

**UN WOMEN ISSUE BRIEFS ON  
WOMEN'S HUMAN RIGHTS IN THE ASEAN REGION**

## **TRAFFICKING IN WOMEN**

It has been conservatively estimated that at least 200,000-225,000 women and children from Southeast Asia are trafficked annually, this represents nearly one-third of the global trafficking trade.<sup>i</sup>

According to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol) Article 3 (a), "trafficking in persons" means the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation includes, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

According to the ILO, the majority of people trafficked for sexual exploitation or subjected to forced labour are female. According to researchers, both the supply and demand sides of the trade in human beings are fed by "gendered" vulnerabilities to trafficking. These vulnerabilities are the result of political, economic, and development processes that may leave some women socially and economically dependent on men. If that support from men becomes limited or withdrawn, women become dangerously susceptible to abuse. They often have no individual protection or recognition under the law, inadequate access to healthcare and education, poor employment prospects, little opportunity to own property, or high levels of

social isolation. This makes some women easy targets for harassment, violence, and human trafficking. Women of ethnic minorities and other vulnerable groups are particularly exploited.

Women who lack economic security are easy targets if they are willing to leave their country in search of work elsewhere. The elimination of discrimination against women is thus not only a human rights priority, but also key to putting an end to trafficking.

### **Forced and Bonded Labour**

The majority of human trafficking in the world takes the form of forced labour. One form of force or coercion is the use of a bond, or debt, to keep a person under subjugation. ILO's Special Action Programme on Forced Labour finds that 64 percent of trafficked victims for forced labour are women.<sup>ii</sup> Women who have been trafficked into domestic work are particularly vulnerable. Their workplace is "informal," connected to their off-duty living quarters, and not often shared with other workers. Such an environment is conducive to exploitation since authorities cannot inspect private property as easily as they can inspect formal workplaces. Without protection, foreign domestic workers may have fewer options for seeking help when faced with their employer's threat or use of force. When they are confined to a home, either through physical restraint or through the confiscation of identity and travel documents, they find it very difficult to reach out to NGOs or public authorities for assistance due to lack of awareness and fear of their employers. Even when these women escape confinement, they are often victimised again by law enforcers and treated as "illegals" in the absence of identity documents.

## **ASEAN Member States obligations**

Under the Palermo Protocol and UN Convention against Transnational Crime, States Parties are obligated to cooperate to prevent transnational organised crime; to prevent and combat trafficking in persons, paying particular attention to women and children; to protect and assist the victims of such trafficking, with full respect for their human rights through the protocol and the Convention. Currently, seven ASEAN member states have either ratified, acceded or signed the Palermo Protocol, and nine countries have either ratified, acceded or signed the UN Convention against Transnational Crime.

All ASEAN Governments have ratified the Convention on Elimination of All Forms of Discrimination Against Women (CEDAW). CEDAW asks States Parties to ensure basic human rights of all women in their territories (Article 3) and calls upon governments to take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women (Article 6).

The ASEAN Declaration Against Trafficking in Persons Particularly Women and Children was signed in November 2004. In this declaration ASEAN governments committed to establish a regional focal network to prevent and combat trafficking in persons, particularly women and children, in the ASEAN region; to adopt measures to protect the integrity of their respective passports, official travel documents, identity and other official travel documents from fraud; to undertake regular exchange of views, information sharing on relevant migratory flows, trends and pattern, strengthening of border controls and monitoring mechanisms, and the enactment of applicable and necessary legislations; to intensify cooperation among immigration and other laws enforcement authorities; to distinguish victims of trafficking in persons from the perpetrators, and identify the countries of origin and nationalities of such victims and thereafter ensure that such victims are treated humanely and provided with such essential medical and other forms

of assistance deemed appropriate by the respective receiving/recipient country, including prompt repatriation to their respective countries of origin.

All countries of East and Southeast Asia are also active participants in the Regional Ministerial Process on People Smuggling, Trafficking in Persons and Related Transnational Crime (The Bali Process) initiated by the governments of Australia and Indonesia in 2002, who serve as co-chairs to the process. The Bali Process commits ASEAN countries to address trafficking by strengthening regional capacities to combat the crimes and fostering improved intra-regional and interdepartmental cooperation.

The Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT) is a sub-regional initiative among the six Greater Mekong sub-region countries. Formed in 2004, the COMMIT partner countries have agreed on a policy framework and work plan for progressing response to trafficking in persons at national and sub-regional levels.

## **Bilateral Agreements<sup>iii</sup>**

In May 2003, the governments of Thailand and Cambodia signed an MoU on “Bilateral Cooperation for Eliminating Trafficking in Children and Women and Assisting Victims of Trafficking.” Similar, MoUs have been signed between Thailand and Lao PDR, Cambodia and Vietnam, and Thailand and Vietnam. Discussions are also underway between Thailand and Myanmar, Myanmar and China, Vietnam and China, and Indonesia and Malaysia to advance bilateral cooperation.

## **Facts on Trafficking in Women**

- Available data shows one third of the global trafficking in women and children occurs in Southeast Asia, where there are an estimated 230,000 victims.<sup>iv</sup>
- Research shows a clear link between sex trafficking and pre-trafficking domestic violence and trafficking-related gender-based violence. A noted authority on victim trauma identified domestic and

sexual violence as a key “push” factor that makes a woman vulnerable to trafficking. Almost 70 percent of adult female trafficking victims using services at an assistance program in London reported having experienced violence before being exploited in the destination setting.<sup>v</sup> Such a study does not appear to exist for Southeast Asia.

- Female victims of forced or bonded labour, especially women and girls engaging in domestic work, are often sexually exploited as well.
- Women and girls trafficked into the sex industry in Southeast Asia are at greater risk of contracting sexually transmitted infections (STIs) including HIV than other groups of female sex workers.<sup>vi</sup>
- Many trafficked persons, especially women and girls, may be unaware of their status as victims of crime or unwilling to report crimes against them to authorities they do not know and do not trust.
- Many returned victims of trafficking migrate again in order to work and make better earnings abroad. More than 70 percent of returned trafficking victims (Burmese and Filipina trafficking victims) in different studies, decided to re-migrate, even after taking advantage of conventional home-oriented reintegration programmes. Many of those who wish to re-migrate feel that during the next journey they will be better prepared for the dangers, and somehow better able to protect themselves and find a job.<sup>vii</sup>
- The belief that men migrate and women are trafficked can lead to restrictions to women’s migration in order to protect women against trafficking. While this may be well-intentioned, evidence suggests that women who must migrate for work take recourse to dangerous alternatives when restricted from migrating legally and are driven to traffickers. Restrictions do not effectively target oppressive environments or empower women to avoid or confront potential exploitation.

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