTATIONS

The impact of US anti-trafficking policies in other countries

Caroline Hames from GAATW IS pointed out that the impact of US anti-trafficking policies on other countries differs according to that country's relationship to the US. For instance, Cambodia and Indonesia are dependent on aid from the US which informs how they respond to their ranking in the US Trafficking in Persons (TIP) report (the US ties aid conditionalities to tier rankings and advocates for International Financial Institutions to take account of tier rankings in their aid assistance also). Similarly, Malaysia is dependant on the US for trade which, whilst creating different power dynamics, means that Malaysia is also highly responsive to US tier rankings. Countries such as India or China are much less influenced by TIP tier rankings. Caroline noted that in place of the TIP report a UN operated global review of the international legal framework on trafficking was required, which was why GAATW has been calling for a review mechanism to UNTOC.

On one side we know the US government gives so many loans to Indonesia. The US government also encourages the Indonesian government to issue the law against trafficking which criminalises sex workers. We have to be careful about the intervention of the US government. I hope from this workshop that we can draft something - how the US government cannot just do whatever they want and interfere with women in our countries.

- LRC-KJHAM, Indonesia

Moral attitudes towards sex workers and women's sexuality

Elaine (Zi Teng) from Hong Kong questioned moralistic attitudes around sex work, pointing out that it was considered immoral in the past to marry purely for romantic reasons. Itsi from Indonesia affirmed: "What happened in Cambodia is also happening in Indonesia" and explained that the laws didn't just shut down brothels and criminalised sex workers but also criminalised all women and intimate interactions with their partners in public, "if women are found kissing like lovers, they will be criminalized, boyfriend and girlfriend, wife or husband. People now carry around their marriage certificates." Other Indonesian participants confirmed the government's role in discrimination against sex workers such as using a moralistic term to talk about sex workers ('a group of women who have no morals') and identifying women as sex workers by the type of clothing she wore and if she walked around at night.

Renu (WOREC) from Nepal explained that Nepal's anti-trafficking law criminalises prostitution and clients as well, even defining clients of sex workers as traffickers. Nepal has around 80,000-90,000 women working in the entertainment sector (whether they're sex workers or not) which is facing

scrutiny from the government and Maoists who have hassled women in entertainment industries (e.g. banning beauty contests) in the name of peacebuilding and morality.

Root causes of trafficking

Participants from Nepal and Indonesia argued that sex work can become the only employment option available when governments don't address the root causes of trafficking or sex work. In 2008, the Home Ministry in Nepal issued an order to close down restaurants which deprived 35-36,000 women of employment, leaving many to seek sex work as an alternative livelihood.

Complexities around age

Age remains an extremely sensitive issue when talking about sex work. Participants affirmed the need to protect children from sexual exploitation and the worst forms of child labour, the need to provide children with meaningful future options and children's right to childhood but discussed the complexities of working with older youth, particularly older-age youth who expressed a desire to remain in risky environments or who are granted sexual freedom in other areas of their lives (e.g. rights over one's body, sexually active in personal relationships). One participant from Hong Kong asserted that no child should be forced to earn a living but pointed out that some teenagers also link sex with social status, particularly teenagers from complicated social backgrounds. Another participant asked why there wasn't more public concern around early marriages or early pregnancies.

Sex work as a chosen occupation

Choice also remains an extremely contentious issue among women's rights advocates. Participants talked about a spectrum of choice and how to determine if work is voluntary or not as everyone chooses their economic strategic based on the options available. Some sex workers would prefer other jobs to sex work and some women prefer sex work to other types of lower-paid work (such as factory work).

ANNEX 1: AGENDA

SUNDAY, 30 AUGUST 2009	
Afternoon	Check-in at Godavari Village Resort and get settled!
18.30 - onwards	Informal welcome and dinner
MONDAY, 31 AUGUST 2009	
8.30 - 9.00	Registration
9 - 10.30	Welcome & Opening Plenary: <ul style="list-style-type: none"> • Challenges to Realization of Women’s Rights in the Asian region and role of Civil Society Discussants include Renu Rabjhandari, Jyoti Sanghera, Nelia Sancho, and other colleagues
10.30 - 10.45	Tea break
10.45 - 12.00	Continued: Opening Plenary Discussion
12.00 - 13.30	Lunch
13.30 - 14.30	Getting to know each other An opportunity for GAATW members to learn more about each other. Members will present in ‘country groups’, sharing some of the highlights of the members in that country and the work they do.
14.30 - 15.30	Panel 2 Plenary Introducing the three thematic workshops Workshop 1: Linking trafficking with migration and labour Workshop 2: Advocacy Workshop 3: Psycho-social care; challenges and opportunities
15.30 - 15.45	Tea break
15.45 - 17.00	Continued: Panel 2 Plenary Workshop 1: Linking trafficking with migration and labour Workshop 2: Advocacy Workshop 3: Psycho-social care; challenges and opportunities
18.30	Welcoming Dinner
TUESDAY, 1 SEPTEMBER 2009	
9.00 - 9.30	Welcome and announcements
9.30 - 10.45	Session on the rights of domestic workers and the ILO Convention on “Decent work for Domestic Workers” Discussants include ATKI-Indonesia, TWC2, WEDORO and Zoe Bake-Paterson from GAATW-IS

10.45 - 11.00	Tea break		
11.00 - 12.30	Continued: Session on the rights of domestic workers and the ILO Convention on “Decent work for Domestic Workers” <ul style="list-style-type: none"> • Small group discussions 		
12.30 - 13.30	Lunch		
13.30 - 15.30	Session on the impact of anti-trafficking legislation on the rights of sex workers Discussants include Asia Pacific Network of Sex Workers, EMPOWER and Zi Teng		
15.30 - 15.45	Tea break		
15.45 - 17.30	Continued: Session on the impact of anti-trafficking legislation on the rights of sex workers <ul style="list-style-type: none"> • Small group discussions 		
18.30	Dinner		
WEDNESDAY, 2 SEPTEMBER 2009			
9.00 - 10.30	Workshop 1: Linking trafficking with migration and labour Discussants include GEFONT, WOREC and Jyoti Sanghera from the GAATW Board	Workshop 2: Advocacy Discussants include Forum Asia, IWRAW-AP, Rajashri Dasgupta, and other GAATW members	Workshop 3: Psycho-social Care Discussants from Art2Healing and Kolkata Sanved
10.30 - 10.45	Tea break	Tea break	Tea break
10.45 - 13.00	Linking trafficking with migration and labour	Advocacy	Psycho-social Care
13.00 - 14.00	Lunch		
14.00 - onward	Free afternoon Trip to Bhaktapur, a cultural heritage site and one of the 3 royal cities in the Kathmandu Valley. Bhaktapur is filled with monuments, palaces and temples with elaborate carvings.		
18.30	Dinner		
THURSDAY, 3 SEPTEMBER 2009			
9.00 -	Linking trafficking with migration and labour	Advocacy	Psycho-social Care
	Tea break	Tea break	Tea break
	Linking trafficking with migration and labour	Advocacy	Psycho-social Care
13.00 - 14.00	Lunch		
	Linking trafficking with migration and labour	Advocacy	Psycho-social Care

	Tea break	Tea break	Tea break
	Linking trafficking with migration and labour	Advocacy	Psycho-social Care
18.30	Dinner		
FRIDAY, 4 SEPTEMBER 2009			
9.00 - 9.30	Welcome and announcements Ice-breaker		
9.30 - 11.00	Reporting back from the workshops and sessions & Finalizing plans Plenary <u>Workshops</u> <ul style="list-style-type: none"> • Workshop 1: Linking trafficking with migration and labour • Workshop 2: Advocacy • Workshop 3: Psycho-social care; challenges and opportunities <u>Sessions</u> <ul style="list-style-type: none"> • Domestic Workers • Sex Workers 		
11.00 - 11.15	Tea break		
11.15–12.30	Continues -- Reporting back from the workshops and sessions & Finalizing plans		
12.30 - 13.30	Lunch		
13.30-14.30	Meetings of the Working Groups on Decision Making and GAATW Membership As you remember, two Working Groups were created within GAATW following the 2007 IMC to tackle structural issues within GAATW. A meeting of these Working Groups, involving GAATW members from each region, was held in February 2009 in Thailand and this Regional Consultation is a good opportunity for the members in Asia to discuss the issues of these Working Group topics and make some common suggestions and agree on common recommendations that can be brought to the next WG meetings on behalf of the region.		
14.30 -	Closing		

ANNEX 2: LIST OF PARTICIPANTS

Member Organisations⁹

Name	Organisation	Country	Email Address
Vathany Say	Cambodian Women's Crisis Center (CWCC)	Cambodia	director@cwcc.org.kh, vathany.say@gmail.com
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Ms Bhagwati Nepal	Mahila Atma Nirvarta Kendra (MANK)	Nepal	contact AATWIN
Sister Teresa	Navajyoti Centre	Nepal	contact AATWIN
Ms Tika Choudhary	Women Acting Together for Change (WATCH)	Nepal	contact AATWIN

⁹ For more information on GAATW member organisations, please visit www.gaatw.org

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Friends, resource persons, panellists, facilitators, translators

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ANNEX 3: QUESTIONNAIRE TO MEMBERS

(the following questionnaire was sent to member organisations to assist in planning)

Planning the Workshops of Asia Regional Consultation

Dear Colleagues

As you already know, the upcoming Asia consultation will feature 3 workshops, each of 2 days duration, focusing on 3 major issues which members work on:

- 1) advocacy
- 2) psycho-social assistance to trafficked persons, and
- 3) linkages between gender, migration, labour and trafficking. Our hope is that a workshop of around 15-20 participants will generate good discussions and planning. We have noticed in the past that not everyone is interested in every aspect of the issues. Some organisations engage in advocacy and others don't. Some organisations provide direct assistance and others don't. Some people are inclined to explore the inter linkages between various areas of work while others are not.

However, we are also aware that a few people may want to be in more than one workshop. Indeed, some organisations do provide assistance, carry out research and also engage in advocacy. We are hoping that participants coming from same countries (or if more than one person is coming from the same organisation) will choose to go to different workshops and share with each other later. Additionally, plenary sharing may also help.

If you have any ideas on how best we could plan these workshops differently, do let us know. In any case we are sending you some questions. Your response to these will help us plan for the workshops better. Instead of sending 3 separate attachments we have merged the questions into one document under 3 different headings. Depending on your work and interest, you may choose to respond to all three sets of questions or just one set.

Hope you will make time to get back to us on this at your earliest.

Warmly, GAATW-International Secretariat Team

THEMATIC WORKSHOP NUMBER 1: ADVOCACY

Summary

This workshop will provide opportunity for discussion of member organisations' (MOs) advocacy actions at local, national, regional and international levels; give space to share upcoming advocacy opportunities (such as national ratifications of the Palermo Protocol; ASEAN and SAARC processes; and Universal Periodic Review or CEDAW reporting); and give space for people to hold input sessions on topics of interest to them.

Aims of this workshop

- People will develop their awareness of the tools required and arenas which exist in order to raise problems or important issues with policy or change makers. This will follow two stages:
 - Identification of key issues which, if changed would make a difference to those with whom we work
 - Connection between these issues and the methods of bringing about change - including reference to places, spaces and relationships through which change is possible.
- Plans for individual or joint advocacy will be developed based on MOs needs:
 - Further clarity on individual processes could be planned if required
 - Involvement in national, regional or international processes could be planned with other MOs or independently based on upcoming advocacy opportunities

- Longer term advocacy strategies could be discussed including how GAATW-IS could best address Asia Members advocacy priorities and based on that involve them in advocacy at the international level.

Questions for Workshop Participants to Answer before the Advocacy Workshop

*Please email us back with any or all of your answers by August 1.

- 1) What advocacy processes and forums are you currently engaged in and which do you regularly contribute to, for example:
 - a. National: eg. to CSOs or policy makers _____
 - b. Regional: eg ASEAN or SAARC level _____
 - c. International: eg UN treaty related conferences, the US Trafficking in Persons Report, Forums on migration..._____
- 2) Which do you see as most important to achieve your advocacy aims:
 - Local / national / regional level advocacy / or a combination of all three?

 - Direct involvement in advocacy / contribution to advocacy carried out on your behalf / or advocacy on your behalf without you having to be involved?

 - Regular updates on advocacy processes / information about national, regional and international trends / other kind of information...?

- 3) What you see as the main obstacles to the realisation of rights for the people with or for whom you work - give detail?
 - Bad national / international policies or practices

 - Other people, groups or organisations' actions

 - Lack of information or awareness

 - Social inequalities or other markers of difference

 - Other - please state...

- 4) What advocacy work do you carry out in the following categories:
 - a. Women's rights;
 - b. Trafficked persons rights;
 - c. Migrant workers rights;
 - d. Labour Rights?
- 5) Out of these which are your main advocacy priorities?
- 6) If you are a self-organised group (such as a group of domestic workers organising to realize your rights or a group of trafficking survivors working on the issue of trafficking or a group of sex workers advocating for your rights) what are your experiences and insights on advocacy at various levels?
- 7) Any other thoughts to share and discuss in the advocacy workshop?

THEMATIC WORKSHOP NUMBER 2: PSYCHO-SOCIAL CARE FOR TRAFFICKED PERSONS AND CARING FOR CARE GIVERS

Summary

Many of GAATW's member organizations provide direct assistance to trafficked persons. Some also provide assistance to abused migrant workers, victims of domestic violence, victims of work place violence and victims of communal violence. From discussions at consultations and one on one exchanges it has become clear that mental health care of trafficked and other abused women is a much neglected area. It is not that colleagues do not see the importance but available human and material resources are inadequate. We also see striking regional differences in this area. While colleagues in developed countries are able to refer most cases for clinical care, have qualified counselors and care givers also receive debriefing from qualified personnel, in most developing countries such resources are not available. It also seems that while lack of resources are a problem, cultural norms also play a role. Sometimes available resources are culturally not appropriate. Sometimes there is a silence around mental health in general so talking about it becomes difficult.

All the same, colleagues in developing countries do employ several methods and try to cope with the situation. Some people have also devised culturally appropriate, non-clinical modes of trauma release and care.

This workshop will discuss the situation from the perspective of GAATW members providing assistance. Members will share with each other what they are already doing in this regard, what is working and what are still the challenges. Members will plan together what can be done regionally. Additionally, this workshop will also have input from Kolkata-Sanved, a group that has been working with victims of trafficking using Dance Movement Therapy as a technique. Look up their website at www.kolkatasanved.org. Another group called Art2Healing that uses Art Therapy has also indicated interest to share their work. Details about them can be found at www.theart2healingproject.org

The following questions are meant for those who are providing assistance to trafficked and other abused women and are keen to participate in the above workshop.

*Please email us back with any or all of your answers by August 1

- 1) For how long has your organization been providing direct assistance to trafficked women?
- 2) Do you also assist other abused women? If yes, to whom?
- 3) Based on your experience of providing direct assistance and support what are the psychological problems and/or symptoms of trauma have you noticed in them? Please give some details and one case story (without any name) of a person in brief who you have recently assisted.
- 4) What does your organization do to address the mental health of the women you assist? If you follow a specific technique or tool please give some details.
- 5) What are the challenges you face while trying to address mental health related problems?
- 6) Has your organization done any case collection or research in this area?
- 7) Finally, what does your organization do to take care of those staff who work on an everyday basis with abused women? Please mention any formal or informal system you may have used to prevent burn out and secondary trauma of care givers.
- 8) Please share your ideas on how we could work together on this issue.

THEMATIC WORKSHOP NUMBER 3: LINKING GENDER, MIGRATION, LABOUR & TRAFFICKING

Summary

This workshop will meet members' requested needs of increased understanding of trafficking in the context of migration, labour, women's rights and political economy. It has a rights-based approach, and will be organised in a participative way. Members will bring their own experience, expertise and knowledge, and learn from others.

Requests from Asia Members:

While some members focus mainly on anti-trafficking and have asked for training in terms of understanding migration and labour, others are migration or women's rights organisations with a small part of their work focused on trafficking. Some of these organisations are keen to explore more deeply how trafficking fits with their existing work, and others are curious about labour rights. Putting together our shared knowledge about several fields, we can learn much from each others' work in the region.

Current work of GAATW-IS:

GAATW IS has held 2 roundtable discussions (in 2008 and 2009) and has begun a feminist participatory action research project with 12 members on the subject of linking concepts of gender, migration, labour and trafficking. We have also had discussions with members at recent regional consultations in Europe and Latin America. Through these we have learned a lot about how members would like to see these 'linkages', and we have also learned a lot about the concepts of migration, labour and gender.

The main thing we've heard is that it is time for anti-trafficking to be contextualized within a larger environment. Women's lives are complex, and there is not just one story or one way of looking at women's lives (whether in terms of trafficking, migration, labour or gender) that captures the complexities. We as civil society groups are much richer if we understand how migration, labour, women's rights and larger political economy affect women's lives. Even if our work continues to primarily take one approach (migration, anti-trafficking etc), we can be of much more assistance to women migrating when we understand more about the complexity of their lives.

GAATW-IS will prepare some material to share about basic definitions and how other groups and GAATW members are using different approaches, and we hope that members will bring presentations or prepared topics for discussion to share with each other (see next page).

Expected Outcomes of this workshop:

- People will feel that they can do their existing work more effectively.
 - With a broad understanding, we can work with other civil society groups in solidarity on several issues,
 - and we can be aware when our governments pass migration or labour laws that are potential causes of ‘collateral damage’.
- We will discuss ways forward. Plans will be based on members’ needs:
 - possibly to include new advocacy on migration, labour and women’s rights,
 - possibly further training workshops,
 - possibly continued feminist participatory action research projects among members.

Questions for Workshop Participants to Answer before the Workshop:

*Please email us back with any or all of your answers by August 1.

1. Which of these topics do you work with:
 - Anti-trafficking
 - Migrant’s rights
 - Labour rights
 - Women’s rights (specify current issues you are focusing on)
 - Globalisation, trade
 - Security (state security, anti-terrorism etc)
2. Which of these would you like to see addressed at the workshop & why?
 - Anti-trafficking
 - Migrant’s rights
 - Labour rights
 - Women’s rights
 - Globalisation, trade
3. Security (state security, anti-terrorism etc)
4. In what ways do you see trafficking linked to gender, migration, labour, globalisation and/or security?
5. Do you work with NGOs who focus on a different topic (For example if your main area of work is migrant rights do you work with anti-trafficking organisations or vice versa?)? If yes, in which areas of work do you collaborate?