

Co-Chairs' Summary
Bali Process Workshop on Human Trafficking: Victim Support
Bali, Indonesia, 7 – 9 November 2006

1. The Bali Process Co-chairs, Indonesia and Australia, co-hosted a Bali Process Workshop on “Human Trafficking: Victim Support” in Bali, Indonesia, from 7 to 9 November 2006. The workshop was opened by H.E. Dr Meutia Farida Hatta Swasono, State Minister for Women Empowerment, the Republic of Indonesia. Over 120 participants attended representing Australia, Bangladesh, Brunei Darussalam, Cambodia, Canada, China, China (Hong Kong SAR), Fiji, India, Indonesia, Iran, Japan, Lao PDR, Malaysia, Mongolia, Nepal, the Netherlands, New Zealand, Norway, Pakistan, Palau, Papua New Guinea, the Philippines, Russia, Samoa, South Africa, Sri Lanka, Thailand, Timor Leste, Tonga, Turkey, the United States of America, Vanuatu and Vietnam, and from IOM, UNHCR, ARTIP, UNODC, Asia Foundation and national NGOs.
2. The objective of the workshop was to provide a forum for participants to exchange information on government policy and best practice in managing the victims of human trafficking with an emphasis on how destination states can support victims; how destination and source states ensure victim support during repatriation arrangements; and what constitutes best practice in the reintegration/rehabilitation of victims in their home country. The workshop was guided by the definition of trafficking outlined in the *Protocol to Prevent, Suppress and Punish Trafficking in Person, Especially Women and Children* (the People Trafficking Protocol) – underscoring that the crime of trafficking was fundamentally a crime of human exploitation for profit or gain.
3. The workshop proceedings included plenary and thematic group discussions on building effective and proper victim identification and support in the destination country; strengthening cooperation in the return and repatriation of the victim; building effective and proper victim support upon return, particularly in recovery and reintegration; building effective inter-agency coordination at the national level; and, developing bilateral, regional, and international cooperation in the return and repatriation of victims.
4. In their welcoming remarks, the workshop co-chairs, Mr Hasan Kleib (Indonesia) and Ms Penny Richards (Australia), emphasised the need for countries to adopt a victim-centred approach to trafficking in persons. Mr Kleib emphasized the importance of giving special attention to the victims of trafficking in source, transit and destination countries. He stressed victims should be protected and treated humanely with full respect for their human rights. Ms Richards outlined initiatives Australia had undertaken to combat trafficking in persons, highlighting Australia’s comprehensive range of support services for victims. Ms Richards also noted the workshop’s focus on victims was a logical progression for the work of the Bali process on trafficking, complementing, in particular, the two Malaysian legislation workshops and the more recent workshop on inter-agency coordination in Japan, as a part of the Bali process.
5. Dr Meutia Farida Hatta Swasono noted in her opening remarks that human trafficking was an increasingly pressing issue for the international community. She emphasised traffickers were criminals and should be punished heavily, while those trafficked were victims of serious human rights abuses and should be protected and supported. She also underlined the global nature of this crime and stressed that success globally would only come through international cooperation. She complimented the Bali process for its achievements to date. She emphasised trafficking in persons was a priority for the Indonesian Government. As the Executive Chairperson of Indonesia’s Taskforce Against Human Trafficking, she highlighted the range of measures and strategies the Indonesian Government was taking to fight this crime.

Testimony from a trafficking victim

6. Participants gained a vivid appreciation of the plight of a trafficking victim through the testimony of a young Indonesian woman. The testimony was delivered in accordance with the norms for protection of victims and witnesses, with the confidentiality of the victim assured at all times. The testimony took the form of an interview conducted by Indonesia's National Spokesperson for the Campaign to Eliminate Trafficking of Indonesian Women and Children, Ms Dewi Hughes. The testimony highlighted the need for officials and governments to respond sensitively and urgently to the needs of trafficking victims.

The Importance of Victim Support

7. The United Nations Office on Drugs and Crime (UNODC) briefed participants on the international legal context for victim support. It outlined relevant, existing international legal frameworks, including the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, and the 1985 UN *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*. The UNODC described recent steps it had taken to address the needs of victims both regionally and globally. It also expressed its willingness to continue collaboration with other agencies and fora to contribute to the protection and rehabilitation of victims.

8. Ambassador John Miller from the United States Office to Monitor and Combat Trafficking in Persons categorised human trafficking as a modern form of slavery. He said a focus on victim/'survivor' centred approaches could also help to secure prosecutions against traffickers. He identified measures that could be adopted to combat trafficking, particularly with labour trafficking. He suggested source countries should pass and enforce laws to ensure labour recruiting agencies did not burden workers with inappropriate costs that might induce debt bondage later. He said it was the responsibility of destination country governments proactively to screen workers to ensure they were not victimized by debt bondage or forced labour. Destination countries should also ensure immigrant workers were able to hold their own passports and obtain a fair work contract. When human trafficking cases were identified, it was important that criminal investigations leading to prosecutions were pursued.

Victim Support in Practice

9. The International Organization for Migration (IOM) briefed participants on its approach to victim support. As an intergovernmental organization, the IOM's anti-trafficking response included cooperation with governments and NGOs through its 280 field offices in some 100 countries. The IOM emphasized a rights-based victim-centred approach that recognized trafficked persons should be treated as victims of a crime and not criminal offenders. The IOM emphasized that developing frameworks for protection of trafficking victims required close inter-agency cooperation and NGOs could also play an important role linking with government agencies to provide victim support. The IOM suggested that to ensure a comprehensive and cohesive protection framework, countries should map the process to determine roles and responsibilities and to set standards of cooperation and operational protocols in the protection framework.

10. Australia and Indonesia described their respective national experiences and policies in implementing victim support measures. Within its National Action Plan, Australia had adopted a victim support program that was victim-centred, run on a case management approach, and which focused on the victim's safety and wellbeing. The Australian program included a comprehensive

range of support services, such as income support, secure accommodation, medical services, training and skills development, legal services and social support. Indonesia outlined how Jakarta's Medical Recovery Center of Police Central Hospital "R.S. Sukanto" provided comprehensive treatment for human trafficking victims. In addition to its role in providing medical examination and treatment for victims, the hospital provided psychological and social counselling and legal services.

Victim Identification and Support

11. Participants discussed how to build effective and proper victim identification and support, particularly in destination countries. Practical suggestions discussed included: creating a victim identification check list (as used by COMMIT countries – Coordinated Mekong Ministerial Initiative Against Trafficking); training frontline law enforcement officials (Police, Border Agents, Immigration officials) to use this checklist to identify potential trafficking victims; increasing the capacity of source countries' diplomatic missions in destination countries to identify and assist victims of trafficking; forming joint taskforces among destination country agencies to share information about possible places of exploitation; forming associations of migrant workers; setting up comprehensive victim-centred support programs; enacting domestic legislation and procedures; recognizing and facilitating the role of civil society and NGOs in caring for victims and providing support services; and increasing the awareness and capacity of all relevant agencies and stakeholders. It was emphasised that in determining whether someone was a victim of trafficking it was useful to take as a point of departure the exploitation that had been suffered.

Strengthening cooperation in the return and repatriation of victims

12. Participants discussed how to strengthen cooperation in the return and repatriation of victims. Practical suggestions discussed included: concluding MOU's between destination and source countries to set out protocols assisting the return and repatriation of victims; networking between law enforcement agencies; establishing Ambassadors for Trafficking in source countries who would travel to destination countries to assist the return and repatriation of their citizens; reviewing visa arrangements in destination countries to enable victims of trafficking where appropriate to stay and assist law enforcement officials pursue convictions against traffickers; considering victims' rights before their repatriation to ensure it was safe for them to return home; not prosecuting victims for offences committed as part of their exploitation; encouraging early ratification of relevant international instruments by all countries; and, setting up national Standard Operational Procedures (SOP).

Building proper and effective victim support: return, recovery and reintegration

13. Participants discussed how to build proper and effective victim support addressing return, recovery and reintegration. Practical suggestions discussed included: developing a holistic approach among Government, NGOs, health providers and others to ensure full assistance to victims from the point of identification through to return and reintegration (medical, psychological, legal, counselling, vocational, shelter, security of the victim, etc); ensuring victim protection if required; implementing preventative measures to ensure victims were not re-traumatized upon return; ensuring victims were not prosecuted for offences they might have committed when being trafficked; sensitizing communities and families to the plight of trafficking victims to aid their return; monitoring victims' needs after their return; and, ensuring victims were not exposed to circumstances that might make them vulnerable to being re-trafficked.

Inter-Agency coordination and international cooperation on victim support

14. Japan briefed participants on outcomes of the Bali process workshop on Developing Coordinated Inter-Agency National Action Plans held in Tokyo in June 2005. Key outcomes from the Tokyo workshop were discussed including provision of guidelines for countries to develop their own coordinated inter-agency National Action Plans, as well as the roles of individual agencies and the on-going coordination of National Action Plans. Japan also highlighted measures it had adopted to set up a taskforce to implement its National Action Plan and the resulting amendments to its criminal code, visa regime and victim protection framework. Japan noted an increase in the overall awareness of trafficking in persons which had assisted in the identification of more victims.

15. Thailand shared its experience in developing bilateral Memoranda of Understanding (MOUs) for the repatriation of trafficking victims. Drawing on the experiences of its national MOUs for inter-agency and NGO-government coordination, Thailand established a national committee to develop MOUs with its immediate neighbours. Activities leading up to the signing of Thailand's first MOU on the repatriation of trafficking victims included bilateral workshops, continuous dialogue and the involvement of target groups. Thailand drew on the best practice principles of the three "Ps" and two "Rs", that is: prevention, protection, and prosecution; and return and reintegration. Thailand now had a number of bilateral MOUs in place, and was also a party to the Mekong Regional MOU on trafficking. Thailand highlighted lessons it had learned from these MOUs, including: the need to ensure strong national level coordination to provide a strong basis of bilateral cooperation; the fact that the process of developing MOUs was as important as the final document; the need for an MOU to provide scope for monitoring, review and revision; and the vital need for strong political will.

Practical Implementation of the Protocol

16. Australia briefed participants on the steps it had taken to implement its obligations under the People Trafficking Protocol. This included: strengthening legislation on trafficking; assistance to and protection of suspected trafficking victims; repatriation of trafficking victims; prevention of trafficking in persons; information exchange and training; and border measures, such as security, control, legitimacy and validity of documents. Australia has also introduced a system of special visas which allow victims of trafficking to stay in Australia lawfully during the process of investigation and prosecution of traffickers and in some cases afterwards. Australia concluded that key elements in an effective people trafficking strategy were already laid down in the Trafficking Protocol, namely criminalization, protection and prevention, as well as regional and international cooperation.

Building Effective Inter-Agency Coordination at the National Level

17. Participants discussed how to build effective inter-agency coordination at the national level through formalised meeting and taskforces. Practical steps identified included: the necessity of basing coordination groups on a solid legal foundation – ideally national people trafficking legislation; ensuring that operational task forces worked with clear objectives, had a strong lead agency, and ideally involved civil society; the importance of high-level political support to lead this process; and, the utility of targeted awareness/information campaigns, both within communities that had direct contact with victims, but also more widely in the community through the media.

Developing Bilateral, Regional and International Cooperation in the Return and Repatriation of Victims

18. Participants discussed how to develop bilateral, regional and international cooperation in the return and repatriation of victims. Practical suggestions included: the value of networks at the inter-governmental level to facilitate arrangements – the Bali process and its focus on establishing these operational-level contacts was mentioned positively in this regard; the valuable role the IOM could play in providing support and advice in the elaboration of bilateral agreements; and the importance of high-level political will in supporting the development of MOUs, agreements and other initiatives. It was noted that funding for repatriation of victims was often a complex issue between countries, but that countries should endeavour to seek ways and means to facilitate repatriation in a spirit of shared responsibility that was in the best interest of the victim.

Country Presentations

19. Several countries made presentations on their anti-trafficking programs. The Philippines outlined its anti-trafficking legislation which had resulted in several significant convictions. The Philippines also outlined some immediate plans to enhance its victim support programs including the work of its Anti-Trafficking In Persons Task Force in airports and seaports, standby funds for medical expenses of victims, quick response hotline, and victim referral systems.

20. Pakistan outlined its legislation, national policies, and the operation of a ministerial-level steering committee responsible for monitoring the implementation of its national action plan. Pakistan also noted its involvement in a regional Quadrilateral Working Group on trafficking with Greece, Turkey, Iran and Pakistan – with a possible extension to include Afghanistan.

21. Turkey outlined its role as chair of the Budapest process and how this regional group facilitated the elaboration of a “cluster approach” to combating trafficking by linking countries on the same source, transit and destination “path”. Turkey also highlighted the success of its trafficking hotline operating together with an awareness campaign.

22. In outlining its domestic policies and global support for anti-trafficking initiatives, Canada noted recent legislative amendments that had strengthened its anti-trafficking legislation and provided safeguards for testimony given by vulnerable witnesses. Canada had also made changes to its visa regime to focus on victims, and instigated training programs for frontline officers working in human trafficking.

23. Indonesia gave an overview of its efforts to combat child trafficking and noted that illegal adoption through false documentation also needed to be considered in its efforts to combat people trafficking. Indonesia also emphasised the important role that a victim’s family played to ensure effective rehabilitation and avoid re-victimization.

Conclusion

24. A recurring theme of the workshop was the importance of strong domestic legislation to underpin efforts to combat human trafficking. National action plans, bilateral agreements, and effective victim support programs needed solid legal bases. The exchange of views from countries which already have such legislation, and those looking to introduce legislation, was a valuable aspect of workshop discussions.

25. Another key theme was the necessity of a victim-centred approach throughout the process of identification, return and reintegration. Such an approach would result in a more humane response to this transnational crime and improve the prospect of securing convictions through victims' increased collaboration in pursuing prosecutions.

26. Civil society's role in working with the trafficking victims was also underlined. IOM's role in facilitating cooperation between governments and civil society was noted. Workshop discussions also highlighted the need for strong political will to progress victim-centred responses. Raising public awareness, through media or other campaigns, was seen as important in this regard. Participants noted the value of further information sharing on public awareness campaigns.

27. The co-chairs warmly thanked participants for their active involvement in workshop discussions. These were consistent with the traditional Bali Process approach of open debate and exchange focusing on practical outcomes and solutions. The participants expressed appreciation to the organisers for administrative arrangements for the workshop and their hospitality.

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