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Trafficking in Persons and Forced Labour: Southeast Asian Scenario

By Helena Huang Yixin and Vincent Mack

Synopsis

In 2013, the United Nations General Assembly designated 30 July as the ‘World Day against Trafficking in Persons (TIP)’. One key objective is to “raise awareness of the situation of victims of human trafficking”. What is the state of TIP and forced labour in Southeast Asia, and what is ASEAN doing about it?

Commentary

SOUTHEAST Asia is currently the seventh largest global economy with a combined Gross Domestic Product of US\$2.4 trillion in 2015. It is also home to around 615 million people, making it the third-largest labour force in the world behind China and India. An active area for international and intraregional migration, the region creates opportunities for human trafficking and forced labour to take place.

The *2016 Global Report on Trafficking in Persons* by The United Nations Office on Drugs and Crimes reinforced their previous findings that a person’s socio-economic profile can be a determining factor in their level of vulnerability. Individuals living in poor or displaced and marginalised societies have a higher tendency to be targeted and offered false work prospects in other countries by traffickers or middlemen recruiters.

Growing Demand for Labour, Growing Vulnerability

Recruiters sometimes charge for the recruiting process, or engage in certain activities that force trafficked victims into situations of servitude. An example is when passports are confiscated and victims have to surrender to long working hours without proper pay, unable to return home.

According to the *2016 Trafficking in Persons Report* by the United States Department of State, many of the TIP victims identified in the Southeast Asian region are found in labour intensive industries, including in the fishing and seafood industries and in oil palm production.

The rising global demand for fish has caused an increased need for physical labour onboard fishing vessels. Over a short period of five years, the global per capita fish consumption has risen from 17 kilogram in 2011 to above 20 kg in 2016, according to the Food and Agriculture Organisation. In the Southeast Asian region, Thailand, Indonesia and Vietnam are among the world's largest fish and seafood producers. Trafficked victims found in the fish and seafood industry have been identified as coming from neighbouring states, such as Myanmar, The Philippines, Cambodia and Laos.

Manual labour is often needed on fishing trawlers out at sea for long hours and sometimes days, and in shrimp peeling sheds to prepare de-shelled prawns for ready global consumption. With the fishing vessel often out at sea, it is difficult for governments to monitor the working conditions onboard. Workers are sometimes tricked to work on vessels with little or no pay. Being constantly surrounded by water also means that escape is difficult for these workers.

Oil Palm Industry Next

In recent years, the global consumption of palm oil has more than doubled, particularly due to the cheap oil being an ideal raw material in the production of packaged food. As of 2012, Malaysia and Indonesia accounted for approximately 85 per cent of global palm oil production. The steady expansion of land cultivated for palm trees has caused an increase in the manual labour needed for the harvesting process, which is recruited both domestically and from neighbouring states.

In fact, research done by the Schuster Institute and Amnesty International discovered that the increased pressure in demand from consumers is responsible for driving up the numbers for forced labour in the palm oil industry.

Workers on oil palm plantations are not only involved in the cultivation and fertilising of palm trees. They are also responsible for harvesting fresh fruit bunches using long sickles and for collecting fallen loose fruitlets by hand. It is therefore not uncommon for the labour-to-land ratio for each worker to be 10 hectares of land. Labour abuses such as long working hours, passport confiscation, induced indebtedness, contract substitution and non-payment or underpayment of wages have been observed.

Due to the isolated nature of oil palm plantations and the outsourcing of recruitment, it is often difficult to detect labour abuse. This situation is further intensified when 'kernet workers' – helpers who have no direct employment relationship with the plantation companies – are hired to meet the harsh demands of harvesting the fruits in their prime condition.

Recent Efforts to Reduce Human Trafficking

In its effort to reduce human trafficking in the region, the ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP) was introduced and entered into force on 8 March 2017. As the only regional instrument associated with TIP, the ACTIP paves the way and provides guidelines for ASEAN Member States (AMS).

Since the ASEAN Declaration Against Trafficking in Persons Particularly Women and Children was adopted in 2004, ASEAN states have been playing their role in this regional plan. Thailand has implemented amendments to the Fisheries Act by installing Global Positioning Systems (GPS) tracking devices on Thailand-registered fishing boats to assist in the monitoring of fishing vessels.

Malaysia has taken measures to enhance its labour investigations and enforcement activities to ensure employers in the palm oil industry abide by their employment laws. Seven out of the ten member states now have domestic legislations targeted at the investigation and prosecution of TIP.

ASEAN – Moving Forward

To maximise the efforts in combating human trafficking in the region, governments need to continue to pay more attention to the push and pull factors in their own countries. Peoples of ASEAN need to feel secure and confident in their governments and of their future. When they do not perceive a desperate need to seek employment opportunities in other countries, their chances of being trafficked for forced labour decreases.

It is also important for ASEAN to persist in its engagement with civil society organisations and enforcement agencies to counter the trans-boundary nature of TIP. More international organisations and their networks must be utilised to provide education and support throughout the region. It is only with concerted efforts and increased transnational communication that the ACTIP can fulfil its potential in combating trafficking in persons in the Southeast Asian region.

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