

ASEAN REGIONAL FORUM

ipyle 2019



TABLE OF CONTENTS

TABLE OF CONTENTS	2
A WORD OF WELCOME	4
INTRODUCTION TO ASEAN REGIONAL FORUM (ARF)	6
INTRODUCTION TO THE ISSUE: HUMAN TRAFFICKING	8
DEFINITIONS OF KEY TERMS	10
In the context of exploitation:	10
In the context of migration:	10
Others:	12
CURRENT SITUATION	13
Trafficking Trends	13
Case Studies	17
Key Problems contributing to Human Trafficking:	19
Current Efforts to Combat Human Trafficking:	21
International Protocols	21
International Protocols within ASEAN	22
MAJOR BLOC POSITIONS	24
STAKEHOLDERS	25
AGENDA	25
Scope of Debate	25
Possible Solutions	25
PROPOSED SOLUTIONS	26
GUIDING QUESTIONS	27
FURTHER READINGS	28
BIBLIOGRAPHY	28

A WORD OF WELCOME

Dear Delegates,

A warmest welcome to the Asean Regional Forum (ARF) of IPYLC 2018!

Three days of conference might appear like a daunting amount of time, but trust us, you won't regret being a part of it. For those who have experience in the munning sphere, great; hopefully you will gain more experience and help your fellow delegates along. If this is your first foray into MUN, even better; IPYLC is a beginner's preparatory conference, and your chairs will be here to guide you every step of the way. You are sure to enjoy the experience. Or you might be staring blankly at this 28 page study guide, already thinking of what to watch on YouTube instead of reading it. In that case, we'd truly like to encourage you to take this opportunity to go through the unique experience of a Model United Nations through this IPYLC. It is surely a journey worth walking (much more than working on coursework or playing ROS in the back of council).

For those feeling apprehensive about this whole "MUN thing", not to fear. We were in your positions once, reading through swathes of new information, researching online (at least trying to) and genuinely having no clue what to do. However, by deciding to take the experience as a chance to learn and develop new skills rather than stoning at a corner, we ended up having an enriching and enjoyable time. Our hope is that you too will make the choice to take IPYLC (semi-)seriously and make use of this time to build bridges, take on new perspectives, and have fun!

ASEAN has been faulted for its inaction, despite pressing humanitarian issues that are screaming to be discussed. As privileged delegates of the ARF, the first regionwide Asia-Pacific multilateral forum for official consultations on peace and security issues, you will be tackling the issue on Human Trafficking in the Asia Pacific region. It might not appear as a pressing topic for discussion, given the other flashing issues surrounding ASEAN in recent times, but perhaps that is even more so a reason to surface this persistent issue, such that the matter doesn't simply get forgotten, just as its victims have been. We thus implore our delegates to give this council issue the attention that it truly deserves. Do feel free to speak your mind and formulate solutions that can truly aid those in these dire circumstances.

We hope to use this platform to inculcate an interest in current affairs and raise awareness on global issues. Most of all, we hope that these 3 days will help you forge new friendships (yes, across genders) and serve as a great time of bonding.

Although this is a long study guide, we hope that all delegates will at least take some time to read it as it contains concise information regarding our council issue. We also highly encourage all of you to actively browse the internet for other helpful resources (credible ones) which will prove very beneficial for discussions. Finally, your chairs are completely dedicated to making your experience at IPYLC enjoyable and enriching, so do feel free to approach us with queries (and confusion). We are more than ready to help you in any way possible.

We are looking forward to a most meaningful IPYLC with you!

Sincerely,

Your Chairs

Kerianne Teo, Timothy Yip and Gabrielle Yap

INTRODUCTION TO ASEAN REGIONAL FORUM (ARF)

The ASEAN Regional Forum (ARF), Established in 1994 is an important forum for security dialogue in Asia. Serving as the first regionwide Asia-Pacific multilateral forum for official consultations on peace and security issues, it draws together 27 members which have a bearing on the security of the Asia Pacific region. It provides a setting where members can discuss regional security issues and develop cooperative measures to enhance peace and security in the region.

ARF Members

- 10 ASEAN member states: Brunei, Cambodia, Indonesia, Laos, Malaysia, Burma, Philippines, Singapore, Thailand and Vietnam
- 10 ASEAN dialogue partners: Australia, Canada, China, the European Union, India, Japan, New Zealand, the Republic of Korea, Russia and the United States
- 1 ASEAN observer: Papua New Guinea
- Other countries: Democratic People's Republic of Korea, Mongolia, Pakistan, Timor-Leste, Bangladesh and Sri Lanka

ARF Objectives

To foster constructive dialogue and consultation on political and security issues of common interest and concern; and to make significant contributions to efforts towards confidence-building and preventive diplomacy in the Asia-Pacific region. It aims to promote open dialogue on political and security cooperation in the ASEAN region.

ARF Meetings and Processes

ARF meetings are held annually at Foreign Minister level, in conjunction with the ASEAN Post Ministerial Conference (PMC). The chair of ASEAN rotates annually, with the Prime Minister of Thailand acting as 2019's chairman.

The ARF is structured into 2 Tracks; Track 1 involves official dialogues between government officials - foreign ministers and defense ministers/officials - in which forums on issues such as counter-terrorism, maritime security and disaster relief are discussed. Track 2 involves meeting between governments and people such as scholars and

researchers who can provide aid in the development of regional processes. Our council will be following the Track 1 format of official discussion.

INTRODUCTION TO THE ISSUE: HUMAN TRAFFICKING

Human trafficking, dubbed as modern-day slavery, is defined as an act of recruitment, transportation, transfer, harbouring or receipt of persons, through the means of threat, use of force, abduction, fraud or any forms of coercion, for the purpose of exploitation of people through giving or receiving payments or benefits. Trafficking can occur within a country or may involve movement across borders. Women, men and children are trafficked for a range of purposes, including forced and exploitative labour in factories, farms and private households, sexual exploitation, forced marriage, among others.

Inequalities within and between countries, increasingly restrictive immigration policies and a growing demand for cheap, disempowered labour are just but some of the underlying causes of trafficking which have been identified. The many factors that increase individual vulnerability to trafficking include poverty, violence and discrimination. In addition, the links between migration and trafficking are well established. Refugees are vulnerable to trafficking in numerous ways. For one, numerous refugees pay smugglers to flee to safety, which is often coupled by a high risk of being trafficked after arriving to the recipient country. Physical and economic insecurity leaves refugees prone to gender- based violence, pressure to engage in survival sex, and accepting work for inhumane wages and conditions. The social and political marginalization of refugees leads to isolation, making individuals vulnerable to traffickers who may pose as friends or romantic partners. The fight against human trafficking is closely linked to the fight for the empowerment and protection of women, as females make up the vast majority of trafficked and exploited persons. Women and girls are trafficked into gender- specific situations of exploitation such as exploitative prostitution and sex tourism, and forced labour in domestic and service industries.

The challenge for all countries, rich and poor, is to target the criminals who exploit desperate people and to protect and assist victims of trafficking and smuggled migrants, many of whom endure unimaginable hardships in their bid for a better life. Action has been taken where governments and people everywhere are beginning to approach human trafficking with greater urgency. For a start, the first ever United Nations World Day against Trafficking in Persons on 30 July 2014 was marked, which provided a much-needed opportunity to further raise awareness of modern slavery. Many countries have also criminalized most forms of trafficking as set out in the UN Trafficking in Persons Protocol. The number of countries doing this has increased from 33 in 2003 to 158 in 2016. Such an exponential increase has helped to assist victims and prosecute traffickers. But there is much more to be done.

Despite the ratification of global and regional anti-trafficking frameworks and enactment of relevant national laws, human trafficking remains an endemic security problem in ASEAN, threatening states and societies.

Two-thirds or 25 million of global trafficking victims were identified to be in the region. Human trafficking has become one of the most lucrative organised crimes, with illicit profits exceeding US\$150 billion every year. These shocking figures are only estimates, since accurate data are difficult to obtain, largely because human trafficking often goes unreported, undetected and thus unprosecuted. It remains a largely hidden crime, since victims are reluctant to seek help for fear of intimidation and reprisals.

The ASEAN Convention Against Trafficking In Persons, Especially Women and Children (ACTIP) was established in 2015 aims to provide specific action plans within ASEAN Member States' domestic laws and policies, as well as relevant international obligations, to effectively address regional challenges common to all ASEAN Member States. However, there are fundamental issues that impede the eradication of human trafficking in East Asia. Firstly, the key issue of weak implementation of relevant anti-trafficking frameworks at the national level remains. Secondly, the longstanding problems of corruption and the failure of the state to prosecute complicit officials still exacerbate human trafficking in most states of East Asia. Lastly, the lack of appropriate protection and assistance mechanisms for victims heightens the vulnerabilities that push people into trafficking or being victimised again.

There is now a need to advance from understanding the issue to undertaking, from awareness to action. The gravity of this continuing exploitation compels us to step our response against Human Trafficking.

DEFINITIONS OF KEY TERMS

Kommentar [1]: include destination countries and countries of origin

In the context of exploitation:

Trafficking in persons

A crime that includes a three-step-process:

1. The ACT of recruiting, transporting, transferring, harbouring or receiving a person;
2. By MEANS of e.g. coercion, deception or abuse of vulnerability;
3. For the PURPOSE of exploitation.

Forms of exploitation specified in the definition of trafficking in persons include, sexual exploitation, slavery and forced labour, acting as beggars, being forced into sham marriages, benefit fraud, pornography production, organ removal, among others. The common denominator of these crimes is that they are all forms of exploitation in which one person is under the control of another.

Victim of forced labour

Refers to any person in any form of work or service which is exacted from him/her under the menace of any penalty and for which the said person has not offered himself voluntarily. For minors, the consent is always irrelevant in the determination of a trafficking case.

Victim of slavery

A person over whom any or all of the powers attaching to the right of ownership are exercised.

In the context of migration:

The crime of trafficking in persons does not need to involve a border crossing. However, many detected victims are international migrants, in the sense that their citizenship differs from the country in which they were detected as trafficking victims, suggesting a strong link between migration and trafficking in persons.

Migration

Refers to the movement of people from one place to another. It can be assisted or independent, within national borders or international by any means and with any purpose.

Migrant smuggling

A crime concerning the facilitation of the illegal border crossing of a person into a State party of which a person is not a national or a resident in order to obtain a financial or other material benefit.

Migrants

International Migrant-- Any person who changes his or her country of usual residence.

Undocumented Migrant-- a person who does not have legal immigration status in a transit or destination country (or even in a different region of his own country). A person can enter a country without legal status, or can enter with status and lose it later.

Refugees

Someone who has been forced to flee his/her country to preserve life or freedom. Refugees are entitled to protection under international law.

Note: Victims of trafficking may be international migrants who, in some cases, may have been smuggled or may also be refugees. Refugees fleeing persecution or other dangers in their country are particularly vulnerable to traffickers. Similarly, migrants and refugees who have been smuggled are particularly vulnerable to being exploited because of lack of opportunity in the destination country and the costs associated with smuggling. If other elements of trafficking are present, the exploitation may render them victims of trafficking. Refugee status could be granted to victims of trafficking who may risk persecution in case of return to their home country, if the home country is unwilling or unable to protect them, depending on the individual circumstances.

Origin country

Country in which a victim is trafficked from.

Destination country

Country in which a victim is trafficked to.

Domestic trafficking

Trafficking activities are conducted only within the borders of a country.

Cross-border trafficking

Trafficking activities involve moving victims from their origin country to their destination country and occurs in the destination country.

Others:

NGO

A non-governmental organization (NGO) is any non-profit, voluntary citizens' group. They perform a variety of service and humanitarian functions, bring citizen concerns to Governments, advocate and monitor policies and encourage political participation through provision of information. They provide analysis and expertise, serve as early warning mechanisms and help monitor and implement international agreements

CURRENT SITUATION

Trafficking Trends

Trafficking patterns in recent years

Over the last 10 years, the profile of detected trafficking victims has changed. Although most detected victims are still women, children and men now make up larger shares of the total number of victims than they did a decade ago. In 2014, children comprised 28 percent of detected victims, and men, 21 per cent.



Source: UNODC elaboration of national data.

The trafficking for online sexual exploitation of children is now an alarming trend, and child trafficking is being committed with great frequency as various estimates indicate that tens of thousands of children in the Philippines alone are being subjected to online sexual abuse while Thailand and Cambodia have been tagged as major source countries of child sexual abuse images. The Philippines has been tagged as the “global epicentre of the live stream sexual abuse trade”.

In parallel with the significant increases in the share of men among detected trafficking victims, the share of victims who are trafficked for forced labour has also increased. And is now the second most prominent form of

trafficking. About four in 10 victims detected between 2012 and 2014 were trafficked for forced labour, and out of these victims, 63 per cent were men.

The share of detected trafficking cases that are domestic – that is, carried out within a country’s borders – has also increased significantly in recent years, and some 42 per cent of detected victims between 2012 and 2014 were trafficked domestically, and the great majority (more than 85%) of the victims rescued in East Asia and the Pacific were trafficked from within the region in 2016.

These shifts indicate that the common understanding of the trafficking crime has evolved. A decade ago, trafficking was thought to mainly involve women trafficked from afar into an affluent country for sexual exploitation. Today, criminal justice practitioners are more aware of the diversity among offenders, victims, forms of exploitation and flows of trafficking in persons.

Purpose of trafficking

Trafficking for sexual exploitation and for forced labour are the most prominently detected forms, but trafficking victims can also be exploited in many other ways. Victims are trafficked to be used as beggars, for forced or sham marriages, benefit fraud, production of pornography or for organ removal, to mention some of the forms countries have reported.

This is a list of common exploitative purposes human trafficking occurs for, including but not limited to:

Forced Labour

It is when victims are forced to do work or services against their will, under threat of punishment. Forced labour can be considered modern slavery, and victims are commonly used for domestic work. Trafficking for forced labour in the fishing industry is frequently detected in South-East Asia. This can happen, for example, on board big fishing vessels on the high seas, carried out by large companies that trade fish internationally. Indonesia provided one case involving about 200 Indonesian ship crew. The crew members were forced to work 20 hours per day with no salary for almost two years. Thailand reported cases involved trafficking syndicates from Myanmar recruiting victims in Myanmar for exploitation in Thai waters. Trafficking is also carried out by a loose network of people from India, Myanmar and Thailand where Indian brokers recruit Indian workers through the promise of employment in Thailand.

Sexual Exploitation and Prostitution

Sex trafficking makes up for 79% of human trafficking. It is based on the interaction between the trafficker selling a victim (the individual being trafficked and sexually exploited) to customers to perform sexual services.

Forced Marriage

Trafficking for various types of marriage has been sporadically reported in the past, but is now emerging as a more prevalent form. In South-East Asia, this often involves forced marriages, or unions without the consent of the woman (or girl). Trafficking for sham marriages mainly takes place in affluent countries.

Removal of Organs

At least 10 countries have reported trafficking for the removal of organs, such as kidneys. These usually involve victims receiving little to no money for their organs, or being deceived of the type of procedure that will be performed on them. Their organs are then sold by traffickers at black markets for high prices. Other forms of reported trafficking are sometimes locally acute, but less internationally widespread

Trafficking flow

Human Trafficking is a transnational crime that often involves domestic offenders and limited geographical outreach. Most victims of trafficking in persons are foreigners in the country where they are identified as victims. In other words, these victims - more than 6 in 10 of all victims - have been trafficked across at least one national border. That said, many trafficking cases involve limited geographic movement as they tend to take place within a subregion, often between neighbouring countries. Domestic trafficking is also widely detected with some 42% of the detected victims recorded to be trafficked domestically, and for one in three trafficking cases, the exploitation takes place in the victim's country of citizenship. Shares of detected victims in East Asia and the Pacific by subregional trafficking is 93% and transregional trafficking at 7%.

More than half of the victims detected in East Asia and the Pacific are trafficked along short-distance flows as a large part of the trafficking is either domestic or between neighbouring countries. The wealthiest countries, Australia and Japan, are destination countries. However, China, Malaysia and Thailand are also reported as destinations; primarily for trafficking from countries close by. Thailand mainly detects victims from neighbouring countries such as Cambodia, Laos and Myanmar, in addition to victims of domestic trafficking. Malaysia detects victims from Indonesia, as well as from the Philippines and Viet Nam. Significant trafficking flows from East Asia and the Pacific have also been detected by many countries in Western and Southern Europe, North America

and the Middle East. Most other regions and areas have also detected East Asian victims, which demonstrates the wide geographical diffusion of trafficking flows from this region.

Certain trafficking flows resemble migration flows, and some sizable international migration flows are also reflected in cross-border trafficking flows. The analysis of country-level data on detected trafficking victims and recently arrived regular migrants reveals that trafficking in persons and regular migration flows broadly resemble each other for some destination countries in different parts of the world.

Victims of trafficking

Approximately half of all detected trafficking victims are adult women. Although this share has been declining significantly in recent years, it has been partially offset by the increasing detection of victims who are girls. Women comprise the vast majority of the detected victims who were trafficked for sexual exploitation. Looking at victims trafficked for forced labour, while men comprise a significant majority, women make up nearly one third of detected victims. In some regions, particularly in Asia, most of the victims of trafficking for forced labour were women; it is reported that women and girls made up 77% of the detected victims of trafficking for forced labour in South Asia, East Asia and the Pacific.

More than a quarter of the detected trafficking victims in 2014 were children. There is a relation between a country's level of development and the age of detected trafficking victims. In the least developed countries, children often comprise large shares of the detected victims.

Conflict in relation to trafficking

People escaping from war and persecution are particularly vulnerable to becoming victims of trafficking. The urgency of their situation might lead them to make dangerous migration decisions. Conflicts create favourable conditions for trafficking in persons by generating a mass of vulnerable people escaping violence. For example refugees escaping wars and persecution are easily targeted by traffickers who leverage their desperation to deceive them into exploitation. The presence of large numbers of troops also creates demand for labour and sexual services. In connection with degraded rule of law and weak institutions, this demand generates trafficking flows into the conflict or post-conflict zones. Additionally, armed groups engage in trafficking in the territories in which they operate where they recruit or abduct children to use them as combatants. Armed groups also recruit or abduct women and girls for forced marriages, domestic work and sexual slavery. Similarly, they recruit or abduct men and boys for forced labour, for instance, in the exploitation of natural resources, as soldiers or for slavery.

Case Studies

Cambodia

The Government of Cambodia does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts by prosecuting and convicting more traffickers, repatriating more Cambodians subjected to trafficking abroad, strengthening efforts to raise awareness on child sexual exploitation in the hospitality industry, and taking steps to incentivize safe migration to primary destination countries. However, the government did not meet the minimum standards in several key areas. Endemic corruption continued to impede law enforcement operations, criminal proceedings, and victim service provision. Against a backdrop of insufficient government oversight and accountability measures, unscrupulous business owners subjected thousands of men, women, and children throughout the country to debt bondage in hard labor with minimal interference—and sometimes assistance—from Cambodian authorities.

As reported over the last five years, Cambodia is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Migrants using irregular migration channels, predominantly with the assistance of unlicensed brokers, are at an increased risk of trafficking, but those using licensed recruiting agents also become victims of forced labor or sex trafficking. Children from impoverished families are vulnerable to forced labor, often with the complicity of their families, including in domestic servitude and forced begging or street vending in Thailand and Vietnam.

India

The government of India has been increasing efforts to combat human trafficking in 2018. It has tripled the number of victims identified and has increased its budget on shelter programmes for victims. However, protection of victims remains inadequate as some victims are prosecuted for crimes they committed while they were trafficked. The government's conviction rate and the number of investigations, prosecutions, and convictions was disproportionately low relative to the scale of trafficking in India, particularly with respect to bonded and forced labor. Numerous trafficking cases were not dealt with due to low law enforcement, corrupt officials or lack of capacity in some parts of the country. Despite reports of some officials complicit in trafficking, the government did not report investigating such allegations.

India should increase efforts to prosecute perpetrators of trafficking, and provide anti-trafficking training or guidance for diplomatic personnel to prevent their engagement in or facilitation of trafficking crimes.

Singapore

The government demonstrated increasing efforts by imposing strong sentences against convicted traffickers, improving freedom of movement for adult victims by funding the return to their country of origin prior to court proceedings, and increasing new migrant workers' awareness of their rights. However, the government did not meet the minimum standards in several key areas. Large numbers of migrant workers experienced conditions indicative of labor trafficking in Singapore, and, although the government continued to prosecute labor trafficking cases, it had yet to secure the conviction of a labor trafficker under the trafficking law. Authorities did not effectively identify victims compelled into service through psychological coercion or debt bondage, leaving some victims unidentified and subject to punishment or deportation.

Singapore should increase resources for investigative and prosecutorial training on human trafficking for Ministry of Manpower officials who handle labor violations.

Thailand

The government demonstrated increasing efforts by prosecuting and convicting more traffickers, and decreasing prosecution time for trafficking cases through the use of specialized anti-trafficking law enforcement divisions. The government also investigated more cases of suspected official complicity in trafficking crimes and convicted 12 complicit officials in 2017, including 11 officials involved in the trafficking of Rohingya migrants. The government issued regulations to increase oversight of NGO-operated shelters and provide access to governmental financial support. It established an anti-trafficking task force composed of law enforcement, social workers, and NGOs to increase coordination of law enforcement and victim protection efforts; created a victim specialist program; and increased training for labor inspectors on forced labor. However, the government did not meet the minimum standards in several key areas. Although the government continued to increase labor inspections in high-risk industries, inspections resulted in disproportionately few identified victims and criminal investigations. Official complicity continued to impede anti-trafficking efforts, and there were anecdotal reports that officials penalized some potential victims for crimes committed as a direct result of being subjected to human trafficking.

Thailand should ensure that government and NGO-run shelters provide victims with adequate trauma-informed care, including legal assistance, and increase the provision of financial compensation and restitution to victims.

Key Problems contributing to Human Trafficking:

Poverty

Populations experiencing extreme poverty are vulnerable due to their circumstances and familial desperation. They are often preyed upon by manipulative traffickers offering false promises of employment and education opportunities, as they seek better living conditions. In reality, they are exploited to do other work - prostitution or hard labor - receiving little to no pay.

Lack of Law Enforcement

Despite political will, law enforcement agencies lack the skill, knowledge and resources to understand and respond to the evolving complexities of human trafficking. This limited capability entails inadequate criminal justice response, law enforcers' lack of understanding of relevant anti-trafficking laws, enforcement agencies' limited funding and resources, skewed implementation of relevant laws, and lack of coordination among agencies

Corrupt Officials

Collusion between corrupt government officials and criminal networks is a severe problem. Corrupt acts include tolerating or participating in the trafficking of persons, or actively obstructing investigations or prosecutions of traffickers. There are multiple mechanisms in which corruption facilitates human trafficking. These include but are not limited to: facilitating the transportation of victims, undermining or delaying investigations of trafficking cases and obstruction of social and protective services for victims by corrupt officials. Such acts include border control authorities facilitating transport of victims across the border. Mass graves of trafficking victims were discovered along the border between Malaysia and Thailand in 2015, evidence of such collusion. These corrupt acts contribute to the ease and success of traffickers in carrying out trafficking acts.

Improper Border Control

The permeability of borders aids criminal organizations in the trafficking of persons, regionally and internationally. The technical capacity of border control agencies to detect and prevent trafficking is often inadequate and needs to be improved. For instance, at border crossings in many states, there are no telecommunication facilities or even manual recordkeeping of the crossings of commercial carriers.

For example, the respective anti-human trafficking laws of Myanmar, Cambodia, Thailand and Laos criminalise sex and labour trafficking, and the penalties for human trafficking stipulated in these laws are sufficiently stringent. However, an estimated 451 000 migrants are smuggled into Thailand annually from Myanmar, 55 000 from Cambodia and 44 000 from Laos. according to UNODC, between 4 and 23 percent of these irregular migrants could be considered as trafficking victims.

Current Efforts to Combat Human Trafficking:

International Protocols

Palermo Protocol

Palermo Protocol is more formally known as the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. It divides the offense into three components: the act of recruitment, transportation, transfer, harboring and receipt of persons; the means - the use of force and other forms of coercion, such as abduction and deception; and the purpose - for prostitution, forced labour and slavery, and the removal of organs. The main purposes of the protocol is a) to prevent and combat trafficking in persons, paying particular attention to women and children. b) to protect and assist the victims of such trafficking, with full respect for their human rights; and c) to promote cooperation among States Parties in order to meet those objectives.

The Bali Process

It was set up in 2002 as a platform for dialogue among countries in the Asia-Pacific, with its main goal being to raise awareness and build capacity to combat human smuggling, trafficking, transnational crime and other components of migration management in the region. With the transnational nature of human trafficking, both international and regional regimes encourage governments to share information, coordinate policies and efforts to criminalize trafficking offenses, provide mutual legal assistance, protect victims and prosecute offenders. In 2016, the Bali process endorsed a declaration which acknowledges the growing scale and complexity of irregular migration challenges and supports measures that would contribute to comprehensive long term strategies addressing the crime of people smuggling and human trafficking, as well as reducing migrant exploitation by *expanding safe, legal and affordable migration pathways*. In 2018, the Bali Process advanced further engagements on irregular migration with the private sector and the civil society. Recommendations from business to governments to enhance collaboration on tackling modern slavery were adopted.

United Nations Convention against Transnational Organized Crime

It was adopted by the General Assembly in 2000, is the main international instrument in the fight against transnational organised crime. It is further supplemented by three Protocols, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; the Protocol against the Smuggling of

Migrants by Land, Sea and Air; and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition. The convention represents a major step forward in the fight against transnational organised crime as it was the first global legally binding instrument with an agreed definition on trafficking in persons and was agreed upon. It also signifies the recognition by Member States of the seriousness of the problems opposed by it.

International Protocols within ASEAN

ASEAN Declaration against Trafficking in Persons Particularly Women and Children

The ASEAN Declaration against Trafficking in Persons Particularly Women and Children was adopted in 2004 to specifically address human trafficking. It had a narrower focus on the issue and also changed how ASEAN dealt with human trafficking. Through its more targeted focus, it elevated the status of human trafficking which was then overshadowed by worries over drug trafficking and terrorism. It further added focus on criminal justice response in the issue, as it recognised the need to strengthen law enforcement and judicial responses to ensure that deterrent action is taken against human traffickers.

The ASEAN Convention Against Trafficking in Persons, Especially Women and Children

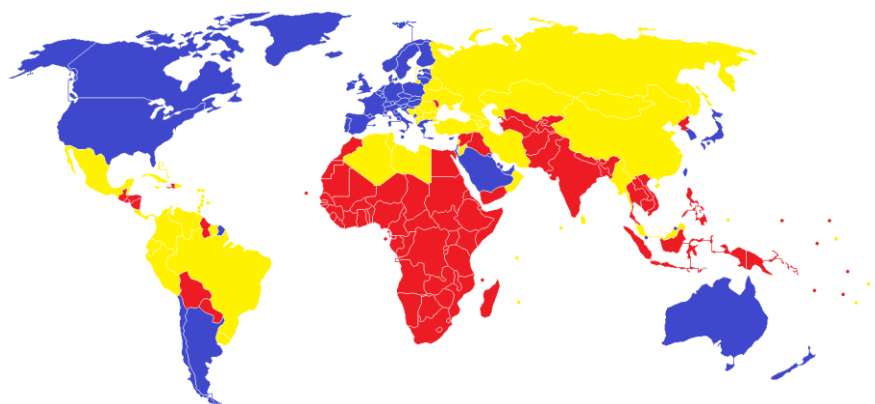
The ASEAN Convention Against Trafficking in Persons, Especially Women and Children was adopted in 2015 and aims to provide specific action plans within ASEAN Member States' domestic laws and policies, as well as relevant international obligations, to effectively address regional challenges common to all ASEAN Member States in the identified major concerns: (1) Prevention of trafficking in persons; (2) Protection of victims; (3) Law enforcement and prosecution of crimes of trafficking in persons; and (4) Regional and International cooperation and coordination. It complements the international anti-trafficking framework, and at the subregional level, the Coordinated Mekong Ministerial Initiative Against Trafficking closely follows the Palermo Protocol framework which has led to several bilateral agreements aimed at greater cooperation between states in the Greater Mekong region.

[ACTIP's adoption and entry into force represent a growing trend in ASEAN treaty practice, especially on issues of international and regional concern, in which hard and soft obligations are combined to appeal to states' ratification and thus the possible timely entry into force of certain binding instruments. However, more needs to be done to increase the effectiveness of ACTIP, including the prescription of a stronger compliance mechanism.]

UN Trafficking in Persons Protocol

The Protocol entered into force in December 2003 only three years after its adoption by the General Assembly in 2000. As of early October 2016, 170 countries have ratified the Protocol. The purposes of the Protocol are a) to prevent and combat trafficking in persons, paying particular attention to women and children; b) to protect and assist the victims of such trafficking, with full respect for their human rights; and c) to promote cooperation among States Parties in order to meet those objectives. The protocol focuses notably on the protection of victims, where each State Party has to ensure that its domestic legal or administrative system contains measures that provide to victims necessary information in appropriate cases, such as assistance to enable their views and concerns to be presented and considered at criminal proceedings against the offenders. Each State Party shall consider implementing measures to provide physical, psychological and social recovery of victims of trafficking in persons.

MAJOR BLOC POSITIONS



[the first, second and third world countries based on HDI for 2015]

LEDCs (Less economically developed countries)

- Due to their slow-progressing economies LEDCs have less control of their countries security and welfare, thus, monitoring and preventing human trafficking is made more difficult
- Human trafficking used as an illegal but profitable method for LEDCs to generate money due to the proliferation of organised crime syndicates
- The poverty of the population renders citizens more exposed and unable to retaliate, thus, making them vulnerable to manipulation and abuse by human traffickers
- For example: Laos

MEDCs (More economically developed countries)

- A stronger economic situation allows MEDCs to have better governmental control, allowing them to increase measures on ensuring the security and welfare of their country
- MEDCs also offer higher standards of education that leads to more awareness of human trafficking and methods to guard against becoming a victim

- Security measures put in place and strict laws formulated by the legislative against human trafficking ensures that MEDCs have low human trafficking rates
- For example: Singapore

STAKEHOLDERS

Country with highest rates of human trafficking: India

Country with lower rates of human trafficking: Singapore

AGENDA

Scope of Debate

1. Prevention of Trafficking in Persons
2. Prosecution of Crimes of Trafficking in Persons
3. Protection of Victims
4. Regional and International Cooperation and Coordination

Possible Solutions

1. Prevention of Trafficking in Persons
 - a. Increase awareness campaigns to educate the public
 - b. Introduce and build on laws incriminating human trafficking
 - c. Coordination of relevant government agencies and anti-trafficking policies
 - d. Legislation on Border Control and Immigration
 - e. Partnership with NGOs
2. Criminal accountability
 - a. Increasing Law Enforcement
 - b. Enhance efforts to investigate alleged cases of trafficking in persons

- c. Investigate and prosecute corrupt officials facilitating human trafficking
- d. Ensure sufficient capacity of law enforcers
- 3. Protection of Victims
 - a. Specialised support services (eg. healthcare for sexually transmitted diseases, trauma)
 - b. Protection of legal rights of victims
- 4. Regional and International Cooperation and Coordination
 - a. Communication, data sharing and exchange of information on trafficking
 - b. Enhance cross-border cooperation to disrupt operation of traffickers
 - c. Strengthen cooperation amongst ASEAN member states, to provide mutual legal assistance
 - d. Provision of technical and sustainable funding assistance
 - e. Development of regional guidelines & prevention and protection policies

PROPOSED SOLUTIONS

In most countries, lack of prosecution of perpetrators are a key reason for the continuation of human trafficking in those countries. Solving this problem is a particularly challenging one, as law enforcers themselves are sometimes complicit in the trafficking of persons, and actively impede on-going investigations. An effective solution would be to increase investigative and prosecutorial training for officials to handle cases of trafficking, to reduce corrupt engagement of government officials in human trafficking. This will ensure the proper prosecution of traffickers without obstruction. Harsher sentences should also be imposed to convict perpetrators of human trafficking to act as a deterrent to potential convicts. However, another problem would be the lack of detection and identification of perpetrators, hence the government should increase funding into human trafficking detection, and increase security around high traffic areas. Delegates should consider the creation of an international fund to help LEDCs to combat human trafficking.

GUIDING QUESTIONS

1. What are the short term effects of Human Trafficking on victims?
2. What are the long term effects of Human Trafficking on victims as well as countries as a whole?
3. How can countries discover and identify human trafficking cases more effectively?
4. To what extent can ASEAN, with its non-interference policy, help to alleviate Human Trafficking in ASEAN member states without infringing upon their sovereignty?
5. What actions has ASEAN taken at current stage to mitigate against Human Trafficking? Consider the effectiveness and shortfalls of the current measures.
6. What actions should ASEAN countries take at a domestic level to reduce the vulnerability of potential human trafficking victims?
7. What actions should ASEAN countries take to prosecute perpetrators and corrupt officials complicit in Human Trafficking?

FURTHER READINGS

More information on The ASEAN Convention Against Trafficking in Persons, Especially Women and Children:

https://static1.squarespace.com/static/53038dd2e4b0f8636b5fa8c3/t/59f15930d74cfff6cf553baa/1508989248473/AP201706-013_Lliberty+Asia+Report_10_ONLINE.PDF

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Introduction to ARF:

<https://asean.org/asean-political-security-community/asean-regional-forum-arf/>

<http://aseanregionalforum.asean.org/>

<https://dfat.gov.au/international-relations/regional-architecture/Pages/asean-regional-forum-arf.aspx>

Current Situation:

<https://www.imf.org/external/pubs/ft/fandd/2018/09/pdf/human-trafficking-in-southeast-asia-caballero.pdf>

NTS-insight-Human-trafficking-july2018.pdf

Human-trafficking-in-southeast-asia-caballero

<https://asean.org/wp-content/uploads/2012/05/APA-FINAL.pdf>

Global Report on Trafficking in Persons 2016:

https://www.traffickinginstitute.org/wp-content/uploads/2017/01/2016_Global_Report_on_Trafficking_in_Persons.pdf

Global Report on Trafficking in Persons 2014:

https://www.unodc.org/res/cld/bibliography/global-report-on-trafficking-in-persons_html/GLOTIP_2014_full_report.pdf

Other study guides:

<https://prepmun.files.wordpress.com/2017/11/sochum-human-trafficking-study-guide.pdf>

http://www.ps-mun.gr/study_guides/2016/spec_conf3.pdf

Report on Trafficking in Persons 2018:

U.S. Department of State

<https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282672.htm>

The Bali Process

<https://www.baliprocess.net/>

United Nations Convention against Transnational Organised Crime and the Protocols Thereto:

<https://www.unodc.org/unodc/en/organized-crime/intro/UNTOC.html>

ASEAN Convention Against Trafficking in Persons, Especially Women and Children:

<http://agreement.asean.org/media/download/20160303122945.pdf>

Protocol to Prevent, Suppress and Punish Trafficking in Persons:

<https://www.ohchr.org/en/professionalinterest/pages/protocoltraffickinginpersons.aspx>

Countries compliance:

https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-a&chapter=18&lang=en

ASEAN inadequacies:

<http://www.aseantoday.com/2018/11/inaction-by-consensus-will-asean-change-course-to-address-human-rights-abuses/>