



SPC  
Secretariat  
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Community

# Human Rights and Trafficking in the Pacific

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# Presentation Objectives

- Part A – Human Rights Issues around trafficking in the Pacific - Sandra
- Part B – legislative protection as seen through a human rights lens - Gwen

## Definition elements

1. Action – recruitment, transportation, transfer, harbouring or receipt of persons
2. By means of – threat, use of force, coercion, abduction, fraud, deception, abuse of power or position of vulnerability, give/ receiving payments or benefits to achieve consent
3. For the purpose of – exploitation inc prostitution, forms of sexual exploitation, forced labour or services, slavery or slavery like practices, servitude or removal of organs

All 3 elements must be there to be trafficking – exception!  
Children where #2 does not need to be present – all children in commercial sex exploitation are considered trafficked.

# Definitions

Key points;

- Men and women and children
- Not just migration / border issues
- Internal and cross border
- Labour and sex trade
- Assumed more women / girls than men – gender power issues
- Source p.6-7, ESCAP 2005, Paper No. 17, Violence against and Trafficking in Women

# Human Rights Principles

- Primacy of human rights – putting the rights of the person first
- Prevention of trafficking – stopping the action
- Protection and Assistance – assisting those trafficked and protecting them from further harm

# Pacific Specific issues

- Violations that are gender based
- Children (CSEC)
- HIV and challenges with discrimination and provision of services
- Lack of infrastructure
- Large border areas

Sources: UNICEF CSEC / CSA studies – PNG, Kir, Van, Sols, Fiji–  
unpublished 2004/5

Sol Islands CSEC study – Logging

US State Reports

## PNG case example....

Some Papuan girls from traditional border crossing families come across the border on family (border crosser) permits from Indonesian Papua to PNG, to visit the hotels and bars in Vanimo and to sell sex to PNG travelers in transit, mainly PNG's *'top shots'* and military personnel, and Asian logging workers. Sex is available everywhere, both very young girls and women, and the local *standard* rate charged is about K25,00, which is considerably less than what is being paid in Lae and Port Moresby. (p. 41)

- PNG sources, HELP Inc, CSEC/CSA Study, Jan 2005

## PNG case example 2....

- The Maprik Crisis Counselling Centre is currently dealing with three cases of what are locally called ‘*cash and carry*’ girls – child brides bought by Sepik Vanilla farmers from remote border village areas of Sandaun province. In these 3 cases the girls were bought for K19, 000, K15, 000 and K20, 000 respectively. Now that the vanilla prices have fallen and the perpetrators can no longer maintain the girls, they are often presenting at the crisis centre neglected, overworked and under-nourished. (p. 32, CSEC / CSA study, HELP Inc)

## Transporting off shore - Kiribati

“I know most of these Koreans and the young girls through the offer to transport them from bars to the wharf and from the wharf to the ship. I’ve gained much from them through transporting them from place to place and especially when they want to return to the ship. They often book me for certain times to come and pick them up. One incident I remember was when I transported five Koreans and five girls to a range of motels across South Tarawa”. *Betio taxi driver and boat owner, October 2004, p. 28, Kir Report*

## Solomon Islands – Logging Camps

- In the interviews, there were six stories about marriage below the legal age, affecting 12 girls. All but one of the cases were marriages between Solomon Islander girls and foreign men working at the logging camps. All of the girls involved were aged between 13 and 14, and all stories included money as the reason for marriage. In three cases it was specifically mentioned that the mother or the parents of the child received money for the marriage. In two cases, girls were forced to marry by their parents. In both cases, the girls later ran away to escape the marriage-
- Source pg 24/25 – CCC – CSEC in Sols; Study of a remote logging area

## International – Fiji - PRC

- Immigration officials intervened in several cases of P.R.C. citizens who were lured to Fiji with job offers and then forced into sexual exploitation, but officials did not arrest the traffickers and the women were deported
- Source; p. 100, US State Report – Fiji, June 2007

# Response to trafficking..

- The interim (Fiji) government quickly deported P.R.C. women in prostitution without attempting to identify them as victims of trafficking.
- Foreigners who may have been trafficked are detained and deported for unlawful acts such as prostitution or immigration violations. ....There is no government referral program for victims or training for law enforcement or immigration officials to recognize trafficking or how to treat victims.

# Primacy, Prevention and Assistance

Primacy – rights at the centre of the response

Prevention – what is currently avail?

- Stricter border control?
- Better immigration procedures?
- Greater awareness / education re; trafficking?
- VAW legislation – comprehensive inc trafficking – human rights compliant
- HIV legislation – comprehensive – HR compliant

# Protection and Assistance

- VAW legislation (comprehensive)
- Recognition of trafficking / training and ed
- Extending facilities to victims of trafficking; counselling, safe houses, health care
- Short term work permits, to allow victims to stay if they choose, and permit employment
- consular protection and assistance – access to justice

# Primacy, Prevention and Assistance

- UN Principles and Guidelines on HR and HT – Principle 8
  - 1) protection from further harm
  - 2) provision of emerg shelter, health care, counselling
  - 3) assistance with legal proceedings
  - 4) safe and where possible voluntary return and 5) access to remedies

# HIV

Already a complex issue in the Pacific

- Gender concerns
- Attitudes / social norms wrt to CSW and MSM
- Difficult geography – access to health care inadequate in remote areas
- Access to healthcare issues generally
- Criminalization of those trafficked fuels the epidemic (hides HIV)

## Human Trafficking and HIV (UNDP 2007) – Factors which inc vulnerability to HIV in S.E. Asia

- large numbers of poor people (35 percent of the region's people live below the poverty line)
- low levels of literacy
- porous borders
- rural-to-urban and intrastate migration of male populations
- human trafficking
- stigmas related to sex and sexuality
- structured commercial sex and casual sex with non-regular partners
- male resistance to condom use
- high prevalence of sexually-transmitted infections (STIs)
- low status afforded to women, leading to an inability to negotiate safe sex
- high mobility within and between countries in the region
- prevailing gender norms, values and practices that disempower women and girls
- weak public health infrastructure

# Things to consider...

- Trafficking and how it is recognized in the Pacific
- Advocacy for human rights approaches in prevention, protection and assistance – does not have to be resource intensive
- Gender – comprehensive VAW legislation must include trafficking as majority of examples are women / girls victims of sexual violence
- HIV – any response must inc. HIV – HIV specific legislation which is HR compliant

# About RRRT

- *The Pacific Regional Rights Resource Team (RRRT) is a programme under the Secretariat of the Pacific Community's Social Resources Division*
- *RRRT provides technical assistance and training in human rights education and law*
- *One of RRRT's main current projects is on developing comprehensive legislation to combat VAW in the Pacific*
- *For more info visit [www.rrrt.org](http://www.rrrt.org)*