

**JOINT STATEMENT FROM AUSTRALIAN,
CAMBODIAN AND THAI NGOs
CONCERNING TRAFFICKED WOMEN**

**SUBMITTED TO THE 34TH SESSION OF THE COMMITTEE
FOR THE CONVENTION ON THE ELIMINATION OF ALL
FORMS OF DISCRIMINATION AGAINST WOMEN
(CEDAW)**

**Relative to the
Report of the Governments of Australia, Cambodia and Thailand as State-
Parties to CEDAW**

16 January 2006, New York

Joint Statement from Cambodian, Thai and Australian NGOs

This report has been prepared on behalf of NGOs in three countries: Thailand, Cambodia and Australia which have developed a network to focus on trafficking of women with the aim of promoting the human rights of trafficked women.

In particular, we are concerned about the link between trade, aid and trafficking and note the relative differences between countries of origin and countries of destination. In this statement, we make recommendations to promote more effective collaborative responses to trafficking.

Human trafficking is a violation of human rights. Strategies to eliminate trafficking should be framed within a human-rights perspective by placing the victim at the centre of any response to trafficking, as described in the *UN Recommended Principles and Guidelines on Human Rights and Human Trafficking*.

Current approaches to trafficking emphasise the importance of criminal justice outcomes. A focus that is primarily directed to the prosecution of traffickers has the potential to ignore or minimise the human rights of those who have been trafficked by failing to adequately protect trafficked women in destination countries. Therefore we advocate the development of victim-centred strategies to holistically support trafficked women.

Trafficking is a complex and multidimensional phenomenon and requires a multidisciplinary approach. Any analysis of the root causes of human trafficking must take into account factors that are specific to the individual, country of origin and destination country. Trafficked people have many diverse needs including the need for accommodation, financial support, visa support, medical care and psychological care. We recognise that there are linkages between HIV/AIDS and trafficking and recommend that government responses to trafficking should address these linkages.

We ask the CEDAW Committee to encourage our Governments to establish taskforces or committees at the local, national and international level to coordinate effective approaches to trafficking. Membership of such committees should include representative of all levels of government as well as civil society. A human-rights approach recognises that women should not be detained or prosecuted for status-related offences, such as being unlawfully within a country. Support for trafficked women would include accommodation, financial support, medical care, counselling and possibly vocational assistance as well as reintegration assistance for those women returning to their country of origin.

As it is crucial that the rights of trafficked persons are the focus of any implementing programmes trafficked persons should be accorded protection within the destination country and have the right to decide whether they want to return. Trafficked women should have access to compensation and redress. We ask governments in destination countries to consider establishing a scheme to fund foreign victims of the crime of trafficking. All victims of trafficking should be permitted to work in the destination country. For those women who

have decided to return to their country of origin, permission to work may be part of a comprehensive pre-reintegration strategy.

All officials especially those with responsibilities in immigration, border control, labour inspectorates, police investigation, prosecution and the judiciary require focussed and regular training about the complexity of trafficking. For those in law enforcement, consideration should be given to schemes that foster the development of an awareness of the effect of being trafficked and the impact of cooperating in the criminal justice process on victims of trafficking. Additionally such training should include information about the international and domestic legal framework.

Although attempts have been made to identify and distinguish trafficked persons from illegal migrants in destination countries such as Thailand and Australia, many trafficked women may choose not to disclose that they were trafficked into the countries. There are many reasons for this. They may be afraid of reprisals by people in the trafficking ring. They may not have enough information and want to go back to their home as soon as possible. In most cases, trafficked women do not speak the language of the countries they were trafficked to and interpreters may lack experience in working with trafficked women which can result in difficulties of disclosure during the police/official interviews. Moreover, many women are in need of counselling and will choose not to disclose their experiences because of the trauma they are experiencing. Shame also prevents some women from speaking out. The Immigration Detention Center in Thailand has allowed Thai NGOs to work with the authorities to identify trafficked persons. This is a good practice and we commend it to the case of women staying in the immigration detention centres in Australia. We recognise the existing and unique role of NGOs in the assistance they provide to trafficked women and note that NGOs have developed a unique expertise based on their experience. We encourage governments to consult with NGOs in the formulation of education strategies.

We note the development of bilateral agreements and increased cooperation between Governments such as the recent agreement by the Thai and Cambodian governments on Guideline on Reintegration of Trafficked Victims for Cambodian and Thailand and welcome the creation of such agreements. Specifically, in relation to the Reintegration Agreement, we recommend that the implementation of the agreement should be strengthened.

We urge the CEDAW Committee to recommend that our Governments promote research into the nature and extent of trafficking in our regions to ensure the development of evidence-based understandings of the push factors and experiences of women who have been trafficked.

Trade

We note the negative impacts of trade liberalisation and request that the CEDAW Committee examine the impact of trade agreements and the links between trade, aid and trafficking. Many factors push women into the trafficking cycle. Chief among them is poverty. While trade liberalisation has the potential to improve the economic indicators in many countries, it is important to recognise that it can also contribute to financial insecurity for some segments of the population. In particular, multilateral, regional and bilateral free trade agreements have

gendered impacts, which can, among other outcomes, push women into poverty and increase their vulnerability to trafficking. For example, in Cambodia, there were some job losses at the time of the phasing out of the WTO Agreement on Textiles and Clothing, which had a disproportionate impact on women because of their dominance in that sector. The Thai-Australia Free Trade Agreement has had a detrimental impact on the dairy industry in Thailand reducing incomes for dairy-farming families, which is affecting women's capacity to secure the basic necessities of life for their families. Agricultural liberalisation has resulted in the loss of livelihood for garlic-farming women in northern Thailand. It is unclear that the negotiators of trade agreements consider the gender impacts of their work. Yet, as members of APEC (Asia Pacific Economic Cooperation), Thailand and Australia have recognised this through the adoption of the Framework for the Integration of Women in APEC. These guidelines call for a gender analysis of trade, the collection and use of sex-disaggregated data and the involvement of women in APEC. We commend the guidelines to the Committee when considering the State Reports of Australia, Cambodia and Thailand.

Aid

The provisions of article 6 of CEDAW apply to all parts of government, including the development of overseas development assistance (ODA) programs. To that end, we urge the Committee to encourage governments which have an ODA program to ensure that the needs of trafficked women are integrated into their programs. In addition, full and effective integration of the Millennium Development Goals into ODA programs would address the "push" factors which can result in some women being trafficked. We encourage AusAID to ensure that gender concerns are fully integrated into all funding programs such as the operation of the Cambodian NGO Cooperation Agreements Program, the Embassy-based small grants program, and in ongoing assistance programs with the Thai government.

Migrant workers

Trafficking has such a strong grip, in part, because of the refusal of many governments to liberalise their regime for the movement of migrant workers. While developing countries secured a World Trade Organisation agreement on the temporary movement of workers, commitments to the General Agreement on Trade in Services Mode Four have been limited in both number and scope. Genuine commitments to GATS Mode Four would diminish the traffic in people. Moreover, ratification of the *Migrant Worker's Convention* would ensure that migrant workers enjoyed a greater level of protection in their host countries.

Recommendations

These recommendations were developed by NGOs in three countries: Thailand, Cambodia and Australia which have developed a network to focus on trafficking of women with the aim of promoting the human rights of trafficked women. The recommendations address the gaps in government responses dealing with trafficking of women. Trafficking is a complex and multidimensional phenomenon and requires a multidisciplinary approach. Any analysis of the root causes of human trafficking must take into account factors that are specific to the individual, country of origin and destination country. We make these recommendations to promote more effective responses to trafficking as a problem which requires extensive international cooperation.

We request the CEDAW Committee recommend:

1. That Governments adopt a human-rights, victim-centred approach to guarantee that protection and assistance is offered to all victims of trafficking not simply those victims who are able and willing to assist with prosecutions. Such a holistic approach should also be integrated into training programs for all levels of government including those with a criminal justice objective. The criminal justice system should also ensure that a human-rights framework be applied in prosecuting perpetrators of trafficking;
2. That Governments review repatriation policies that operate in destination countries recognising that governments in those countries have a responsibility to ensure that if trafficked women are repatriated they are assisted to build a new life. We request that governments invite the involvement of NGOs to participate in the framing of such policies;
3. That the Thai, Cambodian and Australian governments to take an intergovernmental approach to tackling the trafficking of women. In particular, we encourage the development, implementation, and periodic review of bilateral agreements such as the recently adopted Thai-Cambodian Agreement referred to in the written statement.
4. That our Governments to establish taskforces at the local, national and international level to coordinate effective approaches to trafficking;
5. That Governments establish mechanisms and programs to increase cooperation and research between the countries, for example, through study programs to Thailand to examine the factors which have led to a large number of successful prosecutions in trafficking cases or through research which seeks to understand the experiences of trafficked women;
6. That Governments address the “push” factors associated with the negative impacts of trade liberalisation in industries dominated by women (for example, textiles and agriculture), in particular through integrating a gender analysis into the negotiation stages of bilateral, regional and multilateral trade agreements;

7. That Governments ensure that aid programs, which seek to address the “push” factor of poverty fully integrate a gender perspective into their work, for example, by supporting micro-trade and micro-finance programs targeting women at risk of being trafficked and by focusing on implementing the Millennium Development Goals;
8. That Governments ratify the Migrant Worker’s Convention and adopt meaningful commitments to liberalise the movement of migrant workers under the WTO General Agreement on Trade in Services Mode 4: Temporary Movement of Natural Persons provisions;
9. That Governments examine the links between HIV/AIDS and trafficking and explore strategies to prevent transmission of HIV/AIDS;
10. That governments strengthen social support for trafficked persons and recognise the unique expertise of NGOs in the work of combating trafficking of women and supporting victims of trafficking.

The following NGOs contributed to and endorse this statement:

Australia

Religious Congregations Anti-Trafficking Working Group - Australia
University of Technology, Sydney - Anti-Slavery Project
Women's Rights Action Network Australia

Cambodia

Gender and Development of Cambodia – GAD/C
Cambodian Committee of Women, CAMBOW
Cambodian NGOS on CEDAW
Community Legal Education Centre (Cambodia), CLEC.
NGO Coalition to Address Sexual Exploitation of Children in Cambodia, COSECAM
Silaka

Thailand

Alliance for the Advancement of Women
Foundation for Women