



Global Alliance Against Traffic in Women

**HARMONISED SUMMARY OF FINDINGS AND  
RECOMMENDATIONS  
2005-2006**

**FROM THREE CONSULTATIONS WITH  
INDIVIDUALS ADDRESSING TRAFFICKING  
DIRECTLY BY:**

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

Bangkok, October 2007

## Foreword

The dearth of research and the scarcity of recorded primary knowledge is being increasingly recognised and lamented in the field of anti-trafficking. The GAATW International Secretariat (IS) has sought to make a small but we hope significant contribution to filling this lacuna by looking to the experience and knowledge of our member organisations and others working around the world to combat trafficking. We have divided this inquiry into the three fields so commonly discussed in anti-trafficking work: protection, prosecution and prevention. In doing so, we are recognising that trafficking is a global problem and that many of the challenges we face and the strategies we use to overcome these can, in many instances, be shared and used as a source of inspiration for each other. As part of this endeavour, detailed work has been carried out in exploring country-specific information, compiling personal experiences and facilitating international consultations among like-minded colleagues.

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

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

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

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



**Bandana Pattanaik**  
GAATW International Coordinator

---

## Providing Social Assistance to Trafficked Persons

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

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

### Social assistance in the anti-trafficking framework

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

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

### GAATW global consultation and report on social assistance

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

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

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

## Making Do: major findings and recommendations

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

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

### Identification of trafficked persons

- No clear, standard procedure exists in most countries for identifying trafficked persons and criteria for identifying trafficked persons differ between both countries and regions. Process for identifying trafficked persons should be formalised to the maximum possible extent to minimise harm and create common understanding.
  - A brothel raid is the most common identification strategy but is problematic as raids often lead to further rights violations, not only of trafficked persons but of other sex workers. In all identification processes therefore, the principle of 'do no harm' should be the guide. 'Rescues' should be conducted by specially trained personnel only, knowledgeable in the area of human rights, sensitive to the situation and cognizant of the power dynamics involved. Collaboration and formal training should exist between NGOs and specialised police teams.
  - Trafficked persons in situations outside of brothel-based sex worker contexts, such as those working in factories or on farms, or as domestic workers, are difficult to reach. Sometimes this is because they are isolated and do not know how to get help, or because not enough attention has been given to people in these sectors. Identification strategies using community outreach should be developed to target these specific workplaces.
  - Interviews with trafficked persons are being done by multiple agencies, and often not according to international standards for interviewing trafficked persons. Interviews should be kept to a minimum in order to minimise potential for re-victimisation. NGO assistance providers can help by giving interviewers specialised training.
  - The reasons why trafficked persons do not come forward are complex and varied, including:
    - Unwillingness to be labelled *trafficked* because of the associated stigma;
    - Limited knowledge of rights;
    - Language barriers;
    - Experiences of abuse, threats to family, and penalties from employers or agents;
    - Corruption among government officials, police or military;
    - Concerns over deportation, illegal residency and lack of appropriate documentation;
    - Sense of loyalty to those on whom they have been dependent.
- As a result, agencies should avoid labelling identified persons as 'victims of trafficking' and effective services, including witness protection and empowering strategies, should be given as a matter of course.
- Further, identification of trafficked persons and provision of support services should remain separate functions supplied by autonomous and unattached agencies.

### Providing social assistance to trafficked persons

- The provision of social assistance is complicated by issues of safety, freedom, and type and ethics of shelters for trafficked persons. The golden standard for all social assistance programmes and their delivery should be whether they empower those using the services.
- Shelters that restrict freedoms, prevent contact with the outside world and do not provide activities for trafficked women that are appropriate to them slow down recovery. Guidelines for shelters based on human rights principles should be established and adopted, incorporating feedback from trafficked women who have utilised the service. Shelters should not pressure trafficked persons to participate in any activity against their will.
- Assistance that controls the behaviour of the individual can also create dependency on service providers. While it is challenging, assistance providers must balance the need to reduce a person's vulnerability to re-victimisation with avoiding dependency.
- Effective psycho-social support services can be extremely beneficial and positive. However, they are not available in many countries due to lack of funding or trained shelter staff who have knowledge about trafficking and positive counselling models. Training programmes would benefit health care providers, shelter staff, psychologists and others. Such training should aim to sensitise them to the specific complexities of human trafficking and migrant issues.

- Similarly health care for trafficked persons is limited in some countries. Increased services for health, counselling and testing for STDs and STIs are needed.
- Trafficked persons rarely are involved in the process of their own recovery, nor do they have an opportunity to contribute to how programmes should be run. Accurate information regarding the process of assistance and clarification of shelter rules should be prepared and shared with trafficked persons and they should be given opportunities to provide input.
- Assistance services are usually seriously under-funded and under-staffed and often cannot provide all of the assistance needed by a particular individual. Strengthening of networks between NGOs and service organisations could ensure that the varied needs of trafficked people have been met and the services provided are relevant and beneficial.
- Systematic gathering and processing of information about trafficked persons and assistance measures that endeavour to centre their rights would be of great value to those working in the field. ‘Good practices’, such as the peer-based models that allow women to gather, share, discuss and train, should be recorded and incorporated into social assistance programmes.

#### **Social inclusion and (re)integration**

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

---

## **Access to Justice for Trafficked Persons**

### **Access to justice in the international anti-trafficking arena**

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

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

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

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

### **Access to justice: major findings and recommendations**

#### **Overview of prosecutions and access to justice**

- The criminal justice system can be a source of empowerment for trafficked persons as it has the potential to legally and publicly recognise and provide redress for the wrongs done to them. However, inadequate support and protections during this process can lead to trafficked persons feeling re-victimised. NGO service providers perceive that very few trafficked women get a sense of justice from the prosecution of the trafficker, and rather find the process draining, difficult and resulting in very little concrete benefit for them in the end.
- Access to justice for trafficked persons is typically very low around the world. While trafficking is understood as a global phenomenon that is on the increase, most countries have prosecuted only a small handful of cases, if any. Access to justice should be given more recognition as an essential human right that is a routine aspect of social assistance to trafficked persons.
- In both developed and developing countries, trafficked persons have very limited access to information on legal rights and their options for enforcing those rights; without the support of an NGO to provide such information, access to justice is negligible. Respondents did note however that most trafficked persons do have access to translation services and free legal advice in criminal cases if they are identified. Information campaigns about legal rights should therefore be targeted at undocumented workers to promote identification.
- The need for knowledgeable and compassionate support at consulates in countries of destination is imperative, as embassies are often the first place to which women turn for assistance.
- Justice through a trafficking framework is easier for women trafficked into prostitution as a result of the disproportionate emphasis given to identifying victims in this sector. Police should investigate other sectors in order that other trafficked persons do not get overlooked.
- Women trafficked into prostitution are often less willing to participate in prosecutions because of the shame and stigma associated with coming forward, and risks of retaliation from traffickers. For this reason, measures to ensure privacy, confidentiality and victim/witness protection are a necessity.
- The commitment of the trafficked person and long-term support of an NGO in the search for justice is vital, as the process is normally long and difficult. For this reason, good and supportive social assistance is a necessity.
- Weaknesses in domestic legal systems are also key deterrents, including such problems as delays, expense and unfamiliarity with trafficking among legal actors.
- In almost all countries, witness protection systems for trafficked persons are weak, particularly after the trial has concluded. This is a major deterrent to women wishing to participate.

### **Legal and institutional frameworks**

- Significant progress has been made to criminalise trafficking and its component acts, training police and devising policy responses. Efforts should be made now to ensure all forms of trafficking of men, women and children are covered and given equal attention.
- The criminalisation of trafficking is a necessary step to making access to justice possible; in countries where trafficking has not yet been criminalised, prosecution of traffickers has proven difficult. Efforts should be made in all countries now where trafficking has not been addressed to obtain a good legal framework.
- Specialist training in human trafficking for police forces is a reality in many countries, with many already establishing dedicated anti-trafficking units. Nevertheless, incompetence or unwillingness among the police, prosecutors and judges is one of the most common problems identified by NGOs support workers -- training often does not emphasise trafficked persons' human rights or reach all or the right police personnel. Training should continue, but be targeted to reach those police personnel who will come into direct contact with trafficked persons, and be based on human rights.
- While the police have been a focus, prosecutors and judges in most countries surveyed have not received specialised training on trafficking. This should be a priority.
- In general, trafficking cases are expensive to investigate because of their often international nature and the complexity of the case. Police and NGOs from almost all countries included said that funding was insufficient, or was weighted to police but not NGOs or vice-versa. In origin countries, international donors are supporting much of the anti-trafficking work. Funding of anti-trafficking work must be provided to all agencies and organisations that play a role in getting cases investigated and prosecuted.

### **Cooperation and collaboration**

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

### **Compensation in trafficking cases**

- The provision of adequate and effective compensation to trafficked persons is extremely rare and, in general, has not been a priority for legal actors or NGOs.
- Given that trafficking is still relatively new, NGOs and lawyers are still inexperienced in compensation options and need more information.
- Where possible, labour cases should also be taken on behalf of trafficked persons, as they are faster and more efficient than seeking civil compensation avenues.

---

## **Prevention of Trafficking**

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

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

### **Trafficking prevention initiatives in the international arena**

'Prevention' broadly refers to pre-emptive interventions implemented before any of the forms of trafficking identified in the UN Protocol (2000) have occurred, including trafficking for the purposes of sexual exploitation, forced labour, slavery, servitude and the removal of organs. Prevention strategies essentially seek to remove or mitigate the cultural and socio-economic

conditions in both countries of origin and countries of destination that fuel opportunities for trafficking or increase the vulnerabilities of women and children to being trafficked.

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

### **GAATW global consultation and report on prevention initiatives**

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

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

### **Prevention: key recommendations**

#### **Prevention strategies in countries of origin**

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

#### **Safe migration**

- Governments must view migrant workers as individuals needing opportunity and protection, rather than as marketable commodities providing cheap labour or foreign exchange.
- Multi-country, multi-disciplinary collaboration can improve safety and conditions for migrant workers.
- There should be preparatory education for potential migrants.
- There should be more research on the connection between migration and trafficking.

#### **Prevention strategies in countries of destination**

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

#### **Monitoring, Evaluation and Impact Assessment**

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

#### **General Recommendations**

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

---

## General Conclusions and Recommendations

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

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

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

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

The criminal justice approach is clearly state-centred and security-driven, and we must continue to promote the protection of human rights as the centre of anti-trafficking work.

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

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

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

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

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