



Social: Human Trafficking

How can we stop the spread of human trafficking
in ASEAN?

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1. Introduction

The issue aims to find possible solutions and methods of ceasing the spread of human trafficking within the Association of Southeast Asian Nations (ASEAN) region. Thus, the information sheet discusses human trafficking, its causes and impacts based on research and observations primarily from the ASEAN region, and makes reference to several documents from both ASEAN and the UN.

The UN Trafficking Protocol shall refer to Annex II (United Nations Office on Drugs and Crime, 2000), “Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime”, of the “United Nations Convention Against Transnational Organized Crime and the Protocols thereto.”

2. Background

2.1 Definition

As stated in the ASEAN Handbook 2010, the ASEAN recognises the definition of “trafficking in persons” from the Article 3 of the UN Trafficking Protocol. “Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs. (ASEAN Handbook, 2010)

2.2 Current Situation

There were 152 citizenship of different countries found in victims of trafficking across 124 countries around the globe between the year 2010 and 2012. (United Nation Office on Drugs and Crime, 2014) Thus, indicating that trafficking in persons has affected virtually every continent, country and every type of economy as stated by United Nations Office on Drugs and Crimes (UNODC). It is estimated that 2.5 million people are affected by trafficking worldwide, and more than half of the 2.5 million affected people are living in or are from the Asia-Pacific Region in 2011. The victims tend to be trafficked from less economically developed countries to more affluent ones within the region, as identified by the UNODC. A breakdown of the reported trafficked victim's gender and age shows that 49 per cent of detected victims are adult women, 33 percent are children, of which 12 per cent are boys and 21 per cent are girls, and 18 per cent of detected victims are men (United Nation Office on Drugs and Crime, 2014).

2.3 Commonly Identified Forms of Human Trafficking

Based on UNODC elaboration on national data on Trafficking in Persons, 2011, the forms of exploitation among detected victims in East Asia, South Asia and Pacific are as follows: 26 per cent are sexual exploitation, 64 per cent are forced labour, servitude and slavery like and lastly, 10 per cent are on other forms of exploitation that includes begging, commit crimes, and forced marriage (United Nation Office on Drugs and Crime, 2014).

2.4 Types of Human Trafficking

Human Trafficking will happen by means of fraud, kidnap or other methods as mentioned in the definition, recruit or abduct victims in the source country, and transport them either via a transit country in the region, or directly to the destination country. Upon arrival in the destination country, travel documents are typically confiscated and victims are exploited - put to work under harsh working conditions. If during exploitation, the process is

interrupted or ended, they may be rescued as victims of trafficking and receive support in the destination country. The follow up procedures will differ case by case; some may be sent back to their home country or relocated to another country. However, most commonly and unfortunately, they will be deported as illegal migrants (United Nations Office on Drugs and Crime, 2008).

As defined by the UN Trafficking Protocol, 3 elements must be present in the situation to be considered as trafficking:

- (a) What is done refers to the "The Action" where victims are acquired and transported
- (b) How it is done refers to the "The Means" where victims are threatened by using force or other means in order to obtain total control over them and
- (c) Why it is done refers to the "The Purpose" where the purpose of human trafficking is of exploitation.

When a potential victim is transported to another place or country for exploitation, the person becomes a victim of human trafficking. It is also recognized that there is a different standard for Trafficking of Children. For children (boys and girls under the age of 18), it only constitutes of 2 elements: "The Action" and "The Purpose". (United Nations, 2004)

3. Causes of Human Trafficking

3.1 Poverty

Poverty is the main driver for the human trafficking industry. People who are trapped in poverty are the most vulnerable. Other vulnerability factors are the lack of economic opportunities, unemployment, domestic violence and child-headed homes where the parents of these children have been killed by conflict or diseases. These people are keen to obtain a better life for

themselves and their families. Thus, they are especially vulnerable to traffickers who offer false promises such as good jobs, helpful practical trainings, better education opportunities, remuneration or better life prospects. When victims of trafficking find out that the “better life” was a fraud, they are either unable or too afraid to escape as they are being controlled by their traffickers through a signed debt bondage. In addition, the traffickers would keep their travel documents and also threaten them with their family’s security.

3.2 Economic Benefits

At 2005, the United Nations calculated an estimated total market value of human trafficking to be at 32 billion US dollars. This is due to the nature of trafficking allows the traffickers to earn maximum profit from the people that they trafficked. The trafficked workers are not registered under the government’s workforce and do not report their income to the government. As such, they are not obliged to pay taxes such as income tax, allowing traffickers to earn the full revenue that the workers earn. Because of the lack of regulations, the traffickers also either do not provide, or provide minimal food and shelter for the workers, which further lowers the amount of spending money required. This creates a very lucrative industry for traffickers to thrive in as they earn maximum revenue with minimum cost, and as it is difficult to track and arrest the traffickers and their victims, this further encourages traffickers to continue engaging in human trafficking.

4. Sequence of Events

4.1 Measures and Resources by UN

The UN Trafficking Protocol was adopted as of 15 November 2000, and is the main instrument used for fighting against transnational organized crime internationally. It provides an approach that is comprehensive and strategic against Trafficking in Persons. As of 4 December 2007, 116 countries have

ratified it, but yet, the implementation of measures mentioned in the Protocol are uneven (UNODC, 2008).

The annual “Trafficking in Persons Report” by the U.S. Government is another important resource in combatting human trafficking. It is used by the U.S. Government as the *principal diplomatic tool to engage foreign governments on human trafficking*. In addition, the “Trafficking in Persons Report” is also a comprehensive resource of governmental anti-human trafficking efforts. In this report, countries are ranked by the Department of State into three tiers, based on the government’s efforts to comply with the “minimum standards for the elimination of trafficking”, which can be found in The Trafficking Victims Protection Act (TVPA) of 2000. The TVPA is a federal statute passed into law in 2000 by the U.S. Congress and signed by President Clinton.

The method of ranking is as follows:

Tier	Requirements
Tier 1	The government has acknowledged and made efforts to address the issue of human trafficking and meets the minimum requirements. To maintain the ranking, progress in combating trafficking must be demonstrated.
Tier 2	The government has not fully complied with the minimum standards but have done significant efforts into ensuring the government ultimately fully complies with the standards required.
Tier 3	The government does not fully comply with the minimum standards and is not making efforts to.
Tier 2 (Watch List)	The government does not fully comply with the minimum standards but are making significant effort, and also fall in the following situation: <ul style="list-style-type: none"> - The absolute number of victims of trafficking is significantly high or increasing. - The failure to provide evidence of increasing efforts to combat trafficking in persons.

	<ul style="list-style-type: none"> - The determination that the country is making significant efforts to bring themselves into compliance with minimum standards based on commitments to take action over the next year.
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The ranking of ASEAN Countries in the “Trafficking in Persons Report 2015” is as follows:

Country	Tier
Brunei	Tier 2
Cambodia	Tier 2 (Watch List)
Indonesia	Tier 2
Laos	Tier 2 (Watch List)
Malaysia	Tier 2 (Watch List)
Myanmar	Tier 2 (Watch List)
Philippines	Tier 2
Singapore	Tier 2
Thailand	Tier 3
Vietnam	Tier 2

4.2 Measures and Resources by ASEAN

Since the late 1980s, ASEAN has placed combatting trafficking of women and children in high priority due to the ever-growing problem of Trafficking in Persons in Southeast Asia. It has also indicated that the largest number of women and children being trafficked come from Asia as a result of the demand for women in the sex industries, the ‘trade in brides’ and domestic workers. As for children, there is demand for children for begging, as domestic workers, for adoption, as brides and other forms of labour.

In response, ASEAN has adopted several key instruments such as the ASEAN Declaration on Transnational Crime (1997) and Ha Noi Declaration (1998). In addition, there is also the ASEAN Plan of Action to Combat Transnational

Crime (1999), and the ASEAN Declaration Against Trafficking in Persons Particularly Women and Children (2004).

The ASEAN Declaration Against Trafficking in Persons Particularly Women and Children would be the most significant document to date in ASEAN's journey in combating human trafficking. It reaffirms of what ASEAN had previously signed in the Ha Noi Declaration of 1998 and Ha Noi Plan of Action which is their commitment to 'intensify individual and collective efforts to address transnational crime, including the trafficking in persons'. It was signed on 29 November 2004 in Laos and targets human trafficking specifically, stating the efforts to be taken in terms of identifying and arresting the traffickers, and also the measures to be taken for the victims of trafficking.

5 Impact of Human Trafficking

5.1 Impact on Victims of Human Trafficking

The impact of human trafficking on the victims is often both physical and mental, with long term impact. These victims are physically, and often also mentally abused, with most of them suffering from psychological trauma, such as post-traumatic stress disorder (PTSD). These victims are often threatened with violence, and physically, and at times, sexually abused and exploited for labour and/or commercial sex. The physical and mental abuse cause the arisal of many health complications later. Those who were sexually exploited would experience symptoms including headaches, fatigue, weight loss, physical pain, dental, eye, and ear and skin problems. Often, they also experience vaginal discharge and gynaecological infections (UNODC, 2008).

In 2003, the National Human Rights Commission of Thailand had reported the impact of trafficking on a group consisting of approximately 100 male fishermen. They had been trafficked for 3 years, with 39 of the men dead, and the remaining who went home were critically ill. They were all emaciated, emotionally disturbed and unable to see, hear or walk properly.

5.2 Political Impact

Political relationships could also potentially be strained due to human trafficking. As human trafficking is a transnational issue, it would often require two or more countries to cooperate with each other in order to root out the traffickers and also provide assistance for the trafficked victims. When countries are not of the same mind regarding the issue, they may fail to provide duly needed assistance to the victims, such as in the recent case of the Rohingya. Due to lack of citizenship, they are unable to seek asylum, and often find themselves trapped in a cycle, an example being the Rohingya women who escape traffickers only to be sold into marriage.

5.3 Socio-Economic Impacts

Human trafficking is intricately embedded in our lives. Out of the 2.5 million victims, only 26% is for commercial sex exploitation. The 64% majority of victims are exploited for forced labour, such as in the case of the earlier mentioned fishermen. These fishermen are the reason why we are able to buy fish in our markets. Human trafficking has been woven into the supply chain of our common goods and are too often undetected by the law. As such, the consumer population unwittingly allows trafficking to continue, allowing the companies to earn more profit from trafficking (Thrupkaew, 2015).

Furthermore, due to the nature and environment of trafficking, it yields no tax revenues and potentially leads to an economic loss for the country due to tax evasion and money laundering. The reported numbers in human capital and participation rates in the labour market are inaccurate and lower than the actual figure. Also, repatriation of the trafficked victims lead to an increased workload on the country of origin, as the source country is now expected to provide assistance and rehabilitation services when resources are often already strained. Healthcare and welfare needs will increase in demand, typically without increase in supply. With trafficking, bribery and corruption are often also present in the situation and dangers the stability of

regulatory regimes with supporting infrastructure. Overseas investment and trade which are very much required for the country would also potentially be inhibited due to the presence of corruption (UNODC, 2008).

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