



# NTS ALERT

## Human Trafficking in Southeast Asia

### Human Trafficking in the Greater Mekong Sub-Region

Trafficking in persons in the Greater Mekong Sub-Region (GMS) consists of several distinct patterns:

- Trafficking from Cambodia, China, Laos and Myanmar/Burma to Thailand for labour and sexual exploitation
- Trafficking of children from Cambodia to Thailand and Vietnam and recently from Vietnam to Cambodia, Laos and Thailand for begging
- Trafficking of women and girls from Vietnam, Laos, and Myanmar to China for forced marriage
- Trafficking of boys from Vietnam, Laos and Myanmar to China for adoption
- Domestic trafficking of kidnapped children in China for adoption and of women and girls for forced marriage
- Trafficking of women and girls from Vietnam to Cambodia for commercial sexual exploitation

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*“Human trafficking affects us all, whether we live in countries of origin, transit or destination.”*

*- Deputy Secretary-General of the United Nations Asha-Rose Migiro*

In March 2005, member countries of the Greater Mekong Sub-region, including Cambodia, Laos, Burma, Thailand and Vietnam collaborated on the Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT), a significant step in the region’s fight against human trafficking (see page 4).

#### Thailand

Large numbers of illegal migrants in Thailand present traffickers with numerous opportunities by forcing and coercing them into labour or sexual exploitation. Women and children are trafficked from Myanmar, Cambodia, Laos, China, Russia, and Uzbekistan for commercial sexual exploitation in the country. A number of women and girls from Myanmar, Cambodia, and Vietnam transit through Thailand’s southern border to primarily Johor Bahru, Malaysia for sexual exploitation. Thai and hill tribe women (many of whom until recently were not conferred citizenship) and girls are trafficked from within and outside to Japan, Malaysia, South Africa, Bahrain, Australia, Singapore, Europe, Canada, and the United States for sexual exploitation.



The government has sustained impressive efforts in addressing trafficking for sexual exploitation, though its response to incidents of labour trafficking has been limited. In September 2006, the Thai police raided a shrimp-processing factory and rescued 800 Burmese men, women, and children. The victims' documents were confiscated while being confined in a premise surrounded by barbed wire and armed men. They were cruelly subjected to conditions of involuntary servitude, physical and psychological abuse. While the females rescued were classified as trafficking victims, an unknown number of rescued males were deported to Myanmar without any determination of their status as victims. The three factory owners were arrested and would face criminal charges in addition to a civil suit and regulatory fines. However, the factory remains in operation.

The country is also making progress in improving the legislature surrounding human trafficking and in its commitment to solving problem. Current legislature in Thailand regarding human trafficking only encompasses sexual exploitation and does not criminalize bonded labour, or trafficking against men. However, a latest draft of a comprehensive anti-trafficking legislature has been approved by the cabinet, and is currently being forwarded to the National Legislative Assembly for consideration.

The Memorandum of Understanding on Common Guidelines for Practices for Concerned Agencies in the Seventeen Northern Provinces in the Prevention, Suppression and Solution of Human Trafficking, was also recently signed by Thailand's Ministry of Social Development and Human Security (MSDHS), UNICEF Thailand, Plan Thailand (an international development agency working with and for children) and state agencies in 17 Northern provinces. The memorandum seeks to ensure that assistance will be provided to all trafficking victims regardless of their gender or nationality (or absence of nationality, in the case of stateless people), highlighting the victim-centred approach championed in COMMIT.

The country has also stepped up its efforts to educate high-risk populations of the dangers of

human trafficking. Human trafficking, forced labour and forced prostitution have been included in the educational curriculum of hill-tribe youths in the northern province of Chiang Rai. Chiang Rai is a major transit point for traffickers due to its proximity to the borders of Myanmar and to China, where human trafficking is rampant as well. This is a pilot program launched with support from the International Labour Organization.

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## Vietnam

Vietnam is a source and destination country for victims of trafficking. In some cases, traffickers disguise victims as tourists or workers under a labour export program and traffic them to Hong Kong, Taiwan or Malaysia. Internet chat rooms and pseudo job service centres are also common places to lure unsuspecting victims. Vietnamese women are also trafficked through brokered marriages to Taiwan and South Korea; the number of brides destined for South Korea has doubled in the past five years, as Taiwan adopts more stringent criteria for Vietnamese women entering the country for marriage. Just this May, Ho Chi Minh authorities claim to have broken up an illegal matchmaking business where South Korean men could choose from 118 potential 'brides'.

The Vietnamese government has demonstrated increased law enforcement efforts to combat the trafficking problem within the country. The 2003 Ordinance on Prevention of Prostitution criminally prohibits all forms of sex trafficking. Penalties prescribed for trafficking for sexual and labour exploitation are also sufficiently severe. In 2006, Vietnamese courts reportedly tried more than 700 trafficking cases nationwide, with a total of 1,700 victims. 500 individuals were subsequently convicted on trafficking charges with several receiving the 20-year maximum sentence.

The Vietnamese government also seeks to improve its victim protection mechanism. The 2005-2010 State budgets provided for \$4.86 million in funds to improve services and facilities for returned and at-risk women and children. New regulations and specific government-wide protocols for the return and reintegration of trafficking victims were also issued. In an effort to protect workers from debt bondage, the Ministry of finance issued a law (known as Decision No. 05/2007), which established maximum rates for labour export brokerage fees. This Decision stipulates that these fees may be charged only once, and must be reflected in the workers' contract. The government has in the meanwhile increased efforts to build public awareness of human trafficking, and also

established a global fund where Vietnamese embassies and consulates can tap into to aid the repatriation of trafficking victims.

### **Sources**

Human Trafficking In Vietnam: An Update, *OpEd News*, 11 April 2007

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Trafficking in Persons Report, *Department of State, United States of America*, June 2007

## Cambodia

The Cambodian government is making significant efforts to combat human trafficking in the country. Unfortunately, its efforts are often hindered by public officials' complicity in trafficking. Most forms of trafficking is prohibited in the country through its 1996 Law on the Suppression of the Kidnapping, Trafficking and Exploitation of Humans, and its 1997 Labour Law which covers debt bondage, slavery, and forced child labour. However, the government has yet to pass a comprehensive anti-trafficking law that has been in the drafting process for the past seven years.

In 2006, Cambodia's police investigated 49 cases of human trafficking involving 65 perpetrators, of which there were 10 convictions with penalties ranging from 1 to 18 years' imprisonment. Also, 37 cases were tried in the Phnom Penh Municipal Court, resulting in the 53 convictions with penalties ranging from 5 to 24 years' imprisonment. The government has also made some efforts to deter civil servants' involvement in the crime. The former Deputy Director of the Police Anti-Human Trafficking and Juvenile Protection Department was convicted for complicity in trafficking and sentenced to five years' imprisonment while two officials under his supervision were also convicted and sentenced to seven years' imprisonment.

The case of Svay Pak however, highlights the difficulties the country faces in combating the problem. Svay Pak has been said to be a haven for paedophiles where children aged 10 and younger are available for sex. Before November 2004, when it was first officially declared closed





by the government, it was a thriving red light district. In a bid to attract legitimate investment to the area, Phnom Penh Municipality declared in

December 2004 that a modern shopping center would be constructed at Svay Pak.

### **Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT)**

The COMMIT process first began as a series of informal discussions between representatives from several of the GMS governments in mid-2003. The possibility of a sub-regional mechanism was formally raised at a GMS government gathering and through UNIAP's (United Nations Inter-agency Project) facilitation, the concept quickly gained support from all GMS governments. Inter-agency COMMIT task forces were established and they built momentum in drafting the Memorandum of Understanding (MoU) through liaison between the various governments. 85% of the MoU was finalized within the first Senior Officials' Meeting (SOM1) in Bangkok in July 2004. The finalized MoU was signed on 29<sup>th</sup> October 2004 at the first COMMIT Inter-Ministerial Meeting (IMM) in Yangon.

COMMIT's MoU mirrors the criteria presented in the Palermo Protocol, highlighting the region's efforts to be on par with international standards in its initiatives. Besides adopting the protocol's definition and 'victim-centred' approach, the MoU calls for multi-sectoral responses that addresses both 'demand' and 'supply' issues, and recognizes the need for the application of labour laws.

At SOM2, the Sub-regional Plan of Action (SPA) Framework Document was drawn up, grouping proposed activities into seven broad areas. A series of seven Area Roundtables and national consultations were held based on the "Framework Document", where recommendations for better implementation of the SPA were discussed. The COMMIT SPA was finally adopted by all six governments in March 2005. The SPA comprises eleven areas of intervention and one area of management:

1. Regional Training Programme
2. Identification of Victims and Apprehension of Perpetrators
3. National Plans
4. Multi-sectoral and Bilateral Partnerships
5. Legal Frameworks
6. Safe and Timely Repatriation
7. Post-harm Support and Reintegration
8. Extradition and Mutual Legal Assistance
9. Economic and Social Support for Victims
10. Addressing exploitative brokering practices
11. Cooperation with Tourism Sector
12. Management – Coordination, Monitoring and Evaluation

The fourth regional training programme convened from 28 August to 6 September 2006 in Mekong Institute, Khon Kaen, Thailand; the next COMMIT IMM will be held in Beijing this December.

*\*The Palermo Protocol is the United Nations Protocol to prevent, suppress and punish trafficking in persons especially women and children. It defines sexual trafficking as the movement of human beings for sexual exploitation. Created in 2000, the Palermo Protocol urges each country to provide for the physical, psychological and social recovery of victims of trafficking, including in appropriate cases the granting of a residency permit, appropriate housing, medical help and counselling.*

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These measures have instead forced the business to go underground. Since early this year, the area is once again back in business, following reduced government attention in the past years. Raids in the area have often been thwarted by the local police, who inform traffickers of the impending raids. The victims are difficult to identify, since many of the girls are not housed in brothels, but actually live with their mothers. They are brought out to meet clients by pimps when there is a demand. The involvement of local communities and even families continue to complicate any effort to fight human trafficking in Cambodia.

Still, progress is evident as a first national task force to combat human trafficking in the country was launched this April by the government. The new task force aims to improve coordination and communication between government ministries, law enforcement groups and the 200-odd international agencies that champion anti-

trafficking causes in the country. Currently, there is a duplication of efforts among these organizations, unnecessary competition for donor funds and a lack of clarity of trafficking data, making it difficult to monitor the success from any implemented anti-trafficking measures.

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Svay Pak Child-Sex Trade Back in Business – Again, *Cambodia Daily* May 25, 2007

Trafficking in Persons Report, *Department of State, United States of America*, June 2007

#### **China**

Trafficking within the China's borders is most significant, with an estimated minimum of 10,000 to 20,000 victims trafficked internally each year of which 90% are women and children. The victims are trafficked primarily from Anhui, Henan, Hunan, Sichuan, Yunnan, and Guizhou Provinces to the richer provinces along the east coast for sexual exploitation.

Not all forms of trafficking, such as debt bondage, or commercial sexual exploitation involving coercion or fraud, is prohibited in China. Its criminal code bans forced labour by employers, but the prescribed penalties of up to three years' imprisonment and/or a fine under this law are rather lenient, though sometimes serious cases can draw harsher penalties. Despite the weak legislature, China has maintained its level of law enforcement against traffickers over the past few years. In Anhui province, at least 6 traffickers have been convicted and sentenced to life imprisonment in December 2006.

The Chinese government began to fund programs that help reintegrate trafficked women into their local communities and relieve the societal stigma attached to the victims in 2004. The government also expanded its efforts to raise public awareness of trafficking through a mass communications effort to educate people and local government leaders on trafficking in collaboration with UNICEF and Vietnam. Under COMMIT, anti-

#### **Human Trafficking Ring in Asia Exposed**

Cambodian police have cracked a major human trafficking ring involving Sri Lankan and Pakistani nationals involved in shipping people to third countries via Cambodia. The alleged suspects have been deported to face trial in their respective countries.

According to police sources, the alleged group had planned to send more than 200 South Asians, mainly adult men, on to an undisclosed third country next month via Cambodia. It is possible that the group may have also been behind other incidents of illegal migrants passing through, to reach Western destinations such as Australia and Europe.

Police said the group used a network of Indian restaurants as cover and that the network stretched through the port town of Sihanoukville, the coastal town of Kampot, the northern tourist hub of Siem Reap, and Phnom Penh.

Cambodia has been working in cooperation with the home countries of the accused to make the arrests. Prime Minister Hun Sen declared the fight against human trafficking is to be a primary priority for the Cambodian government.

#### **Source**

Cambodia cracks human trafficking ring, *Bangkok Post*, 11 Sep. 07





trafficking children's forums have been set up in Nanning, Guangxi and Beijing.

This year, the government succeeded in dismantling 13 transnational trafficking networks and rescuing 193 victims in cooperation with Vietnamese authorities. Several public awareness campaigns were also held. The authorities of Yunnan Province organized a media outreach seminar to raise awareness among journalists of anti-trafficking strategies, victim protection, and relevant legislation. Sichuan authorities targeted major labour markets with informational posters, public service announcements on large television screens in the markets and the distributed pamphlets explaining legal protections, resource information, and hotline numbers for at-risk migrant workers.

However, China has yet to adopt its draft national action plan to combat trafficking in persons, nor ratified the Palermo Protocol (for details of this protocol, see section on 'Coordinated Mekong Ministerial Initiative against Trafficking'). Just earlier this year, news surfaced of thousands of youths kidnapped and enslaved in brutal conditions in the brick kilns of Shanxi province for forced labour. Following immense public outcry, massive crackdowns on the kilns by the authorities ensued. However, the prosecution of several low-ranking officials and owners of the kilns were deemed as cursory and too lenient by the public, who blame the leniency largely on the connections these offenders have with high-ranking government officials.

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### **The Structure and Processes of Organized Crime Networks in Human Trafficking: Case Study of Philippines and Malaysia**

UNODC researched on six individual studies focusing on the recruitment and transportation phases in human trafficking cases in the Philippines, and also on the organization of crime networks in Malaysia, the destination country in these studies. The report, "Coalitions against Trafficking in Human Beings" has yet to be published. The main findings (pertaining to human trafficking) are:

#### **❖ Recruitment and Exit from Philippines**

- Filipino criminal networks are relatively small with specialised tasks.
- Recruiters are often women, and are also often colleagues of employees and club owners from destination countries.
- The female victims had contact with only one or a few persons at each phase of the trafficking process
- The victims left Philippines either individually or in small groups but would often join large groups of women working for the same 'company' upon arriving at the destination country.
- Small scale Philippine recruitment agencies are thus often working for more large-scale employers of the destination country.
- Victims had reported collusion between government officials, and the recruiters and traffickers. Corrupt officials facilitated the procurement of immigration documents or escorted victims with fraudulent documents through immigration check-points.

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❖ **Organization of ‘Sindiket’ (syndicates) in Malaysia**

- Criminal groups (in Western Malaysia) range in size, but the majority of groups have between six and ten members.
- Organized crime groups consist of four levels:
  - i. Level 1 includes people whose identities are extremely secret, but in general are known to be well-known and powerful people.
  - ii. Level 2 includes individuals who receive orders, pass on information and give instructions to the third level.
  - iii. Level 3 involves people on the ground. They organize activities and work closely with the fourth level. Some examples are pimps, madams or the owners of small brothels.
  - iv. Level 4 consists of ‘errand boys’ who arrange transport and purchase food for the female victims. They are also responsible for passing on information to the victims, finding other potential victims and clients, and source for opportunities for expansion of the ‘business’.

These extensive crime networks even employ specialized legal advisors in order to exploit loopholes in the law. In the Philippines, prosecuting employers of trafficking victims requires the proof of identity of the female victim. An entertainment company involved in the crime was aware of this, and circumvented this by recording all payments of salary to and debts incurred by the women employees under code numbers, and not under the names in their passports. This complicates the prosecutor’s case due to the difficulty in proving that the women were indeed working for the company.

**Source:**

Global Patterns, *United Nations Office of Drugs and Crime*, April 2006

