

STRATEGY IN ACTION

**ANTI-TRAFFICKING ACTIVITIES, RESPONSES,
RISKS AND THE FUTURE OF GAATW**

**A Report of the National Advocacy Project
Participatory Evaluation and Strategy Meeting of
the Global Alliance Against Traffic in Women
Bangkok, Thailand
30 August - 1 September 2003**

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Against Traffic in
Women – GAATW**

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Glossary of Abbreviations and Acronyms

ASEAN – Association of Southeast Asian Nations

CIS – Commonwealth of Independent States (former Soviet Union)

GAATW – Global Alliance Against Traffic in Women

GO - Government Organisation

HRHB – *Human Rights and Trafficking in Persons: A Handbook* (2001)

HRS – *Human Rights Standards for the Treatment of Trafficked Persons* (1999)

IHRLG – International Human Rights Law Group

IOM – International Organisation for Migration

NAP – National Advocacy Project

SAARC – South Asian Association for Regional Cooperation

SP – Solidaritas Perempuan (Indonesian NGO)

TIP – Trafficking in Persons

WOCON – Women’s Consortium of Nigeria

WOTCLEF – Women Trafficking and Child Labor Eradication Foundation (Nigerian NGO)

UN Protocol – *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, supplementing the *UN Convention against Transnational Organised Crime* (2000)

Introduction

From late August to early September 2003 the Global Alliance Against Traffic in Women (GAATW) held a series of related meetings in Bangkok, Thailand. This report, *Strategy in Action*, follows the strategic directions that emerged over the course of these meetings as the participants examined the diverse strategies that have been used in global anti-trafficking activities and the effects and challenges of these tactics. *Strategy in Action* reflects on the past, present, and future of GAATW and the fight against the trafficking in women.

The first meeting, the National Advocacy Project Participatory Evaluation, took place on 30 August and served as the base for the following meetings. The National Advocacy Project, or NAP, was a multi-country project developed in four world regions—Africa, Asia, Europe, and Latin America. The National Focal Points and Regional Coordinators, all GAATW network members, shared their experiences of implementing the project, their successes, their difficulties, and the implications of their experiences for future advocacy work. The NAP Participatory Evaluation was an opportunity for participants to collect ideas and suggestions which could be further analysed in the following sessions of the meetings.

The Strategy Meetings of 31 August – 1 September used the ideas expressed in the NAP Evaluation Meeting to inform discussions on the strategic development of GAATW, the directions for GAATW's future as a network. From the NAP evaluation, participants gained an initial understanding of:

- 1) How the role of GAATW is seen and envisioned;
- 2) The requests and needs of GAATW members;
- 3) The practical situations, problems, and priorities of members;
- 4) How to collectively find solutions to these problems.

These four topics were further discussed and developed over the two days of Strategy Meetings. On the first day, four resource persons offered their expertise on topics that facilitated the development of effective strategies. Elena Tiuriukanova, Program Coordinator at the Moscow Center for Gender Studies and Researcher at the Russian Academy of Sciences, spoke about global trends in migration policies. Ann Gallagher, former advisor on trafficking to Mary Robinson the UN High Commissioner on Human Rights, discussed the UN Protocol on Trafficking in Persons (2000), particularly its crime prevention focus and implementation. Bandana Pattanaik, from the GAATW Secretariat, led a session to generate a list of good and bad practices in anti-trafficking programs. Jan Reynders, a consultant from Holland, used his expertise as an evaluator to shed light on the nature of NGOs, particularly networks, and their strengths and potential problem areas.

The second day involved a brief overview of GAATW's current activities, followed by presentations on linking trafficking to forced labor and migration. The meetings concluded with a discussion to develop strategies for the affirmation of the human rights-based approach, strategies to reduce the harms of anti-trafficking measures, and elements of collaboration for GAATW as a network, i.e. the future relationship between GAATW and its members and the activities that could be undertaken.

The NAP Participatory Evaluation and Strategy Meetings were followed by the GAATW Board Meeting on 2-4 September. The structure of the NAP Evaluation and Strategy Meetings were designed to provide input to board members so that they could formulate concrete plans and strategy directions based on the expressed needs and ideas of GAATW members.

Strategy in Action documents the situation of trafficking in women and the responses of NGOs throughout the globe. The breadth of experiences contained in this report and presentations on relevant issues are intended to be a resource for NGOs, academics, and all others with an interest in trafficking in women or the functioning of NGO networks.

A Note from the Editors

The NAP Participatory Evaluation on 30 August and the subsequent GAATW Strategy Meeting on 31 August – 1 September were documented by a team of three notetakers: Maike Debot, Eva Pedrelli, and Ron Edwards, who also acted as editor.

The sections of the following pages can be grouped into two general categories: presentation synopses and discussion synopses. The bulk of the report is the condensed summaries of the participant presentations. These presentations were followed by discussion sessions, either discussions between individual presentations or discussions following a series of presentations that served to set the stage for substantive debate on key issues. In the report, the presentation of discussion sessions is organised by major topics or major questions. Consequently, for reasons of clarity, the comments presented are not necessarily shown in chronological order. As much as possible, the text of the report includes material from the PowerPoint presentations and flip-charts used during the meetings.

CHAPTER 1

UNDERSTANDING DIVERSITY

National Advocacy Project Participatory Evaluation 30 August 2003



In 2000 GAATW designed the National Advocacy Project to implement at the national level the Human Rights Standards for the Treatment of Trafficked Persons (HRS). The project, consequent to the UN General Assembly's November 2000 adoption of the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, supplementing the *UN Convention against*

Transnational Organized Crime, incorporated in its framework the translation into national legislation of the new UN Protocol. GAATW considered this new international instrument to be a powerful tool for the crime control aspects of trafficking, though lacking strength in obligation to victim protection and service provision. The National Advocacy Project emphasised the complementarity of the HRS and the UN Protocol. In order to implement these tools, GAATW also incorporated into the project capacity building activities in the areas of advocacy and networking for local NGOs.

The National Advocacy Project had three general objectives:

- Implementation of the Trafficking Protocol and the enactment of national legislation including human rights protection of trafficked persons.
- Implementation of the Human Rights Standards by relevant governmental and non-governmental service-providing agencies.
- Network-building with focus on these objectives.

The structure of the NAP was based on: 1) National Focal Points to assess the current situation regarding trafficking - what was working, what was lacking etc., to coordinate activities, and to act as resource people for activities; 2) Regional Coordinators to oversee countries in their region and identify National Focal Points to access the local level.

Accordingly, a Regional Coordinator was identified for Latin America, Fanny Polania based in Colombia, while it was decided that the GAATW secretariat coordinate activities in Asia and, initially, in Europe. National Focal Points were identified in Indonesia, Nepal, Nigeria, Poland, Russia, and Spain:

- Indonesia – Salma (Fify) Safitri – Solidaritas Perempuan (SP)
- Nepal – Meena Poudel – OXFAM and Alliance Against Trafficking in Women in Nepal (AATWIN)
- Nigeria – Bisi Olateru-Olabgegi – Women's Consortium of Nigeria (WOCON)
- Poland – Stana Buchowska – La Strada Foundation Against Trafficking in

Women

- Russia – Fedor Sinitsyn – Perm Center Against Violence and Human Trafficking
- Spain – Marta Gonzalez – Proyecto Esperanza

The initial design of the project, for practical reasons, envisioned a structure based upon a loose hierarchy (Local NGOs/National Focal Points/Regional Coordinators), the practical developments played out slightly differently: the National Advocacy Project was conducted through seven branches, the six initial National Focal Points plus the Regional Coordinator for Latin America. Though the six National Focal Points acted independently (i.e. without official Regional Coordinators), the activities they implemented were frequently regional in scope, crossing national boundaries and in collaboration with other NAP Focal Points. For example, the National Focal Point for Poland developed training, related to the NAP Objectives with the LA STRADA network in Central and Eastern Europe and assisted in the development of the activities of the Russian Focal Point.

For the launch of the project in August 2001 a consultative meeting was held in Nakhon Nayok, Thailand to develop concrete plans for national activities. The Consultative Meeting of Regional Coordinators and National Focal Points was attended by the Focal Points from Nepal, Indonesia, Spain, Russia, Poland, and Latin America. The meeting served to set a common framework, ensure a shared understanding of the UN Protocol, and develop a consensus in terms of the project goals.

On 30 August 2003, at the NAP Participatory Evaluation Meeting, project partners gathered together again to share their experiences in the implementation of the NAP, including both successes and difficulties.

The morning session consisted of presentations of country reports from Focal Points from Poland, Russia, Spain, Nigeria, Indonesia, and Latin America, as well as a look at the situation in England. Participants spoke on the activities that have taken place, the achievements and problems, their difficulties and the reasons behind them.

The afternoon session provided an opportunity to explore the project development in more depth. Participants broke into working groups to discuss: (1) the role of GAATW in facilitating and coordinating the project; (2) how do we avoid the difficulties that arose; and (3) suggestions on how to develop similar advocacy work in future.

Country Reports

Poland

Stana Buchowska

National Coordinator – La Strada Foundation Against Trafficking in Women



Stana Buchowska, a GAATW board member, serves as the head of the Polish branch of the La Strada Foundation Against Trafficking in Women. Initially designated as the NAP Focal Point for Poland, Stana also effectively acted as Regional Coordinator for Central and Eastern Europe. She began her presentation with a very brief introduction on the role played by Poland in global trafficking patterns. Poland must approach trafficking at many levels as it is a country of

origin, transit, and destination. When the National Advocacy Project was started in 2001, the main objectives were to promote the Human Rights Standards and UN legislation, as well as to strike a balance between the focus on prosecuting and the need for victim protection. Stana, on behalf of La Strada Poland, decided to integrate the general NAP objectives into a set of more specific goals for Poland:

- Promote the Human Rights Standards for the Treatment of Trafficked Persons and the new UN legislative tool;
- Involve GO representatives, especially law enforcement through trainings on trafficking, in particular on how to identify migrant victims and improve operational policies;
- Initiate and facilitate cooperation between GOs, NGOs, and service providers;
- Initiate cross-border cooperation with countries of origin (former USSR).

Detailing the activities developed to achieve these goals, Stana explained that in January 2003 the Polish Parliament ratified the UN Protocol, though it is not yet in force as it has not yet been ratified by the appropriate number of UN member states. La Strada has been using *the Human Rights and Trafficking in Persons: A Handbook* as part of the process of awareness raising. The handbook was translated into four languages—Polish, Czech, Bosnian, and Russian (Russian version by the Perm Center). An electronic version was created for the training of law enforcement professionals at border areas, particularly the eastern border of Poland with Lithuania, Ukraine, Belorussia, and Russia.

Between 2001 and 2003, La Strada conducted more than 20 training sessions, with a total of over 500 target participants. Through these sessions, law enforcement representatives, local government officers, social workers, NGO representatives, and service providers have been trained on the UN Protocol and the Human Rights Standards for the Treatment of Trafficked Persons. Though the training reached many kinds of individuals and groups, the primary target was law enforcement, with the aim of creating greater cross-border cooperation for anti-trafficking activities.

Capacity-building efforts were also successful, primarily as a result of the training. Local NGOs, service providers, and law enforcement personnel gained new knowledge and skills. Through the training, participants developed direct contacts with other actors in the anti-trafficking field at the local, regional, and national levels.

In September 2001 the Polish government created a multidisciplinary interministerial working group to formulate the “National Action Plan to Prevent and Combat Trafficking in Women.” La Strada worked to introduce the principles of the Human Rights Standards into the content of this Action Plan. It succeeded with the inclusion of a chapter called “Strengthening the Protection of Victims and Witnesses,” which recommends social help, support for victims during and after a crisis situation, and protection against double victimisation. The Action Plan was signed and put into effect by the government in November 2002.

Under the NAP framework, La Strada successfully accomplished several actions for network-building. It strengthened the network “Women of Trust”, a Polish network of volunteers that are involved in the organisation of La Strada’s seminars. La Strada also developed a network of law enforcement representatives and service providers in the eastern Polish borders with Lithuania, Belorussia, Ukraine, and the Kaliningrad region of the Russian Federation. Moreover, the involvement in the NAP helped to strengthen the general cooperation of all actors involved in La Strada.

Stana noted that though performance indicators are important to donors, it is hard to obtain direct and immediate measurements of the degree to which attitudes have changed as a result of the activities developed to implement the NAP. The path to success in these kinds of projects, she said, could be compared to a waltz—“two steps forward, one step back.”

Stana concluded that personally she had a very good feeling about what La Strada achieved through the National Advocacy Project. Participants in the training tend to feel very involved in the sessions and offer positive feedback, and La Strada now receives many requests for their training.



Russia
Fedor Sinitsyn
Perm Center Against Violence and
Human Trafficking

Fedor Sinitsyn began his involvement with GAATW and the National Advocacy Project from his position as Director of the Center Against Violence and Human Trafficking, Perm, Russia. To open his presentation he recalled the initial objectives set in

Nakhon Nayok in 2001:

- Promotion of the signing and ratification of the UN Protocol on Trafficking and inclusion of human rights protection for trafficked persons in existing and pending national legislation;
- Ensure that relevant service providing agencies, governmental and non-governmental, implement the HRS;

- Network-building (local and national) with a focus on the UN Protocol and the HRS;
- Capacity-building of local and national organisations in the form of strategising/training sessions to develop skills and obtain resources.

A visible demonstration of success is that Russian NAP members disseminated the UN Protocol widely among NGOs and various government bodies (Ministry of Internal Affairs, General Prosecutor's Office, Ministry of Labor and Social Development). Fedor, as NAP Focal Point for Russia, lobbied the Russian State Duma and developed a regional public awareness campaign on human trafficking. In October 2002 the Duma created the Working Group on Legislation on Trafficking in Persons within the Legislation Committee. During the period of October 2002 to February 2003, the new Russian Draft Law on Prevention of Trafficking in Persons was written and the provisions of the UN Protocol have been included. The law has not yet been adopted however and will not be an object of focus again until after the Duma election in December 2003.

The Human Rights Standards and the *Human Rights and Trafficking in Persons: A Handbook* has been translated into Russian, published and disseminated amongst organisations in Russia, Belorussia, Macedonia, Moldavia, and Poland. Training on the Human Rights Standards have been provided to representatives from the Ministry of Internal Affairs, Ministry of Foreign Affairs, Ministry of Labor and Social Development, Ministry of Health Care, Federal Migration Service, and NGOs.

The Perm Center organised a workshop in April 2002 and invited NGOs and service providers from the Perm region and Moscow; GAATW and La Strada Poland also provided their expertise at the workshop, in the programme design and through expert facilitators. Additionally, an international conference was held, in the NAP framework, at Nizhy Novgorod in August 2002 as a follow-up to the April workshop. The conference addressed the international experience on advocacy on human trafficking, focusing on Central and Eastern Europe. It looked at lobbying efforts in various countries and ways to offer legal protection to trafficked persons.

A network of Russian NGOs working on trafficking has been created. In addition to the two previously mentioned networking events, another activity was the creation of two websites to house materials for the network members. (Websites: www.cavt.ru and www.torgovlenet.ru). A listserv, End-Traffic Russia, was also established, providing a platform to share news through email bulletins amongst the members of the Russian network.



Spain
Antonio Rivas
Proyecto Esperanza

Antonio Rivas, representing Proyecto Esperanza (Project Hope), delivered the country presentation for Spain. Proyecto Esperanza, based in Madrid, is a relatively small project within a massive Catholic organisation, the Religious Order of the Adoratrices. This organisation,

composed primarily of Catholic nuns, has been in existence since 1856 and seeks to help marginalised women. Proyecto Esperanza works on trafficking in women from Western Europe and Latin America. It operates shelter houses and provides psychological, medical and social services, as well as legal assistance, to women victims of trafficking.

Antonio underlined the importance of the context and historical background of the Spanish situation on trafficking. Until 1976 Spain was under a military dictatorship. Since then, the country transformed into a democracy and over the following decade began to achieve a higher standard of living. By the 1990s Spain was considered a developed nation. Previously Spain functioned as a country of origin within the global migration patterns: Spanish women and men have long sought a better means of survival abroad. Now the nation has become a country of destination for migrants. According to Antonio, "We [the Spaniards] have forgotten our history". This has serious implications for the Spanish attitudes towards immigration and migrant-related issues.

From a legal point of view, Spanish legislation has even better human rights protections than the UN Protocol itself. In fact, the implementation of the UN Protocol would not actually add anything to the Spanish legal context. However, the main problem is that these laws are not put into practice. The challenge in Spain was not, as already assessed and decided in Nakhon Nayok in 2001, domesticating the UN Protocol and HRS, but putting the Spanish legislation effectively into practice. Therefore, the NAP in Spain had two priorities:

- Consolidate the existing network of hostels through a training programme to establish common criteria and procedures;
- Raise awareness about the Human Rights Standards for Trafficked Persons with GOs, the network, and other NGOs.

Proyecto Esperanza deliberately chose to make the NAP activities for Spain coincide with their involvement in a project called the Hispano-Lusitanian Network of Reception Centres Against Trafficking in Women for Sexual Exploitation, funded by the DAPHNE Program of the European Commission. This networking project links over 40 hostels working with migrant workers, women in prostitution, trafficked women, etc. Under the NAP and Hispano-Lusitanian Network, Proyecto Esperanza helped to organise three regional workshops for networking and training on the Human Rights Standards, as well as a concluding international meeting. These meetings had a critical impact, allowing partnership to be formed and strengthened for dissemination of information on the HRS.

The success of the project was affected by the recent strengthening of the Conservative party's hold on the government. Since the beginning of NAP, the Spanish Conservatives have gained a majority in the government and now have more power to make decisions that adversely affect immigration and, consequently, the treatment of trafficked persons.

Another major change since the start of the project in 2001 has been the mushrooming of anti-trafficking organisations and projects. Many of these

organisations have little expertise in the field but are simply agenda-hopping, following political funding. This brings more publicity to the issue but also diverts attention from a lot of serious and well-grounded work.

Antonio pointed out that Proyecto Esperanza could benefit from a more public profile. While they have wide legal and service provision experience, dedication, and clarity of purpose, they do not have the “marketing” expertise of certain less solid groups. The main difficulty in changing the public profile of Proyecto Esperanza is the traditional character of its mother institution, a religious group composed of Catholic nuns, who are reluctant to undertake rapid changes to adapt to the rising needs.

One of the major achievements of the NAP in Spain is greater awareness on the plight of TIP victims. However, much work remains to be done to achieve significant change in the implementation of the legal procedure. Civil servants and police officers do not know the proper legal courses for dealing with trafficked persons, so they treat them as they would treat all other immigrants who have entered the country by illegal pathways.

In terms of service providing, the project established a model for handling a victim when she arrives at a hostel. They have developed a course of steps to follow regarding legal proceedings, social work, health care, etc.

Proyecto Esperanza is continuing its training activities. Despite the difficulties, it also intends to work harder to gain a more public profile, a stronger voice, so that it can get its message out more effectively.

Nigeria

Bisi Olateru-Olagbegi

WOCON



Olabisi (Bisi) Ibijoke Olateru-Olagbegi is the Executive Director of the Women’s Consortium of Nigeria (WOCON). Bisi offered a succinct introduction to the Nigerian trafficking context before detailing the participation of Nigeria in the NAP. Nigeria is a federal country and the most populous nation in Africa, housing 1/5 of the population of the continent. It serves as a country of origin, transit, and destination for trafficking in human beings. Almost the totality of Nigerian public attention to trafficking centers on Nigerian women trafficked for prostitution to Europe. However, trafficking for additional forms of labor exists as well. Furthermore, there are many women transiting through Nigeria from other West African nations, to go to Europe for sex work and other forms of labor. Although Nigeria had signed and ratified the UN Protocol, it did not yet, at the inception of the National Advocacy Project, have comprehensive trafficking legislation at the federal level. The NAP intended to prepare groups to lobby for such legislation.

The Nigerian National Assembly has recently passed legislation on trafficking, including some provisions of the UN Protocol and the HRS. WOCON is not entirely satisfied with the proposed bill though and believes it should be subject to serious improvement. WOTCLEF (Women Trafficking and Child Labor Eradication Foundation), the NGO that introduced the bill to the National Assembly, had powerful political connections and could easily push the bill through the Assembly. This NGO refused to negotiate the original draft with other civil society groups, who were advocating for a wider opening to the protection of the rights of victims. Because of this lack of cooperation with other groups, the total inclusion of the UN Protocol provisions was not accomplished. WOTCLEF did not attend the NAP training in Lagos and is not aware of the principles of the Human Rights Standards for the Treatment of Trafficked Persons.

A major goal of WOCON in implementing the NAP in Nigeria was to educate NGOs and law enforcement on the UN Protocol and the Human Rights Standards. To this aim WOCON has tried to formulate a simplified version of the UN Protocol in hopes that it would be more compelling and easier to work with. Their capacity-building activity was done through training: they responded to the fact that, even though many anti-trafficking groups were born in the popularity of the trafficking issue, very often they are not well informed on the issue itself. They needed to be familiarised with the content of the UN Protocol and the HRS and also needed to become able to share experiences and good practices.

Another primary goal of NAP in Nigeria was to strengthen existing anti-trafficking networks. Nigeria is the home of NACATIP (the National Coalition Against Trafficking in Persons), a group of 23 NGOs and 7 CBOs (community based organisations). In October 2002, WOCON in collaboration with GAATW held a Training of Trainers workshop in Lagos under the NAP framework. This brought together core members of NACATIP as well as government and law enforcement representatives. Participants were educated on a wide variety of trafficking-related issues and had a chance to discuss their own areas of expertise and experiences. To ensure concrete action, participants drew up a plan of action that included training of law enforcement and the judiciary on HRS, advocacy on improving existing laws, awareness raising on rights of trafficked persons, and ways of strengthening NACATIP.

A key strategy for the NAP in Nigeria has been to encourage the formation of core advocacy groups for each locality most affected by trafficking. Advocacy and trainings on a more widespread basis across the country could facilitate change much more effectively. A preliminary meeting has already taken place to designate focal points. Bisi suggested that anti-trafficking activities begun under NAP could be expanded through cascading training, broadening the reach of the powerful Training of Trainers workshops. One group of trainers should train another group of trainers, which in turn trains another group of trainers, etc.

In conclusion, Bisi highlighted that there has been significant positive changes in Nigeria in relation to trafficking in persons, but there is still a lot to be done. She pointed out that the greatest obstacle was the lack of financial resources but exclaimed, "We have our brains and hands."

Victoria Ijeoma Nwogu
International Human Rights Law Group

Following Bisi's presentation, Victoria from the International Human Rights Law Group gave a brief follow-up based on her experience in the legal realm in Nigeria. There are currently two bills related to trafficking before the national assembly. One bill seeks to formulate what could be called a national version of the UN Convention on Transnational Organised Crime (2000), and the other looks to introduce legislative amendments in line with the UN Trafficking Protocol. Should these bills be accepted, they will cover lapses in the current legislation.

Like Bisi, Victoria highlighted the problems faced by anti-trafficking groups in relation to the bill proposed by WOTCLEF. The founder of WOTCLEF is the wife of the Nigerian Vice President and therefore has great political clout. WOTCLEF insisted on passing the bill quickly and did not want to take the time to address inputs from other Nigerian anti-trafficking organisations. The International Human Rights Law Group has proposed a series of amendments to the Draft Anti-Trafficking Bill: they rectify the lack of attention to the UN Protocol and the HRS and also correct the deficient focus on forms of trafficking other than trafficking in women for sexual purposes.

The IHRLG - Nigeria Office, in conjunction with Ann Jordan, Director of the Initiative Against Trafficking in Human Beings of the IHRLG-Washington DC, organised a workshop on May 2002 entitled "Trafficking in Humans Especially Women and Children." The workshop brought together policy makers, media representatives, and local and international NGOs. Fifty-six participants discussed transnational legal issues related to trafficking, including the UN Convention on Transnational Organised Crime and the UN Trafficking Protocol. They also reviewed the Nigerian Draft Anti-Trafficking Bill proposed by WOTCLEF, made some initial proposals for amendments and formed a technical committee to do a full review of needed amendments. It was during this meeting that the IHRLG Nigeria came into contact with the network of NACATIP, learned of the National Advocacy Project and later participated in the NAP Training of Trainers in Lagos organised by WOCON and GAATW.

Indonesia
Tety Kuswandari
Women Solidarity for Human Rights (Solidaritas Perempuan)



Representing the NGO Solidaritas Perempuan, Tety Kuswandari delivered the presentation on the National Advocacy Project in Indonesia. About 70% of Indonesian migrant workers are women, and 90% of them are domestic helpers. The number of women seeking jobs overseas is expected to rise because of the difficult economic situation of the country. When women take up jobs abroad they may face numerous problems such as underpayment; wages withheld; arrest; deportation; health risks such as HIV/AIDS; and mental, physical, and sexual abuse.

Indonesia signed the UN Trafficking Protocol in 2000. In 2003 President Megawati issued two presidential decrees related to trafficking: the number 87, the *National Plan of Action to Abolish Sexual and Commercial Exploitation of Children*, and the number 88 the *National Action Plan to Abolish Trafficking in Women and Children*. Additionally there are three relevant draft bills at the national level: the first is an anti-trafficking bill, the second is a bill to protect migrant workers' rights and their families, and the third is a bill on victim and witness protection.

The main objective for the NAP in Indonesia was to encourage the government to create state regulations protecting the victims of trafficking (especially women and children) and punishing the traffickers with a criminal sentence. The main priorities were identified as:

- Conducting a more comprehensive study on trafficking in Indonesia (especially women and children);
- Awareness raising/sensitisation at national and local levels;
- Building and empowering NGO networks at the national and local (province and district) levels;
- Urging the government to change/create the policy at the local, national, regional/multilateral levels to protect the victims and punish under criminal law the perpetrators of trafficking in persons.

In 2001 Fifi set out three strategic steps to pursue these priorities:

- 1) Sensitisation on the concept of trafficking, as defined in the UN Protocol, among NGOs/human rights activists. Awareness raising conducted through seminars, discussions, training, dissemination of information etc.
- 2) Building and empowering a NGO network with a common policy advocacy, carried out via workshops, training etc.
- 3) Developing lobbying and campaign towards the executive and legislative body to change the policy on trafficking.

SP has achieved its major network building objective for the NAP in Indonesia through the formation of a network of 17 Indonesian NGOs enabled to handle cases of trafficking. Since the 2001 Consultative Meeting in Nakhon Nayok, an Indonesian national-level task force on trafficking has also been created by the Government. The task force comprises of government, NGO, and police representatives.

The Indonesian NAP capacity building activities sought to increase awareness and understanding of trafficking among relevant organisations. Solidaritas Perempuan is currently following the strategy of networking with organisations that focus on areas related to trafficking. These include NGOs working with sex workers, domestic workers, migrant workers, women and children issues.

SP brought seventeen NGOs together in Bogor, West Java, in March 2002 for the National Consultation on Trafficking in Women and Children, organised in the context of the NAP. The meeting, "Building an Advocacy Strategy Against the Trafficking of Women and Children in Indonesia," allowed SP communities and other groups to share their experiences, and contribute to the process of building capacity for

advocacy work. The participants looked at trafficking in Indonesia and developed a consensus on the concept; they identified four essential elements that, in concurrence, constitute trafficking: disagreement, brokerage, migration, and exploitation. In addition, participants analysed recruitment patterns and discussed strategies.

Salma Safitri (Fifi)
Solidaritas Perempuan



Fifi elaborated on the Indonesian situation presented by Tety. To situate trafficking in Indonesia in its social and economic context, she gave an overview of the national trafficking situation. Indonesia is characterized by extensive internal trafficking, mostly from village to city, or from island to island. There is also a significant amount of trafficking to nations abroad. At least 700,000 women per year leave Indonesia to work in the Middle East and other countries of Asia, with a large contingent going to Hong Kong.

There is no comprehensive legislation on trafficking; rather, there are scattered pieces of legislation in different legal areas. Also, there is a very narrow perspective on trafficking, being seen as pertaining solely to exploitation in forced prostitution.

Fifi explained that at the start of the NAP she analyzed the Indonesian situation and decided that the government needed to develop a clear definition of trafficking, as well as comprehensive legislation. To bring this about she felt that the NAP should focus on bringing together many NGOs (working on various issues such as migration) to discuss their thoughts and push the government to instate the needed legislation. Changes in the national situation began to occur in 2001 when the United States of America put Indonesia in Tier 3, the lowest tier of its Trafficking in Persons Report. The United States funneled a large amount of aid money into the country to address trafficking. As a result, there is now a flood of NGOs working on trafficking, and these conduct many kinds of activities. Attached to this aid money are stipulations that it must be used to fund activities according to the American government's strategies. The American government's approach to trafficking, however, is viewed as extremely problematic by many anti-trafficking organisations.

Latin America
Monika Peruffo – GAATW,
on behalf of Fanny Polania Molina

The presentation on the NAP in Latin America was delivered by Monika Peruffo, GAATW NAP Coordinator, on behalf of the Regional Coordinator, Fanny Polania Molina, who regretfully could not attend the meeting as she was occupied by pressing duties in her role as Trafficking in Persons Coordinator for the International Organisation for Migration in Colombia. Trafficking in persons in Latin America occurs for a wide variety of purposes: work in factories, garment production, brickyards, mines, quarries,

plantations, domestic service, servile marriage, forced prostitution, and recruitment of children as soldiers. Trafficking in persons in the region has become very structured and often organised by foreign criminal groups, including the Japanese Yakuza.

Prostitution in Latin America is strongly condemned on the basis of Catholicism; therefore the main trend is an abolitionist approach. Though prostitution is largely morally condemned, as well as criminalized, it is generally permitted and tolerated. Sexual tourism is a prevalent phenomenon, and countries in the region are home to sex worker organisations.

A clear understanding of the concept and definition of trafficking has proved problematic. Trafficking and prostitution tend to be equated and confused, so that other forms of trafficking are often not recognised as such. Furthermore, linguistic and translation problems between Spanish and English create confusion on the definition of trafficking.

Many Latin American Countries had already signed the UN Convention on Transnational Organized Crime and its supplementary Protocols on Trafficking in Persons and Migrant Smuggling. The NAP plan of action for Latin America designed in 2001 focused on the introduction of specific laws on trafficking in persons and on the implementation of the HRS and victim protection provisions. The plan also entailed clarification of the meaning of "trafficking" for Latin American judicial systems so that they would be able to properly use new legislation. NGOs had to be informed of the relevance of obtaining legislation on trafficking and also needed to be empowered with knowledge of the HRS. To meet these goals, the NAP worked to disseminate the Spanish version of the HRHB among NGOs, government institutions, international agencies, universities, and the media. Lobbying efforts were concentrated in three main countries: Colombia, Peru, and the Dominican Republic. Lobbying in Colombia was successful: the June 2002 national trafficking law incorporates the UN Protocol definition of trafficking and the Human Rights Standards for the Treatment of Trafficked Persons, foresees harsher penalties for traffickers and recognises a variety of forms of trafficking, including trafficking for domestic work, servile marriage, serfdom, and slavery-related practices.

The NAP in Latin America also expanded an existing network of anti-trafficking organisations. This regional network came to comprise approximately 25 organizations working on issues such as migration, gender, human rights, trafficking, prostitution, and sex workers rights. The network facilitated the exchange of information and experiences about trafficking in Latin America.

A major training workshop was held on 6-9 May 2003 in Bogota, Colombia as part of the NAP activities. The *Workshop on "Human Trafficking and Human Rights"* was organized in collaboration with the International Human Rights Law Group, Casa Alianza, and IOM Colombia. Participants included organizations from 11 Latin American countries, as well as organizations from countries of destination such as the United States, Spain, and Thailand. Gabriela Rodriguez, the Special Rapporteur on the Rights of Migrant Workers for the United Nations, also took part in the workshop. The participants established a regional networks to concentrate on

trafficking in all its forms. Three sub-regional networks were formed: Mexico and Central America, South America, and the Caribbean. The meeting also resulted in conceptual clarity and consensus on "trafficking in persons" and its distinctness from "smuggling."

United Kingdom

Iveta Bartunkova

Anti Slavery International

Iveta Bartunkova, Trafficking Programme Officer of Anti-Slavery International, delivered a presentation on the situation of trafficking in the United Kingdom. Iveta discussed three main points: (1) trafficking legislation in the UK, (2) the real impact of anti-trafficking activities and legislation on the lives of trafficked persons in the UK, and (3) the main obstacles in supporting victims' rights in the UK at the moment.



Legislation on Trafficking in Persons

The Sex Offences Act (2003) recognises trafficking for prostitution, and attaches to it a maximum penalty of 14 years imprisonment. The government has committed itself to introducing legislation for other forms of trafficking as soon they have parliamentary time to do so. Anti-Slavery International is working to ensure that legislation on other forms of trafficking is quickly added to the parliamentary agenda. Recently, 180 Members of Parliament supported a movement to have trafficking placed on the agenda.

Impact on the Lives of Trafficked Persons

Current national legislation does not recognise trafficking for purposes other than prostitution. Therefore, the majority of trafficked persons are treated as illegal migrants and illegal workers and expelled from the country.

Main Obstacles

One of the primary obstacles faced at the moment is the dominant public opinion regarding immigration and immigration policy. Immigration policy is becoming increasingly strict. Consequently, it is much more difficult now to argue for temporary or long-term residency permits for trafficked women. While the organization *Eaves Housing For Women* offers some assistance to trafficked women in London, it is insufficiently funded, and adequate assistance mechanisms do not exist outside of London.

Discussion

The discussion following the country presentations opened with a set of focus questions: What obstacles did we meet in the development of the NAP? Why were they there? What kinds of obstacles were they? How can we overcome these obstacles? How can we overcome our own internal weaknesses and lack of resources? It was a chance for participants to identify the difficulties in their national implementation of the NAP and ask for suggestions to participants representing the programme in other countries.

How are the networks established or supported through the NAP partners' activities maintained? How do you share ideas, lobbying, etc. within these networks?

Russia:

Fedor Sinitsyn (Perm Center) replied that his organization is part of a group of 20-25 organizations, mostly from the European part of Russia, with some from the far eastern region of the country. They have created an information-sharing connection by email and websites. Additionally, they held a conference, as well as several meetings in Moscow and elsewhere.



One of these meetings was organized by a joint effort of the American Embassy and the Duma. The network members use the network to share information and good practices. However, the network faces two main obstacles:

- 1) There are not a large number of NGOs in Russia working on trafficking;
- 2) It is extremely difficult for NGOs to establish operative links with GOs: NGOs find hard to collaborate with the government agencies because the government usually does not trust NGOs. This lack of trust stems from the country's historical situation. NGOs have only existed in Russia for about 10 years, and the culture of human rights is quite young. They have little government support, often being seen as "the enemy." The government refuses to allocate budgetary assistance and similarly refuses to participate in NGO events, conferences and meetings.

Nigeria:

Victoria Ijeoma Nwogu (International Human Rights Law Group) surmised that NACATIP, the network supported through NAP trainings, has a very good future. The IHRLG office in Nigeria has worked with several coalitions, mostly regional coalitions. She has found that the most success in capacity building comes when NGOs gain some independence from their funding organization. NACATIP is currently trying to acquire funds to support a NACATIP Coordinator. A meeting of ten people meeting was held

in January 2003, and participants decided it was important to take a step forward by establishing a leadership structure for NACATIP. Accordingly, they created the role of Zonal Coordinators.

How do you promote advocacy on trafficking on a legal level? Trafficking is not one of the top priorities for legislators in many countries. For example, in Indonesia, after the bombing in Bali, terrorism is now the 'big issue.' Many human rights issues have been given a lower priority. Now it is difficult to even make trafficking a visible issue. How do NGO activists around the world promote the government to take up anti-trafficking legislation?

Central and Eastern Europe:

Stana Buchowska (La Strada) explained that in Central and Eastern Europe trafficking has long been a political issue and is used by different political parties for their own purposes, for their own gain. The problem in Central and Eastern Europe therefore is not making the issue visible, but making people and politicians realise its true importance and seriousness. After September 11, terrorism has become the priority in Central and Eastern Europe as well. The governments put little emphasis on trafficking, saying they have more important issues to worry about. They have a simplistic attitude summarised as "We are not going to deal with those prostitutes. We have homeless children and other more urgent social problems". Stana suggested that the emphasis on human rights is useful because they are universal and not bound to immigration laws.

Nigeria:

Bisi Olateru-Olagbegi (WOCON) proposed that a major advocacy strategy should relate to the United States recent interest in trafficking. Now that America has decided to become the international "watchdog" on trafficking in persons, categorising countries and ranking them, it would be possible to motivate a government to enact proper legislation by emphasizing that the nation risk to be put in a low tier and sanctioned by the USA. Her group has found this strategy useful. Another route sometimes available is finding someone with enough political clout to push the issue. In the case of Nigeria, this person was the wife of the country's Vice President. Though this prominent woman's involvement has not been entirely unproblematic, it has brought the issue to the public eye.

Bisi shared a third strategy: the use of the media. Organizations can use the media to expose and publicise the suffering and exploitative conditions of trafficked persons. The media can work on two levels: (1) they can raise sympathy towards trafficked women and awareness in a positive manner; (2) they can throw negative publicity on the government behaviour about trafficking. Governments do not want to face public ridicule because their citizens are being deported, and this can sometimes work to an organizations' advantage. WOCON began using the media in 1997 to bring light to deportation cases, and this forced the Nigerian government to respond.

Russia:

Elena Tiuriukanova (Moscow Center for Gender Studies; Russian Academy of Sciences) noted that advocacy can be supported through networking with organizations for legislation focus on various other issues: women's NGOs and human rights, NGOs that do not hold trafficking as their priority. This type of networking is critical in the former USSR region because human rights NGOs must be strengthened. The civil society is a new actor in the public sphere in the modern-day area that was formerly the Soviet region. Consequently a civil society organisation has two tasks: (1) to convince the government of the importance of the issue the organization deals with, and (2) to convince the government of the NGO's credibility.



How do you deal with migrant workers and sex workers? What space does your

The relationship with and the possibilities for working with other groups were recurring issues over the whole course of the meetings. Participants discussed both benefits and drawbacks to working with other related groups.

organization give to collaboration with other kinds of groups?

Poland:

La Strada uses existing migration laws and supports their implementation. Migrants in Poland are granted the same rights as citizens, except for voting rights. The problem is actually getting the laws implemented. Laws regarding issues like deportation, temporary permits for stay, etc. are not elaborated at the procedural level, so La Strada tackles these issues by approaching the authorities, using the HRS. Migration polices are becoming more restrictive in Western Europe, and these legal restrictions on migration are fostering the growth of trafficking activities by organized crime groups.

Sex workers in Poland are not organized. The only exception is a small support group. Sex workers are not visible as a group with common interests in Poland and do not have a voice. Therefore it is difficult to work in their name; to do so, you would need their agreement in your action, and at present it is difficult to identify a group representing them.

Would it be possible in your part of the world to facilitate self-organizing of groups for other issues as part of anti-trafficking work?

Nigeria:

Bisi stated that in 1993 a group of sex workers petitioned the government for recognition but their request and the notion that sex workers could apply for official recognition died out of ridicule. She remarked that if trafficked persons were to

organization of a group of trafficked women in 1999-2000, but the women wanted to hide their identities after they had returned to Nigeria.



Spain:

Antonio relayed that in Spain the government is looking for control over NGOs, and NGOs want control over trafficked persons. He observed, "We say we are the voice of trafficked persons, but we forget that they have their own voice."

He explained: "A politician has a constituency of voters behind him or her for legitimacy. There are 40 shelters working with Proyecto Esperanza, but the project has not yet been able to get social support for legitimacy. Where does my right to point out the need of defending the rights of trafficked women come from? Because I have more technical experience? Or because I feel I am delivering this message on behalf of all these people?". Proyecto Esperanza feels that it is time to involve educational institutions, such as high schools and universities to create a strong base of supporters for the future.

Fifi added, "Maybe we can call ourselves the defenders of the trafficking issue because we are not the victims of trafficking. How can we enable victims of trafficking to have a voice for themselves? Many migrant workers have organizations. Some sex workers have organizations for themselves. What about trafficking survivors? They often feel they do not have a voice strong enough to speak out, to fight for their rights. How can we work with them to enable their empowerment?"

Lin commented that self-organization has its own intrinsic value, whether or not is valuable as a strategy or tool. She concluded this last question in the morning discussion by posing four general questions for reflection on the nature of GAATW, "Who is our constituency? What are we working for? Who are we working for? Who are the victims of trafficking?"

As participants noted up to this point and over the course of the following two days, NGOs sometimes become self-serving forces and lose sight of their mission and the people they seek to aid. The questions functioned as a re-centering device, a small push to press participants into considering who they are really working for, and to consider the needs of the target group to better strategise.

NAP Participatory Evaluation

After country presentations in the morning session, participants spent the afternoon in working groups to evaluate the National Advocacy Project. This was a time to reflect on the design of the program, how it has been implemented, and how the networks have functioned. This session was also an opportunity to discuss what has been achieved, what difficulties have been encountered, and what could be done in a better manner.

GAATW Evaluation of NAP

Monika Peruffo

Origins

Monika Peruffo, from the GAATW secretariat, recalled the origins of the National Advocacy Project in order to understand the changes that have happened and the process followed during the past two years.

The initial idea triggering the design of the NAP began with the overall objective of implementing the Human Rights Standards for the Treatment of Trafficked Persons, and soon the translation into national legislations of the UN Protocol was added as the other primary goal. The project started on the basic assumption that the countries involved had different needs and priorities. According to this principle, GAATW held the Consultative Meeting in Nakhon Nayok, Thailand in August 2001 to ask partners about their needs and national priorities.

The presentations of the NAP partners in the morning, two years later, showed what has changed in the situation of countries since the inception of the NAP. The changes came for a variety of reasons, including:

- Changes in the initially identified priorities and activities of NAP;
- New national or regional legislation on trafficking, such as the USA Victim Protection Act in 2001 and the related international TIP Report, or the new SAARC Convention on Trafficking;
- Migration policies;
- Security issues rising from the reactions to September 11.

Principles of NAP

The fundamentals on which the programme was built were:

- **Project Ownership**— Sometimes it might have seemed to partners that GAATW could be an implementing agency, but this was not true. It is very clear to GAATW that the achievements of the NAP are the achievements of its partners.
- **Role of GAATW**— GAATW served as a facilitator rather than as implementer of the project. GAATW assisted the various country branches by providing material, technical and conceptual resources and by playing as a communication node for the network of partners.
- **Objectives**—The primary objectives of NAP were to support the implementation of the HRS and UN Protocol in legislation and service provision.

- **Structure**—The project was formed with a loose structure as to face different national priorities and activities. This structure is an important topic for examination because of its strengths and weaknesses.

A relevant element of NAP was to be aware of and look at what was already existing within each country, rather than starting from scratch. The project aimed to decide how best to work within the existing climate, considering the various points of view of NGOs, GOs, and service providing agencies. Strategies included giving support to or integrating into existing resources and networks. NAP worked to strengthen national networks for action, serving as a catalyst. In this way, NAP can be seen as the yeast for bread, providing the missing or insufficiently available elements for the rising to action.

**Strategy of
the NAP**

Monika moved to analyze the difficulties sometimes encountered by GAATW in the development of the multi-country project:

**NAP
Difficulties
related to
GAATW**

1. Role of GAATW

- As GAATW was the facilitator but not the implementor of the project itself, did partners see GAATW as active, proactive, or even pushy?
- Different partners may have had different expectations for the role of GAATW and may therefore have assessed GAATW's actual role differently. It was possible that some partners felt that GAATW was being too pushy, while others felt that it should have been more active in engaging the partners.
- Was GAATW viewed as a donor agency, or a network? Partners may also have espoused differing perspectives on the very nature of GAATW.

2. Communication

Sometimes communication between GAATW and partners was sparse, broken, or interrupted. Sometimes the reasons were technology-related, and these technical realities are reflected in the implementation of the project. Sometimes the cause for communication breakdown was purely human-related.

3. Understanding and Transmitting

Sometimes there were changes of plan and, in some occasions, it was difficult from the GAATW point of view, as well as from that of other partners, to see and understand the partner's reality that caused the need of those changes. Since there are wide differences in the needs, activities, challenges, and problems of the countries involved, sometimes it is hard for one party to transmit its point of view when the other partner has never experienced something similar. Because of this, one party might lack the capacity to understand that specific problem or request.

4. Sensitivities

Difficulties arose as a result of political sensitivities as well as cultural sensitivities. What is possible to do in certain countries is not always possible to do in other countries. Other times sensitivities were related to individual personalities. The project is dependent on individuals therefore it is important to understand these sensitivities and establish good personal relationships with the individuals involved.

5. NGO Environment

The need for national collaboration was sometimes in opposition with the competition between national NGOs. There are struggles for funding, power, and media attention. Additionally, there are internal struggles within the NGOs themselves, such as competition for leadership or management or other reasons provoking internal lack of support and collaboration. Staff changes also play a major role for sustainability, due to the high mobility within the NGO sector. Resource struggles are critical: difficulties often rise from a lack of human or financial resources.

6. Objectives

One of the major objectives set for the NAP was related to lobbying for legislation. In some instances there were high expectations about this activity whereas little or nothing was already in place. The initial plan of the NAP was very focused on lobbying and legislation, but sometimes countries were working with a relatively blank slate, with little foundation to build upon.

7. Timing

The project had to adapt to the needs and social or political climate of different regions. The various country situations presented different levels of legislation, implementation of legislation, government responsiveness to NGOs, public awareness of trafficking, etc. Project goals and activities to reach these objectives were therefore designed with different timeframes for each country. Moreover, an effective advocacy strategy does require long-term planning and flexibility.

Major Lessons Learned

In spite of, and often because of, the difficulties faced, some very significant lessons were learned through the implementation of the NAP by partners and the facilitation of the project by GAATW. The practical development of the project has demonstrated the merits of incorporating elements from three major lessons learned. These are:

1. Relevance of the focus on creating/supporting a network and its capacity building as a priority – The nature of advocacy work makes it absolutely essential to work within the support structure of a network. Participants could clearly see the value inherent in strong and reliable

networks and the amount of change and efficacy such collaborative working facilitated, as opposed to what could be accomplished by working alone and without this support.

2. The high relevance of a detailed resource assessment before starting any activity – The achievements of the NAP were based on working with existing resources in the national contexts, rather than starting from scratch. Partners in each nation found this strategy to be effective and beneficial.

3. Importance of flexibility to change, to adapt to partners' need and strategies – The somewhat loose structure of the project and its global scope made adaptability to change imperative. Because partners were working in such varied contexts, change and a diversity of difficulties were unavoidable. While this could prove challenging, this diversity was also a strength of the project.

Some theoretical and practical dilemmas become evident in the development of the programme:

Dilemmas

1. Different ideologies and agendas in partners' networks

While the NAP partners shared common ideologies and agendas, there is not the same certainty about the members of the networks of the partners. Do they really share the same vision?

2. Ideal principles versus national/NGO/personal strategies and interests

Two examples of this dilemma between principles and strategic-interests are with regard to sex work and child labour. Including sex workers rights in the struggle against trafficking can be very beneficial and also very problematic: however not all members of the networks involved in NAP would easily accept this strategy. Talking about child labour, it is easy to talk about human rights, but there are even human rights workers who employ children within their own homes. These kinds of double standards should be addressed.

While it is beneficial to assess the difficulties and dilemmas of the project, the numerous achievements of the project demonstrate a clear success within and between the countries involved in the NAP. Many countries secured accomplishments at the level of legislation or its implementation. Though many outcomes can seem intangible or difficult to measure, certain achievements are much more concrete and more readily recognizable as outputs of the NAP. They include:

Achievements

1. Networks

New network channels have been strengthened or created:

- Between GAATW and NAP partners;

- Between NAP partners and other networks;
- Between GAATW and NAP partners' networks;
- Between NAP partners themselves.

2. Materials

- **HRS** have been produced in English, Thai, Spanish, French, German, Polish, Rumanian, Bahasa Indonesia, Nepali, Czech, and Russian;
- **Human Rights Handbook** in English, Spanish, Russian, Polish, Czech, and Bosnian;
- **Human Rights in Practice** in English, Thai, Chinese, Lao, Vietnamese and Burmese;
- **Fact Sheets on Trafficking** in English and Spanish.

3. Tools in Development

Participants of the NAP workshops and training often asked if they could reproduce the training in their own context. For this purpose, the *GAATW Training Manual on Trafficking in Persons* is presently being elaborated. The manual will be as much as possible interactive and include exercises from practical training experience. A draft outline was distributed at the meeting to ask for comments and suggestions.

Identification of the Main Difficulties/Gaps Faced in the Implementation of the NAP

Lin introduced the pertinent questions for the discussion session:

- What obstacles did we meet?
- Why were they there?
- How can we overcome these obstacles?
- How can we overcome our own internal weaknesses?



It was reiterated that partners do not always have a clear idea of GAATW's role. Antonio from Proyecto Esperanza noted, "In Spain, we were a little frustrated at the beginning of NAP because we saw you more as a funding agency. We needed financial help. But then we realized that being part of the GAATW network and of the NAP gave us a global vision. The contribution from the side of GAATW in NAP was more ideological support and provided us with a broader vision on the various aspects of the issue and the ways to tackle trafficking". Proyecto Esperanza conceives GAATW also as a progressive "think tank" on trafficking.

***Conceptual
Clarity on
the role of
GAATW***

Stana from La Strada (Poland) said that her organization viewed GAATW mainly as a global resource, a source of tools such as the HRHB and case studies. Using case studies from other parts of the world was useful in conceptualizing a broad definition of trafficking. Stana also stated that GAATW is a resource for direct contacts and first-hand experience. La Strada envisions GAATW as a global resource center and a channel for communication with other organizations.

The discussion made it apparent that there is room for improvement in terms of communication. In general, there is little communication between NAP partners and the other GAATW members. Communication has been primarily through GAATW, even if communication is and must be one of GAATW's key functions. GAATW could work to maximize its own communication role, and also promote greater direct communication between partners. In this way, GAATW can strengthen the existing network and help it prosper.

Communication

Follow-up Participants discussed possibilities for follow-up of the NAP and the feasibility of applying the NAP model in other countries. Stana suggested that in countries where the Protocol is already in place, a monitoring mechanism should be created to check whether legislation is being acted upon or ignored in cases of trafficked persons. Antonio related that Proyecto Esperanza, as a grassroots organization administering services directly to victims of trafficking, is reluctant to expand linking with other issues: because of the competitive climate of NGOs in Spain, they felt it is important to further clarify their identity and promote this singular issue. Fifi stated that being a part of the NAP has allowed Solidaritas Perempuan to link with countries of destination: this form of follow-up could be a major avenue for future exploration and action. One follow-up already in development is the training manual.

Linking with Countries of Destination Anti-trafficking work has focused mainly on countries of origin and transit. NAP partners and other participants stressed the need for more work in countries of destination and to develop more collaboration between countries of origin and countries of destination. Fifi declared that though Indonesia issued two presidential decrees and three draft bills in this year alone, these pieces of law can only be applied internally, not in countries of destination, such as Japan. Masumi Yoneda from Japan added that though her organization did not participate as a partner in the NAP, one of the goals of her presence in this evaluation is linking with organizations in countries of origin. Through this meeting she was able to link up with groups from Indonesia and Russia.

Elena proposed forming stronger partnerships with organizations such as IOM and ILO. These organizations mainly play on the side of countries of destination, probably due to the global imbalance in power. This could serve as an alternative, or supplementary way to link with destination countries.

Migrants Rights Since the launch of the NAP, another relevant international legislation tool has entered into force. The UN *Convention on the Rights of All Migrant Workers and the Members of their Families* has potentially great implications for the work of the GAATW network. However none of the countries of destination have signed the Convention.

Bandana from the GAATW Secretariat asked if partners see a way to link the UN Trafficking Protocol with the UN Convention on the Rights of Migrants.

Fifi replied that Solidaritas Perempuan has already been using the two UN legislative tools to lobby in Indonesia. Migration plays a large role in SP's present work. They have been used in the drafting of national bills to protect victims of trafficking. The task force of the Indonesian government considers both issues. Stana recommended that European partners also lobby for the Convention in Europe, especially considering the current European political climate and the resurgence of anti-migrants policies. Lobbying for the Convention in this historical moment, where xenophobic sentiments and global security issues are prevailing, is a big challenge.

Working Groups Discussion and Plenary

Participant broke into four small groups for the discussion of:

- (a) Suggestions for improvement of collaboration and among members its implication on GAATW's work;
- (b) Recommendations for new advocacy work.

Following these discussions, partners reconvened to present the outcomes of the group discussions.

Group 1 - Spokesperson: Bisi Olateru-Olagbegi

Suggestions for Improved Collaboration with GAATW:

1. Clarity of relationship between the Secretariat and partners, and the relationship among partners – Group 1 noted that the role and status of GAATW is generally unclear. Members seek:

- Clarity on expectations: *What are we members expecting from GAATW? What is GAATW expecting from us?*

- Conceptual clarity on resources: *Is GAATW a donor agency, a facilitator, etc.?*

2. Clarity on reporting information and administrative standards – There is a need for clear guidelines for members reporting to the Secretariat. What is the Secretariat looking for in terms of information? In what time frame and format? This suggests the need for a more proactive stance from GAATW in seeking information on members' activities, needs, ideas, etc.

3. More public acknowledgement of joint ownership of projects.

4. Improve ability to handle diversity and be flexible to changes over time – This includes changes in objectives and action plans. As an international alliance, GAATW is the meeting point for groups with diverse situations and needs. Flexibility and openness to members' voices are essential.

5. Strategy at the international level.

6. Strengthen both regional and cross-border networks (learning from the strengthening of national networks) – This means that partners should extend their own personal networks, reaching out even beyond their own country and region.

Recommendations for New Advocacy Work:

1. Pursue the implementation of HRS both at the legislative level and with service providers - Objectives related to the HRS and Protocol have been achieved only in some countries. As these are fundamental goals, the work should continue.

2. Expand from legal advocacy to people advocacy and social mobilisation - A legal framework is necessary but certainly not sufficient. Even if NGOs have ideas for change, the people are often left behind: we need more involvement of the public.

3. Improve the quality of the involvement of the organisations concerned with anti-trafficking work - GAATW members must ask themselves, "Who are we really working for?". It is important not to forget the true target of anti-trafficking NGOs' work. NGOs are not, and should not be, self-serving entities. Empowerment of trafficked women to participate in decisions must be a vital part of anti-trafficking work.

Group 2 - Spokesperson: Antonio Rivas

Suggestions for Improved Collaboration with GAATW and New Advocacy Work:

1. Focus on the practical: practical projects, practical campaigns, and practical activities can produce substantive results - These actions should be based on the needs of the partners. During the meetings many lauded the value of practical tasks: they are often easier to follow through than more abstractly conceptualised missions.

2. Role of GAATW should be that of a global actor - This should entail the following kinds of work:

- Think Tank - GAATW can provide overall vision and can develop ideas and ponder facets that individual partners may not consider, because of their localised situations. GAATW can serve to give inputs and feedbacks to regional or national members;

- Global vision and training;

- International lobbying;

- Media liaison - Grassroots organisations often cannot be publicly exposed because this could hurt the people they are protecting. As a globally positioned organisation, GAATW has more freedom to promote issues through the media, thus being beneficial to those members who cannot face this level of exposure.

3. Focus on self-organised groups (i.e., migrants, sex workers, domestic workers) and the role women can play by themselves, or within our organisations

- Action on the question: How can we help them to help themselves?

4. Distinguish between our NGOs' problems and the problems of the government - What is the role we want to play? What role should the government play?

In conclusion, the group presented a diagram showing how the sphere of trafficking overlaps with numerous other issues such as migration, forced labor, sex work, human rights, women, gender, globalisation, etc. GAATW members have to continually develop a better understanding of how trafficking is related to these other domains. The focus must be on trafficking, but it is important to keep the broader picture in our minds.



Group 3 - Spokesperson: Fedor Sinitsyn

Gaps and Problems:

1. Absence of comprehensive legislation – Legislation related to trafficking may be piecemeal and indirect, and it may be scattered across various local or regional areas.
2. Lack of state programs to support legislation or other actions – This includes the lack of financial resources for NGOs. NGOs are not sufficiently middle or long term sustainable because of their lack of steady funding.
3. Not yet enough political will to implement measures against human trafficking – Often in countries of origin the political will has come from the outside, i.e. from the U.S.A. This means that when the issue loses its hot status on the global agenda, and on the American agenda, then actions within the country will also cease. Furthermore, no genuine internal political will mean no internal direction. Outsider will often means outsider solutions to internal problems, and this is not in the best interests of the country and does not help sustainability.
4. Governments consider trafficking in persons a security issue, not a social development or human rights issue.
5. Possibility of competition between NGOs for visibility and funding.
6. Difficulty talking about human rights because of cultural or historical reasons
- For example, in the Russia of Soviet times, you could have been jailed for possessing a copy of the Universal Declaration of Human Rights. Nowadays government and law enforcement officers take a defensive stance when human rights are mentioned. They may feel accused of doing something wrong. Similar difficulties arise in Japan, where human rights are often seen as focusing on

the individual versus the common good. Human rights are considered by a large population as a threat to the security of a homogenous society.

7. Difficulty of advocacy work on trafficking because of the possible simplistic and extreme reactions from the state – In some countries, the government may decide to “solve” the problem with the simplified and flawed action of closing the borders, trying to stop or curb migration. Instead, closing legal avenues for migration further increases trafficking and stigmatises all migrants.

Suggestions for Improving Collaboration with GAATW:

1. More direct communication between members of NAP/GAATW, as opposed to communication only via the Secretariat.
2. More information on GAATW members’ activities, or at least NAP partners:
this should comprise of events organised by members, news on national/regional legislation, news of recent publications by members, etc.
3. GAATW should provide fundamental information on various countries and make it publicly available (i.e. website). This includes information about other countries’ legislation on THB, protection available for victims, legislation on migration, etc. It would be useful for advocacy, lobbying, strategising, and other activities.
4. GAATW should offer to members more tools for lobbying and, especially important, more training sessions on how to use them.

5. Carry out more networking events.

Create space for the development of personal contacts and networks, given the relevance of individual empowerment and connections in the success of further initiatives.

6. GAATW should encourage the development of more joint projects between its members.

7. Training on fundraising.

GAATW's experience in fundraising could be translated and channelled in training to its members to help them to identify donors and ask for financial support, or even by compiling and distributing a list of potential donors and their funding conditions.

Suggestions for GAATW Future Advocacy:

1. More lobbying in countries of destination.

- Their involvement is crucial and still insufficient, like the collaboration with them. An example is that the Convention on Migrant Rights was greatly supported by countries of origin and transit but not by countries of destination.

2. Link trafficking to other issues that are in the priority list for our governments (e.g., health, terrorism, security) since the protection of human rights of vulnerable groups does not get enough attention, trafficking, by itself, is not of prior concern to governments.

This latest suggestion opened a debate and was a "hot topic" of the meeting. Linking trafficking with other issues of major visibility and priority in governments' agendas can have both great benefits and dire drawbacks. Linking them can catalyse a reaction from the government and cause it to address trafficking. Such linking can also backfire and have negative consequences on trafficked persons and anti-trafficking work. It can attach a more negative stigma to being a trafficked person, like when linking HIV to returned trafficked women, and can also provoke government action damaging the trafficked persons.



Group 4 - Spokesperson: Elena Tiuriukanova

Suggestions for Improved Collaboration with GAATW and New Advocacy:

1. Concentrate on broader target groups like migrant workers (domestic workers, workers in the entertainment field, etc.) - Solidarity with these groups would bring power to the cause. Additionally, by improving living conditions of domestic workers, we are improving conditions for a number of trafficked women included in this group.
2. Use a broader range of legal instruments - Monitoring and lobbying for the UN Convention on Transnational Organized Crime and the UN Trafficking Protocol, as well as for the UN Convention on Migrant Workers. The Protocol is in an important tool, but numerous other legal instruments exist and can be applied.
3. Creation of a database of NGOs working on migration - This would be an useful tool for communication and networking. It would also recognise the important role of migration in trafficking and facilitate discussion on the lack of safe migration channels, eventually pushing for bilateral agreements between governments for ways of safe migration.
4. Involve international NGOs and intergovernmental organisations - These kinds of organisations are often powerful and far-reaching. Many intergovernmental organisations have a power balance shifted towards nations of destination. These are the countries with whom it is essential to link: success cannot be one-sided, cannot be

accomplished by countries of origin alone. Since trafficking is a transnational /international issue, international NGOs are a logical and crucial link in the fight against trafficking.

5. Involve the private sector - Cooperation may also be possible with tourist agencies, entertainment organizations, and transport companies, such as inter-city bus companies and air carriers. In Moscow there is already cooperation between NGOs and private agencies that provide services for employment abroad. NGOs can work with these agencies for information exchange and distribution of counter-trafficking materials among their clients. This avenue of cooperation can facilitate more informed and safer migration for women.



CHAPTER 2

THE PATH BEHIND US, THE ROAD AHEAD

31 August 2003

Global Trends in Migration Policies: Security and Human Rights Perspective

Elena V. Tiuriukanova



Elena Tiuriukanova, Programme Coordinator at the Moscow Center for Gender Studies and Researcher at Russian Academy of Sciences, introduced her presentation emphasizing some key global trends currently prevailing in migration policies, such as (1) security, and (2) xenophobia. To

understand their emergence in the current migration policies, Elena used two major concepts: (1) Global Migration Regime, and (2) Migration Management.

Global Migration Regime

Global Economic Order

The present global economic order was formed after the Second World War. Migrant workers play a major role in this order, and specific labour niches are designated for them. The present major world economies cannot function without migration; the global migration regime operates as a module of the global economic order and serves the latter, feeding it with cheap migrant labor.

Root Causes of Migration

There are two primary root causes for the growth of labor migration:

- (1) Internationalisation of economies.
- (2) Inequality of economic development between countries.

These two factors have caused large scale migration in the second half of the 20th century, continuing into the 21st century. The inequality of economic development can be illustrated by the wage differences between countries: for example, the average hourly wage in the production sector in Germany was US\$ 31.88 in 1995. In the same year, the hourly wages in India and China were US\$ 0.25, a difference of 130 times.

Segregation and Feminization of Migration

The modern economies produce and reproduce two major types of segregation. Firstly, the national-based segregation is fostered as migration occurs on a large scale from less developed countries to those nations that are more economically developed. Migrants play an important role in industrial economies as they occupy the low-prestige jobs, those

with hard labor conditions and low salary, requiring little formal qualification. Secondly, the gender-based segregation pervades the modern economic system. Employment sectors “reserved” for migrants are clearly differentiated by gender. Men primarily occupy jobs in construction, transport, agriculture and sweatshop labor. Women migrants are primarily employed in the service sector: in the entertainment industry and in other public and domestic services. The increasing role of the service sector in the contemporary economic system and its increasing share in the Gross National Product and in the structure of employment are the main reasons for the feminisation of migration.

The main service-related working areas for female migrant workers are:

**Labor Niches
for Migrant
Women**

- Entertainment industry (dancers at restaurants, clubs, striptease, escort services, etc.);
- Public service (low-level personnel at hotels, bars, fitness centers, etc.);
- Domestic service (nurses; house workers; care of children and aged or sick persons);
- Sexual services.

Out of all these, sex work and near-sex work (e.g. striptease, escort) are the most accessible avenues for female labor migration.

**Characteristics
of Female
Labor**

There are specific features of female labor migration which make it more vulnerable and allow space for mass violations of human rights. Female migrant work tends to be characterised by:

- 1) Low pay;
- 2) Close links to shadow and criminal economy;
- 3) Flexible working conditions, weakly regulated by contracts;
- 4) Individual character of work with lack of group solidarity and support (i.e. a women is hired to work for a particular employer, as in domestic work);
- 5) Socio-demographic features: young and very young, as well as with incomplete education;
- 6) Diversity of motives for migration (marriage, study, etc.)

Acceleration in the movement of goods, capital, labor, technologies and information necessitates essential changes in *management* of these processes, both on the part of the nation states and internationally. National infrastructures are attempting to cope with a system characterised by an increasing degree of entropy. The contradiction between transnational economic systems and institutions on the one hand, and the national concept of administration of the structures and agents that serve those economic systems on the other hand, becomes more and more evident. This contradiction is expressed in the so-called *administration crisis*. In short, current national structures are unable to control the massive international flow of people (and other resources) and the

**Crisis of
National
Control**

effects of this flow. According to estimations of the American Immigration and Naturalization Service, from 4.6 to 5.4 million illegal migrants live in the USA. In Russia their numbers are estimated as 3-4 million, mainly from the CIS countries and China. Because of the very close links of migration with the shadow economy, governments are moving towards criminalisation of migration as a way to deal with the administrative crisis.

**Main Actors
in the Global
Migration
Regime**

There are seven main actors within the global migration regime:

- 1) Global intergovernmental organizations (e.g. UN, IOM, ILO, WB, WTO, etc.);
- 2) Regional intergovernmental organizations (e.g. EU, SAARC, ASEAN, etc.);
- 3) Several major nation-states (especially nations represented in the G8);
- 4) Business organizations (transnational corporations and their associations);
- 5) International NGOs;
- 6) Donors;
- 7) Global civil society.

Within this regime, international NGOs should be stronger actors and play a larger role than they do at present. One of the weak points of international NGOs is a lack of cooperation or dialogue with other international actors, such as intergovernmental organizations and transnational corporations. Such cooperation could help bring about positive results.

Though Elena listed global civil society as one of the seven main actors in the global migration regime, she also raised the piquant question of whether or not such a society actually exists and how international NGOs can contribute in developing a global civil society to counter global threats.

Global Migration Management

In the realm of migration management there are two competing concepts, national security and human rights. Those approaching migration management from the perspective of national security want control over their territory and population: they want to regulate migration so as to permit only "wanted immigration." Those who want to manage migration from an international human rights perspective promote non-discrimination and protection of the right to work and to adequate standards of living.

**Levels of
Security**

Undoubtedly, governments are prioritizing national security over human rights. How can international NGOs, like GAATW, make the pull of the human rights approach stronger than that of the security approach? There are several areas of security where international NGOs should make strong use of the human rights approach:

- Common security – common humanitarian values;
- International security – balance of national interests;
- Regional security – common local interests;
- National security – balance of authority and responsibility of state (make government accountable);
- Group security – common group interests;
- Individual security – human rights of migrants and other concerned actors.

Nowadays the role of NGOs is mainly to protect individual rights. The question is how to incorporate a human rights approach into common and international security, as well as security at the regional and national levels. Even if we are not ready to give a comprehensive answer to this question right now, we need to think and act in this direction.

Migration is: (1) an economic challenge, (2) a demographic and health challenge, and (3) a socio-cultural challenge. In economic terms, migration lowers the price of labor in the host state. For the sending state, migration can be a brain drain or a loss of a valuable labor pool. For the migrant, it often means insecure labor. In terms of demographics and health, migration results in a changing population both for the host and sending states. For the migrant, it can increase health risks such as HIV.

***Migration as
a Triple
Challenge***

The socio-cultural challenge of migration is one of the main causes of xenophobia or, more specifically, “migrantophobia” in the host state. The word “migrantophobia”, a term that Elena translated from Russian, is a very useful concept to explain a major current trend: while governments cannot officially support xenophobia, migrantophobia, the fear of migrants, is almost the official policy of many countries. Migrantophobia can take the form of criminalisation of illegal migrants, or migrants being treated as the scapegoat for social unrest, increased crime rates, or a variety of other social ills. The resulting socio-cultural consequence for migrants is lack of security.

The main gaps in contemporary migration management are:

- 1) Lack of international and state-to-state cooperation and dialogue;
- 2) Lack of legitimate and safe migratory avenues, adequate to existing job opportunities;
- 3) Weak links between economic and migration policies and agencies;
- 4) Spread of discriminatory practices (i.e. in visa issuing, etc.).

Discussion / Responses to Elena’s Presentation

Some participants discussed the language often used to talk about migration. Stana Buchowska (La Strada, Poland and GAATW Board Member) and Fifi Rahayaan (Solidaritas Perempuan, Indonesia) asked that terms such as “illegal migrant”, “illegal sending”, and “illegal receiving” not

Terminology

to be used, as they criminalise the migrant. As well it is better not to use the terms “sending country” or “receiving country” because these terms objectify migrants and deny them agency. More appropriate terms are “country of origin” and “country of destination.”

Migration as Key

Participants foresaw migration becoming an even more central issue in the next several years and suggested that it may be very important to focus on migration issues and link with NGOs dealing with migration. Usa Lerdsrisanthad, Coordinator of the Foundation for Women (Thailand), urged more attention to safe migration routes: this is a too often ignored strategy area that can be a path to stop human trafficking. Since it is very difficult to pressure destination countries because of xenophobia and other factors, Usa suggested that anti-trafficking NGOs should push countries of origin, to take a more active role in ensuring the safety of their out-migrants. People working on trafficking do not think often enough about safe migration as a solution.

Countries of Destination

Some participants felt that it is not easy to identify a strategy for pushing countries of destination to a different approach towards migration. Furthermore, linking trafficking to migration can sometimes further criminalise migration in destination countries.

Lin Chew, GAATW Board Member, underlined that states tolerate a certain number of “illegal” workers within their economies. It benefits the countries’ economies to tolerate these workers, but they do not want to fully accept and regularise them because that would mean having to guarantee the protections accorded to all legal workers. It is very difficult to determine who is going to be accountable for human rights in these situations: GAATW should look at the convoluted chain of actors in migration, unravel it, and look for a weak point on which to work.

Countries of Origin

Elena observed that the role of the country of origin is usually very passive towards its citizens migrating abroad, and many participants resounded this notion over the course of the discussion. Russia, for example, has no policy to contact the Russian community abroad. Elena suggested that if governments formed links with their communities outside the country, then they could better support safe migration. Participants asked how anti-trafficking organizations can pressure the countries of origin to take a more active role.

Speaking from the context of another country of origin, Victoria Ijeoma Nwogu, International Human Rights Law Group - Nigeria, said that it is also important to focus on the root causes of migration, such as poverty and lack of access to resources. Many women trafficked into sex work and many families sending their children for domestic work know that exploitation may be faced, but they consider these exploitative conditions preferable to their current living conditions in Nigeria.

Participants discussed bilateral agreements between governments and Monika Peruffo, GAATW, noted that two visible patterns are emerging in this field:

1) *Repatriation*

Most bilateral agreements between a country of origin and a country of destination are of this type. This form of agreement is politically popular, often for demagogic reasons. Countries of destination are very willing to sign agreements of this kind because they allow governments to deport unwanted migrants more easily.

2) *Safe migration*

Few have understood that creating safe and legal avenues for migrant labor also decreases the involvement of criminal organizations. It could be highly beneficial to push for bilateral agreements on safe migration channels instead of deportation, especially since deportation is not at all a solution.

Fifi advocated that those who work on trafficking should look more deeply at global actors in migration such as international financial agencies (WTO, IMF, World Bank). Massive female migration in Indonesia began as a result of financial deals between these institutions and the Indonesian government during the Suharto era. For many years now the Indonesian government has not been able to provide basic needs such as education and health to its citizens. There is no free education in Indonesia. Fifi observed that many of the countries that are entangled with the international finance agencies are not poor nations. They are rich in natural resources, but burdened by debilitating financial arrangements and structural adjustment programs.

Monika remarked on the unequal power distribution between the main actors. National States, for example, hold an immense amount of power in shaping migration. Nation-states build the language we use to talk about migration. Terms like "illegal migration" and "legal migration" originate from the state's perspective. Nation-states are the ones who make the policies. The WTO and UN are both main actors, but they have differing impacts on the global arena, and wide differences in power to make and implement decisions. International financial agencies make their decisions behind closed doors, without inviting developing nations to participate. Monika declared that we need to look critically at the interaction of the UN organizations with these other powerful international organizations. At present the UN seems afraid to deal with or criticize such strong institutions.

Jyoti concurred that trade organizations have become more powerful than the UN. Since the WTO Ministerial Conference in Doha (November 2001), the developed countries write the text of the final declaration and that is the final word. There are no more openings to discussions in order to allow later changes in the official version through negotiations with other actors. GAATW should strategise its actions around this situation.

The UN Trafficking Protocol: Its Crime Prevention Focus and Implementation

Ann Gallagher

As an attorney and former advisor on trafficking to the UN High Commissioner for Human Rights, Ann Gallagher conceded that her perspective is very grounded in the legal realm. She admitted however that the legal approach is not the only path, but gave her justification of its importance:

"Someone once told me, 'Law puts words in the mouth of the powerless.' Law is not the answer, but it can be a weapon, and it can be a shield. We can see the UN Trafficking Protocol and other legislation as our armory".

The UN Protocol on Trafficking in Persons (2000) was the first legal instrument on the international scene on this issue in over 50 years. Trafficking has been on the international agenda for a long time, but was seen as a soft issue, something marginal: human rights are on the margins of international law, and trafficking is on the margins of human rights. At the end of the 20th century, trafficking became a political issue. It moved to the top of the agenda on the shoulders of two other issues:

- 1) Illegal/irregular migration;
- 2) Transnational organized crime.

Only the link between these two issues brought trafficking in human beings to the forefront of the international priorities of the UN. Nevertheless, the major achievement is the development of an international legal instrument on trafficking allowing us to develop a basic consensus of what the problem is and how to address it.

We need to remember though that the discussion for a Protocol on trafficking started out as a sub-issue of the Transnational Organized Crime Convention, so it was difficult to turn it into a human rights instrument. UNHCR, UNICEF, ILO, and IOM exerted pressure on the Draft Committee of the Protocol to include a stronger human rights approach. A few human rights protections were included: a savings clause stating that the Protocol shall not supercede obligations to other UN instruments (this clause prevents conflict with previous human rights instruments, giving them priority) and some limited protections to victims. The victim protection provisions were watered down in the final draft and amounted to non-prosecution and safe and voluntary repatriation.

The UN Trafficking Protocol is in essence a transnational organized crime document. To understand the Protocol, you have to be familiar with the whole set of documents accompanying it and the elaborations of the Convention Against Transnational Organized Crime. It is easy to note that there are not many "musts" in the Trafficking Protocol; that all the "musts" that do exist are not related to the protection of victims and nor to actions to prevent trafficking: to this regard, parts say "States should...," or "States are encouraged to...." There are two levels of obligation in the document:

- 1) Absolute obligation (that relates to criminalisation of trafficking, confiscation of assets, and other criminal justice issues);
- 2) Non-Obligatory (regarding human rights provisions).

The process of articulation of the definition of trafficking truly occupied a long discussion between all actors. Unfortunately the focus on the trafficking protocol made the other additional protocol on smuggling of migrants to slip through: this other protocol has some very dangerous elements that need to be addressed.

Nevertheless, the definition of trafficking is an enormous practical step forward. As a result of such a long process of negotiations, the definition is very complicated, bringing some NGOs to advocate for a simplified definition. Ann warned that urging governments to implement distilled versions could be very problematic, as it breaks consensus on the definition and also weakens the specificity of its grasp. Formulating the definition was a long struggle, and the final definition laid to rest a very time-consuming argument in the international NGO community.

A criminal justice approach to trafficking has to be part of a holistic trafficking response. We need to recognize that the resources invested in awareness raising, would be a waste of time and money if traffickers can continue to have the freedom to do their wrongdoing. Trafficking is not a difficult crime to commit and it is very hard to get caught. If a trafficker does get caught, usually he or she will not face big penalties. More it is extremely complicated for police to investigate trafficking. It is in the nature of the crime to occur in two or more countries and it is difficult to organize transnational cooperation in the investigation. Furthermore, trafficking is not a priority issue for the police. In Thailand, for example, the police get monetary rewards for drugs busts, but there is no motivation for them to address trafficking in persons.

Also, police are just one part of the criminal justice response: even when police work very hard to catch traffickers, as in Cambodia for example, once the evidence and briefs go to the prosecutor, they can be easily dropped. Even the criminal justice system needs a holistic approach, involving all actors in the understanding of the problem. There is an urgent need for collaboration between those working with victims, like NGOs, and those working in the criminal justice system.

Discussion / Responses to Ann's Presentation

The UN Protocol Against Smuggling of Migrants by Land, Sea and Air (2000) was the second supplementary protocol attached to the Transnational Organized Crime Convention. In response to a participant's question, Ann elaborated on why this particular protocol can be of high danger. The Migrant Smuggling Protocol was very important for UN Member States, and they allowed the introduction of only minimal changes in the text: this protocol allows governments to label as a transnational organized criminal anyone who helps another person to illegally cross a national border. The UNHCR lobbied for an exemption for humanitarian smuggling, like helping

***UN Migrant
Smuggling
Protocol***

refugees to leave a country where their life would be in danger. Ann stated that UNHCR did get this qualification, as per the saving clause, but it was more of a technical concession than a conceptual victory. She illustrated the misuse of the protocol with a recent example of a 14 year-old boy in Burma who helped someone across a path to Thailand; authorities were prompt to label him a transnational criminal. The boy is at present in jail under this charge.

Ann explained that the conflation of trafficking and smuggling has been a huge problem since the beginning of the discussion on the two Protocols. Until a few years ago everybody, even top officials of the UN, used the terms interchangeably. Given that trafficked persons are considered victims, while smuggled persons are seen as willingly violating the national borders with the help from a transnational group of criminals, it is better to be labeled a "trafficked person" than a "smuggled migrant". However, it is important to keep the two definitions distinct and not to misuse the language, as they refer to different situations.

Trafficking as a "Soft" Human Rights Issue

Fedor Sinitsyn (Perm Centre, Russia) asked if trafficking is really seen as a human rights issue by governments in general. Ann answered that on one hand, governments understand that trafficking has a strong human rights element but on the other hand, trafficking is a visible international issue only because it is linked to irregular migration and transnational organized crime. However, Ann observed that we can push trafficking as a human rights violation issue at the international level using this linkage as well.

Jyoti added that trafficking is not truly considered or played out as a human rights issue in the actual functioning of states, but, compared to a few years ago, human rights does play a bigger role in state discourse and action on trafficking. She offered the example of Nepal. The Nepali government had instated repressive regulations against women seeking to migrate, with the justification of a preventive move against trafficking. They now realise that this was infringing the right of women to migrate and have therefore removed these regulations.

Another hot spot when talking about trafficking / human rights is the abuse of the human rights discourse. Jyoti commented that the United States uses human rights language when talking about trafficking, but its actual approach is not human rights oriented.

United States Trafficking Victims Protection Act (2000)

Many participants commented on the dubious, but occasionally useful, nature of the USA recent Trafficking Victims Protection Act and its annual TIP Report. It has had a profound effect in certain nations, for example Russia and Indonesia, to move trafficking up on the agenda as a priority, even if just formally and with little or no implementation of actions. Ann considered that, taken as a whole, the Act can be seen as an advance; however, if the emphasis is placed only on prosecution over victim protection, it can be a dangerous piece of legislation. On the positive side, a negative TIP ranking in the report can be used as a threat to make a government take action against trafficking. Ann declared, "It's a two-edged

sword. It's a salutary lesson for us all on the imbalance in global politics at the moment."

The UN Protocol facilitated the bridge between (1) support for victims, and (2) the criminal justice system and prosecution. The text does not stipulate that the first is unconditional on the second. Therefore, it is important to ensure that victim assistance and protection are not dependent on giving testimony or aiding the prosecution.

***Protection
for Victims***

Participants decried legislative initiatives and general practices in which victim protection is linked to their agreement to testify against traffickers. An example is the current EU directive that will not allow the issuance of residence permits and the provision of other services (social integration assistance, local language training, etc.) unless a trafficked victim agrees to testify for the prosecution against the traffickers. Such requirements paint human rights as special provisions tied to willingness to cooperate in the criminal justice proceedings, rather than fundamental rights. Ann declared that police need to be educated on the reasons why many victims do not want to testify, on the dangers faced by them, and that it is the primary responsibility of law enforcement to protect the rights of trafficked persons rather than to further victimize them. She highlighted the need to move towards a situation in which those who seek to implement victims' protection and those in the criminal justice system work together.

Stana contended that from her experience in Europe, effective victim protection is often not a practical reality. It is almost impossible, considering the Polish situation, to provide victims with a full range of protection services. Victims may be protected during the trial, but when the trial concludes, so does the protection. At the same time, it is highly unlikely that all members of an organized crime group are imprisoned as the outcome of an investigation or trial; this leaves the trafficked person in serious danger of retribution.

Lin, speaking of her experience in Holland, explained that the only way her group could suspend the deportation of a trafficked women was to forge a link with the criminal investigation, a necessity at that time. They elaborated the suspension period as a time for reflection, when women could consider whether or not they would press charges against the traffickers. This gave them three months in the country. If they decided to press charges, they were allowed to stay in the country longer. In the 1980s it was possible to extend the "reflection time" for up to a year. Over time, the suspension period began to get shorter and shorter.

The participants pointed out that the mere existence of legislation does not guarantee a concrete change in the situation of trafficked persons or in the trafficking process. Victoria exclaimed, "Our government is very good about signing, ratifying, and domesticating laws, and marketing them on the international circuit, but not much comes out of it." It is easy to formulate laws in some countries, such as Nigeria, but the problem, everybody has recognised, is getting the laws enforced.

***Putting
Instruments
into Practice***

Good and Bad Practices in Anti-Trafficking Work in the Global Plethora of Anti-Trafficking Organizations/Programs, etc.

Bandana Pattanaik



In the vast number of anti-trafficking programs worldwide there are patterns that can be analysed. We must first consider the context of present anti-trafficking work. We are living in a time when states are showing little willingness to be accountable to international institutions and instruments; there is less transparency and political accountability between governments and their citizens.

Being self-critical is imperative in this context. In the spirit of self-criticism, two things need to be discussed: (1) the information revolution, and (2) the institutionalization of political activism (the NGO-ization of political movements).

Though these are both beneficial in many respects, they also present problems. For example, the information revolution has created such a high speed and volume of communication that our information-processing time has shrunk. We are forced to jump on the bandwagon before we know where it is going. Facts are blurred and we are in danger of being coopted by the agenda of the powerful, louder voices.

In terms of the NGO-ization of social movements, NGOs have become much more powerful over the past decade and a half. NGOs have their own hierarchies; stratification exists both within individuals NGOs and within the global assembly of NGOs. Yesterday's protest marchers have become today's consultants. NGO-ization has created a new middle class and a new lifestyle that is totally dependent on projects for its survival. The work is well paid, when compared with standards in many developing countries, but holds little security and thus places upon the worker the burden of being able to find a new job at short notice. Many young workers are dependant on NGOs for their political training. A large segment of this growing NGO class includes managers and spokespersons. Some have facilitated others to speak for themselves. A great number, however, have taken up issues in a completely decontextualised manner.

In light of the above, it is time to ask ourselves: Has the anti-trafficking community been self-serving? Has it done harm instead of good to those it sought to protect? Is it time to start an anti-anti-trafficking campaign? Some migrants rights groups and sex workers groups hold this opinion. Is it possible to integrate the anti-trafficking agenda with the migrant rights and sex workers rights agendas? What has worked within the anti-trafficking agenda? What has not worked? What is wrong? The conceptualization itself? How does the framework need to be changed or extended? In looking at the anti-trafficking situation and deciding if it is harmful or usable, there are several areas of difficulty that must be carefully considered:

***Difficulties
with the Anti-
Trafficking
Network***

- Trafficking is a complex concept resulting in two main narratives— (1) A popular, simplistic one that is partial and decontextualised, but perhaps easier to grasp for the general public; (2) A fine-tuned complex one that is comprehensive but makes more demands on the anti-trafficking activists. The complex, multi-dimensional reality contrasts sharply with the popular story of the young naive victim kidnapped from the impoverished village.
- The adolescent/woman distinction is not concrete, is not culturally universal, and is sometimes a grey area. But dealing with this topic is a very daring and difficult move that must be carefully considered since adolescents are officially considered as children by the UN.
- The forced/free division among sex workers reinforces the good/bad woman paradigm.
- Focus on the most vulnerable, only on trafficked persons, on a small part of the big picture, can harm the not-so-vulnerable.
- The framework is susceptible to abuse by powerful states for their own agenda (i.e. organized crime, anti-migration, anti-sex-work)

Bandana discussed with participants a preliminary list of criteria to distinguish good and bad practices developed inside the anti-trafficking framework. A few additions were made by participants. Criteria, formulated as questions, were established for three categories of anti-trafficking work: (1) Research & Advocacy & Training; (2) Assistance; and (3) Prevention & Awareness Raising.

***Criteria of
good/bad
practices***

Research & Advocacy & Training:

- Has it clarified the problem for advocates of anti-trafficking work?
- Has it sensitized the general public?
- Has it informed intervention programs?
- Has it enabled policy makers and law enforcement authorities to work in the human rights framework?

Assistance:

- Has it minimized the trafficking harm?
- Has it empowered trafficked women to cope with their lives?

Prevention and Awareness**Raising:**

- Has it prevented trafficking?
- Has it made migration safer?
- Has it empowered women?

Discussion / Responses to Bandana's presentation

Having established the criteria, participants analysed the complicated and precarious nature of anti-trafficking work. Over the course of the discussion, they produced a list of good and bad practices. Though the list is not definitive and not wholly representative of each person's perspective, there was a good degree of consensus.

The discussion began with noting the difficulty in determining the efficacy of a program. Under this point of view, participants focused on two primary issues—donor-driven actions and linking with related issues, two significant, controversial subjects. Towards the end of the session, participants began generating a roll of good and bad practices.

Difficulty in Determining Program Effects

Stana noted how difficult it was to establish how an organisation's work actually impacted upon trafficking trends. You could show to the public and your donors that more people were served, or that more people were prosecuted, but you would not know fully why. You would not know how many people were not trafficked as a result of your program. In anti-trafficking work, it is hard to judge the effects of your actions, so sometimes it is also hard to tell how valuable the project is.

Difficulty Dealing with Donors

Victoria related that in her experience, in the wide majority of cases, the kind of activity that you could develop depends on the donors' interests. A typical situation is when a funding agency hires a consultant to develop an understanding of the needs of a situation, often somebody from outside the area and who may have an Ivy League degree but does not have a solid contextual background in the topic and in its real-life, contextualised aspects. This consultant will design a project, establish where and how it must be carried out, and they will lay out the criteria for hiring implementing NGOs. You then find yourself doing something different from what you know is needed or twisting your ideas to fit the wishes of the funding agency. A major problem for NGOs working in the field is that they are not able to fund their own activities. Thus it happens that you have to tailor your project to meet funding agencies desires and conditions. She gave the example of the financial support provided by the United States' funding agency, USAID, which will not fund any organization that believes in prostitution as a legitimate

profession. Many NGOs must then lie or change their position to get their funding; this is the difficult reality.

Monika elaborated on the situation presented by Victoria, focusing on the practical options to which NGOs are forced when in need to please funding agencies to survive: (1) lie; (2) change or twist position and ideas to fit the requests of the donors; (3) being evasive, trying to please everybody by being purposefully unclear and wearing many masks.

Stana suggested that working on broader linkages can prevent trafficked persons from being discriminated against. Linking the issue of trafficking in persons with other issues can break down the walls that isolate trafficked persons as a separate group. La Strada makes such linkages during awareness raising. Monika commented that in the previous day's working group discussions, linking trafficking with related issues, such as health, was seen as a potential good practice. Victoria said that in the IHRG, they have recently decided to link trafficking to HIV/AIDS and poverty: this is a new strategy adopted in light of the limited impact of their projects for the past five years. Linking with these major international issues makes the national government aware of its international image. Bisi added that WOCON has linked trafficking with child labor to move from a prostitution-only focus.

***Linking with
Other Issues***

Jyoti cautioned that linkages are not enough. The determining factor on whether linkages are a good or bad practice is the framework in which they are linked. It is essential to ensure that there are no bad outcomes from the linkages. For example, in some places and situations, linking with HIV could potentially stigmatize trafficked women as vectors of AIDS. She also noted that organizations strategically link for various reasons. Some groups link for money; others decide to strategically link with different issues to relocate their focus.

Lists of Good and Bad Practices

GOOD PRACTICES:

- √ **Linking with related issues; e.g. poverty, forced labor (The degree of and kinds of linking are to be strategically considered);**
- √ **Ensuring that outcomes are not dangerous/damaging for women;**
- √ **Keeping the distinction between women and children;**
- √ **Support to redress, compensation for unpaid labor;**
- √ **Encouraging self-organization of women's groups;**
- √ **Establishing systems for follow-up.**

BAD PRACTICES:

- **Donor-driven projects or actions;**
- **NGO compliance with donors;**
- **Pushing for state agenda;**
- **Lack of strategic planning;**
- **Forced rescue;**
- **Women not empowered to make their own choices;**
- **Border interceptions to stop female migration;**
- **Mandatory HIV-testing for trafficked persons.**

NGO Organisational Issues: the Need (or not?) for Alliance - and Network - Building Around the Issue of Trafficking in Women

Jan Reynders

The acronym NGO tells us little about what these organizations are or do, nor does it tell us anything about their intentions; it only tells us what they are not: governmental organizations. In the perspective of some people, NGOs are associated with positive work: development from poverty, caring for the underprivileged, welfare, emergencies, protection of the rainforests, of animals, etc. For others, NGOs constitute a notion of nuisance: upsetting plans for their industries or roads, educating people to question exploitation, questioning governments about human rights violations, protesting international polices for further globalisation and power abuse, or questioning the unequal power relation between women and men.

What are NGOs?

While there are numerous NGOs, many of them, unfortunately, do not have the rights of poor or exploited women and men as their basic agenda. It is undeniable that today NGOs have become big business: they provide money, jobs, status, power, and political careers for many people involved in them. While there are still very honest NGOs, it is now increasingly important to question whether an NGO is part of the solution or the problem that they set out to address.

There are many categories of NGOs. Some are self-organized groups or community-based organizations (CBOs). The majority of the NGOs, however, are set up and managed by people who do things for **other** people, who are facing a problem or who are seen as problematic. These fall into two very different strands: those with a patronizing and charity attitude, and those who involve the people concerned in their decision making.

Fewer NGOs today operate with a critical, activist standpoint. Many accept the status quo and have become a part of the establishment. They may be subcontracted by governments, donors or the UN agencies. Accountability of such NGOs is to donors and governments, no longer to their focus communities, or the people they serve. Though donors play an important role in NGO development, it is not always a positive one: donors frequently follow the international agenda which is in fashion and so they force NGOs to adapt to that as well. In such cases, NGO independence is lost, and donors set the NGO agenda. Moreover, donors often seek short term impact and low overhead, leaving NGOs little time for reflection and meeting others in the field. Also when we deal with donors we have to constantly ask whose side the donors are on.

"Who is GAATW? Who owns GAATW? Who is GAATW accountable to?"

Just because GAATW has 190 names on its members list, that as such does not make it an alliance or network. Is GAATW a network, and is networking the best way to achieve the ultimate objectives? There have been

GAATW

successful elements of GAATW in networking, but there are also questions about its dynamism, its clarity of focus, its strength, and the role of its members/partners in the alliance. Has GAATW perhaps reached its expiry date?

Because trafficking in women is a global issue, the response must be global. Many aspects of anti-trafficking work must be international, e.g. legal framework, policy development. Some things must also be local. There has to be sufficient unity on outlook and strategy at the international level, but without local actions and specialized local strategies nothing can be accomplished.

There are various kinds of international cooperation. One form of international cooperation is a large hierarchical organization such as the UN, OXFAM, Amnesty International. Another form is a network, a group of independent organizations that share a common purpose.

Networks put a premium on the autonomy of the groups and individuals linked through the network. Essentially they recognize and value diversity. Conscious networks seek to nurture independence and empowerment, rather than squashing it. Networks do not operate in the traditional NGO management style recognised and liked by donors.

Therefore networks' secretariats cannot claim the achievement and successes of their members. They can, however, claim to have an added value to members' capacities, if members acknowledge that role. Donors often do not see this added value and generally consider most of such secretariat's work as overheads. They must be educated on the nature and value of networks and the roles of a facilitating secretariat. This is not an easy task.

How can networking help the members of GAATW to reach their common objectives?

- Networks can link local groups to each other in order to strengthen their local work;
- Networks can help make a local problem visible and better understood at higher levels, national and even international;
- Networks can help to show the international dimensions of local problems or issues, or vice versa, the local effect of international policies and decisions;
- Networks can, at times, be a protection for groups operating under repressive situations, or those that by being visible or exposed to the public would endanger their target group.

The purpose of a network needs to be clear and maintained. When circumstances change, purposes and roles must be adapted. A network is as strong and visible as its members. Also, a secretariat has to know very clearly what its members need and want. To this aim, networks need constant maintenance. The secretariat must be in regular contact with members, and members must be in regular contact with each other, through the Secretariat's support.

Many networks have started having trouble when they have become fund-channeling/ funding agencies or taken on substantial roles assisting their members to secure funds. Networking should fulfill other functions.

A network is particularly essential for partners who focus on legal aspects of trafficking and policy development. For other partners, such as service providers, the network model might not always be the most beneficial. Some questions to be considered at this juncture are;

- How to maximise the potential of GAATW network activities;
- For what activities will networking, as a form of cooperation, work best?
- How can the women directly affected by trafficking be involved in GAATW's work? How can these women play a major (not token) role? How can their participation be substantial and meaningful, rather than a surface, or even exploitative, gesture?
- To whom is GAATW accountable?
- Can GAATW consider core funding, or does it have to continue to depend on temporary projects?
- What do members need and want?
- Is GAATW still needed?

Discussion / Responses to Jan's Presentation

The overwhelming response to the final question ("Is GAATW still needed?") was "YES." Partner after partner affirmed the need for GAATW for a variety of reasons. Antonio observed that in a global society there is an urgent need to build and empower new social actors, and GAATW has this role towards its members. Tuuk, from the Foundation for Women (Thailand), claimed that to work as an alliance is the only way to push policy on a global level, moving from the bottom up. June (GAATW) added that GAATW can take local issues into the global realm.

Is GAATW needed?

Victoria analysed that even when the initial goals of a network have been achieved, that does not mean it has to close up. It can modify and move into other issues demanded by the members. GAATW should assess the degree to which its initial objectives have been achieved. If the goals have not yet been achieved, then the work can continue, perhaps by taking up other dimensions.

As Masumi noted, the network of GAATW is important for its collective power. Monika considered that the need for GAATW is also evident on the level that it allows partners to learn from each other. Stana told the participants that La Strada network has benefited from being a member of GAATW in many ways: the workshops organised on the HRS and UN Protocol were crucial for learning the terminology and how to use it properly; the practical help provided by tools such as the HRHB has been indispensable.

Iveta from Anti-Slavery International lauded the GAATW network and Secretariat for the emotional solidarity it provides as well as the practical solidarity to its members. The fact the GAATW is at a stage where it can question itself attests to its level of maturity and experience. Rangsim (Foundation for Women, Thailand) told other participants that if GAATW closed down, the work of other national anti-trafficking NGOs would be impossible to continue. Asserting that she could conceive of no other way of working, Lin declared that there is no way that so much could have been achieved if the network members were working alone.

**Role and
Structure of
GAATW**

Serayphal Kien (GAATW Board Member and Cambodian Women Development Association), pronounced that though GAATW has achieved a lot, many members are very confused about its structure and function, and this must be addressed. Finally Fifi stated that she always thought of GAATW as an international NGO, not as a network: GAATW should rethink the structure of the network and allow for more participation in decision making from its members.

CHAPTER 3

COLLECTING STRATEGIES

1 September 2003

The Trafficking Definition

The definition of trafficking was by far the central issue of the morning discussions. The issue surfaced when Fifi asked, "What is the problem in working with a complicated definition of trafficking?"

Antonio suggested that the definition was perhaps a objectifying construct: "Sometimes when we come up with an official definition of a problem, we are somehow creating the boundaries of the situation and its profile. During our work in Proyecto Esperanza, we let people analyse the situation they live. They can use their own words to explain it. We provide them with the listening space and the tools to do it. Since there are many similarities in their analyses, there is obviously some real and substantive common elements of the trafficking situation. However, the priority of Proyecto Esperanza is to empower trafficked persons to work with their own reality and create their own links, rather than imposing an abstract legal concept upon them. In practical terms, the project tries first to understand the personal vision on the situation they have lived, and to provide them later with the conceptual tools to analyse it."

Stana explained that in their training, La Strada similarly try to help the participants to link their own experiences to the UN trafficking definition. They provide participants with a terminology and ask them to illustrate the definitions with concrete examples from their own experience. They develop this activity in small groups and then present their examples in the plenary session, producing a broad definition of trafficking. La Strada does not seek a simplified definition.

Elena said that her organization, the Muscovite Center for Gender Studies, began with a narrow definition of trafficking six years ago. As they began to deal with more kinds of groups of trafficked persons, the definition of the Center expanded and became more complicated. She thinks that it is more appropriate for GAATW to deal with a complex, structured definition of trafficking since GAATW deals with so many groups worldwide.

Lin described the definition as expressing a balanced position. She observed that it is important not to further complicate the definition, as it is already quite complex. However it is necessary to fully understand the UN definition in order to translate or domesticate it into national laws. Also, the intention of dealing with a precise definition is to apply it clearly in the prosecution of a trafficking case.

Jackie Pollock (MAP – Chiang Mai, Thailand) recalled an earlier trafficking definition that comprised three elements. That definition was easy from a functional, practical standpoint: it was possible to ask three questions to identify a case of trafficking. If all three answers were affirmative, then the person in question was trafficked. Jackie said that she was not sure on how to apply the same method with the current UN definition. Participants pointed out that the elements of the former definition can still

be used to help identify cases of trafficking.

After a comprehensive discussion on the practical uses of the UN Protocol definition, Monika noted that two different approaches are emerging:

- 1) *Top to bottom* – Understanding the technical legal definition and then applying it to real situations. This kind of approach is very useful from a legal point of view.
- 2) *Bottom to top* – Asking people what is trafficking for them and then forming a definition based on the practical, experienced reality they face. Through this practical understanding, an analysis of the UN definition can then be formulated. The definition can then be differentiated from concepts such as smuggling, sex work, illegal migration, etc.



The first approach is useful to GAATW as an intellectual think tank. The second approach is useful to GAATW in listening to the ways people and groups understand and conceptualize trafficking, their problems and their needs. Both approaches are appropriate and useful, but the appropriateness of their use depends on the specific context.

Bisi commented that we need to accept a standardized definition, but how we explain it to our constituencies can be different. Jyoti, elaborating on the comments of Bisi and others, restated that the definition of the Protocol is the outcome of a long process, and is intended to be a legal definition. It is a universal definition that must be used by everyone working with trafficking. That established, it is the choice of the organizations how to unpack the definition when they work on the ground. The way the definition is explained or used when talking with intellectuals in a university will be different from the way it will be used with women with very little formal education. Furthermore, as the definition is complex, there should be more research on its practical usefulness and effectiveness in legal proceedings.

Linkages with Forced Labor and Migration

Linking with other issues related to trafficking proved to be one of the most pervasive themes of the Strategy Meeting, as well as of the discussions of the NAP Participatory Evaluation. Though the issue was mentioned in discussions in many topical sessions throughout the days, two presentations on the final day focused specifically on it. Lin focused on how trafficking can be linked to forced labor. Jackie then offered an overview on linking migration to trafficking. Following the presentations, participants discussed the benefits and drawbacks of these linkages, as well as their potential effects of anti-trafficking activities.

Trafficking and Forced Labor

Lin Chew

The nature of domestic work presents a new kind of situation of exploitation. Nowadays we see abuses against domestic workers even when there is legislation that theoretically should protect their human rights.

In Hong Kong domestic work is not regulated even though workers are given certain legal protections. There are live-in workers who are on duty 24 hours a day, always on call. They have no real protection, and they do not know the language and culture of the country. By law, a domestic worker must have a contract with a minimum salary; but, even though there is a contract, nobody monitors if the agreement is actually respected by the employers. Domestic workers must present a legal contract of employment to be admitted into Hong Kong through immigration procedures. However, many workers do not know what is written in their contract because it is in English; they have not really consented to what is written there. They just need it to be able to enter and work in Hong Kong. Once they are in the country they may face a wide variety of exploitative processes.

In Indonesia there are recruitment camps for domestic workers, that may last from three months to a year. The recruitment process entails paying an extremely high fee to the recruiter. When the worker comes to Hong Kong, often he/she gets no money for the first seven months: in fact the recruiter may open a bank account where the employer pays the money due to the worker. The recruiter siphons off money from the worker and the worker is held in debt bondage.

The whole relationship with the employer may be abusive. There can be physical mistreatment, sexual, psychological abuse and cases of confinement as well. The domestic worker may be locked in and forbidden to use the phone to ask for help. Structurally there is a system that makes these violations possible and somehow encourages these abuses. A domestic worker would be lucky to get an enlightened employer who respects his/her rights. This exploitative situation is extremely widespread.

Can we look at these abuses through the focus of forced labor? Forced labor is a concept already strong in the international political agenda and is the focus of the ILO and Anti-Slavery International. This would allow us to concentrate on the actual working conditions, that are the qualifiers of forced labor, rather than on the way an individual entered a country (legally/illegally).

Another option for approaching forced labor from trafficking is to concentrate on it as a form of coercion through abuse of authority, through an unequal power relationship. In a recent case, the judge decided in favour of the domestic worker and against the recruiter: the domestic worker had showed that the agreement with the recruiter had created a massive monetary debt that left her in financial bondage. She signed the papers of the recruiter because she did not know that she was not legally supposed to pay that amount of money; moreover, she did not have any choice in consent because of the wide difference in negotiational power. Often, in these cases, just because a person signs a contract does not mean that she has consented

to all the clauses and conditions there mentioned. Often workers have no choice: however a few judges understand this situation during the legal proceedings. GAATW needs to develop a systematic approach in dealing with these cases of forced labor to use in the legal system, instead of working case by case.

Trafficking and Migration

Jackie Pollock

Even though the achievement of safe migration might still be far away, we can talk right now of the progress in the area of informed migration. Some anti-trafficking groups only offer information about the dangers of migration, while it would be necessary to give migrants and potential migrants practical information on how to protect themselves from dangers.

Often migrants have their own support systems in their country of destination: these systems assist migrants and give them escape routes when in need. The role of these support networks should be emphasized and we should work in connecting vulnerable and trafficked persons to these migrant networks. Unfortunately this very useful objective cannot be expressed openly into a project proposal. Many times these networks are underground as they are often illegal. They are like underground railway for the escape of slaves. At the same time, their underground position allow them to protect the migrants and not expose them to further dangers.

There should be more linkages with local workers and their groups. Admittedly, sometimes local and migrant workers are seen at odds with each other. Instead, it is not so much spelt out that regardless of whether you are a migrant worker or a local native worker, your common issue is workers' rights. The link with local workers in supporting labor rights of migrants should be further explored as local workers have more power to speak out on behalf of migrant and trafficked workers. They can even help in asking for compensation for migrant workers. This kind of support might be difficult and precarious as the public and media usually tends to sympathize with trafficked victims and not with illegal migrants: the illegal migrant, presented as a supposed criminal entering the country illegally, is not allowed to have the audacity to ask for compensation when she/he encounters problems.

Beyond linking with migrant groups, there are several other possibilities of linking up in defense and promotion of rights of trafficked persons. We must be aware that anti-trafficking action can attract the old-guard charity groups. Therefore it is also important to get women's rights groups involved: these groups deal more with the promotion of human rights, that is very different from only focusing on rights' redress and rights violations.

Furthermore, we should remember that in many countries forced labor is linked to state-forced labor. This is the case in Burma. In these situations we need to link forced labor to the policies of those states, not only to transnational organized crime activities. There are authorities in countries of origin that will not even enter into official discussions about their out-going migration: their policy is to deny that their citizens want to leave. They do not want to be seen in the international arena as

failing to offer decent living conditions, or abusing their own people. They simply do not want to lose face in the international arena, despite the needs of their own citizens abroad.

Nevertheless, these countries will talk about trafficking because it deals with someone else's responsibilities: it locates the blame for the movement of their citizens not on them and their lack of human rights respect but on transnational organized crime groups.

In the present atmosphere, a growing problem is that more and more people in countries of origin become scared to help somebody to migrate: they could become criminals in the eyes of the national interest by giving this aid. Sometimes, even when they help a woman to leave an abusive situation in her own country, they can be seen as trafficking her. They can be labeled this way even in the name of the protection of the women. The new leading idea is that nationals of a country should not help the "Other", the migrant. Our duty to support the right of these women should be also to fight this notion, to create nets of support between citizens of countries of origin and destination.

Discussion:

Linking with child labor was considered as another possibility. However, it was recognised that this linkage can present some dangerous aspects: it can result in numerous negative side effects for trafficked women, who might be infantilised and offered the same options of children, or further stigmatised. June (GAATW) went further in analysing the negative effects of linking child labor to trafficking from her experience in the Thai context. For example, a trafficked woman may become ignored when considered together with children. It is easier to get protection for children than for women: when dealing with women the state authorities may try to force women to testify in order to get any protection or they may forcefully repatriate them. Other examples are the raids in the 'rescue' operations: when a girl over 18 is found, she is automatically considered as illegal migrant and not as a victim of trafficking and she is jailed.

Benefits and Drawbacks of Linking

Lin pointed out that children's consent is also frequently ignored. They may not want to be repatriated to be reunited with the family. There may be a substantive reason for which they have left their home. Tay Tay (Shan Women's Action Network) also talked about the situation of child workers vis-a-vis the position assigned to them by NGOs. In her point of view, when a child decides to work, he/she decides to be an adult. She questioned why often organizations working for children try to take over them, imposing their help upon them regardless of their decisions.

Bandana noted that sometimes actions are being taken - in the name of anti-trafficking - without the consent of the women. A practical example is what has happened in Thailand during the last years: anti-trafficking work has acquired a lot of political correctness and now people immediately

Success at a Cost

undertake the established legal way. Several years ago there were more informal activities going on. Now there is no time for reflection: actors go immediately to the state, to the legal course.

A participant from Foundation for Women (Thailand) explained that they were involved in the national committee to draft a Memorandum of Understanding (MOU). Prior to the MOU, it was much more difficult to intervene but it was not necessary to remove all women from a working location (e.g. brothel). If individuals had consented to perform the work, they could stay and continue. Now many organizations want to do rescues. If they go with the authorities, they have to follow the legal procedure and send the women to a government shelter. A report by Empower Foundation, a Thai NGO, details the human rights violations of women who were forcibly "rescued" in Chiang Mai by an anti-trafficking NGO. These women were trafficked according to the definition of the Protocol, but they did not think they were trafficked. They wanted to work.

Tay Tay described the circumstances in Burma in order to share with the participants a better understanding of the situation of the women forcibly rescued in Chiang Mai. In Burmese, the word trafficking is literally translated with "trading humans." In Burma, trafficked women feel they were sold. Actually the women pay their own way all along, but when they come to their destination, they face work other than what they were promised. They feel they were deceived and sold. In Burma, women flee human rights violations within the country. When they get to the border they have to find work. Usually, they do this through an agent. Most of the women who were rescued in Chiang Mai agreed to work in the brothel where they were "rescued". After being "rescued" they were sent to the "Boy's Home", a state facility. This same situation happened again three years later. If they go back home, they are returning to the place they fled from. At home, there is the risk of rape and even death at the hands of the Burmese military. Despite the fact that these women are trafficked according to the UN Protocol, their life as trafficked women in Thailand is a better life for them, and they should not be subjected to rescue against their wishes.

Jyoti commented that our successes have come with a cost, and we had not anticipated many of these costs. Raising trafficking's profile has also had some negative consequences. "How do we not throw away the baby with the bathwater?" she asked. Jyoti delineated two costs:

- 1) A hierarchy of victims has been created.
- 2) In the success we have had, we have lost our subversive, transgressive strategies. When we mainstream an issue, we lose its transgressive strength. Migrants groups now have this transgressive strength.

Usa spoke on the problems that have been created in the attempts to fight trafficking. At first trafficked persons were considered criminals. Now with the guidelines, they are considered victims. They are put in government houses. They are locked up for national security. The government forces "treatment" on all of the women. We need to change the treatment to be more based on human rights. The government has to follow the guidelines, but NGOs need to take an approach that is more friendly to the rights of the women.

Jyoti offered a case in New Delhi where two minors were taken from a brothel. They have been locked up for two and a half years in a government house. These young women are incarcerated and worse off than they were in the brothel. However, if they are released, child rights groups will criticize the government. In addition, the police want them for testimony. Jyoti said that the challenge before us is to “unpack the monster that has been created by many of us.” We have sometimes harmed rights in trying to protect rights. Now we have to see how to rectify the situation or work in the context of the new situation that has been created.

Strategy Discussion

The remainder of this final day of the Strategy Meeting was spent mostly in small group meetings. The participants split into three groups, and each group formulated and debated possible strategies and collaboration. Three specific discussion topics were posted on a flip chart. Participants discussed these questions in detail with the groups and then came together in a short plenary session to present a basic outline of each group’s generated strategies. Following the group presentations, there was a very brief discussion to conclude the meeting.

Strategy Areas for Discussion:

- I. Identify Strategies for:
 - a. Rights Affirmation
 - b. Reducing Harms of Anti-Trafficking Activities

- II. Identify Elements of Collaboration for GAATW as a Network.
(How would you like to see this collaboration developing? What would you expect from GAATW in terms of a relationship?)

Group 1

I. Strategies for:

A. Rights Affirmation

- Extend work to include all migrants.
e.g., Campaign for advocacy to promote the ratification of the Migrant Convention;
- Collaborate with migrant groups;
- Explore and promote the rights of migrant workers for safe mobility and safe venues of work.

B. Reducing Harms of Anti-Trafficking Work

- Document harms resulting from anti-trafficking interventions and present to the UNHCHR on the 10th anniversary of GAATW;
- Promote and develop women-friendly channels which respect the rights of women to migrate and find alternative livelihoods;
- Recognize “adults” and “children” are in separate categories. Use separate approaches for adults and children.

II. Collaboration

- Facilitate links on practical cooperation between organizations in countries of origin and destination;
- Hold consultations with local/grassroots organizations. Use these consultations to redesign advocacy campaigns and actions;
- Share good practices and develop new ones among partners.

Group 2

I. Strategies for:

A. Rights Affirmation

- Strategic mix of social and legal advocacy;
- Focus more on involvement of government officials.
Often government officials do not know what you are talking about. Involve them in your trainings and information dissemination;
- More information/campaigns targeting those who violate rights, or those in positions of power, not blaming them but making them accountable and involved. (i.e., Invite politicians to give advice or a speech to NGOs.);
- Report and publicize rights violations.
However, carefully consider the content, where it is aired, the audience, etc. (ex. A popular Nigerian soap opera that centers on a trafficked woman—It is not human rights based, but in a simplistic sense it brings out the issue of trafficking.);

B. Reducing Harms of Anti-Trafficking Work

- Advocate for the right to free movement;
- Sex work:
 1. Distinction between voluntary and forced; (Be careful about using this strategy, considering your personal area and the implications there);
 2. Advocate for sexual and reproductive health rights, including the right to use your own body for the purposes you choose;
- Identify and criticize activities with dangerous outcomes.

II. Collaboration

- Continued and strengthened collaboration with IHRLG-Nigeria
 - Destination countries should join in the West Africa Plan;
 - Disseminate GAATW publications with GOs. (Civil society organizations pull on victims from one side, and governments impact on their lives on the other hand. We need a common ground);
- Create official affiliates/representatives of GAATW in the global regions. They should have “formal” roles but strict and clear conditions/limits; develop E-campaigns;
- Support and use of GAATW expertise in creating more networks.

- Expand GAATW network in Russia-CIS / Africa / Latin America;
- Put all GAATW publications (in a form which can be downloaded) on the GAATW website.

Group 3

I. Strategies for:

A. Rights Affirmation

- Collaborate with other groups with similar approaches:
 - Migrants groups / Migrant workers
 - Women's groups
 - Sex workers
 - Labor groups

B. Reducing Harms of Anti-Trafficking Work

- Campaign for labor protection;
- Campaign safe work;
- Provide proper information for migrant workers;
- Campaign for safe movement.

(Group 3 did not present elements for collaboration.)

Discussion

Antonio noted that in Spain, Portugal, France and various other European locations, the fact of being recognized as a trafficking victim, gives the person special legal status that entitles her to choose whether to go or to stay and enables her to obtain a work permit. Antonio even remarked that the criticized paradigm rescue-rehabilitation does not apply to Europe. European Union member states are keen on expelling unwanted migrants, and the trafficking paradigm is not yet playing a part in their implemented policy. There are raids, but these are to catch migrants in irregular situations and deport them, not to rescue victims of trafficking.

Monica remarked that in Europe, if you are labeled a trafficking victim, you are accorded a good level of rights, unlike other countries where you are put into a rehabilitation center. Lin restated that in many cases you get certain rights as a victim, but only as long as you cooperate with the legal system for their investigations and prosecutions. She illustrated the different sides to being labeled a victim. For some people it is a salvation, a way to get out. For other people it is an accident. Some people have no choice and are deported whether or not they want to be.

The "Victim Label"

Unpacking the concept of child is a very controversial notion. While it could be very important and useful, it could also result in a major backlash. Even though the Convention on the Rights of the Child defines "children" as those under 18 years, a person can work in Thailand at the age of 13. She said

that in society you treat people in a different way; you do not treat a 4 year old the same as 17 year old who is a full-time worker. Under the law however, both are grouped in the same category, and she does not agree with this.

Bisi said that in her mind, trafficking in women includes trafficking in girls and adolescents. It is often difficult to make a distinction between the two as the division is somewhat contrived or imposed. Only recently in Nigeria have people begun to register their birth, so some Nigerians may not know their exact age. Furthermore, adolescence is not a universal phase. In some cultures, individuals are considered adults at a much younger age.

Stana pointed out the different treatment of migrating workers from countries of different levels of socio-economic development. Teenagers in the more developed countries (in countries traditionally considered countries of destination) are moving freely to other countries to obtain jobs. This is seen as something positive, a way for them to gain work experience, a way for them to gain money. Teenagers migrating for work from the traditional countries of origin are seen in a much more negative light and are criminalised for doing the same thing as their counterparts from “developed” nations.

***Unpacking
the Concept
of Child***

Jyoti clarified that our purpose in unpacking the category of child is to look at what we can do to further promote the rights of workers. The difference between a 13 year old and a 17 year old is obvious. In many countries there are rights that are obtained before the age of 18. The age of consent may be 16. You may be legally able to drive a car at 16. By unpacking the concept of child, we could recognize the agency of young people, instead of doing things on their behalf. This kind of patronizing action, doing things on behalf of the concerned party, is also done to women.

The Strategy Meetings, along with the previous National Advocacy Project meeting, made it very clear that there is a need for GAATW to continue as a network and persist in its general framework of anti-trafficking work. However, there are also indications of linking GAATW work to a broader framework, linking particularly with the migrant issue, and perhaps others as well. It is also clear that GAATW needs to consider how to reactivate the participation of network members. GAATW must do some rethinking and re-organising, so as to promote this participation.

The meetings have brought up many important ideas and made apparent the major issues of GAATW members. Through further consultation with members, the Secretariat and GAATW will develop a process for a transition into an entity that will maximize potential and efficacy of the whole network.

APPENDIX 1 - Participants List

NATIONAL ADVOCACY PROJECT PARTICIPATORY EVALUATION - GAATW STRATEGY MEETING 30 August - 1 September, 2003

1. Salma Safitri Rahayaan (Fify)
Solidaritas Perempuan
Programme Coordinator
National Executive Board
2. Tety Kuswandari
Solidaritas Perempuan
3. Olabisi Ibijoke Olateru-Olagbegi (Bisi)
Women's Consortium Of Nigeria
Executive director
4. Antonio Rivas
Proyecto Esperanza
Project coordinator
5. Fjodor Sinitsyn
Perm Center Against Human
Trafficking and Violence
6. Stana Buchowska
La Strada Poland
National/International coordinator
GAATW board member
7. Masumi Yoneda
Academic - Asian People
Together Kyoto YWCA
GAATW board member
8. Jyoti Sanghera
Advisor on trafficking of UNHCHR
GAATW board member
9. Sereyphal Kien
Cambodian Women Development
GAATW board member
10. Lin Chew
Academic at Chinese University
Hong Kong - GAATW board member
11. Iveta Bartunkova
Anti-Slavery International
Trafficking Programme Officer
12. Elena Tiuriukanova
Program coordinator at Moscow
Center for Gender Studies and
Researcher at Russian
Academy of Sciences -
Institute for Socio-Economic Studies
of Population
13. Victoria Ijeoma Nwogu
International Human Rights
Law Group-Abuja Office
Programme Associate
14. Ann Gallagher
AUSAID
Anti-Trafficking Project Team Leader
15. Usa Lerdsrisanthad
Coordinator of Foundation for Women
16. Mabel Au
Coordinator of Council of Asian Women
Workers (CAW)
17. Rangsima Limpasawas
Staff
UN High Commissioner for Refugees
Mae Hong Son, Thailand
GAATW board member
18. Tay Tay
Shan Women's Action Network (SWAN)
19. Jan Reynders
Independent consultant - Holland
20. Jackie Pollock
Independent consultant - Thailand
21. Bandana Pattanaik
GAATW
22. Jiraporn Sae-tang (June)
GAATW
23. Monika Peruffo
GAATW
24. Apivart Chaison (Nong)
GAATW
25. Tassanee Thongjan
GAATW
26. Eva Pedrelli
GAATW
27. Maike Debot
GAATW
28. Ron Edwards
GAATW

APPENDIX 2

Meeting Programme

30 August 2003

National Advocacy Project Participatory Evaluation

Facilitator: Lin Chew

NAP Activities: Countries Reports

09:00 – 09:05 Welcome Address by Bandana Pattanaik

09:05 – 09:15 NAP participatory evaluation objectives by Monika Peruffo

09:15 – 10:30 **Programme Presentation and Country Progress Report by the NAP partners**

Partners individual presentations

- Poland by Stana Buchowska
- Russia by Fjodor Sinitsyn
- Spain by Antonio Rivas
- Nigeria by Bisi Olateru Olagbegi

10:30 – 11:00 Coffee break

11:00 – 11:40 **Partners individual presentations:**

- Indonesia by Tety Kuswandari
- Latin America by Monika Peruffo (on behalf of Fanny Polania)

11:40 – 12:30 **Questions/clarifications**

12:30 – 14:00 Lunch Break

NAP Programme Evaluation

14:00 – 14:20 **GAATW evaluation of NAP** by Monika Peruffo

14:20 – 15:30 **Plenary: Identification of the main difficulties/gaps faced in the implementation of the NAP**

15:30 – 16:00 Tea break

16:00 – 17:30 **Working groups discussion**

- (a) ***Suggestions for improvement of the collaboration and for GAATW work***
- (b) ***Recommendations for new advocacy work***

17:30 – 18:00 **Plenary: presentation of outcomes of groups discussion**

31 August 2003

**GAATW Strategy Meeting
Day I
Global/regional trends**

AM Facilitator: Masumi Yoneda

09:00 – 10:30 Major global trends in migration policies: security issues and xenophobia
by **Elena Tiuriukanova**

Discussion

10:30 – 11:00 Coffee break

11:00 – 12:30 UN Trafficking Protocol: Issues regarding its crime prevention focus and implementation
by **Ann Gallagher**

Discussion

12:30 – 14:00 Lunch

PM Facilitator: Stana Buchowska

14:00 – 15:30 Good and bad practices in anti-trafficking work, within the global plethora of anti-trafficking organisations/programmes, etc.
by **Bandana Pattanaik**

Discussion

15:30 – 16:00 Tea break

16:00 – 17:30 NGOs organisational issues, focussing on the need (or not?) for alliance- and network-building around the issues of trafficking and migration/migrant women workers' rights
by **Jan Reynders**

Discussion

1 September 2003

**GAATW Strategy Meeting
Day II
Implications for GAATW programme & organisation**

Facilitator: Jyoti Sanghera

09:00 – 09:30 Summary of Conclusions from Strategy I discussion
(Bandana Pattanaik)

09:30 – 10:30 Implications for GAATW direction /priorities for next 3-5 years

- A. GAATW's present activities: presentations by secretariat staff
- B. Is there a need for a body like GAATW in the present situation?
- C. What should be its mission and objectives (if different from the present ones)?

10:30 – 11:00 Coffee break

11:00 – 12:30 Continuation of implications for GAATW

- In the event that there is a role for GAATW to continue, what should be its role/function?
- What kind of activities should have priority, for the next 3-5 years?

12:30 – 14:00 Lunch

14:00 – 14:30 Summary of morning's discussion

14:30 – 15:30 GAATW's organisational issues

- What form of organisation/structure would be most appropriate/effective to carry out the above mentioned tasks?
- GAATW's present organisational situation

15:30 – 16:00 Tea Break

16:00 - 17:30 Continuation of GAATW organisational issues:
Options:

- Reform of present structure : what needs to be strengthened; changed; abolished
- Constitution of a completely different organisation: what should be the structural elements of this new body?

Evening: Dinner



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