

**Seventh Annual Meeting On The Role of the Asia Pacific Forum  
In the Protection and Promotion of Human Rights  
New Delhi, India, 11 – 13 November 2002**

**Oral Intervention of the Pre Forum NGO Consultation on  
Trafficking and National Institutions<sup>1</sup>**

Trafficking of women and children is a serious problem facing the Asia Pacific region, which requires affirmative and comprehensive attention by all State parties. The cross-border nature of the issues involved present a challenging inter-jurisdictional problem for regional lawmakers. Despite numerous useful international efforts to combat trafficking, two significant gaps remain (1) law enforcement and adjudication, and (2) cross-border co-operation. Even though a variety of existing legal provisions already proscribe the activities of traffickers and their agents, existing anti-trafficking initiatives have not prioritised the apprehension and prosecution of these individuals.

At the Sixth Annual Meeting of the Asia Pacific Forum, held in September 2001 the Pre Forum NGO Consultation made recommendations to NHRIs in their strategies to *address* the issue of trafficking. This year the Pre Forum NGO Consultation offers the following recommendations to serve as guidelines for NHRIs in their strategies to *enforce* legal mechanisms. Specifically we recommend that:

1. NHRIs should establish the office of a National Rapporteur on Trafficking and establish a specialised nodal agency designed to address the issue of trafficking.
2. NHRIs should review existing legislative or administrative provisions and assess their humanitarian impact when implemented in relation to victims of trafficking, and make proposals where appropriate in order to ensure that these provisions conform with the fundamental principles of human rights both in their direct and indirect application.
3. The APF should commission two of its member institutions (one from a source State and other from the host State) to undertake a pilot project to work together on the issue of trafficking and to use the results of the projects to develop a broad framework for regional co-operation.
4. NHRIs should urge State parties to create a Specialised Task Force that shall bring together all appropriate and relevant Ministries, departments and representatives of the civil society and victims to address the issues surrounding trafficking.

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5. NHRIs should encourage governments to establish Specialised Investigative Units within the Police devoted entirely to anti-trafficking enforcement efforts. Special Officers of the NHRC should also be recruited.
6. NHRIs should develop systems of regional co-operation by encouraging States to develop a bilateral or regional database on trafficked persons and bilateral arrangements to facilitate exchange of information and repatriation.
7. NHRIs should encourage governments to establish special procedures within the judicial system such as courts with Special powers to ensure that prompt prosecutions of traffickers are heard without any adjournment except in the most exceptional of circumstances, and measures that would ensure that victims of trafficking are not removed by way of deportation from the jurisdiction of the prosecutorial Court before the conclusion of criminal proceedings against traffickers.
8. NHRIs should encourage governments to ensure that courts with Special powers are established at the local and district levels.
9. NHRIs should help develop a Code of Conduct within the context of the UN Guidelines and Principles on Human Rights and Human Trafficking:
  - places for trafficked women to stay pending deportation with adequate access to services such as legal aid, counselling, medical and other essential services;
  - ensuring that trafficked women have access to their country's diplomatic representation in compliance with the Vienna Convention on Consular Access;
  - an avoidance of mandatory deportation in circumstances where a return to the original State may expose victims of trafficking to further exploitation and persecution;
  - provisions for the granting of asylum and access to authorities concerned including the opportunity to contact a representative of the UNHCR
10. NHRIs should develop and conduct awareness programmes with agencies, including NHRC officials to deal with victims of trafficking.
11. NHRIs should encourage governments to assign officers of integrity, a substantial number of who are female officers, to the border Police and regular Police within the border district of both host and source State.
12. NHRIs should encourage governments to hold biannual meetings between the Coordinators, the District Superintendents of Police from the border districts, and

officers from the Interpol Divisions of the Intelligence Bureau of countries to exchange information and co-ordinate anti-trafficking enforcement efforts.

13. NHRIs should develop comprehensive strategies to monitor on fortnightly basis cross-border operations and prepare quarterly reports on cross-border enforcement activities for the respective Home Ministries, NHRIs and OHCHR. These reports shall serve as the basis for agenda items to be included in the regular meetings between respective Home Secretaries.
14. NHRIs should encourage governments to establish a pilot witness protection programme, which could operate under the expertise of personnel from the NHRC and relevant NGO networks.
15. NHRIs should use their expertise in human rights to assist governments in drawing up guidelines/codes of conduct to combat discrimination on the basis of actual, perceived or suspected HIV status in its dealings with victims of trafficking. These codes should translate human rights principles into codes of professional responsibility and practice, with accompanying mechanisms to implement and enforce these codes.
16. NHRIs should encourage and assist governments to develop and incorporate within the National Plans of Action on Trafficking measures to combat HIV/AIDS, which incorporate international human rights standards. These measures should be participatory and transparent.

I thank you for your kind attention