Forum: Human Rights Council I

Issue: Combatting child sex trafficking in Southeast Asia

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Introduction

Child sex trafficking is the illegal trade of children for the purposes of commercial sexual exploitation, forced labor, or a modern-day form of slavery. Trafficking in general, is a lucrative industry. It has been identified as the fastest growing criminal industry in the world. It is second only to drug trafficking as the most profitable illegal industry in the world. In 2004, the total annual revenue for trafficking in persons, especially children was estimated to be between USD $5 billion.

Trafficking of children is the recruitment, transportation, transfer, harboring, or receipt of children for the purpose of exploitation. Trafficking and commercial sexual exploitation of children can take many forms and include forcing a child into prostitution or other forms of sexual activity or child pornography.

Child exploitation can also include forced labor or services, slavery or practices similar to slavery, servitude, removal of organs, illicit international adoption, trafficking for early marriage and recruitment as child soldiers. Thousands of children from Asia, Europe, North America and South America are sold into the global sex trade every year. Often they are kidnapped or orphaned, and sometimes they are actually sold by their own families.

In South East Asia, trafficking is predominantly for forced labor. With its wide economic, social and political impacts, trafficking is a significant development issue in South-East Asia. One of the reasons for such high numbers of people trafficked or in forced labor in Asia is that many ASEAN (Association of Southeast Asian Nations) countries are at the bottom of a lot of the world’s supply chains, including for food, garments, and technology. Yet few countries in the South East Asian region have adequate laws for addressing corporate responsibility for human trafficking, including in their supply chains. Similarly, the bias towards the sex sector in the anti-trafficking response to date has left law enforcement officials ill equipped to recognize and lacking familiarity with indicators of labor trafficking.
Definition of Key Terms

Human Trafficking

Human trafficking is the illegal trade of human beings for the purposes of reproductive slavery, commercial sexual exploitation, forced labor, or a modern-day form of slavery. The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children was adopted by the United Nations in Palermo, Italy in 2000, and is an international legal agreement attached to the United Nations Convention against Transnational Organized Crime. The Trafficking Protocol is one of three Protocols adopted to supplement the Convention.

Prostitution

Prostitution is the act or practice of providing sexual services to another person in return for payment. The person who receives payment for sexual services is called a prostitute and the person who receives such services is known by a multitude of terms, including "john". Prostitution is one of the branches of the sex industry. The legal status of prostitution varies from country to country, from being a punishable crime to a regulated profession. Estimates place the annual revenue generated from the global prostitution industry to be over $100 billion.

Forced Labor

Forced labor is any work or services which people are forced to do against their will under the threat of some form punishment. Almost all slavery practices, including trafficking in people and bonded labor, contain some element of forced labor.

ASEAN

The Association of Southeast Asian Nations is a political and economic organization of ten countries located in Southeast Asia, which was formed on 8 August 1967 by Indonesia, Malaysia, the Philippines, Singapore and Thailand. Since then, membership has expanded to include Brunei, Cambodia, Laos, Myanmar and Vietnam. Its aims include accelerating economic growth, social progress, and sociocultural evolution among its members, protection of regional peace and stability, and opportunities for member countries to discuss differences peacefully.
Background

During the past decade, child sex trafficking has become an issue of growing concern in South-East Asia. It has been conservatively estimated that at least 200-225,000 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 children estimated to be trafficked into the US each year, 30,000 are believed to come from South-East Asia. 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 programs and measures.

Although previous efforts have been made to compile information on a national, regional or sub-regional 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. Southeast Asia is a sub-region of Asia, consisting of the countries that are geographically south of China, east of India, west of New Guinea and north of Australia. The region lies on the intersection of geological plates, with heavy seismic and volcanic activity.

Southeast Asia consists of two geographic regions: Mainland Southeast Asia, also known as Indochina, comprises Cambodia, Laos, Burma Thailand, Vietnam and Peninsular Malaysia, and Maritime Southeast Asia, which is analogous to the Malay Archipelago, comprises Brunei, East Malaysia, East Timor, Indonesia, Philippines, Christmas Island, and Singapore. Trafficking in human beings, especially children, has gained prominent status on the global stage. This phenomenon has become subject to increasing attention by academics, the media and policymakers alike. Anti-trafficking initiatives have mushroomed, at both the global and regional level, and trafficking projects have become an important item on international development agencies’ agendas in recent years.

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. 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. Of the
45-50 thousand 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. Human trafficking from mainland Southeast Asia in the modern period started in the 1960s in connection with the presence of United States troops in Indochina. Thailand has been recognized as a receiving, sending and transiting destination from and, into other Asian countries such as Burma, Philippines, Korea, and Japan in addition to Europe, the Pacific region, and North America.
Major Parties Involved

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 Labor. 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.

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 Programs 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.

UNDP

Trafficking in Women and Children in the Mekong Sub region. 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 sub region. 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.
Previous Attempts to Solve the Issue

The crime of human trafficking has not always received the attention it should. In 2000, a United Nations protocol called The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children was passed, as part of a convention against Transnational Organized Crime. This was the greatest step towards a united front devoted to stopping the trafficking of humans. It also provided the boon of defining exactly what human trafficking was. It mainly entails the safety of those involved in trafficking, and providing homes, shelter, and rights to those made victims of it. It even seeks to provide medical attention and psychological help, if need be. It also seeks to punish those committing human trafficking, as well as others such as parents or guardians who may have sold children. While the act itself sets an excellent foundation for the care of trafficked persons after the event, there is little in the way of preventing it all together. As of October 2009, it has been signed and ratified by 117 countries.

The protocol also introduces a policy called The Anti-Trafficking Policy Index. The index can be used to compare and measure the amount of policy requirements met by each nation. The requirements are those stated in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children.
Possible Solutions

- Authorities should act on the areas of focus identified in the overview document and ratify and implement ILO Convention 189 on Decent Work for Domestic Workers, and the UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
- Address discrimination against individuals and ensure they have effective access to identity documents and birth registration for their children.
- Move towards an ethical recruitment model where the worker is not charged for their recruitment. Invest in comprehensive data gathering regarding trafficking into all sectors, disaggregated by age, gender, and nationality.
- Reform the overseas recruitment system to make it more accessible, and to better define the oversight and monitoring roles of the various government agencies involved in the migrant labor system.
- Expand counter-trafficking efforts to encompass men, as well as women and children. This should include training police and other front-line responders to recognize trafficking in male-dominated industries, and expanding the role of specialized police units to include crimes involving men victims.
- Ensure the implementation of the amended 2010 ATIP Act does not conflate trafficking and smuggling of persons in practice. Develop and implement procedures to identify labor trafficking victims amongst documented and undocumented migrant workers.
- Revise the Anti-Trafficking laws in order to adopt adequate legislation to address corporate liability for trafficking and ensure that it is enforced, extend protection measures for victim-witnesses to men who are trafficked, amend sentencing provisions to be commensurate with the seriousness of the crime rather than gender of the victim.
- Make use of existing community networks including youth, schools, universities and clubs, to share information about safer migration.
- Implement systematic monitoring of high migrant labor industries: agriculture, domestic work, fishing, seafood processing, and manufacturing especially garment factories.
Bibliography

Annuska Derks Prepared This Report As An Independent Consultant To The International, O Rganization For Migration. Opinions Expressed In This Document Are Those Of The Author, And Do Not Necessarily Reflect The Views Of Iom. "Combating Trafficking in South-East Asia A Review of Policy and Programme Responses." Combating Trafficking in South-East Asia (n.d.): N. Pag.


