

***Strategic alliances:  
NHRIs and NGOs***

**Sally Moyle**

**Director, Sex Discrimination Unit  
Australian Human Rights and Equal  
Opportunity Commission**

Asia Pacific Forum Regional Workshop on Human Trafficking  
Promenade Room, Swiss Grand Hotel  
Bondi Beach, Sydney  
Tuesday 22 November 2005

### **Session Three: Working with NGOs to support victims and their rights**

*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*

I am very pleased to be able to talk on this topic because I believe that the relationship between National Human Rights Institutions (NHRIs) and non-government organisations (NGOs) is essential to our success.

NHRIs and NGOs need each other in order to be effective. While we can do our work alone, we are never so effective as when we are working together.

On an issue like trafficking this is particularly so.

Almost without exception, NGOs lack resources and we all know that NHRIs also could always use more resources.

We have to make the most of the resources that we do have.

Our different roles mean that we can work very effectively together towards common outcomes.

Sometimes our ends may be different, but we should recognize how they are nevertheless compatible.

I will outline a number of ways in which this is so.

First, NGOs' engagement in the trafficking response is crucial because of their integral focus on the lives and experiences of those who have been trafficked.

One of the problems with the government response to trafficking that we commonly see is the fragmentation of that response between the various departments involved: between law enforcement, prosecution, immigration issues, welfare, education and support responses.

This means that the lives of those who are ostensibly being helped are too often also fragmented.

It means that the response can have gaps. Crucial elements of the response can be overlooked.

NGOs, with their essential focus on their constituents needs, can help the government to ensure a more holistic and victim centred focus.

And of course as we know, for NIs, a human rights approach means that the focus of all interventions should always be on assisting people who have been trafficked to recover from the violations of their rights. This should be so whether we are talking about the law enforcement or immigration responses, as well as protection responses.

So NIs and NGOs work together to ensure that government interventions in trafficking protect the rights of those who have been trafficked.

We can operate effectively as a kind of tag team, reinforcing each other's points.

Second, NIs can be a bridge between government and NGOs.

We can access some information better than can NGOs that it is appropriate for us to share. For example, information about who in government is working on the issue, progress with development of legislation or new programs. Likewise NGOs have access to information that NIs would never access on their own, particularly about what is happening on the ground to trafficked women. This information is often crucial for a real understanding of trafficking in our countries and NIs can often share this information with Government.

NIs often have more expertise than grassroots NGOs about how government works, what are the opportunities for advancing agendas and getting matters onto the agenda.

NIs can lend legitimacy and weight to the arguments of NGOs – government, the media and the public may listen more closely to NIs, and we can better highlight the messages that NGOs are trying to get out there.

On the other hand, NGOs often have more freedom to critique government policies and to engage in the political agenda.

Third, in a way, NGOs are the eyes and ears of NIs, particularly in relation to trafficking, which is so clandestine.

NGOs are working at the grassroots and can inform NIs of what is happening in ways that we would not have discovered ourselves.

It is NGOs that are generally the first to identify new and emerging issues and identify problems. We can work with NGOs to ensure that new information and new problems are identified, communicated to government and properly addressed.

Australia's Human Rights Commission (HREOC) has worked with NGOs in Australia in each of these three ways.

In Australia's case, the first challenge was to raise the profile of the issue of trafficking and get our concerns on the government and public agendas.

As late as 2002, the Australian Government was still refusing to accept that trafficking was a problem, and collapsing the notion of trafficking into the discussion of people smuggling, which as we all know, are two entirely separate issues with different dynamics, different organizers, purposes and participants.

For a long time the federal Government refused to consider the problem of trafficking existed in Australia.

I think our Commission played a role in ensuring that the government response to trafficking in Australia has taken account of the expertise of trafficking NGOs in Australia.

NGOs in Australia working on trafficking are small and have very limited funding. In fact there is only one NGO that works almost exclusively on the issue of trafficking and there are a number of organisations that provide advice and advocacy for trafficking issues and sex workers more generally that have been engaged in the trafficking debate.

HREOC has acted as something of a bridge between these two sets of organisations, too, as they have come from very different perspective and I think it is true to say that there remains a degree of mistrust, or at least very different perspectives held by these organisations.

However, with good faith between the major NGO representatives, and encouragement by HREOC I believe we have developed a constructive dialogue, and government consultations have included both sides of the issue. I think this provides a useful example of how we can effectively work together.

HREOC has not undertaken the kind of work that some of our colleagues here have discussed. Our involvement has been modest, but I think it could be described as catalytic. We have added our voice at crucial points to ensure that the need for change is recognized and acted upon. We have been a modest sort of change agent.

Let me just talk about the history of Australia's trafficking response. I think it is a good example of how NIs, the media and NGOs can have a catalytic role in focusing the mind of the government. How small, well timed interventions by NIs and NGOs can have an effect. I don't want to claim more credit than is due; I recognize that we have been lucky to have a government really concerned about the issue and willing to act.

But working together I think we have created a better response than we would otherwise have seen.

On 26 September 2001, a Thai woman, by the name of Puongthong Simapalee, died in the Villawood Immigration Detention Centre in Sydney.

At the time of the inquest into Puongthong Simapalee's death sometime later, The Australian Newspaper began running a series of articles on the circumstances of her detention and subsequent death. HREOC was involved in this media response and I believe that extra voice gave weight to the stories of women concerned and the representation of the NGOs. In response, the Minister for Justice Senator Ellison formed an interdepartmental committee to examine appropriate approaches to the issue from a whole of government perspective.

HREOC wrote to and met several times with the Minister to encourage a strong human rights based approach by the government. The Minister agreed that the Commission should continue to be consulted on the work of the interdepartmental committee and that consultation continued.

HREOC worked with NGO Project Respect to develop a training package on trafficking, and we organised a national conference on trafficking including international participants. Dr Savita Bhakhry, who is here today, was one of those international experts.

Interestingly, ten days before that conference, the government announced a comprehensive \$20 million package to address trafficking. I don't want

to claim too much credit for that, but again, I do think our public conference was an element in the timely announcement.

We continued to assist government departments in relation to its work on trafficking, and advised Parliament about changes that needed to be made to the draft Bill on trafficking. Most of our recommendations were accepted.

We continued to organise public forums that kept the issue on the agenda, including inviting international speakers who could amplify our own voice. We invited the Minister to some of those forums which helped to keep the profile and awareness of the issue high.

We have now had a comprehensive response for two years.

Since then, it is becoming clearer that more work needs to be done, that the steps that have been taken need further attention and refinement.

Again, I think there is a real role for NIs and NGOs in bringing matters to the attention of Government, urging and lobbying for change and reform and generally letting Government know that we are paying attention to the issue.

If we work with our respective strengths, together we can work effectively for the issues that we advocate. We need to play to each other's strengths.

There are two key elements to strong relationships between NIs and NGOs.

First we need to respect the fact that there may well be differences in opinions between ourselves, and understand the constraints we face.

Second, we need to trust each other – to know that we can respect confidentiality and deal sensitively with information that NGOs may bring us. Quite often they may want to bring us information about the circumstances of a particular trafficked person or trafficker, or a new concern, and talk about it with us off the record. We need to trust each other enough to ensure that we can do so.

It is up to us as NIs effectively to set the ground rules for our engagement with NGOS:

- We may need to choose strategically when and how we can speak out; we cannot be merely a mouthpiece for NGOs.
- We must respect Government confidentiality also, on occasion – it may be that we are consulted by Government on sensitive and confidential matters, about which we cannot speak. It is our role to make sure NGOs understand and respect these restrictions, because if we cannot be trusted by Government, it will not engage with us.
- NIs must always act as honest brokers. We are most effective when all parties know that we speak out publicly only within our mandate and only based on strong evidence and clear concerns.
- We must be fair to all parties – we are not participants in a political debate, but the objective advocate for human rights. If our political credibility is in doubt, we are no longer effective.

- We should be careful not to identify too strongly with the NGO perspective – our relationship should be one between good friends and respectful allies, but our roles are not the same – we need to respect our differences.

### **Future challenges**

We need to give attention to both setting and influencing agendas – we need to be there for both, and these two functions should be separately considered.

And we need to be alive to new and emerging dimensions of trafficking. As Anne Gallagher said, we need to know what we don't know. NGOs are crucial in this regard. They are always available to criticise us when we are not taking proper account of all the issues.

International co-operation is a new challenge that I think we NIs should consider ways of taking up – how can we work with NGOs in other countries to further the human rights of people who have been trafficked and assist in addressing trafficking comprehensively.

We need to think very strategically about where we can have the most effect. But we also need to continue to be opportunistic, to respond in new ways to trafficking as opportunities arise.

I would like to take this opportunity to offer our sincere thanks to those tireless and courageous NGOs. In particular Project Respect, Scarlett Alliance and the Sex Workers Outreach Project.

Thank you.