

HUMAN RIGHTS AND HUMAN TRAFFICKING

The framework of engagement for National Human Rights institutions

ASIA PACIFIC FORUM OF NATIONAL HUMAN RIGHTS INSTITUTIONS
WORKSHOP ON TRAFFICKING
21 NOVEMBER 2005



Australian Government
AusAID

TWO ISSUES:

1. Trafficking as a human rights issue
2. Trafficking and the NHRI mandate and function



International Human Rights Law and trafficking in persons

Human rights violations are implicated in all aspects of trafficking:

- **The factors that contribute to vulnerability to trafficking**
- **The trafficking process**
- **The end results of trafficking**
- **The response of States and others to trafficking**

International Human Rights Law and trafficking in persons

A range of treaties are relevant to trafficking:

- **The two international covenants protecting key rights**
- **The Women's Convention**
- **The Convention on the Rights of the Child**
- **Other human rights treaties**
- **New international laws: the UN Trafficking Protocol, the European Convention and International Criminal law**
- **Non-treaty standards; the UN Principles and Guidelines and regional policy documents.**

International Human Rights Law and trafficking in persons

International human rights mechanisms are also concerned with trafficking:

- **The UN's political bodies**
- **The human rights treaty-bodies**
- **The UN Special rapporteurs**
- **Monitoring mechanisms set up under the new treaties**

WHAT ARE THE INTERNATIONAL OBLIGATIONS WITH RESPECT TO TRAFFICKING?

Countries are required to:

- **Make trafficking a criminal offence;**
- **Provide for appropriate penalties;**
- **Investigate and prosecute trafficking cases with ‘due diligence’;**
- **Promptly and effectively deal with official involvement in trafficking;**
- **Protect victims of trafficking from further exploitation and ensure that the criminal justice system does not further violate their rights;**
- **Provide victims with adequate and appropriate remedies;**
- **Cooperate with each other to fight trafficking and related exploitation.**

The mandate and function of NHRIs

- Trafficking and the NHRI mandate
- The education and promotion function
- The advisory function
- The reporting function



ENDING THE TRADE IN HUMAN BEINGS: A NHRI RESPONSIBILITY

