

BANGKOK ACCORD AND PLAN OF ACTION TO COMBAT TRAFFICKING IN WOMEN

Preamble

We, the participants, at the ESCAP/ILO/IOM/NCWA/AWF Regional Conference on Trafficking in Women, held at Bangkok from 3 to 4 November 1998;

Reaffirming the fundamental principles enshrined in the Universal Declaration of Human Rights, the International Covenants on Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Declaration on the Elimination of Violence against Women;

Reaffirming also the pertinent provisions on trafficking in women and girls as contained in the Beijing Platform for Action and the Vienna Declaration and Programme of Action;

Recalling the General Assembly resolution 52/98 of 12 December 1997 on traffic in women and girls;

Welcoming the Commission resolution 51/7 on the Implementation of the Jakarta Declaration and Plan of Action for the Advancement of Women in Asia and the Pacific;

Welcoming also the Commission resolution 52/3 on the Follow-up to the Fourth World Conference on Women;

Recognizing that women's rights are human rights;

Recognizing also that combating trafficking in women can enhance human dignity;

Bearing in mind that integration of women in all aspects of development efforts is the foundation for sustainable development;

Bearing also in mind that political, social and economic empowerment of women can contribute effectively towards combating trafficking in women;

Expressing deep concern at the increasing number of women who continue to fall victims to trafficking and sexual exploitation;

Noting with concern the effect of the present economic crisis in the Asian-Pacific region on trafficking in women;

Noting also with concern the growing use of new information technologies for trafficking in women, prostitution and child pornography;

Expressing the view that globalization of the world economy has given rise to a global sex industry;

Bearing in mind that organized crime and easy money are important factors in trafficking in women;

Emphasizing the need for strengthening the efforts of Governments, intergovernmental and non-governmental organizations, business community, women's advocacy groups and other sections of civil society in combating trafficking in women;

Convinced that all forms of violence against women which is a heinous crime, including trafficking in women, are incompatible with the dignity and worth of a human person;

Affirming that research and studies should be conducted on all important aspects of women in development with special emphasis on trafficking in women;

Recognizing the important role being played by regional and sub-regional organizations such as ASEAN, SAARC, Mekong Regional Law Centre, national authorities, NGOs and other sections of civil society in combating trafficking in women;

Urging the international, multilateral and bilateral donor agencies and organizations to provide financial support towards the implementation of the various recommendations and proposals for action, as contained in this Accord and Plan of Action;

Adopt the Accord and Plan of Action for Combating Trafficking in Women in the Asian and Pacific region.

I. National Level

A. General

1. Establish and strengthen multisectoral national mechanisms such as national committees which consist of concerned Government agencies, NGOs and other relevant entities of civil society.
2. Formulate national plans of action in each country, specifically on trafficking and commercial sexual exploitation of women and children (hereinafter referred to as "trafficking") in line with the relevant provisions of the Beijing Platform for Action, the Stockholm Agenda for Action, and SAARC resolutions, in close collaboration among all related government agencies, with NGOs and other relevant entities of civil society.
3. Allocate needed financial and human resources to implement national plans of action in countries which have already formulated a National Plan of Action.
4. Undertake the preparation of national situation analysis on the problems of trafficking to be updated at least every two years in collaboration with NGOs and other relevant entities of civil society.

5. Enact laws where none exist and amend existing ones on trafficking to ensure decriminalization and confidentiality of victims, higher penalties for exploiters and traffickers, including clients and guardians, and adoption of victim-sensitive legal/judicial procedures, with scope for the participation of NGOs and other entities of civil society.
6. Establish special units in law enforcement agencies, staffed with trained police officers including female police officers, to handle cases of trafficking.
7. Provide more support to and promote further collaboration with NGOs and other entities in civil society which have been working on this issue.
8. Undertake a holistic, integrated and multi-level consortium approach in collaboration with NGOs and other entities of civil society to plan, implement and monitor projects.
9. Develop a sustained community based partnership in combating trafficking.
10. Amend laws, rules and regulations in order to allow assistance to victims of trafficking.
11. Build a core of committed public officials and improve governmental systems and procedures in assisting the victims trafficked.

B. Prevention

12. Provide legal literacy amongst concerned law enforcement officers, organizations and people at large.
13. Provide basic education, and relevant and quality training for gainful employment to women and children.
14. Provide more and better employment opportunities to women and children of appropriate age.
15. Formulate programmes for economic empowerment for women, such as increased amount of direct loan with very low or no interest from government banks, for self-employment activities.
16. Formulate specific affirmative actions for especially vulnerable groups of women and children, such as scholarship programmes for children at risk, or comprehensive community-based initiatives, or collaboration with private sector for career training and development.
17. Educate and mobilize the business community, including new information technologies and tourism related industries, as well as the media in combating trafficking.
18. Foster cooperation with media organizations to develop sensitivity and a code of ethics to the rights of trafficked persons, including the right to privacy and positive imaging of women in the media.

19. Disseminate as widely as possible, through mass media for awareness raising, information on laws, instruments, and protocol and conduct information campaigns on the realities of trafficking in women to the general public, including forms which can be easily understood by children and illiterate women.
20. Strengthen training activities of strategic target groups, such as lawyers and judges, and law enforcement personnel, including police and immigration officers.
21. Undertake appropriate socio-economic interventions and establish mechanisms in regions and areas which are targeted by traffickers.
22. Strengthen and support NGOs and other entities of civil society which have direct access to women and children at risk.
23. Devise more popular and innovative forms of education and consciousness raising on the issue, including use of local languages and dialects to outreach vulnerable groups and communities such as indigenous peoples.
24. Introduce free and compulsory education (where none exists) from elementary to high school level for all children.
25. Provide gender sensitive and other appropriate training and invest in capacity building to empower women and girls who could become the victims of trafficking, in collaboration with experienced NGOs and other entities in civil society.
26. Undertake comprehensive research on the social and economic cause of the sex industry at the national and international level particularly highlighting the factors that facilitate trafficking of women and children, and the cases of forced labour, slavery and slavery like practices. The surveys and research data should be able to provide information and understanding on the dynamics, causes and forms of the buying and selling of women, especially on the demand side i.e. sex tours, mail order brides, export of entertainers, etc.

C. Protection and humanitarian treatment of victims

27. Formulate or strengthen gender/child-sensitive judicial processes and training of judicial staff including judges, clerks, prosecutors to prevent the re-victimization of the victims of trafficking.
28. Ensure humane treatment of victims of trafficking under existing laws.
29. Conduct health impact studies on victims of trafficking.
30. Follow-up on convicted traffickers to prevent recidivism.
31. Protect victims of trafficking, their family members and service providers from reprisals of the perpetrators, including persons in positions of authority.

32. Develop and implement witness protection laws and procedures.
33. Provide access to competent and qualified interpreters/translators during all proceedings, and make available all relevant documents and records to the victim of trafficking.
34. Provide free legal assistance.
35. Find legal possibilities of redress for economic, physical and psychological damage caused to them.
36. Provide victims of trafficking access to the embassy/consulate of their home country or, if there is no embassy/consulate representation, provide access to a diplomatic representative of the State or to any national or international authority vested with the task of protecting such persons.
37. Take positive steps not to hold victims of trafficking in detention at any time in the course of investigation and prosecution of cases against traffickers. Moreover, avoid placing the burden of proof in any prosecution on trafficking or related criminal proceeding on the victims.
38. Make efforts to formulate/revise appropriate laws to avoid prosecuting victims for the use of false travel or other documents and/or visas.
39. Provide legal representation to victims of trafficking in criminal or other proceedings that may result in detention, deportation or loss of legal status, and provide legal representation free of cost if the victim cannot afford to pay.
40. Utilize all funds/possessions of the person convicted of trafficking for paying any debts the victim might have incurred as a consequence of being trafficked in addition to ensuring adequate compensation.
41. Accord to the victims of trafficking who are arrested under the criminal law of the country for committing an alleged crime, the following consideration:

Physical, psychological or economic duress or coercion suffered by the victims of trafficking should be considered as part of any defense of duress or coercion during pre-trial and trial proceedings and as mitigating circumstances in sentencing, if convicted.
42. The voluntary movement of citizens should not be prevented or obstructed, including victims of trafficking out or into their own country at all times.
43. Governments of the countries of origin should use all possible diplomatic channels and resources in destination and transit countries to protect their nationals abroad.

D. Sanctions against traffickers

44. Confiscate assets of traffickers.
45. Compensate victims of trafficking.
46. Reform labour laws to include provisions against debt bondage and sexual harassment.
47. Investigate, arrest and prosecute officials involved in trafficking.
48. Take into consideration that extremely severe penalties (e.g. death penalty) against traffickers are less effective as judges are reluctant to pass such punishment while ensuring the complete enforcement of law relating to trafficking.

E. Medical and psychological intervention

49. Provide adequate, confidential and affordable medical and psychological care, such as counselling centres by the State or, if no adequate State agency exists, by a private agency funded by the State.
50. Provide strictly confidential HIV testing services only if requested by the person concerned. Additionally, any and all HIV testing must be accompanied with appropriate pre- and post-test counselling. The standard provided in the UN Centre for Human Rights and World Health Organization Report of an International Consultation on AIDS and Human Rights, Geneva, July 1989 shall be followed.

F. Repatriation and reintegration

51. Set up guidelines including detailed procedures related to assistance and treatment of victims and the coordination of actions among designated responsible agencies.
52. Focus on more empowering measures rather than suppressive ones.
53. Prepare agreed procedures among various authorities involved in combating trafficking such as the departments of immigration and the police, embassies and/or consulates, NGOs and public welfare agencies.
54. Develop survivor programmes which help the victims of trafficking in becoming active agents in engaging society to confront trafficking issues.
55. Improve the reintegration process for victims of trafficking with systematic assistance to reintegrate them into their societies and with follow-up activities.
56. Provide assistance to victims who need assistance in the areas of employment, education or further vocational and other training, housing and special health care and services.
57. Develop and provide clearly defined but flexible reintegration programmes to be provided by the local agencies, whether they be governmental or non-governmental organizations.

58. Promote consultative processes with victims and organizations dealing with victims of trafficking in the formulation of legal reforms, protection and reintegration strategies.
59. Facilitate the safe return of victims of trafficking, in line with their wishes, seeking flexibility in bilateral agreements in cases where victims express the wish not to return to the country of origin.
60. Enhance the role of local government in providing social support for victims of trafficking.
61. Create and support multi-disciplinary teams to address the aspects of healing and redress for victims of trafficking.
62. Establish (where none exists) government mechanisms for the reintegration of victims of trafficking.
63. Support family and community-based programmes for victims of trafficking.
64. Provide the necessary funds to enable victims of trafficking to return to their home country and for court proceedings.

G. Information/Monitoring Mechanisms

65. Ensure integration of the principles contained in key international laws and instruments such as CEDAW, CRC, Beijing Platform for Action and Stockholm Agenda for Action into national policies and programmes.
66. Organize, encourage and support information and prevention campaigns in the countries of origin and destination aimed at clarifying the opportunities and the legal rights of women in case they decide to migrate so that they can make informed decisions and seek help in case they fall victim to trafficking.
67. Increase the use of multi-media technologies for information sharing and educational purposes by parties engaged in the struggle to prevent trafficking.
68. Monitor child pornography, including the Internet and make the monitoring reports available to concerned authorities.
69. Identify and map source areas, routes, and destinations of trafficked women and children and establish a reliable and relevant database.
70. Undertake comprehensive, action-oriented, culturally-sensitive research into the situation of trafficking.
71. Introduce systematic procedures for documenting cases of trafficking in women.
72. Promote the involvement of embassies and consulates in the countries of origin in

information dissemination, prevention, protection, repatriation and reintegration activities.

73. Develop programmes in cooperation with NGOs, both in countries of origin and destination, where they are in the best position to reach the women and children involved. To this end, NGOs should be provided with effective support through inter alia, greater development cooperation.
74. Promote and facilitate the exchange of information between relevant organizations in the countries of origin, transit and destination.

H. Participation

75. Stimulate and sustain participation of all concerned groups in society including youth at community, local and national level.
76. Enlist active participation of elected representatives, traditional and religious leaders.

II. Sub-regional/Regional/Multi-lateral Levels

1. Create sub-regional and bilateral treaties setting the framework for detailed procedures to be taken against trafficking in women.
2. Implement regional and sub-regional Plan for Action for Children, such as ASEAN and SAARC.
3. Promote international mutual assistance in law, enforcement, including sharing evidence, exchange of information, joint investigation and exchange programmes.
4. Promote cooperation and link-up with international monitoring organizations, including CEDAW Committee, Human Rights Committee, UN Human Rights Commission, Committee on the Rights of the Child, INTERPOL, among others, to monitor the situation of trafficking.
5. Establish regional and sub-regional framework including focal points for trafficking.
6. Encourage networking and coordination of organizations, institutions and professional bodies, at the national, sub-regional, and regional levels.
7. Endeavour to hold a forum on an annual basis for exchange of experience, coordination and cooperation to follow-up Beijing Fourth World Conference on Women and Stockholm World Congress against Commercial Sexual Exploitation of Children.
8. Support and strengthen the UN inter-agency follow-up mechanisms for Beijing Platform for Action and establish such mechanisms for the Stockholm conference.

9. Encourage and support the work in the area of trafficking in women of the UN Special Rapporteur on Violence against Women, who has explored these acts as one of the causes of violations of human rights and fundamental freedoms of women and girls, providing to her all relevant information.
10. Consider establishing a regional task force against trafficking.
11. Monitor and assess effectiveness of international, regional, and subregional instruments to eliminate trafficking.
12. Encourage bilateral partnership within the framework of official development assistance in projects against trafficking.
13. Establish centres for assisting the victims of trafficking where there are victims.
14. Promote more collaboration, coordination and cooperation among international agencies to maximize existing resources by avoiding the duplication of activities.
15. Analyze economic dimensions of trafficking in order to devise appropriate measures to combat trafficking.
16. Integrate this issue into new dimensions such as human security and combating and preventing organized crimes.
17. Reinforce the recognition of trafficking as a violation of women's human rights.
18. Explore the possibility of establishing new regional mechanisms to implement this plan of action.
19. Integrate this issue into important political and economic forum such as ASEM Forum and APEC.
20. Explore the possibility of establishing regional funds to assist victims of trafficking for repatriation and reintegration purposes.
