

Combating Trafficking in South-East Asia

A Review of Policy and Programme
Responses

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A Review of Policy and Programme Responses

Prepared for IOM by

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IOM International Organization for Migration

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EXECUTIVE SUMMARY

During the past decade, trafficking has become an issue of growing concern in South-East Asia. It has been conservatively estimated that at least 200-225,000 women and children from South-East Asia are trafficked annually, a figure representing nearly one-third of the global trafficking trade. Of the estimated 45-50,000 women and children estimated to be trafficked into the US each year, 30,000 are believed to come from South-East Asia. However, most trafficking occurs within South-East Asia, and only a minority of women from the region are trafficked to other parts of the world.

Trafficking is not a new problem for South-East Asia, and many initiatives have been developed to combat the problem by NGOs, inter-governmental organizations, government ministries, national and international bodies, human rights organizations and lobby networks. This study provides an overview of these various initiatives and the different actors involved in the fight against trafficking in the region and an inventory of current anti-trafficking programmes and measures.

Although previous efforts have been made to compile information on a national, regional or subregional basis on counter-trafficking measures, these compilation reports do not provide a systematic overview of the variety of responses that have been developed within the region. This study aims to provide such an overview as well as to be a tool for information exchange and for further development of counter-trafficking initiatives, as intended by the Bangkok Declaration on Irregular Migration.

The study is divided into four parts. The first part describes the historical development of the trafficking debate and gives an analysis of the various approaches to trafficking. Part Two focuses on trafficking patterns and responses in the South-East Asian region. It briefly describes the trafficking situation in South-East Asia and then lists the various trafficking responses that have been developed at the regional, sub-regional and bilateral levels. Some attention is paid to policy responses in receiving countries outside the region. Part Three forms the main part of the study and describes the responses that have been developed within the South-East Asian countries. Attention is paid to the different actors, including governments, NGOs, international organizations and international networks, and their policies in relation to counter-trafficking measures. The counter-trafficking measures are, where possible, broadly divided into four categories: juridical,¹ prevention, protection and return. Part Four reviews some of the problems most often mentioned in the fight against trafficking and discusses priority areas for the development and strengthening of counter-trafficking programmes and initiatives.

INTRODUCTION

The forces of globalization have often been connected to the rising levels of migration around the world as well as an increasing prevalence of abusive and irregular forms of migration, among them trafficking. Like migration, trafficking is not a new phenomenon, but rapidly changing structures and circumstances in the global arena have led to a continuous development of new forms, purposes, routes and sources of trafficking. These developments are perhaps best documented for South-East Asia, where irregular migration has become a major concern over the last two decades (Battistella, 1999). Present-day patterns of trafficking, especially of women, affect migration streams within the region as well as towards the US, Europe, the Middle East, Australia and Japan. According to reports from the US, South-East Asia is the most important source of trafficking of women and young girls into the US (Richard 1999), who often have previously been trafficked within Asia. This means that the phenomenon of trafficking is not only of concern to countries within the South-East Asian region, but also to the destination countries of trafficked migrants outside the region.

Growing concern regarding the global dimension of trafficking has led to a continuous development of research on the topic and to various policy and programme responses from governments, national and international organizations and networks. Yet, in spite of these efforts, trafficking is, according to several reports, continuing and even increasing (IOM 1997; IOM, May 2000). This means that much remains to be done. In Asia, there is increasing awareness that the issue of trafficking and other forms of irregular migration can only be approached through some form of regional cooperation, which has led to the establishment of several mechanisms to enhance dialogue and share information. These mechanisms also resulted in a formal declaration, the so-called Bangkok Declaration on Irregular Migration of April 1999. The elimination of trafficking through better migration management in the region and the protection of migrant rights were strong themes in the declaration (Skeldon 2000). Several strategies to combat trafficking were established, including intergovernmental cooperation, information sharing, legislation, return programmes, humanitarian treatment for irregular migrants and sustainable economic development.

For the development of a successful, cooperative strategy to counter trafficking, it is necessary to have a clear overview of the patterns and processes of trafficking in the region and of the diverse responses that have been developed to counter it. Particularly important are the lessons that can be drawn from these past experiences. Several efforts have been made to compile information on a national, regional or subregional basis on this issue. These compilation reports are quite helpful in assess-

ing the regional trafficking situation and in helping to find responses to the problem. Yet, they do not provide a systematic overview of the variety of responses that have been developed within the region. This study aims to provide such an overview, thereby identifying successful initiatives and possible gaps in the counter-trafficking responses. This study hopes thus to be a tool for information exchange and for further development of counter-trafficking initiatives, as intended by the Bangkok Declaration.

The study will be divided into four parts. The first part will provide a background of the trafficking issue in general. It describes the historical development of the trafficking debate and gives an analysis of the various approaches to trafficking. Part Two focuses on trafficking patterns and responses in the South-East Asian region. It briefly describes the trafficking situation in South-East Asia and then lists the various trafficking responses that have been developed at the regional, subregional and bilateral levels. Some attention is paid to policy responses in receiving countries outside the region. Part Three forms the main part of the study and describes the responses that have been developed within the South-East Asian countries, thereby linking countries according to the interrelationships and similarities in facing the trafficking problem. Attention is paid to the different actors, including governments, NGOs, international organizations and international networks, and their policies in relation to counter-trafficking measures. The counter-trafficking measures are, where possible, broadly divided into four categories: juridical,² prevention, protection and return. Part Four reviews some of the problems most often mentioned in the fight against trafficking and priority areas for the development and strengthening of counter-trafficking programmes and initiatives.

This study is based on the review of available recent studies, papers and proposals on trafficking in South-East Asia. The data were collected within documentation centres of IOM, ILO and UNICEF in Geneva, through exploration of relevant web pages and from resource people in Geneva as well as in South-East Asia. This study hopes to give a useful analysis and a broad overview of the variety of initiatives that have been undertaken to counter trafficking, and thus to be a valuable tool for all working to combat trafficking in South-East Asia.

PART ONE

REVIEWING THE TRAFFICKING CONTEXT

Sensationalist headlines and emotive stories tend to dominate the picture of trafficking in the South-East Asian context, though many serious efforts have also been undertaken to analyse the problem. Indeed, trafficking has become a major concern to all countries in the region. There are, however, large variations in how these countries are affected by trafficking. The patterns, extent, and nature of trafficking are dependent on the economic, political, social and historical position of these countries on the global and regional level. For a better understanding of these diverse trafficking situations, it is important to review the broader context of trafficking, not only within this specific region, but also regarding the trafficking debate in general and the various approaches developed to counter it.

Historical Background to the Trafficking Debate³

Trafficking is often linked with women and girls sold into prostitution. Though it has now been recognized that this is only part of the picture, this common association can be traced back to the origins of the trafficking debate. At the end of the nineteenth century, feminist activists like Josephine Butler brought involuntary prostitution into the international picture under the term “White Slave Trade”, which became popular and was used in several treaties and laws. The term “white slave trade” was derived from the French term “Traite des Blanches”, which related to “Traite des Noirs”, a term used in the beginning of the nineteenth century for the African slave trade (Bullough and Bullough, 1987). The term was initially used to refer mainly to the trafficking of European and American women for prostitution in western European countries and the United States and from these countries to the colonies, but did not consider the traffic in people from other races and colours.

The movement against the white slave trade grew out of the so-called abolitionist movement, which campaigned in England as well as some other western European countries and the United States against prostitution.⁴ The abolitionists took up the topic of traffic in women and girls, finding in this reprehensible practice support for their appeal to purify society from the “immoral” vices connected to prostitution. Their campaigns were strengthened by sensationalist media, which readily took up the topic of women and girls trafficked into prostitution. This media attention resulted in public outrage and an increased awareness of the international traffic in women, which eventually also contributed to the development of several interna-

tional initiatives to counter trafficking. In 1904, thirteen states⁵ attended a meeting held in Paris, resulting in an international agreement against white slavery. This agreement was the first of a series of agreements which were superseded by the 1949 United Nations Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others.

These initiatives show the increased international recognition of the problem of trafficking in women, though many now question the validity of the stories contributing to this recognition and, especially, the statements concerning the scope and nature of the trafficking phenomenon. It has been argued that there was actually not much new about the recruitment techniques leading (young) women into prostitution, but that improved transport and transit had made the movement of women in prostitution in different countries easier. The increased awareness regarding trafficking of women was therefore connected to more general migration waves that were taking place at that time, and which also caused prostitutes to move in order to respond to the increased demand for sexual services among male migrants and in the hope to find a better life elsewhere (Solé, 1993).

For several decades after the 1949 convention there was only limited attention paid to the traffic in women and children. A renewed interest in trafficking took place in the 1980s under the influence of the international developments regarding migration flows, the feminist movement, spread of AIDS, child prostitution and sex tourism (Wijers and Lap Chew, 1997; Doezema, 1998). Though the renewed attention for trafficking remained initially related to prostitution and women, it has shifted its focus from white European and American women to women and girls from Asia, Africa, Latin America and, most recently, from Eastern Europe trafficked to western countries as well as within their own region. Gradually, more attention was also paid to trafficking for purposes other than prostitution, such as domestic work, marriage, begging and other kinds of exploitative labour and services. Though there has been recognition that trafficking affects not only women, the overall focus of most organizations, groups and networks remains on women and children as they are considered to be most vulnerable to trafficking.

The complex reality of trafficking has led to various interpretations, analyses and definitions of the phenomenon. This lack of consensus on a precise definition⁶ of trafficking has resulted in much confusion and various responses within and among the UN and other international organizations, governments and non-government bodies (Caouette, 1998) as well as rendering problematic the estimations of trafficked people. Numbers quoted as estimations of trafficked people are usually based on estimations of illegal or irregular migrants or on numbers of prostitutes. The situation in South-East Asia regarding rising levels of irregular migration (Archavanitkul

and Guest, 1999) and the growing dimensions of the sex business (Lim, 1998) has made this region into one of the major focus areas regarding the development and implementation of trafficking initiatives.

Approaches to Trafficking

The growing recognition of the variety of patterns, purposes, actors and emotions involved in trafficking has also contributed to a growing awareness of the complexity of the phenomenon. During the past decade, numerous NGOs, IOs, government departments, national and international bodies, human rights organizations, lobby networks as well as sensationalist and more serious media have addressed this complex issue. Yet, while attention toward the issue of trafficking has grown, so has the number of definitions, approaches and interpretations of the phenomenon, leading to a variety of underlying views regarding trafficking.⁷ The different foci of, and associations with, trafficking influence the responses developed by these actors to counter the practice. A discussion follows below of the different ways in which the issue of trafficking has been approached. It should be noted, however, that this discussion analyses “ideal type” orientations regarding approaches to trafficking in order to give some insight into the many facets of the phenomenon. The approaches have been broadly divided into six categories, but should not be considered as clear-cut. In practice they show much overlap, as many responses to trafficking seek to combine diverse approaches.

Trafficking for prostitution

The previous section showed that trafficking has traditionally been associated with prostitution. The debate about trafficking is, therefore, closely related to the debate about commercial sex work in general. A main topic of disagreement is whether trafficking should be defined to include only the abusive procurement practices (coercion) for prostitution, the procurement of prostitutes as such (even with a woman’s consent) or whether the recruitment practices and the end-situation, i.e. prostitution, are part of the same problem. The fundamental difference in opinion here, so Doezema (1998), is the question of “whether or not a person can choose prostitution as a profession”, which basically relates to perceptions on force and free choice, or consent, within sex work. These differences in opinion have a huge impact on the approaches to and initiatives developed to counter trafficking for prostitution.

The view that prostitution and the accompanying practice of trafficking are morally reprehensible problems underlies a variety of prohibitionist and abolitionist approaches. Those who view all prostitution as a violation of human rights and trafficking as a form of procurement necessarily related to prostitution seek repressive

measures to eliminate the practice of prostitution and treat women in prostitution as victims who need to be rescued and assisted. Within a prohibitionist approach, attempts to eliminate prostitution not only involve criminalization of procurers and of others who facilitate prostitution, but the criminalization of prostitutes themselves. Women in prostitution are thus viewed as deviants who need re-education or punishment (Wijers and Lap Chew, 1997).

An opposite view holds that there should be recognition of the right to self-determination for women who voluntarily engage in prostitution, thereby distinguishing between women who chose to enter prostitution and women who were forced, deceived or tricked into prostitution. Approaches here focus, on the one side, on preventative measures to combat trafficking for prostitution, often expanded to other forms of work and services such as domestic work and marriage, and protection and reintegration measures for those coming out of a trafficking situation. On the other hand, initiatives are undertaken to improve working conditions, HIV/AIDS awareness and empowering those engaged in prostitution.

Various sex workers' rights activists have dismissed the free and force distinction altogether and argue that the harms of prostitution are actually caused by moral attitudes and their legal consequences. In their view, the context and conditions of sexual labour are of paramount concern, which implies the legalization of prostitution, better working conditions and empowerment of those working in the commercial sex business. This approach is based on the underlying view that an end of exploitation in sex work will also end trafficking for sex work.

Trafficking in a migration context

Trafficking is often analysed in the context of migration. Attention is given to the increase in migration in general, and of migrant women in particular, to an increasing number of destination regions and countries, whereby abuse, exploitative and illegal forms of migration are also becoming increasingly prevalent. Skeldon (2000) writes that a clear distinction between trafficking, smuggling and other forms of population movement has become blurred, as traffickers have learned to manipulate legal channels of migration in order to gain entry to particular countries at particular times. Yet, trafficking does not only imply crossing national borders, and should therefore also be considered in relation to internal migration. The responses developed to counter trafficking in the context of migration take on various forms, depending on whether they are developed by a sending or a receiving country.

From the perspective of receiving countries, the issue of the trafficking of migrants has become closely associated with illegal migration. The image of floods of

illegal migrants entering the country with the help of criminal gangsters has caused the issue to be viewed in terms of a national security threat, requiring a crack-down on illegal migration and the quick deportation of illegal aliens (Beare, 1999). Measures adopted include visa restrictions, border controls or stricter control of foreigners within national territory. Critics of this approach have pointed to the unjust reversal of the problem, when victims of trafficking become criminalized and are treated as illegal aliens, whereas the state is viewed as the victim and in need to protect itself against illegal migration movements.

From the side of sending countries, while stimulating migration as a source of income, measures may be taken to protect their residents from becoming exploited and abused as migrants in another country. These measures can entail regulation regarding recruitment agencies and procedures, pre-departure training, monitoring of migrants, as well as bilateral agreements with receiving countries.

Other measures taken may be more focused on the (potential) migrant. These vary from migration-prevention activities, such as awareness-raising campaigns and the development of alternative income-generating possibilities, to activities related to the prevention of abuse and exploitation in migration, protection of migrants in destination countries and/or regions, and return and reintegration programmes for trafficked persons.

Trafficking as a labour issue

Attention has also been paid to trafficking in relation to labour exploitation (ILO, 1999). The labour approach entails, on the one hand, consideration of the lack of employment possibilities and the bad employment conditions, especially for women, in sending regions or countries, thus contributing to trafficking. On the other hand, this approach addresses child labour and the fact that trafficking most often takes place for the purpose of labour exploitation, including sex work, construction, domestic work and organized begging. Attention is paid to the position of children and women as workers, and efforts are made to eliminate child labour and to improve labour conditions for women and find recognition for their rights in the informal sector.

The initiatives developed focus on the improvement of the employment situation or conditions for migrants. These include the development of alternative livelihood strategies and employment programmes in sending regions or countries. Furthermore, efforts are being made to improve the employment conditions through agreements with employers, labour laws, trade unions and labour inspection. Other support services aim to strengthen women's position as workers by organizing skills train-

ing, providing information on their rights, legal matters and health, and by supporting unions, advocacy and policy development for migrant workers' rights.

Finding support for workers' rights may, however, become problematic when it concerns activities that are considered illegal, such as commercial sex work and begging, and when it concerns workers who illegally stay in a country. In such cases, countries may rather adopt strategies to inhibit women from migrating for work in the informal sector and reinforce repressive and restrictive migrant labour legislation (Wijers and Lap-Chew, 1997).

Trafficking as a criminal problem

Another angle from which trafficking has been approached is related to criminality. Wijers and Lap Chew (1997) argue that a focus on trafficking as a criminal problem has been especially popular in countries which attach high importance to the use of criminal law in an attempt to deal with various problems within society. Attention to trafficking as a criminal problem has also been raised due to the increased recognition of the involvement of (transnational) organized crime structures which not only abuse and exploit persons, but also undermine national and international laws and structures, thereby gaining quite large profits (Shannon, 1999).

This approach pays special attention to the role of the criminal justice system and criminal law criminal in the fight against trafficking. This entails legislative reforms, which often means responding to the call for higher penalties and more stringent laws, training of law enforcement officials, and establishing and strengthening interagency, regional and international cooperation for the fight against international organized crime, amongst other approaches.

Criminalizing trafficking may, however, be done in many ways and its effectiveness depends on several factors. Due to corruption and lack of enforcement, the criminal system cannot be relied upon in all countries as a reliable instrument to combat trafficking. Besides, where women are themselves criminalized as illegal migrants or as workers in, for example, prostitution, they have no incentive to report abuse to the police as they then may face arrest and expulsion. In order to improve such situations, initiatives have been developed for victim assistance and witness protection programmes.

Trafficking as a human rights issue

Human rights have become an important principle in most counter-trafficking strategies. A human rights approach starts from the perspective of those who most

need their human rights protected and promoted, and stresses that trafficking and related practices are themselves a violation of the basic human rights to which all persons are entitled (UNHCR, 2000). A problem is, however, that, as mentioned above, there are major disagreements regarding what entails a human rights violation in the context of trafficking for prostitution.

The attention toward trafficking in women as a violation of human rights is part of a general move from the conceptualization of women's problems solely as a private issue or as violence against women to the view that such violations should be considered as violations of human rights (Wijers and Lap Chew, 1997). Important in this regard is that, by defining trafficking as a violation of human rights, states, as the protectors of human rights on their territory and of their citizens, are being held accountable for the fight against trafficking. This can be translated into the legal obligation of governments to work towards eliminating trafficking. This accountability is, as such, not new, since states which signed the international convention on trafficking and who designed national laws against trafficking were under these terms already accountable for the fight against trafficking. However, the reference to trafficking as a violation of human rights can be seen as an attempt to raise the issue of the responsibility of states regarding the fight against trafficking, as this responsibility has now also been laid down in national and international human rights laws.

A human rights approach means that human rights should be integrated into the analysis of the problem and the responses to trafficking. The human rights approach overlaps in this sense with the other approaches, which focus on the violation of human rights in a migration, labour or criminal context. Important within the human rights approach is, however, the focus on the trafficked person.

Trafficking in children

Children's rights and welfare organizations have given special attention to the trafficking in children and have addressed the issue with child-focused analyses and strategies. The vulnerability of children, stemming from the bio-physiological, cognitive, behavioural and social changes taking place during the growth and maturation process, distinguishes children from adults (Lim, 1998) and thus also their trafficking situation. This recognition has contributed to the definition and development of different sets of measures regarding the protection against abuse, coercion, debt-bondage and sexual exploitation of children.

Still, many initiatives focus on the fight against trafficking in women and children at the same time, as both are considered to be most vulnerable to becoming victims of trafficking. Such equalization of the situation of women and children has,

however, provoked reactions against an uncritical generalization of the trafficking of children and adults. It not only disregards the special situation, needs and developments relevant for minors, but is also reductionist towards women when they are treated like children.

In order to respond to the special situation of trafficking in children, initiatives have been developed concentrating on the protection of children against sexual exploitation and abuse as well as child labour within the framework of child rights. These include initiatives regarding law reform and enforcement, as well as preventative measures such as education for children, especially girls, economic support for families, awareness-raising and advocacy for the rights of the child. Protection to child victims of trafficking is given in the form of shelter, counselling, education, health care and return and reintegration assistance.

PART TWO

COUNTERING TRAFFICKING IN SOUTH-EAST ASIA

Trafficking patterns and processes have connected many of the countries within as well as outside the South-East Asian region. Therefore, several responses and instruments have been developed on the international,⁸ regional and bilateral levels, while receiving countries and regions outside of the South-East Asian region have also undertaken initiatives to combat trafficking. This part of our report focuses on the trafficking situation within the South-East Asian region and the diverse cooperative and regional initiatives developed to counter it.

Trafficking in South-East Asia

The different approaches to trafficking are not based solely on ideological and moral arguments or acquired expertise. Much is also dependent on the particular situation in a country, with regard to the social-cultural, economic, political and historical context. This is also true for trafficking in the South-East Asian context. Trafficking within and from the region has, since the beginning of the 1980s and especially in the 1990s, become a topic of concern to most countries in South-East Asia. The problem affects the various countries in the region differently, depending on a variety of factors, thereby dividing countries into sending, transit or receiving countries. These categories are, however, not clear-cut or stable, as trafficking routes, purposes and methods have changed over time.

It is estimated that nearly one-third of the global trafficking trade, or about 200-225,000 women and children, are trafficked annually from South-East Asia (Richard, 1999). However, most of this trafficking occurs within the South-East Asian region. About 60 per cent of the trafficking which occurs is to major regional cities in South-East Asia and about 40 per cent to the rest of the world (Richard, 1999). Of the 45-50 thousand women and children estimated to be trafficked to the United States, approximately 60 per cent (30,000) are estimated to originate from South-East Asia, making this region the most important source region in the world for victims of trafficking to the United States.

The trafficking situation in Thailand is perhaps most exemplary for the changes in the nature and extent of the trafficking problem. Trafficking, though not a new phenomenon, became an issue of serious concern in the 1980s, under the influence of the booming sex sector, sex tourism, child prostitution and the spread of HIV/AIDS. Whereas at the time girls and women were recruited from the poorer prov-

inces in the North and Northeast of Thailand for commercial sex work in the urban areas, this pattern was somewhat replaced in the 1990s by the trafficking of women and children from Myanmar, Laos, Cambodia and Yunnan Province. In addition to commercial sex work, nationals from the poorer countries in the Mekong subregion have been trafficked to Thailand for other types of work and services, such as domestic work, construction, agricultural and factory work. Children are also trafficked from neighbouring countries to beg and solicit in Thailand. The relative economic wealth contributed to the attractiveness of Thailand as a destination country. The economic crisis of the late 1990s did not reduce this attractiveness, but instead resulted in an increase in irregular migrants.

Besides being a receiving country, Thailand has also remained a source country for migrants. As the international labour market for Thai workers changed, the demand for Thai women expanded from domestic workers to brides and sex workers (Phongpaichit, 1999). Destination countries for Thai women expanded from Singapore and Malaysia to, primarily, Japan, Taiwan, Europe, North America, South Africa and Australia. More recently, attention has been paid to foreign women who are transited through Thailand in order to be trafficked further to various destination countries in Asia and beyond.

The routes and nature of trafficking in the whole Mekong region are quite connected, which has led to several subregional studies and analyses of the problem. Though Thailand is considered a major receiving and transit country for trafficked women and children from the other countries in the Mekong region, other countries in the subregion have also become important destination and transit countries for trafficking. The majority of the trafficked women and children in Thailand come from Myanmar. Here, a connection is often made between the political situation and abuses inflicted upon women and several ethnic groups and migration to Thailand, whereby they may fall into the hands of traffickers or become victims of other forms of exploitation as sex workers or in sweatshops. Yet, the opening policy of the country is also thought to have contributed to an increase in both legal and illegal migration out of the country. The latter may also apply for Laos. Trafficking from Laos takes place along the lines of (illegal) migration to Thailand. The long border, the linguistic and cultural familiarities, and the greater wealth in Thailand have facilitated various cross-border routes along which migration and trafficking take place.

In Cambodia, trafficking has also become an issue since the political and economic opening of the country in the early 1990s. Cambodia experiences out-migration and trafficking to Thailand but also receives women and girls from Viet Nam. Cambodia's sex business has undergone unprecedented growth in the early 1990s and has been associated with the practice of trafficking from Viet Nam as well as

within the country. Trafficking in Viet Nam is, as in Cambodia, an internal as well as a cross-border problem. Vietnamese are trafficked from northern Viet Nam to China, from southern Viet Nam to Cambodia, and further abroad either directly or through Cambodia (Caouette, 1998), though trafficking routes in opposite directions, from Cambodia and China to Viet Nam have also been identified. Recently, more attention has also been paid to Vietnamese and Cambodian women trafficked for (fake) marriage purposes to Taiwan and other Asian countries (Kelly, 1999; Soenthrith and Doyle, 2000).

The problem of trafficking is also a great source of concern to the Philippines, though the processes and patterns of trafficking found in the Philippines differ from those found in the Mekong subregion. The Philippines is the largest exporter of labour in Asia, and after Mexico the second largest in the world. Overseas labour migration has a long history in the Philippines, but, since the 1980s, shifting labour demands have led to a high increase in female participation in the overseas labour migration. In the 1990s, Filipino female labour migration outnumbered Filipino male migration, especially for domestic work, entertainment and sex work but also for more highly educated work in the Middle East, Japan, Hong Kong, Singapore, Europe, the US, Canada and Australia. Within this context of large-scale labour migration, distinctively different processes of trafficking have developed in the Philippines, mediated through specialized agencies or informal networks. Yet, trafficking in the Philippines does not only take place within the context of international labour migration, but also for the purpose of marriage, the local sex industry and for commercial adoption or sexual exploitation of children.

A similar situation, though to a far lesser extent, has characterized trafficking in Indonesia. The problem of trafficking in Indonesia has also been connected to the cases of abuse and exploitation of female migrant workers in particular. Malaysia, Singapore, the Middle East and other countries are major destinations of Indonesian migrant workers. Due to the economic crisis, Indonesian women have reportedly become more vulnerable to illegal and irregular forms of migration, such as trafficking abroad or the commercial sex business in the cities of Indonesia.

Singapore and Malaysia are again differently affected by trafficking. Both consider themselves to be primarily receiving countries of labour migrants from the region and see the issue of trafficking mostly within the context of illegal labour migration. For more than two decades, labour shortages in Singapore and Malaysia have led to a high level of immigration of professionals as well as unskilled labour, which for women is concentrated in domestic services. There is a great deal of variation in the mechanisms of recruitment, the working conditions and the bargaining power of foreign domestic workers, depending on the legal situation, the nationality

and capacities of the woman, as well as on the conditions set by the employment agency and the employer (Wong, 1996). Though Malaysia is most concerned with illegal immigration and trafficking into Malaysia, Malaysian women have also been trafficked abroad. One of the major source countries of trafficking in women for the commercial sex industry in the United States is, according to a recent report about trafficking to the United States, Malaysia (Richard, 1999).

Regional and Subregional Initiatives

The recognition that trafficking is a problem affecting and connecting countries in South-East Asia has led to a consistent call for regional or subregional cooperative initiatives to combat the practice. In regional meetings and declarations, governments have committed themselves to such regional, cooperative and integrative approaches. International organizations and networks have also developed initiatives with a regional or subregional scope.⁹ Most of these various initiatives are, however, relatively recent and therefore much cannot yet be said about their impact on the trafficking situation in the region.

Regional meetings and declarations

Bangkok Declaration

In April 1999, the Royal Thai Government, in cooperation with IOM, organized the “International Symposium on Migration: Towards Regional Cooperation on Irregular/Undocumented Migration” in Bangkok. The meeting was intended to stimulate regional cooperation on migration issues in southern, eastern and South-East Asia. During the last day of the symposium, the ministers or their deputies adopted the *Bangkok Declaration on Irregular Migration*, which provides a framework for future regional cooperation in combating irregular migration and trafficking. Some key recommendations from the Bangkok Declaration are :

- The establishment of a regional migration arrangement to provide technical assistance, capacity-building and policy support as well as to serve as an information bank on migration issues;
- The implementation of national and regional measures to combat irregular migration and trafficking, including comprehensive research and analysis of causes and consequences of irregular migration, promulgation/improvement of national law, public awareness-raising and exchange information;
- The holding of International Migration Policy and Law Courses for Asia and the Pacific in the region;
- Follow-up at both the political and the senior official levels (IOM 1999).

The Bangkok Declaration thus underlines the intention of Asian countries to develop cooperative initiatives in order to deal with the problems related to irregular migration and trafficking in the region.

Asia Pacific Consultations (APC)

The Asia Pacific Consultations is another regional initiative in which migration issues play a central role. The APC is a continuation of a meeting organized in 1996 by the Australian government and UNHCR, which aimed to discuss the issue of refugees and displaced persons on a regional level. In subsequent meetings, the scope of the agenda was expanded to include migration in general. The APC thus became a broad platform to discuss a variety of issues related to population movements in the Asia Pacific region. UNHCR and IOM act as the secretariat and are co-arrangers of these meetings.

Manila Process

The Manila Process is a series of IOM-arranged intergovernmental meetings on trafficking and irregular migration in East and South-East Asia. The Manila Process serves as a platform for informal discussion, whereby participating countries seek to analyse and explore possible activities to address the problems related to irregular migration and trafficking.

Asian Regional Initiative Against Trafficking in Women and Children (ARIAT)

The Asian Regional Initiative Against Trafficking in Women and Children was launched in March 2000 during a meeting organized by the Philippine government in cooperation with the United States government. This meeting, which was held in Manila, brought governments, intergovernmental and non-governmental organizations together in order to discuss the problem of trafficking in persons, especially women and children, around the world and particularly in the Asian region. A regional Action Plan was discussed with proposals to combat trafficking through the sharing of information, cooperation, and gender mainstreaming, as well as prevention, protection, prosecution, repatriation and reintegration initiatives.

ASEAN

The Association of South-East Asian Nations (ASEAN) has addressed the issue of trafficking mainly within the context of transnational crime. The 1997 ASEAN Declaration on Transnational Crime calls for joint efforts to combat transnational crime – including trafficking in women and children – in the region. In 1999, member states developed the ASEAN Plan of Action to Combat Transnational Crime in order to establish a cohesive regional strategy to prevent, control and neutralize transnational crime through regional cooperation and subregional and regional mutual assistance agreements in order to facilitate the prosecution of cross-border crimes.

Part of the plan is also the establishment of an ASEAN Centre on Transnational Crime (ACTC).

The Asia Europe Meeting, or ASEM, is an initiative that grew out of a summit held in 1996 in Bangkok among leaders of the EU and South-East and East Asian countries. ASEM aims to build new and comprehensive partnerships between Asia and Europe regarding economic and political issues, as well as educational and cultural exchange. ASEM is also trying to create political dialogue on international organized crime while the ASEM Child Welfare Initiative, proposed by the UK and the Philippines, seeks to improve practical cooperation regarding the implementation of the Stockholm Agenda for Action against commercial sexual exploitation of children.

Regional and subregional projects

Not only governments, but international organizations and international NGOs and networks as well have recognized the need for regional and subregional approaches to trafficking. This recognition has resulted in several programmes and projects which take a regional approach within their effort to deal with the different facets of the problem.

ESCAP

Sexually Abused and Sexually Exploited Children and Youth in the Greater Mekong Subregion

In April 1997 ESCAP approved a resolution which formed the basis for the Human Resource Development (HRD) activities on the “Elimination of sexual abuse and sexual exploitation of children and youth in Asia and the Pacific”. This resulted in two parallel projects in the Greater Mekong Region – including Cambodia, China (Yunnan province), Laos, Myanmar, Thailand and Vietnam – and South Asia – including Bangladesh, India, Nepal, Pakistan, Sri Lanka as well as the Philippines. The project aims to prevent the sexual exploitation and sexual abuse of children and youth, and assist young victims in reintegration into communities and families, obtaining access to relevant education, health and social services, and developing skills for alternative means of livelihood. The project runs from 1998 through 2000 and is funded by Sweden (Sida) and Japan with additional funding from Australia, UNDCP and UNAIDS.

In the first year, the project prepared a series of country reports, a directory of organizations working with sexually abused and exploited children and a film about the situation of sexually abused children and youth. In the second year, ESCAP organized national HRD workshops on sexual abuse and exploitation among youth in

all participating countries and developed curriculum and training materials to enhance the capacity of social and health services in assisting sexually exploited and abused children and youth. In the third year, ESCAP aims to launch the HRD Course on Psychosocial and Medical Services for Sexually Abused and Exploited Children and Youth as well as community awareness pilot projects.

ILO-IPEC

Reducing Labour Exploitation of Children and Women: Combating Trafficking in the Mekong Subregion

ILO-IPEC (International Programme on the Elimination of Child Labour) and ILO-WOMEMP (International Programme on More and Better Jobs for Women) designed a 3-year-long project (1999 – 2002) in the Greater Mekong Subregion (except Myanmar), which is funded by DFID-SEA (UK). The project builds further on completed and ongoing pilot and research activities regarding sexual exploitation of children in Cambodia and Thailand. The project aims to contribute to the eradication of labour exploitation of children and women in the Greater Mekong Subregion, and more concretely to reduce trafficking in children and women for labour exploitation substantially through the development, implementation and monitoring of effective and integrated subregional and national programmes and strategies.

The overall strategy to attain these objectives is through a process-based, participatory approach, as opposed to the piece-meal, small-scale and project-based approaches that used to characterize counter-trafficking interventions in the subregion, thereby linking local, provincial and national levels of interventions. The interventions will entail:

- Capacity-building activities focusing on coordination mechanisms at various levels, including improving legislation, law enforcement, and policy making, development of alternative livelihood strategies, skills training, and education, and improved research methodology.
- Awareness-raising and advocacy in order to promote positive attitudes and action for combating trafficking in children and women. Targets of such activities are politicians and policy makers (for policy change), the public at large (for attitude change) at subregional, national and local levels, as well as communities and families at risk.
- Direct action, which will be targeted at communities and particular stakeholder groups. It includes, particularly, interventions for prevention of trafficking at community levels through programmes of community-owned (or stakeholder-owned), participatory and context driven development geared at increasing community options (or stakeholder options), access to services, and alternative livelihood strategies.

The lead national counterpart in most countries is the Ministry of Labour, except in China, where the All China Women's Federation is the counterpart. At the time of writing, the project was still in a preparatory phase.

IOM

Return and Reintegration of Trafficked and Other Vulnerable Women and Children between Selected Countries in the Mekong Region

The overall purpose of this project is to contribute to the establishment of a mechanism to break the vicious circle of trafficking and re-trafficking by arranging safe return and offering a voluntary reintegration package for trafficked and other vulnerable women and children. The project covers the six Mekong countries and is funded by the Australian government. The project is an expansion of an ongoing project which has assisted the return of 617 women and child victims of trafficking since 1996, most of them children from Cambodia who were trafficked to Thailand. Within the 3-year-period 2000 to 2002, the project aims to assist the return and reintegration of 900 trafficked women and children.

The project will continue the establishment, capacity-building and institutionalization of a return and reintegration cooperation structure, both nationally and regionally, through alignment and cooperation with national governments and key NGOs. The project will consist of four major components:

- Capacity-building at multiple levels through training, technical cooperation and exchange systems.
- Provision of Return and Reintegration Assistance through supporting activities of the government and NGOs involved in the rescue and recovery of trafficked and other vulnerable women and children as well as their return to and reintegration in their countries in the Mekong Region. Assistance may vary from case to case, including actual rescue/recovery assistance, medical care, sheltering, counselling, vocational training, and micro-credit assistance.
- Research focusing on the practical concerns of reintegration for trafficked and other vulnerable migrant women and children and their communities.
- Fora activities through coordination and facilitation of meetings between sending and receiving countries in the Mekong Region with a view to forging practical cooperation among governments and other concerned bodies on issues related to children.

Mekong Regional Law Centre

Illegal Labour Movements Research Network – The Case of Trafficking in Women

The Mekong Regional Law Center and the Office of the National Commission on Women's Affairs in Thailand in cooperation with the Asian Legal Studies Centre of

the University of British Columbia have initiated a process of effective national and international action to control, reduce and ultimately eliminate the exploitation of migrant labour and in particular the trafficking in women for the sex industry. The project aims to increase awareness in the legal community regarding the strengths and weaknesses of the role of law and the legal system regarding trafficking, to develop a practical programme to improve the quality of law and law enforcement, and to engage law makers and enforcers in cooperative action in order to control and reduce trafficking. Participating countries are Cambodia, China, Laos, Myanmar, Thailand and Viet Nam.

The project aims to create an open dialogue between governmental officials, NGOs and other affected parties regarding the legal issues involved in trafficking. The project commissioned policy action papers in each of the six Mekong states and two overview papers regarding the problem and potential regional and international responses to trafficking. In 1997 a regional conference was held to discuss these papers and to come up with a “model law”, followed by national workshops in each of the Mekong countries.

UNDP

Trafficking in Women and Children in the Mekong Subregion

This project was developed out of the Interagency Working Group, currently consisting of 14 UN agencies and international organizations. These international organizations, as well as various local and international NGOs and governments, have initiated a wide variety of programmes and projects addressing the problem of trafficking in women and children in the Mekong subregion. The project responds to the recognized need for improved coordination and communication in order to increase the impact of the various counter trafficking initiatives. The project is scheduled to be three years and is funded through the Turner Fund and AusAid.

The project aims to provide an overarching mechanism to coordinate local, national and subregional level activities through a multidisciplinary, participatory approach. The objective is to reduce the incidence of trafficking of women and children in the Mekong subregion by enhancing the capacities of organizations and persons (especially women) and improving subregional and national communication and cooperation. This will be done through:

- Reinforcing existing and developing new national and subregional dialogue, action and mutual support systems, by establishing a documentation centre and data base on trafficking, research, networks and forums, awareness-raising;
- Supporting and/or developing locally initiated and innovative approaches to prevention, protection, recovery and reintegration, through community-based initiatives;

- Increasing subregional and national capacities and cooperation in enforcing laws and policies against the perpetrators of trafficking through legal networks and recommendations to governments.

At the time of writing, little information could be given from the diverse field offices regarding the progress of this project.

UNICEF

The UNICEF policy regarding trafficking is guided by the Convention on the Rights of the Child. The strategy for addressing child trafficking focuses on raising awareness about the problem, providing economic support to families, improving access to and quality of education, and advocating for the rights of the child. UNICEF has no regional project on child trafficking, but has supported and implemented studies on the issue in several countries and has been involved in building national and local capacity in the region. UNICEF also participates in the Regional Working Group on Child Labour. Furthermore, UNICEF is a partner in a number of projects in the Asia and Pacific Region, such as the Mekong Regional Law Center project described above, the ESCAP project, the ILO-IPEC project, the UNDP project and the IOM Return and Reintegration project.

UNHCHR

The Office of the High Commissioner on Human Rights has encouraged the National Human Rights Commissions of the Asia-Pacific region to take up the issue of trafficking. Discussions with the Asia-Pacific Forum of National Human Rights Institutions (APF) resulted in a working paper and the recommendation to all member-institutions to appoint someone as the focal point on the issue of trafficking. The focus of UNHCHR is on legal and policy development, thereby trying to be a catalyst and a support for the work of others. In December 1999, the High Commissioner appointed a Special Representative on trafficking. The Special Representative is based in Cambodia and has a key role in supporting national and regional anti-trafficking initiatives.

UNAIDS

In 1997, UNAIDS established a Task Force on Migrant Labour and HIV Vulnerability in South-East and East Asia. The Task Force has been involved in organizing workshops, research and advocacy work.

Regional initiatives of non-governmental organizations¹⁰

CARAM Asia

The Coordination of Action Research on AIDS and Mobility – Asia is an initiative of NGOs involved in migration issues in Asia, and is especially concerned with

the growing vulnerability of migrants in Asia to HIV/AIDS. The objectives of CARAM Asia are information dissemination, advocacy, development of grass-roots interventions and action research models, and protection of human rights of migrants. CARAM has focal points in seven South and South-East Asian countries: Tenaganita Malaysia, SHISUK Bangladesh, ACHIEVE Philippines, Solidaritas Perempuan Indonesia, CARAM Cambodia, Mobility Research and Support Center Viet Nam, and Migrant Assistance Programme Thailand.

CATW-Asia Pacific

The Coalition Against Trafficking in Women is an international feminist network of organizations and groups promoting the human rights of women and children by combating sexual exploitation in all its forms, particularly in prostitution. The Asia Pacific branch was launched in 1993 and is located in Manila. CATW-AP organizes education and training activities, develops human rights programmes, publishes research and other reports, provides services to, among others, member organizations, the media, and researchers through a documentation system on trafficking cases, and is active in networking, policy advocacy and campaigns related to prostitution, sexual exploitation and trafficking.

ECPAT

ECPAT International (End Child Prostitution in Asian Tourism) is a global network aiming to protect children against commercial sexual exploitation. ECPAT has developed activities for advocacy, law enforcement, networking, training, campaigning and monitoring of the Agenda for Action adopted at the World Congress Against Commercial Sexual Exploitation of Children in Stockholm, 1996.

GAATW

The Global Alliance Against Trafficking in Women is an umbrella organization of women's community-based groups around the world, and aims to prevent the abuse and violence meted out to women and girls, both forced and voluntary migrants. GAATW International, founded in 1994 and based in Bangkok, aims to ensure that the human rights of trafficked persons are respected and protected by authorities and agencies, thereby promoting the involvement of women on the grassroots level in all work against trafficking in order to empower women. GAATW activities include advocacy, human rights and capacity training, research projects, documentation and publications, campaigns and policy reform activities.

Mekong Coordination Team on Migrants and Victims of Trafficking (Mekong Cord)

This team was formed in 1998 with the objective of promoting activities for Database Development, Capacity-Building and Awareness-Raising, and Networking.

Save the Children Fund

The Save the Children Funds from different countries have been involved in a variety of activities related to trafficking. SCF-UK has a Trafficking Programme as part of the Regional Cross-Border Project, which started in 1999 with Participatory Action Research among migrant children and youth in the cross-border areas of Thailand, Myanmar and South China. The research is aimed at mapping out the risks and vulnerabilities faced by children and youth in these areas and how to address these issues holistically with their participation. On the basis of the insights gained during the research, interventions will be developed to reach children, youth as well as their parents and caregivers, develop awareness-raising activities, organize community based protection groups, set up community micro-projects targeted at youth, facilitate repatriation of trafficked children and youth, and develop effective and innovative advocacy strategies. The report of the regional Cross-Border Project will be finalized around March 2001.

Bilateral Initiatives

In order to regulate migration flows and reduce various forms of irregular migration, including trafficking, some sending countries in the region have signed bilateral agreements with other countries both within and outside the region. Many of these agreements are between sending and receiving countries and focus on the numbers of migrant workers and procedures relating to their employment. One example is the 1984 agreement between Malaysia and Indonesia. The Malaysian government initiated this agreement in order to regulate Indonesian migrant workers, specifically in the plantation and domestic services, the largest source of illegal workers from Indonesia (Tirtosudarmo, 1998). Malaysia has since signed other bilateral agreements with Indonesia as well as with other countries. Malaysia signed a Memorandum of Understanding with Cambodia, whereby one company exporting labour has been assigned to process the export of domestic helpers from Cambodia to Malaysia (Wolffers, 1999). Though such initiatives may be an important step towards regulating migration between countries, they may not always cover the demand for migration from the side of the sending countries as well as the receiving countries. Flows of undocumented migrants, and the risk of trafficking, may then continue to exist alongside the more regularized forms of migration.

Other agreements are more directly concerned with the prevention of trafficking or the return of trafficked persons. The Philippines has been very active in seeking cooperation with other countries in order to address the problem of trafficking of Filipino nationals through various memoranda and agreements relevant to smuggling and trafficking. The Philippines and Malaysia have a Memorandum of Agree-

ment with respect to the exchange of police liaison officers. The Philippines signed a memorandum with Australia and the United Kingdom with respect to the commercial exploitation of children. Furthermore, the Philippines has arrangements with some 39 countries with respect to the issuing of immigration visas to Philippine nationals. Agreements also exist in Hong Kong and Italy with International Social Services to assist victims of trafficking (UNICRI/AIC, 1999).

Countries within the Mekong Subregion have also signed bilateral agreements or developed bilateral initiatives concerning trafficking and migration. Viet Nam and Cambodia have discussed collaboration possibilities regarding the prevention of trafficking and the formalities for the repatriation of trafficked Vietnamese children. The police in Thailand and Yunnan have developed repatriation programmes for women and girls from Yunnan trafficked to Thailand. The governments of Laos and Thailand have developed initiatives to formalize migration movements for labour and to prevent child trafficking (Archavanitkul, 1998). These are important steps in improving cooperative efforts regarding the fight of trafficking at different levels, especially where the problem has touched upon sensitive and political issues.

Initiatives by Countries outside the Region

The problem of trafficking in the South-East Asian context is not only of concern to the affected sending and receiving South-East Asian countries. Trafficking routes and networks extend all over the globe; dealing with trafficking has therefore also become a most serious challenge for countries outside of South-East Asia. Countries including Japan, Australia, Canada, the United States and the European Union member states have become important destinations for trafficked persons from South-East Asia. Most of these countries view trafficking in relation to irregular migration, as can be seen from initiatives taken by receiving countries outside South-East Asia.

Australia has become a more attractive target for smuggling and trafficking operations. Australia is a massive continent with a very long coastline, which makes it relatively easy to enter illegally. Australia also has the image of being a rich and stable country with a high standard of living and a relaxed life style (Graycar, 1999). There is a clear demand for cheap migrant labour, which is partly regularized through a migration programme.

Australia has attempted to limit illegal entry with the help of airline liaison officers who advise airline staff on travel documentation, with coastal surveillance and with intelligence investigation units in Australia as well as in several Asian countries. The training of immigration officials, a Migration Alert List, international liai-

son and the detention, debriefing and deportation of undocumented migrants are also important components. The Immigration Act of 1958 – according to which immigration fraud is punishable with a maximum of a two-year jail term and related offences are fined – has been criticized for making human trafficking relatively lightly punished in comparison to, for example, drug smuggling. Australia also has legislation that criminalizes activities associated with child-sex tourism taking place abroad as well as sexual servitude. The Federal Government is considering the issue of penalties for employers who hire undocumented workers and the introduction of bonds of security for visitors and temporary migrants (Graycar, 1999). Australia has, furthermore, been active in the UNODCCP Global Programme¹¹ and in providing economic assistance to victims and awareness-raising among the population.

The countries of the *European Union* have been increasingly concerned with the phenomenon of trafficking into the EU. Trafficking to the EU has increased during the past decade and expanded to include not only women and children from Asia, Africa and Latin America, but more and more women from the former Soviet Union and Eastern Europe. Individual countries have developed their own policies and responses concerning the fight of trafficking on the national level, while the European Union has developed several initiatives and actions to improve and strengthen national cooperative efforts.¹²

In 1997, an EU Ministerial Declaration on Guidelines for Effective Measures to Prevent and Combat Trafficking in Women for the Purpose of Sexual Exploitation was adopted. The declaration, known as “The Hague Declaration”, calls for a cooperative approach between EU member states, candidate countries, countries of origin, and the UN system and Interpol. It furthermore has proposed and laid out action to be taken at the national level in the field of prevention, prosecution, appropriate assistance and support. The Recommendation on Action against Trafficking in Human Beings for the Purpose of Sexual Exploitation, adopted in May 2000, encourages member states to review their legislation and to adopt a multidisciplinary approach in the fight against trafficking. The European Commission has initiated the STOP programme in order to encourage, support and reinforce practical cooperation and to improve capacities of and exchanges between those working to combat trafficking. The DAPHNE programme is set up along similar lines for supporting NGO initiatives.

Japan is one of the major destination countries within Asia for South-East Asian women trafficked for many different sorts of work, but primarily domestic work, prostitution and entertainment services. Though many may have initially decided voluntarily to migrate to Japan and may have been aware of the kind of work they would perform, once in Japan they were confronted with debt bondage, exploitation

of their labour and service, violence and their illegal status. Japan has been especially concerned with the issue of illegal immigration and the National Policy Agency, the Ministry of Justice and the Ministry of Labour have been cooperating to reduce the number of overstayers and illegal workers. In February 2000, a new law came into effect, making illegal entry and stay in Japan a criminal offence with penalties of imprisonment or forced labour of up to three years and fines of up to three million yen (*Migration News*, January 2000). Japan also adopted a new law designed to punish those involved in child prostitution and pornography, including those who abduct or traffic children for sexual purposes.

Several NGOs in Japan, such as HELP, Friendly Asian Home, SAALAA, Muzura and the Catholic Church assist victims of trafficking from South-East Asian countries by providing information about their rights and guiding them to their consulates in Japan. They furthermore provide shelter and temporary protection for runaways, extend financial assistance for their return home, and provide emergency medical assistance and examinations. Some NGOs are also involved in advocacy activities and provide information to women and the general public about the dangers of trafficking (IOM, 1997). The nation-wide network Asian Workers Conference publishes guidebooks, lobbies in international organizations and runs publicity campaigns to raise public awareness.

The *United States* has defined trafficking in human beings, affecting mostly women and children, as a grave human rights abuse. It is estimated that about 45 to 50 thousand are annually trafficked to the US for the sex industry and domestic service, work in sweatshops and agriculture (United States Department of Justice, 1998; Richard, 1999). South-East Asia is the most important source region of trafficking to the US, followed by Latin America and, more recently, the former Soviet Union and Eastern Europe (ibid.).

The US government under the Clinton Administration has been committed to taking decisive action to combat trafficking in a global effort and has developed a three-tiered strategy consisting of prevention, protection and prosecution activities with the Interagency Council on Women. These activities concern domestic as well as regional and (source) country-specific interventions. Prevention activities implemented in source countries include support for awareness-raising campaigns and for economic opportunity and social development programmes for women. Within the US, initiatives are taken to improve data collection and conduct research¹³ on the issue of trafficking. The US government is furthermore committed to supporting activities concerning the protection of and assistance to trafficking victims. Financial support is given to the Mekong Region Return and Reintegration project among others, but also to a network of various service organizations providing assistance to

Asian victims of trafficking in the Los Angeles area. Similarly, initiatives concerning improving the prosecution of and enforcement against traffickers have been developed in the region as well as within the US. In October 2000, a bill intended to protect foreign women and children forced into the sex trade in the US was signed into US public law.¹⁴ The legislation will stop the practice of immediately deporting victims by providing interim immigration relief of up to three years, which would give them enough time to bring charges against the sex-trade traffickers. The legislation also strengthens current federal trafficking penalties, criminalizing all forms of trafficking in people. Furthermore, the US government has initiated and stimulated several multilateral and bilateral programmes, such as ARIAT and implementation of the OSCE Action Plan to Combat Trafficking.

In addition to these government initiatives, several organizations, networks and agencies based in the US have been actively involved in the fight against trafficking in the US as well as abroad.

PART THREE

TRAFFICKING RESPONSES AT THE NATIONAL LEVEL

Largely based on the awareness that the various countries in South-East Asia are affected differently by the problem of trafficking, these countries have also developed different approaches and responses to counter the problem. These responses are not only dependent upon whether the country is mainly a sending, receiving or transit country, but also on economic, political, socio-cultural and historical factors. An overview of the responses that have been developed on the national level of the countries in South-East Asia follows below. The countries have been divided into three groups in order to show interrelations, differences and similarities regarding the problem of and responses to trafficking. Thus, the countries of the Mekong region, the major labour sending countries Philippines and Indonesia, and the major receiving countries Singapore and Malaysia will be discussed together. The responses are discussed under the sub-headings of laws and the legal system, prevention, protection, and return and reintegration, though several initiatives may actually fit in more than one of these categories. It has to be noted, furthermore, that though this overview intends to give as broad a picture of the various responses within the individual countries as possible, it does not aim to give a detailed listing of all projects and actors involved. A selection, based on the information available, was made of special initiatives and those which more or less represent the larger spectrum of counter-trafficking initiatives.

Mekong Subregion

The problem of trafficking in the Mekong region cannot be properly addressed without taking into consideration the cross-border nature of the problem and the inter-relatedness of the various Mekong countries. The various Mekong subregional projects listed in Part Two have been developed with the aim of addressing these issues with different focus areas. As pointed out before, changing trafficking patterns and purposes have also affected the constellation of source, transit and destination countries in the Mekong region. Thailand has been confronted with the problem in many diverse forms for a long time. Attention has been paid to the problem of trafficking for longer than in most countries in the Mekong region. The various experiences regarding initiatives to counter trafficking in the Thai context therefore play an important role in the development of innovative and effective responses to counter trafficking in other countries. Yet, in order to assure effectiveness of such responses, proper consideration should be given to the historical, economic, political and socio-cultural situation of the individual countries.

Thailand

Among the countries in the Mekong region, Thailand definitely has the longest history of dealing with the problem of trafficking in all its diverse facets. The Thai government has recognized that Thailand has become a major receiving, transit and source country for trafficked women and children and has been very active in developing responses to counter trafficking. These responses include the development and implementation of the National Policy and Plan of Action for the Prevention and Eradication of Commercial Sexual Exploitation of Children, the Prevention and Suppression of Prostitution Act (1996), the Measures in Prevention and Suppression of Trafficking in Women and Children Act (1997), as well as various social, educational, media and legal programmes. Besides the government, numerous NGOs and IOs have worked on the issues of trafficking in Thailand for many years and have thereby gained a wealth of experience. The Thai National Working Group on Trafficking in Women and Children aims to bring together these various players for a cooperative approach towards trafficking. In June 1999, a Memorandum of Understanding was signed between NGOs, police and the government, providing interpretations to be put on the Prostitution Prevention and Suppression Act and the Women and Children Trafficking Act. The most significant interpretation was that trafficked persons are to be considered as victims, and that they should be accorded the rights and treatment specified in the MOU. This has been a major step in guaranteeing proper protection of and assistance to persons trafficked to Thailand, though efforts still need to be made to assure a proper implementation of these MOUs.

Laws and the judicial system

The Act on Prevention of Traffic in Women and Children of 1928¹⁵ was amended in 1997 to include boys and made more suited to deal with the various forms of present-day trafficking, whereby officials were given wider authority to search and inspect establishments. Traffickers are punished from one to twenty years' imprisonment. Other relevant legal instruments include the Prevention and Suppression of Prostitution Act, which is an amendment of the 1960 act. It partly decriminalizes prostitution and views prostitutes as victims of poverty, social problems and organized crime, whereas the procurers, brothel owners, pimps, mamasans, customers, and parents who send their children into prostitution receive heavier penalties (Archavanitkul, 1998).

The Immigration Act (1969) considers any foreigner without a legal document in Thailand as an illegal immigrant, which is a legal offence punishable with two years' imprisonment and a fine. Trafficked people are treated the same as illegal immigrants, meaning that they have to pay a fine or stay in prison, after which they are

detained in an Immigration Detention Center and then sent home. In accordance with the MOU, the Deputy Minister of Labour announced in February 2000 that Thailand would start hosting the trafficked women and children in the Department of Public Welfare shelters, instead of treating them like other illegal immigrants. Other relevant sections to trafficking can be found in the Constitution and in the Penal Code, as well as in the Royal Degree for the Labour Protection Bill (1998), which prohibits child labour (Roujanavong, 1997). The Department of Public Welfare is responsible for decreasing the number of child beggars and has joined hands with the police to arrest homeless children and beggars, while the foreign gangs forcing migrant children to beg can count on severe punishments (Archavanitkul, 1998).

The effectiveness of these laws depends on the effectiveness of their enforcement by the police, immigration officials and other relevant institutions. Yet, lack of awareness, resources, and cooperation among law enforcers, as well as linkages between law enforcers and criminal networks are often mentioned to hinder effective law enforcement (Berger and Van de Glind, 1999). In order to improve the capacities and awareness of law enforcers, training sessions have been organized. In addition, several watchdog mechanisms have been established to oversee the police. The National Commission on Women's Affairs established a monitoring system for law enforcement and FACE (Coalition to Fight Against Child Exploitation), a Thai NGO, follows up on cases that come to the police (Archavanitkul, 1998).

Prevention

Government policies to prevent children from entering into prostitution include the extension of compulsory education from six to nine years, as well as awareness-raising campaigns set up by the Department of Public Welfare. Furthermore, initiatives are being undertaken by government departments, NGOs and international organizations like UNICEF and UNDP to provide assistance to families or regions in difficult circumstances, with the view of poverty reduction and the development of alternative livelihood strategies. Most of these efforts reach out to Thai children and women throughout the country, and thus do not address the increasing problem of potential trafficking victims coming from neighbouring countries (Archavanitkul, 1998). The ILO-IPEC Mekong Subregional Project therefore aims to develop preventative activities within the various countries in the subregion, though activities were at the time of writing within the preparation phase.

Numerous NGOs have been involved in various prevention activities through awareness-raising, education and career development. These have taken the form of various vocational training initiatives, community development projects, as well as such projects as a children's radio programme. In order to reach out to hill tribe

communities that do not speak Thai, a target group often overlooked by government campaigns, some NGOs have developed educational projects and videos in local languages (Tumlin, 2000). The NGO Thai Woman of Tomorrow has used a participatory approach in their awareness-raising activities, which take place through the counselling of at-risk children and their parents and the effective use of locally specific awareness-raising materials in diverse dialects. The Development and Education Programme for Daughters and Communities Centre (DEPDC) has started awareness-raising activities in communities with a high prevalence of trafficking in children for prostitution and provide alternative education to those at risk. The provided alternative education is a combination of formal and non-formal education and basic skills training, leadership development activities and self-development. This approach, though geographically limited, has been considered as being very successful and has therefore found replication by other NGOs and in other high-risk districts (Berger and Van de Glind, 1999).

Several other initiatives have focused on providing information to migrants with the aim of preventing trafficking. The Foundation for Women, for example, works on the prevention of trafficking through pre-departure sessions, counselling, referral, airport assistance, advocacy and research. In March 2000, IOM completed an awareness-raising campaign with the goal of counter-balancing misconceptions regarding migration among potential irregular migrants in Thailand. The campaign used a mass communication strategy, which was based on the song “Why take the risk, why take the short cut” by a well-known Thai country music singer. The campaign tried to urge Thai migrant workers to seek information through government channels on job opportunities abroad and to avail themselves of existing legal migration mechanisms. Two hotline numbers were installed for assistance and questions regarding work abroad. Though the song became very popular and the album reached record sales, the hotline numbers received low numbers of calls, which may indicate that this is not (yet) a common way for potential migrants to find information regarding migration possibilities. This might be improved by making the hotline numbers toll-free, as has been suggested, or by setting up information centres in districts with high migration potential. In order to address migrant workers from the diverse Mekong countries in Thailand, similar efforts could also be made to make raise awareness in their national languages about issues related to regulations regarding working possibilities and conditions in Thailand, health and migrant support structures in Thailand.

Protection

Initiatives in relation to protection have taken various forms and with various focus groups. The protection of women working in sex work is undertaken through organizations like EMPOWER. This NGO provides counselling and information,

educational opportunities and social welfare help to sex workers, with the goal of empowering sex workers and coordinating programmes of various groups, organizations and government sectors which work with sex workers.

The problems related to migrant children have been addressed by a task force which was set up in 1996 by eight children's organizations. The task force aims to assist foreign child victims of exploitation and where possible repatriate them to their countries of origin. The task force, later named the Thai Coordinating Committee on Migrant Children, takes actions at national, bilateral and multilateral levels in order to provide the necessary assistance in cooperation with children's organizations in sending communities (Archavanitkul, 1998). The NGO Centre for the Protection of Children's Rights (CPCR) has also been very active in the recovery and rehabilitation of child victims of sexual exploitation. The children are sheltered in a safe and reliable environment where they can receive medical care and a particular and much praised psychotherapy called Psycho-Social-Rehabilitation that includes emotional management, meditation, art and music in order to boost the children's self-esteem (Berger and Van de Glind, 1999).

The IOM project Capacity-Building on the Protection of Victims of Trafficking, which runs from 1999 through 2000, aims to contribute to the establishment of a Thai national capacity to protect victims of trafficking according to standards established in Thai legislation and to conventions ratified by Thailand. In cooperation with the National Thai Working Group on Trafficking in Women and Children, and the National Youth Bureau, coordination, cooperation and implementation capacity of the existing protection standards will be strengthened in the concerned government agencies and NGO sectors. This will be achieved through the development of MOUs, manuals for best practices for the implementation of existing standards, training workshops and a monitoring system. Thailand has been the first country in the Mekong region to address the legal obligations under national and international law in such a way. The project also plans to establish a similar process in and with the neighbouring countries.

As part of the Technical Cooperation and Capacity-Building component, IOM developed a training workshop for Thai police and Immigration officials on the protection of victims of trafficking, in order to contribute to the successful and human rights-based assistance to trafficked women and children. IMADR, the International Movement against All Forms of Discrimination and Racism, also designed a training manual for public officials and private citizens entitled "Trafficking in Women in Asia: From Recognition to Response". This manual was initially developed for a training course of Thai and Japanese public officials, and will serve as an example from which to develop training manuals in different countries in Asia.

Return and reintegration

As a receiving country of trafficked persons from neighbouring countries in the Mekong region, Thailand has been involved in various return and reintegration initiatives. In order to assure that trafficked women and children are not treated in the same manner as other illegal migrants, some initial efforts have been made to assure their proper treatment and return. The Department of Public Welfare plans to open shelters for foreign women and children, with assistance for the required additional capacities and services. In Nonthaburi province, the department's unit provides shelter for homeless foreign children before repatriation. The CPRC cooperates with governments and NGOs in the countries of origin to identify families of trafficked children and assesses and when possible organizes their return.

The IOM Return and Reintegration project in the Mekong region has been involved in the return of Myanmar, Cambodian and Laotian trafficked persons since 1996. The new project proposal for 2000 until 2002 aims to continue these activities, with a special focus on building and expanding the capacity of the Department of Public Welfare to provide appropriate assistance to trafficked women and children from countries in the Mekong region, most notably Myanmar, Laos and Cambodia. Less information is, however, available on reintegration assistance and cooperative efforts regarding the return of Thai trafficked women in Japan, Europe, Australia, and other countries, which may be an important area for further exploration.

Laos

The attention and activities regarding the issue of trafficking in Laos have not been as extensive as in neighbouring countries such as Thailand and Cambodia. The Laotian government acknowledges the problem of trafficking and perceives it in a wider migration context. During a regional Workshop on Transnational Migration in ASEAN Countries, a representative of the Department of Labour and Social Welfare noted that illegal migration to Thailand is a problem which the Lao government wants to solve through increased cooperation with the Department of Labour in Thailand, expansion of the labour market to rural areas, educational programmes and vocational training centres and awareness-raising (Chanthavong, 1998). Yet, few initiatives have been undertaken by the Lao government to address the issue of trafficking directly.

Laws and the judicial system

Domestic laws together with the 1991 National Constitution, the Penal Code, Labour Law and civil codes have given children's and women's rights a firm place in

the nation's legal framework (Archavanitkul 1998). As is the case in some other Mekong region countries, there is a lack of awareness regarding such new or amended laws protecting children and women's rights among officials, community members and others dealing with law enforcement. The Penal Code prohibits abduction and trade in persons as well as the constraint, procuring and prostitution of persons. Law enforcement agencies periodically raid prostitution rings and have in the past prosecuted some persons for the involvement in recruitment activities, while prostitute women have been brought to re-education camps. The effectiveness of these measures have, however, been questioned, as recidivism is quite high (ibid.).

Prevention

To date, government efforts to combat trafficking in women and children have been limited. The government aimed to increase monitoring and educational programmes provided by the Lao Women's Union and the Youth Union, designed to educate girls and young women about the schemes of recruiters for brothels and sweatshops in neighbouring countries and elsewhere. In order to find out more about migration and to raise awareness about the risks involved in migration, the government has mobilized the support of district leaders and local headmen. Yet, clear trafficking prevention programmes are still lacking (Tumlin, 2000). The government, however, has shown increasing concern about children being trafficked for sexual exploitation and other work in other countries and in 1998 invited a special UN Rapporteur on Trafficking in Children to visit Laos (US Department of State, Bureau of Democracy, Human Rights and Labour, 2000).

The issue of trafficking in the Lao context has been mainly addressed by several international and non-governmental organizations and during regional workshops. NGOs and international organizations continue to raise the problem of trafficking of Lao nationals in Thailand and to encourage government response. Since there is a clear lack of information regarding the situation of trafficking in the Lao context, there is a consistent call for research in order to gain in-depth knowledge regarding the issues involved (Caouette 1998). In 1995, UNICEF prepared a report on the situation regarding the trafficking of children in the Lao PDR with a focus on the issues related to commercial sexual exploitation. The lack of information on the trafficking issue has furthermore been taken up by the Federation of Lao Women and is implementing a research project in cooperation with GAATW. Several Mekong Subregional programmes have included research components, in order to increase knowledge about the trafficking situation in Laos. Yet, at the time of writing, most of these research initiatives still had to be developed or were only beginning to be implemented.

ILO has started activities related to the "Mekong Subregional Project to Combat Trafficking of Children and Women" and selected the Ministry of Labour and Social

Affairs as a key partner. More indirect counter-trafficking initiatives have also been developed by the Federation and Women's Quality of Lives Development in Vocational Training Project, which was set up by the Federation of Lao Women with support from CIDA and UNICEF, in order to provide training and health services for women.

Protection and reintegration

Not many activities have been developed regarding protection and reintegration of victims of trafficking. IOM has assisted the return of small numbers of trafficked persons to Laos and has provided some support to the Department of Social Welfare in the form of training for caseworkers on assistance to reintegrating trafficked women and children. Within the context of the project "Return and Reintegration of Trafficked and Other Vulnerable Women and Children between Selected Countries in the Mekong Region" IOM aims to continue these efforts, especially focusing on capacity-building.

The concern regarding the spread of HIV/AIDS has led the Lao government to give special attention to those returning from Thailand. The National AIDS Committee, falling under the Ministry of Public Health, has been assigned to address the prevention of the spread of AIDS by high risk groups, such as bar workers, repatriates and commercial sex workers. Illegal migrant workers who are arrested by Thai or Lao officials and sent back to Laos must undergo a blood test for HIV and other diseases before they can attend training programmes and return to their communities (Archavanitkul, 1998).

Myanmar

The problem of trafficking from Myanmar has, during the past years, received increasing attention, especially from the neighbouring, and destination, country Thailand, but also from the Myanmar government and various national and international organizations working in the country. Many human rights groups and other observers blame the political and economic situation under the ruling State Peace and Development Council (SPDC) as main factors leading women to migrate and thereby become vulnerable to trafficking. Yet, the Myanmar government views the root causes of the problem of trafficking as primarily a problem of criminal practices by traffickers who trap innocent and virtuous women and girls in exploitative situations in another country by means of deceptive promises (Government of Myanmar, 1997). As a result of the regional conference "Illegal Labour Movements: The Case of Trafficking in Women and Children", held in Bangkok in 1997, a Committee for the Suppression of Trafficking in Women and Children was established. This committee

falls under the National Committee for Women's Affairs, but its specific role and actions have not yet been specified (Archavanitkul, 1998). Though some efforts have been made by the government and several organizations to address the issue of trafficking in the Myanmar context, responses are limited and need to be developed with care and consideration for the specific situation of the country.

Laws and the judicial system

Relevant laws regarding sexual exploitation, trafficking and sale of children are the Child Law (1993), the Suppression of Prostitution Act (1949) and the Penal Code. These laws contain many provisions to protect children from exploitation, abuse and sale, and discourage prostitution, while criminalizing soliciting in public, as well as forcing or enticing a women into prostitution and keeping a brothel (Government of Myanmar, 1997). In 1998, the Myanmar government tightened laws to curb the growing prostitution trade. The Suppression of Prostitution Act was amended with a raised jail term for those convicted of the offence. The term "brothel" was also redefined to include a wider variety of spaces habitually used for the purpose of prostitution. There is, however, no information on the implementation of these (amended) laws.

Prevention

In an attempt to prevent illegal migration, the Immigration department has chosen 22 divisions and formed a team for the Prevention of Illegal Immigrants. Those breaking the rules on entry to and departure from Myanmar face actions to be taken against them, which means that a foreigner will be deported, and a Myanmar citizen leaving the country illegally will be sentenced with a fine and from six months to five years' imprisonment (Htay, 1998). The Ministry of Immigration and Population has, furthermore, implemented measures to screen female migrants and prevent them from being trafficked. In the Eastern Shan states, the regional command has imposed restrictions on women under 25 years travelling into Thailand with a view to control trafficking. This move, however, also has consequences for the freedom of movement of these young women. Yet, in spite of these efforts, undetected departures for Thailand are still easily possible due to the long and porous border between Myanmar and Thailand.

A few measures, especially indirect ones regarding the fight against trafficking, have been developed by the government sector, and to a lesser extent in cooperation with international NGOs. Education and vocational training initiatives have been developed for young women and girls – in border areas by the Ministry for Progress of Border Areas and National Races and Development Affairs and for vulnerable, destitute and handicapped women by Department of Social Welfare. The Ministry of

Information is involved in the dissemination of news and information, and may thus play a more active role in awareness-raising. The Ministry of Health is undertaking HIV interventions with special focus on border areas, using and training Community Development Volunteers to disseminate information on HIV/AIDS and the National AIDS Programme has established care and counselling services. The Myanmar Women's Entrepreneurs Association has been involved in credit and loan schemes for women. The Myanmar Maternal and Child Welfare Association has been involved in preventative activities, such as formal education, vocational training, credit provision. Though these efforts may indirectly aim to help prevent trafficking, little is known about their scope and effectiveness.

There are some UN agencies operating in Myanmar, although several international organizations, agencies and NGOs have refrained from opening offices in Myanmar, also out of fear of giving legitimacy to the Myanmar military government. UNDP is the most important UN agency, with programmes on poverty alleviation, natural resource development as well as HIV education and prevention projects. UNDP now also implements a Project on the Trafficking in Women and Children in the Mekong Subregion. UNICEF is planning a project on trafficking of children, but at the time of writing could not yet provide further information regarding the content of the project. Furthermore, a small number of international NGOs are working directly or indirectly on the issue of trafficking in Myanmar. Among these NGOs are the Save the Children Fund UK which has developed awareness-raising activities, HIV/AIDS and other child-focused projects, and World Vision International with various projects on HIV/AIDS, children in especially difficult circumstances, education, micro-enterprise and community development.

Protection and reintegration

Few initiatives have been taken for the protection and reintegration of victims of trafficking, but some organizations and authors have expressed their concern regarding the treatment of returned women.¹⁶ The Myanmar government has, however, established some mechanisms, which also serve the reintegration of trafficked women. The Department of Social Welfare has established vocational training schools for girls and women, and Women's Homes with the goal of giving social, intellectual and physical support to, amongst others, former prostitutes for eventual reintegration into society. An international organization called the Association Francois-Xavier Bagnoud has engaged in more direct prevention and rehabilitation programmes for young women at risk. AFXB has set up a rehabilitation plan based on individual aspirations of the young women, their capacities, health conditions and economic realities. The "Aug Girls Home" located at the border with Thailand

provides shelter and services to girls at risk and returnees from Thailand. Several other NGOs in Thailand have made efforts to address the issue of trafficking and assist Myanmar women and children, including advocacy, temporary shelter, health care and counselling.

IOM has assisted a small number of women and children to return to Myanmar from Thailand, in coordination with the Center for the Protection of Child Rights and Agape, a Myanmar NGO. Return and reintegration assistance has, however, proven difficult. The Mekong project on Return and Reintegration will therefore initially focus on capacity-building and research. IOM will furthermore support NGOs providing assistance to trafficked women and children in order to develop their competence, in particular in medical counselling and vocational training.

From the Thai side, several efforts have also been made to prevent the illegal smuggling of migrant workers working in factories and agricultural plants in the border area and to deport those who are illegally in Thailand. However, the situation in Myanmar, combined with the need for cheap workers from Myanmar, have made such deportations difficult and not very sustainable.

Cambodia

Patterns of trafficking in Cambodia have, as in Laos and Myanmar, led to the wealthier neighbour Thailand, but have also led Vietnamese women and girls into Cambodia's commercial sex industry. These various patterns have made trafficking an issue of concern to various international organizations and international and local NGOs as well as the Royal Government of Cambodia. The National Assembly's Commission on Human Rights and Reception of Complaints undertook in 1997 a first nation-wide study on prostitution and trafficking for sexual exploitation. During the past years, several ministries have become involved in developing counter-trafficking measures, including the Ministry of Justice, the Ministry of Social Affairs, Labour, Vocational Training and Youth Rehabilitation, the Ministry of Interior and the Ministry of Women's and Veterans' Affairs (MWVA). The MWVA has been recognized as one of the key ministries to strengthen coordinated national efforts to combat human trafficking through the MWVA Counter-trafficking Office. Furthermore, the Cambodian National Council for Children developed in cooperation with international and national organizations a Five-Year Plan against Sexual Exploitation of Children, which will be implemented by a committee of 19 ministries, including provincial committees focusing on child labour and prostitution. In addition, numerous international organizations and NGOs have also become involved in the fight against trafficking.

Laws and the judicial system

In 1996 the National Assembly adopted the “Law on the Suppression of the Kidnapping, Trafficking and Exploitation of Human Beings”. This law provides penalties from 10 to 20 years’ imprisonment for traffickers as well as the prosecution for a number of other exploiters in the trafficking chain, such as facilitators, pimps, brothel owners, etc. (Sean and Barr, 1997). Though the law is considered as a valuable legislative instrument regarding trafficking, there are many weaknesses in its implementation, dissemination, and interpretation. Corruption, lack of training, supervision and resources, as well as confusion regarding the issue of consent and contract when parents are involved, a common form of trafficking in Cambodia, have led to major flaws in the implementation and effectiveness of the law (National Assembly 1997). Other relevant laws are those pertaining to protection of women and children, and the Labour Law, which prohibits debt labour (a common form of trafficking in Cambodia), slavery, and labour of minors (under 15 years).

In an attempt to attain better law enforcement, several NGOs have been involved in training police, border and other officials about the laws and patterns of trafficking. In some cases, the NGOs and the police have cooperated in raids on brothels where under-aged prostitutes were reported to have been seen. UNICEF has supported the Bar Association to train lawyers of the Legal Aid Department in children’s rights and to build their capacity in representing children. In April 2000, the Ministry of Interior started a project to combat trafficking and sexual exploitation of children in cooperation with UNICEF, UNOHCHR, IOM, SCF-Norway and World Vision. This two-year project aims to sensitize police on trafficking and sexual exploitation of children, develop procedures and train police in their application and that of other related laws, investigate cases of sexual exploitation and trafficking of children, as well as to initiate court procedures. This project is a response to the often criticized flawed enforcement and judiciary responses regarding trafficking. Yet, since the project has only recently started, it is still too early to say anything about its impact.

Prevention

A variety of awareness-raising activities have been initiated in order to prevent trafficking. Information dissemination has taken place through research reports and workshops. Several NGOs have been involved in more general public awareness-raising regarding the nature of trafficking in Cambodia. The Women’s Media Centre (WMC) and the Cambodian Women’s Crisis Centre (CWCC) have been involved in the production of radio and television messages and LICADHO, a human rights’ NGO, has created posters for trafficking awareness. Furthermore, booklets, such as

Selling Noodles produced by the Cambodian Women Development Agency (CWDA), as well as plays, fora and folders have been produced in order to raise public awareness regarding trafficking. Seven new radio and television spots aimed at potential victims, customers and traffickers will be broadcast by the end of 2000. It is, however, questionable to what extent these awareness-raising activities are able to reach the predominantly rural population of Cambodia, which have no or only limited access to radio and television. In addition to the existing activities, the development of more localized and also Vietnamese-language based activities may be helpful to reach a higher part of the target population.

Several international organizations have been active in prevention activities in Cambodia. UNICEF has initiated and supported several activities regarding advocacy, awareness-raising, information gathering, policy and programme planning, thereby focusing on trafficking in the area of commercial sexual exploitation of children. Through a community-based child protection network and a community development programme implemented in Battambang, a province bordering Thailand, UNICEF has furthermore aimed to prevent the trafficking of children at risk. ILO-IPEC has been active in Cambodia since 1997, focusing on the elimination of child labour. It has now signed a letter of agreement with the Ministry of Social Affairs, Labour, Vocational Training and Youth Rehabilitation in order to proceed with the Mekong Subregional Project to Combat Trafficking of Children and Women. The UNDP Mekong Trafficking project has started with the establishment of a National Project Committee for relevant ministries and organizations. At the time of writing, not much information was available on the progress and activities of this Committee.

Another effort to strengthen capacities and coordinate activities has been made by IOM. In March 2000, IOM launched a three-year capacity-building project in cooperation with MWVA, for "Prevention of all Forms of Trafficking in Women and Children in Cambodia". The project aims to strengthen human resources and the programme capacity of MWVA to prevent trafficking. Concrete measures involve legal literacy, information dissemination, and advocacy work. Furthermore, the project supports the MWVA Counter-trafficking Office in the development and implementation of new activities, such as the formation of a National Authority on Trafficking in Women and Children. It remains to be seen how this National Authority will relate to the National Project Committee and the Inter Agency Meeting, which is another forum on trafficking for interested agencies.

Protection

Initiatives related to the protection of those in trafficking situations often focus on the sex industry, and are usually designed with the goal of keeping sex workers as

healthy and safe from abuse as possible, and encourage them ultimately to leave prostitution (Sean and Barr, 1997). These initiatives range from HIV/AIDS education and health clinics providing counselling and health consultation to peer-counselling projects initiated to educate women and girls in brothels about basic health, hygiene and other issues. The voice of sex workers themselves has also grown stronger in recent years on the issue of the protection of human rights. Within a Joint Statement of the Asian Sex Workers' Meeting, organized by the Cambodian Prostitutes Union, CWDA, CWCC and GAATW in Siem Reap in March 2000, demands are made for legislation ensuring the protection and decriminalization of sex workers and the legalization of sex work, arguing that these measures will eventually help minimize trafficking and exploitation of commercial sex workers.

Other protection initiatives consist of sheltering women and children coming out of trafficking situations. These shelters usually provide food, shelter, basic health care, counselling, literacy training, vocational training, and sometimes small credit schemes. Shelters for women have been established by the Cambodian Migration and Development Committee (CMDC) in Battambang and CWCC in Phnom Penh. Several other organizations, such as the Cambodian Center for the Protection of Children's Rights (CCPCR), Agir pour les Femmes en Situation Précaire (AFESIP), Krousar Thmey, Mith Samlanh and World Vision focus especially on sheltering children. Though these NGOs have over the past years increased their capacities and professionalism regarding the sheltering of trafficked women and children, there still is much room for improvement. The experiences of Thai NGOs regarding sheltering, counselling and training activities may function as a valuable example, though with critical reflection on the specificities of the Cambodian situation.

Return and reintegration

Several organizations sheltering trafficked women and children provide assistance upon their return home or by finding work in factories, restaurants or small businesses. Where possible, monitoring of the reintegration process proceeds through regular visits. Some NGOs also provide psychological and financial support to the families during the reintegration process. Though these forms of assistance form a valuable part of the reintegration process, the infrastructure in Cambodia and the limited staff and resources have limited many of the actual monitoring functions.

The repatriation of Vietnamese victims of trafficking has proved to be a time-consuming and complex procedure, leading to unofficial returns by some NGOs. Efforts are, however, being made by the two governments to guarantee a speedier process for Vietnamese trafficked persons. From Thailand, about 800 to 1,000 Cambodians are deported every month, of whom 50 per cent are children. Over the past

three years, IOM has assisted the return of 522 trafficked women and children through return and reintegration programmes in cooperation with local and international NGOs. IOM has furthermore helped in the return of Romanian and Moldavian women who were trafficked into the commercial sex industry in Cambodia.

In 1999, a new support structure for the return and reintegration of children was established by the Ministry of Social Affairs, Labour, Vocational Training and Youth Rehabilitation in close cooperation with UNICEF, IOM, Goutte d'eau and other NGO partners. The project aims to enhance sustainability of the service structure for trafficked people, security for returnees and social support services for Cambodian returnees. Part of the project is the establishment of a Coordination and Database Centre and a maximum-security reception centre in Battambang for returning Cambodian children. Furthermore, some additional reception centres for returnees and a Drop-In centre have been set up in cooperation with NGOs. Given the high numbers of children repatriated from Thailand and the often-mentioned probability of their re-migration and the risk of re-trafficking, these structures may play an important role in assuring a sustainable return and reintegration for trafficking victims.

Viet Nam

Trafficking routes and patterns have connected Viet Nam to several other countries in the Mekong region as well as beyond. Viet Nam approaches trafficking as a social evil which has appeared in recent years as one of the negative consequences of the open-door policy, the change of economic management, the process of urbanization and the increasing exchanges with other countries, particularly with countries in the region (Hoa, 1997). Though the problem of trafficking in Viet Nam has been viewed as a sensitive issue to be addressed with care, it is now officially addressed as a problem related to illegal migration and prostitution. Several workshops and studies have led to an increased awareness of the problem. The Social Evils Department, falling under the Ministry of Labour, War and Invalids, and the Vietnam Women's Union has been involved in developing initiatives to combat this social evil. Policies and resolutions were developed and incorporated as part of the national policy to address and prevent trafficking and prostitution of women and children. Furthermore, the government has encouraged and created conditions for different organizations and individuals in the country and abroad to help protect and care for women and children (Archavanitkul, 1998). In 1997, the Socialist Republic of Viet Nam issued a directive calling for a multi-sectoral action approach towards the trafficking of women and children and for a closer cooperation between government agencies, mass organizations as well as international and non-governmental organizations (Caouette, 1998; Hoa, 1997). However, the lack of sufficient knowledge about traf-

ficking, skills to handle it, not enough time to address the issue and inflexibility affecting innovation among relevant organizations and institutions have hindered a concerted effort to combat the problem (Kelly and Le, 1999). The National Project Committee, formed in May 2000 as part of the UNDP Mekong Trafficking project, aims to address these issues, though there is still much controversy about its role and selection of participating actors.

Laws and the judicial system

There are several laws and codes protecting the rights of women and children, whereby the Penal Code is the main legal instrument regarding trafficking. Articles 115 and 149 define trafficking in women and children and set a punishment of five to 20 years in prison. Furthermore, the Penal Code defines provisions regarding the prohibition of sexual exploitation of children and the prevention and punishment of prostitution. Less than 2,000 cases of trafficking in women and children were investigated and prosecuted between 1991 and 1997 (Hoa, 1997). Yet weaknesses have been found in the formulation of the laws relevant to trafficking, which makes systematic enforcement and implementation difficult (Archavanitkul, 1998). Furthermore, officials and community members may not be aware of the important amendments regarding trafficking, and therefore more could be done to improve law awareness, enforcement and development.

Prevention

As part of the national policy, several measures have been taken to prevent trafficking and prostitution of women and children. The government initiated programmes for income generation, vocational training to prevent children from entering into prostitution. Also, a National Programme on Prevention of Prostitution has been established, which included efforts to crack down on prostitution through raids on brothels, karaoke bars and discos. The effectiveness of the latter measure in particular has, however, been questioned, also considering the scope of the commercial sex industry in Viet Nam.

Child trafficking and prostitution have also been addressed by various international organizations in Viet Nam. UNICEF in cooperation with the CPCC has started a pilot project in selected districts bordering Cambodia to contribute to the prevention of trafficking and prostitution of, in particular, girls. The project focuses on education intervention, most notably on access to primary education and life skills education, which will be complemented by the provision of basic services, advocacy and social mobilization activities. ILO has funded a study on child prostitution in Northern Viet Nam, which will serve as a basis for project interventions for the ILO-

IPEC Mekong Subregional Project to Combat Trafficking of Children and Women. Several other organizations, such as Radda Barnen, Save the Children Fund, UNDP, UNICEF, Viet Nam Committee for the Protection and Care for Children and World Vision International have been involved in awareness-raising and advocacy regarding trafficking.

Among the various mass organizations, the Vietnam Women's Union has been the most actively involved in activities regarding trafficking. The WVU developed a Plan of Action in 1997 on the prevention of trafficking in women and children in Viet Nam. According to this plan of action, the VWU aims to concentrate on dissemination of information and education, research, reintegration assistance programmes for the return of trafficked women and children, community-based prevention schemes in coordination with agencies and organizations in different localities, supervisions of law execution in relation to trafficking, regional and international cooperation. Together with IOM, the Vietnam Women's Union developed a national counter-trafficking information campaign in 1999 targeting 14 of the most severely affected provinces on a grass roots level, including door-to-door campaigns, public meetings and performances, and training of journalists to arrange appropriate media coverage. The structures of this mass organization may thereby have the potential to effectively address the problem of trafficking at all levels.

IOM, Radda Barnen, SCF/UK and UNICEF recently published an overview study on trafficking in human beings from and within Viet Nam.¹⁷ This study has resulted in a comprehensive analysis of trafficking situation in the Vietnamese context, and has come up with an urgent call for more research to gain insight in the problem, and has formulated valuable recommendations for action at the macro, meso and micro, or grass roots, levels.

Protection and reintegration

The government and the Vietnam Women's Union have initiated several initiatives to support the reintegration of trafficked women and children into their communities. Among these are job-generation programmes, vocational training and reintegration programmes for former prostitutes. The Social Protection Centre No. II helps prostitutes find a new and healthy way of life. Since follow-up is difficult, little is known about the effectiveness of these support structures.

The VWU is also involved in an ongoing project with IOM on reception and reintegration in Lang Son province, near the Chinese border. The project started out in 1996 as a pilot project to address the issue at the local level, and has proven to be an effective way to address the issue of trafficking in Viet Nam. The project supports

a reception centre providing shelter and assistance to returned women and a reintegration scheme promoting income-generating activities, including micro-credits, for former trafficked persons returning from China. Other initiatives regarding rehabilitation, reintegration and repatriation of trafficked women and children have been developed by the Centre for Family and Women's Studies, the Vietnam Committee for the Protection and Care for Children, and World Vision International.

Vietnamese women and girls trafficked to Cambodia have received assistance in the form of shelter, health care and education within several NGOs in Cambodia. However, language, ethnic and cultural differences have led to difficulties in the acceptance of assistance to trafficked Vietnamese women and children. Furthermore, bureaucratic procedures and the political situation have made repatriation to Viet Nam a sensitive and complex issue. IOM has returned a small number of persons from Cambodia to Viet Nam and carries out return and reintegration of trafficked women and children through specific projects with Vietnamese partners in order to establish a low-key and well-understood procedure for humanitarian returns to Viet Nam.

Yunnan Province (China)

The issue of trafficking in the Yunnan province of China has received increasing attention during the past years due to the Mekong subregional approaches of various projects. The inclusion of this part of China in the scope of analysis is related to the recognition that Vietnamese women are trafficked to China, while Chinese women from Yunnan have been brought to Thailand and beyond. Myanmar has been identified as a transit country. Though these routes have been recognized and discussed within various regional workshops, little information is available on the trafficking situation in this and other southern provinces in China.

Laws and the judicial system

The Chinese government has implemented few measures to deal with the situation. Mass round-ups and deportation of Vietnamese women have been organized, leaving them stranded at the border area while being separated from their children and husbands. An increased awareness of the problem of trafficking has also led to a new Criminal Law addressing trafficking with higher penalties for traffickers up to life imprisonment and even capital punishment. For a proper implementation of this law, the All China Women's Federation and the Ministry of Justice offer legal assistance to districts and counties with a high incidence of trafficking (Caouette, 1998).

Prevention

Activities regarding the prevention of trafficking from Yunnan have been limited. In 1999, Save the Children Fund (UK) carried out a media awareness-raising campaign in Yunnan province. The campaign was based on the case-story of a participating repatriated trafficked woman. The UNDP Project on Trafficking in Women and Children in the Mekong Subregion, aiming to provide an overarching mechanism to coordinate local, national and subregional activities, will include activities in the southern provinces of China, though no information was available on the progress of the project. ILO-IPEC has signed a Letter of Agreement with the All China Women's Federation and will start preparations for the implementation of the Mekong Subregional Project to Combat Trafficking in Children and Women.

Protection and reintegration

Protection and return and reintegration activities have also been very limited in Yunnan province. A small number of returns were organized by the Thai NGO CPRC. Furthermore, IOM has, in cooperation with SCF-UK, provided reintegration assistance to 10 trafficked women and children. The Return and Reintegration project in the Mekong region envisages increasing numbers of returns to China from Thailand, thereby initially focusing on how to best address reintegration aspects and select partners. In addition, IOM has facilitated the return of over 1,700 Vietnamese women who were trafficked to China.

Philippines and Indonesia

Trafficking in the Philippines and, to a lesser extent, Indonesia has often been related to the export of workers to Singapore, Malaysia, Japan and other countries in Asia, to the Middle East, Europe and the US. Labour migration has become an official policy in these countries and several structures and mechanisms have been set up to regulate the migration of their nationals. Despite these structures and mechanisms, irregular migration and abuse and exploitation of these Overseas Foreign Workers (OFWs) continue to exist. Trafficking does not, however, only take place for work and services abroad, but is also a problem affecting children and the internal sex business. The Philippines is one of the few countries in the region which has lengthy experience in developing counter-trafficking initiatives, including policies and legislation. The trafficking situation in Indonesia has, however, been given much less attention, and therefore further initiatives may be required in order to develop a proper analysis of and response to the problem.

Philippines

The Philippine government has, since the 1970s, placed high emphasis on labour export to support its balance of payment deficits and to reduce the number of unemployed persons. The promotion of labour migration has been accompanied by the development of government structures to administer migration and assure the welfare of migrants and their families. The Philippines is very concerned with the potential problems caused by unregulated migration and has, over the years, made many efforts to increase the regulation of recruitment and placement of workers abroad (UNICRI and AIC, 1999). Trafficking is seen as a consequence of women workers' migration characterized by inhumane treatment and is therefore seen within the broad category of violence against women. The issue of trafficking is being addressed, directly or indirectly, in various laws, including some newly drafted laws, and by different government departments. Within the Philippine Plan for Gender Responsive Development, the issue of trafficking in women and children has received special attention. Furthermore, the Presidential Anti-Organized Crime Commission and Task Force, and the Task Force on Illegal Recruitment are indirectly dealing with trafficking. The Inter-Office Task Force on Human Trafficking, established in 1999, intends to provide a more coherent and comprehensive approach to issues concerning human trafficking. The Inter-Office Task Force on Human Trafficking is also involved in the initiative to establish an Interagency Council Against Trafficking, which will be composed of different agencies involved in combating trafficking in human beings (ibid). In March 2000, the government co-hosted, with the support of the US government, the Asian Regional Initiative Against Trafficking (ARIAT), wherein potential national and regional approaches towards the prevention of trafficking, the protection of victims of trafficking and the prosecution of traffickers were discussed. Furthermore, the strong NGO community in the Philippines and several international organizations and networks have, sometimes in cooperation with the government, developed initiatives to counter trafficking inside as well as outside the country. Though trafficking in the Philippine context has received major attention as a problem taking place in the unregulated margins of labour overseas migration, the issue has also been taken up in the context of child sexual exploitation. Special efforts have been made to eliminate child trafficking for sexual exploitation, also with the help of relevant countries inside and outside the region.

Laws and the judicial system

Since the Philippines has a long history of exporting labour, the country has also developed a unique package of legislation and regulations regarding the labour migration of their nationals. There is not yet a law specifically addressing trafficking in human beings, though the enactment of such a law has now become a priority issue

for the government. An Anti-Trafficking Bill has been drafted, aiming to institute policies to suppress trafficking in Filipino women, establish necessary institutional mechanisms for the protection and rehabilitation of victims of trafficking and provide penalties for its violations. Traffickers and related actors already face criminal prosecution under other laws. The Migrant Workers and Overseas Filipinos Act (1995) regulates, amongst others, the provision of licenses to recruiters and criminalizes illegal recruitment,¹⁸ punishable with six years to life imprisonment. The Mail Order Bride Law imposes jail penalties and a fine (and final deportation in the case of a foreigner) on those involved in the business of matching foreigners and Filipino women for marriage. The Labour Code restricts and regulates the recruitment and placement of workers, whereby the requirements regarding the minimum age of 21 and a skills or academic test for artists and entertainers have been issued to prevent trafficking. The Penal Code contains articles prohibiting the prostitution or corruption of minors and the “white slave trade”.

With the Law on Protection of Children against Child Abuse, Exploitation and Discrimination, the Philippines have become the first Asian country to pass an anti-child abuse law. This law, together with the Inter-Country Adoption Law and other laws, makes it difficult for a Philippine child to leave the country without permission of the parents and considerable checking by the relevant authorities. In 1995, the Philippine government appointed a special prosecutor for cases of sexual exploitation of children and in 1997, the Philippines signed anti-paedophilia cooperation agreements with Great Britain and Australia. The Pact with Great Britain provided for cooperation between police forces. British police have provided training for Filipino officers in Manila in identifying and countering child prostitution and pornography, and have run similar courses in Thailand and Sri Lanka.

Prevention

Various international and national organizations, as well as the Philippine government, have initiated awareness-raising, training, research and advocacy activities to prevent trafficking. In 1994, the Philippine Overseas Employment Administration began offering ballet courses to would-be entertainers and caregiver’s training to potential domestic helpers, in the belief that these talents and skills would protect Filipino women workers abroad (Asian Migration Center, 1997). The Work Education Programme was established in order to conduct mandatory pre-departure orientation seminars and pre-employment orientation seminars for all departing Filipino migrant workers. Though these pre-departure and pre-employment seminars have been praised for providing valuable information to departing migrant workers, their actual implementation and effectiveness may be improved in timing and provision of appropriate information (Wolffers, 1999). Additionally, these seminars may be

valuable in preventing exploitation and trafficking in the case of documented migrants, but do not reach the undocumented migrants who are most at risk of abuse and exploitation.

Other prevention initiatives have been developed by various organizations. The Philippine Network Against Trafficking in Women (PNATW) started as a result of the Belgian government-supported pilot project (1996-1999) against trafficking in women. The PNATW, besides lobbying for the introduction of anti-trafficking legislation, has been involved in the production of several videos and broadcast programmes about the risks of working abroad (UNICRI/CICP, 1999). IOM has also supported various information and advocacy law development activities. IOM has been especially active in various awareness-raising campaigns, such as the Trafficking Video Project, which entailed the translation, reproduction and distribution of the trafficking play *We're So Syndicated, Ma'am*, and the Philippine Information Programme, which launched a radio show about trafficking experiences and information. IOM, with the assistance of the Japanese government, started pilot implementations of the Trafficking Information Mainstreaming Project in the Philippines in April 2000. The project aims to raise the overall level of awareness among the general population through the airing of public service announcements in movie theatres throughout the country. These various awareness-raising activities have set an example for other countries in the region. Their effectiveness in another context, however, very much depends on the language of production and the accessibility of radio, television and cinema among larger parts of the population.

The Philippines has, among 12 other countries worldwide,¹⁹ been the only country in the region to take part in the UNICRI-CICP pilot project related to the Global Programme against Trafficking in Human Beings. The programme of UNICRI-CICP especially focuses on the role of transnational organized crime in trafficking and human smuggling. So far, the pilot project has resulted in an comprehensive report of the Rapid Assessment of the trafficking situation and the institutional responses developed in the Philippines.

The strong and vocal NGO community in the Philippines has in various ways been involved in the fight of trafficking. Some networks of NGOs focus especially on trafficking for purposes of prostitution. These include MIGRANTE, Women Overseas Workers NGO Network, the Philippine Migrant Rights Watch, the Network Opposed to Violence Against Women (NOVA), and the Coalition Against Trafficking in Women – Asia Pacific (UNICRI/CICP, 1999). Furthermore, the Women's Education, Development Productivity and Research Organization (WEDPRO) have initiated advocacy initiatives paying attention to prostitution as a violation of human rights.

Protection and return

Protection and return activities have focused not only on the OFWs, but also on child trafficking. International and national organizations, such as the Center for Child Advocacy and Community and Family Services International, provide special assistance to children who come out of prostitution. The Center for Girls, a government institution, provides shelter, health care, counselling, education and vocational training to sexually abused and exploited children.

The government has set up a database on migration in an effort to ensure protection of OFWs. This Shared Government Information System on Migration database aims to improve monitoring of overseas Filipinos and granting assistance to them. Overseas Filipinos Migration Resource Centers provide information, counselling, conciliation and mediation between workers and employers, socio-cultural programmes and several courses to Filipino migrant workers overseas. In line with the proclamations of 2000 as the Year of the Overseas Migrant Workers, embassies have also developed some activities in support of overseas migrant workers. Yet, for proper protection of foreign workers, the role of the receiving countries and employers cannot be denied. The Philippines have made many efforts to sign bilateral agreements with receiving countries in order to assure this protection. However, not all receiving countries are willing to engage in such agreements. Further development of multi-lateral initiatives and agreements may therefore be helpful to assure the protection of the rights of overseas foreign workers.

NGOs and the Catholic Church have also been active in supporting Filipino OFWs. The Catholic Church, through its international networks and various migrant-focused organizations, provides counselling, referral and crisis care for overseas Filipino workers in many countries. Various other church-based and non-governmental organizations are involved in assisting those affected by smuggling and trafficking. For example, the Batis Centre for Women primarily assists female migrants who have worked in Japan as entertainers. Kaibigan, the Kanlungan Centre Foundation and Sentro provide information and training, legal and advocacy services (UNICRI/CICP, 1999). Promotion and monitoring of migrants' rights take place through the Network Opposed to Violation Against Migrant Women, a coalition of 16 organizations, and Philippine Migrants Rights Watch, a coalition of five organizations (Asian Migration Centre, 1997). Little information is, however, available on the support structures and initiatives of governmental and non-governmental agencies for the safe return and reintegration of Filipino (and other) victims of trafficking.

Indonesia

As in the Philippines, trafficking in Indonesia is mostly perceived within the context of labour migration to the Middle East and certain East and South-East Asian countries, though the issue has, by far, not received as much attention. The government policy of the past decade has been to promote labour migration as a means to deal with the internal surplus labour problem and to have a positive impact on national economic development through the occurrence of remittances (Tjiptoherijanto, 1998). The sixth Five-Year Plan covering 1995-1999, REPELITA VI, included ambitious numbers of migrants to be sent out, emphasizing the contribution of migrants to the national economy. Less attention is paid to the abuse and exploitation of migrants. Public reports about and actions against the violence and sexual abuse encountered by female migrants in particular are discouraged out of fear of damaging the relations with the receiving countries and of diminishing the good image of Indonesia. The Indonesian government has, however, shown interest in a regional strategy to combat trafficking and hosted the fourth meeting of the Manila Process on "Preventing and Combating Irregular Migration and People Trafficking in South-East Asia" in October 2000. This may be an important step to raise the issue of trafficking in the Indonesian context, thereby stimulating the development of appropriate responses at a regional level as well as from the government, international organizations and NGOs within the country.

Laws and the judicial system

There is no specific act or regulation on trafficking, though the government has undertaken an intervention scheme based on existing laws and acts. Several reports criticize the legal situation regarding trafficking and the protection of migrant labourers. The National Law on Labour, promulgated in 1997, does not include foreign employment guidelines and is viewed as providing the state more power to control the increasing labour movement in Indonesia (Tirtosudarmo, 1998). The National Commission on Human Rights deals with specific issues of women's rights. Under criminal law, prohibitions are made for helping and facilitating illegal sexual activities, and trading of women and under-aged boys (UNOHCHR, 1998).

Prevention

Measures directed at the prevention of trafficking have been limited. The government has given notice of its intention to gradually reduce the number of unskilled migrants, including domestic workers, since most of the violence against Indonesian migrants is related to unskilled work. As critics have pointed out, however, without a sound employment creation policy in Indonesia, such a measure may only increase

problems such as the rise of undocumented workers. The Ministry for the Role of the Women is responsible for programmes and policies pertaining to the enhancement of the role of women in Indonesia, including enhancing the role and status of female workers and increasing the level of women's education and skills. No information was, however, available on activities of the Ministry directly addressing the issue of trafficking.

Protection and return

The Indonesian government has taken some measures to protect their migrant workers. These measures include the introduction of a computerized system to monitor the mobility of women overseas, the establishment of a job-hunting agency overseas supported by a wide-range information network, initiatives for the provision of better remuneration and protection, and intensified pre-departure training for migrant workers in order to provide them with important information relating to their work (United Nations Press Release, 1998). The government also intended to approach the relevant agencies in the receiving countries in order to ensure better protection for Indonesian migrants. Furthermore, the Ministry of Social Affairs has started undertaking rehabilitation of female victims of trafficking. In March 2000, the Indonesian government announced plans to increase labour exports and to improve protection for migrants. Protection measures consist of requiring migrants to take three-day pre-departure courses, which teach them their rights abroad, and to buy insurance that will provide them with a ticket home and back wages if they are fired from jobs abroad (*Migration News*, June 2000). Though these may be valuable initiatives, their actual implementation and effectiveness remain to be evaluated.

UNIFEM has recently started a cross-regional project involving Asia and the Pacific and Middle Eastern countries. The projects are aimed at protecting the rights of migrants in labour migration in the light of large-scale participation of Asian women in labour migration and their heavy concentration in reproductive work in countries in the Middle East. The project will support a dialogue between sending and receiving countries with a focus on issues related to women's human rights and violence against women. Indonesia has been identified as an important sending country and for the first phase of the project, a situation analysis of Indonesian migrant workers will be carried out.²⁰ This cross-regional approach to problems related to labour migration and trafficking is relatively new and may set an example for the development of innovative counter-trafficking initiatives by other international organizations.

Various migrants' organizations have become active in dealing with the problems faced by Indonesian migrants. The Center for Indonesian Migrant Workers (CIMW)

has programmes for advocacy and campaigns on the laws and rights of migrant workers, provides legal assistance, counselling and temporary shelter for migrant women, has set up peer leader training on HIV/AIDS, and conducts research on Indonesian migrant workers abroad. The CIMW is a member of existing networks in Asia, such as the Migrant Forum in Asia and has built partnerships among local and regional support groups, notably the Asian Migrant Centre in Hong Kong, Tenaganita in Malaysia and Ansan Migrant Shelter in Korea (Asian Migration Center, 1997). Soldaritas Perempuan has developed activities towards the protection of women migrant workers, such as temporary shelter, handling cases, organization of workshops, campaigns and policy studies on female migrant workers' issues. The Consortium of Migrant Workers Defenders is involved in policy support for migrant workers as well as legal protection for migrant workers. These networks and their relations to organizations in receiving countries may be a valuable source of support for Indonesian OFWs, especially where there are clearly identifiable lacks in support structures for those who have faced abuse, exploitation and trafficking and seek help to get out of their situation.

Protection and rehabilitation of women working in prostitution within Indonesia has been attempted through a system in which areas are set aside for the localization of prostitution. Women working in these organized complexes are subject to tight regulations, and have to attend and pay for education, skills training, and mental and social guidance classes (Lim 1998). Yet, prostitution does not only take place within these regularized zones and thus the regulations miss women working in other establishments. Some other initiatives reaching out to commercial sex workers have been developed by Indonesian organizations. The Australian government has funded a project in Surabaya which aims to raise the self-esteem of women and girls in prostitution and arm them with information and confidence to protect themselves from AIDS and other STDs (Hughes et al, 1999).

Indonesia has, besides the trafficking related to labour migration of Indonesians and the commercial sex industry in Indonesia, encountered an influx of irregular migrants from, in particular, Afghanistan, Iraq and Iran, who are en route to Australia. IOM and UNHCR have been involved in providing assistance and return of these irregular migrants.

Singapore and Malaysia

Singapore and Malaysia are major receiving countries of labour migration in South-East Asia. The position of labour importers has led them to view trafficking mainly as an illegal migration problem which has a negative impact on the country. Their

approach to trafficking has, therefore, been very different from the countries in the Mekong region and labour exporting countries like the Philippines and Indonesia. Most attention has been paid to preventing illegal migrants from entering and to deporting undocumented migrants than to the situation and rights of those trafficked into their national territory. With regard to the latter point, further cooperative initiatives could be taken on bilateral and regional levels to guarantee that the rights of victims of trafficking, and migrants in general, are taken into proper consideration.

Singapore

The issue of trafficking in Singapore is mainly addressed within the context of illegal migration. The Singaporean government sees the presence of illegal immigrants as a serious social and security problem and has taken a tough stance against all immigration offenders (Seng, 1998). The Singapore Immigration and Registration, falling under the Ministry of Home Affairs, is the main department managing the inflow, presence and outflow of the large pool of foreign visitors and workers in Singapore. The Ministry of Manpower issues work permits and enforces the Employment of Foreigners Act in Singapore. These Ministries therefore play a key role in the prevention of illegal immigration of foreigners and controlling foreign employment of workers. The terms and conditions of foreign workers depend on their skill levels. Unskilled foreign workers are only permitted to work for limited periods, are under much stricter control regarding marriage, and (female) workers face deportation if they are found HIV-positive or pregnant. Furthermore, the levy for foreign workers to be paid by their employers is higher for unskilled and low-wage labour than for highly skilled labour (Teng, 1998; Chew, 1998). The strict regulations regarding foreign workers in Singapore has led to much criticism from sending countries. The sentencing of an undocumented Thai worker, the death of 16 Thai workers, the hanging of a Filipina domestic worker, and other incidents with foreign workers during the past decade have also contributed to strained relations between Singapore and the countries of origin of the workers.

Laws and the judicial system

The legal system contains several acts and regulations related to illegal migration. In 1998, the Minister of Home Affairs proposed to amend the Immigration Act in order to ensure that the Act remain relevant to the needs of Singapore. The Minister proposed to equate the penalties for attempted illegal entry or departure to the penalties for illegal entry or departure respectively. Furthermore, the Minister proposed introducing a presumption clause so that any foreigner fitting the profile of an illegal immigrant found in the port waters will be presumed to be attempting to enter Singapore illegally if he or she has no valid travel document, no visible means of

subsistence or tried to conceal his or her identity or presence from the police. Smugglers of illegal immigrants can be jailed between two and five years and caned with a mandatory minimum of three strokes. Since it is often difficult to prove the charge of smuggling or trafficking, those involved are punished as abettors. The Minister proposed therefore to include corporal punishment in addition to the jail terms for those convicted of aiding illegal entry (Seng, 1998)

Employers and those harbouring immigration offenders are also punishable with a jail sentence, a fine and caning. Corporate bodies employing immigration offenders pay higher fines in lieu of jail sentences and caning. Severe punishment for such employers and those harbouring foreigners by increasing the fines is seen as an important preventative measure, since if employers do not offer them jobs and house owners do not rent them their premises, illegal migrants will not be attracted to come to Singapore. Other provisions include an identification card for foreign workers, which should help enforcement agencies to identify whether a foreigner is a legitimate worker or an illegal immigrant, and medical screening of foreign workers in order to prevent diseased and HIV-infected foreigners from becoming a threat to public health (Seng, 1998; The New Paper, 2000).

Prevention

Efforts to prevent illegal migration into Singapore have, in particular, focused on improved enforcement of laws and regulations. The Police Coast Guard has been assigned with the task of keeping Singapore's waters safe from crime and preventing illegal migration attempts. In order to enhance their capability, the PCG was equipped with a new fleet of high-performance boats complementing the range of equipment already available (Seng, 2000). Furthermore, Singapore and Australia have decided to share intelligence information on people-smuggling activities and exchange techniques to crack down on illegal migration. Part of this cooperative effort will be training programmes for immigration officials. Australia feared a wave of illegal immigrants during the Olympics whose travel route would have led many of them through Singapore.

Protection and repatriation

Foreign workers in Singapore officially enjoy the protection of the Labour Law and the Employment of Foreigners Act. These instruments provide, however, no stipulations on minimum working standards and give no concrete guidelines for the protection of migrant workers. Due to the minimal-intervention approach of the Singapore government, there are no minimum wage or contractual agreements. Female migrants are protected against sexual abuse under the Women's Charter and under the Penal Code. Yet, the political system allows very few NGOs to voice their

concerns, which means that there are no NGOs who can render assistance or alternatives for migrant workers to pursue their rights (Asian Migration Center, 1997).

The Ministry of Manpower has set up a hotline for foreign domestic workers who seek assistance on employment matters. Foreign domestic workers form a high share of the total migrant population, and are mostly from the Philippines and Indonesia. Some Maid Employment Agencies in Singapore have signed an agreement with the Philippine government to abide by their conditions for the employment of Filipino domestic maids (Teng, 1998). Singapore has, however, refused to sign bilateral agreements with individual sending countries, claiming that it would be difficult to have different control systems for workers from different countries.

Malaysia

Like Singapore, Malaysia views the issue of trafficking largely in the context of illegal migration, which is perceived as a potential threat to national security. Since the 1980s, Malaysia has tried to combat illegal migration through the establishment of foreign labour employment agencies, the committee for the Recruitment of Foreign Labour under the Ministry of Home Affairs, and several bilateral agreements with sending countries, especially Indonesia. From 1991 to 1996, the government launched a policy of registering all illegal migrant workers in Malaysia and deporting those who remained illegal (Nair, 1998). Registration of migrant workers required the payment of the levy by the employer, upon which the Immigration Department could approve a work permit. Stricter immigration policies were introduced after the economic crisis in 1997, including the freezing of the recruitment of foreign workers, and arrest, detainment and deportation of foreign workers. This situation created large numbers of undocumented and jobless workers, which made them more vulnerable to abuse and exploitation. Constant policy changes made the situation for foreign workers very insecure. With the economic recovery, Malaysia has lifted the freeze on the recruitment of migrant workers (CARAM Asia, 2000).

The issue of trafficking in women is associated with domestic work and prostitution in particular. Due to the absence of labour rights and benefits, these groups of workers in particular have been confronted with abuse and exploitation. Domestic employment agencies facilitate the immigration and employment of, in particular, Filipina and Indonesian servants. Besides the trafficking of foreign women into Malaysia, Malaysian women and girls have also been targets of trafficking for prostitution and other kinds of purposes to destinations within as well as outside the region.

Laws and the judicial system

The entry of migrants is regulated under the Immigration Act (1959/63) amended in 1997, the Passport Act (1966) amended in 1996, and the Immigration Regulation (1963). The amendment of the Immigration Act entailed, amongst other stipulations, the caning of illegal workers and their employers, imposition of a fine and a jail sentence of up to ten years. The various laws stipulate that foreign unskilled and semi-skilled workers are only entitled to work in certain sectors and that permits will only be issued for nationals from ASEAN countries, i.e. Indonesia, Thailand, Philippines, Cambodia and other countries such as Bangladesh and Pakistan. Not allowed to enter are, amongst others, prostitutes, procurers or persons who attempt to bring women and girls for the purpose of prostitution or other immoral purpose in Malaysia, as well as vagrants or habitual beggars. The legal system furthermore includes articles intended to abolish trafficking in women and children for prostitution, as well as brothel keeping and pimping. Despite these laws and regulations, irregular migration and trafficking for the purpose of prostitution have been a continued concern to Malaysia.

Prevention

Preventative measures have been especially designed to circumvent illegal migration. These measures are, amongst others, intensified enforcement on a continuous basis along the Malaysian borders, upgraded security features of travel documents, cooperation between immigration authorities in the Asia-Pacific region, the fight of activities of syndicates involved in illegal migration and integrated actions against counterfeits and forgeries (Talib, 1998). Furthermore, the Malaysian government has set age limits for foreign workers (18-45 years) and for domestic helpers between 25 and 45 years. Since June 2000, Malaysian employers are required to certify that they are providing housing for foreign workers in order to prevent illegal settlement and to reduce crime. Malaysia is also requiring foreign workers to have medical tests within one month after arrival, aimed at preventing false medical reports from doctors in the migrants' country of origin (*Migration News*, June 2000). These measures, however, affect primarily documented migrants and do not reach out to undocumented migrants or those trafficked into or from Malaysia.

Protection and return

With regard to the commercial sex business, the government has, with questionable effectiveness, introduced some measures for potential and/or former prostitutes. The Department of Social Welfare has developed some rehabilitation and training programmes in order to protect under-aged women or girls who have either become prostitutes or are at risk of becoming involved in prostitution, as well as women of

all ages who seek protection from prostitution rings. The Department of Social Welfare work is closely linked to police enforcement of the Women and Girls Protection Act, mandated to carry out checks to pick up under-aged girls and foreigners suspected of being prostitutes (Nagaray and Yahya, 1998).

Several NGOs have been involved in providing assistance to migrant women in prostitution and other work or services, and Tenaganita (Women's Force) has thereby become known as a very active organization. Tenaganita has been committed to empowering women in plantations, and factories, sex workers and migrant workers in general. Tenaganita provides counselling services, health referrals, legal and other labour rights related support, training, peer education and advocacy for migrant workers. The NGO is also connected to CARAM and has been involved in participatory research on migration, health and HIV/AIDS. Several other NGOs, such as Pink Triangle, Ikhlas, Community AIDS Service Penang and DKT International have programmes related to sex workers and HIV/AIDS (Wolffers and Bevers, 1997). The International Council on Management of Population Programmes investigates migrant working conditions and lobbies for migrant worker rights and benefits. Based on the little information available, it is difficult to judge these initiatives, though they are certainly essential for the welfare and proper treatment of the migrants.

PART FOUR

CONCLUSION

Parts One and Two of this report have shown that many efforts have been undertaken to address the problem of trafficking in South-East Asia at international, regional and subregional, bilateral and national levels. It is noteworthy that several new initiatives have been developed based on the analyses and recommendations of former studies, indicating that there have been developments in assessing and responding to the problem. Yet, as various studies and resource persons have indicated, the problem of trafficking is by far not solved, but is, to the contrary, even thought to be increasing. Before discussing what could be done in addition to the described initiatives, it is useful to analyse some of the problems, which, according to various studies, continue to be obstacles to developing counter-trafficking measures in the region.

A major weak point that has been mentioned again and again is related to the definition of trafficking itself. There is no precise and coherent understanding of what is meant by the term trafficking and to what and whom it should apply. The various definitions used show that there are many different facets related to the phenomenon. Wijers and Lap Chew (1997) argue that this has sometimes led to inconsistencies, contradictions, conflicting interests, failure to pinpoint violence and abuse, and a tendency to view women narrowly as a vulnerable category, thereby disregarding their right to self-determination. These trends are reflected in the diverse approaches to trafficking and affect international and national legislation, as well as the content and orientation of prevention, protection and reintegration programmes. The lack of a single definition has made the collection of comparable data very difficult, if not impossible. Thus, a related weakness is the lack and unreliability of data on the trafficking of human beings.

Another often-mentioned weak point regards the lack of cooperation and coordination between the various players involved in counter-trafficking. On a national level, this means that government departments addressing the issue according to their specialization may not be aware of each other's activities, let alone of the work of numerous NGOs and international organizations. On a regional level, although initiatives of individual countries may affect the trafficking situation in other countries in the region, there is no regional analysis and strategy to combat trafficking. On an international level, while various international initiatives are developed, these occur without a clear vision of how these various initiatives may complement and strengthen one another.

The laws and the legal systems have, furthermore, received major attention and criticism in evaluations of counter-trafficking initiatives. An effective fight against trafficking is hindered by incomplete laws, weak laws, lack of law enforcement, corruption, lack of awareness of trafficking and capacities to properly address trafficking cases among law enforcers, courts and other authorities. Though there is a clear consensus that laws to address trafficking should focus on the traffickers and not treat the victims as perpetrators, few countries have adopted legislation and measures for protection of and assistance to victims of trafficking. This is often related to their illegal status as undocumented migrants and sometimes also due to their work in the illegal, informal sector, such as prostitution.

Poverty, lack of employment opportunities, lack of education, and a lack of awareness among the general population of trafficking and abuse in migration are usually mentioned as important causes for trafficking. Initiatives for the prevention of trafficking therefore usually focus on awareness-raising campaigns, skills training and education programmes and income-raising activities. Prevention initiatives aim at warning people about the risks of trafficking and inform them about the possibilities for regular migration. These programmes can have an important impact on target groups by raising awareness about trafficking. But information campaigns also have to reach out to target groups in rural areas where there is little access to the mass media and where the risk of trafficking is often especially high. There are also several countries in South-East Asia, as this report has shown, which have not yet implemented anti-trafficking information campaigns.

It is important to keep in mind that the causes of trafficking can not be reduced to poor economic conditions and ignorance only, but are related to a complex mixture of local and global structures concerning economic, political, socio-cultural and historical processes. In receiving countries, preventative measures often focus on the prevention of illegal immigration. Yet, as Battistella (1999) noted, this also requires coherent economic and political objectives, while as long as economic factors continue to attract migrants, policies aimed solely at combating or restricting irregular migration will fail.

Protection initiatives have focused on those who are within a potential trafficking situation as well as those who have come out of a trafficking situation. Most of the protection services, such as shelters, health care, counselling, education and training are focused on prostitution and are usually concentrated in urban areas. Insufficient services, lack of resources, capacities, and coordination and cooperation between the various services have limited the effectiveness of protection strategies. Furthermore, the marketability of certain skills or initiatives provided within vocational training and credit programmes, have not always been taken into account.

Initiatives focusing on the return and reintegration of trafficked persons are relatively new. Considering the larger estimates of numbers of trafficked persons, especially women and children, and the lesser number of assisted returns, one may conclude that most somehow find their way back on their own. In most countries, trafficked persons are considered to be illegal migrants and may thus be detained in jails or immigration detention centres before deportation. Assisted return and reintegration programmes have encountered long and cumbersome bureaucratic procedures, especially when the nationality of the person is at issue. Follow-up on reintegration cases has not always taken place, partly due to a lack of resources, capacities and infrastructure, which makes an evaluation of return and reintegration programmes difficult.

As was noted above, counter-trafficking initiatives have been developed based on analyses and recommendations of former studies, which have outlined several of the weaknesses pointed out above, thus trying to address many of the problems defined. Among these are initiatives for increased cooperation and coordination between actors involved in the fight against trafficking, initiatives regarding law reform, law enforcement, and awareness-raising among law enforcers as well as the general population, initiatives for more general capacity-building and return and reintegration programmes. It is still too early to judge these initiatives on their effectiveness. Yet, before developing new initiatives, it may be useful to look at the existing ones and where possible improve, strengthen and extend them to other countries in the region that are not included. Evaluation and follow-up of counter-trafficking initiatives thereby plays an important role, as it will help to keep the recommended counter-trafficking activities going and, where necessary, adapted to changing or new situations.

A more integrative approach may also be most useful for the problem of finding a common definition of trafficking. Some have referred to the important role the United Nations Convention against Transnational Organized Crime (see Annex) could play in coming to an internationally accepted definition, while others have criticized it for approaching trafficking too much as a criminal problem. The question is, however, whether it is possible – considering the controversies, emotions and interests involved – and truly necessary at this point to come to one common definition. The diverse facets involved in the problem of trafficking have contributed to diverse approaches to combat trafficking, as outlined in part two. For a comprehensive counter-trafficking strategy, it may be necessary to make valuable use of these diverse approaches and analyse how they can strengthen and complement each other in the fight against the abuses and exploitation inherent to trafficking.

A proper and thorough analysis of the trafficking situation is of essential importance to the development of effective strategies. Kelly and Le (1999) write that “the

task of those agencies involved in trafficking issues is to accurately determine what actions are required to be the most effective to stop trafficking. To date no country has actually presented a model of intervention that has been totally effective in stopping trafficking completely.... Part of this problem may be because no suitable framework for analysis has been developed on which to approach the formulation of coordinated interventions within a set system.” They rightfully state that the causes of trafficking, and therefore solutions to the problem, are multi-faceted and should be considered from various levels, including the societal, institutional, community and family levels.

In order to come to such a multi-level analysis of the trafficking situation on a country basis, good data and information are necessary. Though many studies have been conducted, and are still conducted, on trafficking in the region, there are still many gaps in knowledge regarding the problem. These gaps in knowledge differ for each individual country. About Indonesia, for example, very little information is available on the general trafficking situation, whereas much more information is available on the diverse forms and patterns of trafficking in Thailand. Yet, though various studies have contributed to a better understanding of the trafficking situation in Thailand, there too no multi-level analysis of the trafficking issue has been made.

An analysis of the trafficking issue should, however, not remain on the national level, but be extended to the regional and cross-regional level. The various regional efforts that have been developed are of great importance to finding proper responses to the trafficking issue in South-East Asia. Among the efforts that need strengthening and further development are not only law enforcement, criminal prevention and prosecution initiatives. These initiatives will not suffice if they are not accompanied by mechanisms for a proper migration management in order to make legal migration in and outside of the region possible where desirable for potential migrants and potential labour importing areas, thereby guaranteeing the rights of migrants. Such efforts may also include regional and cross-regional cooperation in defining migration needs and procedures, and combating abuse and exploitation of migrants, including the trafficking of children. For the migrants, new or improved pre-departure training could be developed, providing information about, amongst others, the rights of migrants, health issues, support structures in sending and receiving countries, and other issues that are important for migrants going to particular countries. In receiving countries, structures for migrant workers and trafficked persons could be extended or set up, in order to provide relevant information and assistance in their own languages.

These efforts should not only involve governments, but also NGOs and international organizations working on the issue. Over the years, these various organizations have acquired expertise in the development and implementation of

counter-trafficking initiatives. While some organizations have specialized more on advocacy and awareness-raising or research, others have been involved in providing direct assistance to trafficked persons in shelters, through counselling, training and return programmes. A referral system between these organizations, including relevant government departments may help to improve cooperation and coordination, and as such the use of their specific specializations. Instead of aiming at a diversification of activities within single organizations, a network of support structures should be set up on a national as well as regional and cross-regional basis, thereby stimulating capacity-building within these organizations. Such a network should include support structures on all stages of the trafficking process, including the legal situation and enforcement, prevention, protection, and return and reintegration.

NOTES

1. This study focuses especially on the latter three interventions. For a more extensive analysis of the legislation related to trafficking in particular countries in the region see, for example, Viti Muntarborn, *The Trafficking in Women and Children in the Mekong Sub-region: Law and Policy as Effective Countermeasures ?*, 1997; UNICRI/AIC, *Rapid Assessment: Human Smuggling and Trafficking from The Philippines*, 1999; and the country reports written in relation to the Regional Conference on Illegal Labor Movements: The Case of Trafficking in Women and Children, organized by the Mekong Regional Law Center.
2. See note 1.
3. This section is largely derived from the paper "From White Slaves to Trafficking Survivors: Notes on the Trafficking Debate", prepared by the author for the Conference on Migration and Development, Princeton University, May 2000.
4. Abolition here meant not necessarily the elimination of prostitution, but the elimination of regulation and tolerated houses for prostitution (Bullough and Bullough 1987).
5. The original countries were France, Germany, Great Britain, Italy, Russia, Sweden, Denmark, Belgium, Holland, Spain, Portugal, Norway and Switzerland. Later Austria-Hungary, Brazil and the United States also adhered to the terms (Bullough and Bullough, 1987: p.360 n.30).
6. For a discussion on definitions of trafficking see, for example, Caouette (1998), Skeldon (2000), UNICRI/CICP (1999), Salt and Hogarth (2000).
7. Wijers and Lap Chew gave a good overview of the developments and themes regarding trafficking definitions and approaches among different international organizations and institutions in their book *Trafficking in Women, Forced Labour and Slavery-like Practices in Marriage, Domestic Labour and Prostitution*. This analysis is partly based on their overview and partly on an analysis of other relevant documents (see Bibliography).
8. See Annex for an overview of international instruments.

9. Descriptions of projects and programmes are derived from documents produced by diverse organizations and from national or regional compilation reports.
10. This section gives a selection of some of the best-known regional NGO initiatives.
11. See also Fiona David, 2000, *Human Smuggling and Trafficking: An Overview of the Response at the Federal Level*. This report, written for the UNODCCP Global Programme, summarizes information on human trafficking to and trafficking responses in Australia.
12. For a survey of the situation and responses of trafficking in the EU and recommendations for improvement, see also *Trafficking in Women*, Working Paper written by Carmen Galiana for the Directorate General for Research of the European Parliament, 2000.
13. See, for example, the detailed study commissioned by the DCI Exceptional Intelligence Analyst Program titled *International Trafficking in Women to the United States: A Contemporary Manifestation of Slavery and Organized Crime*, by Amy O'Neill Richard, 1999.
14. Originally HR 3244, now the Victims of Trafficking and Violence Protection Act.
15. In 1928 this Act was instituted in order to deal with the large number of Chinese women brought into Thailand, or through Thailand to third countries.
16. See for example Asia Watch, 1993, Hughes, 1998 and Murray, 1998.
17. See *Trafficking in Humans from and within Vietnam: The Known from a Literature Review, Key Informant Interviews and Analysis*, 1999, by Paula Kelly and Duong Bach Le.
18. Illegal recruitment refers to the recruitment of workers for employment overseas without a license, but also refers to a situation that involves false information about the employment, false documents, placing workers in morally harmful or unhealthy employment situations, contract substitution or withholding or denying travel documents for monetary consideration.
19. Other countries are Austria, Benin, Brazil, Côte d'Ivoire, Czech Republic, Finland, Germany, Netherlands, Nigeria, Poland and Togo. The programme will be expanded in 2001 to include other countries.
20. ILO has also been involved in research activities focusing on migrant workers in receiving countries in the Middle East.

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INTERNATIONAL INSTRUMENTS

The issue of trafficking has received increasing international attention during the past two decades. This is especially reflected in the statements and conventions produced by international organizations, networks and bodies. The United Nations' concern with the issue of trafficking has a long history and proceeds through various bodies and commissions. Several initiatives to counter trafficking have been developed under the auspices of the General Assembly and the functional commissions of the Economic and Social Council. Furthermore, special rapporteurs have been appointed to address the issue of trafficking in human beings and the exploitation of prostitution of others, violence against women and its causes and consequences, the sale of children, child prostitution and child pornography (CICP/UNODCCP, 1999). The various international instruments and plans of action developed by the United Nations function as important tools urging governments to accept their responsibility in the fight against trafficking and to develop appropriate responses. To what extent these instruments are in force and binding for individual countries depends on the conditions set by the instrument itself and whether it was ratified at all by the concerned countries. Below follow some important international conventions, declaration and other instruments directly or indirectly addressing the issue of trafficking in human beings, and the state of ratification by countries in South-East Asia.¹

Conventions

Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 1949.

This convention states that “prostitution and the accompanying evil of the traffic in persons for the purpose of prostitution are incompatible with the dignity and worth of the human person and endanger the welfare of the individual, the family and community.” Punishable are persons who procures, entices or leads away, for purposes of prostitution, another person, even with the consent of that person as well as the exploitation of prostitution of another person, even with the consent of that person.

¹ See for a detailed overview: Council of Europe, 2000, *Compilation of the Main Legal Instruments and Analytical Reports Dealing with Trafficking in Human Beings at International, Regional and National Levels*, Volume I, International and Regional Texts, Strasbourg; and United Nations, 1994, *A Compilation of International Instruments*, Volume I, Universal Instruments, New York and Geneva.

Slavery Convention, 1926.

Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956.

These conventions were designed to develop and intensify national as well as international efforts towards the abolition of slavery, the slave trade and institutions and practices similar to slavery.

Forced Labour Convention, 1930.

This ILO convention has been developed with the view to suppress forced or compulsory labour, which is defined as all work or service for which the said person has not offered himself voluntarily.

Convention on the Elimination of All Forms of Discrimination against Women, 1979.

Article 6 of this Convention urges State Parties to take appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

Convention on the Rights of the Child, 1989.

Articles 34 and 35 of this Convention state that State Parties shall take all appropriate national, bilateral and multilateral measures to protect the child from all forms of sexual exploitation and sexual abuse and to prevent the abduction of, the sale of or traffic in children for any purpose or in any form. An optional protocol dealing specifically with the sale of children, child prostitution and child pornography has been adopted by the General Assembly in 2000.

International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families, 1990 (not in force).

This convention calls, amongst others, for the prevention and elimination of clandestine movements and trafficking in migrant workers, while at the same time assuring the protection of their fundamental human rights.

Rome Statute of the International Criminal Court, 1998 (not in force).

This Statute was adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court in 1998. The Statute defines amongst others, enslavement – the exercise of any or all powers attaching to the right of ownership over a persons, including due to trafficking in persons, particularly women and children – sexual slavery and forced prostitution as “crimes against humanity” when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack.

ILO Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999.

This convention urgently calls for immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour. The worst forms of child labour comprise, amongst others, forms of slavery or practices related to slavery such as the sale and trafficking of children, child prostitution and pornography, illicit activities, or any kind of work that could harm the health, safety or morals of children.

UN Convention against Transnational Organized Crime, 2000 (under preparation).

This convention is supplemented by a Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children and a Protocol against the Smuggling of Migrants by Land, Air and Sea. The Protocol on Trafficking addresses the criminalization of trafficking, the prosecution of traffickers, the protection of trafficked persons and the prevention of trafficking through legal and other measures.

RATIFICATION OF INTERNATIONAL CONVENTIONS
BY SOUTH-EAST ASIAN COUNTRIES

	Trafficking Convention	Slavery Convention	Forced Labour Convention	CEDAW	Child Rights' Convention	Migrant Workers Convention	Worst Forms of Child Labour Convention
Cambodia			R. 1969	R. 1992	R. 1992		
Indonesia			R. 1950	R. 1984	R. 1990		R. 2000
Laos	R. 1978		R. 1964	R. 1981	R. 1991		
Malaysia			R. 1957	R. 1995	R. 1995		
Myanmar	S. 1956	R. 1957	R. 1955	R. 1997	R. 1991		
Philippines	R. 1952			R. 1981	R. 1990	R. 1995	
Singapore	R. 1966		R. 1965	R. 1995	R. 1995		
Thailand			R. 1969	R. 1985	R. 1992		
Viet Nam				R. 1982	R. 1990		

R. = ratified; S. = signed.

Source: <http://www.unhchr.ch/html/intlnst.htm> and <http://ilolex.ilo.ch:1567/public/english/docs/convdisp.htm>.

Declarations, Resolutions and Other Instruments

Trafficking and counter-trafficking measures have been addressed directly or indirectly, in addition to the plans of action developed in conjunction with some of the above mentioned conventions, in a variety of declarations, resolutions and other instruments, such as:

- *Universal Declaration of Human Rights*, 1948.
- *Declaration on the Rights of the Child*, 1959.
- *Vienna Declaration and Programme of Action of the World Conference on Human Rights*, 1993.
- *Declaration on the Elimination of Violence against Women*, 1993.
- *Programme of Action of the International Conference on Population and Development*, Cairo, 1994.
- *World Summit for Social Development*, Copenhagen, 1995.
- *Beijing Declaration and Platform for Actions of the Fourth World Conference on Women*, 1995.
- *ECE Regional Preparatory Meeting on the 2000 Review of Implementation of the Beijing Platform for Action*, 2000.

Furthermore, the United National General Assembly has, since 1993, adopted a series of resolutions on the *Trafficking in Women and Girls* and on the *Need to Adopt Efficient International Measures for the Prevention, Eradication of the Sale of Children, Child Prostitution and Child Pornography* and on *Measures for the Prevention of Smuggling of Aliens*.

The Economic and Social Council has adopted a series of resolutions dealing with the issue, such as the *Resolution on Measures to Prevent Illicit International Trafficking in Children and to Establish Penalties Appropriate to Such Offences* (1996), the *Resolution on Action against Illegal Trafficking in Migrants, Including by Sea* (1998), the *Resolution on Action to Combat International Trafficking in Women and Children* (1998), and the *Resolution on Human Rights of Migrants* (1999).

Since 1996, the Commission of Human Rights has adopted several resolutions on “*Traffic in Women and Girls*”, on “*Contemporary Forms of Slavery*” and on the “*Rights of the Child*”, whereby governments, intergovernmental and non-governmental organizations, and other bodies are called upon to continue and develop new measures to combat trafficking in women and children. From the office of the Secretary General and the office of the High Commissioner of Human Rights several reports have been writing on Traffic in Women and Girls. The Special Rapporteur on the

Sale of Children, Child Prostitution and Child Pornography, the Special Rapporteur on Violence against Women, as well as the Working Group on Contemporary Forms of Slavery have all reported about trafficking.

INTERPOL adopted in 1996 a resolution on “*Traffic in Human Beings and the International Exploitation of Prostitution*”. This resolutions recommends a multidisciplinary, cooperative approach regarding sharing of information and other activities aimed to combat trafficking, exploitation of prostitution and illegal marriages.