

**XII. VERBATIM RECORD OF THE HALF-DAY SPECIAL MEETING ON
“TRAFFICKING OF WOMEN AND CHILDREN/MIGRANT WORKERS AND
PROTECTION OF CHILDREN”
HELD ON THURSDAY, 30 JUNE 2011 AT 9.15 AM**

His Excellency Rauff Hakeem, President of the Fiftieth Annual Session of AALCO in the Chair.

President: May I invite our Secretary-General to introduce this session.

Secretary-General: Thank you Mr. President. Hon’ble Justice Shiranne Tilakawardane, Judge of the Supreme Court of Sri Lanka; Hon’ble Mr. Richard Danziger, Chief of Mission, International Organization for Migration (IOM), Sri Lanka; Hon’ble Mr. Ron Pouwels, Regional Advisor-Child Protection, UNICEF Regional Office for South Asia; Excellencies, Distinguished Delegates, Ladies and Gentlemen;

It is my pleasure to welcome you all here today to this Half Day Special Meeting on ‘Trafficking in Women/Children, Migrant Workers and Protection of Children’, hosted by AALCO in conjunction with the Fiftieth Annual Session of AALCO jointly organized by the Government of Sri Lanka, IOM, UNICEF, and AALCO. I also welcome our distinguished panelists for this special half-day meeting.

Over the decades, smuggling of migrants and trafficking in human beings, especially women and children, has been a perennial challenge faced by the international community. Organized criminal activities like trafficking in persons and migrant workers, has affected every region of the world and is recognized internationally as a major law enforcement, human security, and human rights issue. Smuggled migrants are vulnerable to life-threatening risks and exploitation; and unfortunately these exploitations are considered as modern form of slavery.

Trafficked persons like women and children need adequate protection measures through guaranteeing their fundamental rights and freedoms. Trafficking in human beings, particularly in women and children, constitutes a crime, and massively violates the human rights of the trafficked persons. Yet, millions of people around the world continue to be subjected to trafficking, forced labor and other contemporary forms of slavery, despite the fact that such abuses are prohibited by a considerable number of international legal instruments.

The majority of smuggled people are forced to be migrant workers. They generally seek to these extreme measures of livelihood in order to escape poverty and discrimination, improve their lives and send money back to their families. It is no coincidence, then, that the growth in the numbers of people who have been identified as trafficked for forced labour has taken place during a period where there has been an increasing international demand for migrant workers.

Mr. President, in the fight against trafficking the key challenges for countries around the world is to craft and implement sounder and more effective responses that produce meaningful results. We also know that a more sophisticated understanding of human trafficking is needed to improve the operational effectiveness of appropriate anti-trafficking laws, policies and practices. The complexity of the trafficking-migration nexus demands that we draw special attention to each and every aspects of this scourge so as to create appropriate legal and policy responses that address various aspects of trafficking that include - Prevention, Protection and Prosecution.

AALCO has been consistently working on this issue since fortieth Annual Session in 2001, when the Government of Indonesia proposed this topic to be considered. Special Half-day meetings on “Transnational Migration: Trafficking in Persons and Smuggling of Migrants” jointly organized by Government of Malaysia and AALCO during the Forty-Eighth Annual Session in 2009, and a Workshop on “Trafficking in Persons, Smuggling of Migrants and International Cooperation” in Putrajaya, Malaysia in 2010 were conducted in order to address this issue among the AALCO Member States.

Mr. President, to be effective in our fight against human trafficking, we should not content ourselves with island solutions. What we need is a profound understanding of all that human trafficking involves and of all that is required to counteract it. This is exactly what today’s meeting is designed to do.

This Half-Day Special Meeting is to be viewed as yet another step by the Member States of AALCO to carry out existing commitments and international obligations to curb human trafficking, particularly in women and children, in countries of origin, transit and destination. The issues that would be dealt by our distinguished panellists in this meeting would be (i) Legal framework on human trafficking, (ii) Combating Human Trafficking, the exploitation and abuse of migrants: A systemic approach; and (iii) Regional Perspectives on Combating Child Trafficking.

I wish you all excellent and productive deliberations. Thank you for your attention.

President: May I now have the pleasure of introducing our distinguished panelist who would make her presentation. She is Justice our Hon, ble Shiranee Tilakawardane. Justice Tilakawardane’s carrier in our legal system started with her joining our Attorney General’s department as a state council. Having served the Attorney General’s department with a remarkable carrier where she successfully prosecuted in many landmark cases and she ultimately was elevated to our High Court. From then onwards her steady rise in the judicial system up to the current position where she is one of the senior judges of our Supreme Court. She has, in her distinguished carrier established herself as a keen Judge and Jurist interested in engineering social change through innovative interpretations of the laws of our land and has to her credit many remarkable judgments which are too numerous for me to be mentioning here. Justice Tilakawardane is considered as a respected judge keenly interested in the arena of human rights, women rights and protection of children. Among her variety of her interests is also forensic science and I am indeed pleased to invite Justice Shiranee Tilakawardane to address you.

Justice Shiranee Tilakawardane, Judge, Supreme Court of Sri Lanka: They say there are three things that can never be recalled; the spent arrow, the spoken words, and the lost opportunity. It is indeed a wonderful opportunity and I thank the Organizing Committee for this fiftieth session of the Asian-African Legal Consultative Organization's deliberations. I know that we will make the maximum and optimize the time that we spend here in exchanging and having dialogue and above all building personal networks one with the other.

Mr. President and the Honourable Minister of the Asian-African Legal Consultative Organization, Distinguished fellow Panelists and probably more distinguished Ladies and Gentlemen, the topics that we will be deliberating perhaps for a little over half an hour now is the topic on the international legal framework on trafficking. I will start with the larger umbrella and then I will deal with certain aspects of the Asian and the African systems as well as some cases, in order that we can compare and contrast, the development, the interpretations through law. As you know there is no point in having all these Conventions, all these laws if at the end of it, we have papers and books and lots of files to take back home. It is more about using these laws for the very effective implementation to meet the objectives and purposes for which they have been formed and giving it a purpose in the interpretation.

Now, to appreciate the phenomenon of globalized crimes and this is where I would want you to understand, this is just part of a larger part of globalized crimes I would like your attention to be drawn to what is happening in globalized crime. At the end of it what I would want you to understand it is the fact that human trafficking as a globalized crime is happening everywhere in the world and even in our own countries. To appreciate the growing phenomenon of globalized crimes let's consider the following; the drug ecstasy manufactured in the Netherlands is trafficked to the United States by among others Israeli organized crime groups. Next, a computer virus designed and sent from Philippines causes computer in many US government agencies to be shut down as long as a week. A US bank discovered that it was being used by Russian Organized Crime to launder money. Look at the geographical distances; look at the boundaries that it has to traverse. A Columbian crime group reportedly checked via computer the bank accounts and stop drivers at road blocks to select rich kidnapping victims. These examples represent the new face of crimes, the extent of such illegal activity has increased enormously in the wake of we all know today to be the globalization. Those involved in it have no respect for loyalty of nations, boundaries or sovereignty. Meeting the bad challenges posed by the growth of globalized crimes, our policy must also include increasing resources devoted to fighting transnational crimes. This is the problem Asian and African countries have and I know our Minister also is very concerned about this. Reaching out to other nations, using this money, using these funds so that it becomes a policy decision to set aside resources for fighting transnational crime and reaching out to other nations to develop a global response, especially in our regions and maintaining a steadfast determination to use all available legal means to counter this threat. This is particularly true for the developing world and in countries with fragile economies in transition.

The Convention on the Transnational Organized Crime helps governments to prevent and combat transnational organized crime more effectively through a common tool kit of criminal law techniques, and through international cooperation. It requires State Parties to outlaw some of the most prevalent types of offenses committed by organized crime groups. International community recently took steps towards ensuring that the crime of trafficking receives a universal recognition.

Now let us deal with the crime of trafficking. Governments signing the new Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children agree that trafficking is a serious international problem and it is not the same as smuggling of migrants. The progressive modern view contained in the Protocol reflects the complicated reality of this crime. Trafficking involves all forms of documented and undocumented movement of people across or within borders by whatever means for the purpose of slavery forced labour or servitude in a multitude of Industries and sights. While the Trafficking Protocol represented a tremendous step forward, it does not fully incorporate international human rights standards guaranteeing all persons even undocumented victims of trafficking access to justice and basic things such as temporary shelter, medical care and food. All those who work with people who have been trafficked know the enormity of the problem of people who often are not considered in our criminal law, the problem of the victim. The provisions ensure some physical safety for trafficked persons to assist in prosecuting their traffickers but leaves the provision of services and protection to the discretion of governments. Often, governments who do not have sufficient resources and to whom this cannot be a priority even if the government has the adequate financial resources confiscated the assets of the traffickers. The Protocol does not require the governments to grant temporary visas or permanent residence to victims when traffickers in the whole country poses serious threat to their safety. This has not been considered by domestic legislations. Domestic legislations then must cure this serious failure by the international community to affirm the migrant victims of trafficking are entitled to basic human rights.

Around 200 years ago slave trade was abolished and it was universally accepted that all human beings are born free and equal in dignity and rights, every one of us when asked whether you want your position or your ability to be free would choose that wonderful thing called freedom. Today we gather as free men and women to reaffirm our commitment to re-abolish slavery and to continue our fight against human trafficking conceptualized as the modern day slave trade of the present century. In the long history of human wrongs the trade in human beings will go down as one of the greatest crimes ever committed against mankind. I am just going to take you very quickly to the statistics. It is important for you to look at the figures, 700,000 to 4 million women and children are trafficked and we find that according to the Reports of various Organizations and I quote them to show you that these statistics have been widely considered, compared and found to be correct. That human trafficking ranks amongst the top three highest illegal criminal industries along with illegal drugs and arms. We talk of illegal drugs and arms all the time, but remember that trafficking is amongst the top three. According to a report of the International Labour Organization (ILO) in 2002 the number of children trafficked is for forced labour and sexual slavery reported to be as alarmingly as 1.2 million. This is very

important because often people say this and indeed in the SAARC region we made this mistake initially that trafficking is about women and children. No, these are the percentages, males 12%, women 66% and children 23%. People who are trafficked into the Middle Eastern Countries for instance for forced labour have been known to be making continuous labour for as long as 16 hours without pay. It is common for such domestic helpers to be regularly subjected to starvation, sexual exploitation, coerced abortions and beatings by the owners often resulting in the death of the victims.

Now, I know this is something all governments are working towards it is the individuals who do this and governments are also having on their hands problems as to how do we mitigate the outcome of something that is profitable to our countries but will not harm the people of our nations. I would also like to touch on the next Protocol which is the Protocol to Prevent, Suppress and Punish in Human Beings specially Women and Children. This is one of the first Protocols on transnational crimes. In this I want to very quickly touch on certain issues. In trafficking there are certain things like the causes of trafficking, that is the push factor and the pull factor. At one glance you can understand this.

Push factors are lack of economic opportunities, social exclusion, and lack of awareness, gender discrimination, migration, poverty, illiteracy, dowry problems, natural disasters, landlessness and empowerment. These push factors push the people to look for employment elsewhere, pushes people into sex trade. What are the pull factors? The demand for services catering to men, urbanization, globalization, free market economy, economic solvency, better job opportunities, promise of employment and better marriage, influence of the mass media, and information technology. Lots of the Countries of origin are countries like Bangladesh, India, Nepal, Sri Lanka, Thailand, Philippines and the geographical location and routes of some of the countries may end up as a source country where they are found, that is the country of destination. Hong Kong, India, Japan, Kampuchea, Malaysia, Pakistan, Taiwan and the U.A.E. The procurement process can involve kidnapping, abduction, promises to marry, deceiving women and children, rape or sexually abusing women. The consequences to every single of what we are talking about are so many hundred thousands; we talked of figures of so many millions. Every one of them is a person and every one of them would go through psychological trauma, mental abnormality, unwanted pregnancies, sexually transmitted diseases, HIV Aids, social outcasts. What happens to these people? They come back to our countries and then they become a burden to the State and state has to find funds for their health care for reintegration into the society and for their additional burdens cast on the legal system. These people are of course involved in prostitution, domestic labour, bonded labour, begging, camel riding and some other things. And the possible future that we can really look forward to is to adopt prevention measures and awareness building which is the ground norm of the work that we are doing. It is not in our courts of law but only through sensitization and awareness building, rescue, rehabilitation and reintegration, legal support and advocacy at all levels.

The Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, in its Article 3, mandates the States to criminalize trafficking in human

beings, attempting participating as accomplice in and organizing or directing others to commit the offence of trafficking. What is the definition the Protocol uses. It says that “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. This includes, that is, 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 and includes what is now becoming a very worrying factor, the removal of organs of victims. The consent of victims is irrelevant while criminal law defenses are preserved. A person is considered to have been trafficked even if he has given his consent to it and a child is anyone under 18 and can be considered trafficked if they have been recruited and transported into slavery like condition even when they have not been deceived using force and other measures. They do not understand, they do not want to get involved in this. Nevertheless when a child is taken out it is considered as trafficking.

International law is a powerful conduit in combating human trafficking. The most reputable and recent instruments of international law which had set the course as to how to define, prevent and prosecute human trafficking is the United Nations Convention against Transnational Organized Crime and its two related Protocols. The two related Protocols, and I have just touched on this, is to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children does not exclude men and infact at a SAARC meeting when we were trying to formulate the group got together and said that it’s all about women and children. We found that there are a lot of boys in Asia who have been trafficked so we say it has to involve the men. There are men who have been trafficked; it has to involve them in. So it is now the trafficking in persons.

Though trafficking in human beings is an age-old custom, it was not until the December 2000 that the international community reached a consensus on a common definition which was adopted in the UN Convention on Trafficking and its Protocols that I have mentioned. We will refer to it as a Palermo Protocol and I am sure you will hear it more and more. The Palermo Protocol, which entered into force in 2003, says that what trafficking is and it gives a very clear definition. I won’t bore you with my definitions, but my speech will be available and I think you can get it from the web site eventually. It also includes trafficking in children and there is a part of it that speaks about the assistance and protection of victims which is also involved. The definition of trafficking in children, I want to emphasize because it is important to know that the children are the most vulnerable, they are our future and concentrating on them means you and I invest in our own children and grand children. Trafficking in children shall mean ‘the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation’ and exploitation, at a minimum, would include the exploitation of the prostitution of the others, other forms of sexual exploitation, forced labor or services, practices similar to slavery, servitude and the removal of organs. Now the basic elements of trafficking are three fold; there is an objective action, there is means and there is a purpose. The process

is an objective action and it is not necessary that a border should have been crossed. The means could be threat or use of force or other forms of coercion such as abduction, fraud deception, abuse of power, or position of vulnerability or the giving or receiving of payments or benefits to achieve the consent of parents having control over the other person. When people speak of Asian and African they talk of the horrible mothers and fathers who sell their children. What about the horrible people who buy these children? We sometime forget that it takes two parties and we subscribe to the stereotyping in thinking. Then the purpose must be for exploitation and as I told you what it involves is everything from slavery, servitude and the removal of organs. The statement of the purpose of the Protocol under Article 2 provides that the objective of the Protocol are to prevent and combat trafficking in persons, paying particular attention to women and children; to protect and assist the victims of such trafficking with full respect for their human rights; and to promote cooperation among States Parties to meet those objectives. This is why gathering together at one roof in different parts of the world is so important because quite apart from what you hear from these platforms, you have discussions, dinners and parties may be just having a morning cup of coffee and it is a time of exchange and fellowship that will help towards ultimately building up stronger body of laws to combat trafficking.

The UN Convention on the Elimination of All Forms of Discrimination against Women is also one of the other Conventions that can be used. Now we cannot take the most recent Convention what we have is the Palermo Convention by itself. We have to read it and now reinterpret some of the Conventions that have already been existing such as the Convention on the Rights of the Child, the UN Convention on the Elimination of All Forms of Discrimination against Women, the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution 2002 and as I have told you at the moment we have formulated a new Protocol that we want to add to the Convention so that men could be included into this, the ILO Convention on the Worst Forms of Child Labour, and various other Conventions, the Jakarta Recommendation for Action recognizing the Protection and Empowering of Women, Migrants Workers in Asia, the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child Pornography.

My dear friends the 22nd century problem is going to be pornography. Today I do a lot of work at the grass roots level; I go to different parts our country. Because of communications which have wonderful effects on the one hand, is also extremely destructive to the minds of children when the choice is there for them to download the pornography. More and more our Courts have to deal with it. Thanks to the Ministry of Justice, Mrs. Kamalini De Silva, IOM various organizations who came together to give programmes designed towards sensitization to judges, police officers and all those who are involved in offenses like trafficking, they are able to understand these offenses and they are able to relate it not as something that is purely punitive. But as a Judge something has to take more than passive role sand more than the kind of adversarial procedure to be the focus very much on combating trafficking. When the judges are facing these cases more and more children are being reported and produced before courts for some kind of minor sexual offenses at the age of eight, nine and ten. When they are

being investigated it is found that they carry pornographic material on their telephones on their laptops and everywhere else. I thought this was a problem in our poor developing countries. Recently I heard from somebody who had come in from Australia and who is an expert on trafficking told me that it is one of their biggest problem that they are having right now and that they have just realized that the amount of pornography that is there and how it discriminates and violates the rights of those who are already vulnerable, already who are being discriminated, so they are being doubly discriminated and they are women and children and also young boys. I have a little criticism. We have to take note of this criticism because we are the judges in the region who actually give effective enforcement to these Conventions and it becomes a reality in countries as you know that in the dualist system enabling laws needs to be adopted and applied and hence the Judges who are involved in the legal fraternity they have to give effect to these laws. Now we find that the Protocol has failed to address one of the most important aspects of the human trafficking the factors that maintain the demand on human trafficking such as poverty, something that affects most of our regions, unemployment, gender discrimination, cultural religion traditional practices, denial of access to education and others. I find that all our religions the purest sense of it is the highest protection in every religion and I have made a study of it I went to the Maldives as a consultant and at the invitation of the Commonwealth Secretariat and there I found it is amazing. We often think that Middle Eastern women are discriminated. But the Holy Quran has one of the wonderful protections of family and children in its purest sense. Now what they have done in Maldives is that they have codified the Shariah law. I think they are one of the early countries to do so conferring wonderful protections for the children. All our religions, all our cultures, in their purest sense always protect vulnerable and provide for the vulnerable. They are never intended to use discrimination or to take away the fundamental rights guaranteed by our charter of human rights that we all so freely enjoy without understanding the values of it. These values which are cherished in the Charter that are human dignity and human respect.

I would also now talk a little about the enforcement of international law domestic and regional legislations. I will not deal with the different instruments because it will be available to you. But I would like to take selective definitions on human trafficking in domestic legislations because after all that is what our countries are going to having to deal with. We deal with international law issues even though it has not been brought into as law domestically, so we have judge made law incorporating it. Also there are times when we have to be cautious about enforcing the laws. The US government has a broad definition of what trafficking means. It says 'sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or ... the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery'. I would like to point out that the term peonage is a nice new word not found in the laws of other countries. The term sex trafficking means recruitment, harbouring, transportations and obtaining of a person for the purpose of commercial sex act. It talks about commercial sex act.

Now the law sometimes is watered down. It also talks of severe trafficking in the definitions that have come out of it. What is severe trafficking? The US, which has taken the definition of trafficking from the UN instrument, focuses on exploitation rather than coercion and explicitly makes consent irrelevant to the determination of the trafficking of victim. Now, there is no distinction in the US law between trafficking domestically or within the boundaries of a single country and international or cross border trafficking. The US does not and has omitted reference the removal of organs as a severe form of human trafficking. What do we mean by the severe forms of trafficking? These are words when they come to the courts of law will trigger problems. Now China on the other hand adopts a much narrower definition and it says for the purpose of selling, the article does not include sexual abduction of people with no intention to sell, but for direct services like forced labour, sexual exploitation. It also refers to children as people less than 14 years, so 15 not a child, 16 not a child whereas the UN Protocol defines a child to be any one under the age of 18. China's criminal law states that, this is very interesting, not more than 3 years is the punishment and it talks of kidnapping of a women and child, enticing or forcing women to be trafficked by gang. There is very little focus on the normal individual day-to-day cases that we come across in our world. The law rather is very amorphous. I would think that the Chinese Judges will have a lot of problems in trying to interpret this in their courts of law.

In Sri Lanka I have to say, this is not something our particular minister has done, so the credit cannot be his alone, though he has helped. Consecutive Ministers of different governments have been working because of a wonderful team of people led by the Secretary Mrs. Kamalini De Silva working in conjunction with an NGO called IOM in Sri Lanka. We have probably one of the best laws in the region; I am not saying because I am standing here, I am saying it as a Judge who had done comparative analysis of the laws. That is because the Amendment Act 16 of 2006 provides a broad comprehensive definition of human trafficking. It says it includes, because very often lawyers stand up in what we call adversarial systems and say that but the law does not say this and they try to minimize the law. As an activist Judge I can tell you we really had to work a lot to make this an inclusive provision. Here the definition which is inclusive says that buying selling bartering or abetting the sale, very simple, very broad recruitment, transferring or receipt of persons for the purposes of trafficking is also punishable. In 2006 an Amendment Act criminalizes the multiple forms of trafficking and exploitation including forced or compulsory labour, slavery, servitude, organ removal, sexual exploitation or any other act. We do not know what sexual deviance is going to lead up to, what the exploitation of human beings is going to end up as. This is a wonderful very broad interpretation.

On conviction the prescribed penalty for trafficking is no less than 2 and no more than 20 years rigorous imprisonment. It can also be combined with the fine. This is very important, because Judges sometimes use the fine and give it as compensation to the vulnerable victim before them. For an offence involving a child less than 18 years of age, the minimum penalty is enhanced to 3 years of rigorous imprisonment. In addition under the 2006 amendment of the Penal code in addition to debt bondage, forced or compulsory labour, slavery, recruitment of children to be used in armed conflicts, this is something missing in most countries, certainly it is not there in the USA, illicit forms of adoption,

solicitation of a child for sexual abuse. The 2006 Amendment also requires the computer service providers to take necessary steps to prevent child abuse and imposes a general duty to inform the police of those premises that are knowingly being used for child abuses. We can see the difference and I told you already that I do not like to boast about our law. But I am truly satisfied with the law here. Laws in other countries do not have these features. Let us now touch Bangladesh, because Bangladesh is doing wonderful work. In fact many of the meetings of SAARC are held in this Country and in South Asia, their laws are a very good role model. They have redeveloped a lot of basic infrastructures to accommodate better systems to combat trafficking and of course we are all third world developing states so there are limitations. We took the Palermo Protocol virtually in verbatim. We have gone for other definitions. I think that has to do with the sensitivity with the religious problems that they have bringing women and children from aboard or sending them out of country. So women are not able to go out, dealing in the purchase and sale of women or children or hiring them over for torture or other similar purposes, keeping women and children in possession or custody for some purpose. Indeed the Article 1 of the SAARC Convention defines trafficking as 'the moving, selling or buying of women and children for prostitution within and outside a country', because you must remember one of the biggest problems these countries have which are around sister India, as we would like to say is the fact that sometimes young girls are tricked or seduced for monetary or other considerations with or without the consent of the person and finally end up in brothels of Bombay, Delhi and places like that. It is not that we do not have, all our countries, if we are honest with ourselves, we have this problem of exploitation of human beings. Due to the reasons that domestic laws carrying varying definitions for human trafficking international conferences prepared for different stakeholders the definition for human trafficking has been of practical significance for the fight against human trafficking. There are just a few cases that I would like to touch on.

In one of the landmark judgments in this area came out of Russia. This concerned the death of Axana on the basis of an action brought by her father. Axana moved from Russia to Cyprus and started to work as a cabre artist. These are the cases we must focus on. As usual it was widely known that these were the places where they were in practice mostly girls working as prostitutes. I would like to give these details because you know sometimes we live in echelons of power and would not know really what is happening. It was mostly known that these artists were most widely practicing as prostitutes. Within a few weeks she left the place where she worked but was traced by her employer who brought her back to the police and with the aim of extraditing her so that he could employ someone else. The police noted that she was not illegally staying in Cyprus but had a work permit, but that is the minute narrow focus of the police. What they did was saying her to go back. Later that night she tried to escape from her apartment where her employer was keeping her and in doing so fell of the balcony and died. In spite of the mysterious circumstances of the death the context of a possible human trafficking was never looked into by the authorities.

Then there is another landmark case from Australia where the charges related to women who are purchased from Thai recruiters for about \$ 20, 000 each from Thailand to work in a Melbourne Brothel. Under the terms of recruitment, agreement and purchase, each

women owed a debt between 40, 000 and 45, 000, by the time she ended in Australia. The debt involved expenses supposedly incurred in transporting the women to Australia and resulted accommodation and incidental expenses as well as a profit margin. In order to pay off the debt the women were required to work six nights a week servicing clients at the respondent's brothel. Although the women were provided with accommodation and food they earned nothing for them until their debt was paid. However, magnanimously the women were given the option of working on the free seventh day of each week and were able to retain any earnings made on those days. They were taken into custody and the Supreme Court gave a very nice judgment extending definition of trafficking. In Bangladesh in the famous case of Abdul Kafi Vs Secretary, Ministry of Foreign Affairs a very good judgment came out. It was a case in which a girl who was abducted by traffickers and was sold and brought to India and subsequently residing in state-run shelter in West Bengal. Her father requested from the government of Bangladesh to take steps for her repatriation. But the government failed to take any decision. He filed a writ petition requesting the court to direct the Bangladesh government to take the necessary steps. The father of the girl argued that the victim is a citizen of Bangladesh, who has been abducted from Bangladesh and taken to Calcutta and now detained in custody and that the victim was legally entitled to get the protection of the law. In this case the Supreme Court of Bangladesh clearly recognized the right of repatriation as a fundamental right of citizens where such persons were subjected to cross border trafficking. It also emphasized on the state's responsibility in ensuring repatriation.

Then a case which was heard in France a Chinese couple bought a property that they intended to open as a restaurant. At that time these men had hired this restaurant was an open and unfinished construction site. The men lived there had nothing but a mattress on which to sleep. They ate on the ground because there was no table, no bathroom or hot water. They had to work 12-13 hours a day every day and including the weekends. They were paid irregularly and the amount of pay was disputed. The Court found that there was trafficking conditions were present. What is important to know here is that the handful of crimes to which the law of nations attributes is the individual liability such as state action not required. And in the district court it was noted at the end of it that this was modern day slavery.

I also want to touch on an important point before I end, that pertains to the issue who are the stakeholders. The general public has to be drawn in through sensitization and awareness, especially health care workers, religious institutions and community organizations. They can assist in locating victims of trafficking simply by being aware and knowing which questions to ask. Individuals can be alerted for signs of abusive conditions when they visit the homes of businesses, or persons who use unskilled or low skilled immigrant labour. Fortunately it is necessary to use caution, conducting and law enforcement because in many countries corruption plays a central role in enabling traffickers to operate. Reporting with the authorities about trafficking should only be done after consultations with NGOs that are knowledgeable in the trafficking situation of the Country. Public Officials also play an especially important role in detecting trafficking. Consular employees, immigration officers, housing inspectors, labour

inspectors, emergency medical team, health workers, police officials and prosecutors from the Attorney General's department.

At the end of the day we are all looking for peace. Do you see that little child that is cuddled in the arms of his mother? What is the intrinsic one factor that brings about peace? Peace is not an event. Peace is a journey. The backdrop of that journey must and where there is trafficking, where there is exploitation, we are poor countries having little resources there cannot be harmonious conditions. And that is what we have to earn for. I do know that some of the actors who are in this meeting that all our countries are poor. We would like to have wonderful infrastructure, beautiful services, we would like the police to be perfect, we like to pay very high salary so that people would not involve in corruption, we like all that. Sometimes when you are taken to the American court houses the Canadian court houses, countries which are developed the feeling is that we are like flowers and the type of justice that emanates from the country, the types of actions that are done by the people of our country is not second best to anywhere in the world. I would like to think that the power of the judicial forces, the power of the administrative system of justice, maybe we have our problems but to most of us the poverty does not matter. It is the fire that burn within us that we want to make a difference. We would encourage you like lotus flower so that you would really make a difference in relation to the horrible crime called trafficking. May god bless you and I thank you.

President: Thank you very much Her Ladyship Shiranee Tilakawardane for that passionate and articulate presentation on the subject. As a matter of fact and let me move away from my hat as the President and try and say a little bit about the work that we have been doing in our Ministry of Justice. We have set up an anti human-trafficking task force under my Ministry where we bring in all the agencies connected with all the departments dealing with immigration, police, criminal investigation department, labour department, child and women welfare, all these different agencies are brought together as the anti human rights trafficking task force. This has resulted in us being able to coordinate in agencies like the International Organization for Migration, UNICEF and various others and they have been assisting us tremendously. this has resulted in some landmark achievements and only three months ago we were able to successfully prosecute the case of human trafficking where two unfortunate victims, Uzbekistan women who were considered as victims and we were able to prosecute successfully and conclude that case. That has become a landmark case in this country which in fact would certainly pave the way for us to continue in dealing with this modern day slavery issue which has become a serious international menace. With those comments and before we hear out our next panelist, we will have a break and I am sure that Justice Tilakawardane will be kind enough to stay behind. And yes she has kindly consented to stay behind. I thank you very much.

Tea Break

President: After the tea break, we have our next speaker Mr. Richard Danziger. He assumed the office as Chief of Mission for the IOM in Sri Lanka in mid-July 2010. Prior to this, he was the Head of Mission of the International Organization for Migration

(IOM) Counter-Trafficking Division based in Geneva, since 2004. His work entails in developing IOM's overall policy on combating trafficking in persons and advising the Organization's Member States on their own anti-trafficking Statutes. He was also responsible for administering IOM's global database on victims of trafficking and the global assistance fund which provides assistance and protection to victims of trafficking around the world. Mr. Danziger also held the positions of IOM's regional representative for West and Central Asia, Chief of Mission in Afghanistan, Indonesia and Pakistan and was assigned as Senior Technical Adviser to the Palestinian authority, in the year 2000. Mr. Danziger was the IOM's original focal point for the Bali Process on People Smuggling and Trafficking in Persons and its relation to transnational crimes. He was the founding member on the Steering Committee of the United Nations Global Initiative to fight Human Trafficking (UN.GIFT) and is currently chair of the World Economic Forum on Global Agenda Council on Illicit Trade. I have the pleasure of calling upon Mr. Richard Danziger to address this session. Thank you.

Richard Danziger, Chief of Mission for IOM Sri Lanka: The Title of the topic: "Combating Human Trafficking, the exploitation and abuse of migrants: a Systemic Approach".

Excellencies, Honourable Ministers; Chair of this session Mr. Rauff Hakeem; Excellency Prof. Rahmat Mohamad, Secretary-General of AALCO; Hononourable Ministers, Justices and Judges and Dear Colleagues; it is a pleasure to be here speaking at this Fiftieth Annual Session of AALCO. I think I should say that I am not a lawyer but I would be focusing on legislations. I would like to start with a short instance that happened in Afghanistan when I was there in 2003. This was right after the United States war against Afghanistan. There was money pouring in from various development agencies in the country. A CNN-IBN reporter went up to this old man in Kabul, and asked how he saw the situation. The old man replied would you like to have a short answer or a long answer. The reporter said he wanted a short answer and the old man goes 'good'. This wasn't really much for the evening news so the reporter asked for a long answer, to which the old man replied 'not good'. I think this is very much we are today when it comes to human trafficking.

When we look at the situation today and the work many of us have done over the past 20 years or so, we can say with some satisfaction that the situation is positive: a large number of states have ratified the United Nations Protocol; there are national action plans and referral systems; there are regional action plans and bilateral MoUs, a multitude of shelters, a number of law enforcement units dedicated to fighting human trafficking and so on and so forth. But having achieved all this, have we actually made any impact?

If we look at the estimates of the number of individuals trafficked, these have hardly changed over the past ten years. One could take to task the methodologies used in calculating these estimates, but a number of dedicated activists and practitioners believe that if anything the problem may have become worse.

What then has gone wrong? Why, with all the progress that has been made in establishing protection and prosecution systems, does the problem remain much as it was ten years ago? We could start by asking ourselves whether the Protocol has provided a viable road map to combat trafficking. From a migration angle I would have to venture a “no”. I say this based on experience in the field where one of IOM’s primary roles is to provide assistance and protection, not just to victims of trafficking, but more generally to migrants in a situation of distress.

The definition of human trafficking is extremely complex and can be interpreted in any numbers of ways. This lack of clarity as to what constitutes human trafficking cascades down to the level of the person or institution tasked with identifying victims. In 2009, IOM undertook a four country comparative study of trafficking legislation and procedures in Austria, Belgium, Italy and the United States, and the principal conclusion was that the provision of protection often comes down to an arbitrary decision: that of whether or not an individual is a victim of trafficking. If the decision goes against the individual, not only will they not receive protection but they may be liable to prosecution under criminal or immigration law. IOM staff and others regularly come across abused and exploited migrants in this unenviable situation. In IOM we increasingly use the terms “abused” and “exploited”, because the term “trafficked” in the legal sense is often little more than an arbitrarily decided administrative category that excludes a vast number of vulnerable migrants in need of protection. This situation which some have described in terms of a hierarchy of suffering, indicates that there is something fundamentally wrong with the current system. The Protocol – and the way it is used by governments as the international legal instrument of reference when it comes to exploited and abused migrants in general -- has contributed in a large way to this confusion.

Faced with the frustrating lack of progress made in combating human trafficking, rather than re-examine the reigning framework and strategies governed by the Protocol, there has been a tendency toward an emotional response typified by increasing reference to slavery rather than trafficking. The language of slavery is the language of good and evil. It is part of a pre-modern vocabulary that reflects a simpler era; it leads to powerful but futile condemnation of the phenomenon as “shameful”, “egregious” and “horrific”. This linguistic simplification mirrors the general treatment of human trafficking with its tendency to lock the phenomenon into a Manichean box and try to address it as a stand-alone issue without taking into account the broader, complex and often politically sensitive factors that provide an enabling environment in which human trafficking can flourish.

Migration is the most obvious phenomenon we need to look at in order to provide context for an analysis of human trafficking. The number of migrants worldwide today is over 200 million, and while it is impossible to predict the realities of future decades, if global social and economic disparities persist, and current demographic trends continue, the stock of international migrants in 2050 could be as high as 415 million. Faced with new and complex global phenomena that pose enormous challenges, there is a tendency for governments to opt for a securitization approach (much as others, as mentioned above, retreat into the vocabulary of good and evil.) In the case of the growth in irregular

migration this means that the favoured policy is that of tightening visa and immigration regimes and strengthening border controls. But this approach does nothing to alter the fact that changing demographics require industrialized countries to find workers to replace their aging populations. Regrettably though, this is not a truth that can easily be told by politicians who wish to be elected by increasingly anti-immigration and sometimes xenophobic constituencies. The result is a growing market and increasing opportunities for human traffickers and smugglers who can assist migrants in bypassing migration controls, and a consequent increase in migrant vulnerability.

In the context of globalization and the liberalization of markets, it is often said that capital can be separated from its owner and whizz around the world at the speed of light, whereas labour cannot be separated from its owner and therefore cannot obey the same laws of the free market. But labour is being separated from its owner, be it by traffickers or unscrupulous employers who see migrant workers as cheap, unprotected and exploitable labour. It is a form of alienation that even Marx did not envisage: hundreds of thousands of individuals transported across often great distances to situations where their labour is separated from their humanity and any semblance of community and family or social support and protection. And while governments are busy trying to develop new migration policies (that regrettably focus too little on safeguarding the rights of migrant workers), many are at the same time tolerating the exploitation of migrant labour which can be tantamount to subsidizing whole sectors where this form of labour abounds.

Irregular migration – and I do not make the distinction here between human trafficking and smuggling both of which, as we have seen, can result in an exploitation outcome – can be seen as one component of the broader phenomenon of illicit trade. The World Economic Forum Global Agenda Council on Illicit Trade, a grouping of academics, business leaders and NGO and IO representatives, has defined illicit trade as “money, goods or value gained from illegal or commonly viewed to be unethical activity, and which generates economic, social, environmental or political harm.” It encompasses *inter alia* natural resources, arms, human beings, narcotics, counterfeiting and tax evasion. It is estimated that 8-10% of global trade (or some 650 billion USD annually) is illicit which is not far off the percentage of transnational migrants estimated to be irregular (10-15%).

As with the exploitation of migrants, much (although by no means all) of the harm caused by illicit trade falls on developing countries. This can take the form of depletion of human or natural resources, the flight of capital (an estimated 1.3 trillion USD has been illegally transferred out of developing countries) and even the collapse of fragile states.

But why, you may ask, do I wish to further complicate an already complex problem by bringing in to the equation an apparently quite different issue? For most States, managing migration in a comprehensive way poses a challenge. Policies that deal with specific migration issues are often isolated from other policies and, owing to political implications, are often short sighted and reactive, concerned primarily with addressing immediate short-term challenges. The same is true in the area of trade where one corporation’s efforts to eliminate illicit trade from its business, or one government-led

effort to eliminate illicit trade in a particular sector, will generally have limited impact on the broader problem. For one thing, the criminal groups involved in illicit trade have the built-in flexibility to move from one trade to another (including the trade in human beings) depending on the risks and opportunities involved.

A systemic approach that incorporates the whole panoply of illicit trade is warranted, and not just because of the varieties of trade but, even more importantly, because of its inter-linkages with major global risks such as corruption (both a driver and consequence of illicit trade), terrorism (which is partly fueled by profits from illicit trade), fragile states (massive illicit trade often being their cause and nearly always an important consequence) or economic disparities (which contribute to and are exacerbated by illicit trade.)

A systemic approach to addressing the problem also requires the engagement of all concerned parties, namely private sector, governments and civil society, all of which have a stake in the elimination of this phenomenon that harms business, society and state sovereignty. All also have key roles to play whether in developing and enforcing regulatory frameworks, monitoring supply chains and eliminating illicit trade components, or raising social awareness.

While we need to guard against the commodifying of migration and the consequent risk of underestimating the motivations, experiences and rights of individual migrants, if we are to build a safer global migration framework we need to view migration as a form of exchange much like international trade. A global trade regime that is both free and fair requires a strong regulatory framework that leaves little space for the operators of the shadow economy to engage in illicit trade. The same holds true for an international migration management framework. Similarly, practices such as agricultural subsidies in Europe and North America that upset the whole notion of free and fair trade, have negative consequences for migrants and potential migrants. The subsidies that prevent farmers in developing countries from marketing their produce often push them into migrating irregularly for work to the country where the subsidy is in place (and where, ironically, they may end up working in substandard conditions on a farm.)

Migration, whether legal or irregular and just like the trade in goods, obeys the laws of supply and demand. As long ago as 1997, a pair of researchers, John Salt and Jeremy Stein, wrote: "Today, it (migration) is better regarded as a diverse international business, with a vast budget, providing hundreds of thousands of jobs world-wide, and managed by a set of individuals and institutions, each of which has an interest in how the business develops." This is even truer today in 2011 when the world has felt the full force of globalization. Just as migration has profound consequences for human rights so does international trade, and if we are to find long-term solutions to the question of protecting the rights and well-being of migrants both actual and potential, we need to do so within the framework of realizing the civil, economic and social rights of all individuals. A first step could be to start considering migration and trade policies together with the aim of establishing an international, development-oriented trade and migration framework that benefits both individuals and states. Thank you very much

President: Thank you very much. Our next speaker is Mr. Ron Powels. He worked for Dutch Section of Defence for Children International in the Netherlands from 1993-1995, and at the Centre for Children's Rights, Kuleana, Tanzania from 1996-1999. From 1999-2002, he worked as Associate Protection Officer in UNHCR, Ethiopia, and in 2002-2003 as Regional Child Protection Officer in Kenya and from 2003-2004 in Zimbabwe as Project Officer Child Protection. From 2004-2009 he also served as Senior Adviser for Refugee Children at UNHCR Headquarters in Geneva. I have pleasure in calling upon Mr. Ron Pouwels to address this assembly. Thank you.

Mr. Ron Pouwels, Regional Advisor-Child Protection, UNICEF Regional Office for South Asia: Mr. President, Secretary-General, Honorable Ministers and distinguished delegates, it is an honour for me to speak at the Fiftieth Annual Session of the Asian-African Legal Consultative Organization and I would like to congratulate for the golden jubilee and I am very pleased to speak on the issue of child trafficking. In my presentation I would focus on child trafficking in Asia so I apologize to the delegates from the Middle East and Africa since my presentation will only cover the trends in one specific region and just briefly on the experience of UNICEF in this area. We have been working in the area of child trafficking for over ten years, looking at prevention and looking at these issues. I will come back to the details later. We have been working with governments, with NGOs, with IOM and different other UN agencies in a number of countries in this region where we focused on a number of issues including advocacy and provision of technical support to governments related to the Palermo Protocol and the UN CRC commitments. As well as we have been focusing on development and enforcement of laws and policies on bilateral and multilateral agreements between countries on universal and targeted prevention and again I will come back to that later and strengthening social welfare services and social behavioral change. We have looked over very early this morning the definition of trafficking under international law which is mentioned in the 2000 UN Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children. It is important to note here that the Convention follows the definition of the Convention on the Rights of the Child and states that child shall mean any person less than 18 years of age. When we look at the definition of trafficking under international law, the Palermo Protocol has the most comprehensive legal definition of human trafficking and it distinguishes between adult and child trafficking. It also requires state parties to assist and protect the victims of trafficking, taking into account the special needs of child victims. It is also important to note that since not all States have ratified the Palermo Protocol, it is necessary to look at the Convention on the Rights of the Child and its Optional Protocol on the Sale of Children, Child Prostitution and the Child Pornography. In the latter, you would see an overlap between trafficking and sale of children meaning that the child transferred by any person to another for remuneration or any other consideration for the purpose of exploitation constitutes both. It is also important to note that the CRC has an article that focuses on prevention and states that State Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or trafficking in children for any purpose or in any form. The CRC, having been almost universally ratified, needs to be kept in mind as well when we are working on child trafficking.

What are the key differences between child and adult trafficking? There are two: first of all children cannot legally consent to exploitation in general and secondly, it is not necessary for coercion, deception, or abuse of power to have taken place. Now we can see that here in these slides when we are looking at the key elements of trafficking in relation to adults there is a process, the means and the purpose as was already mentioned clearly in the presentation made by the Hon'ble Judge Shiranee Tilakawardane. When we are looking at trafficking of children the means are no longer relevant, we are looking purely at the process for the purpose of exploitation. If you are looking at the regional trend which is the focus of my presentation we see that we have a number of challenges. First of all, the statistics on the prevalence of the phenomenon are elusive and unreliable due to several reasons. One, there is a limited definition or different definition of trafficking under national laws. There is an uncoordinated data collection between different entities within governments but also within other agencies or entities that deal with the issue of trafficking. There are distortions through data management and of course as very often with child protection related issues including issues of abuse, exploitation, we see that there is underreporting of cases. What do we see in the region in terms of the purposes? What we see are men, women, boys and girls for bonded and exploitative labour, domestic service, factory work, construction sites, fishing boats, begging, women, and boy's and girls into sexual exploitation. We also very often see there is a disproportionate focus of research and emphasis on this particular area very often forgetting that there are so many other areas of exploitative work where children or women are ending up in. We see trafficking in terms of women and girls for marriage, for illicit adoption, and in some areas in this region for involvement in armed conflicts as well as we have seen in the Palermo Protocol for the transfer and sale of organs. Just looking at issues around vulnerability particularly in relation to children, what we see is we have individual vulnerabilities. We need to look at these vulnerabilities particularly if you want to look at addressing the issues of the root causes, if you want to look at issues related to prevention so as individual many children have experienced violence and abuse, dropped out of school, they may lack citizenship or relevant citizenship related documentation, may have lack of access to law on safe migration, may lack life skills, we see trafficking in women and girls in terms of marriage, for illicit adoption, and in some areas in this region for involvement in armed conflicts as well as we have seen in the Palermo Protocol for the transfer or sale of organs.

At a family level, we very often see a breakdown experience of domestic violence within the family or neglect and abuse. It is also related to what is the status and role of children within the family. If you are looking at the vulnerability factors related to socio-economic side, we see that there is very often in families where trafficking is happening due to poverty, lack of education and viable employment, discrimination, wage differentials and lack of labour protection. Again these areas have been mentioned in the earlier presentation. But it is important to emphasize those if we are looking at the area of prevention. And of course in relation to trafficking, there is a demand for child labour, a demand for sex with children, illicit or poorly regulated adoption, and a demand for young brides. Now this is a very complex picture as you will see. These are some of the trafficking routes that exist. And it is to be noted here that when we look at the issue we have to concede the complexities of trafficking. In this picture that we see there are many

complex issues such as the internal trafficking, we see trafficking between countries, we see destination countries, we see countries that are countries of origin, and countries of transit.

Looking at a specific region the greater Mekong sub-region where UNICEF and a number of UN agencies have worked together to address the issues of trafficking. You see here again the different trafficking routes that exist. If you are looking at South Asia again the complexity of source and origin country destination and internal trafficking with some countries just being source countries, with others being both, countries facing internal trafficking, trafficking across borders, being a source country, destination country or a transit country in the region. But as you will see that there is no country that is not being affected by this issue. Some dynamics and I won't go through all the details here. But some of the dynamics of trafficking in East Asia and South Asia, just to mention a few, what we see for ex, in relation to Cambodia is internal trafficking of children, and women for sexual exploitation and domestic work. We see cross border trafficking to Thailand for sexual exploitation and labour exploitation, to Vietnam in relation to begging and to Malaysia for domestic work, for Indonesia there is internal trafficking as well as cross border trafficking to Malaysia, Singapore, Japan, Saudi Arabia, Kuwait, Syria and Iraq. We see both internal and external trafficking from Myanmar in relation to forced or hazardous labour, in relation to forced marriage and sexual exploitation as well as forced labour. In now PDR we see internal trafficking, cross border trafficking as well as transit through the country to Thailand. This trafficking is mainly related to labour exploitation or sexual exploitation. There is trafficking in and from Thailand as well as in and from Vietnam, the Philippines, China and Malaysia.

For South Asia we see trafficking in Bangladesh both internal trafficking for sexual and labour exploitation, cross border trafficking to India and Pakistan and we see trafficking in and from Nepal both internal as well as cross border trafficking and also in Sri Lanka. We have to remember that as was mentioned by the Hon'ble Justice this morning that behind every statistic is a human being. We are talking about children who are being exploited and forced to go through terrible situations in the region through trafficking that is happening. Just to refer to some of the work that has been done in the region some good examples include the bilateral cooperation for example, between India and Bangladesh where quite a lot of work has gone into making sure that there are good case managements and referral systems and there is rescue recovery, repatriation and integration work going on. We have persisted with that with two of our publications that focus on these areas. We have also done research within South Asia looking at prevention and responding to trafficking with a child rights based perspective as well as looking at certain initiatives that have taken place within the region. For South Asia, there has been an assessment in 2008 covering China, Indonesia, Lao PDR, Malaysia, Philippines, Thailand and Vietnam which had its objectives to review, achievements, weaknesses and lessons learnt and also to establish the future directions of our work¹. Some of the key

¹ The publication is entitled: "*Reversing the Trend: Child Trafficking in East and South East Asia*", [Unicef, 2009] available at: www.unicef.org/eapro . Other publications of the UNICEF in relation to child trafficking as it exists in South Asia include: *South Asia In Action: Preventing and Responding to Child Trafficking- Summary Report*, [UNICEF, Innocenti Research Center; 2008]; *South Asia In Action:*

findings which are not necessarily limited to the region and we will see that also in South Asia. But if we are looking for example, law and policy development and reforms, we see in terms of the legal framework as how trafficking is defined narrowly or inconsistent with the Palermo Protocol. We also notice that child rights to protection and services are inconsistently covered and there are no prohibitions against institutional detention of children who are victims of trafficking. In terms of the policy framework, most the Countries have numerous legal and policy frameworks on trafficking, there are even national plan of action against trafficking and as regards national plan of action which are more general and holistic mention may be made particularly about Indonesia which has a comprehensive national plan of action that is leading to integrated solutions and it is more cost-effective. It links to the issue of ensuring a systematic approach against trafficking. Within this scheme, prevention is extremely important, as you recall I drew your attention to CRC where the focus is on prevention, but what we see in the region is that prevention strategies are often weak. They may be driven by priorities of individual agencies, organizations are donors. Most efforts are focused on short-term awareness raising campaigns and small-scale vocational training not bringing into a larger scale and covering more children that is necessary. There is also a need for strengthening social welfare systems for children and families, which as I mentioned earlier addressed the vulnerability factors in child protection in general. There is also a need to recognize the fact, as we have seen before, that some children are more vulnerable due lack of documentation, there is a need to promote birth registration and access to citizenship as a means of prevention. We need to look more at campaigns based on evidence although as I said it is very get to get the statistics. But we are able to gather evidence in relation to the root causes which would help us to target the prevention activities. We have seen some innovative partnerships in the region such as vocational training for at least children who are in the hotels in Philippines and Indonesia. And we see some promising practices in Malaysia through education such as the school campaigns in the Philippines.

Also in the area of victim identification and protection, there is a lack of clear or specific national guidelines and accountability mechanisms which leave the identification at the hands of the discretion of the individual officials or sometimes even the NGOs. Again no systemic approach to victim identification and protection is followed. We have seen an endorsement by ASEAN of Guidelines for Responding to Child Trafficking Victims and it is important that the countries in the region are working on the implementation of that. There is an uneven the recognition of child victims. As I said earlier there is very much focus on sexual exploitation, there is not much of a focus on boys or those trafficked for non-sexual purposes. There is a lack of clear distinction between victims of trafficking and irregular migrants. When we are looking at the fourth element of child trafficking with regard to recovery, return and reintegration, there is a need for community based integration services such as standard for quality service delivery, capacity building for social workers, and also strengthening in general, the number of social workers that exist. There is a lack of and insufficient access to necessary services. Again very often children end up in detention centers or centers where they are mixed

Preventing and Responding to Child Trafficking- Child Rights-Based Programme Practices [UNICEF, Innocenti Research Center; 2008]; *South Asia In Action: Preventing and Responding to Child Trafficking: Analysis of Anti-Trafficking Initiatives in the Region* [UNICEF, Innocenti Research Center; 2009].

with adults. So it is important have available safe accommodation, medical care, psycho-social support and legal aid.

As I mentioned earlier, we have to abide by the principle of the best interest of the children which is mentioned in Article 3 and one of the four general principles of the CRC. This principle is often overridden by criminal justice goals leading to long placements in shelters and sometimes the holding of children against their will. And finally, social welfare systems are not in partnership with justice efforts. For example we do not see that there is sufficient focus on early identification of risks, joint assessments between the different sectors, also in relation to family tracing, best interest determinations and the reception of children. What is needed here as was mentioned in the earlier presentations as well, there is a need for systemic approach to address this issue that looks at the different areas with an initial focus and the primary focus on the issue of prevention making sure that we finally understanding why this is happening and addressing the reasons for this to happen. We should not, of course, forget the victims of trafficking and looking at the issue of providing them with the necessary protection and support, providing them with recovery, return and reintegration in their best interest. I thank you.

President: Thank you very much for that elaborate presentation. May I also take this opportunity to thank the IOM and the UNICEF for graciously consenting to co-sponsor the session along with our Secretariat. I thank you very much for that. Thanks are also due for the lucid presentations that both of you made and I would now call upon the delegations to comment on the topic. May I now request the leader from Thailand to make his presentation.

The Delegate of Thailand: Mr. President, Excellencies, Ladies and Gentlemen, trafficking especially in women and children and smuggling of migrant workers have become a transnational issue. Poverty is a major root cause of the problem, luring women and children into the business of sexual exploitation and slave trade. However, at present, we can observe that young boys are becoming the victims to pedophiles and illegal workers are susceptible to slave labour. These are violations of human rights and the degradation of human dignity.

Thailand has long been affected by and has been very active in combating human trafficking and smuggling of migrant workers. On 11 May 2010, the Thai government announced that fight against human trafficking is a national priority and launched the National Action Plan for the year 2015 to tackle the issue. This Action Plan encompasses new elements such as campaign on and publicizing safe factors for migration and the risk factors leading to trafficking of human and migrant workers. The National Operation Centre on Human Trafficking under the Ministry of Social Development and Human Security has been entrusted with the task of intra-agencies coordination in order to facilitate decision making among policy makers on how to prevent the problem and address the issues at national, provincial and international levels. Moreover, the National Action Plan emphasizes that anti-human trafficking and migration regime cover for inter-related elements “4Ps”, which comprises policy measures, preventive measures,

protection measures and prosecution measures. The 4Ps serves as a guideline for concerted attempt to capture the complexity of the problems and provide effective response in all areas including the justice system.

In Thailand, there are a number of government agencies that operate independently according to their expertise and authoritative power. Some of them are suppression agencies. Others coordinate intra-agency networks of officials in the area of information exchange, capacity building and integrated activities and projects. For example, the Centre Against International Human Trafficking (CAHT) under the Office of the Attorney General has been functioning since May 2007. The Ministry of Labour has set a hotline number 1546 to receive reports on abuse of labour by employers. Likewise the Bureau of Anti-Human Trafficking and the Department of Immigration under the Royal Thai Police are responsible for the suppression of human trafficking and smuggling of labour. Further, the Department of Special Investigation (DSI) under the Ministry of Justice has set up Bureau of Protection and Suppression of Human Trafficking. At the moment, the Ministry of Justice is in the process of amending the Special Case Investigating Act of 2004 to include human trafficking as an offence under the DSI's jurisdiction. These agencies collaborate under the umbrella of the National Action Plan mentioned above.

With strong commitment to reform in the judicial system to be more responsive to and effective in prosecuting the offenders of human trafficking and smuggling of migrant workers, several laws have been enacted to serve as effective tools for law enforcement officers, for example, the Anti-Prostitution Act, the Child Protection Act, the Immigration Act, and the Prevention and Suppression of Trafficking in Women and Children Act. Also, on 5 May 2008, the Prevention and Suppression of Human Trafficking Act of 2008 came into effect and, 5 May has become Thailand's National Anti-Human Trafficking Day.

On 8 June 2011, the Cabinet gave a financial donation to the UN Voluntary Trust Fund for Victims of Trafficking in Persons especially Women and Children. This is an assurance to the global community that our commitment to the Convention against Transnational Organized Crime and its Supplementary Trafficking and Smuggling Protocols remains strong. Besides, at a bilateral level, Thailand has been actively seeking cooperation in this respect with our immediate neighbouring countries. At a regional level, Thailand works closely with Japan under the Joint Task Force on Counter Trafficking in Persons. Additionally, Thailand has initiated the multilateral cooperation framework known as the Coordinated Mekong Ministerial Initiative against Trafficking or the COMMIT Process and coordinating support from the UNODC through the PATROL Project. We are also coordinating support from the UNODC through the Trafficking in Persons Project (ARTIP), an initiative funded by the Australian Agency for International Development (AusAID), and working closely with ASEAN Member States under the ASEAN Meeting on Transnational Crime and the Bali Process.

Distinguished delegates, the protection of witnesses and remedy for the victims including women, children and migrant workers regardless of nationality are also of great concern

for Thailand. Measures designed to protect witness are provided by the Witness Protection Act of 2003 while the compensation measures guided by the Victim Compensation and Restitution for the Accused Persons Act of 2001. Lastly, the rehabilitation measure is well taken care of by the Ministry of Social Development and Human Security, the Ministry of Public Health, and the Ministry of Education. Thailand is obliged to protect the rights and provide safety for affected persons, based on humanitarian basis.

Thailand has been consistent in our position regarding the prevention and suppression of trafficking in persons especially women and children as well as migrant workers for the purpose of sexual exploitation and slave labour. We hereby reaffirm our commitment to provide them with effective protection and rehabilitation measures. Thank you very much.

President: Thank you. May I now call upon Tanzania for the next statement.

The Delegate of the United Republic of Tanzania: Mr. President, Distinguished Delegates, with the permission of the Head of delegation of the United Republic of Tanzania, we wish to commend the Secretariat for the comprehensive and informative Report on the Trafficking in Women and Children, Migrant Workers and Protection of Children and the eloquent presentations made by the panelists on this subject.

Trafficking in persons is one of the global challenges in the 21st century. The United Republic of Tanzania is, like other countries, facing this challenge. Both women and children are trafficked within the country for forced labour on farms, mines and the informal business sectors. Women and children migrate from rural areas to urban centres for domestic works, commercial sex and hawking.

Human trafficking from rural to urban areas is conducted in a manner which makes it so difficult to discover or identify the culprits, victims or the modus operandi. In dealing with this scourge the United Republic of Tanzania enacted the Anti-Trafficking in Persons Act in 2008. The law prohibits all forms of human trafficking, including but not limited to, transporting or receiving any person for the purpose of slavery, sexual exploitation, forced labour, pornography and debt bondage. A person convicted of an offence under this Law is liable to a maximum sentence of twenty years imprisonment.

The main challenge in the fight against human trafficking is the ignorance on the part of the victims of trafficking and the communities from where women and children are drawn. To address this challenge, public awareness is necessary to enable women and children to understand and appreciate the problem and its negative impact to our nations. We all know that this has always been a challenge to realize this objective for reasons of shortage of funds.

At international level, a response to preventing and combating trafficking in women and children, communities are facing challenges not only because of the extent and nature of

the problem, but rather the difference on the capacities across countries and regions to address the challenge.

For this reason, strengthening capacity at the national level is necessary so that AALCO Member States could develop institutional and technical capacity to develop, implement and assess their own anti-human trafficking policies and strategies. AALCO Member States, could agree to start by strengthening their capacity to analyse and develop national policies and strategies for the implementation of the United Nations Trafficking Protocol, in support by national inter-agency coordination mechanisms in consultation with the civil society.

Likewise, Member States should be able to develop and carry out inter alia, information and awareness-raising programmes for policy makers and criminal justice practitioners, border and immigration authorities, labour inspectors, workers and employers organization, health and social workers, in order to effectively prevent and combat trafficking in women and children globally.

Mr. President, once again trafficking in persons is a global problem, and as a transnational crime, requires international cooperation against it. However, the same cooperation is facing some challenges in criminal justice responses. For instance Criminal laws, law enforcement agencies, prosecution services and courts are typically structured and often only operate within the confines of national borders. This dichotomy presents a significant challenge to the ability of countries to effectively investigate and prosecute cases of Trafficking in Persons.

Understanding the increasing challenges facing the Member States while fighting against women and children trafficking, the United Republic of Tanzania encourages the identification of more areas in which cooperation is needed from AAALCO Member States for better success. Thank you.

President: Thank you very much. May I now give the floor to People's Republic of China.

The Delegate of the People's Republic of China: Thank you Mr. President.

Mr. President, I'm pleased to make some observations at this special meeting. Trafficking in person is brutal violation of human rights and an affront to human dignity. As an international felony, it has undermined the economic development and public order of every country. Trafficking of women and children in particular exerts extreme damages, and terribly impairs the physical and psychological well being of women and children, thus causing a series of social problems.

The Chinese government has always attached great importance to suppressing trafficking in person and protecting the rights and interests of women and children, and has made considerable progress in this respect. At the policy level, in order to effectively prevent and severely combat the criminal activities of trafficking in women and children, the State Council of China promulgated *China National Plan of Action on Combating*

Trafficking in Women and Children (2008-2012) in 2007, covering prevention, combating, rescuing, repatriation and rehabilitation of victims and international cooperation, clarifying the responsibilities of 28 ministries in this endeavour. At the legislation level, China acceded to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (hereafter TIP) in 2010, and actively fulfilled its responsibility in accordance with TOC and TIP. To comply with the definition of human trafficking in Article 3 (a)², China twice amended the criminal law, which criminalizing the acts of organizing minors for illegal activities violating public order, organizing selling of human organs and assisting organizing of prostitution. At the judicial and law-enforcement level, China's Supreme People's Court, Supreme People's Court Procuratorate, Ministry of Public Security and Ministry of Justice jointly issued *Opinions concerning Punishment of Trafficking of Women and Children*, which addressed issues concerning jurisdiction, filing, evidences, type of crimes, conspiracy, international crimes and other matters in due regard. Chinese public security organs launched numerous campaigns against trafficking in persons, and established a DNA database to cross-examine and confirm the parents of the Children trafficked. Moreover, the Chinese government has actively implemented the children first development strategy, consistently improved the legislation for the protection of rights for children, and safeguarding their rights to survival, development, being protected and so on.

Mr. President, attaching great importance to cooperation with foreign countries in fighting against human trafficking, Chinese government has signed 110 treaties on legal assistance and extradition with more than 50 countries. Based upon these treaties and mutual benefit, China has carried out cooperation with other countries on a number of specific cases. It has signed bilateral agreements on combating trafficking in person with relevant countries. Chinese public security organs have also carried out in depth and extensive cooperation with countries concerned, especially countries in the Mekong sub-region, through police cooperation channels in this respect. Meanwhile, the Chinese government has established and improved the organisational institutions of local governments at all levels for children related work, and incorporate the protection of children into the general plan for national economy and social development.

Mr. President, trafficking in person is a felony that endangers international community. The trans-national nature of trafficking in person determines that the suppression and elimination of such a crime cannot be accomplished in isolation from the cooperation of all countries. Political and legal differences shall not become the barrier between countries. Only through joint efforts, close cooperation, reduction of demand and punishment of supply among origin, transfer and destination countries, can we effectively reduce the occurrence of crimes in this regard. The TIP provides us with a sound basis of

² "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 or 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.

cooperation combating human trafficking. We hope that countries concerned will make full use of TOC and TIP, actively conduct cooperation including extradition and legal assistance. The developed countries should offer more technical assistance according to the requirements of developing countries.

Mr. President, facing the severe challenge of human trafficking, we call on states, on the basis of mutual respect for sovereignty, equality and mutual benefit, to enhance international exchanges and cooperation, and further develop domestic legal systems against human trafficking, in a joint effort to address this severe challenge. Thank you.

President: Thank you very much. May I now call upon delegate from Ghana.

The Delegate of Ghana: Mr. President, in furtherance of its commitments under the various international conventions such as the Convention on the Rights of the Child, the Convention for the Elimination of All Forms of Discrimination against Women, Ghana in 2001 established a Ministry of Women and Children's Affairs to coordinate and champion the cause of women and children in the country. In 2005, Ghana enacted the Human Trafficking Act, with the Ministry of Women and Children's Affairs as the focal Ministry to coordinate anti-human trafficking activities, particularly against women and children.

The Act seeks to prevent, suppress and punish persons engaged in human trafficking and initiate interventions to promote the protection and welfare of victims of human trafficking. The Human Trafficking Act reinforces the Children's Act and the Criminal Offenses Act, which dealt with the prevention and prosecution of offences against women and children.

Since 2005, the Ministry has set up a Secretariat which has, in collaboration with institutions such as the Commission on Human Rights and Administrative Justice, the security agencies, and NGOs, achieved following milestones in the fight against human trafficking:

- Between 2008 and 2010, the capacities of over 150 law enforcement officers, prosecutors and Judges have been built to acquaint them with emerging issues related to human trafficking.
- Between 2002 and 2010, over 12,268 persons have received some form of training in prevention, protection and prosecution of human trafficking cases.
- Between 2005 and 2010 there have been prosecutions in 10 human trafficking cases.
- About 625 victims of human trafficking have been reintegrated into their communities by being provided formal education, vocational skills training, and the grant of micro-credit as start-up capital.
- About 100 community child protection committees have been formed throughout the country to serve as surveillance groups against acts relating to human trafficking.

- Awareness is being created on the nature and hazards of human trafficking through community sensitization and advocacy activities and to solicit support from families and communities in addressing human trafficking.
- About 9 anti-human trafficking units have been set up between 2009 and 2010 by the Ghana Police Service in some regions of the country to deal expeditiously with human trafficking cases. There are also anti-human trafficking desks in the Attorney-General's Department and the Ghana Immigration Service.
- Establishment of a National Database on Human Trafficking in 2010 which documents relevant information on the nature and trend of human trafficking and intervention on tackling such activities.

Just before we left home for this Conference, we received a proposal from the Government of Republic of Mali to enter into a cooperation Agreement for the purposes of developing appropriate measures to combat cross-border trafficking between the two countries.

The Agreement will ensure that child trafficking is tackled between the two countries regardless of its purpose or form and that the interest of the child will be paramount in issues of trafficking.

It is our hope that these and other efforts will create the necessary awareness and thereby reduce, if not, eradicate human trafficking activities in the country. Thank you.

President: Thank you. I now invite Uganda for their intervention.

The Delegate of Uganda: Mr. President and Hon'ble delegates, allow me to commend AALCO for introducing this important topic. Uganda like many other states in the world has been affected by this problem. The social and economic situation and the inadequacy of appropriate legislation have provided the breeding ground for the problem. As a result of the Aids scourge that has left many children as orphans and women as widows and as well as a result of the economic situation which makes it impossible contrary for their relatives to look after the orphaned children, many children have become vulnerable, abandoned in hospitals, on streets, left at peoples gates or thrown into pit latrines.

On the other hand very many people especially from the western world have travelled in droves to adopt children in Africa especially in Uganda. There is no doubt that many of these people are genuine.

Adoption in Uganda is regulated by the Children Act. Section 46 of the Act provides that; in order for a foreigner to adopt a child, he/she must have stayed in Uganda for a period of three years and fostered the child for a period of three years under the supervision of the probation and social welfare officer. This makes it very difficult for a foreigner to adopt a child. What courts have done is to go around this provision by appointing the intending adopting parent as the legal guardian of those children allowing migration of the children out of their country of origin to that of the intending adopting parent. Although the courts have the obligation to take in account the best interest of the child

based on the welfare principle, there is no clear machinery of vetting these parents and yet these children need a home.

Legal guardianship is not regulated by any law. Although the court order granting guardianship may direct the intending adopting parent to make periodical reports on the progress of the child, there is no follow up in order to ensure that the reports are filed and if they are filed, they reflect the right situation of the children. As a result, genuine parent are denied the opportunity to do so, or the children are left at the mercy of the adopting parent. The Hague Convention which for the coordination between the country of origin of the child and that of the adoptive parent, is not adhered to by many countries.

The Convention aims at protecting children and their families against the risks of illegal, irregular, premature or ill-prepared adoption abroad. It does so by establishing principles for countries to follow that focus on the need for inter-country adoption to occur only where it is in the best interests of the child and with respect for his or her fundamental rights. The Convention also focuses on the need for countries to work to prevent the abduction, sale, or trafficking of children. It is therefore necessary for AALCO to look into this matter.

In as far as migrant workers are concerned; the economic situation in Uganda has led to the migration of workers to certain countries to look for jobs. We have evidence that on reaching there, passports are removed from them so that they don't return to their country, they are not paid salaries as promised, women are used as sex workers and also raped, etc. We have all these documented.

Mr. President, my delegation therefore requests AALCO to investigate and look into this matter seriously with a view of handling a lasting solution. We are willing to provide details in case it is needed. Thank you.

President: Thank you very much for brief intervention. Now I call upon Arab Republic of Egypt. They wish to make a very short power-point presentation.

The Delegate of Arab Republic of Egypt: Thank you Mr. President. First of all I find it an important chance for Arab Republic of Egypt to share the experiences and challenges and the problems facing human trafficking and also the solutions which we have developed in Egypt concerning this vital and important criminal phenomena. So, I would be so much focused on the challenges. Infact in Egypt we have found that we have several challenges in facing this problem starting from the legislative framework, role of the stakeholders, and the best practices and experiences.

One of the most important challenges is the effective legislative framework fighting and combating human trafficking; prevention is also very important aspect in this regard. In Egypt our legislative framework is based on international commitments and national legislation. So we have ratified the Palermo Convention, the CEDAW Convention, the Convention on the Rights of Child, as well as the Slavery Convention of 1926 and this indicates that Egypt has started very early to deal with anti-trafficking measures.

Moving on to our national framework under which we have dealt with several challenges and problems, and hence we have recently passed a specialized law in human trafficking. We found that it is very important to deal with some supplemental legal problems, like for example, for regulating removal of human organ transplants so we have published new law in 2010 and also have made amendments to child laws, penal code and the labour law and the anti-money laundering law.

Moving to the role of Egyptian stakeholders and the importance of coordination and cooperation on the national level, between all the stakeholders we have developed a national strategy that include starting from the government, executive authorities like the Ministry of Justice in dealing with health, education., information; and local enforcement agencies. When I mean the role of the law enforcement, I refer to the police and the judicial authorities. And there is also an important role played by the civil community focusing on the role of the civil society in helping face and combat these crimes. We have developed a three-year strategic comprehensive plan to prevent and combat human trafficking; and to protect the society; and to assist and protect victims which is one of the most important pillars of our strategy where we deal with victims as an absolute victim and not as one involved in criminal activities. Our strategy also involves increasing relevance of laws and promoting domestic and international cooperation. The Egyptian Action Plan are contained in the grassroots of the problems dealing with enhancing public awareness and promoting the capabilities of the law enforcement agencies and protection of the society focusing on the rights of the victims and how to rehabilitate them and integrate them back to the society and also focusing on the activities relating to the rule of law and role of criminal justice as well as enhancing national and international dialogues and understanding between countries.

The role of the Ministry of Justice in fighting human trafficking in Egypt is crucial where central authority is vested with them. I would like to elaborate this point. In Egypt we have a central authority within the framework of Ministry of Justice which deals with the UNCTOC and the three Protocols called Palermo Protocol. The central authority provides the widest measures with other authorities with different countries on mutual legal assistance, protection of the victims, extradition, transfer of sentenced persons as well as it works as helpline for foreign individuals and embassies of other countries. We also cooperate with different international organizations like the IOM and UNODC. The strategy and competence of the central authority is very efficient. We cooperate with other countries on treaties, international courtesy and reciprocity. We do technical reviews at the request of assistance and we work 24/7 and so on.

After our deep analysis of how to deal with the phenomena of human trafficking in Egypt, there are four main challenges – works towards solving the root causes including poverty, and enhancing the rule of law, fighting criminal behaviors, bring a constructive dialogue between the law enforcements and the judiciary of the same state and also between the different states, fighting the abuse of cyberspace for the propaganda of human trafficking and child pornography and finally recognizing the status of the trafficking persons as victims and providing them with widest measures like assistance and protection. Thank you very much.

President: Thank you. I am sure that common areas identified by Egypt are common to all of us. Now we move on to request from United Arab Emirates.

The Delegate of the United Arab Emirates³: Thank you. Mr. President, Assalaam o Alaikum, for the first time that I deliver a speech, please allow me first to convey to your friendly country our regards and appreciation for the warm welcome and generous hospitality, and congratulate you for your presidency of this important session of the Golden Jubilee Session, I would also like to congratulate the Vice-President and the Secretary-General for his valuable and outstanding leadership of the Secretariat of the Organization. Many thanks to the previous President and congratulations for all their efforts during the presidency of the Forty-Ninth Session.

Mr. President, at the outset we give thanks for organizing this special meeting to review this important topic at the international level. I would like to thank the speakers who have presented their papers and that we listened to them with great interest.

I would like to make clear that my Government is one of first countries that has given this matter the utmost attention and realized that adopting an active policy to improve standards and legislation which will have a positive impact on the level of fighting human trafficking and labour issues, therefore, it has issued Federal Law No. 51 of 2006 on combating human trafficking in the line with federal laws in force and related to the entry and residence of foreigners and regulation of labour relations and the Criminal Procedure and the Penal Code. The law covers all forms of trafficking in human beings in terms of recruitment, transportation, transfer or receiving them by the threat or use of force or other forms of coercion, as well as includes all forms of sexual exploitation. The law provides severe penalties ranging from life imprisonment and fines ranging between 100 thousands Dirham to one million Dirham. As well as punishing the legal person such as a natural person.

In 2007, Council of Ministers has issued a resolution to establish the National Committee to combat human trafficking to support and apply law and to provide a body for the coordination of efforts against human trafficking at all levels of the seven emirates of the state.

In this context, the Commission is working in cooperation with the competent authorities of the State to implement a strategy based on four pillars are: Development of legislation and laws related to issues of human trafficking, and to Enable the concerned authorities to apply deterrent and preventive measures, and ensure the protection and support for those affected by this type of crime, and expand the horizons of bilateral and international cooperation to combat these crimes.

Mr. President, as part of the national and international strategies to combat human trafficking, the United Arab of Emirates has ratified the Convention on Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in

³ Statement was delivered in Arabic. Unofficial translation from translator's version.

Persons, especially women and children attached with the Convention and the National Committee to combat human trafficking is now finalizing the amendment of some provisions of law regarding combating human trafficking to go in tune with the Protocol, which acceded to the State. The Committee also issued its resolution 7 / 18 for the year 2010 on the regulatory procedures for dealing with victims of human trafficking between the relevant authorities in the State where the resolution is working to support and protect victims of human trafficking by the relevant authorities in the State while dealing with them in all stages, both at the level of police and public prosecutors in the investigation stages of the investigation or shelters when the victim's access to them and generally these procedures work to ensure the protection of victims of human trafficking and help them with full respect of their legal and humanitarian rights.

The reports indicate that in 2008 the number of cases of human trafficking reached to 15 cases and the number of accused in it 42, and in 2009 the number of cases reached to 43 cases and the number of accused 125 and the number of victims, 96 and in 24 cases the convictions issued ranging sanctions where the imprisonment for 10 years and life imprisonment, and this indicator is not on the increase of these crimes, but to increase awareness among law enforcement officer in detection of these crimes in implementation of the efforts made by the State at all levels, whether in contract workshops, international participations and international cooperation.

However, Dubai Foundation for Women and Children was established as one of the important initiatives taken to assist victims of human trafficking which can be considered as the first step towards the institutionalization of activities to support and assist victims of human trafficking according to the international standards in addition to the Women and Children Shelter's Centre victims of human trafficking in Abu Dhabi which is a non-profit organization working under the umbrella of the UAE Red Crescent and specialized in providing safe shelter for victims of human trafficking of women and children, and Centre of the same has been opened in the Emirate of Sharjah and the Emirate of Ras Al Khaimah.

Mr. President, UAE government worked to put forward a series of actions that began impacting positively on the environment of work in the State, and passed legislation to protect the rights of all parties of production (worker - employer). Among the measures taken to protect workers are: the protection of wages system, an electronic system that provides the Ministry of Labour database and information on payment of wages for workers in the private sector and the commitment of enterprises to pay wages on time, in addition to the prohibition of work at noon during the months of July and August, and field inspection visits and conditions of providing Workers' housing and launching the second phase of the pilot project, which began in 2009 on the development of contractual work and the rights of workers to strengthen the bonds of cooperation with two of the most important partners that provides labour which are the Republics of India and the Philippines. As well as the formula of standard employment contract has been imposed since 2007, which regulates the rights and duties of labour to work in the State. During the past two years, UAE signed agreements with a number of countries sending labour to organize the flow of labour for the completion of all procedures of work contracts by the

ministry or labour offices in the sending countries in order to protect workers from fraud and private employment agencies and practice of human trafficking as that seen in the UAE crimes of human trafficking directly linked to the reasons inherent in employment issues at the sending countries.

Mr. President, in conclusion, I assure my Government's commitment to occupy a leading position in the global efforts to combat human trafficking, as well as its determination to combat this scourge, both at home and abroad in cooperation with all parties and international partners. Thank you.

President: Thank you. May I now call upon Kuwait.

The Delegate of State of Kuwait⁴: Mr. President, at the outset, I would like to convey my appreciation to the Secretariat of AALCO for its Report on “Establishing Cooperation against Trafficking in Women and Children”. As regards the efforts of Kuwait in this area, it is worth mentioning the fact that the Kuwaiti legislators have decided to provide punitive protection within the framework of the Kuwaiti Penal Code No (16) of the year 1960 and its amendment in order to guarantee the anti human trafficking and the protection of rights of those who fall prey to it, especially women and children, during their stay on the territory of the State of Kuwait. Indeed, the Penal Code is full of texts and provisions that definitely provide for an umbrella type of punitive protection for rights and freedom of employment, and some of these provisions include: report of rigorous punishments, for the crime is been committed in this regard as: murder, violence, kidnapping, detention and slave trade, etc of punitive prohibitions, and it is clear that it extends to the protection of aliens and residents in a fair and effective form. The Kuwait Penal Code, by virtue of article No (185) as well, prohibited the human entry and exit (smuggling) for slavery, as well as all those who buy or offer to sale or to gift a person as a slave, the legislator went through the text of article, punishments imprisonment and a fine against those who commits any of these acts.

The Ministry of Justice has established the draft legislation regarding human trafficking and smuggling of migrants, and has submitted it to the Council of Ministers for adoption, which has in turn forwarded it to the legislative committee of National Assembly and has been accepted unanimously. The approval process is undertaken by the Kuwaiti National Assembly and will be ratified by His Highness the Emir of the State, in accordance with Constitutional procedures established in this regard (Article 79 of Constitution).

The draft law has covers various issues including: the definition of crime of human trafficking, smuggling of migrants, definition of transnational crime, report of rigorous punishments of up to life imprisonment for the perpetrators of these crimes and text for the confiscation of the tools and the things seized and used in the committing of these crimes. Moreover, the draft law has mentioned a number of guarantees and special services for victims of trafficking in persons and smuggling of migrants, like providing medical and social care for them, or send them into an accommodation center allocated by the State for this purpose.

⁴ Statement was delivered in Arabic. Unofficial translation from translator's version.

The State of Kuwait has provided temporary residence to receive the foreign workers, until the permanent place would be provided to accommodate the number of 700 workers, and internal regulation has been prepared organizing the procedures for receiving inmates in center and their stay in this and the services provided to them until providing their settlement in accordance with the law.

While the tentative current residential arrangements do contain a number of services that the State provides to workers by establishing offices created in residence of workers shelter for all concerned authorities, wherein the male and female social and legal researchers are conducting social and psychological research and doing health care procedures and investigations, for the workers residing in the center, and offices of some embassies, and all requirements of accommodation center have been met like bedrooms, living rooms, restaurant and breaks for workers. This has been supplemented by taking into account all necessary and entertainment needs which have been provided along with security personnel and guards, and all meals and living requirements have also been provided in addition to all humanitarian services, including curative and preventive services.

Two special departments have been established to activate anti trafficking measures and they are: Department of Immigration Issues and the Department of Domestic Workers both of which conduct inspection and exercise control on the offices of services and domestic workers employment, in addition to the General Department of inspection and control, that deal with the complaints referred relating to violation of human rights committed by people of general authority against aliens and foreign workers in general.

The Department of Labors Inspection conducts periodic and surprise inspections on work sites to ascertain the application of law and ministerial decisions on terms of obtaining employment, whether male or female, for all their labor rights and financial dues, as well as to ensure the validity and safety of working conditions, through receiving labor complaints for examination and investigation of them, in order to give everyone his rights.

Mr. President, I would also draw the attention of the distinguished delegates to the fact that Kuwait has ratified several conventions related to human trafficking confirming the keenness of the State of Kuwait to strengthen the frameworks and mechanisms to protect the rights of women and children and combating trafficking in human, we indicate that the State of Kuwait has ensured the development plan for the years 2010/2011-2013/2014, issues by Law No. 9 of 2010, a set of policies, which includes:

1. Regarding woman, the National Development Plan pointed out a number of targets to be achieved, including:
 - A. Push forward social empowerment for Kuwaiti women and that through supporting their political rights and enhancing their role in decision making centers, and expanding their social participation and removing the obstacles for woman to achieve more legitimate gains.

- B. Development of an institutional mechanism to follow up the issues of women, youth and family and monitor the progress and failures.
 - C. Revision of all legislations which guarantee the civil and social rights of women to achieve social justice for all group of society.
 - D. Create a housing fund for women.
2. For children, the Kuwaiti Development Plan included a series of laws that will strengthen and protect the rights of children in all its forms, among this:
- A. A new law to protect children from violence and exploitation.
 - B. A special juvenile law.
 - C. A special law for family protection.

Mr. President, we have taken enough measures to tackle the menace of trafficking in women and children by virtue of adopting a lot of measures and laws, some of which I have mentioned above. I thank you.

President: Thank you Kuwait. May I now call upon the delegate from Japan.

The Delegate of Japan: Mr. President, the Japanese Government considers that the trafficking in persons is a serious crime and a grave violation of human rights and dignity, and that as a result of globalization and widening of economic gaps among countries, it has become a serious cross-border problem and the international community as a whole is required to tackle with the problem.

From such standpoint, in December, 2009, the “Comprehensive National Action Plan 2009 for comprehensive measures to combat trafficking in persons” was adopted to prevent and eradicate trafficking and to protect victims in Japan. More specifically, the said Action Plan includes such measures as protection of victims by use of the mother tongue; care extended by female staff; the utilization of multi-linguistic hot-lines, strict enforcement of anti-child sex exploitation and prohibition of child pornography.

Japan makes financial contribution every year to IOM and intends to contribute a substantially increased amount (US\$288,152) for the current fiscal year, with a view to facilitating the return to home countries and society of victims of human trafficking.

In addition, since 2004, Japan sent governmental consultative survey missions totally to 20 countries. Most recently, in March this year, we sent such a mission to Thailand and Cambodia and had consultation with the respective government agencies, international organizations and NGOs concerned. In Bangkok, on the occasion of the visit of that mission, the third meeting of Japan-Thailand joint task-force was held and a Standard Operating Procedures (SOP) was agreed upon to deepen the mutual understanding of the procedures of protecting the victims, and furthermore, an action plan was made, and an active exchange of information on the measures for prevention, law-enforcement and protection was conducted.

On this question, we intend to implement the further measures necessary in Japan and to strengthen cooperation with other countries concerned. Thank you.

President: Thank you very much. Now I call upon the delegate from Oman.

The Delegate of Sultanate of Oman⁵: Thank you very much. Mr. President, Human trafficking has evolved as one of the most dangerous crimes of this time and fastest growing. There is now an urgent need to combat it through all methods, particularly for Asian and African countries for whom a not insignificant portion of their people fall victim to this crime.

The Sultanate of Oman has continued its efforts at combating human trafficking, since the issuance of its Law on Combating Human Trafficking in 2008. It established a national plan for combating human trafficking which aims at sensitizing various sections of society to the seriousness of this crime and how to address it through real partnerships. There was also a focus on providing care to the victims. For this purpose, Oman established a shelter for victims of human trafficking that receives victims and provides with the necessary care such as medical and psychological care, housing, legal aid and other assistance to mitigate the effects of their exposure to abuse. In several cases, the Sultanate also covered their travel expenses to their home countries.

The National Committee for Combating Human Trafficking collaborated with several entities in the implementation of the National Plan for combating Human Trafficking through raising awareness among the community about the forms of trafficking and informing the groups targeted by traffickers of the procedures and measures available to them in the event of trafficking, in addition to providing legal aid, medical assistance and shelter in cooperation with the public Prosecution, The Royal Oman Police, The Ministry of Social Development and the Ministry of Health. In order to facilitate and encourage victims to report human trafficking, a hotline was launched that operates around the clock and is manned by trained professionals who speak several languages. The committee has also collaborated with the Ministry of Manpower to monitor cases of forced labour.

On this occasion, it is important to note that the efforts of all countries should be concerted so that the country receiving foreign labour is not held fully responsible for what is sometimes referred to as the abuse of foreign labour, since the reality has shown that foreign labour is maltreated in their own countries, particularly by the agencies responsible for their expatriation that charge these labourers extortionate amounts that sometimes exceed a full year's salary. For this reason, all countries should cooperate in their efforts to combat this phenomenon.

The Sultanate of Oman, for example, introduced labour laws that protect and safeguard the rights of workers. The Laws in Oman also do not differentiate between men and women, as women in Oman enjoy rights and privileges which are not enjoyed by even

⁵ Statement was delivered in Arabic. The Secretariat would like to acknowledge the delegation for submitting the written statement in English.

women in developed countries. Omani women occupy positions of ministers, undersecretaries, ambassadors and members of the State Council.

The Sultanate of Oman is keen for its efforts in this regard to be in line with international standards to counter this scourge which threatens vulnerable groups made up of women and children. Oman continues to cooperate with various countries and organizations to find solutions to the problem of trafficking. More coordination is needed between the countries that source and receive victims of trafficking as well as transit countries to combat this phenomenon. We call on the Member States to strive to combat human trafficking, if not in compliance with international law then out of respect for humanity. Thank you, Your Excellency.

President: Thank you. Now I call upon Indonesia for their intervention.

The Delegate of Republic of Indonesia: Mr. President, Distinguished Delegates, Before I start my delegation view about this important matter, I would like to give my appreciation and thanks to the resource persons for sharing us substantial information which will be very to us in coping this problem.

Mr. President, Distinguished Delegates, throughout the world men, women and children are being trafficked into a form of modern day slavery. Mainly women and small children are being forced to perform physical labour including prostitution in several countries. Many victims forced into this cruel industry are coming from our region. We have to stop and combat this crime by various tireless efforts. In this regard, Indonesia maintain her commitment to eliminate trafficking in persons by strengthening the national law and its enforcement altogether with widening international cooperation.

At domestic level, Indonesia has enacted anti-trafficking law to address the country's problems pertaining to trafficking in persons, since then there have been a significant increase in the record of prosecutions, convictions and sentences in connection with this heinous crime.

Indonesia also has strengthened its legal instruments by ratifying the UN Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons and also Protocol against Smuggling of Migrants in 2009. Indonesia also has new law on immigration which serves as an effective legal framework for combating trafficking and people smuggling.

Furthermore, eradication of trafficking in persons in Indonesia has become increasingly efficient with the establishment of the Task Force for preventing and Handling Trafficking in Persons with its main duty of preventing trafficking, enforcing the law, and providing health and social care for the trafficking victims including their repatriation and social reintegration.

Mr. President, Distinguished Delegates, Indonesia emphasizes the importance of bilateral, regional and global cooperation on fighting this crime. Bilateral cooperation is

needed particularly in establishing direct contact between institutions that handle the eradication of trafficking in persons in the two countries, such cooperation will become significant effort in prevent and process relevant matters in dealing with this issue rapidly.

Moreover, Indonesia also initiated regional cooperation at regional level by encouraging the process of establishment of a legal framework for ASEAN cooperation on trafficking in persons while at wider Asia-Pacific region Indonesia organized “Bali regional Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crimes” or better known as Bali Process.

Regarding the Bali Process, allow me to share a highlight about it. The Bali Process is a forum that brings participants together to work on practical measures to address people smuggling, trafficking in persons and related transnational crimes in the Asia-Pacific region and beyond. This forum participated by over 50 countries and numerous international agencies. I am delighted that the exchange of view, data-sharing, and exchange of information gained from such activities have been very useful to the region.

At multilateral level, UN Convention on Transnational Organized Crime should be a basis for wider and stronger cooperation among its state parties. In this regard, Indonesia wish to call AALCO Member States which are already a party to this Convention and its Protocols could implement them fully and persuade upon AALCO Member States to consider to ratifying or acceding as a matter of priority.

Mr. President, distinguished delegates, Indonesia remains steadfast in our efforts to combat trafficking in persons. Our approach is multi-pronged. It involves legal enforcement, social-economic development as well as strive for gender equality and international cooperation.

In this regard, I recognize that trafficking in persons is an issue of ongoing concern to many countries in the region. We share some problem in this so we have to support each other in efforts and measures to prevent trafficking in persons and to investigate and punish perpetrators. This situation leads me to wish AALCO members have same vision as Indonesia that there is a big need to enhance increasing the capacity of states to address the issue of trafficking in persons in Asia and Africa. I thank you.

President: Thank you Indonesia. May I now call upon India for their statement.

The Delegate of India: Mr. President, at the outset, I would like to thank all the Panelists for their presentations including the wealth of informations they provided on the scope and extent of the problem and on the actions being taken to address these issues. Mr. President, the scale of the problem and the causes have already been highlighted by the Panelists and I will not go into that.

Trafficking in people is a modern-day version of slavery. Thousands of people are transported across countries, many of them women and children, and forced or

surrendered into prostitution with no protection of their rights. Some are simply abducted, others are sold by their close relatives, and still others are lured by jobs and hopes of a better future, only to find themselves in bondage. At the root of all such situations is poverty. The desire to provide for their families or to migrate in search of a more secure future is exploited by traffickers for their own criminal purposes, and the victims find themselves in extremely vulnerable situations.

The Government of India has formulated a 'National Plan of Action' to combat trafficking and commercial sexual exploitation of women and children. The strategy for combating trafficking focuses on income generation, literacy, and skills upgradation including enforcement of laws and regulations as well as rehabilitations of the victims of trafficking.

Mr. President, India is a Party to a number of international Conventions which provide for cooperation among countries in combating this growing menace. These include the Optional Protocol to the Convention of the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. We are also a Party to the UN Convention Against Transnational Organized Crime and also its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against Smuggling of Migrants by Land, Sea and Air. We are also a Party to the SAARC Convention on the subject.

Apart from drawing up a National Plan of Action and constituting National Advisory Committee to combat trafficking, State Advisory Committees have been appointed in a number of States to draft state-wise policies and action plans, those more concerned with trafficking, either as 'recipients' or 'suppliers' of victims of trafficking networks, are moving ahead noticeably more rapidly. Actions include finalizing 'rescue' policies, as well as state-level consultations on trafficking and exploitation of children for commercial sex, especially on measures to improve law enforcement.

Initiatives with NGOs are ongoing, principally in community-based programmes for resettlement of victims of trafficking, especially children. These also include a range of activities for creating social awareness – from making people aware not only of the dimensions of trafficking, but also how to be vigilant against traffickers, to making them sensitive to the plight and needs of victims of trafficking. Some states are linked to national anti-trafficking networks such as the Action Against Trafficking and Sexual Exploitation of Children (ATSEC), which work closely with the police and the state departments of welfare.

Guidelines on dealing with trafficking have been circulated among all state (provincial) governments. In addition to stipulating the appointment of special police officers briefed to tackle trafficking, the guidelines also lay down that the police should be assisted in this task by an advisory board of social workers and NGOs.

Inter-state cooperation has got underway with the directive to all state government on formulating action plans against trafficking. Alongside, consultation is underway regarding the formation of a nodal agency to monitor trafficking, with representatives

from Union and state governments, inter-state law enforcement agencies, including officers of the police and judiciary, and NGOs.

Efforts at rehabilitating and resettling victims of trafficking and commercial sexual exploitations, while most are long-standing, are being reviewed. The inputs from victims is beginning to inform such activity as much as the amendments to the law. We look back with some satisfaction at the various initiatives, which have been taken, but we are also concerned that there are many tasks that are still not accomplished and renew our commitment to fight this social menace.

Mr. President, hence, even while we are happy to note that these initiatives are beginning to produce results, we are aware of the scale of the problem and that a great deal still needs to be done for which we look forward to cooperating with all countries around the world including in our region. I thank you Mr. President.

President: Thank you India. May I now call upon the delegate from Kenya.

The Delegate of Kenya: Thank you Mr. President. Kenya welcomes the Special meeting on Trafficking of Women/Children, Migrant Workers and Protection of Children to be discussed during this session of AALCO.

Kenya is facing the increasing challenge of trafficking of women and children for the purposes of sexual exploitation and forced labour. Some of the main reasons for upsurge in trafficking include the following reasons: prostitution, illegal adoption, sale of organs, sexual exploitation or for immigration benefits such as housing.

As we reported in our general statement at the opening session, our new Constitution of 2010 prohibits any form of slavery or forced labour; inhumane treatment, or torture whether physical or psychological. The Constitution further prohibits any form of inhuman and degrading manner, which would be brought about in human trafficking.

Kenya has also enacted the Counter-Trafficking in Persons Act, 2010 to implement Kenya's obligations under the United Nations Convention on the Elimination of All Forms of Discrimination against Women which requires State Parties to take all appropriate measures, including legislation, to suppress all forms of traffic in Women and exploitation of prostitution of women. The Act further implements Kenya's Obligations under the United Nations Convention against Transnational Organized Crime particularly its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

The Counter-Trafficking in Persons Act also makes provision for offences relating to trafficking in persons, trial of offenders and remedies for victims of trafficking in persons. The Act further makes provision for the establishment of an advisory Committee which shall advise the Minister on inter-agency activities aimed at combating trafficking and the implementation of preventive, protective and rehabilitative programmes for

trafficked persons. The Act also establishes a National Assistance Trust Fund to assist victims affected by trafficking in persons. I thank you.

President: Thank you. Now I call upon Bahrain for their intervention.

The Delegate of Bahrain⁶: Mr. President, the Kingdom of Bahrain is doing hard and continuous work to promote, respect and protect the human rights, including those relating to women, children and foreign workers and that the basis of that work is informed by its national laws and contents of its international obligations affirmed by the reform project of His Majesty the King, May God protect him.

The Kingdom of Bahrain has enacted laws and legislation that ensure control, the exploitation of women and children. Therefore, the Government of the Kingdom of Bahrain established a hotline around the clock to receive reports of any violation, and starts investigation by adhering to confidentiality of the women and children's exposure to risk, however the Kingdom of Bahrain suffered from the exploitation of children in political matters, that violates the UN Convention on the right of the Child and the Fourth Geneva Conventions of 1949.

In this context, the delegation also wishes to indicate that the Supreme Council is established for women which is headed and patronaged by Her Royal Highness Princess Sbaika daughter of Ibraheem Khalifa, she is wife of His Majesty. The Supreme Council continues its work regarding women since its establishment within the framework of its power, on the development of Bahrain women' status and strengthening their position and active participation either in formal institutions of state or institutions of civil society, as well as the council continues its cooperation with Arab Women Organization, United Nations, especially its development programme, Economic and Social Commission for West Asia, Industrial Organization and Arab Gulf Programme for United Nations Development Organizations.

Regarding the rights of the child, the Kingdom of Bahrain has joined the United Nations Convention for the Rights of the Child and has developed legislation and laws that preserve all rights of children. With regard to the giving of legal protection to the child, the legislative authority is considers, currently, to prepare a draft on an integrated law on the rights of child.

Regarding the rights of migrant workers, the Kingdom of Bahrain has enacted legislation and laws to ensure protection of the worker and building relationship between the employer and the workers and prevent the exploitation of foreign workers by employers.

Regarding the cancellation of sponsor system, the delegation would like to point out that it has allowed free movement of foreign workers between employers within the framework of the rules dealing it, and in this regard was also said, about the issuance of law No (1) for the year 2008 on combating trafficking in persons which as stipulated, to establish a national committee to combat trafficking in persons, which specializes in:

⁶ Statement was delivered in Arabic. Unofficial translation from translator's version.

1. Programs on preventing and combating trafficking in persons and protecting victims of trafficking from revictimization.
2. Encourage and support the preparation of research and media campaigns and social and economic initiatives to prevent and combat trafficking in persons.
3. Coordination with the state bodies with respect to information relating to trafficking in persons.
4. Participation of the competent authorities in the preparation of reports submitted to the international bodies concerned on the measures taken to combat trafficking in persons.
5. Follow up the implementation of the concerned government agencies with the recommendations and guidance contained in the conventions and protocols related to combating trafficking in persons, in which the Kingdom is a party.

Mr. President, His Majesty, the King of the Kingdom of Bahrain issued the Royal Decree yesterday to establish an independent commission to probe the facts about unfortunate events that Kingdom of Bahrain passed through in the months February and March, and it was formed under the chairmanship of Dr. Mahmoud Cherif Bassiouni with other members, Judge Philippe Kirsch, and Nigel Rodley, and Dr. Mahnoush Arsanjani, and Dr. Badria Al-Awadi, and they belong to the elite club in the field of human rights. The commission has the ability to get to the facts and shall submit its report to His Majesty the King in a deadline by 30/10/2011, as the Kingdom of Bahrain believes to go ahead in reform projects adopted by the King since he took power in 1999. Thanks Mr. President for your kind attention.

President: Thank you very much Bahrain. I now invite Bangladesh to make their statement.

The Delegate of Bangladesh: Mr. President and Distinguished delegates, we would like to place our deep appreciation and special thanks to Hon'ble Justice of Supreme Court of Sri Lanka, Ms. Shiranee Tilakawardane, who has, in her presentation, not only appreciated Bangladesh's efforts in combating trafficking but also described the country's efforts as role model.

Mr. President, Bangladesh government maintains zero tolerance for the perpetrators in persons and related crimes. Upholding and protecting the rights of women and children, is at the top of the agenda of the Government of Bangladesh. The Constitution of Bangladesh also guarantees that all citizens are equal before law and are entitled to equal protection of law. The government is watchful to protect its citizens who fall victims of trafficking-fraudulent and forced labour in any forms.

The government of Bangladesh, under the leadership of Prime Minister Sheikh Hasina, has been making sincere efforts to combat trafficking in persons, in particular, trafficking in women and children. The measures include reactivating the judicial system, strengthening of law enforcing agencies, advocacy and awareness raising programmes for parents and communities, promotion of girl's education, sexual and reproductive health programmes, micro-entrepreneurship development schemes and enhancing other

economic activities for poor families. In addition, more sensitive programmes to address the issue of safe return, which include repatriation, rehabilitation and reintegration, have been undertaken.

Mr. President and Distinguished delegates, Bangladesh stands ready to ready cooperate internationally, regionally as well as multilaterally, the United Nations in particular, to combat trafficking in persons. Bangladesh is a signatory state of several international/UN instruments concluded in this regard. Regionally, Bangladesh is a state party to the SAARC Convention on Prevention and Combating Trafficking in Women and Children for prostitution.

Mr. President, Bangladesh has developed a National Action Plan in 2008 to combat human trafficking. The Government, while acknowledging the gravity of the problem, is committed to enforcing and strengthening the existing laws related to trafficking. Counter-Trafficking Committees (CTCs) at different tiers of the government have been formed to strengthen state prevention measures. Efforts are underway to enact a Human trafficking Prevention Act 2011 covering trafficking of men, women and children to strengthen the legal framework to combat all forms of trafficking.

Mr. President and Distinguished delegates, as regards migrated labour welfare, Bangladesh delegation has highlighted in its general statement the measures/initiatives taken by the government for the promotion and protection of migrated workers. This had well been manifested in the successful hosting of Colombo Process Ministerial Level Meeting in April this year in Dhaka which ended with a remarkable document “Dhaka Declaration”. The major points of the Declaration are spelt out in our general statement. Bangladesh underscores, on one hand, the need for regular migration to keep its economy moving and on the other it is determined to curb human trafficking in all its forms and manifestations. Thank you very much.

President: Thank you. May I now ask the delegation from Myanmar to make their intervention please.

The Delegate of Myanmar: Thank you Mr. President. Thank you all the panelists for the comprehensive presentations. We have taken all necessary measures against human trafficking in women and children which include a national plan of action, legislation and cooperation at bilateral and multilateral level and institution awareness campaigns. Myanmar enacted anti-human trafficking law in 2005 and also strengthened strict enforcement of immigration rules and regulations. Our 2005 law prescribes heavy penalty of ten years minimum sentence to a maximum of life imprisonment. We actively participated in various regional cooperative measures. We acceded to UNCTOC and Protocols, CEDAW and the Convention on the Rights of the Child. In the cross-border cooperation, we are of the view that forms of assistance such as executive powers of search and seizure, or examination of checks and sites are crucial. Our domestic law supports mutual legal assistance with great caution that we requests procedures and outcomes should not amount to violation of human rights.

Though we are not party to ASEAN, we facilitate the assistance request and whenever we receive any request, we give high priority to the matter. And also give investigation done in Myanmar. We received back 348 victims during 2010 as with joint efforts by the UNICEF, IOM, and Royal forces of Myanmar and ASEAN Member States. We also took action against many corporates, and troops.

Myanmar systematically receives victims at border areas by opening reception camps for rehabilitation with assistance of INGOs and UN Agencies concerned. With a view to start a new life, occasional training courses are conducted and also provide fund for income-generating small business. Educational and social campaigns are conducted in vulnerable towns and villages across the country, mostly in the slum areas. Myanmar would like to share challenges and set backs we have faced while we are taking measures. The problems like delay in establishing border liaison officers between implementing states, protracted stay of the victims waiting for extradition and proper exchange of victims by social organizations on timely manner in accordance with international norms and standards and process of reunion with their families.

We successfully completed implementing 81 work plan for 2010 and we proudly promulgated the national guidelines and standard operating procedures and world publication of 10 code of conduct as long and completed transaction of special protection measures to women and children. Women and children play a very special place in the heart of Myanmar society. In this time, Myanmar is not implementing prevention but also rehabilitation, reintegration and protection measures we strongly believe the globalised system, a coordinated and cooperative measure is required by the entire international community. Thank you Mr. President.

President: Thank you. May I now ask Malaysia please.

The Delegate of Malaysia: Mr. President, His Excellency the Secretary-General, Distinguished Speakers,

On behalf of the Malaysian delegation, I thank the Distinguished speakers for sharing their thoughts on these topics.

Malaysia is fully aware that the crime of trafficking in persons is substantively different from the crime of smuggling of migrants. This distinction is clearly reflected in the recent amendments to the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act 2007.

Mr. President, Malaysia had also provided protection regime for victims of Trafficking in Persons and People Smuggling, especially on women and children. Malaysia's punishment is among the most stringent albeit criticized as most inhumane by certain sectors.

Despite our continuous efforts taken and our comprehensive legislative, judicial, administrative and policy measures, we remained at the Tier Two Watch list in the

recently published United States Department of State Trafficking in Persons report. Some of the main reasons for finding Malaysia not fulfilling the “minimum standards” are as follows:

- (i) Labour trafficking and debt bondage;
- (ii) 68% acquittal rate; and
- (iii) Excess recruitment by Malaysian “outsourcing companies”.

One would notice that these are not attributable to the Government per se but rather, the industry and also the judiciary to which Government should not interfere.

The Report also recommended the Malaysian Government, among others, to apply stringent criminal penalties to those involved in fraudulent labour recruitment or forced labour and renegotiate Memorandums of Understanding with source countries to incorporate victim protection and remove authorization to confiscate passport.

The United States Department of State Trafficking in Person Report on Malaysia presents the views argued by Malaysia all along. The problem must be shouldered by the sending, transit and destination countries equally. Malaysian is not a sending country. We have done and will continue to do all we could to deal with these problems. But source countries must take higher responsibility to deal with their domestic problems that lead to the problems on Trafficking in Persons and People Smuggling. Perhaps AALCO could start looking into on how to deal with source countries. In this context, Malaysia is in agreement with the findings of the secretariat that the main root causes for the rampant proliferation of the crime of trafficking in women and children are *inter alia*, poverty and lack of education including lack of awareness of the potential victims to the consequences and repercussions of the crime of trafficking in persons namely in the sex trade and prostitution, to the victim’s physical, mental and emotional well-being.

Mr. President, Malaysia has taken and will continue to take stringent measures towards the prevention of the crime of trafficking in women and children and prosecution of the offenders of said crime and ensuring the victims receive the requisite protection and counselling as provided under the law and human rights principles. Malaysia had recently signed a protocol with Indonesia to amend the MoU on Domestic workers. Among others, this Protocol would now allow domestic workers from Indonesia in Malaysia to hold their own passports. Malaysia is also currently negotiating an arrangement with Australia to deal with the transfer of refugees as part of our regional efforts to deal with the problem of Trafficking in persons and people smuggling. We are working closely with IOM and UNHCR in this effort.

Our experiences proved that to achieve the objective of dealing Trafficking in Persons and People Smuggling effectively, Malaysia cannot stand and work alone. We require cooperation and honest commitment of other governments to deal with this gargantuan task. We must have honest commitment from the sending countries to deal with this problem. I thank you.

President: Thank you. May I now invite delegate from Republic of Korea.

The Delegate of Republic of Korea: Mr. President, Distinguished delegates, it is an honor for me to have an opportunity to express my government's policy and opinion on this critical issue, to which all the Member States of AALCO are much concerned.

On behalf of my delegation, I want to mention some of the efforts of the Republic of Korea to ensure the rights of migrant workers.

The Republic of Korea participates in the effort of the international community for the protection of human rights including those of migrant workers. By acceding to major international human rights conventions and protocols, such as International Convention on Civil and Political Rights (ICCPR) and International Convention on Economic, Social and Cultural Rights (ICESCR), the Republic of Korea endeavors to protect migrant workers.

In addition, the Republic of Korea ratified four out of eight core conventions designated by the International Labor Organization (ILO). One of the core conventions ratified by the Republic of Korea is the Convention No. 182, which prohibits harsh labor of children. The Republic of Korea also ratified the Convention on the Rights of the Child (CRC), of which the article 35 provides that State Parties should prevent the abduction of, the sale of or traffic in children. In addition, my government also ratified the second optional protocol of the CRC.

Mr. President, Distinguished delegates, on behalf of my delegation, I want to stress the fact that the Republic of Korea established the framework to protect the rights of the migrant workers through various domestic laws. Some examples include Employment of Foreign Workers Act, Standard Labor Act, Minimum Salary Act, Industrial Safety and Health Act and Labor Relations Act, which provide that migrant workers should be treated equally with Korean workers.

Mr. President, Distinguished delegates, the Republic of Korea, one of the destinations of migrant workers, is of the view that migrant workers should be protected basically with domestic laws, which guarantee their health, safety and employment. Thank you.

President: Thank you. DPR Korea please.

The Delegate of the Democratic People's Republic of Korea: Mr. President, trafficking in women and children, an act of crime which is closely associated with trans-boundary organized crime is a serious infringement on human rights of women and children, laying an obstacle to the implementation of the goal of putting an end to exploitation of man by man, enshrined in the UN Charter and international human rights law. For the present age, it is an unquestionable obligation of all states to take legislative and administrative measures to protect the human rights of all people especially women and children.

The DPRK from the very first day of foundation has been paying close attention to protecting rights of women and children. In my country, it is clearly stipulated in the

Constitution that the social status and rights of women and children shall be respected and protected and that the state shall be responsible (to) provide for the (growth) and education of children.

Also, we are constantly strengthening the legal regime for providing women and children with proper rights by enacting, amending and elaborating the sectoral laws. Recently, “Law on the provisions of women’s rights of the DPRK” and “Law on Children’ rights of the DPRK” were promulgated on 20th December, 2010 thus providing legal regime for the measures to thoroughly protect women’s rights of socio-political, economic and cultural natures and those in their own body and property and to ensure children’s rights in the field of society and education, public health, family and justice.

We support the ongoing work of criminalization of trafficking in persons as well as the protection of victims of trafficking, before, during and after the criminal proceedings undertaken by the AALCO Secretariat and will actively take part in this work. Thank you for your attention.

President: Thank you. Now is the turn of Nepal please.

The Delegate of Nepal: Thank you Mr. President. My delegation appreciates the views put forward by the distinguished panelists. Mr. President, Nepal is party to all the international and regional conventions relating to women and children trafficking. It is in the process of ratifying United Nations Convention against Transnational Organized Crime (UNTOC), which is under consideration of legislative Parliament. Nepal’s recent legal and policy measures are harmonious with international standards. It is making efforts as a source country to address the push factors like political economic, social and cultural factors within the country. But pull factors have been proved to be more challenging than others. In order to address this problem effective cooperation and coordination at national, bilateral, sub-regional, regional and international level especially among the countries of origin, transit and destination are required.

Mr. President, my delegation considers that migration can be regarded as a process of enhancing social progress both the country of origin and destination. The main challenges of migration are smuggling of migrants, particularly the exploitation of migrant workers. In order to solve this problem we need to take initiatives, first by the ratification of the UN Convention and second by protection of the rights of all migrant workers and members of their families and ILO Conventions by all states. Thank you.

President: Thank you very much for that brief intervention. Now may I ask Nigeria please.

The Delegate of Nigeria: Thank you very much Mr. President and the distinguished fellow delegates. Nigeria would like to commend the wisdom of the Secretariat for giving this topic the prominence it rightly deserved. Nigeria’s intervention will be more of solicitating support from AALCO Secretariat and the fellow delegates. Nigeria has domesticated the Child Rights Convention as part of our national laws but faces

challenges in the area of general acceptance through other countries. Nigeria practices federalism with various composite federal states having to domesticate this law before they are applied by all the states but some of the states have very different divergent religious and cultural practices. So Nigeria would like to solicit the assistance of AALCO on the application of this law in multi-cultural and religious states like Nigeria. Thank you very much.

President: Thank you. I am sure the Secretariat would take note of that. Now the final intervention would be by the Kingdom of Saudi Arabia.

The Delegate of Saudi Arabia⁷ said that combating trafficking in women and children in all its manifestations at every level was very essential. The delegation then highlighted the laws formulated by their country to combat the issue, which includes rigorous punishment. The labour laws of the country prohibit employment of persons under the age of eighteen years. However, some organizations export or send workers for illegal material gains by manipulating their age. All care and facilities were given to the victims because that menace affects the human dignity and relates to violence against a person.

The Delegate of Iraq⁸ mentioned that the Ministry of Human Rights has conducted inspection of the prisons to take stock of the condition of prisoners and urged the judicial authority to expedite that trial with full justice. Also, the national coalition government of Iraq has introduced the subject of human rights in the curriculum of the Iraqi Universities.

The Delegate of Qatar Mr. President, apart from putting in place strict laws to curb human trafficking and exploitation of women and children, the State of Qatar has joined a number of relevant international conventions. Also, it has set up local departments and committees with the aim of combating this menace.

President: Thank you very much for all the interventions. I do not want to say a conclusion but to say that there must be concerted effort by all the member countries in combating this menace of the time and there are so many similarities as well. With that comment may I also regret our inability to incorporate interventions' on the folklore protection issue which was concluded yesterday. So, I request delegations wishing to make their statements to please submit in the written form to the Secretariat so that we can include it in the report. Having said that we will conclude this session for lunch and I would kindly request you to be back at your seats by 1.45 PM so that we can take the process forward on the report of UNCITRAL. Thank you.

The meeting was adjourned thereafter.

⁷ Statement was delivered in Arabic. Unofficial translation from interpreter's version.

⁸ Due to the non-availability of the written texts of the Statements delivered by delegates from Iraq and Qatar their statements have been taken from the Summary Report of the Fiftieth Annual Session and presented here.