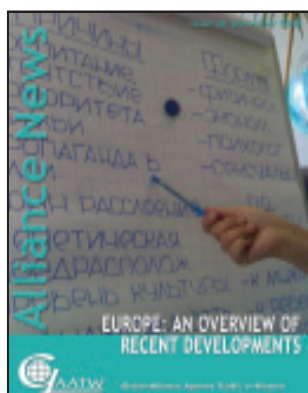


Alliance News

EUROPE: AN OVERVIEW OF RECENT DEVELOPMENTS



Global Alliance Against Traffic in Women



Editor's Note

Articles contained in this issue of the GAATW newsletters represent the views of the respective authors and not necessarily those of the entire GAATW network. The editorial team has edited all articles much as possible with the author's approval before publication. However, the authenticity of the author's voices is maintained and the author's rights are respected in cases where the author feels strongly about keeping certain texts and/or style considerations intact.

Editorial Team

Ali Paul
 Bandana Pattanaik
 Eleanor Taylor-Nicholson
 Michelle Taguinod
 Nerea Bilbatua
 Rebecca Napier-Moore
 Zoë Bake-Paterson
 Caroline Hames

Design and Lay out

Alfie Gordo
 Suphattra Poonneam

Cover Photo

Perm Center Training,
 Russia

For more information on the stories in this newsletter, or any aspect of GAATW and our work, please contact the Secretariat.

P.O. BOX 36
 Bangkok Noi Post Office
 Bangkok 10700 Thailand
 Tel: (662)864-1427/8
 Fax: (662)864-1637
 E-mail: gaatw@gaatw.org
 Website: www.gaatw.org

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Dear Friends

Welcome to the 30th issue of the *Alliance News*, the second of the Regional Spotlight Series, which after the issue on Africa (July 2008), takes us to Europe. In putting this issue together we, old and new friends, have embarked on an exciting journey to reflect, analyse and share how the human rights of trafficked and migrant people are respected, protected or otherwise in Europe, and how regional and national politics impede or promote their realisation.

At the time of finalising this *Alliance News* in early December 2008, we have completed the two Regional Consultations planned for 2008 in Europe (Vienna, October 2008) and Africa (Nairobi, November 2008). These Consultations have once again demonstrated the commitment of GAATW members and friends to work as a network to critically reflect on our daily work and to identify the main challenges, tensions and contradictions we face, so strategies to overcome them are collaboratively developed.

Europe has experienced dramatic changes at political, economic and social levels over the last 20 years. The disintegration of the former Soviet Union, the fall of the iron curtain and the progressive expansion of common institutions (from the extinct European Economic Community originally formed by France, Germany, Italy, Belgium, The Netherlands and Luxemburg to the current European Union linking 27 countries) are milestones that shape the current regional situation across all dimensions.

To respond to this challenging mix of diversity and uniformity that characterizes Europe, this issue shares a broad overview of the work in the region in the areas of anti-trafficking and migration. Contributors come from a wide range of organisations; some of them work exclusively on anti-trafficking while others have a broader scope, including undocumented migrant rights and domestic worker rights.

As the piece *Bringing the Past Forward* (p. 8) shows, GAATW was born out of a pioneer group of women's rights activists and academics engaged in critical thinking around women's migration and inter-regional assistance to trafficked woman between Asia and Europe. It is wonderful to see how some of the authors featured in this *Alliance News* are indeed the same women who gave birth to GAATW. If something glues this issue together, it is the constant (and brave) exercise of self-reflection and analysis. The role of NGOs in addressing old and new challenges, providing services to trafficked persons, critically and constructively monitoring governments' anti-trafficking initiatives, and promoting and implementing a human rights-based approach are highlighted throughout

a number of the articles. These questions are looked at inter-regionally, in the dialogue between CHAME in Brazil and FIZ in Switzerland; regionally, in articles by Marieke van Doorninck, Stana Buchowska and Don Flynn; and nationally, in Nivedita Prasad's article on the role of Social Workers in Germany. The work of NGOs is also considered in the interview with the Proyecto ESPERANZA team about the evaluation of their services to trafficked woman by the women they have assisted, and in the two pieces on the conceptualization and recent implementation of National Referral Mechanisms in Bulgaria and Moldova by colleagues from La Strada.

Some tensions arise throughout the issue, namely how anti-trafficking and migration management policies have been used to disempower migrant workers and trafficked persons, and the conflicting agendas pushed forward by NGOs and States. Other tensions include the need for NGOs, including those fighting against trafficking, to set the political agenda again by advocating for broader social policy changes, those beyond their specific niche, and the division of tasks between states (prosecution, detention and identification) and NGOs (direct assistance). Questions are raised about whether these agendas and divisions need to be revisited.

The preparation of this *Alliance News* has been a great exercise; a time for us, at the IS, to reflect on decades of work in the past, and share a common understanding of how to move forward. We sincerely hope you will find this issue useful and informative, and that, above all, it will help all of us to continue analyzing our work, wherever you are reading this from.

Warmly,

Nerea Bilbatua,
for the GAATW Team

Europe at a Glance

Compiled by Ali Paul

Europe is a vastly diverse region. As such, we have gathered some general information about this region, its history, economy and politics for our readers outside of Europe as an introduction. By necessity, this *At a Glance* is unable to include a comprehensive look at Europe and its innumerable versions of history. Instead we share some highlights of the geography, history, and human rights across the continent.

Defining the region

Europe is one of seven continents worldwide, its land merging with Asia to form the landmass Eurasia. In geographical terms, Europe is bounded to the north by the Arctic Ocean, to the west by the Atlantic Ocean, and to the south by the Mediterranean Sea. To the southeast, it is bordered by waterways adjoining the Mediterranean and the Caucasus Mountains. To the east, Europe is divided from Asia by the Ural Mountains and the Caspian Sea. Europe includes 49 countries¹ as well as territories and two regions which are in dispute (e.g. Kosovo, South Ossetia).

Europe's boundaries, however, have changed over time, set by politics and cultural identity, as well as geographic. Certain areas have historically fallen "inside" or "outside" of a particular socio-cultural phenomenon, political divide, empire, or on membership of particular European institutions such as the European Union or the Commonwealth of Independent States. This is evident when considering specifically the Caucasus region and countries such as Armenia, Azerbaijan and Cyprus, which are geographically considered part of Asia, but

for various reasons (such as membership in the Council of Europe or the EU) have been included as part of Europe; or Georgia, Russia and Turkey which have a large part of their territory in Asia. Many of these countries are considered transcontinental bridges between Europe and Asia.

History²

The history of Europe is a mosaic, and like all continents, marked by a number of defining events and innovations. There have been frequent and bloody conflicts, imperialist expansions, invasions and conquests, religious persecutions and genocides. There have also been remarkable social and cultural achievements in art, literature,

philosophy, law, science and technology. Great theorists and thinkers have called the region home: from Homer, Aristotle and Cicero, to da Vinci, Darwin, and Einstein, to Marx, Kafka, and Neitzche. As have institutions and organisations that have come to symbolise the desire for peace, humanity, unity, freedom and justice: the United Nations, the Red Cross and the International Criminal Court,

among others.

Europe's modern history has also been shaped by its colonisation of other regions. Starting in the 15th century - the "Age of Discovery" - Spain and Portugal, followed by France, the United Kingdom, the Netherlands, Belgium and other European countries colonised various parts of the world from the 16th-19th century. Colonialism has had lasting, and



at times devastating, cultural, social, economic and political impacts throughout Africa, the Americas, Asia and Oceania. Decolonisation and movements for independence from European powers began in the late 18th century in the Americas, and became widespread in the mid-20th century.³ Most colonised countries have since gained independence or autonomy; however, a number of European countries continue to have territories and independence movements continue today (for example, French Polynesia in Oceania).⁴

The early part of the 20th century in Europe was marked by its role at the epicentre of the First and Second World War. Both had enormous social-economic costs and created tremendous political upheaval. The national borders of Europe as we presently know them were established largely after the Second World War. A sense of regionalism also emerged at this time, with the establishment of institutions. Several international organizations were set up to reduce long-standing tensions, facilitate economic reconstruction and development, and improve cooperation among countries. Some European countries began calling for greater economic and political unity, with Winston Churchill proposing “a European Group which could give a sense of enlarged patriotism” during his September 1946 speech in Zurich. Economic unity within the region began with the Treaty of Rome in 1957 which led to the creation of the European Economic Community (or ‘common market’).

Around the same time, however, tensions grew between capitalist democracies and the communist Soviet Union over post-war settlements, regional control and the Soviet Union’s “takeover” of some East European states. This tension developed into four decades of ideological, economic, geographic and political struggle (often referred to as the Cold War). The “Iron Curtain”, was a term which described the physical and ideological divisions between Warsaw Pact countries⁵ and NATO countries⁶ from 1945-1989. The Berlin Wall, which was built in 1961 to divide West Berlin from Soviet-occupied East Germany, including East Berlin, became a symbol of this division. The Iron Curtain and the Cold War restricted migration between many European countries until the early 1990s.

In November 1989, when the Berlin Wall was finally pulled down, it signalled not only reunification of East and West Germany but also the collapse of Communism across Central and Eastern Europe. Following this collapse, countries in Europe experienced further economic, political, social and cultural change and the increased mobility of people, capital and products; the lives of millions of people were fundamentally changed.

The collapse also prompted the partitioning of the former Republic of Yugoslavia and of Czechoslovakia. In Yugoslavia - a federation of six republics: Slovenia, Serbia, Croatia, Bosnia and Herzegovina, Macedonia, and Montenegro - collapsed violently in 1991 as many of the republics began to demand more autonomy. Ethnic conflicts and resentment led the republics of Slovenia, Croatia, Bosnia and Herzegovina, and Macedonia to secede, and prompted violent internal conflicts in Croatia, Bosnia and Serbia. Nationalist disputes also brought about the end of Czechoslovakia, but its 1993 separation into the Czech Republic and Slovakia was achieved relatively peacefully.

At this time, and as a result of a wave of optimism, the desire for unity between East/West re-emerged. Many Eastern

countries began to negotiate economic and trade agreements with the European Community and this led to the European Union (EU) in 1993.⁷ It was in this year that the Single Market was initiated with the ‘four freedoms’ of movement: goods, services, people and money. According to the European Commission, the Single Market has created 2.5 million new jobs since 1993 and generated more than EUR 800 000 million in extra wealth⁸. Although the EU did not immediately offer membership to Eastern European countries, most European nations belonged to several other European cooperative organizations, including the Council of Europe (CoE) European Free Trade Association (EFTA), and the Organization for Security and Cooperation in Europe (OSCE). An important impetus for economic growth during this current century has been the formation and growth of these supranational institutions of the region.

Regional institutions

European Union⁹

Established in 1992, the European Union (EU) is a union of 27 European states aiming for “peace, prosperity and freedom for its 495 million citizens – in a fairer, safer world.” It has many activities, including the common single market, consisting of a customs union, a single currency (adopted by 15 of the 27 member states), a Common Agricultural Policy and a Common Fisheries Policy. The European Union also co-ordinates activities of the member states through a variety of divisions and committees, including European Parliament, Council of the European Union, European Commission, Court of Justice, among others.

Council of Europe¹⁰

Founded in 1949, “the aim of the Council of Europe (CoE) is to achieve greater unity between its members”, and develop common democratic principles throughout Europe. The membership of the Council of Europe is much larger than the EU, and includes a number of CIS countries. It bases its work on the European Convention on Human Rights and other rights documents, and seems to foster social inclusion, to end discrimination and xenophobia, and to enhance the development of Europe’s cultural identity and diversity.

European Free Trade Association¹¹

The European Free Trade Association (EFTA) is an intergovernmental organisation established in 1960 to promote free trade and economic integration among member states, and to ensure economic cooperation. Today only Iceland, Norway, Switzerland and Liechtenstein remain members of EFTA; the other members have gradually left to join the EU.

Commonwealth of Independent States¹²

The Commonwealth of Independent States (CIS), created in December 1991, is a confederation of 12 former members of the USSR. Some of these states now fall within Europe, namely Belarus, Russia, Ukraine, Armenia, Azerbaijan, Moldova and Georgia (which recently voted to leave CIS). The others, namely Kazakhstan, Kyrgyzstan, Turkmenistan, Tajikistan and Uzbekistan fall within Asia. The CIS coordinates trade, finance, law-making and security among the confederate members. CIS declarations bind all members to cooperate “on an equal basis” in foreign, military, and economic policy and members’ have pledged to fulfill all international treaty obligations of the Soviet Union.

Fact box¹³

Geography & Environment

- Europe is 10,355,000 sq km¹⁴ or 6.8 percent of the Earth's Landmass
- Around 45 percent of the EU's land area is farmed
- As of 2007, the EU has a total area of forests and other wooded land of 177 million hectares, accounting for about 42 % of its land area, and forest cover in the EU (unlike other regions) is increasing at the rate of 0.4% per year.
- All countries in Europe have committed to the Kyoto Protocol on carbon emissions, except three: Andorra, San Marino and the Vatican City State; Turkey is the most recent to commit in 2008¹⁵

Population

- Total population: 731,000,000 (2005)
- Russia has the largest population of all European countries; Germany has the largest population among the EU's Member States¹⁶
- The population in the Baltic States, Slovakia, the Czech Republic, Hungary and Poland is expected to decrease by over 10 percent between 2005 and 2050; the largest declines in population are projected for Bulgaria (an overall reduction of 33.8 percent) and Romania (21.2 percent)

Migration

- International migration has become the main driver of population growth in a number of countries in the region, including Czech Republic, Germany, Greece, Italy, Hungary and Slovenia
- EU countries received a total of 192,765 asylum applications in 2006, but rejected 57.8 percent of asylum claims processed that year

Economic sectors & indicators

- The European Union has large coal, oil, and natural gas reserves. There are six oil producers in the European Union, primarily in North Sea oilfields
- The services sector is the most important sector in the European Union, making up 69.4 percent of GDP, compared to the manufacturing industry with 28.4 percent of GDP and agriculture with only 2.3 percent of GDP
- The total GDP of the European Union was 11.58 trillion Euros in 2006; the sum of the four largest EU economies (Germany, the United Kingdom, France and Italy) accounted for almost two thirds of this total
- Luxembourg has the highest GDP per capita among European countries with \$80,800 US per capita; Moldova has the lowest GDP per capita with \$2,200 US per capita¹⁷

Global Development¹⁸

- Only Denmark, Luxembourg, the Netherlands and Sweden have reached the United Nations target of donating 0.7 percent of their countries' gross national income (GNI) to development assistance

Social Indicators

- The EU recognises 23 official languages, but many countries have regional and minority languages as well as the languages of migrant populations
- Serbia has the highest level of unemployment (18.8 percent) in Europe, and Andorra and Monaco are said to have no unemployment (0 percent)¹⁹
- According to the European Agency for Safety and Health at Work²⁰, every three and a half minutes, somebody in the EU dies from work-related causes
- In 2006, almost one-third (31.2 %) of women employed in the EU worked part-time (7.7% of employed men worked part-time)

Human Rights in Europe²¹

The history of human rights in Europe is marked by contradictions - it has been the site of both legislative and intellectual progress on human rights protection, as well as the site of some of the worst human rights violations perpetrated in the 20th century.

While inadequate for today, early European documents represented important stages on the road toward full and equal rights for all human beings. England's Magna Carta (1215) asserted the right to a fair trial and a just legal system. The French Declaration on the Rights of Man and the Citizen (1789) served as a template for the Universal Declaration on Human Rights (1948), which came at a time of great divisions and hostilities.

Europe is generally considered to be an overall observer of the Universal Declaration on Human Rights; however, parts of the region currently face significant problems. Amnesty International's most recent report notes the culture of impunity that continues for crimes committed during recent conflicts, the continued displacement of people in the region, unchecked violence against women, and the complicity of European states in the US programme of secret detention and rendition as major points of concern. France's counterterrorism policy and the UK's policy regarding asylum seekers have both come under recent scrutiny for potentially violating rights. Conflicts between Georgia and Russia have allegedly contained both serious human rights abuses and violations of international humanitarian law by all parties to the conflict. People routinely "disappear" in Chechnya. Human rights defenders and journalists continue to be targets of persecution in Azerbaijan, Belarus, Russia and Turkey. Persecution of Roma people continues in many countries, and racism is on the rise in Ukraine. The EU itself is facing criticism for the "EU Return Directive" that allows member states to detain "illegal" migrants for up to 18 months and impose a five-year ban on their return to the EU.

Despite these challenges and threats, many individuals and organisations in Europe hold on to the vision of human rights for all people, and continued to work tirelessly to that end, including in the fields of trafficking, migrant rights and labour rights.

Endnotes

¹ Countries of Europe: Albania, Andorra, Armenia, Austria, Azerbaijan, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, Former Yugoslav Republic of Macedonia, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Monaco, Montenegro, Netherlands, Norway, Poland, Portugal, Romania, Russia, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom, Vatican City State http://europa.eu/abc/european_countries/index_en.htm

² Centre Virtuel de la Connaissance sur l'Europe (Virtual Resource Centre for Knowledge about Europe— CVCE). European Navigator. <http://www.ena.lu/>; European Union (2008). EUROPA. http://europa.eu/pol/overview_en.htm; http://europa.eu/abc/history/index_en.htm

³ <http://www.answers.com/topic/history-of-colonialism>; <http://en.wikipedia.org/wiki/Colonization>

⁴ http://news.bbc.co.uk/1/hi/world/asia-pacific/country_profiles/3826525.stm

⁵ Eastern and Central European Countries: Soviet Union, Albania (until 1968), Bulgaria, Czechoslovakia, East Germany (until 1990), Hungary, Poland, Romania. <http://geography.about.com/od/lists/qt/warsawpact.htm>

⁶ As of 1982, NATO countries included: Belgium, Canada, Denmark, France, Germany (West), Greece, Iceland, Italy, Luxembourg, Netherlands, Norway, Portugal, Spain, Turkey, United Kingdom and United States. <http://geography.about.com/cs/politicalgeog/a/nato.htm>

⁷ Original member countries of the EU were Belgium, France, Germany, Greece, Italy, Luxembourg, Netherlands, Denmark, Ireland, the United Kingdom, Portugal, and Spain.

⁸ For more information: http://europa.eu/pol/overview_en.htm

⁹ EUROPA. (2008). Panorama of the EU. http://europa.eu/abc/panorama/index_en.htm

¹⁰ CoE (2008). About the Council of Europe. http://www.coe.int/T/e/Com/about_coe/

¹¹ www.efta.int

¹² www.cis.minsk.by

¹³ Unless otherwise noted, statistics from: EUROSTAT (2008). EUROPE IN FIGURES— Eurostat yearbook 2008. Luxembourg: Office for Official Publications of the European Communities. Retrieved online from: <http://epp.eurostat.ec.europa.eu>

¹⁴ http://encarta.msn.com/encyclopedia_761570768/Europe.html

¹⁵ http://unfccc.int/kyoto_protocol/status_of_ratification/items/2613.php; <http://www.reuters.com/article/environmentNews/idUSIST00200520080602>

¹⁶ <http://www.worldatlas.com/aatlas/populations/ctypopl.htm>

¹⁷ CIA World Factbook, January 2008 <http://www.indexmundi.com/g/r.aspx?c=mr&v=67>

¹⁸ OECD (2008). Development Co-operation Directorate (DCD-DAC) Statistics. Retrieved online from: www.oecd.org/dac

¹⁹ CIA World Factbook, January 2008 <http://www.indexmundi.com/g/r.aspx?t=0&v=74&l=en>

²⁰ http://osha.europa.eu/index_html.

²¹ Historical overview from <http://plato.stanford.edu/entries/rights-human/> and <http://www.humanrights.coe.int>; Current situation from Amnesty International <http://thereport.amnesty.org/eng/regions/europe-and-central-asia/regional-update>; Human Rights Watch, <http://hrw.org/>; and State Watch www.statewatch.org



Ali Paul is the Co-Coordinator of this Alliance News issue, she is also a former intern with the GAATW's Realising Rights Programme.

Bringing the Past Forward: GAATW's work in Europe

by Ali Paul, Nerea Bilbatua & Bandana Pattanaik

As we embarked on writing about the history of GAATW's work in Europe, we were aware that this would involve revisiting the history of the Alliance as a whole, as both histories are intimately linked. We looked back to a time when the Alliance (as we see it today) was only an idea, and informal relationships between feminist activists were borne of necessity, to provide assistance to women who were being 'returned' to Asia from Europe or who were receiving assistance in Europe. It was a wonderful experience to revisit these memories and the history of the movement.

Before GAATW: Early contacts, informal linkages, and collective thinking help to build a network

GAATW emerged from alliances that had been built across borders by a group of women. All of these women were intimately connected to the re-emergence of 'trafficking' as a discourse in the 1980s. They were among the feminist activists in both Europe and Asia who began at that time to respond to and investigate the trans-national prostitution of South-east Asian women, especially Thai women, in parts of Europe, and European sex tourism in Asia. Informal connections between these activists soon followed, as case-based work on direct assistance by individuals and organisations in Europe (STV/present-day Comensha, Ban Ying, FIZ) and Asia (Foundation for Women) began.

These early contacts and linkages were the basis for later discussions about what it meant to provide help to trafficked persons, and how to apply a human rights framework in doing so. This discussion culminated in the "International Workshop on International Migration and Traffic in Women" held in 1994 in Chiang Mai, Thailand. The workshop shared the findings of a feminist participatory action research project examining international migration and the trafficking of women. Activists and allies from around the world - including Belgium, Germany, the Netherlands, Poland, and Switzerland - attended, and linkages with Europe and other regions were solidified by locating parallels in research and direct assistance experiences. Out of this workshop a collective decision was made to launch the Global Alliance Against Traffic in Women (GAATW).

Many of the activists who engaged in critical thinking, analysis, dialogue and reflection about trafficking and human rights issues became the founding mothers and members of GAATW. The outcomes of their analysis and reflection formed the basis of GAATW's values and principles and its focus on a human rights-based approach. Several of these early contacts are still actively working on trafficking and assistance in Europe, including Ban Ying (Germany), STV (the Netherlands), and FIZ - Women's Information Center (Switzerland) among others.

The First Decade: 1994-2004

GAATW's work with colleagues in Europe began at its inception. Following the international conference, GAATW and STV conducted a broad-based and world-wide research project to contribute to the report of the then United Nations Special Rapporteur on violence against women, its causes and consequences, Radhika Coomaraswamy. The project both provided information for the Special Rapporteur's report and also strengthened and mobilised contacts in the field to build a network. Many organisations based in Europe were consulted for this project. The research resulted in the publication *Trafficking in Women, Forced Labour, and Slavery like Practises in Marriage, Domestic Labour, and Prostitution* (1997), which became a seminal work on trafficking and was influential in the Special Rapporteur's report to the 53rd session of UN Commission on Human rights in 1997.

Simultaneously, the newly formed Alliance hosted a number of trainings on human rights and trafficking to provide conceptual clarity to other NGOs, professionals and activists. It drafted what would become GAATW's *Draft Standard Minimum Rules on the treatment of victims of trafficking in persons and forced labour and slavery like practises* (Standard Minimum Rules). Among these trainings was the 'Asia-Europe Meeting on Human Rights' hosted in Bangkok in 1996.

The Asia-Europe Meeting brought together 23 women activists from 16 countries in Asia and Europe, including the Czech Republic (Baerbel Butterweck, ProFem/La Strada), Hungary (Zsuzsanna Kadar,



Asia-Europe Meeting on Human Rights Bangkok, 1996

GAATW members from Europe joined other organisations and individuals to form the Human Rights Caucus in Geneva, 1999.



GAATW launched the National Advocacy Project (NAP) with representation from members in Europe, 2001.



VDSZ), Poland (Stana Buchowska, and Teresa Oleszczuk, La Strada), Romania (Nicoleta Druta, FRATIA) and Ukraine (Oskana Horbuova, Centre for Women’s Studies). These women had practical knowledge of using UN human rights mechanisms to combat trafficking in women and of taking political action at national, regional and international levels. The workshop resulted in GAATW’s first *Handbook on Human Rights Action in the Context of Traffic in Women*, which provided a “road map and terms for evaluating” (p.vi) how to use various human rights strategies and “some guidelines on how to redress exploitative working conditions” (p.vii); in 2001 this would become, *Human Rights and Trafficking in Persons: A Handbook*.

Two years later, the contribution of European colleagues was acknowledged in the report of the February 1998 meeting of GAATW’s Collective of Active Members. The CAM noted the work of European colleagues in bringing the language of the Alliance’s Standard Minimum Rules to the new European Union code of conduct. It also noted the involvement of European members in newly created GAATW working groups.

1998 was an important year in the history of GAATW’s advocacy and European members were a part of this. The Working Group on Human Rights (WGHR), which included Lin Lap-Chew and Marjan Wijers from Europe, revised the Standard Minimum Rules to become the *Human Rights Standards for the treatment of trafficked persons* (HRS) and a “Campaign for standard-setting for the humanitarian treatment of trafficking persons” was launched. The Campaign would focus on outreach to NGOs and opportunities for lobbying and advocacy at national, regional, and international fora. They identified the two main fora of focus in 1999, the UN Commission on Crime Prevention in Vienna and the UN Working Group on Contemporary Forms of Slavery (UNWG) in Geneva.

Prior to the UNWG’s 1999 meeting, GAATW colleagues (including from Germany, Ukraine, the Netherlands and Spain) held a global evaluation of their human rights trainings (internal). They also attended the NGO consultation on Trafficking and the Global Sex Industry (external). The first consultation panel included several participants from GAATW members and friends from Europe:

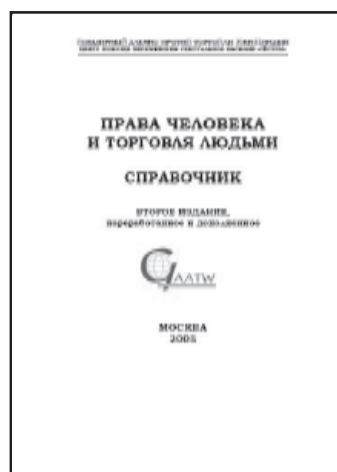
- Marjan Wijers (STV) framing her discussion with the increase in female labour migrants from eastern Europe after the Soviet Union
- Jo Doezema (Network of Sex Projects, UK) highlighting how migrant sex workers in Europe faced repressive laws on both migration and prostitution
- Oksana Horbunova (La Strada, Ukraine) demonstrating through trafficking cases the effective application of a human rights framework and the HRS, and the limitations of the 1949 UN Convention.

GAATW members and friends then successfully made a number of interventions at the UNWG meeting, advocating

for the adoption of a human rights framework to guide government actions, the de-linking of prostitution and trafficking, the broadening of the definition of trafficking to include domestic workers, replacing the moralistic and out-dated 1949 UN Convention, and paying special attention to the trafficking of children.

For the other major forum in 1999, the UN Commission on Crime Prevention, GAATW members joined other organisations and individuals to form the Human Rights Caucus. The goal of the Caucus was to lobby the UN Commission to include the HRS and a new, broadened definition of what constituted trafficking in persons in the proposed Protocol on Trafficking in Persons. Members of the caucus included Ban Ying (Germany), STV/Comensha (the Netherlands), KOK (German NGO Network), La Strada Poland, Ludwig Boltzmann Institute of Human Rights (Austria), and the Soloman Foundation (Hungary). Lobbying continued throughout 2000 until the adoption of the *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* (the UN Trafficking Protocol).

While considered a step-forward, the UN Trafficking Protocol was somewhat disappointing because of the mandatory criminalisation of trafficking and discretionary protection provisions. This prompted GAATW to launch the three-year National Advocacy Project (NAP) in 2001, which involved all regions - with Belgium (Payoke), Poland (La Strada), Russia (PERM Centre) and Spain (Proyecto Esperanza) representing Europe. Led by GAATW’s member organisations (and non-member organisations in the case of Payoke) and coordinated by the Secretariat, the European project aimed to do three things: to encourage states to include human rights protections when they implemented the UN Trafficking Protocol at the national level, to advocate for the implementation of the HRS by governmental and non-governmental service-providing agencies, and to build the GAATW network. The project also looked at pan-European actions and proposed legislation (particularly to the EU), and highlighted issues for advocacy.



By 2003 GAATW’s *Human Rights and Trafficking in Persons: A Handbook* had been translated into Russian under the supervision of PERM, and Polish under the supervision of La Strada, among other languages. The coordinator of NAP in Spain, Proyecto Esperanza, facilitated the 2003 “International Conference on Trafficking in Women”, with organisations from Spain, Portugal,

Romania and Latvia participating. In August 2003

representatives of the NAP-participating organisations met in Bangkok to share their learning with each other and to strategise for future advocacy activities. This marked the end of NAP, but work with the broadened alliance had just begun.

European member organisations and friends also provided analysis of the recovery process for trafficked women for the 2003 Alliance News, including Ban Ying (Germany), Comitato per il Diritti Civili delle Prostitute (Italy), La Strada (Poland), Elena Tyuriukanova from the Russian Academy of Science (Russia), Perm Centre (Russia), Proyecto Esperanza (Spain), FIZ (Switzerland), and the Poppy Project (UK). These contributions progressed the discussion and challenged us to examine the terminology we use to describe the process of recovery. They also shed light on recovery strategies, described the challenges of providing assistance to trafficked women during recovery, and provided recommendations to ensure that human rights protections are upheld during the recovery process.

GAATW-IS, along with research partners Payoke (Belgium), La Strada Ukraine and the University of Padova (Italy), and in collaboration with the London School of Health and Tropical Medicine, completed a study (2003) of the health needs of trafficked women and ethical considerations when interviewing trafficked women. Findings from this 2003 research project have been consistently used to raise awareness of the health needs of trafficked women, and encourage appropriate and responsible protections.

Late 2003-2004 brought about the revamping of membership within GAATW, efforts to accurately map ongoing anti-trafficking efforts and to initiate discussions on the human rights impacts of anti-trafficking work. A European Consultation, which followed an informal regional meeting, was held in October 2004 in Amsterdam. The timing was designed to follow another event happening at the same time - an open consultation meeting with NGOs organised by the European Union Experts' Group on Trafficking in Brussels. Representatives from Belarus, the Czech Republic, Germany, Italy, Moldova, the Netherlands, Poland, Russia, Spain, Switzerland and the UK gathered to discuss issues pertinent to GAATW's future role and structure. They critically examined the anti-trafficking paradigm juxtaposed with forced labour issues and considered future approaches. Attendees proposed a "desk" be established for each region, and that GAATW's strategies be divided into three intervention areas: Legal, prevention, and the process of recovery. This proposal formed the basis for GAATW's work from 2005-2007. The group also discussed the relationship between trafficking, migrant rights and workers rights, pushing for the expansion of GAATW's work and that of her members.

2004 marked the 10th anniversary of GAATW. The celebration and first International Members Congress (IMC) brought together colleagues world-wide including 21 representatives from Europe. Based on 10 years experience working for the rights of persons affected by 'trafficking', participants expressed deep concern about the lack of

accountability of governments and the deployment of state funds under the pretext of the anti-trafficking framework.

GAATW in Europe: 2005-2007

Following recommendations made at the 2004 IMC, GAATW moved towards a combination of thematic work, in the areas of prevention, protection and access to justice, and a regional focus, with the appointment of focal points for the regions (Latin America and the Caribbean, Europe, Africa and Asia) for 2005-2007. As a result, thematic consultations on direct assistance, access to justice and prevention were hosted in Thailand from 2005-2006 in which members from all regions participated, became acquainted with one another and strategised together. Member organisations and friends from Europe participated in each consultation, lending their perspective and contributing greatly towards our global understanding of the issues.

At the same time, an exchange program for member organisations began in 2005, with Maria Koleva from BlinN (Netherlands) visiting GPI (Nigeria), and Francisca Ferreira from COIN (Dominican Republic) exchanging places for a



time with Angeles Herranz from Proyecto Esperanza (Spain). This provided an invaluable experience for participants and practical knowledge-sharing between members that continues today.

During 2005 to 2007, GAATW member La Strada International successfully organised annual NGO Platforms on Trafficking. These platforms brought together NGOs from across the European region, both La Strada members and other organisations, and including many GAATW members. This expansion strengthened the coordination of work within Europe and offered a good opportunity to discuss important issues at a regional level. This forum was greatly appreciated by all participants.

In 2006, the IS held an informal meeting with some of GAATW's European members in Amsterdam and also attended La Strada's NGO Platform meeting in Kiev to share information and discussing common issues. Also in 2006, a shift in coordination within the IS saw programme staff taking on greater regional responsibility for enhancing communication with and between members and the IS. This shift further increased the Alliance's ability to strategise advocacy, networking and specific thematic efforts, and helped the GAATW-IS to know members better.

Following its successful application for consultative status at the UN Economic and Social Council (ECOSOC) in early 2006 GAATW-IS has been able to strengthen its international advocacy through formalising its participation in relevant UN meetings hosted in Geneva and Vienna, coordinating side-events with European members, and collaborating with them on advocacy efforts in Europe. For example, in 2007 the GAATW-IS's Advocacy and Europe teams, together with members



in Europe, coordinated action to lobby for ratification of the Council of Europe Convention on Human Trafficking, collecting over 130 signatures.

Also over this period, GAATW launched a multi-country research project to investigate the impact anti-trafficking policies were having around the world. In Europe, this project involved a number of long-time colleagues and friends of GAATW: Mike Dottridge, formerly of Anti-Slavery International edited the whole document and wrote a comprehensive introduction; Barbara Limanowska the co-founder of La Strada Poland researched Bosnia and Herzegovina; and Klara Skrivankova, the coordinator of Anti-Slavery International's trafficking work and formerly with La Strada Czech Republic researched the United Kingdom (see Briefs). This study has helped further advocacy efforts and provided direction for the GAATW Alliance into the future.

Members in Europe have become increasingly engaged in communicating and undertaking common actions, including advocacy at regional level (towards the CoE Convention, for example). They have also contributed to the Alliance as a global network by sharing their own regional and national contexts and adding input to the planning and strategic thinking within GAATW. For example, at the 2007 International Members Congress (IMC), regional groups formed to discuss the *Collateral Damage* report. Members from Europe highlighted how, although many European countries had passed laws to address trafficking, European legislation was still failing to sufficiently address reality. The group also noted various problems including conditional assistance, a lack of compensation, the need for pre- and post-impact assessments, and response mechanisms for harmful civil society actions. Members also set regional priorities for Europe during the IMC which included: collecting evidence of "collateral damage" in the region, representation on working groups on membership and decision making, regional consultations and cooperation, and the involvement of non-members. These priorities formed the basis of GAATW plans for 2008-2010.



Also, as requested by European members, the IS will work to strengthen and consolidate the Alliance in Europe over the coming years, as a key means of facilitating the exchange of information and experiences.

There are now 18 GAATW member organisations in Europe, representing all regions of the continent: Young Women's Christian Association/La Strada (Belarus); Foundation La Strada Bosnia and Herzegovina (Bosnia & Herzegovina); Animus Association/La Strada (Bulgaria); La Strada České Republiky (Czech Republic); Ban Ying (Germany); Open Gate - Women Lobby on Action against Violence and Trafficking in Women/La Strada (Macedonia); International Women Rights Protection and Promotion Center/La Strada (Moldova); La Strada Foundation Against Trafficking in Women/La Strada (Poland); Perm Center for Assistance to Persons Suffered from Violence and Human Trafficking (Russia); Moscow Center for Gender Studies (Russia); Proyecto Esperanza (Spain); FIZ - Women's Information Center for women from Africa, Asia, Latin America and Eastern Europe (Switzerland); La Strada International (the Netherlands); Coordination Centre Human Trafficking (CoMensHa) - La Strada (the Netherlands; formerly, the Dutch Foundation against Trafficking in Women, STV); Bonded Labour in The Netherlands (BLinN) (the Netherlands); International Women's Rights Center/La Strada (Ukraine); LEFO, Counselling, education and support for migrant women (Austria) and On the Road (Italy).

Future directions

Between 2008-10, GAATWs work within Europe and with European members is continuing and strengthening. As well as participating in the global activities of the Alliance,

GAATW members in Europe have also set their own regional priorities and directions at the European Regional Consultation. This meeting, held in Vienna in late October 2008, was organized by the IS in collaboration with members and hosted by LEFO. European plans include the creation of common standards for service provision, broadening linkages with migrant and labour rights groups, continuing to collect examples of Collateral Damage from anti-trafficking initiatives in Europe, and the creation of mechanisms for information sharing.

Conclusion

GAATW's journey over the past decade has been long, sometimes difficult, but always meaningful. European colleagues and friends have contributed meaning to this journey. Our work in Europe has expanded and will continue to expand our understanding of the issues associated with trafficking, migration and labour in significant ways.

GAATW's Member Organisations in Europe

Member profiles have been compiled by GAATW-IS staff Nerea Bilbatua and Zoë Bake-Paterson.

AUSTRIA



LEFÖ - INFORMATION, EDUCATION AND SUPPORT FOR MIGRANT WOMEN

LEFÖ is a non-profit, non-governmental organization founded in 1985 by a group of politically exiled Latin American women living in Vienna. LEFÖ is committed to advocate and lobby for the rights of migrant women, and aims at enhancing their integration by empowering them to get out of relations characterized by violence, addiction and exploitation.

LEFÖ works in the following areas: lobby, advocacy, networking and public relations; health prevention for migrant sex workers; counseling and education for migrant women from Latin America;

LEFÖ IBF (Intervention Centre for Trafficked Women) was founded in 1998 and is part of LEFÖ specialised to support trafficked women and girls. The offers are Direct Assistance to women affected by trafficking (including legal, social, and psychological counseling and advice, as well as support in the process of recovering their rights, temporary shelter, and support in cases of women returning to their home countries).

Contact Details

LEFÖ

Address: Kettenbrückengasse 15/4, A-1050 Vienna, Austria
Telephone: + 0043-1-5811881
Fax: + 0043-1-5811882
Email: office@lefoe.at
Website: <http://www.lefoe.at>

LEFÖ IBF

Address: Floragasse 7a/7, A - 1040 Vienna, Austria
Telephone: +43 - 1 - 7969298
Fax: +43 - 1 - 7969299
Email: ibf@lefoe.at
Website: www.lefoe.at

BELARUS

YOUNG WOMEN CHRISTIAN ASSOCIATION - LA STRADA BELARUS



La Strada Belarus is a programme implemented by the "Young Women Christian Association of Belarus" (BYWCA). BYWCA was registered as a non-governmental organization in 1996 and in 1998 started developing anti-trafficking projects. BYWCA joined La Strada network in 2001.

BYWCA/La Strada Belarus is active in the fields of Information and Lobby; Prevention and Education (including a hotline); and Social (Direct) Assistance to trafficked persons in the form of reintegration and rehabilitation programmes. Its Direct Assistance programme provides a comprehensive range of services including medical, psychological, legal information, counseling, financial assistance and vocational trainings. Since 2004, La Strada operates a mini-shelter, where women survivors of trafficking have access to safe short-term accommodation and can obtain the assistance they need.

Contact Details

Address: P.O. Box 74, Minsk 220088, Belarus
Telephone/fax: + 375 17 296 37 45 **Email:** lastrada@infonet.by
Website: www.lastrada.by

BOSNIA-HERZEGOVINA

Foundation La Strada Bosnia and Herzegovina (BiH)



La Strada Bosnia and Herzegovina (BiH) was established in 1997 first registered as Women Development Centre in 1999, and re-registered as La Strada in 2003.



La Strada BiH runs programmes on Information and Lobby (especially focused on open shelters); Prevention and Education; and Social (Direct) Assistance. Its Direct Assistance programme provides comprehensive care and support for trafficked women including legal, social and medical assistance. Next to basic help and care programmes, La Strada BiH offers vocational trainings such as foreign language courses (Italian, English), computer courses, support in job seeking and support in continuation of education. La Strada BiH runs an open shelter.

Contact Details

Address: Bulevar Revolucije 35, 88000 Mostar
Phone Number: +387 36 557 191
Fax Number: +387 36 557 192
E-mail: lastrada@cob.net.ba or lastrada@lastrada.ba
Web site: www.lastrada.ba

BULGARIA

Animus Association - La Strada Bulgaria

Since 1998, Animus Association implements the La Strada Programme in Bulgaria. The priority of Animus Association is the development of a Centre for rehabilitation, counseling and psychotherapy for women, adolescents and children survivors of violence. It also lobbies for changing the legislation as well as the social and health system with respect to the needs of women, adolescents and children victims and survivors of violence.

Animus/La Strada Bulgaria activities focus on the areas of Information and Lobby; Prevention and Education (with a special emphasis on minors in all its campaigns); and Social (Direct) Assistance (including legal, social, medical and psychological assistance). The organization runs a Crisis Unit that provides short-term accommodation. Minor survivors of trafficking are included as a target group in the Animus/La Strada Bulgaria campaigns on social assistance and prevention. A new model of work that takes into account their specific age-related needs and trauma experience is equally being developed by this organization. The "Animus" Training Centre disseminates an original model of work based on an in-depth understanding of the trauma from violence.

Contact Details



Address: 85 Ekzarh Yossif St. 1000 Sofia
Phone & Fax Numbers: +359 2 938 5205 / 5305 / 5405
E-mail: animus@animusassociation.org
Web site: www.animusassociation.org

CZECH REPUBLIC

LA STRADA ĚSÁ REPUBLIKA

La Strada Czech Republic (La Strada Ceska republika o.p.s.) has been registered as an independent non-governmental organization since 1998. La Strada Czech Republic is one of the founding members of La Strada and began its work in 1995.



La Strada Czech Republic has developed a multi-disciplinary approach program to fight against human trafficking, which consists of 3 campaigns:

- Information & Lobby
- Prevention & Education
- Social Assistance

It is a bottom-up program in which direct contact with trafficked women provides invaluable experience, skills and information applicable in prevention and lobby work. Women are not only informed of the risks of trafficking through Prevention & Education Campaign, but they are also supported to recover from traumatic experience and build up a new life through the Social Assistance Campaign. Finally, Information & Lobby Campaign advocates their opportunities for reintegration into society as well as the acknowledgement that trafficking in persons is a severe violation of human rights and a serious criminal offence that has to be adequately addressed. All the activities of the organization stem from several basic principles: respect for human rights, equal opportunities, non-discriminatory approach, empowerment and protection of interests in trafficked persons.

Contact Details

Address: P.O.BOX 305, 111 21 Praha 1, Czech Republic
Telephone: 00420-222-721810 **Fax:** 00420-222-721810
Hot Line: 00420 222 71 71 71
E-mail: lastrada@strada.cz
Website: www.strada.cz

GERMANY

BAN-YING



Ban-Ying is the Thai term for “House of Women”. The association was founded in 1988 in Berlin, and runs two projects: a shelter for women from Southeast Asia and a Counselling and Coordination Centre against trafficking in human beings.

The counselling and coordination centre of Ban Ying deals with the experiences of violence which migrant women face. They provide two levels of support: the practical level, where the centre offers counselling, legal, medical and psycho-social support; and the theoretical, scientific and political levels, which include research, advocacy and lobby. Since 1988 Ban-Ying has provided counselling for women in their mother tongues from 27 countries and four continents.

Contact Details

Address: Anklamer Str. 38, 10115 Berlin, Germany
Telephone: 0049 30 4406373/4
Fax: 0049 30 4406375
Email: info@ban-ying.de
Website: www.ban-ying.de

ITALY

ON THE ROAD



Established in 1990, Associazione On the Road provides support and assistance to national and foreign sex workers, trafficked persons, asylum seekers and needy migrants through structured services (indoor and outdoor outreach units, drop-in centres, shelters, etc.) managed by trained professionals. Based on a multi-agency approach, On the Road works for the promotion and protection of the human and civil rights of the assisted persons. It offers accommodation and protection; social, health, psychological and legal counselling and assistance; accompaniment to the social and health services; vocational guidance and training; on-the-job training and direct insertion into the labour market. The Association also manages activities

of advocacy, awareness raising, community work, training, research and it is engaged in national and transnational networking and policy development initiatives.

Contact Details

Address: Via delle Lancette 27, 64014 Martinsicuro, Italy

Phone Number: +39 0861.796666 or +39 0861.762327

Fax Number: +39 0861.765112

E-mail: mail@ontheroadonlus.it

Website: www.ontheroadonlus.it

MACEDONIA

OPEN GATE - WOMEN LOBBY ON ACTION AGAINST VIOLENCE AND TRAFFICKING IN WOMEN - LA STRADA MACEDONIA



The La Strada programme in Macedonia is implemented by the NGO "Open Gate - Women Lobby and Action against Violence and Trafficking in Women" which has been registered as an independent NGO since September 2000. In 2006 Open Gate/La Strada Macedonia created BUDNOST, national Network of 12 Anti-trafficking NGOs.



Open Gate/La Strada Macedonia runs Information and Lobby programmes (the organization is a member of the Secretariat of the National Commission that monitors and analyses the situation of human trafficking and coordinates the activities of competent institutions); Prevention and Education programmes (with a special focus on children, women and the Roma community); and Social (Direct Assistance) programmes, providing long-term (6-12 months) care for victims of trafficking, including accommodation (Open Gate/La Strada Macedonia runs the only shelter in Macedonia for nationals), medical services, legal services, anonymous consultations and advice, vocational training, and study and employment support.

Contact Details

Address: P.O. Box 110, 1000 Skopje

Phone Number: +389 2 2700 107

Fax Number: +389 2 2700 367

E-mail: lastrada@on.net.mk

Web site: www.lastrada.org.mk

MOLDOVA



INTERNATIONAL CENTER FOR WOMEN RIGHTS PROTECTION AND PROMOTION “LA STRADA MOLDOVA”

The International Centre for Women Rights Protection and Promotion “La Strada Moldova” was founded and registered as non-governmental organisation in 2001.

The International Center/La Strada Moldova strives to build a society based on the principle of respect for human rights, sensible to the issue of trafficking in persons and all forms of abuse against children and women. It is active in direct assistance, prevention activities and lobbying activities:

- Assistance activities include victim identification; facilitated repatriation; mediation of reintegration services; a Resource Center for (potential) migrants; a Drop-in-Center for trafficked persons (and potentially trafficked persons); a hotline; legal, psychological, social and medical assistance; and a shelter.
- Prevention and education activities include awareness, information and training. They are also recognized for their elaboration of efficient training modules for professionals and publications in the area of counter-trafficking, including a Guide for Social Workers in Assisting Trafficked Persons as well as a Guide for Teachers on Trafficking Prevention and a Handbook on Trafficking.
- Lobbying activities include technical support to policy makers, researches and studies, working closely on the implementation of the anti-trafficking law, and monitoring.

One of La Strada Moldova’s focus is widening victims’ access to assistance and protection, irrespective if they are willing to cooperate with the police.

Contact Details

Address: P.O. Box 259, Chisinau, Moldova 2012
Tel: + 373 22 23 49 06/21
Fax: + 373 22 23 49 07
E-mail: office@lastrada.md
Website: www.lastrada.md

POLAND

La Strada Foundation Against Trafficking in Persons and Slavery La Strada Poland



La Strada Poland was one of the founding members of the La Strada network in 1995. The Foundation was created in February and registered in September 1996.

In the past thirteen years, La Strada Poland has become an (inter)nationally acknowledged specialized and professional expert and advisory centre on the issue of trafficking in women. In the area of Information and Lobby, La Strada Poland participates in the working group that implements and monitors the “National action programme to combat and prevent trafficking in persons in Poland”. It is also involved in a research on changes and consequences of the EU accession for Poland and monitoring the impact of EU accession and the changing role of Poland both, as a country of origin and a country of destination. In the area of Prevention and Education, La Strada Poland provides information focused on legal job opportunities abroad (EU countries) and on safe job migration. In terms of direct assistance, the organization runs a crises intervention centre that has become an integral part of the social assistance process. It includes a shelter for trafficked (both nationals and migrant women) as well as a hotline, and legal, medical, psychological, and social assistance.

Contact Details

Address: P.O. Box 5, 00-956 Warsaw 10
Phone and Fax Number: +48 22 622 1985
E-mail: strada@pol.pl
Web site: www.strada.org.pl

RUSSIA



Perm CENTER For Assistance to Persons Suffered from Violence and Human Trafficking



Perm CENTER

The Center was established in 1999 as a non-governmental, non-profit organization. It works in many regions of the Russian Federation, including the Perm region.

The Center, member of the Russian Association of Crisis Centers, runs projects in the areas of prevention of all forms of violence and human trafficking (including a focus on the prevention of the growth of the number of disabled persons as a result of acts of violence and human trafficking), awareness raising and training. It has also produced a number of awareness raising materials and analysis publications.

Contact Details

Address: P. O. Box 7015 Glavpochtamt Perm 614000 Russia
E-mail: no-violence@narod.ru
Website: <http://www.cavt.ru/>

MOSCOW CENTER FOR GENDER STUDIES (MCGS)

The Moscow Center for Gender Studies (MCGS) was established by women-scholars as independent Nonprofit Research Institute in 1990.

The Mission of the MCGS is to prevent all types of discrimination against women; to promote gender equality and justice in politics, the work place, society and the family; to integrate gender theory and methodology into research in Russia; to advance gender education and information; to integrate gender equality and gender justice into legislation and decision-making processes on regional and national levels; to involve Russian Federation state bodies in amending legislation on gender equality; and to strengthen academic and cultural contacts between Russia, the NIS countries and gender research centers worldwide.

MCGS develops contacts with Russian researchers and teachers in gender/women's issues, holds seminars and conferences.



Contact Details

Address: Institute for Social and Economic Studies of the Population (RAS) Nakhimovsky Pr. 32, Moscow, 117218
E-mail: mcgs@inst-econ.org.ru or mcgs@online.ru
Web site: <http://www.gender.ru/english/>

SPAIN

Proyecto ESPERANZA

Proyecto ESPERANZA is the Religious Order of Adoratrices' response to the reality of trafficking in women in Spain. The organization started working in 1999 in Madrid. Proyecto ESPERANZA's general aim is *to fight trafficking in women by means of protecting the victim's human rights and to condemn this current form of slavery.*

The organization works in the areas of Direct Intervention (Direct Assistance), by providing integral assistance to trafficked women (including accommodation/shelter, medical, psychological, social/employment and legal assistance)



with a focus on defending and promoting women's human rights. Proyecto ESPERANZA conducts programmes for awareness raising and education and is very active on national lobby and advocacy and networking. The organization also provides support on return of trafficked women.

Proyecto ESPERANZA publishes a number of materials and researches that are available at their website.

Contact Details

Telephone: (34) 913 860 643, (34) 607 542 515
E-mail: info@proyectoesperanza.org
Website: www.proyectoesperanza.org

SWITZERLAND

FIZ - FACHSTELLE FRAUENHANDEL UND FRAUENMIGRATION

(Advocacy and support for migrant women and victims of trafficking)



FIZ is an independent, non-governmental organization based in Zurich (Switzerland) that carries out consultation as well as public relations and political work in the anti-trafficking area. FIZ is specialized in questions relating trafficking in women as well as other forms of exploitation of and violence against migrant women from Africa, Asia, Latin America and Eastern Europe.

FIZ is very active in the area of Direct Assistance. In 2004 they opened FIZ-Makasi (which means Strong in Lingala, a language in Central Africa). FIZ-Makasi is the only center in Switzerland specialized in offering counseling and supervision to trafficked women, including crisis intervention and psychosocial supervision, medical assistance, support in seeking accommodation and advice on organizing financial support information regarding legal rights as a victim and legal advice. FIZ also supports trafficked women in the event of returning to their home country.

FIZ also works in the areas of research, advocacy and lobby.

Contact Details

Address: Badenerstrasse 134
8004 Zurich, Switzerland
Telephone: 0041 (0)44 240 44 22
Fax: (0)44 240 44 23
E-mail: contact@fiz-info.ch
Website: www.fiz-info.ch or www.makasi.ch

THE NETHERLANDS



La Strada International

La Strada International is the international secretariat of the La Strada network (formed by the La Strada organisations in Poland, Belarus, Czech Republic, Bosnia Herzegovina, Ukraine, Moldova, Bulgaria, Macedonia and the Netherlands). All La Strada member organizations are registered as independent non-governmental organizations and work at the grassroots level.

La Strada International focuses on international networking, lobbying and public relations on behalf of the member organizations, producing common policies and action plans and harmonized lobby and advocacy programmes. La Strada International works on the expansion of its relations with national and international organizations, national governments, European institutions and UN bodies. The secretariat supports capacity building of the members and provides a forum for NGOs on the issue of trafficking. It also houses an international archive and documentation centre and manages the international La Strada website.



Contact Details

Address: De Wittenstraat 25, 1052 AK Amsterdam, The Netherlands
Telephone: 00 31 (0) 20 6881414
Fax: 00 31 (0) 20 6881013
E-mail: info@lastradainternational.org
Website: www.lastradainternational.org

COORDINATION CENTRE HUMAN TRAFFICKING (Comensha) - LA STRADA NETHERLANDS



The Dutch Foundation against trafficking (STV) was established in 1987. In 2007 it decided on a name change to Coordination Centre Human Trafficking (Comensha), to better reflect its work with female as well as male victims of exploitative working conditions. Comensha functions as a national reporting and registration point for trafficked persons (the organization reports to the Dutch National Rapporteur on Trafficking in Human Beings, who uses these data for annual reports and recommendations to the Dutch council of ministers).

In the area of Direct Assistance, Comensha maintains regional networks established to support the shelter and (social) support for trafficked persons. The network consists of shelters, lawyers, social work and welfare groups, (mental) health organizations, police, youth care, (refugee) minor support groups, victim support and local governmental community organizations. Comensha also coordinates reintegration and return programmes for trafficked persons with different organizations. The organization is also very active in the areas of awareness rising and provision of information on trafficking through its participation in seminars and conferences. Comensha supports policy development in the field of prostitution and trafficking in human beings by offering advice to the government - on request and by own initiative - on the basis of the information collected, the signals, problems and shortcomings and based on experiences gained through monitoring national and international developments in practice.

Contact Details

Visiting address: Regentesselaan 31, Amersfoort, Netherlands
Postal address: Johan van Oldenbarneveltlaan 34-36; 3818 HB Amersfoort, Netherlands
Telephone: +31 33 461 50 29
Fax: +31 33 461 80 64
Email: info@comensha.nl
website: www.mensenhandel.nl

Bonded Labour in The Netherlands (BlinN)



The Programme Bonded Labour in the Netherlands (BlinN) is a joint initiative of Humanitas and Oxfam Novib. It was set up in 1999 to support persons (mainly women) affected by trafficking in human beings in the Netherlands.

The global aim of BlinN is to strengthen the position of victims of trafficking in human beings in the Dutch society, so that they are better equipped for the future in general, and for education and employment in particular. BlinN implements programmes in the areas of Direct Assistance (through its Emergency Fund, Buddy Contacts, Detention of Aliens, Information Provision, Social Empowerment and Education and Employment projects), Return and Reintegration, Lobby and Campaigning and International Policy and Networking.

The results of BlinN's projects and researches have been analyzed and described in publications on issues such as integration, return, education and alien detention both for the target group and for organisations and policy makers.

Contact Details

Visiting address: Weteringschans 259, Amsterdam, Netherlands

Postal address: P.O. 71, 1000 AB Amsterdam, Netherlands

Telephone: +31 (0)20 5231100

Fax: +31 (0)20 6227367

E-mail: info@blinn.nl

Website: www.blinn.nl

UKRAINE

INTERNATIONAL WOMEN'S RIGHTS CENTER - "LA STRADA- UKRAINE"



Since 1997, the International Women's Rights Center "La Strada - Ukraine" has been working on the prevention of trafficking in people, especially women and children; elimination of all forms of discrimination and violence in society; and observing human rights, gender equality and children rights protection. "La Strada - Ukraine" was the first organization in the Ukraine to work on human trafficking.

The main directions of "La Strada-Ukraine" are:

Information Campaigns, including cooperation with mass media; creation and dissemination of social advertisements such as video and audio spots, etc; preparing, placing and regular updating thematic information on the Center's website; systematic electronic news posting and dissemination electronic informational bulletins on the problem of trafficking in people.

Lobby, for example, in the drafting process and adoption of the new Comprehensive Program on Counteraction Trafficking in People 2006-2010; on the National Plan of Action for the Realization of the UN Convention on the Rights of the Child for 2006-2010; and preparing recommendations and submitting drafts of Laws on respective topics.

Prevention and Education, such as conducting educational activities among youth; conducting trainings, seminars, roundtables, and conference for specialists; preparing, publishing and disseminating informational, educational and methodological materials and guidelines.

Hot Line, running a National Toll Free Hot Line; providing consultation and reliable information on (the lack of) legal job opportunities abroad, on going to study abroad, and marriages with foreigners; consulting on violence issues and children rights protection; running and updating a database for consulting on the problem of trafficking in persons; etc.

Social Assistance, including organizing social assistance for trafficked persons including medical, psychological and legal support, short-term shelter, referrals etc.; assistance in searching for missing Ukrainian citizens disappeared abroad and assisting those returning to Ukraine; cooperation with partner institutions in Ukraine and abroad.

Contact Details

Address: P.O. Box 26 03113 Kyiv

Phone Number: +38 044 205 3694

Fax Number: +38 044 205 3736

E-mail: info@lastrada.org.ua

Website: www.lastrada.org.ua

Collateral Damage in Europe

Eleanor Taylor-Nicholson

In September 2007, the GAATW Secretariat published a report entitled *Collateral Damage: The Impact of Anti-trafficking Measures on Human Rights around the World*. This Report was the first global assessment of anti-trafficking efforts to consider the impact of those efforts on the human rights of trafficked persons as well as other groups, such as women, children, migrants and sex workers.

The Report is a compilation of eight in-depth country studies. Two of these studies were of European countries with very different anti-trafficking contexts and approaches: the United Kingdom and Bosnia and Herzegovina. In both studies, the gap between policies on-paper and their implementation is highlighted, as well as the stated and actual policy goals. In Bosnia and Herzegovina, the response was directed towards curbing the trafficking of women into the sex industry, which had increased in the years following the presence of UN peacekeepers in the country. In the UK, efforts to control “illegal” immigration have overshadowed any stated effort to protect human rights, and there is frequent confusion between trafficking and smuggling.

The following is a brief summary of the findings of each of these studies.

Collateral Damage: Bosnia and Herzegovina By Barbara Liminowska

Bosnia and Herzegovina (BiH) was acknowledged as a major destination and transit country for trafficked women in the 1990s. Due to its location between Eastern and Western Europe, it was a common transit country for migrant workers; although, it is not a significant source or destination country for migrant labour. The presence of UN Peacekeeping forces in the country during the Balkans Wars in 1995 also led to trafficking of women into the sex industry.

The Government response, informed heavily by United Nations agencies working in the country, was quite comprehensive for this particular context. BiH has passed numerous laws, polices and rules to deal with trafficking of women into prostitution, and institutions “have the technical and financial capacity to design and properly

organise assistance to victims of trafficking” (*Collateral Damage*, p78).

In practice, however, assistance programmes have not been meeting the needs of trafficked persons and have had serious impacts on their human rights. The record has been strongly skewed towards law enforcement, rather than towards employing a human rights approach. Police and prosecutors routinely deny assistance to individuals who refuse to testify, although this is not the law, and ignore the 15-day reflection period by interviewing victims during this time. NGOs are obliged to cooperate with police. Accordingly, most trafficked persons refuse assistance.

The system of closed shelters is also a serious human rights concern as it violates the human rights to self-determination and freedom of movement of the women who are held there. Women have sometimes been held without their consent, and indeed, even after denying that they are victims. Women who have been found to have not been trafficked and who wish simply to return home can be forced to wait in the shelter for long periods - up to eight months in some cases. Identified victims can stay in shelters for several years, but they are not offered training or education programmes during this time, and they cannot work. Even trafficked persons with regular status are kept in closed facilities. They are often under police guard and have their passports, telephones and money confiscated during the pre-trial period.

Trafficked women frequently report having received inadequate assistance, which has resulted in: stigmatisation in their home country; criminalisation where their identity has been recorded in police databases and sometimes re-entry bans stamped into their passports; revictimisation through restriction of their freedom of movement and invasive questioning by authorities; lack of protection after they are repatriated; lack of long-term support; and a lack of access to viable employment alternatives to prostitution.

BiH is one of the first and only countries to offer women, who have been through a court trial, the option of resettlement in a third country. Three women have taken up this opportunity. The vast majority of trafficked women in BiH, however, are returned to their home country by the

International Organisation for Migration (IOM), without knowledge about reintegration assistance there and without concrete plans for the future.

In recent years, the trafficking of women from abroad into BiH's sex industry has declined markedly. Anecdotal evidence suggests that internal trafficking of women into prostitution has risen, but data does not yet support this. Legislation and action to identify internal trafficking or trafficking for a purpose other than the sex industry are still seriously inadequate. It is also possible that the lack of resources to support victims of other forms of gender-based violence is encouraging misidentification of these women as trafficking survivors.

Looking to the future, BiH needs to establish a new referral system so that all victims, regardless of their willingness to cooperate with prosecution, have access to assistance, and new forms of identification through measures such as outreach and hotlines, rather than only brothel raids.

Collateral Damage: The United Kingdom

By Klara Skrivankova

In recent years, policy-makers in the UK have taken an increasing interest in trafficking in persons and have taken a number of steps to address the problem. In 2003, trafficking for sexual exploitation was included under the *Sexual Offences Act* and trafficking for all purposes was outlawed in *The Asylum and Immigration (Treatment of Claimants, etc.) Act, 2004*. These laws do not include any provisions for the protection of trafficked persons. "The Parliamentary Joint Committee on Human Rights pointed out in 2006 that the UK's anti-trafficking legislation lacked a human rights approach that would help reinforce and promote the rights of victims. In this respect, many have said that the greatest challenge in the UK is to change the mindsets, attitudes and behavior of those who shape policy and those who implement it on the ground" (*Collateral Damage*, p204).

In March 2007 an Action Plan was adopted which recognises trafficking as a human rights violation.

One motivating factor for this greater prominence on the policy agenda has been a number of high-profile tragedies which have shocked the British public. As examples, the deaths of 21 Chinese cockle-pickers in 2004 raised the curtain on labour exploitation in England, while the murder of a number of British sex workers in late 2006 exposed the dangerous working conditions of women in the sex industry. The responses to these tragedies have not necessarily led to better human rights protections. The new Gangmasters Licencing Act to guard against unlicensed operators exploiting workers does not include any protections for the migrants themselves. Discussions about how to better protect sex workers from violence have resulted mainly in efforts to raise awareness about trafficking for sexual exploitation, particularly among clients of sex workers, "in order to achieve change in the behaviour and attitudes of men" (p213). [Editor's note: As a follow on from these efforts, in late 2008, the Home Secretary proposed new legislation which would make it a criminal offence to pay for sex with a person "controlled for another person's gain."]

The implementation of a genuine human rights approach to trafficking has also been limited by a preoccupation with curbing illegal immigration. Until the Action Plan in 2007, trafficking was viewed as an "organized immigration crime", and the government was initially reluctant to sign the Council of Europe Convention on Trafficking in case it encouraged people to make false claims. While authorities have now recognised that internal trafficking or trafficking of people with regular status can occur, the focus has been on the commercial sexual exploitation of British women, ignoring other sectors.

Demand for labour in Britain has also led to the government encouraging the entry of low-skilled migrant workers into 'dirty and dangerous' jobs. The rules governing such immigration are so complex that they have created an environment for trafficking to occur. While it has been recognised that migrants are vulnerable to labour exploitation, the emphasis has been on prosecuting illegal entry rather than identifying and preventing abuse.

Trafficked women, frequently being brought into the UK on false passports, are particularly vulnerable to being prosecuted for immigration crimes. In some cases, the women had been too scared to tell authorities what had happened to them, and in others their stories were disregarded as not credible. In general, authorities are more focused on enforcing border security than on identifying victims of human rights violations or even investigating human trafficking cases.

"Insecurity and uncertainty are the realities of life for trafficked persons after they have escaped exploitation in the UK. The current system does not guarantee them protection, access to services, let alone justice... Rigorous application of the human rights approach to trafficked persons and prompt implementation of the Council of Europe's Convention are steps that should follow on the path opened up by the introduction of the UK anti-trafficking policy" (p224).



Eleanor Taylor-Nicholson is the Programme Coordinator at the GAATW International Secretariat.

Achieving a Policy Response to Undocumented Migrant Workers: The MRCI bridging visa campaign

Edel McGinley

In the course of our work, Migrant Rights Centre Ireland (MRCI) encounters significant numbers of migrant workers from outside the European Union (EU) who have entered Ireland legally and with a valid work permit but have become undocumented for reasons beyond their control.

For most non-EU migrants who go to Ireland, their legal status to live and work in Ireland is tied to their work permit. These permits bind them to both a specific employer and specific job. Many individuals with work permits find themselves in unexpected and dire circumstances in which they are exploited or are suddenly made redundant. Others have been told by their employers that a work permit was in place only to discover that this was never the case. In addition, some migrants have arrived in Ireland to find that the job connected to their work permit does not exist. In such situations, unless the person quickly finds another employer willing to apply for a work permit, they will lose their legal status to remain in the country.

In early 2007, MRCI decided that it was necessary to raise public awareness about these problems. A public campaign was initiated to highlight the experiences of people who find themselves in these types of situations and to call on the Irish government to introduce a Bridging Visa, a temporary six-month residency stamp for non-EU nationals who have entered Ireland lawfully but have become undocumented for reasons beyond their control. This stamp would enable them to re-apply for a new work permit, facilitating their entry back into the system and getting them on course to living and contributing to Irish society.

MRCI adopts a community development approach to its work, which brings together those people affected by an issue to have their voice heard and to campaign for change. As such we brought together people in an undocumented situation, and the first meeting was held in March 2007 with 50 people in attendance from across Ireland. A core group developed from which new leaders emerged. A policy proposal was developed collectively and agreed upon; the group moved slowly towards action. A communications strategy was devised, which involved the identification of media spokespersons, the development of testimonials, and the creation of a digital storytelling initiative as a way for individual group members to share their story in a covert manner.



The campaign group, with the support of MRCI, began the process of engaging policy makers and building strategic alliances with trade unions, business actors, religious organizations and churches, and political allies. Lobbying materials were developed to encourage these allies to direct their concerns to the Minister for Justice. This resulted in trade unions, religious bodies and various businesses issuing press releases calling for the introduction of the Bridging Visa. MRCI was also

involved in conducting a public opinion poll that revealed significant public support: three out of every four people in Ireland wanted the Government to give undocumented migrants the opportunity to regularise their status. Simultaneously, MRCI held meetings with senior civil servants of relevant government departments to advance the policy aims of the campaign group.

As support from various sectors gathered momentum, the campaign group organized a press conference to highlight the issue. Considerable media attention was received, as parallels were drawn between the Irish Government calling on the United States to regularize undocumented Irish in that country, while at the same time, the government was refusing to consider a pragmatic response to undocumented migrant workers in Ireland.

In December 2007, MRCI launched a publication called *Life in the Shadows - An Exploration of Irregular Migration in Ireland* that explored the experiences of undocumented migrant workers. The publication was launched by Mary Robinson, former UN High Commissioner for Human Rights, who called on the government to introduce a fair policy response to undocumented workers. In the same month, the Minister for Justice called a meeting with MRCI, where the Minister made a commitment to introduce a scheme incorporating the Bridging Visa. Interim measures were agreed upon with senior civil servants in the Department of Justice for granting permissions to remain in Ireland to those individuals undocumented for reasons beyond their control.

This work initially began in 2005 with the introduction of the Bridging Visa as a concept into public policy discourse. However, it took a further two years for a full campaign to be developed and launched. This began in early 2007 and lasted less than a year. The success of this campaign can

be attributed to its focused and clear policy goal, along with the support of various sectors of society and the visible and courageous involvement of undocumented workers around Ireland. The introduction of this interim policy has dramatically changed the lives of many people that MRCI has worked with over the past three years and will continue to do so into the future.

At the end of 2008 MRCI met again with the policy makers to develop a formal scheme for the Bridging Visa; this is to be announced in early 2009 and will impact the lives of many more undocumented people into the future. A real win for all involved in this campaign.

Migrant Rights Centre Ireland (MRCI) is - a national organisation concerned with the rights of migrant workers and their families. The organisation is underpinned by a community development ethos and was established in 2001 to bridge a gap in support structures and information provision for migrant workers and their families. Through a community development approach, MRCI works to empower migrant workers to achieve policy change. For more information see www.mrci.ie

Edel McGinley is the Forced Labour and Irregular Migration Project Leader at Migrant Rights Centre Ireland.



Acting Together to Realise an ILO Convention: 'Decent Work for Domestic Workers'

Anneke van Luijken

The international conference "Respect and Rights - Protection for domestic/household workers", held in Amsterdam in November 2006, developed a set of recommendations for follow-up action. These recommendations were then quickly acted on as part of the global effort to achieve better protection for domestic/household workers.

One recommendation from the conference was that an international network to realise the rights of domestic/household workers be formed.

Following this, trade unions, self-organisations of domestic workers and supportive NGOs have joined together, along with the IUF¹ - a Global Union Federation - taking the lead on raising this issue at the global level. This international network, called "Respect and Rights for Domestic/Household Workers" works out of the IUF office in Geneva, Switzerland, and continues to be extended across the globe. We have raised new funding to enable further progress in realising rights for domestic/household workers through the coming years.

Domestic/household workers have to be recognised as workers and employees. This recognition requires these workers to be covered by labour legislation in each and every country like any other worker. There is no place for "servitude" or discrimination in legislation. The vulnerability of migrant domestic/household workers needs specific attention, and domestic work undertaken by children should be included in the list of the "worst forms of child labour".

One way to realise these aims would be an International Labour Organisation (ILO) Convention on domestic/household work. When we started planning the 2006 conference, such a convention seemed very far away and we knew that a lot of work lay ahead; however, we were committed to the cause, realising that, *"Yes, it will take a lot of effort. Yes, all support is needed. But we know how to fight for our rights. We have already come a long way."*

Sooner than expected, and thanks to the common effort of the Global Unions and the organisations in the international network, the Governing Body of the ILO agreed to include the item "Decent Work for Domestic Workers" (Standard Setting) on the agenda of the 99th session (2010) of the International Labour Conference. This means that an ILO Convention on domestic/household workers' rights will be on the agenda for approval in 2011.

All of us who are in favour of workers' and human rights for domestic/household workers will need to act and advocate for this Convention to be realised. The ILO is a tripartite UN organisation, made up of governments, employers and workers organisations. For each member country, the government has two votes and the employers and workers organisations have one vote each. For a convention to be adopted, it needs a two-thirds (2/3) majority of the votes. While an ILO convention is an international instrument, it takes effect at the national level through the ratification and implementation of the Convention in national legislation.

In each and every country, trade unions and domestic workers organisations need to work together and advocate with their own governments for them to vote for the Convention and then implement it. The "Respect and Rights for Domestic/Household Workers" network has developed a policy to offer support to active organisations to engage in this.

The network is still developing, but it is in progress. It has a website to increase the visibility of all active organisations (many outlined in the conference report), and it has established lines of communication among the organisations. Information about the ILO process has also been developed for the organisations in the network, and we have mapped the needs of organisations to be included in the ILO process.

We need to work together as strong and active organisations aiming to realise the desire of all domestic/household workers: we want to be able to represent and speak for ourselves. Information and training will help us strengthen our voices and share our experiences from different countries and regions in the world.

For migrant domestic workers or those workers who have been trafficked, a new ILO convention will be a partial answer to their need for better legal protection. Workers' rights are essential for them, but it is also an issue of how they can claim these rights. The employer-employee relationship takes many forms and is often characterised by unequal power relations. Domestic work is deeply connected with, and plagued by, gender, race, ethnicity, age, class, and poverty discrimination.

The network "Respect and Rights for Domestic/Household Workers" will continue to **express our common outrage at:**

- the exploitation of many domestic/household workers across the globe; particularly, the exploitation of



highly vulnerable migrant workers (many forced to be undocumented), as well as children who do this work

- the lack of recognition of the contribution that domestic/household workers make, without which societies and economies could not function
- the continuing failure to recognise domestic/household work as “work” under employment legislation in many countries, and so denying these workers the rights and respect they deserve.

The movement of domestic workers and their allies to realise their rights is gaining momentum. It is a movement towards social justice and, therefore, concerns everyone. We encourage you to contact us if you wish to be informed about developments in your region or included in the network. The final conference report, full of rich information, is available at our website (www.domesticworkerrights.org) in English and French, with additional languages to follow. This report can be useful in supporting your activities. We are also interested to learn about activities undertaken by domestic worker groups and their allies; please keep us informed.

Endnote

¹ IUF: International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Association

Anneke van Luijken is the coordinator of the international network 'Respect and Rights for Domestic Workers', led by the Global Union IUF. She can be contacted for further information at: Anneke.vanLuijken@iuf.org

Compensation in Europe

Eleanor Taylor-Nicholson

In the last few years in Europe, attention to the issue of compensation for trafficked persons has been growing.

Since 2005, the Council of Europe Convention on Trafficking in Human Beings (through Article 15 of Chapter III) has required that:

- Each party shall provide in its internal law for the rights of victims to compensation from perpetrators.
- Each party shall adopt such legislative or other measures ... to guarantee compensation for victims in accordance with the conditions under its internal law, for instance through the establishment of a fund for victim compensation.

In 2008, the Office for Democratic Institutions and Human Rights (ODIHR) of the Organization for Security Cooperation in Europe (OSCE) published its research into the implementation of the right to compensation in eight countries (Albania, France, Moldova, Rumania, the Russian Federation, Ukraine, the United Kingdom and the United States of America). This research found that all eight countries do, in fact, have systems through which compensation could be sought. In most countries, these systems make it possible for trafficked individuals to receive compensation directly from the perpetrator, through criminal, civil or labour proceedings. In a handful of countries, such as the UK, compensation is also available from the state; however, compensation of this sort is offered in limited circumstances.

Despite the possibilities on paper to be compensated, the number of cases in most countries is still extremely low, and the challenges for trafficked persons to seek compensation are many.

In September 2008, Anti-Slavery International (ASI) and La Strada International (LSI) held a meeting on compensation in Berlin, during which the GAATW meeting was attended by around 40 people, including lawyers and NGO representatives from countries across Europe, as well as representatives of trade unions, migrant rights organizations, intergovernmental bodies and donors. Participants described an intimidating list of obstacles to accessing compensation for trafficked persons, including:

1. Lack of identification mechanisms for trafficked persons (Italy, Ireland and Spain)
2. The expense of taking civil cases, which social assistance providers are rarely able to afford

3. Difficulties in quantifying damage, especially in terms of moral or emotional damage

4. Poor enforcement of compensation orders, even if they are made

5. A lack of awareness or interest among police and prosecutors - they do not follow the correct procedures or gather the required evidence to make out a case for compensation. The participant from Macedonia noted that if claims were made earlier and with better quality evidence, more would be successful (of 44 cases, 60% requested compensation, 3 cases were granted and 4 received compensation for non-material damages.)

6. Poor systems for the confiscation of assets. Either the assets are not confiscated in time, and so disappear, or they are not awarded to the victim, but rather to the state

7. Lack of resources to pay compensation by the trafficker, particularly in countries of origin where the arrested perpetrator was a low-level recruiter or agent

8. Absence of state compensation options, so that the trafficked person cannot receive compensation if the trafficker is not arrested and/or convicted

9. Discrimination against non-citizens, particularly if they do not have legal documents at the time of making the claim for compensation (such as in the UK).

One overall challenge is the general lack of a so-called culture of victims' rights in most countries. Victims of crime, in general, are seen as instruments (in the form of as witnesses) in states' efforts to prosecute the trafficker. Often, acknowledgement that the trafficked person is a victim of crime and has a right to redress is made only at a superficial level, particularly if the trafficked person is a migrant without proper documentation. The rights of the victim are secondary to the needs of law enforcement and crime control.

LSI and ASI, together with national-level partners in 15 countries, are now developing a pan-European project on compensation for trafficked persons to challenge this assumption. The COMPACT EUROPE project aims "to mainstream legal redress into national anti-trafficking measures and into international anti-trafficking

policies,” so compensation will ideally become an automatic part of assistance to trafficked persons, and not granted in an ad-hoc manner for fortunate cases. Through actions at both national and international levels, the next three years will hopefully produce an environment where the need of trafficked persons for something more tangible than simply to see their perpetrator(s) punished is recognized by governments across the region.

GAATW has worked to promote compensation for trafficked persons for a number of years, and we are excited to learn more as the project develops. The challenge will be to share the experiences and learnings in Europe with GAATW members in the rest of the world, and eventually to link the claims for compensation between origin and destination countries, so that even after returning home, a trafficked person can still receive some kind of substantive justice. We are hopeful that this may be realized in the not-so-distant future.



*Eleanor Taylor-Nicholson
is the Programme Coordinator
at the GAATW International
Secretariat.*



The Anti-Trafficking Circus: What role do NGOs play?

Marieke van Doorninck

More than 20 years have passed since women's rights organisations recognised the increasing occurrence of trafficking of women into the sex industry. From this recognition came learning about human trafficking and its related issues, and efforts to respond to the needs of women who had been trafficked. Next to providing shelter and support, their major task was to put human trafficking, as a serious human rights violation, on the national and international agenda. This was no easy task at that time, but looking back, it seems that they succeeded.

Today, as an anti-trafficking lobbyist, I could be attending a conference, workshop, roundtable or training on or about trafficking somewhere in the world at least twice a week. The rest of my working hours, I could spend analysing new national action plans, guidelines, research, handbooks, toolkits and evaluations. Anti-trafficking is a hot issue. Every self-respecting international organisation, whether governmental, inter-governmental or non-governmental is somehow involved, and millions of euros, pounds and dollars have been spent on the work of anti-trafficking (including conferences, handbooks, trainings, media campaigns, awareness raising activities, etc.). Anti-trafficking work has become a multi-million dollar "circus", one which La Strada International is part of.

After 15 years of increasing attention, it is necessary for us (anti-trafficking activists, lobbyists, social workers etc.) to reflect, and to pose this question to both ourselves and the organisations we work within: What has been achieved, what are the results of our work and for whom?

International Legislation

Increased international awareness of the trafficking phenomenon has led, for one, to more international and national legislation to criminalise trafficking and direct anti-trafficking efforts, and to a large variety of (new) players in the field.

The year 2000 marked the signing and adoption of the *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime* (the Trafficking Protocol), which came into force three years later.

The Trafficking Protocol is important as it provides a common definition of human trafficking and sets international standards. The definition within the Trafficking Protocol was an issue of major struggle and dispute between those who considered prostitution itself as trafficking (abolitionists) and those who considered prostitution a form of labour, acknowledging the sex industry as a sector in which trafficking occurs. The definition of trafficking in the Trafficking Protocol represented a compromise for both sides as it allowed space for interpretation. The broadness of the definition has resulted in some differing interpretations and un-clarities, for example, about the level of exploitation that is required in an employment context before we can say that a person has been recruited and transported "for purposes of exploitation". When comparing this definition to that of the 1949 *UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others*, in which prostitution itself is considered trafficking, the Trafficking Protocol can be seen as an achievement for the non-abolitionists.

Of course, the main accomplishment is that the Trafficking Protocol recognised all forms of forced labour and slavery-like practices as trafficking. The core of the crime is abuse, violence and exploitation, rather than movement or line of work. A shortcoming of the Trafficking Protocol is that it was developed within a criminal justice framework and, therefore, it does not include any binding provisions for the protection of the human rights of trafficked persons.

Despite the reality that most European countries have signed and ratified the Trafficking Protocol, it is difficult to measure whether they are complying with it as the *Convention Against Transnational Organised Crime* (to which the Trafficking Protocol is supplementary) does not have a monitoring mechanism. Currently, Parties to the Convention are discussing different options to instate a mechanism of this type and recommendations will be presented at the next Conference of the State's Parties to be held in 2010. It is unclear at this stage what role civil society will have in these negotiations or in any final review mechanism.

Similar regional legislation has emerged since the Trafficking Protocol was introduced. European Union member states adopted in 2002 the *EU Framework*

Decision on combating trafficking in human beings (the Framework Decision). The Framework Decision is based on the Trafficking Protocol and so also takes a criminal justice approach and does not address protection of the rights of trafficked persons. Protections and other measures for trafficked persons were later laid down by the EU in the 2004 *Council Directive on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the* of the Directive, however, is that support and assistance are conditional; they require the person to cooperate with authorities before the person becomes eligible to receive support.

Last year, the European Commission evaluated how well Member States were complying with the Framework Decision and the Directive. The Commission noted that although the majority of states do comply with provisions regarding criminal justice, their compliance with victim protection is lacking. The Commission announced in its working plan (2009) that it will consider revising the Framework Decision.

In May 2005, the *Council of Europe Convention on action against Trafficking in Human Beings* (the Convention) was adopted and it entered into force in February 2008. NGOs had lobbied during the Convention negotiations but many were disappointed with the result. Although protection, support and assistance are included, they are still conditional on victims' cooperation with the authorities. We had hoped, given that the Council of Europe is an inter-governmental institution based on human rights principles, that unconditional human rights protection for trafficked people would be central to the document. The Convention, however,

remains embedded in the criminal justice framework, similar to the Trafficking Protocol. It does, though, enhance the protection afforded by the Trafficking Protocol and develops the standards set by that instrument. It also provides policy guidance in a number of areas that are not covered by the Trafficking Protocol such as internal trafficking and trafficking not involving organised criminal groups. The Convention emphasizes that trafficked persons should not be punished for crimes that they have been compelled to do.

It is interesting to note that several human rights NGOs that were critical during the negotiations, including La Strada International, are now putting the Convention forward as an important human rights instrument in their lobbying campaigns. We could ask ourselves whether this change of tune is because, on second thought, we have realised the Convention is actually really good, or is it just that it is the best we've got? Colloquially, beggars can't be choosers.

A promising aspect of the Convention is the monitoring mechanism it sets up. This mechanism consists of both a political instrument (the Committee of the Parties) and a technical group called the Group of Experts on Action against Trafficking in Human Beings (GRETA). With the knowledge of the Council of Europe's human rights mandate, it is hoped that GRETA will focus not only on the implementation of the Convention but also on the human rights impact of all anti-trafficking measures (especially on the rights of those people trafficked in Council of Europe member states).

Achievements and Challenges of the Past 15 Years



Next to the developments in international legislation, the increased attention given to trafficking has also resulted in the entry of numerous inter-governmental and international organisations in to the anti-trafficking field.

Numerous bodies and departments of the United Nations, such as the UNODC, UNDP, UNIFEM, UNICEF and the Office of the High Commissioner for Human Rights, are active in anti-trafficking. Other inter-governmental organisations, such as the International Organisation on Migration (IOM) and the International Labour

Organisation (ILO), now have their own anti-trafficking programmes and in Europe, the Organisation for Security and Cooperation in Europe (the OSCE) plays a major role.

All this action against trafficking has had its effect: several things have been achieved, but many developments have also had downsides. Some of the positive and negative effects of these efforts - specifically support and assistance, the trafficking definition and the field of expertise - are outlined below.

Support and assistance

Many states continue to be reluctant to recognise the rights of trafficked persons, but they are increasingly acknowledging the need for (some degree of) victim protection. More NGOs that provide shelter and/or other support services are being established or have been enlarged in the past 15 years. Some NGO work is also being funded by their governments or by inter-governmental organisations.

On a policy level, grassroots NGOs and civil society in general are receiving greater recognition of their role(s) within anti-trafficking. NGOs are acknowledged as important players and they often now form part of strategic bodies at the country level such as the national task force, action group or National Referral Mechanism (NRM), which coordinates cooperation between government, law enforcement and service providers to improve the human rights protection of trafficked persons (as written about on page 48 of this Alliance News).

At the international level, NGOs are often invited by inter-governmental bodies to speak at conferences. It is nearly impossible to find a steering committee, expert group or advisory council of an international project in which civil society is not represented. Not only are we now welcome to “sit at the table”, we are allowed, yes we are even being encouraged, to be critical. But do we really make a difference or have we become tokens?

The downside to the increased recognition of NGOs' work on trafficking is that more government funding to NGOs may also mean more government influence on how, when, and where services are delivered. Often NGOs are executing governments' obligations under international law to provide services to trafficked persons, but only if those affected agree to cooperate with authorities. This might lead to situations where it is the state, rather than the NGO, deciding who is being served. In turn, this action limits the independence and freedom of NGOs. NGOs may find themselves compromised, for example, in situations where they feel obliged to cooperate with “voluntary return programmes” despite their human rights philosophy setting forth that every person is guaranteed free choice to migrate and improve their lives.

Also, donors (governmental and private funds) are often much more interested in supporting specific projects of NGOs, rather than providing core funding to support ongoing activities, such as running the shelter.

NRMs can also have a downside. Some European states misinterpret the function and aim of the NRMs as a coordinating framework and instead coordinate the actions of all players themselves through national agencies that they establish for this purpose. In some cases they have even taken over the activities of NGOs, such as running a hotline, providing trainings or running shelters. This leaves NGOs empty-handed and trafficked persons without independent and non-conditional support services.

Broad definition

The broadened definition of trafficking has been adopted in most European countries and trafficking for forced labour is now well-recognised on the international level. No longer do people speak only of trafficking for sexual purposes. In some countries and on the international level, labour law experts, academics and law enforcement are developing tools for identifying individuals who have been trafficked for labour exploitation. NGOs are exploring the services and assistance that trafficked men would need, and how best to deliver them. NGOs are also considering whether there is a difference in the forms of assistance and support needed by those trafficked for sexual exploitation versus for labour exploitation in other industries.

This broadening of scope also has its disadvantages. Old debates are re-emerging and becoming increasingly dichotomised. It seems that trafficking for the sex industry is being separated from trafficking for forced labour in other industries and the two are being dealt with in different ways. Prostitution is separated and placed in a different niche. This is not what we have been advocating for. The inclusion of labour exploitation in the trafficking definition was meant to take away focus from the type of work and put it on the core of the crime: exploitation, violence and abuse.

Also, the broad definition is only being applied at the international level. Individual states still primarily focus on sexual exploitation in police investigations, prosecution, and assistance and support. In many European countries there is an on-going debate about using the criminalisation of clients of sex workers as an anti-trafficking measure. Raids on brothels in the name of fighting trafficking are increasing in many countries, and often result in human rights violations.

Expertise

All of the conferences, seminars, expert meetings, research, handbooks and trainings have had at least one effect: expertise on the phenomenon of

trafficking in Europe has increased exponentially in the past few years. Representatives of inter-governmental and international organisations have gained knowledge and insight on the complexity of trafficking and, different from just a few years ago, no longer talk about the phenomenon in terms of clichés and stereotypes. The root causes of trafficking, such as poverty, discrimination, gender inequality and domestic violence, are being widely acknowledged. Repressive migration policies by the EU and member states are being criticised as counter-productive to the fight against trafficking. The need for a holistic and human rights-centred approach is recognised. Also, the criminal justice framework is being criticised for not upholding the human rights of trafficked persons and for being harmful and causing human rights violations. The GAATW publication *Collateral Damage* is becoming a popular point of reference amongst inter-governmental experts.

Unfortunately, all this expertise and knowledge seems to be limited to theorising and academic debates. Until now, very little has made it into policy. The EU and its member states have included the phrase “human rights” in their policy documents, slogans and speeches, but have not actually adopted a human rights approach. Trafficking is still being dealt with from the perspective of criminal justice and governments are very reluctant to include measures for non-conditional protection and support in their legislation out of fear that it may lead to increased illegal migration. Root causes of trafficking are hardly taken into consideration. EU migration policies, with the current Return Directive and the proposed ban on large-scale regulations, are becoming increasingly repressive with all the negative consequences falling on undocumented workers and trafficked persons.

For NGOs that have taken a holistic, human rights-based approach towards trafficking for a long time it is encouraging to see that leading representatives of inter-governmental organisations are starting to express the

same views and support movement towards solutions. However, it is extremely frustrating that governments are not listening to their own experts either.

It can only be concluded that in the fight against trafficking the interests of states are markedly different from the interests of others, including NGOs. Governments are interested primarily in the arrest, prosecution and punishment of traffickers, rather than in protection of the human rights of those who have been trafficked or members of at-risk groups. The priority is on fighting traffickers and less on prevention of trafficking. The criminal justice framework suits these interests better than the holistic human rights centred approach; it is as simple as that.

Results

Taking into account the last conclusion, it is not surprising that despite all the attention given and the millions of euros spent, a large majority of trafficked people have never been identified as such. On the contrary, trafficked persons are most-often deported as “illegal” or undocumented migrants and only a very small group has actually received support and assistance. It is remarkable though, that despite the states’ focus on arresting, prosecuting and punishing traffickers, the rate of successful court cases is extremely low. Despite everything, trafficking remains a high-profit, low-risk crime.

In looking back and reflecting on 15 years of anti-trafficking policies, much has happened in Europe at the international level, but little has changed for trafficked persons, or for traffickers for that matter.

The Role of NGOs in the Anti-Trafficking Circus

Considering the harm that anti-trafficking policies often cause and the few successes that have been



achieved, many NGOs have argued that the anti-trafficking framework itself needs to be abandoned. In order to fight at the core of these crimes - labour exploitation, abuse and violence - a specific framework is not needed. We can advocate for better labour protection in all sectors, the recognition of informal labour, labour migration possibilities based on the needs of countries and migrants, upholding women's rights, increased development aid, or the lifting of trade barriers that protect the industrialised countries without the anti-trafficking framework.

The major problem is that these issues, though they make more sense than the whole anti-trafficking circus, are not as fashionable as anti-trafficking. Whether we like it or not, this circus is the only avenue that we have at present in Europe to work towards better protection for the rights of trafficked persons. Through it, we can also address the issues of (safe) labour migration, exploitation and abuse, human rights, women's rights and labour rights for all workers.

We need to rethink how we can make better use of the so-called circus and redefine our position. Below are some suggestions of ways forward.

Core business of protection

Despite all of the negative aspects of the current system, achievements for the protection of the rights of trafficked persons have been made in international legislation. What is required now is their effective implementation. More and more states are ratifying the Council of Europe Convention, meaning that they will be required to implement the reflection period, temporary residence permit, the non-punishment clause, compensation mechanisms and legal aid. This is, or should be, the core business of grassroots NGO efforts. We need to (re)claim our position in the "victim's protection chapter" and use the lobby and advocacy opportunities we have established over the years to ensure that independent and unconditional support and assistance are granted.

Set the agenda

Twenty years ago NGOs were the first to raise awareness on the issue of trafficking and by doing so they set the course for an international agenda. Due to the focus on the criminal justice framework today, states, inter-governmental organisations and law enforcement have taken the lead role; NGOs are following government policies instead of setting their own agenda. NGOs are now chasing calls from donors to have their activities funded or they adjust their activities to the whim of their governments' demands.

We should use all of our expertise on trafficking and the position that we have established in the past years to reformulate our interests and lobby for the needs and best interests of trafficked persons, in

turn, forcing states to make this their priority. We should be setting the agenda again.

The critical voice

Although NGOs are often very critical toward state policies and measures, we also go along with these policies once they are adopted. Sometimes, this change is a way of harm reduction, but more often it is because we need the funding. Not only do we need to be critical towards state policies, but also even more so towards ourselves, our partners and our donors. From time to time, we need to reflect on our work and critically examine whether we are still working for those who need and use our services, or whether we have started to work for those who fund us.

With all the contracts for funding we sign and in all our cooperation agreements, we need to keep our own mission statements in mind and face the consequences if the donor or partner requirements do not fit our principles. We might lose some possible donors or partners, but sometimes confrontation is the only way to bring about change.

New partners

Although human rights, migration and labour are not as "hot" as anti-trafficking, it would be of benefit to seek closer cooperation with migrant rights organisations, to encourage the involvement of human rights organisations in the trafficking debate and to confront labour organisations on their silence around undocumented workers. We need to seek more mutual understanding across these issues in Europe. Both in academic debates and at the grassroots practical level, we can learn from working and thinking outside our own framework.

Conclusion

The frustration vented in this article is not so much caused by the whole circus around anti-trafficking, or even by the thought that the expenses of one large anti-trafficking conference would likely cover the annual expenses of a shelter for trafficked persons. I am afraid that these circuses are an inevitable part of international politics and probably also are found in other areas (for example, climate change). The root causes of this frustration lie in the discrepancy between the extreme outrage about the horrors of trafficking and the way that victims are being stereotyped or the reluctance of states to grant trafficked people their rights.

On the other hand, anti-trafficking advocacy has had its successes. Although still conditional, support and assistance are granted to trafficked persons; although still theoretical, the link between poverty, corruption, gender based violence, repressive migration policies and labour rights and conditions are being discussed on the international debate; and although still in an early stage, monitoring mechanisms for important international treaties are being developed.

We need to accept that changes in the international theatre are slow to come; many more interests are at stake than the ones that are being discussed. In the international political debate it is unfortunately not always about who is right and who has got the most logical arguments, often it is about serving and protecting interests. Therefore, it is important to play our role in this circus; we need to learn the tricks to render our interests into the interests of more and higher placed players.

In the meantime, NGOs need to stay critical of the circus, our own work, our partners and donors. We need to stick to our role as watchdogs, as well as to our core business of service providing. We must keep on repeating the need for the holistic human rights-centred approach. Trafficking in persons is the result of the inequality, discrimination and violence in this world and it is these issues that need to be addressed if we ever want to stop trafficking.



Marieke van Doorninck
is the Advisor for Public Affairs at La Strada International, based in the Netherlands. For more information about this organisation, please see their profile in GAATW's Member Organisations in Europe.



From Emigration to Immigration - Coping with change: Combating human trafficking in Turkey

Elif Özer and Tuba Dında

Human Trafficking in Turkey

Situated at the northeast of the Mediterranean Sea in both southeast Europe and southwest Asia, Turkey is at the cross-section of many cultures. It is surrounded by the Black Sea to the north and the Aegean Sea to the west. Its neighbors are Greece and Bulgaria to the west; Russia, Ukraine and Romania to the north (through the Black Sea); Georgia, Armenia, Azerbaijan, and Iran to the east; and Syria and Iraq to the south.

Fifty years ago, the first group of migrant workers from Turkey waved goodbye to their loved ones at the Sirkeci Railway Station in Istanbul. The majority of these workers waiting for their trains were men without any formal education, knowledge of any foreign languages or foreign culture; however, these men were ambitious, hoping to earn money that would help them to build a better future for their children. The migration waves from Turkey to mainly Western Europe continued for decades, and these men wrote another chapter of Turkish history.

Since the 1990s, Turkey has become an increasingly attractive destination point for irregular migration flows. Growing numbers of migrants from diverse backgrounds have entered Turkey, mainly on tourist visas. While the majority of the arrivals towards the end of the 1980s came from the Balkan States of Southeastern Europe, this composition changed with the collapse of the USSR. Nationals of states formerly part of the Soviet Union encountered acute economic crisis and falling living standards, and, as a result, became the main groups of migrants looking towards Turkey. In this context, Turkey has now become primarily a destination country for both migration and human trafficking.

According to national statistics, more than 15 million foreigners officially entered Turkey in 2007. This number was almost 19 million in 2006. On the other hand, according to the UNHCR's statistics for 2007, a total of 12 thousand asylum seekers and refugees were recorded in Turkey. Although it is difficult to estimate the number of irregular migrants in Turkey, experts in this area state that it is much more than the registered numbers. It should be noted that the majority of these irregular migrants are foreigners who have entered Turkey legally with a tourist visa, but who have not left Turkey after the expiration date. Some of these migrants have been trafficked, and certainly, those who are undocumented are at greater risk of exploitation due to their precarious status in the country.

The majority of documented cases of human trafficking involve women trafficked into forced prostitution. National statistics¹ show that most women trafficked for this purpose into Turkey come from Moldova, Russia and Ukraine; however, nationals from Kyrgyzstan, Uzbekistan, Romania, Azerbaijan, Kazakhstan, Turkmenistan and Georgia have also been identified as victims.

Trafficking routes to Turkey

According to national statistics, a total of 239 victims of trafficking were identified by state authorities in 2004. This figure was 256 for 2005; 246 for 2006; 148 for 2007 and 86 for 2008, up to September. The drop in these numbers does not necessarily represent an actual decrease; for various reasons, it is not possible to estimate the exact number of individuals trafficked into in Turkey. Similarly, it is difficult to determine how many



people have been trafficked from Turkey. Officially, there is no recorded case of a Turkish national trafficked abroad.

Of those who are identified as trafficked, the majority of the victims are identified in Istanbul - a city that has always been the center of the country's economic life due to its location as an international intersection of both land and sea trade routes. With a population nearing 13 million, Istanbul is the largest city in Turkey and the 23rd largest city in the world. Other areas are also important when considering trafficking: Antalya on the south coast;

and Izmir and Mugla on the west coast are hot spots for tourism, and follow Istanbul in recorded trafficking cases.

Combating Human Trafficking in Turkey

Turkey's response to the problem of trafficking has been late but quite effective since 2002. Among its major accomplishments over the past few years are the ratification of international agreements (including the *UN Convention Against Transnational Organized Crime* and its additional *Protocol to Prevent, Suppress and Punish Trafficking, especially women and children* in 2003), the enactment of a specific law to combat human trafficking in 2002 followed by a new Penal Code in June 2005, the training of police officers and judiciary staff and the involvement of the Human Resource Development Foundation (HRDF) as an NGO in anti-trafficking efforts.

The first legal provision that included the definition of Human Trafficking was Article 201/b of the Penal Code, which was revised in 2002. Art. 201/b called for heavy penalties for traffickers, including five to ten years imprisonment. The Penal Code of Turkey has since been amended and entered into force on June 1, 2005. This amended legislation also includes the definition of human trafficking (Article 80) and stipulates imprisonment of eight to twelve years and a legal fine corresponding to ten thousand days. It also prescribes security measures for the legal entities who are involved in human trafficking. In 2006, the law was amended once more.

This most recent and final Anti-Trafficking (Human Trading) law contains the following:

1. Those who recruit, abduct, transport or transfer or harbour persons for the purpose of subjecting them to forced labour or service, prostitution, enslavement or for removal of body organs, by getting their consent by means of threat, oppression, coercion or using violence, of abusing influence, of deceit or of abusing their control over or the vulnerabilities of these persons shall be sentenced to imprisonment for up to eight to twelve years and a fine corresponding to 10 000 days.
2. The consent of the victim shall be irrelevant in cases where the acts that constitute a crime are attempted with the intentions described in paragraph 1.
3. In cases where minors below the age of eighteen are procured, abducted, transported or transferred or harboured with the intentions specified in paragraph one,

the penalties foreseen in paragraph 1 shall still be applied to the perpetrator, even when no intermediary actions relating to the crime are committed.

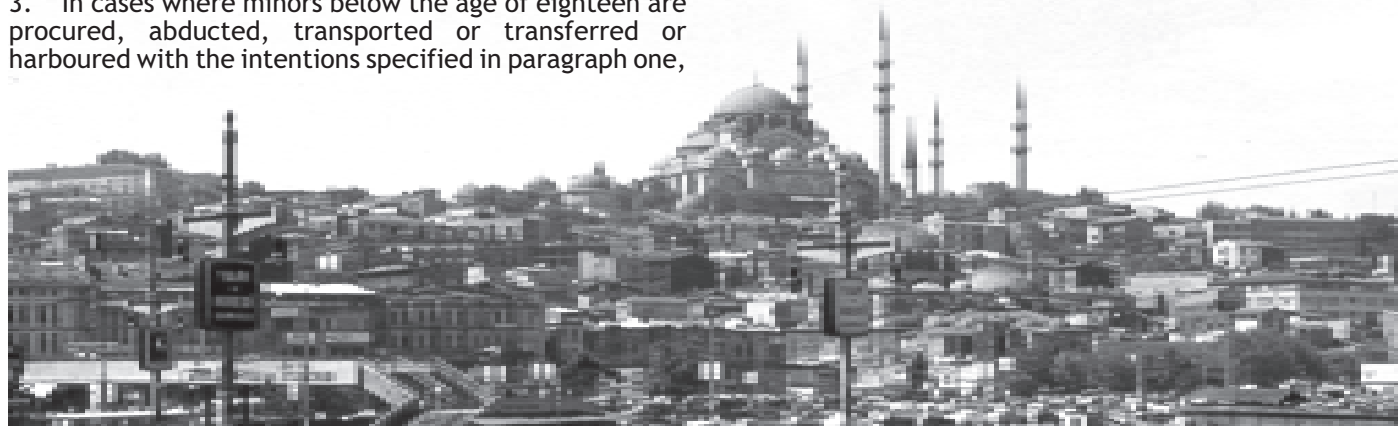
4. Legal entities shall also be subject to security measures for such crimes
Adopted five years earlier in 2003, the first Turkish National Action Plan comprises twelve points of action to prevent and combat trafficking in human beings. The action plan emphasizes the importance of victim assistance and NGO involvement, as well as legal provisions. The second national action plan has been prepared by a working group comprised of representatives from NGOs active in the area, as well as representatives of governmental bodies and international experts. It is currently undergoing a process of official approval.

Under the auspices of the Ministry of Foreign Affairs, a National Coordinator for International Cooperation and National Coordination has been appointed to assist with efforts to combat human trafficking. A National Task Force to Combat Trafficking in Human Beings, composed of experts from various ministries and non-governmental organizations, has also been established and was convened for the first time in October 2002. This multi-disciplinary and cross-sector Task Force meets bi-monthly to monitor and review the implementation of anti-trafficking action in Turkey.

Turkey has signed 64 Security Cooperation Agreements with 52 countries for cooperation to combat organized crime and terrorism. All Agreements bear provisions for the establishment of cooperation for combating 'illegal' migration and human trafficking. The Turkish Ministry of the Interior has also signed Memoranda of Understanding with their counterpart Ministries of Interior in many surrounding countries - Ukraine, Moldova, Belarus, Georgia, and Kyrgyzstan.

Human Resource Development Foundation (HRDF) and Victim Assistance Programs in Turkey

The Human Resource Development Foundation (HRDF), established in 1988, is a leading non-profit, non-governmental and autonomous organization in Turkey². HRDF works to empower Turkey's human resources, in particular women, youth and children, through advocacy,



training and service provision in the areas of population, health, and sustainable development. HRDF works in the fields of reproductive and sexual health and corresponding rights, HIV/AIDS prevention, human trafficking and with asylum seekers/refugees.

As a leading NGO in Turkey, HDRF took the initiative to develop its anti-trafficking program in 2003, which was designed to contribute to the international efforts and to enhance the national capacity of Turkey to prevent trafficking in women and increase public awareness of this issue. In line with these efforts and with the knowledge that collaboration with governmental bodies is a crucial element for victim support, HRDF signed a protocol with the Ministry of Interior (Mol) in 2003 and with the Gendarme Forces in 2004 agreeing to actively cooperate on combating human trafficking. At the end of 2004, HRDF established the first shelter for victims of trafficking in Turkey. One year later, another NGO established the second specialized shelter in Ankara.

According to the current referral system in Turkey, victims of human trafficking are identified by law enforcement officers through raids on hotels and bars, or by acting upon tips given through several hot lines (Dial 155 or 156 for law enforcement and 157 for anti trafficking hot line - in collaboration with IOM). Prior to the end of 2004, identified victims were accommodated at the law enforcement premises until IOM was able to make arrangements for their travel and repatriation. These victims rarely received additional services, as the mechanism for the provision of these services was not yet in place. With the establishment of the HRDF and other NGO shelters, this gap in the national referral mechanism has been filled and the system has started to function. Now, victims identified by law enforcement authorities are referred to the NGO shelters after official procedures are complete.

As presented at the table³ below, HRDF has assisted a total of 363 women between 2005-2008⁴; therefore, just over 49 percent of victims identified in Turkey during this period have been assisted by HRDF. In other words, 61 percent of the victims who were repatriated by IOM have received assistance from HRDF's program.

1. Victim assistance programs

Victim assistance in Turkey currently falls under the responsibility of two NGOs. Unfortunately, the utilization of the government structures for victim assistance is limited; moreover, there is a lack of funds to support victim assistance projects. Major components of victim assistance services that do exist are currently funded by international donors.

2. Finding durable solutions for women who cannot be repatriated

According to the current national referral mechanism in Turkey, victims who are rescued and identified by law enforcement officers are then referred to these two existing NGOs for further assistance. Victims with no health or administrative problems are repatriated to their home countries (mostly by IOM). While repatriation is a practical solution for many victims, it may be an impossible option for others. NGOs are in the position that they must find solutions that will simultaneously support the desired outcome and well-being of victims, while also attending to the laws and regulations of the state. Unfortunately, there are limited options for women who cannot, for whatever reason, be repatriated. State and NGOs should collaborate to develop solutions and programs for these women (and men).

3. Promoting a victim centered approach to law enforcement officers

Existing victim identification mechanisms do not fully guarantee that all victims will be identified and protected. Conservative perspectives within Turkish society are sometimes reflected in the attitudes of different types of service providers. Law enforcement officers are still uncertain about the distinction between voluntary sex work and forced prostitution. Improved training that includes participation of NGO experts and facilitators should be expanded throughout the country.

4. Prosecution

The legal counseling system for victims is under-developed. More over, cooperation or participation of a victim in legal proceedings is not ensured. Traditionally, the time needed for the court processes are very long in Turkey meaning that the period between the trials could be very long, such as three-four months and in one case one to two years. Therefore it is often not possible for a

Year	Number of victims identified by Mol ⁴	Number of victims repatriated by IOM	Number of victims assisted by HRDF
2005	256	220	137
2006	246	191	107
2007	148	118	71
2008	116	78	57
Total	766	607	372

victim to be a witness in her own case as she is repatriated back to her own country before the trials start. As a result, the prosecution of her traffickers is not effective. Giving priority to these cases and enabling the willing victims to stay in the country until the trials end are some of the solutions that can be proposed.

Although new laws and regulations to combat human trafficking are in place, more training sessions to increase prosecutors' and judges' knowledge and to change their attitudes are needed.

5. Analysis, research and monitoring

The national mechanism to combat human trafficking should be restructured to include analysis, research and monitoring mechanisms. A fairly recent improvement made to the monitoring arena came with the publication of the first Annual Report by the Turkish government in 2006; this process has been repeated in 2007, and the report for 2008 is now being prepared. These reports contain information on the number of victims identified and the services provided to them, the number of government officer trainings, and the authorities responsible for different aspects of combating human trafficking etc. In addition, the election of an independent National Rapporteur to advise and monitor the process would be beneficial.

Last but not least, weak public awareness, low levels of regional collaboration, a lack of local NGO involvement, and the insensitivity of media on the issue of trafficking are among the other challenges that hinder the success of anti trafficking efforts in Turkey. In order to develop a comprehensive victim-centered and rights-based framework, each of these challenges requires attention. Turkey has made strides forward in the past two decades in addressing trafficking and migration issues, but it has further to go. At the meeting point of two continents and of diverse cultures, Turkey's efforts to combat trafficking and protect victims are important to consider.

Endnotes

¹ 2006 and 2007 National Reports on Combating Human Trafficking in Turkey

² Since 1997, HRDF is one of the internationally accredited executing agencies of United Nations Population Fund (UNFPA) and was granted special consultative NGO status with the UN Economic and Social Council (ECOSOC) in 2002. HRDF is member of the Turkish National AIDS Commission, Turkish National Task Force to Combat Trafficking, and ARIADNE - An international anti trafficking network

³ www.countertrafficking.org

⁴ Ministry of Interior, General Directorate of Security



Elif Özer



Tuba DüNDAR

Elif Özer and Tuba DüNDAR work at the Human Resource Development Foundation in Istanbul, Turkey (www.ikgv.org). For more information about their work, please contact: tdundar@ikgv.org or eozer@ikgv.org

Managing (Ir)regularity: Trafficked persons and undocumented migrants on the spectrum of global migration

Don Flynn

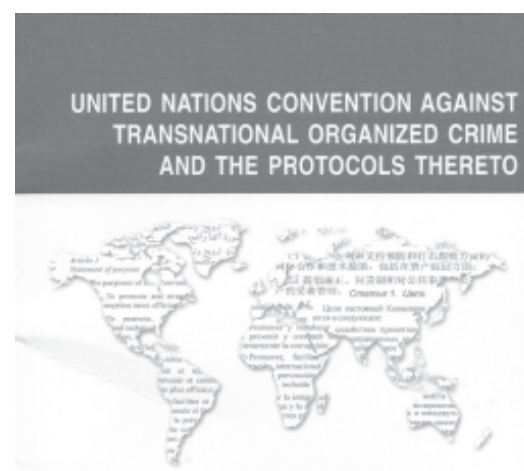
Crime, punishment, and the ambiguities of anti-trafficking activism

The national action plan (NAP) model has set the tone for a great deal of the activity in anti-trafficking in recent years. Advancing the provisions of the *United Nations Convention against Transnational Organized Crime* and its supplementary protocols on human trafficking and human smuggling, NAPs typically take a two-pronged approach. These two prongs, in the words of the Organisation for Security and Cooperation in Europe's (OSCE), are: "a focus on bringing to justice those responsible for this crime, and on carrying out effective measures to prevent it, while maintaining a humanitarian and compassionate approach in rendering assistance to its victims."

In its practical implementation, this two-pronged approach tends to divide activities into the detection and prosecution of traffickers, which are a responsibility of state authorities, and support for the welfare of victims, which is undertaken by voluntary, non-governmental organisations. These organisations are usually much less well resourced to meet the demands of this work than state authorities, which leads to an unequal division between the tasks. Anti-trafficking NGOs generally have remained committed to the performance of their role within this division of activities though, and have worked to build constructive relations with the police enforcement agencies that initiate the bulk of the actions against traffickers.

There are good reasons why this should be the case. The often extreme nature of the criminals involved in human trafficking and the need for pro-active police activity to push back against the violence that confines victims to a very narrow space of existence, are amongst the most pressing.

Even so, a number of networks of support organisations have begun to critique the prioritisation of law enforcement activities. Some express disquiet about the leading role given to police in identifying victims of trafficking. For example, the national referral mechanism (NRM; see articles by La Strada Bulgaria/Animus and La Strada Moldova/International Center in this issue), which is promoted by the Office for Democratic Institutions and Human Rights (ODIHR) of the OSCE, emphasises the central role for NGOs in victim identification; however, many state authorities have not implemented the NRM in



practice. State authorities are often reluctant to involve NGOs in police operations on the grounds that this might compromise the integrity and security of investigations. Many independent groups, however, feel that the real concern is that if NGOs are more closely involved they would advocate for larger numbers of trafficked victims, whom the state would prefer to regard as irregular migrants to be dealt with through administrative expulsion (i.e. deportation).

The implicit assumption within most NAPs is that trafficking is fundamentally *the movement of people across national frontiers*. Intelligence gathering operations generally concentrate on detecting irregular border crossings, which has the effect of confusing trafficking with people smuggling and other forms of irregular migration. The concentration on immigration offences has a number of negative consequences for the trafficked persons:

- It obscures the human rights dimension to trafficking
- It conceals the fact that the crime is commenced before any borders are crossed
- It continues to make victims out of people even after they have been returned to their home countries
- It creates a hierarchy of offences in that law enforcement gives more priority to cases in which the victim has illegally crossed borders, rather than those who have a right to cross borders (such as the internal borders of the European Union); internal trafficking cases in which the victims have not crossed any border are a very low priority

This sort of criticism has led NGO activists to look for other ways of working with and on the offence of trafficking. They have sought to formulate perspectives and strategies that describe a trafficked person's experiences more comprehensively. This in turn has led to closer examination of the *forced labour* concept - for all victims of trafficking, forced labour is the final outcome of the trafficking journey. But it is a fate not suffered only by this group. The International Labour Organisation (ILO), leading the Global Alliance Against Forced Labour, estimates that at least 12.3 million people around the world are trapped in various forms of forced labour. The common element among all victims of forced labour is that they are vulnerable to abuse as a result of factors such as gender oppression, or they are members of certain groups, such as migrants, which are excluded from human rights cultures.

Public authorities in developed economies are inclined to view forced labour as a rare and marginal event in their countries. Gross exploitation does not fit their images of efficient, modern economies in which companies seek to maximise profits through the increased productivity of highly skilled labour. However, recent studies on the integration of various economic sectors suggest that the relationship between elite, highly competitive businesses and low productivity, low profit concerns is much closer than commonly presumed.¹ Elite businesses rely on complex supply chains which allow them to export risk down to their suppliers. The strongest suppliers then pass their share of increased risk onto the weaker ones. At the far end of this process are workplaces that can only exist by grossly exploiting their workforces, for example by paying below minimum wage levels, having dangerous workplaces, and using forced labour. The operation of these enterprises appears to require a disproportionate use of migrant workers. Gross labour exploitation, including forced labour, is thus an integral and possibly growing part of modern capitalism.

Accounting for forced labour: labour markets and relations of power

To see the core of trafficking as forced labour, rather than irregular migration, challenges central propositions at the heart of the NAP approach. It requires looking beyond crime as the framework for trafficking activities and to question economic models that require the coercion of labour by capital. The ILO is one organisation that has considered trafficking in this way and has sought to identify the conditions in which labour could be described as 'forced'.

Trafficked persons are defined by levels of disadvantage that reduce their power, typically gender, age (young women) and citizenship of countries that are marginal in global power stakes. Other migrants usually have more power to assert on their own behalf as a result of their professional qualifications, the resources that are available to "transnational communities", or citizenship of more powerful countries. In a study on globalisation and the market for human trafficking in the sex industry, Danailova-Trainor and Belser (2006) have defined the phenomena as "an exchange between recruiters and exploiters, despite a set of internationally recognised

rules, laws and regulations designed to protect it" (p.3). The human trafficking market exists as a "meso-structure" (Castles & Miller, 2003, p.26) mediating between the macrostructures of world markets and government policies, and the microstructures defining the informal social networks of migrants themselves.

Across the countries of the global North, economies and states have shifted from the concept of zero migration in the 1970's to the concept of "managed migration" today. This is based on the belief that economic prosperity depends on the use of all available resources, and that globalisation and international labour markets have increased the human resources available. The pressing need for states today then is to manage migration by 1) identifying sources of labour abroad, 2) creating a system for linking overseas with domestic employers, and 3) allowing recruitment to be on terms which are the most efficient for production.

This model of immigration is particularly advanced in the United Kingdom, where the New Labour government has developed and refined a policy of managed migration since 2000. The recruitment of migrant labour by business and industry is now seen by certain government bodies as a critical feature of the UK's economic strategy. The practice has assisted in raising productivity and containing inflation. The government has thus strongly defended economic migration against an array of populist right wing critics in the media and elsewhere.² For migrant rights organisations, the issue is whether this change in attitude to immigration control will be more favourable for migrants.

The immediate prospect for better protection of migrant rights is not very promising. Some academics have argued in respect to rural migration to the UK that only a particular type of migrant labour is in demand.³ Business and industry in the UK themselves are undergoing aggressive reorganisation in pursuit of global competitiveness. Migrant workers, both low-skilled and professional, are seen as uniquely pliable to meet the interests of employers in this reorganisation. Migrants are rarely integrated into union activity in the host state, they have low expectations for housing, healthcare and other benefits, and they also have pressures in their home country that limit their choices such as supporting families, paying school fees or saving for business projects. While migrants and resident workers have both experienced a loss of job security and control over the work process, migrants are particularly disadvantaged. Trade unions and other civil society organisations that advocate for the working class have also not adapted to work effectively with migrants.

Managed immigration policies aim not just at bringing in fresh supplies of migrant labour, but also at controlling new arrivals and ensuring that they stay in their subordinate position. The *disempowerment* of migrant workers is built into the process - selection for interview, visa application, the imposition of conditions of entry and residence and the subsequent surveillance of the worker during the performance of his or her duties.

Managed migration is also proving to be extremely



difficult to implement. The migration routes and channels have proliferated to cater for different forms of work, and each has their own set of rules and regulations. The types of residence permits available and their associated rights to access public and welfare services thus have also proliferated. Skilled IT workers have one type of residence status, heart surgeons another, and residential care workers yet one more. Temporary migration schemes aimed at filling in short-term gaps in seasonal occupations will vary according to whether the need is for mushroom pickers or lettuce trimmers. Many countries also have schemes that allow people of certain nationalities and age to work for a limited period, such as the Commonwealth Working Holidaymaker scheme in the UK. The UK now has a five-tier “points-based scheme”, but it previously had around 80 different routes of entry for migrant workers. The administrative complexity was such that government ministers admitted the system was “not fit for purpose.”⁴

In reality, the task of administering immigration policy extends well beyond official government agencies and an industry of immigration experts and facilitators has emerged. Employers, who are required to assimilate immigration policy into their practices, often pass responsibility for checking the status of workers to employment agencies or legal advisors. Would-be migrants also use legal advisors or facilitators to increase the chance of being successful in their applications. Immigration experts mediate the impact of national policies on migrants. They work to expand opportunities for people to migrate, increase the volume of demand for migrant workers and the supply of people hoping to be migrant workers across the globe.

Facilitators have diversified into numerous sub-types. At the more legal end are qualified lawyers, labour recruitment agencies, travel agencies and visa agencies. The other end of the spectrum shades into illegality, where agents mis-sell migration opportunities to both would-be migrants and employers. Thus while this industry has emerged from the ambiguities and complexities of managed migration, their activities contribute to further layers of complexity. Managed

migration has sought to offer simple messages and objective methods, such as the points-based system for calculating eligibility. Facilitators reinterpret or misrepresent these messages, however, to draw poorly-informed individuals into making often very expensive applications.

The outcome of all of these developments is permanent turbulence across migration processes. The activities of the various facilitators, continually looking to expand opportunities for profit by creating more ways to cross borders, and the shifting and changing needs of employers for different types of migrants, have meant that governments are required to revise legislation on a regular basis. At the same time, they must increasingly coordinate law and policy with other governments in the region, share intelligence about irregular migration and cooperation on deportations. The entrepreneurs, facilitators and experts then respond to this constant uncertainty by adapting what they offer to various stakeholders.

The activist’s response: technical expertise and politics

In this environment, activists have had to change the way they work.

Until now, activists who work with migrants have tended to specialise in a particular category of migrant: refugees, migrant workers, migrant families, migrants of particular nationalities, or the most disadvantaged migrants, such as those without papers, or victims of trafficking. These specialisations, which I refer to as “silos”, arose from the conviction that the different types of migrants really were in different situations; the world of the refugee really was different from that of the migrant worker, and the legal migrant from the undocumented, and all of these were different from the space inhabited by the trafficked person.

This sense of distinctiveness often was because

international laws and state policies treated the groups differently, rather than any absolute difference between the types of migrant. Civil society reorganised to match the divisions created by laws and administrative systems, which seemed to affirm that the silos existed. Different activists then built relationships with different arms of the state, for example refugee advocates with welfare agencies, migrant worker advocates with employers and labour market institutions, and anti-trafficking activists with law enforcement. As time passes and specialised NGOs are established, the whole system becomes rigid and the different activists are less likely to cross paths.

Except that it does not really work out this way. The turbulence that continually disrupts the managed migration systems also affects the work of NGOs. Specialists are thrown alongside groups from which they had regarded themselves as being far apart. The feeling grows that expertise in particular aspects of migration needs to be supplemented with a better grasp of the broader politics of immigration control.

Groups working with undocumented migrants are an example of how migrants' rights organisations are coming to understand contemporary migration policy and its politics. The Platform for International Cooperation on Undocumented Migrants (PICUM) argues that irregular migration arises less from criminal motivation and more from the poor performance of governments in regulating global labour markets (PICUM, 2007). Migrants without papers appear in all forms of migration; they may be within mixed flows of refugees and labour migrants, they may be skilled professionals who have breached the terms of their work permits, they may be smuggled migrants or victims of trafficking. Only by critiquing the processes that lead to people becoming undocumented, rather than the qualities of the migrants themselves, can we develop a coherent advocacy platform.

So, returning to my earlier point, the new interest in the phenomenon of gross exploitation and forced labour suggests movement beyond the silos and onto a terrain with far greater scope for social mobilisation. The critical issue is whether action against forced labour will provide a way to strategically push for changes in social policy that was not possible when the issues were pursued from the separate standpoints of the different kinds of migrant.

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Endnotes

¹ For a study of this sort on the food production and retailing sectors, see Felicity Lawrence, 'Not on the Label', Penguim, 2004.

²For criticisms of the UK's approach to managed migration see the report of the House of Lords Economic Affairs Committee report, 'The economic impact of migration', April 2008 <http://www.parliament.the-stationery-office.co.uk/pa/ld200708/ldselect/ldeconaf/82/82.pdf> and the response on behalf of the government published by the Home Office, <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/aboutus/reports/economicimpactsmigration/economicimpactsmigration?view=Binary>

³ Anderson, Rogaly, Ruhs and Spencer (2006)

⁴ See 'Immigration system unfit - Reid', BBC News 23 may 2006, http://news.bbc.co.uk/1/hi/uk_politics/5007148.stm



Don Flynn
is the Chair of PICUM -
the Platform for International
Cooperation on Undocumented
Migrants (PICUM).

National Referral Mechanisms: Two perspectives

Milena Stateva and Tatiana Fomina

The idea to establish national referral mechanisms (NRM) in Europe was developed in 2001. Only two years later, this concept gained official status at the Organisation for Security and Cooperation in Europe (OSCE) and became recognised as a key protection element by many European countries. Despite the consequent increased attention and the establishment of NRMs in many countries, there remains a lack of clarity about what NRM means in practice. These two articles explore the OSCE framework of the NRM (or national referral system - NRS) and how it has recently been implemented in two European countries: Bulgaria and Moldova.

What is an NRM?

According to the OSCE, “a NRM is a co-operative framework through which state actors fulfil their obligation to protect and promote the human rights of trafficked persons, coordinating their efforts in a strategic partnership with civil society” (NRM Handbook, OSCE, 2004). It is designed to provide the guidelines for the identification and appropriate treatment of (presumed) victims of trafficking, as well as to legitimize and enforce all of the associated procedures and principles. By definition, therefore, it is multi-purpose, and as a result, complicated. This complexity brings a lot of confusion to those organisations who are working within the NRM and makes it difficult to both develop and enforce. The OSCE has described an NRM as simultaneously a framework, a welfare structure and a process:

The NRM is a framework in that it requires institutional arrangements at two levels: a coordinating body (often led by a national coordinator) and a multitude of implementing agents. It is critical to have a person or group in a coordination role and that the coordinator operates democratically, for example, by using a so-called Roundtable - a body of experts representing state and civil society stakeholders, to ensure a variety of expertise and viewpoints. This coordination helps to ensure that implementation includes representation of and synchronized involvement from all organisations and institutions that provide support to survivors’.

The NRM is also a welfare structure, given the necessary focus on the provision of support and protection. NRM promotes respect for human rights across each of its four main components: identification of presumed trafficked persons, cooperation between the involved agencies, social support and protection to those affected and their return/repatriation and social inclusion. In each of these components, the NRM ensures that the welfare of the person is secured. It should also ensure the agency of the trafficked person is respected and protection.

The NRM is also a process, in that the NRM does not emerge from a vacuum or empty space; it is a dynamic entity that starts from existing structures and practices. It is constantly changing to meet trafficked person’s needs, changing circumstances and the landscape of anti-trafficking. As a process, NRM can be thought of as “stages”: it starts with an initial assessment, which is followed by training and then capacity building. Following each stage, there is constant feedback and monitoring through research and case studies. The feedback and monitoring processes lead to an ongoing assessment of the effectiveness of the services and the actual implementation; each stage may be altered depending on the results of the monitoring and assessment. It becomes difficult to write a single, all encompassing NRM document. Consequently, the NRM is both practical - in its role as a welfare institution - and evolving - as a document in process.

by Milena Stateva

Put in to Practice: The National Referral Mechanism in Bulgaria

Milena Stateva

This article fleshes out the OSCE conceptualisation of NRM using the example of the recently launched Animus/La Strada Bulgaria NRM development process. It illustrates how, when initiated by an NGO, this process is anchored in the vibrant public sphere itself with the consequent benefits of using a 'bottom-up' approach.

The Bulgarian Example - Background

The project to develop an NRM in Bulgaria was launched in March 2008: "Developing a National Referral Mechanism in Bulgaria to provide protection and support measures for the (re)integration and social inclusion of trafficked persons". Initiated by La Strada International and the La Strada Bulgaria Programme of Animus Association, it received three years' financial support from the MATRA Programme of the Ministry of Foreign Affairs in the Netherlands.

The initial idea of an NRM in Bulgaria actually emerged much earlier in 2006. This was nearly three years after Bulgaria passed its *Combating Trafficking in Human Beings Act*, which established a National Commission for Combating Human Trafficking (the National Commission). Despite the progressive nature of the legislation, its practical implementation was delayed significantly by the challenge of creating a stable and consistent secretariat of the NCCHT to coordinate activities and to facilitate the formation of enforcement structures. Animus/La Strada Bulgaria contributed this by focusing on the interests of the victims.

In 2006, therefore, Bulgaria was faced with a situation where a very good law was in place but it was not working. At this time, other important initiatives emerged that proved to be very efficient. For example, in respect to children, the International Organisation for Migration (IOM), the State Agency for Child Protection and ICMPD's Transnational Referral Mechanism cooperated to develop a Coordination Mechanism for unaccompanied children, minors and trafficked children who were abroad. A gap then remained in the coordination of care and social inclusion of adult survivors of trafficking, who are Bulgarian citizens, upon their return to Bulgaria. At that time, the official structure to help foreign trafficked persons in the country did not exist; however, a support system for survivors was in place informally, with predominantly NGOs and international organisations providing support to trafficked adults. In this context, Animus/La Strada Bulgaria gained recognition both domestically and internationally as one of the key service

providers and as an organisation that often played a coordinating role for concrete cases. Thus, the NRM project itself and the involvement of Animus/La Strada Bulgaria in initiating it was a logical and necessary step to implement the legislation.

Last year, in 2008, MATRA approved the project. This coincided with the launch of the professional, enthusiastic and human rights-oriented secretariat of the National Commission. The National Commission demonstrated strong commitment to the goals of the project, and consequently, its secretariat has become the main implementing partner, with Animus/La Strada Bulgaria in an equal role providing support and expertise.

The Development of the NRM in Bulgaria - the Structure

The first step was to form the institutional framework for developing the NRM. The project is thus comprised of a National Coordinator and two working groups. The first is an Operational Working Group that is directly responsible for developing the NRM. Then the second group, the Extended Working Group, is much larger - it comprises representatives of all organisations and institutions relevant to meeting the needs of survivors. The goal of including such diverse representation is to ensure that many viewpoints are considered and space is created for democratic discussion. We have tried to make the structure as multi-disciplinary as possible, and to ensure that it is coordinated with the overall anti-trafficking framework, and allows on-going monitoring and assessment of the NRM's implementation.

The two working groups are co-chaired by the Director of Animus Association and the Secretary of the National Commission. The smaller Operational Working Group develops, assesses and monitors NRM components and also recommends changes to legislation when necessary. Members gather every month to discuss how to operationalise the four components of the NRM and to establish a document that will enforce them.

The broader Extended Working Group provides the Operational Working Group with feedback from all available perspectives, as well as consults on specific policy issues or emerging needs. This extended group gathers every three months. Other formats that are also used are 'ad hoc' working meetings to solve emerging problems, bilateral meetings to discuss specific issues, and roundtables for publicity and to raise public awareness.

Researching the current situation and learning from practical experience

The Operational Working Group is supported by a specially designed “bottom-up” approach of learning about what is currently in place, and listening to the experience of practitioners. The group started with a mapping exercise, using a comprehensive questionnaire, to identify the organisations and institutions that currently have re-integration activities, either short or long term. The National Commission secretariat also carried out an evaluation of the existing re-integration system. By analysing Animus’ practice for offering direct support to trafficked persons, we also identified a broad picture of trafficked persons’ needs. Workshops with various practitioners were held to hear their views about the involvement of the structures they represent in the work and to understand their own needs. A quarterly electronic bulletin now updates stakeholders and provides a channel for on-line communication and further discussion.

At present, the Working Group is implementing a field study, including site visits and in-depth interviews, to identify the training and capacity building needs of organisations active throughout the country.

All this is designed to ensure that the emerging NRM will respond to current trends, be appropriate in addressing the in-context needs, and take into account practical, on-the-ground experience.

A Human Rights Approach

Another fundamental, and perhaps unique, aspect of the NRM development in Bulgaria is its human rights focus. The NRM covers not only basic rights, but also the right to non-conditional assistance. Non-conditional or unconditional support refers to support that is offered without requiring the victim to cooperate with law enforcement authorities. Survivors’ rights are prioritized, and her or his participation in the process of decision-making, on the basis of informed consent, is demanded. The NRM also targets not only officially identified trafficked persons but also presumed trafficked persons. Dialogue with equivalent structures in the Netherlands - a country that promotes a human rights approach to trafficking - and through consultations with Ms. Baerbel Uhl, an established human rights advocate and one of the authors of the NRM concept, have reinforced this approach.

Conclusion

Bulgaria is still in the process of developing its NRM. The fact that one has not been established to date does not mean, though, that we do not have a base to build on. On the contrary, the mapping exercise suggests that a well-functioning system with a full set of services for survivors exists; however, the relationships between the various actors need further definition and description to ensure that coordinated care is provided to each presumed or officially identified trafficked person.

A challenge as Bulgaria moves forward is to sustain the funding for these already existing services. Additional

services will also be needed in regions where trafficking exists but services are not yet available. Based on analysis of the mapping exercise, outcomes of the workshops and the feedback and consultations with a range of practitioners and other experts, the Operational Working Group has prepared a detailed and comprehensive action plan for 2009. The Working Group expects that the National Commission will support the action plan both institutionally and financially, which will allow us to pilot the NRM earlier than expected. This will help facilitate a sustainable and efficient working mechanism into the future.

In practice, an NRM goes beyond ready-made prescriptions. Special efforts and much time are needed to prepare the ground for the actual NRM to emerge based on existing structures and services. These are crucial towards ensuring not only that the mechanism is sustainable and efficient, but also guaranteeing that the human rights approach, a multi-faceted structure and democratic institution-building will be used. The NRM project in Bulgaria is an ambitious endeavour that unites the efforts of many institutions and organisations, and it also demonstrates a strong political will to promote the rights of survivors of trafficking. This political will is necessary to ensure the success of the NRM moving forward.

Milena Stateva is a psychologist at Animus Association/La Strada Programme in Bulgaria and works on issues related to the recovery and re-integration of victims of violence since 1998.

Creating a National Referral Mechanism for the assistance and protection of trafficked persons: The experience of the Republic of Moldova

Tatiana Fomina

In 2006, the Republic of Moldova implemented a pilot project to create a National Referral System¹ (NRS) for trafficked persons and at-risk groups for assistance and protection. The pilot period lasted from June 2006 to July 2008. The NRS is a system of cooperation between state structures, non-governmental and inter-governmental organizations, which aims to ensure protection of the human rights of trafficked persons. Potential victims of trafficking - a group defined as “at-risk” - were also included in the pilot project.

At present, the NRS covers more than half of the country. The Ministry of Social Protection, Family and Child (Ministry of Social Protection) is the lead organisation under the NRS and also coordinates at the

(there are a total of 32 rayons in the country). Each multidisciplinary team includes both service providers who, in the course of their duties, come into contact with trafficked persons, and also representatives of relevant NGOs. These multidisciplinary teams are headed by on-site staff at social insurance and family protection offices. All members of these multidisciplinary teams have received training, and social insurance and family protection offices were equipped with modern communication devices, computers and other equipment.

This pilot project allowed broad testing of a model of cooperation between governmental, non-governmental, and inter-governmental structures at



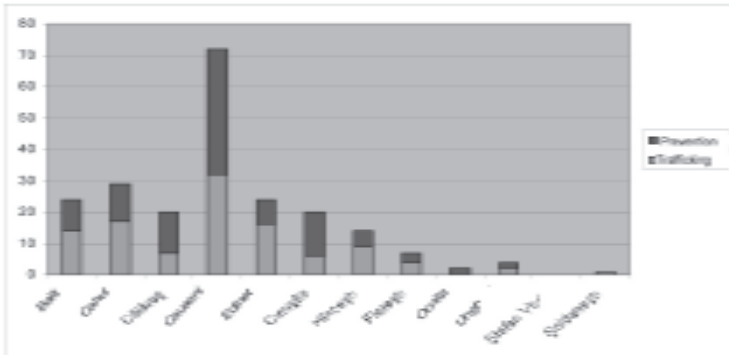
operational level. The International Organisation for Migration (IOM) provides permanent support for implementation. The International Center La Strada Moldova and the United Nations Office on Drugs and Crime (UNODC) provided expert support to this project in 2007.

Under the framework of the NRS project, multidisciplinary teams have been established in the capital of Moldova, Chisinau; the second biggest city of the country, Balti; and 16 rayons (districts) of Moldova

various levels (transnational, national and regional). Throughout the NRS piloting period, 200 persons received various forms of assistance (see Diagram 1). The project enhanced the identification of trafficked persons at the local and regional level. More than 70 percent of trafficked persons identified under the framework of the pilot project were identified by members of regional multidisciplinary teams; previously, very few cases of trafficking in human beings were identified at a local level.

Diagram 1

Referral cases in regions of the pilot project
(June 2006-July 2008)



108 cases - trafficked persons
109 cases - groups at risk

The creation of the NRS in Moldova was based on a conceptual approach set out by the OSCE/ODIHR in the Practical Handbook in 2004.² This laid out the elements and principles required to successfully develop a cooperation mechanism in any country, which were adapted for the political, social, economic and legal environment of Moldova. As a result, the system of cooperation created in Moldova gained its own characteristic features. The Moldovan experience demonstrates the necessity of these NRMs to be flexible, and adapted to political, social, economic and legal contexts.

Features of the cooperation system for governmental structures, non-governmental and inter-governmental organizations providing assistance and protection to trafficked persons:

1) Creation of the legal basis for cooperation
A legal basis for cooperation is necessary for the implementation of a national referral system. The draft NRS strategy developed in Moldova considered both existing legislation in the Republic of Moldova, and problems with provision of assistance and protection to trafficked persons. Changes in protection and assistance require the involvement of the highest levels of government authorities in the country. In the beginning of December 2008, this draft was approved in first reading by the Parliament of the Republic of Moldova. It is expected that by the end of 2008, Parliament will approve the draft and, thus, a legal basis for this system of cooperation will be created that will cover the whole country.

2) The leading role of the Ministry of Social Protection, Family and Child
The National Committee to Combat Trafficking in Human Beings of the Republic of Moldova is an interdepartmental body headed by the Deputy Prime Minister. It plays a

leading role in the general coordination of all anti-trafficking activities. Operational coordination of activities by state structures, non-governmental and inter-governmental organizations within the framework of the NRS is completed by the Ministry of Social Protection. The same ministry is responsible for monitoring the operation of NRS and for collecting information on all cases of trafficking.

3) Social assistance is provided to both trafficked persons and potential trafficked persons
Preventing trafficking in persons through the provision of social assistance is an intriguing possibility for the Ministry of Social Protection and the NRS. Prior to this system, prevention activities were mostly comprised of presenting information on the phenomenon to at-risk groups. Through the provision of social assistance services to those who are at-risk, trafficking may be decreased as factors that increase individual vulnerability are addressed; however, as of now, there are no criteria to identify people who may be at risk of being trafficked.

4) Cooperation is developing at the national, local (regional) and transnational levels
At the international level, cooperation is related to the transnational nature of trafficking as it presents in Moldova, and to practical problems of repatriation of trafficked persons. To implement the NRS pilot project, a permanent coordination centre was established under the Ministry of Social Protection. The tasks of the centre include referral of trafficked persons at three levels (international, national and local). Trafficked persons identified abroad are eligible to receive assistance in their repatriation and are provided with access to other forms of assistance in the capital city. Those who receive short-term assistance at the rehabilitation centre in the capital (national level) are referred to the local level in order to receive more long-term assistance (vocational training, assistance with finding jobs, etc.). Referrals are also working reciprocally - when a trafficked person is identified locally at the place of her/his residence and where assistance is not available in the region, the trafficked person can be referred to the capital to receive assistance.

At the same time, the project enhanced the ability to identify problems that would arise and to collect information necessary to improve the model of cooperation. Cooperation of governmental structures with civil society organizations is a relatively new approach to activities for Moldova, and up to this point, the focus of this cooperative development was aimed only at acceleration of cooperation. La Strada Moldova and other NGOs in Moldova sought cooperation with Government, but at present, the Government is actively involved in the provision of assistance and protection to victims of trafficking. This has caused NGOs to question the rapid development because of the possible risks associated with it. As a result, La Strada has analysed the possible risks and gaps in the NRS development and has highlighted some suggestions as to how we can overcome these challenges. A report outlining these recommendations was presented at the international conference on *National Referral Mechanisms for the*

assistance and protection of trafficked persons - theory and practice, organized by La Strada Moldova on October 21-22, 2008. They are summarized below.

Possible risks to NRS development and ways to overcome them:

1) Gradual shift of responsibilities within the partnership to favour State structures and risk of expulsion of the non-governmental sector from the provision of social services for trafficked persons

Up until the present, the functions of the governmental organisations versus the role of civil society organisations within the referral system have not been determined. It is imperative that special regulations for processes of provision of assistance and protection to trafficked persons are adopted, and roles are clearly defined. It is necessary to develop equal cooperation between the parties and presence of NGOs in the provision of social services.

2) Reduction of quality of services for trafficked persons

At present, the NRS is mostly maintained through funding offered by international donors, which ensures a high quality of services for trafficked persons than that which is provided by the State for other socially vulnerable groups. Full transfer of responsibility for the NRS to the State might lead to decreased funding for the services and, as a consequence, to worsening quality of the services.

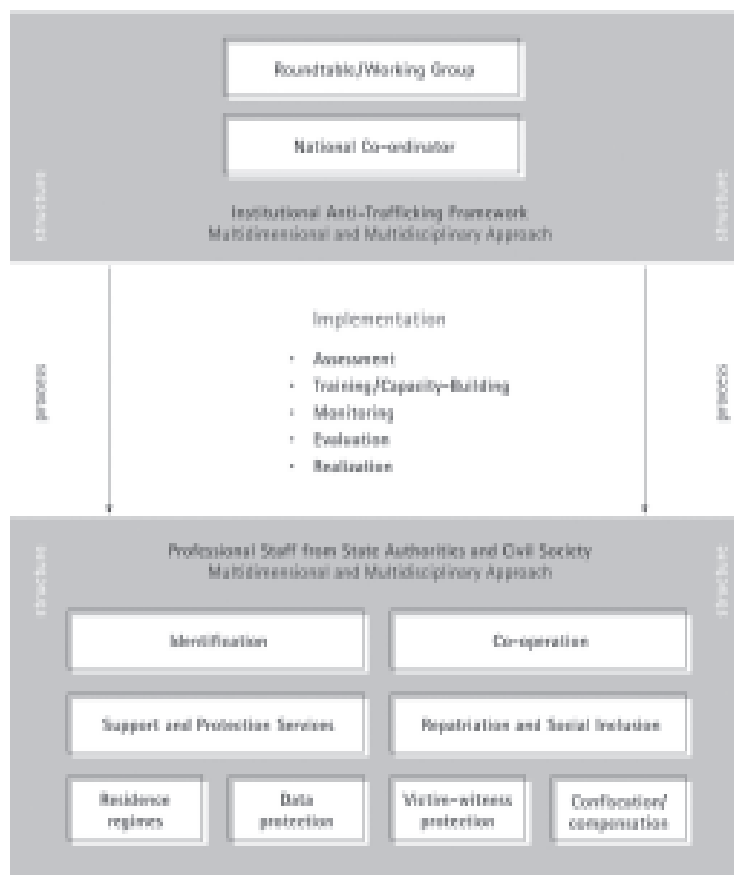
It is necessary to combine State assistance with funds from international aid. Responsibility has to be transferred to the State gradually so that, step-by-step, capacity would be built, the economic situation of the country improved, and the overall level of social protections throughout the country increased.

3) The NRS might fail to become a mechanism that ensures the social-legal protection for the human rights of a trafficked person

Respect for the rights of trafficked persons that have been specified within both international and national laws (protection of confidentiality, protection of witnesses in criminal proceedings, the right for compensation etc.) still represent a problem for Moldova. The solution to this challenge is not presented in the framework of the NRS. These problems are related to the activities of law enforcement agencies, who are more concerned with the prosecution of traffickers. Meanwhile, the Ministry of Social Protection is the lead agency in the NRS; amending the NRS to ensure rights' protections may be beyond their interest.

For the NRS to achieve its goal, it needs political support at all levels - national, regional and local. The NRS has to become a part of the National Action Plan in the field of human rights. The Plan's implementation is under the control of the Commission on Human Rights of the Parliament of the Republic of Moldova. The main goal for all participants of the NRS should be protection of the human rights of a person who has been trafficked and had those rights violated.

Overview of a National Referral Mechanism



OSCE Table

Conclusion

In assessing the degree of cooperation between governmental structures, non-governmental and inter-governmental organizations, one has to note that cooperation has indeed increased in recent years, especially during the implementation period of the NRS pilot project.

At present, cooperation is mutually beneficial. The support of other NGOs in Moldova of the NRS is necessary because cooperation within this structure has contributed to improving the efficiency of services for trafficked persons. Non-governmental and inter-governmental organisations hold valuable experience in organising the provision of assistance to trafficked persons. They have human and material knowledge and capacity for provision of assistance to trafficked persons. At the same time, state structures have administrative capacity; it is easier for them to address issues facing trafficked persons that fall under state responsibility (e.g., restoration of documents, medical insurance, etc.).

However, the development of and commitment to equal cooperation between governmental organizations and NGOs is imperative. It is relevant to both maintaining the quality of services for trafficked persons, and furthering the process of democratization of social relations in the country. The more democratic the state is, the better

prepared authorities and officials will be to implement the concept of human rights and enforce laws. Through broadening and diversifying the functions of NGOs and inter-governmental organisations, social institutions take on a leading role in broadening the respect for human rights.

Presently, considerable work has been done in Moldova to build partnerships between state structures and civil society in protection and assistance for trafficked persons. Not everything was developed quickly, and not all problems were overcome, but it is possible to state now that Moldova has accumulated valuable experience in this field. Hopefully, this experience will contribute to improving and enhancing the NRS in the future.

Resources

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 “Experience of the Republic of Moldova in Creation and development of the National Referral Mechanism for Trafficked Persons for Provision of Assistance and Protection”. Analytical report. Tatyana Fomina, 2008. An electronic version of the thematic edition in English, Romanian and Russian can be downloaded from the Internet: <http://www.lastrada.md/en.html>

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United Nations Office on Drugs and Crime (UNODC)
 An assessment of referral practices to assist and protect the rights of trafficked persons in Moldova, United Nations Office on Drugs and Crime. Can be download from the internet :
<http://www.unodc.org/unodc/en/human-trafficking/publications.html>

Endnotes

¹ Taking into consideration existing legal traditions in the country, as well as the chosen approach for implementation and development of cooperation structures for referral of trafficked persons, in Moldova it was decided to use the term “national system” instead of the more-often applied term “national mechanism.”

² *National Referral Mechanisms. Joining Efforts to Protect the Rights of Trafficked Persons. A Practical Handbook.* OSCE/ODIHR, Warsaw, 2004.



Tatiana Fomina
 works at the International Center -
 “La Strada Moldova”. For more
 information about this organisation,
 see their profile in the *GAATW
 Member Organisations in Europe*
 section, page 18.

Changes and Challenges: The role of NGOs in addressing the changing phenomenon of trafficking in persons in Central and Eastern Europe

Stana Buchowska

Analysing the last ten years of anti-trafficking work in Europe, and particularly in Central and Eastern Europe (CEE), one can find a dynamic process of change in different aspects of the trafficking phenomenon.

The 1990s

In Central and Eastern Europe, the first anti-trafficking initiatives began in the mid-1990s. During this time, the majority of the newly established NGOs worked mainly with women and girls trafficked into the sex industry. The first countries of origin within CEE were those that first opened their borders - Hungary, Poland, and the Czech Republic. A second wave of trafficked women from the East was observed after the collapse of the Soviet Union. Women from the Ukraine, Moldova, Belarus, Russia, but also from other former "socialist block" countries, like Romania and Bulgaria, were trafficked into Western Europe.

As a result, anti-trafficking NGOs from the main countries of origin quickly developed a "working methodology" - a way to address trafficking in their societies and the needs of trafficked persons. These organisations have established an effective system of networking on national, regional and international levels. Exchange of information, experience and best

practices have supplemented and enriched the cooperation based around direct assistance to trafficked persons. The main focus for information and awareness-raising helped to clarify the conflation of trafficking and prostitution. In the area of prevention and education, efforts to increase awareness of "at risk" groups regarding trafficking into the sex industry were made. In

the area of direct assistance, it was important to secure basic services for trafficked persons, including psychological, legal, medical services and safe shelter.

The conflation of trafficking and irregular migration was problematic during early work on trafficking. Trafficked persons have been primarily seen as "illegal" migrants by state institutions and often deported without examination of their situation. In Poland, for instance, deportation often happened within 48-hours of being "caught" as an undocumented migrant.

In the second half of the 1990s, practically no cases of forced labour and slavery were identified by NGOs. It is difficult to discern whether this actually indicates that trafficking for the purpose of forced labour was rare in the CEE countries, or if the absence of cases was due to a lack of instruments to identify these forms of



trafficking.

The process of developing a new definition of trafficking for the proposed U.N. Trafficking Protocol to supplement the *UN Convention Against Transnational Organised Crime*, united and amalgamated NGOs in their advocacy and lobbying work in the late 1990s. Efforts were undertaken to ensure that provisions for trafficked persons would be included in this document.

The 2000's

The successful adoption of the *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children* in 2000 then enhanced anti-trafficking efforts and created urgency in this work in Europe. Work in the new millennium started with awareness-raising about the new definition. Through conducting numerous campaigns, trainings, workshops, seminars and conferences, there was an increased understanding of the new broadened concept and definition of trafficking among the general public, decision makers, law enforcement officials and service providers.

Where national advocacy and lobbying are concerned, NGOs in the CEE countries placed utmost importance on lobbying for the ratification of the Convention and Protocol by states and advocating to make the state parties accountable for the implementation of the requirements included in the Protocol.

Supported by a new definition, NGOs then started to observe and to address new forms of trafficking, such as forced labour in sectors other than the sex industry, domestic servitude, begging, and trafficking in organs.

Soon after the fall of the Berlin Wall, the beneficiaries of NGO's services in the CEE in the 1990s' were mainly women, trafficked mostly for work in the sex industry. As a result, there has been a tendency to view trafficking as confined to women for this purpose. This tendency has also slowly started to change.

A growing number of cases of entire families trafficked into begging and cases of women and men trafficked into forced labour and slavery-like practices have been reported. This new situation required NGOs to develop new methods of assistance and support. New methods have been built through networking between grassroots organisations in countries of both origin and destination, which has allowed experiences and good practices to be exchanged and knowledge to be transferred. Practical experience was complemented by numerous research studies conducted by universities, research centres and also some international organisations.

The Effect of EU Enlargement

The pre-accession process and the preparatory stage to enter the European Union provided NGOs with the setting to advocate for and facilitate changes in policy at the decision-making level. One positive example of this process is the development of national action programs/plans in various countries. In Poland, La Strada has lobbied for the National

Action Program since 1998. New political developments, including the EU requirements for candidate states to harmonize their legal systems with that of the European Union, contributed to Poland implementing the National Action Program to Combat and Prevent Trafficking in Persons in 2003.

After five years of NGO advocacy and lobbying efforts, the Polish government has taken a significant step towards a common anti-trafficking strategy that involves all relevant actors. The new role of NGOs involved with the working group requires advanced networking. It has also increased the importance of a monitoring role for NGOs in the anti-trafficking field, as both watchdogs and service providers. In addition to the National Action Program, NGOs call for the effective implementation of National Referral Mechanisms (NRM). Since NGOs are still the main service providers for trafficked persons and are responsible for national as well as local information and assistance hotlines for trafficking in human beings, they play an essential role in National Referral Mechanisms' adoption and implementation.

The enlargement of the EU and the accession of new members from CEE (Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovenia and Slovakia) is a milestone in European history. It has influenced the life of citizens of new EU member states in many ways, both positively and negatively. One of the main changes has been observed in employment migration in that we have seen the largest wave of migration since the Second World War. In Poland, for instance, it is estimated that more than two million people have migrated for work. Many EU countries opened their job markets for the so-called new European citizens - the UK, Ireland, Italy, Spain, the Netherlands, Denmark, Sweden, just to name those countries where employment migration from CEE countries is greatest.

On the one hand, it is expected that due to the increasing number of legal job opportunities, people will not need to work "illegally". On the other hand, such large-scale employment migration has been linked to a growing number of trafficking cases. Many persons migrate without prior preparation and without obtaining relevant information on migration and employment. A large number of migrants from new EU countries are unable to speak the language in destination countries. The vulnerable situation of migrants is often abused by large- or small-scale trafficking rings that are recruiting and exploiting migrants in various work sites and situations. Currently, the process of building "Fortress Europe" and the tightening of migration policies within the enlarged EU can be observed. This affects migration prospects and situations within various countries of origin. At the same time, the job markets of new EU member states are becoming more attractive for migrants from non-EU, mainly former USSR countries.

Looking Forward

This situation has had a direct impact on the work of NGOs and it requires a shift of attention to focus on the following:

- to deal with cases in the new destination countries (UK, Ireland, Italy, Scandinavian countries), and therefore, to enhance and intensify cooperation within/between NGOs, state agencies and other relevant actors

in both the countries of origin and destination

- to address and work with different and emerging forms of trafficking, particularly forced labour into agriculture and construction, domestic servitude, petty crimes
- to assist and support both women and men who are affected as clients/beneficiaries.

NGOs are aware that all anti-trafficking actions should be monitored and evaluated to make sure that they will contribute to the observance of and respect for the rights of trafficked persons. Another challenge for NGOs has been to create and establish balance between the “Three P’s”: prosecution, prevention and protection. The “Three P” approach to anti-trafficking is promoted by states that focus on the legal/criminal perspective of the trafficking phenomenon. This approach is not explicit in its inclusion of, or respect for, the human rights of those affected. As a result, the need to introduce and make central a human rights approach emerged. NGOs took up the rights-based approach, integrating it into all actions to address society, decision makers and professionals. This approach has been implemented into a number of important areas:

- prevention work with “at-risk” groups
- trafficked persons’ protection and support programs
- social and labour inclusion programs

Even after many years of work, we still need to make use of human rights-based principles in the practice of NGO work and in the decision making process more conscious. By doing so, the approach will become more participatory, its implementation will be strengthened in advocacy and lobbying efforts, and it will be supported by best practices in direct assistance.

In addition to the promotion and protection of human rights, NGOs also urge governments to address the prevention of trafficking in a broader way and to focus more on root causes of trafficking in both countries of origin and destination. These root causes include poverty, gender inequalities (especially gender based violence), and unjust social structures. NGOs have lobbied governments to improve and facilitate the possibilities for safe employment migration and to address the demand for cheap and exploited labour in the countries of destination. The link between safe migration possibilities, labour rights for migrant workers, and the prevention of trafficking has had limited exploration by the European governments or has been addressed ineffectively. As such, NGOs in CEE urge governments to enhance their capacity to effectively address the link between these issues.

Another priority for NGOs is lobbying for changes to protection programs that offer assistance that is “conditional” (generally) on the trafficked person’s cooperation with prosecution and/or law enforcement. That is, services to trafficked persons have been offered under the condition that a trafficked person will cooperate with the law enforcement representatives. Assistance and protection to trafficked persons in most EU countries has been offered conditionally. There is a lack of policies that treat trafficked persons unconditionally and respect their rights to self-determination. Our experience shows conditionality as the main factor preventing trafficked persons from cooperating with the police and other law enforcement, and a very small number of trafficked persons decide to become witnesses in prosecutions. Non-governmental organisations in the CEE are lobbying for governments to ratify the *Council of Europe (COE) Convention on Action against Trafficking in Human Beings*, which makes victim protection unconditional, regardless of cooperation.

By addressing the links between labour migration and trafficking, as well as changing conditional protection policies, the situation of trafficked people from CEE countries would be greatly improved. For NGOs, the main goal must be the protection of the rights of trafficked persons and affected groups, as well as their empowerment; these should be the goals for all those working in the area of anti-trafficking.



Stana Buchowskai is the National Coordinator of La Strada Poland, for more information about this LA Strada Poland, please see their profile in the *GAATW Member Organisations in Europe* section on p.18.



Utilising the issue of ‘Violence against migrant women’ in order to restrict migration

Dr. Nivedita Prasad

The practical experience of social workers is gaining importance in the public and political debate about violence against migrant women. On one hand, this can be seen as representing long-overdue appreciation for professional Social Work. On the other hand, social worker’s experiences and knowledge can and has been misused for political aims - especially to stop or to limit migration. As such, Professional Social Workers need to be aware of this risk, as well as to “foster and engage in ethical debate with their colleagues and employers and take responsibility for making ethically informed decisions.”¹ Critical reflection on our practise is absolutely necessary to make these ethically informed decisions.

Examples of where our work can be misused or misguided may help to illuminate how it happens and the impact it has on particular social groups. In an extreme example, a German non-governmental organisation (NGO), *Taskforce for Effective Prevention of Female Genital Mutilation* (FGM) suggested to the German Parliament in 2007 that “the legal custody of children should be taken away from every African parent in Germany - to make sure, their daughters cannot be taken to other countries in order to undergo FGM!”² Apparently the human rights abuses³ inherent within this demand were obvious to the government; this NGO’s suggestion has not been taken up.

However, other NGO policy demands, which also have the potential to violate human rights, have been made in more nuanced ways and based on the misuse of particular cases, and have been successful. Demands to restrict migration, in particular, have been legitimated by the misuse of cases of violence against migrant women. The issues of “Forced Marriage” and “Trafficking” seem to affect predominantly migrant women, and have been used to restrict migration.

Forced marriage

Forced marriage is obviously a severe violation of the fundamental human rights of young men and women, and it needs to be addressed and prevented. In August 2007, the German government passed new regulations declared to be preventative measures against forced marriage.⁴ A presumed, but unverified statistic on the number of victims of forced marriage in Germany played a vital role in the passing of these regulations; public debate mentioned approximately 30,000 victims of forced marriage in Germany. This number was unchallenged until Gaby Strassburger highlighted a problem of

determination: this number is equivalent to the number of all Turkish marriages in Germany!⁵ Academically-sound quantitative (numerical) figures on this issue are non-existent. In order to garner support for the change in regulations, individual cases of victims of forced marriage were brought to public attention by professional Social Workers. The use of particular cases prompted a massive public debate on the issue of forced marriage, which was framed as a “widespread norm” in migrant communities. Interestingly, very conservative politicians who never before advocated for Women’s Rights put this issue high on their agenda. The outcome was new and more restrictive regulations in immigration laws.

Now, men and women who want to migrate for marriage are required to be at least 18 years of age. From a human rights approach, this age limitation is problematic. People living in Germany are able to marry at 16 years of age, with parental consent; therefore, by restricting migration for marriage to 18 years or older, the principle of equal treatment is violated. Another legal change requires those migrating for the purpose of marriage to learn German in their country of origin, prior to applying. A visa will only be issued once these migrants pass an exam with the Goethe-Institute. This regulation discriminates against individuals from rural areas where German classes are not available and where the Goethe-Institute is some distance away from their home. These German classes and required tests are very expensive and therefore, not affordable for most women who want to migrate for marriage. In practise, the fiancé will pay for everything, which may increase the woman’s vulnerability to exploitation. The entry visa for Germany makes them dependent on their spouse, and so on their husbands’ good will.⁶

The discrimination inherent in the regulations is also evidenced by the selective application of the law to individuals only from certain countries. Nationals from other EU countries, Australia, Canada, Israel, Japan, New Zealand, South Korea, and the United States of America are not required to learn German before they migrate for marriage. Also, migrants who want to marry nationals from these exempted countries do not need to fulfil these requirements. The logic of these regulations is incomprehensible - they even discriminate against Germans in their own country.

These regulations can also be seen as regulations that violate the human rights of migrants. Again, the demands made by the regulations clearly are not compatible with the right to equal treatment, enshrined in the Universal

Declaration of Human Rights (Art. 2), the International Covenant on Civil and Political Rights (Art.2.1, and Art.2.2), the International Covenant on Economic, Social and Cultural Rights, and the International Convention on the Elimination of All Forms of Racial Discrimination. Besides the right to equal treatment, the International Covenant on Civil and Political Rights, under Article 23.1, assures that “the family is the natural and fundamental group unit of society and is entitled to protection by society and the State”⁷.

Trafficking

*“Anti-trafficking measures shall not adversely affect the human rights and dignity of persons, in particular the rights of those who have been trafficked, and of migrants, internally displaced persons, refugees and asylum-seekers,” states the UNHCHR Recommended Principles and Guidelines on Human Rights and Trafficking.*⁸

The fact the United Nations High Commissioner for Human Rights (UNHCHR) mentions these obligations gives reason to believe that States are attempting to misuse the issue of trafficking to justify restricting the rights of migrants.⁹ The most recent and obvious attempt at manipulation occurred prior to the World Cup football tournament held in Germany in 2006. Prior to the tournament rumours were circulating that over 40,000 women would be trafficked into Germany for the World Cup. Even though experts were certain that the exaggerated number had no logical basis or evidence to support it, some NGOs decided to use the number and further sensationalise the issue in order to generate media interest in their campaigns against trafficking during the World Cup. The EU Commissioner on Justice at the time, Franco Frattini, even stated: “We have to implement or re-implement temporary visas for all third-party countries that are possible states of origin in trafficking in women and children.”¹⁰ Frattini retracted this demand a few days later pointing out that he had never intended to “implement visas exclusively for women.” Still, his demand is a perfect example of how trafficking has been utilized in order to restrict migration.

A similar development took place a few years ago with the so-called “visa affair” in Germany. Conservative parties argued that less restrictive

visa issuance and entry procedures, which had been initiated by the Social Democratic/Green coalition government, served to open the gates for increased trafficking cases. To our knowledge, only one trafficked woman has been found to have entered Germany with this type of visa, so the link to violence was not very obvious. To date, there is still no evidence that this policy has encouraged trafficking. However, some NGOs working in the field decided to support the Conservative argument, thereby encouraging a public scandal. As a result, the policy that enabled migrants to legally and safely migrate to Germany temporarily has been withdrawn and migration (especially of women) further controlled.

Collateral Damage created by social workers?

These are just three examples where the issue of violence against migrants has been misused in order to pass legislation aiming to stop or limit migration. In each of these cases, it is surprising to see that measures to support women have not been implemented. For example, the German government intended to create a law to prevent forced marriage, but forgot to pass measures that would actually support victims of forced marriage. The right to

return to Germany for young people who were taken to their country of origin and could not return within the timeframe of their German visa is not in place. During the World Cup, if people seriously believed that more trafficked women would be entering the country, wouldn't it be logical to pass regulations in order to assist these women?

In all three examples, the demands made by political parties and individuals in office were based on experiences that were gathered and made public by professional Social Workers. In all three cases, NGOs involved in supporting or exaggerating these claims received massive public and media interest in their work.

One could argue that making issues of social worker's clients public is a legitimate tool which has the potential, especially in some cases, to support “the transformation of private needs in public issues.”¹¹ Transforming the private into public may be the only way to achieve individual solutions and long term improvements.



Ban Ying campaign postcard

Social workers are in a dilemma, however, when considering whether to make their clients' issues public. They must also consider and prevent a possible manipulation and miss-utilisation of their knowledge. They have to make sure that they analyse which information they share and how they do so.

Actions should be analysed according to the ethical principle of "do no harm" prior to making public disclosures of client situations, and considered according to whether they are appropriate. This could help prevent collateral damage, where human rights are violated (inadvertently) by social workers. Considering that professional Social Work is often described as a human rights profession, "social workers need to be constantly self-aware in respect of their own beliefs, attitudes and ground for action."¹² Obviously social workers can and should not remain silent about the issues they encounter in their professional work, but the context in which these issues will be discussed needs to be analysed in advance. As is demonstrated by the three examples provided above, this rarely if ever happens. By virtue of absence, it can be argued that the ethical guidelines of the profession are not being adhered to where female migrants are concerned.

Ethical responsibility of Social workers

Ethical awareness is a fundamental part of the professional practice of social workers. Their ability and commitment to act ethically is an essential aspect of the quality of the service offered to those who use social work services. ... Some ethical challenges and problems facing social workers are specific to particular countries; others are common. By staying at the level of general principles, the joint International Federation of Social Workers (IFSW) and International Association of Schools of Social Work (IASSW) statement aims to encourage social workers across the world to reflect on the challenges and dilemmas that face them and make ethically informed decisions about how to act in each particular case.¹³

In the field of trafficking, the dilemmas facing social workers worldwide are perhaps more obvious than in other fields, especially in Germany where contracts between police and NGOs oblige each party to cooperate according to their respective services. Social workers are tasked to provide psychological and social assistance. The police and other authorities are interested predominantly in successful prosecutions, which are (in theory) bolstered by having a cooperative or good witness. As such, social workers providing assistance may feel pressure to have their assistance contribute to the aims of enforcement. Creating a good witness at any and all costs is an objective that is not compatible with ethical standards governing the profession; hence a dilemma is created: "Social

workers should maintain confidentiality regarding information about people who use their services. Exceptions to this may only be justified on the basis of a greater ethical requirement (such as the preservation of life)."

In theory, the guidelines are clear; however, in practice (especially with a cooperation contract), it can be very hard to comply. For a social worker in Germany, a severe conflict is created by the requirement that s/he testify in court when/if asked to do so. Social workers do not have the right to deny testimony. If a social worker is asked to testify in court, s/he has a dual obligation to tell the truth and to guarantee the confidentiality of her/his clients.

Depending on the political background of the Social Worker, her/his knowledge of the ethical guidelines of the profession and perhaps even the employer's influence, the scope of action differs. The advantage of these ethical guidelines is that they are valid for all professional social workers and they provide an orientation framework towards clients, authorities and even employers.

Conclusion

From the analysis presented in this article, it is hopefully clear that social workers play an important role in supporting or opposing political directives. Their practical experiences and knowledge are gaining increasing importance in debates surrounding migration and violence against migrant women; however, many of these experiences have been misused for political aims, especially to stop or to limit migration. Professional social workers, therefore, need to be aware of this potential, and critically reflect on their practice to ensure that it is in accordance with the ethics of the profession. The dilemmas we encounter in our profession demand critical analysis of our work to ensure that we are neither violating clients' rights, nor supporting the institutions that do so.

Endnotes

¹ International Federation of Social Workers (IFSW) & International Association of Schools of Social Work (IASSW). (2004). *Ethics in Social Work, Statement of Principles*, Adelaide, Australia, October 2004

² Task Force für effektive Prävention von Genitalverstümmelung, 2007, P. 8; <http://www.taskforcefgm.de/img/Fragebogen.pdf> (accessed on 13.3.08) Translation N.P.

³ The right to equal treatment, like mentioned in Art.2. of the Universal declaration of human rights (UDHR), Art.2.1. of the International Covenant on civil and political rights (ICCPR), Art.2.2. of the International Covenant on economic, social and cultural rights (ICESCR) and the International Convention against racial discrimination (ICERD) has been violated. And ICCPR explicitly mentions "Everyone shall be free to leave any country, including his own" (Art.12.2) and "no one shall be arbitrarily deprived of the right to enter his own country" (Art.12.4).

⁴ Other European Countries, such as the Netherlands and Denmark, have passed similar laws with very similar justifications. For a very strong critique on these regulations see: Human Rights Watch (2008). *The Netherlands: Discrimination in the Name of Integration. Migrants' Rights under the Integration Abroad Act.*

⁵ Strassburger, G. (2005). Statement zum Sachverständigengespräch des Landtags Nordrhein-Westfalen zum Thema "Zwangsheirat" am 15.2.2005, p. 2 (translation N.P.)

⁶ In Germany, for example, someone migrating for marriage is only eligible to obtain an independent visa when s/he has lived together with the German spouse for at least two years after the dependent visa has been issued. Many migrant women who experience domestic violence, therefore, do not have the courage to leave their violent husbands.

⁷ See also Art.10.1.ICESCR, Art.12 & Art. 16.3 UNDHR

⁸United Nations High Commissioner for Human Rights to the Economic and Social Council 2002: *Recommended Principles and Guidelines on Human Rights and Trafficking*, E/2002/68/Add. 1, New York, July 2002, p.3.

⁹ see also GAATW 2007: *Collateral Damage*. Bangkok

¹⁰ According to an article in Franfurter Neue Presse Online, www.rhein-main.net, last seen: March 8th, 2006

¹¹ (Staub -Bernasconi 1996 P. 10 (translation N.P.)

¹² United Nations: Human Rights and Social Work. *A manual for Schools of Social Work and the Social Work Profession*, New York & Geneva 1994, p. 8

¹³ International Federation of Social Workers (IFSW) &International Association of Schools of Social Work (IASSW): *"Ethics in Social Work, Statement of Principles"*, Adelaide, Australia, October 2004



Dr. Nivedita Prasad is the Project Coordinator at Ban Ying in Germany. For more information, please see Ban Ying's profile in the GAATW's Member Organisations in Europe section on p. 16.

Reflecting on Our Work: How trafficked women are accessing fundamental rights in Spain

An interview with Iris Rodríguez Tavárez and Antonio Rivas

Since 1999, Proyecto ESPERANZA - an anti-trafficking organisation in Madrid, Spain - has been providing direct assistance to trafficked women. The organisation offers assistance such as accommodation or short-term shelter, medical care, psychological counselling, employment and legal assistance. It also undertakes advocacy to promote and defend women's rights, and awareness raising about trafficking with the broader public. After almost ten years of doing this work, PE decided that they had gained enough "perspective" and experience to carry out an assessment of their work.

In 2007, they undertook a research project to review their work from 2000 to 2005 and to assess its impact. The investigation sought to identify:

- To what extent have women assisted by Proyecto Esperanza accessed their human rights?
- What rights are realized for them? and
- Which of PE's practices have enhanced or detracted from the women's position in society?

The aim of the research was to contribute to developing models of assistance for trafficked women from a human rights perspective.

Two staff members at Proyecto Esperanza - Antonio Rivas and Iris Rodríguez Tavárez - who coordinated the research project offered to share some of the findings and their experiences in an interview for the Alliance News.

What kind of outcomes did you expect to find from this research project?

Antonio Rivas: We have a standard for what we call a "success" in our direct assistance work. We expect women to have: access to specific rights; access to justice; documents and a passport the same as any other migrant; a job with a minimum wage (the common standard wage here is 1000 € a month and we expect them to have that standard); access to health care; friends and other social relationships.



We contrasted the women's situations against these expected standards to assess our work. Our success against these standards were what we expected to find from this research.

How were the women assisted by PE involved in the research?

Iris Rodríguez Tavárez: At the beginning, getting in contact with the women was easier than expected because even though they were probably some of the first cases that we assisted back in 1999 and 2000, they were still in contact with us. So in that sense, it was just a matter of giving them a call and explaining to them the project - what it was about, why we were doing this, and why it was so important for us to start this process and to know their opinion. They were really delighted to participate. It was just a matter of putting the techniques together and scheduling a day with them for the interview.

This research was developed in four stages:

- First stage: design (February - March 2006). Tasks during this phase included identifying: a) the set of indicators to be verified during the research phase; b) the set of criteria for selecting the women to be interviewed; and, c) the working methodology. We chose interviews as the main research method, initially piloted with a limited number of women.
- Second stage: fieldwork (March - December 2006). During this phase we located the women we wanted to interview (those having finished the intervention process before 2005). The Madrid team found 35 women, 27 of who then participated in semi-structured interviews. In Barcelona, five women were found and interviewed.
- Third stage: preparation of the final report (February-May 2007). In February 2007 we collated all the information that we had gathered during the fieldwork phase and prepared a first draft of the conclusions. We presented this to a small group of the women who had provided input. Professor José Luis Cabello Frías, a social intervention expert, also participated as an external observer providing technical input and supporting our team on data handling.
- Fourth stage: Preparation of the final report (June 2007). We started preparing the final report with the participation of Professor Frías as an external observer.

Antonio: After we contacted them, we interviewed them at length - sometimes for a couple of hours, sometimes not that long. We did a few interviews and then we checked with some of the women we had interviewed to see if the questions we were asking were the kind of questions that allowed them to deliver the information we wanted. At the end of the process, after some 30-something interviews, the information and data was collated and reviewed. The whole process was supervised by Professor José Luis Cabello Frías, a social intervention expert. We tried to remain in the background so that the girls would feel comfortable to say whatever they wanted.

It was obviously important to have the women involved, how were you able to find out their opinions?

Antonio: It is not easy to establish a standard to determine when a person is socially integrated. So even though we have a standard of success to check against, they might have something different in their minds. They might have opinions on things that we have not considered. So it was important to have open rather than closed questions. For example, the question "Do you have money?" is ok, but then this should be followed with, "How do you feel about it? Is it enough? Is it exactly what you were expecting when you came? Is it worthwhile?"

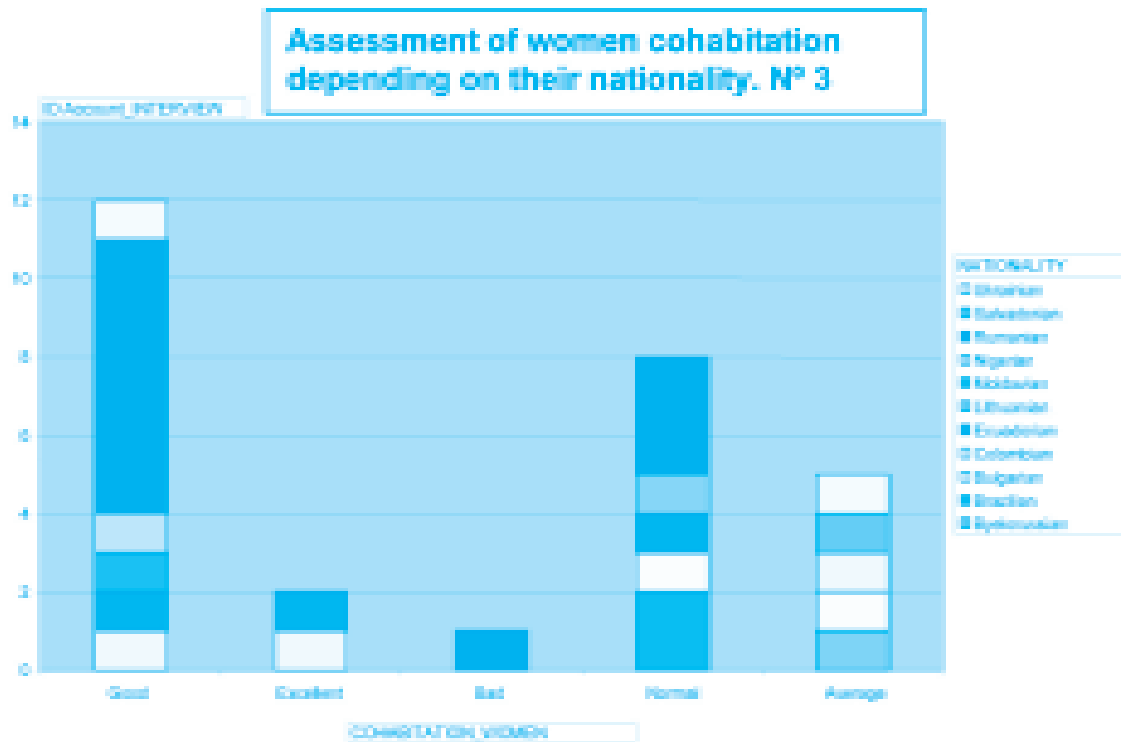
We really felt that we should open the questions to get as much information as possible. In fact, when we checked one of the interviews at the very beginning of the process, one of the people who gave feedback told me, "You talk too much in interviews. Let them talk or let them be quiet, it doesn't matter because that is important as well - what they say and what they don't say. Don't try to fill the gaps, just let them express in words or silence whatever they want to say and they will come up with different things you didn't even think about."

What were some of the key findings?

Antonio: We discovered firstly that some women have and some of them haven't achieved the standards that we had set for integration. What was very interesting for us, though, was that *their* impression of our performance did not depend on the achievement of the standards we had set. We found girls who didn't have documents, for instance, but they thought our job to be perfect; and we found girls who actually had documents and legal access and so on, but their judgment of our work was not that good. The difference in their impressions was not so much our approach or the services we delivered, but rather the relationships we generated with them.

Iris: For example, some of those who were not satisfied with the legal process or outcome were still satisfied with what Proyecto Esperanza was able to provide - enough information about their situation and support so that any time that they needed any help, had any questions or doubts they could call and come and talk. That was very important for them.

Antonio: Perhaps products and services are not as important as relationships. At the end of the day, often we



were not able to produce jobs, or the kind of jobs they needed, or to produce the kind of documents they needed, but we were able to build the kind of relationships which made them feel better. Crucially we treated them like human beings. So even though we need to progress and of course create better services, we should continue to improve the relationships we generate. In Spanish we talk about “calidad” and “calidez”, which are different concepts. We might improve in our calidad, which translates to “quality” in English, but what about our “calidez”? In English, our “warmth” or “companionship” in English - this is also important.

Iris: Another finding was that those we worked with highly valued the information we provided. Even if we didn’t have all the answers, it had to do a lot with just being there, feeling that you’re not alone in this. Whenever they needed to come and talk, to express their doubts or their fears, someone was there to listen and provide them with information, like legal assistance. For them, even if the outcome was not as they expected, the information provided at every step of the process was very important for them, and that made the wait (for court cases or for documents) worthwhile.

Antonio: We also discovered that even though the trafficked women’s situations improve and they get better opportunities and jobs, eventually there is a bottleneck and they get stuck at the same level as other migrants. Of course their situation is better because being trafficked and exploited is terrible and they have been able to leave that, so they move forward, but just a bit.

Iris: Yes, the women are able to overcome the trafficking experience, but they get stuck in social and structural traps as a result of injustices just as many others in Spanish society, for example migrants.

What is Proyecto Esperanza’s role in responding to these broader social issues?

Antonio: It is challenging, but it is not for Proyecto Esperanza to assist women to reach the maximum standard of integration. We have already done our part, which is to help get them out of exploitation and to ease into their current situation. Someone else has to produce better jobs, better opportunities, access to health care and to other services - we cannot do the whole thing. So we get them to the next bottleneck or obstacle and then we need to work with somebody else as that obstacle is a matter of social structures rather than basic services.

Iris: That’s an ongoing question at Proyecto Esperanza. When do you stop offering services to a trafficked person who has been assisted?

We try and work and network with other organisations that provide services that are needed later by women - referrals are very important. This is just as important as our responding to and offering assistance after the initial trafficking situation. We don’t take a very active role, because we believe it is also the women’s responsibility to take care of their own situations and all we can do is to provide them with contacts and referrals to those organisations and agencies that can provide more specific assistance than they needed initially. But it’s a constant

question: When do we stop providing services when we are not talking about trafficking issues anymore?

Antonio: Probably about 15 to 20 percent of the women achieve a social standard that is higher than average for migrants in Spain. They get better jobs, better access to some services, more leisure time, better transport. But this is just 15-20 percent; the majority fall below that level. They receive a below average income and are not able to rent a house or flat by themselves. Their leisure time and access to transport is below average. There is a small group of about 10 percent who are in very difficult situations.

Iris: You hope that after assistance from Proyecto Esperanza they will live with more independence, more autonomy in taking care of themselves, but often we find that this is not the case. In the majority of cases they have to depend on others, and in these cases specifically, unfortunately, most of them depend on their partners. You then question whether that relationship has been established through dependency or if it is a strong and healthy relationship. It is a big question I ask myself. What's happening? Is it like this for the rest of the population, at least the migrant population? And yes, most of the migrant population depends on family structures to survive. The problem is that most of these women do not have a family structure in Spain. For them to start from scratch with nothing at all is very hard. Proyecto Esperanza provides certain support in that sense, but it is temporary and there comes a time when it needs to be broken or they break it to obtain their own independence.

Is there anything in the findings that surprised you?

Antonio: Psychological side-effects. We found some women who were in a supposedly "perfect" situation, with a job, a boyfriend, a social network and outwardly you could say these women may have overcome their trafficking situation, but then suddenly they had a break down. Apparently the mental health issue is something which is still there for many years and it can sometimes arise five years after the experience. This is very complex and often requires psychological assistance.

There was also ongoing fear that a trafficker may re-emerge. Even though years had come and gone, and regardless of whether the experience was very long or not that long, regardless of their particular situation, always they said "I'm still afraid. I'm still afraid this guy might appear somewhere. I don't know if the mafia is in prison or they are already free. Sometimes I wake up, sometimes I look back..." and they kept that in their mind. They are always afraid.

Iris: One of the questions we asked was whether they were satisfied with the judicial process or not. A lot of them were not satisfied or they didn't even know what had happened with their case, but part of that is because they didn't want to ask about the outcome because it was

something that they just wanted to put aside and that was their way of dealing with the situation. I guess it's also about fear - they don't confide in anyone, they don't talk about it, but they are still looking back to see who is behind them. It's a very shocking experience that after five years of integrating yourself into society with your family that you still have that sensation.

At the same time, there is another side to it. For those who go ahead and report the case against their traffickers, they have this idea that this will help others to not go through what they went through. So it was a double edged situation - a trafficked person might be afraid and not wish to hear anything about what happened to their traffickers, but at the same time would report the case because it could prevent it from happening to someone else.

How will you integrate the findings from this research into Proyecto Esperanza's work?

Antonio: Training. We will get everybody (all staff and other organisations/agencies) to read the report and we will try to integrate it into a training program, but it will be difficult. When it's a matter of services, you can say "let's do it this way or that other way" or you can make a procedural change. When it's not a matter of procedure, but a matter of touch or how you contact people - not in a standard way, but in a personal way - that is very difficult. Some people have the touch and it is easy for them to talk; some people are perfectly good professionals but they don't have that kind of touch.

Iris: The shelter facilities intervention is very important because that is where the women spend most of their time. We provide legal and social integration services, but it's an hour a day or twice a week. The assistance that is being provided at the shelter is 24-hour assistance sometimes. When most of the women talk about "being taken care of" and the warmth that they receive, it is not so much about the information or the outcome of the legal procedure that's going to take place, but the warmth from talking with someone, being with someone and you find that mainly at the shelter facility. I think training is the way to go about learning from past experiences - maybe the personalities might change but the institutional knowledge remains the same and we can use this in our learning process.

Can you tell us more about how direct assistance needs and services have changed?

Antonio: When we began our project in 1999 Spain did not even have a legal framework for trafficking. So we were learning alongside the women as we went along and we were not sure which path to follow, either for setting up a shelter or for providing legal and social services. Now the path is much clearer. At the same time, I don't think women now need the shelter as much as they did five years ago. They need something different.

Iris: What is being questioned in Proyecto Esperanza is whether the women really need a lot of protection or the kind of security that the shelter provides. There is a greater need for the legal assistance and the social integration programmes, but not so much a place to stay and the security that surrounds a shelter.

Antonio: This might change again because now we live in a crisis where fewer jobs are available, anti-migrant discourse is growing, and this means that migrants have fewer opportunities to find a job or a place to stay.

From the research, what is the most important service Proyecto Esperanza provides?

Iris: According to the women, legal assistance is essential.

Antonio: That is why they come to Proyecto Esperanza, because they want their papers to be legalised and to get out of the criminal situation. When they come we also offer them other services. Our data over the years show that the legal services have higher, more steady participation. Some of the other services go up and down, depending on external factors. The legal services, in many ways, are more successful. Even though some of the women have not received their papers after one or two years of legal struggle they still consider this team to be one of the best. They feel comfortable with them despite the results.

What challenges have you faced with this project?

Iris: Responding to the needs of the women by addressing their needs rather than our own. This is related to another challenge, not so much with the women but rather the way we coordinate ourselves. Particularly with direct assistance which requires so many different agents - the lawyer, the educators, the social integration programme. How to combine all these agents to work together for the one person and really provide for her needs, that is the big challenge.

I think sometimes it's very easy to blind yourself and think, "This is good for her" when in fact it's not at all good for her. I think that's why it's very important to have this evaluation because it is her speaking and her voice that we need to listen to. Yes, we may do things differently from the way she would decide to do it, but it's about her choices. She has a big role, an important role in the outcome of what she wants to obtain or achieve. It's not through our eyes; it's through her eyes, through her voice.

Then also, on a personal level there is the challenge of removing ourselves from work, leaving the women's situations at the office rather than taking work home with us.

Antonio: It would be good to conduct this research again in another five years and not to stop here.



Iris Rodríguez Tavárez and Antonio Rivas are staff at Proyecto Esperanza, for more information about this organisation, see their profile in GAATW's Member Organisations in Europe, p. 20.



Interviewed by Zoë Bake-Paterson the Campaigns and Communications Officer for the GAATW International Secretariat.

EU Expert Group on Trafficking in Human Beings

Suzanne Hoff

On 22 July 2008 the European Commission appointed 21 new members to the Group of Experts on Trafficking in Human Beings (referred to here as the EU Experts Group).¹ In this article I introduce to you the new members of the EU Experts Group, its work, and their plans for their term.

Background to the EU Experts Group

The concept of the EU Experts Group emerged in 2002 at the “European Conference on Preventing and Combating Trafficking in Human Beings - Global Challenge for the 21st Century.” The outcome document of this Conference, which was attended by more than 1,000 people, was known as the Brussels Declaration and it called for an experts group to be set up. Such a group would review, consolidate and develop “the validity and performance of standards and best practices in counter-trafficking policy at the national and international levels.”² The first EU Experts Group was then composed in 2003³, as a group of independent experts, not representing the views of their governments or organisations, to advise the European Commission on the issue of trafficking in persons. In October 2007, a new enlarged EU published another decision that the EU Experts Group should continue its work and established a new Group for this purpose.

Selection of members

Back in 2003, and now again in 2008, the members of the EU Experts Group have been appointed from among non-governmental organisations (NGOs) and governmental organisations (GOs) and are all specialists with expertise and experience in the fight against trafficking in persons, including its labour dimension. Applications opened in January 2008 and the Commission appointed nine members proposed by EU Member States from their administrations, and nine from inter-governmental, international organisations and NGOs active at the European regional level.⁴ A new aspect of the second EU Experts Group is that it includes two individuals appointed for their experience as academic researchers, and one member appointed by Europol. All members were appointed for a three-year renewable period, which was also new; members of the first Experts Group in 2003 were appointed for one year only, and their mandate was later extended.

Twenty-one motivated members

Although current members had different reasons for applying, they all share the desire to use their

experiences gained working in the field, and to contribute to anti-trafficking measures that will be implemented at the European level. For this article, I contacted selected members of the new EU Experts Group: Bärbel Uhl, Floris van Dijk, Stana Buchowska, Evelyn Probst and Muireann O’Brian to ask for their opinions. A summary of their answers and information on their background in the field is provided here.

Floris van Dijk is a team leader at the Dutch Social Intelligence and Investigation Service (SIOD), which was established in 2002 to uphold the rules and regulations of the Dutch Ministry of Social Affairs and Employment (SZW) through criminal investigations. It aims at forestalling abuse and misuse of social legislation and benefits. One of the main objectives of the SIOD is “fighting criminal entrepreneurship within the field of work and income.” SIOD defines criminal entrepreneurship as “obtaining financial-economic gains through facilitating (others) committing criminal offences by delivering goods or services.”⁵

“Personally, although working for an investigation service, I am convinced that [trafficking in persons] is one of the most serious crimes from the human rights perspective. It is unbelievable and horrifying what still happens within a considered developed society, as I have seen myself. Modern slavery-like practices never correspond to international and national lawmaking, but also not to the basic principles of the social security system. I really want to make a contribution to this complex matter,” explained Floris van Dijk as his reason for applying to join the EU Expert Group.

Another person who applied and was selected as a new member of the EU Experts Group is Evelyn Probst. She has worked for many years for the Austrian NGO, LEF⁶, which is based in Vienna and is a member organisation of GAATW. LEF⁶ advocates for the rights of migrants and trafficked women and has, among other services, an intervention Centre for Women affected by Trafficking. For Evelyn, her motivation was also clear: “I wanted to make use of my expertise born out of ten years of experience within a migrant women’s organisation; within the Experts Group I wanted to stress for the focus on access to justice for trafficked persons.”

Another reason members of the group listed for joining the EU Experts Group is the diversity of its members. Bärbel Uhl has worked in the anti-trafficking field for many years, including for La Strada Czech Republic (also a

member of GAATW), the OSCE office in Serbia, and the OSCE Office of Democracy and Human Rights (ODIHR) in Warsaw. She is currently working as a consultant for the Boltzman Institute in Bucharest, Romania on their international trafficking in human beings programme. She was recommended by the German government and was also a member of the first EU Experts Group. At the first meeting of the group in Brussels, she was elected to be the chair. She says: *“The EU experts group constitutes a platform to ensure that the plurality of voices and ideas will feed into an innovative and holistic approach to anti-trafficking politics. During my last term in the EU Experts Group, I found it very inspiring to discuss best approaches and experiences with such a variety of backgrounds brought into the group by its members, including different institutional and national backgrounds.”*

Stana Buchowska, coordinator of La Strada Poland (GAATW member) and co-founder of La Strada International, the European NGO network against trafficking in human beings, also welcomes that *“both NGOs and governmental representatives from different regions and with different backgrounds are represented, originating from different disciplines (including law enforcement). I believe that everything those experts can bring to the group, will be of benefit for the European Commission.”* Like LEF and other NGOs in the anti-trafficking field, La Strada works on advocacy, prevention and direct assistance to trafficked persons.

Muireann O’Brian, another new member of the Expert Group, is a board member of Plan Ireland, and a barrister who works as Legal and Insurance Manager at St. James’s Hospital in Ireland. She has been an international campaigner on child rights and anti-trafficking for many years. She is a former CEO of the Dublin Rape Crisis Centre and head of ECPAT International, which is a network of organisations and individuals who are working to eliminate the commercial sexual exploitation of children. *“I can just say that I am very impressed by the expertise in the group, and the variety of the skills among the members. The Group will be very much a resource for the European Commission in its endeavours to combat trafficking in human beings.”*

The diversity of the group was also noted in the first EU Experts Group report, where Marjan Wijers (chair of the former group) stated: *“It is well known that in particular the issue of prostitution is extremely sensitive and that very different positions exist on this issue, which is also reflected in the Experts Group. Our choice has been to recognise, respect and accept the different positions and not allow them to take over. Rather we have focused on the aim we have in common, notably to reduce trafficking and related forms of violence and abuse in the sex industry and other industries.”*

Assignment & personal focuses

The EU Experts Group terms of reference lays down that: *“the Commission may consult the Group on any matter relating to trafficking in human beings. The Group shall*

issue opinions or reports to the Commission at the latter’s request or on its own initiative, taking into due consideration the recommendations set out in the Brussels Declaration.”

Börbel Uhl adds that: *“the Group is mandated to issue opinions or other formats to advise the EU Commission on anti-trafficking policies, the Members of the Group act in their individual capacities. However, the Group assembles experts from governmental, non-governmental, academic and international agencies who are tied into their respective discourses and institutional background and bring these ideas into to the Group as well.”*

Regarding the role and mandate of the Group, Floris van Dijk finds that *“by sharing information and knowledge and exchanging best practices within the expert group, the EC can take steps to make the giant gap between (inter)national legislation and actual implementation disappear. The role should be an advisory one, one of bringing up legislative and executive suggestions and of being very critical and transparent to native national situations, fulfilling an important role in international communication and cooperation - which the EC can rely on.”*

In line with the overall goal to pursue evidence-based policy, Stana Buchowska thinks that, *“the group will provide the Commission with a full update from the field and sectoral and regional knowledge.”* She further believes that the, *“EU expert group can influence policies, which can affect all actions in the anti-trafficking field.”*

Experts Group members answered differently to the question of what they personally want to achieve during their term and what they consider should be the focus of the EU Experts Group. Floris van Dijk hopes that the group’s work will have an impact at both the international and national levels: *“I am hoping for solid steps towards better inspection, investigation and prosecution at an international level, to catch criminal groups involved and protect and help the victims. I hope that after having served my term, the understanding, awareness of and attitude towards the phenomenon of labour and sexual exploitation, between judges, inspectors, investigators, and the public must definitely have improved in the Netherlands. This is really a mountain to climb! The focuses are more or less already determined, but I think much more attention should be paid to labour exploitation and international cooperation, including data exchange, cross-border investigation, etc.”*

Evelyn Probst said she would like to see, included in all possible documents and events of the European Union, *“the importance of security and access to justice for trafficked persons, and to make European decision-makers aware of the connection between trafficking and migration realities and policies, while hoping that it is not wasted time and energy spent.”* She, in particular, sees her role as focusing on the main challenges around justice: access to rights, anti-migration policies versus anti-trafficking policies.

"I hope the group will continue to work upon recommendations and policies that translate a human rights approach into anti-trafficking practices," says Bärbel Uhl. "Even after all the years working in this area I still find it fascinating how anti-trafficking policies symbolise general challenges for European and global politics: Habermas called it the 'Janus face of modern nation': while human rights is an universal principle, only Nation States can be held responsible for the protection of human rights. The European Union is an interesting political, cultural and legal construction that assembles sovereign Nation States but works upon a transnational idea of citizenship. It could be a promising way to strengthen the human rights protection and political membership for socially excluded people, such as trafficked persons."

The first meeting in October 2008

An initial meeting of the newly appointed members took place in early October and a second is scheduled for January 2009. Although the first meeting was aimed at members introducing themselves and exchanging expertise and thoughts, some technical issues were tackled as well. *"This first meeting was very, very fruitful. The group is very diverse, with many different expertises, and this is also the strength,"* stated Floris van Dijk. Evelyn Probst felt *"that there is a high competence of the participants. There was an agreement, but still the focus of the group has to be worked on."*

How the group will contribute in practice towards new European policies and actions should become clearer in the coming three years, as specific proposals and opinion papers have not yet been defined. However, at their first meeting the Expert Group members gave their comments on the revision of the EU framework decision. They stated that it should take a more human rights centred approach, along the lines of the 2004 Experts Group Report and the 2007 Recommendations. *"This is a very important task, since it will be an opportunity to substantially improve the EU legislative framework, and heighten the standard of EU action both in the field of prosecution and victims' protection,"* said Maria Grazia Giammarinaro⁶, who is the national seconded expert at the Directorate General of Justice, Freedom and Security of the Council of Europe, where she is responsible for actions to fight trafficking in human beings.

Yet, the European Union and its Member States are still being criticised by civil society for not putting enough emphasis on the human right approach in their measures, and focusing too much on stopping migration.

The first EU Experts Group was mandated in 2003 to submit a report, based on the recommendations of the Brussels Declaration, with further concrete proposals to be undertaken at the EU level. Such a report was indeed submitted on 22 December 2004, and consisted of three major parts focusing on prevention, victim assistance and protection, and law enforcement aspects in the broad sense. The EU Experts Group used the report to emphasise overarching issues of approach, *"such as the need for human rights based approach, the specific needs of children and the importance of an integrated and multidisciplinary approach."*

Continuation of the work done

At the first meeting, the new EU Experts Group members agreed that they will continue the work of the former EU Experts Group by making use of this 2004 report, as the prior Group had requested: *"We hope that the report will not only inform action on the short-term, as a basis for a Communication of the Commission, but will also prove to be of value in guiding the development of EU policies on the long term."* Evelyn Probst believes that one role of the Experts Group should be to ask the Commission and the EU Member States to take the 2004 EU Experts Group report seriously *"the EU Experts Report of 2004 is the basic point of reference. Revision is planned only for updating, and still the common decisions are to be taken. Until now, the first report of the Experts Group was a reference for national political advocacy and lobbying, since the plan is to adapt it, it could be a helpful document for many."*

European actions on Trafficking in Human Beings

So far, the European Commission has taken many measures to fight trafficking in human beings, including:

- Adopting legal instruments such as the Framework-Decision on combating trafficking in human beings of 19 July 2002⁷, mentioned above, and the Framework Decision on combating the sexual exploitation of children and child pornography of 22 December 2003
- Pushing forwards the harmonisation of national criminal laws and procedures in the Member States, which will cover issues such as jurisdiction, prosecution and the standing of victims in judicial proceedings
- On 29 April 2004, the Justice and Home Affairs Council adopted the Directive on residence permits issued to third-country nationals who are either victims of trafficking in human beings or subject of an action to facilitate illegal immigration, and who also cooperate with the competent authorities
- Establishing a series of financial programmes, such as the former STOP programme and AGIS and Daphne⁸, as tools to develop, strengthen and evaluate policies, practices and cooperation within the EU and between EU Member States and accession countries in the fight against human trafficking and sexual exploitation of children
- Launched, together with the European Parliament, many other initiatives, campaigns and actions to prevent trafficking and punish traffickers

Bärbel Uhl added: *“The Experts Group referred in its first Opinion from October 2008 strongly to the EU Experts Group report from 2004. Ideally, the new Group would build upon the 2004 report as it is still relevant and comprehensive but also to move ahead. However, the situation in Europe has also changed a lot since 2004: we have now, with the Council of Europe Convention on Action against Trafficking in Human Beings, a European legal instrument that includes mandatory victims’ protection provisions for trafficked persons in Europe. Moreover, we witnessed the enlargement of the EU. Now we deal a lot with EU internal trafficking. That was not a dominant development when we drafted the 2004 report. This is only one example of the changing developments affecting trafficking in Europe.”*

Stana Buchowska agrees and hopes that the Commission will synchronise its work with the Council of Europe and its Convention more, *“as this is a powerful new instrument of which the European Commission can make more use.”* In this respect she would like to lobby for more EU Member States and the Commission itself to sign and ratify the Convention, and implement it.



Recommendations to the EU

With regard to general recommendations to EU Members States on their actions at the national level, Floris van Dijk thinks *“there is a slow but steady improvement thanks to EU measures. From my own experience, I can only stress for more focus on issues like awareness raising, training for professionals, improving inspection and investigation skills, and international cooperation. In short: prevention is the keyword, and through inspections and investigation (always from the victim-based approach, starting with better victim identification) this will inevitably show effect.”* Stana Buchowska further hopes that *“prevention policies defined by the European Commission will not be anti-migration measures.”* Similarly, Floris van Dijk said that the EU Experts Group should ensure that migration and trafficking

are tackled as inter-related issues, because, *“without that linkage, it is not possible to effectively solve the issue, I personally believe. Practice shows that if you separate trafficking from the migration question, it will negatively affect measures taken in the area of trafficking in human beings. That goes without saying.”* Evelyn Probst added, *“The question of how these issues should be discussed together will be part of our discussion. I will do my best to ensure it is being discussed.”*

Including the voice of non-EU members states

The focus of the EU Experts Group lies on the European Union Member States. However, as measures taken by the EU affect non-EU countries as well, I asked the new members whether they would like to include the non-EU states in the debate, and if so, how they would do so and how could the Group ensure that non-member states are involved in the discussion and their voices heard? Floris van Dijk admits, *“that is very difficult. I mean, you should not want to run a marathon after the first week of training in your life. Looking at national labour markets in Western Europe, and then at human rights, migration and organised crime within the EU, the beginning is a long and winding road. Of course the UN and NGOs are needed to ensure that countries involved outside of the EU can participate too, maybe gradually. But I would say again that because of the size and seriousness of the problem, it is impossible to do it all at once.”* Stana Buchowska replied that she hopes *“that the group can make a connection with the countries of origin and destination beyond the EU countries. It is very important to include the voice of non-EU members in the debate and they should be invited at different stages, at international fora and platforms, as it not only the issue of the EU, broader cooperation is essential.”*

Political reality

As stated, we have to see how much the new and motivated members can change things at the European level and beyond. Possibly we have to be realistic, that the world will not be changed in a day, and that the EU experts group has a role to simply provide advice. In the past, the discussions in the Group have been guided, as stated in the 2004 report by Marjan Wijers, *“by both a clear view of the political realities we face, as well as by the need to think beyond those realities. Both perspectives are needed and can be mutually inspiring. Without, for example, the NGOs who started to address the issue in the eighties, in a time when no government was really interested, we, as an Experts Group, would probably not have existed today. We also felt it important to be clear about guiding principles and the direction in which policies should be developed to then be able to adapt to the political reality.”*

Moreover, reality can take different shapes, the political reality and the reality of trafficked persons. We have tried to stay close to the reality of trafficked persons. We also considered it our task, as an independent group of experts, to keep governments to their commitments and not to be afraid of saying what should be done.”

I hope and expect the EU experts group members to help us - anti trafficking organisations and activists - to monitor the European anti-trafficking polices and to remain critical, contributing further to a lively debate at European level, and wish them the reality and power to do so.

Endtnotes

¹ This appointment had been planned since the EC decision nine months earlier: *Commission Decision 2007/675/EC of 17 October 2007 setting up the Group of Experts on Trafficking in Human Beings* [Official Journal L 277 of 20.10.2007]. 2008/604/EC - The European Group of Experts on Trafficking in Human Beings advises the Commission of the European Union in general on anti trafficking matters. It should not be confused with the Group of Experts on Action against Trafficking in Human Beings (GRETA), which monitors the implementation of the *Convention on Action against Trafficking in Human Beings of the Council of Europe* and which was also selected in 2008.

² *Brussels Declaration on Preventing and Combating Trafficking in Human Beings*, Annex of Recommendations, Standards & Best Practices, Mechanisms For Co-Operation And Co-Ordination, Art. (2).

³ In 2003 - *Commission Decision 2003/209/EC of 25 March 2003* setting up a consultative group to be known as the “Experts Group on Trafficking in Human Beings - the European Commission adopted the Decision setting up a consultative group, to be known as the Experts Group on Trafficking in Human Beings and appointed then the first 20 members of the Group.

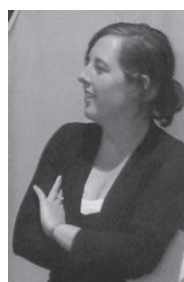
⁴ Initially, it was planned to only select five of the latter, but as stated in the decision, “In addition 4 additional members were taken [...] to compensate for the lack of applications received from social partners and employers’ associations operating at European level, so as to ensure a balanced topical and geographical representation and to make up the total of 21 members originally envisaged”.

⁵ <http://www.siod.nl/content/view/22/42/>

⁶ In an email of 30 July 2008.

⁷ 2002/629/JHA

⁸ Since January 2003 funding is available under the AGIS framework programme for police and judicial co-operation in criminal matters. AGIS replaced the STOP II programme, which was established in 2001 further to encouraging experiences with the STOP programme of 1996. Another important programme in this context is the Daphne II Programme. It specifically targets violence against children, young people and women.



Suzanne Hoff is the International Coordinator at La Strada International. For more information about this organisation, please see their profile in GAATW’s Member Organisations in Europe section on p.20.

Working Across Water: two organisations share an inter-regional perspective

Interview by Jaqueline Leite and Doro Winkler

For this issue of the Alliance News, we hoped to create opportunities for sharing and co-creating knowledge between origin and destination countries.

Two GAATW members - CHAME in Brazil and FIZ in Switzerland - have a long history of collaborating to provide services for women affected by trafficking. CHAME can be considered the child of FIZ, as it was founded by FIZ (as Project CHAME) in the early 1990s as a way to enable trafficking prevention work in countries of origin. Jaqueline Leite came to Switzerland to plan the project. In 1994, she returned to Brazil and started the CHAME Project out of the University of Bahia in Salvador, a popular tourist destination in Brazil. In the beginning, FIZ supported CHAME with fundraising, but CHAME has now matured into a self-sustaining and independent organisation. Since then, a close cooperation has existed between FIZ and CHAME.

Two long-time staff - Doro Winkler (Public Relations and Fundraising Officer of FIZ) and Jaqueline Leite (General Coordinator of CHAME) - sat down in Zurich on 11 November 2008 to discuss and share the situations in their respective countries, their frustrations with how the politics of anti-trafficking work has unfolded, and their thoughts about the future.

Interview:

Doro, FIZ: The main issues you deal with in your work are trafficking in women and sex tourism. Does a close connection between these issues exist?

Jaqueline, CHAME: Yes. We have seen that sex tourism opens the door for trafficking in women; however, today we differentiate between them. For us, sex tourism means the different forms of exploitation of women in tourism in Brazil.

An example: The 'girlfriend' of a tourist provides many things for free - she is an unpaid tour guide, who also cares for his security (doesn't bring him to places in which he could be robbed), and who is available for sexual satisfaction. For the male tourist, this type of arrangement is much cheaper than when he has to pay for everything. Often, he doesn't pay her a fee, but a meal or a bikini. That is how we define sex tourism today. There are other forms of tourists who engage in sexual exchanges - for example, tourists who go to a nightclub or use the sex industry in another place than their home town,

they pay both an entrance fee and the prostitute herself - but this is not sex tourism.

Doro, FIZ: Why do you think sex tourism opens the door for trafficking in women?

Jaqueline, CHAME: Because it is often these women, the 'girlfriends' of tourists, who are recruited by traffickers. For example, one woman who was the 'girlfriend' of a Swiss tourist was invited by him to go to Europe where they would live together. She travelled to Europe where, after a holiday in France, she was taken to a house in Italy. In Italy, she was locked up and forced to work as a prostitute for two years. Her 'boyfriend', the Swiss man who brought her to Europe, never showed up again.

Going abroad for a so-called love affair or relationship is enticing for women, and has become a pattern we often see. This particular Swiss man has apparently enticed many women in this way, through disguising himself as a tourist; in fact, he belongs to a criminal organisation.

For us the question always is where the transition [to trafficking] is, when do we speak of a liaison and when does it become exploitation? These are questions we also raise and discuss during our Information and Prevention work in schools. In these sessions, the girls also look at the root causes of trafficking and discuss whether skin colour or poverty are the only criteria; we encourage them to consider first whether there are equal rights between the sexes.

It is an important criterion to understand exploitation. We do not want our work to portray only the foreigners or tourists as guilty, because women are also exploited in Brazil by Brazilians. It is not a question of nationality but one of gender. If, however, the women are enticed to go abroad, they don't often know about their rights or the language, which makes it especially hard for them to defend themselves.

FIZ was also doing prevention work in schools, weren't you? What have been your experiences there?

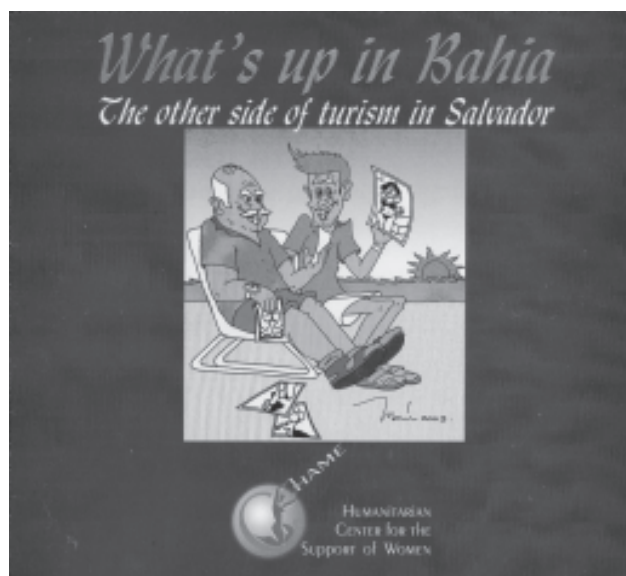
Doro, FIZ: Yes, we are providing information in some schools. Doing this work, we often find that the Swiss students - similar to victims of trafficking before their exploitation - have the impression that traffic in women doesn't take place in Switzerland. We explain to them that there are different types of exploitation. The women come here to make money for their family

back home, but often find themselves dependent, they cannot simply walk away. Most women are not locked in, but are, through different means (with violence, threats, etc.), forced to repay highly inflated debts. They end up having to do work that they don't want to do.

By sharing this information, we try to sensitize not only young women, but also the young men who are potential clients of sex workers, so that they do not act as "anonymous" and therefore, ignorant consumers, but as responsible men who will not take part in exploitation. With this information, they can pay attention to the conditions in which a woman works, and whose services they pay for. In that respect, this also is gender sensitivity work.

This raises another question about whether information/awareness work is successful in preventing violence in the process of migration, or whether the living conditions are so precarious that information/awareness work alone cannot help?

Jaqueline, CHAME:It is indeed about economic foundations and situations for the women. Today, it is just absurd - programs for returnee women are being discussed, projects for the improvement of the economic and social situation of returning victims of trafficking are being developed. What this actually means is that women need to be trafficked first to have a better economic and social situation offered to them afterwards! This is totally absurd. We should give women opportunities to achieve better economic conditions before they are exploited.



Doro, FIZ:I agree, it is absurd. Only when the women are exploited and heavily traumatised as victims of trafficking will they be offered and receive support. I also criticise the Swiss Return Assistance program, in which a lot of money is invested to provide this support. The priorities of countries of destination are clear: prevent migration and send back migrant women. Equally important, however, is to invest in

prevention work that enables the country of origin to create economic options for women. Prevention work is not the only area of under-funded work as it is also hard to obtain funding for counselling of victims in Switzerland.

Jaqueline, CHAME:That would mean that we have a central shared theme: prevention or impediment of exploitation during the migration process. We don't want to prevent migration, but the exploitation within it.

Doro, FIZ:Yes, that is a shared theme indeed, and also a shared political stand. This brings us to political work. It is our task, as NGOs, to alert states when their laws do not function in practice. To demand that laws and action plans also take our work with affected women into account.

Jaqueline, CHAME:That is our strength too. We work with the grassroots organisations and try to improve the situation. There, we see what those involved need, what works, and which laws etc. don't work at all because they don't take into account life's realities.

Doro, FIZ:And there we also rely on the international network. These demands to accurately reflect the needs of those affected are not only delivered by NGO's to their national governments, but also at the international, multi-lateral level. For that, this network is central.

Zurich, Switzerland, 11.11.2008 Jaqueline Leite, Doro Winkler

On follow up to the interview, each woman commented on the future directions of their organisation.

Doro, FIZ: FIZ wishes to strengthen their political work, both to increase pressure on the level of law and in that way accomplish better protection of victims in Switzerland, and to increase resources available for international networking.

Jaqueline, CHAME: CHAME sees that in future the idea of networking with grassroots women's organisations should be strengthened, so that they can find their own direction and are able to achieve prevention of trafficking themselves. This network should be regional and international, in order to share international achievements and experiences on the local level. Also, on the political level we want to take a stand in the developments, based on experiences from the reality.



*Translated by
Xenia Commandeur
the Finance and Administration
Manager for the GAATW
International Secretariat*



Petitioning for a better protection of victims of trafficking in women!
Copyright for photo: FIZ

CHAME Centro Humanitário de Apoio à Mulher (Humanitarian Centre of Support for Women)

CHAME is a non-governmental organization in Salvador, Brazil, that aims to prevent trafficking in women and sexual tourism through mobilisation and information. It seeks to broaden the discussion about exploitation of young and adult women to different forms of migration, empowering society and especially women to fight for the human rights of trafficked victims.

Contact Details

E-mail: ongchame@yahoo.com.br
Website: www.chame.org.br

FIZ, Advocacy and Support for migrant women and victims of trafficking

FIZ is an independent, non-governmental organization that carries out consultation as well as public relations and political work. FIZ specialises in issues related to trafficking in women and women's migration as well as other forms of exploitation of and violence against migrant women from Africa, Asia, Latin America and Eastern Europe. They advise and support women about trafficking; violence; rights of residence and legalisation; separation and divorce; working in cabarets and sex work. FIZ' Makasi project provides counselling and supervision for the victims of trafficking in women.

Contact Details

E-mail: contact@fiz-info.ch
Website: www.fiz-info.ch/ www.makasi.ch



Jaqueline Leite
has studied Art History and International Relations in Brasil. She is founder of NGO CHAME in Brasil, and was also member of the Gender Equality Office in Bahia.



Doro Winkler
studied Anthropology and Sociology, and is the Public Relations and Fundraising Officer of FIZ, where she has worked for 10 years.

Updates from the Secretariat

Michelle Taguinod

APF Forum, Kuala Lumpur, 28-31 July 2008

The Asia Pacific Forum is the secretariat supporting the work of 17 national human rights institutions around Asia and the Pacific. Each year the Forum brings together the national institutions (NIs) to discuss their work and topics of emerging human rights interest. This year, the topic was the human rights obligations of trans-national corporations, which is a crucial issue for the protection of migrant workers. As the only regional event with a specific human rights focus (in the absence of any human rights mechanism or charter in Asia), this forum is an important opportunity for human rights advocacy. Prior to the event, Forum Asia together with the International Service for Human Rights and IRAW-AP held a four day civil society meeting to support NGO engagement with the Forum. Eleanor Taylor-Nicholson from the GAATW-IS attended both the CSO meeting and the Forum to encourage NIs to monitor the human rights impacts of anti-trafficking laws in their countries.

Gender-Migration-Labour-Trafficking: Exploring conceptual linkages and moving forward

GAATW Roundtable, 6-9 Aug 2008, Bangkok

The GAATW Roundtable on Gender-Migration-Labour and Trafficking was held in Bangkok in early August, hosted by the GAATW-IS. The Roundtable was the first step in an on-going discussion with members, allies and friends about

how these themes are being linked by both policy-makers and those working on the ground.

Sessions included discussions and debates around: hierarchies created by categorising migrants; understanding concepts such as “irregular” and “managed migration”; the specialisation and isolation of anti-trafficking; brainstorming ways to introduce the human rights message when talking to governments about migration; and plans for the Global Forum on Migration and Development.

Some of the messages that emerged from were:

- The mainstream discussion and policy on trafficking has led to “collateral damage” in the form of violations of the rights of trafficked persons, migrants and women. We should learn from this in our future advocacy.
- Anti-trafficking, migrant rights and labour rights movements are calling for many of the same things and inter-movement dialogue and joint advocacy is essential.
- All movements are complex and all have their own tensions. Different organisations and movements will align with each other at different times.
- Migrant and trafficked women’s agency should be amplified, lifting up their decisions and self-identities.

Across the three-days, participants highlighted a number of suggestions for GAATW to strengthen and broaden its work, including:

- This discussion is very timely and should be continued and broadened
- Continue using positive and affirming rights advocacy when advocating for the rights of trafficked persons, rather than focus on violations.
- Building on the long history of advocating for the rights of migrant women, GAATW should start learning more about the labour rights movement and how our messages and actions can support each other.
- Contribute gender analysis to migration and labour discussions, and bring the experience of migrant women into these discourses.
- Consider also how the market/corporate sector could be allies in protecting the rights of migrant labour, and in demanding protections from governments.



Participants at the Roundtable



India: Self-help Health Training, Phase 1, Nayagarh district, Orissa, 27 Aug-5 Sept, 2008

Two GAATW-IS staff - Bandana Pattanaik and Ali Paul - were able to join the first three days of the initial Self-help Health (Traditional Healers) training in Orissa, eastern India. The training, held from 27 Aug - 5 Sept 2008, brought together 24 women from rural villages, *bustee* (slum) areas, and shelters throughout Orissa. Hosted by the Institute for Social Development (a GAATW member organisation), the training was held at Sambhav Centre in the Nayagarh district and facilitated by friends, Sabala and Kranti. Over the three days in which we attended, all of us understood ourselves better, and the role of gender and patriarchy in our lives. We were strengthened by the shared experience, and the beautiful setting and wonderful food at Sambhav. Participants will return for the second phase in early November, after having the opportunity to integrate the experience into their lives.

National Conference of Trafficking Survivors of Nepal and Nepal Anti-trafficking Day, 3-5 Sept, 2008



GAATW-IS, and friends from Thai organizations Foundation for Women and the Fighting Women group, attended the 2nd annual National Conference of Trafficking Survivors, and the Nepal Anti-trafficking Day in Kathmandu, Nepal. Hosted by GAATW member and self-organised group, Shakti Samuha, the Conference was the culmination of many months of consultation with survivors throughout Nepal. It brought together survivors of all forms of trafficking from all regions of the country, officials of the newly formed government, and representatives of civil society (including INGO/NGOs and donors) in a single forum. Survivors, including 60 members of “Shakti Sanjal” networks, advocated for a constitutional guarantee of their rights through a 22-point “*Shakti Declaration*”. The Declaration was delivered to senior officials.

The national Anti-Trafficking Day followed the conference on the 5 September. Hundreds of people and 86 organisations participated in a rally through the streets of Kathmandu. Anu, one of the founding members of Shakti Samuha, received a Government

recognition award for her work on anti-trafficking. Our visit clarified for us the changing and dynamic nature of trafficking and anti-trafficking work in Nepal, reinforced the necessity of health provisions in protection and recovery work, and validated the importance of these types of fora to build solidarity and commitment.

World Social Forum on Migration, Madrid 11-13 September 2008

Nerea Bilbatua and Zo• Bake-Paterson from the GAATW-IS, Marta Gonzalez and Antonio Rivas from Proyecto Esperanza (Spain), and Natividad Obeso from AMUMRA (Argentina) attended the recent World Social Forum on Migration, held in Spain. GAATW gave a presentation about Collateral Damage, with a focus on the situation in Spain, and the related campaign, Recognise Rights. More than 80 people attended. Participants



GAATW Panel: Collateral Damage

were invited to write down what they felt was the right in most need of recognition.

During the forum, GAATW members met with many interesting organizations, including a trade union lobbying for migrant rights in Valencia, Spain and some self-organised groups of African women migrants. For more information, please contact zoe@gatw.org

GAATW-IS Networking visit to Lebanon, 11-18 Sept 2008

In September this year, two GAATW-IS staff - Bandana Pattanaik and Aneeqa Ahmad - went to Lebanon to learn more about, and make contacts with, direct service providing organisations in the Middle East region.

This trip was the first step in response to GAATW members' interest in knowing more about regions where we have limited or no contact, but which are common destinations for migrant workers in Asia. We met organisations such as Pastoral Care of Afro Asian Migrants (PCAAM), Caritas Lebanon Migrant Center, ILO, Human Rights Watch, the Indian and Philippines Embassy, and individuals working with migrant workers. It was also a trip to learn more about the situation of migrant workers in Lebanon, especially female domestic workers. GAATW-IS is in the process of compiling the findings from this informative trip and is formulating follow-up plans which will be discussed with members shortly. Our special gratitude to the Alliance's friend, Kafa (Enough Violence & Exploitation), a Lebanese women's rights organisation for their immeasurable support, help and assistance.

International Conference on Gender, Migration and Development (ICGMD), Manila, 25-26 September 2008

The ICGMD was a preparatory conference to the GFMD, intended to highlight the gender dimensions of

migration and development. Workshop sessions ranged from discussions on the rights of domestic workers, to the role of government, unions and the private sector, and human trafficking. Eleanor Taylor-Nicholson from the GAATW-IS presented a paper on Prevention of Trafficking: the Human Rights Dimension. For more information, see <http://icgmd.info/> or contact eleanor@gatw.org

4th Conference of Parties to the UN Convention on Transnational Organised Crime, Vienna, 8-17 October 2008

Between 8-17 October, the States Parties to the Convention on Transnational Organised Crime and its Protocols (including the Protocol on Trafficking in Persons) met in Vienna for the 4th Conference of Parties. The Conference is intended to help governments improve their capacity to stop organised crime and to monitor their implementation. On the 13 October, a full day was given to sharing information about trafficking in persons, especially protection of victims and witnesses. Governments also considered whether to adopt a more formal mechanism for monitoring the implementation of the Trafficking Protocol, and it was decided that a group of "experts" would discuss this in 2009 and present their recommendations to the next Conference in 2010. The three GAATW secretariat staff who attended the Conference were joined by four members: Vichuta Ly from LSCW in Cambodia, Nelia Sancho from the Buhay Foundation in the Philippines, Andreza Santoja from Sodirietos in Brazil, and Marieke van Doorninck from La Strada International (LSI) in the Netherlands. GAATW co-organised a side event on 13 October on the possible review mechanism, together with Anti-Slavery International and LSI and made an intervention to the Conference on this issue. We also distributed Collateral Damage and made a second intervention sharing the findings of the Report.



Speakers at the Side Event: (R-L) Nelia Sancho of Buhay Foundation; Marieke van Doorninck of La Strada International and Tim Lemay, UNODC



GAATW Regional Consultation in Europe

The European Regional Consultation was coordinated by the GAATW-IS in partnership with LEFO, a member organisation in Austria that acted as host. It was the result of a participatory planning process, in which all members in the region were actively involved. The meeting was entitled “*Centring the Rights of Trafficked Persons in a Changing Environment: Addressing the Challenges Together.*” Its departure point was the recognition that the global and regional environment, including anti-trafficking, has changed since GAATW was launched and it is being increasingly questioned because it has not benefited trafficked persons as originally hoped (the human rights of those trafficked, or vulnerable to trafficking, are not necessarily better protected as a result of anti-trafficking policies). In addition, the human rights discourse is now being used by a multiplicity of actors with very different agendas, and as result of the globalization process, newly disadvantaged groups and forms of discrimination have emerged.

Four broad areas of joint work at regional level were identified during the Regional Consultation:

- (a) **Sharing of information** to learn from each other, to denounce human rights violations in the anti-trafficking framework and to have evidence-based advocacy, at both national and regional levels.
- (b) **Developing common human rights standards for the implementation of a human rights approach to anti-trafficking**
The issue of how the practices of IGOs, NGOs, governments and UN agencies contradict the Human Rights-Based Approach to anti-trafficking was recurrent throughout the Consultation. There was a commonly perceived need to understand this challenge better, to gather evidences and to advocate around this.
- (c) **Linkages with migration and labour movements**
Discussions showed that anti-trafficking organizations are, to some extent, already linking with migrant rights groups, trade unions and other actors at national level. The current regional project on compensation lead by LSI/ASI is also an opportunity to foster these linkages at regional level.



Europe Regional Consultation - Sharing Knowledge

(d) Opportunities for joint advocacy

Members discussed the importance of continuing to respond to the annual US State Department’s Trafficking in Persons (TIP) Report (and to involve the local media in documenting this reaction). Another opportunity for common advocacy that will need further discussion is the EU Anti-Trafficking Day (October 18th).

The Europe Regional Consultation meeting ended with plans for future collaborations. For the complete report of the Europe Regional Consultation, contact: nerea@gatw.org.

Global Forum for Migration and Development (GFMD), Manila, Philippines

Official events of the GFMD took place between 27-30 October and parallel events organised by NGOs and trade unions went on between 19-30 October. GAATW board



GAATW Member ATKI-HK Chair Eni Lestari in one of the parallel events

members and member organisations worked with the GAATW-IS to make our voices heard at the GFMD, including AMUMRA, ATKI-HK and Jakarta, Buhay Foundation for Women and the Girl Child, CWCC, Sintrasedom, Solidaritas Perempuan, TWC2 and WOREC.

A staff member of the GAATW IS attended the official Civil Society days on behalf of the Alliance. In addition, GAATW actively participated in the rich dialogue and meetings that took place among civil society organisations outside of the formal event. IS-organized events/actions included:

- An International Forum on Collateral Damage
- A workshop on the Recognise Rights Campaign
- A consultation with both the Special Rapporteur (SR) on Contemporary forms of Slavery, its causes and consequences and the SR on the Human Rights of Migrants (coorganised with CARAM Asia and the Asia Pacific Forum for Women Law and Development)
- A statement for the event which was supported by 30 members

GFMD Official Civil Society Days

The two official GFMD CSO Days included plenary discussion and development of recommendations. This structure did not leave much time for debate, **CSOs did manage to raise some important topics during these days including:**

1. The global recession and its impact on the labour market
2. State ratification of the Migrant Workers Convention and ILO Conventions 97, 143, 181
3. The portability of social security
4. The human rights impact of the EU Return Directive
5. The over-reliance on remittances for economic growth
6. The recognition of domestic work as work
7. The upcoming ILO Convention on domestic work
8. The prevention of criminalisation of undocumented workers
9. The creation of channels for regular migration
10. Placing the GFMD back in a UN framework
11. The need for labour laws which protect migrants and offer access to redress
12. Critique that temporary migration programmes do not maintain health, education, social security rights
13. The regulation of recruitment

Parallel Events Organized by Civil Society

As just 230 CSOs were represented at official GFMD CSO days, groups formed outside official events, both to protest their exclusion from the official process and to raise issues that would not otherwise have been raised in this forum.

The People's Global Action (PGA) parallel events were held from 22-30 October. As part of these events, GAATW co-organised a seminar called "Organising Undocumented Migrant Workers" with the union *Building and Woodworkers International*. Ms. Jackie Pollock from the Migrant

Assistance Program in Thailand, and long-time GAATW ally, spoke at the seminar.

The International Assembly of Migrants and Refugees (IAMR) parallel events operated in direct protest to the GFMD. Grassroots migrants groups were present at both workshops and in plenary.

GAATW Events at GFMD

GAATW's International Forum on Collateral Damage, held on 23 October, brought together more than 75 people.



These included migrant domestic workers; GAATW member organizations from Indonesia, Cambodia, Hong Kong, Singapore, Colombia, Philippines; the UN Special Rapporteur on Slavery; and representatives from embassies (Australia, USA, Netherlands, Venezuela, Cuba), trade unions, the Philippines Foreign Affairs & other government agencies working on trafficking & migration, ILO, Save the Children, Asia Acts, local and regional NGOs, and media.

Four speakers presented different aspects of the human rights impact of anti-trafficking policies, focusing on the findings and recommendations in Collateral Damage.

The Recognise Rights campaign workshop was held on 27 October and focused on informing participants about the campaign and ways in which GAATW members are



Lantern making: Recognise Rights workshop

campaigning on human rights issues. Participants discussed creative strategies for campaigning on the protection of rights, and decorated lanterns with Rights messages for a night-walk along Manila's busy Roxas Boulevard.

Meeting with UN Special Rapporteurs

GAATW, along with APWLD and CARAM Asia, co-organised a Joint Regional Consultation with the UN Special Rapporteurs Dr. Jorge Bustamante (SR on Human Rights of Migrants) and Ms. Gulnara Shahinian (SR on Contemporary Forms of Slavery) that was held on 23-25 October 2008.

Opening of the Joint Regional Consultation on Domestic Workers: Lynnsay Francis (APWLD), Cynthia Gabriel (CARAM-Asia) and Nelia Sancho (Buhay Foundation and GAATW Board Member)



The event involved more than 60 participants, from 26 countries. Six GAATW member organisations participated: AMUMRA, ATKI-Hong Kong (and ATKI-Jakarta), Buhay Foundation, Sintrasedom, Solidaritas Perempuan, and TWC2.

Domestic Workers gave strong statements on the issues that they are facing, particularly human rights violations that result from repressive migration policies. Participants discussed the vulnerability of women to exploitation where they are seeking employment as domestic workers in countries abroad where domestic work is not recognised as work.

The UNSR on Slavery, Gulnara Shahinian, spoke to many domestic workers present at the event and noted that she would include recommendations from this event in her report. The UNSR on Migrants, Jorge Bustamante, spoke out about the EU Directive and the need for united action by NGOs and migrant workers against it, highlighting the extension of detention for irregular migrants in the Directive as a specific concern.

Overall, the Consultation was a great success. GAATW and co-organisers wish to express our thanks to the Special Rapporteurs for making the time to meet with the participants, and to the many domestic workers who shared their experiences and expectations during the Consultation.



GAATW and friends at AWID

11th Association for Women's Right and Development (AWID) Forum

Cape Town (South Africa) 14-17 November, 2008

Siriporn Skrobanek GAATW founder and President of the Foundation for Women (Thailand), and GAATW-IS participated in the AWID Forum. La Strada Ukraine and La Strada Belarus also co-organized a session on *The women's movement's response to Human Trafficking in the CEE-NIS Region* during this event. The Forum (organized every 3 years) was a good opportunity to learn more about the debates within and around the women's rights movement as well as to network with like-minded organisations from all around the world.

The theme of this year's Forum was *The Power of Movements*. The Forum gathered around 2,200 activists from the Women Rights and other related movements. Some of the issues discussed in the different plenaries and workshops were the challenge of the sustainability of women's rights activists and self-care; the spaces for young feminists (for the first time in the Forum's history, at least twenty per cent of participants were women under the age of thirty); a look inside the feminist organisations and the context in which the struggle for women's right takes place. Women's organisations from the Africa region were the majority. In solidarity with their South African counterparts on the second day of the Forum, participants from around the world joined in a march against violence against women in South Africa.

Organising for Change - Advocacy Video



Many Indonesians seeking to work abroad are being charged excessive fees by recruitment agencies for their placements. This overcharging leaves migrants indebted and vulnerable to abuse so that they can make the payments. GAATW Secretariat in cooperation with the Association of Indonesian

Migrant Workers in Hong Kong (ATKI-HK) presents a 20-minute advocacy video on overcharging practices that are affecting many Indonesian migrant workers. The video was released in November. For more information, please contact us at info@gaatw.org.



GAATW Consultation with the theme: Strengthening our Work in the Region to Promote the Human Rights of Trafficked and Migrant Persons, 14-16 Nov 2008 in Jakarta, Indonesia

The consultation was coordinated by the GAATW-IS in partnership with Solidaritas Perempuan, a GAATW member based in Indonesia. The event gave member organisations, non-members and migrant women the opportunity to analyse their work and/or experiences to see to what extent they are able to protect the rights of trafficked people, to get to know the hurdles they face in protecting rights, and what they could do together in future. It was also the venue to prepare for the 2009 Asia Regional Consultation.

GAATW Africa Regional Consultation

Nairobi (Kenya) 20-21-22 November, 2008



Co-organized by the IS and FIDA-Kenya this Consultation is the 2nd regional meeting in 2008 after the European Regional Consultation in October. It gathered a total of 25 women's rights advocates including all GAATW members in the region (Fida-Kenya, GPI and WOCON from Nigeria and KIWOHEDE from Tanzania) as well as representatives of key non-governmental and inter-governmental organisations from South Africa, Zambia, Tanzania, Kenya, Uganda, Sudan, Nigeria, Ghana and Sierra Leone, Asia (Thailand and Nepal) and Europe (UK and Ireland). It aimed at strengthening the GAATW network in Africa, share

experiences, learn from each other, identify common issues and develop a common analysis.

Key common challenges identified during the meeting included: inadequate research and information about migration and trafficking in Africa, poor mechanisms for victims of trafficking to access justice, and weak interaction between NGOs in Africa as well as between African NGOs and NGOs in the West. Consequently, participants agreed to incorporate migration and trafficking in their work, while GAATW-IS proposed that it would take up responsibility in relation to research, as well as in creating an information network and sharing information.

Donor Dialogue on Sex Work and Trafficking/ Roundtable on Trafficking Sexual Rights, Sex Work and Health Rights with Joy Ezeilo, UNSR on Trafficking, 9-12 December 2008

GAATW-IS was invited to participate in the Donor Dialogue on Sex Work and Trafficking in New York, organised by the Open Society Institute, which brought together 35 donors, advocates and activists. The meeting focused on understanding the real-life consequences of certain policies and programmes to sex workers, trafficked persons and their families; developing recommendations on how to support and implement anti-trafficking efforts that affirm human rights - including the rights of sex workers and migrants; and identifying "next steps" in order to move forward with the recommendations. Discussion among participants shared regional, national and local examples as well as examined our understanding of language and words (trafficking, migrant, sex work etc.).

While in New York, we also attended the Roundtable with the UNSR on Trafficking, which was organised by Ann Jordan and held at the OSI office. This was the first opportunity for advocates and activists to meet with the UNSR on Trafficking to talk about the relationship between sex work and trafficking, and the problems that come from this linking. Fifteen people attended, including academics, advocates/activists and four representatives of sex workers organisations. Key themes that were raised included the impact of US policies, particularly the so-called "prostitution pledge"; the need for appropriate evidence and data; the impact of anti-trafficking efforts and GAATW's Collateral Damage report; the "Swedish Model" and the contrast of this approach to decriminalisation; raids, rescues and "rehabilitation" programmes; and sex tourism. At the end of the Roundtable, Joy shared some her ideas for follow-up and future lobbying and reporting on trafficking.



Michelle Taguinod
is a Communications Officer
at the GAATW-IS.

Resources about Europe

Compiled by Michelle Taguinod

Leaving the Past Behind? When victims of trafficking decline assistance (2007)

Fafo Institute and NEXUS Institute

This research project, implemented by the Fafo Institute (Norway) and the NEXUS Institute (Vienna, Austria), explores why and in what circumstances some trafficked persons decline assistance. Understanding the reasons, experiences and perceptions of persons who do not participate in assistance programmes can assist in developing anti-trafficking services that better meet the needs and wishes of trafficked persons. This report benefits from the experiences of trafficked women who have both accepted and declined assistance, as well as service providers and other anti-trafficking actors.

The report can be downloaded at:

<http://www.fafo.no/pub/rapp/20040/20040.pdf> or
contact: Anette.Brunovskis@fafo.no /
rsurtees@nexusinstitute.net

Child Trafficking in Europe: A broad vision to put children first - summary report (2008)

UNICEF

This Report, published in January 2008, examines how the European region is responding to child trafficking by assessing the legal, policy and implementation frameworks that address this phenomenon.

The report can be purchased at:

<https://unp.un.org/details.aspx?pid=17592>

Violation of Women's Rights: A cause and consequence of trafficking in women (2008)

La Strada International

This report, published in March 2008, reveals how gender discrimination and violence is linked to trafficking. It argues that effective prevention of trafficking in women, or the protection of women at risk of trafficking, can only take place if women's rights are safeguarded and fulfilled. Gender equality and efforts to end violence against women must stand at the centre of any anti-trafficking policy or activity.

The summary, recommendations, and full report can be downloaded at:

www.lastradainternational.org/lisidocs/431%20LSI-%20violation%20of%20womens%20rights.pdf

Compensation of Trafficked and Exploited Persons in the OSCE Region (2008)

OSCE Office for Democratic Institutions and Human Rights (ODIHR)

In 2008, OSCE published a book analysing the right to compensation for victims of trafficking in eight different OSCE participating states - Albania, France, Moldova, Romania, the Russian Federation, Ukraine, United Kingdom, and the United States of America. The report looks at compensation options through civil, criminal and labour proceedings, as well as state compensation schemes, and presents recommendations to improve compensation mechanisms for trafficked and exploited persons.

The electronic version can be downloaded at:

www.osce.org/odihr/item_11_31284.html

Scotland's Slaves (2008)

Amnesty International Scotland

The Report, *Scotland's Slaves*, looks at trafficking in Scotland and reviews the responses of both the Scottish and the UK Governments in protecting the rights of trafficked persons in compliance with the Council of Europe Convention on Action against Trafficking in Human Beings, which the UK Government has signed but not yet ratified. The Report also includes numerous recommendations on identification processes; access to healthcare, support and accommodation; immigration and asylum protection; and prosecution processes.

The report can be downloaded at:

http://www.amnesty.org.uk/uploads/documents/doc_18605.pdf

Human Trafficking and Forced Labour: Case studies and responses from Portugal (2008)

ILO

This book studies the phenomena of labour exploitation and forced labor experienced by migrants and, in particular, trafficked persons in Portugal. It also sheds light on the treatment of Portuguese migrants in select destination countries. The report is the result of a joint effort by the Portuguese Ministry for Labour and Social Solidarity, the Directorate-General of Studies, Statistics and Planning as well as the ILO, to improve the understanding of human trafficking for the purpose of labour exploitation.

The report can be download at:

http://www.ilo.org/sapfl/Informationresources/ILOPublications/lang-en/docName-WCMS_093650/index.htm

Good Practices on (Re)Integration of Victims of Trafficking in Human Beings in Six European Countries (2003)

BlinN, Oxfam/Novib and Change

This report examines services provided to women who have been trafficked for commercial sexual exploitation and outlines the activities of non-governmental and inter-governmental organisations to address (re)integration processes and social exclusion of trafficked persons in society. The report also examines factors that must be taken into account in developing future services and activities from an empowerment perspective.

The report can be downloaded at:

http://www.childtrafficking.com/Docs/good_practices_oct07.pdf

Listening to Victims. Experiences of identification, return and assistance in South-Eastern Europe (2007)

International Centre for Migration Policy Development (ICMPD)

This report maps the full trajectory of intervention by anti-trafficking actors from the perspective of trafficked persons – identification, return, referral, and during various phases of assistance and protection. While anti-trafficking interventions are clearly vital in the recovery of trafficked persons, victims reported both positive and negative experiences in these various stages, information which is vital for on-going efforts in transnational referral and assistance systems for trafficked persons.

The report can be downloaded at:

http://www.childtrafficking.com/Docs/listening_to_victims_1007.pdf

Forced Labour and Trafficking in Europe: How people are trapped in, live through and come out (2008)

Beate Andrees, ILO Working Paper

This paper seeks to shift the focus of trafficking away from organised crime to instead look at coercive labour practices in mainstream economic sectors, such as agriculture, construction and the service industry. The paper explores the pre-migration situation and recruitment of “successful migrants” as compared to those who were forced to work under conditions they could not choose freely. It also analyses means of coercion, the motivation of employers and exit strategies for migrants trapped in forced labour. The paper is based on ILO research carried out between 2003 and 2007, and summarises largely qualitative research from ten European source, transit and

destination countries: Albania, France, Germany, Moldova, Portugal, Romania, Russian Federation, Turkey and Ukraine.

The report can be downloaded at:

http://www.ilo.org/wcmsp5/groups/public/-ed_norm/-declaration/documents/publication/wcms_090548.pdf

Contemporary Slavery in the UK: Overview and key issues (2007)

Gary Craig, Aline Gaus, Mick Wilkinson, Klara Skrivankova and Aidan McQuade; Joseph Rowntree Foundation

The first comprehensive review of the current extent of slavery in the UK and the different forms it takes, such as trafficking for sexual or domestic labour, forced labour or debt bondage. It draws on published material and websites, reports from agencies developing policy or delivering services to those affected by slavery, and interviews with key personnel in a range of agencies. The review looks at: 1) defining the nature and scope of modern slavery; 2) the international context; 3) slavery in the UK and the current situation here; and 4) sexual trafficking. It concludes with recommendations for action at the international, national and legislative levels, for service delivery and for further research.

The report can be purchased at: www.jrf.org.uk

Trafficking for Forced Labour in Europe: report on a study in the UK, Ireland, the Czech Republic and Portugal (2006)

Anti-Slavery International

The report is the result of a two-year study, funded by the European Commission, on trafficking for forced labour in industries other than the sex industry. The report hopes to assist the development of new policies by the Council of Europe, the EU and the member States in order to contribute to combating trafficking. It provides information for a more effective policy debate, both from the viewpoint of stopping trafficking and also in assuring the human rights of trafficked people. The report concludes with concrete recommendations to improve responses to trafficking in a comprehensive manner.

The report can be downloaded at:

<http://www.antislavery.org/homepage/resources/PDF/trafficking%20for%20FL%20in%20Europe%20country%20report.pdf>

Trends on Regularisation of Third Country Nationals in Irregular Situation of Stay Across the European Union (2008)

European Parliament, Civil Liberties, Justice and Home Affairs

This study addresses “irregular migrants” in the European Union and the different strategies member states have developed in response, in particular, the strategy of ‘legalisation and regularisation politics’. This briefing

paper gathers together information and data on the wide variety of regularisation processes in Europe and also includes available statistics and bibliography.

The paper can be downloaded at:

http://www.aedh.eu/IMG/pdf/trends_on_irregulars_in_Europe_en.pdf

Motherhood, Apple Pie and Slavery: Reflections on Trafficking Debates (2007)

Bridget Anderson, Centre on Migration, Policy and Society

This paper urges caution, and argues that loose definitions of terms conceals both practical and philosophical problems with framing trafficking as an immigration issue. Using a UK case study, it demonstrates how, in practise, states and migrants' rights activists have very different understandings of the relation between trafficking and immigration controls.

The paper can be downloaded at:

<http://www.compas.ox.ac.uk/publications/Working%20papers/Bridget%20Anderson%20WP0748.pdf>

Report: Evaluation of Anti-trafficking Policies in Romania (2006)

UNICEF

This research is designed to assess how the Romanian State and civil society have cooperated on the control and prevention of trafficking of human beings on the one hand, and in the protection of and assistance to victims harmed by this offense. It also aims to determine the perception of the Romanian population of migration, but also of the most vulnerable social segments - the female population in the age group 15-24 years.

The report can be downloaded at:

<http://www.unicef.org/ceecis/EvaluationofantitraffickingpoliciesJan2006.pdf>

Trafficking in Persons in Europe: A Literature Review (2004)

Barbara Heinzlmann, GAATW

This Literature Review provides an overview of the trafficking situation in countries in Europe, including known statistics, causes of trafficking, routes and recruitment, trafficking flows and regional policy measures. The Review also examines research challenges and gaps in knowledge.

For a copy of this report, please contact:

gaatw@gaatw.org





GAATW Regional Consultation in Europe





HUMAN RIGHTS at home, abroad and on the way



Global Alliance Against Traffic in Women

GLOBAL ALLIANCE AGAINST TRAFFIC IN WOMEN (GAATW)

P.O. Box 36 Bangkok Noi Post Office

Bangkok 10700 Thailand

Tel: (662) 8641427 to 8 Fax: (662) 8641637

Email: gaatw@gaatw.org Website: <http://www.gaatw.org>