

HUMAN RIGHTS AND CRIMINAL JUSTICE RESPONSES TO TRAFFICKING

CHALLENGES AND OPPORTUNITIES



ASIA PACIFIC FORUM OF NATIONAL HUMAN RIGHTS INSTITUTIONS
WORKSHOP ON TRAFFICKING
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Australian Government
AusAID

THE GLOBAL FAILURE TO COMBAT TRAFFICKING

- Rising numbers, more violence and geographical expansion;
- Increasing sophistication of operators, growing market specialization;
- Few successes in persuading victims to cooperate with the criminal justice system;
- Widespread perception of a discordance between protection of victims and more aggressive criminal justice responses.

WHAT HAVE BEEN THE MAIN OBSTACLES TO EFFECTIVE CRIMINAL JUSTICE RESPONSES?



OBSTACLE 1



**Lack of understanding
about trafficking within
and between countries**

OBSTACLE 2

**Inadequate, inappropriate
legal frameworks**



OBSTACLE 3

The failure to recognize and investigate trafficking for purposes other than sexual exploitation

OBSTACLE 4



**A fragile, and often
contradictory social
environment especially
around migrant labor and
the sex industry**

OBSTACLE 5



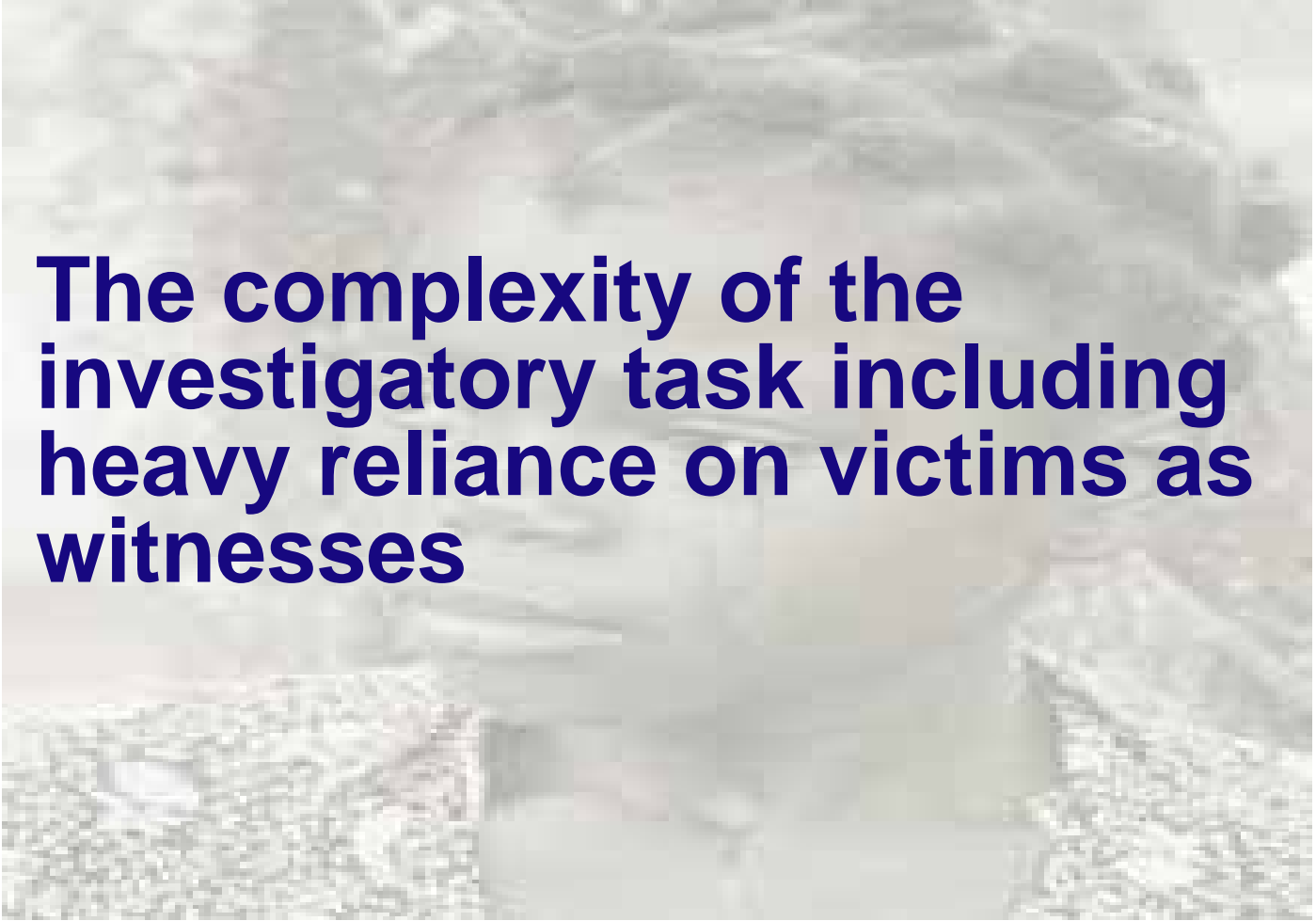
**Public sector
involvement and
complicity in trafficking**

OBSTACLE 6

A photograph showing a person in a purple shirt being restrained by police officers in a public setting. The person is being held from behind by several officers. The scene is outdoors, possibly on a street or in a public square, with a crowd of people visible in the background. The image is somewhat blurry and has a grey overlay on the right side.

Low commitment to the rule of law and to the rights of all persons including suspects

OBSTACLE 7



**The complexity of the
investigatory task including
heavy reliance on victims as
witnesses**

OBSTACLE 8

**The low priority
accorded to trafficking
as a crime**



OBSTACLE 9

**Low capacity to cooperate
across national borders**



GOOD, BETTER, BEST NATIONAL PRACTICE.....

- ✓ **Genuine political commitment to ending impunity for traffickers and securing justice for victims of trafficking;**
- ✓ **Strong, realistic and enforceable laws;**
- ✓ **An educated and supportive public environment;**
- ✓ **A criminal justice system committed to the rule of law and to upholding the rights of all persons including suspects;**
- ✓ **A well-resourced and well-trained specialist law enforcement response;**
- ✓ **Close cooperation between CJS and victim support agencies;**
- ✓ **Real incentives for victims to cooperate;**
- ✓ **Strong ties with between criminal justice agencies in countries of origin & destination along with a commitment to collaboration.**