

GROUP 3

INTERNATIONAL COOPERATION AGAINST HUMAN TRAFFICKING AND SMUGGLING OF MIGRANTS

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I. INTRODUCTION

Recent IOM (International Organization of Migration) research revealed that there are an estimated 15 to 30 million illegal migrants in the world. Of this total, the United States Department of Justice estimates that at least 700,000 women and children are trafficked across borders each year. The enormous scale of human trafficking and smuggling of migrants around the globe requires cooperative efforts to solve this issue. These efforts need cooperation and assistance at bilateral and multilateral levels among various countries, and also between governments and NGOs. Destination countries must work with transit and source countries not only to prevent human trafficking and smuggling of migrants but also to help those victims back to their home community.

II. EXCHANGE OF INFORMATION AND LEGAL ASSISTANCE

Human trafficking and smuggling of migrants is generally defined as a crime that requires international exchange of information and assistance. When you seek information and assistance from abroad, the nature of the information and legal assistance will determine whether it should be informally or formally obtained.

A. Informal Channel

Informal exchange of information and assistance will be appropriate when compulsory process is not required and is generally achieved through law enforcement representatives stationed overseas and international organizations such as Interpol. The information available by this informal route may include criminal and police records, birth and death records, family registrations, residence information, vehicle and vessel registrations, travel movement records, company registrations, etc.

The advantage of this informal method is that it can be requested quickly and is directed to the authority that can provide the information and assistance. The disadvantage is that the information and assistance obtained in this way is limited in its nature and the product may not be in a form that can be used in court proceedings in the requesting county.

1. Personal Channel

Exchange of information and assistance can be carried out between law enforcement agencies of the requesting and the requested country. This is sometimes referred to as the “police-to-police, prosecutor-to-prosecutor” assistance. It is not usually predicated on a specific treaty or international agreement,

but rather carried out on the basis of goodwill, mutual respect or shared interest in combating crime. Personal relationships established through international seminars and law enforcement training programs would be quite instrumental in obtaining information and assistance. This method is also called the old-boys network, capable of providing the speediest of all responses but limited by the fact that it depends entirely upon the cultivation of contacts in foreign law enforcement agencies.

2. Legal Attache

Legal attaches stationed at embassies, consular officers in charge of security assigned at consulates and liaison officers dispatched from law enforcement agencies to counterpart agencies abroad play an important role in this kind of assistance. For example, the U.S. has dispatched FBI agents at its embassies in 52 countries under the Legal Attache Program that helps foster good will and legal assistance with their counterparts in the assigned nation. Japan also has police attaches and security officers posted at its embassies and consulates in foreign countries. They carry the titles of either 1st or 2nd Secretary at the embassy, or Consul at the Japanese consulate. They act as a liaison between Japanese police and law enforcement agencies of their assigned country.

As a rule, when requests for exchange of information and assistance are made through these attache, consular officers and liaison officers, the response is obtained much faster and more practical in use than that available through Interpol. Therefore, in terms of processing a request for assistance, this method seems to be much more effective.

3. Interpol

Major vehicle for advancing the police-to-police cooperation is the International Criminal Police Organization, or ICPO-Interpol. Interpol is situated in France's Lyon, and currently has 181 member countries including Afghanistan and East Timor, newly admitted at the October-2002 General Assembly in Cameroon. This organization provides technical tools for sending/receiving requests between law enforcement agencies of different countries through their National Central Bureaus - NCBs, which serve as a conduit for the secure transmission of information and intelligence concerning criminal investigation. Interpol can guarantee that the requests get transmitted via its communication systems, but cannot promise that the requested country surely makes a response to the requesting country, or that the quality of the response is up to their expectations. Furthermore, Interpol's Constitution has no provision to punish those countries which do not respond to any request from foreign countries. That means the assistance relies solely on the generosity and goodwill of the law enforcement of the requested country.

B. Formal Channel

Formal exchange of information and legal assistance is generally sought for the obtaining of evidence of a crime that has been committed. It is carried out under legislation and bilateral or multilateral treaty. Formal exchange of information and legal assistance involves compulsory process and affects privacy interests. It includes matters such as extradition, seizure of materials by search warrant, the taking of witness depositions, restraint and confiscation of the proceeds of crime. The advantage of this assistance is that it permits the requesting country to have law enforcement action carried out in another country, and to obtain evidence for a prosecution. Most countries with laws and treaties for international cooperation have a central authority to coordinate requests to and from the country. This is essential to ensure appropriate and prompt attention for requests of assistance.

The basic instruments of formal international cooperation are as follows:

- (i) Letters Rogatory
- (ii) Mutual Legal Assistance
- (iii) Extradition

1. Letters Rogatory

There are many instances in which the law enforcement agency of the requested county can do little without obtaining a court order. In these cases, the law enforcement agency needs the assistance from a judge. This letter is a request from a court in one country to a court in another country in which the

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former asks the latter to use the requested state's judicial power to assist the requesting court. As an international practice, the letter is transmitted through the diplomatic channel.

The request for information and evidence almost always originates from the law enforcement agency, and is authenticated by the competent national court in the requesting country. Then, it passes on to the embassy of the requested country through the foreign ministry. The embassy hands it over to the competent judicial authorities of the requested country, generally through the foreign ministry. Once the request has been fulfilled, the chain is reversed.

A direct request may also be possible under some treaties in case of emergency. For example, Article 15(1) of the 1959 Council of Europe Convention allows the judicial authority of the requesting country to send the letter of request directly to the competent judicial authority of the requested country. Article 18(13) of the Palermo Convention (the United Nations Convention against Transnational Organized Crime) allows the possibility that, in an urgent case and when the countries in question agree, the request can be made through the International Criminal Police Organization, if possible.

2. Mutual Legal Assistance (MLA)

A law enforcement agent cannot be allowed, in general, to conduct an investigation in another country. This is based on the principle that nobody can infringe upon the sovereignty of another country. Hence, we need a legal framework of mutual assistance and cooperation. However, it depends very much on the policy of the countries concerned. The purpose of mutual legal assistance is to get a foreign country to assist in the judicial process of the requesting country. Generally speaking, mutual legal assistance is based on bilateral or multilateral treaties. The broad definition of mutual legal assistance includes not only providing evidence, which is defined as a narrow sense of mutual legal assistance, but also extraditing a fugitive and executing punishment for his/her crime. In this section, we discuss mutual legal assistance in narrower terms.

Mutual legal assistance can be requested for any of the following purposes:

- (i) Executing searches and seizures, and freezing
- (ii) Taking evidence or statements from persons
- (iii) Effecting a temporary transfer of persons in custody to appear as a witness
- (iv) Hearing of witnesses or experts by means of video conference
- (v) Effecting service of judicial documents
- (vi) Examining objects and sites
- (vii) Providing originals or certified copies of relevant documents and records, including government, bank, financial, corporate or business records
- (viii) Identifying or tracing proceeds of crime, property, instrumentalities or other things for evidentiary purposes
- (ix) Facilitating the personal appearance of a witness
- (x) Providing information, evidentiary items and expert evaluation
- (xi) Any other type of assistance that is not contrary to the domestic law of the requested country

Judicial authorities of requesting countries issue a request for mutual legal assistance. Mutual legal assistance is performed with regard to those crimes that are punishable in the requesting country at the time of the request. Mutual legal assistance is carried out based on international comity, international treaties and international administrative agreements. Therefore, the conditions for mutual legal assistance differ from case to case.

In general, conditions for mutual legal assistance have been considered similar to those for extradition. Recently, however, the theory that the principle of mutual assistance should be separated from those of extradition is gaining support. Accordingly, the conditions for mutual legal assistance can be studied in a different manner from those for extradition.

(i) Dual criminality

Most countries require dual criminality as a prerequisite for responding to a mutual legal assistance request. This condition comes from the idea that it is not appropriate to surrender a

fugitive for an act which does not constitute any crime in the requested country, and that the requested country would not cooperate concerning the crime which is not punishable in the country. But recently the theory that dual criminality should not be required is becoming more acceptable. This theory is based on the idea that evidence should be not only helpful for investigators but also beneficial to offenders. For example, the 1959 Council of Europe Convention on Mutual Assistance in Criminal Matters fundamentally does not require dual criminality in requesting mutual legal assistance.

(ii) Reciprocity

Reciprocity is regarded as one of the most important principles that cover international relations. On the other hand, some disputants insist that reciprocity should not be required in mutual legal assistance, which is different from extradition. This theory is grounded on the idea that mutual legal assistance should be carried out when there is a possibility that evidence might be favorable to the offender by any chance.

(iii) Non-political offence

In order to grant a mutual legal assistance request, a predicate offense should not be a political offence. However, there is a tendency that the recent multilateral conventions aimed at suppressing certain types of crimes such as drug trafficking and terrorism against diplomats explicitly exclude these acts from political offenses.

(iv) Rule of specialty

Some legislation on mutual legal assistance adopts the rule of specialty. This rule requires that the requesting country must not transmit or use the information for investigations, prosecutions or judicial proceedings other than those stated in the request. However, this rule does not prevent an amendment of the charges relating to the cases. If the facts of the case require reassessment, supplementary requests must be sent to the requested country as soon as possible.

One of the most regularly voiced complaints of this method is that it can take a long time. It takes time to draft a request which complies with the requested country's laws and procedures, for the request to be processed and forwarded to the appropriate authority responsible for processing it and then for execution of the request. Most jurisdictions require dispatch or receipt of requests through the diplomatic channel and this can cause several months to elapse before the request reaches the appropriate handling officer. Upon receipt, the request may not meet the minimum legal requirements of the government to whom it is sent, in which case there can be further exchanges between the two jurisdictions before the necessary information is handed over and the request can proceed.

The more formal and complex the process becomes, the greater delay is likely to occur. This is crucial to both the investigator and the prosecutor. If the evidence is required immediately for prosecution, any delay could provide the suspect with the opportunity to leave the jurisdiction.

A difference in criminal procedures from country to country can also cause problems. This is particularly apparent between civil- and common-law countries. For example, in European civil law countries the investigating magistrate oversees the investigation, and has wide powers to summon witnesses, order production of documents, and generally follow whatever course of investigation is appropriate. This may prompt the investigator and the prosecutor to conduct an investigation generally on the magistrate's behalf. But common law based countries may only permit the carrying out of certain specific tasks which must be itemized in the request and may not allow the granting of a mandate to carry out and follow a general line of inquiry. This could mean, for example, that if information came to hand that was relevant but was not covered in the original request the common law based country might have to pass the particulars back to civil law based country and ask them to make a supplementary request seeking this evidence. This may create even more delay.

3. Extradition

The purpose of extradition is to get a foreign country to send a fugitive to the requesting country, so that he/she can be placed on trial, or so that any punishment imposed can be carried out. Extradition is

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the process of forcible transfer of a person either charged or convicted from one country to another. There are two ways in making an extradition request; namely, by international comity or by bilateral/multilateral treaty.

An extradition request from one country to another between which there is no extradition treaty is based upon mutual respect and goodwill. Some countries may grant an extradition request without an extradition treaty as long as the request meets the requirements stipulated in a domestic extradition law. These countries are referred to as “Treaty Non-prerequisite Countries” which include Japan, China, South Korea, Pakistan, Vietnam, etc.

When the requesting country wants to get one its own nationals from the requested country immediately, a common practice is to freeze or nullify their passport, thus making the passport invalid. As a result, he/she becomes subject to deportation. In South Korea, for example, Article 11 of the Passport Act says that any person who commits a crime after the issuance of the passport must return it within a certain specified period. Japan has almost the same provision in Article 19 of the Passport Law. However, careful consideration must be paid in executing this method. As a prerequisite of this method, there must be such legal provision in the requesting country and the consent must be obtained from the requested country to proceed with the deportation.

If an extradition request is made between the member countries of the bilateral/multilateral treaty, the request must be honored by the requested country. Otherwise the requested country would be in violation of its international obligation. Countries which require an extradition treaty to honor such a request are classified as “Treaty Prerequisite Countries” which include Malaysia, Singapore, Sri Lanka, the Philippines, the United States, etc.

Universally accepted principles state that each country can enjoy sovereign equality and territorial integrity. Each country should not intervene in the domestic affairs of other countries. These principles are clearly noted in the following conventions:

- (i) United Nations Convention Against Transnational Organized Crime (2000)
- (ii) Rome Statute of the International Criminal Court (1998)
- (iii) United Nations Model Treaty on Extradition (1990)
- (iv) European Convention of Extradition (1957)

Some practical problems exist in extradition procedures. Included in the above-mentioned conventions are the dual criminality requirement, the political offense exception and the refusal to extradite nationals. In addition, the death penalty issue and the unfair trial issue are factors on which the extradition may be refused. Since the dual criminality and the political offense issue have already been mentioned in the preceding sub-paragraph, the remaining issues are described below:

(1) Non-Extradition of Nationals

With regard to extradition of their own citizens, most countries have traditionally been of the opinion that such extradition is not possible. Some countries have even incorporated such a prohibition into their constitution. Furthermore, the principle of the non-extradition of nationals is often expressly provided for in treaties. The U.N. Model Treaty on Extradition, Article 4 (a) enables a requested country to refuse extradition of its nationals. The rationale for such a view is a mixture of the obligation of a country to protect its citizens, the lack of confidence in the fairness of foreign legal proceedings, the disadvantages that defendants face when defending themselves in a foreign legal system, and the disadvantages of being in custody in a foreign country.

However, it is a matter of course that right must be realized and a criminal offender must be brought to justice. The U.N. Model Treaty on Extradition and TOC Convention stipulate that if extradition is refused on this ground, the requested country must prosecute him/her at the request of the requesting country. This principle is referred to as “Extradite or Prosecute” or “aut dedere aut judicare.” Therefore, each Member country must have a criminal law that punishes offenders who have committed crime in foreign countries. In Singapore, for example,

Article 3 of its Penal Code says “Any person liable by law to be tried for an offense committed beyond the limits of Singapore, shall be dealt with according to the provisions of this Code for any act committed beyond Singapore, in the same manner as if such act had been committed within Singapore.”

(2) **Death Penalty**

Article 4 (d) of the above mentioned model treaty provides an optional ground for refusing extradition. This arises when the offense for which extradition is requested carries the death penalty under the law of the requesting, unless the requesting country undertakes not to impose the death penalty or not to carry it out if it is imposed. While some countries have capital punishment, others have abolished capital punishment. It can generally be observed that the latter countries tend to refuse extradition of fugitive offenders to the former based on the ground that capital punishment may possibly be imposed.

(3) **Danger of Persecution or Unfair Trial**

Article 3 (f) of the model treaty gives as a mandatory ground for refusal the possibility that the person in question would be subjected to torture or cruel, inhuman or degrading treatment or punishment, or the absence of the minimum guarantees in criminal proceedings. Democratic countries have been increasingly reluctant to extend full cooperation to countries which do not share the same democratic values, for example on the grounds that the political organization of the latter countries is undemocratic, or because their judicial system does not afford sufficient protection to the prosecuted or convicted individual.

III. RECOMMENDATION ON INTERNATIONAL COOPERATION

A. Governmental Cooperation

Human trafficking and smuggling of migrants is a multi-dimensional issue that encompasses migration, labor, criminal, and human rights aspects. Therefore, it must be tackled at all these dimensions. The transnational character also means that source, transit and destination countries must work together to effectively deal with this issue, thus demanding bilateral/multilateral/international assistance.

The United Nation’s two Protocols; namely, the Protocol against the Smuggling of Migrants by Land, Air and Sea; and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, respectively supplementing the United Nations Convention against Transnational Organized Crime; are a set of strong instruments to address human trafficking and smuggling of migrants. However, the Smuggling Protocol has been signed so far by 106 countries and ratified only by 14 countries, and the Trafficking Protocol signed by 102 countries and ratified by 13 countries. The two Protocols will enter into force when forty Member States have ratified them respectively.

In order to eradicate human trafficking and smuggling of migrants from the globe, the above-mentioned two UN Protocols must be ratified and put into effect as soon as possible. Each Member country should take necessary measures to meet the ratification requirements. But in reality, it will take some time until the two Protocols come into effect. In the meantime, the world is confronted daily with human trafficking and smuggling of migrants. Therefore, international efforts must be taken to tackle the problems in hand without delay.

The following are recommendable efforts that government agencies and their personnel should take for international cooperation against human trafficking and smuggling of migrants:

1. Creation of Common Standards

Through bilateral, multilateral and international conferences and training opportunities, each country should develop norms and standards. Thereafter, it can review, strengthen or establish domestic laws against human trafficking and smuggling of migrants; set internationally common standards in the anti-smuggling and trafficking laws; and create practical measures and tools for international cooperation in investigation and prosecution. Those laws must criminalize activities

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which aid or abet the human trafficking and smuggling of migrants; and put sanctions on those who profit from those transnational activities.

2. Assets Confiscation

Each country should pass the necessary legislation to create instruments to seize and confiscate assets and profits from human trafficking and smuggling of migrants. These assets must include vehicles, boats, passports, ID and other travel documents used in human trafficking and smuggling of migrants. In negotiation of the asset confiscation agreements with other countries, the confiscation of those assets upon conviction for the crime must be included.

3. Direct Contact Network

As mentioned already, for information exchange with law enforcement agencies of foreign countries in general, ICPO and diplomatic channels are theoretically available. However, both channels require much red tape and need a lengthy time. Consequently, the vital information is not timely. In terms of information exchange in the case of human trafficking and smuggling of migrants in particular, not only police and public prosecutors but also immigration, customs, labor, health-and-welfare and medical authorities will be involved. Therefore, expanding direct contacts with different agencies in domestic and foreign countries is essential. The establishment of an informal network of contact points at each agency in different countries exclusively for human trafficking and smuggling of migrants will be quite helpful. In order to cope with an increasing number of smuggled migrants from China to Japan, the Public Security Ministry of China, Japanese Coast Guard and Japanese Police have established a direct contact network.

4. Moderate Rule Application

Human trafficking and smuggling of migrants has become global business making a huge profit for international organized crime syndicates. It is also characterized by its clandestine nature, because these cases are likely to remain significantly unreported crimes. In addition, trafficking exposes victims to sexual exploitation, forced labor, slavery-like practices, servitude or the removal of organs. In this sense, it is considered to be one of the most heinous criminal offenses all over the globe that demand international cooperation including extradition and mutual legal assistance.

Nevertheless, as prerequisites for extradition and mutual legal assistance, almost all countries require dual criminality, assurance of reciprocity, non-political offense as a predicate offense and that they are non-nationals of their own countries. In addition, a country which has abolished capital punishment would not allow the extradition of a suspect or defendant who may be subject to a death penalty in the requesting country. If these requirements are strictly applied to a human trafficking and smuggling case, for instance, the negotiation of extradition and mutual legal assistance will become very difficult and may not be materialized. In order to breakthrough these barriers, there will have to be a more moderate application of the rules regarding extradition and mutual legal assistance to handle a human trafficking and smuggling of migrants case.

5. Victims Protection

Women and children, the main victims of trafficking, must be most protected from the human rights perspective. Unfortunately however, many source, transit and destination countries have not defined trafficking as a violation of human rights yet. Therefore, they are not held responsible for the fight against trafficking in women and children. The lack of legal obligation of governments to work towards eliminating trafficking still exists in many countries. Hereby, each country must legislate an anti-trafficking law which strictly controls trafficking in women and children. This law also should guarantee the witness protection, the mental and physical treatment of the victims, and the provision of appropriate accommodations to the victims in destination countries, and the victims' safe transfer to their home countries if they so wish. It will be necessary to set up an international inspection team, probably in the United Nations, to assure that each country is really safeguarding human rights and fulfilling the obligation to protect the victims.

6. Technical Assistance

Provision of technical and training assistance to other countries is also important. Destination countries should encourage source and transit countries to carry out public awareness campaigns

concerning the risks of smuggling and trafficking; the tragic lives of the victims; the actual situations of labor and sexual exploitation; deceitful strategies of traffickers and smugglers, etc. In this context, destination countries should send training and campaign experts in this field to source countries.

Furthermore, national travel and identity documents such as passports and landing permits must be highly secured against forgery, and the form of these documents should be unified worldwide, and they should be made machine readable like MRP (Machine Readable Passport) and MRV (Machine Readable Visa). In addition, the transfer of investigative methods such as undercover operations and electronic surveillance should be promoted. Those countries in possession of advanced technologies and skills must transfer such expertise to the countries in need through official channels.

7. Establishment of Regional Organization

Transnational crimes such as human trafficking and smuggling of migrants urge transnational cooperation between the legal authorities at home and abroad. Human trafficking and smuggling of migrants, particularly in Asia, is taking place mostly among neighboring countries. (e.g., women trafficking between Nepal and India, illegal immigration between the Philippines and Malaysia and between Indonesia and Australia, smuggling of migrants between China and Japan, etc.) Currently, various efforts have already been made in Asia through regional bodies such as ASEANAPol, PacRIM¹ and ICAO². However, there exists much diversion regarding the justice system in Asian countries, this makes legal assistance and cooperation difficult in this region.

To break this stalemate, a new innovative vision should be developed. One idea is to set up ASIANJUST, an Asian version of EUROJUST³ established by the EU in 1999 consisting of prosecutors in 15 countries with the purpose of smooth mutual legal assistance and cooperation for effective investigation and prosecution. This ASIANJUST must not be a mere information exchange organization but should be empowered to help coordinate the investigation and prosecution of transnational organized crime including serious human trafficking and smuggling of migrants. First and foremost, governments in the region should organize a preparatory committee for founding ASIANJUST.

B. Non-Governmental Cooperation

Human trafficking and smuggling of migrants cases are serious crimes that have resulted in modern-day slavery, which cannot be resolved by legislature and law enforcement only. It needs concerted, well-coordinated efforts among the world community to combat this crime that is carried out by organized crime groups that transcend national borders. We must prove to the criminal world that we will never let them get away with such crimes. The non-governmental organizations can contribute greatly towards international cooperation against these crimes to support the relevant legal processes that will bring the traffickers and smugglers to justice.

There are many Non-Governmental bodies in each country that would not hesitate to assist such efforts to prevent human trafficking and smuggling of migrants, and to cooperate or give assistance to the trafficked or smuggled victims. This would include Women/Child Aid or Welfare Organizations or the various Human's Rights Organizations. Their work would complement provisions of the law and where the related laws have not been enacted, these organizations can act as pressure groups to encourage the governments and increase awareness of the community to such crimes within their society.

The areas of cooperation for these NGOs can be itemized as follows:

- (i) Exchange of information
- (ii) Enhancing awareness
- (iii) Support activities for victims

¹ Pacific Rim Immigration Intelligence Officers Conference

² International Civil Aviation Organization

³ See: <http://www.statewatch.org/news/2002/feb/02Aeurojust.htm>

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1. Exchange of Information

It is well known that victims feel freer to approach NGOs and pass information regarding their plight and also relating to the perpetrators. NGOs may pass this information to the police or other NGOs. This sort of information can also be systematically collected and used as a monitoring mechanism or to be used as research data as well as input for some training/awareness programs.

2. Enhancing Awareness

This involves training or education programs which can be in the form of conferences, seminars or workshops, etc., for the public officials who should be aware of the seriousness of the crimes involved and the degree of suffering experienced by the victims. When they investigate, prosecute or judge cases of traffickers, smugglers or other offences, they will be sensitive enough to provide the necessary help or protection the victims greatly need.

Awareness programs for the public may include talks and distribution of free pamphlets or flyers to the public and potential victims in undeveloped areas in source, transit and destination countries, putting emphasis on the fact that trafficked women and children are crime victims. The flyers should also include information on how/where the victims can seek help, what rights are protected for them, how to identify suspicious characters who might be traffickers or smugglers. In addition, the flyers should inform the public on how to pass the information on to the authorities or the NGOs.

3. Support Activities For Victims

NGOs can encourage politicians and legislators in their countries to enact laws to provide protection and support to trafficked victims. The witness protection program is one way to bring traffickers to justice. Laws could provide such victims with temporary residence and protection. In this, the NGOs could mobilize and garner the necessary funds to provide shelter, medical and counseling services to the victims. Cooperation between NGOs of different countries may be needed for victims' rehabilitation process which takes a long time. Training of occupational skills is much needed that would assist the victims to become self-sufficient. Most governments do not have the resources to assist victims to such an extent. NGOs can work with United Nations Agencies to achieve these objectives.

The Ministerial Conference on People Smuggling, Trafficking In Persons and Related Transnational Crime in Bali, 2002, urged the international community to assist source countries to address the root causes of illegal movement of peoples by providing among others, developmental assistance to improve the economic and social status of women in those countries. For example, in Afghanistan, the UN Food Agency set up bakeries that provide some jobs as well as food to some of the poorest families or provide aid packages containing tools and seeds for them to rebuild their lives. NGOs can work together with such UN agencies to provide such help and even assist in giving basic education. Of course, NGOs also have to increase fund-raising efforts by encouraging contributions from corporations, foundations and individuals to finance the said activities apart from getting funds from governmental and UN grants.

IV. CONCLUSION

Problems emerging from rapid globalization are posing challenges to the criminal justice system of the individual countries and the world as a whole. The challenges like human trafficking and smuggling of migrants operate beyond the boundaries of individual countries. The globalization process with its policy of liberalization with regard to communication, transportation and transfer has opened greater opportunities for the evil forces involved in this criminality. The existence of the present strict MLA and extradition framework, judicial boundaries, geographical limitation in the investigation and prosecution are no match for the kind of international crimes that are being committed today. The need for cooperation among people involved in the criminal justice system in various countries is great. International efforts towards the elimination of human trafficking and smuggling of migrants should be further enhanced. At the same time, efforts at the national level to develop appropriate measures to safeguard the human rights of the trafficked victims should be continued. For these reasons, we would like to say again that the U.N. TOC Convention and its two Protocols must be ratified and put into effect in order to eradicate human trafficking and smuggling of migrants from the globe. To this end, each Member country should take necessary measures to meet the ratification requirements as soon as possible.