

# Final Report

## Regional Consultation on “Effective Implementation of the SAARC Convention on Trafficking”

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## **Effective Implementation of SAARC Convention on Trafficking**

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The Regional Consultation on the “Effective Implementation of the SAARC Convention on Trafficking” was held on July 5<sup>th</sup> 2006 at Hotel Shangri-La in Kathmandu, Nepal. The Chief Guest for the day was Honourable Minister Urmila Aryal, Ministry of Women, Children and Social Welfare. The Guest of Honour was Ms. Chandni Joshi, Regional Programme Director, UNIFEM, South Asia Regional Office, New Delhi. Ms. Helga Klein, Chief of Party, SARI/Q, New Delhi, was the special guest of the programme.

Prominent figures from Bangladesh, Bhutan, India, Pakistan, Sri-Lanka and Nepal represented their countries. Dr. Ranjana Kumari, President, Centre for Social Centre, chaired the Programme.

Ms. Tulasa Lata Amatya, President, Community Action Centre Nepal, welcomed all the delegates, dignitaries, guests and the chief guest. She highlighted the objectives of the consultation—to share the plans prepared by Bangladesh, India, Nepal and Sri Lanka to implement the SAARC Convention on Trafficking, to update people on the findings of the planning process, and to deliver a lobby document, based on this program, to the SAARC Secretariat—and shared brief remarks regarding the findings of **Nepal** project for the implementation of the SAARC Convention. In Nepal, it was found that all efforts to combat trafficking should be centrally coordinated. Too many resources are wasted in duplication of work, lack of designated priorities, and poor coordination. Therefore, the action plan recommends the coordination of all such efforts under the Ministry of Women, Children and Social Welfare.

Ms. Amatya also added that on a regional basis, Nepal requested that SAARC determine the parameters and methodologies for trafficking-related research so that data collected from all countries is comparable. SAARC should also establish a common database to track the cross-border effects of trafficking. Nepal also requested that SAARC research and document “best practices” so that each country has a framework for designing services, and asked SAARC to develop standards for communication, Monitoring and Evaluation in order to avoid duplication and facilitate coordinated efforts between the countries.

Ms. Amatya expressed regret that SAARC could not send a representative to the meeting, and stated that the lobby document would be taken to SAARC when the director returned to Nepal.

The inauguration of the program was accomplished via a candle-lighting ceremony, with one candle for each country, symbolizing the solidarity of the countries in combating trafficking.

**Prof. Ishrat Shamim, President, Centre for Women and Children Studies (CWCS,)** gave the theme presentation and spoke of the multidimensional nature of trafficking, the SAARC Convention, and the pertinent issues to be considered in the SAARC Convention. The multidimensional nature covered trafficking as an economic issue, due to increasing poverty and landlessness, feminization of poverty, labour and migration; a socio-cultural issue based on gender discrimination, preference of male children and neglect of girl children; an environmental issue, relating to natural disasters and displacement of families; a political issue, as trafficking is accomplished through an organized network; a legal issue due to the deprivation of equality; a health issue, based on health hazards and the risk of HIV/AIDS for trafficked persons; and a human rights issue as there are violations at every point in the continuum.

The SAARC Convention on Trafficking is intended to combat trafficking. It was initiated in January 2002 when representatives of the seven Member States of SAARC expressed their commitment to combat trafficking in women and children at the Ninth SAARC Summit at Male, Maldives. The *Convention on Preventing and Combating Trafficking in Women and Children for Prostitution* was signed. This was the first sub-regional treaty addressing trafficking in women and children. It includes specifications of criminal offenses for trafficking, provisions for mutual legal assistance in conducting investigations, trials and other proceedings. It also requires state parties to sensitize the law enforcement agencies and judiciaries about trafficking and to exchange information on a regular basis. On November 2005, the Convention was ratified and it has now come into force, and is ready for the implementation phase.

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While the Convention has been signed, there are still pertinent issues to be considered in the Convention:

- The definition is very narrow and focuses only on prostitution whereas women and children are trafficked as forced labor, domestic servants, camel jockeys, and for organ transplantation.
- It does not address trafficking from broader perspective. Men are also trafficked for various purposes.
- It does not clarify the recipient country's accountability in rescue, rehabilitation, repatriation and reintegration.
- Immigration policy that allows affected persons to initiate proceedings against the offender in the country of residence is required.
- Pornography is not included as an offence.
- Use of information and communication technology for the purpose of trafficking should be punishable.
- Cooperation among SAARC governments, civil societies and NGOs in providing assistance, rehabilitation and repatriation to survivors of trafficking needs to be strengthened.
- The Task Force should include individuals or groups active in these issues to make recommendations to Member States.
- There should be a Committee of seven members of competence in the field of trafficking. These representatives can be nominated by the State Parties and serve in their personal capacity. The Committee should appoint a Regional Special Rapporteur on Trafficking to monitor, document and highlight trafficking in the SAARC region.
- State Parties have agreed to conduct joint research and collect comprehensive data on trafficking in the risk countries. They should disseminate the information to relevant parties, including law enforcement officials, INGOs, NGOs and government agencies.
- State Parties should work with NGOs to repatriate victims of trafficking who wish to be repatriated. The State Parties should then make suitable provisions for their care and maintenance.
- It does not address the issue of consent. It is important to draw a distinction between legitimate or consensual mobility and coerced movement.

Ms. Chandni Joshi, *Regional Programme Director, UNIFEM, South Asia Regional Office, New Delhi*, focused her presentation on Regional Initiatives and recommendations on Cross Border Trafficking in Persons. Ms. Joshi began by pointing out the costs of trafficking in terms of women's and children's lives, and the adverse impact it has on economic development. Then she asked how long we must go on before we end violence against women, before women and children are kept from being sold into sexual slavery and exploitative conditions. She believes that consistent efforts, innovative strategies and active involvement of diverse stakeholders are key to addressing this problem successfully.

The SAARC Convention is a potent weapon to effectively fight trafficking as a regional body, and for extending cooperation and coordination at different levels—law enforcement, policymaking and grassroots. It is a legal basis to begin multi- and bilateral mechanisms to address trafficking. UNIFEM has been actively pursuing plans for the implementation of the Convention. After adoption of the Convention in 2002, UNIFEM developed an implementation plan. Following submission to the SAARC Secretariat, most of the recommendations were adopted.

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A regional assessment was undertaken by UNIFEM to examine national laws and institutional mechanisms to combat trafficking in Bangladesh, India, Nepal and Pakistan, which indicated that laws in these countries need to be improved to protect victims' and survivors' human rights, and until women have access to easy and prompt justice, legislation will be ineffective. A South Asian Coordinating Group comprising UN Agencies and INGOs has developed an amendment proposal on the Convention identifying priority areas—especially to broaden the definition to include other forms of trafficking in line with the UN Protocol on Trafficking.

Ms. Joshi feels that these consultation meetings across the region are timely in bringing together stakeholders to develop a regional implementation plan. Trafficking needs to be made more risky, and punishable at par with trafficking in arms and drugs, those who are guilty should face punishment instead of the women who are trafficked.

In developing an implementation plan, one shouldn't forget the linkages with HIV and unsafe migration, as the migration of women is growing rapidly, with few safeguards. We must also view survivors from a rights-based approach, using an empowerment framework, with focus on strengthening the capacity of rights-holders and duty bearers. We also need innovative mechanisms and new indicators to monitor the implementation, as well as reporting mechanisms.

UNIFEM has facilitated the formation of South Asian Professionals against Trafficking (SAPAT), a large network of diverse professional stakeholders and civil society members. Understanding the strong hold of traffickers as an organized criminal group with access to the latest technologies, we must counter their effort with more effective instruments, which such high-level professional stakeholders should be able to help develop.

South Asia is suffering repeated disasters and unrest, which are a deterrent for development of peace, and the achievement of equality. Women are seen only as victims, not as builders of peace, despite the critical role they play in this effort. They are absent from decision-making in national, regional and international bodies, and badly underrepresented in the reconstruction of societies.

While women are often able to negotiate space in different forms, the quality of leadership is rarely transformative. Threats to food security and women's livelihoods are intensifying, along with technological and information revolutions. The consequent race to prosperity bypasses many. Women are excluded from governance and justice, and the processes of economic, social and political decision-making. Women's machineries need increased visibility, resources and strengthening, as well as gender mainstreaming in sectoral and hard core ministries. There is also a need for improved collection and use of sex-disaggregated data for planning and monitoring. Women's rights continue to be hampered by a slow compliance with human rights standards and inadequate human rights education and sensitization at all levels. Lack of legal awareness and legal literacy, a prolonged judicial process with low conviction rates, along with viewing VAW as a private matter or a social problem unlike other crimes, contribute to the rise in crimes against women.

She ended with her hope that with determination and consistent initiatives, we can put an end to the violence and move toward empowering women for their meaningful contribution in all aspects, especially in the decision-making level and ending violence.

Dr. Ranjana Kumari, President CSR, briefed on the Regional Lobby Document. She then described the process we have been working on as narrowing the gap between the conventions, treaties and legislation and their practice and implementation to successfully combat trafficking. She then outlined the mega-trends of trafficking: globalization, which has deepened the existing disparities between and within countries exposing women to more vulnerable situations; increased migration due to foreclosure of livelihood opportunities in villages; violence against women, which is increasing in diabolic proportions; the danger of HIV/AIDS to trafficked persons, and the increase in information and communication tools, which is promoting sex and pornography, and therefore creating greater demand for the sex trade. The UN estimates that the sex trade extracted USD \$7 billion in profits in 1997, making it more lucrative than the illicit arms trade.

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Civil society and governments have been trying to address the problem, but many initiatives have been gender unresponsive and have failed to follow the rights-based approach. Work has been focused on “rescuing” victims rather than preventing trafficking and discouraging those who participate in it. We must take an active approach and disallow factors that contribute and encourage demand for trafficked persons.

It is very important for all of us to reflect on how we can use the powerful legal tools to combat and minimize trafficking. Despite a plethora of laws, we have not been successful in combating trafficking. The problem lies in implementation. The cross-border nature of trafficking makes the situation more complex. Conviction rates for traffickers haven’t exceeded 20% in any South Asian country. Protection and care for victims and witnesses needs to be made a priority so that these people may lead normal lives.

CSR undertook this program to address the need for a strong regional approach coupled with national networks to deal with the issues of trafficking and for successful care of the victims. It endeavoured to develop inter-agency links across nations to encourage consistent and coordinated responses to trafficking victims. The South Asia Network Against Trafficking (SANAT) has attempted to create a pressure lobby at the regional and national levels in Bangladesh, India, Nepal and Sri Lanka. It is a network of key stakeholders and opinion makers.

Heads of State of SAARC countries have committed to addressing trafficking, first at 1997 summit in Maldives, and later, on January 5, 2002 with signing of the SAARC Convention on Preventing and Combating the Trafficking in women in Children for Prostitution and the SAARC Convention on Regional Arrangements for the Promotion of Child Welfare. This regional consultation is the culmination of a process initiated by CSR with support from SARI/Q. It organized a series of national level consultations on generating awareness and for developing a Road Map and Action Plan for Implementation of the SAARC Convention on Trafficking. It has worked toward:

- Developing a comprehensive Action Plan and Road Map for successful implementation.
- Identification of gaps in national legislation regarding the convention so that domestic laws can incorporate the needed changes or ensuring the convention’s principles take precedence in cases of conflict with national legislation.

The project has been further pursued via a series of stakeholder workshops with (I)NGOs, government officials, policymakers, law enforcement agencies, lawyers and the media to apprise stakeholders on the issues and on gaps in domestic legislation. These meetings were also to produce concrete suggestions and recommendation for effective implementation of the Convention. A SANAT online forum provides links to country reports, articles and presentations, and other information relating to trafficking. Each country established a Committee Against Trafficking (CAT) to monitor the progress of the project and to lobby for the necessary changes in legislation. Through these meetings, the media has been sensitized to the issue, and has been motivated to write about trafficking and the use of media for creating pressure on governments to take notice of the issue.

The lobbying document reflects the concerns, suggestions and recommendations of the key stakeholders, including:

- The scope of the convention should be broadened beyond prostitution.
- At least two members from civil society groups focused on trafficking should be nominated to the SAARC Task Force.
- A SAARC Rapporteur should be appointed.
- SAARC governments should undertake a process of gender budgeting to allocate specific funds to combat trafficking.

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- There should be a separate department of the government in each country to work on trafficking.
- Every year a regional conference to share experience and progress should be held.
- Comprehensive country-specific databases on trafficking and best practices should be developed.
- A cross-border mechanism for repatriation of trafficked victims, in line with the Bangladesh model agreement, should be developed.
- There should be coordination between the SAARC Secretariat, line ministries of the national governments and civil society.
- Inter-regional and intra-regional cooperation between governments should be used to strengthen NGO networks working at borders.
- There should be extensive sharing of information amongst international donor agencies, NGOs, national governments, the SAARC Secretariat, members of SANAT, ATSEC and other organized networks.

Dr. Ranjana Kumari finished with a plea to all to contribute and strengthen this regional lobbying document to make effective Action Plans for our region to work toward elimination of trafficking in human beings.

Ms. **Helga Klein**, *Chief of Party, SARI/Q, New Delhi*, described the SARI/Equity effort is a regional initiative supporting others in the region, and trying to help implement regional efforts. In her remarks she highlighted the outcomes and future strategies of the SARI/Q. It covers all of SAARC except Bhutan and the Maldives, and works toward trafficking prevention, protection and rehabilitation through Regional Action Forums and quantitative estimation. The RAFs comprise 80 experts from government, civil society, judiciary, and other stakeholders. They work with 50 projects in the region from cross-border assistance to paralegal services, drop-in centers, and vocational training. These RAFs cover three major issues—victim witness protection, care and support to survivors of trafficking and violence, and the relationship between trafficking and migration. There should be an initiative by regional task force to use a witness protection program and establish minimum care and protection, as well as safe migration policy. The RAFs provide an opportunity for regional exchange.

The SAARC Convention on Trafficking is the only anti-trafficking regional instrument at moment, so SARI/Q must support its implementation, and must do something in each country. The Convention is weak, but its strength may be in its vagueness, which leaves very important leeway for imaginative interpretation. At the national level and the regional level, task forces are needed to facilitate implementation and to do periodic reviews. They should be made up of officials, pressure groups, government representatives and members of civil society. We hope all countries, not just India, appoint civil society representatives. There is always room for encouragement, and pressure to change priorities.

You are the watchful group in the region and you are working jointly with the governments to establish services. Joint cooperation in Article 9 provides entry points for civil society. You should have possibility of providing information on the situation of trafficking and unsafe migration via periodic reports on the SAARC Convention to the Task Force. This is the end of the beginning, but we have to enter 2<sup>nd</sup> phase—implementation. I hope we've sparked some kind of process, and we'll do what we can to help you continue. We hand over to you and other agencies to support the process. This can't be the end.

Ms. **Khalida Salimi**, *President SACH* (delegate of Pakistan), noted that **Pakistan** was not part of this process. Pakistan is being helped by a delegation from LEAD International. Pakistan's human trafficking is as severe as anywhere in the whole region, being a source, destination and transit country. Whereas for many years, the government was in denial, with pressure, it has accepted the issue and the government has shown political commit. In 2002, the government passed an ordinance against human

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trafficking, which Ms. Salimi considers better than other SAARC country legal documents. They are now developing anti-trafficking units and agencies. Previously, victims were treated as criminals, but they are now treated as victims. NGOs have helped develop understanding throughout the country. Several government agencies are now addressing the issue, especially the Ministries of Women, Law and Justice. A shelter home has been developed under the collective auspices of civil society, international organizations and the government. Pakistan still needs to address many issues, especially the apprehension and prosecution of traffickers. Ms. Salimi concluded by opining that with collective SAARC efforts a lot could be done to abolish trafficking, but it's a big task.

Dr. **Rinchen Chopel**, *Chairperson, Renew Working Committee* (delegate of Bhutan), discussed his concerns in a country that has limited experience of trafficking, but sees the potential, and would like to prevent trafficking from ever becoming an issue by accessing expertise in the region. He noted that **Bhutan** is seriously concerned about trafficking, not because it has much trafficking, but because the government simply doesn't know anything about it. Bhutan is to become a democracy in 2008, and before that time, must deal with women's rights in general, and exploitation and trafficking of women in particular. He noted that with a long open border with India, and the accessibility of other countries by air, it is important to be cautious. He is working with Interpol, education officials, the judiciary and law enforcement, with the help of UNIFEM, to address the issue. He explained that while there has only been one documented case of trafficking from Bhutan, many people are reported missing, and a UNIFEM map shows trafficking to Bangladesh, but despite research, no trafficking has been uncovered. Some of these issues may relate to Bhutanese refugees, but the government remains concerned. He will personally move the government and civil society to put systems into place to address trafficking if there is something that can be done to prevent and mitigate it.

Mr. **Shyam Sundar Sharma**, Joint Secretary of the Ministry of Women, Children and Social Welfare of the Government of **Nepal** noted that trafficking is a serious problem in this region. It is therefore fortunate that the SAARC Convention on Trafficking took effect this past November. There are concerns that the Convention does not cover all aspects of trafficking, and Nepal is ready to accommodate the conclusions of this forum and to lead the initiatives relative to reviewing the convention. The lobby document and Plan of Action are quite appreciable and significant efforts. I would like to thank everyone involved in this process. We are waiting for adoption of the lobby document.

Nepal formulated a National Plan of Action on Trafficking in women and children nearly a decade ago, updating it as necessary. This NPA was formulated on the basis of CEDAW and the Yokohama Global commitments. The Government of Nepal has just taken the initiative to update the NPA, accommodating the provisions of the SAARC Convention. The SAARC also has a "Social Charter" and Nepal, along with other nations, is formulating an NPA on the charter.

Trafficking is multi-dimensional and cross-border, linked with all countries in South Asia. Collaboration of all countries is needed to overcome the challenges and problems of trafficking in the region. By implementing this convention, we can all be more effective in fighting trafficking.

**Dr. Yeameen Akbory**, Project Director, Ministry of Women and Children Affairs, Government of the People's Republic of **Bangladesh** began by sharing the situation in Bangladesh. Bangladesh's poverty is a huge problem with 45% of the population living in poverty, and 20% living in hardcore poverty. Natural disasters make their lives more vulnerable. More than 60% of the population is illiterate. In this scenario, unscrupulous recruiters find many vulnerable victims, and traffic people within and across national borders. Trafficking has been a problem since the 1980s.

Bangladesh has many laws against trafficking, but still has a problem. It also has much action and many achievements. The combined efforts of district-level anti-trafficking police and magistrates have doubled the number of convictions. The media has helped to change the face of trafficking from that of the victim to that of the criminal. Preventive initiatives include strengthening border posts and laws, especially increasing legal penalties for trafficking. These initiatives focus on raising awareness of

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vulnerable groups and stakeholders, and interception before people are trafficked. Rescue and recovery efforts have also been enhanced.

Dr. Akbory highlighted the efforts of three ministries. The Ministry of Women and Children Affairs has conducted a variety of trainings to build awareness and capacities of stakeholders. It has also used a variety of media to raise the awareness of vulnerable people, and is providing life skills training to adolescent girls in many districts. The ministry is also pursuing policy-level advocacy. The Ministry of Home Affairs is using the National Task Force to review actions to combat trafficking. It is training law enforcement officials and border police, and has prepared a training manual to improve trafficking investigations. The Ministry of Social Welfare and Information has created a shelter home for children of sex workers, and provides boarding facilities for adolescent girls. These girls receive non-formal education, health education, vocational training and other services. The ministry has also produced information materials for electronic and print media to raise awareness and build resistance.

Ms. **Nandita Mishra**, Deputy Secretary of the Ministry of Women & Child Development of **India** discussed the paradigm shift in differentiating between prostitution and trafficking by seeing it not as a moral or law enforcement problem but as a human rights issue. She discussed poverty, illiteracy, lack of livelihood options, and natural or man made disasters that make women and children vulnerable to trafficking. She briefly covered all of the international conventions and national laws, policies and commissions that govern trafficking in India.

In discussing India's multi-pronged approach to prevent trafficking, Ms. Mishra emphasized the rescue and rehabilitation measures adopted by India, including shelter homes where women and children (irrespective of their country of origin) are given specialized counseling, medical aid, food, clothing, economic rehabilitation, legal and other support facilities. Help Lines are provided to rescue and rehabilitate victims in distress. Special pilot projects to combat trafficking are being used to develop "best practices. In addition, health care and education to children of sex workers are being provided, and there are special interventions for HIV/ AIDS prevention and treatment. For effective implementation of the SAARC Convention, she discussed a regional task force to operationalise the conventional, a Protocol for Pre-Rescue, Rescue and Post-Rescue Operations of Child Victims and training manuals for judiciary, medical officers, social workers, police, AWW and counselors.

India is focused on the SAARC Convention from the perspective that trafficking is a violation of human rights. It is concerned about the increasing incidence of traffickers in SAARC area, as well as the large volume of trafficking from Nepal and Bangladesh, and both directions with Pakistan.

She considered the issues in implementation to include:

- Identification of gaps in relevant domestic legislations of the different countries and incorporation of the necessary legislation into the domestic laws.
- Compatible legislation to be enacted in all the SAARC countries so that there are no problems, contradictions or lacuna.
- Mapping out vulnerable areas and creation of a database on missing, rescued and reintegrated children.
- Taking necessary steps for combating HIV/ AIDS amongst sex workers; encouraging safe sex practices; treatment of victims.
- Strengthening information networking between NGOs between states and between SAARC countries.
- Strengthening poverty alleviation programmes.
- Exclusive help-lines for trafficked victims.
- Ensuring that victims are successfully repatriated and traffickers extradited

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- Harmonizing the definitions and terminology, especially to sensitive definitions such as 'prostitute', 'sex worker', 'sexual exploitation', 'trafficking', etc., so that there is no ambiguity.
- Developing a common platform for sharing and dissemination of information, experience, success stories, best practices etc.
- Putting into action a methodology for developing an information and data base system on select and key parameters of trafficking for SAARC countries.
- Effectively putting into place a mechanism for repatriation of rescued victims.
- Putting into place a mechanism for extradition of offenders for all extraditable offences.
- Tightening border patrolling and sealing of porous borders to prevent illegal migration, smuggling and trafficking.
- Capacity building and training of community based organizations, media, policy makers, law enforcement, legislators, etc. in the SAARC countries
- Analyzing inter country issues that are off shoots of trafficking – sex tourism, entertainment industry, pornography in media, etc.
- Analyzing the root causes of prostitution and sex exploitation such as poverty, illiteracy, lack of employment, discrimination against women, etc., and taking measures to redress these shortcomings

Ms. **Irangani Manel Abeysekera**, Consultant, Ministry of Foreign Affairs, Government of **Sri Lanka** provided insights on the **Committee Against Trafficking (CAT)**. The SARI/Q initiative to establish a regional CAT should strengthen the SAARC Task Force. This CAT is the networking of National CATs to bring about national awareness and civil society inputs and action toward a solution for trafficking. For this to be effective, the National CATs must be able to share data, experiences and methodologies, with a goal of adopting successful anti-trafficking measures adapted to suit each national context.

The Regional CAT must also cooperate and support the SAARC Regional Task Force. While the National CAT must monitor and evaluate national agencies mandated to combat trafficking, the Regional CAT must do the same for the SAARC Regional Task Force. Even if such a network of is created as an effective tool against trafficking, interventions must be based on consideration of the nature, scope and magnitude of the problem and its ramifications and the utilization of resources available, which invariably tend to be lacking.

Ms. Abeysekera the suggested solutions for many of the problems plaguing the fight against trafficking:

- Introduce the broadest possible definition into legislation
- Effect data collection that is gender and adult/child disaggregated
- Make legal procedure simple and pro-victim and –witness, ensure their protection against further rights violations
- Raise awareness throughout society and via the media in appropriate languages
- Train law enforcement and the judiciary to recognize the various actors and their guilt, encouraging enforcement procedures and the pronouncement of mandatory sentences; adequately fund such agencies
- Government and NGO sectors should provide human and material resources for the purpose (fines on trafficking could be utilized) and origin and destination countries should collaborate in the effort.
- Government should network the institutions for maximizing impact on anti-trafficking.

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Sri Lanka has upheld human rights issues, has been elected to the UN Human Rights Council and has ratified several Human Rights Conventions and Covenants. It has also nominated the requisite three members to the SAARC Regional Task Force. Sri Lanka has enacted legislation to make the SAARC Convention on Trafficking operative and has broadened the definition of trafficking. It gives effect to minimum mandatory sentencing with a higher minimum sentence in cases of trafficking of children. Sri Lanka's National Child Protection Authority and the Women and Children Bureau of the Police Department are active in protecting children and are taking punitive action against abusers and traffickers.

Yet, despite legislation and regulatory measures in place, the rights of migrants continue to be abused, and safeguards cannot be provided in receiving states due to the absence of bilateral labour agreements. Trafficking in Sri Lanka is somewhat different being an island with no "cross border" trafficking, and Sri Lanka's comparatively high literacy rates act as deterrents to women becoming victims; it is poverty and the lack of employment that are the main causes of female migration that can result in trafficking, both cross-border and domestically.

Sri Lanka has had to grapple with a subtler form of trafficking which is not often discernible at the start of the process. The CAT comprises 12 members from different professions, government and non-government sources. Several meetings held since mid-February 2006 have resulted in the identification of the following action plan:

1. General Objective – Monitor and evaluate the effectiveness of various stakeholders and assess the progress made in implementation of the SAARC Convention on Trafficking in Sri Lanka.
2. Lobby government re implementation, cooperate with the government, and raise issues revealed through the CAT's monitoring
3. Create national public awareness on trafficking using media and the internet. Specific focus on politicians, judges, prosecutors and potential victims.
4. Educate Law Enforcers, e.g. Judiciary, Police
5. Lobby for strengthening of resources of implementing authorities and institutions
6. Collation of Data, disaggregated in terms of gender, adult and child, and separating other issues confused with it
7. Keep updated list of organizations and individuals in anti-trafficking network
8. Identify emerging patterns of trafficking to cover as many scenarios as possible.
9. Reporting–Chair to report ad hoc matters to Head of relevant Government implementing authority, and annually to Minister/Secretary of Foreign Affairs who may wish to present it to appropriate SAARC authorities
10. Half-yearly review of all aspects of trafficking, assessing whether problem is being tackled successfully or not and how to improve monitoring mechanism.

Mr. **Nair**, UN Office of Drugs and Crime, Delhi, said his office is an **India** country-specific anti-human trafficking organization with a focus on empowerment of law enforcement agencies with knowledge, skills, attitudes and resources. He discussed a pioneering work published by Orient Longman with the following findings:

1. Traffickers include both men and women. Due to lack of rehabilitation, victims sometimes become traffickers, creating a vicious cycle.
2. Only about 10% of trafficking is international.
3. Data of law enforce agencies is not accurate because NGOs rescue independently, and it's not reflected. MAITI Nepal has been rescuing over 1300 children from Maharastra per year, but police reports show only 50. We need parallel management of data by NGOs, which must then be merged with law enforcement data. As part of UNODC, we are developing a database

at the grassroots level in India. By the end of the year, we hope to have an updated database on trafficking with respect to four states.

3. Transnational issues are multiple as victims from Bangladesh are penalized for being illegal immigrants. These victims need temporary nationality in the destination country, as provided by US law.
4. In the SAARC Context, a Task Force should and would come up, but in meantime, we need an NGO forum with involvement of UN agencies to begin immediately and to take on the job from today onward.
5. Ms. Chandni from UNIFEM spoke of SAPAT, which started two years ago, and needs to be made functional and activated. It could start with intelligence on traffickers.
6. We need to develop institutional linkages of police systems and NGOs across borders. This can be facilitated by SAPAT.
7. We need to start a database by NGOs by sharing the information we have.

**After all the presentation and remarks, there was an open discussion on the Key issues, which are as follows:**

**Comment:** South Asia is the most gender-insensitive, and most backward region in world. We need to address roadblocks. Trafficking has become serious problem, a most lucrative operation. The age of victims is decreasing, and 90% of survivors illiterate from backwards section of country.

We need to address what are root causes and what can be done. In the document, we need better coordination between law enforcement agencies. Traffickers are organized, law enforcement agencies must also be organized. Borders are porous. We must have some intelligence-sharing to have action because there is a lack of validated data.

What we need is CAMP: **C**onsultation, **A**daptation—no one size fits all, **M**obilization—government and civil society, and **P**roblem-solving. We can have a good roadmap, but the difference is in implementation.

**Question:** Is UNIFEM trying to lobby for or against removal of sections 18 and 20 of ITPA or similar provisions in other countries, under the veil of human face of victimization so as to get soliciting out of the legal purview from being an offence?—Meenakashi Lekhi, India

**Ms. Chandni Joshi**—UNIFEM doesn't interfere with country legal procedures. We have looked at Indian law, what needs to be changed and formulated, and we help NGOs to lobby. We leave the laws to the sovereignty of the country. We provide technical expertise, solid data. UNIFEM trafficking work began in 1990. We have a profile of traffickers, we bring in stakeholders, but we don't intervene in laws of country.

**Question:** The SAARC Convention shows that trafficking issues are a cross-border concern. Here, I want to know about the role of diplomatic embassies in the implementation of the SAARC Convention.—Padma Mathema, National Rapporteur on trafficking in women and children, NHRC, Nepal.

**Ranjana Kumari**—It is the role of diplomatic embassies in implementation of SAARC. They must ask for inter-coordination. It is between ministries—Home Affairs (law enforcement), External Affairs/Foreign Affairs. Repatriation must be looked at at the ministerial level. Everything having to do with human misery goes to the Women and Children Department, but trafficking requires a broad-based approach.

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**Irangani Manel Abeysekera**—In Sri Lanka, survivors can't escape their place of "employment" because there is no government agreement. Missions can't get to survivors. The victims get arrested by police if they try to escape. Safety is inaccessible.

**Question:** If the Government of Bangladesh refuses to accept the trafficked victim, what mechanism is available for NGOs' intervention?—Meenakashi Lekhi, India

**Ishrat Shamim**—NGO networks working cross-border. There needs to be a committee of collaboration—Home Ministry with NGOs. Foreign Affairs must be involved. In Bangladesh, NGOs pay for repatriation. The government only requires identification as a Bangladeshi.

**Comment:** Representatives of government should also be invited to such forums.

**Comment:** The Task Force looks like a fact-finding body. It needs to provide recommendations to operating bodies. What is the nature of the members, frequency of meetings, reporting, etc. should be in the lobby document. There are diverse stakeholders—UNIFEM is working with interfaith leaders. They are committed to ending violence, and would like to work with civil society and other stakeholders to end violence.—Salina Joshi

**Comment:** R&D is needed. What is the root cause? How can we find out? Hit that and formulate program. Monitoring and evaluation are urgently needed and should be emphasized. The SAARC mechanism should be proper and effective. Cross-border evaluation should be proper. We need an integrated approach with involvement of all sectors. Families need rehabilitation too. Mr. Pokharel

**Comment:** Media is an important stakeholder. Involve and educate the media and you will get better coverage. It is difficult to understand the definition. If we can't understand, it is hard to do good story. You need good media consultation.

### **Responses:**

**Chandni Joshi**—It is extremely important to know and share information. In women's programs, we speak to ourselves, don't muster the confidence and courage to address issues. We must be able to explain the definition, we should open up the process of media consultation. UNIFEM is working more with media. We'd like to talk, especially in trafficking.

**Tulasa Lata Amatya**—The media have a big role and responsibility. They are able to convey issues that bring about change for the betterment of society. But, the media wants hot spicy news and manipulates the news as well. Nepal One wanted interviews with a victim, but was told it couldn't take pictures. The target group and staff were there, and pictures were shown on television. We have to be serious about how we work with media. We must bring issues together, and we must think of human rights. Without consent, the media should not publish. We need to educate the media to report sensitively.

**Ishrat Shamim**—The ILO recently developed media guidelines. Media is important. It can bring in good things, and is now showing traffickers on television. Boy children's pictures can be shown so parents can identify them.

**Irangani Manel Abeysekera**—Media can educate rural people. People listen to radio and television. They can be made aware of dangers of trafficking. There should be brochures in local languages on how to identify a trafficker.

**Selvy Thiruchandran**—There is a limit on how much we can educate the media. It is important for media personnel to be sensitive to human rights, this should be cultivated from conscience and civilized behavior. The media should become more sensitive to human issues, gender, poverty, crime, and especially toward victims.

**Comment:** Some things need to be worked out in the Convention—the definition, who is responsible for rehabilitation. Shouldn't we focus on this before implementation? Curriculum would be effective tool to reduce trafficking.—Mr.Adhikari, AATWIN

**Comment:** There are differences country to country. The root cause of trafficking is poverty, ignorance, political commitment. We are developing a roadmap but we need effective implementation of the program. What about action plans—they are developed on a national level. The lobby document addresses broader issues, such as a definition based on prostitution, which is not reasonable. We must lobby. With regard to prevention, recovery, rehabilitation and protection, political commit by government and civil society needed.

**Ranjana Kumari**—With regard to the Kashmir sex scandal even ministers were exporting poor girls for their pleasure, but they've been prosecuted. Buyers of sex exist at all layers of society. Buyers must be prosecuted. They are the real culprits.

### ***Adoption of the Lobby Document***

**Ranjana Kumari** led the discussion regarding adoption of the lobby document. The document is in the form of a brochure. The 12 points require a lot of work. We need to build consensus. People from all stakeholder groups have participated, and it is hard to agree on all of these points. These points have been sent to the SAARC Secretariat by email. Additional points should be brought up at this time, and we need to pass the resolution.

### **Additional Points:**

The task force needs to be strengthened, and there is a need for a good monitoring body, and reporting. Stage 1 is to get the task force set up. It is not enough, but we must start with narrow vision of SAARC. There should be mention in the resolution that it is starting point.

There is a SAARC meeting in Bangalore this year to think about expanding scope of the SAARC Convention. They should put monitoring in.

Organ implantation should be transplantation or removal even if implantation is from the UN convention.

We should have broad mission, even if SAARC has narrow mission. All agreed.

We need to add extradition treaties to resolution: The house resolves that the extradition treaties should be signed between all SAARC Nations to deal with traffickers and trafficked victims, in a timebound manner.

The resolution was passed with the addition of the point regarding extradition.

### ***Observations by the Chief Guest***

The Chief Guest, honorable Ms.**Urmila Aryal**, *Ministry of Women, Children and Social Welfare* said that she learned a lot from this meeting. She added that in this consultation a lot of good issues of extradition, bilateral within SAARC for the purpose of trafficking were raised. She advised the forum that there was a great need of strong border monitoring. The definition needs to be revised. It is important to raise issues at SAARC as well as at the government level. The government of Nepal is drafting the trafficking law. They have legal provisions, but need new law. The government of Nepal has updated the National Action Plan, with issues raised here. She pointed out that the government of Nepal should update the legal provisions to cover the issues raised. But with the ongoing political situation, there has been no parliament. People think the government is totally absent in the country. It was hard to look after women, other issues. Now that peace and democracy are restored in the country there is a possibility for change. The women's movement is continuing for all these issues. It is the

time for us to learn so much information about what program actions and policy decisions are needed. The government of Nepal will include all the issues raised here, not only prostitution, but also all types of trafficking. The resolution passed cannot force government, but the resolution is helpful.

**Selvy Thiruchandran**, *President, Women's Education and Research Centre (WERC) (delegate of Sri Lanka)*, gave out the vote of thanks to the chief guest, dignitaries and all the participants. She noted that we have contributed to goals on a regional level. South Asia is now a concept that we share culturally, historically. It is shared collectively through the women's movement, and men's presence is appreciated. The dynamics of the women's movement has taken another step in collaboration and coordination. There is a sense of pride in a movement with clear goals, ideology—lead a life of dignity, feel a sense of belonging on same plane as that as a man. It is not just a project. It has made us commit to some goals, been instrumental in playing a role. We are thankful for the support of SARI/Q and UNIFEM, who have helped so much. The presence of the Minister through the entire meeting shows commitment to the cause. This would not have happened in Sri Lanka. People on the team of this project can work together—this is very important.