



Editorial

Trafficking in Human Beings

For so long, people who have been trafficked across national borders have been treated as violators of immigration laws. As a result, the traffickers escape from any form of responsibility, much less punishment. In this context, the seriousness of the problems trafficked people suffer from is largely ignored.

It is noteworthy that human trafficking has been getting much more attention now than before. The pressing issue is now how to deal with traffickers who should be brought to justice, and the victims whose rights were violated and need protection and redress.

The willingness of people to cross national borders for economic reasons should not be made prey to the vicious clutch of the traffickers. The current economic realities of the world require the movement of people across borders so that they can provide labor and services in places that need them. This legitimate movement of people should be protected rather than subjected to the pernicious attacks of traffickers, who are able to hide under a cover of legitimate labor import.

Only by respecting the human rights of the victims of trafficking will the crime of the traffickers be exposed. Only by giving trafficking victims (and would-be victims) the protection and support will governments be able to find solution to the problem.

FOCUS Asia-Pacific is designed to highlight significant issues and activities relating to human rights in the Asia-Pacific. Relevant information and articles can be sent to HURIGHTS OSAKA for inclusion in the next editions of the newsletter.

FOCUS Asia-Pacific is edited by Yoshio Kawashima, Director of HURIGHTS OSAKA.

Gender and Human Security: Trafficking of Women in Asia

Jean Enriquez

Six years ago, in 1998, an estimate put 30 million women and children in Asia as trafficking victims (UNICRI, 1998). While trafficking has many purposes, women and children are trafficked mainly and visibly for sexual exploitation in its varied forms - for brothel, bar and street prostitution, for military rest and recreation, for sex tourism, the bride trade including child marriages, for pornography, and for bonded labor. The victims come from poverty-stricken or conflict-ridden areas of the region, while mostly young women come from indigenous or ethnic minority communities. The destinations are the affluent cities, and the buyers are men - from almost all sectors of society.

Trafficking in persons is a regional security issue as this massive movement and sale of humans is facilitated by organized crime syndicates (such as the Yakuza in Japan), with layers of intermediaries from private entities to corrupt government and law enforcement functionaries who gain from this trade in human beings. With the sex industry largely integrated into the mainstream economic sectors such as "adult entertainment", sex tourism, prostitution and pornography, many of which are either legal or tolerated in many countries, trafficking operations rake in billions of dollars in profits at the expense of wounded women and children. The United Nations estimates that trafficking in persons globally is a 5-7 billion US dollar per year operation (Arlacchi, 2000).

Trafficking in persons uses a broad range of recruitment methods. Aside from coercion, methods based on deception, enticement, false promises and abuse of power or of position of vulnerability are employed. New information technologies facilitate the global marketing of women and children. They provide unique and pernicious means through which women and children are promoted in unprecedented and dehumanizing ways without threat of arrest or prosecution.

Trafficking in persons is made worse by restrictive immigration policies. Trafficked women are considered criminals and not trafficking victims in many countries in the region. Victims therefore fear letting

authorities know of their situation. As immigration laws become more discriminatory, traffickers and illegal job recruiters (the major international players who facilitate migration through various channels) bring the victims to even more dangerous situations.

Trafficking in persons is also a security issue as it causes untold suffering on women and children, even loss of lives in many cases. The health consequences, the violence, and the sexual abuse suffered by trafficked women and girls are similar to those who were battered and raped. The difference is that when women and girls are subjected to this kind of violence in prostitution, it is viewed as "sex." (Raymond, et al, 2001).

Thailand has become the trafficking hub in the region. It is a source and transit area for women trafficked to Malaysia, Hong Kong, Taiwan and Japan (ILO, 1998). It remains as a major destination for women trafficked from the Mekong countries (Laos, Vietnam, Cambodia, Burma/Myanmar), the Yunnan Province in southwest China, and more recently from Russia and Eastern Europe (Bangkok Post, 2001).

Due to huge unemployment problem in the Philippines, gender-differentiated economic status and the sexual objectification of women, many are lured by illegal job recruiters to accept non-existent jobs, and eventually end up in trafficking situations. All 73 Philippine embassies and consulates record trafficking for prostitution, illegal labor and bride trade purposes. (Report to the Undersecretary of Foreign Affairs, 1998).

A distinct and disturbing phenomenon called bride trafficking within China has been noted by non-governmental organizations (NGOs) and government entities. The big demand for brides also led traffickers to kidnapping or luring women and girls from Vietnam, Laos and other neighboring countries into China.

India and Pakistan appear to be the focal point for the massive trafficking of women and girls from

Bangladesh, Nepal, Burma and even Bhutan. Over 5,000 girls from Nepal are trafficked to Pakistan during the last 10 years continuing at the rate of 200-400 women monthly.

New Zealand is a transit point for Thai women trafficked to Australia and Japan. Syndicates in Thailand and New Zealand exploit the visa exemption privilege for Australians to traffic women. One Melbourne sex trafficker brought 40 Thai women to Victoria as "contract workers," depriving them of their passports and earnings until their contracts were worked off, and restricting their movement. The women had to have sex with 500 men before receiving any money.

Role of governments

Where are the state players in all these? Economic policies that leave women bearing the brunt of unemployment woes on the one hand and cheap labor demands on the other indirectly lead to trafficking. Asian governments have adopted overseas contract work as development strategy even as governments in the more affluent countries avoid commitments to protect migrant workers.

Government officials in many countries have been found to be tolerating, if not themselves doing, trafficking. The legalization of the industry of prostitution in states in Australia proved to aid trafficking from neighboring countries, especially Thailand and the Philippines. Meanwhile, the criminalization of prostituted women in many countries while leaving the buyers, pimps and establishment owners free, intensifies the oppression of women and reinforces the socially constructed role of men as receivers of sexual services.

Finally, the lack of anti-trafficking laws in many countries that prosecute the perpetrators (including buyers), protect victims, and prevent trafficking in the long-term is abetting the problem.

Interventions to combat trafficking

On a positive note, the Office of the Prime Minister of Korea proclaimed in April 2004 its determination to fight trafficking in women, close down prostitu-

tion establishments by 2007, and start in September 2004 the seizure of entire earnings of business owners who are found to have arranged these illegal transactions.

In addition, counseling centers will be established near red-light districts to help women who are forced into prostitution and provide legal assistance. The government also plans to revise a law to provide various protective measures such as attendance of counselors (psychologists) during investigation sessions, police protection, and medical and legal service to the victims. Also, foreign women who suffer from withheld wages and sexual exploitation can have their repatriation delayed until the investigation concludes. Prosecutors can ask for further delay in the repatriation of victims, even after indictment of people accused of trafficking, if needed.

In Malaysia, huge numbers of Filipino women escape trafficking situations. But some have been charged with illegal migration. In a positive development, the Human Rights Commission of Malaysia (SUHAKAM) proposed that the government set up a national task force to curb trafficking of women and children. It also wants the government to consider having comprehensive legislation for women and children and provide a shelter program for victims of human trafficking. According to SUHAKAM Chair, Tan Sri Abu Talib Othman, the task force should comprise high-powered government agencies. A joint effort and commitment from the Immigration Office, the police, the Ministry on Women, Family and Community Development, and other relevant parties to tackle the problem is needed.

SUHAKAM is concerned that at present the trafficking victims are being prosecuted under the Immigration Act, while the perpetrators of trafficking escape prosecution. Where there is clear evidence that girls have been trafficked, they should be brought before the Pardons Board so that they are sent back to their home country as soon as possible according to Abu Talib. Also, he proposed that Malaysia ratify the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Protocol). He added that all applicable laws relating to trafficking of women and children should be amended with

regard to evidence, burden of proof and punishment. He asserts that the government must have the political will and commitment to review outdated laws to prevent these immoral acts from having more innocent victims.

The Philippines enacted an anti-trafficking law in 2003 that severely penalizes perpetrators, including buyers, while protecting the victims and preventing the problem through long-term economic and public education programs. A project by the Coalition Against Trafficking in Women - Asia-Pacific (CATW-AP) gives gender education to young boys to reexamine the concept of masculinity that gives men entitlement to women's bodies, and to develop positive views. Community-based programs are also initiated by CATW-AP to mobilize *barangay* (community) leaders to monitor and prevent trafficking of women and children at their level.

The Protocol has created a global language and legislative model to define trafficking in persons, assist victims, and prevent trafficking. Consent is irrelevant under Article 3 of the Protocol,¹ thus protecting all victims of trafficking, not just those who can prove that they were 'forced.' In drafting anti-trafficking legislation, governments should follow the example of the Protocol and treat trafficked persons as victims and survivors of human rights abuses, and not as migration criminals. The Protocol similarly encourages states to address the so-called demand side.

It is also important for governments to initiate multi-lateral and bilateral agreements for the protection of victims and the prosecution of traffickers. This is an integral part of confidence-building in the region.

No government policy should promote prostitution. Listening to trafficking survivors' groups is critical. States must eliminate structural factors - poverty, racism, militarist responses to conflict, gender discrimination - that push women to trafficking networks.

This article is based on a paper of the same title presented at the 18th Asia-Pacific Roundtable with the theme "Confidence-building and Conflict Reduction" (30 May - 4 June 2004, Kuala Lumpur, Malaysia)

Jean Enriquez is the Deputy Executive Director of Coalition Against Trafficking in Women-Asia Pacific (CATW-AP).

For further information, please contact: CATW-AP, Suite 308, Sterten Place, 116 Maginhawa St., Teacher's Village, Quezon City, Philippines; ph (632) 426-9873; fax (632) 434-2149; e-mail: jean.enriquez@catw-ap.org

Endnotes

1. Article 3 provides the definition of trafficking in persons:

(a) "Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;

(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) has been used;

(c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in subparagraph (a) of this article;

(d) "Child" shall mean any person under eighteen years of age.

The Protocol came into force on 25 December 2003.

Trafficking in Women: from "violence against women" to "forced labour and slavery"

10 Years after the Beijing Platform for Action, 1995

GAATW

Trafficking in women was addressed in the 1995 Beijing Platform For Action (BPFA) under the critical area of concern D: "Violence against Women", paragraph 113, Strategic objective D.3, action 130b and e.

Since then, trafficking has been accepted as a form of violence against women and development strategies have included measures to address this. Much has been achieved in terms of clarity of the definition of trafficking, albeit there is also firm recognition that trafficking is a complex issue and has many ramifications into the related fields of migration and labor and human rights.

The greatest advance in international advocacy on the issue of trafficking in women occurred in the context of the Reports of the UN Special Rapporteur on Violence against Women. In 3 successive reports to the UN Commission on Human Rights, the Special Rapporteur progressively clarified and sharpened the conceptualization of trafficking for the international community, until her final definition was crafted, which read:

Trafficking in persons means the recruitment, transportation, purchase, sale, transfer, harbouring or receipt of persons:

- (i) by threat or use of violence, abduction, force, fraud, deception or coercion (including the abuse of authority), or debt bondage, for the purpose of:
- (ii) placing or holding such person, whether for pay or not, in forced labour or slavery-like practices, in a community other than the one in which such person lived at the time of the original act described in (i) (E/CN.4/2000/68, 29 February 2000)

In 2000, the "Protocol on Trafficking in Persons, especially Women and Children", which is supplementary to the UN Convention on Transnational Organized Crime, was promulgated, with all the ele-

ments of this definition included. As a result, trafficking is recognized as a crime, and falls under international codes of criminal justice, including modes of investigation, prosecution and victim protection and assistance.

This Protocol definition criminalizes exploitative labor conditions, amounting to

- forced labor (as defined in ILO Convention 29, Article 2.1) ;
- slavery (as defined in UN Slavery Convention, 1926, Article 1.1)
- slavery-like practices (as defined in UN Supplementary Convention on the Abolition of Slavery, 1956) - 'Slavery-like practices' include debt bondage, serfdom, servile and forced marriage and delivering a child into exploitation, including of labour.

The Protocol criminalizes those who intentionally bring women into, and confine them in, these exploitative situations; it contains injunctions for cooperation among states and relevant agencies and compensation for victims of trafficking.

However, the NGOs who had lobbied very hard to obtain the best possible compromise among the conflicting interests which came to bear on the negotiations were disappointed that the final document did not make human rights protections and assistance to victims of trafficking mandatory.

Five years after the BPFA

The Report of the Asia-Pacific Regional NGO Symposium, "Asia-Pacific Women 2000: Gender Equality, Development and Peace for the Twenty-first Century" identified the following general persistent issues which also affect the women affected by trafficking:

- the attitudes and practices of some law enforce-

ment agencies and officials, who themselves participate in /profit from trafficking in women, and thus are not motivated to do anything to stop the practices;

- the gender bias of the legal system, which perpetuates discrimination against women who have experienced violence;
- negative community attitudes, also within families, towards issues of violence against women, including trafficking (especially into forced prostitution) do not encourage women to speak up and take action against the violence.

Next to these, several emerging issues were also identified, which point to the shift of the **context and focus of anti-trafficking advocacy and action to the field of women and the economy, especially the informal economy**. These issues are:

- an increase in levels of migrant workers, related to which is an increase in the trafficking of women for participation in the formal and non-formal labor sectors, including the commercial sex sector;
- the failure of social support mechanisms in the face of global economic changes and their specific impact on women, who are still primary care-givers in most of the region;
- the increased use of internet-based technologies has promoted trafficking of women and children and increased the use of women and girls in electronic forms of pornography.

Related to these, in the Critical Area of Concern F: Women and the Economy, the following persistent and emerging issues reiterated the necessity to advocate and defend the rights of women in the informal economy, in order to prevent trafficking of women:

- the ever faster pace of globalization of economies continues to exacerbate inequalities between women and men in employment opportunities, wages, and occupational categories; it has also given rise to the phenomenon of sub-contracting and casualization of labor, especially in the sectors where most women work, thus subjecting women to further exploitation and lack of access to any form of social protection and benefits;
- women continue to be pushed into the informal sector of the economy, thus remaining without any social security and protection;
- the persistent feminization of migration, within

and outside of countries make women bear the greater burden of sustaining families and at the same time subjecting them to continued abuses and other forms of exploitation, including trafficking.

This last point was echoed in the list of emerging issues in the *Critical Area of Concern I: Human Rights of Women*:

- in the period since 1995 the impact of global economic trends and policies have negatively impacted on the promotion and protection of women's human rights, reflected in trends such as the increase in trafficking of women for economic exploitation and the collapse of social structures in countries within the region;
- there is an increasingly strong advocacy for the rights of migrant women workers (who are mostly working in the informal sectors of home-based sub-contracted work, domestic work and the sex industry).

The ESCAP High-Level Intergovernmental Meeting (September 1999) in reviewing regional implementation of the BPFA in the Asia-Pacific region also adopted the definition and recommendations of the 2000 Trafficking Protocol:

(20) Comprehensive human rights-based strategies should be developed and implemented to tackle trafficking in persons, especially women and children, for the purposes of slavery or slavery-like practices, forced labour or services by addressing prevention, protection and redress for trafficked persons and prosecution of traffickers in accordance with the law.

(21) Efforts, including ongoing efforts, on bilateral, subregional and international agreements and treaties to combat all forms of trafficking in women and girls should be promoted. (E/ESCAP/1177, 18 February 2000)

Anti-trafficking activism : an emerging issue for BPFA + 10?

10 years after the BPFA, all of the emerging issues of the last 5 years can be reiterated as persistent issues in the Asia-Pacific region, which must be consistently addressed. One emerging trend stands out as both positive and negative.

The last 5 years has seen an explosion of organiza-

tions and agencies of all colors of the civil society and governments and governmental agencies all over the world undertaking work at all levels to address various aspects of trafficking. Most of these initiatives, under broad categories of "prevention", "prosecution" and "protection and assistance", affirm a rights-based approach.

There is a need to reflect on the emerging issues, but also on our responses. Whether the incidence of "trafficking" itself is increasing is a question difficult to answer: Is there a real increase in incidence, or has the "anti-trafficking awareness" increased, leading to more agencies and organizations framing explicitly anti-trafficking programmes?

A related question refers to the methodology of these programmes. A certain drive to count and mark up "results", as well as persistent unclarity about the nature of "trafficking" in many occasions lead to high-handed and insensitive approaches (like raids on brothels and border controls) which only serve to curtail even further the precarious freedoms of the women involved.

Effective action for human rights is characterized by a conscientious concern for the process, which is deemed as important as the result, and which should also observe principles of human rights. For example, one can say that the very act of speaking out for one's rights is in itself the exercise of the right to free speech. And the only proof we can have of entitle-

ment to certain rights is the ability to exercise them.

Suggested recommendations¹

To advance rights-based anti-trafficking work, we would like to strongly recommend the following:

That efforts be combined to address the economic, political and social conditions which maintain and contribute to the prevalence of forced labour, slavery and slavery-like conditions of the (informal) work sectors in which the majority of migrant women (both internal and cross-border) find themselves;

That in the process, the fundamental principles of human rights action be observed, especially that of enabling the self-organisation and self-representation of the migrants themselves so that they can participate in all actions taken on their behalf as equal partners and without discrimination.

For further information, please contact: GAATW (Global Alliance Against Trafficking in Women), P.O.Box 36, Bangkok Noi Post Office, Bangkok 10700, Thailand; ph 66-2-864-1427/8; fax 66-2-864-1637; e-mail: gaatw@gaatw.org

Endnote

1. Submitted to the 2004 Asia-Pacific NGO Forum on Beijing + 10 held in Bangkok, July 2004.

2004 UNESCO Prize for Human Rights Education for Professor Vitit Muntarbhorn

Professor Vitit Muntarbhorn has been selected to receive the 2004 UNESCO Prize for Human Rights Education in recognition of his outstanding contribution to education for human rights.

The biannual UNESCO Prize was created in 1978 to promote human rights through teaching and training, to share experiences and knowledge of organizations and individuals working in the area of human rights education. Its past recipients include former President Havel of the Czech Republic, and institutions such as the

Academia Mexicana de Derechos Humanos, the Philippine Commission of Human Rights and the City of Nuremberg.

Professor Vitit Muntarbhorn of Chulalongkorn University, Bangkok, Thailand, is a highly recognized expert and advocate on human rights. He has served as UN Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography, and was recently appointed as UN Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea. Professor Vitit is also the International Advisor of HURIGHTS OSAKA.

Human Trafficking - A New Form of Slave Trade in Bangladesh

Jamila Ahmed Chowdhury

A twelve-year-old Bangladeshi girl was taken away from her family and tricked into going to India. Once there, she was sold to a brothel owner. She was gang-raped and tortured for days until she finally agreed to sleep with up to 10 men a day, for each day of the week, the whole year round. Many girls like her eventually acquire an illness that deteriorates their body - some die from serious diseases. Her case provides a typical example of a trafficking situation that happens to countless women and children.

The 2004 Trafficking in Persons Report of the United States government,¹ presented to the public in Dhaka on 15 June 2004 describes this global epidemic quite succinctly:

No country is immune from human trafficking. Each year, an estimated 600,000 to 800,000 men, women and children are trafficked across international borders (some international and non-governmental organizations place the number far higher), and the trade is growing. This figure is in addition to those trafficked within countries. Victims are forced into prostitution, or to work in quarries and sweatshops, on farms, as domestics, as child soldiers, and in many forms of involuntary servitude. The US government estimates that over half of all victims trafficked internationally are trafficked for sexual exploitation.

Its high-profit, low-penalty-nature makes human trafficking attractive to criminal gangs and large-scale organized crime. The United Nations "estimates that profits from human trafficking rank it on top three revenue sources for organized crime, after trafficking in narcotics and arms."

The crime of trafficking is mainly committed against persons who are socially and economically vulnerable. Economic underdevelopment generates huge exodus of men and women to affluent countries. As far as trafficking in women and children is concerned, it necessarily involves a gender dimension and a negative consequence on the rights of women and children as almost all the women-victims are trafficked for the immoral purposes of flesh trade or child-victims are sold as suppliers of human organs.

The case of Bangladesh

The South Asia-Gulf Region trafficking route affects

Bangladesh. Several reports over the years reveal that traffickers use 20 main points in 16 south/south-western districts of Bangladesh near the Indian border to run their trade.² The main trafficking route is the Dhaka-Mumbai-Karachi-Dubai route. There are people on both sides of the Bangladesh-India border involved in this trafficking chain.

Just like in other parts of Asia, Bangladeshi girls (under 18 years of age) from the villages are trafficked for about 1,000 US dollars and sold to the sex industry. But human trafficking is not confined to the sex industry. Bangladeshi children (aged about 4 to 15 years) are also largely trafficked:

- a. To work in dirty, difficult and dangerous (3D) jobs as bonded or forced labor,
- b. To get their body parts, such as kidneys and other internal organs,
- c. To become "camel race jockeys" in the Arab Gulf countries that expose them to serious physical injury (even death), misery and loneliness.

Estimates on the number of trafficked women and children are difficult to make. The crime is largely hidden despite its pervasiveness. Nevertheless, a total of 335 women and children were reportedly trafficked from Bangladesh in 2002.³ Statistics from Bangladeshi human rights NGOs estimate the rate of trafficking in Bangladesh as follows:⁴

- 200-400 young women and children are smuggled and trafficked every month from Bangladesh to Pakistan and Arab Gulf countries;
- An estimated 10,000-15,000 women and children are trafficked from Bangladesh to India annually;
- An average of at least 70-80 women and children are trafficked daily from Bangladesh to other countries;
- An estimated 200,000 women⁵ have already been trafficked in different countries including girls as young as 9 years old.

Trafficking victims, according to NGOs in Bangladesh, are lured into trafficking by false promises (promise of better life/jobs, and marriage proposal or fake marriage), force (kidnapping), and outright trade (sale done by people known to the victims such as relatives). They are vulnerable to trafficking schemes due to poverty, gender-based discrimination on social protection, lack of information among the public about trafficking, weak enforcement of existing relevant laws and policies, and general lack of good governance. The collapse of the

garment industries after September 2001 is noted for causing the increase in trafficking of women and children.

Trafficking victims suffer from mental stress, bad social treatment after their rescue especially for women, and health problems (such as HIV/AIDS for those trafficked for prostitution purposes).

Human trafficking is a crime violating human rights as well as health and cross-border issue. It is an offence under the Bangladesh legal system. The Constitution of the Peoples' Republic of Bangladesh prohibits forced and compulsory labor (Article 34). In addition, the Penal Code, 1860 (Sections 372, 373, and 466A), the Suppression of Immoral Traffic Act, 1933 (Sections 4, 7, 8, 9 and 10) and the Repression of Violence against Women and Children Act, 2000 (Articles 5 and 6) clearly provide that trafficking is an illegal and punishable offence for which capital punishment may be imposed as the maximum punishment.

However, the low number of court cases and convictions regarding trafficking in Bangladesh demonstrates the weak implementation of existing laws. During the last five years only 53 cases of trafficking have been brought before the court, out of which 35 were dismissed by the court for lack of adequate evidence. Only 21 accused have been convicted with the highest punishment of 10 years of rigorous (hard labor) imprisonment.⁶

Complete elimination of human trafficking in Bangladesh is a difficult goal to attain. But there are several measures that can be done at least with the aim of preventing it. Increasing public awareness of this issue is important. Campaign, training, public demonstration, street drama, mass media, among other means, can be used. The NGOs should play a dominant role in this regard.

The government has to be pressured to strictly enforce the existing laws and ensure punitive measures against the traffickers. Punishment of the traffickers should immediately take place and handed down within the shortest period of time using summary trial.

There is also a need to strengthen the anti-trafficking network in Bangladesh. And a shelter and rehabilitation program for the rescued women and children has to be created.

Last but not least, parents and society in general should be motivated to accept the trafficking victims back into their family with cordiality.

Final observation

Human trafficking is a 'social evil' that seems to be growing at an alarming rate throughout the world. This practice results in unimaginable human suffering and represents one of the most important human rights violations of our time, resulting in a form of 'Modern Slavery'. For Bangladesh, this condition is more acute. In order to prevent this crime, human trafficking should be integrated as cross-cutting issue related to social protection from all sectors of the society.

Jamila Ahmed Chowdhury is a JDS Scholar (Bangladesh) in the Graduate School of Law, Niigata University, Japan.

For further information, please contact: Jamila Ahmed Chowdhury, Graduate School of Law, Niigata University, Japan, ph/fax (8125) 261-2108, e-mails: jahmedc@yahoo.com; jamilachowdhury@yahoo.com

Endnotes

1. The *Trafficking in Persons Report* offers a comprehensive worldwide report on the efforts of governments to combat severe forms of trafficking in persons. Its public release is intended to raise global awareness and spur countries to take effective actions to counter trafficking in persons. "This year, Bangladesh is rated Tier 3, the lowest tier," says the report, adding that the efforts of governments to fight human trafficking are rated in tiers in the report based on concrete actions taken throughout the year. See http://nation.ittefaq.com/artman/publish/article_9986.shtml Bangladesh was in "Tier 2" in 2003. See *Trafficking in Persons Report*. Released by the Office to Monitor and Combat Trafficking in Persons, 11 June 2003 <http://www.state.gov/g/tip/rls/tiprpt/2003/21275.htm>.
2. *Violence against Women in Bangladesh*, Bangladesh Women Lawyers Association (Dhaka: 2002).
3. Cell for Combating Trafficking, Bangladesh National Women Lawyers Association (BNWLA).
4. Coordinating Council of Human Rights in Bangladesh (CCHRB), Ain -o- Shalish Kendro (ASK), Bangladesh National Women Lawyers Association (BNWLA).
5. Mentioned by former Home Minister of Bangladesh Altaf Hossain Chowdhury on 20 January 2004 at 3-day regional workshop on Trafficking in Women and Children, organized by the Centre for Women and Children Studies. See more details in www.sos-arsenic.net/english/intro/child-traff.html
6. World Organization against Torture (OMCT), *Violence against Women: 10 Reports/ Year 2003*, (Geneva: 2004). This is the fourth collection of reports within the framework of its Violence against Women Program.

Communities at Work: Combating Trafficking in Nepal

Anjan Kumar Dahal

Stopping the traffic of Nepali women and children is a big challenge for the Nepali government. This human trafficking has been going on for years, and likely to continue for years to come. There is no other option but to continue looking for effective means of stopping it. A good measure is to start the anti-trafficking effort in the community where victims and would-be victims are found.

The project "Combating Trafficking of Women and Girls in Nepal", started 3 years ago (2001), is an example of community-based measure. The project focused on a prevention module on human trafficking that develops interventions using the rights-based approach. The project aims to prevent human trafficking in Nepal and address the need to balance trafficking prevention with greater concern for women's legal rights, status and rising aspirations. This involves both reducing the occurrence of trafficking and improving care and support for trafficking survivors.

5 partner non-governmental organizations (NGOs) are involved in the project, namely, Center for Legal Research and Resource Development (CeLRRd), Agro Forestry and Basic Cooperatives Nepal (ABC Nepal), NGO Federation, Maiti Nepal and Women Rehabilitation Center (WOREC).

During the 3-year project period, the partner NGOs held various activities in 7 districts, namely, Chitwan, Nawalparasi, Dhading, Banke, Danusha, Makwanpur and Kavrepalanchok. They sustained community structures and conducted activities to counter trafficking as per the National Plan of Action Against Trafficking. An assessment of the project was done by a group of experts in April 2004.

The project was able to activate and strengthen already established District Task Forces (DTFs) and form Village Task Forces (VTFs) in all districts. A DTF is composed of representatives from the district governmental line agencies, NGOs, local police, district chambers of commerce and industry, schools and colleges at the district level. The Women Development Officer in the district works as member secretary of the task force. Community-based organizations in the village are included in the VTF.

DTFs and VTFs do the following tasks as mentioned in the governmental National Plan of Action Against Trafficking:

1. To identify Village Development Committees (VDCs), the lowest level of local government in Nepal, that are affected by trafficking.
2. To maintain records of children over the age of 10 who are under the risk of trafficking.
3. To constitute all committees with representation of government line agencies, NGOs and local organizations and associations in problematic VDCs under the leadership of VDC chairpersons.
4. To implement locally-identified programs on the basis of priority.
5. To run awareness campaigns in problematic VDCs by mobilizing District Children Welfare Committees.
6. To co-ordinate programs of various agencies like government line agencies, NGOs and local elected bodies in regard to controlling girl trafficking.
7. To be consulted by the national level NGOs while conducting program directed against trafficking in the districts.
8. To monitor, supervise and evaluate activities carried out in the district in this regard.
9. To set up an Emergency Fund in the form of revolving fund by mobilizing local resources.
10. To discuss with their counterparts in adjoining provinces of the neighboring countries to work out solutions to the problem.
11. To send information on girl trafficking and any threat or chances of trafficking to the concerned agency at the earliest time possible.

In the district where the Police Headquarters has launched a program, the Chief of District Police Office will function as the member-secretary of the DTF.

These DTFs and VTFs are coordinated by the National Task Force (NTF) under the Chairpersonship of the Secretary of the Ministry of Women, Children and Social Welfare (MWCSW). In addition, for overall coordination, a National Co-ordination Committee, under Chairpersonship of the Minister of MWCSW is functioning at the national level.

In Makwanpur, the DTFs and VTFs began to own the project in coordination with government line agencies of the district. In Dhanusha district, an information dissemination system on safe migration was established in addition to an anti-trafficking booklet. A one-page information leaflet was introduced by attaching it to passport application forms. In Nawalparasi, every person who goes out of the village or county for employment is given a form on which important information about him/her can be recorded.

An emergency fund for DTFs and VTFs was established in all the districts. The number of people involved in the anti-trafficking work increased after orientation and distribution of materials on safe migration were done. People in the community were even demanding additional materials. Women health workers through the District Public Health Office (DPHO) were mobilized. The DPHO is also a member of DTFs. And a multidimensional and cost effective anti-trafficking program for teachers and students was launched.

Assessing the project

On 15-16 September 2004 in Dulikhel, Nepal, field-level motivators, field officers, program coordinators and officers, and heads of the 5 partner NGOs along with representatives of The Asia Foundation/Nepal and USAID/Nepal evaluated and identified the achievements, successes and drawbacks/constraints in, along with lessons learned from, the project. They also developed the future strategy for the project focusing on uniformity of the program activities among the partner NGOs. Finally, they developed guidelines and obtained the commitment of partner NGOs on the expansion of the project.

A paper entitled "Reflection on the Project - achievements and constraints" pointed out that the project is 80% successful and the best results of the project were the development of common understanding, coordination and collaboration system among the 5 partner NGOs, each one having vast experience in working against human trafficking.

The discussions identified a number of constraints at various levels. They noted the lack of cooperation by the MWCSW in giving recognition to the VTFs and the project. They also noted the lack of cooperation of the government in establishing a counseling booth

in Kathmandu.

There were also problems of coordination among the 5 partner NGOs. It was emphasized that there is a need for coordination between the partner NGOs in the different districts. They also lack uniform report format.

At the field level, they realized the difficulty of documenting achievements on behavioral change of the people in the community. How can important achievements (i.e., community-organized rally, discussion workshops, etc.) of the project be recorded in the future? They also foresaw uncertainty in addressing displacement issues along with migration and trafficking in the coming years. Finally they observed the lack of coordination between the NTF, DTFs and VTFs.

Lessons learned

From the three-year experience, they identified a number of lessons learned. They realized the

- * Utmost need for coordination among partners at all levels including district level
 - Need for coordination among partner NGOs to capitalize on the achievements of the project, i.e., coordination of the migration programs of CeLRRd, WOREC and the NGO Federation
 - Need for coordination between local district partner and locally-formed groups and other partner NGOs for further linkage and program activities
- * Need for all partner NGOs to focus on the 5 districts
- * Need for information brochures besides books/booklets for massive information campaign on safe migration
- * Need to circulate information on the partner NGOs' orientation program for women about safe migration
- * Need to add internal safe migration component into the project
- * Need to introduce safe house concepts into the project as a complement to the shelter-based rehabilitation, with the active participation of community
- * Need to consider community level achievements, which should be recorded promptly, in designing the next project
- * Need for final evaluation of the project using baseline data.

Discussion on future activities and strategies focused on the establishment of mechanisms for linkages between local task forces, MWCSW, and NTF. The group also worked on the strategic advocacy agenda on trafficking for policy changes. Moreover, they saw the need to review the national plan and policy along with the law against trafficking to broaden their scope by including human trafficking and other forms of trafficking like human smuggling, trade in human organs, and trafficking for labor and sexual exploitation.

They also discussed the

- a. Expansion and sustainability of the VTF by having
 - * Maximum of four to five new VDCs covered next year, and continue creating them thereafter
 - * Task force formation and strengthening
 - * Minimum common activities in existing VDCs
 - * Recognition of VTFs by DTFs as per the National Plan of Action
 - * Conceptual clarity of the project through orientation/training for the members of VTFs
 - * Need for role and responsibility clarification workshop.
- b. Internal safe migration and expansion of target groups by having
 - * Individual and group counseling program for community people
 - * National level counseling booth
 - * Media launch of safe migration books, information kits
 - * Data collection/registry.
- c. Cost effective community education through
 - * Replication of school-level anti-trafficking activities
 - * Teacher training
 - * Coordination with District Education Office (DEO).
- d. Solution to the lack of appropriate and cost effective rehabilitation and reintegration strategy for survivors and vulnerable women by having
 - * Pilot test of community-based safe houses
 - * Post reintegration activities (family assessment, halfway homes)
 - * Norms and systems through the VTFs
 - * Norms and minimum standards for rehabilitation by promoting the community-based safe house
 - * Linkage with trafficking prevention program of various NGOs.

The guidelines for the future program of action are

the following:

- * Emphasize the link of the project with the Joint Initiatives against Trafficking (JIT) Program of MWCSW, the National Rapporteur on Trafficking, and the National Human Rights Commission of Nepal
- * For the expansion of the project, give priority to the surrounding areas of the VDCs where programs are already being implemented.
- * Organize school-level programs through trained schoolteachers, and emphasize their replication in all 7 districts
- * Coordinate the project at the national level to make the government own it (the project) after the phase out of support and thus making the VTFs sustainable
- * Emphasize the development of supplementary strategies to minimize the effect of the current conflict situation in the country while developing future plans
- * Develop the coordination and recognition of the project between the NTF and the MWCSW. All partner NGOs have to create a linkage strategy using bottom-up approach to mobilize the District Women Officer (WDO) of each district as DTF secretary and focal person of the MWCSW
- * Start the coordination process between the MWCSW and VTFs /DTFs through active involvement of WDOs
- * Develop project sustainability strategy after the phase out by TAF in each partner NGOs as part of their responsibility and to serve the national interest
- * Introduce a system of disseminating the project outcomes and achievements by all partner NGOs, such as through regular publication/newsletter
- * View the project in a broad sense, by using the United Nations definition of trafficking, which regards it as an immense violation of human rights.

Mr. Anjan Kumar Dahal is the Program Manager of CeLRRd.

For further information, please contact: Center for Legal Research and Resource Development (CeLRRd), Dadhikot, Bhaktapur, Nepal, P.O. Box 6618; ph (9771)-663445, 6634663; fax (9771) 6634801; e-mail: celrrd@wlink.com.np; www.kslnep.org (CeLRRd Portal)

HURIGHTS OSAKA 10th Anniversary Citizens' Forum

HURIGHTS OSAKA celebrated its 10th anniversary in July 2004. As part of a series of events commemorating the occasion, HURIGHTS OSAKA co-organized a "Citizens' Forum" on July 21st with the governments of Osaka City and Osaka Prefecture, and with support from the Ministry of Foreign Affairs. The Forum, titled "Human Rights across Borders - Studying International Human Rights" had Ms. Kayoko Ikeda, a writer and translator of German literature, as the main speaker. It also included a brief report from the Ministry of Foreign Affairs on the drafting process of the international convention on the rights of persons with disabilities, the award ceremony for HURIGHTS OSAKA Award 2004, as well as a performance of Indian music.

Mr. Shigeki Sumi, Deputy Director-General of the Global Issues Department, Ministry of Foreign Affairs, who headed the Japanese delegation to the Third Session of the "Ad Hoc Committee on a Comprehensive and Integral International Convention on Protection and Promotion of the Rights and Dignity of Persons with Disabilities" gave a report on the recent developments in the drafting process of the convention. He explained some of the issues that were discussed at the meetings, such as right to express one's opinion and access to information, education, employment, as well as appropriate procedure and remedies for coerced intervention and treatment. He noted that the current drafting process differed from those of previous human rights instruments in that representatives of people with disabilities themselves were active participants. There may be divergent opinions on various issues, but the countries agreed on the need to ensure the rights of people with disabilities, he told the audience.

The Award Ceremony for the HURIGHTS OSAKA Award 2004 for International Human Rights Education was held after Mr. Sumi's report (see next page for details of the Award).

Ms. Kayoko Ikeda, the main speaker for the day, is the author of the Japanese version of "If the World were a Village of 100 People." She spoke of how she came to publish the book after being inspired by a



Ms. Kayoko Ikeda

Japanese doctor, who worked as a volunteer in Afghanistan. As the doctor called for donations, she thought of writing a book based on the stories circulating on the internet. She established with the royalties of the book a fund to support NGOs working overseas as well as people seeking refugee status in Japan. In particular, she had supported an Afghan boy detained at the Immigration Center, who has since been released and is studying at a night-school in Tokyo. She also emphasized the importance of the Constitution in the respect for human rights. In it, the Japanese people proclaim our rights, according to Ms. Ikeda, and at its core is Article 13, which provides for the right to life, liberty and the pursuit of happiness. On the future role of Japan in the international community, she sees the field of environment as being the most promising. Japan has learned much from its past, when it suffered from pollution. Japan should look to becoming an environmental power, she concluded.

For more information, please contact HURIGHTS OSAKA.

HURIGHTS OSAKA Award 2004

for International Human Rights Education Materials

As part of its 10th anniversary commemoration, HURIGHTS OSAKA created an Award for International Human Rights Education. The aim of the Award is to recognize the most creative and original education material on international human rights standards, which tend to be seen as being "unclear" or "too difficult." It hopes to contribute to the development of human rights education.

Four entries received "The HURIGHTS OSAKA Award 2004 for International Human Rights Education Materials" in July 2004 in Osaka. The following are the winning materials:

1. *Training Programme* (Teacher's Manual), produced by the Karachi-based Human Rights Education Programme (HREP), is a collection of training materials for educators. It is cited for its systematic and easy-to-use presentation of materials.

2. *People Living Amidst the Garbage*, produced by photographer Yuzo Uda, is a 15-minute powerpoint slide-show. It shows photographs of children living in garbage dumps in Latin American and Asian countries. The photographs are accompanied by appropriate comments.

3. *If the World Were a Village of 100 People: Workshop Material*, produced by the Development Education Association and Resource Center (DEAR), is a book on workshop programs for participatory learning based on the bestseller, "If the World Were a Village of 100 People" by Kayoko Ikeda, et. al., 2001.

4. *Children in the World Today*, produced by Mainichi Shimbun (Daily Newspaper), is a 30-minute video on refugees (in Japanese language). It is a documentary on the refugees in Sierra Leone and Afghanistan, as well as the reporters' school classroom presentations based on their research in the field.

Entries

The winning materials were selected from a total of 159 entries from 82 organizations and individuals. 97 entries are from 47 organizations and individuals from Japan, and 65 entries from 35 organizations and individuals from 10 other countries. The entries include print publications, visual materials (video, VCD, DVD), powerpoint programs (slide shows), websites, training

programs and materials (for workshops and other activities), campaign materials, and others (such as project plans). The entries were received from 31 December 2003 to 30 April 2004.

Selection standards and process

A Selection Committee¹ looked for "teaching materials" on international human rights standards. Creative materials, rather than activity reports and translations of United Nations documents, were given priority. The Committee noted the difference in the work of professionals and amateurs in making visual materials (video, DVD, etc.), the difference between documentaries and teaching materials, the intended users such as for schools (elementary, secondary or tertiary) or for non-formal education activities, the integration of perspectives in raising the human rights sensitivity in children, and treatment of current human rights issues in the world.

After intensive deliberations, the Committee decided to select 4 entries for the Award and no honorable mentions.

The individual awardees and representatives of winning organizations received the award certificate plus cash award during the "Citizens' Forum" held on 21 July 2004 in Osaka.

For further information, please contact HURIGHTS OSAKA.

Endnote

1. Selection Committee

Chairperson: Mr. Yoshio Hata, Professor, School of Policy, Kwansai Gakuin University

Members:

Ms. Yolanda Alfaro Tsuda, Associate Professor, Department of English, Kobe College

Ms. Jung Kang-Ja, Joint Representative, Korean WomenLink

Ms. Ritsue Hata, Editorial Department, Mainichi Shimbun, Osaka Office

Ms. Khanittha Matsuo, Program Staff, FM CO-CO-LO

Mr. Kinhide Mushakoji, Chairperson, Asia-Pacific Human Rights Information Center

Mr. Yoshio Kawashima, Director, Asia-Pacific Human Rights Information Center

Events

Recently Held Events

Asia Against Child Trafficking (Asian ACTs) held a Seminar-Workshop on Human Rights Principles and Guidelines for the Treatment of Trafficked Children in Tagbilaran, Bohol, Philippines on 22-29 August 2004. The seminar provided the participants a basic understanding of the UNCHR Principles and Guidelines on Human Rights and Trafficking and the UNICEF document on Principles and Guidelines for the Protection on the Rights of Children Victims of Trafficking; orientation on undertaking a preliminary assessment on the available services and programmes for victims/survivors of child trafficking among the Southeast Asian partners; and recommendations on possible measures for implementing and disseminating the UN guidelines and principles on treatment of trafficked children. There were more than 30 participants from Indonesia, Philippines, Vietnam, Cambodia and Thailand belonging to NGOs and government agencies involved in children issues. There were also participants from Japan.

Asia ACTs is part of the International Campaign against Child Trafficking (ICaCT) coordinated by Terre des Hommes (TDH)-Germany and the International Federation of Terre des Hommes.

For further information, please contact: Asia ACTs Against Child Trafficking, Rm. 224, LTM Bldg., Luzon Ave., Quezon City, Philippines; ph (632) 951-9982; fax (632) 952-0280; e-mail: asiaacts@tri-isys.com; http://stopchildtrafficking.info

The 7th International Conference for National Human Rights Institutions and the annual meeting of the Asia-Pacific Forum of National Human Rights Institutions were held in Seoul on 15-17 September 2004. These conferences were preceded by the Seoul NGO Forum on National Human Rights Institutions with the theme "Building Strategic Partnerships between NGOs and NHRIs Upholding Human Rights during Conflicts and while Countering Terrorism." The NGO meeting was held on 11-14 September 2004.

For further information please contact: Ms. Giyoun KIM, MINBYUN-Lawyers for a Democratic Society

(Seoul, Korea) m321@chol.com, or Mr. Seonghoon LEE (Anselmo), Pax Romana/CONGO (Geneva) leesh@paxromana.int.ch

The third annual Peace as a Global Language Conference (PGL III) was held in Kyoto on 25-26 September 2004. Educators, students, activists and others interested in peace and global studies from various countries attended the conference. There were presentations on innovative teaching/learning approaches covering various themes including peace/security, environment, global issues, gender, and human rights.

For further information, please contact: John T. Denny M.S.Ed., Ph.D., International Development Studies, Graduate School of Human and Environmental Sciences, Kyoto University.

Events to be Held

A training workshop for the Mekong region (China, Vietnam, Laos and Burma/Myanmar) is planned to be held on 14-20 November 2004 in Chiang Mai. Entitled "Linking and Learning Program on Economic, Social and Cultural Rights" it aims to enable civil society and grassroots organizations in the region to discover human rights (in particular economic, social and cultural rights), what they are, and how they relate to the daily lives of the people; help them discover how a human rights framework (human rights-based approach) can help strengthen their development work and help them gain confidence in integrating human rights in their work; help strengthen their knowledge and skills and thereby contribute to building the capacity of grassroots movements to better promote and defend basic economic, social and cultural rights. It is being organized by the Human Rights Education Institute of Burma (HREIB) in partnership with Dignity International, Asia Pacific Forum on Women, Law and Development (APWLD), and Asia-Pacific Regional Resource Center for Human Rights Education (ARRC).

For further information, please contact: Aung Myo Min, HREIB, P.O.Box 37, Chiang Mai University, Chiang Mai, 50200, Thailand; fax (665) 3279472; e-mail: hreburma@loxinfo.co.th

HURIGHTS OSAKA ACTIVITIES

HURIGHTS OSAKA organized a study tour to India from July 25 to August 2, 2004. 15 participants visited various organizations involved in women's empowerment at the community level in Delhi and Ahmedabad. HURIGHTS OSAKA is grateful for the warm hospitality and cooperation of the people and organizations who helped in this project.



PRINTED MATTER

AIR MAIL

May be opened for inspection by the postal service.

HURIGHTS OSAKA, inspired by the Charter of the United Nations and the Universal Declaration of Human Rights, formally opened in December 1994. It has the following goals: 1) to promote human rights in the Asia-Pacific region; 2) to convey Asia-Pacific perspectives on human rights to the international community; 3) to ensure inclusion of human rights principles in Japanese international cooperative activities; and 4) to raise human rights awareness among the people in Japan in meeting its growing internationalization. In order to achieve these goals, HURIGHTS OSAKA has activities such as Information Handling, Research and Study, Education and Training, Publications, and Consultancy Services.



HURIGHTS OSAKA

HURIGHTS OSAKA

(Asia-Pacific Human Rights Information Center)

1-2-1-1500, Benten, Minato-ku, Osaka 552-0007 Japan

Phone: (816) 6577-3578 Fax: (816) 6577-3583

E-mail: webmail@hurights.or.jp

Web site: <http://www.hurights.or.jp>