



THE ASIA PACIFIC FORUM
OF NATIONAL HUMAN RIGHTS INSTITUTIONS

...a partnership for human rights in our region

**Regional Workshop on Human Trafficking and National
Human Rights Institutions: Cooperating to End Impunity for
Traffickers and to Secure Justice for Trafficked People**

Sunday 20th November to Wednesday 23rd November

**Swiss Grand Hotel
Sydney, Australia**

Final Report

CONTENTS

1. INTRODUCTION.....	3
2. BACKGROUND	3
3. ORGANISATION & PARTICIPATION	4
4. WORKSHOP OBJECTIVES	5
5. WORKSHOP PROGRAM.....	5
5.1 INFORMATION ROUNDTABLE FOR NHRIS ON TRAFFICKING.....	5
5.2 SESSION 1: INTRODUCTION TO KEY ISSUES	6
5.3 SESSION 2: UNDERSTANDING THE PROBLEM – RESEARCHING & INVESTIGATING TRAFFICKING...6	
5.4 SESSION 3: ENDING IMPUNITY & SECURING JUSTICE	7
5.5 SESSION 4: WORKING WITH NGOs TO SUPPORT VICTIMS AND THEIR RIGHTS	7
5.6 SESSION 5: INTERNAL, CROSS-BORDER AND REGIONAL COLLABORATION	8
5.7 SESSION 6: ADOPTION OF CONCLUDING STATEMENT AND PLAN OF ACTION	8
6. WORKSHOP OUTCOMES	9
7. EVALUATION	10
APPENDIX 1: PARTICIPANTS LIST	11
APPENDIX 2: PROGRAM	24
APPENDIX 3: CONCLUDING STATEMENT.....	33
APPENDIX 4: EVALUATION	43

1. INTRODUCTION

This is a report of the *Regional Workshop on Human Trafficking and National Human Rights Institutions: Cooperating to End Impunity for Traffickers and to Secure Justice for Trafficked People* which was held in Sydney, Australia, 20-23 November 2005.

The workshop was hosted by the Australian Human Rights and Equal Opportunity Commission ('HREOC') and was jointly organised by the Asia Pacific Forum of National Human Rights Institutions ('APF') and HREOC. Financial support for the workshop was provided by New Zealand's International Aid and Development Agency ('NZAID'), the Asia Regional Cooperation to Prevent People Trafficking ('ARCPPT') and HREOC.

The report is organised as follows:

- Section 2 contains relevant background information about the activities of the APF and its member institutions in relation to human trafficking. The workshop is one of the major regional activities undertaken by the APF in relation to human trafficking.
- Section 3 provides information about the organisation of the workshop and the workshop participants.
- Section 4 provides information on the objectives of the workshop.
- Section 5 provides information on the workshop program and a summary of key discussions. A copy of the workshop program is at Appendix 2.
- Section 6 provides an overview of the workshop outcomes as measured against the objectives of the workshop. A copy of the concluding statement and recommendations of the workshop is at Appendix 3.
- Section 7 provides an overview of the formal evaluation of the workshop. A full record of all responses to the evaluation form is available at Appendix 4.

2. BACKGROUND

Every year, thousands of people in the Asia Pacific region become the victims of trafficking, a widespread, secretive and destructive criminal enterprise that amounts to modern-day slavery.

Lured by promises of jobs and money, victims of trafficking are often intimidated and manipulated into jobs with long hours, dangerous conditions and poor or non-existent pay. Trafficking victims can become virtual prisoners, unable to escape because of fears

of violence, prison or deportation. They can be tricked or coerced by traffickers and then forced to work off 'debts' in sexually and economically exploitative conditions.

National Human Rights Institutions ('**NHRIs**') working in cooperation with governments and civil society are uniquely placed to contribute to national, regional and cross-border efforts to eliminate trafficking. The critical link between trafficking and human rights makes NHRIs especially relevant to this issue.

Convinced of the importance of NHRIs in combating trafficking and providing assistance to trafficked persons, the APF has taken up the issue of trafficking and is working at a regional level to address this problem.

In September 2004 at the APF's 9th Annual Meeting held in Seoul, Republic of Korea, HREOC offered to host a regional workshop on trafficking to be held in 2005. The workshop is one of a range of activities organised by the APF aimed at improving the regional engagement of NHRIs in relation to human trafficking.

Other initiatives of the APF include incorporating the theme of human trafficking for discussion at its 7th Annual Meeting held in New Delhi, India from 11-13 November 2002.¹ Since that meeting the issue of human trafficking remains a standing item at every APF annual meeting whereby member NHRIs report on its trafficking activities under this agenda item. The APF membership also referred the issue of human trafficking to the APF's Advisory Council of Jurists for its consideration² and established the APF Trafficking Focal Point Network.³

3. ORGANISATION & PARTICIPATION

HREOC hosted the regional workshop and it was represented by its President, the Hon John von Doussa QC, Sex Discrimination Commissioner, Ms Pru Goward, Aboriginal and Torres Strait Islander Social Justice Commissioner, Mr Tom Calma, Executive Director, Ms Diana Temby and staff. The workshop was jointly organised by the APF and HREOC and it received valuable program input from the ARCPPT.

The workshop was attended by the NHRIs and related bodies of Australia, Fiji, India, Indonesia, Malaysia, Mongolia, Nepal, New Zealand, the Philippines, Republic of Korea, Sri Lanka and Thailand; the United Nations Inter-Agency Project on Human Trafficking in the Greater Mekong Sub-Region ('**UNIAP**'), the International Organisation for Migration ('**IOM**') and ARCPPT; regional and national civil society organisations from Australia, Nepal and Thailand; and the Government of Australia.

The full list of participants is at Appendix 1.

¹ For further information refer to www.asiapacificforum.net/annual_meetings/seventh/meeting_papers.htm

² For further information refer to <http://www.asiapacificforum.net/advisory/trafficking/index.htm>

³ For further information refer to <http://www.asiapacificforum.net/networks/trafficking/index.htm>

4. WORKSHOP OBJECTIVES

The workshop's objectives were as follows:

- **Objective 1:** To explore the potential role of NHRIs in ending impunity for human traffickers and securing justice for victims.
- **Objective 2:** To develop a plan of action for engagement of NHRIs with Non-Governmental Organisations ('NGOs') including Victim Support Agencies.

5. WORKSHOP PROGRAM

The workshop had two parts. The first part was held on Sunday 20 November for NHRI representatives only. This 'closed' session or information roundtable was incorporated into the program to provide NHRI participants with an opportunity to discuss amongst themselves their practical understanding of the human rights issues arising from people trafficking and the status of trafficking in the Asia Pacific region, including in countries of origin, transit and destination. This session also gave NHRI representatives an opportunity to discuss the policies, practices and structures relating to human trafficking in their own countries and their institutional approaches in addressing this issue.

The second part of the workshop was held from 21 to 23 November and was open to NHRIs as well as representatives from NGOs, civil society, the UN and regional organisations. This part included discussion on issues such as researching trafficking, seeking justice, working with trafficked persons, increasing public awareness and cross-border collaboration. Working and 'breakout' groups were incorporated into this part of the program as a tool to focus participant discussions and to develop concrete recommendations as an outcome to the meeting.

The workshop program and papers are available at:

<http://www.asiapacificforum.net/training/workshops/trafficking/index.htm>

5.1 Information Roundtable for NHRIs on Trafficking

The objective of the half-day roundtable session was to provide an informal space for NHRI representatives to introduce themselves and to share their understanding and experiences of working in the area of human trafficking. The session was introduced by Ms Anne Gallagher, Team Leader, ARCPPT and Ms Kathleen Maltzhan, Founding Director, Project Respect. Ms Gallagher is an expert in NHRIs, international human rights law and regional developments in relation to trafficking and Ms Maltzhan has extensive experience in working with trafficked women in the Philippines and Australia.

A range of issues were discussed including the legal definition of trafficking; the distinction between migrant smuggling and trafficking; cross border trafficking; intra-country trafficking; anti-trafficking legislation; legislation relating to migration and

citizenship; root causes of trafficking; trafficking in all its forms (including economic, forced marriage and sexual exploitation) and NHRI experiences.

5.2 Session 1: Introduction to Key Issues

The first session provided an introduction to the key themes and issues of the workshop. Speakers included Ms Anne Gallagher, Team Leader, ARCPPT, Justice Sujata Manohar, former Chief Justice of the High Court of India and a Member of the National Human Rights Commission of India ('NHRCI'), Ms Bandana Pattanaik, Coordinator, Global Alliance Against Traffic in Women and Mr Kieren Fitzpatrick, Director, APF Secretariat.

A range of topics were addressed including the APF's work on trafficking, how NHRIs can engage on the issue of trafficking, the role of NHRIs in combating trafficking and how NHRIs and NGOs can support each other in addressing human trafficking. One key issue that emerged at this session was the role NHRIs can play in assisting State agencies to develop victim-centred and human rights-based approaches to their counter-trafficking activities. Furthermore it was suggested that NHRIs are uniquely placed to contribute to national, regional and cross-border efforts to eliminate trafficking. The critical link between trafficking and human rights make NHRIs especially relevant in relation to this issue.

5.3 Session 2: Understanding the Problem – Researching & Investigating Trafficking

The objective of this session was to develop an understanding on how NHRIs could conduct research and use it as the basis for education campaigns, policy and legislative development. It also considered ethical issues associated with working with victims. Speakers included Ms Kamala Pillai, Head, Economic, Social and Cultural Rights Section, Human Rights Commission of Malaysia, Dr Savita Bhakhry, Senior Research Officer, NHRCI and Ms Kathleen Maltzahn, Project Respect.

The Human Rights Commissions of Malaysia and India presented case studies on their research activities and all presenters spoke of the challenges involved in researching an issue that is by its nature clandestine and secretive. Other barriers in conducting research included hearing from the victims (often language, safety concerns and legal procedures impede effective access to victims). The Commissions emphasised the importance of developing partnerships with other bodies such as university institutions, NGOs, and the UN to assist in developing and undertaking research as well as to access established expertise and resources. It was also noted that researching issues surrounding people traffickers and users of trafficked persons was equally important, and equally as difficult to do, yet should be considered a key component in creating a more sophisticated understanding of the push and pull factors relating to trafficking. Overall it was clear that NHRIs have a legislative mandate to research trafficking and that such research should be grounded in ethical principles including an understanding of the rights and needs of trafficked persons. NHRIs could conduct or support research on trafficking that would inform government responses and ensure that a human rights approach to trafficking is

adopted. NHRIs could ensure that all research that they support or conduct protects the safety and privacy and safety of trafficked people and does not further traumatise victims. NHRIs could also ensure that any research outcomes are focused and strategic.

5.4 Session 3: Ending Impunity & Securing Justice

The object of this session was to identify the ways in which NHRIs could effectively engage with national legal and criminal justice processes regarding trafficking. Speakers included Ms Sjamsiah Achmad, Commissioner, National Commission on Violence Against Women, Indonesia (and former CEDAW Committee Member), Ms Anne Gallagher, Team Leader, ARCPPT and Ms Jennifer Burn, Senior Lecturer, UTS Community Law Centre, Sydney.

Speakers identified some of the obstacles to effective criminal justice responses that were applicable at both the global and regional levels. The obstacles included a lack of understanding about trafficking within and between countries; inadequate and inappropriate legal frameworks; failure to recognise and investigate trafficking for purposes other than sexual exploitation; a fragile and often contradictory social environment especially around migrant labour and the sex industry; public sector involvement and complicity in trafficking; low commitment to the rule of law and to the rights of all persons including suspects; the complexity of the investigatory task including heavy reliance on victims as witnesses; the low priority accorded to trafficking as a crime and a low capacity to cooperate across national borders.

NHRIs have a clear role to be engaged in legislation and legal processes. NHRIs could for example, review trafficking and related laws and policies to determine their conformity with international human rights standards and should recommend amendments as needed. Further, NHRIs could recommend comprehensive bilateral extradition arrangements for trafficking prosecutions and advocate that victims should have access to supportive reintegration programmes, based on a timely risk assessment. NHRIs could monitor the counter-trafficking work of law enforcement agencies and advocate for changes to procedures to ensure the human rights of all persons including trafficked persons and suspects are respected. In addition, those NHRIs that do not have a specific power to seek leave to intervene in court cases should consider advising their governments to amend their governing legislation to include such a power.

5.5 Session 4: Working with NGOs to Support Victims and their Rights

The objective of this session was to identify the main areas in which NHRIs and NGOs can collaborate and the strategies to ensure such collaboration actually happens and is effective. Speakers for this session included Ms Siriporn Skrobanek, Foundation for Women, Thailand, Dr Renu Rajabhandari, Chairperson, Women's Rehabilitation Centre, Nepal, Ms Sally Moyle, Director, Sex Discrimination Unit, HREOC, Ms Kristin Dadey, Program Manager, Counter-Trafficking Unit, IOM, Dr Terry O'Neill, Manager, Human Rights, New Zealand Human Rights Commission and Ms Tati Krisnawaty, Head, Sub-

Commission on the Protection of Groups Vulnerable to Discrimination, National Commission on Violence Against Women, Indonesia.

In this session discussion centred on how NHRIs and NGOs can create strategic alliances to advocate for the human rights of trafficked persons. In this regard NHRIs and NGOs have different but complementary roles to play. Any form of effective cooperation will, however, require NHRIs and NGOs to develop a relationship built upon respect and trust. There must also be a clear understanding of each other's strengths and limitations according to their respective mandates and resources. Importantly, NHRIs and NGOs can work together to ensure that government interventions protect the rights of those that have been trafficked and reinforce each other's position. NHRIs can operate as a 'bridge' between government and NGOs because of their statutory authority and powers. NGOs are generally the first to identify new and emerging issues and identify problems. NHRIs can work with NGOs to ensure that new information and problems are communicated to government in an effort to have them addressed.

5.6 Session 5: Internal, Cross-Border and Regional Collaboration

Speakers at this session included Mr Kieran Best, Information Officer, UN Inter-Agency Project on Human Trafficking in the Greater Mekong Sub-Region, Dr Ram Dayal Rakesh, Commissioner, Nepal Human Rights Commission, Attorney Maria Maravilla, Instruments and Monitoring Office, Commission on Human Rights, Philippines, Ms Oyunchimeg Purev, Staff Director, Human Rights Commission of Mongolia and Ms Pip Dargan, Deputy Director, APF Secretariat.

Participants were informed of the development of bilateral and sub-regional agreements on trafficking involving the States of the Asia-Pacific region to address trafficking, including the ASEAN Declaration in Trafficking in Persons (2004); the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution (2002); the Coordinated Mekong Ministerial Initiative against Trafficking process and its Memorandum of Understanding and Sub-regional Plan of Action (2004); and bilateral agreements such as those conducted between Thailand and Cambodia and Thailand and Lao PDR. At this session the issue of strengthening the existing APF Trafficking Focal Point Network was raised as an important activity that the APF membership and its secretariat could pursue to increase information exchanges between NHRIs. In addition the Malaysian Human Rights Commission offered to host, in 2006, a regional seminar for NHRIs on the issue of anti-trafficking legislation.

5.7 Session 6: Adoption of Concluding Statement and Plan of Action

The final session of the workshop, chaired by Justice Sujata Manohar, saw the presentation of the workshop's draft Concluding Statement and Plan of Action. The draft document was adopted by the workshop's participants and is available at:

<http://www.asiapacificforum.net/training/workshops/trafficking/concluding/index.htm>

6. WORKSHOP OUTCOMES

The major immediate outcome of the workshop was the Concluding Statement and Plan of Action which is attached at Appendix 3. This document is intended to be a practical guide to follow-up action for NHRIs, NGOs, and international & regional organisations. These outcomes also provide a useful tool to evaluate the stated objectives of the project against the actual results.

The specific objectives of the workshop were:

Objective 1: *To explore the potential role of NHRIs in ending impunity for human traffickers and securing justice for victims.*

This was achieved by bringing together thirteen regional NHRIs, UNIAP, IOM ARCPPT, regional and national civil society organisations from Australia, Nepal and Thailand and other experts to participate in a program that specifically examined the role of NHRIs in developing effective interventions relating to ending impunity and securing justice for victims. Topics of particular relevance to impunity and justice were discussed in breakout groups including: NHRIs and the international and national legal framework around trafficking; NHRIs and criminal justice agencies: monitoring and working with police, prosecutors and judges; monitoring government action to ensure the rights of victims and suspects are respected; using the complaints function to end impunity and secure justice for victims; assistance, protection and legal status; repatriation; reintegration and rehabilitation; information and awareness.

In addition a number of NHRIs (Australia, India, Indonesia, Malaysia, Mongolia, Nepal, New Zealand, and the Philippines) presented case studies on counter-trafficking work at the workshop that emphasised key lessons and emerging good practices. These presentations were compiled and are publicly available on the APF website: <http://www.asiapacificforum.net/training/workshops/trafficking/papers/index.htm>

Importantly, the workshop's concluding statement and plan of action includes strategies and recommendations directed towards NHRIs in the area of: education; monitoring; advocacy; investigation and complaint handling; and working in cooperation with other actors.

A member institution of the APF, the National Human Rights Commission of Malaysia also offered to host in 2006, a seminar on the development of anti-trafficking legislation in accordance with international human rights standards. The Malaysian Commission requested the APF's assistance in developing and implementing this seminar.

Future information sharing on this issue was agreed to at the workshop through its concluding statement and plan of action. Paragraph 40 of the plan of action refers to the existing APF Trafficking Focal Point Network and calls on it to "*share resource materials from each country, in particular for training. Good practices should be identified, documented and distributed among the network*".

Objective 2: *To develop a plan of action for engagement of NHRIs with NGOs, including Victim Support Agencies.*

Through its concluding statement and plan of action NHRIs agreed to broad areas of cooperation with NGOs, including Victim Support Agencies. Those areas of cooperation included education, monitoring, advocacy, research, investigation and complaint handling. This cooperation will be monitored by the APF through its annual meetings and APF Trafficking Focal Point Network.

7. EVALUATION

An evaluation questionnaire was developed by the APF and distributed to all participants at the workshop. The questionnaire requested feedback on each individual workshop session and on aspects of the administration of the workshop. Participants were asked to 'grade' the quality and usefulness of the workshop using a four point scale ranging from 'excellent' to 'poor'. Eleven completed questionnaires were returned to the Secretariat and these rated the 'content' and 'administration' of the workshop very highly. Most respondents rated the workshop as being either 'extremely' or 'very' helpful to them. Following the conclusion of the workshop, a number of participants also e-mailed the project organisers and other participants thanking them for the usefulness of the workshop.

A full record of all responses to the evaluation form is available at Appendix 4.

Appendix 1: Participants List

ASIA PACIFIC FORUM OF NATIONAL HUMAN RIGHTS INSTITUTIONS

Human Trafficking and National Human Rights Institutions: Cooperating to End Impunity for Traffickers and to Secure Justice for Trafficked People

Sunday 20 – Wednesday 23 November 2005
Swiss Grand Hotel, Bondi Beach, Sydney, Australia

(Last updated 25 November 2005 – please email all corrections/changes to the APF Secretariat at:
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Appendix 2: Program

Human Trafficking and National Human Rights Institutions: Cooperating to End Impunity for Traffickers and to Secure Justice for Trafficked People

INVITATION ONLY

Monday 21 November – Wednesday 23 November 2005

Swiss Grand Hotel
Bondi Beach, Sydney, Australia

[APF members are required to attend a half-day roundtable discussion on Sunday 20 November]



Asia Regional Cooperation to Prevent People Trafficking



The organisers wish to gratefully acknowledge the valuable financial contribution provided to this workshop by New Zealand's International Aid and Development Agency, the Australian Human Rights and Equal Opportunity Commission and the Asia Regional Cooperation to Prevent People Trafficking.

Sunday 20 November 2005 – Half Day for NHRIs

12.00 - 1.00 Registration and collection of workshop materials

Venue: Lobby

1.00 – 4.00 **An information roundtable for NHRIs on trafficking**

Venue: Promenade Room 1, Lobby Level

Objective: The roundtable is for NHRIs to introduce themselves to each other and to share, in an informal setting, their understanding of and experiences of working with trafficking. The purpose is to prepare NHRIs to participate, actively and creatively, in the Workshop.

Format: Introductory remarks by two facilitators; clarification of understanding regarding key concepts; followed by roundtable discussion. NHRI representatives will be asked to nominate a co-facilitator from amongst themselves for this session.

Key roundtable issues:

- What is trafficking?
- What are the main human rights aspects of trafficking?
- What have NHRIs done about trafficking?
- What could NHRIs do about trafficking?

SUNDAY EVENING WELCOME COCKTAILS - ALL PARTICIPANTS

Venue: Epic Cove, Lobby Level, Swiss Grand Hotel, Bondi Beach

6.30 – 8.00	Cocktails
7.00 – 7.10	Welcome by The Hon John von Doussa QC, President, Australian Human Rights and Equal Opportunity Commission (HREOC)
8.00	Free Time

DAY 1: Monday 21 November 2005

8:00	Registration and collection of workshop materials <i>Venue: Lobby</i>
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Session One **Introduction to the Key Issues**
Venue: Promenade Room, Lobby Level

Session objective: To provide an introduction to the key themes and issues of the workshop

Chair: Ms Pru Goward, Federal Sex Discrimination Commissioner, HREOC

- 9.00 – 9.10 Mr Kieren Fitzpatrick,
Director, Asia Pacific Forum of National
Human Rights Institutions
APF's work on trafficking in the region
- 9.10 – 9.30 Ms Anne Gallagher,
Team Leader, Asia Regional Cooperation to Prevent People
Trafficking (ARCPPT)
The framework of engagement for NHRIs on the issue of trafficking
- 9.30 – 9.45 Justice Sujata Manohar,
Former Member of the National Human Rights Commission of
India and ex-Focal Point on Women and Trafficking
The role of NHRIs in combating trafficking
- 9.45 – 10.00 Ms Bandana Pattanaik,
Coordinator, Global Alliance Against Traffic in Women
*The NGO perspective: how NHRIs and NGOs can support each
other and work together on the issue of trafficking*
- 10.00 – 10.30 Morning Tea

**Session Two Understanding the problem: Researching and investigating
trafficking**

Venue: Promenade Room, Lobby Level

***Session objective: To understand how NHRIs could conduct
good research and use this as the basis for education campaigns
and policy and legislative development. To also consider the
ethical and other issues associated with working with victims***

Chair: Mr Tom Calma, Aboriginal and Torres Strait Islander
Social Justice Commissioner, HREOC

- 10.30 – 10.50 Ms Kamala Pillai, Head, Economic Social and Cultural Rights
Section, Human Rights Commission of Malaysia (SUHAKAM)
*Preparing and using a national report on trafficking - a
perspective from SUHAKAM*
- 10.50 – 11.10 Screening of a film on trafficking produced by SUHAKAM and
UNICEF
- 11.10 – 11.30 Dr Savita Bhakhry, Senior Research Officer, NHRC India

Designing and implementing an action research project on trafficking – a perspective from NHRC India

- 11.30 – 11.50 Ms Kathleen Maltzahn, Committee of Management, Project Respect
Researching and investigating trafficking: the Australian experience
- 11.50 – 12.10 Questions and answers
- 12.10 – 1.00 **Open discussion:** what are the key lessons and emerging good practices for NHRIs when it comes to researching and investigating trafficking?
- 1.00 – 2.00 Lunch – *Venue: Epic Brasserie, Lobby Level*
- Session Three** **Ending Impunity and securing justice: NHRIs engaging with the law and the administration of justice**
- Venue: Promenade Room, Lobby Level*
- Session objective: To identify the ways in which NHRIs can effectively engage with national legal and criminal justice processes around trafficking**
- Chair: Mr John von Doussa, President, HREOC
- 2.00 – 2.20 Ms Sjamsiah Achmad Commissioner, National Commission on Violence against Women, Indonesia and former CEDAW Committee Member (2001-2004) *Effective Legal Strategies to Combat Trafficking in Women and Children – including how to use the UN system*
- 2.20 – 2.40 Ms Anne Gallagher, Team Leader, ARCPPT
Criminal justice responses to trafficking: challenges and opportunities
- 2.40 – 3.00 Ms Jennifer Burn, Senior Lecturer, UTS Community Law Centre, Sydney
Australia: a case-study analysis and model for achieving reform through practical engagement with the legislature, judiciary and the executive
- 3.00 – 3.30 Questions and answers

3.30 – 5.30 ***Breakout groups: NHRI strategies to end impunity and secure justice for victims***

Note: afternoon tea will be served in each breakout room

- Group 1: ***NHRIs and the international and national legal framework around trafficking*** (Reef Room 1, Level 1)
Facilitator: Ms Sally Moyle, HREOC
Rapporteur: to be elected from amongst the group
Notetaker: Ms Jo Tilly, HREOC
- Group 2: ***NHRIs and criminal justice agencies: monitoring and working with police, prosecutors and judges*** (Reef Room 2, Level 1)
Facilitator: Mr Kieren Fitzpatrick, APF
Rapporteur: to be elected from amongst the group
Notetaker: Ms Sarah Squire, HREOC
- Group 3: ***Monitoring government action to ensure rights of victims and suspects are respected*** (Reef Room 3, Level 1)
Facilitator: Ms Jen Burn, UTS
Rapporteur: to be elected from amongst the group
Notetaker: Ms Thuy Doan-Smith, APF
- Group 4: ***Using the complaints function to end impunity and secure justice for victims*** (Promenade Room, Lobby Level)
Facilitator: Ms Pip Dargan, APF
Rapporteur: to be elected from amongst the group
Notetaker: Ms Natasha de Silva, HREOC

Free evening with a social option to join APF/HREOC staff at 6.00pm for a one hour walk along the coastline from Bondi beach to Tamarama beach and return.

DAY 2: Tuesday 22 November 2005

Session Three (continued)

Chair: Mr John von Doussa, President, HREOC

Venue: Promenade Room, Lobby Level

- 9.00 – 10.00 Rapporteur reports from Monday's breakout groups
- 10.00 – 10.30 **Open discussion:** what are the key lessons and emerging good practices for NHRIs when it comes to ending impunity and securing justice for victims?
- 10.30 – 11.00 Morning Tea

Session Four

Working with NGOs to support victims and their rights

Venue: Promenade Room, Lobby Level

Session objective: To identify the main areas in which NHRIs and NGOs can collaborate and the strategies to ensure such collaboration actually happens and is effective

Chair: Ms Sjamsiah Achmad, Commissioner, Komnas Perempuan

- 11.00 – 11.20 Ms Siriporn Skrobanek, Foundation for Women, Thailand *Finding victims and access to justice*
- 11.20 – 11.40 Dr Renu Rajabhandari, Chairperson, Women's Rehabilitation Centre, Nepal
The issue of immediate assistance and protection
- 11.40 – 12.00 Ms Sally Moyle, Director, Sex Discrimination Unit, HREOC
Strategic alliances: NHRIs and NGOs
- 12.00 – 1.00 Lunch – *Venue: Epic Brasserie, Lobby Level*
- 1.00 – 1.20 Ms Kristin Dadey, Program Manager, Counter-Trafficking Unit, International Organisation for Migration, on the issue of reintegration and rehabilitation
- IOM
Reintegration and rehabilitation
- 1.20 – 1.40 Dr Terry O'Neill, Manager, Human Rights, New Zealand Human Rights Commission
The New Zealand HRC: Past Success and Current Challenges?
- 1.40 – 2.00 Ms Tati Krisnawaty, Head of the Sub-Commission on the Protection of Groups Vulnerable to Discrimination, National Commission on Violence Against Women, Indonesia
Information and awareness

2.00 – 3.15

Breakout groups: Engagement between NHRIs and NGOs/VSA's – issues and opportunities

Note: afternoon tea will be served in each breakout room

Group 1: ***Assistance, protection and legal status*** (Reef Room 1, Level 1)
Facilitator: Ms Nina Vallins, ARCPPT
Rapporteur: to be elected from amongst the group
Notetaker: Ms Sarah Squire, HREOC

Group 2: ***Repatriation*** (Reef Room 2, Level 1)
Facilitator: Ms Kathleen Maltzhan
Rapporteur: to be elected from amongst the group
Notetaker: Ms Jo Tilly, HREOC

Group 3: ***Reintegration and rehabilitation*** (Reef Room 3, Level 1)
Facilitator: Mr Stephen Clark, APF
Rapporteur: to be elected from amongst the group
Notetaker: Ms Natasha de Silva, HREOC

Group 4: ***Information and awareness*** (Promenade Room, Lobby Level)
Facilitator: Ms Pip Dargan, APF
Rapporteur: to be elected from amongst the group
Notetaker: Ms Thuy Doan-Smith, APF

3.30 – 4.30 Rapporteur reports from breakout groups

Venue: Promenade Room, Lobby Level

4.30 – 5.30 **Open discussion:** what are the key lessons and emerging good practices for NHRIs when it comes to working with NGOs to secure a rights-based approach to trafficking?

5.30 Free evening

DAY 3: Wednesday 23 November 2005

Session Five Internal, cross-border and regional collaboration

Venue: Promenade Room, Lobby Level

Chair Mrs Cressida Senanayake, Commissioner, Human Rights
Commission of Sri Lanka

- 9.00 – 9.20 Mr Kieran Best, Information Officer, UN Inter- Agency Project on Human Trafficking in the Greater Mekong Sub-region
The importance of internal and external cooperation arrangements (internal MOUs, bilateral and multilateral MOUs)
- 9.20 – 9.40 Dr Ram Dayal Rakesh, Commissioner, Nepal Human Rights Commission
Cooperation between NHRIs on the trafficking issue: lessons from South Asia
- 9.40 – 10.00 Attorney Maria Maravilla, Instruments and Monitoring Office, Commission on Human Rights, Philippines
Cooperation between NHRIs on the trafficking issue: lessons from the ASEAN region
- 10.00 – 10.30 Ms Oyunchimeg Purev, Staff Director, Human Rights Commission of Mongolia and Ms Pip Dargan, Deputy Director, APF
The APF Trafficking Focal Point system: An opportunity for cross-border cooperation and collaboration?

10.30 – 11.00

Morning tea

11.00 – 12.30

Open discussion: what are the key lessons and emerging good practices for NHRIs when it comes to cross-border and regional cooperation?

Key issues:

- How can NHRIs share their expertise?
- How can the APF Focal Point system be better used?
- How can NGOs and NHRIs work together to improve cross-border and regional cooperation on trafficking?

12.30 – 1.30

Lunch – *Venue: Epic Brasserie, Lobby Level*

Session 6:

Discussion and adoption of conclusions and recommendations

Venue: Promenade Room, Lobby Level

Chair

Justice Sujata Manohar

1.30 – 3.30

Discussion and adoption of concluding statement

3.30 – 4.00

Closing Remarks

Ms Sally Moyle, Director, Sex Discrimination Unit, HREOC
Mr Kieren Fitzpatrick, Director, APF

6.30

Bus departs for Harbourside Indian Restaurant

7.30

Farewell dinner hosted by Ms Pru Goward, Federal Sex
Discrimination Commissioner, HREOC

*Venue: Harbourside Indian Restaurant,
corner Walker and Lavender Streets, North Sydney*

10.00

Bus returning to Swiss Grand Hotel

The APF will make all reasonable attempts to ensure the program for the workshop will be adhered to, however, the organisers reserve the right to vary the program and/or speakers if necessary.

Appendix 3: Concluding Statement

CONCLUDING STATEMENT AND PLAN OF ACTION

Regional Workshop on Human Trafficking and National Human Rights Institutions: Cooperating to End Impunity for Traffickers and to Secure Justice for Trafficked People

Sydney, Australia, 20 – 23 November 2005

Introduction

1. The Asia Pacific Forum of National Human Rights Institutions (**'APF'**) held a regional workshop on “Human Trafficking and National Human Rights Institutions (**'NHRIs'**): Cooperating to End Impunity for Traffickers and to Secure justice for trafficked people” (the **'Workshop'**) from 20 to 23 November 2005 in Sydney, Australia;
2. The Workshop was attended by the NHRIs and related bodies of Australia, Fiji, India, Indonesia, Malaysia, Mongolia, Nepal, New Zealand, the Philippines, Republic of Korea, Sri Lanka and Thailand; the United Nations Inter-Agency Project on Human Trafficking in the Greater Mekong Sub-Region (**'UNIAP'**), the International Organisation for Migration (**'IOM'**) and Asia Regional Cooperation to Prevent People Trafficking (**'ARCPPT'**); regional and national civil society organisations from Australia, Nepal and Thailand; and the Government of Australia;
3. Participants expressed their sincere appreciation to the Commissioners and staff of the Australian Human Rights and Equal Opportunity Commission (**'HREOC'**) for hosting the Workshop. They also thanked the organisers (APF, HREOC and ARCPPT) and the financial donors (HREOC and ARCPPT) for their support;

The participants of the Workshop:

Key Issues

4. *Noted* with concern, the diverse dimensions of human trafficking for various purposes including forced and exploitative labour, sexual exploitation, forced marriage and adoption in the Asia-Pacific region, both within countries and across international borders and the challenges in responding effectively to this complex, clandestine phenomenon;
5. *Acknowledged* that human trafficking is a serious violation of human rights and encouraged States to place the protection of all human rights at the centre of any measures taken to prevent or respond to trafficking. Special care also needs to be

taken to ensure that anti-trafficking measures and policies do not adversely affect the human rights and dignity of trafficked persons and those who are vulnerable to trafficking. In particular, trafficked persons should not be detained, charged or prosecuted for status-related offences. Their right to freedom of movement should be respected by the State and by service organisations;

6. *Emphasised* the need to effectively combat human trafficking by addressing factors which contribute to vulnerability to trafficking, including, but not limited to, inequalities within and between countries; violence and discrimination especially on the basis of sex and race; underdevelopment; and the demand for, and exploitation of, vulnerable persons;
7. *Recognised* that trafficking is difficult to combat effectively in the context of tension between increased human migration and increased restrictions on the legal movement of people. States should be encouraged to review and modify policies that may compel people to resort to irregular and vulnerable labour migration. They should also examine ways of increasing opportunities for legal, gainful and non-exploitative labour migration. The promotion of labour migration by the State should be dependent on the existence of regulatory and supervisory mechanisms, in countries of origin and destination, to protect the rights of migrant workers;
8. *Further recognised* that there are linkages between migration, trafficking and HIV/AIDS in the region and that any responses to trafficking should consider these linkages;
9. *Noted*, with concern, the strong link between trafficking and corruption and confirmed the obligation on all States to respond quickly and effectively to public sector complicity in trafficking and related exploitation;
10. *Confirmed* that States have a responsibility under international law to criminalise trafficking and provide for appropriate penalties; to investigate and prosecute trafficking with due diligence; to assist and protect trafficked persons; to provide trafficked persons with access to remedies; to work to prevent trafficking and related exploitation; and to cooperate with other countries to end trafficking. States are also under an obligation to ensure that their responses to trafficking do not violate established rights of both victims and accused persons including the right to a fair trial, the prohibition on arbitrary detention and the prohibition on discrimination;
11. *Further confirmed* that States have special obligations when it comes to responding to trafficking of children and dealing with child victims of trafficking. The best interests of the child must be a primary consideration in all actions concerning trafficked children whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies. Child victims of trafficking should be provided with appropriate assistance and protection and full account should be taken of their special rights and needs;
12. *Noted* that NHRIs play a very important role in assisting State agencies to develop a victim-centred and human rights-based approach to their counter-trafficking work and that without such an approach, counter-trafficking work will not ultimately be

effective. A human-rights based approach involves respect for substantive and procedural rights contained in international human rights treaties and particularly includes promotion of gender equality;

13. *Recognised* that NHRIs within the Asia Pacific region, working in cooperation with Governments and civil society, are uniquely placed to contribute to national, regional and cross-border efforts to eliminate trafficking. The critical link between trafficking and human rights makes NHRIs especially relevant in relation to this issue;

Researching and Understanding Trafficking

14. *Accepted* that effective and realistic strategies to combat trafficking must be based on accurate and current information, experience and analysis. All research on trafficking should be firmly grounded in ethical principles including an understanding of the rights and needs of trafficked persons;

Ending Impunity and Securing Justice

15. *Noted* the importance of a strong legal framework around trafficking based on international standards including those contained in human rights law and the United Nations Protocol to Suppress Prevent and Punish Trafficking in Persons especially Women and Children (Trafficking Protocol). States which have not yet done so are encouraged to ratify the relevant UN instruments which address human trafficking as well as those which address related issues including forced labour, child labour and exploitation and gender-based discrimination;
16. *Emphasised* the need to strengthen the criminal justice response to trafficking to ensure that States are in a position to discharge their legal obligation to investigate and prosecute trafficking. Law enforcement officials, prosecutors and judicial officers should be sensitised to their roles and responsibilities in relation to trafficking and the State should ensure that criminal justice agencies are adequately empowered and resourced to undertake this work;
17. *Acknowledged* that a criminal justice system which protects and supports all victims regardless of their initial willingness to cooperate in criminal proceedings, promotes a more effective criminal justice response in which victims are more likely to want to be involved;
18. *Recognised* the need for processes that aid victims' recovery including access to compensation and co-ordinated repatriation programmes. Safe (and to the extent possible, voluntary) return should be guaranteed to trafficked persons. Trafficked persons should be offered legal and practical alternatives to repatriation in cases where it is reasonable to conclude that such return would pose a real risk to their safety and/or the safety of their family or in other special circumstances;
19. *Identified* an important role for NHRIs in monitoring aspects of the national criminal justice response in order to encourage adherence to international criminal justice and

human rights standards. The fight against trafficking should not, in any circumstances, be used to justify deviations from internationally accepted standards relating to the rule of law and the right to a fair trial;

20. *Confirmed* the importance of effective and realistic strategies to prevent trafficking. Such strategies should take into account the factors that generate demand for exploitative commercial sexual services and exploitative labour. They should also take into account the factors that increase vulnerability to trafficking;

Internal, Cross-Border and Regional Collaboration

21. *Acknowledged* the importance of working with civil society specially victim support agencies who can bring an important dimension to the work of national human rights institutions on the issue of trafficking;
22. *Welcomed* the development of bilateral and sub-regional agreements on trafficking involving States of the Asia-Pacific region to address trafficking, including the ASEAN Declaration in Trafficking in Persons (2004); the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution (2002); the Coordinated Mekong Ministerial Initiative against Trafficking process and its Memorandum of Understanding and Sub-regional Plan of Action (2004); and bilateral agreements such as those concluded between Thailand and Cambodia and Thailand and Lao PDR;
23. *Encouraged* the implementation of the commitments contained in these agreements as well as further steps to strengthen cooperation between countries on the issue of trafficking;
24. *Noted* the need to ensure that the legislative framework supports mutual legal assistance and extradition in trafficking cases;
25. *Noted* the importance of informal cooperation and information exchange between countries and the potential role that NHRIs could play in this area;
26. *Appreciated and supported* the initiative of Komnas Perempuan (Indonesia) to organise a workshop on “the role of national human rights institutions in Protection of Women labour Migration’ in 2006. The link between trafficking and labour migration has been well established and the proposed workshop will be an important opportunity to further explore how national human rights institutions can, individually and collectively, address these issues;
27. *Welcomed* the offer of the National Human Rights Commission of Malaysia to host, in 2006, a regional seminar for national human rights institutions on the issue of trafficking legislation.

PLAN OF ACTION AND RECOMMENDATIONS

The participants agreed on the following action strategies and recommendations:

Education

1. NHRIs should ensure that their own Commissioners and relevant staff are trained and sensitised to the complexities of trafficking and to its human rights aspects.
2. Where States have National Human Rights Action Plans, NHRIs should advocate the inclusion of trafficking in these Plans. Where there is a Trafficking National Action Plan it should be based on human rights principles.
3. NHRIs should advocate that officials of relevant State agencies receive training on the sensitivities and complexities of trafficking and on their role and responsibilities with respect to the response to trafficking. Where appropriate, NHRIs should have input into the development and/or implementation of training packages and advocate that they include a degree of international consistency to encourage cross-border understanding and co-operation.
4. Due to their specific role, immigration officials, border control officials, labour inspectorates, police, prosecutors and the judiciary require separate and specific training on an ongoing and regular basis. Specifically:
 - (a) training for law enforcement officers should advocate investigatory techniques and processes which do not rely exclusively on the evidence of victim witnesses. NHRIs should emphasise that training for law enforcement officers and prosecutors include information about the effects of giving evidence on victim witnesses;
 - (b) NHRIs should ensure training emphasises the need for police and prosecutors to examine a range of laws to secure a successful prosecution of traffickers (for example, money laundering, sexual assault, forced labour laws);
 - (c) NHRIs should promote awareness-raising for the judiciary that is based on peer learning through the use of both domestic and, where relevant, international judicial experts. NHRIs should consider developing or assisting in the development of judicial officers' handbooks or bench books on good practices for handling trafficking cases. These materials should emphasise the need to provide appropriate protections for victim witnesses and outline the human rights principles relating to trafficking.
5. NHRIs should advocate and/or implement public awareness raising campaigns around trafficking. This should also include targeted community education campaigns that, for example, focus on vulnerable groups or users of the services of trafficked people.
6. NHRIs should work with the mass media to encourage awareness raising and an appropriate reporting of trafficking cases which is based on respect for victims'

privacy an understanding of the gender and human rights parameters of trafficking and the responsibilities of the State and that such reporting does not further victimise or stigmatise trafficked persons or place them or others in their situation at risk of harm.

7. NHRI should specifically include trafficking as an issue in general human rights and discrimination awareness raising materials directed at groups vulnerable to trafficking.

Monitoring and Advocacy

Research

1. NHRI should conduct or support research on trafficking that will inform government responses and ensure that a human rights approach to trafficking is adopted. NHRI should encourage that all research into trafficking protects the safety and privacy of trafficked people and does not further traumatise victims. NHRI should ensure that all research that they support or conduct is outcomes focused and strategic. Where appropriate, research should be coordinated across the region.
2. Wherever possible and appropriate, trafficked people should be involved in the design and conduct of research.

Legislation and legal processes

3. NHRI should review trafficking and related laws and policies to determine their conformity with international human rights standards and should recommend amendments as needed. In particular, NHRI should review legislation and legal processes to ensure that evidentiary rules for trafficking reflect the most sensitive practices developed in, for example, child abuse or sexual assault trials.
4. NHRI should encourage States to enact laws that allow taking of evidence for use out of jurisdiction and the use of that evidence recorded out of jurisdiction in prosecuting countries. NHRI should recommend strong, consistent national laws and international agreements on this issue. NHRI should also encourage States to develop bilateral agreements for witness protection developed specifically for trafficking cases.
5. NHRI should recommend comprehensive bilateral extradition arrangements for trafficking prosecutions.
6. NHRI should advocate for a comprehensive human rights based approach to repatriation and reintegration.
7. NHRI should advocate that victims have access to supportive reintegration programmes, based on a timely risk assessment. Such programmes should include

adequate follow-up processes. NHRIs should seek to be included in the planning and monitoring of repatriation and reintegration programmes.

8. NHRIs should recommend and advocate for the development of procedural guidelines around raids and rescues that protect and promote human rights. These guidelines should ensure that raids do not occur without adequate planning for the protection and support of trafficked people in advance of the raid. They should ensure that adults identified as victims in the raid are willing to be removed from their situation and in the case of children that the best interests of the child are primary. NHRIs should advocate that they are consulted during the development of these guidelines and encourage police to consult with NHRIs before raids occur.
9. NHRIs should monitor the counter-trafficking work of law enforcement agencies and advocate for changes to procedures and other aspects as appropriate to ensure the human rights of all persons including both trafficked persons and suspects are respected.
10. NHRIs should consider making recommendations to government to ensure that law enforcement agencies are adequately empowered and resourced to undertake counter-trafficking work.
11. Those NHRIs that do not have a specific power to seek leave to intervene in court cases should consider advising government to amend their governing legislation to include such a power.

Immigration law and practice

12. NHRIs should ensure that immigration laws and policies respect human rights and take account of the particular needs of trafficked people.
13. NHRIs should review migration law and policy, or encourage States to do so, to ensure that trafficked people are explicitly recognised as victims of crime who have suffered significant breaches of their human rights in that country. In particular NHRIs may review migration policies and programs to ensure that they do not unfairly restrict freedom of movement of targeted groups, but provide information to all travellers.
14. NHRIs should advise government to provide alternatives to immigration detention for people who have been trafficked, recognising that the detention environment can in itself breach the human rights of trafficked people and is counter productive from a law enforcement perspective. NHRIs should regularly visit detention centres with a view to assisting in the identification of victims of trafficking.

Whole of government response

15. NHRIs should seek to be routinely consulted about the human rights implications of draft criminal laws, especially relating to trafficking.

16. NHRIS should promote ratification, as well as signature, of all human rights instruments.
17. The United Nations Recommended Principles and Guidelines on Human Rights and Human Trafficking should be incorporated into the legislative and programmatic environment of all States. NHRIs could assist this process by advocating for the formal adoption by of this framework by States and by using the Principles and Guidelines in their own monitoring and advocacy work.
18. NHRIs should establish agreements with agencies of the criminal justice system (for example, the police) which clearly define their respective roles and responsibilities in relation to trafficking responses. These agreements should be supported with regular high level face-to-face meetings to review the success of the cooperation.
19. NHRIs should undertake regular monitoring and evaluation of government responses to trafficking and to ensure that all government processes relating to trafficking respect the rights of trafficked people.

Support, recovery and repatriation

20. NHRIs should encourage States to provide trafficked people with a minimum period of residency in the destination country. That residency should include work permits that allow the person to undertake any legal form of work without restriction.
21. NHRIs should advocate for safe and, to the extent possible, voluntary repatriation of trafficked persons.
22. NHRIs should monitor and review cases of repatriation to ensure appropriate consideration is given to the human rights and safety of the repatriated person and may consider conducting a review of repatriation cases to ensure that they meet this standard.
23. NHRIs should, as appropriate, assist victims to consider legal options for longer term residency in the destination country, including taking refugee applications on the basis of gender based violence.
24. NHRIs should advocate for, and assist in developing, minimum human rights based standards for victim identification and assistance and should advocate that Victim Support Agencies (VSA) are also consulted in that process; these minimum standards should encompass, in addition to identification guidance, standards on shelter, medical care, psychological care, legal advice, vocational training and reintegration assistance. These minimum standards could be prepared in the form of information kits for all relevant government officials and specify the accountability of the agencies concerned.
25. NHRIs should encourage States to implement comprehensive birth registration for all people in their jurisdiction where they do not already exist.

26. NHRIs should advocate that trafficked people are able to engage in employment or government funded education, before repatriation, as a matter of course.
27. NHRIs should remind governments of their international legal obligation to treat all children within their jurisdiction equally - irrespective of race or national origin particularly when it comes to right of access to protection, support and education.

Legal processes

28. NHRIs should encourage court processes to include victim impact statements in sentencing of traffickers and, where appropriate, to appoint a separate representative to advocate for the trafficked person.

Investigation and Complaint Handling

29. NHRIs should conduct outreach to raise awareness of their complaint handling function to assist trafficked people, as appropriate.
30. In the absence of receiving complaints from trafficked persons, NHRIs should consider using their proactive powers to investigate trafficking cases.
31. NHRIs should develop their capacity to provide a comprehensive complaint service that encompasses a specific response to trafficking, through training of complaint handling staff on issues specific to trafficking including the importance of confidentiality of complaints, as complainants often face considerable personal risk.
32. NHRIs should develop and maintain strong relationships with VSAs working with trafficked people.
33. NHRIs should consider the potential for VSAs to make complaints on behalf of people who have been trafficked.
34. NHRIs should develop follow up mechanisms for tracking outcomes once complaints have been finalised.
35. NHRIs, particularly those in which the complaint handling function does not extend to dealing with allegations related to trafficking, should consider using other powers, for example in relation to inquiries or policy work.
36. NHRIs should consider requesting States to amend their governing legislation to extend the powers of NHRIs to more effectively deal with cases of trafficking.

Working in Cooperation

37. NHRIs should work in partnership with VSAs in appropriate cases.

38. NHRIs should consider developing or participating in protocols or memorandum of understanding with State agencies working on trafficking, especially criminal justice agencies including police.
39. The APF should explore the potential for staff exchanges between NHRIs to further expand their capacity and cooperation in protecting the human rights of trafficked persons.
40. The APF should facilitate and strengthen the Trafficking Focal Point Network drawn from NHRIs. NHRIs that have not already done so are requested to nominate a Trafficking Focal Point from within its institution to become part of the APF Trafficking Focal Point Network. The Focal Point Network should be used to share resource materials from each country, in particular, for training. Good practices should be identified, documented and distributed among the network.
41. The APF should call on the international community and donors to strengthen support for the continued regional promotion and protection of the human rights of trafficked persons and development of programmes to reinforce the work of the APF in this area.
42. NHRIs should consider recommending that government enter bi-lateral and multi-lateral agreements with countries in the trafficking chain to ensure appropriate information exchange on trafficking, repatriation and reintegration. Any such agreements should ensure that data exchanges operate within a human rights framework and respect privacy. Such agreements may include mechanisms by which the NHRI focal point is notified when a trafficked person has been identified and is to be repatriated.
43. NHRIs should consider using their own networks to facilitate information exchange in appropriate cases.
44. The APF should consider developing an Asia-Pacific Regional or Sub-Regional instrument or protocol, for example, between NHRIs, on trafficking. This instrument should draw upon the UN principles and Guidelines and on the report of the APF Council of Jurists on trafficking.
45. The APF should consider promoting, overseeing or otherwise supporting the development of a best practice trafficking law to assist those countries which are working to strengthen the legal framework around trafficking and to promote common understandings and approaches throughout the region.
46. The APF should continue to provide focused and outcome oriented workshops and training on trafficking that build on previous activities..
47. The APF should consider making representations on trafficking issues to regional groups such as ASEAN to promote a human rights-based, comprehensive and regional response to trafficking.

48. The APF could consider establishing working groups drawn from the Focal Point Network to consider particular issues in detail and develop resources and information including information on VSA contacts for use by all APF members.

Appendix 4: Evaluation



THE ASIA PACIFIC FORUM
OF NATIONAL HUMAN RIGHTS INSTITUTIONS

... a partnership for human rights in our region

APF Human Trafficking and National Human Rights Institutions: Cooperating to End Impunity for Traffickers and to Secure Justice for Trafficked People

Hosted by the Australian Human Rights and Equal Opportunity Commission

Monday 21 November – Wednesday 23 November 2005

Swiss Grand Hotel

Bondi Beach, Sydney, Australia

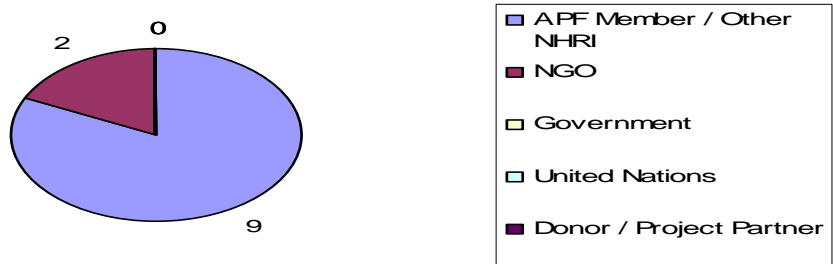
Workshop Evaluation Form: Analysis and Summary

This document is a summary and record of responses contained in eleven evaluation forms completed by participants at the regional workshop, *APF Human Trafficking and National Human Rights Institutions: Cooperating to End Impunity for Traffickers and to Secure Justice for Trafficked People*, which was held in Sydney, Australia, 21-23 November 2005.

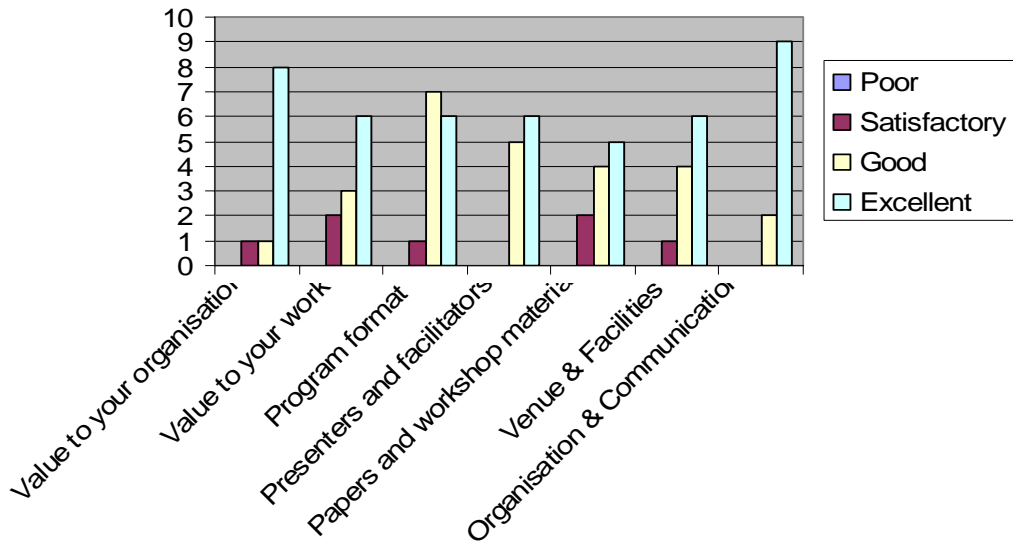
Part 1 is an overview of the quantitative and qualitative data contained in the responses to the questions in the evaluation form. Part 2 records all the responses to the evaluation form, including written comments (copied directly from the original evaluation forms).

PART 1: OVERVIEW OF RESPONSES TO THE WORKSHOP EVALUATION FORM

Breakdown-by-organisation of eleven workshop participants who completed the evaluation questionnaire:



Question 1 – Trafficking Workshop – please rate the following aspects of the Trafficking Workshop

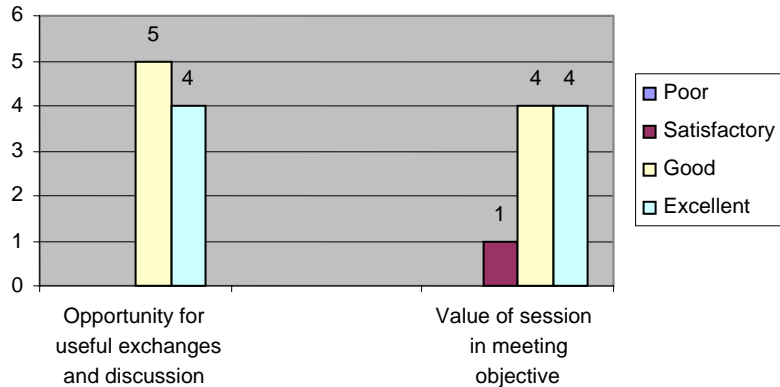


Six participants provided further comments on the above ratings.

One participant described the workshop as “extremely well organised” and “an opportunity to upskill, share information and (perhaps most importantly) [it] provides the basis to reinvigorate awareness and action...”

A number of participants described the workshop as “very practically focussed” and as providing “a lot of ideas.”

Question 2: Closed NHRI Session – Sunday 20 November 2005

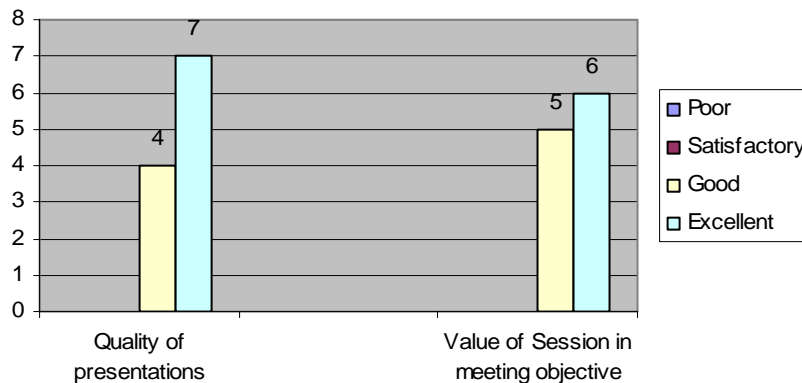


Four participants provided further comments on the above ratings.

One participant commended the idea of holding a closed session for NHRIs prior to the commencement of the workshop: “This should be repeated in future workshops.”

Another participant suggested “the session should not be organised too close to the arrival time of participants...”

Question 3: Session 1 – Introduction to the Key Issues

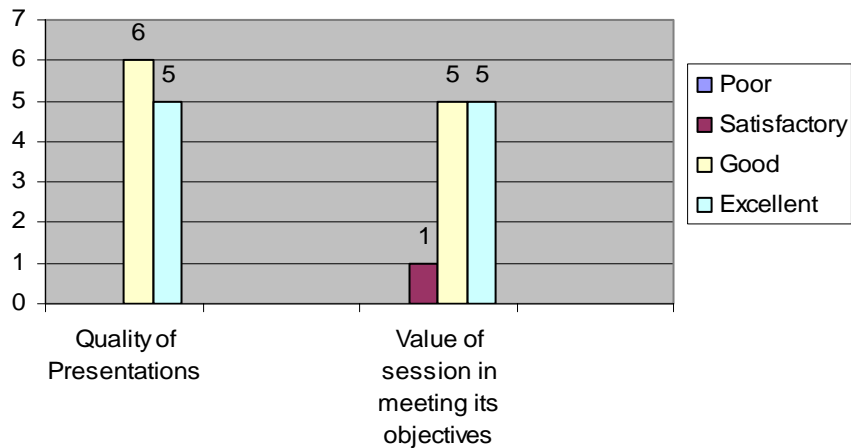


Four participants provided further comments on the above ratings.

A number of participants said how useful they found the presentations in this session. One participant said: “...some of [the] presentation[s] were very useful and powerful in telling the trafficking situations and how they work on them.”

One participant said “there should be more time for comments and exchange of views.”

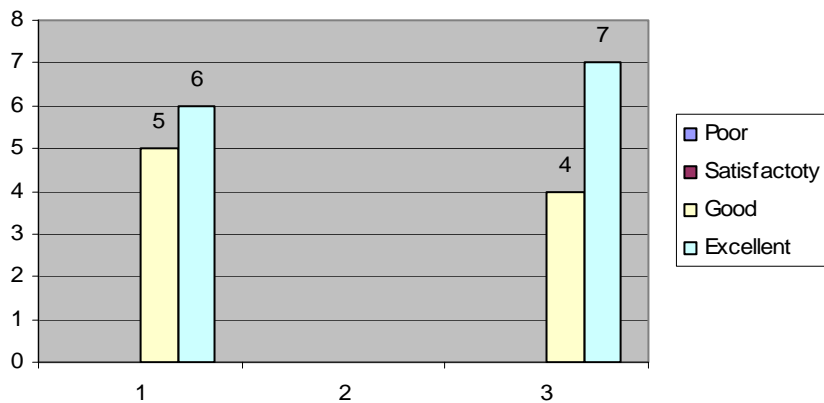
Question 4: Session 2 - Understanding the problem: researching and Investigating Trafficking



Four participants provided further comments on the above ratings.

A number of participants noted the value to NHRI's of additional trafficking research and case studies.

Question 5: Session 3 – Ending impunity and securing justice: NHRI's engaging with the law and administration of justice

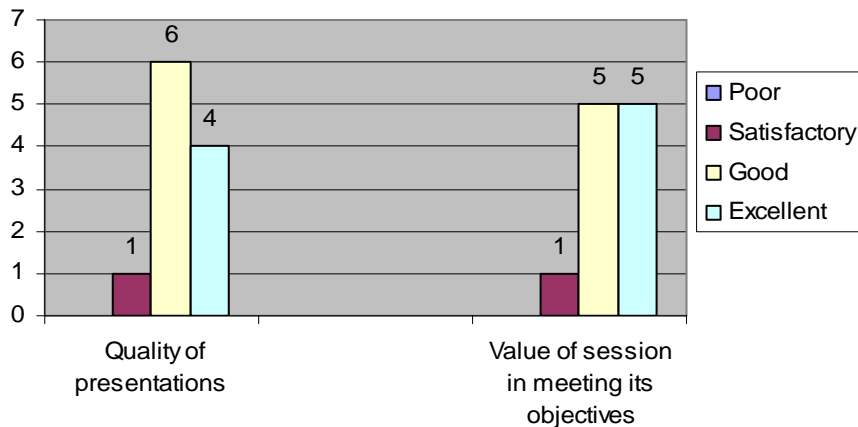


Four participants provided further comments on the above ratings.

One participant commented on the need for further case studies to improve understanding of the legal processes relating to trafficking.

One participant noted the good selection of speakers and topics.

Question 6: Session 4 – working with NGOs to support victims and their rights



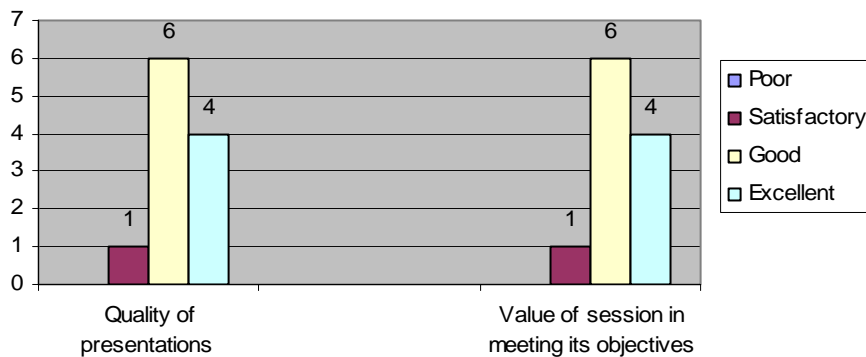
Five participants provided further comments on the above ratings.

One participant described this session as “very useful and informative.”

Another participant thought that “some presentations were really good” but noted that “it wasn’t very clear how NHRIs can collaborate with NGOs on victim support.”

A number of participants commented on the limited time for questions, clarifications and comments.

Question 7: Session 5 – Internal, cross-border and regional collaboration

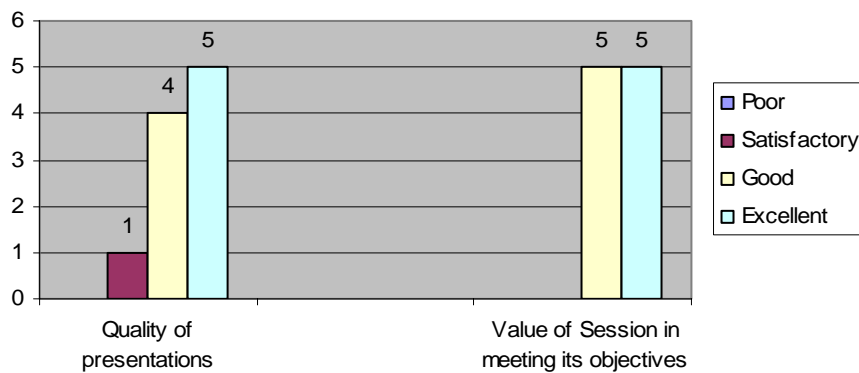


Five participants provided further comments on the above ratings.

One participant commented “there was enough time for comments and exchange of views, which facilitates suggestions for additional issues / aspects to be addressed. Such as bilateral cooperation or how to address repatriation issues.”

Another participant noted “despite giving information there should be an assessment of the collaboration at different levels to draw good practices and bridge the gaps.

Question 8: Break-out groups - Monday 21 November 2005

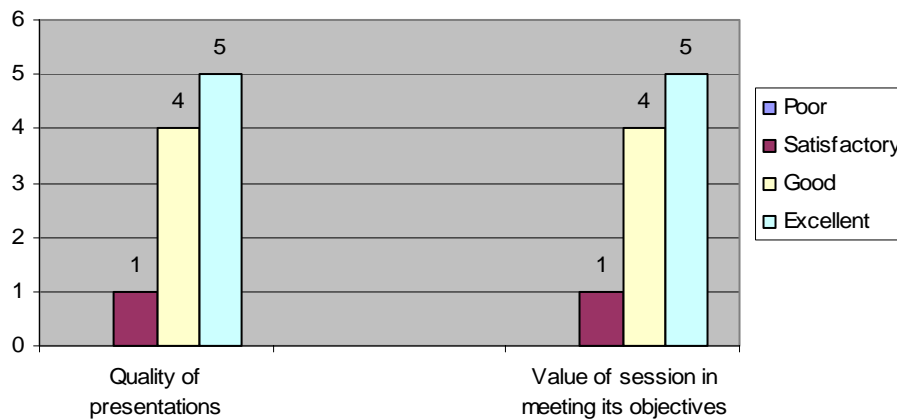


Two participants provided further comments on the above ratings.

One participant commented on the value to NHRIs of using the complaint process to tackle trafficking

One participant noted that time limitations made it difficult for some group rapporteurs to report on the group discussions.

Question 9: Break-out groups – Tuesday 22 November 2005



Two participants provided further comments on the above ratings.

One participant said that the group discussion was “useful to get to know some concepts and programs going on in the field of reintegration.”

One participant suggested the need for clearer objectives and guidelines group discussions and reporting by group rapporteurs.

**PART 2: RECORD OF ALL RESPONSES TO THE WORKSHOP
EVALUATION FORM**

Question 1 – Trafficking Workshop

Response	Value to the work of your organisation	Value to your work	Program format	Presenters and facilitators	Papers and workshop materials	Venues and facilities	Organisation and communications
1	Good	Good	Good	Excellent	Excellent	Excellent	Excellent
2	Excellent	Excellent	Excellent	Excellent	Excellent	Excellent	Excellent
3	Excellent	Excellent	Excellent	Excellent	Satisfactory	Excellent	Excellent
4	Excellent	Excellent	Good	Good	Good	Good	Excellent
5	Excellent	Good	Good	Excellent	Satisfactory	Good	Good
6	Excellent	Good	Satisfactory	Good	Good	Satisfactory	Excellent
7	Excellent	Excellent	Good	Excellent	Excellent	Good	Excellent
8	No Answer	Satisfactory	Good	Good	Good	Excellent	Excellent
9	Satisfactory	Satisfactory	Good	Good	Good	Good	Good
10	Excellent	Excellent	Excellent	Excellent	Excellent	Excellent	Excellent
11	Excellent	Excellent	Good	Good	Excellent	Excellent	Excellent

Response	Comments
1	*
2	*
3	Include everything but papers and other workshop materials - lack of cases and activities.
4	Extremely well organised. The workshop provided an opportunity to upskill, share information and (perhaps most importantly) provides the basis to reinvigorating awareness and action within the New Zealand Commission
5	Generally my comment of this trafficking workshop is ranging from good to excellent especially in case of value of the workshop to the work of my organisation. This workshop gave a lot of ideas for my organisation how to improve its work on the trafficking issues. And the wonderful thing is this session of discussion and adoption of concluding statements.
6	*
7	Preparatory work; selection of speakers; selection of background materials. Lack of guidelines for the workshop discussion and report and lack of time.
8	*
9	*
10	Very practically focused and high quality speakers.
11	I noted the language barriers of some of the presenters and that delayed the program a bit. Probably interpreters would have been helpful to them, but then again it has a cost factor!

Question 2: Closed NHRI Session – Sunday 20 November 2005

Response	Did the informal session create an opportunity for useful exchanges and discussion?	Value of session in meeting its objective
1	Good	Good
2	Excellent	Excellent
3	Good	Good
4	Good	Good
5	Good	Satisfactory

6	Good	Good
7	Excellent	Excellent
8	No Answer	No Answer
9	No Answer	No Answer
10	Excellent	Excellent
11	Excellent	Excellent

Response	Comments
1	The idea of having a closed session for NHRI's must be commended. This should be repeated in future workshops.
2	*
3	*
4	*
5	I just wonder and confuse the Commission on Violence Against Women of Indonesia attended this session. Since this meeting should only be for NHRI's Commission. Can they be a member of APF of National Human Rights Institutions?
6	*
7	Timing: the session should not be organised too close to the arrival time of participants, particularly those coming from distance with a number of hours time difference and travel time.
8	*
9	*
10	*
11	The materials provided are very useful and valuable.

Question 3: Session 1 – Introduction to the Key Issues

Response	Quality of presentations	Value of session in meeting objective
1	Excellent	Excellent
2	Excellent	Excellent
3	Good	Good
4	Good	Excellent
5	Excellent	Good
6	Good	Good
7	Excellent	Good
8	Excellent	Excellent
9	Good	Good
10	Excellent	Excellent
11	Excellent	Excellent

Response	Comments
1	The legal aspects taken were very valuable.
2	*
3	*
4	*
5	This session is very wonderful. The presenter especially Ms Ann Gallagher and other speakers can justify the key themes and issues of the workshop
6	In general, quality of presentation varies depending on the presenters. Found some of presentation were very useful and powerful in telling the trafficking situations and how they work on them.
7	Selection of speakers and chair. There should be more time for comments and exchange of views.

8	*
9	*
10	*
11	*

Question 4: Session 2 - Understanding the problem: researching and Investigating Trafficking

Response	Quality of presentations	Value of session in meeting its objective
1	Good	Good
2	Excellent	Excellent
3	Excellent	Excellent
4	Good	Good
5	Excellent	Excellent
6	Good	Good
7	Excellent	Excellent
8	Good	Satisfactory
9	Good	Good
10	Excellent	Excellent
11	Good	Good

Response	Comments
1	Many NHRI's do not do research. This should be encouraged to compare with work already done.
2	*
3	*
4	*
5	The presenters are excellent, but the issues of trafficking regarding to research and investigating trafficking is quite unclear. Need a one session more talking specifically about the above issues
6	*
7	Selection of speakers and topics. There was time though very limited for exchange of views and comments. But the leadership of the Chair was excellent.
8	*
9	Case study from India could draw more lessons learned and identify areas that NHRI from other countries could develop/investigate more deeply.
10	*
11	*

Question 5: Session 3 – Ending impunity and securing justice: NHRI's engaging with the law and administration of justice

Response	Quality of presentations	Value of session in meeting its objectives
1	Good	Good
2	Excellent	Excellent
3	Good	Good
4	Good	Excellent
5	Good	Good
6	Excellent	Excellent

7	Excellent	Excellent
8	Excellent	Excellent
9	Good	Good
10	Excellent	Excellent
11	Excellent	Excellent

Response	Comments
1	More to be done.
2	*
3	*
4	*
5	This session is quite good, but in order to achieve its objective this session is not clear.
6	*
7	Selection of speakers and topics. Lack of time management resulted in lack of time for exchange of issues and comments. Lack of guidelines for workshops and lack of time.
8	*
9	Presentation with some cases illustration would help / improve understanding of the legal process.
10	*
11	*

Question 6: Session 4 – working with NGOs to support victims and their rights

Response	Quality of presentations	Value of session in meeting its objectives
1	Good	Good
2	Excellent	Excellent
3	Good	Good
4	Good	Excellent
5	Good	Good
6	Excellent	Excellent
7	Excellent	Excellent
8	Satisfactory	Satisfactory
9	Good	Good
10	Excellent	Excellent
11	Good	Good

Response	Comments
1	Very useful and informative.
2	*
3	*
4	*
5	Quality of presentations quite okay, but in order to identify the objective of this session is quite unclear.
6	*
7	Selection of speakers and topics. Too many speakers. Lack of time also for comments and exchange of ideas.
8	Some presentations were really good. It wasn't very clear how NHRI's can collaborate with NGO's on victim support.
9	Should have more time for questions and clarifications to have better understanding on particular areas of services / supports.
10	*
11	*

Question 7: Session 5 – Internal, cross-border and regional collaboration

Response	Quality of presentations	Value of session in meeting its objective
1	Good	Good
2	Excellent	Excellent
3	Satisfactory	Satisfactory
4	Good	Good
5	Excellent	Excellent
6	Good	Good
7	Excellent	Excellent
8	Good	Good
9	Good	Good
10	Excellent	Excellent
11	Good	Good

Response	Comments
1	Hope the Malaysian workshop will enhance the skills.
2	*
3	*
4	*
5	The session is quite good.
6	*
7	Selection of speakers and topics. There was enough time for comments and exchange of views, which facilitates suggestions for additional issues aspects to be addressed. Such as bilateral cooperation or how to address repatriation issues.
8	Informal discussion showed that apparently there has been more collaboration among NHRI's on this than was mentioned in the workshop.
9	Despite giving information there should be an assessment of the collaboration at different levels to draw good practices and bridge the gaps.
10	*
11	*

Question 8: Break-out groups - Monday 21 November 2005

Response	Group number	Quality of discussions and recommendations	Were the sessions of value to the workshop
1	3	Good	Good
2	4	Excellent	Excellent
3	4	Good	Good
4	2	Excellent	Excellent
5	2	Satisfactory	Good
6	4	Good	Good
7	1	Excellent	Excellent
8	DID NOT ATTEND		
9	4	Good	Good
10	1	Excellent	Excellent
11	1	Excellent	Excellent

Response	Comments
1	*

2	*
3	*
4	*
5	*
6	Good to recognise the complaint process as way to tackle the trafficking issue. It would be more useful if more commissions who actually are using the complaint process for combating trafficking.
7	Lack of guidelines for the discussion, objectives and reporting. But leadership of the facilitator allowed a more focused discussion. Time limitation caused difficulties for rapporteur to summarise the discussion.
8	*
9	*
10	*
11	*

Question 9: Break-out groups – Tuesday 22 November 2005

Response	Group number	Quality of discussions and recommendations	Were these sessions of value to workshop
1	2	Good	Good
2	4	Excellent	Excellent
3	4	Excellent	Excellent
4	3	Excellent	Excellent
5	NO ANSWER	Good	Good
6	3	Good	Good
7	1	Excellent	Excellent
8	4	Excellent	Excellent
9	2	Good	Good
10	Did not attend		
11	1	Satisfactory	Satisfactory

Response	Comments
1	*
2	*
3	*
4	*
5	*
6	Was useful to get to know some concepts and programs going on in the field of reintegration. Was a good opportunity to identify several key players in the field for the future purpose.
7	Selection of facilitator. Lack of guidelines for the discussion, objectives and reporting caused difficulty for Rapporteur to present the report. Participation in the workshops should not be based on participants choice only, it should also be suggested by the organising committee.
8	*
9	*
10	Did not attend
11	*

Question 10: In what way will you or your NHRI/organisation follow up on the recommendations for action made at this workshop?

Response	Comments
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1	Appoint a focal point. Start research together with the Government authority and NGO's.
2	The NHRC Mongolia is planning in 2006 with the Ministry of Foreign Affairs of Mongolia a national forum on the human trafficking situation in Mongolia. Forum participants will include police, prosecutors, judges, customs officers and immigration officers. Trainers from experienced countries will be invited.
3	NHRI will follow up on Action Plan and recommendations and cooperation with civil society and government.
4	The main challenge for the New Zealand Commission is to maintain the profile of trafficking in a context in which it is not generally perceived to be a significant domestic issue. The workshop has provided good interaction and resources (including the Concluding Statement and Plan of Action) which will be distributed throughout the commission – and, particularly, to those managers whose teams have a function role with respect to trafficking.
5	To follow up the recommendation for action, the Indonesian NHRI: 1. Cooperated with the government such as with the police department, NGO's who concerns with trafficking. 2. Increase the cooperation with National Commission of Violence Against Women 3. Focus group discussion periodically with NHRI's stakeholders
6	Firstly we need to recognise the importance of the trafficking issue within the commission. Then we will have to think how to cope with the issue. Once the commission recognises the issue, there will be many possibilities to work on the issues.
7	Those related directly to the priority programs of my organisation will be followed up immediately through: 1. careful assessment of the recommendations for action; 2. continue communication with APF and all participants; and 3. building and strengthening existing alliances with all actors at national level so as to speed up response to trafficking.
8	Speaking from the secretariat of an alliance of autonomous groups working in various regions of the world I can commit that we would be able to provide information to the NHRI's & to the APF secretariat if needed.
9	Will consult with NHRI focal point to implement relevant recommendations.
10	There are many suggestions that we can follow up. In particular engaging better with the APF Focal Point Network, conducting research and reviewing government counter-trafficking work, particularly regarding immigration and prosecutions. I will certainly raise the notion of developing an MOU between my Commission and the police to ensure we are more closely consulted. It was a great networking opportunity. Thanks APF, you're tops!! Keep up the good work.
11	I will submit the final documents to my Commission, with my recommendations that we begin public awareness on the issue of trafficking. I need to state that at the moment trafficking isn't a pressing issue in Fiji, but I think it is time to start awareness.

General Comments:

Respondent 4: "Congratulations on an excellent event - and thanks."

Respondent 11: "Thank you to the organisers for getting all of us together for the fruitful workshop."