Human Rights and Trafficking in Persons

15th Informal ASEM Seminar on Human Rights

Working Group II: Recommendations on Protection and Assistance of Trafficked Persons

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Challenges

- A major challenge faced by everyone is the lack of resources to conduct long term assistance to victims;
- Emerging phenomenon of more men and boys as victims of trafficking requires a different approach since most are reluctant to admit that they are victims;
- **Capacity building** is needed at all levels
  - With law enforcement authorities/border police, immigration officials;
  - Multidisciplinary approaches to the treatment of trafficked persons;
• **Awareness-raising**
  
  • In order to optimise identification, protection and prevention, all stakeholders should be made aware of the definition of trafficking, including the victims who often do not know their rights.
  
  • Awareness should be raised among law enforcement authorities. Victims, especially those involved in forced criminality, are too often treated only as offenders.
  
  • Government and NGOs need to reach out to other sectors and communities on the issue of trafficking. In some cases Community Traffic Watch can help to prevent trafficking at the community level;
  
  • There is a need to explore other partners including national human rights institutions as well as regional bodies that are also addressing the issue of trafficking;
  
  • The issue of corruption in government agencies handling trafficking cases need to be addressed;
Cross-border and multi-stakeholder cooperation

Borders do not stop the traffickers. The response should also be transnational and multi-stakeholder.

A cross-border referral mechanism is needed, and more communication in general. In this regard a National Observatory on Trafficking cases that collects data need to be developed;

State agencies and NGOs do not work enough together, which limits the exchange of knowledge / know-how and the access to the victims (victims are often suspicious of authorities)
I. Identification and Immediate assistance

1) Identification is a continuing process and we need to consider the state of mind of the victim who may feel anxious, guilty, ashamed, distrustful, dissociated from reality; desperate and emotionally unstable and may still feel loyalty to his or her abuser;

2) In the identification process, a team of trained police, social workers, lawyers, NGOs should collaborate to come up with the best possible approach;

3) Utilize gender sensitive and child friendly interview techniques (Guidelines on Treatment of Trafficked Persons, ASEAN Commission on Women and Children)
• 4) Trust building should be given time to get the cooperation of the victim. A reflection period may be allowed depending on the specific situation of the victim in some cases for 2 months;

• 5) Develop specialist/focal points in each agency familiar with the root causes, definition and the different contexts of trafficking e.g. migration, conflict, climate change etc. and language/s of victims;
6) Verification process through bilateral consultation between the country of origin and country of destination should be conducted;
7) Criminalization and immediate deportation of victims should be avoided as much as possible;
8) Avoid gender stereotyping – men and boys can be trafficking victims too so there is a need to develop specific approaches in dealing with the physical, emotional impacts of trafficking on them;
9) In the case of children, the best interest of the child should always be taken into account;

10) Ensure that the process of identification is facilitative so a one stop shop approach in interviewing the victim conducted consistently by only one case manager to ensure confidentiality, consistency and build trust;

11) The investigation and identification of the victim should include investigation in the home country of the victim.

12) There should be harmonization of local and national with the Trafficking Protocol which means veering away from a criminalization to protection approach.
II. Return and Repatriation

1)) Address the situation of trafficked victims in shelters before repatriation whether there is deprivation of their rights;

2) Return process may not be the option for the victim considering his/her safety and other options need to be explored such as the provision of temporary residence permits or even permanent settlement at a later time;

3) Return and repatriation should be voluntary and safe with some degree of assurance from the home country that the conditions back home are safe for the victim;
4) There should be monitoring the victim upon return.
III. Reintegration and Long Term Assistance

1) Reintegration and long term assistance needs the cooperation of both country of origin and country of destination;

2) Reintegration back home may not be feasible due to security and safety concerns and the option to stay should be open;

3) The voice and individual needs of victims should be considered before any reintegration plans are finalized;

4) Trauma has long term impacts and recovery difficult so sensitivity to the pace of victims’ recovery is essential. Some victims can only manage to take small steps back to normalcy;

5) Victims have to be made aware of their rights; their preference must be considered- victims are key to their healing and recovery;
6) Employment opportunities and resettlement of refugees who are possible trafficked victims need to be developed;

7) Cooperation and partnership with the private sector in providing options/employment opportunities for victims;

8) Allocation of government funds/resources for long term assistance to trafficked victims by governments should be prioritized.