

World Vision Supplementary comments for submission to the Joint Standing Committee on Foreign Affairs, Defence and Trade

April 2009

These supplementary comments outline specific recommendations on how to the Australian government can provide diplomatic support to countries in Asia to combat human trafficking and labour exploitation,

World Vision provides further information on:

- The Coordinated Mekong Ministerial Initiative Against Trafficking (COMMIT) see ANNEX 1
- Case studies of World Vision's work on engaging youth to promote human rights within the Greater Mekong Sub-region see ANNEX 2 ; and
- The role the *Port Moresby Declaration* can play in promoting human rights in the Pacific region see ANNEX 4.

Introduction

As outlined in World Vision's original written submission to the Joint Standing Committee on Foreign Affairs, Defence and Trade, Australia has the geographic position and political framework that lends itself to being a leader in preventing and combating human trafficking and labour exploitation in Asia. Australia's location on the edge of Asia views it as a destination country of trafficked people; as a purchaser and user of products and services made by trafficked labour; and as a necessary participant in coordinated efforts to eliminate and reduce the practice. Australia must seek greater political engagement with Asian countries in combating human trafficking and labour exploitation in Asia. This can be done bilaterally, in multilateral forums and on a regional cooperation level, through agencies such as the United Nations Inter-Agency Project on Human Trafficking in the Greater Mekong Sub-region (also entrusted as the COMMIT secretariat.) It also requires Australia to increase its support of protection and prevention interventions to achieve coordinated and sustainable anti-trafficking policies.

In the current global economic climate, it is essential that Australia continue to support and prioritise efforts to combat human trafficking and labour exploitation in Asia. Human trafficking and labour exploitation in the Greater Mekong Sub-region and beyond cannot be addressed without enhanced regional cooperation, bilateral and sub-regional agreements with other Governments, UN agencies and civil society organisations linking anti-trafficking interventions in source countries to those in destination countries, such as Australia. The United Nations has predicted that the economic crisis will see a rise in unemployment in the region and increased demand for cheap labour.¹ Asian countries must be supported to develop plans that proactively address the potential implications of the global financial crisis.

Human trafficking in Asia cannot be addressed without enhanced regional cooperation, bilateral and sub-regional agreements with other Governments, UN agencies and civil society organisations linking anti-trafficking interventions in source countries to those in destination countries, such as Australia. This includes sharing information and intelligence through their law enforcement agencies.

WORLD VISION'S RECOMMENDATIONS

World Vision is calling for Australia to be a leader in the region by supporting and prioritising efforts to combat human trafficking and exploitation in Asia

The various ways in which Australia can lead efforts and provide diplomatic support to combat human trafficking and labour exploitation in Asia include through:

- bilateral engagement
- multilateral forums
- multilateral instruments
- regional cooperation
- increasing policy and funding focus on prevention and protection

¹ "UN predicts rise in human trafficking amid downturn," by Harvey Morris (United Nations), published in Financial Times, UK, 13 February 2009 as at <http://www.donttradelives.com.au/dtl/Resources/News/articles/globaleconomic.aspx>.

I. Bilateral political engagement

Through bilateral political engagement, WVA recommends Australia constructively address, review and commend efforts made by countries to combat trafficking and reduce labour exploitation.

a.) Specific bilateral forums

At the Australia – China Human Rights Dialogue in Beijing, 2010 Australia should:

- Enquire frankly into the progress China is making in signing and ratifying the UN Protocol on Trafficking in Persons to Prevent, Suppress, and Punish Trafficking in Persons; and the development of its domestic anti-trafficking legislation;
- Request an update on the development and implementation of China's National Plan of Action to combat human trafficking (China remains the only country within the Greater Mekong Sub-region (GMS) and involved in the COMMIT process to have not developed a National Plan of Action).

b) Further support bilateral human rights programs:

Australia should consider increasing its bilateral support to the Asia Regional Co-operation to Prevent People Trafficking Project (ARTIP)², current human rights technical assistance programs (such as the China Human Rights Technical Cooperation program)³ and consider replicating similar programs in other Asian countries so as to assist governments to strengthen the promotion, protection and administration of human rights.

2. Multilateral forums

a) Support Multilateral mechanisms

Australia should support relevant UN agencies and other multilateral bodies such as Association of South East Asian Nations (ASEAN) to develop mechanisms to address the implications that the financial crisis will have on human trafficking and labour exploitation in Asia.

b.) Encourage the UN Human Rights Council UPR process to continue to focus on trafficking

The UN Human Rights Council Universal Periodic Review (UPR) process is another relevant diplomatic forum that Australia can use to address human trafficking and labour exploitation. Thus far, almost all the States reviewed under the UPR process have discussed the problem of human trafficking. Furthermore, most States have also included a recommendation to the State under review to address the issue of trafficking.⁴ Future opportunities within the UPR process for Australia to address trafficking of persons and labour exploitation in Asia are at the fifth and sixth UPR

² Under the auspices of ARTIP, specialist law enforcement response units to trafficking have been established in four of the six Greater Mekong Sub-region (GMS) countries. Such units are now recommended by ASEAN as regional standard. ARTIP will run from 2006-2011 and is a \$21 million initiative. It seeks to promote a more effective and coordinated approach to people trafficking by criminal justice systems of governments in the Asia region. Initial partner countries include Thailand, Lao PDR, Cambodia and Burma with Indonesia expected to join in the first year (subject to formal agreement). The Project will expand to include other ASEAN countries at a rate of no more than one per year. It has recently expanded to include Indonesia.

ARTIP's three core components are:

- strengthened specialist and general law enforcement responses
- strengthened judicial and prosecutorial responses
- improved policy, legal, research and outreach capacity.

ARTIP builds on the achievements of the recently completed Asia Regional Cooperation to Prevent People Trafficking Project (ARCPPT).

³ The Australia-China Human Rights Technical Cooperation Program is an \$8 million program. It is an on-going program that has run from 1997. Australia has contributed \$453,270 to this project. Since 1997, Australia has supported activities under the HRTC to help strengthen the promotion, protection and administration of human rights in China. Between 2002 and 2005 this included a series of training activities and workshops for officials and community-level workers on practical methods to combat trafficking of women and children, focused in the provinces of Guizhou and Sichuan. Among the activities supported was a regional anti-trafficking workshop involving officials from Vietnam and Thailand. The HRTC has also supported many other activities in the legal reform and justice sector and women's rights. Issues addressed have included penitentiary reform (including reform in juvenile justice), training on criminal procedures and a series of workshops on domestic violence.

⁴ Due to the extensive field presence World Vision has in close to 100 countries, World Vision Australia is well positioned to assist the Australian Government through its field based evidence to highlight human rights abuses. When appropriate we are willing to submit specific country reports for consideration by the UN Human Rights Council to Department of Foreign Affairs and Trade (DFAT) and the Australian Agency for International Development (AusAID). Recently, World Vision provided the Department of Foreign Affairs and Trade with a report on Afghanistan outlining recommendations for Australia's consideration at the fifth session of the UPR in May 2009.

working group sessions in December when Vietnam and Cambodia will be reviewed respectively, while Lao PDR will be reviewed at the eighth session of the UPR review process in 2010 and Myanmar and Nepal at the 10th session in 2011.⁵

c.) Actively support the work of the UN Special Rapporteur on Trafficking, especially Women and Girls

World Vision encourages the Australian government to better support the mandate of the UN Special Rapporteur on Trafficking, especially Women and Girls.⁶ The Australian government had not, at the time of publication of the Special Rapporteur's latest report in February 2009, responded to the Special Rapporteur's questionnaire.⁷ The questionnaire was sent in late 2008 to all UN member governments to gather baseline information on the problem of trafficking.⁸

3. Multilateral instruments

a) Actively persuade countries that have not yet done so to sign, ratify and effectively implement the various instruments that exist to protect people from human trafficking and labour exploitation.

Palermo Protocol

The UN Protocol on Trafficking in Persons to Prevent, Suppress, and Punish Trafficking in Persons especially Women and Children (the Palermo Protocol) is the main legal normative framework to combat human trafficking. Australia must use relevant multilateral and bilateral forums to encourage States that are not parties to the Palermo Protocol in Asia to sign and ratify it. Ratification of the Protocol across Asia is a critical step towards advancing greater regional cooperation to combat human trafficking and reduce labour exploitation.⁹ The technicalities of applying the Palermo Protocol obligate states to adopt a comprehensive definition of trafficking in persons for purposes other than sexual exploitation.¹⁰ This includes men and boys who have been identified as victims of trafficking and victims of other forms of exploitation, such as forced or exploitative labour within the domestic, agricultural or industrial contexts. States which have ratified the Palermo Protocol are also obligated to ensure that national anti-trafficking legislation comprehensively integrates protection, rehabilitation, return and reintegration measures.

Implementation of the Protocol into comprehensive national legislation remains low in many countries. States which have ratified the Palermo Protocol are obligated to ensure that national anti-trafficking legislation comprehensively integrates protection, rehabilitation, return and reintegration measures. Additional assistance is required to ensure states have provisions for prevention activities, victim identification and family tracing and assessment, rehabilitation and reintegration within their national legislations. It is not adequate to simply amend existing laws to include and criminalise human trafficking as per the Palermo Protocol without these sufficient additional provisions.

⁵ Due to the extensive field presence World Vision has in close to 100 countries, World Vision Australia is well positioned to assist the Australian Government through its field based evidence to highlight human rights abuses. When appropriate we are willing to submit specific country reports for consideration by the UN Human Rights Council to Department of Foreign Affairs and Trade (DFAT) and the Australian Agency for International Development (AusAID). Recently, World Vision provided the Department of Foreign Affairs and Trade with a report on Afghanistan outlining recommendations for Australia's consideration at the fifth session of the UPR in May 2009.

⁶ The Special Rapporteur will consider taking the following critical issues relating to trafficking forward: scarcity of research and data, migration and linkages to trafficking, HIV/AIDS, conflict, the MDGs, gender based violence and gender inequality, the provision of integrated assistance and services – legal, medical, shelter, protection, psychosocial support to trafficked victims and the promotion of international, regional and sub-regional cooperation. The Special Rapporteur has also committed to completing an in-depth study into the demand for trafficked victims and to make an earnest effort to undertake work in areas that have not been previously examined or where interventions are limited. This includes the trafficking of men and boys.

⁷ The Special Rapporteur has consulted widely with civil society and non-governmental organisations working to combat trafficking to inform her mandate. World Vision was among the organisations consulted by the Special Rapporteur.

⁸ Responses were received from: Albania, Algeria, Argentina, Azerbaijan, Bahamas, Bahrain, Belarus, Belgium, Bulgaria, Chile, Colombia, Costa Rica, Cuba, Cyprus, Czech Republic, Dominican Republic, Ecuador, Egypt, Estonia, Finland, France, Georgia, Germany, Greece, Honduras, Hungary, Israel, Italy, Jamaica, Japan, Jordan, Latvia, Lebanon, Liechtenstein, Myanmar, Nigeria, Panama, Paraguay, Peru, Philippines, Qatar, Republic of Korea, Russian Federation, Singapore, Slovakia, Slovenia, Spain, Swaziland, Syrian Arab Republic, Thailand, Tunisia, Turkey, United Arab Emirates, USA, Ukraine, Uruguay, Vietnam and Zambia.

⁹ Non-State Parties to the Palermo Protocol in Asia include China, Bangladesh, Nepal, Pakistan, Brunei, Malaysia, Singapore and Timor-Leste. Asian States that have signed the Protocol but not ratified it are Thailand, Indonesia, Sri-Lanka and India

¹⁰ To date most legislation, research, projects and prosecution cases have focused on trafficking for the purposes of sexual exploitation, while human trafficking for other exploitative purposes have not been given much attention. Forced labour is not recognised in the national legislation of certain GMS countries. As a result men and boys who are victims of labour trafficking are frequently ignored. Without adequate legislation, labour trafficking victims are often considered to be illegal migrants and so are detained, fined and deported with little regard to their human rights or the suffering they have may have been subjected to.

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Other necessary anti-trafficking instruments include:

- the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography;
- the UN Transnational Organised Crime Convention (UNTOC) and its Trafficking Protocol
- the ILO Elimination of the Worst Forms of Child Labour Convention No.182; and
- the Convention on the Protection on the Rights of all Migrant Workers and Members of their Families.

Australia has not yet ratified ILO Convention 138 on Minimum wage (1973) ILO Convention 143 on Migrant Workers (1975) and the Convention on the Protection on the Rights of all Migrant Workers and Members of their Families. World Vision therefore also calls on the Australian government to sign/ratify these instruments.

4. Regional cooperation

a.) Support the United Nations Inter-Agency Project on Human Trafficking in the Greater Mekong Sub-region

The Australian government should provide funding to continue the operation of the United Nations Interagency Project on Human Trafficking in the Greater Mekong Sub-region (UNIAP). UNIAP is the COMMIT secretariat and works to support the implementation of COMMIT's Sub-regional Plan of Action. COMMIT is the main anti-trafficking mechanism for coordination between the Greater Mekong Sub-region (GMS) countries.

In 2000, UNIAP (an agency within the UN Development Program) was established to facilitate a stronger and more coordinated response to human trafficking in the GMS. It initially brought together six Governments, thirteen UN agencies, one inter-governmental organisation and seven international NGOs at a regional level. This has now evolved into an extensive network of Government, local and international NGOs, UN organisations and donors throughout the six countries, with links to similar networks in South Asia and beyond. UNIAP has been entrusted by GMS governments to act as Secretariat to COMMIT and its six national taskforces, based on its existing work and mandate as an inter-agency coordinating body in the region.

In 2000, UNIAP was initially funded by the UN Foundation, UNICEF and AusAID.¹¹ In 2003, AusAID provided UNIAP with a further \$US 45 000 indirectly through ARTIP.¹²

An evaluation of UNIAP by the UNDP Evaluation Office in 2007 cited UNIAP as a model project for UNDP's regional programme, addressing vital and sensitive issues, fostering regional cooperation, bringing governments on board and catalysing specific interventions to further the anti-trafficking agenda in the GMS.¹³ COMMIT was identified as an impressive achievement in the view of countries' differences and the history of tensions within and between them.

COMMIT provides a blueprint for regional cooperation to tackle human trafficking and works to encourage enhanced systems of cross-border cooperation and collaboration to combat and address all forms of human trafficking. The COMMIT process has comprehensive coverage and sound empirical basis that is underpinned by high-level political commitment from the six GMS governments. It provides an unprecedented opportunity to advance a genuinely multi-sectoral and effective regional response to human trafficking, based on best practice and lessons learned throughout the world.

b.) Replication of the COMMIT framework in South Asia

¹¹ UNIAP commenced in 2000. Its first funding phase (2000-2003) was funded by the UN Foundation, UNICEF and AusAID. The second phase (2003-2006) was funded by New Zealand, the Netherlands, United States, Norway and Sweden. In Phase 2, UNIAP succeeded in establishing the COMMIT process. This was not foreseen in the initial project document.

¹² UNDP Evaluation Office "Second Regional Cooperation Framework for Asia and the Pacific 2002-2006" May 2007

¹³ Ibid

World Vision urges the Australian Government to support the replication of a COMMIT framework in South Asia.

COMMIT's strength and success lies in its focused agenda and membership; namely, addressing all forms of human trafficking and labour exploitation in the Mekong region. A replication of a COMMIT framework in South Asia that is devoted entirely to addressing human trafficking and labour exploitation is required. A practical means in which Australia could support this is by co-hosting with a non-governmental organisation such as World Vision a Regional Forum to bring together COMMIT, ASEAN, SAARC, Bali Process stakeholders to discuss ideas around anti-trafficking initiatives in South Asia. The proposed initiative would require substantial support from partners such as AusAID.

In its current form, the Bali Process, co-chaired by Australia and Indonesia remains predominately a people smuggling and border security forum. Australia's involvement in this forum should not be used to hijack the broader anti-trafficking agenda in Asia.

SAARC will be an important forum to work through in encouraging the facilitation of such an initiative.¹⁴ SAARC has over several years been developing a regional response to human trafficking. However, human trafficking in SAARC's current form is one of the many issues that the Association covers.

In 2002, the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution was adopted by SAARC member states. Whilst the adoption of the Convention is commendable, efforts must be made to strengthen its implementation across South Asia. SAARC's current narrow focus on sex trafficking must also be reinvigorated and expanded, by encouraging the ratification of the Palermo Protocol by non-State Parties in South Asia, working to ensure that a comprehensive definition of trafficking is adopted by all SAARC member states to include both male and female victims of human trafficking and labour exploitation within the domestic, agricultural, mining or industrial sectors.¹⁵

c.) Increase funding support of protection and prevention interventions within anti-trafficking policies:

World Vision urges the Australian government to increase its support of protection and prevention interventions, by providing greater funding to civil society organisations involved in anti-trafficking work, on par with its current funding on prosecution. The Australian government's action-orientated approach towards addressing human trafficking in the Greater Mekong Region by working with partners such as the ILO, IOM, Save the Children and World Vision is welcomed. A more coordinated approach to anti-trafficking policy applied across Asia with greater support from Australia will work to ensure that achievements in combating trafficking are sustainable and have greater impact on human trafficking and labour exploitation as a whole. At present Australia's overall approach to combating human trafficking in the region has been too prosecution centric.

Collaborative international, regional and national efforts to effectively combat trafficking must address the whole cycle of trafficking from prevention, protection, prosecution, punishment and policy. National governments and donors must feed lessons learnt from community prevention and protection (including return and reintegration initiatives) into a holistic anti-trafficking policy. The return process should also be efficient and rights based to ensure the individual is not re-victimised.¹⁶

¹⁴ SAARC is composed of Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka

¹⁵ Non-State Asian Parties to the Palermo Protocol are China, Bangladesh, Nepal, Pakistan, Brunei, Malaysia, Singapore and Timor-Leste. Asian States that have signed the Protocol but not ratified it are Thailand, Indonesia, Sri-Lanka and India.

¹⁶ In practice human trafficking victims are pressured to testify against accused traffickers. This sees them being detained in a shelter until the court case concludes. Victims must be provided with greater options when agreeing to testify. For example by video to ensure that they are able to return to their community more rapidly or not testify at all if they decide that they cannot be provided with appropriate protection.

ANNEX I

Further information on the Coordinated Mekong Ministerial Initiative Against Trafficking (COMMIT)

COMMIT is the main anti-trafficking mechanism for coordination between the six countries of the Greater Mekong Sub-region (GMS).¹⁷ COMMIT benefits from being entirely devoted to one issue; addressing and combating human trafficking and labour exploitation in the GMS. Through the process, GMS countries engage in frank and open dialogue working to encourage enhanced systems of cross-border cooperation and collaboration. COMMIT has the political legitimacy gained from being a government forum which fosters cooperation and action amongst GMS states. It has gained additional legitimacy from the involvement of other stakeholders, including UN agencies, the International Organisation for Migration (IOM) the International Labour Organisation (ILO), the United Nations Inter-Agency Anti-Trafficking Project (UNIAP) in its role as the COMMIT secretariat and UNICEF and civil society partners such as World Vision and Save the Children. Major funders have included the Swedish International Development Agency (SIDA), Canadian International Development Agency (CIDA), USAID, Norway, the Asian Development Bank (ADB), NZAID and AusAID.

The COMMIT MoU formally established the COMMIT process and was signed at the first Inter-Ministerial Meeting in October 2004 by six GMS government ministers.¹⁸ The MoU provides all six GMS countries with a consolidated framework to reduce the incidence of trafficking in persons across the region. The MoU details a common understanding of trafficking based on the UN Protocol on Trafficking in Persons (Palermo Protocol). The MoU is grounded in international standards on human rights and human trafficking and emphasises a coordinated response to human trafficking and labour exploitation.¹⁹ The MoU commits signatory States to ensure that trafficked persons are treated as victims, rather than law breakers and seeks to better support their needs and reintegration.²⁰ Attention is also given to the acute vulnerabilities of marginalised populations and how they can be addressed.²¹

The value-add of COMMIT lies in its operational focus, comprehensive coverage and a sound empirical basis. It does not suffer from the common set-back of being a series of government statements that are unlikely to be linked to national planning or reported upon; nor is it an NGO-led initiative that sets admirable ideals without gaining support from governments or fostering political will. It is relatively action-oriented initiative (albeit with some limitations) that provides a framework and Plan of Action that informs government planning.

Capacity building has also been institutionalised under the COMMIT process, whereby representatives of the six governments undergo an eight-day comprehensive training on trafficking on a quarterly basis. Several of the countries have adapted this regional training programme nationally.

Unique features of COMMIT

- COMMIT focuses specifically on the issue of human trafficking, where there is strong support for common action, and does so in a way that is in accordance with international standards
- Governments take the lead in identifying the problem and setting policies, activities and timelines (not the UN, civil society or donors)
- COMMIT is a high-level policy dialogue demonstrating the political commitment of Governments to work together in a region where all have come to the realisation that no single Government can tackle this issue alone
- Represents a multi-sector, multi-agency approach through the six national COMMIT Task Forces that comprise senior and technical officials from Governments (up to Minister), UN and NGOs

¹⁷ The countries that make up the Greater Mekong Sub-region are Cambodia, Thailand, Vietnam, Laos, Myanmar and China.

¹⁸ The MoU text can be accessed at http://www.no-trafficking.org/content/commit_process/COMMIT_som2.htm

¹⁹ To date the COMMIT process has implemented two Sub-regional Plan of Action (SPA which spanned from 2005-2007) and Sub-regional Plan of Action (SPA II which spans from 2008-2011). SPA II manages nine key areas, including the development of National Plans of Action,¹⁹ legal frameworks, safe repatriation, social support for victims and cooperation with the tourism sector. To date, six strategic annual meetings have been held to formulate action plans around some of the key focus areas. This has seen a common understanding of principles and methods of working within the COMMIT process developed.

²⁰ Dr S Thatun, "Mekong sub-region committed to ending trafficking", in *Forced Migration Review*, May, 2006

²¹ For example there remain a large number of Myanmar refugees permanently living in camps along the Thai/Myanmar border. Youth and children from these camps have recently been identified as a risk group as they choose, or are coerced to travel outside of the camp zones in order to seek better lives. Separation from the family can jeopardise the refugee status of the whole family and prolong or stall the process needed to repatriate to a third country. To reduce the risks, more needs to be done to ensure standards of living inside camps are maintained and/or improved and the processing of applications needs to be as swift and smooth as possible.

COMMIT's achievements

A recent independent evaluation of UNIAP and the COMMIT process (March 2009) has recognised COMMIT's importance in addressing counter trafficking in the Mekong region and recommended that it remain an on-going initiative in the GMS.²² However, UNIAP's funding as the COMMIT secretariat remains an issue. UNIAP is currently \$1.8 million short for its 2011 – 2016 funding phase.

COMMIT's achievements include the standardization of bilateral frameworks and cooperation between Thailand and Laos in tracing missing persons. Similarly, bilateral MOUs have been processed between Cambodia and Vietnam and the bilateral cooperation framework is in the final stages between Myanmar and Thailand. National Plans of Action are also in place for and at various stages of implementation in Vietnam, Laos, Thailand, Cambodia and Myanmar. Some GMS countries have also undertaken to review their legal frameworks, either independently or under COMMIT. For example Myanmar enacted its anti-trafficking law in September 2005 and Thailand in early 2008

Implementation of COMMIT's various anti-trafficking interventions, frameworks and processes initiated by the COMMIT process currently remains the greatest challenge and needs to be carefully monitored and tracked to ensure effective and efficient delivery of programs and projects. Progress in strengthening the legislative frameworks, bilateral arrangements and internal capacity in each country is uneven, and external support for COMMIT's work will need to continue.

An earlier evaluation of the COMMIT Sub-regional Plan of Action (2005-2007) highlighted the following key achievements of the COMMIT process:

1. A comprehensive training course implemented on human counter-trafficking for government and non-government officials, providing state-of-the-art information delivered by recognised experts in the field; the course has also been translated into the six GMS languages and localised for maximum relevance;
2. The development and strengthening of National Plans of Action and bilateral cooperation mechanisms in/between many of the six GMS countries, with sound monitoring and evaluation frameworks;
3. Regional guiding principles on victim protection and labour recruitment, setting an international standard for all GMS national and cross-border mechanisms handling trafficked persons and migrants; and
4. Observable improvements of national legal frameworks and the criminal justice response to human trafficking, as it is practised on the ground to protect trafficked persons and bring offenders to justice.

The COMMIT process has achieved a considerable amount since its conception in 2004 and continues to gain momentum as one of the key regional policy mechanisms in GMS. Recently, governments in the region have also started to acknowledge the prevalence of human trafficking for purposes other than sexual exploitation. For example at the Sixth COMMIT Senior Officials Meeting in Vientiane, Laos in late 2008 country officials discussed for the first time human trafficking for purposes other than sexual exploitation. Cambodia raised the issue of Cambodia men and boys who are trafficked on fishing boats in Thailand and Malaysia. This is a welcome initial step and should be further encouraged.

However, challenges for the COMMIT process remain. They include the need to continue to challenge and change the mindset of the law enforcement agencies and government officials towards human trafficking and labour exploitation, advocate for reforms to labour laws and to implement in the six GMS countries National Plans of Action plans to combat trafficking for the purpose of labour exploitation. GMS countries also need to be supported to address Article 29 of the COMMIT MoU; to collect, analyse and map human trafficking data.

ANNEX 2

World Vision's anti-trafficking work

²² Mid-Term Evaluation of Funding Phase 3 of the United Nations Inter-Agency Project on Human Trafficking in the Greater Mekong Sub-region (February – March 2009.) The evaluation involved face-to-face interviews with a wide range of government, UN, donor, private sector and local/international NGO stakeholders in four of the countries in which UNIAP operates (Cambodia, Laos, Myanmar and Thailand), supplemented by email and telephone discussions with additional stakeholders (including those in the other two countries covered by the project, China and Vietnam).

World Vision (WV) has been engaged in anti-trafficking activities since the late 1990s, working to combine our programmatic experience with our advocacy work. Civil society organisations, such as WV often have the trust of communities and have a critical role to play in strengthening community resilience to protect against the abuses and exploitation that can lead to trafficking. Civil society is also increasingly feeding into national and regional policy changes and working with government to effectively implement policy.

World Vision's presence in all countries in the GMS gives it solid community-level relationships and presence. World Vision is well positioned to work both in places of origin and across borders. Our extensive work around repatriation has also helped to link trafficking victims with the judicial system. Police have reported improved understanding and capacity to identify early problems as a consequence of this collaborative work.

Case study 1: World Vision's involvement with the Third World Congress in Brazil, 2008.

World Vision selected four children from the East Asia and Pacific region, involved in World Vision's youth advocacy groups, to represent the Asia and Pacific region by attending the third World Congress against the Sexual Exploitation of Children and Adolescents (WCIII), in Brazil in November 2008.

The four children were from diverse backgrounds and have been actively involved in their communities as youth advocates, raising awareness of child protection and the danger of human trafficking.

Before the WCIII, World Vision supported a total of 16 children (including the four children selected to attend the WCIII) to be involved in World Vision's East Asia and Pacific (EAP) Youth Forum and Regional Consultation in Bangkok. The objective of the Regional Consultation was to highlight and examine commercial sexual exploitation of children issues that are specific to East Asia and the Pacific region and look at what works in different parts of the region. Their recommendations were included in the final outcome document from the East Asia Pacific Regional Consultation which then fed into the World Vision WCIII outcome document and country action plan.

A total of 300 children participated in the WCIII from around the world, 16 of these children were supported by World Vision from different global regions.

The following five themes were addressed at the WCIII:

- Theme 1: New Dimensions of Commercial Sexual Exploitation of Children;
- Theme 2: Legal Frameworks and Enforcement;
- Theme 3: Integrated Inter-Sectoral Policies;
- Theme 4: Role of the Private Sector and Corporate Social Responsibility; and
- Theme 5: Strategies for International Cooperation.

At the WCIII, World Vision supported children participated in plenary panels, workshops and dialogues and on drafting committees for the World Congress Outcome Document. The WCIII was the biggest event ever held on child exploitation.

Case study 2: Jane takes child protection issues to the world

Jane lives with her grandparents in a sleepy fishing village on the Thai side of the Thai/Myanmar border. When Jane was eight her mother died and with her father working in the fishing industry, Jane took on new responsibilities within her family. Over the years she has become active within her community, looking to improve conditions for families and children.

Through the World Vision's Foundation of Thailand Youth Advocacy Group, Jane has been working to assist and educate her peers from both Thailand and Myanmar to the serious dangers facing vulnerable children in the region. Many individuals and illegal organisations target young vulnerable children for trafficking, prostitution, sex tourism and pornography. Raising awareness and education for individuals and communities are recognised as key ways to significantly reduce the risk of danger.

Jane's involvement in the Youth Advocacy Group led her to be selected by her peers and World Vision's Foundation of Thailand to represent Thailand in the East Asia and Pacific region at the Regional Consultation and Youth Forum for the WCIII held in Bangkok in 2008.

In November, Jane represented the youth of the East Asia and Pacific region and was amongst 300 children from around the world who were selected to go to Rio de Janeiro in Brazil for the WCIII. The child delegates came from a wide variety of regions and backgrounds but they all had one thing in common: they were all actively involved in their community as youth advocates, raising awareness of child protection and the danger of human trafficking.

During the conference, Jane shared her Thailand advocacy experience in a workshop titled "Youth as Protagonists". She was also keen to share her experience from her participation in the WCII to educate young people in her local community about child protection issues.

Case Study 3: World Vision Sponsors Youth Forum to Speak out on Trafficking

In September 2007, the Mekong Youth Forum on Human Trafficking, sponsored by World Vision Australia, Save the Children Fund, the International Labor Organisation, and the United Nations Inter-agency Project on Human Trafficking (UNIAP), provided a unique opportunity for young people (aged 12 to 19) from the Mekong region to discuss and voice their concerns, thoughts and opinions about human trafficking in their region. The Forum was attended by thirty elected youth representatives from six countries: Cambodia, China, Laos, Myanmar, Thailand, and Vietnam.

The Forum saw five days full of activities, involving analysis and reflection on strategies to combat human trafficking. The centre piece of the forum was Dialogue Day, when the youth delegates sat face to face with the government representatives responsible for anti-trafficking initiatives in their respective countries, and asked questions, presented their views and exchanged their concerns. The participants took full advantage of this opportunity and openly engaged with their government officials about this crime that is so prevalent in their region. The delegates submitted thirty recommendations to the regional government officials, that were considered and incorporated into discussion at the fifth Senior Officials Meeting of the Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT) process in Beijing in December 2007.

ANNEX 3

Bilateral and Multilateral Agreements in Greater Mekong Sub-region

Examples of some existing bilateral agreements between GMS countries

	MoU title	Signing date
1	MOU between government of Kingdom of Thailand and government of Lao PDR on cooperation in the employment of workers	28 Oct 2002
2	Memorandum of Understanding between the Government of the Kingdom of Cambodia and the Government of the Kingdom of Thailand on Cooperation in the Employment of Workers	May 2003
3	Memorandum Of Understanding Between The Government Of The Kingdom Of Thailand And The Government Of The Union Of Myanmar On Cooperation In The Employment Of Workers	21 June 2003
4	Memorandum of Understanding Between the Government of the Kingdom of Cambodia and the Government of the Kingdom of Thailand on Bilateral Cooperation for Elimination of Trafficking in Children and Women and Assisting Victims of Trafficking	31 May 2003
5	MOU between the Government of the Lao PDR and Government of the Kingdom of Thailand on Cooperation to Combat Trafficking in Persons, Especially Women and Children	13 July 2005
6	MOU between Cambodia and Vietnam on Bilateral Cooperation for Eliminating Trafficking in Women and Children and Assisting Victims of Trafficking	10 Oct 2005
8	Memorandum of Understanding Between the Government of the Vietnam and the Government of the Kingdom of Thailand on Bilateral Cooperation for Elimination of Trafficking in Children and Women and Assisting Victims of Trafficking	April 2008
9	Viet Nam and China signed a bilateral agreement on cooperation preventing and combating crime, social order and security, which includes cooperation on human trafficking.	26 July 2001

Multilateral Agreements

	MoU title	Signing date
1	Memorandum of Understanding on Cooperation Against Trafficking in Person in the Greater Mekong Sub-Region (COMMIT MoU)	Yangon, 29 th October 2004
2	ASEAN Declaration against Trafficking in persons Particularly women and children	Nov 2004
3	ASEAN Declaration on the protection and promotion of the Rights of Migrant Workers	Jan 2007
4	ASEAN Hanoi Action Plan	
5	Bangkok Declaration on irregular migration	

ANNEX 4

Role of the *Port Moresby Declaration* in promoting human rights in the Pacific region

The March 2008 *Port Moresby Declaration* has the potential in its approach and desired outcomes to be a valuable tool for promoting human rights in the Pacific. The promotion of human rights in a country is as much about the approach to governance as it is about the implementation of the various rights treaties.

The Declaration:

- recognises the independence and diversity of countries in the region and the issues they face
- prioritises raising the living standards of people, including through the support for developing basic health services, universal basic education and local livelihoods
- supports the strengthening of governance and the role of civil society
- is founded on partnership and mutual respect.

The Declaration is people centred and founded on concepts of participation and respect, all of which are fundamental aspects of a human rights based approach. It makes specific reference to the Millennium Development Goals, which are a vital pathway to the achievement of rights, particularly Economic, Social and Cultural rights. Consistent and concerted promotion of the MDGs through the aid program will be a vital channel for the realisation of human rights for the people of the Pacific.

The prioritisation of climate change in the Declaration is similarly important for the protection of the rights of Pacific people, as the present and future impacts of climate change are increasingly recognised as one of the most significant threats to their rights.