

Human Rights Impact of Anti-trafficking Interventions: Developing an Assessment Tool

Report of the International Consultation

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1) Introduction: purpose and contents of the report

This report reflects the outcomes of the consultation in May and June 2007, ending with a 3-day meeting from 11-13 June in Utrecht. The purpose of the consultation was to assess the need for a tool that helps to measure the human rights impact of anti-trafficking measures (see next paragraph). The main outcomes of the consultation were summarized and disseminated via an external summary report. This full report is mainly for participants of the consultation (including those who were invited to, but could not participate in the meeting in Utrecht) and for others who will in future become closely involved in the project. Its purpose is to support the collective memory of what was discussed during the consultation. Moreover, it provides a basis for the further development of the tool.

The report represents the wealth of the inventory made during the consultation. As it was a first inventory, the lists and suggestions provided are not all-inclusive or final. During the process of development more elements will be added. Also, the aim at this stage was to 'harvest ideas' rather than making final choices. In the course of development priorities need to be made and it will become clear to what extent it is possible to accommodate all suggestions and expectations that are reflected in the report.

2) Background: why a consultation

In recent years, non-governmental organisations, specialists and advocates in the field of trafficking in human beings, migrants' rights and sex workers' rights and related fields have observed with growing concern various negative consequences of anti-trafficking interventions. Examples are:

1. Existing measures to protect and assist individuals who are identified as victims of trafficking are inadequate and ineffective, and in many instances actually further harm the rights of those they are intended to benefit.
2. Many anti-trafficking laws, policies and practices contribute to the stigmatisation and criminalisation of women working in non-formal, unregulated and unprotected labour sectors, most prominently sex workers and domestic workers, both local and migrant. Thus making them more vulnerable for abusive practices.
3. Indiscriminate and repressive anti-trafficking laws, policies and campaigns also negatively impact on women's rights in general.

To be able to minimise negative impacts and maximise positive impacts of anti-trafficking interventions, it is important to analyse the precise relation between those interventions and the human rights of the people affected by those interventions. It is with this in mind that HOM, represented by Saskia Bakker, together with Lin Chew and Marjan Wijers - two long-standing advocates of the necessity to adhere to human rights principles in anti-trafficking measures – took the initiative to develop a human rights impact assessment tool, which can help stakeholders in such a process.

As a first step in the proposed project to develop a human rights impact instrument for the documentation and assessment of anti-trafficking laws, policies and measures (henceforth, the tool), an international consultation was held 11-13 June in Utrecht. Aim of the consultation was to assess the need for such a tool and to discuss possible objectives, functions, scope, content and process to develop the tool.

The Humanist Committee on Human Rights is a NGO based in the Netherlands. Its mission is to contribute to the implementation of human rights throughout the world. It specializes in human rights impact assessments and works closely together with organisations from different parts of the world. One of its products is the Health Rights of Women Assessment Instrument (HeRWAI, see http://www.hom.nl/english/womens_rights_wrw.php), which is a practical tool for NGOs to analyse and influence the impact of policies on women's health rights. HOM disseminates information on human rights impact assessment via the www.humanrightsimpact.org website

3) Participants of the consultation

The consultation brought together twenty persons, including the organisers. Participants were

representatives of NGOs, independent specialists and researchers, working in the related fields of anti-trafficking and forced labour, human rights, labour rights, sex workers' rights and migrants' rights. They came from different parts of the world, Asia, Africa, Latin-America, the USA and Europe. The attached participant list provides the names and brief information about the working areas of the participants (see participants list).

4) The programme of the consultation

In the period preceding the meeting in the Netherlands, all participants (as well as some others who, for various reasons, could not come to the Netherlands) received a preliminary project proposal written in October 2006 and a discussion paper formulating dilemmas and questions. Their answers to the questions put forward in the discussion paper¹ provided a basis for further discussion in the meetings. During the first two days intensive working sessions were held to discuss the issues that have to be taken into consideration in making the tool. The participants exchanged views about the need for the tool, its possible users and how these users would apply the future tool. They gave suggestions and formulated the requirements for the scope and contents of the tool, which provide a basis for its development. And they discussed the process of development and their possible role in the development of the tool. The following section reflects the outcomes of these discussions during the first two days.

On the morning of the third day -13th June – the participants presented examples of the human rights impact of anti trafficking interventions as well as the main outcomes of the discussions in a public forum. In the afternoon they discussed their views with a number of donors, who responded with great interest to the project, and expressed their willingness to support its further development. A shared concern of the participants was the need to have good and unbiased definitions for the relevant terms. Therefore a subgroup held a parallel session to the meeting with the donors to start developing a glossary.

5) Outcomes

The discussions during the consultation were very constructive and rich in content. The following section aims to reflect the outcomes of these discussions, so they can be used as a basis for the future development of the tool. The discussions during the consultation are a first inventory of important topics. In the development process of the tool this will be further expanded, detailed or reformulated. Also choices may need to be made to narrow the focus of the tool. These choices should be part of the participatory process.

The order of presentation roughly follows the programme.

a) Needs assessment:

Areas of anti-trafficking concerns

The participants shared the concerns that led to the initiative for the consultation. In their work they see a lack of protection of HR of trafficked persons. Moreover, anti-trafficking interventions impact negatively (repressively) on the human rights of the people affected by these policies, especially migrant workers, sex workers, women and girls. Measures lead to a negative image of the sex industry. There is an unwillingness to deal with structural causes: understanding trafficking in contexts of migration, labour markets, poverty, globalisation. Corruption is an important factor, not only in the process of trafficking, but also in the implementation of anti-trafficking measures. It is also a complicated factor because in a context where sex work is criminalised and sex workers and other (female) migrant workers have no legal ways of working, tackling government corruption may negatively affect (the access to) work for sex workers and migrants.

Needs and expectations

Participants unanimously affirmed that there is a need for an assessment tool. A tool will help NGOs to

¹ See annex C.

bring human rights principles into practice in relation to anti-trafficking measures. It will help to understand and address the problems mentioned above. The initiative is a welcome and timely one. Contrary to the situation some years ago, experience now exists on the development and use of such tools.

The tool is needed for a variety of reasons:

The need for clarification of concepts and definitions

- There is a lack of adequate **definitions**. In some countries, for example the US, the term trafficking is used to include voluntary adult sex work. Terms should be redefined on the basis of human rights standards.

The need for information and documentation and skills to do so:

- It is necessary to **document and analyse the nature and extent of negative impacts** of anti-trafficking laws, policies, measures, as well as negative impacts caused by the application of non trafficking-specific laws in an anti-trafficking context; This includes examining how anti-trafficking measures have exacerbated specific vulnerabilities.
- There is also a need to **assess positive outcomes**.
- There is an urgent **need for correct and reliable information** as a basis for human rights advocacy in the field of anti-trafficking policies and measures;

The need to analyse causes and consequences in relation to human rights standards.

- **Causes and consequences of trafficking** are not effectively addressed by current anti-trafficking policies and interventions. Interventions tend to focus on the consequences of trafficking, not on the causes.
- There is a **lack of (technical) ability** to analyse, to carry out impact assessments and to find solutions, especially in situations where the needs and interests of various sectors and communities; intersect each other and human rights issues are more complicated than what meets the eye;
- There is a complete **lack of any standard monitoring mechanisms** for anti-trafficking interventions. There is a need for an evidence based approach with rights based indicators.
- A tool can help to **show how globalisation and interdependence of countries** within the scope of the human trafficking and its forced labour and slavery like outcomes sometimes 'hide' root causes, such as impoverishment and unequally distributed wealth, as well as how corruption and impunity influence the implementation of measures.
- A tool can help to **examine how anti-trafficking measures are discriminatorily used** (and have historically been used) to target specific gender, racial, ethnic and occupational groups. An historic review of relevant laws and policies and their effects should inform current examinations.

The need to identify accountability.

- **Governments need to be held accountable** for the harm resulting from their anti-trafficking and related laws and policies, and for the protection and promotion of rights of those affected by those measures. Governments do not feel responsible for the impact of their policies on people in other countries, nor on people without legal (work or residence) status. The tool

Human Rights Impact Assessment (HRIA) refers to measuring the impact of policies, programmes, projects and interventions on human rights. Thus HRIA is specifically meant for identifying consequences of actions on human rights.

1) HRIA can be done on two types of action:

- For actions that are specifically designed to have an impact on human rights; to determine the way in which an action will have a maximum positive impact
- For activities and interventions that are not specifically designed to have an impact on human rights, but may impact on human rights indirectly; to determine whether activities sufficiently take human rights into account, and to avoid any negative impact on human rights.

2) HRIA can be done before the activity takes place (*ex ante*), or after the activity has taken place (*ex post*).

- should help to show that if governments talk about human rights, they need to act accordingly.
- **NGOs and donors must also be made accountable.** Donors are always saying that right-based approaches need to be applied but often neither donors nor NGOs know HOW. The tool should fill this gap.
- **Government reports** about anti-trafficking measures may follow specific agenda's that **do not necessarily address human rights concerns.** The TIP report and other reports should be examined in the context of a human rights agenda.

The need to develop inclusive and participatory working methods and policies.

- The **participation** of groups affected by anti-trafficking policies, in particular (next to trafficked persons) local sex workers and migrant workers (including migrant sex workers and domestic workers) should be guaranteed in decision-making processes on anti-trafficking measures and their expertise needs to be recognised; The workers themselves and their organisations should be central in efforts to address abuses, including trafficking, in their industries. An example are self-regulatory options of sex workers communities in dealing with labor abuses in their communities including trafficking.
- Measures should contribute to the **empowerment of the people affected.** Some of the existing anti trafficking measures instead lead to increased vulnerability and exclusion. They reinforce stereotypes, such as women as victims. People who obtain a trafficked persons' residence permit receive benefits, but are also stigmatised. In Germany the government forced an NGO to withdraw a handbook on how to avoid being trafficked.
- **Effects of measures should be disaggregated** to show how different groups are affected differently.
- There is a need to **focus on the vulnerability to labour abuses, forced labour and slavery like conditions in general**, rather than only looking at those who fall within the definition of 'trafficked person'. People who are e.g. subjected to serious labour abuses do not fall within the definition of trafficking.

b) Objectives and functions of the tool

The final objective of the tool is to work towards policies on trafficking in human beings and related abuses that respect, promote and protect human rights.

The direct objective of the project could be:

"To provide a tool for assessing from a rights based perspective the effects of anti-trafficking interventions (laws, policies, practices and measures) on the human rights of affected groups with a view to identifying gaps, shortcomings, challenges and providing recommendations for redress".

The tool should provide users with a strategic instrument to analyse the effects and impact of measures undertaken by governments and international organisations. The focus can be on anti-trafficking policies, as well as on policies, such as immigration policies, that affect anti-trafficking interventions and vulnerable populations. The existence of a single, comprehensive human rights analysis could help NGOs develop sets of "best practices," and compare experiences of anti-trafficking measures across distinct geographic/sectoral contexts. In addition, the tool might be used for self assessment by NGOs. However, whether or not these two functions (assessment of government actions and self-assessment for NGOs) are compatible needs more discussion and research.

The above leads to a number of **functions** of the tool. It should:

- Provide **information** on relevant human rights and labour standards and their specific applicability in concrete situations;
- Provide **guidance** in analysing and assessing human rights impacts of specific measures, identifying all the groups and sectors which may be affected, as well as who should be held accountable;
- Help users to **make strategic choices** about lobby and advocacy targets and processes, to gather data/evidence for advocacy, and to generate constructive ideas for improvement of specific situations;
- Be a **resource** for general human rights education to understand the systemic nature of human rights violations, and make this accessible to, amongst others, grassroots

- communities;
- **Stimulate inclusive, participatory processes** and facilitate an active role for all parties involved, especially local grass-roots organisations, sex workers, migrant workers, workers in irregular and non-formal labour sectors, etc.;
 - Provide new content and stimulation for the (eventual / possible) growth of new (rights-affirming) **coalitions and networks**;
 - **Be broad** enough in scope to be applicable to a wide range of policies and situations, and specific enough to be useful and effective.

The following graph reflects a number of more detailed aims and objectives for the development of the tool, its use and the short and longer term objectives of working with the tool:

Aims of the tool development: <i>What should be achieved as an effect of the development process of the tool</i>	Functions of the tool: <i>What people should be able to do with the tool</i>	Short term objectives: <i>What people should be able to achieve with the tool</i>	Long term objectives <i>Which changes should take place</i>
<ul style="list-style-type: none"> • Clear guideline on what a HR based approach to anti-trafficking is • Define what a rights based approach is in practice • Set benchmarks and indicators for monitoring • Capacity building of those involved • Strengthening of networks and coalitions 	<ul style="list-style-type: none"> • Monitoring • Evaluation • Identify accountability • Gather evidence for advocacy: illustrate with evidence the impact of anti-trafficking interventions and especially draw attention to those causing more harm than good • Provide concrete guidance to defend the interests of people affected and to obtain access to (international) justice • NGO-self evaluation 	<ul style="list-style-type: none"> • Training and education about rights based laws and policies • Increase HR awareness and expertise • Setting an example of participation • Strategic planning • Advocacy about rights based measures • To build inclusive and accountable coalitions 	<ul style="list-style-type: none"> • To minimise/eliminate the negative impact of anti-trafficking measures on the human rights of the people affected • To contribute to policies that respect and protect human rights • To contribute to inclusive policies that prevent people coming in situations that make them vulnerable to trafficking • To develop participatory processes for vulnerable populations

c) Users of the tool

The participants agree that the tool should be primarily developed for NGOs. These can be anti-trafficking groups as well as (self)organisations of migrant workers, domestic workers, sex workers and other affected groups. This means that the tool should be easy to use for grass roots organisations, as well as organisations that have more experience in doing policy analysis and/or lobbying. To accommodate the needs and capacities of various groups, a possible structure of the tool can consist of a big tool with sections for specific groups. The entire tool does not need to be simple.

NGOs can use the tool for two purposes. The first is public use, to pressure for changes in policies,

e.g. by making reports for government organisations, the UN, donors. The second is internal use, for self assessment and peer assessment.

There are several requirements for the tool to be useful for NGOs:

- Training and capacity building
- Endorsement/ownership
- The organisations need a degree of independence (financial and political) that allows them to be critical
- Alliances
- Time
- Language accessibility
- The tool needs to stimulate the empowerment of (groups of) people affected by the policies. Token representation should be avoided, which means that we need to find a way to address the possible tension between the need to involve the most vulnerable groups and the lack of expertise/time/capacity/organisation/funding of those groups to participate. Empowerment models vary per culture and context. Using examples can be a way to address those different contexts.

A specific exploration was made of the way domestic workers could use the tool. The outcomes are illustrative for most of the other affected groups as well. Domestic workers would use the tool to understand how the current situation affects their human rights, to demand recognition and improve their situation, to advocate for rights based law reforms, to seek recognition for their contribution to society and to educate at community level about human rights for domestic workers. Their lobby to improve their situation targets trade unions/labour unions, governments, other professionals, employers and donors.

Other users

Even if the tool will not be specifically made for them, other stakeholders may also benefit from its development. It will not be possible to tailor the tool to fully accommodate the requirements of these stakeholders, but some of these are relevant for NGOs as well.

Donors may use the tool to:

- Assess whether the programmes they support apply a rights based approach and do not harm the human rights of stakeholders.
- Assess the activities of other donors, international and national agencies, policy makers and governments
- Build capacity on the human rights impact of anti-trafficking measures e.g. by using the tool for a manual for capacity building of grantees/local groups.

Professionals (such as lawyers, health workers, social workers) may use the tool to:

- Look beyond individual cases and identify structural problems
- Promote the importance of generating evidence
- Find clear human rights based definitions and criteria

To be useful for professionals, the tool must allow for easy input of data, guarantee the anonymity of clients and promote consultation with the clients.

National and international agencies (such as the UN) may use the tool to:

- Increase co-ordination between UN agencies and mapping to ensure that interventions are strategic, don't conflict/overlap/duplicate and to identify gaps
- To determine whether governments are in compliance with their human rights obligations

The target of these activities could be UN-agencies, governments, NGOs, donors, the media (for education) and bilateral agencies. To be useful, the tool must be specific, flexible and contain clear language and guidelines.

Government officials may use the tool to:

- Select, monitor and evaluate grantees (in their role of donors)
- Do self-evaluation of policies (in their position of recipients of funding the results may be used to attract donors)

This requires from the tool that it is credible and stimulates transparency. From the governments it requires political will and dedicated staff.

d) Human rights issues to be covered by the tool

The following overview presents the results of a brain-storm on the rights that should be covered by the tool. They most frequently mentioned appear at the top. The tool should not only address the (violation) of rights, but also the extent to which interventions enhance the conditions for people to enjoy those rights.

Right	Additional comments
Access to justice	<ul style="list-style-type: none"> • Fair trial • Access to compensation • Right to information about legal proceedings • Right to bring civil proceedings • Equal rights before the law and in the administration of justice • Not to be subjected to arbitrary detention (UDHR), forced confinement • Protection against confiscation of personal belongings/documents • Bad 'age determination' practices • See declaration on the rights of victims of crime, the entitlement to assistance
Freedom of movement/mobility	<ul style="list-style-type: none"> • Of all affected • Within and between countries, • For personal and financial reasons • Migrant rights • To be in all public spaces • See HRC General recommendation about proportionality
Right to be protected from violence and ill treatment	<ul style="list-style-type: none"> • Protection against torture, abuse • Right to liberty • Right to safety, security of person • Witness protection • Not to be repatriated if at risk of being tortured (CAT, 1984), non-refoulement • Right to seek asylum
Right to work	<ul style="list-style-type: none"> • Labour rights • Decent working conditions • Choice of employment • Right to join a trade union
Freedom of association	<ul style="list-style-type: none"> • Right to form and join organisations • Right to participate in political life
Right to privacy & family life	<ul style="list-style-type: none"> • Right to confidentiality (e.g. about HIV status) • Right to family life • Data protection
Freedom from discrimination	<ul style="list-style-type: none"> • Non-discrimination
Right to property	<ul style="list-style-type: none"> • Protection against confiscation of personal belongings/documents
Right to the highest attainable standard of physical and mental health	<ul style="list-style-type: none"> • Right to physical integrity • Mandatory health checks (HIV)
Right to education/information	<ul style="list-style-type: none"> • Accurate and comprehensive information about health and legal status
Right to dignity of person	
Economic, social, cultural rights	<ul style="list-style-type: none"> • To be protected better, before and during trafficking
Right to have rights	

e) Scope and contents of the tool

The groups affected

The tool should address trafficking in women, men, transgender people and children. There may be harm in leaving certain groups out. This requires language that is gender neutral/sensitive and attention for specific situations that are different for the genders. CEDAW provides relevant standards for women, CRC provides standards for children and ILO child labour guidelines may be helpful to nuance between children.

The personal identities and statuses of the people affected may overlap. They may be migrants as well as non-migrants, internally displaced persons, sex workers, refugees and asylum seekers. They work in various labour sectors, formal and informal (e.g. domestic work, agriculture, construction, sex work), as regular or irregular workers, paid or unpaid, including volunteers. Some people are in an especially vulnerable situations. These include ethnic/racial minorities, indigenous people, LGBT (lesbian, gay, bisexual, transsexual/transgender) communities, 'southerners' in Northern countries. It is important to understand the relevant distinctions, but at the same time avoid making unnecessary ones. The tool also needs to address the tension between, at the one hand, those activists who do not want to use the anti-trafficking framework at all, and, at the other hand, those who want to use it but want to ensure it is rights-based also needs to be considered in terms of who will use it..

The policies

The tool should be applicable to assess the impact of anti-trafficking policies as well as other policies which impact trafficked persons and vulnerable populations. Policies include government measures and NGO-programmes. The tool should help its users to assess possible impact *beforehand* as well as measuring the impact *after* the policy has been introduced and to address situations in which no policy exists; the impact of the lack of policy. The tool should not only address symptoms but also the causes of trafficking. It should address direct and indirect impact, on individuals but also on groups and systems. It should show the relation with other policies such as labour policies, migration policies and prostitution policies.

Geographical scope

Trafficking is an international problem, with (partly) different rights playing a role in countries of origin, transit and destination. The tool should have a superstructure that is universal, based on international human rights standards and principles, and sections on methods and processes that enable the users to apply it with flexibility for different regions and situations. These should be framed carefully to avoid 'culture' being misused to justify rights violations.

Indicators and sources of information

The tool should help to collect rights based and evidence based information. The indicators should facilitate a comparison between the human rights framework and the actual situation. They should make use of UN standards and human rights standards. The indicators need to be SMART (specific, measurable, accessible, realistic and time bound) and they should encourage accountability. They should enable comparison between countries, but leave enough flexibility to accommodate for local circumstances. It may be necessary to develop new indicators.

The information should be qualitative, verifiable, and reliable. Data should be disaggregated by gender (including trans-gender), age, nationality, language, ethnicity, labour sector, health. The people themselves (victims, communities) should be involved in the collection of data. Rules for data sharing may differ for different groups of professionals (lawyers, health workers). Information is stored in different ways, this complicates data sharing. Another issue to take into account is the need for protection of personal data.

The tool should make use of and stimulate good social science and where possible make use of existing methodology. Useful sources of information include various existing reports (of police, hospitals, ILO, researchers, media).

Language and terminology

As mentioned before, the language used in the tool is a crucial factor. Translation into local languages (of the tool itself, but also of documents in the development process) will greatly facilitate the

participation of the many people who are not familiar with English. The terminology to be used in the tool is another challenge. Many of the commonly used terms have a negative connotation, are biased and/or reinforce stereotypes. The tool should avoid using these terms. It should use terms and language that are clear and empowering to the people involved. As a first step in the choice or development of terms, the participants started working on a Glossary. They proposed to continue working on this glossary after the consultation meeting, with help of a Wiki-type programme that would allow sharing of ideas via internet².

f) The organisation of the project

The phases of development

The development of the tool can benefit from the experiences of HOM in the development, testing and implementation of the Health Rights of Women Assessment Instrument. Some of the lessons learned from this process are reflected in annex D. Similar to the development of HeRWAI, the process of developing a tool for anti-trafficking measures will go through the following phases:

1. Inventory of existing experiences and knowledge
2. Developing the first draft
3. Testing the tool
4. Revision and finalisation
5. Dissemination and implementation

1. Inventory of existing experience

Though a more thorough inventory is to be made at the start of the actual development of the tool, the participants shared ideas on what should be included in this inventory. Particularly important for the development of the tool is the study which GAATW is concluding in 8 countries on the negative impacts of anti-trafficking measures. For Africa this is the first time research is done on human rights impact of anti-trafficking measures. It is not yet clear what the outcomes of the study will be, most of them are rather country specific. Elements of this research will be useful for the development of the tool, e.g. the standards that have been used for the study. The country chapters will provide (input for) indicators. Various of the participants are writers for the GAATW-study. The GAATW study and the development of the tool should reinforce each other. GAATW's participation and know-how is considered very important for the development of the tool. GAATW's members should play an important role in the testing phase.

The following suggestions were made regarding other documents and experiences that can benefit the development of the tool:

- International and regional conventions, like European Convention on Human Rights, African Charter, Protocol IGAD (Intergovernmental Authority On Development), ILO conventions and case law
- Existing international standards, e.g. OHCHR, UNICEF, etc.
- Labour rights, migrant rights
- **Charts for rights violations used by XRIN(??Ruth/Rebecca)**
- Quality control standards for self-monitoring, developed for service providing organisations. Some organisations that provide services have set minimum standards and rules to assist persons, mentioning basic indicators in their reports and/or defining what (kind of commitment) clients might expect from the organisation. It has a lot to do with transparency of what kind of services (and standards) assistance organisations offer. Possible sources of examples: PSO and/or IC/Consult, La Strada member-organisations.
- ILO impact assessments (Mekong)-prevention of trafficking
- Existing human rights manuals and human rights standards, e.g. Health and Human

² **Note:** The specially developed Wiki programme was launched in August 2007.

Rights resource manual of OSI, June 2007

- Existing research on the impacts of legislation and anti-trafficking activities, by NGOs, institutes, academia
- ECOWAS
- Participants are to reach out across their regions to pull in existing tools and annotate them for the process
- Consult and gather documents from stakeholders (e.g. sex workers, migrants and possibly donors); explain how and in what kind of process they are used
- Groups specialising in participatory techniques
- Methods and experiences of participatory research
- Amnesty International-series of documenting and monitoring human rights abuses
- Shadow report drafters and participants

Language capacities within our networks

- Check with Penny Saunders.

2. Developing the first draft

- To achieve the identified aims, objectives and goals the tool will have to be widely accepted, used and supported by some of the main (international) actors that work within the different areas of human trafficking, migration and sex-work. The tool, preferably, should be explicitly 'recognised' by those expert organisations, which means that they should be involved (or at least notified) on the development and implementation process of this tool.
- National, sub-regional and regional face-to-face consultations should make an integral part of the development process of the tool. Consultations should involve various groups affected and pay attention to cultural specificity. It is important to find ways to involve youth in various aspects of the process including consultation.
- A Wiki for the group will help the process of developing definitions
- One writer with a team of (paid) reviewers is probably faster and more cost effective than a team of writers with a coordinator/editor. Reviews should take place at several stages in the drafting process. A possible procedure could be:
 - collective agreement on the structure of the tool
 - writing by one person,
 - review by smaller group/working groups
 - review of first draft by whole group
 - testing
 - adaptation of tool on the basis of test results
 - final review
 - final version

3. The testing

The draft version of the tool should be tested by (organisations of) affected groups, e.g. trafficked persons and their relatives, people living in recruitment areas, at risk populations and/or NGOs working with relevant stakeholders, including one NGO working at global level. The testing process should also involve policy makers, donors, advocacy NGOs, service NGOs, service users, UN-organisations which can train NGOs. Possible criteria to select testing organisations are:

- The organisations need to have adequate capacity
- Geographical coverage; all world regions need to be covered;
- Heterogeneous work sectors
- NGOs who would lobby for change afterwards
- NGOs with close contact with grass roots.

Some organisations suggested for testing: DMSC, NWSP, Scarlet Alliance, ICRSE, PICUM, Desiree Alliance/SAATW, SWOP-USA, COSWAS Taiwan, member organisations of the Brazilian and/or Latin American and Caribbean network of GAATW (GAATW-Brazil and GAATW-REDLAC). NB: these are not the only organisations, there are many other possible organisations which have not been mentioned here.

The organisations that test the tool should not only be asked feedback on the tool itself, but

Saskia Bakker 12/9/07 5:21 PM

Comment: Meaning: the process of developing a tool?

also on the process of testing.

4. Finalisation of the tool

The following suggestions were made regarding the tool itself (see also para 5b-5e):

- A programme to strengthen the capacity of (potential) users of the tool should be an integrated aspect of the tool. A possible form can be the development of trainers' modules to support organisations in the use of the tool.
- There should be a central location with a bibliography of relevant documents and tools (annotated and in different languages). The HOM website www.humanrightsimpact.org is such a location for human rights impact assessments.
- The tool should be designed in such a way that users themselves apply a rights based approach in their work.
- The main target is the government, but the tool could contain a section explaining the different responsibilities of different actors.
- The tool should contain a section on advocacy strategy, to avoid the process from stopping at the awareness raising stage.
- The tool should help people to distinguish between the human rights (violations) in relation to their current situation and the factors that block access to their rights.

5. Dissemination of the tool

The participants also exchanged some ideas about the dissemination of the tool:

- Dissemination can take place via (sub)regional consultations.
- A fundraising plan can be made that includes training and human rights education and advocacy.
- It may be useful to develop a train the trainers module.
- Explore targeting money for capacity building (Asia). Where possible link with existing programmes and activities.
- The tool should be translated into local languages, and maybe localised, through a participatory process. The use of the tool should enhance the capacity of local as well as key organisations in diverse sectors.
- Various media can be used for dissemination, such as a 5 mm PR film, a CD-Rom, short written cards and documents.
- It is important to share information on the use of the tool, for example via a focal point.
- In a second phase there should be an international coordination to share and build from experience.

Structure of the project

The participants stressed that the process of developing and implementing the tool should be inclusive and facilitate participation of the people who are (directly and indirectly) affected, as well as those who are advocates and supporters. A participative process will:

- ensure access to and use of necessary resources;
- contribute to making the tool user-friendly and effective;
- create sense of ownership of the tool among potential users;
- contribute to the capacity of all involved, and
- thus increase the likelihood that the tool will be widely and effectively used.

Concretely, this leads to the following recommendations for the process of development, as well as the organisation of the implementation of the tool:

- A disciplined and transparent **consultative process** among, initially, the participants of the Consultation, and in the future, other persons and stakeholders. Through the same consultative process, criteria will be developed for involving new participants in this on-going advisory process.
- An **inclusive approach & language**, bringing together human rights advocates and multiple

- interest groups. Things need to be translated throughout the process.
- Criteria and Terms of Reference will be developed for the establishment of a **Steering Group** who would be committed to oversee and take responsibility for the whole project. The group should not be too big; about 5 persons. The steering group should:
 - Represent different regions/environments
 - Represent different stakeholders (anti-trafficking, sex workers, migrant rights/labour rights (domestic workers, agriculture), youth/children)
 - Have in depth knowledge on the subject
 - Involve traditionally underrepresented groups
- Everyone should be paid/compensated and strict deadlines should be kept in the work plan.

6) Evaluation of the consultation

The participants were positive and satisfied about the consultation. They enjoyed the sharing of knowledge and experience in a positive, constructive atmosphere. The process was smooth, a lot of information and experience was harvested, without wanting to narrow down too fast. It is important to realise that this is a process that will be done together (the participants and many others involved). A lot of work still lies ahead, but the participants are committed to contribute where possible. A number of issues will need further attention in the future:

- It is still difficult to visualize what the tool will actually look like. More discussion will be needed on the actual content and specificities of the tool.
- The arguments to select users and target groups need to be further developed. Now there was no time to think through and make priorities. These need to be made in the process of development of the tool.
- If the process is really participatory, clarification and the making of choices will be a joint process with the different stakeholders.
- There is a shared concern about language and terminology. This is crucial issue.
- Another concern is, if a generic tool will be developed first, will it really be adapted etc. for local use?
- It is not yet clear whether or not the tool will be for impact assessment of policies (of government and other stakeholders) as well as for NGO self-assessment. This needs to become clear later.

7) Conclusion and way forward

Participants urged the organisers to push ahead to realise the tool, and pledged their support to the process. The following steps were agreed upon:

- Writing and translating a summary report that can be shared with our networks and contacts, so others are aware of this initiative (August, done)
- Writing a detailed report with all the concrete recommendations of the participants (August-October, done).
- Starting the development of a glossary of rights-based terms and concepts, with use of a Wiki-type programme that allows for active input and reactions from the participants (July onwards).
- Developing a project proposal to solicit funds for the project (October-November, done)
- Setting up a communication system to facilitate the consultation process (July-August) Wiki, web-site or Yahoo-group?

Annexes

ANNEX A List of participants international consultation

Name	Organisation	Function	Areas of knowledge/experience in relation to anti-trafficking interventions	Country
Saskia Bakker	Humanist Committee on Human Rights	Program Manager Human Rights for Women	Experience in development and implementation of human rights impact assessment instruments. Expertise on women's rights, health rights. Limited experience regarding trafficking.	Netherlands
Petra Burcikova	La Strada Czech Republic	Director/National Coordinator	Mainly advocacy, international legal and policy framework	Czech republic
Lin Chew	-	Consultant	Extensive experience in the field of trafficking, both national and international . Experience in supporting individual trafficked persons, as well as in national and international advocacy, lobby, networking etc.	Hong Kong
Mike Dottridge	-	Consultant	Quite a lot. Author of various reference guides. Chaired group of UN experts designing UN High Commissioner's Recommended Principles and Guidelines on Human Trafficking & Human Rights (2002)	United Kingdom
Michelle Gueraldi	Projeto TRAMA	Attorney	Especially legal / international human rights law. Empowerment.	Brazil
Ann Jordan	Global Rights	Director, Initiative Against Trafficking in Persons	International advocacy to develop human rights standards in all national laws, policies and programs, transparency and accountability, training and supporting grassroots organisations to develop programs and engage in national and international advocacy.	USA
Ivonne van der Kar	Foundation of the Religious against		Working with religious groups all over the world	Netherlands

	Trafficking in Women		to inform women about risks of trafficking and provide practical support.	
Carol Leigh	BAYSWAN/SWOP-USA/COYOTE	BAYSWAN Director / SWOP and COYOTE member	My study and research has focused on effects of trafficking laws on sex workers and sex worker organisations. A.o. I have developed an effective Powerpoint presentation on the development and impact of US Anti Trafficking Policies.	USA
Alice Miller	Colombia University Schools of Public Health and international Public Affairs	Professor	Development and application of national and international anti-trafficking policies since early 1990's, US anti-trafficking law and policy, intersection of public health systems and trafficking and anti-trafficking practices	USA
Ruth Morgan Thomas	ICRSE	Chair	Advocacy for sex workers rights, national, European and international. Working with and lobbying police in Scotland and UK	Scotland United Kingdom
Frans Nederstigt	Projeto TRAMA	International Lawyer / Network Articulator	International relations and human rights law. Migrant and refugee lawyer (Holland, a.o. Schiphol airport). Networking. Analyses and project formulation (a.o. Trama, IBISS, Criola, Unigranrio, Projeto Legal in Brazil / Consultations for the federal Ministry of Justice on the National Plan of Action in Brazil / CMC-PSO in the Netherlands.	Brazil
Victoria Nwogu	UNIFEM	Program Specialist, Governance and Migration	The existing legal frameworks in Nigeria International Conventions/ commitments ECOWAS/ sub-regional agreements and initiatives Other local initiatives relating to prevention, direct assistance to victims, prosecution etc.	Nigeria
Christina Ochieng	Federation of Women Lawyers Fida Kenya	Senior Programme Officer in charge of the Women's Rights Monitoring and Advocacy	Human rights instruments relating to women and children. Carrying out advocacy initiatives in matters relating to	Kenya

		Programme	women's rights and trafficking in persons in particular. Participation in the preparation of the Counter Trafficking in persons Bill already presented to the Attorney General. Preparation of IEC materials on women's rights issues	
Elaine Pearson	Asia Regional Trafficking in Persons Project	Research Coordinator	I ran Anti-Slavery International's first Trafficking Programme I have written several publications on trafficking and human rights for Anti-Slavery, GAATW and ILO I have worked on a regional ILO trafficking project focusing on prevention across 5 countries in the Mekong sub-region. I have monitored and evaluated trafficking projects in various countries. I am currently research coordinator on a 5 country regional project focused on securing justice for trafficking victims and ending impunity of traffickers.	Thailand
Fanny Polania	-	Consultant	Prevention, campaign information, integral assistance to the victims and reintegration programs and social researches	Colombia
Jackie Pollock	Migrant Action Program Chiang Mai			Thailand
Rebecca Schleifer	Human Rights Watch	Researcher / Advocate	Focus on trafficking into sex work, to the exclusion of the myriad other forms of trafficking; and the conflation of sex work with trafficking, with the development of legislation and policy guidance that undermines human rights protections for sex workers in the name of "protecting" victims of trafficking.	USA
Klara Skrivankova	Anti-Slavery International	Trafficking Program	All forms of trafficking, Europe and	United Kingdom

		Coordinator	internationally, assistance to trafficked persons, advocacy, lobby and prevention strategy development	
Ashwini Suktankar	International Commission For Labor Rights	Director	Assisting sex worker groups in India and the United States to think about trade union formations to combat trafficking; promoting discussions within trade unions about roles that they could play in anti-trafficking efforts.	USA
Marjan Wijers	-	consultant	Extensive experience national, European and international, Providing support to trafficked persons, policy development, lobby, advocacy, networking. Chair European Experts Group on Trafficking 2003-2006.	Netherlands

ANNEX B Programme

**The Human Rights Impact of Anti-trafficking Interventions:
Developing an Assessment Tool**

(Programme for 1st Consultation, Utrecht, 11-12 June 2007)

Time	Date	Remarks
	Sunday 10 June Venue: PKN guest house	
Whole day	Arrivals	
	Monday - 11 June Venue: ICCO Main Building room 0022	
09:00	Welcome and Introduction to the Project	By Saskia Bakker, HOM
09:15	Introductions of participants <ul style="list-style-type: none"> • Areas of anti-trafficking concerns • Expectations regarding the project 	By Lin Chew
10:15	Introduction to the 3 days Programme and the Discussion paper	By Marjan Wijers
10:30	Coffee break	
11:00	Discussion I <ul style="list-style-type: none"> • End-objective(s) of the Tool • Uses/functions of the Tool • 	facilitator: Saskia Bakker
12:30	LUNCH	
14:00	Continuation discussion I <ul style="list-style-type: none"> • Who should /can use the Tool • Which human rights issues should be covered by the tool • Scope and contents of the tool • Which knowledge/experience is available 	facilitator: Saskia Bakker
15:30	Tea break	
16:00	Discussion II <ul style="list-style-type: none"> • Arising issues, dilemma's • Addressing the issues/dilemmas, one by one 	Marjan Wijers
17:30	Conclusion of Discussions I & II	Lin Chew
18:00	Excursion and dinner in town	

**Full report International Consultation on the development of an assessment tool for the Human Rights
Impact of Anti-trafficking Interventions**

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	Tuesday - 12 June Venue: ICCO Main Building room 003	
09:00	Re-cap of Discussions I&II	Participants and Saskia
09:15	The Project: Process of developing a tool <ul style="list-style-type: none"> • Making the first draft • First testing in the field • Revisions (and second testing?) • Finalisation • Dissemination and Accessibility 	Saskia Bakker
10:30	Coffee break	
11:00	Discussion III: Organisational Decisions/Planning <ul style="list-style-type: none"> • Organisational structure (advisory board, etc.) • Participation; who will take what role? 	Marjan Wijers
12:30	LUNCH	
14:00	Continuation of organisational matters: <ul style="list-style-type: none"> • Funding • Communications / coordination • Next steps 	Marjan Wijers
15::30	Tea break	
16:00	Preparation of Day 3: <ul style="list-style-type: none"> • Public Session • Donors' Session 	Lin Chew
17:00	Closure	Lin Chew
18:00	DINNER	

	Wednesday 13 Venue: ICCO Main Building room 002	Remarks
9:30 – 13:00	Public session: Human rights and anti-trafficking measures	
09:00-9:30	Doors open, tea, coffee. Materials for display	
09:30-12:30	<p>9.30 - 9.45 Opening and introduction</p> <p>9.45 - 11.45 Panel presentations:</p> <ul style="list-style-type: none"> • Global glimpses on anti trafficking: Asia, Lat-Am, Africa, USA, the position of children <i>presentations by participants of the expert meeting</i> • Present European Anti-trafficking policies and practices, <i>Maria-Grazia Giammarinaro, Commission of the European Union.</i> • Time to reflect: presentation of the Human Rights Impact Project, Saskia Bakker, Marjan Wijers and Lin Chew <p>11.45 - 12.30 Discussion</p>	Chair: Lin Chew
	LUNCH	
14:00 – 16:00	<p>The Human Rights Impact of Anti-trafficking Interventions: Developing an Assessment Tool</p> <p>Meeting with donors</p> <ol style="list-style-type: none"> 1. <i>Presentation of the project,</i> <ul style="list-style-type: none"> • <i>The results of the two days consultation</i> • <i>What the project aims to achieve</i> • <i>How the project will be organized (participation of stakeholders)</i> • <i>Reactions and discussion</i> 2. <i>Ways in which donors can participate:</i> <ul style="list-style-type: none"> • <i>Contribute to the development and testing by providing input and access to networks</i> • <i>Contribute to the distribution of the tool via networks/ partners</i> • <i>Inviting grantees/partners to use the Tool</i> • <i>Offer capacity-development trainings based on the Tool</i> • <i>Financing the Project</i> • <i>Reactions and discussion</i> 3. <i>Ways forward</i> 	Chair: Mrs. Anastasia Posadskaya-Vanderbeck, board member of Mama Cash
16.30	Closing session	All

ANNEX C Discussion templates

Discussion Template 1 (June 11)

The Tool: Content, Scope and Functions

Topic	Suggested in proposal and Questions	Your comments / Additions/ Suggestions
<p>A. Need for the Tool</p>	<p>1. Lack of protection of HR of trafficked persons 2. Anti-trafficking interventions impact negatively (repressively) on HR of esp sex & migrant workers 3. Unwillingness to deal with structural causes : understanding trafficking in contexts of migration, labour markets, poverty, globalisation</p> <p>Questions: i. Does this reflect your own knowledge and experience? ii. What are the specific needs of different affected groups? iii. Can they all be (at least partially) addressed by the envisioned tool?</p>	
<p>B. Aims/Objectives/ Goals</p>	<p>Long term: 1. To bring about policies that effectively respect, promote and protect the human rights of trafficked persons and all other affected persons and groups 2. To minimise, if not eliminate the harm done through repressive and discriminatory anti-trafficking measures</p> <p>Short term: 3. To develop benchmarks and indicators to enable all interested parties to monitor and assess the actual, intended and unintended effects of anti-trafficking laws, policies, practices and measures on the human rights of directly or indirectly affected groups and individuals 4. To gather evidence for advocacy 5. To increase awareness and expertise on human rights in the context of human trafficking</p> <p>Questions: i. Do you agree with these goals? Are there others? Should we prioritise?</p>	
<p>C. Functions/ Uses</p>	<p>1. <u>Monitoring</u>: of anti-trafficking policies and interventions in the framework of human rights 2. <u>Identify accountability</u>: of various actors for human rights violations as</p>	

	<p>well as good practices which promote human rights, in anti-trafficking interventions</p> <ol style="list-style-type: none"> 3. <u>Strategic planning</u>: translation of the outcomes into strategic objectives and activities for NGOs 4. <u>Advocacy</u>: lobbying relevant bodies in local and international arenas and providing input to relevant human rights discourses and documents, on basis of HR benchmarks and indicators 5. <u>Capacity building</u>: increasing knowledge and understanding of, and commitment to defence of human rights in general 6. <u>Standard setting</u>: developing a set of 'do's and don'ts in the area of anti-trafficking policies and practices, as input to the development of future policies 7. <u>Setting an example</u>: of a participatory organisation both in the development and in the usage of the Tool <p>Questions:</p> <ol style="list-style-type: none"> i. Do you agree that the tool can be used for all these purposes? ii. Are there any others? What should be the principal function(s) of the tool? 	
<p>D. Users of the Tool</p>	<ol style="list-style-type: none"> 1. NGOs in all related fields - trafficking, migration, sex work, labour rights..... 2. National and International (UN) agencies, rapporteurs 3. HR & other civil society institutions 4. Government agencies 5. Professionals - researchers, lawyers, social workers 6. Donor organisations <p>Questions:</p> <ol style="list-style-type: none"> ii. Can the tool be usable by all these categories? iii. Which are priority groups? 	
<p>E. Target of advocacy</p>	<ol style="list-style-type: none"> 1. national governments 2. international organisations 3. donors 4. others? <p>Questions:</p> <ol style="list-style-type: none"> i. Can the tool be usable to lobby all these potential targets? ii. Is there a priority target? 	
<p>F. Scope and Content</p>	<ol style="list-style-type: none"> 1. The tool should be <u>applicable to all policies and interventions</u> that are undertaken under the denominator of 	

	<p>preventing or combating trafficking and/or assistance of its victims, independent of the group the policy formally targets.</p> <ol style="list-style-type: none"> 2. <u>Gender & Age perspective</u>: should the tool address trafficking in <ul style="list-style-type: none"> - women only - women and men - minors, children? 3. <u>Impact on other groups</u>: migrants, sex workers, internally displaced persons, refugees and asylum seekers more? 4. <u>Geographical /cultural scope</u>: can the tool have a universal scope - applicable in all geographical and cultural contexts? 5. <u>Universality and Indivisibility of Rights</u>: Should the tool address ALL rights issues - is it possible to limit the scope of rights addressed? What are the most important rights to be addressed? 6. Should the tool be applicable to monitoring impact <u>before, during or after</u>, the implementation of policies and measures? Or all? 7. <u>Types of indicators and sources of information</u>: what type of indicators should be developed? On what kind of information should they build? 	
<p>G. Human Rights Principles to be observed in the processes of development and usage of the tool</p>	<ol style="list-style-type: none"> 1. Participatory and consultative processes 2. Reflecting the concerns of interested and affected parties, so that they see the relevance to their daily reality 3. Contributing to capacity building of NGOs as potential users, in analysis and application of human rights principles in their various fields 4. Building on local knowledge <p>Questions:</p> <ol style="list-style-type: none"> i. More? ii. How can we structure the organisation of the project to ensure the observance of these working principles? 	

Discussion template for 12 June: Process and Organisation of the Project

Factors for success: (from evaluation of HeRWAI: see http://www.hom.nl/english/womens_rights_wrw.php)

- Development is a collective process
- Extensive testing provides experience and trust
- Process managing and reporting must be excellent

- Communication between meetings is important

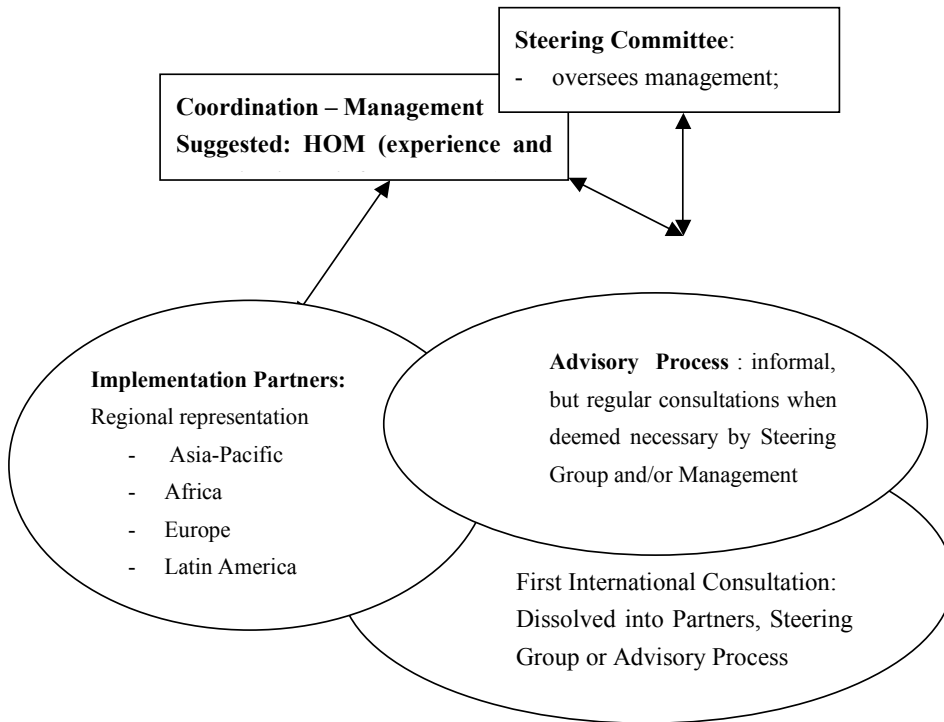
ACTIVITIES	Time span & OUTCOME	WHO? Suggested body	BUDGET
1. Coordination and Management <ul style="list-style-type: none"> - Financial accountability - Administration of whole Project - Oversight and coordination of all activities & processes - Reporting - Communication with all involved 	<ol style="list-style-type: none"> 1. HOM = Organisational infra-structure 2. Process management and Reporting 3. Communication 	HOM Personnel: Saskia (staff); Lin and Marjan (project consultants for the Consultation) + A Steering Group?	
2. Development of the Tool: <u>2/Step 1: Conceptual Consultation</u> : June 11-13 2007 <ul style="list-style-type: none"> - Drafting proposal - Fund-raising - Identification and invitation of participants - Logistics - Content preparation - Participation of key actors in anti-trafficking and related fields - Report writing and dissemination 	Jan-June 2007: <ol style="list-style-type: none"> 1. Decisions on scope, content and development process of the tool 2. Commitment of key actors in anti-trafficking and related fields 3. Final Report of the Consultation (August 15, 2007) 	<ol style="list-style-type: none"> 1. HOM: Saskia, Lin and Marjan 2. All participants (see list) 3. Those who have expressed interest to be involved 4. Those who have commented on the proposal 	Euro 55.000
<u>2/step 2: Agreements with (potential) partners</u>	June - Sept 2007: <ol style="list-style-type: none"> 1. Decision on partners and their various roles 2. Drafting of cooperation agreements 	<ol style="list-style-type: none"> 1. Participants 2. HOM: Saskia, Lin & Marjan 	
*** FUNDRAISING	July - October 2007	???	To be compiled
<u>2/Step 2: Development of Conceptual Framework and first Draft</u> <ul style="list-style-type: none"> • An analysis of the most relevant human rights which are involved in preventing and combating trafficking and in protecting the rights of the groups directly and indirectly affected; • A closer identification of the groups most likely to be directly or indirectly affected by laws, policies and measures to prevent and combat trafficking; • The development and selection of indicators, possible resources and methods of data collection; • Translation of the above into a draft version of the instrument. 	Time: First Draft of the Tool: The Tool will contain a set of clearly defined steps to assess the HR impact of anti-trafficking policies. This includes clear instructions for using the Tool, information on relevant human rights norms and standards, indicators, possible resources, methods of data collection, examples and explanations.	Research: Drafting: Advisory Comments: (an Advisory process involving at least all participants in the 1st Consultation) Editing:	
<u>2/Step 3: Try out of the instrument in a number of countries</u> Objectives of trial: <ul style="list-style-type: none"> • To document the experiences in using the tool 	Time: <ol style="list-style-type: none"> 1. A Report of the Findings obtained through the testing process of the 	Organisations applying the draft Tool:	

<ul style="list-style-type: none"> • To build up expertise to support future use of the Tool • To revise, adapt, improve the tool • In all world regions: Asia-Pacific, Africa, Latin America, Europe, N. America • Including origin and destination countries • By different categories of potential users? 	<p>human rights impact of anti-trafficking policies and measures in four countries in various regions of the world;</p> <p>2. Documented and systematic feedback of the experiences of NGOs in using the instrument, which will feed into the final design of the instrument and the development of a sustainable structure to support the use of it.</p>	<p>Documentation of the process:</p> <p>Report of the Findings:</p>	
<p><u>2/Step 4: Revision and final version of the Tool</u></p>	<p>Time:</p> <p>The finalised Tool</p>	<p>Finalising the Tool:</p> <p>Advisory Comments:</p> <p>Editing:</p>	
<p><u>2/Step 5: Publication, Distribution and Implementation</u></p> <ul style="list-style-type: none"> • Publication - languages? • Launch - international or regional? - organisation • Distribution • Capacity-building - training in the use of the Tool • Setting up a process and timeline for evaluation of the Tool and its use - a new structure? 	<ol style="list-style-type: none"> 1. Tool is accessible in user-friendly forms - on-line & in hard copy 2. Launching Events 3. Human Rights impact education for 4. A sustainable structure to stimulate and support the application of the Tool and the use of its outcomes in lobby and advocacy and which allows for a long term process of learning, revision and improvement. 	<p>Translations?</p> <p>Trainings:</p>	

PROJECT ORGANISATION STRUCTURE:

Based on the process, we suggest the following structure, in order to implement the project in an efficient, transparent and participatory manner.

Question: What should be the tasks and composition of the different bodies?



ANNEX D

Lessons from the development of HeRWAI

The Health Rights of Women Assessment Instrument (HeRWAI, pronounced as 'her way') is a practical tool for organisations that want to bring a human rights approach into practice. It contains practical guidance for a rights based analysis of a policy that influences women's health. Through a HeRWAI analysis, organisations can link what actually happens with what should happen according to the human rights obligations of a country. The analysis includes local, national and international influences and is based on the norms set by the UN-women's convention (CEDAW) and the International Convention on Economic, Social and Cultural Rights (ICESCR). HeRWAI was developed by the Humanist Committee on Human Rights (Dutch abbreviation: HOM) in close cooperation with NGOs and women's organisations from different parts of the world.

The development of HeRWAI started in 2002 with the idea that the UN-women's convention (CEDAW) could be used in more ways than the most commonly known. Both national awareness raising and international reporting are useful and important. But CEDAW –as well as the other human rights conventions- provides standards that can be used as a yard stick to assess and influence policies in a more direct and detailed way than via the (shadow) reporting to the Committee. Another concern was the notion that there is too little attention for the influence of international relations (development cooperation, trade agreements, IMF policies, etc.) on national policies and the corresponding impact on the human rights of women. By the end of 2005 HeRWAI was printed, from 2006 onwards dissemination started. Following is a summary of the process in between and the lessons learned during that process.

1 Inventory of existing experiences

- A search of internet and publications to see which similar tools or instruments existed and what could be learned from them. A comparison, leading to a number of options to decide on (e.g. users and possible uses, aims regarding length)
- A round of –mostly bilateral- discussions with organisations in the Netherlands, working on development and human rights, to hear their opinion about the initiative and ask about contacts with possible partner organisations
- Contacts with organisations to ask them to participate in the development of the instrument. Searched and found a mix of regions and backgrounds (legal, women's activist, health)³
- A one week meeting with the 5 representatives of the above organisations, to discuss the basic features of the instrument, part of the meetings with experts/stakeholders from outside (e.g. ministry, development organisations)
- Focus on health, objective to analyse human rights impact (*intended or unintended*) of government policy.

Lessons:

- No similar tools existed. Various tools on gender impact assessment (mostly of projects) and a few on human rights, none of whom had been evaluated.
- The existing tools seemed to be either very superficial (1 page checklist) or very lengthy (300+ pages).

³ Naripokkho (women's activists, Bangladesh), IWRAW-AP (training on CEDAW, Malaysia), Fida-Kenya (women lawyers, Kenya), Wemos (health and development, the Netherlands), Si Mujer (women's health, Nicaragua)

2 The first draft

- 2 meetings of one week each with the same group, to discuss with a growing level of detail the instrument in development
- in between I wrote reports of the outcomes, working out the decisions and coming up with proposals for verification by the group.
- From general ideas, via an outline we came to the draft version of HeRWAI

Lessons:

- Decisions to adapt the original ideas:
 - Not realistic to aim to develop a tool that is equally useful for NGOs and governments; they have a different position and require different language. Choice to develop a tool for NGOs so they can be effective in demanding government accountability.
 - Besides CEDAW, we needed ICESCR as a basis, because it is more specific and elaborate on health.
- The tool needs to help NGOs make strategic (rather than idealistic) choices, which may include for example highlighting non-legally binding documents such as the Beijing Platform for Action or the MDGs if that helps them achieve the aim of enhancing health rights.
- There were no accepted indicators that could be used, despite a lot of work going on regarding health indicators and –more recently- health rights indicators.
- Confusion about the term 'policy': it can range from a one-off decision to a multi-year programme and includes laws (see definition in HeRWAI). Need to guide organisations to link a problem (e.g. maternal mortality) to the most strategic policy (with impact *and* potential for change) and to realize at which stage the policy is (development, implementation, evaluation/revision)
- Difficult to keep the instrument short and simple and at the same time accommodate variety of demands.
- In between meetings, participants could spare little time to comment and react, due to other engagements. Note: HOM only paid their travelling expenses, not their time.

3 Testing

- Draft version of HeRWAI applied in 4 countries (Bangladesh, maternal mortality; Kenya, maternity leave; Netherlands, closure of street prostitution zones, Pakistan, life skill education to youth). Within each organisation various people were involved, none of the directly involved people participated in the development of HeRWAI.
- HOM staff visited each organisation during 1,5 day to discuss the objective and structure of HeRWAI, the objective and procedure of the testing and to assist in choosing a policy for analysis ('orientation visits').
- The organisations had about 5 months for the application of HeRWAI. After each step and after completing, they filled in a detailed form about their experiences. Regular feedback from HOM, on the basis of the forms or (sometimes) inquiries from the organisations.
- One week meeting to discuss findings of the studies and experiences, give recommendations to improve HeRWAI.

Lessons

- HeRWAI is applicable in a variety of settings, by people with very different background
- It is too difficult to be used by grass root organisations; they need an organisation with some analytical skills to translate.
- It is a lot of work; recommendations to shorten the instrument as well as requests to add more...
- The orientation visits were important to help organisations decide on how to use HeRWAI (even though they had already decided that they wanted to use it).
- Recommendation to make a dissemination plan including active introductions of HeRWAI and collection of feedback from users (mutual support system)
- Nicaragua dropped out because of staffing problems

4 Revisions and finalization

- Various people, including all involved in development and testing proof read the pre-final version, some commented
- Part of the information was put in the annexes and some extra annexes were added (e.g. a draft work plan)
- A short version ('discussion guide'), for organisations that do not have the time to do a full analysis
- Paper version rather than interactive digital version, because of the limited internet access in many countries (free, it can be downloaded)
- User friendly format.

Lessons

- Some reactions came too late.
- Struggle to keep the language short and easy while being precise
- The document has become heavy and the process of a full analysis plus lobby is (too?) time consuming for many organisations

5 Dissemination

- Through post and e-mail, key organisations and networks
- Presentations, workshops and training
- Dissemination plan, including training trainers, development of mutual support system

Lessons

- Personal introduction is important especially for organisations that consider doing a full analysis.
- Organisations that asked for a copy of HeRWAI used it for a variety of purposes (e.g. basis for interviewing a parliamentarian, lecture, resource guide), but to our knowledge none started a full analysis without HOM training
- Capacity of HOM to provide training is limited, plan to train trainers, but they need to have experience in using HeRWAI to be able to train- time bottleneck.
- It is important to translate the instrument into other languages. The barrier to use HeRWAI in an unfamiliar language is too high.