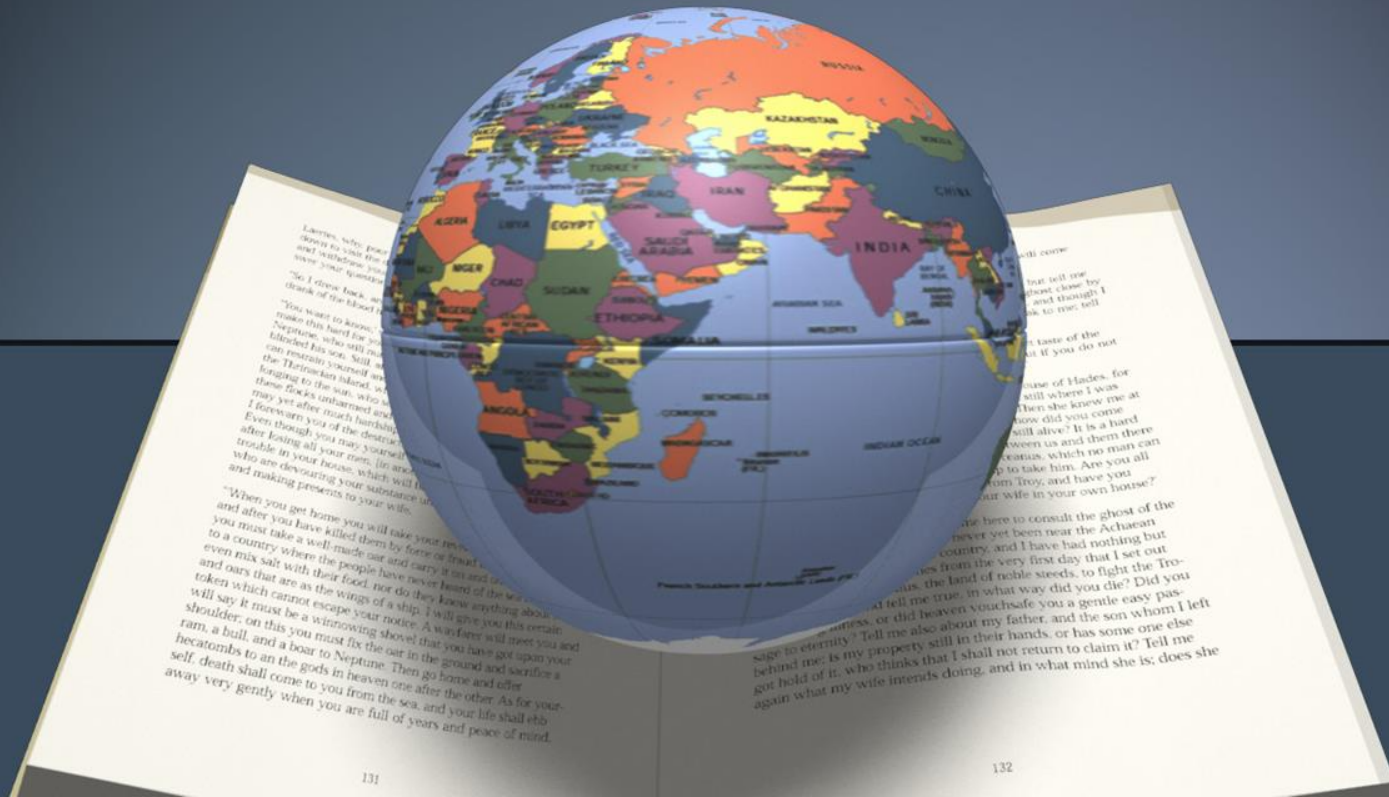




PROSECUTION

Judicial and Law Enforcement Measures

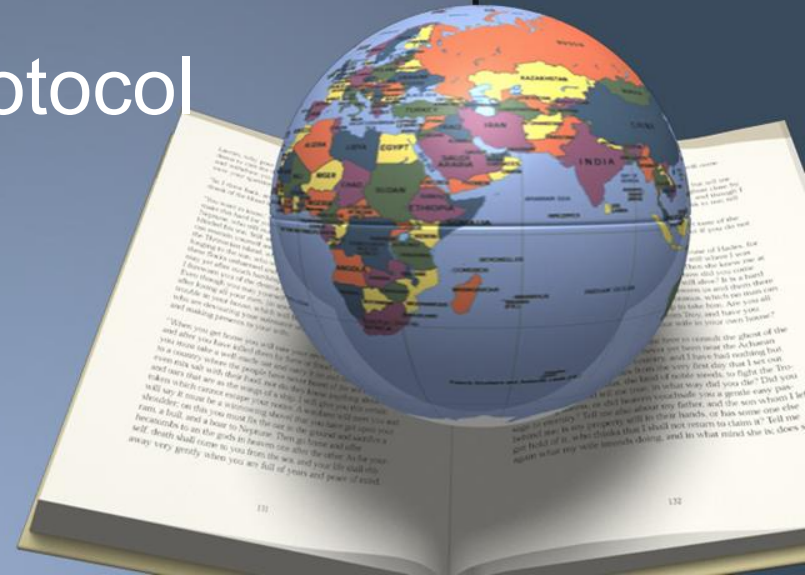




Preliminaries

Body agreed:

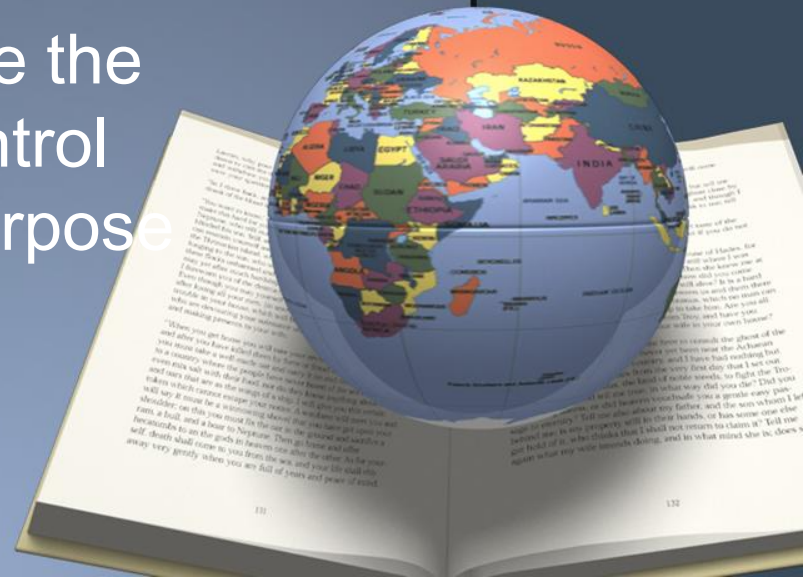
- that human trafficking is a global menace and a human rights issue
- to adopt the Palermo Protocol definition of trafficking in persons



Trafficking in Persons

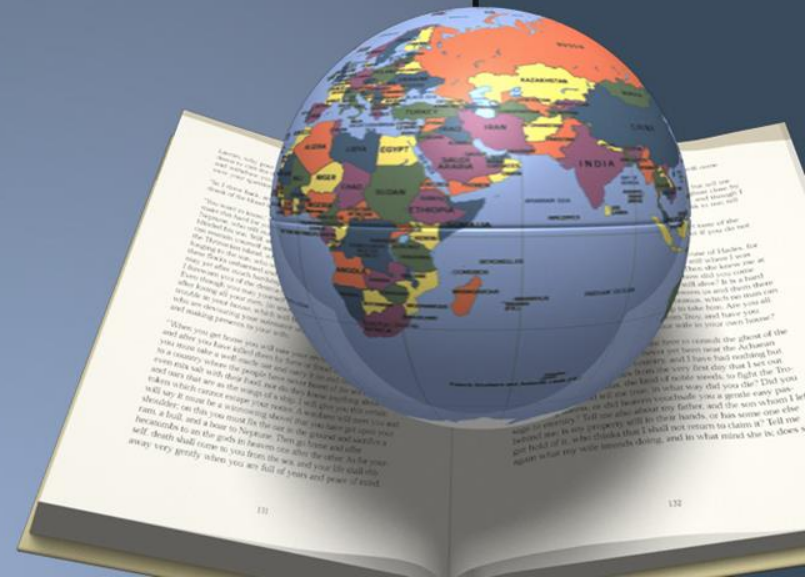
recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

(Art. 3, Palermo Protocol)



Assessment / Main Challenges

1. Difficulty in identifying trafficking victims
2. Reluctance of victims to file cases and testify



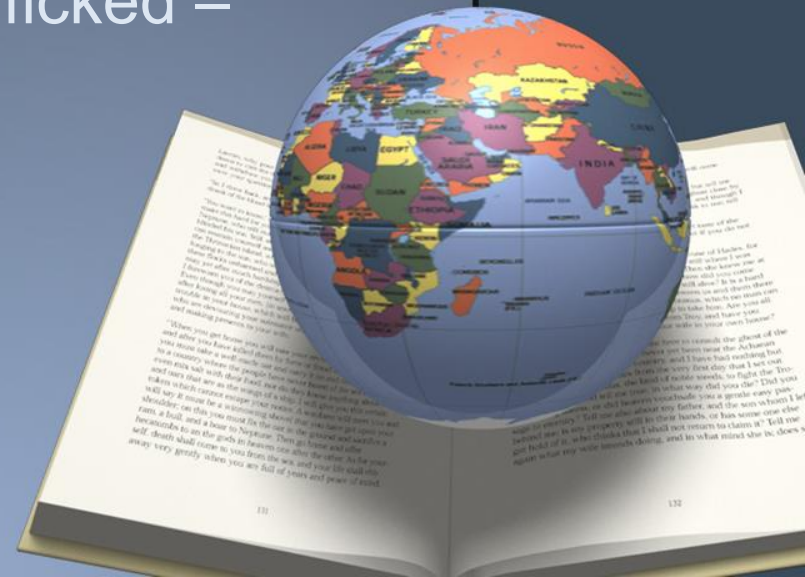
Assessment / Main Challenges

3. Inadequate training of law enforcement and prosecutors
4. Inadequate training and understanding of the judiciary in distinguishing trafficking cases



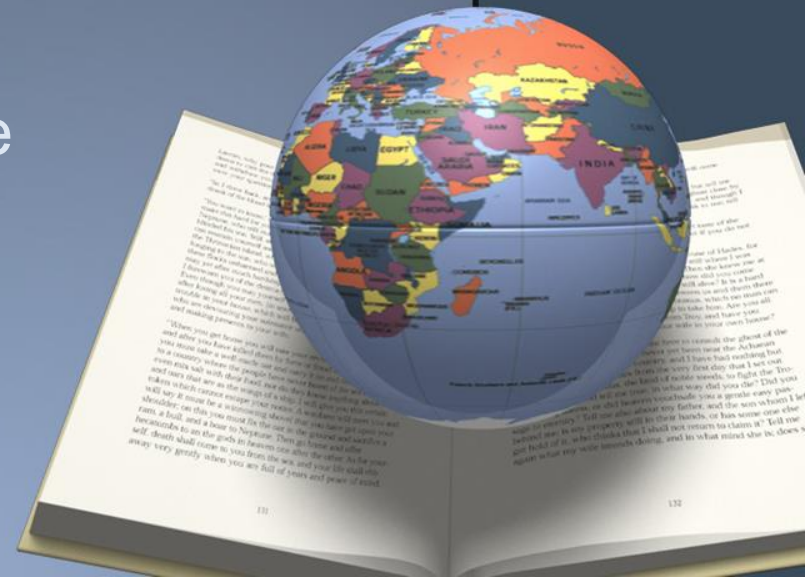
Assessment / Main Challenges

5. Difficulty in distinguishing trafficking victims from irregular migrants
6. Consent of victims to be trafficked – “willing victims”



Assessment / Main Challenges

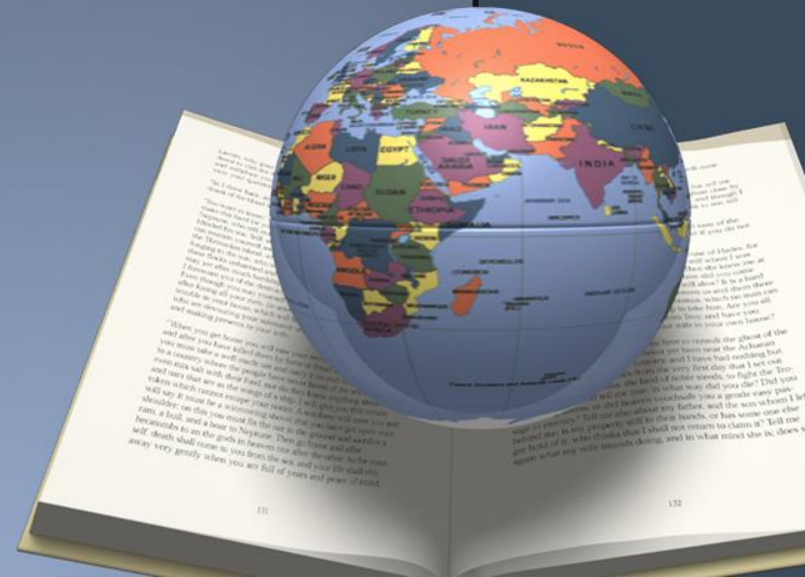
7. Differences in the treatment of trafficking victims
(Some countries treat them as illegal migrants and jail them)
8. Differences in the assistance provided to victims



Assessment / Main Challenges

9. Varying approach in investigating trafficking cases

10. Unequal access to justice
(e.g. language barrier)





How can the Human Rights-based Approach be mainstreamed

1. Adopt a *'victim -first policy'*

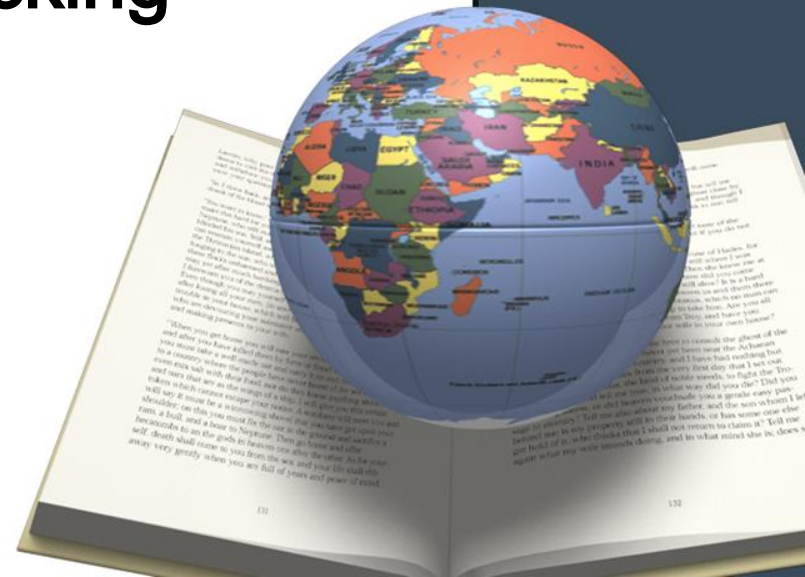
Victims shall be informed of the following:

- A. Their rights and the legal processes involving human trafficking in the language known to them; and
- B. Their right to consular access to seek assistance (trafficking in persons is a shared responsibility among countries whether origin, transit, and destination countries).



How can the Human Rights-based Approach be mainstreamed

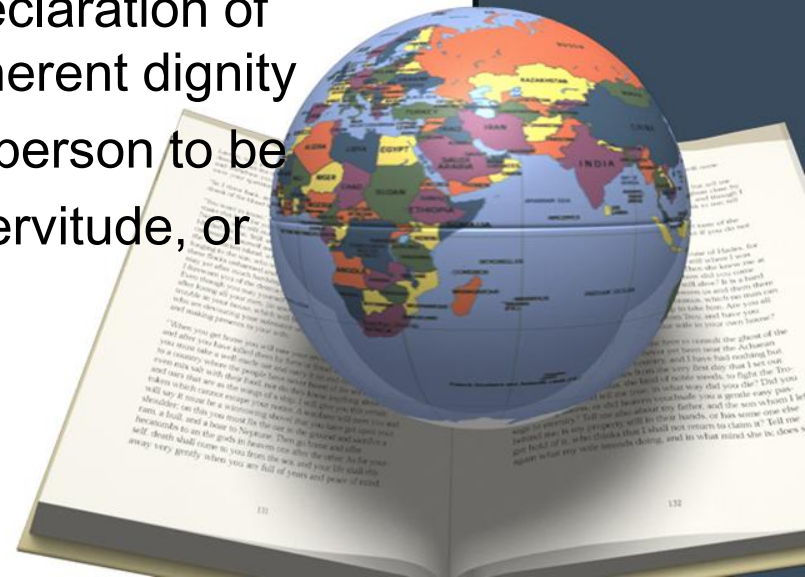
2. Capacity building (training) of law enforcement officers to focus on the safety and welfare of trafficking victims



How can the Human Rights-based Approach be mainstreamed

3. Adherence of law enforcement measures to human rights-based approach

Recognition of the Universal Declaration of Human Rights to protect the inherent dignity and fundamental right of every person to be free from all forms of slavery, servitude, or exploitation





BEST PRACTICES

1. Rehabilitation of the victims by providing them with skills
2. Reintegration of victims to society
3. Training centers for trafficking victims





BEST PRACTICES

4. Inter-sectoral cooperation (govt agencies, private sectors)
5. Training of law enforcement officers, prosecutors (specialized in TIP cases), judicial officers
6. Repatriation of victims





BEST PRACTICES



7. Non-criminalization of victims-recognizing them as victims;
8. First responders are women social workers and police officers;
9. Separate processing facility/shelter for TIP victims esp. women and children
10. Utmost protection of women and children, esp. children as witnesses (enforcement of the Child Witness rule as the best practice)



BEST PRACTICES

11. Synergized port-based task forces
12. Establishment of trafficking hotline (Dial 1343)
13. Special Assistance to victims of trafficking (Witness Protection Program provides assistance and security to victims-witnesses)





BEST PRACTICES

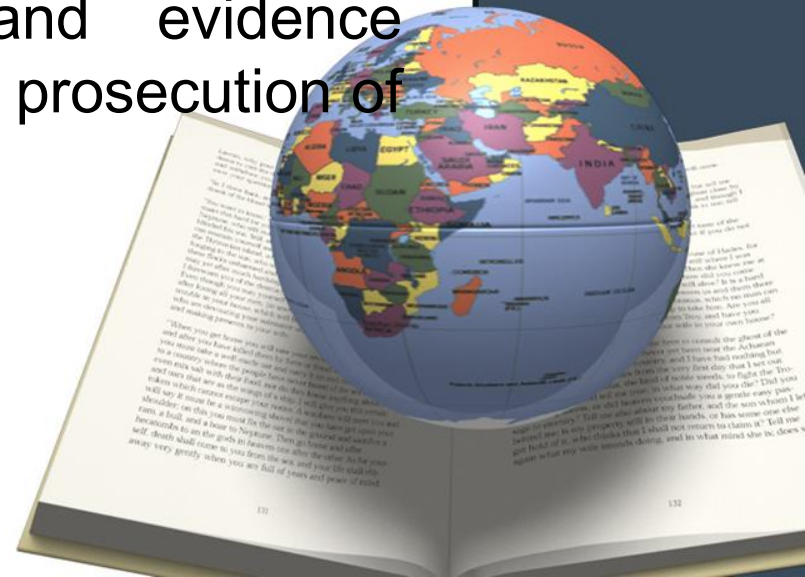


14. Palm-size trafficking in persons card for law enforcers – documenting the elements and indicators of trafficking in persons

15. Audio and video recording TIP victims

Recommendations

1. To promote continuing education on the issue of trafficking (laws, procedure, enforcement) supplemented with training at the grassroots level;
2. Intensified case build-up and evidence gathering to ensure successful prosecution of the TIP cases;

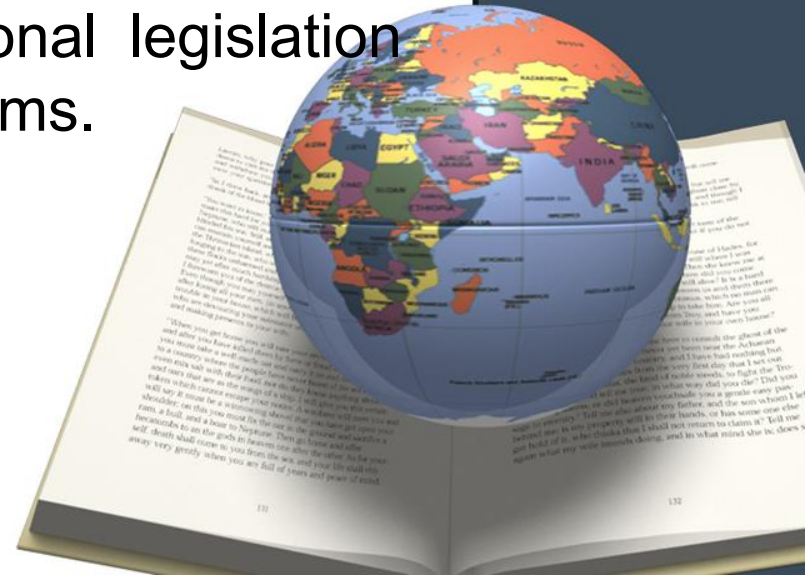




Recommendations

3. To sign, ratify and accede to the adoption of ASEAN Convention on Trafficking in Persons (ACTIP) and the Regional Plan of Action (RPA) in criminalizing trafficking in persons;

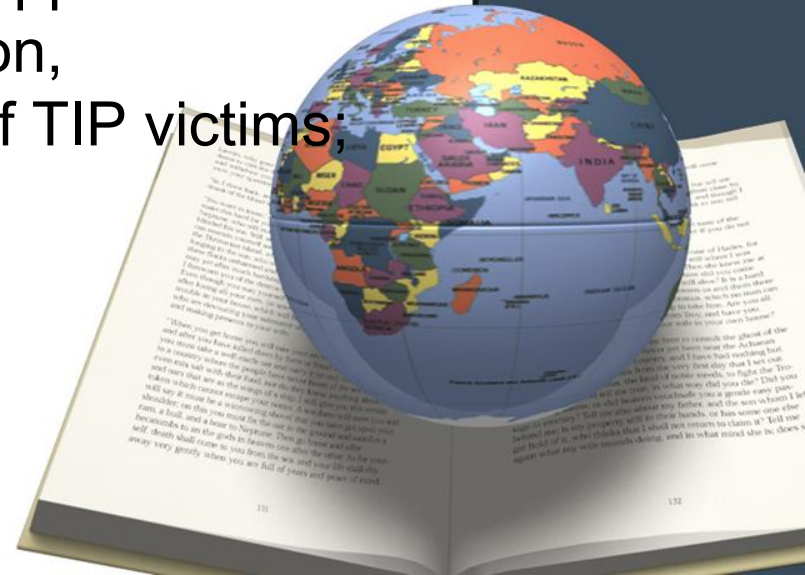
4. To enact and implement national legislation towards non-criminalization of victims.





Recommendations

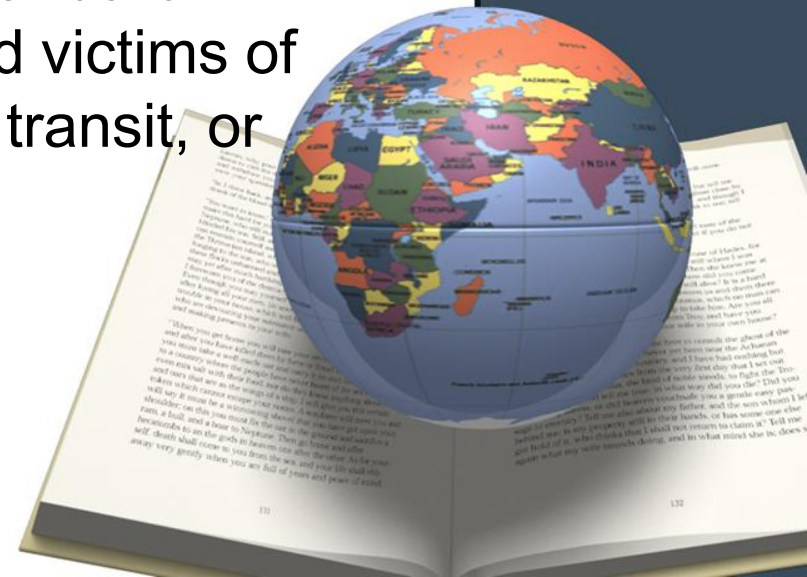
5. To advocate and adopt rules of procedure in the conduct of child witnesses;
6. To mainstream a rights-based approach in rescue, interception, investigation, prosecution, and reintegration of TIP victims; and





Recommendations

7. To give continuous support to ASEAN bodies and continuous engagement with ASEAN member nations.
8. To adopt a uniform minimum standard in providing assistance to identified victims of trafficking whether at the origin, transit, or destination countries.



Thank you

