



Global Alliance Against Traffic in Women

**GAATW International Members Congress
and Conference (IMCC)**
July 4-7, 2010 - Bangkok, Thailand

BEYOND BORDERS

**Trafficking in the Context of Migrant,
Labour and Women's Rights**

Congress and Conference Report



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**Beyond Borders: Trafficking in the Context of Migrant, Labour and
Women's Rights**

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ACRONYM GLOSSARY

ANPPCAN	African Network for the Prevention and Protection Against Child Abuse and Neglect
APWLD	Asia Pacific Forum on Women, Law and Development
ASEAN	Association of Southeast Asian Nations
ATKI	Association of Indonesian Migrant Workers in Hong Kong or Asosiasi Tenaga Kerja Indonesia
AU	African Union
BlinN	Bonded Labour in the Netherlands
CAW	Committee for Asian Women
CBATN	Cross Border Anti-Trafficking Network
CDTD	Centre for Domestic Training and Development
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CERD	Convention on the Elimination of Racial Discrimination
CHAME	Centro Humanitário de Apoio à Mulher
CHRD	Center for Human Rights and Development
CLD	Colectivo Leila Diniz
CoE	Council of Europe
COIN	Centro de Orientacion e Investigacion Integral
CPU	Cambodia Prostitutes Union
CRC	Convention on the Rights of the Child
DR	Dominican Republic
ECHR	European Court of Human Rights
ECOWAS	Economic Community of West African States
EU	European Union
FIDA Kenya	Federation of Women Lawyers Kenya
FPAR	Feminist Participatory Action Research
GAATW	Global Alliance Against Traffic in Women
GAATW IS	Global Alliance Against Traffic in Women International Secretariat
GRETA	Group of Experts on Action against <i>Trafficking</i> in Human Beings
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome
HRW	Human Rights Watch
ILC	International Labour Conference
ILO	International Labour Organisation
IMC	International Members Congress
IMCC	International Members Congress and Conference
IMWs	Indonesian Migrant Workers
ITUF	International Trade Union Federation
KEWWO	Kenya Women Workers Organisation
LEFÖ	Information, Education and Support for Migrant Women
LRC-KJHAM	Legal Resources Center - Untuk Keadilan Jender dan hak Asasi Manusia
MO	Member organisation
MOU	Memorandum of Understanding
NGO	Non-governmental organisation
NAPTIP	National Agency for Prohibition of Traffic in Persons
NPA	National Plan of Action
NYU	New York University
OAS/OEA	Organisation of American States/ Organización de los Estados Americanos
OECD	Organisation for Economic Co-operation and Development



OHCHR	Office of the High Commissioner for Human Rights
REDLAC	Red Latino Americana y Del Caribe Contra (GAATW's Latin American Regional Chapter)
SEPOM	Self-Empowerment Program for Migrant Women
SEVA	Manav Seva Sansthan
THB	Trafficking in Human Beings
TWC2	Transient Workers Count Too
UK	United Kingdom
UN	United Nations
UNTOC	UN Convention against Transnational Organised Crime
UPR	Universal Periodic Review
US	United States
WG	Working Group
WOREC	Women's Rehabilitation Center



HOW TO READ THIS REPORT

This report generally follows the agenda chronologically (see Annex A for full agenda). To help readers, we've bolded key phrases throughout the text that highlight the main points made in each session.

INTERNATIONAL MEMBERS CONGRESS

In celebration of GAATW's 16th year, the International Members Congress (IMC) started with an informal and interactive conversation among **participants who shared key moments in their respective histories with GAATW**. Participants shared their reflections on the evolution of anti-trafficking and GAATW over the years, talked about their collaborations with GAATW, and their hopes for the future. Participants particularly valued GAATW's grassroots connection such as GAATW's support of self-organised groups, GAATW's commitment to keeping anti-trafficking work grounded in community-based concerns, and advocating for international mechanisms that reflected the concerns of trafficked persons and directly affected groups.

Bandana Pattanaik, **International Coordinator for GAATW International Secretariat (IS)**, then provided a **brief overview of the IS's activities during 2008-2010** with an emphasis on Alliance-strengthening, advocacy and research activities. She concluded her report by posing three questions for the Alliance to consider: How will we deal with the question of demand? What are the implications of broadening our work and linking up with other related movements? And, what can we do to ensure our own accountability?

Four regional sessions were led by GAATW members in Africa, Europe, Latin America and the Caribbean, and Asia, respectively. GAATW's members from Africa presented: an analysis of regional anti-trafficking policies; experiences of providing direct assistance to trafficked persons and migrant workers in Africa; and the complexities of doing national and regional anti-trafficking advocacy. Three speakers from member organisations in Europe discussed

trafficking for labour exploitation; recent legal cases and their implications for anti-trafficking work; and, conditional assistance for trafficked persons. Members from Latin America and the Caribbean focused on their engagement with national, regional and international advocacy fora, such as national action plans, the Organisation of American States/Organización de los Estados Americanos (OAS/OEA), and GAATW's global campaign on a review mechanism to the UN Convention against Transnational Organised Crime and its Protocols (UNTOC). The session led by members in Asia explored the impact of anti-trafficking strategies on trafficked persons themselves, such as the treatment of trafficked persons in Japan; how 'migrant and victim friendly border management' impacts migrants' realities in India and Nepal; and, struggles in accessing justice for trafficked persons in Mongolia and Cambodia.

Two sessions were held on strengthening GAATW's structure, led by the Working Group on Membership Issues and the Working Group on Decision-Making Processes. After a brief overview of the Working Group on Membership's activities over the past three years, participants voted on two outstanding issues: a timeline for reviewing GAATW's membership¹ and membership fees². The Working Group on Decision Making Processes also brought outstanding issues to the Congress and gained consensus on processes for decision making with regard to the International Board, Working Groups, Regional Chapters, the IS, and GAATW's Statute. It was agreed that the IS would take the responsibility of finalising the Working Group documents and following up on next steps.

The IMC concluded with a discussion on **GAATW's 2011-2013 strategic direction**. Some common themes emerged as well as thoughts about how to utilise the Alliance's core methodologies of research, international advocacy, support for self-organising efforts and network building over the next three years. Issues included: the lack of focus/research on labour exploitation; the need to engage with the Middle East; the accountability

(or lack of accountability) of anti-trafficking actors; the importance of supporting the efforts of self-organised groups; addressing and exploring people's lives after trafficking (e.g. reintegration, compensation); broader migration issues (e.g. abusive recruiters, children of migrant workers); network building; and smuggling. Discussions on GAATW's 2011-2013 strategic direction concluded with the IS committing to synthesising discussions and feed into a draft strategic direction document to be shared with members by October 1 for further member feedback.

ART EXHIBITS AND CAFÉ ALLIANCE

A highlight of the International Members Congress and Conference (IMCC) were two art exhibitions that sought to challenge traditional representations of trafficked persons in visual anti-trafficking materials and to promote a rights-based approach to anti-trafficking campaigns: *Rights!Art!Action!* and *Stories of Trafficked and Returnee Migrant Women: A Photo Essay*. Café Alliance was a space, usually in the late afternoon, where participants could hold their own informal sessions, discussions and meetings with other participants. The Café Alliance sessions on offer during this year's IMCC represented an incredibly diverse mix of perspectives, audiences and topics.

INTERNATIONAL CONFERENCE

The International Conference (IMCC) began with a joint performance by Kolkata Sanved (India) and Gabfai (Thailand) that was inspired by the stories shared by women in GAATW's FPAR projects. This was followed by an **opening plenary** on *Understanding Trafficking and Human Rights in the Context of Migration, Labour, Gender and Globalisation*. Three speakers from GAATW's International Board and member organisations spoke about the use of laws and human rights as tools of power as well as vehicles for freedom; and the use of anti-trafficking discourses to entrench conservative agendas towards women's rights and migrant rights.

This was followed by four concurrent sessions that focused on (1) the **practical implications of linking anti-trafficking efforts with broader rights movements** and (2) exploring approaches that could better capture women's holistic experiences and concerns. In addition to participants' experiences, most of these sessions also featured findings from GAATW's 2009-2010 FPAR projects from *A Woman's Life is Richer Than Her Trafficking Experience: Feminist Participatory Action Research (FPAR) Series CD³* and Working Paper Series, *Beyond Borders: Exploring Trafficking's Links to Gender, Migration, Labour, Globalisation and Security⁴*. Sessions were held on: *Negotiating Rights at the Workplace*; *The 'Victim Label'*; *What's Next? What do Linkages Mean for Our Work?*; and, *Trade Policies and Impacts on Migrating Women*.

Two concurrent sessions with domestic workers' rights groups and sex workers' rights groups were held. Domestic workers' groups discussed the current opportunities for the domestic workers movement, particularly advocacy towards an International Labour Organisation Convention on Domestic Work and national and regional initiatives. Sex workers' groups discussed how to strengthen collaboration between sex workers' groups and anti-trafficking groups and the challenges of organising sex workers in the face of extreme criminalisation and stigmatisation.

The IMCC included various spaces to discuss or take part in **international advocacy**. The UN Special Rapporteur on trafficking in persons, especially women and children, Ms Joy Ezeilo, facilitated a lively and thought-provoking consultation on Prevention. Participants emphasised: the Special Rapporteur's role in advancing evidence gathered by civil society; the importance of thinking critically about root causes and prevention campaigns for trafficking; the need to dismantle xenophobia in destination countries of migrant workers and trafficked persons; the importance of trafficked persons and self-organised groups in furthering anti-trafficking efforts; and the need for a victim-centered monitoring mechanism to UNTOC⁵. Two sessions were held on raising individual complaints using UN Human Rights Treaty Bodies and the Special Procedures. GAATW's campaign for a review mechanism to UNTOC was featured in an interactive booth and member participation was encouraged⁶. A comprehensive Advocacy Update that listed international advocacy developments from January to June 2010 and upcoming opportunities for engagement was also provided⁷.

At the end of the International Conference, GAATW International Board Members closed the conference and offered their deep gratitude towards all participants. Jacqueline Leite (CHAME) then led a playful closing ceremony, whereby participants acted out their experiences of the IMCC.



Alliance Against Trafficking in Women
Annual Members Congress and Conference (IMCC)

4-7 July 2011

The Imperial Garden Plaza Hotel

ORDER

Training in the Context Migrant, Labor
and Rights



BACKGROUND AND METHODOLOGY



GAATW organises a thematic conference and a members' congress every three years. The first such event was held in December 2004 on the eve of GAATW's 10th anniversary. Entitled *Human Trafficking & Human Rights: Meeting the challenges together*, 200 people working on the issue of human trafficking from all continents shared their work, thoughts, concerns and insights. At the 2007 global congress and conference, GAATW launched a multi country report entitled *Collateral Damage: The impact of anti-trafficking measures on human rights around the world*. The report was a groundbreaking piece of research which critically engaged with the dominant anti-trafficking paradigm from a human rights perspective.

GAATW's work during 2008-10 has continued to follow a two pronged approach, first established in 2005, of (1) critical engagement with anti-trafficking frameworks and (2) engagement with sister movements to promote the rights of all migrating women. Our international advocacy work has advocated for migrant workers, women and trafficked persons to have their rights upheld by States in all anti-trafficking responses and that trafficking is addressed in its broader context of migration, labour and gender rights. Specific actions in this regard have included a focus on the establishment of a review mechanism to UNTOC⁸ as well as advocating that specific standards be adopted through the Human Rights Council for the treatment of migrant workers and trafficked persons. Simultaneously, our research programme has continued to explore the linkages between migration, security, trafficking, labour and gender, specifically from a human rights based perspective. This work culminated in a series of Working Papers and 12 FPAR Reports (undertaken in collaboration with member organisations and allies)⁹. This year's IMCC theme, *Beyond Borders*, was largely informed by this work.

The 2010 IMCC adopted a format similar to the previous two IMCs: (1) a two-day members congress to share knowledge and collectively strategise to undertake effective, human rights based work to protect the rights of trafficked persons, sex workers, and migrant women workers in vulnerable situations and (2) a two-day conference (open to non-members) exploring trafficking and related issues in the context of migrant, labour, globalisation, global security and women's rights.

GAATW is a network that spans different continents, cultures and languages. Ownership, participation, interaction and mutual learning are the guiding principles for both the IMC and the IMCC. Preparation took place from January to June 2010 and included: the formation of a Planning Committee with representatives from member organisations, the International Board, the IS, and allies; conversations between the IS Regional Officers and member organisations on the agenda and methodology and support mechanisms for participants; and coordinating members' involvement in facilitation and presentations, among other activities.



INTERNATIONAL MEMBERS CONGRESS 4-5 JULY 2010

Welcome and Opening Conversation

To celebrate GAATW's 16th year, the International Members Congress started with an informal and interactive conversation among participants who shared key moments in their respective histories with GAATW. Jan Boontinand (former GAATW International Coordinator, Thailand) and Dr. Nita Prasad from Ban Ying (member organisation, Germany) facilitated this conversation to take a look back at how things were 'then' and how they are 'now'?

1994-1997 saw the formation of GAATW (in the office of Foundation for Women, a Thai member organisation) as an outcome of a conference on migration and trafficking and to address the need for an international alliance on trafficking that was linked to grassroots organisations. Participants shared that the Alliance's work during this period involved calling for international anti-trafficking laws and a separation of sex work and trafficking. Initial trainings and seminars were held in Uganda and in Europe in 1997 on the human rights based approach to anti-trafficking; FPAR was conducted in the Mekong region based on Foundation for Women's work; a meeting was held in the Dominican Republic with 25 organisations on migration from Latin America to Europe and the links between trafficking with the region's historical context; and a regional forum was held by GAATW Canada that discussed sex workers' suspicions about anti-trafficking agendas.

At that time I worked at Foundation for Women as a researcher...We saw many of the problems Thai women face abroad. We didn't know if this was trafficking. We still have a relationship with these women. We are in a better situation, but every time I have a meeting with GAATW, I first call the women. - Jiraporn (June) Sae-tang (SEPOM, Thailand)

1998-2000 saw extensive lobbying efforts towards what eventually became the Human Trafficking Protocol in 2000. Lobbying efforts included many organisations and members in the Americas, Asia, Africa and Europe who represented grassroots

organisations and directly affected groups. This was a significant period as human trafficking as a human rights issue was discussed at the international level, albeit largely from a criminal justice perspective. Further in discussions on the definition of trafficking, the issues of sex work and trafficking were delineated. In 2000, Wedoro, the first returnee women's organisation in Central Java, Indonesia was formed, influenced by GAATW's work on FPAR.

We were not only academics, but also people from the ground. We were not only white people from Europe, but a very international lobby group. That set us apart. - Dr. Nita Prasad, Ban Ying, Germany

2001-2003 marked an era of law production as States began implementation of the Human Trafficking Protocol. GAATW continued to lobby at the international level and conducted intensive trainings and a national advocacy project. Subsequent to the Protocol's adoption, handbooks for trafficked persons were developed and GAATW was invited to engage in discussions on the UN Office of the High Commissioner for Human Rights' 'Recommended Principles and Guidelines on Human Rights and Human Trafficking', the publication of which in 2002 provided a key human rights benchmarking tool for use in association with the Human Trafficking Protocol. Interest and funding from the UN started to increase and the anti-trafficking movement gained visibility. As attention to this issue increased, GAATW also questioned the focus on trafficked persons as 'commodities' in criminal justice proceedings rather than on their rights. In 2001, GAATW connected with Central Asia when Mongolian organisations researched trafficking in Mongolia with GAATW.

2004-2006: After the Human Trafficking Protocol negotiations and the first International Members Congress (IMC) in 2004, GAATW's membership started to formalise. During this period GAATW withdrew a little from international advocacy as members focused on implementing the Protocol at the national level and the Secretariat focused energies

on strengthening the Alliance's structure and ways of working (particularly with its member organisations). As anti-trafficking measures increased, GAATW began examining the impact of anti-trafficking measures on human rights. During this time GAATW strengthened connections with grassroots and self-organised groups and others working on women's rights, migrant rights and labour issues. Member organisations in Latin America and the Caribbean set up a Regional Chapter - REDLAC to consolidate work and better influence work in the region.

GAATW's Lin Chew [Founding Member and former Member of the Board] visited Kenya to introduce GAATW. We had a forum, after which there was the IMC, where we had three organisations from Kenya joining. In 2005, we started working on trafficking. Since that time the network has grown and has included the government, ministries, embassies, and NGOs.
- Alice Maranga, FIDA Kenya

2007-2010 saw the release of GAATW's research report, *Collateral Damage*¹⁰, which assessed the impact of anti-trafficking measures on the human rights of often marginalised groups around the world and emphasised the importance of critical analysis of anti-trafficking responses. GAATW renewed her focus on the human rights of trafficked persons and other affected groups, which included new members such as LEFÖ (a women migrants' organisation from Austria), ANPPCAN (a child trafficking network from Liberia) and Bomsa (a returnee migrants group from Bangladesh)¹¹.

We are very happy to be a member now and see focus on human rights and migrant rights is coming back at the international level, much more than in early years.
- Evelyn Probst, LEFÖ, Austria

2008-2010 Report from Bandana Pattanaik, International Coordinator of the GAATW International Secretariat

Bandana Pattanaik provided a brief overview of the International Secretariat's work during 2008-2010.

STRENGTHENING THE ALLIANCE

GAATW held four regional consultations in Asia, Europe, Africa and Latin America and the Caribbean with each consultation focusing on a particular priority: Latin American and the Caribbean - access to justice; Africa - conceptual

clarity; Europe - linking with broader movements; and Asia - direct assistance and advocacy. GAATW also produced four issues of the *Alliance News*, each with a different regional focus¹². At the 2007 IMC, there was a clear request from African members to expand GAATW's engagement in the region and to have African representation on GAATW's Board. Since then, **GAATW's African membership has increased** from four to nine member organisations and the IS has increased engagement with advocacy in the region, for example the African Union (AU) and the Economic Community of West African States (ECOWAS). GAATW Board Member Vicky Nwogu attended the last ECOWAS meeting on trafficking and was able to influence changes in the policy document. Also initiated at the 2007 IMC was the **Working Group on Membership** and the **Working Group on Decision-Making Processes**, each with representation from GAATW's Board, members and the IS who will report on their work with the Alliance during the IMC.

COMMUNICATIONS

Of the IS team, Bandana said "We have an energetic, enthusiastic and committed team of women at the International Secretariat. I am proud to say that most of the publications you've received from us have been produced in-house."

INTERNATIONAL ADVOCACY

Bandana spoke next about GAATW's leading role in assessing anti-trafficking efforts and campaigning for a review mechanism to the Human Trafficking Protocol: "In the last 2.5 years we have been able to mainstream the 'collateral damage' language and messages (including with the US Department of State). We are a leading voice lobbying for a review mechanism to the Human Trafficking Protocol. After having engaged with the Human Trafficking Protocol, it is a natural next step to engage with plans for a review mechanism. We have also made a conscious effort to reclaim certain advocacy arenas and we continue to insert human rights language into international anti-trafficking and crime control discussions. We've worked closely with UN Special Procedures, spoken to governments about the mandates of related Special Rapporteurs, organised side events at Human Rights Council sessions, and encouraged State delegates in Geneva to talk to their colleagues in Vienna."

RESEARCH

GAATW collaborated with member organisations on 12 FPAR Projects; conducted research in Huelva on Moroccan women migrating to Spain; researched access to justice in Latin America and the Caribbean; held three feminist Roundtables on the Linkages themes; and

drafted four Working Papers¹³ which are now ready to be read and discussed. The FPAR projects brought out some themes that GAATW had prioritised since its inception: *“Through these projects, we attempted to increase awareness on the links between trafficking and larger social contexts that have been lost over time through projectisation of anti-trafficking work. These FPAR projects looked at how women negotiated their lives and affirmed that women’s lives are more complex than the labels imposed on them.”*

REALISING RIGHTS (ENGAGEMENT WITH SELF-ORGANISED GROUPS)

This is a small but important programme that reaches out to small self-organised groups led by migrant women, sex workers, domestic workers and trafficking survivors. A few examples of GAATW’s activities over the past few years include supporting the education of 10 trafficked women in Shakti Samuha, a trafficking survivors organisation in Nepal; producing an advocacy video with ATKI, a domestic workers organisation in Hong Kong; and continuing to support Sanayar Thi Pan, a women’s centre led by migrant women in northern Thailand.

ACCESS TO JUSTICE

The IS began focusing on this theme in 2005-2007. During this period, GAATW held a consultation and Fanny Polania (Founding member, former Board Member and GAATW point person for LAC region) carried out research in Latin America and the Caribbean focusing on 17 countries in collaboration with member organisations. The IS produced a handbook with the National Agency for Prohibition of Traffic in Persons (NAPTIP) in Nigeria and an Access to Justice website which we’ll be updating over the next several months.

FUNDRAISING

Funding continued to be a challenge during this period and it will continue to be a challenge. Given that the IMCC is such a cost intensive yet significant event of the Alliance, she mentioned that *“I am encouraged to see so much support from the member organisations.”* It is heartening to note that larger organisations in Indonesia raised funds so that smaller members could attend the IMCC.

LOOKING FORWARD

Reflecting on GAATW’s work over the last three years, Bandana concluded her report by posing three questions for the Alliance to consider. *“Firstly, how will we deal with the question of demand? In the late 1990s, we pushed for a broad definition of trafficking and we got one.*

But a large number of people still think they can end trafficking by ending sex work. What would we as an Alliance like to do about this? Can we take up the issue of demand and deal with it in a more complex way? Secondly, what are the implications of broadening our work and linking up with other related movements? When we use the broad definition of trafficking, we end up talking about migration and labour by necessity. We pushed for human rights standards for the treatment of trafficked persons but we can’t just focus on pushing for rights of people who have already been trafficked, but need to look at rights protection before trafficking happens. Many GAATW member organisations have found ways to engage with these broader issues but some of us are daunted. Will we be spreading ourselves too thin? Will we encroach on other’s territory? Lastly, what can we do to ensure our own accountability? As more funds are being pulled into anti-trafficking work, we are seeing a lack of impact assessments of anti-trafficking measures. What monitoring and evaluation is in place to assess prosecutions and legislation? As an Alliance, we will continue to critique States for their work. But also ask ourselves what we can do to make ourselves more accountable.”

Regional Session led by GAATW Members in Africa - *The Complexities of Anti-Trafficking Work in Africa: Experiences, lessons learnt and the way forward*

Speakers: Alice Maranga from the Federation of Women Lawyers Kenya (FIDA-K); Tonny Odera from The CRADLE - The Children Foundation (Kenya); Edith Wairimu Kanyingi from the Centre for Domestic Training and Development (CDTD, Kenya); Grace Osakue from Girls’ Power Initiative (Nigeria) and Clement Stephens from the African Network for the Prevention and Protection Against Child Abuse and Neglect (ANPPCAN, Liberia).

After a fun opening quiz exercise to test participants’ knowledge of African countries and GAATW’s membership in the region, four speakers from member organisations in Africa presented an analysis of **regional anti-trafficking strategies**, experiences of providing direct assistance to trafficked persons and migrant workers (**victim assistance**), and the complexities of national and regional anti-trafficking **advocacy in Africa**.

Tonny Odera (The CRADLE) began the presentations with a summary of his paper *“Full Circle: Analysis*



of *Regional Anti-Trafficking Policies and Programmes in Africa*". He began by linking human trafficking with colonial histories in Africa ("a new name for an age old human rights violation"). As countries acquired independence, regional political bodies formed to rid the region of colonisation and strengthen countries' sovereignty. Some of these regional political bodies have addressed or have the potential to address trafficking issues, such as the AU and the ECOWAS. He identified **fifteen regional instruments (listed in paper¹⁴) that refer to trafficking**, and argued that these regional frameworks have not been effective in eradicating trafficking but have partially raised awareness. Anti-trafficking legislation has been developed but legislation has not been effective due to confusing definitions of trafficking, a focus on perpetrators (rather than victims), lack of sustainability, and an absence of human rights language. In addition to the recommendations listed in his paper, Tonny argued that the Human Trafficking Protocol offers limited relevance and utility in the African context and called for a review mechanism to the Human Trafficking Protocol that would allow **assessment of the impact of anti-trafficking measures in Africa**.

Edith Wairimu Kanyingi (CDTD) presented next on **providing assistance through CDTD's home setting model** that provides training, care services (e.g. counselling), shelter, job placement and workplace monitoring services for domestic workers, trafficked persons, internally displaced persons and victims of gender-based violence. Assistance for trafficked persons is largely based on their physical health needs (e.g. addressing malnutrition, providing sanitary pads) and mental health needs (e.g. recreational programming) along with skills training. Complications in reuniting victims with their families was raised, with some families refusing to accept former victims back into their families or accepting them only on the condition that they are able to earn an income. Edith also described the numerous **challenges in providing victim assistance for staff**, such as: extremely demanding and difficult

interactions with victims, high costs of rehabilitation, poor national legal frameworks, and some victims' preference to remain in the shelter rather than moving after recovery. Unfortunately, victim assistance is deprioritised by African governments that are just coming to terms with the issue of trafficking. Edith concluded her presentation by discussing the **problematic impact of anti-trafficking research undertaken by Western countries in Africa** such as the over-reliance on inaccurate desk reviews, the use of Western research to deny funding to African-led organisations, and the use of research by countries of destination to 'prove' that victims should return to countries of origin by portraying victim assistance systems in Africa as 'rosy': "*Perhaps it's about time that parallel studies/research or documentation is conducted by African agencies to counter this picture and ensure that donors prioritise victim assistance in their programming of trafficking in persons*".

Next, Grace Osakue (Girls' Power Initiative) presented on the use of education as an anti-trafficking prevention method for girl youth in Nigeria. Girls' Power Initiative is a three year program to develop girl youth as social change agents by providing education not available in mainstream education systems, such as economic skills training, comprehensive sexuality education, and awareness raising about migration issues (e.g. saying no to pressure from parents or traffickers). She also stressed education as a strong tool for preventing re-trafficking: "*Girls go into debt bondage after they return from trafficking. If they become trafficked again, that increases their debt. Re-trafficking becomes more urgent to address than trafficking.*" Grace talked about the factors contributing to trafficking such as poverty ("*92% of Nigerians are poor*"), the role of cultural practices such as fostering, a lack of government and donor investment in prevention work, stringent migration laws and **re-trafficking as the result of victim stigmatisation**.

Alice Maranga (FIDA-K) ended the presentations by briefly describing the work of the other member



organisations in Africa (KEWWO, Ngazi Moja Foundation, and FIDA Kenya) before opening the floor to questions. Participants asked about trafficking flows on the continent to which Tonny replied that a majority of countries would be considered both countries of origin and destination and would include both domestic and international trafficking. Edith answered questions about CDTD's victim assistance programme and spoke about the challenges of balancing women's right to privacy with women's needs to talk about their experiences.

One participant asked about the belief of German police that trafficked persons from Africa felt pressure from voodoo. Grace clarified: *"The process to migrate is hard. I spent over 2000USD to get a clearance certificate from the agency, in order to get clearance from the Ministry of Foreign Affairs. I had to go to court for an affidavit. People are not willing to confront the official process. Agents prefer smuggling boys and trafficking girls. The boys have to pay upfront....For the girls, they don't have to pay as much and are told 'When you arrive there, you pay me the balance. I'm going to clothe you, house you, feed you. You are going to pay me 60,000USD at the end of two years'. And because there is a law, the trafficker looks for ways of getting this [agreement] signed. They will take you to a lawyer to get documents signed. You will have the document. Also, more and more of them are taking girls to a shrine to make them deposit parts of her body: fingernails, hair, pubic hair, used sanitary towel. Our belief is if someone dies, and you have the hair or nails, you can have a burial ceremony. The girl believes anything can be done to her with those things. And the trafficker uses that against her - saying if you divulge my identity, I will make it so you can't have a child by using your menstrual pad. The Ministry is working with girls to say who their trafficker is anyway. The Ministry will go to the shrine to get their things back. So those girls in Germany are genuinely afraid."*

Regional Session led by GAATW Members in Europe - Anti-trafficking and Rights Protection in Europe: Recent developments, ongoing challenges and its implications for our work

Speakers: Evelyn Probst from LEFÖ-IBF (Austria); Sandra Claassen from Bonded Labour in the Netherlands (BLinN, The Netherlands); Dr. Nita Prasad from Ban Ying (Germany); and, Suzanne Hoff from La Strada International (The Netherlands).

Evelyn Probst (LEFÖ) introduced the session with an overview of GAATW's membership in Europe: Most GAATW European members focus on direct assistance to trafficked persons and most countries in the region have anti-trafficking legislation and national action plans. Although human rights language appears in many anti-trafficking documents, there still remains a disconnect in practice. Anti-trafficking issues are still also largely seen as separate from related issues such as migration and labour rights.

Three speakers from European Member Organisations followed, discussing: **trafficking for labour exploitation** in Europe; **recent legal cases** and their implications for anti-trafficking work; and, **conditional assistance** to trafficked persons.

Sandra Claassen (BLinN) talked about **trafficking for labour exploitation**, an issue that courts, governments and NGOs in Europe are just beginning to grapple with. The diversity of sectors (e.g. domestic work, construction, agriculture) and groups (e.g. from Asia, Latin America, Eastern Europe) that are trafficked presents a great challenge for outreach and identification. Most countries in the region include labour exploitation in their criminal codes yet Sandra explained that disappointing court outcomes (e.g. fewer sentences) in the Netherlands (as an example) are a **disincentive for exploited**

workers and their advocates to pursue legal remedies. Other challenges in working on labour exploitation include ambiguous definitions of labour exploitation; stronger focus on repressive EU migration policies (i.e. framing trafficking as a migration issue vs a labour issue); and a lack of awareness among migrants about their rights. Recommendations for GAATW on this issue included facilitating exchange of experiences and strategies to increase members' capacity to deal with labour exploitation; and to continue linking trafficking to broader migration, gender, and labour issues.

Next, Nita Prasad (Ban Ying) presented two cases - (1) *Ranstsev vs. Cyprus and Russia*^{15 16} and (2) *Siliadin vs. France* - from the European Court of Human Rights (ECHR)¹⁷ and their implications for anti-trafficking work. Nita explained that ***Ranstsev vs. Cyprus* had broader implications for anti-trafficking advocates as the state was found responsible: for a murder of a migrant in a private household** (a cabaret worker was taken by the cabaret manager to a private location and found dead soon after); for failing to protect Ms Ranstsev from being trafficked and unlawfully detained; and, for failing to adequately investigate her death and how she had been trafficked. The government of Cyprus acknowledged Ms Ranstsev's rights had been violated and offered compensatory damages but the ECHR continued with the case to develop more case law. In conclusion, the ECHR made the following ruling: States have a positive obligation to protect against, as well as to investigate trafficking, even in cases where trafficking is only suspected and not proven. Nita explained that this case had implications for other regions as the Inter-American and European courts read each other's case judgments and that both regional courts have expressed great interest in handling trafficking cases. Although this was a successful case, Nita identified one potential area for *collateral damage* in the ECHR's condemnation of 'artiste' visas. She recommended that GAATW write a paper about visa systems for migrant sex workers and how such systems permit women to travel autonomously rather than relying on recruiters.

The second case Nita described, *Siliadin vs. France*¹⁸, involved **exploitation of a child domestic worker** in which the ECHR concluded that States are under an obligation to penalise and punish any act aimed at maintaining a person in a situation incompatible with Article 4 (relating to slavery), even if trafficking is not explicitly mentioned in the European Convention on Human Rights. These two cases brought forth many questions and comments from the participants about the detailed workings of the ECHR¹⁹; differences in definitions for slavery, servitude

and trafficking; seeking legal remedies in countries of origin when traffickers are prosecuted in countries of destination; and whether a broader definition of domestic work in the ILO Domestic Workers Convention would assist in instances of cases such as *Siliadin vs. France*. Nita **concluded her presentation by recommending** that (1) the Alliance strategise and work collectively on taking specific cases to the international level (e.g. creating a Working Group for complaints); (2) that members receive training opportunities on complaint procedures (such as the advocacy sessions during the International Conference), and (3) that the International Secretariat devote an issue of the *Alliance News* to international decisions on trafficking in inclusive, accessible language for service providers and grassroots organisations.

Suzanne Hoff (La Strada International) looked at how conditionality in assistance for trafficked persons is outlined in three policy instruments: the UN Human Trafficking Protocol (Articles 2, 6, 7), the Council of Europe Convention on Action against Trafficking in Human Beings (CoE Convention on Action against THB) and the Draft European Council directive on Human Trafficking (Articles 10 & 11). She explained that the CoE Convention on Action against THB can be seen as a more advanced instrument than the UN Protocol as it mentions non-conditional assistance and has an independent monitoring mechanism; conversely the UN Human Trafficking Protocol does not mention conditionality and has no independent monitoring mechanism. However, in practice, European States have often put conditions on support to identified trafficked persons, exceptions being a reflection period and provision for legal stay on humanitarian grounds (e.g. Italy's 'social path'). The barriers to non-conditional assistance include **States' fear that it would be an incentive for people to identify as trafficked** even though evidence has shown that more inclusive, accessible services benefit states as they result in better testimonies and better witnesses. Suzanne recommended GAATW to (1) continue lobbying at national and international level on unconditional assistance to trafficked persons, (2) facilitate sharing best practices of GAATW members on this issue and to (3) develop common materials and argumentation (research).

Tonny Odera (The CRADLE, Kenya) asked what **value regional instruments added to European members' work**. Suzanne (La Strada International) and Stana Buchowska (La Strada Poland) replied that the regional instruments represented a conceptual advancement from the UN Human Trafficking Protocol but that challenges in implementation still remained. Nita elaborated that the Human Trafficking Protocol helped NGOs challenge European government's focus on trafficking as a *migration*

issue and helped NGOs push for action on labour exploitation. In addition, GRETA is in the process of reviewing the first 10 countries that ratified the CoE Convention on Action against THB and La Strada International and other NGOs are involved. Participants asked if the **treatment of European trafficked persons differed from treatment of non-European trafficked persons**²⁰. Speakers replied that if trafficked persons are European Union (EU) citizens, they cannot be forced to leave a country that is part of the EU, whereas non-EU citizens can be forced to leave an EU country (this was critiqued for creating ‘first, second and third class citizens’). Speakers also noted that the Committee on the Elimination of Discrimination Against Women (CEDAW) is very interested in handling complaints from migrant women who have not been informed of their rights in countries of destination.

Regional session led by REDLAC, the GAATW Latin American Regional Chapter - *Regional and National Advocacy Actions in Latin America and the Caribbean*

Speakers: Jaqueline de Souza Leite from Centro Humanitário de Apoo à Mulher (CHAME, Brazil); Santo Rosario Ramirez from Centro de Orientacion e Investigacion Integral (COIN, Dominican Republic); Joluzia Batista from Colectivo Leila Diniz (CLD, Brazil); Ricardo Valdez from CHS Alternativo (Peru); Liyana Pavon from GAATW International Secretariat.

After Jaqueline Leite (CHAME) provided an overview of the Latin American and Caribbean countries’ anti-trafficking committees and national plans, Santo from COIN (Dominican Republic) discussed **anti-trafficking responses in the Dominican Republic**. Trafficking in the Dominican Republic includes both Haitians who are trafficked to the Dominican Republic (e.g. to work in sugar and coffee fields) and Dominican Republican women who are trafficked to other Caribbean countries and Europe. A committee to implement the National Action Plan was formed to fight trafficking made up of 32 members in total from justice systems and military forces, including eight civil society representatives. The biggest challenge in this effort was the lack of a common voice among all actors and the government’s failure to acknowledge that half of the women who return want to migrate again for work opportunities.

Joluzia Batista (CLD) followed by discussing **GAATW Brazil’s**²¹ **monitoring methodologies for Brazil’s National Action Plan Against Trafficking**

(IPNETP). In 2006, an opportunity arose to develop anti-trafficking policy in Brazil through an Inter-Ministerial Committee which included civil society involvement, including GAATW Brazilian members. In 2008, a Working Group was established to develop a national action plan. GAATW Brazilian members prioritised monitoring the implementation of the Plan through information sharing, dialogue with different ministries, and ‘on the ground’ approaches. What members found was a lack of data, differences between different institutional services and the necessity to assess institutional impact. They provided this feedback to the government. This created tension between government and civil society and the government prepared a counter response to their findings. Joluzia explained that the process made GAATW Brazil much stronger and visible at the national level. GAATW Brazil requested a civil society consultation with the government as they prepare their second Plan, to which the government agreed.

Participants asked for more information on trafficking survivors and legal provisions for traffickers in Brazil. Joluzia replied that persons in Brazil are primarily trafficked for the purposes of forced labour or domestic work. She explained that Brazil is a signatory to the Human Trafficking Protocol and that there are established assistance networks in the country. She also emphasised the importance of **not re-victimising trafficked persons in anti-trafficking efforts** and the importance of having a space to critically discuss the relationship between government policies and how trafficked persons are treated by the government.

Next, Ricardo Valdez (CHS Alternativo) provided an introduction to the **principal regional advocacy forums**, focusing particularly on the **opportunities in OAS/OEA** (Organisation of American States/





Organización de los Estados Americanos). The OAS/OEA's Plan of Action on Human Trafficking includes very important points on prosecution and protection but allies have concerns about other parts of the plan. Engaging in OAS/OEA processes is relatively straightforward as civil society can give presentations and input into processes. Ricardo concluded by identifying this space as an opportunity for civil society engagement, suggesting that 28 out of 30 Members in the Americas should belong to OAS/OEA to exert a stronger presence (at present, 11 out of 31 GAATW members in the Americas are part of OAS/OEA). He also recommended that GAATW facilitate REDLAC participation in regional advocacy.

Liyana Pavon (GAATW IS) then provided an update on **member organisations in Latin America and the Caribbean's engagement with their national officials on a review mechanism to UNTOC.**²² In summary of government responses to REDLAC members enquiries on this matter, she noted that: Brazil showed public interest and support for a victim-centred approach to trafficking at the 2010 International Crime Congress. Members in Bolivia, Guatemala and the Dominican Republic are currently advocating for a victim-centred review mechanism, while working with their governments who have shown interest at the national level, and that while members in Colombia and Peru have established government contacts, there has not yet been discussion or interest shown at the national level. The challenges members face in their advocacy efforts include the fact that many trafficking departments did not know about the discussions taking place on the review mechanism.

After the presentations, participants asked for **more information on how victims are assisted.** Santo explained that, **in the Dominican Republic,** a protocol has been established with the authorities. For instance, in four of the regions they have NGOs or authorities of that country to cover the costs of bringing persons back. When trafficked persons are in the Dominican Republic, there is also an agreement with immigration officials that a COIN lawyer will go to the airport/immigration office to provide assistance and information.

Regional Session led by GAATW Asia Members - *Protection of the Rights of Trafficked Persons: A call to strengthen cooperation between countries of origin and destination*

Speakers: Usa Lerdsrisuntad from Foundation for Women (FFW, Thailand); Dewi Nova Wahyuni (former GAATW IS Asia Regional Programme Officer, Indonesia); Masumi Yoneda from the Japanese Network Against Trafficking in Persons (JNATIP); Jata Shanker from Manav Seva Sansthan (MSS-Seva, India); Amarjargal Davjavev from the Center for Human Rights and Development (CHRD, Mongolia); Melissa Cockroft from the Cambodian Women's Development Agency (CWDA, Cambodia).

Dewi Nova began the session with a quick overview of GAATW's membership in the region. Members in Asia represent **GAATW's largest and most diverse membership bloc** with 42 member organisations from North Asia (Mongolia), South Asia (Bangladesh, Nepal, Pakistan, India), and Southeast Asia (Cambodia, Hong Kong, Indonesia, Singapore, Philippines, Thailand). Asian members work at all levels including grassroots, district, provincial, national and regional. GAATW's Asian membership also includes the largest number of self-organised groups led and staffed by returnee migrant women, migrant women, low income women, sex workers, domestic workers, rural women and trafficking survivors.

Masumi Yoneda (JNATIP) presented on the contradictions between Japanese policy on the protection of trafficked persons and the **actual treatment of trafficked persons in Japan.** Japan developed the National Action Plan on Trafficking in 2004. Since 2005, the government has reported a decline in the number of identified trafficking victims although Masumi argued that this decline represents a lack of political will to counter trafficking, rather than the result of an effective Plan. While trafficked persons are ostensibly free from deportation, they are not permitted to



remain in Japan and must return to their home countries. While assistance is provided according to the Plan, investigation procedures take precedence over ensuring adequate assistance. Other challenges include a limited scope of trafficking (focus often limited to sex work), anti-trafficking efforts led by police and immigration systems, and systems staff that are ill-equipped to work with women in sex work. After her presentation, Eni from a domestic worker-led organisation in Hong Kong (ATKI), asked Masumi about a **Japanese-Indonesian work program that selects 100 nurses** to work in Japan but ultimately only employs about half of the women selected. Eni asked what happens to the women who are selected to go to Japan but are not given employment. Masumi replied that as the government accepted and selected the Indonesian women, they are responsible for them until they return to Indonesia.

Rajesh Mani (MSS Seva) spoke on addressing cross-border migration and human trafficking along the India-Nepal border, specifically the migration of women and girls, through **“migrant and victim friendly border management”** by targeting migrants and various power holders (e.g. media, government, border officials, recruitment agencies, NGOs). He described several of SEVA’s strategies including the placement of rights-based information booths staffed by NGOs and police; media coalition work; partnering with the Cross Border Anti-Trafficking Network (CBATN); working with regional parliamentarians and legislators; working with a coalition of recruitment agencies to prevent illegal²³ migration; the construction of model anti-trafficking cells in collaboration with police and CBATN; and a mass anti-trafficking campaign planned for the 2010 Commonwealth Games.

Rajesh’s presentation elicited many questions and comments from the participants. Some **questioned the political intent behind SEVA’s work preventing ‘illegal’ immigration** to which Rajesh replied that a number of recruitment agencies were ‘fake’ or unregistered. Another

participant questioned SEVA’s plans for an anti-trafficking campaign around the Commonwealth Games despite the evidence that hyping trafficking fears around sports events had caused ‘collateral damage’ to sex workers and other groups around other past sporting events. Sunita from Shakti Samuha (Nepal) spoke about women being raped by Border Security Forces and asked how their rights were being ensured. She also asked how the rights for approximately 9000 repatriated migrant women were ensured: *“Interventions at the border is a problem. Interventions should either be at the destination or origin but not at the border. How come 9000 women got sent back? If we really work from a rights based approach, shouldn’t they only come back after/if they have problems at their destination?”*

Next, Amraa Davjaye (CHRD) discussed **trafficking in Mongolia** and shared recommendations for GAATW’s work in the region. She explained that trafficking in Mongolia is typically for forced sex work, labour exploitation (e.g. to South Korea, Czech Republic, Turkey, Kazakhstan), and fraudulent marriages (70% to South Korean men). She shared an example of a trafficking case: *“In 2007 Mongolian citizen O legally married Korean citizen P but was beaten by her husband in South Korea. P’s health (was disabled, had mental health issues) was also not disclosed by the ‘mediation’ marriage center. O wanted a divorce but P claimed she could divorce him if she paid him back for the marriage agency fees (10 million South Korean won). In December 2008, O returned to Mongolia. She would like to officially divorce P and make a claim against the ‘mediation’ center for providing false information. According to the court, both parties need to be present for divorce processes; CHRD lawyers can process the divorce only if P appoints someone in Mongolia to represent him in court.”* Trafficking cases often involve more than one country, which presents some challenges in gathering and sharing information, communicating with advocates and navigating different legal systems. Amraa concluded her



presentation with recommendations for GAATW from Mongolian members²⁴ emphasising regional cooperation through information sharing, capacity building through staff exchange programmes, expanding Central Asian membership, joint project proposals, and Memorandum of Understandings (MOU) on legal assistance.

Melissa Cockroft (CWDA) then spoke on the barriers to justice for trafficked persons in Cambodia on behalf of GAATW's Cambodian members²⁵. As with Mongolia, trafficking in Cambodia typically occurs for the purposes of forced sex work, labour exploitation (e.g. domestic workers in Malaysia, fishing vessels), and servile marriages (e.g. to Taiwanese and South Korean men). Although there are various laws (e.g. 2008 Law on the Suppression of Human Trafficking and Sexual Exploitation; MOU on repatriation between Thailand and Cambodia), some victims feel that reporting crimes are useless as victims risk loss of face and reputation and court processes are very lengthy. Extra-judicial settlements are common where the mediator organises a monetary exchange from the perpetrator, or his/her family, to the victim or his/her family outside of the court system. Weak governance and judiciary systems (e.g. corruption), a lack of bilateral cooperation (particularly with Malaysia and Singapore), and the conflation of sex work and trafficking also present barriers to justice for trafficked persons in Cambodia.

Tuk Matthana (Foundation for Women, Thailand) added that language barriers were significant in Asia and greatly impacted women's access to information in countries of destination. She called on participants to strengthen cooperation and information sharing between countries by increasing access through different languages: *"We have to make sure that people with language barriers are able to access information. Emergency hotlines should be made in various languages (one for Thai, one for Korean, etc). Maybe it takes lots of money, but we can work together to set this system"*.

Working Group on Membership Session²⁶

Speakers: Grace Osakue (Girls Power Initiative, Nigeria); Sandra Claasen (BLinN, The Netherlands); Stana Buchowska (La Strada Poland, GAATW International Board); Michelle Taguinod (GAATW IS)²⁷.

At the 2007 IMC, participants decided to form a Working Group on Membership to develop a clear set of recommendations for the 2010 IMC that would enable the Alliance to have/maintain a **qualitatively strong and geographically diverse membership committed to human rights principles**. This session was the culmination of communication, consultations and meetings within the Alliance from 2007 to 2010. Ten recommendations were developed regarding: (1) membership criteria (with emphasis on inclusion and solidarity), (2) membership application processes (with emphasis on assessing and integrating applicants), (3) membership review (a timeline for reviewing membership was voted on during this session), (4) membership fees (participants in this session voted on whether to incorporate a fee structure), (5) membership committee (agreement that the IS and the International Board should be responsible for maintaining), (6) membership obligations to the IS and International Board (focus on fostering involvement and consensus for obligations to remain as is), (7) member rights and privileges (increased access to GAATW campaign tools and technical support), (8) membership termination processes (consensus that it is adequate as is), (9) network principles regarding membership (with main discussion around nature of Regional Chapters), and (10) affirmation of Alliance strengthening principles (to network, etc.).

After a brief overview of the Working Group on Membership's process over the past 3 years, participants voted on 2 outstanding issues. First, present members voted with a show of hands to review GAATW's membership every three years (28 votes for three years, 7 votes for six years, and 0 abstentions). Secondly, members voted on membership fees in principle but agreed that



further research was needed (20 voted yes, 6 voted no, 11 abstentions). Members also asked how members' various contributions are weighed (e.g. financial, time, resources, participation), whether membership fees would increase ownership, and the barriers fees present to organisations with very small budgets.

It was agreed that the IS would take the responsibility of finalising the document outlining membership processes and following up on clarifying information and further research.

Working Group on Decision-Making Processes Session²⁸

Speakers: Alice Maranga (FIDA-Kenya); Evelyn Probst (LEFO, Austria); Eni Lestari (ATKHI, Hong Kong); Nerea Bilbatua (GAATW-IS)²⁹.

The Working Group on Decision-Making Processes (WG-DMP) was formed during the 2007 IMC to review GAATW's current decision-making model and practices. The Working Group was formed through a consultative process, in which all parts of the Alliance nominated their representatives, and conducted an exhaustive and challenging consultative process that included a Working Group meeting in Bangkok (February 2009), developing and sharing an exhaustive questionnaire describing the main procedures currently in place within GAATW's decision making process, and outlining (in some instances) clear preliminary recommendations, or (in others) asking specific questions (March 2009), which were discussed with all parts of the Alliance (e.g. in regional consultations, email communication) and incorporated into an updated draft in February 2010 and confirmed with members just prior to the IMC Working Group session on decision-making processes.

The Working Group stressed that the discussions are part of an ongoing process that represents

GAATW's continuing evolution. The Working Group provided an overview of five aspects of the Alliance and asked if there was general agreement/disagreement (through applause) about each component. First, participants generally agreed about the provisions regarding the International Board. Second, participants generally agreed about the provisions regarding Working Groups (e.g. structure, formation, activities, closure). Third, participants discussed the nature of regional bodies in the Alliance (e.g. how Regional Chapters differ from regional activities) before expressing agreement to the provisions regarding Regional Chapters (basic principles, roles and responsibilities). Fourth, the discussions on the IS also reiterated members' role in shaping GAATW's strategic direction for the next three years before the section (roles and responsibilities, conflict resolution processes) was generally approved by present participants. Fifth, discussion on changes to GAATW's Statute focused on clarifying the voting processes during and prior to the IMC (e.g. processing votes of absent members) and the use of the IMC as a decision-making body (e.g. clarification around quorum at IMC); there was consensus agreement but participants emphasised that further clarification is still needed.

The session ended with a discussion on the International Board³⁰. Participants discussed the nature of regional representation on the International Board, and term expiry and renewal processes. On July 7, Nita (Ban Ying, Germany) shared that the European members would be having their election for Board representation by September 1 through email and encouraged other regions to think about their region's representation on the Board. Jyoti Sanghera (International Board) also reiterated that the IS would take on the responsibility for finalising the document on decision making processes before October 1 so that new Board Members can be inducted and strongly urged all regions to review the new structural information and suggest candidates for Board elections.



GAATW's 2011-2013 Strategic Direction Discussion

GAATW's strategic direction for 2011-2013 will be informed by the numerous conversations and discussions among the Alliance in 2008-2010, including the International Members Congress and Conference; GAATW's four regional consultations held in Asia, Europe, Africa and Latin America and the Caribbean; the three Roundtables held as part of the Research and Linkages programmes; findings from GAATW's FPAR projects (undertaken in collaboration with member organisations and allies); and the contributions of the IS, the International Board, the Working Groups on Membership and Decision-Making Process, member organisations and allied organisations and networks.

Members took some time at the IMC to discuss possibilities for GAATW's strategic direction for 2011-2013. Some common themes emerged as well as thoughts about how to utilise the Alliance's core methodologies of research, international advocacy, support for self-organising efforts and network building over the next three years. **Labour exploitation** emerged as a key issue for some regions (e.g. Europe) and as an issue requiring more research and network-building (particularly between countries of origin and destination). The **Middle East** was a common concern for members in a few regions (e.g. space for Asian and African Members to work together), particularly strategising on how to engage productively in the region while ensuring that efforts do not fuel Islamophobia or racism. As in 2008-2010, the **accountability of anti-trafficking actors** should continue to be an important foci for 2011-2013; for example, research on impact assessments and readmission agreements, international advocacy for a review mechanism to UNTOC, and supporting members to take complaints to UN treaty bodies and Special Rapporteurs. Supporting the efforts of **self-organised groups** was also a strong expressed priority for several members, such as strengthening the role of self-organised groups in research (e.g. research as a capacity building tool) and advocacy (as those directly affected by trafficking and anti-trafficking measures) as well as strengthening links between self-

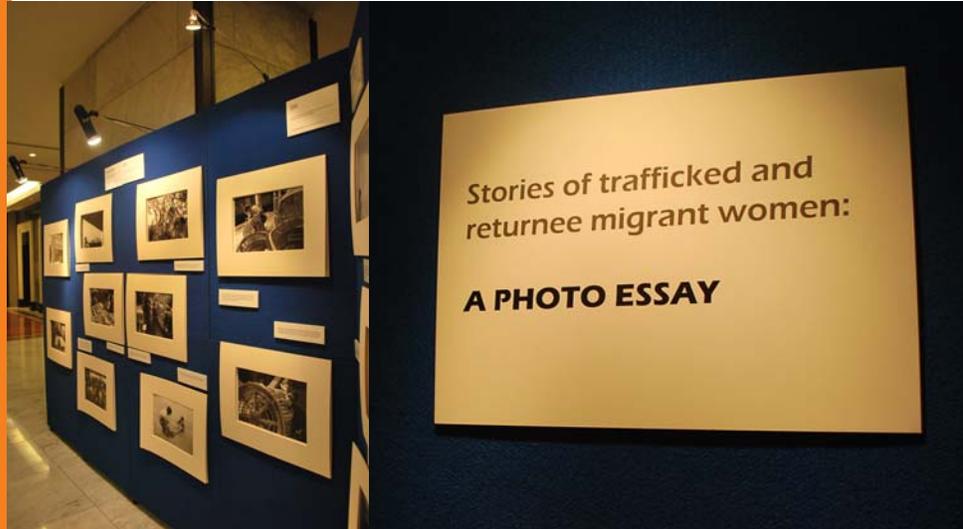
organised groups in different countries. Specific anti-trafficking issues that were discussed included addressing and exploring **people's lives after trafficking** (e.g. reintegration, children of trafficked persons⁷, compensation). Broader **migration issues** were also identified for research (e.g. abusive recruiters, countries of destination, children of migrant workers), network building (particularly between countries of origin and destination), and smuggling. Participants also identified the need for more information about the cultural aspects of migration while ensuring that anti-trafficking and migration discourses are not harmfully 'culturalised' (i.e. blaming culture for human rights violations).

Discussions on GAATW's 2011-2013 strategic direction concluded with the IS committing to synthesising the above discussions with GAATW's other discussions (e.g. 2008-2010 regional consultations, other IMCC sessions) into a draft strategic direction document to be shared with members by October 1 for further member feedback and consultation.





ART EXHIBITS AND CAFÉ ALLIANCE



A highlight of the International Members Congress and Conference IMCC were two art exhibitions that sought to challenge traditional representations of trafficked persons in visual anti-trafficking materials and to promote a rights-based approach to anti-trafficking campaigns, and a gallery of members' posters.

RIGHTS!ART!ACTION!

Rights!Art!Action! was GAATW's arts-based contest to counter the victimising and exploitative imagery that is often used in anti-trafficking awareness raising campaigns. The *Rights!Art!Action!* exhibit displayed some wonderful submissions of rights-based and empowering anti-trafficking messages and imagery from members and the public. The winner of the contest is Kay Chernush, whose winning image, *Voodoo Inverso*, can be seen on page 25. A Café Alliance session supplemented the exhibit in which participants discussed their reactions and questions about the exhibit.

STORIES OF TRAFFICKED AND RETURNEE MIGRANT WOMEN: A PHOTO ESSAY

This exhibit accompanied a FPAR report titled *Trafficked Identities as a Barrier to Community Reintegration: Five stories of women re-building lives and resisting categorisation*³¹ by the Self-Empowerment Program for Migrant Women (SEPOM), a Thai organisation led by returnee migrant women (some of whom have been trafficked). This photo exhibit documented women's everyday lives, accompanied by their reflections on their past, their present and their future.

GETTING TO KNOW YOU - MEMBERS' GALLERY

At the start of the IMC, members had an opportunity to share materials and talk to each other about the work they do. The *Getting to Know You* gallery comprised members' posters and interactive displays about their organisations.

CAFÉ ALLIANCE

Café Alliance was a space, usually in the late afternoon, where participants could hold their own informal sessions, discussions and meetings with other participants. The consultation with the UN Special Rapporteur on trafficking in persons, especially women and children, Ms Joy Ezeilo, was one such Café Alliance

offering (page 39). The Café Alliance sessions on offer during this year's IMC and IMCC represented an incredibly diverse mix of perspectives, audiences and topics. Below are just some examples of the Café Alliance sessions that were offered by participants.

Rights!Art!Action! by Jiraporn (June) Sae-tang (SEPOM, Thailand), Yoonki Kim (Photographer) and GAATW IS

Women Migration Perspectives of Bangladesh and Women's Rights by Bomsa (Bangladesh)

Human Trafficking in Hong Kong by Zi Teng (Hong Kong)

Building the Dream: Saving the African from trafficking (documentary screening) by The CRADLE

Discussion on Organising Amongst Trafficked Persons by BLinN and Samen Sterk (the Netherlands)

Q & A with Authors of GAATW's Working Paper Series by GAATW IS

The Linkages Between Migration, Labour, Gender and Trafficking Among Women Migrant Workers in Rowoberanten Village: A feminist participatory action research project by the Association of Indonesian Migrant Workers or ATKI (Indonesia)

Using the United Nations Special Procedures & Human Rights Treaty Bodies to Raise Individual Complaints (training) by Dr Nita Prasad and GAATW IS

The Situation in East London around Migration and Sex Workers by Open Doors (UK)

The Impact of Excessive Placement Fees on Indonesian Migrant Workers and their Families in Limbangan Village: A feminist participatory action research project by Legal Resources Center or LRC-KJHAM (Indonesia)

Discussion on Developed Countries' Perspectives on the Migrant Workers Convention by Japanese Network Against Trafficking in Persons (JNATIP)

El Enfoque de los Organismos Internacionales en América Latina con Relación a las Políticas de Trata y Tráfico en la Región (Latin America's International Organisations' Approach Regarding Human Trafficking and Migrant Smuggling Regional Public Policies) by CHS Alternativo (Peru)







INTERNATIONAL CONFERENCE 6-7 JULY 2010

Opening Performance: *Woman Power* by Kolkata Sanved (India) and Gabfai (Thailand)

After the two-day Members Congress, the International Conference provided an opportunity to engage with non-members, new friends and allies. GAATW's 2010 International Conference began with a joint performance by Kolkata Sanved³² (based in India) and Gabfai³³ (based in Thailand) that demonstrated women's struggles and women's resilience. Their performance was inspired by the stories shared by women in GAATW's FPAR projects and ended with dancers encouraging audience members to dance with them in celebration and solidarity.

Opening Plenary: Understanding Trafficking and Human Rights in the Context of Migration, Labour, Gender and Globalisation

Dr. Jyoti Sanghera (GAATW International Board) moderated the International Conference's opening plenary with presentations by Dr. Ratna Kapur from the Centre for Feminist Legal Research (GAATW member organisation, India) and Dr. Annalee Lepp from GAATW Canada.

Laws and Human Rights as Tools of Power as well as Vehicles for Freedom

In her presentation, Ratna argued that the proliferation of laws over the past 10 years has not led to more freedom, safety and equality and called for a more sophisticated analysis of laws and human rights as tools of power. Ratna described irregular migration flows as "evidence that there's something not right with the legal regimes that govern cross border movements" and argued that laws governing migration are

not based on migrants' best interests as much as they are by state concerns about border security, cultural survival and women's sexuality. In increasingly globalised economies, countries of origin and destination are increasingly reliant on migrant labour. Yet states have typically responded to the demand for migrant labour by criminalising the source of migrant labour through tightened migration controls which have encouraged the growth of services for irregular and clandestine migration.

In this context, the migrant is perceived as a challenge to state's sovereignty, security and legitimacy. Ratna also described how the 'Global War on Terror' has increased anxieties about the 'Other' and is framing those who are perceived to threaten the State with their migration (migrants, smugglers, traffickers) as terrorists. Ratna emphasised: "We know cross-border movement (and globalisation which produces the movement) challenge the notion that the State is a self-contained power....Every side uses law and human rights for their own agenda, and uses them to discipline and for moral surveillance. We need to see law as a field of power. We engage with it to get more power, not necessarily more freedom." After Ratna's presentation, Sarah Hunt from GAATW Canada, added that links between indigenous struggles and the legal contexts governing anti-trafficking needed to be clearer, particularly how the reinforcement of borders also strengthens colonial powers.

The Use of Anti-Trafficking Discourses to Entrench Conservative Agendas towards Women's Rights and Migrant Rights

Both speakers and several participants spoke about how migration, particularly women's migration, challenged social ideas about women as well as perceptions about state sovereignty and security. Despite the fact that large numbers of women migrate as autonomous workers, women's migration is often discussed in anti-trafficking discourses as victimisation or criminalisation (arrested, rehabilitated, repatriated) rather than autonomy or rights. Ratna argued that this leaves



“no space for the recognition of consensual female migration”. Marina Novaes from Centro de Apoio ao Migrante (CAMI) in Brazil discussed the complexities between migration and women’s autonomy: She described how, despite the risks, women become ‘protagonists’ when they migrate as autonomous workers but have their ‘protagonism’ denied once they return to households led by husbands.

Annalee Lepp (GAATW Canada) focused on a recent Canadian example to highlight the uses of anti-trafficking discourses against marginalised groups such as sex workers and migrants³⁴. Evidence has suggested that trafficking in Canada is not a relatively large issue yet authorities feel political pressure to ‘do something’, particularly from faith based groups and those with abolitionist agendas (anti-sex work lobby groups). The use of anti-trafficking discourses to push anti-migrant and anti-sex worker agendas was most recently ‘hypervisible’ during the lead up to the 2010 Winter Olympics in Vancouver. While the government was relatively quiet, *“secure in the knowledge of their border security budget of 6 billion dollars”*, the period before the Olympics *“then became the battle zone between sex workers’ rights organisations and abolitionist groups focused on curbing male sexual demand with graphic and sensationalist posters and media campaigns”*. Annalee argued human trafficking was increasingly being used in Canada to describe all forms of sexual exploitation and sexual violence against women. One law enforcement vice police officer said he did not even know what he was looking for, that he was *“searching for ghosts”*.

These campaigns relied on certain constructions of who these trafficked women were going to be, but women were ultimately portrayed as nameless, faceless, voiceless victims used to create hysteria. In public campaigns, trafficked women were portrayed with no histories, no agency, no rights, and no desires for the future. Annalee argued: *“There is a vested interest among conservative forces to make sure that*

the stories of migrant workers and trafficked persons aren’t told in all of their complexities.” Participants from Brazil and the UK also spoke about their concerns about the use of anti-trafficking discourses to foster hysteria around migration and sex work during large sporting events. Georgina Perry from Open Doors (UK) spoke about the struggle around *“legitimate migrant voices”*: *“If you are a migrant woman who sticks your head above the parapet you’re seen as an insignificant minority, a migrant woman only has a voice if you’re a victim. Hysteria about child trafficking means we’re losing common sense in our institutions about how to safeguard children, in the panic they lose the knowledge they’ve built up.”* Ratna emphasised: *“Voices can assist in untangling the confusions between migration, trafficking and terrorism...They are forcing us to think about international law in new ways - not just right and wrong and victims and terrorists. Their stories provide us with a different entry point.”* Eni Lestari (GAATW International Board, ATKI Hong Kong) stressed that migrant workers do not want to be victims but want to determine the kind of protection migrant workers need.

CONCURRENT SESSIONS: Linkages in Our Work and Implications for Our Practice, Research and Advocacy

Over the last decade, policy and advocacy discussions on migration, labour, gender, and trafficking have become simultaneously more specialised and fragmented. Yet from the standpoint of the migrating or the trafficked woman, the specialisation of NGOs or the compartmentalisation of assistance has little relevance. The migrant woman stands as one unified subject whose concerns as a worker are not separate from her concerns as a woman, a mother, migrant and so on. The complexities of women’s lives cannot be adequately captured



by one approach or framework alone, whether that be anti-trafficking, women's rights, migrant rights or labour rights.

Following the opening plenary, four concurrent sessions were held on the practical implications of linking anti-trafficking efforts with broader rights frameworks. In addition to participants' experiences, most of these sessions also featured findings from GAATW's 2009-2010 FPAR projects from *A Woman's Life is Richer Than Her Trafficking Experience: Feminist Participatory Action Research (FPAR) Series CD*³⁵ and Working Paper Series, *Beyond Borders: Exploring Trafficking's Links to Gender, Migration, Labour, Globalisation and Security*³⁶.

LINKAGES SESSION: Negotiating Rights at the Workplace

Speakers: Alice Maranga from FIDA-Kenya; Petra Kutáľková from La Strada Czech Republic; Keryn McWhinney from the Australian Construction, Forestry, Mining, Energy Union (CFMEU); Marina Novaes from Centro de Apoio ao Migrante (CAMI, Brazil); Xenia Commandeur from the GAATW IS.

Many trafficked people say that labour violations in the trafficking process are what they are most upset about. Members have been particularly concerned about the intersections between exploitation and trafficking. This session looked at the challenges in defining exploitation in the workplace and how it differs and overlaps with trafficking definitions. Participants then looked at how these concepts affect their anti-trafficking work. The session concluded with the participants providing recommendations to GAATW as an Alliance.

UNPACKING CONCEPTS

Two presentations introduced the concepts of trafficking and labour exploitation, and

addressed their differences and overlaps. Alice spoke about FIDA Kenya's FPAR undertaken with women in the informal sector (e.g. street vendors) in Nairobi. She shared two case studies of women domestic workers who had experienced exploitation and violence, and explained how human rights violations were interlinked with gender, trafficking, migration and labour issues in each case.

Petra Kutáľková (La Strada Czech Republic) spoke about discrepancies between the numbers of criminal cases, the number of assisted persons, and the number of persons trafficked for labour exploitation according to the media. The judiciary, NGOs, and the media each use **different interpretations** what 'other forms of exploitation' are included in the Human Trafficking Protocol. The line between labour exploitation and trafficking is thin, but has major effects on whether or not a person can access rights.

The two presentations sparked discussions on the identification of a person as trafficked, the benefits thereof, and how hard it can be to access the benefits, while a pragmatic note was made to use whatever instruments are available for remedy, **with or without being given the 'trafficked' label.** It was agreed that being identified as a trafficked person (rather than as victim of labour exploitation) has benefits, such as a special visa to remain in the country. On the other hand, it was noted that **it can be hard to access the benefits granted to trafficked persons, if:** there was no sexual exploitation; the person did not identify his/herself as trafficked or exploited due to cultural acceptance of certain exploitative practices; the definition used is too narrow, e.g. the definition used by the judiciary; the person worked in the informal sector; or if the person was a domestic worker. It remained unclear what factors play a role in marking the distinctions between labour exploitation and trafficking. Some noted however that the difference between labour exploitation and trafficking is irrelevant if you focus on the (labour) remedy only.



IMPACT OF LABOUR CONCEPTS ON ANTI-TRAFFICKING WORK (AND VICE VERSA)

Keryn McWhinney (CFMEU, Australia) spoke about the **work done by the labour union in a number of trafficking cases**³⁷. After giving an outline of the workers represented by the union, she discussed their work on two trafficking cases: One of an exploited migrant whom they supported in an informal monetary settlement with his employer, and one in which a migrant construction worker successfully ran a court case for compensation of lost wages from his employer. In both cases, she shared the types of laws and methods used to access justice for the workers. These did not include identifying workers as trafficked persons, but included picketing, using the media to pressure the employer to agree on a monetary settlement, and supporting the worker in court to obtain compensation for lost wages.

Marina Novaes (CAMI) spoke about undocumented migrants in Brazil who work under exploitative, slavery like conditions in sweatshops. She explained that these migrants do not take action against their working conditions, as they **assume being undocumented also means they do not have rights**. However, even undocumented migrants can apply for a 'worker's identity card' with which they can access their rights. CAMI shares information on rights with the workers, supports negotiations between employers and employees to reach an agreement, or supports the workers during legal processes in court, and puts media pressure on unwilling employers.

RECOMMENDATIONS TO GAATW AS AN ALLIANCE

Based on these and other participants' stories of the impact and use of labour rights in their day to day work, there was consensus that using labour rights and networking/advocacy with labour rights actors is beneficial. The

main focus was on the **inclusion of undocumented migrant workers** in anti-trafficking organisations, labour unions, and the ILO Convention on Domestic Workers. The following recommendations were made for the Alliance:

- GAATW should advocate for the ILO Convention on Domestic Workers to include undocumented workers. Many anti-trafficking NGOs, trade unions, labour rights groups, etc. do not include undocumented workers, even though such inclusion would help groups to claim unpaid wages, for example. GAATW should lobby trade unions - being one of the three ILO actors - to take up this issue, and to involve domestic workers organisation to play a role. This process is to be started at the level of the International Trade Union.
- GAATW should advocate for trade unions to extend their work to undocumented migrant workers. GAATW should also strive to see that the same is done by the Alliance internally.
- GAATW should start networking with the International Trade Union Federation (ITUF) to **enable contacts between trade unions and NGOs** in the same country, and between these in country of destination and of origin. The ITUF already offers assistance to European NGOs dealing with trafficking.
- GAATW should advocate for non-conditional assistance.
- GAATW should **advocate for visas that are not tied to a specific employer**, thus allowing the worker to leave an abusive employer without fear of deportation.



LINKAGES SESSION: The ‘Victim Label’

Speakers: Julie Ham from GAATW IS; Warunee Chaiwongkham from Self-Empowerment Program for Migrant Women (SEPOM, Thailand); Iris Rodriguez from Proyecto Esperanza (Spain); Noushin Khushrushahi (Canada).

Julie Ham (GAATW IS) started the session with a presentation on *Beyond Borders: Exploring Links Between Trafficking and Gender*³⁸, one of four Working Papers launched at the IMCC. One key observation in the Working Paper is that **anti-trafficking discourses still rely heavily on ideas about women’s vulnerability rather than women’s rights**. Furthermore, vulnerability is still often perceived in anti-trafficking discourses as an inherent part of being a woman rather than the result of a person’s context (e.g. women are vulnerable because of discrimination against women). Attitudes such as these can lead to anti-trafficking measures that harm more than help (e.g. ‘rescuing’ women against their will).

Speakers and participants both spoke about how labels such as ‘victim’ or ‘trafficked person’ can have tangible social consequences (e.g. gossip, stigma, reputation), economic consequences (employers attitudes towards trafficked persons) and emotional consequences (e.g. increased feelings of loneliness, hopelessness). Some participants felt that labels can take a lot away from a person such as power, autonomy, dignity, personal safety. Labels like ‘victim’ or ‘trafficked person’ are also often tied to assistance and support services - a woman may only be able to request support or assistance only if she agrees to be identified or labelled as a victim. Trafficked persons must then weigh whether the assistance is worth the potential social consequences: *“Why do women decline to access help? Because they lose more than they can get. People come to your house in a white car and take pictures, but they may only get 10,000 Thai*

baht for income generating activities. Money is important, but feeling dignity is also important for poor people. (June, SEPOM, Thailand).”

However, Sarah Hunt (GAATW Canada) and Noushin (Canada) also pointed out that it can be empowering for persons to **identify as victims when it allows them to name abuse as a violation** rather than a socially normalised occurrence, as in the case of indigenous peoples suffering violence from colonial policies or immigrant women in domestic violence situations.

Speakers and participants also discussed the **strategic uses of the ‘victim label’**. When labels are tied to money or resources, when women are only allowed to access resources if they agree to label themselves a certain way, some women may choose to temporarily accept an imposed label in order to access resources such as shelters and food banks or to navigate immigration systems. Noushin Khushrushahi (Canada) called this ‘strategic victimisation’. Alternatively, service providers may feel they need to use ‘victim’ terminology in order to gain funding for their services. And advocates may find that ‘victim’ terminology works as acceptable code or euphemism for ‘human rights’ when lobbying governments that will not recognise or accept human rights language. John Gee (Transient Workers Count Too, Singapore) added that media liked simplistic ideas about victims in contrast to more positive stories about migrants: *“People feel reassured to deal with victims because it’s easier to put their hands in their pockets. Rather than seeing them as people which brings up more difficult questions.”*

Iris Rodriguez (Proyecto Esperanza) also emphasised that labels carry different weights; for example, women may find that ‘trafficked person’ labels are too stigmatising but that a ‘victim of violence’ label may be more socially acceptable with lesser consequences. Iris talked about how a history of trafficking was problematic for many employers. In response, Proyecto Esperanza spends a lot of time with trafficked persons talking about how they



can respond to employers' questions about their background or how to 'manage' their experiences for different 'audiences': *"There was time gap to fill out when she was looking for a job. She needs to have a strong identity. Some women say when they confront employers, they say they want to be natural but sometimes they tremble and cry."*

Warunee Chaiwongkham from SEPOM shared her experiences as a woman who had been trafficked and had worked hard in her community to recover from both her trafficking experiences and the stigma and shame she had experienced in her community. She and other SEPOM members stressed that **victim labels didn't capture people's full identities, potential and humanity.** Trafficked persons have a right to dignity and a right to privacy which labeling can interfere with. She and other SEPOM members also called for sensitivity and discretion when identifying trafficked persons and to ensure that identification processes didn't threaten people's dignity.

All of the session's discussions highlighted the **enormous amount of emotional and cognitive effort in recreating one's identity** after trafficking, resisting victimising identities from others (e.g. community, service providers), and in reclaiming one's experiences on one's own terms. In order to recover from trafficking, access resources, and reintegrate into society, women must learn how to make meaning out of one's experience and how to 'reconstruct' or 'package' their history in a way that keeps them safe (e.g. learning how to assert their privacy). Sabita from Kolkata Sanved (India) spoke about how dance movement therapy had helped her regain her identity: *"I was so traumatised, I could not think properly....but the process of dance helped me overcome my trauma....through this process, I established my own identity in society....most times, people like me, a victim, cannot find verbal expression but dance does not force you to be verbal."*

Members from SEPOM spoke about how returnee migrant and trafficked women in their

organisation eventually used their personal experiences to help other women with similar issues: *"I must admit before I opened up, it took a long time...I was hurt so how am I going to help my friends? I had to get rid of my inferiority to help my friends. I take care of women in 7 districts...Now they are stronger and they can integrate but not 100%, they only adjust like 70% into the community."* In this way, identity reconstruction processes and reclaiming one's identity is a key part of recovery and reintegration.

LINKAGES SESSION: What's Next? What do Linkages Mean for Our Work?

Speakers: Rebecca Napier-Moore from GAATW IS; Renu Rajbhandari from Women's Rehabilitation Centre (WOREC, Nepal); Elaine Pearson from Human Rights Watch (US); Caroline Hames from GAATW IS).

This session asked participants to reflect on **how anti-trafficking efforts could better reflect and engage with broader gender, migration, labour, globalisation and global security contexts and movements.** Rebecca Napier-Moore (GAATW IS) first provided an overview of the work of GAATW IS in this area through the 'linkages' programme over the past three years. Renu Rajbhandari (WOREC, Nepal) discussed how WOREC worked with migration, violence against women and economic empowerment frameworks to strengthen the rights of women who had been trafficked. WOREC found that **international advocacy offered encouraging opportunities to link anti-trafficking goals to broader issues**, such as engagement with the International Labour Conference (ILC), CEDAW, the Universal Periodic Review (UPR) and Special Rapporteurs (particularly around Middle East issues and corporate social responsibility): *"We found that they communicate and governments listen to them."* Renu also



stressed how working within multiple frameworks supported a more critically aware practice, such as by countering protectionist attitudes in safe migration ('women shouldn't migrate because they might get hurt') with violence against women efforts that support every women's right to move.

Elaine Pearson (Human Rights Watch, US) spoke next on **connecting research with advocacy, and using research to reframe concepts** focussing specifically on a research project she engaged in with the ILO³⁹ looking at definitions of demand. The project interviewed workers and employers and studied three levels of demand in the trafficking context - employers, consumers and third parties (e.g. recruiters, transporters) - particularly the grey areas between different forms of exploitation. She emphasised that the link between research and advocacy also depended on developing strategic and specific recommendations based on the evidence collected (e.g. reflecting governments' point of view in reports). For example, based on their research in Cambodia, Human Rights Watch advocates for the closure of drug rehabilitation centres⁴⁰.

Caroline Hames (GAATW IS) then opened the session for more in-depth discussion on how themes that had emerged from the Working Papers and a series of FPAR projects (undertaken in collaboration with members and allies in 2009-2010) could be carried forward and further developed into GAATW research and advocacy programmes for the 2011-2013 cycle. Themes identified were: **root causes of trafficking** (e.g. migration restrictions), **discrimination** (e.g. restrictions against women's migration, stigmatisation), **women's agency** (e.g. how women maximise the options available to them), **power in migration and work** (e.g. how people negotiate their migration and work environments), and **accountability in anti-trafficking responses** (e.g. 'collateral damage', impact assessment of anti-trafficking responses).

Participants noted that all of the five themes above were **interconnected and impossible to separate one from the other**. For example, *discrimination*

(based on race, class, gender) was described as a *root cause of trafficking* that impacted women's *power in migration and work* (e.g. highly educated women from Brazil working as migrant domestic workers, stigmatisation) and offered potential opportunities to call for *accountability* in anti-trafficking responses: "*One thing that would be interesting is discrimination in terms of access to justice. This is an easy one that governments can easily address because many states signed the convention on non-discrimination.* (Elaine Pearson, HRW, US)"

One important overall theme that emerged was reflection on who determines our agendas and which voices dominate the discourses we participate in. Although all participants work from a strong human rights based approach, participants also questioned who really gets to determine what is best for the people we work with: "*Many service providers and NGOs have the tendency to act that they know better for the women. They do not respect the agency of the trafficked persons.* (Stana Buchowska, La Strada Poland)".

Caroline highlighted a key question facing GAATW IS staff in their strategic planning: how to reconcile inconsistency in our demands. She cited the example that in some of the GAATW Working Papers and FPAR projects informal labour was cited as an important means for some people to access spaces for agency and power. However, other cases showed people calling for the formalisation of labour sectors in order to provide protections and ensure access to labour rights. Participants then discussed how such seemingly inconsistent demands could be translated into policy recommendations. GAATW IS staff asked people if we needed to redefine our demand for 'safe migration' as 'power in migration' and then look at how to achieve such 'power' (e.g. do formal or informal work options give most power to people?): "*We found that former migrant workers who experienced exploitation do not want to speak up or take up legal cases - the thing that they want is to get their wages owed to them. They do not need human rights intervention but they*



need their economic rights. It's a common experience faced by Indonesian migrant women. (Ellin Rozana, Institut Perempuan, Indonesia)"

One participant questioned the **voices that dominated this session** and asked whether voices from migrant groups and trafficked persons were given the same space as academics and service providers present. Bandana Pattanaik (GAATW IS) replied that participants from migrant groups, workers groups and trafficking survivors groups were present in this discussion but that their input had not been identified as such: *"They are among us in the group, they have been trafficked but they have organised to work - they are not here as victims but they are one with us as colleagues, their voices have come into this space."*

Many of the issues raised in this session mirrored the issues suggested in the discussions regarding GAATW's strategic direction for 2011-2013 (page 22). The discussion provided many ideas and suggestions for future research and advocacy efforts. Some of the comments reflected on *how* we do our work (e.g. identifying who determines agendas and on whose behalf), some concerned what we *name* our work (e.g. identifying what are root causes of trafficking vs. root causes of vulnerability, binary definitions in mainstream anti-trafficking work), some talked about *who* should be part of anti-trafficking efforts (e.g. to provide space for engagement of trafficked persons and affected groups) and some offered concrete targets for *action* (e.g. strengthening legal protection for migrant women returning from the Middle East; discrimination against sex workers).

LINKAGES SESSION: Trade Policies and Impacts on Migrating Women

Speakers: Nerea Bilbatua from GAATW IS; Jayne Huckerby from New York University (US); Jittra Comchadet from Try Arm, (Thailand); Suvecha Adhikari from Committee for Asian Women (CAW, Thailand); Jackie Pollock from MAP Foundation (Thailand).

Nerea Bilbatua (GAATW IS) started the session by emphasizing that the aim of the session was to place our anti-trafficking work in broader contexts and so the session would look at how macro-policies influence the jobs (or the lack of them) available to women and therefore on their migration strategies. Participants said they mainly wanted to gain clarity on the links between globalisation and trade with migration and trafficking.

Jayne Huckerby (NYU, US) provided an overview of the main links between trafficking and trade drawn from one of the GAATW Working Papers, *Beyond Borders: Exploring Links Between Trafficking, Globalisation, and Security*⁴¹. After a brief description of three aspects of globalisation - structural adjustment measures (SAMs, SAPs), global competition (transnational corporations) and trade liberalisation - she posted that **trade policies' impacts on migrating women are closely related to the root causes of trafficking**. Trade liberalisation impacts migrating women through the destruction of job opportunities in the agricultural and public sector while creating unequal job opportunities in more precarious circumstances. Women are then compelled to compensate through increased paid and unpaid work in informal sector work and/or migration, despite the fact that trade policies favour 'skilled' labour migration and restrict 'unskilled' labour migration. Such impacts of trade policies mirror some of the generally known root causes of trafficking such as poverty, social and economic exclusion, lack of economic opportunities, unfair labour conditions, corruption, weak rule of law and restrictive immigration policies. Globalising trade policies creates strong 'push' factors (e.g. destruction of jobs in agricultural and public sectors in countries of origin) and strong 'pull' factors (e.g. demand for cheap domestic labour) combined with restrictive immigration measures which ultimately creates a lucrative market for traffickers.

After this conceptual overview, Jittra Kotchadet (Try Arm, Thailand) shared a lived example of how trade policies impact on workers and how they resist these impacts by sharing **how former factory workers from Triumph (underwear manufacturer) resisted Triumph's attempt to destroy the company's trade**



union and how they created their own worker-led underwear factory. The trade union for Triumph workers had a history as one of the most active unions in Thailand and successfully negotiated for higher wages: *“Many workers sold their land in the province and felt confident so they bought land near the factory, because of the support and confidence in their trade union”*. Four years ago, a new Canadian employer was sent to Thailand to destroy the trade union and invest in provinces that had no union activity. Union leaders were dismissed without due process and eight months later, more than a thousand workers were laid off (many of them older workers, some with illnesses or disabilities). Triumph took similar measures in other countries - laying off workers in countries with strong trade unions (such as the Philippines) and constructing new factories in countries with no or little trade union activity (such as Sri Lanka and China). Workers filed complaints with German and Swiss embassies, the ILO, the Organisation for Economic Co-operation and Development (OECD) and the UN. Thai activists also submitted complaints to the Ministry of Finance in Thailand and held a months-long protest in front of the Ministry of Labour for failing to protect working taxpayers from unlawful company practices. After some time, 30 former Triumph workers decided to create their own worker-led factory and produce their own brand of underwear, ‘Try Arm’⁴². Through Try Arm, workers wanted to show that it is possible to produce a good quality product under ethical, worker-friendly conditions.

Suvecha Adhikari (CAW, Thailand) extended the discussion on the gendered implications of trade liberalisation. She explained that **women workers do not benefit from Free Trade Agreements (FTAs)** because of gender inequalities in access to and control of economic and social resources and decision-making; women are less likely to be equipped with appropriate skills, technology and other resources that should technically allow them to reap the benefits from liberalisation; and higher gender wage gaps. **In the agricultural sector**, the expansion of industrialisation from trade liberalisation shifts female employment from the agricultural to the manufacturing sector. This results in decreasing prices of agricultural products produced by women and displacement of women’s traditional

role in agricultural production. **In the service sector**, opening up public sector goods and services to privatisation and foreign investors has in many cases led to increases in prices and the imposition of user fees. Women then shoulder the burden of increased costs and service. In the Philippines for example, privatisation of water and electric power generation and distribution utilities has led to a ten-fold increase in the water and electricity bills of ordinary households. CAW’s response has included a combination of grassroots approaches with a focus on labour rights standards, involving training and education, leadership training, production mapping, building solidarity at the regional level (e.g. Asia Floor Wage campaign, the Association of Southeast Asian Nations (ASEAN), exchange programs), campaigning and lobbying on labour rights (e.g. protests), research and forums.

Participants shared the major impacts of trade liberalisation that affected the populations they worked with. Some participants spoke about **how changing patterns in women’s labour migration was impacting gender norms**. For example, domestic work in Muslim Indonesian communities used to be stigmatised but this was now changing dramatically due to the massive domestic work industry. In Thailand, women who were laid off were now training or learning to be masseuses, some of whom would be recruited by middlemen based on their appearance. The strawberry farming industry in Spain now relies on temporary women migrant workers to pick strawberries at a lower wage than local residents in order to maintain profit levels. Employers explicitly state preferences for married women as this is perceived to be a guarantee that migrant workers will return to their home countries. Jackie Pollock (MAP Foundation, Thailand) asked **why men continue to be absent in gender-based analysis and discourses**, despite the major impact of trade policies on men in particular industries (e.g. seafood processing). Other participants spoke about the **struggles to maintain gains from labour rights movements during the current financial crisis**. Niza Concepcion (CAW, Thailand) spoke about their dialogues with workers and unions about maintaining union memberships even during periods of unemployment. Another participant talked about how the loss of land sovereignty was destroying people’s capacity to



economically support their families. Jaqueline Leite (CHAME, Brazil) added that women villagers that typically worked in agriculture are now moving to work in the big international hotel chains but are not being paid under the guise of 'training'. Jayne asked how participants could advance their rights objectives through engaging the UN, corporate accountability and organising in the informal sector.

CONCURRENT SESSIONS: ORGANISING FOR CHANGE

Discussion with Domestic Workers Groups

Speakers: Eni Lestari from the Association of Indonesian Migrant Workers Association in Hong Kong (ATKIHK, Hong Kong); John Gee from Transient Workers Count Too (TWC2, Singapore); Dewi Retno from the Indonesian Migrant Workers Association (ATKI, Indonesia); Edith Wairimu Kanyingi from the Centre for Domestic Training and Development (CDTD, Kenya); Keeli Sorensen from Safe Horizon (US); Kate Lappin from Asia Pacific Forum on Women, Law and Development (APWLD, Thailand).

THE ILO CONVENTION ON DOMESTIC WORK

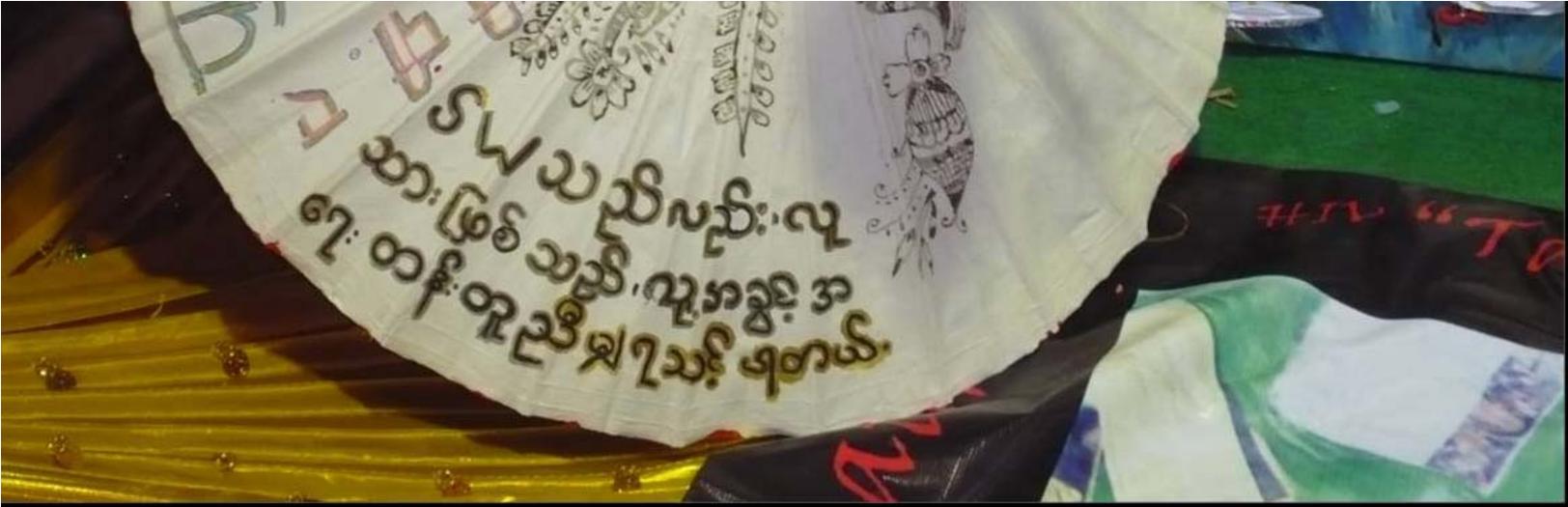
Eni Lestari (ATKI, Hong Kong) began the session with a presentation on the **significance of an ILO Convention for the protection of domestic workers**. Eni emphasised the need for rights protection including the right to information, access to skills training, right to keep personal documents, access to justice, good working and living conditions during pre-departure and in the destination country. She explained how governments should be held accountable for protecting the labour rights of domestic workers during migration and job placement processes. She concluded by **outlining opportunities to support the domestic workers' rights movement at the international, national and local levels**.

At the international level, Eni discussed the International Labour Conference (ILC) process for the adoption of an ILO Convention on Domestic Work, which excludes most migrant domestic workers who are not unionised. Setting up mechanisms and policies at the national and local levels will provide greater weight for the protection and promotion of the rights of domestic workers.

John Gee (TWC2, Singapore) expanded on the ILC process and shared TWC2's experience engaging in the recently concluded ILC discussion in Geneva on standards setting for domestic work. He shared some **insights about nations who voted in favour and against a Convention on Domestic Work**. A timeline was presented on activities leading up to the next ILC which states that a convention will be discussed and adopted or rejected by the ILC in June 2011. He then shared some **key points and gaps in the draft convention** as prepared by Caroline Hames from the GAATW-IS. Points raised included the definition of domestic workers particularly to persons in bonded labour or forced labour situations; and Article C.5.1 which poses a problem for those working with special groups of domestic workers such as employees of diplomats or migrant domestic workers. Other areas of concerns include the weak language on written contracts and the weak language on state responsibilities to provide emergency assistance to domestic workers. John concluded that the **overall assessment of the content stands out strong, practical and feasible**.

NATIONAL AND REGIONAL INITIATIVES

Dewi Retno (ATKI Indonesia) gave an overview of the situation of Indonesian migrant domestic workers. Out of 6 million Indonesian overseas workers, 3 million are employed as domestic workers. Some problems faced by Indonesian domestic workers include **discrimination, overcharging and illegal salary deductions and poor working conditions**. Presently, the Indonesian government has yet to ratify the UN Convention on the Protection of Migrant Workers and their Families and there are no existing laws in the country that recognise domestic work as work.



Retno concluded by explaining how to actively promote for the recognition of domestic work as work through arousing people's attention, mobilising and organising. Eni asked participants to reflect on how advocates could lobby for the ratification of the Migrant Workers Convention.

Edith Wairimu Kanyingi (CTD, Kenya) then presented a video clip of their **Domestic Workers' Empowerment Model**. CTD supports women by providing skills training, awareness raising on labour rights issues, and information on setting up small enterprises and money saving schemes. CTD lobbied to have a skills training program as a national curriculum and to have rights education provided through centres and outreach. Edith concluded by stressing the need to focus on domestic workers in the Middle East who do not have protection.

Keeli Sorensen (Safe Horizon, US) briefly shared a case of **Indian citizens in Kuwait**, *Swana vs Owanati*⁴³. Swana was a domestic worker trafficked by her diplomatic employers. Keeli discussed the legal court challenges in pursuing Swana's case against her diplomatic employers who are currently protected by the Vienna Convention on Diplomatic Relations (1961) granting diplomatic representatives immunity from prosecution in many criminal cases.

Kate Lappin (APWLD, Thailand) concluded the presentations by talking about the **United for Foreign Domestic Workers Rights network**. The campaign calls for foreign domestic workers to have: *one paid day off weekly, ensured access to health services and protection of health-related rights, and ensured access to justice and redress*. She highlighted the importance of collective representation and the right to freedom of association as an avenue to address and promote the rights of domestic workers. Kate explained that among the Asian countries, only the Philippines and Sri Lanka have ratified the ILO Conventions on the Freedom of Association and Protection of the Right to Organise (Convention 87), the Right to Organise and Collective Bargaining (Convention 98) and the UN Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

Q&A

Jacqueline Leite (CHAME, Brazil) shared that in Brazil, there is good legislation in place. However, most women that are going out of the country are not recognised as domestic workers. She said when they are abused abroad and are not recognised as domestic workers, they face a lot of stigma. Participants also had questions for Edith on ensuring state accountability in recognising and protecting domestic workers rights.

Discussion with Sex Workers Groups

Speakers: Elaine Pearson from Human Rights Watch (HRW, US); Chan Dyna from Cambodia Prostitutes Union (CPU); Clarisa Velocci from Genera (Spain); Kin Shan Chan and Nga Shan Ng from Zi Teng (Hong Kong); Noushin Khushrushahi (Canada); and Ma Kay Thi Win from Population Services International (PSI) Myanmar/Burma.

SEX WORKERS' ENGAGEMENT IN ANTI-TRAFFICKING EFFORTS

Chan Dyna (CPU, Cambodia) noted that **there is often little to no collaboration between CPU and anti-trafficking organisations** (with the exception of GAATW) and said that CPU had better collaboration with human rights NGOs. She attributed this to anti-trafficking organisations' lack of understanding around CPU's work, even though CPU provides education on anti-trafficking law and human rights to brothel owners and provides guidance to trafficked sex workers (e.g. helping workers escape). **Recommendations to rectify the lack of cooperation between sex workers rights groups and anti-trafficking groups** included increasing understanding of the work that sex work organisations and anti-trafficking organisations do; treating sex work organisations with respect as equals; improve funding, capacity and access to resources for sex work organisations; include sex work organisations in anti-trafficking networks; and improve

information sharing between sex work organisations, anti-trafficking organisations, government and local authorities. Elaine (HRW, US) added to this by speaking about their recent **research on human rights violations against sex workers in Cambodia**⁴⁴. They spoke to over 100 sex workers and heard stories of police violence and violations in the Social Affairs office and center (detention, beatings, rape). The law criminalises many aspects of sex work and this has given police extra instruments to extort money with impunity. **Recommendations from Human Rights Watch** included: ending arbitrary arrest and detention; independent thorough investigations into abuses and holding perpetrators accountable; permanent closure of Social Affairs centers; suspension of the 'soliciting' provision in the anti-trafficking law until police abuse is addressed; and a review of funding to police and Social Affairs.

Next, Kin Shan Chan and Nga Shan Ng (Zi Teng, Hong Kong), encouraged sex workers advocates to think creatively about how to use human rights treaties to ensure sex workers are heard at the international level and to raise awareness on the complexities of sex workers' identities. For instance, Zi Teng recently submitted a report to the **UN Committee on the Elimination of Racial Discrimination (CERD) to protest police discrimination and violence against sex workers from Mainland China**. CERD responded with very positive feedback about their report. Shan concluded her presentation by affirming that sex workers and anti-trafficking groups could find many opportunities to work together despite their political differences: *"We don't all have the same stance on sex work, that not everyone believes that 'sex work is work' as we do. This is not an obstacle to work together. We have different roles and characteristics....So it is valuable to share this information to support trafficked persons."*

Participants also reiterated the challenges and opportunities for alliances between sex workers groups and anti-trafficking organisations. Liz Cameron from Empower (Thailand) remarked that there was still a **long way to go towards alliances between sex workers groups and anti-trafficking organisations** when anti-trafficking was still being used as a cover for anti-sex work ideologies by some groups: *"help us trust you so we can share what we know"*.

SEX WORKERS ORGANISING

Clarisa (Genera, Spain) then raised **"more questions than answers"**. She discussed the borders each country creates within itself and how these borders affect the people we work with. Clarisa noted that sex workers were organising in developing countries and questioned

why sex workers were not organising to the same extent in Europe: *"How come the EU speaks good words but does not give voice to this group and doesn't include them in civil society?"*

Two speakers presented next on the challenges of **organising sex workers in extremely restricted contexts**. Noushin and her colleague spoke with 22 immigrant Middle Eastern women in Canada (including transgendered women), all of whom had worked in sex work at some point to make ends meet⁴⁵. Talking to anyone about their experiences is a tremendous risk to their personal safety, social reputation, and families (risk of child apprehension). Noushin talked about the concerns women had about sharing their stories: *"What we discovered is that all want to speak face to face and talk about experiences, but as refugees, not as sex workers. Only one transgendered woman, spoke about being a sex worker. All others spoke about resorting to different means 'to make ends meet'."* The women interviewed said they required anonymity to help protect the safety of others who may be in trouble with the law.

Kay Thi (PSI) spoke next about her **experiences organising sex worker peer networks in Burma**: *"Our approach is to build the capacity of the sex worker community. Almost 95% of the programme is from the sex worker community."* Based on this approach, the program has grown to 3500 members and has scaled up in 18 sites with 350 staff in six years; created peer resources such as manuals; and organised three national consultations. When speaking about the challenges, Kay Thi replied that there are so many challenges that they don't think of what's challenge and what isn't, they just do what needs to be done!

Stigma was discussed as a tremendous barrier to sex workers being able to practice their rights. Zi Teng added that participants had to be able to talk about sex positively in order to address the stigma around sex work. A participant from Spain added: *"The mixture of pleasure and money is not always seen positively."* Participants from Latin America and the Caribbean emphasised that stigmatising or victimising labels prevented sex workers from organising and participating in areas where their input is needed, such as advocacy, activism and other social change efforts: *"[In the Dominican Republic] one of the women was elected as leader of MODEMU [a sex worker-led organisation] and will go to congress and will talk about the problems of these women"* (Santos, COIN, Dominican Republic).

Another issue of concern was how to address the **criminalisation of sex consumers**. Elaine Pearson (HRW, US) argued: *"If we criminalise the customer, that would not happen in any other industry, so*

that would be a strange way to address problem. It's not human rights based and it's not taking into account the diversity among women." Noushin Khushrushahi (Canada) shared the story of one woman who exchanged sexual services for financial support from a man: "She was content with that. She did not want to criminalise the man. There was no power struggle. She does not identify as a sex worker and she does not want government interfering on how she lives her life."

PROMOTING RIGHTS-BASED APPROACHES TO ANTI-TRAFFICKING THROUGH INTERNATIONAL ADVOCACY

The use of international advocacy strategies in promoting rights-based approaches to anti-trafficking was featured in the IMCC through one of the concurrent 'Linkages' session called 'What's Next' (page 32); a session on raising individual complaints to UN human rights bodies and special procedures; a consultation with the UN Special Rapporteur on Trafficking in Persons, especially women and children, Ms Joy Ezeilo; a booth featuring GAATW's campaign for a review mechanism to UNTOC; and a detailed Advocacy Update that listed international advocacy developments from January to June 2010 and upcoming opportunities for engagement⁴⁶.

Members' engagement in GAATW international advocacy efforts was particularly encouraged for the next few months in **joining the global effort for a review mechanism to UN Convention against Transnational Organised Crime including the Human Trafficking Protocol (UNTOC)**. This advocacy is increasingly urgent in the lead up to the 5th Conference of Parties to UNTOC at which the review mechanism will be discussed in detail by States Parties⁴⁷. Participants were encouraged to lobby their governments for support by establishing contacts with government representatives; sharing their organisation's stories of their partnership efforts with governments; and spreading the word about the campaign to other organisations⁴⁸.

United Nations Advocacy Strategies⁴⁹

Speakers: Jan Boontinand (former GAATW IS International Coordinator); Ms Joy Ngozi Ezeilo, UN Special Rapporteur on trafficking in persons, especially women and children (Nigeria);

Professor Vitit Muntarbhorn, UN Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea (Thailand); Dr. Nivedita Prasad from Ban Ying (Germany).

CASES

Professor Vitit Muntarbhorn, **UN Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea** spoke first. He talked about his experience of being a Special Rapporteur, specifically with regard to the violence affecting people migrating from North Korea: "I interviewed at least 100 women and children - 90% paid a third party to help them leave North Korea. You are not allowed to leave the country without an exit visa, so this threat gives rise to prosecution....Some of them never reach a safe haven but are sent back to North Korea where they are punished and end up in labour camps, prisons and corporal punishment". He explained that trafficked people may be impacted by many laws (e.g. anti-trafficking law, immigration law, refugee law, labour law, violence against women laws) so it is important for allies to consider the opportunities within various frameworks for the protection of trafficked persons rights. It is also important for allies to understand the differences between smuggling and trafficking⁵⁰.

Ms Joy Ngozi Ezeilo, the **UN Special Rapporteur on Trafficking in Persons, Especially Women and Children** then presented an overview of her 2009 anti-trafficking mandate which included nine communications sent to seven countries (India, Kazakhstan, Mexico, Pakistan, Republic of Korea, UAE and Uzbekistan), eight of which were joint communications with other Special Rapporteurs on violence against women, migrant rights, contemporary forms of slavery, and the sale of children⁵¹. She then discussed a case of an NGO request to investigate and communicate with the government concerning a **boy from Uzbekistan who was trafficked to Kazakhstan for forced labour**. The alleged trafficker in Uzbekistan was arrested and authorities confirmed that the boy was returned to his home.

Dr. Nita Prasad (Ban Ying, Germany) presented three case examples of complaints brought to treaty bodies and Special Rapporteurs. In one example, A.T. vs. Hungary⁵²: "Ms A.T. was **abused by her husband but no shelter would take her as her child had a disability**. She submitted a complaint that the State failed to protect her from violence [CEDAW articles 2a, 2b, 2e, 5a and 16]. CEDAW reviewed the complaint, recognised the human rights violation and asked for immediate remedy and made a recommendation for Hungary [to create an effective system of remedies against domestic violence]."



UTILISING SPECIAL PROCEDURES OR SPECIAL RAPORTEURS

Professor Vitit Muntarbhorn explained that the Special Procedures or Special Rapporteurs are independent experts appointed by the UN to investigate particular thematic or country-based issues. Ms Joy Ngozi Ezeilo explained that the **advantages of communicating with Special Rapporteurs** is that it is flexible (can deal with individual cases as well as general patterns of violations), accessible (civil society can send complaints even where domestic remedies are not exhausted), has a wide jurisdiction (can be sent to any UN member state, regardless of their ratification or not), and is relatively fast (compared to treaty body mechanisms). She concluded: *“I want to encourage you to use the individual complaint mechanisms, which have an impact because countries do not like to receive inquiries from Special Rapporteurs.”*⁵³ Vitit Muntarbhorn emphasised: *“But we need the facts of the allegations; we cannot act on media information alone according to our code of conduct. We need information from you.”* Nita added that other advantages are that UN Special Rapporteurs are totally independent; procedures are relatively easy to access and inexpensive if communicated in English or other languages commonly used in the UN such as Spanish and French; and the case can be dealt with simultaneously by other Special Rapporteurs and/or treaty bodies. **The limitations of using Special Rapporteurs are:** States can totally ignore letters of allegation and urgent appeals and Special Rapporteurs do not actually judge the issue. Joy also explained that communication remains a challenge: capacity to respond to communications can be limited; there can be delays from responding states; and confidentiality increases difficulties in assessing the impact and effectiveness of certain interventions.

UTILISING HUMAN RIGHTS TREATY BODIES

Vitit spoke about human rights treaty bodies as an entry point that advocates could utilise, particularly CEDAW and the Convention on the

Rights of the Child (CRC) (the only 2 treaties which all Asian countries are signatories of); however, CEDAW is the only treaty body that has the capacity to process complaints. The CRC Optional Protocol on the sale of children, child prostitution and child pornography intersects with anti-trafficking advocacy foci but does not have a complaint mechanism. Nita explained that the **advantages of using Human Rights Treaty Bodies are:** treaty bodies can ask for interim measures in order to prevent ‘irreparable harm’; the decision is somewhat binding in the sense that State parties are expected to implement the decision; the implementation will be somewhat controlled; and the decision can include suggestions for remedy, compensation and recommendations for the State. **The limitations of using Human Rights Treaty Bodies are** exhaustion of domestic remedies takes time and money; resources required for legal advice and translation; the procedure is quite complicated and legal; and the decision can take 2-3 years.

In conclusion, Special Procedures provide relatively quick responses and immediate intervention whereas Human Rights Treaty Bodies are more advantageous when seeking structural change and compensation. Both strategies also rely on cooperation from the State.

PARTICIPANT DISCUSSION AND QUESTIONS

After speakers’ comprehensive overview on the advantages and disadvantages of using UN Human Rights Treaty Bodies and UN Special Procedures, participants broke out into **eight small group discussions to explore engagement with these two UN advocacy strategies.** Cases participants discussed included police shooting travelling migrant workers in Thailand; rape of a girl who had been trafficked into a discotheque/karaoke; migration restrictions for women in South Asia (women need permission from husband or father); violations against sex workers’ right to work; rape, labour exploitation, detention (for ‘illegal’ migration) and deportation of a child migrant domestic worker.



Lastly, Hannah Wu from the UN Office of the High Commissioner for Human Rights (OHCHR), joined the panellists to answer participants' questions. Participants asked **how the rights of smuggled persons could be better protected**. The UN Special Rapporteur on trafficking in persons stressed that it was important to differentiate between trafficking and smuggling. Another question referred to **cases of trafficking involving UN personnel**. Hannah replied that the UN has a zero tolerance policy regarding abuses by its personnel but that the focus of UN Special Procedures is on States' responsibilities. Participants also asked how **cases could be made more public or visible**. Nita suggested GAATW could assist cases' visibility by featuring them in GAATW's *Alliance News*. The UN Special Rapporteur added that once the report is made public, it is up to civil society to use them to apply pressure at the national level. Participants also asked if mechanisms could be improved to be more accessible to NGOs without extensive resources.

Consultation with UN Special Rapporteur on Trafficking in Persons, Ms Joy Ezeilo

Ms Joy Ngozi Ezeilo, the UN Special Rapporteur on trafficking in persons, especially women and children, facilitated a lively and thought-provoking consultation with GAATW members and allies which provided participants with an opportunity to critically engage with the Special Rapporteur in advance of her forthcoming annual report to the UN General Assembly on Prevention⁵⁴.

Ms Joy Ngozi Ezeilo set five thematic areas for discussion: (1) addressing root causes of trafficking; (2) awareness-raising campaigns; (3) promoting safe migration; (4) victims' participation in designing and developing prevention strategies (particularly children's

participation); and (5) public-private partnerships in preventing trafficking. She asked participants to divide into groups in order to discuss these five themes; however, participants felt these issues should be discussed together in the larger plenary.

Although Ms Ezeilo encouraged civil society to engage in UN advocacy processes, participants critiqued international bodies such as the Special Procedures for their failure to acknowledge and emphasise in their State communications the vast body of knowledge collected and documented by civil society organisations since the 1990s on the issue of Prevention: *"The recommendations on prevention have been out there since the 90s. Why is it that all these recommendations haven't been heard or discussed? It requires some risk from you by making demands on States, by asking them why after all these years they haven't taken up these civil society recommendations. (Renu Rajbhandari, WOREC, Nepal)"*.

Participants also called for the Special Rapporteur to encourage awareness raising campaigns that promoted rights and that encouraged critical awareness of trafficking issues, as **opposed to awareness raising campaigns based on moral fears or conservative ideologies**. Participants pointed out that misguided anti-trafficking campaigns can cause harm if: they create moral panic about trafficking; misinform the public about the risks and causes of trafficking; create fear around migration; and reinforce xenophobia and negative stereotypes about the 'vulnerabilities' of women. Prevention campaigns must be rights enhancing, disseminating accurate and realistic information about migrant and labour rights as well as labour opportunities in destination countries, in a way that is widely available and accessible.

Participants stressed that preventing trafficking requires the promotion and protection of migrants' *labour rights* and **dismantling cultures that permit the exploitation of migrant workers (e.g. xenophobia) in destination countries**. Safe migration must be equated with the right to



freedom of movement, and a responsibility of *both* countries of origin and destination. In many cases, states conflate safe migration with efforts that restrict movement rather than enhancing rights. Restrictive migration policies require migrants to rely on third parties (e.g. traffickers) to facilitate their travel and find employment. More opportunities for legal migration must be created and migration policies should be based on a sound assessment of the demand for labour. Failure to do so can create preconditions for labour trafficking.

Trafficked persons and self-organised groups have valuable knowledge and should be consulted on the development and implementation of anti-trafficking strategies and evaluating anti-trafficking efforts: *“I know several survivors groups are coming forward that are working for the rights of survivors but in the UN we see the practice is bringing one person from only one country to speak on behalf of all...meet with survivors and learn what is working, what is not. Without doing so, your report is not complete (Sunita Danuwar, Shakti Samuha, Nepal).”* Any consultation with trafficked persons should be conducted ethically, with due consideration of the dignity, emotional safety, and human rights of those involved. The ‘victim’ label can cause deep stigmatisation and act as a barrier to reintegration. Therefore, policy makers and practitioners should be cautious in their use of this term.

Participants urged the Special Rapporteur to think **more critically about the root causes of trafficking, including root causes in countries of destination and trade liberalisation, conflict and restrictive migration policies:** *“Is it possible to come up with a sharp critique on the economic paradigm that exists because...the structure of global economy induces trafficking because it needs trafficked/exploited labourers to survive. (William Gois, Migrant Forum in Asia)”*

While greater cooperation between the private and public sectors could work to improve workplace conditions and protections, **caution must be taken when private companies take over traditionally public spheres of work**, where pressure to generate profit can supersede the rights and wellbeing of migrant workers. Eni Lestari (ATKI Hong Kong) shared: *“[In*

Indonesia], the government changed the law by giving private agencies the responsibility of ‘safe migration’.....part of the consequence of this is that migrant workers are constrained in training centres because the private agencies are afraid of the women changing their minds from migrating or getting pregnant...we really should not be controlled by private agencies...I hope you consider this as an example of harmful safe migration approach and private-public partnership.”

Monitoring mechanisms to evaluate the effectiveness of international, national and sub-national anti-trafficking (and related) policies, programmes and strategies, in which trafficked persons, their service providers and advocates must be integral, are critical to improving the effectiveness of anti-trafficking responses and to preventing trafficking. Caroline Hames (GAATW IS) noted the need for the establishment of a **victim-centered monitoring mechanism to UNTOC**⁵⁵.

For recommendations sent to the Special Rapporteur, following this consultation see Annex D.

Closing Ceremony

At the end of the International Conference, GAATW International Board Members Sunita Danuwar, Jyoti Sanghera, Jacqueline Leite, Bandana Pattanaik, Stana Buchowska, Eni Lestari, closed the conference and offered their deep gratitude towards all participants. Jacqueline then led a playful closing ceremony that reflected the energy and optimism from participants as everyone acted out their experiences of the IMCC.

Footnotes

¹ Participants voted to review GAATW’s membership every 3 years.

² Participants supported the principle behind a membership fee structure but agreed that more research and discussion would be needed before implementing a fee structure.

³ Research projects explored the migration and labour struggles and strengths of Middle Eastern immigrant women in Vancouver, Canada, migrant women in the informal sector in Nairobi, Kenya (FIDA Kenya), rural returnee migrant women workers in Moldova (La Strada



Moldova), Filipino migrant worker activists in Europe (RESPECT), African asylum-seekers in Ireland (AkiDWA), rural returnee migrant women in Indonesia (ATKI and LRC-KJHAM), sex workers in the Dominican Republic (MODEMU), migrant women in Brazil (Sodireitos), and Haitian migrant women in the Dominican Republic (CEAPA).

⁴ Available online at www.gaatw.org

⁵ For more information, visit <http://www.victimcenteredmechanism.com/>

⁶ For more information on how you and/or your organisation can get involved, contact Fleur at fleur@gaatw.org

⁷ Available online at http://www.gaatw.org/e-bulletin/2010_Jan-Jun_GAATW_Advocacy_Update.pdf. For more information, please contact Caroline at caroline@gaatw.org.

⁸ This campaign and related materials can be viewed here: <http://www.victimcenteredmechanism.com/>; other advocacy statements and responses can be viewed on the GAATW website, www.gaatw.org

⁹ These working papers and research reports are now available online at www.gaatw.org and through the post from info@gaatw.org.

¹⁰ GAATW. (2007). *Collateral Damage: the Impact of Anti-Trafficking Measures on Human Rights Around the World*. Bangkok, Thailand: GAATW. Available online at www.gaatw.org

¹¹ Representatives from these members shared their experiences in joining GAATW. This list does not include all new members gained over this period.

¹² Available online at www.gaatw.org

¹³ *Beyond Borders: Exploring Trafficking's Links to Gender, Migration, Labour, Globalisation and Security*. Available at www.gaatw.org.

¹⁴ For more information, please contact Tonny at tonny@thecradle.or.ke

¹⁵ For more information and analysis on these cases, Google the case number, ECHR 25965/04, decision from 7 January 2010. Can also contact Nita at prasad@ban-ying.de for more information.

¹⁶ Also see <http://lastradainternational.org/lsidocs/Opinion%20N%C2%BA%206.pdf>

¹⁷ The European Court of Human Rights is available to any European who feels their rights have been neglected by their national courts.

¹⁸ For more information and analysis on these cases, Google the case number, ECHR 73316/01, decision from 7 January 2010.

Can also contact Nita at prasad@ban-ying.de for more information.

¹⁹ For more information, see www.echr.coe.int

²⁰ Speakers recommended this report for more analysis on this issue: OSCE. (2008). *Compensation for Trafficked and Exploited Persons in the OSCE Region*. Warsaw, Poland: OSCE and ODIHR. Available online at http://www.osce.org/odihr/item_11_31284.html

²¹ GAATW Members in Brazil comprise ASBRAD (Associação Brasileira de Defesa da Mulher, da Infância e da Juventude); CHAME (Centro Humanitário de Apoio à Mulher); Coletivo Leila Diniz (CLD); Criola; IBISS- CO (Instituto Brasileiro de Inovações e Práticas Saudáveis); Projeto TRAMA; SMM (Serviço à Mulher Marginalizada); SODIREITOS (Sociedade de Defesa dos Direitos Sexuais na Amazônia) and SDDH (Sociedade Paraense de Defesa Dos Direitos Humanos).

²² For more information, visit: www.victimcenteredmechanism.com

²³ GAATW IS prefers the term 'undocumented' rather than 'illegal'; however, the term 'illegal' was used by the speaker.

²⁴ Mongolian Gender Equality Now (MGEC), Human Security Policy Studies Centre (HSPSC), and the Center for Human Rights and Development (CHRD)

²⁵ Cambodian Women's Development Agency (CWDA), Legal Support for Children and Women (LSCW), Cambodian Women's Crisis Centre (CWCC) and Cambodian Prostitute Union (CPU)

²⁶ For more information, please contact Michelle Taguinod at the GAATW International Secretariat at michelle@gaatw.org.

²⁷ In addition to the speakers above, the Working Group on Membership also includes regional representatives Maria Tchomarova (Animus-Bulgaria) - temporarily replaced Sandra Claasen as Europe representative during her maternity leave, Gombusuren Urantsooj (CHRD-Mongolia), and Margot Tapia (CEAPA-Dominican Republic).

²⁸ For more information, please contact Nerea Bilbatua at the GAATW International Secretariat at nerea@gaatw.org.

²⁹ Working Group Members not present were Betty Pedraza (Espacios de Mujer-Colombia) and Nelia Sancho (GAATW International Board).

³⁰ Information about current International Board members can be found at http://www.gaatw.org/index.php?option=com_content&view=article&id=443&Itemid=55#The%20International%20Board

³¹ For more information, contact info@gaatw.org



³² Kolkata Sanved uses dance movement as an alternative approach to recovery, healing and for the psychosocial rehabilitation of victims of violence and trafficking, domestic workers, mental health patients, people suffering from HIV/AIDS and mainstream school children.

³³ Gabfai (based in Thailand) uses a two-pronged strategy of community outreach and mobile theatre to educate and empower villagers in northern Thailand about the issues related to trafficking, HIV/AIDS, domestic violence and other human rights issues.

³⁴ For more information, see Annalee's article, Gender, Racialisation, and Mobility: Human Trafficking and the 2010 Vancouver Winter Olympic Games, in GAATW's July 2010 issue of Alliance News. The issue can be found online at www.gaatw.org.

³⁵ Research projects explored the migration and labour struggles and strengths of Middle Eastern immigrant women in Vancouver, Canada, migrant women in the informal sector in Nairobi, Kenya (FIDA Kenya), rural returnee migrant women workers in Moldova (La Strada Moldova), Filipino migrant worker activists in Europe (RESPECT), African asylum-seekers in Ireland (AkiDWA), rural returnee migrant women in Indonesia (ATKI and LRC-KJHAM), sex workers in the Dominican Republic (MODEMU), migrant women in Brazil (Sodireitos), and migrant Haitian women in the Dominican Republic (CEAPA).

³⁶ Available online at www.gaatw.org

³⁷ CFMEU's participation was part of the project to 'Build Cross-Border Alliances with Labour Trade Unions to Counter Trafficking' and is supported by the Commonwealth through the Australia-Thailand Institute of the Department of Foreign Affairs and Trade. For more information, please visit: <http://www.dfat.gov.au/ati/>

³⁸ Available online at www.gaatw.org

³⁹ Pearson, E. (2005). *The Mekong Challenge, Human Trafficking: Redefining Demand. Destination Factors in the Trafficking of Children and Young Women in the Mekong Sub-region*. Bangkok, Thailand. ILO. Available online at <http://www.ilo.org/public/english/region/asro/bangkok/child/trafficking/downloads/demand.pdf>

⁴⁰ Human Rights Watch. (2010). *Skin on the Cable" The Illegal Arrest, Arbitrary Detention and Torture of People Who Use Drugs in Cambodia*. New York, USA: HRW. Available online at <http://www.hrw.org/en/reports/2010/01/25/skin-cable-0>

⁴¹ Available online at www.gaatw.org

⁴² For more information, see <http://tryarm.blogspot.com/>

⁴³ For more information about the case, write to Safe Horizon at keeli.sorensen@SafeHorizon.org.

⁴⁴ Human Rights Watch. (2010). *Off the Streets: Arbitrary Detention*

and Other Abuses Against Sex Workers in Cambodia. New York, USA: HRW. Available online at: <http://www.hrw.org/en/reports/2010/07/20/streets-0>

⁴⁵ Their stories were documented in one of GAATW's feminist participatory action research projects, *Understanding Needs, Recognising Rights: The Stories, Perspectives, and Priorities of Immigrant Iranian Women in Vancouver, Canada*. For more information, contact GAATW at info@gaatw.org

⁴⁶ Available online at http://www.gaatw.org/e-bulletin/2010_Jan-Jun_GAATW_Advocacy_Update.pdf. For more information, please contact Caroline at caroline@gaatw.org.

⁴⁷ For further information, visit www.victimcenteredmechanism.com

⁴⁸ For more information on how you and/or your organisation can get involved, contact Fleur at fleur@gaatw.org

⁴⁹ A Cafe Alliance session also gave participants an overview of UN Human Rights Treaty Bodies and Special Procedures, including the means of raising individual complaints with such mechanisms. For more information see OHCHR's *Working with the UN Human Rights Programme, A Handbook for Civil Society* (2008), available online at http://www.ohchr.org/EN/AboutUs/CivilSociety/Documents/Handbook_en.pdf

⁵⁰ Smuggling refers to irregular transport of a person based on an arrangement between the migrant and the smuggler. Trafficking refers to the recruitment, transport and exploitation of a person and hinges more on deception and coercion of migrants.

⁵¹ 2009 Communications report available from: <http://www2.ohchr.org/english/issues/trafficking/communications.htm>

⁵² CEDAW Communication Nr. 2/2003

⁵³ Individual complaint mechanism of the Special Rapporteur on trafficking in persons: <http://www2.ohchr.org/english/issues/trafficking/complaints.htm>

⁵⁴ In January 2010, GAATW also organised a consultation between Thai NGOs and the Special Rapporteur. More information about this consultation can be found online at http://www.gaatw.org/publications/Prevention_of_Trafficking_Report_to_the_SR_Final.pdf

⁵⁵ For more information, visit www.victimcenteredmechanism.com/



ANNEX A: Agenda

GAATW INTERNATIONAL MEMBERS CONGRESS 4-5 July 2010

Day 1: Sunday, July 4

08.30 – 09.30 **Registration**

Haven't put up your Poster yet? Now is the time. Those participants who arrive late on 3rd July or in the morning of 4th July and would like to put up their posters may use this time. IS staff will be available in the Queen's Park 3 conference room (2nd floor) from 08:00 onwards to help them.

09.30 – 10.45 **Welcome and Opening Conversation**

GAATW is 16 this year! Organisations and individuals have joined at different points of time and naturally have varying degrees of involvement with the Alliance. Are there questions about GAATW's history, politics or structure that you still do not have answers for? This is the time to ask those questions to members who have been part of GAATW right from the start. Over the years, activism around human trafficking has also undergone changes. So how were things 'then' and how are they 'now'? What has changed and what has not? Have the changes been for the better or worse? This is the time to reflect upon these questions. What is at the core of our Alliance? What binds us together? How do we move together? This is the time to think collectively. Rather than starting with a typical welcome or keynote we propose to start with an informal, semi-structured opening conversation that will be interactive, informative, humorous, reflective and inspiring.

10.45 – 11.15 **Welcome and Report on 2008-2010 from the GAATW International Secretariat** **Bandana Pattanaik, International Coordinator, GAATW**

11.15 – 11.45 **Reviewing the Agenda and Conference Kit** **Julie Ham, Programme Coordinator, GAATW**

11.45 – 12.30 **Rights! Art! Action! And Getting to Know Each Other and the Work We Do**

Poster Viewing and Networking, includes coffee break The *Rights! Art! Action!* Campaign invited member organisations, friends and the general public to submit creative works which depict the (often overlooked) strength and resilience women demonstrate through their labour, migration and trafficking struggles. We sought to encourage a rights-based approach to anti-trafficking campaign material and to encourage others to do the same. The exhibit will display some of the fascinating submissions we received. The exhibit will supplement an interactive gallery of participants' posters displaying the work they do.

12.30 – 01.30 **Lunch**

01.30 – 03.00 **Session 1: Led by GAATW Members in Africa "The Complexities of Anti-trafficking Work in Africa: Experiences, Lessons Learnt and Way Forward"**

African members, all of whom provide direct services to trafficked persons, will speak on the complexities of anti-trafficking work in the African continent. The session will focus on 3 sub-topics: analysis of regional anti-trafficking policies and programmes; the experiences of providing direct assistance to trafficked persons and migrant workers (victim assistance) in Africa; and complexities of national and regional anti-trafficking advocacy in Africa. Research on human trafficking in Africa will be the starting point of the presentations and will highlight progress and status of each sub-topic (regional strategies, victim assistance and advocacy).

03.00 – 03.30 Coffee Break

03.30 – 05.00 Session 2: Led by GAATW Members in Europe "Anti-trafficking and Rights Protection in Europe: Recent Developments, Ongoing Challenges and its Implications for our Work"

Most GAATW members in Europe have an anti-trafficking focus (direct assistance provision, awareness raising, research, lobby and advocacy) but some of them are also linked to women's migrant rights issues, sex workers rights and the self-organisation of migrant women. One GAATW member acts as a regional network secretariat and focuses on regional lobby and advocacy. The European members will present on some recent legal developments in the region, the issue of trafficking for labour exploitation (which is gaining more attention at regional level), and the conditionality of the assistance, an 'old' issue that continues being a concern

05.00 – 05.15 Housekeeping announcements

05.15 – 06.15 Café Alliance: Open Space for Member Presentations and Meetings

Members are welcome to present their own sessions, workshops, discussions and/or meetings with other members during this time.

If you would like to schedule your own presentation, session, and/or meeting at this time, please contact Yuko Kobayashi at info@gaatw.org.

Day 2: Monday, July 5

09.00 – 09.15 Start of the Day

09.15 – 10.45 Session 3: Led by GAATW Members in Latin America and the Caribbean "Regional and National Advocacy Actions in Latin America and the Caribbean"

LAC members will discuss: Brazilian methodologies for monitoring Brazil's National Anti-Trafficking Plan; how politics at national, sub-regional and regional forums influence trafficking policies; reflections the Dominican Republic's National Anti-Trafficking Commission and Anti-Trafficking Plan; mapping National Plans in the region; and regional forums (MERCOSUR, UNASUR, and OEAs).

10.45 – 11.15 Coffee Break

11.15 – 12.45 Session 4: Led by GAATW Members in Asia "Protection of Rights of Trafficked Persons: A Call to Strengthen Cooperation between Countries of Origin and Destination"

Members from 2 countries of destination (Japan and India) and 2 countries of origin (Mongolia and Cambodia) will present an analysis of rights protection, available assistance and challenges in their respective countries. Cases of cooperation with an origin or destination country will be highlighted.

12.45 – 1.45 Lunch

1.45 – 2.45 Session 5: Membership Issues Led by the Working Group on Membership

A Working Group on Membership (comprising representatives from Member Organisations, the International Board and the International Secretariat) was created at the 2007 International Members Congress with the overall goal of developing a clear set of recommendations that will enable the Alliance to maintain a qualitatively strong and geographically diverse membership committed to human rights principles. Recommendations developed during 2008-2010 will be finalised in this session.

2.45 – 3.15 Coffee Break

3.15 – 4.15 Session 6: Decision Making Processes Led by the Working Group on Decision-Making Processes

The Working Group on Decision Making Process was created at the 2007 GAATW International Members Congress, and is the result of GAATW Member Organizations (Mos), International Board (IB) and International Secretariat (IS) determination to gain clarity on the way decisions are made at the Global Alliance, and to commonly discuss this issue with the ultimate aim to make it more transparent and accessible. This session will finalise a set of recommendations developed during 2008-2010.

4.15 – 5.15 Session 7: Open Discussion on GAATW's Strategic Direction Document GAATW International Board

2010 is the last year of GAATW's current 3 year cycle (2008-2010). This session will discuss possibilities for GAATW's direction in 2011-2013 that reflect the numerous conversations and discussions among the Alliance in 2008-2010, including 4 regional consultations held in Asia, Europe, Africa and Latin America; 3 Roundtables held as part of the Research and Linkages programmes; findings from GAATW's feminist participatory action research projects in collaboration with member organisations and allies; and the contributions of the International Secretariat, the International Board, the Working Groups on Membership and Decision-Making Process, Member Organisations and allied organisations and networks.

5.15 – 5.30 Briefing About the Next Day

5.30 – 6.30 Café Alliance: Open Space for Member Presentations and Meetings

Members are welcome to present their own sessions, workshops, discussions and/or meetings with other members during this time.

If you would like to schedule your own presentation, session, and/or meeting during this time, please contact Yuko Kobayashi at info@gaatw.org.

GAATW INTERNATIONAL CONFERENCE

6-7 July 2010

BEYOND BORDERS: TRAFFICKING IN THE CONTEXT OF MIGRANT, LABOUR AND WOMEN'S RIGHTS

Day 3: Tuesday, July 6

09.00 – 09.30 Registration

09.30 – 10.00 Opening Performance by Kolkata Sanved (India) and Gabfai (Thailand): Woman Power

Kolkata Sanved (based in India) uses dance movement as an alternative approach to recovery, healing and for the psychosocial rehabilitation of victims of violence and trafficking, domestic workers, mental health patients, people suffering from HIV/AIDS and mainstream school children. Gabfai (based in Thailand) uses a two-pronged strategy of community outreach and mobile theatre to educate and empower villagers in northern Thailand about the issues related to trafficking, HIV/AIDS, domestic violence and other human rights issues.

10.00 – 12.00 Understanding Trafficking and Human Rights in the Context of Migration, Labour, Gender and Globalisation [plenary]

Over the last decade, policy and advocacy discussions on migration, labour, gender, and trafficking have become simultaneously more specialised and fragmented. From the stand point of the migrating or the “trafficked” woman, the specialisation of NGOs or the compartmentalisation of assistance has little relevance. The migrant woman, despite her diverse experiences and roles, stands as one unified subject whose concerns as a worker are not separate from her concerns as a woman, or a mother, migrant and so on. How do we understand and unify the diverse frameworks – trafficking, gender, migration and labour – to deepen the impact of our work, reduce collateral damage and protect the rights of the unified subject, the migrant woman worker?

Speakers:

- Jyoti Sanghera, Member, GAATW International Board
- Annalee Lepp, Department Chair, Women's Studies, University of Victoria
- Ratna Kapur, Director, Centre for Feminist Legal Research, New Delhi

12.00 – 01.30 Lunch

01.30 – 04.30 Concurrent Sessions: Linkages in Our Work and Implications for Our Practice, Research and Advocacy

These interactive sessions will address the issue of linkages, centre the voices and agency of migrating people or women and explore implications for our work and practice. Most of the sessions will feature findings from GAATW's 2009-2010 feminist participatory action research projects, GAATW Working Papers, and case sharing from participants. Discussions from these sessions will feed into the Strategic Direction session on July 7th.

(1) Negotiating Rights at the Workplace

Many trafficked people say that labour violations in the trafficking process are what they are most upset about. Members have been particularly concerned about the intersections between exploitation and trafficking. This session will look at the challenges in defining exploitation, informal labour, forced labour, slavery and how these concepts affect members' anti-trafficking work.

(2) 'The Victim Label'

Trafficked persons are often called 'victims'. This is necessary in legal processes, but is it necessary in prevention campaigns, public awareness messages, direct assistance, fundraising or reintegration programmes? The victim label doesn't capture a person's strength or complexities and can be disempowering or stigmatising for the person who is labelled. This session will explore what members are doing in practice about the labels imposed on people, how labels affect women's recovery and reintegration, and whether there is value in using 'the victim label'.

(3) What's Next? What do Linkages Mean for Our Work?

Following GAATW's previous three year cycle of research activities including, Feminist Participatory Action Research project, Working Papers, discussions at Regional Consultations and Roundtables, as well as our heightened engagement in increasingly varied advocacy fora, we now need to look at what we do next. How do we, as GAATW, locate ourselves within

the broader discourses and movements we are now engaging with? How does our Linkages work to date impact on our understanding of the nexus between anti-trafficking and other movements? Importantly, how does it impact upon our advocacy and research for the next three years? The IS will share some of the main ideas from work over the last three years followed by input from those who have brought linkages to life in their work and participants will discuss 'what's next?' with a view to ensuring GAATW's work remains relevant, informed and effective.

(4) Trade Policies and Impacts on Migrating Women

This session will include a learning workshop on how trade policies work and how they impact on migrating women in different parts of the world. Participants will share the impacts from international trade they have seen in their countries and on the women they work with, the jobs available to them, and the migration systems that emerge around new trade policies and practices. The session will also include discussion about GAATW's role in larger social movements on globalisation and trade issues.

(all sessions include a half-hour coffee break)

04.30 – 06.00 Café Alliance: Open Space for Member Presentations and Meetings

Members are welcome to present their own sessions, workshops, discussions and/or meetings with other members during this time.

If you would like to schedule your own presentation, session, and/or meeting during this time, please contact Yuko Kobayashi at info@gaatw.org.

06.00 – 09.00 Cocktails at the pool side, 4th floor of Imperial Queen's Park Hotel

Day 4: Wednesday, July 7

09.00 – 10.30 Concurrent Sessions: Organising for Change

(1) Discussion with Domestic Worker Groups

Over the last few years domestic workers' issues have become more visible and there are welcome policy developments in many parts of the world. 2010 represents an important year for domestic worker organising efforts due to global discussions on an ILO Convention for Domestic Workers. By July, the International Labour Conference will have concluded and GAATW members working with or as domestic workers will be able to share their work, successes and challenges as well as future plans in light of recent international discussions.

(2) Discussion with Sex Worker Groups

GAATW supports the rights of sex workers and Collateral Damage (2007) made a clear recommendation that anti-trafficking initiatives should not violate the human rights of sex workers. This session will explore sex workers rights groups' organising strategies, successes and challenges; how they address trafficking issues; and how they engage in anti-trafficking discourses; and identify opportunities and strategies for collaboration between sex workers rights groups and anti-trafficking organisations.

10.30 – 11.00 Coffee Break

11.00 – 12.30 Café Alliance: Open Space for Member Presentations and Meetings

Members are welcome and encouraged to present their own sessions, workshops, discussions and/or meetings with other members during this time.

If you would like to schedule your own presentation, session, and/or meeting during this time, please contact Yuko Kobayashi at info@gaatw.org.

12.30 – 01.30 Lunch

01.30 – 3.00 Concurrent Sessions: Promoting Rights-Based Approaches to Trafficking

As GAATW-IS moves into the next 3 years of work we feel our advocacy strategies should be informed by our past experiences, learnings and by the priorities and knowledge of the GAATW membership.

(1) Where's the Accountability?

GAATW's Collateral Damage (2007) found not only unrealised goals across anti-trafficking initiatives worldwide, but also highlighted the harm that comes from an uncritical framework. GAATW continues to be concerned that collateral damage is happening as a result of anti-trafficking activities and that little monitoring and evaluation (M&E) is conducted to hold international and national anti-trafficking actors to account. Unlike several other UN treaties and conventions, the UN Convention on Transnational Organised Crime and its protocols, including the Human Trafficking Protocol (UNTOC), has no review mechanism. Participants will be invited to share thoughts and insight on accountability in their own work as well as lessons learnt which will help to inform a wider discussion on how we might collectively and individually hold States and other stakeholders to account for their anti-trafficking actions.

(2) United Nations Advocacy Strategies

The last few years have opened up more space for anti-trafficking advocacy at the UN. There have been thematic debates at the General Assembly, the UN GIFT process, the discussions around a Review Mechanism to the Palermo Protocol and most recently sessions at the Human Rights Council. However such discussions are often critiqued, sometimes with

justification, for being talking shops with little practical action as a result. How can we ensure that our engagement as a network and as individuals is productive and meaningful to those we work with on the ground? This session will focus specifically on individual complaints to UN mechanisms, exploring the merits and limitations of two particular mechanisms: The UN core human rights treaty bodies and the UN Special Procedures. Participants will be invited to reflect on cases from their work where they think that human rights were violated and that the government failed in its responsibility to protect.

03.00 – 03.30 Coffee Break

03.30 – 04.30 Presentation of GAATW's Strategic Direction

GAATW International Board

This session will follow up on discussions held during “Session 7: Open Discussion on GAATW's Strategic Direction Document” on 5 July, consolidate recommendations from other sessions and present an outline of the Alliance's strategic directions for 2011-13.

04.30 – 05.30 Closing Ceremony

ANNEX B: List of Participants

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CFMEU's participation was part of the project to 'Build Cross-Border Alliances with Labour Trade Unions to Counter Trafficking' and is supported by the Commonwealth through the Australia-Thailand Institute of the Department of Foreign Affairs and Trade. For more information, please visit: <http://www.dfat.gov.au/ati/>

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ANNEX C: Links to conference kit materials

Below are links to the materials provided in the conference kit:

Advocacy Update: Six Months of International Advocacy: http://www.gaatw.org/e-bulletin/e-Bulletin_July10_IMCC.pdf

Alliance News, July 2010, Beyond Anti-Trafficking Frameworks – Linkages Between Trafficking, Migration, Gender, Labour and Globalisation: http://www.gaatw.org/publications/Alliance%20News/Alliance_News_July_2010.pdf

BEYOND BORDERS: Exploring Trafficking's Links to Gender, Migration, Labour, Globalisation and Security – GAATW Working Papers Series 2010: www.gaatw.org (panel on right hand side)

Global Conference on Human Trafficking seeks Roadmap for Change [press release]: www.gaatw.org

Stop, Look, Listen Update: Supporting a Victim-Centered Monitoring Mechanism to UNTOC: email fleur@gaatw.org for more information or visit http://www.gaatw.org/index.php?option=com_content&view=article&id=586:stop-look-listen&catid=155:Events

A Woman's Life is Richer Than Her Trafficking Experience – Feminist Participatory Action Research (FPAR) Series: email info@gaatw.org for more information.

IMCC photos on Facebook: <http://www.facebook.com/gaatw.secretariat>

ANNEX D: Recommendations sent to UN Special Rapporteur on trafficking in Persons, especially women and Children, Ms Joy Ezeilo, following the consultation at the IMCC

Implement recommendations

Research on causes of trafficking as well as strategies to prevent trafficking has been in existence since the 1990s and is well documented. Recommendations to international organisations and governments have been ongoing since this time, many unchanging; however, recommendations are not translating into sufficient or appropriate action. Critical to the prevention of trafficking is the implementation of recommendations by international organisations and governments espoused by civil society and other experts in this field.

Promote and enforce the labour rights of migrants

Critical to preventing the abuse of migrant workers and trafficking in persons is the promotion of migrants' labour rights. A culture which permits the exploitation of workers enables the trafficking of persons. Unless workplace protections are improved and labour rights are better developed and enforced (regardless of a worker's migration status) exploitation in the workplace and trafficking will continue.

Awareness campaigns, raising and promoting the rights of migrant workers rights, are required. Such campaigns should target government officials, law enforcement agencies and officers, as well as employers and workers.

Promote rights enhancing awareness-raising campaigns

Awareness-raising activities must be carefully considered; in many instances anti-trafficking campaigns are ineffective or worse, do more harm than good. Many campaigns aimed at the general public and those considered at risk of trafficking: create moral panic about the risks of being trafficked; misinform the public about the risks and causes of trafficking, failing to base campaigns on evidence based data; create fear around migration; and reinforce xenophobia and negative stereotypes about the 'vulnerabilities' of women.

Prevention campaigns must be rights enhancing, disseminating accurate and realistic information about migrant and labour rights as well as labour opportunities in destination countries, in a way that is widely available and accessible.

Equate safe migration with the right to freedom of movement

Safe migration must be equated with the right to freedom of movement, both with regard to leaving and entering a country; a responsibility of both countries of origin and destination. In many cases, states conflate safe migration with controlled migration and efforts are directed at restricting movement rather than enhancing rights. Restrictive migration policies require migrants to enroll the assistance of third parties to facilitate their travel and find employment. Many are exploited either in the process of migration or at work places, and some find themselves trafficked.

More opportunities for legal migration must be created. Migration policies should be based on a sound assessment of the demand for labour, including foreign workers in different industries. Failure to do so can create the preconditions for labour trafficking.

Consult with trafficked persons in policy design and implementation

Trafficked persons and self organised groups have valuable knowledge which is critical to preventing further instances of trafficking; and should be consulted on the development and implementation of prevention policies, strategies and programmes, as well as monitoring and evaluating anti-trafficking efforts. However, processes that seek to provide trafficked persons with a voice, should in no way contribute to their re-victimisation. Any discussions or consultation with trafficked persons should be conducted ethically and respectfully, with due consideration of the dignity, emotional safety, human rights and agency of those involved. Further, the 'victim'

label can cause deep stigmatisation and act as a barrier to reintegration. Therefore, policy makers and practitioners should be cautious in their use of this term.

Address root causes

Urgent action to develop policies and create programmes and strategies, which address the root causes of trafficking must be taken. These include: restrictive immigration and emigration policies and controls; gender inequalities; limited or lack of education; limited or lack of livelihood or employment opportunities; unmonitored and unregulated places of work; demand by employers and consumers for cheap services and goods as well the environment that creates or influences the demand; conflict; structural inequalities brought about by increasingly globalised markets and trade liberalisation strategies which benefit some countries at the expense of others.

Develop public-private partnerships with caution

While greater cooperation between the private and public sectors could work to improve workplace conditions and protections, caution must be taken when private companies take over traditionally public spheres of work, such as assisting with migration processes or recruiting and placing workers in employment, where pressure to generate profit can supersede the rights and wellbeing of migrant workers.

Monitor and evaluate the impact of anti-trafficking work

Monitoring mechanisms to evaluate the effectiveness of international, national and sub-national anti-trafficking (and related) policies, programmes and strategies, in which trafficked persons, their service providers and advocates must be integral, are critical to improving the effectiveness of anti-trafficking responses and preventing trafficking. We urge states to support a victim-centered monitoring mechanism to the UN Convention on Transnational Crime and its protocols there to (UNTOC).

HUMAN RIGHTS

at home, abroad and on the way



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