



Trafficking and related Labour Exploitation in the ASEAN region

Trafficking and related Labour Exploitation in the ASEAN region

Human trafficking has become an endemic crime facilitating the exploitation and abuse of enormous numbers of people world wide. Aside from the physical and psychological trauma many suffer, there are those who remain lumbered with extreme debts from which they and their poverty stricken families will never recover. Others become rich on their misery.

In the ASEAN region, many thousands of people are trafficked from, through and to ASEAN countries each year. This report has synthesised key current English language research on trafficking in the ASEAN region as a means to provide a basic outline of human trafficking as it is currently understood. Country profiles present trafficking within an economic and labour migration context, as consideration of both is fundamental to understanding why anti-trafficking responses are so challenging and why they must be multi-dimensional. Despite its size, this report provides only a 'snapshot' of the complexity of factors currently at play.

ASEAN NGO grassroots experience with victims provides unique opportunities to engage with national and regional policy and programming in this area. This report aims to provide a framework for this engagement.

Trafficking and Related Labour Exploitation in the ASEAN region

International Council on Social Welfare

November 2007

THIS COPY IS A FINAL DRAFT FOR CONSULTATION



Trafficking and Related Labour Exploitation in the ASEAN Region

International Council on Social Welfare

www.icsw.org

Author: Sally Cameron

Research Assistant: Janet Mitchell

ICSW acknowledges that this publication has been made possible through grants from the Ministry for Foreign Affairs of Finland and the Swedish International Development Cooperation Agency (SIDA).

For information on ICSW activities, other publications, or becoming a member, please see www.icsw.org or contact:

ICSW Global Office:
International Council on Social Welfare
P.O. Box 19129
3501 DD Utrecht
The Netherlands
Phone +31 30 789 2226 Fax +31 30 789 2111
Email: icsw@icsw.org

Table of Contents

Chapter 1. **Executive Summary -Trafficking and Associated Labour Exploitation in the ASEAN Region**

1. What is trafficking?
2. ASEAN's response

Chapter 2. **What is Trafficking?**

1. Defining trafficking
2. The role of forced labour
3. Who is trafficked?
4. Do people have a choice?
5. Why do people migrate?
6. How is labour migration organised?

Chapter 3. **Country Profiles**

Brunei Darussalam

1. Background
2. Migration System
3. Trafficking
 - 3.1 Internal Trafficking
 - 3.2 International Trafficking
 - 3.2.1 Source Country
 - 3.2.2 Transit Country
 - 3.2.3 Destination Country
4. Issues for Consideration
 - 4.1 Lack of research/data
 - 4.2 Government responses

Cambodia

1. Background
2. Migration System
3. Trafficking
 - 3.1 Internal Trafficking
 - 3.2 International Trafficking
 - 3.2.1 Source Country
 - 3.2.2 Transit Country
 - 3.2.3 Destination Country
4. Issues for Consideration
 - 4.1 Lack of research/data
 - 4.2 Government responses

Indonesia

1. Background
2. Migration System
3. Trafficking
 - 3.1 Internal Trafficking
 - 3.2 International Trafficking
 - 3.2.1 Source Country
 - 3.2.2 Transit Country
 - 3.2.3 Destination Country

4. Issues for Consideration
 - 4.1 Lack of research/data
 - 4.2 Government responses

Laos People's Democratic Republic

1. Background
2. Migration System
3. Trafficking
 - 3.1 Internal
 - 3.2 International
 - 3.2.1 Source Country
 - 3.2.2 Transit Country
 - 3.2.3 Destination
4. Issues for Consideration
 - 4.1 Lack of research/data
 - 4.2 Government responses

Malaysia

1. Background
2. Migration System
3. Trafficking
 - 3.1 Internal
 - 3.2 International
 - 3.2.1 Source Country
 - 3.2.2 Transit Country
 - 3.2.3 Destination
4. Issues for Consideration
 - 4.1 Lack of research/data
 - 4.2 Government responses

Myanmar

1. Background
2. Migration System
3. Trafficking
 - 3.1 Internal Trafficking
 - 3.2 International Trafficking
 - 3.2.1 Source Country
 - 3.2.2 Transit Country
 - 3.2.3 Destination Country
4. Issues for Consideration
 - 4.1 Lack of research/data
 - 4.2 Government responses

The Philippines

1. Background
2. Migration System
3. Trafficking
 - 3.1 Internal Trafficking
 - 3.2 International Trafficking
 - 3.2.1 Source Country
 - 3.2.2 Transit Country
 - 3.2.3 Destination Country
4. Issues for Consideration
 - 4.1 Lack of research/data
 - 4.2 Government responses

Singapore

1. Background
2. Migration System
3. Trafficking
 - 3.1 Internal
 - 3.2 International
 - 3.2.1 Source Country
 - 3.2.2 Transit Country
 - 3.2.3 Destination
4. Issues for Consideration
 - 4.1 Lack of research/data
 - 4.2 Government responses

Thailand

1. Background
2. Migration System
3. Trafficking
 - 3.1 Internal Trafficking
 - 3.2 International Trafficking
 - 3.2.1 Source Country
 - 3.2.2 Transit Country
 - 3.2.3 Destination Country
4. Issues for Consideration
 - 4.1 Lack of research/data
 - 4.2 Government responses

Socialist Republic of Viet Nam

1. Background
2. Migration System
3. Trafficking
 - 3.1 Internal Trafficking
 - 3.2 International Trafficking
 - 3.2.1 Source Country
 - 3.2.2 Transit Country
 - 3.2.3 Destination Country
4. Issues for Consideration
 - 4.1 Lack of research/data
 - 4.2 Government responses

Chapter 4. ASEAN's Response to Human Trafficking

1. ASEAN's Broad Structure
2. ASEAN Human Trafficking Related Mechanisms
3. Other ASEAN projects

Chapter 5. ASEAN – Looking Forward

Appendix

- Appendix 1 ASEAN Declaration on Transnational Crime
Appendix 2 ASEAN Declaration Against Trafficking in Persons Particularly Women and Children
Appendix 3 ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers

Bibliography

Chapter 1. Executive Summary

Trafficking and Associated Labour Exploitation in the ASEAN Region

ASEAN is not alone in facing the daunting task of developing effective mechanisms to reduce trafficking in human beings from, to and between its Member Countries. Human trafficking is an insidious, criminal form of control and exploitation that has reared its ugly head in most countries of the world.

This report includes profile chapters on human trafficking in each of the ten ASEAN Member Countries. Given the enormity of trafficking within the ASEAN region and the limited resources of this project, these chapters rely heavily on existing research and reports, and are ostensibly a synthesis of those documents. ICSW is indebted to the authors of these reports and also to their funding agencies. All efforts have been made to source reliable data. Unfortunately, trafficking related data is highly problematic for a range of reasons and in some instances where data was particularly difficult to source, media reports have been referenced.

The vexed issue of data collection and its use is key to developing strong anti-trafficking analysis and appropriate policy responses, and was warranted important enough to require a separate section in each of the ten Member Country profiles. It is acknowledged that the many reports on which this report relies will have employed different, varied and frequently incompatible definitions of 'trafficking', means of data collection and analysis. In all instances, ICSW has attempted to clarify broad references before drawing on report data, however, that has not always been possible. It is also acknowledged that due to the project's limited resources, only English language reports have been accessed (although in some instances English language reports have drawn on reports published in languages other than English). This clearly restricts access to data.

In some instances, this report has referenced the US Department of State's *TIP Reports* (TIP Reports)¹. These reports have been produced every year since 2001. The Department of State provides information on trafficking in many of the world's countries and ranks each country's performance from Tier 1 (the highest ranking) to Tier 3. Ranking is based more on the extent of government action to combat trafficking than on the size of the problem, important though that is. Although these reports reflect some US bias (as would any government report reflect government bias), they are generally considered to include a fairly accurate snapshot of what is occurring. Given the lack of a comparable UN or independent 'world report', these TIP Reports are a useful anti-trafficking tool. A summary of each countries ranked 'performance' from 2001 to 2007 is included at the introduction of each chapter as it is of some interest to see whether countries might be considered to have improved (or otherwise) their efforts to reduce human trafficking.

1. What is trafficking?

At its most basic level, trafficking involves the physical movement of people, frequently across borders but also domestically. Unlike people smuggling it involves significant deceptions and controls for the specific purpose of producing forced labour at the destination. While the exploitation of migrants is nothing new, trafficking is distinctive because traffickers control both the movement and the labour exploitation. The centrality of labour exploitation is key to this formula.

This report employs the definition of trafficking outlined in the UN *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*²:

“Trafficking in persons” shall mean 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 shall include, 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.

The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used.

The recruitment, transportation, transfer, harbouring or receipt of a child (person younger than 18 years) for the purpose of exploitation is considered ‘trafficking in persons’ whether or not any of the above means are used.

This definition makes it clear that trafficking includes an operation that looks like smuggling at the outset (ie. the person being moved has agreed to the use of illegal means to facilitate their entry to another country) is actually trafficking if coercion or deception is used to facilitate the victim’s agreement, and they were subsequently exploited by the parties involved. Coercion or deception is enough to nullify a victims’ consent to be smuggled or to migrate, because logically it is only possible to consent to something if you know all the facts and are free to consent or not.³ Trafficking operates within the context of many people’s desire to migrate for work and some people’s willingness to employ illegal means to do so, including using the resources of people smugglers. Although there are real cases of abduction, in general, traffickers fish “in the stream of migration”⁴.

Trafficking must be squarely positioned within the context of people migrating to meet labour demand in destination countries. The ILO’s Bangkok Regional Office suggests thirteen and a half million people from ASEAN Member Countries migrated through legal channels in 2005: five million three hundred thousand of those migrated to other ASEAN Member Countries.⁵ A number of governments now have programs in place to facilitate the legal migration of their workers overseas. Among ASEAN Member Countries alone, enormous numbers of people are being moved through these programs: approximately one million/year from the Philippines; some 450 000/year from Indonesia; and some 9000 from Cambodia’s fledgling industry. The remittances from overseas workers substantially impact the economies of the Philippines and Indonesia. Unfortunately, these well-intentioned, highly lucrative programs have in some instances proven fertile ground for trafficking networks. Many more workers migrate through less structured means (which may or may not be linked or appear to be part of official programs) and some enter their countries of

destination illegally or using false documents. Those migrating without legal documentation are often targeted as their fear associated with their irregular or illegal status can be exploited.

Labour migration within ASEAN shows no signs of slowing:

Cross-border mobility of labour is growing and is likely to intensify in the region as ... ASEAN moves towards full economic liberalization. ... The truth is that globalization and now regional integration are creating the material conditions for the formation of a 'regional ASEAN labour market'.⁶

People migrate for many reasons but generally it is to escape their economic circumstances and increase their financial means. For some, that means hoping to afford enough food to eat and essential health care for themselves and their families. For others, their poverty is relative as 'poverty is as much about perceived inequalities and relative deprivation as it is about low levels of material welfare'.⁷ Economic development within the ASEAN region has been uneven to say the least, and frequently far higher standards of living are visible not far away. Samydorai suggests this reality '**naturally** prompts people to seek better economic opportunities and livelihoods by crossing borders' [emphasis added]⁸, making the point that there is nothing surprising about people's preparedness to migrate or move to secure greater income.

People also migrate to escape difficult home lives which may or may not be linked to poverty, for example, mistreatment, psychological and physical abuse, the impact of other's alcoholism, multiple marriages and remarriages, and their location in families that are basically dysfunctional. This raises the probability that some people may be trafficked into highly exploitative and abusive conditions, but that these conditions may be no worse than, or may even be preferable to, the conditions they have left. This reality in no way minimises the responsibility of government to ensure that those migrating for work are employed under safe, fair conditions but also sounds warning bells for those quick to 'rescue' without detailed, integrated strategies for working with those they 'save'.

Men, women and children are trafficked. Although various factors may increase individuals' risk, there is no typical victim. The unfortunate equation of human trafficking with 'prostitution' has tended to mask the significant trafficking of men and boys, and the trafficking of women into industries other than the commercial sex industry. People are trafficked into ASEAN Member Countries from many different countries, and people from ASEAN Member Countries are trafficked to many different destinations, but the bottom line is that a significant proportion of those trafficked in the ASEAN region are trafficked domestically and from one ASEAN Member Country to another. There are two main, but not exclusive, regional focuses: the Mekong region (Cambodia, Lao PDR, Myanmar and Vietnam to Thailand) and the Malay archipelago (Philippines and Indonesia to Malaysia and Singapore and possibly a small number to Brunei).

The degree of victimization and exploitation of trafficking victims varies but fundamentally, **all** are victimized and exploited. This reality co-exists with the fact that trafficking victims have 'agency' and may be responsible for some of the decisions that resulted in their finally being trafficked. The simplistic view that to be victimized one must be 'blameless' in all regards, and that trafficking victims who

have displayed some agency (ie. most) should be treated as ‘co-conspirators’, is not only unfair on those who have been victimised, it also mitigates against recognition of what is actually occurring and the development of policy responses to address it.

Limited attention has been paid to the distinction between forced labour arising from trafficking and forced labour of migrant workers arising through other means but put bluntly, except for the trafficking of infants for adoption and some instances of trafficking for marriage, trafficking simply does not occur except for the purposes of labour exploitation. Further work needs to be done to centralise the issue of labour exploitation within trafficking debates and responses. This report has included some cases of forced labour, and situations where the link between trafficking and labour exploitation has not been fully explored.

2. ASEAN’s response

ASEAN has recently taken unprecedented steps towards achieving agreement on appropriate measures to reduce human trafficking, including drafting The Declaration on the Protection and Promotion of the Rights of Migrant Workers and The Declaration against Trafficking in Persons Particularly Women and Children. The trafficking declaration’s Work Plan has now been developed, and the Working Group on Trafficking in Persons established, so further action should soon proceed. Numerous other agreements and meetings of senior officials have also addressed the human trafficking issue, with commitments to continue to do so. ASEAN is well situated to take a lead role in moving anti-trafficking initiatives forward. Most ASEAN declarations and official statements, communiqués, etc., make reference to the enormous benefits of developing greater consistencies of approach (notwithstanding different political and cultural imperatives) and cooperation in implementing ASEAN’s shared goals.

Despite significant recent efforts, there is much to be done by individual governments. For example, only five of the Member Countries have detailed national policies on trafficking although others are developing national policies. Only five Member Countries have national action plans to combat trafficking although others are currently developing action plans. Most Member Countries lack specific anti-trafficking laws, and they and most of those with anti-trafficking laws still have major deficiencies in their legislation including the exclusion of men and sometimes boys, a preoccupation with sexual exploitation and exclusion of other forms of trafficking, and a lack of protection of victims from prosecution for ‘offences’ committed as a result of being trafficked. Not all countries have specialist anti-trafficking police units. Only three governments are parties to the UN Trafficking Protocol.⁹

Aside from the substantial work currently being undertaken, ASEAN’s actions to reduce human trafficking could be further strengthened by Member Countries working cooperatively to develop and implement:

- **A sophisticated, integrated approach to human trafficking that facilitates inclusion of human rights and victim support**

Although key ASEAN documents include mention of human rights and concern for victims’ welfare, in practice, most Member Countries demonstrate minimal commitment. While it is vital that countries build capacity to deliver criminal justice

related methods, policy and programs to reduce trafficking and prosecute traffickers, it is also crucial that anti-trafficking strategies be imbued with a human rights perspective.

The importance of human rights and the benefits of providing mechanisms to deliver human rights are raised by the UN General Assembly's 1993 *Vienna Declaration and Program of Action* which refers to "the need to consider the possibility of establishing regional and subregional arrangements for the promotion and protection of human rights where they do not already exist"¹⁰. That same year, the ASEAN Inter-Parliamentary Organization (AIPO) stated "it is...the task and responsibility of member states to establish an appropriate regional mechanism on human rights" in its *Declaration on Human Rights*. Most member states have no domestic human rights institution (the exceptions being Indonesia, Malaysia, the Philippines and Thailand), and ASEAN also lacks a human rights mechanism.

Many different kinds of human rights violations occur in Southeast Asia, as in countries throughout the world. The Working Group for an ASEAN Human Rights Mechanism argues that an ASEAN human rights mechanism would:

- assist ASEAN member states to address human rights concerns in their respective jurisdictions
- ensure that international human rights laws are observed and implemented by ASEAN countries which have agreed to them
- help ASEAN people develop a common understanding of universal human rights issues and perspectives¹¹

The national human rights bodies of Indonesia, Malaysia, Philippines and Thailand have formally recommended that the ASEAN Charter currently being drafted include provisions on the important role of national human rights institutions in the promotion of respect for human rights and fundamental freedoms, and the importance of the establishment of national human rights institutions in ASEAN Member States. They have also jointly called for the establishment of an appropriate ASEAN human rights mechanism. Southeast Asia is one of the last areas in the world lacking an intergovernmental human rights mechanism.

- **Consistent, compatible definitions of trafficking in persons that ensure inclusion of all cases (not only those relating to sexual exploitation)**

ASEAN Member Countries have agreed to work together to combat trafficking but lack a common understanding of what trafficking is. Member countries employ different definitions of trafficking in persons, and sometimes different definitions within countries. This reduces ASEAN's capacity to tackle human trafficking on a regional and inter-country level. An obvious example is Thailand's exclusion of men from its trafficking related laws (soon to be amended), while Cambodia allows for the inclusion of men, women and children: a situation which impacted their Memorandum of Understanding.

More work needs to be done to develop a more compatible, wide-reaching definition of trafficking in persons for application by ASEAN Member Countries. Currently, "one country's 'trafficking victim' is another country's 'illegal migrant'."¹²

An ASEAN-consistent definition of trafficking needs to consider: What is trafficking?; How does trafficking differ from migrant smuggling and irregular migration?; Who is a 'victim' and who is a 'trafficker'?; and finally, Can the UN Protocol's definition of 'trafficking' be adopted as a means to facilitate greater international compatibility.

- **Better data collection models to be used by governments**

Trafficking takes many forms and the specifics are constantly changing as traffickers respond to new impediments and identify new opportunities. It is vital that Member Countries understand exactly what is going on in their own country and to their citizens trafficked abroad: their 'trafficking profile'. Human trafficking data collection is not a simple process. Inconsistency and lack of clarity in law and policy is reflected in poor data collection. Terminology such as 'trafficking' and 'exploitation' needs to be defined and understood. There should not be an assumption that people will simply 'know' what terms mean, as people frequently do not know, cases are not identified and even trafficking cases which include government intervention remain underreported. The best integrated computer technology in the world will produce nothing useful unless those collecting data understand what it is they are collecting. Officials need to understand the purposes for which they are collecting data as context can assist with clarity of purpose.

Usually, many different agencies are involved in data collection (or if not, they should be) as human trafficking cuts across many different portfolios. Data collected by a range of agencies must be capable of being integrated in a time-efficient, straightforward manner. If data must be sourced from individual agencies or if data compilation is too difficult, evidence suggests that in most cases it won't be collected and analysed. Data collection must be coordinated to the extent that cases are not double counted, and key staff of different agencies understand the full range of data being collected by all agencies, and are able to draw on that data to inform policy and program development. They must understand what data from other agencies actually means, so they do not draw conclusions based on erroneous assumptions. Data collection must include all cases and not refer solely to, or be skewed towards, women and children exploited in the commercial sex industry

Data collection must also include confidentiality and privacy provisions. Currently, it is common practice in many areas for agencies to hand over case files that include comprehensive details of victim's names and other personal information, including that related to the sensitive area of health. While data sharing is important, not all information is relevant to all agencies. Although specific, personal data may be required for operational reasons, anonymous, de-identified data is usually sufficient for policymaking purposes. Building a process which comprehensively assists prosecution of traffickers and victim support while protecting privacy will increase victim and informant confidence and lead to greater cooperation with government.

This recommendation notes the excellent work reported in *ASEAN and Trafficking in Persons: Using Data as a Tool to Combat Trafficking in Persons*¹³, and asks that the challenges noted in that report are adequately resourced and addressed, with comparable study and analysis extended to other ASEAN Member

Countries. It also notes the welcome inclusion of this issue in ASEAN's anti-human trafficking Work Plan at 1.3. Further, it would be ideal if an ASEAN data base, or at least decisions on compatible definition and data sets, could be established to facilitate ASEAN wide analysis on human trafficking. This process would be greatly assisted by inclusion of more general data on migration and labour exploitation, as these practices provide the context for the majority of human trafficking.

- **A coordinated labour migration system that priorities worker protection and matches supply with demand**

Traffickers target those who are afraid of being arrested for immigration offences, so promoting safe migration routes and work protections helps prevent trafficking. The labour migration system should be driven by a mandate to build economies and protect workers' rights. The current human cost of economic development built on migrant labour is too high. To varying degrees, both destination and source countries are responsible. In most instances, destination countries' labour laws are written to protect their nationals. Governments under-regulate and under-police their privatised labour recruitment agencies and employment sites, and permit exploitative work practices to occur. Source countries, driven by a desire to attract remittances (which basically prop up economies and reduce unemployment and demand for job creation), appear to accept that at least some degree of worker exploitation is acceptable. Internationally, some analysts have referred to source countries' 'race to the bottom', ie. governments willing to offer their workers at lower and lower levels of salaries and protections in order to get their workers into destination countries ahead of competing source countries' workers.

There are many issues for consideration in the development of a less fundamentally exploitative system, not the least of which is the imperative to mandate and deliver fair wages and conditions; however, the issue of debt bondage is paramount. The trafficking system is propping up a broad acceptance that debt bondage is acceptable: 'a fact of life' for the poor. In some instances, this includes a belief that it is acceptable to force someone to continue working against their will if there is a 'debt' owed from an employee to an employer. The ethics of debt bondage per se are not only highly questionable, but in practice debt bondage is frequently highly damaging to the indebted person because the debt is unmanageable. It may be arbitrarily calculated, effectively 'pulled out of a hat' by a recruiter, agent or employer. It may be calculated on the basis of costs a person has incurred through circumstances beyond their control, for example, the basic incarceration of workers in government regulated holding centres for unspecified periods of time prior to their deployment/departure: their debt increasing each day. It may be based on 'fines' which are arbitrary and unspecified until they occur, based on the whim of employers. It may be based on workers borrowing money to afford migration from loan sharks at outrageous interest, and being unable to afford repayments due to their stated or contracted salaries not being paid. It may be based on a worker's debts increasing if they decide to leave an exploitative/abusive employer, and consequently incurring another 'fee' or 'fine' from their agent or the government for changing employers. In some tragic cases, debts have been accrued by a combination of some or all of these factors, and then a person has been 'rescued' soon after arrival in their

destination country, and deported against their wishes to huge debts and no means of repayment.

As outlined in many of the country recommendations in section 3, the economics of labour migration is complicated, however, the fact that (domestic and international) migrant workers bear the substantial cost is iniquitous. It is widely reported that huge amounts of money are generated for those involved in trafficking, that governments too receive enormous economic benefit from remittances and from the services of the large pool of foreign nationals exploited in their domestic industries (including sex industries), and that employers also receive great economic benefit because they are able to fill a labour shortage they cannot fill with domestic workers and/or pay far lower salaries than they would employing domestic workers. Perhaps ironically then, economists and other such number crunching boffins have largely been absent from trafficking and labour exploitation policy analysis and its formulation. ASEAN could greatly contribute to anti-trafficking/labour exploitation learning (both within ASEAN and internationally) by facilitating the difficult process of conceptualising and doing the hard economic number crunching to develop a system that would shift the economic onus of ASEAN labour migration from individuals and simultaneously offer them greater protection. It is arguable that source and destination government fees should be reviewed (or abolished) as both economies benefit enormously from migrant workers' labour and remittances. Perhaps it is necessary to shift some of the cost to governments, or perhaps a reduction in debt bondage could be facilitated through the provision of government migration loans. In some instances, perhaps this process could be managed through the involvement of international agencies or large NGOs.

- **Formal labour standards for unregulated sectors, particularly 'domestic work'**

An area shared by many ASEAN Member Countries is the trafficking and exploitation of women and girls, both internally and transnationally, as domestic workers. Domestic work is poorly remunerated, and workers are particularly at risk of abuse because of their isolation in private homes. Domestic workers are frequently excluded from formal labour protections and lack simple mechanisms for reporting abuse. They are routinely lumbered with large debts and minimal means of repaying them. Domestic workers are often misinformed about their conditions of employment and the work they will be required to undertake, working very long hours, denied rest days and freedom of movement (with workers being locked inside rooms and houses), not provided suitable accommodation or sleeping areas, and paid late, less than agreed or not at all. Many are also denied adequate food and health care, and many are psychologically, physically and sexually abused.

In some instances, issues associated with domestic work are complicated, particularly as they relate to children. In some countries, there is a cultural tradition of poor families sending their children to be raised by more prosperous family members in exchange for the child's assistance in the household. Some research has suggested that families deliberately seek out members of extended family or friendship networks to identify employers for their children, as a means to protect them from trafficking. Research suggests these attempts to minimize exploitation are hit and miss. Many 'family' members do not consider these

children to be 'employees' and subsequently do not pay them a wage. Many children employed within these networks and those employed by 'strangers' suffer exploitative working conditions which make their employment identifiable as 'one of the worst forms of child labour'.

Significant work needs to be done in this area. ASEAN could effectively reduce trafficking in women and girls into domestic service by working to extend key labour protections to domestic workers, establishing minimum regional standards of employment, and ensuring that employers and labour agents are held accountable for abuse.

Domestic workers are not alone. Others employed in unregulated sectors are also vulnerable to exploitation and abuse.

- **Stronger victim support including repatriation models that keep trafficked persons out of detention, and assist their repatriation and reintegration**

The provision of victim support can be a long convoluted process (or worse, it can be noticeable by its absence). Numerous country reports refer to the lack of a simple, accessible complaints mechanism for workers who find themselves in trouble. In the first instances, it is worth considering whether it is possible to simplify emergency contact procedures; perhaps an 'ASEAN Hotline' for all ASEAN workers in crisis situations.¹⁴

The International Organization for Migration (IOM) has recently released a report titled *The Long Way Home: Analysis of Regional and National Processes for the Return and Reintegration of Victims of Trafficking in the Greater Mekong Sub-region*¹⁵ ('the IOM report'). This report presents a system-wide analysis of the current process and legal and administrative structures for, the sometimes bureaucratically 'fiddly', process of returning and reintegrating victims of trafficking in the Greater Mekong Sub-region (GMS). It finds that most GMS governments have made enormous progress on repatriation in a short period of time and have worked effectively with international agencies and NGOs to improve victim services, however, there is more to be done. The following suggestions are based in part on the IOM report, however, the IOM report includes other useful recommendations for consideration.

In a bid to attack the problem of trafficking as quickly as possible, there are now many players including government agencies, international organizations and NGOs. The IOM report recommends the development of coordination mechanisms, internal Memorandums of Understanding and standard operating procedures (which include some degree of flexibility) to define the functions and responsibilities of all partners in the various components of the return and reintegration process. This recommendation for the GMS could be extended to all ASEAN Member countries.

Some of that required is quite specific and relates to specific practices, but a coordinated response could deliver enormous benefits to those who have been identified and removed from situations of trafficking. For example, there remains a lack of direct communication processes and practice between ASEAN Member Country counterpart agencies. In some instances, this contributes to major delays in the repatriation of trafficking victims. Routine correspondence, for example,

that relates to victim identification and family tracing could surely be administered by key staff in the relevant departments, with interaction between those departments in different Member Countries. Similarly, language remains a barrier. Not surprisingly, most case records are recorded in the official language of the destination country so translation is required before the source country can take action. Sometimes information is first translated into a third language such as English which is both time consuming and can facilitate errors. Various mundane bureaucratic practices could alleviate the language barrier. For example, the IOM report suggests the development of a common summary page for case records, including name, sex, age, address, key dates and health status which could be consistently coded across languages and states. Also, given that many interviews require the assistance of an interpreter, interpreters could enter the subject's name and address in the language of their source country, with officials entering the same data in their own alphabets and completing the remainder of the summary page by ticking the appropriate (consistently number coded) boxes.

In most instances, victims would be better served by spending less time in pre-repatriation shelters. Elements of the Poipet model (Thailand) should be considered for other countries, whereby victims are repatriated quickly and receive shelter support services in their own country while family tracing and assessment takes place. Means to speed up family repatriation need to be considered, for example, making greater use of national NGOs that have nationwide networks and are already active in many non-urban communities. Victims would also be better served by being given options based on information in their own languages, and support by appropriately trained staff such as social workers and interpreters.

- **Joint programs to facilitate livelihood options that mitigate against people migrating for work**

Clearly the development of livelihood options for those who are economically disadvantaged is fundamentally linked to the enormous challenges of building nation's whole economies. That being said, this area would benefit from an ASEAN-wide commitment to facilitate an ASEAN-wide review (or several reviews using compatible definitions and data collection mechanisms) of re-training programmes currently being offered to trafficking victims for the purpose of minimizing their risk of re-trafficking. Although there is limited qualitative data available, there is ample anecdotal evidence that many existing training programmes are ineffective for a variety reasons including: their delivery in countries of destination where communication and context is compromised and a student's priority may be getting home; their failure to generate skills that lead to employment; their failure to generate skills that lead to anything but low-income/subsistence employment; their failure to include training on small business operation such as planning and budgeting to increase new businesses chance of success; their being limited to a range of occupations, ie, how many small hairdressing businesses can a regional community tolerate?

This area would also benefit from investigation of the possibilities of joint investment in business ventures in areas of high unemployment or unemployment in source countries, with profits equitably shared.

- **Identification and adoption of best practice examples from within (and beyond) the ASEAN region**

Many ASEAN Member Countries have taken quite different approaches to combating human trafficking. This is the result of numerous factors including resource capacity and cultural and political frameworks, but one consequence is that there now exists an enormous number of examples of laws, policies, programs and projects which have to varying degrees, succeeded or failed. More effort should be made to collect examples of best practice from throughout the region. Recent innovative strategies have included:

- Singapore's introduction of random interviews of domestic workers as a means to gauge general conditions of employment, and also alert employers to the possibility of their employment standards being examined.
- the Thai/Cambodian 'Poipet model' of repatriation, where victims are repatriated quickly and receive shelter support services in their own country while family tracing and assessment takes place.
- Indonesia's Police Special Assistance Units (RPKs) and medical recovery centre for victims of trafficking
- Cambodia's bilingual database on the return of victims of trafficking at the Anti-Trafficking and Reintegration Office which permits the analysis of trends for program evaluation and planning.

- **Stronger laws and policies relating to citizenship and immigration status**

Trafficking in the ASEAN region intersects regular and irregular migration, but beyond that is the question of two more fundamental issues. Firstly, there is the issue of citizenship. UNESCO has described lack of citizenship as "the single greatest risk factor for hill tribe women in Thailand being trafficked".¹⁶ Thailand is not alone in refusing to grant citizenship to (frequently vulnerable) people who have lived in that state for many years, their whole lives, and sometimes have been born of families who have lived there for generations. The IOM has suggested that Vietnamese who are long-term residents in Cambodia or who have family members residing in Cambodia could be offered the option of integration in that country, particularly as the number of Vietnamese identified as victims of trafficking in Cambodia is small and the numbers would have little impact on the Cambodian economy or on Cambodian cultural and political practice. Also, some Vietnamese wives of Chinese men who are detained as illegal migrants may prefer to regularize their status through formal marriage and remain in China instead of being deported, and that option should be made available.¹⁷

Secondly, anti-trafficking initiatives have not yet developed the means to identify and appropriately deal with those foreign nationals who are most appropriately defined as asylum seekers or refugees but denied access to those legal mechanisms to grant them that status. More attention needs to be paid to this issue. Surely alternatives to repatriation should be available in some cases. Even while the formal process of applying for refugee status is denied, the possibility of regularizing a trafficking victim's immigration status to allow a trafficked person to become a registered worker may be possible, instead of forcing them to return home where they are likely to face retribution or very difficult circumstances.

Chapter 2. What is Trafficking?

1. Defining Trafficking

The development of policies and programs to address human trafficking has been hindered by the lack of understanding and agreement on what trafficking is. To some extent, this is understandable given that the issue is complicated and only lately, widely identified. Until recently, there had been little interest, research or analysis on the subject. That which exists has frequently confused or failed to demarcate trafficking, smuggling, irregular migration status, immigration related criminality, forced labour, sex work and sexual exploitation. Even within many governments, different departments employ different definitions of trafficking when identifying cases of trafficking, if bothering to identify them at all. Fortunately, as interest in the issue has grown, the quality of available information is improving, however, there is still a long way to go.

This report employs the definition of trafficking outlined in the UN *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*¹ (‘the UN Trafficking Protocol):

- (a) “Trafficking in persons” shall mean 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 shall include, 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;
- (b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;
- (c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article;
- (d) “Child” shall mean any person under eighteen years of age.

Another way of describing the definition in the UN Trafficking Protocol is that trafficking involves three elements: action, means and purpose. All three elements must be present for the situation to be considered trafficking, except in the case of trafficking in children:

Action Traffickers must undertake one of the following actions: recruitment, transportation, transfer, harbouring or receipt of persons.

Means The action must be undertaken by one or more of the following means:

- force or the threat of force
- other forms of coercion
- abduction
- fraud
- deception
- abuse of power
- abuse of a position of vulnerability
- giving or receiving of payments or benefits to achieve the consent of a person having control over another person

Purpose The action must be 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
- the removal of organs (*not covered in this report*)

The UN definition clarifies the difference between cases of trafficking and cases of smuggling by making it clear that an operation that looks like smuggling at the outset (ie. the person being moved has agreed to the use of illegal means to facilitate their entry to another country) is actually trafficking if coercion or deception is used to facilitate the victim's agreement, and they were subsequently exploited by the parties involved. Coercion or deception is enough to nullify a victims' consent to be smuggled or to migrate, because logically it is only possible to consent to something if you know all the facts and are free to consent or not.²

This point is often rejected by those arguing that an individual's desire to migrate illegally was enough to exclude consideration of their later abuse, ie. those without legal immigration and work status are criminals and undeserving of protections: surely they cannot also be victims. In reality, trafficking operates within the context of many people's desire to migrate for work and some people's willingness to employ illegal means to do so, including using the resources of people smugglers. Although there are real cases of abduction, in many cases victims are seeking a chance to migrate when approached by an acquaintance or lured through an advertisement.³ Alternatively, they may approach a recruiter. Traffickers fish "in the stream of migration"⁴, and frankly, when people are desperately seeking a means to migrate to fill a demand for workers that will provide them with (perceived) good wages, many will look broadly for the means to achieve their goal. Some people migrate through legal means. Some believe themselves to be migrating legally but are not. Some migrate through legal means but agree to the use of false documents to facilitate their movement. Some migrate illegally. All can be trafficked, and all who migrate outside legal channels are likely to find that upon arrival, their irregular status is used as a mechanism of control against them.

At its most basic level, trafficking involves the physical movement of people, sometimes domestically and sometimes internationally, but unlike people smuggling it involves significant deceptions and controls for the specific purpose of producing forced labour at the destination. While the exploitation of migrants is nothing new,

trafficking is distinctive because traffickers control both the movement and the labour exploitation. The centrality of labour exploitation is key to this formula.

2. The role of forced labour

The International Labour Organization (ILO) estimates that currently more than 12 million people are victims of forced labour worldwide. Of these, almost 10 million are exploited by private agents, including more than two and a half million in forced labour as a result of human trafficking. Another two and a half million are forced to work by the State or by rebel military groups.⁵ The same report found that only 11 percent of victims of forced labour are exploited in the commercial sex industry⁶, but commercial sexual exploitation is suffered by 43 percent of those trafficked.⁷ Even if those figures are used only as a general guide to the actual numbers (which remain illusive) it suggests that trafficking is a particularly useful mechanism for managing victims exploited in the commercial sex industry.

Limited attention has been paid to the distinction between forced labour arising from trafficking and forced labour arising through other means. Often research fails to delineate between the two areas, or the way data is reported makes it impossible for the reader to demarcate. (This problem is exacerbated by confusion around trafficking and its relationship to various other practices, as outlined above.). Except for the trafficking of infants for adoption and some instances of trafficking for marriage, trafficking simply does not occur except for the purposes of labour exploitation. Further work needs to be done to centralise the issue of labour exploitation within trafficking debates and responses. For these reasons, this report has included some cases of forced labour, and situations where the link between trafficking and labour exploitation has not been fully explored.

The 2003 EU convened Experts Group on Trafficking in Human Beings, which identified forced labour exploitation as the 'crucial element' of the Trafficking Protocol, has suggested that to counter trafficking effectively:

policy interventions should focus on the forced labour and services, including forced sexual services, slavery and slavery-like outcomes of trafficking – no matter how people arrive in these conditions – rather than (or in addition to) the mechanisms of trafficking itself. States should criminalize any exploitation of human beings under forced labour, slavery or slavery-like conditions, in line with the major human rights treaties that prohibit [their] use.⁸

3. Who is trafficked?

Men, women and children are trafficked. Although various factors may increase individuals' risk, there is no 'typical' victim. The unfortunate equation of human trafficking with prostitution has tended to mask the significant trafficking of men and boys, and the trafficking of women into industries other than the commercial sex industry. In fact, men, women and children are trafficked into a broad range of industries and situations. For example (and unfortunately there are many from which to choose), girls from Nepal are trafficked into circuses in India⁹, boys in Togo are trafficked to work on farms¹⁰, men from Central Asia and Russian men are trafficked into the Russian construction and agricultural industries¹¹, Chinese boys are internally trafficked for adoption¹², boys from Bangladesh, Pakistan, and Afghanistan

are trafficked to the Gulf states to work as camel jockeys, beggars, and labourers¹³, and Chinese women are trafficked for marriage.¹⁴ Within the ASEAN region, Cambodian children are trafficked to Vietnam and Thailand to work as street beggars¹⁵, Indonesian women are trafficked into Malaysia to work as domestic workers¹⁶, Laotian men are trafficked onto Thai fishing boats¹⁷, Vietnamese women are trafficked through false marriages into numerous commercial sex industries, Burmese women are trafficked into Thailand to work as domestic workers¹⁸, and the list goes on.

The equation of women's trafficking and prostitution, and the preoccupation with issues frequently associated with prostitution (morality, virtue, blame, etc) has had a negative impact on the development of ideas and responses to the human trafficking phenomenon. It has ignored the complex intersection of social and cultural forces that place people at risk of being trafficked, the experience and evidence of many of those who have been trafficked, and the practices employed by traffickers. It has, unfortunately, slowed the development of ideas, political action and program responses.

4. Do people have a choice?

The degree of victimization and exploitation of trafficking victims varies but fundamentally, **all** are victimized and exploited. This reality co-exists with the fact that trafficking victims have 'agency' and may be responsible for some of the decisions that resulted in their finally being trafficked. The simplistic view is that to be victimized one must be 'blameless' in all regards. Trafficking victims who have displayed some agency (ie. most) are treated as 'co-conspirators'. This distinction is universally unproductive as it denies the multiplicity of factors that facilitate the operation of trafficking networks worldwide. In particular, "much of the work on the sex trade has had a strong ideological bent towards women simply as victims rather than as actors in complex situations."¹⁹ In practice, for many the risk of entering a potentially exploitative situation is balanced against a lack of possibilities and the drudgery and exploitation inherent in their current lives.

5. Why do people migrate?

Trafficking must be squarely positioned within the context of migration to meet labour demand. People migrate for many reasons but generally it is to escape their economic circumstances and increase their financial means. Many of those seeking to migrate do so to escape poverty. For some, that means hoping to afford enough food to eat and essential health care for themselves and their families. For others, their poverty is relative as "poverty is as much about perceived inequalities and relative deprivation as it is about low levels of material welfare."²⁰

Many in Asia were bypassed by the enormous growth in most of the region's economies²¹ over the last few decades, and the ASEAN Member Countries represent a group of diverse economic strengths. Many people are aware of greater affluence and higher levels of consumption 'just across the border' or a short distance away, ie. their relative poverty.²² The impact of television, stories of returning expatriates, and the 'demonstration effect' (where people see the increased affluence of those returning and their families²³) have contributed to people's awareness of living standards and lifestyles in other parts of the world, and sparked the desire to migrate for work.

Young people appear to have been significantly affected by their growing awareness of standards of living in other regions. In some cases, this has also been directly linked to development strategies. For example, the Lao Sebangfai district's participation in development programs delivered improved access to utilities, yet a 2003 ILO study revealed it had the 2nd highest number of illegal migrant workers in Thailand's Khammuane province: "One of the push factors is that the villagers now have access to electricity, which brings consumerism through, and the influence of Thai television has a certain impact on the youths to seek for work in Thailand."²⁴

Sometimes people also migrate to escape difficult home lives which may or may not be linked to poverty, for example, mistreatment, psychological and physical abuse, the impact of other's alcoholism, multiple marriages and remarriages. Some will be at greater risk if they are located in a 'dysfunctional family'. The fact that many may be leaving situations of poverty and even abuse raises the difficult issue that even though people may be trafficked into highly exploitative and abusive conditions, these conditions may be no worse than, or may even be preferable to, the conditions they have left. In the Mekong Subregion, "cases have been found of trafficked minors in highly abusive situations who considered themselves to be better off than had they remained in their home or village environments."²⁵ This reality in no way minimises the responsibility of government to ensure that those migrating for work are employed under safe, fair conditions but also sounds warning bells for those quick to 'rescue' without detailed, integrated strategies for working with those they 'save'.

6. How is Labour Migration Organised?

Workers from ASEAN Member Countries migrate to countries throughout the world, however, a significant number migrate to other ASEAN Member Countries, particularly Singapore, Malaysia and Thailand, and to a lesser extent, to Brunei. A number of governments now have programs in place to facilitate the legal migration of their workers overseas. Among ASEAN Member Countries alone, enormous numbers of people are being moved through these programs: approximately one million/year from the Philippines; some 450 000/year from Indonesia; and some 9000 from Cambodia's fledgling industry. Many more workers migrate through less structured means and some enter their countries of destination illegally or using false documents. The Thai Government has taken a relatively innovative approach to illegal migration for work, by recognising that large numbers of people migrate for work without official papers and permits, and that their labour is beneficial to the Thai economy, and has consequently adopted a strategy to regularise undocumented migrants from Cambodia, Lao PDR and Myanmar. This process has been relatively successful, particularly as it relates to Cambodia and Lao PDR.

Ostensibly, official labour migration programs simultaneously reduce the demand to create domestic employment while providing enormous revenue through the remittances overseas workers send home. Officially recorded remittances worldwide, including those from people recruited through government endorsed migration programs, exceeded \$232 billion in 2005, with developing countries receiving \$167 billion of that; more than double the amount of development aid they receive from all sources. Remittances sent through informal channels could add another 50 percent making remittances the largest source of external capital in many developing countries.²⁶ (Notes on individual countries' remittances for those countries with large

migrant labour programs, are included in the Country Profiles at Chapter 3.) Unfortunately, these well-intentioned, highly lucrative programs have in some instances proven fertile ground for trafficking networks.

Chapter 3. Country Profiles

Brunei Darussalam

Population ¹	383 000
GDP	US\$11 571 800 000
Per capita income	\$US30 213 (\$25 094 recomputed using IMF WEO Database April 2007)

UN Convention	Government Action
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children	Not signed
Convention on Rights of Migrant Workers and Members of Their Families	Not signed

1. Background

The per capita income of Brunei Darussalam's (Brunei) citizens is far higher than those of all other ASEAN countries except Singapore. Brunei is ranked 34th of the 177 countries included in the UNDP Human Development Report 2006.² Only three percent of the population is considered undernourished. In 2004, the adult literacy rate of those aged over 15 years was 92.7 percent, and the youth literacy rate (those aged 15 to 24 years) was 98.9 percent.³

Brunei's economy is dependent on revenues from its substantial crude oil and natural gas reserves. The Government has recently recognised the non-renewable nature of these resources and has commenced a program of economic diversification facilitated by government development projects, although to date, this has met with only limited success. Oil and gas and government spending still account for most of Brunei's economic activity. Other industries include agriculture, forestry, fishing, aquaculture, and banking. The garment-for-export industry has been shrinking since the US eliminated its garment quota system at the end of 2004.⁴ The Brunei Government is targeting education with a goal of delivering a localised skilled workforce. Free education is available to all permanent residents and 'stateless persons'.

2. Migrant Labour

Brunei has long relied on migrant labour, partly as a result of its small population providing a limited labour force, but also because most working Bruneians are employed in the public sector. (Public servants and security force personnel comprise some 60 percent of all employed citizens.) Brunei's migrant labour force is substantial; estimated by the IMF in 2006 at approximately 75 000 people⁵ concentrated in domestic and low-skilled areas. The Labour Department suggests there are almost 76 000 foreign workers in Brunei not including maids, drivers and gardeners who add another 22 000 to the number of foreign workers. A 2007 report states the construction sector employs the most foreign workers (some 27 000), followed by the mining, quarry and manufacturing industries, which employ more than 14 000 foreign workers. The wholesale and retail trade industry employs

some 10 000 foreign workers, personal and social services industries (salons, tailors, barbers, car workshops) employ almost 8000 workers, and the hospitality industry employs almost 7000 foreign workers.⁶ The majority of migrant workers come from ASEAN countries, particularly Indonesia, Malaysia, the Philippines, and Thailand (with Bangladesh and India also notable source countries). While most are employed in the construction and services industry, others are professionals such as teachers, doctors, nurses, engineers and accountants. This group includes expatriates from the EU, Australia and the US.⁷

The US Department of State's Bureau of East Asian and Pacific Affairs suggest the Bruneian Government regulates the immigration of foreign labour "out of concern it might disrupt Brunei's society"⁸; a suggestion that probably holds true for most countries that permit the entrance of foreign workers. Work permits are issued only for short periods and must be continually renewed. Despite these restrictions, the almost 100 000 foreign temporary residents of Brunei constitute a significant portion of the work force of some 180 400 people (2006)⁹.

Applications for a labour quota/license are normally submitted to the Labour Department which requires either a cash deposit or a banker's guarantee to cover the cost of a one-way airfare to the foreign worker's home country. Following approval of the labour quota, the Immigration Department issues a work permit to allow foreign workers permission to enter the country. Foreign workers must arrange employment prior to arrival in Brunei. Only foreign professionals, technical and managerial personnel who satisfy certain criteria such as living in their own accommodation and who have monthly income of more than B\$1500, can be considered for 'dependent passes' which provide permission for entry to their spouses and children.¹⁰

The majority of labour laws apply only to Bruneian citizens, thereby failing to cover skilled and unskilled migrant workers, who comprise between 30 to 40 per cent of the total workforce. Migrant workers are precluded from forming or being members of a union. There is no minimum wage legislation so wages are based on whatever employees will accept. Many foreign workers have complained of poor working conditions and a failure to respect their terms of employment. Migrant women domestic workers have reported physical abuse, long working hours, and pay being withheld.¹¹ Some migrant workers have reportedly held work stoppages in protest, which are illegal under the labour law barring strikes.¹²

Case Study

In May 2001, 700 Filipino garment workers went on strike protesting low wages, excessive overtime, poor working conditions and other contractual violations. Their claims included the company forcing them to work overnight including locking the doors to prevent workers leaving, workers getting skin allergies as a result of the heat and humidity in the improperly-ventilated factory, and workers being served spoiled food. The main issue was their claim of non-payment of their basic monthly wages (the amount paid was too low), non-payment of overtime, and frustration that they were not provided a pay slip including calculations

of why they were paid a particular amount each month (preventing them from checking the accuracy of payments).

Their strike action was joined by workers of other nationalities at other garment and textile factories. According to reports from Brunei's state-run newspapers, it was the largest and longest-running labour dispute of its kind in Brunei's history.

The Philippine Government has a strong focus on labour export and has substantial systems to facilitate the movement of their citizens overseas. It also has systems aimed at protecting those citizens once working abroad. One critical way the state aims to protect workers is through the certification of their employment contracts by the government's Philippine Overseas Employment Administration. This includes confirming that the employer is licensed and that all contracts adhere to Philippine labour standards.

Brunei law, however, regards contracts signed abroad as invalid. Contracts are binding only if signed in Brunei. Consequently, upon arrival in Brunei workers were asked to sign another contract. Workers stated that at the time they were rushed, had no reason to question the new contract, and felt they had little choice anyway as they had already left the Philippines. Superficially at least, the contracts looked the same and they assumed they were identical.

In fact, the contracts differed in terms of the number of pieces required to meet the 'quota', the payment of overtime and the calculation of the piece rate. The workers had understood that the piece rate referred to each sewing operation they performed (as was many of their previous experiences in the Philippines), however, management asserted that in Brunei 'piece rate' refers to every dozen sewing operations performed. This assertion was supported by the Brunei Government.

The workers contracts had stated that they should turn to their embassy should negotiations with employers fail. Staff from the Philippines Embassy were called and attended a meeting. Embassy staff were then barred from attending the second meeting but after a formal protest were allowed to attend. Negotiations then proceeded without workers present, resulting in a pay increase that was outside the terms of the contract. The Philippine Government urged the workers to accept the proposal, including efforts of the Philippine Vice-President who met with workers (while he happened to be in Brunei).

Eventually, half the workers accepted the offer while the other half (300 people) asked to be returned to the Philippines. Under Bruneian law, the workers should have been jailed for participating in a strike but the Philippine Government negotiated with the Bruneian government to prevent this happening. The workers flights were paid for by the Philippine government. Although initially the Philippine Embassy

recommended that the employer be black-listed from securing Filipino workers, the Philippine Government ultimately declared that an active settlement had been reached and acknowledged the positive efforts of the employer to negotiate in good faith and provide them with food and housing during the strike.

3. Trafficking

3.1 Internal Trafficking

There is no evidence of internal trafficking within Brunei.

3.1 Source Country

There is no evidence that Bruneian citizens are being trafficked. Human rights agency Vital Voices notes that although there are many ethnic Chinese in Brunei without citizenship, their experience differs to some extent from stateless people in Thailand, as they have access to education, thus making them less vulnerable to exploitation.¹³

3.2 Transit Country

There is no evidence of Brunei being a transit country for human trafficking.

3.3 Destination Country Yes (but probably limited)

** Given the lack of data available, this section includes information on labour exploitation which may or may not be, or be related to, human trafficking, as without that data, it is impossible to begin to understand the probability of human trafficking to Brunei.*

Brunei does not appear to have a large trafficking problem, however, some labour exploitation certainly occurs. A portion of that exploitation probably fits under the definition of ‘trafficking’. The 2007 TIP Report does not list Brunei in its long list of countries combating trafficking. Instead Brunei is listed as a ‘special case’ because “the lack of reliable data makes it unclear whether there is a significant number of [trafficking] victims in the country”¹⁴. The 2006 report (which also listed Brunei as a ‘special case’) states that there are indications that Brunei may have a trafficking problem. The 2007 report states that ‘the presence of large numbers of legal migrant laborers [stet] in the country that may face conditions of involuntary servitude raises concerns that there may be a significant number of trafficking victims”. The 2007 report also states that the Brunei Government recognised at least one case as a human trafficking case during the period April 2006 and March 2007. Other reports have made stronger assertions. For example, a 2003 UNICEF report lists Brunei as a destination country for people trafficked from Indonesia.¹⁵ A September 2006 press release for the Philippines’ Department of Justice states that a number of Filipino trafficking victims were repatriated from Brunei.

Two sectors in particular have been identified as sites at which gross exploitation has occurred: domestic work and employment in the garment industry. During 2006, the Department of Labour recorded 42 complaints by domestic workers for non payment of salaries. The *US Country Report on Human Rights*¹⁶ records instances of some foreign domestic workers working under unacceptable conditions and being subject to abuse. There were reports of foreign maids and other domestic workers

forced to work exceptionally long hours without being granted a day for rest; workers not being provided with adequate food; workers refused the right to leave the house in which they were employed; and isolated incidents of employers beating workers. Of note, the report states that although most foreign female domestics were highly dependent on their employers and unwilling or unable to bring complaints, when complaints were made, the government was usually quick to investigate and impose fines and punishment as warranted.

In September 2005, approximately 300 garment factory workers publicly protested over unpaid salaries of up to six months. The government intervened, filing charges for nonpayment of wages against the board of directors of the factory, including a former cabinet minister. Embassies of the effected workers assisted in finding them alternative employment. During 2006, the Department of Labour recorded 125 complaints by corporate/garment workers against employers who failed to pay the workers' salaries.

The government has also prosecuted employers who employed illegal immigrants or did not process workers' documents, rendering them in illegal status.

4. Issues for consideration

4.1 Lack of research/data – There is an absence of data on possible trafficking practices in Brunei and only very limited data available on labour exploitation. The absence of available data does not mean that trafficking is not occurring. Government, NGOs and academic institutions have a role to play.

For trafficking to have occurred, the employer or persons organising an individual's recruitment and transport must have made those arrangements with the intention of trapping the person in a situation of exploitative labour or other situation involving exploitation and abuse. Consequently, when an employment dispute arises, it is necessary to question both the foreign worker and the employer about their understanding of the recruitment process, transportation and employment conditions, with the goal of determining whether trafficking has occurred. Without research it is not possible to say whether human trafficking is occurring, and whether some labour exploitation is a feature of human trafficking.

4.2 Government responses – The Government has issued the *Trafficking and Smuggling Persons Order of 2004*, which prohibits sex and labour trafficking, with a sentence of up to 30 years' imprisonment. The Order makes it clear that 'consent' of the victim is irrelevant. The *Labour Act* penalises labour trafficking but provides a low sentence of up to three years. The Labour Act is powerful in its provision to permit government inspections of workplaces and worker facilities including private homes thereby permitting inspection of the living and employment conditions of domestic workers in Brunei.

The Government is focused in its enforcement of immigration and labour laws. Between April 2006 and March 2007, the Department of Labor recorded 72 complaints by domestic helpers and 288 complaints by corporate and garment workers against employers who failed to pay salaries. The majority of these complaints were resolved through mediation. Some employers received

administrative penalties; mainly fines. There were no prosecutions for human trafficking for labour or sexual exploitation.

Immigration laws allow for prison sentences and caning for overstaying workers and illegal immigrants seeking work, as well as for foreign workers employed by companies other than their initial sponsor. Some workers may have illegal status as a result of their former employers' negligence. It is uncertain how these laws may affect the decisions of a trafficking victim with illegal status seeking to escape an exploitative or abusive situation but it seems likely that most workers would be unwilling to leave their places of employer and consequently nullify their legal immigration status.

The Government has made significant efforts to provide protective measures for foreign workers including arrival briefings, inspections of facilities, and a telephone hotline for worker complaints. The Government offers shelter and other services for trafficking victims. Under Brunei's anti-trafficking order, the government may provide temporary residence and work permits to persons identified as trafficking victims, and the government encourages victims to assist in investigations as witnesses. A fund, which includes monies from funds collected and fines recovered under the trafficking Order, can be used to finance the repatriation of trafficked victims and to reward those providing information leading the arrest of traffickers.

Police and prosecutors have an ongoing, if limited, program to improve their skills in identifying victims of trafficking among vulnerable populations. The Government of Brunei has not conducted public awareness programs on trafficking although it has conduct briefings for law enforcement officials on its anti-trafficking legislation.

Despite the government's efforts, more is needed including action to:

- **Increase expenditure on anti-trafficking/labour exploitation efforts**

Increased funds should be allocated to facilitate research into whether human trafficking is currently occurring within Brunei's borders. Although Brunei appears to have a moderate labour exploitation problem, increased attention and expenditure is required to reduce it further. Moreover, there is currently no information available about whether there may be cases of trafficking into Brunei. Further research could either identify that trafficking cases are occurring, and provide information on the 'hows' and 'whys', or could deliver a very useful case study on how a relatively affluent labour importing country surrounded by lower income countries has managed to escape the trafficking scourge.

- **Consider means to reduce debt bondage**

The Government should employ economic and policy analysts to devise a means to eradicate or reduce systems of debt bondage. Source and destination government fees could be revised (or abolished), as both economies benefit enormously from migrant workers' labour and remittances. Systemic labour migration costs associated with training, recruitment and placement fees could be offset by government, or minimised through the provision of no-interest government loans.

An enormous amount of money changes hands throughout the labour migration process. Traffickers, sending and receiving governments and employers receive substantial economic benefit from migrant workers' labour. The economics of labour migration is complicated, however, the fact that migrant workers bear the substantial cost is iniquitous, particularly given that they are usually the most economically (and otherwise) vulnerable of all parties. There are many issues for consideration in the development of a less fundamentally exploitative system, not the least of which is the imperative to mandate and deliver fair wages and conditions, however, the issue of debt bondage is paramount as in many instances, it is an employee's debt that triggers their entrapment in exploitative and abusive employment.

In an effort to reduce the risks of workers being indentured and exploited, the government has forbidden Bruneian employers from making wage deductions to agencies or sponsors, and has mandated that employees receive their full salaries. Nevertheless, foreign workers continue to pay high fees to recruitment and employment agents to obtain work in Brunei, which probably makes them less likely to complain about exploitative conditions as they are desperate to raise funds to repay their debts and take some profit home.

- **Develop mechanisms to eradicate the practice of contract switching**

The Bruneian Government should consider mandating the use of simple, standardised contracts (available in the languages of worker and employer) as a means to minimise contract switching. Contracts should be written in simple, basic language so they can be fully understood by persons with limited formal education. The standard contract should clearly state monthly salary and all expenses, and should provide minimum labour protections, including a fair minimum wage, all expenses, maximum working hours, a 24-hour rest period per week, benefits, and safe working conditions

Many workers, including those in the garment industry, sign contracts with employment agents or sponsors in their home countries. On arrival in Brunei they may learn that Brunei law regards contracts signed outside Brunei as invalid¹⁷ and be asked to sign another contract. Unless contracts are identical (except for the language in which they are transcribed), this practice has the potential to change workers' conditions and reduce promised salaries. While the government has been active in pursuing cases of contract switching, a stronger mechanism to prevent the practice is desirable.

- **Increase criminal penalties for labour exploitation**

The Bruneian Government should consider increasing criminal penalties for labour exploitation. The Labor Act prescribes penalties for labour trafficking of up to three years' imprisonment, however, three years may not be sufficiently stringent in cases of gross exploitation and abuse. Similarly, while the Government's actions to pursue complaints of exploitation are to be commended, the reliance on mediation and on administrative rather than criminal penalties is of some concern, particularly the lack penalties as a strong disincentive.

- **Ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime**

- **Ratify the Convention on the Protection of All Migrant Workers and Members of Their Families.**

Cambodia

Population ¹	14 163 000
GDP	US\$7 256 300 000
Per capita income	US\$512.30 (US\$3226.00 recomputed using IMF WEO Database April 2007)

UN Convention	Government Action
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children	Ratified July 2007
UN Convention on Rights of Migrant Workers and Members of Their Families	Signed September 2004

1. Background

Cambodia continues to recover from the devastating conflict and brutality of the 1970s and 80s. During the Khmer Rouge reign an enormous number of Cambodians died from execution, forced labour and starvation², with huge sections of the population forced to migrate and relocate. Despite reconstruction efforts by Cambodians and the many international agencies aiming to deliver social and economic security, Cambodia remains one of the poorest countries in the world, with social indicators amongst the worst in the region.³ More than one third of Cambodians live below the poverty line, struggling to survive on less than \$1 a day. Poverty is particularly pervasive in rural areas and among children. Malnutrition affects most Cambodian children, with 45 percent showing moderate or severe stunting. Cambodia has the highest infant and under-five mortality rates in the region.⁴

Throughout Cambodia, many factors lead people to migrate looking for work including poor infrastructure, chronic poverty, a lack of working capital, low land productivity, health problems leading to debt, and natural disasters.⁵ Many people own very small land holdings incapable of producing an average rice yield sufficient for basic subsistence. A 2005 ILO survey in one province revealed 85 percent of households did not produce enough rice for the family's annual consumption; the primary reason for family members migrating for work.⁶ Acker's 1999 study suggests that since the 1980s, the number of landless Cambodian households had increased to 20 percent.⁷ Debt is a major factor leading to landlessness and poverty. Most people secure credit through informal credit systems (ie. loan sharks) and are consequently subject to very high interest rates.⁸

Cambodia's population is disproportionately young due to the baby boom of the 1980/90s. This young population, more than half being under 20, means some 150 000 to 175 000 people aim to join the labour force annually. The rate is predicted to grow to 200 000 by 2010.⁹ Of concern, there has been a nine fold increase in the number of school dropouts in the past five years, which increases young people's vulnerability to exploitation. There is a high incidence of child labour, including domestic workers and sexually exploited children.

There is significant intra-provincial labour movement for short term or season agricultural work, but little data is available because it is short term and unorganized.¹⁰ Urban areas throughout Cambodia continue to grow rapidly with the influx of migrants from rural areas. Phnom Penh is the main centre for migration, growing at a rate of 6.4% annually. Migrants are pulled to the city to find work in the service industry, construction work, factories and as labourers.¹¹ The majority of Cambodian workers migrating across borders, work in Thailand.¹² The economy's limited absorption capacity and factors such as poverty and landlessness, means increasing number of job seekers are attracted to perceived economic opportunities abroad. Trafficking occurs amidst this large migration flow.

According to the Asian Migrant Yearbook 2004¹³, there are approximately 200 000 Cambodian migrants (regular and irregular) outside the country, including 88 000 in Thailand and 10 000 in Malaysia.¹⁴ The National Aids Authority of Cambodia suggests the numbers of Cambodian workers in Thailand is closer to 180 000¹⁵ though many are from nearby villages working in Thai villages just across the border.

2. Migrant Labour

The Department of Employment and Manpower, the main body overseeing the registration and sending of Cambodian workers, is also responsible for the issuing of work permits. Their statistics show that more than 9000 Cambodians have been registered and sent to work in Malaysia, South Korea and Saudi Arabia so far. Of those, more than 5000 were women domestic workers, making up a significant portion of the total number sent to Malaysia and all those sent to Saudi Arabia. Most of the migrant workers sent to South Korea were men.

According to recent government data, there are 13 registered recruitment agencies which have all signed contracts stating their obligations to protect the welfare of Cambodian migrant workers. These agencies are required to provide pre-departure training on language, customs and lifestyle norms and ensure a labour contract between the workers and the agency clearly stating the place and type of work, salary and other benefits, working hours, accommodation and food, insurance for each migrant and a return program.

Recruitment agencies frequently subcontract to local labour agents with a more intimate knowledge of their communities. These independent local labour agents typically charge a commission to every worker they recruit. Migrant candidates have to undergo a medical examination, the cost of which the worker usually pays. For the next few weeks to months, they are required to stay in Phnom Penh at their recruiting agency's training centre for pre-departure training. There is no standard industry practice about how the required costs/fees are settled. Some agencies pay for passport, food and accommodation and then redeem the debt from the worker's salary. Others require the money upfront with people acquiring a debt through other means.¹⁶

The relinquishing of recruitment, management and placement of migrant workers to private, profit-driven employment agencies is of concern, as there are reports that agency malpractice is common, including overcharging workers for food and lodging during their stay in Phnom Penh, not clearly explaining the terms of contract,

dismissing workers' complaints and concerns, and failing to monitor migrants' workplaces. One labour supply company has also reported instances of the military and police dropping groups of some 50 Cambodians at their front of their office after extorting 'recruitment fees', despite the agency having no plans to recruit them.¹⁷

Migrant workers often experience communication problems due to language barriers, and usually have no recourse against wages and conditions being different from those promised.¹⁸ Due to the lack of legal migration options, large numbers of workers leave the country without proper documentation, which renders them vulnerable to exploitation and abuse by unscrupulous employers, recruiters and traffickers. Most Cambodian migrant workers are low skilled. A 2005 ILO study (not a study of trafficking) in one region found that of the 80 migrant labourers who had returned to the region during the survey period, 48 percent could not read or write. A further 36 percent had only a primary school education.

3. Trafficking

Ranking of the Cambodian Government's efforts to address human trafficking according to the US Department of State's series of Trafficking in Person's Report¹⁹

2001	2002	2003	2004	2005	2006	2007
Tier 2	Tier 3	Tier 2	Tier 2	Tier 3	Tier 2 Watch List	Tier 2 Watch List

While isolated cases of trafficking were recorded in the 1970s, human trafficking was largely unrecognised until the 1990s. Its emergence and detection was facilitated by the rapid expansion of the sex trade following the opening up of Cambodia (including the arrival of more than 20 000 United Nations Transitional Authority staff), uneven economic development, economic liberalisation and increased tourism. Human trafficking has emerged as a priority issue since the 1990s 'and has increased exponentially since then'²⁰. The UN in Cambodia has identified human trafficking as a priority area for 2006-2010.

Trafficking networks range from small-scale ad hoc activities to large, well organised operations. There is significant internal and transnational trafficking, with Cambodia a country of origin, transit and destination. Push factors include poverty, malnutrition, inadequate education, the absence of health care (and acquisition of debts), the prevalence of droughts and floods, and a culture of impunity among those involved.²¹

3.1 Internal Trafficking

Many of the sectors that have expanded since the 1993 liberalization of the economy are basically female, including garment factories, sexual entertainment and tourism related businesses. Not surprisingly then, a Royal University of Phnom Penh study reveals that most of the migrants in Phnom Penh are women aged 20 to 29 (54.6 percent).²² For women there seems to be some slippage between industries, particularly the garment industry, domestic work and the commercial sex industry.

The garment industry offers young women a stable job paying as much as US\$60 to \$70/month, far more than their parents could earn, and in some instances making them the family's breadwinner.²³ Although the garment industry has not been identified as involving the trafficking of women, its role in facilitating trafficking merits some mention.

The garment industry has driven much of Cambodia's recent economic growth; exports increasing from US\$20 million in 1995 to US\$1.54 billion in 2003, comprising approximately 95% of Cambodia's exports. The industry employs some 230 000 employees around Phnom Penh; the vast majority of whom are uneducated young women migrating from economically disadvantaged rural areas.²⁴ Many young women and girls are also employed in the domestic sector, although many of these work in highly exploitative situations, and some have been trafficked. This large pool of girls and young women, far from home and with few options, provides fodder for exploitation in the commercial sex industry. Part of their vulnerability may relate to societal beliefs about women's sexual morality and its intersection with migration from their families,²⁵ ie. women may be stigmatized and labelled 'broken women' for having left the village²⁶ Domestic workers have been socially demarcated as young women who have had to and were willing to leave their homes for work known to be harsh and open to abuse. Agencies have reported that some women who have been employed in the garment and domestic industry have drifted or been pulled into the sex industry. The circumstances of some of these may fit under the banner of women having been trafficked.

Sex Industry – Attempts to quantify the amount of adult and child sexual exploitation and trafficking occurring are usually based on unreliable evidence and data, but it is widely accepted that many thousands of women and children are exploited and trafficked in Cambodia each year. Studies have suggested that minors comprise a significant proportion of sex workers.²⁷ Disturbingly, UNICEF suggests that child rape is increasing and the age of victims falling to as young as four or five years old.²⁸

The Cambodian commercial sex industry includes brothels and other entertainment establishments in which commercial sex is sold, for example, employment in karaoke bars and as beer promotion workers. While Cambodian law makes it illegal to profit as a pimp or brothel owner, the actions of sex workers are not illegal. Nevertheless, commercial sex workers are harassed and arrested by police.

Some women and girls are clearly trafficked into the sex industry, however, in many cases it is difficult to disentangle cases of women voluntarily working in the sex industry and enduring abuse and labour exploitation, and cases of trafficking. Certainly many women say they enter the sex industry voluntarily, although driven by the need to earn money to support their families. Different forms of coercion and control are used including debt bondage, systems of fines, use of drugs and alcohol, threatened and actual violence, threats to family members, and threats to reveal involvement in the sex industry to family/community. In venues other than brothels, such as karaoke bars and in beer promotion, women and girls may start work in a job that does not include providing sexual services (for example, as a waiter) and then slowly be pushed towards, or forced into, providing sexual services. For example, UNIFEM has estimated that some 4000 women and girls work in 'beer promotion'. These women are commonly perceived as indirect sex workers and as having lower morals which somehow excuses verbal, physical and sexual

harassment. A 2003 CARE survey of beer promotion workers found that half of the 184 women questioned had been physically hurt in the workplace, and 80 percent had witnessed other workers being hurt. A more recent survey found that 83 percent of 640 beer promoters had experienced forms of derogatory behaviour (verbal and physical insult), 80 percent had experienced unwanted sexual touching, 54 percent had been physically abused by clients, 60 percent had been threatened or forced to do something they did not want to do, and 38 percent had been coerced to perform a sexual act. One in 10 women have experienced a coerced sexual act (touch a man's penis, rape) more than 10 times.²⁹

The Human Rights Task Force on Cambodia has recorded a long list of serious abuses of women and girls in the commercial sex industry including malnutrition, overwork/no rest, being forced to have unprotected sex, forced intake of drugs to service many clients, unhygienic and dangerous surgical procedures to restore hymens to create the illusion of virginity, forced confinement in locked dark rooms, lack of medical treatment when ill, forced sex during time of illness and menstruation, rape by male brothel workers and local authorities, and beatings and other physical abuse by brothel owners and clients, including violent acts resulting in the worker's death.³⁰

Women and girls become vulnerable to exploitation in the sex industry through a variety of means. A 2007 Organisation for Migration report³¹ has identified the commercial sale of virginity as 'arguably the largest contributing factor' into commercial sexual exploitation. Of the women surveyed, 38 percent had had their virginity sold voluntarily or involuntarily. While 82 percent reported being conscious, many were unconscious (10 percent), drunk (4 percent), or conscious but drugged (4 percent) at the time.³² For many, it seems entry to the sex trade then seems like an obvious step.

A sense of filial duty is a major driving factor. Many women and girls identify themselves as having the potential to earn enough money to keep their families out of abject poverty. A woman or girl's relationship to her household is crucial in other ways, with many fleeing families because of feelings of dislocation resulting from the effects of divorce, actions of step parents, physical and sexual abuse. Similarly, many child domestic workers appear to have been removed from their households due to family dysfunction that later made them vulnerable to entry into commercial sexual exploitation.

Domestic work – Although there are obvious cases of trafficking of women and girls into domestic work, there are also many cases involving migrant women and girls which clearly involve exploitation but are more difficult to definitively identify as trafficking. The Cambodian law states that the minimum age of employment (for full time work in non-hazardous sectors) is 15 years old. Children from 12 to 15 years of age are allowed to perform 'light work' that will not affect their attendance at school. Despite these laws, many children are exploited in the domestic work sector. Some have been trafficked.

The vast majority of child domestic workers are girls with low levels of education from rural areas. An IOM study³³ in three provinces found that many come from dysfunctional family backgrounds with histories of divorce and domestic violence. Many of the families were also in debt. Some 38 percent were underage at the time

of entry. Parents usually decided that children would start working without discussion with their children. Parents' fear of trafficking is believed to strongly influence migration paths, with parents choosing employment with home owners who were 'known' and trusted. Kinship networks were often used, with domestic workers being related to their employers, although many had never met the child before they commenced work. Although offering parents a sense of protection, related employers were less likely to describe the work as domestic work (ie. low status work) and to promise a salary.

Working conditions were found to be very harsh, as domestic workers worked for an average of 13.5 hours/day, with non-relatives working an average of 15.7 hours/day. Only 64 percent of child domestic workers were paid. Those who were unpaid worked only for food and shelter. Seventy one percent were related and 18 percent were not related to their employer (the rest were defined as 'other'). Ten percent of all surveyed were in debt bondage. Thirty nine percent said they wanted to leave their place of work. Sixteen percent said they had been punished. Interviews with children exploited in the commercial sex industry revealed 10 percent of those who had previously been domestic workers had been raped, and 18 percent had experienced attempted rape while working as domestic workers. The majority did not have a contract, although this appears to be because families avoid contracts as they perceive them to be weapons used by traffickers to force people to do exploitative work.

3.2 International Trafficking

3.2.1 Source Country

Cambodian men and women are trafficked to Thailand, Malaysia and Indonesia to work in fisheries, construction and manufacturing. Children are trafficked to Thailand and Vietnam to work as street sellers and beggars. Women are trafficked to Thailand, Malaysia, Taiwan and further for sexual exploitation and for work as domestic servants and garment factory workers. There is evidence of women having been trafficked through fake marriages and of babies having been trafficked for adoption. Cambodians have been trafficked as far as Saudi Arabia and Somalia.³⁴

Common characteristics of their experiences included little or no pay, debt bondage, false promises about salary and working conditions, physical abuse, extremely long working hours, sexual abuse, due wages withheld, and restriction of freedom of movement. There have been reports of workers forced to take drugs to enable them to work long hours to increase production.³⁵ Some victims have also been deceived about their destination.³⁶

Migrant workers returning to one Cambodian province (for a survey not targeting trafficking) outlined various workplace abuses commonly occurring during their employment in Thailand. Some 53 percent of those surveyed reported bad treatment: employer swearing and shouting at them (26 percent), being forced to work long hours (23 percent), being underpaid (12 percent), having worked without payment (8 percent), having no freedom of movement in workplace (8 percent), being hit (7 percent), being forced to work in dangerous conditions (7 percent), experiencing sexual abuse (4 percent) or being arrested (4 percent). Additionally, 26 percent of those respondents described their living and working conditions as 'bad' because there was no protection from physical abuse (26 percent), exposure to

illness or unsanitary conditions (23 percent), not enough light (14 percent) and no fresh air (11 percent). Some 49 percent of the 80 returned migrants respondents said they worked more than eight hours a day and 44 percent of them were not allowed to take a day off ever. Forty six percent said they could not take leave if they wanted to, for example, to visit home, and 40 percent of those respondents said they were often sick.³⁷

Sex work – Cambodian women and girls are trafficked into the Thai and Malaysian commercial sex industries. The Cambodian Women’s Crisis Centre reveals cases of a number of Cambodian women trafficked into the Malaysian sex industry by being recruited to work in factories or restaurants then being forced to provide sexual services. The women were charged little by the recruiting agent but upon arrival were told they had a substantial debt. The report includes cases of women being kept under surveillance, being moved around the country, being forced to accept many customers each day, being forced to accept a certain number of customers or be denied food, being drugged with amphetamines and hallucinogenic drugs, and being forced to have medical check ups for which they incurred a debt. Young Cambodian women appear to be frequently sold into karaoke bars which operate as brothels. Workers are routinely trafficked through Thailand. The Centre reports women being divided into small groups and walking through the forest at night to enter Thailand before being taken by van to a district near the border of Malaysia, where traffickers would ‘check their virginity’ before selling them to Malaysian owners.³⁸

Case study³⁹

Two 16 year old girls (cousins) decided against their families wishes to travel to Bangkok for work. Their neighbour had told them they could make good money washing dishes in a restaurant. They were smuggled across the border in a pick-up truck and driven to an apartment. A businessman arrived and told them to take off their clothes so he could look at their bodies. They were then taken to Kuala Lumpur. One was put to work on the streets, the other in a karaoke bar. Both were threatened and badly beaten. After a few months the young woman working on the street was arrested, held for a year in Malaysia in detention, and deported to Cambodia where her family thought she was dead. The other girl states she approached the Malaysian police for help, who then sold her across the border to a Thai police unit. She then had to work off her debt to the police in another bar, before finally finding her way home. Both now say they are the subject of gossip, which affects their chance of marriage.

Domestic workers - Government statistics record some 3705 Cambodians legally recruited and sent to work as domestic workers in Malaysia between 1998 and 2006. Most were women aged 17 to 30 (although the legal age is 18), with some primary education from rural areas.⁴⁰ These migrant domestic workers face problems resulting from their lack of ability to communicate with their employers (due to language barriers), being forced to work long hours with little rest; no free weekends or leave; loneliness and homesickness; psychological, physical and sexual violence. Some of these women are kept in highly exploitative conditions, and some

experience physical abuse. Many agencies assert that some of these women have been trafficked but there is limited research to date.

Case Study⁴¹

I worked for two years, but never received any payment. I had to work all day, go to bed at 2am and then get up again at 5am. I didn't have enough sleep. The male boss was evil-minded, not only did he not pay me, he also slapped, hit or pinched me. His wife was laughing while her husband slapped me. She never tried to help. Their three children also hurt me, they always lied and made it difficult for me.

Fishing – Cambodian men and boys are trafficked to Thailand to work in the fishing industry. Others cross the border independently and are then trapped in highly exploitative and sometimes deadly circumstances. A July 2007 report⁴² highlighting the experience of Cambodian fishermen working in one Thai province, provides a snapshot of some of the abuses suffered in the fishing industry. Men are attracted by the relatively high salaries; an average of US\$3.50 per day, or some four times that they would earn in their villages as farmers. Even in Phnom Penh, casual daily wages for labourers are only between US\$0.75 and US\$1.75. However, fishermen are usually undocumented and without negotiating power. Salary deductions are made, for example, for living allowances for shore leave during full moon periods, for boat provisions which are charged at inflated prices, if they arrive late on board when a boat is leaving, if they make a mistake, or if the boat driver has spent a lot on petrol. There are reports of fishermen not being paid, as the result of boat drivers creating disputes in the period leading up to pay day. This can include extended work hours, physical abuse and not being provided enough food and water so that the fishermen complain or cause trouble, which can lead to them running away or leaving without being paid. Fishermen also report being unpaid part of their salaries unless they agree to go fishing in a different area. In focal group discussions, every fisherman reported a delay of one to two months in receiving their salary.

In each village targeted, migrants reported (on average four cases of) missing male fishermen relatives, with boats returning without their crew. Fishermen report that boat drivers are very cruel and sometimes kill the fishermen and throw the bodies in the sea. Fishermen regularly report seeing dead bodies of others floating in the sea. Fishermen are also known to have died from lack of oxygen when they have tried to get the fish out of the hold. Others have died from illnesses sustained over a long period of time. Some have been killed by the propeller of the boat when they go to untie the net. In addition, fishermen face arrest in all ports and are often imprisoned in other fishing areas in Thailand.

Aun Dam, Aun Sang and Aun Lak boats travel far out to sea for long periods, with salary paid only every 21 months, sometimes with a three or four month extension. Experienced fishermen believe their owners to be cruel so will not work on them. Traffickers focus on young inexperienced migrants who lack knowledge of the Thai fishing industry. A number of strategies are used including a 'friendly person' befriending the newly arrived migrant, treating him 'like a son', providing him with

food, accommodation and money, and promising to find him work on a boat. That person then sells the young migrant to a fisherman without the young person's knowledge. Another strategy is the 'kind' person provides food, drink and visits to sex workers. He then drugs the young migrant, by placing drugs in his drink. When the young migrant wakes up he finds himself on a boat, 'sold' to a boat owner. Another strategy involves recruiting a worker in Cambodia and driving him into Thailand far enough away from the border that it is too difficult to leave and find his way back.

Factory Workers – The Cambodian Women's Crisis Centre also reports cases of male and female workers being recruited with promises of factory work. Some enter the country legally but lack work permits. Wages are routinely unpaid for lengthy periods. The Centre is aware of at least two occasions on which groups of workers worked for some months (with their entire salaries owing) before being arrested by police and then deported. The workers maintain the factory owner alerted police as a means to avoid paying them. In other instances they had worked for some time, with deductions taken from their salary probably to repay their recruitment 'debt'.⁴³

Beggars/Flower sellers - Although some people migrate to Thailand and work on the streets, including parents and their children, it seems likely that traffickers lure children from neighbouring countries and force them to beg and sell small products on the street. Their living conditions are very poor, and they are exploited and controlled by loosely organised criminal gangs.⁴⁴ Businesses operate with the beggars/sellers working long hours but being forced to hand over all their 'earnings' to a person who watches and controls their actions.⁴⁵ It is estimated that children can make between 500 baht⁴⁶ and 3000 baht a day for their brokers, while receiving only basic food and accommodation.

Baby trafficking – There is evidence of trafficking of babies and young children for international adoption having occurred from Cambodia.⁴⁷ While some Cambodian children are orphaned (sometimes due to HIV/AIDS), the large amount of money available from unsuspecting Westerners hoping to adopt has created a market for non-orphaned babies.⁴⁸ Kidnapping may occur, however, it seems that in most instances recruiters target vulnerable women or families and persuade them to give their babies away. Sometimes parents are convinced to give up their baby or toddler permanently, but frequently they are told that their child will be cared for temporarily in a children's centre until such time as the parents are able to collect the child and provide care. UNIAP suggests that current actions by the Cambodian Government have greatly curtailed the trade in babies and young children⁴⁹, although many countries continue bans refusing to allow the adoption of Cambodian children.

3.2.2 Transit Country

As outline above, many people are moved through Cambodia from rural areas to their point of departure to international destinations although there appears to be little transiting of non-Cambodian residents.

3.2.3 Destination Country

Cambodia is a transit and destination country for the trafficking of Vietnamese and Chinese women and children for sexual exploitation. It is widely reported that Vietnamese women are trafficked into Cambodia, however, there are many Vietnamese whose families live permanently in Cambodia and it is not clear whether these some of these young women are being counted among trafficked 'Vietnamese'.

In 2000, there were reports of at least seven women aged 18 to 24 from Romania and Moldova, being held at a hotel. At least one of the women had answered an advertisement for dancers. After being interviewed by a Romanian woman she was sent to Cambodia where she was forced into the commercial sex industry.⁵⁰

4. Issues for consideration

4.1 Lack of research/data – Many agencies and groups, including those convened by government⁵¹, have called for further research to generate a more accurate, detailed picture of trafficking practices in Cambodia.⁵² There has been significant government effort to collect data, with at least seven 'trafficking-relevant' information systems operating at four ministries.⁵³ Unfortunately, government efforts have been undermined by a number of factors. Firstly, the collection of data has been seriously inhibited by the lack of clear definitions (for example, trafficking, coercion, exploitation, etc) so that cases can be accurately and consistently identified. There has been a presumption that those collecting data will simply 'know' what terms mean. In the case of 'trafficking', which is clearly a complex phenomenon, it is highly likely that cases have been missed and data collected in non-standard ways. Instead, terms need to be defined, and their definition included in data recording mechanisms, for example, included on data recording sheets.

The Cambodian data collection system has also been undermined by IT limitations, including lack of hardware, infrastructure, and training. Some offices have no computer/internet access, record data using paper files, send data to central offices by fax, etc. The storage of data on paper files means that data is then compiled by hand. Some data is stored electronically using software that has modest information management capacity, for example, in sorting and compiling. There is urgent need for capacity building and training in information management and information systems. Lastly, data management is seriously undermined by the very fact that so many agencies have attempted to implement systems which unfortunately lack compatibility. Data management would benefit enormously from the introduction of a government system able to manage and administer trafficking data from the whole of government (which would need to accommodate the non-trafficking data management needs of all ministries). Both IT hardware and human resources are crucial. Cambodia's bilingual database on the return of victims of trafficking at the Anti-Trafficking and Reintegration Office has been lauded as a breakthrough as it permits the analysis of trends for program evaluation and planning.⁵⁴

Lastly, the enormous number of NGOs working in Cambodia have a role to play. NGOs need to work more cooperatively to produce data management systems that are also compatible with governments.

4.2 Government Responses – Cambodia was one of the first countries in the region to adopt a law on trafficking: The *Law on Suppression of the Kidnapping, Trafficking, and Exploitation of Human Beings* (1996) prohibiting the kidnapping of persons for trafficking, sale or prostitution, and the exploitation of persons inside or outside Cambodia. The law was, however, brief (10 articles) and did not define ‘trafficking’, which was a factor in its poor implementation. Cambodia’s Constitution specifically prohibits the ‘commerce of human beings’ (Article 46).⁵⁵ The 1997 *Labour Law* addressed debt bondage, slavery, and forced child labour.

By 2000 “there were neither specialized police structures, nor any knowledge of child sexual exploitation and trafficking issues”⁵⁶ The law was rarely implemented, with only 40 suspects arrested in 2000. Most cases were resolved through compensation or corruption before they reached trial. UNICEF has attributed this failure to a range of reasons including police not regarding the issues as serious, not perceiving child sexual exploitation as a crime, and not understanding the need to protect children. Additionally, political will was inadequate. In 2000, the first Five Year National Plan to Combat Sexual Exploitation and Trafficking of Children was introduced, setting out various strategies and policies.⁵⁷ In that same year, the Law Enforcement against Sexual Exploitation and Trafficking of Children (LEASETC) Project commenced. It appears to have produced strong results. It also appears to have generated:

- significant improvement in police investigative skills in five priority provinces
- greater sensitivity and awareness by police to the needs of, and laws applying to, children
- additional mechanisms to combat child sexual exploitation and trafficking.⁵⁸

The establishment of the Anti-Human Trafficking and Juvenile Protection Department and corresponding specialist units has increased the governments capacity to reduce trafficking.

In May 2003, Cambodia signed a Memorandum of Understanding (MOU) with Thailand on ‘Eliminating Trafficking in Children and Women and Assisting Victims of Trafficking’. Key elements include cooperation on harmonization of legislation, cooperation on border control including apprehension of traffickers, procedures for return and reintegration of trafficking victims, and establishment of monitoring mechanisms. Unfortunately, the structure of Thailand’s anti-trafficking laws precluded men from this agreement, although Thailand will soon amend its anti-trafficking laws to include men. In the same year, Cambodia and Thailand signed and MOU on ‘Cooperation in the Employment of Workers’ in which they agreed to work towards resolving the problem of irregular migrant workers by establishing a framework to develop a legal, organized labour migration scheme, protect Cambodian labour migrants, return and repatriate workers, establish a migrants’ emergency fund, prevent irregular labour migration, and identify Cambodian workers currently in Thailand.⁵⁹ In July 2006, Cambodia and Thailand concluded ‘Guidelines for cooperation between Cambodia and Thailand on the Criminal Justice Process of Trafficking-Related Crimes’, which is expected to facilitate the implementation of their 2003 MOU.

In 2005, Cambodia and Vietnam signed an anti-human trafficking Agreement. Again, only women and children were covered. Bilateral law enforcement guidelines have also recently been signed.

The *Second National Plan against Trafficking and the Commercial Sexual Exploitation of Children (2006-2010)* has recently been released. It sets out overall objectives and targets, supported by individual ministries' own strategic and implementation plans. It complements other national plans including the *National Plan of Action on the Elimination of the Worst Forms of Child Labour 2004-2010*.⁶⁰ Cambodia does not yet have an equivalent national policy statement on the trafficking of adults.

Recent events include the establishment of the 'The National Task Force to Implement Bilateral Agreements/Memoranda of Understanding between the Royal Government of Cambodia and Relevant Countries on the Elimination of Trafficking and Assisting Victims of Trafficking'. In August 2007, a new task force was created and mandated 'to fight human trafficking, smuggling, and exploitation and sexual exploitation of women and children human trafficking'. The Counter Trafficking in Persons Program was launched in October 2006. In February 2007, five ministries and 24 victim support agencies signed an internal MOU: *Agreement on Guidelines for Practices and Cooperation between the Relevant Government Institutions and Victim Support Agencies in Cases of Human Trafficking*, clarifying the roles and responsibilities of each agency. The Government is currently drafting a new trafficking law.

The IOM office in Cambodia reports there were 151 trafficking victims returned to Cambodia from Thailand in 2004, 186 in 2005 and 252 in 2006. Of these cases, 94 percent were younger than 18 years old. These figures may not represent all returnees as some NGOs return victims without going through official processes. These numbers are dwarfed by the number of persons deported to Cambodia from Thailand for illegal entry. In 2006, the Thailand Immigration Detention Centre opposite Poipet, deported 147 197 Cambodians as illegal migrants without identifying a single victims of trafficking among them.⁶¹

In 2004, 27 trafficking victims were returned from Viet Nam, 93 in 2005 and 131 in 2006. This rapid increase is presumed to be the result of more thorough screening of detained migrants both by Ho Chi Minh City authorities and by Cambodian social workers during advance family tracing and assessment, because the total number of persons returned from Viet Nam to Cambodia has declined steadily from 1847 in 2002 to 757 in 2006. One NGO also reported that 59 Cambodian victims of trafficking had been returned from China, and 29 returned from Lao People's Democratic Republic during the period 2004 to 2006.⁶²

Between 15 May 1999 and 31 March 2005, 47 victims of trafficking were returned from Cambodia to Viet Nam, however, 11 persons (or 19 percent of all identified cases) had voluntarily left NGO reception centres in Cambodia before being returned. The entire process of the identification and repatriation of Vietnamese trafficking victims from Cambodia back to Viet Nam is problematic, particularly the major issue of the small number of victims identified in Cambodia despite estimates suggesting there may be up to 4000 Vietnamese women and girls who have been trafficked into the commercial sex industry. Only about a dozen a year are provided shelter and repatriated. In May 2005, 9 Vietnamese were awaiting repatriation. Thirty victims of trafficking were returned to China and 10 to Lao People's Democratic Republic in 2004.⁶³

In 2004, Cambodia reported 52 prosecutions for sexual exploitation involving 52 offenders and 216 victims, and 31 prosecutions for trafficking involving 40 offenders and 71 victims. Recent reports suggest that Cambodia has successfully prosecuted more offenders, however, official statistics are not yet available.⁶⁴

Despite the government's efforts, more is needed including action to:

- **Increased budget for anti-trafficking efforts**

The Government should allocate additional funds to increase its substantial anti-trafficking initiatives.

- **Overhaul the migrant labour system**

The migrant recruitment and placement system should be driven by the mandate to protect workers' rights. The little existing evidence based research on recruiting and employment agencies suggests that abuses are occurring. The recruitment, management and placement of migrant workers has been surrendered to private, profit-driven employment agencies without adequate controls. That sector needs greater management and enforcement either by government or, as UNIFEM has recommended, by a UN agency or national NGO. Stricter regulation systems should carry the threat of licence removal, fines and jail.

Minimum standards and appropriate timeframes for pre-departure training programs should be set. The detention of workers in holding centres for unspecified periods of time is completely unacceptable. It severely impacts workers' personal liberty while increasing their real or invented debts. Recruiting and training procedures should be simplified to avoid opportunities for corruption and deception by labour brokers, recruitment agencies, and government officials. People need access to accurate, independent information (including the advantages and disadvantages of migration) before they commit to leaving their villages/homes.⁶⁵

Systems should be in place to ensure that each worker is fully aware of the fees they will incur, the fair and reasonable calculation of which should be mandated by government. They should be provided a basic, clearly worded contract including monthly salary and all expenses.

- **Consider means to reduce debt bondage**

The Government should employ economic and policy analysts to devise a means to eradicate or reduce systems of debt bondage. Source and destination government fees could be revised (or abolished), as both economies benefit enormously from migrant workers' labour and remittances. Systemic labour migration costs associated with training, recruitment and placement fees could be offset by government, or minimised through the provision of no-interest government loans. In some instances, perhaps this process could be managed through the involvement of international agencies or large NGOs. UNIFEM has suggested the creation of Community Village Funds to support people who wish to migrate.

An enormous amount of money changes hands throughout the labour migration process. Traffickers, sending and receiving governments and employers receive substantial economic benefit from migrant workers' labour. The economics of labour migration is complicated, however, the fact that migrant workers bear the substantial cost is iniquitous, particularly given that they are usually the most economically (and otherwise) vulnerable of all parties. There are many issues for consideration in the development of a less fundamentally exploitative system, not the least of which is the imperative to mandate and deliver fair wages and conditions, however, the issue of debt bondage is paramount as in many instances, it is an employee's debt that triggers their entrapment in exploitative and abusive employment.

- **Increased training for all officials who may come into contact with trafficking practices**

More training should be provided to officials who encounter human trafficking. Many officials are still untrained or undertrained on trafficking related issues and the way they might impact their work. Although LEASETC is only one strategy, the training provided appears to have demonstrated significant outcomes, with a dramatic increase in investigations recorded, hundreds of victims rescued, and perpetrators arrested and convicted. More than ten times as many suspects were arrested in 2005 as in 2002.⁶⁶

- **Stronger anti-corruption efforts, including the prosecution of officials**

Despite some success to date, the Cambodian Government should make greater efforts to prosecute and convict public officials who profit from or are involved in trafficking.

Cambodia continues to have a culture of impunity for criminal acts. The 2007 TIP Report states that 'although senior level government officials are committed to anti-trafficking efforts, there are reports that public officials' complicity in trafficking limited the government's success in combating trafficking'. Those victims who insist on their cases being heard often report having to pay various officials to ensure their case proceeds. Many cases are still resolved through illegal compensation payments negotiated by commune chiefs and lower level police. Due to fear of loss of face, shame within the village, or lack of faith in the criminal justice system, victims and their families choose to settle claims financially due to pressure from the police or commune chief facilitating the compensation (who probably get 'a cut'). Alleged problems in the courts (including judges, prosecutors and clerks) have undermined improvements in police response.⁶⁷ Some cases that reach trial are corrupted by the payment of bribes to court officials. Wealthy and powerful citizens in particular are apparently protected from criminal justice processes and rarely (if ever) face justice.⁶⁸

During 2006/7, the government prosecuted several police for trafficking-related corruption charges. 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. Two officials under his supervision were also convicted and sentenced to seven years' imprisonment. Police arrested two military officers and one member of the military police for

running brothels and trafficking; one was sentenced to a five-year suspended sentence and fined five million riels.⁶⁹

In late 2006, an Appeals Court released the owner and manager of a notorious brothel known for trafficking of young girls and women. The brothel re-opened under a new name and in early 2007, police conducted a raid and re-arrested the owner, manager and two others. The Prime Minister urged the Supreme Council of the Magistrate to investigate the Appeals Court decision.⁷⁰

- **Continued regional and international efforts**

Greater effort should be expended on regional and international mechanisms to reduce human trafficking. Such agreements require mechanisms to enforce fair labour standards and working conditions. They should include provisions on standard contracts between recruiting agencies/employment agencies/employers and workers, on monitoring of those agencies and employers, and on the protection of migrant workers' rights (including the basic right to retain passports and personal belongings). The bilateral agreements with Thailand and Viet Nam appear to be delivering results. Although, such agreements can be greatly impacted by the wealth and power of the sending and receiving countries, they have the potential to trigger the development of systems to reduce trafficking, particularly as it relates to migrant labour systems.

- **Assistance to victims**

The Cambodian Government should increase its assistance to victims of human trafficking. The Government continues to provide limited assistance to victims, while relying on NGOs and international organizations for the bulk of victim protective services. The Ministry of Social Affairs, Veterans, and Youth Rehabilitation operates two temporary shelters and collaborates with NGOs to assist initial reintegration of victims. In 2006, 252 Cambodian victims who had been trafficked to Thailand were repatriated by the Thai government in coordination with the Cambodian Government and Cambodian NGOs.

Indonesia

Population ¹	222 051 000
GDP	US\$864 258 800 000
Remittances ²	US\$1 900 000 000
Per capita income	US\$1640.40 (US\$4321.40 recomputed using IMF WEO Database April 2007)

UN Convention	Government Action
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children	Signed 2000. Not yet ratified.
Convention on Rights of Migrant Workers and Members of Their Families	Signed 2004. Not yet ratified.

1. Background

During the 1970s, Indonesia looked set for steady economic growth based in part on the development of oil and gas revenues, and foreign capital investment attracted by an atmosphere of political stability and a large supply of labour. Indonesians were drawn from rural and informal sectors into waged employment in the developing urban centres, with labour intensive manufacturing industries flourishing. The 1997 Asian economic crash had a devastating effect. The Indonesian rupiah lost more than half its US dollar value. Companies were unable to repay their dollar-dominated loans, and the value of their assets was reduced to almost nothing. Aside from triggering riots in which people died, the crisis exposed weak regulatory regimes unable to deliver strong, lawful economic management. The long term government lost power, and Indonesia began a transition aimed at delivering democratically based, strong governance.

Indonesia continues to battle the effects of the crash. Foreign direct investment has dropped enormously. As well as concerns about economic stability, Indonesia's international reputation has been tarnished by threats of terrorism and incidents of domestic insecurity, with numerous major conflicts based on tensions between local populations and the national government, and tensions between different community groups, resulting in the displacement of more than 1 million people³. Economic growth has also been limited by human resource capacity with Indonesians having an average education of some seven years⁴, leaving a large proportion of the population unskilled or underskilled. The difficult economic situation is exacerbated by the economy needing to absorb over two million new jobs seekers a year.⁵

Indonesia has also been battered by events well beyond its control. Some half a million people were displaced by the 2004 tsunami, which was followed two years later by an earthquake, another smaller tsunami, and more earthquakes in 2007. The *Economist* also claims the 126 percent increase in fuel prices in October 2006 blew out inflation to 18 percent and further negatively impacted economic (and consequently social) development. According to government statistics, the number of poor Indonesians would have soared had the government not made cash handouts to some 76 million people to cushion the fuel price increase.⁶ Indonesia is ranked

108th out of the 177 countries surveyed for the UNDP Human Development Report 2006.⁷ More than half of Indonesians have incomes below the World Bank defined poverty line.⁸ UNICEF estimates that more than 100 million people lack adequate sanitation, more than 40 million people do not have access to safe drinking water, and approximately 28 per cent of children under the age of five are malnourished.⁹

2. Migrant Labour

Labour migration has been an important option for the unemployed and underemployed. For the Indonesian Government, labour migration boosts national income through the sending of remittances, while reducing unemployment and pressure on job creation. Figures vary, but a recent estimate by Latifah Iskandar, chairwomen of the House Special Committee on Indonesia's new anti-trafficking law, suggested some 450 000 migrants were being moved through the Government-sponsored labour export program annually¹⁰, with others migrating illegally.¹¹ In 2005, the World Bank put the dollar value of this migration at US\$2.5 billion for legal remittances alone¹².

The government has established structures to facilitate migrant labour which unfortunately also facilitates the trafficking of many men, women and children. What begins as voluntary migration becomes trafficking, often through practices which are so common in Indonesia that they are not recognized as exploitative, let alone as trafficking violations. Many migrants are exploited throughout the migration process, from recruitment to pre-departure processing, while working, and upon their return.

Indonesians wishing to work abroad are legally required to go through private recruitment agencies. Migrants are recruited through both licensed and unlicensed recruiting agencies and are often unaware of the difference, which is not surprising given that legal and illegal brokers use similar methods of recruitment and transportation. Even when migrating through legal agents, workers documents are often falsified, putting them at risk of immigration violations in the destination country. Arrest for such violations can have serious consequences including incarceration and in the case of Malaysia, caning. Deportation is a given. Workers without legal papers are unlikely to seek assistance. Commonly recruiters provide little information to workers and their families prior to workers leaving their villages. Many workers are not shown a contract at the time of their recruitment, and frequently they are not aware of the details of the work, its location, or the means of transport to get there. Although placement fees are stipulated by the government's Department of Manpower, many migrants incur large debts, including debts arising from illegal fees and high interest rates.¹³

Legal migrant recruitment agencies, known as PJTKI, are licensed and 'supervised' by the Ministry of Manpower. PJTKI operate holding or training centres which act as dormitories for workers while documentation is processed. The Ministry of Manpower requires the centres to provide skills training, for example, how to use washing machines and rice cookers, and basic foreign language instruction. In practice, training does not always occur and there is little quality control of the actual training provided. Training does not necessarily include information about managing problems workers may encounter and of some concern, *The Trafficking of Women and Children in Indonesia* report states that women have been told to "behave," be "subservient," and "obey their boss".¹⁴

Reports indicate that debt bondage is usual and that the longer a worker remains in a holding center, the greater their debt which includes payment for food, accommodation and medical care. Living conditions are often poor and sexual harassment and sexual assaults have been reported. In the majority of PJTKI holding centers, freedom of movement is restricted. Migrant workers are not permitted to leave the premises unaccompanied for the duration of their stay because staff are concerned that workers will run away without repaying the debt they have incurred. Ostensibly, once recruited, workers are locked in. They cannot change their minds and cannot leave.

Case Study¹⁵

The agent came to my house and promised me a job in a house in Malaysia... He promised to send me to Malaysia in one month, but [kept me locked in] the labor recruiter's office for six months.... I think one or two hundred people were there. The gate was locked. I wanted to go back home. There were two or four guards, they carried big sticks. They would just yell. They would sexually harass the women.

Local Government Manpower Offices are tasked with inspecting migrant worker holding centers, registering agents and identifying illegal agents, however, it appears they are often under staffed, under funded, and employees insufficiently trained to handle the enormity of their role. Although the Ministry of Manpower has revoked the licenses of some agents, there is also anecdotal evidence of some officials receiving payment to ignore problems.

Once in their destination country, workers frequently repay debts from their salaries, and in extreme (but common) cases, find themselves in situations of debt bondage from which they cannot escape. The World Bank has found that wages are often lower than the contract value because as well as various deductions being made, employers pay less than stipulated. Conditions often violate local labour laws with migrants working long hours, having no days off, and being housed and fed in unsanitary conditions.

Case Study¹⁶

Adek went to a broker in her town to help her go to Hong Kong, because she had heard from a relative that she could get a better job there for more money. The broker took Adek to an employment agency in Surabaya, East Java, where she had to pay 390 000 rupias for a medical test, uniform, Cantonese language books and cookery books.

Instead of going straight to Hong Kong as she expected, Adek was sent to a training camp in Surabaya. There were around 1000 women in this camp and conditions were bad. The women were served small portions of food and the water was dirty. Many women in the camp were ill as a result. One woman died while Adek was there through lack of medical care. Adek and the other women were forced to carry out tasks for the agency staff, cleaning duties, and undertake long hours of language tuition. Many of the women were forced to also work for very little money.

Adek was not allowed to go outside the camp. Her family was only allowed to visit her for a few hours once every two weeks. There were no telephones for Adek to contact her family and her letters were censored or taken away. Adek was forced to sign contract papers without their being explained to her. After four months, she was taken to Hong Kong to begin her employment, but she was not paid anything for five months. She was told this was to repay the agency fees she owed. Adek faced routine verbal abuse, was not allowed to leave the apartment, and had only one rest day in nine months of employment.

There is no doubt that the abuse suffered by many migrant workers is real. The Central Police Hospital, a referral hospital for sick and injured returnees coming through the main international airport in Jakarta, documented 560 female migrant worker returnee patients between 2000 and 2002. Eighty percent of them were treated for injuries from some form of physically or psychologically violent act including fractures, dislocations, burns, head injuries, trauma from blunt objects, open wounds, psychosis and depression.¹⁷

Workers wanting to return home are forced to continue working in order to repay their debts. Employers and agents hold passports and other documents. Additionally, many employers charge high interest rates to employees or require them to pay illegal fees. For example, one study found that it was not uncommon for employers to deduct the levy on foreign workers (for which the employer is responsible) from the employee's salary even though this is illegal.

There is some evidence that some migrant workers are also exploited on their return to Indonesia through demands to pay illegal fees to individual government officials, poor currency exchange, and individuals ripping them off for transport costs.¹⁸ Also of concern, Indonesian migrant workers are prohibited from publicizing to the media problems and abuses that they encounter abroad.

Recent moves by the Indonesian Government have exacerbated the situation. A Memorandum of Understanding with Malaysia signed in May 2006 ceded basic workers' rights to employers making it easier for Indonesians to be trapped in slave-like conditions. The agreement allows Malaysian employers to hold workers' passports, restrict their freedom to return home, deduct up to 50 percent of their negotiated monthly wages to repay loans, and provide no time off.

3. Trafficking

Ranking of the Indonesian Government's efforts to address human trafficking according to the US Department of State's series of Trafficking in Person's Report¹⁹

2001	2002	2003	2004	2005	2006	2007
Tier 3	Tier 3	Tier 2	Tier 2	Tier 2	Tier 2 Watch List	Tier 2

The 2007 TIP Report contends that “Indonesia has the region’s largest trafficking problem, with hundreds of thousands of trafficking victims”.²⁰ Men, women and children are trafficked both internally and across national borders.

3.1 Internal Trafficking

Domestic Workers – Many Indonesian men, women and children work in the informal sector, including many women and children undertaking domestic work in house maid and caregiver positions. As most are probably unregistered, it is difficult to source accurate data although various estimates suggest there may be millions of domestic workers, most of them female, and many of them children. Many workers from low income rural areas are recruited informally through friends or relatives, while others are recruited by agents. There is little public or official acceptance of domestic work as formal work, ie. ‘work’. Workers regularly work very long hours, often with little time off. The relationship between worker and employer is often informal, with no contract or clarity of conditions. Many domestic workers are paid irregularly, and some are paid only when returning home (annually or when leaving employment). Some of these workers have been trafficked. Exploitation has included forcing workers to work extremely long hours with limited time off, withholding wages, paying far below the minimum wage, restricting freedom of movement, and psychological, physical and sexual abuse.

A disturbing practice relates to the exploitation of children. In Indonesia, there is a cultural tradition of poor families sending their children to be raised by more prosperous family members in exchange for the child’s assistance in the household. In some instances, this rationale has been used to excuse cases of gross child exploitation. USAID estimates there are some 700 000 child domestic workers in Indonesia, many of whom work in conditions akin to slavery, and most of whom are denied the basic rights of a child as defined by the UN *Convention on the Rights of the Child*²¹. Government officials continue to rely on a romanticized notion of child domestic work, imagining the employer as surrogate family providing food, home and education for a poor child. This idealised image is not borne out by research.²²

Sex Industry – It is very difficult to estimate the number of sex workers in Indonesia. There are some 70 000 registered sex workers, with estimates of the total number of sex workers going as high as 500 000, however, reports rarely state how these figures have been derived. The *Trafficking of Women and Children into Indonesia* report estimates the number to be closer to 140 000 and 230 000.²³

Indonesia’s regulated brothel complexes (called ‘*lokalisas*’), are located in designated areas and managed by local government. There are also large sections of the sex industry which are informal and underground. Sex services are offered at massage parlours and at entertainment complexes such as night clubs, billiard halls and karaoke bars. Sex workers sell services on the street, in parks and at railway stations. Young women working in small food stalls, at truck stops and at snack bars may provide sexual services (from touching to penetrative sexual relations) to supplement their other income. For some, it is the only means by which they can repay their debt to their recruiter.

Many women enter the sex industry without coercion, although many consider themselves ‘forced by circumstances’, for example, needing to support themselves

and their families. Some certainly enjoy better income and conditions than many other workers in the broad informal sector. Many are bound by debt bondage created by 'fees' for recruitment, food, accommodation and medical services. Many are girls. Some are deceptively recruited, physically and sexually assaulted and kept against their will. Some have certainly been trafficked.

Case Study²⁴

Inem is the eldest daughter in a family of five children from Central Java. After her parents divorced she lived with her mother and stepfather. Her mother works as a housewife and her stepfather works as a *becak* driver and occasionally also as a labourer on other people's farms. Inem has completed elementary school and throughout her schooling also worked in a pharmaceutical factory in her village to supplement the family income. She had sexual intercourse for the first time with her boyfriend while still living with her family.

When she was 15 years old Inem was offered work as a domestic worker in Jakarta by a broker who came to her village. She was first sent to a holding centre where she was recruited by an employer to work as a waitress in a Japanese restaurant for a high salary. However, instead of working as a waitress she was transported to a *lokalisasi* where, in her first night, she was forced to receive 25 clients. Following this she was forced to work every day from 6 pm until 3 am and was limited to fifteen minutes with each client to enable her to serve as many clients as possible. She served between 10 to 20 clients a day. She earned IDR22,500 per client (approximately US\$2.50) and about IDR1.500.000 per month (US\$150) while her pimp received IDR7.500 per client for the room. She worked in this *lokalisasi* for five months because she was bound in debt to the brothel owner who had paid the broker who recruited her. She has since moved to another *lokalisasi*. Each month she sends money to her family to pay her younger brother and sister's school fees. Her family does not know what type of work she does in Jakarta.

Fishing - Boys continue to be trafficked onto fishing platforms (*jermals*) situated many kilometres out to sea. The wooden structures are usually only about 20 by 40 metres and perched on stilts above the water. The only shelter is a small shack in the middle of the platform where work equipment is stored, and which often does not include beds. Work is hazardous, with fatigue increasing the chance of injuries or death, particularly from falling into the sea or being struck by a winch. When tides are running high, work may start as early as 2am and not finish until midnight. There is infrequent contact with shore so crew members cannot leave, cannot go to school, play with friends or see their family. Nutrition is poor and usually does not include fruit or vegetables. There are reports of emotional, verbal, physical and sexual abuse by children and by foremen.²⁵ Pay and conditions fall below minimum legal levels. Chan Tou Chou quotes an Indonesian NGO representative who monitors *jermals* as placing the average age of workers between 14 and 17 years old.²⁶ Law enforcement has rescued some boys, and government efforts have significantly reduced the number of *jermals* operating, however, some continue to do so. It is possible this industry may eventually disappear because of competition from fishing

boats and the cost and difficulty of repairing structures, but in the meantime boys continue to be trafficked onto *jermals*.

Other forms of child labour – It seems likely that some children are internally trafficked to sell narcotics. There have been allegations that some children working in the following industries may also have been trafficked: plantation, family farms, chemical industries, brick, pottery and tile manufacturing, construction, garment and textile production, fireworks production, pearl diving, shoe manufacturing, cigarette production, scavenging, mining, and camp work or combatants in areas of armed conflict. Many of these children continue to live with their families and to date there has not been enough research to make clear submissions in this area. It appears some children are also trafficked for begging.

Case Study²⁷

My friends call me Gde. I was born in, Bali. Last year, when I was 13 years old, an older man offered work in Denpasar. I had never seen him before. He promised to finance my study in the Evening Junior High School in Denpasar. Although I was doubtful of his generous offer, I accepted it. I was so happy and so were my parents. The man took me to Denpasar. Together with children from Madya and Karangasem village we were sleeping in one room. The children told me the man's name is Pak De. The next day he told us to beg. He was so fierce and threatening to us, I had no choice but to do what he told me. Every morning we are brought to an area by car. We spend the day begging door to door. In the evening he picks us up in a pre-appointed place. We do this job everyday for Pak De and have to give all the money to him. He only gives us a small part of the money. Everyday I do *ngangendong* (begging for "in kind" gifts, not cash) and get about 5-10 kilos of rice. He must get a lot of money if he exchanges the rice for cash.

3.3 International Trafficking

3.3.1 Source Country

Women are trafficked into domestic service and into the sex industry. There is also evidence to suggest that cases of trafficking have occurred among women migrating for marriage. Children are moved into numerous forms of exploitative labour, and some of them are trafficked, although identifying cases of child trafficking is sometime complicated by many Indonesians lacking birth registration, making age determination difficult.²⁸ It appears babies are being trafficked from Indonesia for adoption. Some agencies have also alleged that men are being trafficked, for example into forestry or fishing industries in Malaysia²⁹, but to date, little information on such practices has been recorded. Using a screening process based on UN definitions, the International Organization for Migration identified that men constituted 10% of patients treated post repatriation at three police hospitals in 2005 and 2006. The men had been trafficked to perform manual labour.³⁰

More women are sent to ASEAN countries than to any other region. The IOM has identified that Malaysia is the main destination for Indonesian trafficking victims. Of

the 1231 Indonesian victims identified by the IOM between March 2005 and July 2006, 75.5 percent had been taken to Malaysia and forced into prostitution or exploited and abused in the domestic sector.³¹

Domestic workers - The largest demand for Indonesian women migrant workers is for unskilled domestic help. A significant number of Indonesian women who go overseas each year to work as domestic servants are subjected to exploitation and conditions of involuntary servitude in Malaysia, Singapore, Saudi Arabia, Japan, Syria, Kuwait, Taiwan, and Hong Kong.³²

Case Study³³ from Malaysia

I worked for five people, the children were grown up. I cleaned the house, the kitchen, washed the floor, ironed, vacuumed, and cleaned the car. I worked from 5am to 2am every day. I never had a break. I was just stealing time to get a break. I was paid just one time, 200 ringgit [US\$52.63]. I just ate bread, there was no rice [for me]. I was hungry. I slept in the kitchen on a mat. I was not allowed outside of the house.

Domestic workers face particular risks because their work is in private homes, and consequently they are removed from public scrutiny. There are many reports of workers being exploited and living in conditions of involuntary servitude including being forced to work excessive hours, being given no time off, being locked in the home so they cannot leave, being denied food, being denied proper sleeping accommodation, being denied the ability to practice their religion, being physically, sexually and psychologically abused, and being paid reduced wages or not being paid at all. In August 2007, seven members of a Saudi family employing four Indonesian women as domestic workers beat them after accusing them of practicing “black magic” on the family’s teenage son. Two of the workers died as a result of the beatings while two others were admitted to the Intensive Care Unit of Riyadh Medical Complex. Earlier in 2007, a Saudi based Indonesian domestic worker was sentenced to 10 years in prison and 2000 lashes for witchcraft, a reduction from an original sentence of death.³⁴

Case Study³⁵ from Saudi Arabia.

Nour Miyati traveled to Saudi Arabia to work as a domestic worker but in 2005 she suffered severe injuries at the hands of her employer unhappy with her housecleaning efforts. The employer beat her severely, causing severe contusion and bleeding in one eye and knocking out several of her teeth. She had also had her hands and feet bound (the marks of which resembled burns) and been imprisoned in a bathroom for a month. When her sponsor finally decided she needed hospital attention, she had gangrene in several of her fingers, toes and part of her right foot. Her injuries were so severe that some fingers and toes were amputated.

Nour then faced a countercharge of making false accusations against her employer, and was sentenced to 79 lashes. A court subsequently overturned that conviction and sentence, but as of August 2007, she continued to wait for final monetary settlement from her employer and the ability to return home to Indonesia.

Sex work – There are a number of methods of recruiting trafficking victims into overseas sex industries. Sometimes, employment is disguised as migrant work, with workers recruited for domestic work, work in restaurants or other entertainment sectors (such as ‘cultural performers’ in Japan), before being forced into the commercial sex industry. Many of these women pay fees to recruiters to find them jobs overseas and are unaware of the true nature of the work. Traffickers’ falsification of their documents adds to their sense of entrapment and apprehension about going to authorities for fear of being arrested or deported. Limited information is available about the specific experiences of women transnationally trafficked for sex, however, reports have documented many individual cases of women being severely indebted, wages being low (if paid), food being denied if they refused clients, being forced to service many, many clients each day, women’s movements being restricted, violence being prevalent, and work and living conditions being poor. The 2007 TIP Report makes special mention of young women and girls trafficked from the Riau Islands to Malaysia and Singapore for short trips, with Malaysians and Singaporeans constituting the largest number of sex tourists.

Case Study³⁶

Dian was a very pretty and very tall 14 year old girl from Indramayu. Together with 50 others she was recruited to work as a dancer in Japan. She travelled on a 6 month tourist visa arranged by the recruiting agent. The agent was registered with the Ministry of Manpower and held an official permit (PJTKI).

Dian had been very excited to go to Japan. Not only would she be a cultural ambassador for Indonesia, she would also be earning about Rp15 million per month (over US\$1500). That money would really help out her parents and pay for the education of her two younger siblings. One thing worried Dian, however. Among the girls she met Ina, a friend from a neighboring village. Although Ina was very pretty and almost as tall as Dian she did not know how to dance. People always admired Ina because she looked very much like Tracy Trinita, Indonesia's leading fashion model. And Ina was not the only one among them who couldn't dance. But with the nice salary and the prospect of dancing professionally Dian pushed her worries aside.

Once in Japan, Dian was taken to an "entertainment club". All the conversations were in Japanese so she didn't know what was going on. She did see the agent and the club owner exchange money. The club owner kept her passport. She was living and working at the club. It made Dian uncomfortable that so many "sexual activities" were going on in the club. After a few weeks she realized she was not brought to Japan for her traditional dancing talent. She ended up

being forced to provide sexual services to the customers of the club and received very little money in return.

Marriage – The trafficking of women as ‘brides’ through dating services appears to take place primarily within the Chinese Indonesian community, with women being sent as prospective brides to Taiwan, Hong Kong and Singapore. While some young women have found successful marriages, others have reported not being treated as a member of the family and “working like slaves”³⁷ with long hours and no salary. There are cases of women being forced into the sex industry or being sold outright to a brothel by their husbands. Many marriages appear to involve women who are underage and have traveled with false documents. There have also been instances when, unknown to the women concerned, their citizenship has been changed after arrival, making return to Indonesia difficult.

Adoption – There is some recent evidence that Indonesian babies are being trafficked for adoption. A 2006 report by the Ministry of Women’s Empowerment identified one arrested woman as having sold 880 babies overseas (some 25 babies were saved). Two other cases identified cases of 80 babies and 300 babies (respectively) having been internationally trafficked³⁸. A Ministry official admitted the cases had not been comprehensively handled as human trafficking crimes. In 2002, a government investigation in Malaysia uncovered a case of 30 Indonesian women being held until they gave birth, at which time their babies would be sold to Malaysian couples for whom formal adoption was too complicated or took too long.³⁹ Although this practice involves the trafficking of children, it is not clear whether the women were being forcibly held or were willingly relinquishing their children but not prepared to admit so to authorities.

3.3.2 Transit Country

A number of reports indicate that Indonesia is a transit country for victims of trafficking, although these cases appear to be cases of Indonesians being moved from one region to another, or being moved before being sent overseas.

3.2.3 Destination Country

Women from the People's Republic of China, Thailand, Hong Kong, Uzbekistan, the Netherlands, Poland, Venezuela, Spain, and Ukraine have recently been trafficked to Indonesia for sexual exploitation although the numbers are small compared with the number of Indonesians trafficked for this purpose. Authorities continued to round up and deport a small number of foreign women and girls found working in the sex industry without attempting to identify trafficking victims among them.⁴⁰ There has also been some suggestion that some women may be trafficked for the purpose of carrying drugs across international borders.

4. Issues for consideration

4.1 Lack of research/data – There is a lack of accurate data on trafficking practices in Indonesia. Many researchers have conducted small scale studies which supply detailed information on different sectors and/or exploitative practices in different regions. While providing useful snapshots, they frequently rely on incompatible

definitions and methodologies, making the data difficult to compare or compile into a detailed bigger picture.⁴¹

The government's data collection process is seriously flawed. Those agencies which collect data (and some key agencies do not) have been without a clear definition of what constitutes 'trafficking', basing their practices on two different Presidential decrees containing two different trafficking definitions, their own definitions or no articulated definition at all.⁴² The problem of definitions is repeated in the 2005 *Implementation Report of National Action Plan for the Elimination of the Worst Forms of Child Labour*, which separates data under the separate headings of 'trafficking' and 'worst forms of child labour', despite their being a clear overlap between categories. The National Police agency has been recognised as making strong efforts to record primary quantitative data, however, that data does not reflect the actual amount of trafficking occurring, as reported 'cases' of course represent only the tip of the iceberg.⁴³ Government documents cite data from numerous agencies and research institutions which is incompatible and sometimes even contradictory. For example, three different official documents have recorded the number of 2003 cases recorded by the National Police as 125 cases, 134 cases, and 138 cases respectively.⁴⁴ Data collection is also severely hampered by lack of financial and human resources, lack of training in case identification and handling and lack of capacity in data handling including IT facility.

To their credit, the Indonesian government has just completed participation in a detailed review of its data collection practices by the IOM⁴⁵. The report⁴⁶ reveals the need for the collection of primary data by all key government agencies which have direct contact with migrant labourers and trafficking victims. Data collection must be based on clear standards and definitions, an issue which may be improved through the introduction of the new anti-trafficking law (see below). There is a need for greater cooperation and coordination between agencies and greater care to ensure data validity, particularly when using secondary data. Increased training and resources are required to assist officials to identify, manage and record trafficking cases and also trafficking data.

4.2 Government responses – Although Indonesia is ranked in Tier 2 in the 2007 TIP Report, it must be noted that the government has taken considerable action on this issue. For example, many of the recommendations of the 2003 *Trafficking of Women and Children into Indonesia* report (written by NGOs), have now been implemented. Indonesia's capacity to manage its trafficking problem has recently increased with the enactment of a long-awaited comprehensive anti-trafficking law which provides a clear definition of trafficking and grants law enforcement authorities the power to investigate all forms of trafficking.⁴⁷ The Indonesian Government has been responsive to recommendations from civil society and the international community in the development of the new law. The *Act on Elimination of People Trafficking* includes men and women trafficked internally and transnationally. It requires national and provincial government to allocate specific anti-trafficking budgets, requires traffickers to pay compensation for victims' material and immaterial losses, and also provides large fines and lengthy prison sentences.

The number of prosecutions and convictions of traffickers has recently increased. This has been facilitated by an increase in the number of women's police desks and

national trafficking police investigators, and the 2006-opened Transnational Crime Center. Some police, particularly those targeting trafficking, have participated in training on trafficking related issues. Indonesia has also posted police liaison officers to assist trafficking investigations in Indonesian embassies in Australia, Malaysia, Saudi Arabia and Thailand. Recently, Indonesia recently agreed to join Thailand, Cambodia, Lao PDR and Myanmar in the Asia Regional Trafficking in People (ARTIP) initiative, administered by Australia's international development agency. ARTIP focuses on a criminal justice response, aiming to achieve more arrests and successful prosecutions.

The Indonesian *National Plan of Action for the Elimination of Trafficking in Women and Children (2002-2007)* has been implemented by an interagency National Task Force including the Ministry of Women Empowerment, the Ministry for People's Welfare, the Department of Social Affairs, the Department of Manpower and Transmigration, the Directorate General of Immigration, Indonesian National Police and the Ministry of Foreign Affairs.⁴⁸ This system appears to have provided a strong framework and generated useful guidance on trafficking issues. Task forces have also operated at local government level and have generated useful laws and strategies. The Government has published its first annual report under the national plan of action, although the report contains only basic information and does not provide details about sources (eg. are they official, from media, etc?) or actual charges laid against perpetrators.⁴⁹ The National Plan of Action is currently being revised. Many locally based partnerships between government and NGOs have greatly impacted local anti-trafficking efforts. The 2007 TIP Report states that the new National Agency for the Placement and Protection of Overseas Workers⁵⁰ shows some promise. Headed by a former labour leader, it has commenced a promising partnership with a local NGO to monitor treatment of migrant workers and Jakarta's international airport.

Indonesian police have begun some cooperative actions with their counterparts in Malaysia, for example, the 2004 MOU between the Royal Malaysian Police Contingent in Sabah and the regional police of East Kalimantan.⁵¹ The Indonesian National Police has established one-stop crisis centres in 18 police hospitals, three general hospitals and three general hospitals in Jakarta and 30 general hospitals in the provinces. At these venues, victims of crime can report crimes and access medical and support services. In 2005, the police joined with the IOM to establish a free medical recovery centre for victims of human trafficking, which provides comprehensive medical and psychological care, and assistance returning home.⁵²

The 2006 *Witness and Victims Protection Law* outlines Indonesia's principles on the treatment of trafficking victims:

- trafficked persons must be treated in the right manner, if necessary in a personal manner without any prejudice
- trafficked persons must be given access to information
- trafficked persons' privacy must be respected
- security must be provided to trafficked persons, their family or friends
- trafficked persons have the right to have an accompanying person, for example. officials from a non-governmental organisation
- special treatment is needed when the victim is a child

Indonesia has signed Memorandums of Understanding with Vietnam (Cooperation in Preventing and Combating Crimes, 2005), Australia (on transnational organised crime including people smuggling and trafficking, 2002) and Malaysia (labour migration, 2006): although it is questionable whether this last MOU has done much to improve the situation of many migrant workers in Malaysia (see above).

Despite the government's efforts, more is needed including action to:

- **Increase the budget for anti-trafficking efforts**

The Government should increase its anti-trafficking budget. Although there has clearly been government spending on anti-trafficking initiatives for some time, this year (2007) marks the inaugural anti-trafficking budget; an allocation of US\$4.8 million. More is required to make a substantial impact on Indonesia's human trafficking problem.

- **Consider means to reduce debt bondage**

The Government should employ economic and policy analysts to devise a means to eradicate or reduce systems of debt bondage. Source and destination government fees could be revised (or abolished), as both economies benefit enormously from migrant workers' labour and remittances. Systemic labour migration costs associated with training, recruitment and placement fees could be offset by government, or minimised through the provision of no-interest government loans. In some instances, perhaps this process could be managed through the involvement of international agencies or large NGOs.

An enormous amount of money changes hands throughout the labour migration process. Traffickers, sending and receiving governments and employers receive substantial economic benefit from migrant workers' labour. The economics of labour migration is complicated, however, the fact that migrant workers bear the substantial cost is iniquitous, particularly given that they are usually the most economically (and otherwise) vulnerable of all parties. There are many issues for consideration in the development of a less fundamentally exploitative system, not the least of which is the problem that in Indonesia the trafficking system is propped up by broad public acceptance (including that of many government officials) that debt bondage is acceptable: 'a fact of life' for poor Indonesians. This includes a belief that it is acceptable to force someone to continue working against their will if there is a debt to an employer and the employee.⁵³ While it is imperative to mandate and deliver fair wages and conditions, the issue of debt bondage is paramount as in many instances, it is an employee's debt that triggers their entrapment in exploitative and abusive employment.

- **Devise and mandate the use of simple, uniform contracts**

Systems should be in place to ensure that each worker is fully aware of the fees they will incur; the fair and reasonable calculation of which should be mandated by government. Contracts should be written in simple, basic language so they can be fully understood by persons with limited formal education. The standard contract should clearly state monthly salary and all expenses, and should provide

minimum labour protections, including a fair minimum wage, all expenses, maximum working hours, a 24-hour rest period per week, benefits, and safe working conditions.

- **Increase regulation and policing of migrant recruitment and employment agencies**

Stricter regulatory systems and penalties are required to effectively control the management of migrant recruitment and employment agencies. Fees and training standards should be mandated and policed. The migrant recruitment and placement system should be driven by the mandate to protect workers' rights, however widespread abuses occur.

The government has conducted crackdowns on illegal recruitment agencies and police have raided abusive migrant holding centres, freeing over 1000 women in 2005 and charging a few business owners under the *Migrant Worker Protection Act*, however, the system for recruiting migrant labour is inherently flawed. Ostensibly, it relies on employment agencies providing protection to migrant workers when that is often against agencies' own (income-generating) self interests. The system fails to provide protection for migrant workers and facilitates exploitation by abusive recruitment agencies and employers. In general, regulation and monitoring of this enormous system has been completely inadequate. The recruitment, management and placement of migrant workers has been surrendered to private, profit-driven employment agencies without adequate controls.

- **Limit or cap pre-departure training**

Systems should be in place to ensure that each worker is fully aware of the fees they will incur (which should be stipulated in their contract), facilitated by the naming of a specified period for pre-departure training or holding before they enter a pre-departure centre. The detention of workers in holding centres for unspecified periods of time is completely unacceptable (made worse by the fact that such centres are unhygienic and do not deliver the basic training promised). The practice severely impacts their personal liberty while driving up their real or invented debt.

- **Deliver training to all officials who may come into contact with trafficking practices**

Greater training of officials is required to facilitate improved understanding of issues relating to trafficking and exploitation, how to respond appropriately to complaints, how to investigate and collect evidence in such cases, and the provision of appropriate referrals for health care, counselling, legal aid, and referral to shelters. The issue of trafficking is complex and misunderstood by many. Victims are often blamed for their circumstances and sometimes perceived as criminals. Many officials simply do not recognise events as constituting exploitation or trafficking. Some officials are complicit in trafficking practices.

Cases should be investigated to the full extent of the law. Strong investigation of abuse cases would likely lead to increased prosecution of employers and agents who have inflicted physical and sexual violence, and other abuses. Training is also required in relation to visas and data collection. The resourcing of effective trafficking focal points within key departments, for example, police and immigration, would facilitate greater understanding on the ground.

- **Develop employment standards and mechanisms for regular monitoring of workplace conditions, particularly in relation to domestic work**

Full employment protections should be provided to all workers, including those engaged in domestic work. The government should consider mechanisms to allow monitoring of workplace conditions, for example, Singapore's introduction of random employee interviews.

Within Indonesia, domestic and child workers lack the equal protection of labour laws including rights to a just wage, overtime pay, weekly rest days, benefits, and workers' compensation. Domestic workers work in isolated conditions removed from public scrutiny.

- **Develop accessible complaints mechanisms**

Worker's labour protection would be strengthened through the creation and publicising of accessible complaints mechanisms for Indonesian workers, particularly domestic workers, who experience exploitation and abuse in Indonesia, including violence, unpaid wages, or poor working conditions.

- **Prosecute employers who abuse workers, including confining domestic workers to the workplace.**

Greater attention needs to be paid to the investigation and prosecution of Indonesian employers who abuse workers. Cases of psychological, physical and sexual abuse, food deprivation, and forced confinement must be pursued.

- **Increase efforts to prosecute and sentence both domestic and foreign 'sex tourist' paedophiles**

Increased efforts to target both domestic and foreign 'sex tourist' paedophiles would send a clear message about the trafficking of children for commercial sex.

- **Deliver stronger anti-corruption efforts, including the prosecution of officials**

All efforts should be made to enforce the new anti-trafficking law, which specifically criminalises trafficking by government officials, and should assist efforts to prosecute and convict public officials who profit from or are involved in trafficking.

The government has made efforts to address corruption, however, numerous reputable reports record ongoing complicity and corruption of public officials

(including security forces) who profit from, and sometimes are directly involved in, trafficking. Corruption extends from junior officials providing protection and receiving bribes, to senior officials. For example, two former Consuls General to Malaysia have been convicted of collecting illegal fees from Indonesian labourers in Malaysia. Corruption seriously undermines the Indonesian government's capacity to reduce labour exploitation and human trafficking.

- **Develop constructive regional and international agreements**

Greater effort should be made to develop regional and international mechanisms which actively support the rights of Indonesian migrant workers. Indonesian migrant workers lack basic protections. Their vulnerability to trafficking could be reduced by the development of protective agreements with receiving countries. As noted above, the 2006 Memorandum of Understanding with Malaysia remains highly problematic; effectively removing workers' basic rights by allowing employers to hold passports, restrict movements, deny time off, and deduct up to 50 percent of negotiated monthly wages to repay loans. The pending 'pact' to protect Indonesian maids in Malaysia which was publicised in early 2006, has not eventuated. The pact reportedly included barring employers from docking maids' debts from their salary, and may have established schools (with Indonesian supplied teachers) for children of Indonesian plantation workers.⁵⁴

- **Increase services for victims**

The Government should increase services to victims of human trafficking. The government operates four medical centers that treat trafficking victims and shelters are provided at embassies and consulates in Malaysia, Saudi Arabia, Kuwait, and Singapore. The Indonesian Embassy in Kuala Lumpur, Malaysia, established a medical clinic in its shelter. The government began funding the psychological rehabilitation of trafficking victims, a third or more of the cost of medical treatment, and health services in Malaysia. In some cases police treat victims as criminals, subject them to detention and demanded bribes from them. The government has increased efforts to provide services for victims of trafficking, including the introduction of the excellent 'one-stop shops' and medical centre, however, it appears far more services are needed.

- **Ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime**
- **Ratify the Convention on the Protection of All Migrant Workers and Members of Their Families.**

Lao People's Democratic Republic

Population ¹	6 135 000
GDP	\$US 3 521 800 000
Remittances ²	\$1 000 000
Per capita income	US\$574 (US\$2332.10 recomputed using IMF WEO Database April 2007)

UN Convention	Government Action
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children	Accession - September 2003
UN Convention on Rights of Migrant Workers and Members of Their Families	Not signed

1. Background

Lao People's Democratic Republic (Lao PDR) is a landlocked county, bordered by Thailand, China, Myanmar, Viet Nam and Cambodia. The Mekong River forms its border with Thailand and acts as a major 'highway' for people and goods, linking the north and south of the country and providing access into neighbouring countries.

Agriculture, mostly subsistence rice farming, dominates the economy; employing an estimated 78 percent of the population and producing 43.4 percent of GDP. Lao PDR relies heavily on foreign assistance. In 2006 the country's foreign debt was estimated at US\$3.2 billion³, and donor-funded programs accounted for 13 percent of GDP and 70 percent of the capital budget. The workforce is largely unskilled.

After decades of war and political instability, and the December 1975 abdication of the king, the Lao People's Democratic Republic was established. Subsequent severe policies, deteriorating economic conditions and government efforts to enforce political control prompted an exodus resulting in some 10 percent of the population seeking refugee status elsewhere⁴. Following the close of re-education camps and the release of most political prisoners, more than 28 000 Hmong and lowland Lao voluntarily returned to Lao PDR: the majority returning from Thailand and some three and a half thousand from China.⁵ The country remains a single party state and despite an expanding legal system, is governed largely by decree. Low level conflicts continue.

To encourage private sector activity, the government announced its 'new economic mechanism' (NEM) in 1986. Private farm ownership and sales of produce on the open market replaced State ownership and Government determined pricing. Subsidies and pricing advantages formerly granted to State owned business were removed, trade barriers lifted, import barriers replaced by tariffs and private sector business given direct access to imports and credit. Additional reforms were agreed between the Lao Government, the World Bank and the International Monetary Fund in 1989 to expand fiscal and monetary reform. The liberal foreign investment code appears to be slowly making a positive impact.

The Asian financial crisis and poor domestic economy resulted in spiralling inflation which saw the Lao PDR' currency (the kip) lose 87 percent of its value between 1997

and 1999. By 2000, tighter monetary policies brought some degree of control over inflation, however, the economy is still dominated by an unproductive agricultural sector and a dominant public sector. Tourism is an increasingly important source of foreign exchange. Infrastructure development in the hydropower and mining sectors is being promoted. Garment manufacturing has significantly increased.⁶ The economy has grown during the last decade, however, development is burdened by primitive infrastructure including a rudimentary road system, limited telecommunications and electricity being available only in a few urban areas.⁷

Lao PDR' foreign policy has concentrated on its immediate neighbours since the collapse of the Soviet Union, with which the Lao Government had aligned itself since assuming power in 1975. Lao PDR maintains a 'special relationship' with Viet Nam, formalizing a treaty of friendship and cooperation in 1977. Thailand is the largest single foreign investor in Lao PDR and the two countries have developed cross-border agreements relating to labour, narcotics trafficking and in March 2007, a joint communiqué was issued on infrastructure development, border protection and Hmong migration.⁸ Also in recent years there has been increased Chinese investment and immigration into Lao PDR.

Despite recent efforts, international indices rate Lao PDR poorly on transparency and ease of doing business, and corruption continues to hamper economic development. Transparency International has ranked Lao PDR 168th of the 179 countries surveyed to create the 2007 Corruption Perceptions Index.⁹ As in some instances numerous countries are grouped in a single ranking, Lao PDR is placed in the sixth lowest ranking.

The 2004 Human Development Index ranked Lao PDR 133rd out of 177 countries. Again, this also placed Lao PDR in the sixth lowest (group) ranking. In 2004, 27 percent of the population was living below \$1 a day, and 74 percent below \$2 a day. Forty percent of children under 5 years were underweight, and 42 percent under height. Fourteen percent of infants were born with a low birth weight. In 2003, 21 percent of the population was estimated to be undernourished. Adult literacy of those over 15 years of age was 68.7 percent. The youth literacy rate (those aged between 15 and 24 years) was 78.5 percent. Net primary school enrolment was 84 percent.¹⁰

Lao PDR is a young country with most people (57 percent) of working age. The highest concentration of the country's population is in and around the capital, Vientiane. Almost 200 000, or 3.5 percent of the total population, migrated in the decade 1995-2005. Most migrated to Vientiane, resulting in 41 percent of Vientiane's population having arrived during that period. At the same time, rural residents decreased from 83 percent to 73 percent.¹¹ Some 49 different ethnic groups comprise the Lao population: the largest groups being ethnic Lao (55 percent), Khmou (11 percent) and Hmong (8 percent). The remaining 16 percent comprise 46 different ethnic groups, many with populations enumerated in the hundreds, occupying small tribal villages in remote areas of the country. In addition, approximately 7000 persons immigrated to Lao PDR in the between 1995 and 2005. Around 75 percent were returning Lao citizens, the remainder were mainly Vietnamese.¹² The move from rural to urban centres has increased the numbers of urban poor creating an additional population at risk of trafficking.

2. Migrant System

Both internal and external migration occur as a result of poor employment opportunities, lack of education and poverty. Some may be seeking the means of survival while others are driven by aspiration for a more comfortable lifestyle like that they have seen on television. Most labour migration from Lao PDR is into neighbouring Thailand: indeed most migration between Lao and Thailand is labour related¹³, fuelled by the economic disparity between the two countries.¹⁴ There are long traditions of cultural and kinship interactions, including intermarriage, across the Thai/Lao border and some Laotians migrate across the border unaware that they are breaking the law.¹⁵ Others are aware of their irregular status but chose to proceed to migrate irregularly.

Thailand's rapid economic and industrial expansion has created huge demand for low and semi-skilled workers; a demand that appears likely to increase as strong economic and geographic dynamics continue to tempt men, women and children out of their communities to seek better opportunities. Thailand and Lao PDR signed a Memorandum of Agreement in 2002 allowing pre-migration registration and a regulated migration scheme granting greater freedom to migrant workers. At the schemes commencement in 2004, 181 614 Lao migrants in Thailand registered, 45 percent of them men, and 55 percent women. Estimates suggest that an additional 80 000 may be living and working in Thailand,¹⁶ many in substandard conditions in the economic zones created in Thai border provinces employing thousands of migrant workers.

It is not the poorest of the poor who migrate but those with greater means. Various reports suggest that Lao residents with the lowest incomes are least likely to migrate due to a range of factors that may include remoteness, lack of mobility and lack of exposure to Thai media.¹⁷ More than one fifth of all migrants are aged under 18, understand the Thai language which is similar to Lao and also accessible through Thai media, and aspire to the lifestyle depicted therein. Young women in particular are migrating to Thailand perhaps in response to perceptions of more attractive working conditions than in Lao, where women typically work longer hours than men and spend less time sleeping and in recreational or social pursuits.¹⁸ In general, Lao women migrating to Thailand are better educated than males, perhaps reflecting gender bias in employment opportunities within Lao PDR.

It could be argued that migration is a necessity to the economy of Lao PDR. The sheer number of migrants (some 8.6 percent of the population) suggests that migration is considered by some to be a virtual inevitability and, given that significant numbers of migrants send back remittances or bring back money, a vital economic strategy in a country where many people still face food insecurity.¹⁹

There is a fine line between migration and trafficking. A major issue contributing to the occurrence of trafficking, as opposed to safe migration, is the absence of adequate networks of information and support for migrants and potential migrants.²⁰ Since few legal labour migration options exist for Lao workers, many opt to become undocumented workers in Thailand, risking exploitation and sometimes becoming victims of human traffickers.²¹ Even in the face of negative stories or experiences reported by returnees, a Lao cultural attitude of relying on luck, for example through gambling, may contribute to young people being willing to try migration.²²

3. Trafficking

3.1 Internal Trafficking

There is some evidence of internal trafficking in Lao PDR, primarily of women and girls from rural areas to large cities or border areas.²³ The provinces of Houaphan and Xieng Khouang have been found to be the most affected by internal trafficking.²⁴ Victims are almost always female, and usually girls under 18.²⁵ According to one news source, 'In the past five years, more than 14 700 women have requested protection against abuse including beating, rape, forced labour, forced prostitution, forced drug addiction and drug trafficking'.²⁶

Domestic Workers - Children and young people are increasingly found working outside their family environment as domestic helpers, often in conditions that are exploitative and damaging to their health and well being.²⁷ While there are specific provisions within the law to prohibit forced or bonded labour for children, there is no law exclusively addressing the issues of child domestic workers.²⁸ The little existing research suggests many of these children are exploited and that some have certainly been trafficked. Girls brought to the city who are judged to fall short of the aesthetic standard for sexual exploitation are sometimes marketed for domestic work.²⁹

Sex Industry - Many children in the commercial sex industry within Lao PDR are internal migrants. Labour flows to urban areas bring women and girls from the Northern provinces to factories around Vientiane where some are trafficked and abused.³⁰ Trafficking is common into the factory workforce of Vientiane and is also used for the purposes of sexual exploitation³¹, much of which takes place in entertainment establishments such as nightclubs, local pubs called 'little shops', hotels, guesthouses, and private homes. Girls are required to sit with men and encourage them to drink beer. They are then paid a percentage of the beer profits but also 'encouraged' to make 'easy' money by having sex with customers. Other sex workers are to be found near large construction projects and along Route 9 in Savannakhet province.

The MoLSW/UNICEF report³² *How I Got Here: Commercial Sexual Exploitation of Children in Lao PDR*, found that most of the 133 girls interviewed appeared to have migrated from other provinces, many from ethnic minority groups in and around Luang Prabang, suggesting that some may have been internally trafficked. 'Family problems' are apparently a significant factor in their involvement in the commercial sex industry.³³ Only a minority of girls (approximately 10 percent) felt they had been 'tricked' into the commercial sex industry, however, many described violence and sexual abuse often from a male stepparent. Most had been introduced by family or friends often already working in the industry. Many (70 percent) wanted to return to their homes, but felt too ashamed or that they would face the problems they had fled from if they did so.

Other Forms of Child Labour – The Lao PDR *Labour Act* has special provisions for child labour. Children between 15 and 18 must not work more than six hours per day and while children may perform work for their families, such work should ‘not be dangerous or difficult’. The law also specifically prohibits forced and/or bonded labour.³⁴ Despite these provisions, children can be found working in garment factories, brick making factories, on construction sites, at market places or as street vendors and garbage collectors.³⁵ In addition, begging by children is generally reported to be on the increase as the population becomes more urbanised and increased differences between rich and poor emerge.³⁶ There is little research to date into whether any of these children have been trafficked into this exploitative labour.

3.2 International Trafficking

3.2.1 Source Country

Lao PDR is primarily a source country for men, women and children trafficked for the purposes of forced labour and commercial sexual exploitation.³⁷ The country is particularly vulnerable to trafficking, being situated within a fast developing economic region but having low socio-economic indicators. Increased economic openness and geographic location place Lao PDR at the centre of regional development. Opportunities are great but so too are the risks for its largely rural and poorly educated population.³⁸

Cases have been documented of women and children being trafficked from Lao PDR to Hong Kong, Japan, Malaysia, and Thailand, as well as to North America³⁹ but most trafficking is into the Thai commercial sex industry, with Myanmar and China reportedly destinations for forced marriages.⁴⁰ The long border between Lao PDR and Thailand provides easy access between these countries. Traffickers appear to be largely Bangkok based, with highly organised groups operating in a variety of locations often with official complicity, and in the case of forced labour, seemingly filling orders for employers.⁴¹

UNICEF has suggested that the typical profile of a person trafficked from Lao PDR, (some 60 percent of all trafficking victims) is a girl aged between 12 and 18 years. Most come from situations of extreme poverty in rural, and often remote, areas including villages that have been resettled or relocated. Tibeto-Burmese people are over represented in trafficking data compared to the percentage of Tibeto-Burmese people in the general Lao population (10 percent and 2.5 percent respectively).⁴² Only 4 percent of victims are over 30 years of age, most of whom are male.

As noted above, trafficking to Thailand is facilitated by the long open border formed by the Mekong River. Local cross border traffic is common, with people on both sides of the border sharing language, culture and often families, with almost seven percent of people living in border provinces reportedly have family members working in neighbouring countries.

Numbers trafficked are difficult to estimate and much of the evidence for trafficking is based on reports of ‘disappearance’. Young men and women move relatively freely across the border into Thailand on a seasonal basis, sometimes returning to assist with the rice harvest. However, more than half of Laotian children aged 15 to 17 who left for Thailand from three southern Laotian provinces had not been heard from

since leaving home, and a similar number of younger children (ages 10 to 14) had not contacted their families.^{43,44} According to one report, almost 44 percent of parents do not know where their children are and of the children who returned home, around 40 percent had been locked up and a significant proportion were reported to have been raped.⁴⁵

Between 2001 and 2003, there were 222 official recorded instances of trafficked Lao women and girls being returned by officials from Thailand. Most (74 percent) of those were under the age of 17 years.⁴⁶ Overall, 1.4 percent of the total Lao migrant work force in Thailand is considered to be at high risk. An extrapolation to the entire population of the Lao PDR gives a potential 'at risk' population of 5854 persons (6 060 000 inhabitants *6.9 percent migrants *1.4 percent at risk).⁴⁷

Domestic Workers - Around 32 percent of people trafficked from Lao PDR are engaged in domestic labour⁴⁸ although there is no available information as to how many of these are children.⁴⁹ There is an increasing trend for Lao children to replace Thai children in exploitation as domestic workers⁵⁰, and both women and children are known to have migrated voluntarily (whether legally or illegally), only to become victims of traffickers once in the country⁵¹.

Case Study⁵²

The house they were forced to work in had very high walls and 24-hour security guards. Manivone ended up being confined in this house for seven years and throughout her incarceration, she was treated brutally by her employer and never received any money....The punishment and beatings continued throughout the seven years that Manivone was detained and various methods of torture were employed. Manivone was tortured regularly in many different ways with pliers, ranging from pinching her skin in tender spots to cutting her ears and tearing the soft flesh. Pliers were used to cut her teeth and break them, leaving exposed broken stumps.

There are some 100 000 migrant domestic workers in Bangkok whose living conditions make them particularly vulnerable to physical and sexual harassment or violence. As domestic workers are not protected by national labour laws, they are totally dependent upon their employer's goodwill for decent working conditions.⁵³ Common among reports from returned victims of trafficking for domestic work is isolation or virtual imprisonment, being poorly paid, or in some cases not paid at all apart from food and keep, lack of access to health care and education, and often being given only two or three days off each year, usually to attend religious ceremonies. It is also common practice for employers to confiscate workers' personal documentation so regardless of whether they are in the country legally or illegally, they can be arrested or deported at any time.

Sex Work – Many Lao women and girls are trafficked into the Thai commercial sex industry. More women under 18 tend to migrate than do men of the same age, possibly due to greater demand for younger women for sex work, and the desire of young women to avail themselves of an 'easier' life than at home. Whilst some are persuaded to migrate by family or friends already involved in the sex industry, and do

so voluntarily, some lack the networks of friends and relatives that commonly exist in cross-border communities and rely on intermediaries for help with transport and accommodation once inside Thailand. This increases their vulnerability to trafficking.⁵⁴

Case Story⁵⁵

The girls stayed in a dormitory from which they were taken every day to work in a massage parlor. Between 100 and 200 women worked there, including at least 10 from Vientiane that they knew of, and many Burmese. Two girls were first taken to have their noses enlarged, their skin treated, and to lose their virginity. After some training, they worked from noon to 1 or 2 o'clock in the morning everyday... Each woman might have up to eight or nine customers a day. Customers paid about 1500 Baht per visit, but none of this went to the women themselves.

A 2006 World Vision report⁵⁶ contends that cultural differences within ethnic Lao communities may impact on the number of young Lao women working in the sex industry. Among these communities, property is traditionally passed through the female line, with the family home going to the youngest daughter. This may increase motivation to migrate for sex work to increase family prosperity. World Vision suggests that this pattern of inheritance also means that the culture is less concerned with the control of female sexuality or the preservation of virginity than many others. As paternity is not an important aspect of inheritance, less stigma is attached to sex workers than is the case in other areas.⁵⁷

Marriage – There are reports of a small number of Lao women being trafficked for marriage to Chinese men⁵⁸. This generally occurs in the north of the country bordering on the Chinese province of Yunnan.

Fishing – A high proportion of disappearances of boys and men may involve trafficking for work on deep sea fishing. The men and boys spend most of their time aboard commercial fishing boats under highly exploitative conditions with little opportunity for escape.⁵⁹ (See fishing section in Chapter 3 - Thailand, 3.2.3.)

Other forms of child labour – There have been no reports to date of children being trafficked to beg. The practice has however been noted with Cambodian children, particularly victims of unexploded ordnances, being trafficked to Bangkok for this purpose. World Vision has suggested that this may be occurring internally or transnationally from Lao PDR.⁶⁰

3.2.2 Transit Country

Lao PDR serves as a transit country in a small number of cases, with Chinese, Burmese and Vietnamese women and girls transiting through Lao PDR to Thailand.⁶¹ Chinese victims are taken through Lao PDR en route to Europe and the United States.⁶² The Lao department of immigration estimates around 100 South Asians are caught in the process of trafficking each year.⁶³

3.2.3 Destination Country - Lao PDR is also a destination country for a small number of women trafficked from Viet Nam and China for sexual exploitation⁶⁴. They are usually 'employed' in small nightclubs.

4. Issues for consideration

4.1 Lack of research/ data - As is the case in other countries, a lack of reliable data makes it difficult to determine the full scope of the problem. There is a fine line between migration and trafficking and what may start as voluntary migration may in many cases expose workers to the risk of exploitation and/or trafficking. Whilst records of legal migration give some indication of the numbers of at risk populations, these are gross methods which may significantly under or over estimate the true extent of the issue.

It is also difficult to access original data making data analysis difficult. A case in point is the commonly held belief that migration mainly occurs among the very poor. While in some instances this may be correct, closer examination indicates that it is often persons of average income rather than the lowest income who are more likely to migrate; 'aspirational migration'.⁶⁵

Some caution also needs to be exercised when examining cross border flows and the definition of trafficking. Whilst actions in one country may reduce the trafficking of people across the border for exploitation, merely stopping the cross-border flow does not necessarily stop the exploitation. For example, an Asian Development Bank funded study of Mobility and HIV/AIDS in the Greater Mekong Subregion in 2000⁶⁶ mentions that the number of Lao girls working in sex work in Mukdahan, Thailand had been reduced by police crackdowns on under age girls and migrant workers, but that simultaneously 'the entertainment scene in Savannakhet [Lao PDR] has expanded, with many venues that provide service girls' – a clear case of problem displacement, which might be captured as a reduction in trafficking.⁶⁷

4.2 Government Responses – Lao PDR is in the final stages of drafting a National Plan of Action Against Trafficking in Persons. In September 2004, the Lao PDR Government enacted the *Law on Women and Protection of Children*, which defines and criminalises trafficking, provides protection for victims internally and through international cooperation, prohibits punishment of trafficking victims upon their return to Lao PDR, stipulates specific penalties for trafficking including the death penalty for the worst forms of trafficking, and recognises and guarantees the rights of trafficking victims.⁶⁸ The definition of trafficking includes 'debt bondage' and requires traffickers to compensate victims for certain costs and damages. A 2006 amendment to the Lao PDR *Penal Code* criminalises trafficking in persons and expands the *Law on Women and Protection of Children* to include men.

In 2007, the US Department of State found the Lao Government's performance merited a promotion from Tier 3 to Tier 2 because of its anti-trafficking efforts and greater transparency with regard to anti-trafficking law enforcement efforts. The Government expanded training for law enforcement and immigration officials as well increasing public awareness about trafficking. It also increased its efforts to arrest and prosecute traffickers, and cooperated on joint law enforcement activities with some neighbouring countries.⁶⁹

Lao PDR has recently replaced its Lao Anti People Trafficking Unit in the Department of Immigration with the Anti-Trafficking Division in the Investigation Department of the General Police Department. The Anti-Trafficking Division has central office and some six provincial branches. In late 2006, 15 suspected traffickers were arrested with 12 being prosecuted. The others were 're-educated' and released. Sentences were on average for six years. Two of the convictions resulted from cooperative policing between Lao and Thai police.⁷⁰

The Governments of Thailand and Lao PDR have demonstrated considerable cooperation in developing stronger support and assistance for Lao victims of trafficking into Thailand. A three year Plan of Action was devised under their Memorandum of Understanding signed in 2005, and a Thai-Lao Joint Task Force has been established. The recent MOU between IOM, the Lao PDR Ministry of Labour and Social Welfare (MLSW) and the Lao Women's Union (LWU) on the return and reintegration of Lao trafficking victims and other vulnerable Lao migrants trafficked within the Mekong Region Cooperation focuses on support for the activities of the Lao PDR Government and other agencies involved in the return and reintegration of trafficked and other vulnerable Lao women and children; capacity building among MLSW and LWU staff to respond to key challenges related to trafficking - specifically how to provide better return and reintegration assistance, and how to build national and provincial victim referral networks; and to conduct research into the practical concerns of trafficked and vulnerable migrant women and children.⁷¹ The Ministry of Labour and Social Welfare (MLSW) maintains a small transit centre and assisted 259 returnees in 2006.⁷² Further assistance is provided by the LWU which operates a shelter providing legal, medical and counselling assistance. The government and NGOs are hampered in their efforts to provide assistance to returnees because of an insufficient number of trained social workers and vocational teachers, too few shelters, the remoteness of many villages, and lack of funds, including for income-generation projects or investment by the returnees.⁷³

Despite the Government's efforts, more is needed including action to:

- **Increase the budget for anti-trafficking efforts**

The Government should allocate additional funds to increase its anti-trafficking initiatives.

- **Enact and enforce comprehensive anti-trafficking legislation**

The Government should review existing legislation for the purpose of delivering comprehensive anti-trafficking legislation offering protection to all citizens in all instances of trafficking. Although most forms of trafficking for sexual and labour exploitation are criminalised under the 2004 *Law on Woman* and the 2006 *Law on the Protection of Children*,⁷⁴ some are excluded.

- **Consider means to reduce debt bondage**

The Government should employ economic and policy analysts to devise a means to eradicate or reduce systems of debt bondage. Source and destination government fees could be revised (or abolished), as both economies benefit

enormously from migrant workers' labour and remittances. Systemic labour migration costs associated with training, recruitment and placement fees could be offset by government, or minimised through the provision of no-interest government loans. In some instances, perhaps this process could be managed through the involvement of international agencies or large NGOs.

An enormous amount of money changes hands throughout the labour migration process. Traffickers, sending and receiving governments and employers receive substantial economic benefit from migrant workers' labour. The economics of labour migration is complicated, however, the fact that migrant workers bear the substantial cost is iniquitous, particularly given that they are usually the most economically (and otherwise) vulnerable of all parties. There are many issues for consideration in the development of a less fundamentally exploitative system, not the least of which is the imperative to mandate and deliver fair wages and conditions, however, the issue of debt bondage is paramount as in many instances, it is an employee's debt that triggers their entrapment in exploitative and abusive employment.

- **Develop cooperative policies with bordering countries, particularly Thailand, to better manage labour migration**

Greater effort should be expended on regional and international mechanisms to reduce human trafficking. Such agreements require mechanisms to enforce fair labour standards and working conditions. While some progress has been made through the formalisation of labour registration processes within Thailand, exploitative practices by employers continue to encourage trafficking among vulnerable populations. Fees that appear excessive to desperate workers mitigate against the full success of registration systems.

- **Devise and mandate the use of simple, uniform contracts**

Systems should be in place to ensure that each worker is fully aware of the fees they will incur; the fair and reasonable calculation of which should be mandated by Government. Contracts should be written in simple, basic language so they can be fully understood by persons with limited formal education. The standard contract should clearly state monthly salary and all expenses, and should provide minimum labour protections, including a fair minimum wage, all expenses, maximum working hours, a 24-hour rest period per week, benefits, and safe working conditions. Duplicate contracts should be provided in the language of the employee and the State in which they will be employed.

- **Adopt a victim-centred approach**

The Government should increase its modest efforts to distinguish trafficking victims from illegal returning migrants. While the Lao Government enhanced its collaboration with Thai authorities, it has yet to establish an official mechanism to identify trafficking victims among the large pool of returning migrants. Some limited training for law enforcement officials has been provided although in the main, police sensitivity to victims remains inadequate.

- **Deliver training to all officials who may come into contact with trafficking practices**

More training should be provided to officials who encounter human trafficking. Although the LWU conducts trafficking-related training for public officials, high ranking police and court officials across the country, problems remain. Training should facilitate improved understanding of issues relating to trafficking and exploitation, how to respond appropriately to complaints, how to investigate and collect evidence in such cases, and the provision of appropriate referrals for health care, counselling, legal aid, and referral to shelters. Strong investigation of abuse cases would likely lead to increased prosecution of employers and agents who have inflicted physical and sexual violence, and other abuses.

The issue of trafficking is complex and misunderstood by many. Victims are often blamed for their circumstances and sometimes perceived as criminals. Many officials simply do not recognise events as constituting exploitation or trafficking.

- **Increase regulation and policing of employers**

The Government should increase monitoring and regulation of those sectors in which migrant workers are frequently abused. Some of those abused workers have been trafficked. The system fails to provide protection for migrant workers and facilitates exploitation by abusive and employers.

- **Prosecute employers who abuse workers, including confining domestic workers to the workplace**

Greater attention needs to be paid to the investigation and prosecution of Lao employers who abuse workers. Cases of psychological, physical and sexual abuse, food deprivation, and forced confinement must be pursued with police using transparent legal channels.

- **Develop accessible complaints mechanisms**

The Government should increase workers' labour protection through the publicising of accessible complaints mechanisms for workers who experience exploitation and abuse in Lao PDR and for those wishing to report abuses in other jurisdictions (particularly Thailand), including violence, unpaid wages, or poor working conditions

- **Make greater efforts to prosecute and convict public officials who profit from or are involved in trafficking**

The Government should increase efforts to prosecute public officials who profit from human trafficking. Corruption remains a serious problem as some local officials reportedly profit from activities involving the illegal movement of persons.⁷⁵

- **Remove gender bias within Government departments and private sector companies**

Efforts should be made to encourage the employment of women across all sectors in Lao PDR as a means to reduce some of the incentives for women to migrate. As witnessed by the migration of more educated women and less educated men from Lao PDR, it seems likely that limited employment opportunities for educated women within Lao PDR is having an unintended impact. Gender based exclusion of women in the civil service and private enterprise in Lao PDR may reduce the need for educated men to seek work in Thailand, while encouraging female migration.⁷⁶ .

- **Ratify the Convention on the Protection of All Migrant Workers and Members of Their Families**

Malaysia

Population ¹	26 686 000
GDP	US\$156 924 200 000
Per capita income	US\$5 880.40 (US\$12 184.90 recomputed using IMF WEO Database April 2007)

UN Convention	Government Action
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children	Not signed
Convention on Rights of Migrant Workers and Members of Their Families	Not signed

1. Background

Malaysia has produced significant economic growth since the early 1970s, with GDP averaging an annual increase of approximately seven per cent. Much of this performance has been the result of a shift in focus from the production of raw materials (including oil and gas), to multi-sectoral achievements including diversification in services, tourism, and manufacturing, particularly electronics exports. Malaysia's 'unpegging' of the ringgit from the US dollar in 2005 saw the currency appreciate six percent against the dollar in 2006. With the third highest GDP in the ASEAN region, Malaysia is considered a middle income country. 'Vision 2000', launched in 1991, outlines the government's aspirations to build Malaysia into a 'fully developed nation' by the year 2020.²

Malaysia has a relatively young population, however, the recent reduction in the number of children being born means children under the age of 15 are becoming a smaller proportion of the total. Unlike other countries in the region with enormous child populations, Malaysia has experienced a 'demographic bonus', a situation in which non-working young and older Malaysians can be effectively supported by the large number of adults of working age. As young adults have joined the workforce, their skills and labour have contributed to economic growth, increased savings and investment and per capita income.³

Development has reduced unemployment and poverty, and has produced other considerable benefits including significant reductions in child and maternal mortality, and universal primary education. In 1970, approximately one quarter of those aged 15 to 24 were illiterate, with women and girls particularly disadvantaged. The expansion of primary education has now made literacy universal among the young, and increased literacy among older people.⁴ The government has also invested in primary health care, including a focus on quality water, sanitation and nutrition.⁵

The tremendous pace of development and industrialisation has increased the rate of urbanisation; the urban population swelling from 37 percent in 1981, to 57 percent in 2000, and to 63 percent in 2005. Although urbanisation has generally provided greater educational opportunities, increased life expectancy and lowered infant

mortality, the process and the pace at which it has occurred also poses challenges including isolation and a breakdown in family relations. There is also the risk that urban growth will leave country areas behind. Sustained economic growth and a commitment to poverty elimination have been crucial to Malaysia's success, however, poverty can still be found predominantly in rural areas. A key challenge for public policy is to improve overall income inequality.

2. Migrant Labour

Malaysia relies upon migrant workers from Indonesia, Bangladesh, the Philippines, India, and Viet Nam and other countries (primarily ASEAN) to meet labour demands, particularly in areas of manufacturing, construction, agriculture and the domestic sector. While Malaysia provides opportunities for regulated labour migration there is also significant unregulated labour migration flow which Malaysia perceives as a threat to national security. The government has tried numerous strategies to remedy unlawful migration including introducing regulations for recruiting Indonesian domestic workers and plantation workers (the Medan Agreement – 1984), an amnesty for undocumented workers (November 1991 to June 1992), a freeze on recruitment of foreign workers after the 1997 economic crises and its subsequent lifting, and a requirement that Malaysian employers certify they are providing housing for foreign workers in order to prevent illegal settlement and to 'reduce crime' (2000). A 2002 amendment to the *Immigration Act* established strong punishments for immigration violations including the caning of illegal workers and their employers, fines and jail sentences of up to 10 years. None of these strategies has effectively stemmed the flow of illegal migration or protected the rights of migrant workers.

There are significant differences in the mechanisms of recruitment, the working conditions and the bargaining power of workers, depending on their country of origin. For example, the governments of Malaysia and the Philippines have negotiated a standard contract for Filipina domestic workers with several strong protections. Filipinas are entitled to a minimum wage of approximately US\$200 per month, a mandatory rest day once a week, a limit of ten working hours per day, and payment of their wages in cash every month. Filipina domestic workers may keep their passports in their possession, should be provided transportation to and from Malaysia, access to health care services, and employer assistance to send regular remittances home. Employers must treat workers in a 'just and humane manner', including not using physical violence in any circumstances.

The situation of Indonesian labourers (by far the largest group of migrant workers at some 83 percent or half a million people⁶) is vastly different. Many do not work legally. Those that do, have only minimal protection. In May 2006, Malaysia and Indonesia signed a Memorandum of Understanding (MOU) regulating migration of Indonesian domestic workers. Positive measures included the long awaited introduction of a standard contract, and protections against employers cutting workers' salaries to repay fees that must legally be borne by the employer (because the employer is charged a fee for hiring a migrant worker). Unfortunately, the MOU fails to introduce a minimum wage or mandate a weekly day off. It allows employers to confiscate workers' passports, and prohibits workers from marrying. It also does nothing to improve monitoring mechanisms for labour agencies.⁷ There is no legal minimum wage in Malaysia and Indonesian domestic workers are among the lowest

paid in the country, earning approximately half that of their Filipina counterparts and other workers in low-wage sectors such as food stalls and factories.

On arriving in Malaysia, migrant workers are usually managed by labour agents, sometimes staying with them for days, before being placed in employment. Workers return to their agency after completing their contract, before they leave the country. There are few requirements for obtaining a labour recruitment license or an immigration license which allow agents to bring people into Malaysia. Licenses can be revoked if the government learns the agency has been responsible for abuses. Although licenses must be renewed periodically, there is no system for regular monitoring.

There are many reports of labour agents being complicit in abuses by employers or perpetrating abuses against workers. A Human Rights Watch report on Indonesian domestic workers in Malaysia⁸ found a long litany of abuses by Malaysian agents against Indonesian workers including insulting them, psychologically and physically abusing them, restricting their movements, confiscating prayer materials and Koran, failing to give them information about where they could find help, intimidating them and telling them not to complain to employers, failing to remove them from abusive situations, and failing to help them retrieve unpaid wages. One worker who had been sexually harassed by her employer, reported that it had taken three calls to her agent before the agent agreed to come and get her. The agent then sent another domestic worker to take her place, knowingly putting the replacement worker in an unsafe environment.⁹

Case Study¹⁰

At the labour agent's office:

We had to use our headscarves to clean dog shit. If I did not clean perfectly, the trainer would hit us. I have a friend...the agent got angry with her and hit her. He locked her in a dark room — I don't know how long. We would get a punishment where we had to crouch up and down 250 times. People were hit every day.... The trainer asked us to hit the friend washing the plates because she had lied to the trainer. We had to hit both of her cheeks and say, "you lied, you lied." On other days we were hit with a wooden stick. There were four women from Cambodia and they didn't understand Malay. They didn't greet the trainer. He locked them into the back room and hit them with the rattan cane and poured water on them. Every day something happened.

There is no system for monitoring the employment conditions of the hundreds of thousands of Malaysia's migrant workers; a problem compounded by the numerous disincentives for workers to leave exploitative situations. Many migrants are unable to leave as their passports and documents are held by their employers. Workers' visas are tied to their particular employer, so it is not possible to leave one employer even if another employer is seeking their services. For workers to arrange new employment, they must return home and must commence the entire recruitment process again, complete with all the fees. If a legal worker leaves their place of employment (including for reasons of abusive employment) they immediately

become 'illegal' as the conditions of their visa are not being fulfilled. Under Malaysia's strict immigration laws, all workers of illegal status must leave Malaysia immediately.

Workers of illegal status are detained. Many are also charged with immigration violations. Those who have entered Malaysia illegally or who have remained in the country after leaving an employer are likely to be arrested and charged. The *Immigration Act* imposes stiff penalties including fines, imprisonment, and for men ages eighteen to fifty-five, caning. In 2003, almost 43 000 foreigners were arrested for immigration violations, nearly half of whom were Indonesian. Nine thousand of those sentenced were caned.¹¹ After being released from jail, these workers are usually placed in indefinite immigration detention. Workers leaving exploitative employment are also indefinitely detained, usually without means to return home. Typically, there is no opportunity for workers to discuss their situation or obtain the services of a translator or solicitor, so some of these workers are also jailed for immigration offences. The rest go straight into detention. For all migrants, it can be many months before an individual's embassy or the Malaysian government finally arranges for their deportation, unless they have a friend or family member willing to pay for their ticket home. The 2004 Report of the National Human Rights Commission (SUHAKAM) identified trafficking victims among those being held in Malaysian detention centres.¹²

3. Trafficking

Ranking of the Malaysian Government's efforts to address human trafficking according to the US Department of State's series of Trafficking in Person's Report¹³

2001	2002	2003	2004	2005	2006	2007
Tier 3	Tier 2	Tier 2	Tier 2	Tier 2	Tier 2 Watch List	Tier 3

3.1 Internal Trafficking

There is no evidence of internal trafficking in Malaysia

3.2 International Trafficking

3.2.1 Source Country

The 2007 TIP Report states that during the reporting period a small number of Malaysian women and girls were trafficked for sexual purposes, mostly to Singapore, Macau, Hong Kong, and Taiwan, but also to Japan, Australia, Canada, and the United States.

Police and Chinese community leaders suggest these women were usually ethnic Chinese, although it is noted that ethnic Malay, ethnic Chinese, and ethnic Indian women work domestically as sex workers. Police and NGOs believed most trafficking is organised by criminal syndicates. The Ministry of Foreign Affairs and

numerous NGOs have indicated the number of women and girls being trafficked out of Malaysia appears to be declining, with fewer than 100 Malaysian women trafficked to other countries during the year.¹⁴

In 2006, 19 Malaysian women were rescued from a brothel in the United Kingdom. Lured with promises of high-paying jobs, the women had been forced into the commercial sex industry. Police stated gang members led lavish lifestyles and were making in the region of £2 million a year. Five Malaysians and a Vietnamese pleaded guilty and were sentenced to jail terms for trafficking in women for prostitution.

3.2.2 Transit Country

The 2007 TIP Report states women and girls from Thailand and the Philippines were trafficked through the Malaysia to destinations such as Australia, Canada, Japan, Korea, and the United States.¹⁵ Internal trafficking appears to be limited by the low number of Malaysian women being (moved internally and then) trafficked abroad, and the labour migration prohibiting movement of workers from one employer to another, ie. workers must work for one employer only. There has been no investigation to date about whether migrant workers with irregular status are being moved internally.

3.3.3 Destination Country

Malaysia is a destination country for women and children trafficked for the purpose of commercial sexual exploitation. They are frequently recruited with the promise of a job as a domestic worker, food service or factory worker. Malaysia is also a destination for men, women, and children who migrate voluntarily seeking employment, but are subjected to conditions of forced labour as domestic workers, or in the agricultural, construction, or industrial sectors. Some of these experience exploitative conditions that constitute involuntary servitude.

SUHAKAM became aware of the issue of trafficking when it noted the large number of foreign nationals on remand in women's prisons. These women were frequently being held due to the expiry of their social visit visas, however, SUHAKAM found that some had been arrested for immigration offences following escape from situations of trafficking. SUHAKAM's interviews with 54 women identified that 27 of them had been trafficked into Malaysia.¹⁶ SUHAKAM found that traffickers used various methods to control their victims including removing personal and travel documents, demanding or taking a disproportionately large part of the proceeds of 'prostitution', selling or threatening to sell a victim to another pimp, withholding food, isolating the victim from friends, family and colleagues, instilling fear of police and the justice system, extortion, debt bondage, mistreatment, threats against family, isolation by confinement and constant surveillance, and threats of and actual beatings, rape, intimidation, and violence.¹⁷

Domestic Workers - Domestic workers are vulnerable to abuse as a result of their location in private homes, away from public scrutiny. The Malaysian government does not have a system in place for monitoring their placement. Domestic workers are specifically excluded from many provisions in the *Employment Act*, including

those regulating hours of work, days off, and termination of contracts. They are also excluded from receiving workers compensation. Domestic workers do have entitlements to their wages and can bring complaints about unpaid salaries however, there are numerous disincentives to pursuing these options including their obligation to leave Malaysia immediately they leave employment (during or following completion of their contract) and lack of access to assistance.

In cases of abuse, the Immigration Department has the power to strip labour agencies of their operating licenses and deny employers permission to hire domestic workers, however, the Department is under-resourced with few strategies for monitoring or investigating cases of abuse. Most workers are unaware of the Immigration Department's powers or are not able to get to an immigration office or their embassy. The government relies on labour agents to inform workers of their rights, which in many instances would be against the agent's interests. Despite reports of abuse by labour agents being rife, blacklisting is rare.¹⁸

Of the approximately 400 000 domestic workers in Malaysia, more than 90 percent (360 000) are Indonesian.¹⁹ This group comprises a mix of those who have come willingly and work in (relatively) fair and reasonable conditions, those who come voluntarily and are then trapped in situations of labour exploitation, and those who have been deceived in recruitment and then forced to remain in exploitative abusive conditions and have been trafficked. In many individual cases, the issues are very difficult to disentangle, however, all abuses occur because of the structure of recruitment, placement and employment of domestic workers in Malaysia today.

Malaysian NGO Tenaganita with assistance from police, has rescued 148 abused Indonesian maids in the Klang Valley after receiving over 200 calls through its Domestic Workers Action Line between 2005 and August 2007. These cases had involved more than 1050 human rights violations ranging, the most common of which were non-payment of wages and physical abuse.²⁰ Despite there being many reports of migrant domestic workers having been trafficked into Malaysia, there has been no comprehensive research specifically on trafficking. A weighty report by Human Rights Watch²¹, based on extensive research and qualitative interviews with migrant domestic workers, outlines the abuses experienced by many Indonesian migrant workers in Malaysia. It is arguable that most of these women have been trafficked as although they left Indonesia knowing they would be placed in domestic service, they have been brought to Malaysia with the employment agent and/or employer intending to trap them in highly exploitative employment. Much of the following section on 'domestic work' is based on that report.

Indonesian domestic workers have weak, non-enforceable contracts, or none at all. Contracts frequently fail to stipulate the number of working hours/day, holidays, or provision for overtime. Workers typically work sixteen to eighteen hour days, seven days a week, without holidays. Their work typically includes cooking three meals a day; cleaning the house, including mopping, vacuuming, cleaning windows, and dusting; taking care of children, including bathing them, tutoring them, feeding them, preparing them for school, playing with them, and putting them to sleep; washing the car; washing the entire household's clothes by hand; and ironing. Those who care for children may be 'on call' around the clock.

Case Study²²

It was all work. I cleaned the toilet, all the rooms, the walls. I cleaned the whole house. I took care of the children, one was three years old and the baby was eight months. I worked from 4:30am to midnight. Sometimes my employer asked me to wake up at 3am to feed the baby. I worked every day. I had no rest during the day.

Case Study²³

There were three families living together in one big house and I was the only maid. There were seventeen people. There were eleven children between the ages of six and fifteen. I had to take care of the children, prepare them for school, give them baths, and make meals. I cut flowers, did a lot of work in the garden, washed the car, washed the floor, ironed, and cooked. I worked from 5am to 11pm. I had no rest. There was no day off, even when I asked for it.

Case study²⁴

Sometimes I slept on the kitchen floor, sometimes in front of the television. I did not have my own room. Sometimes I just fell asleep on the kitchen floor, otherwise the carpet in front of the TV. There was a mattress there.

Often Indonesian domestic workers are not allowed to practice their religion freely including not being allowed to pray or to fast, having their Koran taken or being denied permission to attend church. They frequently have their freedom of movement and freedom of association including being forbidden from contacting friends or family, using the telephone, writing letters, or speaking to their neighbors.

Case Study²⁵

If my employers went out, they locked the door from the outside and took the key. It was very difficult because I couldn't go out. My employer told me not to speak to the neighbors. She didn't allow me to use the phone or write letters. I asked my employer to write a letter to my family and she didn't give me permission. I wrote a letter once, but my family didn't get it. Maybe the employer didn't send it because I am sure the address was right.... I had phone numbers for Jakarta but not for Malaysia. I wrote them in a little book, but they burned the little book.

Many women experience psychological, physical, or sexual abuse. Of the 51 domestic workers interviewed by Human Rights Watch, 18 experienced verbal abuse, nine experienced physical abuse, and seven experienced sexual harassment and abuse. Physical abuse ranged from being punched and kicked to severe beatings requiring hospitalization. Abuse also took the form of denial of food (in some instances for days), sleep deprivation, and forcing women to sleep in uncomfortable places, including on the floor, in bathrooms, and on staircases. Seven women had been sexually harassed or assaulted by their employer. Human

Rights Watch records the case of one woman who was raped every day, but believed she had to endure the abuse for some three to four months so she could pay off her debt before escaping.

Many domestic workers are unpaid or only partially paid. A common ploy used by employers is to promise full payment of salary at the completion of the two year contract (which also prevents workers running away). Some are not paid. Others, with little education, are unable to calculate the full payment they should receive and are cheated out of full payment. The requirement for Indonesian domestic workers to leave Malaysia upon completion of their contract, and harsh penalties if they do not do so, means workers who are not paid their full salary pre-departure have little chance of claiming it.

According to Malaysian immigration authorities, between 2000 and 2004, some 57 000 domestic workers in Malaysia left their places of employment before completion of their contracts, with abuse one of the main reasons for leaving. NGOs and the Indonesian mission in Malaysia have received thousands of complaints from Indonesian domestic workers in recent years.²⁶ Many abuses go unreported, but NGOs and the Indonesian Ministry of Manpower and Transmigration estimate that roughly 18 000 to 25 000 migrants return to Indonesia each year from Malaysia and other destination countries having experienced some form of abuse. In 2003, 753 Indonesian migrant workers ran away from their employers and took shelter at the Indonesian embassy in Kuala Lumpur. The numbers who seek refuge at the Indonesian embassy have increased each year and the majority of those seeking assistance are women. An August 2007 Associated Press article suggests some 1200 Indonesian maids run away every month, often because of abuse or dissatisfaction with long working hours, a lack of freedom or unpaid salaries.²⁷

Sex Work – Commercial sex work is illegal in Malaysia. Entry to the country is specifically prohibited for sex workers and persons attempting to bring women and girls into Malaysia for the purpose of commercial sex work or other immoral purpose. Figures are illusive. Although there are hundreds of confirmed cases of trafficking into the sex industry, there are estimates that actual numbers run into the thousands.

Trafficking victims are brought to Malaysia for commercial exploitation from numerous countries including the People's Republic of China, Indonesia, Cambodia, Thailand, the Philippines, Viet Nam²⁸ and Myanmar²⁹. The Philippines based Scalabrini Migration Center also suggests that an increasing number of women from Russia, Uzbekistan and India are being recruited by syndicates. They are commonly lured by false promises of employment in other sectors, including employment in restaurants and as domestic workers. Some have been tricked into marriage by pimps before being 'forced into prostitution'.³⁰ Women trafficked into the sex industry may be overtly forced to sell sex, or have their sexual services minimally disguised under the banner of karaoke hostess, 'guest relations officer' or masseuse. Victims are controlled through involuntary confinement, confiscation of travel documents, debt bondage, and physical abuse.

The 2004 TIP Report suggests that many of the more 5500 foreign women and girls arrested and detained for 'suspected prostitution' in 2003, a large number had

probably been trafficked.³¹ The US Bureau of Democracy, Human Rights and Labour states that police, the Bar Council, and Malaysia's National Human Rights Commission have all suggested that many of the foreigners involved in commercial sex work are possible trafficking victims.³²

In its 2003 annual report, SUHAKAM noted 'Indonesian girls and women are usually brought in as domestic maids and then 'sold' by their agents to work in discos and entertainment outlets to entertain men, including being forced to provide sexual services'.

The Organization for Migration has noted Malaysia as a destination for Thai women.³³ For example, in June 2005, 20 Thai girls and women aged 16 to 19 years old were repatriated. They had been lured with promises of restaurant jobs but had been moved using false papers, and then forced to provide sexual services. Facing debts up to 50 000 Thai baht, they were kept locked up of months, and forced to service at least four customers a day in return for food and approximately 100 baht/customer. All had entered with false papers and were being held in detention.³⁴

The Yunnan Province Women's Federation has documented cases of women trafficked from Yunan province in China into Malaysia.³⁵

Case study³⁶

Yu Luo, aged 21, was trafficked two months after her marriage in 1995. She had completed three years of primary education. Her family's annual income was 4000 to 5000 RMB. Her relationship with her husband was difficult. One day, two friends of her brother came to her home and offered to take her to Myanmar, where she could earn 2000 to 3000 RMB per month selling rice noodles. In part to escape her unhappy marriage, Yu Luo decided to go with the two men. At Daluo, the men took her into the grounds of a temple and forced her into a cage. In the cage, she was smuggled across the border to a shop in Myanmar. Accompanied by a guard armed with a gun, she was taken on to Thailand and, after being bought and sold by traffickers several times, to Malaysia, to work in a nightclub.

Seven or eight months later, when the boss of the nightclub found she was pregnant, Yu Luo was sent back to the Thai-Myanmar border to have an abortion. Eventually, she was able to go home.

During her ordeal, she had been imprisoned, beaten and tortured.

During 2006 there were reports of foreign women escaping from apartments where they were held and forced to serve as perform sexual acts.³⁷ In August this year, Malaysians followed the case of a Filipina woman trying to seek rescue through SMS's and brief telephone calls to a Malaysian newspaper saying she was being

held and forced to provide sex at the huge Bakun hydroelectric dam. That woman was one of five Filipinas and five Indonesians rescued by police.³⁸

Other Labour – Tenaganita’s fact finding report on ‘outsourcing’³⁹ reveals disturbing abuse of Bangladeshi workers. In February 2007, the Malaysian Government gave approval for some 100 000 workers to be recruited from Bangladesh. These workers had to be recruited through Malaysian outsourcing companies and through the Bangladeshi Association of International Recruiting Agents. Before a worker’s visa is granted, a signed employment contract must be witnessed and approved by the Malaysian Ministry of Home Affairs as being in accordance with Immigration and internal security matters. Should work not eventuate, the outsourcing company must pay the worker RM400 per month until 4 months when the worker must be sent home, with the remaining basic salary for the balance of his contractual time paid to him.

The recruitment commenced rapidly, however, media reports suggest that as at April 2007, some 14 000 workers had completed formalities but had their departure delayed due to lack of flights. On April 2007, a caller to the Tenaganita office stated that approximately 1000 Bangladeshi workers had been separated into smaller groups of 30 to 100 and placed in various locations throughout West Malaysia to prevent them from attracting attention to their presence. All the workers had come to Malaysia through the outsourcing process.

Tenaganita’s researchers found that despite signed contracts to work in a variety of jobs (including factory work and apple picking) most of those 100 workers plus a few who had accessed Tenaganita separately, had not been given any work. Some had actually been abandoned at the airport (for up to 5 days). A few had been sent to do strenuous and/or dangerous work or small amounts of work which differed from the work in their contracts, usually without being paid or not paid in full. The workers were stranded in uncomfortable, unsanitary conditions without pay and without money. Some were unable to purchase food to feed themselves. Their passports had been confiscated and some were threatened and told that they would be deported if Malaysian police found them without ID. They were threatened and beaten. Some had their freedom of movement restricted and were kept under guard. Some were denied medical attention.

Although the Malaysian government had fixed a Tk85 000 (RM4250) fee for each worker to come to Malaysia, workers had paid between 150 000 and Tk220 000 (RM7500 – RM11 000). This fee increase was the combination of add-on fees charged by the village recruiting agent who reported to the city recruiting agent who reported to the key recruiting agency. There have also been strong allegations of money changing hands with officials and a ‘lobbyist fee’ paid to the outsourcing companies in Malaysia in order to get approval for the workers.

Case study⁴⁰

There was little work in the village and the surrounding areas and with a family to support and his third child due any day, Mohammad and his wife were in a dire situation. As a last resort, Mohammad decided to approach the village recruiting agent although going overseas meant he would be separated from his family.

He took the bus to town and went to a recruiter. There, he saw many men waiting to be called for an interview. His turn came. "What struck me was that the agent was quite well fed! His office had a map of Malaysia. When I told him I was thinking of going overseas to find work, he smiled." The agent said Malaysia was always looking for workers, especially from Bangladesh. The pay was better than what Bangladesh could offer and many others had gone and returned with a lot of money. Mohammad asked how much it would cost to get a job in Malaysia. The figure quoted to him, he said, should have made him forget about the idea of going overseas to work. "I knew recruiting agents charged a fee for their services. What I was not expecting was the sum of Tk180000 (RM9000). I knew I couldn't raise that kind of money, except by selling my house and borrowing from others."

"The agent told me that working in Malaysia would give me enough money to cover the cost of paying back the money I had to borrow to come over here, plus enough to buy a small piece of land in the village which I come from. Or, he said, I could open a small sundry shop in Dhaka," Mohammad said.

That was when Mohammad paused. He rubs his head in seeming confusion. "I want to give my family a better future. That's why I came here" "The recruiting agent showed me the contract another man had signed. 'See,' he said. It's TK15750 (RM787) and that's basic. If you can work overtime, they pay more'." The agent told him a factory needed workers, and if Mohammad wanted it, the agent would book a place for him.

There were 40 of them on the flight. "I could see highways, tall buildings and so many neat houses. And then we all saw the Twin Towers and we knew it was Kuala Lumpur." "I knew there was work, sure, hard work but I knew I could do it for me and my family. This is the sacrifice a father, husband has to make. Being away from your family is hard. Being poor and unable to give a future to your family is worse."

By the time the fact-finding team got to Mohammad and the men he was with, they had been in Malaysia for two months. They had no work. They had not eaten anything substantial for the last two weeks, except for yams and coconuts. "We ran out of food and also money and no work here. So, we called the local agent for our RM400 allowances. He said he would come. He didn't," said Muhammad.

"You know what happened? I sold my house. For a month, my wife and children were staying under a tent I bought for them. Just last month, because I couldn't bear them staying there, I ask my brother to take them in, just for a while." His composure broke and for a moment, Mohammad's face is hidden in his hands. "Everyday goes by and my debt's interest increases. I have to send money back to my wife. They can't stay forever in my brother's place and they have to eat."

Huge sums have been paid by impoverished workers, effectively providing a pool of workers available for trafficking and exploitation through debt bondage. These workers can then be used at will for casual work. The facts of their employment have not been verified by either government to a degree that ensures they are migrating for real jobs. Neither is their situation in Malaysia monitored to offer them protection upon arrival. The long chain of players in the outsourcing network means it is often difficult to identify who is legally liable for their situation: which agent in Bangladesh

is responsible for the excessive fees? In the case of failed payment of wages, is the outsourcing company or the employing company liable, and who will track down the evidence and pursue the case for lost wages? Fortunately, the Malaysian Government decided in September 07 to freeze recruitment of Bangladeshi workers. While a step in the right direction, more considered, long term action is required.

Baby Trafficking – There have been reports of babies being trafficked in and into Malaysia. One case involved an attempt to traffic two babies from Indonesia. The boy aged two months and girl aged two weeks had been fed milk laced with sleeping pills and brought in a styrofoam box by boat. It is reported that babies are usually sold to Malaysian childless couples, with fairer babies fetching a higher price.⁴¹

There have also been disturbing reports about a link between trafficked women and trafficked babies. A September 2006 report stated that authorities rescued eight trafficked Indonesian women forced to work as sex workers in conditions intended to make them pregnant. According to a senior police official, their babies were sold soon after birth by the traffickers.⁴² Tenaganita has also stated their awareness of cases where young women have been brought into Malaysia, raped and made pregnant and the babies taken away from them and sold at prices ranging from RM10 000 to RM30 000 per baby. Tenaganita also states there have been cases of young women who have been brought from Indonesia via Batam to Malaysia, held in captivity and then their ovum taken and sold for IVF purposes to childless couples.⁴³

4. Issues for consideration

4.1 Lack of research/data – There is an absence of data on trafficking practices in Malaysia and only limited data available on labour exploitation. The little that exists usually consists of snapshots of exploitation of nationality-based groups in particular sectors. The lack of data effectively serves as a means to keep trafficking hidden from view.

The government fails to monitor and record cases of human trafficking. There are numerous reports, including those of UN agencies, other governments and NGOs, of trafficking victims being treated as undocumented migrants, detained, fined, and deported without access to services or redress. Police and immigration authorities who arrest domestic workers without valid work permits and travel documents often fail to screen them to find out whether they are escaping situations of trafficking or other forms of exploitation or abuse. Language barriers further hinder workers from explaining their situation. Much information is lost, preventing the formation of an accurate picture of the trafficking which is currently occurring.

A whole of government system to record and manage trafficking cases is urgently required to facilitate Malaysia's appropriate response to human trafficking within its borders.

4.2 Government responses

Concerned with the problem of irregular migration, Malaysia has tended to contextualise trafficking as illegal migration, which is perceived as a potential threat to national security. The 2007 TIP Report placed Malaysia in Tier 3 for not fully

complying with the minimum standards for the elimination of trafficking, and not making significant efforts to do so. While criminalising some forms of sex trafficking, it did not criminalize debt-bondage or involuntary servitude despite slavery and forced labour being prohibited in its Constitution. In 2006, there were no judicial cases against traffickers, although 35 prosecutions were undertaken against persons for procuring minors for the purpose of prostitution. There were no prosecutions of employers who refused to pay employees and held their wages until completion of their contract. Immigration and local police authorities overlooked or actively ignored trafficking situations involving 'prostitution'. No government officials were implicated, arrested, or tried for involvement in trafficking of persons.⁴⁴

Since the release of the 2007 TIP Report, the Malaysian government has enacted the *Anti-Trafficking in Persons Act* which criminalises and provides penalties for trafficking in persons, with the provision for higher penalties in cases of trafficking in children. The Act, which applies to offences that are committed both within and outside of Malaysia, also establishes a number of related offences including: profiting from exploitation of a trafficked person; offences related to fraudulent travel or identity documents; recruiting persons; providing facilities in support of trafficking in persons; providing services for purposes of trafficking in persons; and harbouring persons.

A Council for Anti-Trafficking in Persons chaired by the Ministry of Internal Security is established under the Act for the purposes of coordinating its implementation, formulating policies and programs to prevent and suppress trafficking in persons including programs in rendering assistance to trafficked persons, formulating protective programs for trafficked persons, and initiating education programs to increase public awareness of the causes and consequences of the act of trafficking in persons.

The new *Anti-Trafficking in Persons Act* provides a number of important protections for victims of trafficking: They must not be penalised for illegal entry into the Malaysia, their period of unlawful residence in Malaysia, or their procurement or possession of fraudulent travel or identity documents. Their consent and their past sexual behaviour are irrelevant and do not exempt or mitigate the criminal liability of the offender. The victim's privacy and security is also to be preserved. The Act goes further by appointing Protection Officers to have 'control over and responsibility for the care and protection of victims at the place of refuge'. The Ministry of Women, Family and Community Development have apparently identified a suitable location to establish a long promised shelter for trafficked persons.

Malaysian police have recently arrested and prosecuted persons for human trafficking, particularly for the purposes of commercial sexual exploitation. These cases were tried under the Penal Code.

Malaysia continues to lack a national policy on trafficking, and a specialist police anti-trafficking unit despite such a unit being recommended in SUHAKAM's 2004 trafficking report. SUHAKAM has drafted a national action plan on trafficking but this has not been enacted.

Despite the government's efforts, more is needed including efforts to:

- **Develop a national plan of action involving a whole of government response including all key agencies so that a comprehensive action plan might be developed.**

The Government should develop a National Action Plan on Trafficking and a National Task Force as recommended by SUHAKAM in 2005. Human trafficking is a complex phenomenon requiring a whole of government response. Action plans are now standard practice and have been adopted by many countries, including those in the ASEAN region. It is not possible to fully understand trafficking in Malaysia without input from all relevant agencies. Similarly, the problem cannot be effectively addressed without a focused, concerted effort.

- **Consider means to reduce debt bondage**

The Malaysian Government should develop a long term, comprehensive labour migration plan, protecting migrant worker's rights, as a means to facilitate Malaysia's development. The Government should employ economic and policy analysts to devise a means to eradicate or reduce systems of debt bondage. Source and destination government fees could be revised (or abolished), as both economies benefit enormously from migrant workers' labour and remittances. Systemic labour migration costs associated with training, recruitment and placement fees could be offset by government, or minimised through the provision of no-interest government loans. In some instances, perhaps this process could be managed through the involvement of international agencies or large NGOs.

An enormous amount of money changes hands throughout the labour migration process. Traffickers, sending and receiving governments and employers receive substantial economic benefit from migrant workers' labour. The economics of labour migration is complicated, however, the fact that migrant workers bear the substantial cost is iniquitous, particularly given that they are usually the most economically (and otherwise) vulnerable of all parties. There are many issues for consideration in the development of a less fundamentally exploitative system, not the least of which is the imperative to mandate and deliver fair wages and conditions, however, the issue of debt bondage is paramount as in many instances, it is an employee's debt that triggers their entrapment in exploitative and abusive employment.

- **Deliver equal protection to migrant workers under Malaysian law, regardless of nationality**

The Government should move to develop a system which removes discriminatory employment provisions based on nationality. All workers deserve equal rights and entitlements under the law. There is no moral excuse for institutionalising overt discrimination against people of particular nationalities, particularly as that discrimination entrenches gross exploitation.

- **Insist on the use of simple, uniform contracts and monitor their implementation**

Systems should be in place to ensure that each worker is fully aware of the fees they will incur; the fair and reasonable calculation of which should be mandated by government. Contracts should be written in simple, basic language so they can be fully understood by persons with limited formal education. The standard contract should clearly state monthly salary and all expenses, and should provide minimum labour protections, including a fair minimum wage, all expenses, maximum working hours, a 24-hour rest period per week, benefits, and safe working conditions.

- **Guarantee the right of workers to hold their own passports**

The Government should criminalise the withholding of an employee's passport and other documentation. The practice of allowing employers and agents to hold workers' passports is a form of control that sets up a power imbalance that is completely inappropriate in a workplace. It significantly reduces workers' capacity to escape abusive conditions or to negotiate better working conditions and full payment of their wages. (Note that confiscation of passports remains technically in violation of the *Passports Act*.)

- **Criminalise the confinement of workers**

Workers should be given freedom of movement outside working hours (which clearly need to be set) and should be permitted to reside in independent living quarters. The restriction of a person's movement is usually considered a standard factor on the checklist of means used by traffickers to force people into exploitative situations, yet in the case of domestic workers, it is sanctioned by the Malaysian government. The practice of locking workers inside buildings is both dangerous (for example, in case of fire or accident) and also greatly impacts their human rights. It is completely inappropriate treatment of an employee.

- **Increase policing of migrant employment agencies**

The Government should conduct closer monitoring of employment agencies, including interviews with employees, as a means to reduce abuses occurring in those venues. Stronger sanctions should be applied to agents who commit abuses.

Agents should be restricted from charging exorbitant recruitment fees, and charging large fees for employment transfer. Agencies should be required to conduct appropriate investigations and conduct police or other government officials in instances when an employee has alleged abuse, before placing a replacement domestic worker is sent.

- **Increase policing of outsourcing companies and mechanisms to monitoring the outsourcing industry**

Greater regulation and monitoring of outsourcing companies should be prioritised as a means to stop endemic exploitation of vulnerable migrant workers. The current system exposes workers to dreadful abuses and has the potential to ruin lives through the enormous debts workers incur to enter Malaysia with little or no

possibility of repaying them. The treatment of some workers, including contract switching but particularly not providing them any work and income, appalling.

- **Develop employment standards and mechanisms for regular monitoring of workplace conditions, particularly in relation to domestic work and outsourced labour.**

Employers should be fully informed of, and held accountable for, their obligations to treat workers appropriately. Although the immigration department investigates cases brought to their attention, for example, complaints made by neighbours suspecting abuse, there are no procedures for tracking whether migrant workers are placed into the type and conditions of work promised, whether they are left without work and income or whether they become trafficked into forced labour.

- **Provide orientation to migrant domestic workers upon arrival in Malaysia, as currently required for other migrant workers**

Migrant domestic workers should be provided orientation upon arrival in Malaysia. These orientations should include information about workers' rights and how to access assistance.

- **Develop an accessible complaints mechanism**

Migrant workers should be able to simply make complaints about cases of labour exploitation and trafficking. Victims with pending criminal cases or labour complaints should be allowed to work while waiting for their cases to be concluded. The fee for a "special pass" to remain in Malaysia should be removed, those migrant workers should be allowed to find employment and work in Malaysia while waiting for the completion of an investigation or prosecution of a criminal case (which can take years).

- **Develop protocols and provide training to police and immigration officers**

Greater attention should be paid to the role of police, and their responsibility in investigating and responding to cases of abuse and exploitation, including trafficking. Police training should include further understanding of issues relating to trafficking and exploitation, how to respond appropriately to complaints, how to investigate and collect evidence in such cases, and the provision of appropriate referrals for health care, counselling, legal aid, and referral to shelters. The resourcing of effective trafficking focal points within key departments, for example, police (as recommended by SUHUKAM in 2004)⁴⁵ and immigration, would facilitate greater understanding on the ground.

Cases should be investigated to the full extent of the law. Strong investigation of abuse cases would likely lead to increased prosecution of employers and agents who have inflicted physical and sexual violence, and other abuses.

- **Provide resources for support services**

The Government should increase services for victims of human trafficking. Many trafficking victims require services which should include legal aid, health care, shelter, job training and psychological counseling. Despite Malaysia's relative wealth, foreign donors provide greater funding for the protection of girls and women victimized in Malaysia than does the Government of Malaysia. The Indonesian Government houses approximately 1100 women and children at its embassy and consular shelters in Malaysia each year, with no assistance from the Malaysian government. The large majority are believed to be victims of trafficking.⁴⁶ Appropriate shelters are urgently required.

- **Develop constructive regional and international agreements**

Greater effort should be expended on regional and international mechanisms to reduce human trafficking. Such agreements require mechanisms to guarantee fair labour standards and working conditions. Such action would include reforming the highly problematic 2006 Memorandum of Understanding with Indonesia, making it illegal to confiscate passports of migrant workers, deny time off, confine them to the workplace, and deduct up to 50 percent of negotiated monthly wages to repay loans. The rumoured 'pact' to protect Indonesian maids in Malaysia which was given publicity in early 2006, has sunk into oblivion. The pact reportedly included barring employers from docking maids' debts from their salary, and may have established schools (with Indonesian supplied teachers) for children of Indonesian plantation workers.⁴⁷

- **Ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime**
- **Ratify the Convention on the Protection of All Migrant Workers and Members of Their Families.**

Myanmar

Population ¹	57 289 000
GDP	\$US11 951 000 000 ²
Remittances:	\$US117 000 000 ³
Per capita income	\$US208.60 (\$US1958.80 Recomputed based on IMF WEO Database April 2007 estimates and actual country data)

Signatory to:

UN Convention	Government Action
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children	Not signed
UN Convention on Rights of Migrant Workers and Members of Their Families	Not Signed

1. Background

With a population of some 57 million, Myanmar shares borders with Bangladesh and India to the west, Lao PDR and Thailand to the east, and China in the north and northeast. Of its 14 states and divisions, seven states and two divisions border on neighbouring countries.

The State Peace and Development Council (SPDC) took power in 1988, suppressing the democracy movement and placing the democratic leader Daw Aung Saan Suu Kyi under house arrest. Countries around the world have responded to the regime's imposition of rigid government controls, forced labour and ongoing humanitarian crisis in various ways; by imposing aid boycotts, banning imports from Myanmar and applying economic sanctions.

Thailand and China are Myanmar's main trading partners, but Myanmar also exports to India and Japan, and imports from Singapore and Malaysia.⁴ According to the SPDC, bilateral trade with China amounted to US\$1.07 billion in 2003/2004. Despite the country's resource wealth, in 2006 direct foreign investments flowing into Myanmar were the lowest of the ASEAN nations, and only Lao PDR had lower total trade.⁵ The country suffers from financial instability, exacerbated in 2003 by a crisis in the banking sector, and as a result the private sector has little access to credit apart from government contracts⁶.

Myanmar is an ethnically diverse nation with the Burman people, ethnically related to the Tibetans and the Chinese, comprising the largest group. Minority groups include Karen, Shan, Rakhine, Mon, Chin, Kachin and Rohingya. Ethnic groups are currently calling for more autonomy through a federal system. While the military government has agreed to ceasefires with several, little progress has been made to bring about national reconciliation and many of the ethnic groups continue to face armed conflicts, forced labour and other human rights violations.

Most of the population lives in poverty, with the lowest per capita GDP of any of the ASEAN nations. According to the UN World Food Program (WFP), in 2005 15% of the population faced food insecurity, while one in three young children were chronically malnourished.⁷ Thirty two percent of children under five are estimated to be underweight and under height for age.⁸ Average wages are not adequate to meet basic needs⁹ and real wages have not risen in more than twenty years.¹⁰ The SPDC estimates that unemployment averages between 4 and 5% but the real incidence of unemployment is believed to be much higher.¹¹

Case Study¹²

In Myanmar, no one's income is enough and people always need to borrow money from somewhere. Ordinary workers' income is about 400 or 500 kyat (25 baht) a day. I worked as a conductor part time while I was studying in grade 10. My father and mother worked full time. Our household's daily expenses would be 1000 kyat a day or sometimes even more. But, if you have a tenth grade student in your house, that would cost at least 20 000 kyat a month. My parents must spend that much money for me only. Therefore, I had to quit school. I decided to come to Thailand to get a job. All my friends already went abroad. I think if the government can control the prices of commodities, and if they reduce or cut all the taxes people will not go to other countries. For now, we have to pay so many different kinds of tax and everything becomes so expensive.

Education is free for children between the ages of five and nine, however, access to further education is limited to those with high test scores. It is estimated that only around three percent of all students continue to tertiary level.¹³ Long waiting lists apply for entrance to University so prospective students often choose to work abroad. Other children do not complete their schooling as a result of family economic circumstances, although adult literacy is estimated at almost 90 percent.¹⁴

In 2007, Myanmar was ranked equal last with Somalia of the 179 countries surveyed to create the 2007 Corruption Perceptions Index.¹⁵

The 2007 TIP Report lists 'Myanmar' as a 'Case of Special Interest'. The following excerpt is taken from that report:

The Plight of the Burmese

Trafficking research around the world has identified populations that are vulnerable to trafficking based on gender, age, and economic conditions. Research has also identified particular ethnic groups or sub-populations within a country that are prone to being trafficked. One that stands out in terms of magnitude and severity is the plight of the Burmese.

Burmese girls and women, particularly those from ethnic minorities in the border regions of the country, have been leaving Myanmar in the hopes of economic opportunities in neighboring countries since the early 1990s. With economic conditions in Myanmar worsening, this trend has continued and now ethnic Burman

females appear to be trafficked in significant numbers both within the country and to neighboring countries.

Within Myanmar, men and women of ethnic groups face forced labor at the hands of the ruling military regime, which is responsible for a significant share of the 2,186,000 victims of state imposed forced labor in the Asia-Pacific region, as estimated by the ILO in 2005. Pushed by this reality and sustained poor economic conditions in Myanmar, over a million Burmese have fled in search of better lives. 400,000 Burmese men and women sought low-skilled work in neighboring Thailand; NGOs believe up to 100,000 undocumented Burmese adults work in the Thai seafood and fishing industry alone. From research done in 2006 by the ILO, a significant share of these Burmese migrant workers are [stet] exploited in conditions of servitude. Similarly, reports have surfaced of Burmese subjected to conditions of involuntary servitude in construction, agriculture, fishing, and domestic work sectors in countries throughout the region.

To date, government policies on refugees and migrant workers have failed to address the needs of Burmese trafficking victims. The UN Protocol on TIP [Trafficking in Persons] calls on governments to protect foreign victims of trafficking, including legal alternatives to the removal of these victims to countries where they face hardship or retribution. While the hardship and retribution Burmese victims face if they were returned to Myanmar is readily apparent, no government has granted Burmese trafficking victims long-term residency. Greater government efforts need to be made to protect this highly vulnerable group of victims.¹⁶

2. Migrant Labour

Many from Myanmar flee economic hardship, forced labour and human rights abuses. Many leaving Myanmar, whether as migrant workers or refugees, have been forcibly removed from their homes. More than 3000 villages are documented as having been forcibly removed, and as of October 2006 a total of more than 500 000 persons were estimated to be internally displaced. On average, between 2002 and 2006, 81 500 civilians were displaced by armed conflict or human rights abuses.¹⁷ In a 2003 submission to UN Economic and Social Council, the Asian Legal Resource Centre (ALRC) estimated there were 633 000 displaced persons but suggested that the numbers could be much higher.¹⁸ Most had suffered destruction of property, had lost their land and often family members, and had been assaulted and/or raped.¹⁹

Estimates suggest more than 3 million people have migrated from Myanmar, at least half to Thailand.²⁰ Thailand is the major destination for Burmese migrants due to its proximity, the relative ease of border crossing and potential for employment opportunities due to its economic growth. Burmese living in Thailand are usually migrant workers or accompanying a family member who is a migrant worker. In 2004, a total of 921 000 persons from Myanmar registered with the Thailand Ministry of Interior and were permitted to remain in the country for up to one year and to seek employment. There is no reliable estimate of the number of those who did not come forward. Generally, men work in fishing, agriculture and construction, while women work in factories, seafood processing and domestic service.²¹ Another 140 000 Burmese have been deemed by Thailand to be fleeing fighting in Myanmar, and live

in Thai camps that are considered temporary shelters although a majority of those in the camps have been there for over 10 years.²²

Malaysia which has 16 000 registered Burmese migrant workers, and South Korea, and Japan are also favoured destination countries. Most of the Burmese businessmen living in the many Burmese migrant communities in the border towns of Ruili and Jiegao in China's Yunnan Province have migrated legally.²³ In 2003, the 26 recruitment agencies in Myanmar that facilitate legal migration processed some 4000 workers.²⁴ Rohingya and Chin refugees are living in Bangladesh and Malaysia.²⁵

In June 2003, Thailand and Myanmar signed a Memorandum of Understanding on Cooperation in the Employment of Workers. The MOU allows employment of accredited migrant workers for two years initially, extendable for a further two years. After that four year period, workers cannot reapply for migration for three years. Workers pay a mandatory 15 percent of their salary into a savings fund to be received upon their return to their proper place of residence, minus the costs of their repatriation.

To date there has been no reliable information on how the SPDC will cooperate with Thailand to implement the MOU²⁶, except for some information on the Migrant Assistance Foundation (MAP) website indicating that temporary visa centres were scheduled to open in February 2007 near Mae Sot and Myawaddy.²⁷ These sites were designed to issue temporary passports within 24 hours, following verification of applicants' details, however, MAP suggests that the majority of migrants from Myanmar have not dared to use these centres as they are afraid it might have repercussions on their families. This fear has been fuelled by news from migrants' families inside Myanmar that authorities have been going house to house requiring families to hang a photograph outside their house of all family members so they can check who has migrated and taking details of those absent. Migrants believe that the Burmese authorities will then start to collect taxes from families who have members in Thailand or other countries.²⁸

Despite provisions made within the 2004 MOU with Thailand, local NGOs have found it very difficult to address the issue of migration. It is almost impossible to conduct pre-migration training and most responses involve awareness-raising activities regarding the negative impact of migration to discourage people from migrating.²⁹ Burmese migrant workers in situations of crisis can expect little assistance from their government. Myanmar was one of very few governments to not send officials to affected areas following the 2004 tsunami that hit the southern Thailand where thousands of Burmese migrants were working. Victims' bodies were not able to be claimed as only those verified by DNA testing to be blood relatives were able to claim bodies, and relatives were not able to travel to the affected areas.³⁰

The majority of Burmese workers of irregular status intercepted by Thai authorities, appear to return to Myanmar without entering the formal deportation process.³¹ Reports³² indicate that Thailand (and other neighbouring countries) often forcibly repatriates workers to Myanmar. As at 20 April 2003, the SPDC holding centre in Myawaddy near the Thai border, had processed around 10 000 deported migrants.

Deportees were fined MMK 3000 and threatened with up to six months' imprisonment if they were deported to the centre again.³³ Between October 2006 and March 2007, more than 2000 Rohingya refugees from Bangladesh and Myanmar who arrived in Southern Thailand aboard fishing boats were shifted to Mae Sot in Thailand from where they were forced back into Myanmar, probably to face detention and ill treatment. Others forced back into Myanmar have since returned to Thailand.³⁴

Unfortunately, despite the desperate efforts of many Burmese workers, migration does not guarantee better living standards. Migrants are cheated and exploited during the migration process³⁵, and some Burmese migrating for better economic opportunities find themselves in situations of forced or bonded labour or 'forced prostitution'.³⁶

3. Trafficking

Ranking of the Burmese Government's efforts to address human trafficking according to the US Department of State's series of Trafficking in Person's Report³⁷

2001	2002	2003	2004	2005	2006	2007
Tier 3	Tier 3	Tier 3	Tier 3	Tier 3	Tier 3	Tier 3

3.1 Internal Trafficking

Forced Labour – Forced labour is related to, and often a form of, human trafficking that can be more difficult to identify and estimate than sex trafficking³⁸. The Myanmar government has forced more than 2 million of its own people into situations of forced labour. Men, women and children 'volunteers' are forced to build roads, fences and weapons. Allegations that some 80 000 forced labourers were involved in the early stages of construction of the new capital have been denied by the government³⁹. There are reports of women porters being forced to carry ammunition and other military equipment for the army, exposing them to situations of rape and abuse. A report on the health of 2000 displaced persons along the Thailand-Myanmar border indicated that almost one third of those interviewed had suffered forced labour under the junta and around 10 percent had been forcibly displaced.⁴⁰

The ILO has been particularly concerned that the regime had intentions of prosecuting anyone who testified about forced labour⁴¹, however, in 2006 the ruling junta implemented a moratorium on prosecution of forced labour complainants and released two prisoners who were jailed for supporting forced labour complaints. During 2006, the Burmese government did not take action against military or civilian officials who engaged in forced labour.⁴²

Case Study⁴³

On 5 May 2002, eighteen other villagers and myself had to construct a fence for the military outpost stationed three miles from my home. Each person was ordered to bring with them two bamboo poles from the village to the outpost as well as their own food. They had to work

from 7am to 4pm with only a break for lunch. At the outpost, we met about 20 others from another village with many as young as 13 years old among them. No one was paid.

Later the same month, the village chairman was told the village had to move one mile away. The place we were to move to was a small plot of land about 80 x 40 feet. Many other villagers were also forced to relocate to this area. Many more were still moving to the new site when I left for Thailand on 27 May 2002. There is no way I can feed my family on this land and the military issued an order that anyone seen on their old land would be shot to death.

Case Study⁴⁴

We had to volunteer last year to build a road located about a two hour walk each way from our village. Every household had to provide one person and we had to go with our own meal. My husband went to work to make good deed.

Domestic work – There are reported cases of citizens being trafficked internally into domestic servitude.⁴⁵ UNICEF reports that half of all primary school students drop out of school before finishing 4th standard, mainly as a result of economic hardship which forces children to work as domestic helpers, or in urban teashops.⁴⁶ Whilst this does not necessarily relate to trafficking, these children may represent a group made more vulnerable to trafficking and exploitation.

Sex Industry – Women and girls are trafficked internally for sexual exploitation. Most occurs from rural to urban areas. Truck stops, fishing villages, border towns and mining and military camps are common destinations for victims.⁴⁷

Fishing Industry – The Asia Regional Cooperation to Prevent People Trafficking states that the fishing industry is a destination for men and boys trafficked internally.⁴⁸

Other forms of child labour – Approximately 42 percent of Myanmar's population is aged 18 years or less; a large supply of potential child workers. Their vulnerability to exploitation⁴⁹ is witnessed by trafficked children found working in shops, agriculture and small scale industries.⁵⁰

Burmese children are unlawfully conscripted as child soldiers often with the direct involvement of military and civilian officials.⁵¹ Army recruiters use threats and intimidation to force boys apprehended at markets and other public places into the armed forces. Beatings are routine during training and brutal punishment is applied if anyone tries to escape. In 2002, investigations by Human Rights Watch estimated that 20 percent of Myanmar's soldiers were children, some as young as 11 years old. In 2003 and 2005, the UN Secretary-General reported to the UN Security Council that the Burmese government was in violation of the international laws prohibiting recruitment and use of children as soldiers.⁵² The government has denied UNICEF permission to make unannounced visits to military recruitment centres.⁵³

3.2 International Trafficking

3.2.1 Source Country

Myanmar is a source country for women, children, and men trafficked for the purposes of forced labour and commercial sexual exploitation.⁵⁴ Burmese women and children are trafficked to Thailand, the People's Republic of China, Bangladesh, Malaysia, South Korea, and Macau⁵⁵ There are also reports of women being trafficked into Pakistan.⁵⁶ The government claims that 191 cases involving 400 traffickers were identified and 65 trafficking offenders convicted in 2006. Sentences imposed ranged between five years and life imprisonment. These statistics cannot be independently verified.⁵⁷

The US Department of State alleges that the military junta's economic mismanagement, human rights abuses, and its policy of using forced labour are the top causal factors for Myanmar's significant trafficking problem.⁵⁸ Rape and other forms of sexual violence have been used as weapons of war by the Myanmar army against Myanmar's ethnic minority women for more than 50 years and have been integral parts of the SPDC's campaign to 'Myanmarnize' and subjugate the ethnic minority population.⁵⁹ SPDC allows World Vision-Myanmar & Save the Children-UK to provide some services and support for repatriation of trafficking victims. These international NGOs work in collaboration with the IOM on the return & reintegration program for trafficking victims.⁶⁰

The number of Burmese people trafficked to Thailand each year is anybody's guess. For the last few years, only approximately 100 persons/year have been identified as victims of trafficking: or fewer than one in 1000 of all Myanmar nationals arrested and deported annually by Thailand for illegal entry. These numbers have little meaning, however, as the majority of Burmese leave Thailand without being officially screened. For example, in 2003, 148 000 Burmese people were arrested in Thailand for illegal entry or overstaying their visa,⁶¹ however, data suggests that more than 140 000 were expelled from Thailand without entering the formal deportation process.

Domestic workers - An estimated 100 000 women from Myanmar are employed as domestic workers in households in every city in Thailand.⁶² Many have reported being forced into arrangements and conditions without their knowledge or agreement.⁶³ Women and girls are trafficked for domestic work from refugee camps.⁶⁴ Many female domestic workers are forced into situations of debt bondage, work long hours without time off, are paid less than entitled or not at all, and suffer both physical and verbal abuse by their employers. Movement and contact outside the home is restricted and most employers hold workers' original work permits. Around 90 percent of child (aged under 15) domestic workers do not hold any form of identification card.⁶⁵ Burmese domestic workers in Singapore and Malaysia have reported being trafficked and experiencing a range of abuses, including sexual violence.

Case Study: *debt bondage to the Thai carrier who facilitated her border crossing*⁶⁶

I was taken by car for four hours. At night, I slept in a plantation; there were five men and two other women there too. We were dropped near the bottom of a mountain, and more people arrived to join our group. There were 35 of us, including me, but I couldn't keep up with the walking. The Thai guides warned me that if I couldn't walk, they would kill me. A 40 year old woman and her nephew and niece were left behind because the woman couldn't walk. On the trip, there were young girls who were taken by the guides. They were raped. The guides didn't bother me because I am old.

It was a very hard journey. We were only given one small meal a day; we were given very little rice stuffed inside a bamboo and only some canned tuna. We walked for about four days [when] we were finally allowed to rest at another plantation for a day. We were then taken to Bangkok by bus.

I now make 2500 baht (US\$61) a month. I watch my employer's two children; they are three and seven years old. I work from about five in the morning to ten at night. I also sometimes help out at my employer's health clinic, but when we do, we don't return home until midnight or one in the morning. It is not a very good situation.

Sex work –Young women are officially banned from migrating overland which may make those wishing to leave the country vulnerable to 'travel facilitators' who may be or have ties with traffickers.⁶⁷ Some young women are forced into sex work⁶⁸ and Burmese children are known to have been forced into the commercial sex industry in towns along the Myanmar-China border.⁶⁹ An estimated 80 percent of commercial sex workers in northern Thailand is Burmese.⁷⁰ According to the SPDC, between 17 July 2002 and 30 May 2004, 390 trafficking cases were exposed by the Working Committee for Prevention of Trafficking in Persons.⁷¹ A total of 709 traffickers: 385 males and 324 females were arrested and 1812 victims were identified.⁷² The report did not specify if these cases were related to commercial sexual exploitation, although it is presumed that most or all were, as other cases of trafficking are generally not recognized.

Women removed from brothels during police raids are often held in shelters in Thailand indefinitely waiting to testify against the perpetrators of trafficking (although not all women identified during raids have been trafficked). These women are not screened for refugee status and after testifying are deported. Some leave the shelters, possibly to escape deportation.⁷³ Women repatriated to Myanmar are required to undergo a 30 day rehabilitation program. Eight vocational training centres have been established by the Department of Social Welfare which offer temporary shelter to returning trafficking victims. More than 80 victims spent time in these shelters in 2006. Although victims are encouraged to assist investigations into their trafficking cases, few do due to a lack of respect for their privacy and insensitive treatment.⁷⁴ Of great concern, mandatory HIV testing is reported regardless of victims' wishes.

Most of the women return to Thailand after being deported to Myanmar, many to resume sex work, to repay debts including those accrued during the migration

process. Some have been known to return as many as three times,⁷⁵ suggesting current analysis about vulnerabilities to trafficking and particularly, the assumption that all migrant sex workers have been trafficked, is lacking.

Marriage – Women from ethnic minority communities in Northern Shan and Kachin states have been trafficked for forced marriages into China’s interior.⁷⁶ Recently a total of 34 suspects were arrested and 17 victims rescued when a trafficking ring based in Ruili was exposed. This group was apparently responsible for the sale for more than 90 women.⁷⁷

Other forms of Child Labour – Burmese children are trafficked to Thailand as forced street hawkers and beggars⁷⁸, for example, the UN Inter-Agency Project on Human Trafficking in the Greater Mekong Sub-region (UNIAP) reports that six young Burmese girls trafficked into Thailand for child labour were repatriated to Myanmar in January 2004.⁷⁹ A US Embassy official observed, “The sex industry gets all the attention, but a significant percentage of trafficked persons are actually in factory work. If I had to guess, I would say it’s probably a 50/50 split.”⁸⁰

A report prepared for the ILO Mekong Project to Combat Trafficking in Children and Women describes exploitative working conditions for migrant children from all over Myanmar employed in factories around Mae Sot. “Virtually every factory ... was ... systematically violating provisions of the Labour Protection Act of 1998 - ...Thailand’s core labour law which offers workers protection and oversees their wages and conditions of employment.”⁸¹ Children live at the factories ‘as a condition of employment’, personal documentation (work permit, etc.) is routinely held by the employer, wages are significantly less than the legal minimum wage, and they are rarely given time off work. The report states:

many of these children in Mae Sot can most accurately be described as enduring the ‘worst forms of child labour,’ prohibited by the International Labour Organization’s Convention No. 182. ... Put succinctly, Mae Sot has perfected a system where children are literally working day and night, week after week, for wages that are far below the legal minimum wage, to the point of absolute exhaustion.

Fishing – A study undertaken by ILO/IPEC⁸² found that more than 90 percent of workers employed in the fishing industry in Samut Sakhon came from Myanmar. Replacing the large number of Thais who have left the fishing industry, it is estimated that some 200 000 migrant labourers now work as fishermen on boats operating from Thailand.⁸³ Many thousands of migrant workers also work in seafood processing onshore. The majority of workers are from Cambodia and Myanmar, but some are also from Lao PDR.⁸⁴ (For further information on the Thai fishing industry, see Chapter 3 – Thailand, 3.2.3.)

Labourers face exploitative practices. The many unregistered are probably more likely to experience forced labour. Registered workers are also exploited, for example, some employers who paid registration fees in advance have been found to have deducted more than the cost of registration from worker’s wages. Restricted movement, long working hours and low wages are common within the industry.

Whilst this report gives little evidence for trafficking *per se*, most workers were recruited through intermediaries either formally or informally and transported sometimes illicitly.⁸⁵

Case Study

I took a ride from my village to Meawaddy with four other migrants and two agents. There, we met up with other migrants. Altogether there were 72 of us and four agents who headed for Mae Sot. From Mae Sot, we had to walk for four days to Kampaeng Phet and Uttaridit. Then four pick-up trucks took us to different locations. I came to Samut Sakhon because my sister's boyfriend is here.

In 2006, 10 000 jobs were advertised within Myanmar for workers in Thailand. According to the *Nation Newspaper* (7 September 2006), the then caretaker (Thai) Labour Minister Somsak was reported as saying that most of the verified Burmese migrant workers would work on fishing trawlers and at seafood-processing factories.⁸⁶ At around the same time, the bodies of Burmese fishermen were found floating off the coast of Thailand following their deaths from infectious disease and lack of medical care. Also in September 2006, 800 Burmese men, women and children were discovered working in slave-like conditions in a shrimp processing factory, where forced labour is apparently a significant factor in the processing and packaging of seafood by some Thai exporters.⁸⁷

3.2.2 Transit Country

Chinese girls trafficked into northern Thailand are often transited through Myanmar.⁸⁸ In addition, some trafficking of Bangladeshi persons to Malaysia and Chinese nationals to Thailand through Myanmar has been reported.⁸⁹

3.2.3 Destination Country

The 2004 TIP Report⁹⁰ lists Myanmar as a destination for Chinese and Eastern European women trafficked into the commercial sex industry.

4. Issues for consideration

The Burmese Government forces its citizens to undertake forced labour. The Government routinely hinders investigations by international organisations, for example, UNICEF is not permitted to make unannounced visits to military recruitment centres⁹¹, and in February 2005, a high level ILO delegation was denied an appointment with the country's top leader, Than Shwe.⁹²

According to the 2007 TIP Report, "Relations with the ILO ... improved in 2006 with the halt of death threats directed at the ILO Liaison Officer in Rangoon and government threats to withdraw from the organization". Discussions between the ILO and the government have now begun, however beyond acknowledging forced labour is a problem, the government has made no move to stop it beyond following up on "a couple of cases"⁹³ and imprisoning some people

4.1 Lack of research/data – Reliable information on trafficking is difficult to find. Government officials combine data on smuggling and trafficking and victims are not routinely identified among deportees from other countries. Despite the existence of the UN based definition of trafficking, much confusion still surrounds the term and confusion abounds around terms such as illegal immigrants, migrant workers, refugees, asylum seekers all of which are relevant in Myanmar's case. Internal forced labour is not recognised thereby failing to identify many people who are internally trafficked.

4.2 Government responses – In 2005, Myanmar enacted its *Anti-Trafficking in Persons Law* which includes men and criminally prohibits sex and labour trafficking.⁹⁴ The law established the Working Group on Repatriation, Reintegration and Rehabilitation of Trafficked Victims, which is responsible for coordinating with Government departments and NGOs in the repatriation of victims of trafficking; conducting family assessments; and providing medical care, counselling, training and other assistance to returnees. Many of the law's provisions apply to internal cases of trafficking, but the law also covers repatriation, return and reintegration. The law mandates that officials in foreign Embassies of the Union of Myanmar shall provide necessary protection to Myanmar citizens or permanent resident foreigners of Myanmar who are victims of trafficking and coordinate with the relevant responsible agencies for the repatriation of the victims.⁹⁵ Victims' privacy and security is to be preserved.

The Central Body mandated under the anti trafficking law has now been established and its inaugural meeting held. Trafficking is coordinated through the Ministry of Home Affairs. The Myanmar National Committee for Women's Affairs (MNCWA) developed a National Plan of Action for Trafficking of Women and Children in 1997, which focuses on prevention, prosecution, protection and repatriation, return and reintegration. The plan of action has recently been revised and updated to incorporate recent commitments.

A National Task Force on Trafficking in Women and Children, comprises personnel from the Police Force, Attorney Generals' Office, Health, Immigration, Social Welfare, Border Areas Department, NGOs and MNCWA.⁹⁶ The Myanmar Women's Affairs Federation was formed in 2003 to coordinate and collaborate with UN agencies, NGOs and INGOs.⁹⁷ Various training programs have been developed particularly under the auspice of UNIAP, mainly focusing on awareness raising and support for repatriated victims.

The central police Anti-Trafficking unit is staffed by some 18 specially trained Myanmar Police Force members. Anti-Trafficking Task Forces have been established in a number of 'hot spots', and in-service police training in trafficking is included in the curriculum of the Central Police Training Institute.⁹⁸

Over the past year, the government took steps to combat trafficking for sexual exploitation by increasing law enforcement efforts at border crossings, increasing the number of trafficking arrests, prosecutions, and convictions, and conducting training for law enforcement officers, however, no actions were taken against corruption among officials.⁹⁹ The 2007 TIP Report recognises some progress in combating sex trafficking in 2005 and 2006, but notes that while the penalties for sex trafficking are

“sufficiently stringent, the lack of a functioning independent judiciary result in military trials lacking transparency, accountability, and due process”.

There were 108 victims of trafficking formally returned to Myanmar in 2005 and 91 returned in 2006, mostly from Thailand. As noted above, these numbers represent fewer than one in 1000 of all Myanmar nationals arrested and deported annually by Thailand for illegal entry. Returnees to Myanmar occur in groups of up to 20 persons. The IOM reports that receptions are formal events, often with news media present, so the privacy of returnees is violated and some feel uncomfortable.¹⁰⁰

A notable feature of the formal process of return from Thailand to Myanmar is the length of time victims are detained on both sides of the border. In Thailand, those delays are usually the result of difficulties in family tracing and delays in court proceedings for those wishing to testify. Beesey¹⁰¹ noted that many returnees spent six to ten months in shelters in Thailand. Verification of nationality and family tracing are difficult. Names and addresses obtained from victims in Thailand are translated into English before being transmitted to Myanmar, which increases the chance of errors. Information is often incomplete and inaccurate. One NGO has reported that some persons give inaccurate information because they do not want to be returned.¹⁰²

The Burmese Government, with the assistance of international organizations and NGOs, has established a process for reintegration and long-term follow-up of returned trafficking victims. The first step of the recovery process is four weeks of training provided by Department of Social Welfare centres before return to the family.¹⁰³ IOM reports that this is viewed positively by the Government but seen as a problem by others, particularly when returnees do not want to receive four weeks of training before going home. Some options are available for returnees who do not wish to return to their family or for whom the family assessment is negative. They may remain in the DSW training centre, stay at a faith-based institution or receive support from an international NGO to stay in another home or for independent living.¹⁰⁴ Individual reintegration plans are developed. Successful reintegration is a challenge, however, because many families live in poverty so often returnees want to migrate again and are vulnerable to being re-trafficked.

Burmese Government agencies involved have suggested the need for more staff members with specialized training, more shelters to providing better assistance and services to returnees, and increased funding to operate income-generation projects.¹⁰⁵ As noted above, coordination and cooperation is lacking in the absence of formal guidelines and agreements internally and at bilateral and regional levels. While there is a clear process for the return of trafficking victims from Thailand, that is not the case for China, the other destination country.

Despite the government’s modest efforts, more is needed including action to:

- **Implement the recommendations in the April 2002 resolution of the UN Commission on Human Rights**

These recommendations should be implemented, including the abolition of the practice of forced labour, and all those abuses of human rights and fundamental freedoms that motivate people to migrate and make them vulnerable to trafficking.

- **Establish a presence and full access to international organisations**

Key international agencies should be granted access and a presence in Myanmar. The denial of access means abuses occur unchecked. The participation of international organisations would ensure increased funding for anti-trafficking efforts and greater protection and services for Burmese at risk of trafficking and those who have been trafficked.

- **Establish stronger mechanisms to monitor and evaluate trafficking in persons**

Anti-trafficking monitoring mechanisms should be established as at present, most trafficking cases are not recorded, making it impossible to build an accurate picture of what is occurring and thus impossible to design and deliver a targeted policy response.

- **Expand channels for safe, legal migration**

The Burmese Government should consider means to increase access to safe, legal migration channels as Irregular migration continues to increase migrants' vulnerability to trafficking and other forms of labour exploitation and abuse.

- **Develop stronger bilateral repatriation models**

A formal model of repatriation from China is required. While a clear process of repatriation from Thailand exists, coordination and cooperation occur in the absence of formal guidelines and agreements, internally, bilaterally and regional levels. Internal standard operating procedures should be developed to specify the role of all partners and the means of coordination. Clear criteria for family assessments also need to be developed and implemented. Direct discussions to iron out deficits through the implementation of specific practices (for example, perhaps the introduction of a system of ticking boxes for issues coded uniformly across the two languages, or interpreters writing the names and addresses of victims in the official or local language) is needed between the key Thai and Burmese government departments.

- **Improve reception centre operation**

Reception centres would be improved by a decision to make accommodation in those centres voluntary, and ensuring all returnees adequate access to services regardless of ethnicity or health status. Returnees could be provided a menu of options for training and services available from the training centres, so that they can select those they believe will be of most benefit to them. A deadline and structure for independent assessment of the benefit of current centre based training should be established.

Free and voluntary health checks should be offered at hospitals or clinics, with appropriate pre and post-test counselling in the person's first language, and guarantees of confidentiality, no discrimination and provision of appropriate health

care. Mandatory HIV testing of returning migrants at reception centres is a human rights abuse and against the UN HIV Principles and Guidelines adopted by member states (including Myanmar).

- **Deliver training to all officials who may come into contact with trafficking practices**

Training should be provided to officials to facilitate improved understanding of trafficking and exploitation related issues, how to respond appropriately to complaints, how to investigate and collect evidence in such cases, and how to refer for appropriate health care, counselling, legal aid, and accommodation. The issue of trafficking is complex and misunderstood by many. Victims are often blamed for their circumstances and sometimes perceived as criminals. Many officials simply do not recognise events as constituting exploitation or trafficking. Some officials are complicit in trafficking practices.

- **Increase efforts to identify and prosecute cases of official corruption**

Increased policing and prosecution is required to enable the official structure to operate effectively. Many reports cite the issue of official corruption as a major factor undermining the government's detailed labour migration structure.

The Philippines

Population ¹	86 910 000
GDP	US\$117 457.10
Per capita income	US\$1351.50 (US\$5332.70 recomputed using IMF WEO Database April 2007)

UN Convention	Government Action
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children	Signed (2000) Ratified (2002)
Convention on Rights of Migrant Workers and Members of Their Families	Signed (1993) Ratified (1995)

1. Background

The Philippines has had a mixed history of growth and development. Following independence, the country grew to be one of the richest in Asia but economic progress has since been hampered by corruption, political instability and a large national debt. The 1997 Asian Financial Crisis had a strong impact on the economy, which has also struggled against investment fears based on political uncertainties. Things are, however, looking up. GDP has grown by more than 5 percent in each of the last three years², and by 7.3% for the first six months of 2007.³ Despite these gains, the government faces substantial challenges to progress poverty alleviation.

Development continues to be undermined by corruption, with the Philippines ranked 131 of the 179 countries surveyed to create the 2007 Corruption Perceptions Index.⁴ Debt service draws heavily from the national budget: estimated at 13.7 percent of GDP in 2004, which vastly outweighs public expenditure on health and education.⁵ Income inequality persists. The richest 10 percent of Filipinos control 36.3 percent of income/consumption. In 2005, some 30 million people lived on less than \$2 per day. Sixteen percent of the population lived on \$1 a day (2004)⁶. In 2003, nineteen percent of the population was estimated to be undernourished. Twenty eight percent of children under 5 years were underweight, and 32 percent under height. Twenty percent of infants were born with a low birth weight.⁷

Unemployment was estimated at 7.9% in 2006⁸, however, 21 percent of workers were considered underemployed. Qualitative data from a 2005 report on migration revealed that of those surveyed pre-departure, many had worked in the Philippines in jobs that were contractual or not permanent. Many who worked found low wages simply fell short of meeting their family's needs.⁹

Economic growth struggles to meet the rapidly growing labour force, although pressure is somewhat relieved by the large number of people migrating for work: approximately one million a year. Although generating enormous income for the Philippines, such large emigration has a high cost in terms of loss of knowledge and skills, and can also have high social costs.¹⁰ Vera Songwe, a World Bank economist, has expressed concern over the increasing number of skilled workers taking on

unskilled work overseas. According to Songwe in 2005, 1000 private hospitals had closed since 2000 due to lack of staff, 6000 doctors had changed to nursing which is in demand overseas, 10 000 teachers had migrated for work since 1988, and 32 000 teachers were working as maids in neighboring countries in Asia.¹¹ As Lisa Garcia of NGO DAWN writes in an article titled 'Is Migration Worth It?':

the social costs of migration are difficult to measure. We do not have statistics on the number of spouses who have separated because of migration. We do not have statistics on the children whose parents were not there to witness their triumphs and despair. What we have is the amount of dollars being remitted by Filipino migrants. Perhaps, it would be easier to answer the question ... who benefits from migration?.¹²

2. Migrant Labour

The economic and social impact of Filipino migrant labour cannot be underestimated. The Government encourages its citizens to consider working overseas, setting a goal of deploying one million workers each year¹³, a goal which is basically being met. Approximately 8 million Filipinos are working overseas. These workers are fundamental to the economy which is highly dependent on their remittances. In 2006, remittances going through formal channels alone added up to approximately US\$12.8 billion or 13 percent of GDP. Remittances including those through informal channels were estimated to be closer to US\$14 billion.¹⁴ (This figure dwarfs that of foreign direct investment, which increased in 2006 to US\$2.35 billion.¹⁵) The Central Bank of the Philippines has estimated remittances, including those through informal channels, should reach US\$14.7 billion in 2007.¹⁶

Some 50 percent of Filipinos have relatives based abroad, with 22 percent having relatives in the United States which is why it is perhaps not surprising that the desire to migrate 'has captured the Filipino imagination'.¹⁷ A Scalabrini Migration Centre report sites survey data suggesting 20 percent of adult Filipinos had lost confidence in the country and would like to migrate if they could (Pulse Asia, 2002), and 47% of children aged 10 to 12 years wanted to work abroad someday, with a higher percentage of 60 percent among the children of overseas Filipino workers (ECMI-CBCP/AOS-Manila, 2003). The same study found that the courses children planned to take were those that would lead to jobs that would be marketable abroad; nursing, mostly among girls and maritime courses, mostly among boys.¹⁸

Overseas Filipino workers are employed in a large range of occupations in many, many countries all over the world. The top ten destinations are listed below.

Table 4. Deployment of overseas Filipino workers by top ten destinations 2006¹⁹

Destination	Number	Percentage of Total
1. Saudi Arabia	223 459	28.4%
2. United Arab Emirates	99 212	12.6%
3. Hong Kong	96 929	12.3%
4. Kuwait	47 917	6.1%
5. Qatar	45 795	5.8%

6. Taiwan	39 025	5.0%
7. Singapore	28 369	3.6%
8. Italy	25 413	3.2%
9. United Kingdom	16 926	2.1%
10. Korea	13 984	1.8%
Other Destinations	151 041	19.2%
Land based Total	788 070	100.0%
More than 230 000 people were employed as seafarers in 2006. ²⁰		

The government categorizes overseas workers as belonging to:

Household and related work	91 451	29.7%
Factory and related workers	43 234	14.0%
Construction workers	43 040	14.0%
Medical related workers	17 731	5.8%
Hotel and restaurant related workers	15 693	5.1%
Caregivers and caretakers	14 412	4.7%
Building caretakers and related workers	12 294	4.0%
Engineers and related workers	11 169	3.6%
Dressmakers, tailors and related workers	7 831	2.5%
Overseas performing artists	7 431	2.4%

The government has substantial infrastructure to facilitate the labour migration process, including several large agencies. The Philippines Overseas Employment Agency (POEA) administers regulation of the migration industry. The Overseas Workers Welfare Administration (OWWA) is responsible for the welfare of Filipino workers overseas and their families in the Philippines. The Office of the Undersecretary of Migrant Workers' Affairs (OUMWA) provides legal and repatriation assistance to overseas Filipino workers in situations of crisis or distress. The Commission on Filipinos Overseas promotes stronger economic and cultural ties between the Philippines and Filipinos Overseas. The Technical Education and Skills Development Authority (TESDA) sets appropriate skills standards and tests for accreditation required for migration, and coordinates and monitors related human resources policies and programs.

As well as the government infrastructure, there are hundreds of independent (government licenced) recruitment agencies that arrange migrant workers' travel and employment. Many recruitment agencies operate outside the law. Systems are in place to attempt to remove such abuses, for example, revoking agencies accreditation or seizure of compulsory bonds, however, corruption continues.²¹ Most workers are recruited through agencies, although many of them approach the agency and vice versa. Agencies may be legal but conduct illegal practices from time to time. Others may simply not be registered. Unfortunately many workers are reluctant to file complaints while in the process of job seeking as they believe doing so may jeopardize their chances of migrating for work.

The migration process is relatively straightforward but multi-staged. Some may have been interviewed by prospective employers before applying for permission to leave the Philippines. Many will not, depending on the information supplied by their agent. The usual steps are:

1. Preparing key documents including resume, birth certificate, marriage certificate (if applicable), diploma or school attendance data, valid passport, passport size photos, and clearance from the National Bureau of Investigation. Some occupations also require a certified copy of license from the Philippine Regulatory Commission.
2. Submitting the documents to the recruitment agency or directly to POEA
3. Having a medical examination
4. Processing the documents in POEA
5. Attending pre-departure orientation
6. Securing an e-Receipt (which serves as exit permit and proof of payment) and e-card (which serves as proof of OWWA membership, ATM card for remittance, and debit/discount card)
7. Submitting to a final check of documents at the Labor Assistance Counter in the airport at the point of departure²²

Government departments, recruitment and placement agencies are not the only businesses in the migration network. Other related businesses include medical clinics and hospitals accredited to authorize applicants fit for work, and travel agencies and lending agencies linked to recruitment and placement agencies.

Also of considerable importance are the private sector training centres, as training is required to achieve accreditation for some skills employment categories. Training centres are a thriving private sector industry of their own accord and not all operate with the best interest of prospective migrant workers at heart. That is, there is no direct link between training, accreditation and employment. In 2006, 1 342 626 Filipinos attended training at one of the many hundreds of approved training centres.²³ Caregiver training has caused some concern with a blow out in the number of centres and persons undergoing training (465 persons in 2001, 5383 in 2002 and 18 878 in 2003): numbers which greatly exceeded demand.²⁴ The training usually spans six months and the average fee is about P18 000. The quality of training is not uniform.²⁵

Testing centres are also part of the labour migration facilitation network, with trade testing required for, example, building wiring technicians, caregivers, catering workers, computer data encoders, consumer electronics mechanics, deck ratings engine ratings technicians, and heavy equipment workers.

While the legal and institutional framework of a safe and orderly migration is in place, the implementation and enforcement of provisions is uneven. There are many reports of false documents being used, bribes being paid to government officials, and workers being overcharged for various fees. A common area of concern relates to the standard placement fee paid to recruitment agencies: the equivalent of one month's salary. A survey by Scalabrini Migration Centre of 990 workers preparing to legally migrate for work, found more than a third of workers (37.3 percent) claimed they did not know the standard placement fee for their intended job. This lack of

knowledge, lack of interest or lack of choice about the standard legal placement fees predisposes them to abuse by recruitment agencies.

The Scalabrini Migration survey found ‘much’ variation in the placement fees paid by migrants applying for the same job in the same destination. Survey and qualitative data revealed rampant violation of the standard placement fee. Many direct hires, who were not supposed to pay placement fees, reported paying such fees. Many worker faced difficulties raising the funds required to pay their placement fees and other expenses, however, instead of complaining about agency practices, they focused their attention on where to raise funds.

The destination can be an important determinant of the cost of the placement fee because of the salaries associated with it, ie. countries offering higher salaries regularly have a higher placement fee. Many overseas workers delay payment of their placement fee, and have salary deductions once they have commenced working, or pay a portion now with the balance to come from salary deductions. Salary deduction is attractive as it reduces the immediate burden of meeting the placement fee, however, the worker may be unaware of the excessive burden it will place if they end up in exploitative or abusive situations of employment.

The Scalabrini Migration Centre survey also uncovered a very wide range in the medical fees reported by migrants, from P150 to P35 000. Again, the destination made a difference: in the UK and the US, the medical exam is said to cost P5000 because of additional tests; for the other destinations and skills, the costs generally run between P2500 to P2800. There were also those who did not pay as their agencies ‘assumed’ the costs of the medical exam. In addition to the basic pre-employment medical exam, the examining doctor may require migrant workers to undergo other procedures or treatments, for example, new glasses or tooth extraction or filling. Although, these may be necessary, migrants suspected these additional requirements were money-generating schemes, and felt that they had to comply to be issued certification.²⁶

Although the government might be seen to ‘push’ workers, it is not without concern for their welfare. The *Migrant Workers and Overseas Filipinos Act of 1995* (Republic Act 8042) aims to provide protection for overseas workers from pre-departure to return and reintegration issues. The Philippines Government was also one of the first to sign and ratify the *United Nations Convention on the Rights of All Migrants and Members of Their Families*.

3. Trafficking

Ranking of The Philippines’ Government’s efforts to address human trafficking according to the US Department of State’s series of Trafficking in Person’s Report²⁷

2001	2002	2003	2004	2005	2006	2007
Tier 2	Tier 2	Tier 2	Tier 2 Watch List	Tier 2 Watch List	Tier 2	Tier 2

3.1 Internal Trafficking

Domestic Work - The 2005 Domestic Workers Summit recognised Filipino domestic workers as the 'invisible engine' of the Philippine economy, ie. their labour maximizes private households' productivity by freeing additional labour into the labour market at a time when women have increasingly joined the workforce.²⁸ Despite the impact of their labour, domestic workers remain vulnerable to abuse which some experts suggest is rampant.²⁹ The practice of employing domestic help is embedded in Filipino culture.³⁰ As in many parts of Asia, it may take the form of 'boarding' less privileged relatives in exchange for their household services, or encouraging their migration from the countryside to cities or abroad for employment. Domestic workers are vulnerable as they are employed within private households (in which they live) and are consequently isolated from their own families and networks, and are hidden from public scrutiny. Based outside the formal sector, they are denied adequate labour protection and a mechanism arbitrating work place conflict. Common problems include long working hours with no time off, non-payment of wages, verbal, physical, and sexual abuse, and a lack of sufficient accommodation. Child and adult domestic helpers also lack opportunities to complete their educations.

There is no effective data collection on domestic workers in the Philippines, and estimates of the number of workers ranges from roughly 600 000 to 2.5 million. The Philippine's Labor Force Survey suggests some 1.5 million household helpers work in private households, comprising 13.73% of total wage employment in the private sector.³¹ It is also estimated that between 230 000 and more than 1 million domestic workers are children.³² Visayan Forum Foundation suggests over a million child domestic workers work an average of 15 hours a day while on 24 hours call. They may have one day off each month or none at all. Many are under the employer's complete control and are prohibited from communicating with their families. Many are not allowed to venture outside except when sent out on an errand by their employer. They receive an average of PhP 800 (US \$16)/month - if paid at all, with many remitting part of any income they receive to their families. Many also have to buy their own supplies, including medicine, and sometimes even their own food. They are usually denied the right to attend school or are unable to balance their heavy workloads with their studies. Child domestic workers are frequently verbally abused. Some are severely beaten. Visayan Forum Foundation sites cases of torture: a child dying after being forced to drink liquid used to unplug drains; a child forced to drink bleach each time her employer was unsatisfied with her work in the laundry; a child made to kneel on a stool for hours while balancing a fire extinguisher on her outstretched arms. Girls are sexually molested and raped. In Cebu City, the regional Department of Social Welfare and Development (DSWD) reported that 80% of reported rapes, attempted rapes and other acts of sexual abuse were against child domestic workers.³³

Some children are sent to their employers through family networks while others are recruited by agents. Some child domestic workers are indebted to their recruiters (for two to three months wages) for 'costs' associated with their transportation and accommodation en route to their employer's home. Children may also become indebted to their employers by buying clothes and other items from their employers, being charged by their employers when they make mistakes, and borrowing from

their employer when there is a crisis at home. These children become trapped in debt bondage.³⁴

Some unscrupulous agents victimize young girls and their families by offering high salaries and the chance to receive schooling which they cannot deliver. When these conditions are not met, girls are left with two options: to stay and accept the exploitative/abuse situation, or to leave. For many leaving means they will be alone and in poverty (and perhaps in debt) and will 'slowly slide into prostitution'.³⁵

For over a decade, numerous politicians, church leaders, Philippine NGOs and international agencies, have battled to have the *Batas Kasambahay Act* enacted. This Act known as 'the Magna Carta of household helpers', aims to clearly establish minimum working conditions for domestic workers in the Philippines. It covers minimum employment contract provisions, sets a minimum wage and working hours/time off, standards of treatment, entitlements such as leave, health insurance, maternity and social security entitlements, and prohibits bonded labour.³⁶ Despite making it through Congress (the lower house) more than once, it has failed to make it through the Senate. Some local governments have since taken action by introducing 'mandatory registration' of domestic workers as a means to provide a small portion of those entitlements that would be covered by the *Batas Kasambahay Act*.

Sex Industry – Despite commercial sex work being illegal, it is widespread and available through brothels, bars, karaoke bars, massage parlours, escort agencies and on the street, and includes women and children who have been domestically trafficked.³⁷ A study by the Psychological Trauma Program of the University of the Philippines notes that commercial sex work may now be the country's fourth largest source of GNP.³⁸

Visayan Forum Foundation suggests that trafficking victims are typically girls and young women aged 12 to 22 years old. They may have been lured from remote provinces to the city and deceived by recruiters with promises of an escape from poverty before being forced to prostitute themselves. Alternatively, recruiters target young women who arrive in the city for the first time planning to get a well paying job, with many recruiters frequenting port areas to find girls just 'off the boat'. In the city for the first time, these girls and young women are prepared to take risks and are easy prey for recruiters who promise them domestic work but push them into commercial sex work.³⁹ The Department of Social Welfare and Development has estimate that anywhere from 60 000 to 600 000 street children are victims of child prostitution.⁴⁰ There is also a link between trafficking of girls and young women into domestic work and commercial sex work. As earlier noted, some domestic workers who leave their positions as a result of exploitation and abuse are left with few options and end up in the Philippines sex industry.⁴¹

Other – The Philippine National Statistics Office provided a 2001 estimate that 11 percent of children ages 5 to 14 years in the Philippines were working. The survey found that of the country's 24.9 million children ages 5 to 17 years, 2.4 million work under hazardous conditions. Two out of 3 were working away from home and were possibly trafficked.

Case Study⁴²

Arturo, the fourth of eight children, was from a poor rural family. One day a recruiter came looking for workers for a carton factory in Manila. He explained that workers would be paid P2000/month and that they would be accommodated on the company premises. Arturo traveled with four other boys via ferry to Manila. While on board his belongings including his documents (Barangay Clearance, birth certificate and Community Tax Certificate) were confiscated, and he was told he had already accrued debts of P2050 which would be deducted from their salaries.

Arturo and the other boys were intercepted by the Philippine Coast Guard and sent to the Port Halfway House for initial investigation. When their documents were found to be legal they were released. The boys were taken to Pangasinan to work in a piggery, where each was given responsibility for 200 pigs. They stayed in a small shack beside the pigpen and were without a bathroom, sleeping mats, pillows, plates or eating utensils. They then learned they would be paid only P1500 which they could claim after a year's service.

Child labour is more prevalent in rural areas, and almost half of all child workers are engaged in agricultural activities.⁴³ Visayan Forum Foundation suggests there is some evidence that some of these children have been trafficked. In many sea ports in the Philippines, children arrive in ships coming from other Filipino ports before being moved into sweatshops (or brothels) and kept in slave-like conditions, sometimes not paid for their labour.⁴⁴ Other children work in pyrotechnics production, mining, and quarrying.⁴⁵ There is little information about the conditions under which they work and the mechanisms by which they have been employed. Recruiters target young boys for deep sea fishing. They are kept at sea for 6 to 10 months per trip, with fishing lasting some 15 days at a time. They work 15 hour days from 3am to 6pm. Common problems include skin diseases, cuts, wounds, body pains and punctured eardrums.⁴⁶

3.2 International Trafficking

3.2.1 Source Country

Perhaps it is not surprising that amidst the migration of such an enormous number of people, there is also trafficking. The 2007 RIP Report states that a significant number of Filipino men and women who migrate abroad for work are subjected to conditions of involuntary servitude in Saudi Arabia, Kuwait, the United Arab Emirates, Qatar, Bahrain, Malaysia, Hong Kong, Singapore, Japan, South Africa, North America, and Europe. Women and children are also trafficked within the Philippines, primarily from rural areas to urban areas for forced labour as domestic workers, and factory workers, and in the drug trade, and for sexual exploitation. Women are trafficked into the Japanese and Korean sex industries.

The Arab states of the Persian Gulf (also referred to as the Gulf states) boast huge oil and natural gas revenues, and import enormous numbers of migrant workers to do a lot of the hard work that has grown their economies and supported a high

standard of living for their citizens. Some 10 million Filipino migrant workers are employed there. Unfortunately, the Gulf states generally lack human rights and labour protection systems.

Saudi Arabia, the United Arab Emirates (UAE), Kuwait and Qatar were four of the top five destinations⁴⁷ for Filipino migrant workers migrating to land based destinations through official channels in 2006, comprising some 52% or over 400 000 workers.⁴⁸ These four countries all demonstrate significant failures which leave migrating workers vulnerable to trafficking. The 2007 TIP Report states Saudi Arabia, UAE, Kuwait and Qatar are destinations for Filipinos, and many other nationalities, trafficked for the purposes of involuntary servitude and, to a lesser extent, commercial sexual exploitation. A brief synopsis of the situation is provided below.⁴⁹

- **Saudi Arabia** - 223 450 Filipino migrant workers entered Saudi Arabia in 2006⁵⁰, bringing estimates of the total number of Filipino workers in Saudi Arabia to 900 000.⁵¹ Filipino men and women are trafficked for the purposes of involuntary servitude and, to a lesser extent, commercial sexual exploitation. Men and women travel voluntarily to work as domestic servants or other low-skilled laborers, but subsequently face conditions of involuntary servitude, including the withholding of passports, restrictions on movement, non-payment of wages, threats, and physical and sexual abuse. Despite evidence of widespread trafficking abuses in 2006, the government did not initiate any prosecutions for trafficking crimes (although it did impose fines and blacklist some agents for visa misuse not related to Filipino workers). Saudi law states that employers must not retain their employees' passports, but the government does not actively enforce this law. Police are generally unresponsive to requests for help from foreign workers, however, in December 2006, the government funded an assessment by anti-trafficking experts for forthcoming law enforcement training session, so some improvement may be forthcoming. Foreign women detained for running away from their employers or arrested for commercial sex work who may be victims of trafficking are punished and deported without being offered protection.

In their 2004 report *Bad Dreams: Exploitation and Abuse of Migrant Workers in Saudi Arabia*, Human Rights Watch lists a litany of abuses against Filipino male and female workers. A common practice is contract switching where upon arrival, employees are forced to sign a contract in Arabic which differs from their original contract. Although they are unable to read it, it is the only contract recognised by Saudi courts. Usually contract switching relates to loss of wages or more onerous conditions. One woman interviewed for the report had signed a two year contract in the Philippines, but her new contract specified a three-year term of employment, and made her responsible for paying the cost of her roundtrip airfare should not complete the term of the contract.⁵² Other workers discover the job they were promised does not exist, and despite the practice being illegal, are forced to accept alternative work. A diesel engine mechanic interviewed stated he had migrated to work as a mechanic but was forced to work as an agricultural labourer. Instead of being paid the 1200 riyals (US\$320)/month promised, he was required to work from 6.30am to 7 or 8pm, seven days a week for 1000 riyals (\$267)/month. Workers are controlled when employers fail to provide them the required residency permit, forced to work excessive hours without overtime pay, denied paid leave, not paid, and summarily dismissed. The Human Rights Watch

report also details cases of confinement and of sexual assault by male employers.

Case Study⁵³

Edna, a 30 year old woman with two children, worked for two years in the home of a Saudi woman and her three daughters. Edna was not permitted to leave the house, with the exception of once or twice a month when she accompanied her employer to the home of her employer's mother, where she was required to do housework for several hours with the Indonesian woman employed there. At other times when family members went out, Edna was left alone in the house with the doors and gates locked. She was never provided with an official residence permit, which would have enabled her to move freely without fear of arrest, assuming she had opportunities to leave the house.

During her two-year tenure, she was completely cut off from her family in the Philippines. She did not know the address of the house where she worked and was told that letters must be sent to her employer's sister post office box. The employer also instructed Edna that under no circumstances could she provide the phone number at the house to anyone in the Philippines – "not even for an emergency." Edna said that she was afraid to defy these orders so for two years her husband and two daughters had no way to contact her directly.

More than 1000 Filipinos were repatriated from Saudi Arabia following the Philippine's presidents visit in May 2006 and April 2007. Many had been targeted by traffickers and had traveled with fraudulent documents.

- **United Arab Emirates** - 99 212 Filipino migrate workers entered UAE in 2006⁵⁴, contributing to UAE's expatriate population which makes up 80 percent of UAE's entire population⁵⁵. Filipino workers included men and women trafficked for the purpose of involuntary servitude and commercial sexual exploitation. Women from the Philippines migrated willingly to work as domestic servants, but many experienced conditions of involuntary servitude such as excessive work hours without pay, verbal, mental, physical, and sexual abuse, and restrictions on movement. Although in December 2006 the UAE government passed a comprehensive anti-trafficking law prohibiting all forms of trafficking, with penalties ranging from one year to life imprisonment, the government did not prosecute any cases under this law or any other available law. The government did impose fines on labor recruiters for fraudulent practices. The government continues to detain and deport victims for unlawful acts committed as a result of being trafficked. While some women travel to the UAE to work in the sex industry, they may subsequently experience employment conditions which differ from those promised, debt bondage, coercion and abuse. Other women are trafficked for other work but forced into the commercial sex industry after their arrival. The UAE does not consider labourers forced into involuntary servitude as trafficking victims if they are over the age of 18 and entered the country voluntarily. Women who enter UAE to work as sex workers are treated as criminals regardless of any

abuse or crimes which might subsequently be perpetrated against them. Many cases of forced labour are therefore not investigated. The UAE has developed an awareness raising campaign for potential victims and operates web site and 24 hour hotline for trafficking victims to lodge complaints.

- **Kuwait** - 47 917 Filipino migrant workers entered Kuwait in 2006⁵⁶, including men and women from the Philippines who migrated willingly but were later subjected to conditions of involuntary servitude by employers in Kuwait. Victims suffer conditions including physical and sexual abuse, non-payment of wages, threats, confinement to the home, and withholding of passports to restrict their freedom of movement. In addition, some female domestic workers are forced into the commercial sex industry after running away from abusive employers or after being deceived with promises of jobs in different sectors. Although the government has long promised to pass labour laws increasing penalties for the exploitation of foreign workers, it has not done so. The government has implemented a standardized contract for domestic workers outlining their rights, including work hours, wages, and their right to retain their passports, and has created a public awareness. Trafficking victims are sometimes detained, prosecuted, or deported for acts committed as a result of their being trafficked, such as running away from their sponsors in violation of immigration laws and commercial sex work.

The Philippines' government has recently confirmed reports of Filipino workers being trafficked into Iraq through Kuwait, including a case of 11 men being trafficked by a Kuwait-based construction company, despite a 2004 ban on deployment in Iraq. The workers worked at the US embassy compound in central Baghdad's Green Zone under extremely stressful conditions, including nearby bombings. Two former employees of First Kuwaiti testified before the US Congress that the trafficked Filipinos were packed in trailers, lacked shoes and gloves, and were required to work 12 hours a day, seven days a week.⁵⁷

- **Qatar** - 45 795 Filipino migrant workers entered Qatar in 2006⁵⁸, including men and women from the Philippines migrating to become labourers and domestic servants, however some subsequently face conditions of involuntary servitude. The most common forced labour offence is forcing workers to accept worse contract terms than those under which they were recruited. Others include instances of bonded labour, job switching visa swapping, visa selling, withholding pay, charging for benefits for which the employer is responsible, restrictions on freedom of movement, confiscating passports and travel documents, withholding of exit permits, arbitrary detention, threats of legal action and deportation, false charges, and physical, mental, and sexual abuse. Workers are generally forced to accept worse contract terms than those under which they were recruited, and often suffer miserable working and living conditions. Qatar is also a destination for women from the Philippines trafficked for the purpose of commercial sexual exploitation. The government continues to detain and deport victims rather than providing them with protection. There is evidence that some workers who complained about working conditions or non-payment of wages have been penalized and prosecuted under false charges in retaliation.

Domestics - Numerous surveys suggest that the actions of the Philippines government have provided some protections to Filipino domestic workers migrating

through legal channels, compared to domestic workers migrating from other countries. In 2006, Hong Kong, Kuwait, Saudi Arabia, Lebanon, Qatar, Jordan, Singapore, Oman and Cyprus comprised the top ten destinations for Filipino domestic workers migrating through official channels.⁵⁹ Some of the abuses occurring in Gulf States have been outlined above, but even in Singapore where there are relatively strong regulations and mechanisms, the Philippines embassy receives between forty to eighty complaints from domestic workers per month.⁶⁰ In 2005, 2429 Filipino workers legally traveled to Singapore. In 2006, that figure was 3162 workers.⁶¹ Despite the Philippines' government's efforts, some workers are trafficked.

Unfortunately, many Filipinas come through unlicensed agents or arrive on tourist visas, making them subject to overcharging, poor working conditions, and less access to redress. This makes them far more likely to encounter abuse. Human Rights Watch quotes Filipino diplomats saying that "99 percent of complaints are from maids who didn't pass through the POEA".⁶²

Trafficking is facilitated by the illegal movement of workers enabled by corruption of immigration officers in the Philippines.

Case Study⁶³

I came on a tourist visa. Other girls tried, but they couldn't go because immigration caught them. I was so scared because I'd never gone out of the country. The agent told me to just try my luck.... There was one lady working as a nursing aide on the same flight. When I got to Immigration the nursing aide told me to put money in my passport. I had 200 pesos only, but I made it through.

Some domestic workers experience abusive treatment from employment agents upon arrival, for example, being given grossly inadequate food and nothing to sleep on. Domestic workers typically have little negotiating power.

Before workers are allowed to leave for Singapore, the POEA issues a contract outlining standard employment rights, including a monthly minimum wage of S\$350 [U.S.\$206] and one day off per week. Human Rights Watch found that although many domestic workers in Singapore had signed a contract before beginning work, few had retained copies, and many were vague about the terms and conditions of employment. Domestic workers are vulnerable to abuse given their isolation in private homes and unfortunately not all employers follow their contracts: some denying days off, others 'negotiating' illegal deductions to employees' salaries if days off are taken.

Case study⁶⁴

For my first two years, I asked if I could have an off day every week. Ma'am said the boys are young, she needs my service. She didn't allow me to have an off day every week, she only gave them to me once a month. After two years, she gave me off days twice a month. Filipinas are lucky. The Indonesians do not have an off day.

Case study⁶⁵

I got an off day one time every two months. My employers would deduct S\$10 [US\$6] salary [each time].

Physical abuse intersects with many of the other problems that domestic workers confront, including the fear of being sent home before they pay off their debts and earn a salary.

Case Study⁶⁶

Every time I made a mistake, she pushed me. If I did the ironing, she looked for small things, she beat me, she beat me hard with a big wooden heavy spoon. She says, where is your brain, eh? I said, “if you treat me like this, I can’t understand you.”

I was working for four weeks. She hit me sometimes. One time, I got black bruises on my foot,.... She hit me on the hands, they would become red.... She pushed me when I carried the electric fan. It broke, and she said “since my fan broke, you have to pay me.” She twisted my finger.... I couldn’t work. I was crying because there was so much pain. She gave me no medicine.

Sometimes there was not enough food..... They bought food from outside, but not for me. When angry, [the employer] would throw my food in the rubbish. I asked permission [to eat rice, but] I got no rice, only bread For breakfast I had two pieces of bread. At 4 pm I took two more pieces of bread..... I am a human. I got sick. I’m far [from home,] who would take care of me if I got sick? I ran away. I was very scared. My employer told me, “Tomorrow you have a punishment, no eating.”....I took my bag and I ran. I called my sister, I’m hungry and my employer is no good. If I stay long, I think I’d go to the hospital. I would get an ulcer. I want to eat everyday, I want to eat enough.

She had weighed 45 kilograms when she began employment but only 37 kilograms when she ran away six months later.

In 2006 the Philippine Overseas Employment Agency (POEA) issued new employment requirements for overseas Filipino household workers to protect them from widespread employer abuse and trafficking. The new requirements increased the minimum monthly wage from \$200 to \$400 and raised the minimum age from 18 to 23. In addition, prospective domestic workers must obtain a certificate of competency from the Technical Education and Skills Development Authority and the Overseas Workers' Welfare Administration to attest to their skills and employers are required to submit employment contracts for verification.

Sex Industry – Filipino women are trafficked into sex industries in many countries in the world, including the Gulf States outlined above. There is also significant sex trafficking to Malaysia, Japan and Korea:

* **Malaysia** - A UNODC study⁶⁷ based on qualitative interviews with 26 Filipino women trafficked to Malaysia found all had been promised jobs in a supermarket or factory in Kuala Lumpur, but were forced to work in the sex industry in entertainment centres, where they were on duty to serve drinks to clients and to provide sexual services. The women were provided with a valid passport and a one-month social visit entry pass. They understood that they would incur a debt of RM4500 (US\$1185) but were not aware their debts would grow while in Malaysia. The women, who had been guaranteed free accommodation, were charged RM200/month (\$53) for their living quarters and RM380 (\$100) for the renewal of their social visit pass. There was also a bribery 'fee' for law enforcement officers providing an official 'voluntary' return to the Philippines after the women had overstayed their visa. They reported having to pay RM1000 (\$265). Law enforcement experts revealed the women were sometimes forced to pay as much as RM 3000 (\$790) to the criminal syndicate to have the social visit pass renewed.

A senior law enforcement officer in Sabah, basing his estimate on investigations involving 2710 women, stated that Filipino women were usually indebted by between RM3300 (\$870) to RM4500 (\$1185) for their travel and job placement. Another estimate places the total as high as RM6000 (\$1580). All 26 women interviewed had settled their initial debt to the company after only 3 months, but at the time of interview, remained indebted to the company due to unexpected expenses.

The women were recruited by two employment agencies on behalf of the entertainment company. The employment agencies used street-level recruiters who were usually introduced to the women by relatives, friends or neighbours. The women were interviewed in a prominent Manila hotel, and then travelled in groups comprising eight, 11 and 13 persons accompanied by the agent.

While in transit, the women stayed in hotels and were accompanied in public under strict supervision. At the point of destination they were moved into "safe houses" and their freedom was restricted. This was partly explained by their social visit pass having expired and their being immigration offenders. It is not clear whether the threat of, or actual physical violence was used. The women appear to have been effectively controlled by their debt, their lack of passport and travel documents and means to return home, and their freedom of mobility being restricted either by direct supervision by a guard or their fear of being arrested as immigration offenders and the subsequent severe penalties involved.

The victim survey identified specific incidents in which individual cases of connivance and corruption occurred between the syndicates and law enforcement officers at the local level. Criminal justice and law enforcement experts did not deny that this occurs in individual cases.

In the Philippines, a member of a trafficking syndicate was recently sentenced to life imprisonment for having recruited six victims and peddled them to a brothel in Sandakan, Malaysia (March 2007).⁶⁸

* **Japan** - A 2003 study⁶⁹ based on qualitative studies of 19 Filipino women trafficked to Japan found all had been deceived about the nature of their employment. The women were offered a range of jobs before leaving the Philippines and, based upon their jobs or training in the Philippines, genuinely believed that

these were the jobs they would fill. Most believed they would work as 'entertainers'. One woman, who was an accountant, believed she would work as a cashier. One woman, working as a chambermaid in a five star hotel, believed she would work as a chambermaid in Japan. Another woman believed she was entering a genuine marriage.

Filipino entertainers (musicians, singers and band members) were held in high esteem in Asia in the 1950s and 60s for their talent and musicality. With the economic boom in Japan, entertainment became more oriented towards entertainment of Japanese men, often in the context of their employment. The 1970s saw huge number of so Filipino 'entertainers' deployed to Japan and an increase in the number of Filipino women migrant workers from Japan coming home in physical and mental distress.⁷⁰ Despite some increases and decreases over the decades, by 2004 the number of Filipino entertainers in Japan had peaked at 82 741.⁷¹

The Japanese entertainment industry is an enormous industry largely staffed by Japanese women. Much of the industry consists of hostess bars supported by corporate accounts and consists of little more than young women pouring drinks, lighting customers' cigarettes and making pleasing conversation that facilitates bonding between colleagues or company workers and their customers, other company workers. In many, sex is not sold. Unfortunately, Filipino women appear to be commonly trafficked into the more exploitative end of the industry.

Many Filipino women enter Japan on 'entertainer' visas. The conditions for use of this visa are very specific. They are issued for short term entry to Japan to people who have passed Philippine Government controlled auditions, and demonstrated that they have the professional standard performance skills of a singer or dancer. There are, in fact, schools in Manila set up specifically to train women in singing and dancing so that they might gain this accreditation. The Japanese Government has clarified the distinction between 'entertainer' and 'hostess' making it illegal for the holder of an entertainer visa to work as a hostess. The Philippine Government has acted to ensure that only women skilled as entertainers could be granted entertainer visas. Yet despite these efforts, it would seem that a substantial number of women holding entertainer visas are working as hostesses.

Of the nineteen women, seven had made only one trip to Japan. The other 12 had been to Japan on more than one occasion. The pattern of women making numerous trips to Japan is echoed in the 1997 IOM report on Filipino women trafficked to Japan for sexual exploitation.⁷² 14 of the 19 respondents were recruited through informal family/acquaintance networks. Eleven respondents travelled to Japan with more than one other women and/or man, and many of these also traveled with a person involved in their recruitment. Eight were moved individually

Thirteen respondents entered Japan using one or more fraudulent documents. Of the seven women entering Japan using entertainer visas, two used legitimate papers and five used false papers. Four women entered Japan using tourist visas, all with false papers. In at least two instances, passports were specifically 'falsified' for the individual involved, both times in a sister's name. In at least two other instances, individuals used passports of an unknown person.

All but one of the women reported that they were forced to engage in numerous sexual practices in their job. Fourteen were forced to have sex with customers. Four

were forced to sexually fondle customers, and four others were forced to sexually fondle and masturbate customers. Four were forced to do stripping and exotic dancing. Three were forced to participate in peep shoes. Two were forced to appear in pornographic videos and one was forced to have sex with Yakuza (mafia) members.

Three women paid everything up front, while fourteen incurred a debt, the amount of which appears to be arbitrary as its not based on actual 'costs' or 'expenses' of the lender. Some women incurred substantial debts (up to US2000). Other women had low debts named (from US\$300) but were forced to work earning a very small salary. Some women received cash advances. In all instances, the workers received substantially less income than they would have received working in the same type of job as an independent worker.

Most women had their passports and travel documents removed upon arrival in Japan. Eight respondents reported that their smugglers/traffickers in Japan had been physically violent. Seven had experienced sexual violence (and six of those - physical violence). Thirteen women reported having been victims of physical violence.

Five experienced sexual violence (and four of those had also experienced physical violence.) Two said they were threatened with violence to their family members. Nine women respondents did not have freedom of movement and unrestricted communication. Two were told not to talk to anyone, and a third was beaten if she was found to have talked to anyone about her husband's background. Six could only go out with an escort.

Twelve of the eighteen women who answered, said they had had contact with corrupt officials in the Philippines. Three said they had had contact with a corrupt official in Japan. These were police who warned when clubs would be raided. While the women did not have direct personal contact, two respondents believed they knew of corrupt Japanese Embassy staff based in Manila.

In early 2005, the Japanese government provided new requirements for entertainer visas. Applicants are now required to show that they have at least 2 years of relevant study in an educational institution or at least 2 years of experience in this work outside Japan. This superseded the Philippine government's process of accrediting skill through the Artist Record Book (ARB). In 2006, the Japanese government also tightened requirements for businesses, including that they provide a written contract and can provide documentary proof of having made the mandatory minimum salary payment of Yen200 000/month to entertainers during the last 3 years of operation.⁷³ The number of Japanese entertainer visas granted dropped by almost half from 2004 (70 628) to 2005 (38 533). 2006 saw an enormous drop to 6672⁷⁴

* **South Korea** – Many Filipino women enter South Korea using entertainer visas but are subsequently forced into the sex industry. One estimates puts the percentage of foreign women entertainer visa holders working in the sex industry at 90 percent. IOM Spokesperson Goh Hyun Ung has described the visa as 'a tool for international trafficking'.⁷⁵

A University of Hong Kong study found that between 1997 and 1999, there were 106 reported cases of trafficking documented by the Philippine Embassy in Seoul. Most of these women were recruited as guest relations officers, waitresses and industrial trainees, promised a monthly wage of US\$500 to US\$600, generous tips from customers, and free accommodation. They were met at the airport by a representative of the Korea Special Tourists Association (KSTA), an association consisting of 189 owners of clubs that operate near US military camps throughout South Korea. Their passports were taken and they were taken to various clubs where they were forced to dance and perform lewd shows, sell a quota of 20 drinks per night, and sell sex to the clubs' customers in special rooms at the upper floors of the club. They were cramped in quarters without beds. Of the promised monthly pay, only half was given to them and the other half remitted to their brokers. Some did not get their pay until six months after they commenced their jobs. They were subjected to physical harm if they argued with customers or failed to meet their quota of drink sales. They were locked up and were not permitted phone calls. They worked long hours, seven days a week and some were compelled to also clean the club.⁷⁶

In 2002, there were 31 reported cases of trafficking in women lodged with the Philippine Embassy in Seoul. The women were aged between 15 and 30. Twenty four of them came to Korea with entertainer visa and were promised jobs as dancers but ended up in exploitative conditions similar to the 1997/1999 cases. Eleven of those women had traveled from the Philippines to Bangkok where they secured entertainer's visas facilitated by a Korean minder. Once in Korea, the women had to work long hours, seven days a week, earning a fraction of the money promised. They were locked in their rooms and forced to sell sex, mostly to US soldiers, sometimes in the same rooms in which they slept.

According to the IOM, most of the 5000 women trafficked into South Korea are women from Russia and the Philippines. Some are forced into the commercial sex industry immediately, while some are initially required to sell as many drinks as possible but soon realize that doing so will not allow them to pay off their debts and save money to send their families. Debt bondage emboldens traffickers and makes it more difficult for women to turn away from the exploitative conditions and return to the Philippines with none of the earnings and savings expected by families they support.⁷⁷

Based on data from the Korean embassy in Manila, 947 entertainer visas were issued to Filipinos in 2002. In 2003 the South Korean government agreed to restrict the issuance of entertainment visas to musicians and singers who perform at reputable establishments. That year the number of visas rose to 1397. In 2004, it rose again to 2248, and in 2005 it reached a new high of 2350.⁷⁸ In December 2005, Carmelita Nuqui, Executive Director of the NGO Development Action for Women (DAWN) publicly demanded a stop to the issuance of entertainer visas, or at least to limit it to qualified entertainers with contracts to perform in reputable establishments, stating South Korea was edging out Japan as the new destination of Filipino trafficked women. Nuqui claimed some 3000 to 4000 Filipino entertainers work worked around the 50 American military bases in South Korea.⁷⁹

In March 2006, the Philippine Government reiterated its call to the South Korean government to stop issuing entertainment visas to unqualified applicants from the

Philippines to reduce the trafficking in Filipino women abroad.⁸⁰ The Philippine Ambassador to Seoul said the South Korean government should desist from issuing entertainment visas to women who have no background or experience in entertainment. 2006 saw a decrease, with the issuing of 1800 visas.⁸¹

3.3.2 Transit Country

A number of reports indicate the Philippines is a transit country for victims of trafficking, although these cases appear to be mainly cases of Filipinos being moved from one region to another, or being moved before being sent overseas.

3.2.3 Destination Country

There is little evidence of the Philippines as a destination for victims of human trafficking.

4. Issues for consideration

4.1 Lack of research/data – The Philippines government was one of the first in the region to collect data on trafficking cases, with the establishment of a small database at the Philippine Center for Transnational Crime. The number of agencies collecting data has substantially increased, particularly following the introduction of the *Anti-Trafficking in Persons Act 2003*. Challenges relating to reliability and consistency remain.

The Inter-Agency Committee against Trafficking consists of nine government and three non government agencies, all with a mandate to collect trafficking data. This widely spread responsibility without sufficient data collection mechanisms to support it, results in both under and over reporting of trafficking cases. There is no system of tracking cases so double or multiple counting may occur. Cases may be wrongly or differently classified, so they are missed. The Philippine's anti-trafficking Act co-exists with many other laws which might cover elements involved in trafficking. For various reasons, other laws might be used to secure the conviction of offenders in trafficking cases (for example, officials may not fully understanding the new laws or a conviction may only be possible or be far more likely using another law). In those instances, cases of trafficking would be lost from crime statistics. Additionally, given technological and human resource limitations, not all data collected is synthesised into reports and available for analysis so information about the trafficking process is lost.

The challenges facing the Philippine government in terms of data collection is hardly surprising given:

Every government agency in the Philippines, at every level of government, is somehow involved in the anti-trafficking effort. Each of these agencies has well entrenched practices for collecting data, including data on trafficking, for their own purposes. In order to make data reconciliation possible, some of these practices will need to change, or at the very least, be further refined. The challenges of achieving any level of standardization, and thus allow meaningful reconciliation of data, are immense.⁸²

Government response – As stated above, the Philippines recently passed the *Anti-Trafficking in Persons Act* of 2003 which defines trafficking as the "recruitment, transfer provision, harboring, receipt or deployment of persons for the purpose of forced labor, slavery, sexual exploitation, involuntary servitude, debt bondage, physical and other forms of abuse, removal or sale of organs or involvement in armed activities or other similar acts" which is consistent with the UN Protocol. The Act covers penalties for trafficking related prostitution, slavery and sexual exploitation ranging from 20 years imprisonment and fines from P1 million to 5 million for offenders. All fines collected under the Act must be kept in a trust fund to finance programs to prevent trafficking and assist victims of trafficking. As of mid-2007, the Act had facilitated five convictions resulting in incarceration.

In 2004, the government acted to reduce illegal recruitment practices through the creation of the Presidential Anti-Illegal Recruitment Task Force which is charged with conducting surveillance and entrapment operations of persons allegedly involved in illegal recruitment, investigating and prosecuting cases. The Inter-Agency Council Against Trafficking is responsible for implementing the national strategic plan to coordinate anti-trafficking efforts. This Council finalised a 'Manual on Law Enforcement and Prosecution of Trafficking in Persons Cases' in 2007. In early 2007, the government was engaged in 107 prosecutions of trafficking crimes, with more being investigated.⁸³

The *Anti-Trafficking Act* is clear that all trafficked persons must be treated as victims, and must not be penalised for crimes directly related to their trafficking. The Act provides that services be made available including emergency shelter and housing, counselling, free legal services, medical and psychological services, skills training, and educational assistance to trafficked children. Those overseas can access emergency legal assistance provided by the Philippine Government and the Overseas Filipino Resources Centres.⁸⁴ The Women's Crisis and Child Protection Centre was recently established in the Philippine General Hospital. The centre allows for the collection of evidence and testimony of trafficking related crimes in an environment that is safe for women and children.

The Philippine National Police (PNP) are responsible for surveillance, investigation and arrest of those involved in trafficking. The Women's and Children's Concerns Desk of the PNP, of which there is one in every police station nationwide, is specifically mandated to handle sensitive cases involving women and children, including human trafficking cases. The National Bureau of Investigations has an Anti-Human Trafficking Division to conduct anti-trafficking operations, and the Philippine Center on Transnational Crime has a Human Trafficking Desk and field offices in major parts of the country. In May 2005, a Memorandum of Agreement was signed for the establishment of local and national Inter-Agency Task Forces against Trafficking in Persons, to coordinate law enforcement at airports and seaports.⁸⁵ The Task Force on Trafficking in Persons is a specialist unit in the Department of Justice.

In 2006, law enforcement agencies filed 60 new trafficking cases with the Department of Justice. Under Philippine law, the government also allowed an NGO to file 23 cases. In total, the government is currently engaged in 107 prosecutions of trafficking crimes, with more being investigated. There are 17 dedicated anti-trafficking prosecutors in the Department of Justice (DOJ), and 72 additional

prosecutors in regional DOJ offices. The Secretary of Justice issued a DOJ Circular instructing that all trafficking cases should receive preferential attention for initiating prosecutions in the courts.⁸⁶ The 2007 TIP Report highly praised the Philippines government's efforts to prevent the trafficking of migrant workers and to protect those who were exploited abroad, describing them as 'exemplary'. However, it states the government demonstrated weaker efforts to combat internal sex and labour trafficking.

Despite the government's efforts, more is needed including action to:

- **Consider means to reduce debt bondage**

The Government should employ economic and policy analysts to devise a means to eradicate or reduce systems of debt bondage. Source and destination government fees could be revised (or abolished), as both economies benefit enormously from migrant workers' labour and remittances. Systemic labour migration costs associated with training, recruitment and placement fees could be offset by government, or minimised through the provision of no-interest government loans. In some instances, perhaps this process could be managed through the involvement of international agencies or large NGOs.

An enormous amount of money changes hands throughout the labour migration process. Traffickers, sending and receiving governments and employers receive substantial economic benefit from migrant workers' labour. The economics of labour migration is complicated, however, the fact that migrant workers bear the substantial cost is iniquitous, particularly given that they are usually the most economically (and otherwise) vulnerable of all parties. There are many issues for consideration in the development of a less fundamentally exploitative system, not the least of which is the imperative to mandate and deliver fair wages and conditions, however, the issue of debt bondage is paramount as in many instances, it is an employee's debt that triggers their entrapment in exploitative and abusive employment. The trafficking system is propped up by broad public acceptance (including that of many government officials) that debt bondage is acceptable.

- **Enforce the law relating to the standard placement fee**

Greater efforts should be made to create public awareness of the standard fee, and to increase monitoring and enforcement of agencies' practices in this area. Abuse of the standard placement fee contributes to debt bondage, which is significant given that some are forced to sell their meagre assets or secure high interest loans while others accrue this debt directly to the recruiting agency.

- **Pass the *Batas Kasambahay Act***

The Government should pass and implement the *Batas Kasambahay Act* to give domestic workers greater opportunity to access basic labour rights and entitlements and reduce the risk of their trafficking and abuse.

- **Develop stronger mechanisms to monitor the condition of domestic workers inside private households in the Philippines**

Stronger efforts should be made to deliver workable mechanisms to monitor and assess the conditions of domestic workers in the Philippines to ensure that adult and child domestic workers are not trapped in exploitative and abusive conditions.

- **Prosecute employers who abuse workers, including confining domestic workers to the workplace.**

Greater attention needs to be paid to the investigation and prosecution of Filipino employers who abuse workers. Cases of psychological, physical and sexual abuse, food deprivation, and forced confinement must be pursued.

- **Increase efforts to prosecute and sentence both domestic and foreign 'sex tourist' paedophiles**

Increased efforts should target both domestic and foreign 'sex tourist' paedophiles to get them off the streets and send a clear message about the trafficking of children for commercial sex.

- **Increase monitoring and enforcement mechanisms targeting the labour recruitment industry**

The labour recruitment industry should be more closely monitored and policed. Substantial trafficking related abuse and corruption occurs at the recruitment level. Greater monitoring and enforcement is required to clean up the industry.

- **Stronger linking of training to need**

The Government should increase its administration of the privatised training industry to ensure that the time, money and effort people invest in training delivers a positive employment outcome. It is concerning that many people invest time, money and effort in training but do not graduate or graduate but are unable to use the skills they have learned because there are no jobs for them or the jobs they get do not require the prescribed skills. It is plainly ridiculous that thousands of women have spent months or years training as singers or dancers only to be granted entertainer visas and recruited for hostessing and sex work related positions that do not require those skills at all. While working in those jobs, portions of their salaries go to repaying the trainers for skills they did not need.

- **Reconsider the timing of pre-departure seminars or other information strategies**

The Government should consider whether value may be gained by providing prospective migrants accurate information on the recruitment process and their rights at an earlier stage of their migration process. Pre-departure seminars are valuable, however, that value is reduced by the seminars being conducted at the point of deployment, so warnings about Philippine based deceptive practices come too late. Given the significant time and emotional commitment many have made by this point, they may be less receptive to warnings.

- **Deliver training to all officials who may come into contact with trafficking practices**

More training should be provided to officials who encounter human trafficking. Training should facilitate improved understanding of issues relating to trafficking and exploitation, how to respond appropriately to complaints, how to investigate and collect evidence in such cases, and the provision of appropriate referrals for health care, counselling, legal aid, and referral to shelters. The issue of trafficking is complex and misunderstood by many. Victims are often blamed for their circumstances and sometimes perceived as criminals. Many officials simply do not recognise events as constituting exploitation or trafficking. Some officials are complicit in trafficking practices.

Cases should be investigated to the full extent of the law. Strong investigation of abuse cases would likely lead to increased prosecution of employers and agents who have inflicted physical and sexual violence, and other abuses. Training is also required in relation to visas and data collection. The resourcing of effective trafficking focal points within key departments, for example, police and immigration, would facilitate greater understanding on the ground.

- **Increase efforts to identify and prosecute cases of official corruption**

The Government should increase efforts to prosecute cases of official corruption. Many reports cite the issue of official corruption as a major factor undermining the government's detailed labour migration structure. Increased policing and prosecution is required to enable to official structure to operate effectively

Singapore

Population ¹	4 484 000
GDP	US\$132 273 400 000
Per capita income	US\$29 499.60 (US\$32 379.60 recomputed using IMF WEO Database April 2007)

UN Convention	Government Action
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children	Not signed
Convention on Rights of Migrant Workers and Members of Their Families	Not signed

1. Background

Singapore's rapid industrialization in the late 1960s was the catalyst for its current economic success, boasting the highest GDP in ASEAN, with real GDP growth averaging approximately seven percent annually. The government appears focused on its efforts to establish the country as Southeast Asia's financial and high-tech hub. Singapore has a highly developed free market economy with dependence on exports, particularly in consumer electronics and information technology products. Eager to diversify, the government has attracted major investments in pharmaceuticals and medical technology production. Singapore is a major Asian transportation hub, strategically lying on the midpoints of numerous sea and air trade routes. Singapore's ports are among the busiest in the world. Tourism also makes a major contribution to the economy, with almost 10 million tourists visiting and contributing a record (estimated) S\$12.4 billion in 2006.² Singapore has one of the world's largest foreign exchange trading centres.

Primary education is compulsory, and the adult literacy rate is more than 95 percent.³ UNDP ranks Singapore as 25th of the 177 countries ranked in its Human Development Index (2004)⁴, the highest ranking in ASEAN and the second highest in Asia, after Hong Kong. According to Transparency International, Singapore is the least corrupt country in Asia. It is ranked fifth of 159 countries surveyed in the world. This record is considered "all the more impressive given [Singapore's] rapid economic development and the pockets of institutional corruption that existed in the country before and into the early years of independence".⁵ The report's researchers suggest the notion of integrity is entrenched throughout the culture.

After two decades of successful family planning policy, Singapore is facing an aging population and declining birth rate: 1.24 in 2004. The government has developed aggressive immigration to encourage 'foreign talent' to migrate to Singapore, with at least one academic recommending the government consider dual citizenship as a means to maintain the population.⁶

2. Migrant Labour

Migrant workers have been an integral part of Singapore's economic development strategy for almost forty years, providing the low skilled labour required to grow the labour intensive manufacturing and electronics industries. Singaporean women's increasing labour force participation has fueled a demand for foreign domestic workers.⁷

Migrant workers comprise approximately 25 percent of Singapore's 2.3 million strong workforce. Singapore's strict enforcement of its immigration (and other) laws, in combination with its small size and border has resulted in lower levels of irregular migration than other countries in the region. There are three types of work visas available to foreign workers: an 'employment pass' for professionals and highly-skilled workers, an 'S-pass' for middle-level workers such as technicians, and a 'work permit' for unskilled or semi-skilled workers, including domestic workers. Domestic workers, construction workers, restaurant workers, and other low wage migrant workers who are on work permits, do not enjoy the same freedoms and protections as professional and technical workers immigrating on work passes. The latter may bring their immediate family, enjoy most of the same freedoms and protections as Singaporean citizens, and can marry Singaporean citizens. Work permit holders cannot bring family members with them, are barred from marrying Singaporeans, and prohibit migrant domestic workers from becoming pregnant or "breaking up families".

Most workers are covered by Singapore's *Employment Act* and the *Workmen's Compensation Act*, however, domestic workers are excluded. They are covered by the *Employment of Foreign Workers Act* which fails to protect basic labour rights such as a minimum of one rest day per week, a maximum number of hours to be worked, limits on salary deductions and paid sick leave. Domestic workers are also excluded from the *Employment Act's* guarantee that workers cannot have more than 25 percent of their monthly pay deducted over 12 months.⁸ The lack of a minimum wage has a significant effect on migrant domestic workers, who usually earn a fraction of the wages of Singaporean workers in comparable occupations such as gardening and cleaning. Industry standards assign different wages to domestic workers according to their national origin, with an Indian domestic worker often earning less than half the monthly wage of a Filipina domestic worker. The Singapore government has argued that domestic work is difficult to regulate, however, it is important to note that domestic workers are covered by labour laws in Hong Kong, protecting their rights to a weekly rest day, a minimum wage, maternity leave, public holidays, and paid annual leave.

The *Penal Code* was amended in 1998, increasing penalties applied to employers convicted of physical abuse, sexual abuse, or wrongful confinement of domestic workers. 2005 revisions strengthened work permit regulations, requiring employers to pay domestic workers monthly (thus making it illegal for them to hold wages until completion of a contract period), with penalties including prosecution, a fine, revocation of the work permit, prohibition from employing future foreign domestic workers, and up to 6 months imprisonment.

The regulation of employment agencies includes provisions for an employment agent's license to be revoked if they operate in a manner likely to be detrimental to the interests of their clients. Agencies cannot charge job seekers more than 10 percent of their first month's earnings, and cannot charge employers more than a S\$5 registration fee and 80 percent of the worker's first month's earnings. The government has enforced this law for foreign professionals and other skilled workers, but has argued that employment agency charges associated with recruitment, airfares and placement of foreign domestic workers are not agency fees but private loans that fall outside the law. This distinction unfairly strips migrant domestic workers of important protections.

A domestic worker's work permit is tied to their employer. Employers are required to provide a S\$5000 security bond. Employers forfeit the bond if their worker runs away or if they fail to pay for the worker's repatriation according to their obligations under work permit regulations. The government justifies the security bond as a mechanism for ensuring employers monitor their workers, thus minimizing the numbers of migrant workers who enter the country legally then leave their job and stay on in Singapore illegally, however, this practice contributes to many employers controlling and restricting workers' movements. Employers also pay S\$200 to 295 to a central government fund each month, more than the wages of many domestic workers themselves. None of these funds, roughly S\$360-531 million are earmarked for services geared toward migrant domestic workers.

Employers wield significant power including having the power to repatriate a domestic worker at any time, and approve or reject a domestic worker's application to transfer to another employer. The situation is exacerbated by many domestic workers being under significant financial pressure to repay debts or earn money in Singapore.

The Singapore government has endeavoured to protect migrant workers from exploitation. Recent reforms include introducing an accreditation program for employment agencies, orientation programs for new employers and employees, and a well-staffed department, the Foreign Manpower Management Division, with a brief to facilitate the wellbeing of migrant workers. In 2005, the minimum age of employment for a migrant domestic worker was increased from 18 years to 23 years as means to reduce the number of girls entering Singapore with altered travel documents, and it is broadly held that few girls make it into Singapore in this way. Workers must now have had a minimum eight years of formal education and have passed an English proficiency exam. There is a compulsory safety awareness seminar for all new migrant domestic workers.

The government has published a guide for employers of migrant domestic workers and introduced a compulsory orientation for new employers (although this can be completed online). In 2004, the government estimated approximately 3000 to 4500 employers change domestic workers more than four times in one year. Any employer who has five domestic workers in one year must attend an orientation, and then hold discussions with the trainer. If the employer changes worker again, they are asked to attend an interview with a government officer. If the pattern of changing workers continues, the employer's work permit application would likely be rejected. The government policy does not include interviewing the workers concerned.

New contracts introduced in 2006 marked more improvements for migrant domestic workers. In response to food deprivation being a frequent complaint of abused workers, contracts now require employers to provide three adequate meals per day additional to a domestic worker's salary. They also require employers seeking a replacement domestic worker to allow the rejected worker to seek new employment in Singapore, instead of immediately repatriating them.

The new contracts recommend, but do not require employers to provide a weekly day off. It gives employers the option of either providing the domestic worker one to four days off per month, or paying them extra, a choice employees may find difficult to negotiate given the power imbalance between themselves and their employers.

Unfortunately, the contracts also fail to cap excessive recruitment fees. Human Rights Watch suggests that intense competition among the more than 600 employment agencies has led them to shift the cost of recruitment, transportation, training and placement from employers to domestic workers. Employers and labour agents often deduct the first four to 10 months of a domestic worker's salary during a two-year contract to pay these fees. Effectively, domestic workers then subsidize low agency fees for employers.⁹

3. Trafficking

Ranking of the Singapore Government's efforts to address human trafficking according to the US Department of State's series of Trafficking in Person's Report¹⁰

2001	2002	2003	2004	2005	2006	2007
Tier 2	Tier 2	Not listed ¹¹	Tier 2	Tier 2	Tier 1	Tier 2

3.1. Internal Trafficking

There is no evidence of internal trafficking within Singapore.

3.2 International Trafficking

3.2.1 Source Country

There is no evidence of Singapore being a source country for trafficking of humans.

3.2.2 Transit Country

There is no evidence of Singapore being a transit country for trafficking of humans.

3.2.3 Destination Country

Singapore is a destination country for women and girls trafficked for the purpose of commercial sexual exploitation. Some women from Thailand, the Philippines, China and Indonesia who travel to Singapore voluntarily to work in the commercial sex industry or other work, are deceived or coerced into sexual servitude. A small number of foreign domestic workers in Singapore face seriously abusive labour conditions that amount to involuntary servitude.¹²

Domestic Work - Approximately one in seven households employs one or more of the approximately 160 000 migrant domestic workers from Indonesia, the Philippines, and Sri Lanka, as well as smaller numbers from Bangladesh, India, Myanmar, Bangladesh, Thailand, and Malaysia.¹³ Perhaps it is not surprising that some exploitation occurs with such a large number of workers, employers and agents involved, however, the situation is exacerbated by domestic workers being based in people's homes away from public view, and their exclusion from some fundamental labour rights (as outlined above).

Case Study¹⁴

My employers used only abusive words. They didn't hit me...they would say things like, "Why don't you jump out of the window? Rather than thinking about your parents, it would be better if you just committed suicide by jumping out of the window." The wife was really angry and used bad words. She called me a pig, a prostitute, an easy woman.

The level of abuse and exploitation is difficult to gauge but it is alleged a small number of domestic workers suffer grave abuses including physical and sexual violence, food deprivation, and confinement in the workplace. Some employers do not pay wages.

Through a series of qualitative interviews, more than one third of the migrant domestic workers interviewed by Human Rights Watch reported abuse by their employment agents in Singapore, including: confiscation of passports, personal belongings, and religious items; threats and physical abuse; illegal or dangerous employment assignments; and refusal to remove women from abusive employment situations. The following information and cases are from that report unless otherwise stated.¹⁵

Case Study¹⁶

The labour agents searched our bodies. If they found letters or money, they took it, we couldn't carry any addresses. They took it and they burned it, including telephone numbers. From me they took letters, a dress, and money. I hid money in my underwear and they did not find it. They made me take off my top in a room.

Case Study¹⁷

I arrived at the agency yesterday. I stayed on the floor with other domestic helpers. The food was not enough. There was no breakfast, just bread and water. There was no lunch.

Employment agencies typically charge migrant domestic workers a recruitment and placement fee of between S\$1400 and S\$2100. Unable to pay such large fees, domestic workers reach agreements with agents and employers to turn over their first several months of pay. For Sri Lankans and Filipinas, it means losing three to six month's salary. For Indonesians, this means losing the first six to ten months' salary. Many Indonesians also face another fee from their Indonesian agent¹⁸ that they

borrow from the agent, village money lenders, family or friends at usurious interest rates. Domestic workers from the Philippines and Sri Lanka also borrow money to pay initial medical and passport fees, sometimes mortgaging their land. These debts place workers in a highly vulnerable position as they feel enormous pressure to keep working and repay their debts whatever the circumstances. The debt bondage system also means that employment agents have a strong interest in workers' remaining at a job until they have repaid their debt, and are thus less likely to help a worker out of an abusive situation.

The fees charged by Singaporean employment agencies for transferring employment also contribute to keeping women in abusive working conditions. Agents regularly charge daily rates for food and lodging for the period between employment, often between S\$10 to 20 per night, and a fee for the transfer, which can range from one to three months' salary. Human Rights Watch sites the case of one Filipina domestic worker facing no foreseeable end to her debt payments. When she transferred employers, she stayed at the employment agency for one month and was charged S\$20 per night so that by the end of the month she owed S\$600, more than one month's salary. She transferred once after that, but when she left the third employer after he forced her to clean two houses regularly, she ran away to a shelter. "If I go again to my agency, they will charge me S\$20 again. More debts. I work so hard, and then the salary goes to the agency... I have bad luck with employers, I try again and again. My debts are growing. My two years will be useless!"

Workers frequently work very long hours, with those caring for young children being on -call 24 hours a day.

Case Study¹⁹

I had to look after the baby, clean the house, cook. I started work at 6am and went to bed at 1am ... if the baby woke up at night, I had to wake up too. During the day I had to stop my work to take care of her. I did everything... I got no sleep...

In some cases it appears domestic workers are forced to perform additional labour. For example, one Filipina worker was forced to clean two residences and her employer's factory, and work in a factory daily. Another Indonesian worker had to help her employer operate a laundry business out of the home.

Domestic workers freedom of movement is often confined, with some employees not allowed to leave their place of residence, or talk to anyone outside the family at all. The erroneous belief that employers will forfeit their S\$5000 bond if the domestic worker they employ becomes pregnant, has contributed to practices of forced confinement. This practice is intrinsically abusive but also dramatically increases the vulnerability of domestic workers to economic exploitation, forced labour, intimidation, and sexual violence and harassment.

Case study²⁰

I never went outside, not even to dump the garbage. I was always inside, I didn't even go to the market. I felt like I was in jail.... I was not allowed

to turn on the radio either.... I could only see the outside world when I hung clothes to dry.... My employer said, "Don't speak to anyone. Don't speak to friends or to the neighbors." I wasn't allowed to contact my relatives. I worked for three years. I had nobody to talk to. I asked my employers if I could return to Indonesia, and they said no. They said, "You have to make sure you finish your contract before you go back."... [Even] if I needed a panty liner, one of the children would be sent down to buy it for me.

Many domestic workers are provided substandard, unhealthy and unsafe sleeping quarters with no regard for their dignity, privacy or personal security. Migrant domestic workers in Singapore told Human Rights Watch of being forced to sleep in storerooms, laundry rooms, closets, or common living areas such as the living room, kitchen or hallway. One woman said she slept in a kitchen on a sheet. Another slept without a mattress or pillow on the floor of a storeroom.²¹

Employer abuse, combined with isolation at the workplace, excessive work demands, and financial pressures may contribute to intense anxiety and depression. Human Rights Watch interviewed a domestic worker in Singapore who had attempted suicide after suffering poor working conditions and feeling she had no alternatives for escape. She said,

I was afraid if I ran away, I would be caught by the police. Madam often got angry with me, complained to the [employment] agency, and the agency also got angry with me. The agent asked, "What do you want?" I said, "I want to die, ma'am, because the people here are cruel, everything I do is wrong, I'm always called an idiot and stupid." [It got so bad], I really didn't know what to do, so I drank poison for rats and cockroaches. I lost consciousness, and Madam brought me to the hospital...The police told me it was wrong to try suicide. When the incident happened, I had been working exactly seven months. I had earned S\$90.²²

At least 147 migrant domestic workers have died from workplace accidents or suicide since 1999, most by jumping or falling from residential buildings.²³ Some workers literally see no way out.

Case Study²⁴

Mauwanatul was 17 years old when she arrived in Singapore in 2000, weighing 50 kilograms. She had been recruited as a housemaid, a job that would help support her family back home Indonesia. In December 2001 she was found by police, weighing 36 kilograms and bearing the scars of 200 separate injuries. There were burn marks, cuts, bruises and open wounds. She had been burned with cigarettes and boiling water, bashed with fists, cane and hammer. Her employer, a 47-year old tour guide told police: "There were so many times I beat her, I lost count of them".

Like most maids in Singapore Mauwanatul was not guaranteed a minimum wage, she could be required to work all her waking hours and was not automatically entitled to one day off each week. Her employer would starve Mauwanatul. Often all she would eat for lunch and dinner were packets of instant noodles. It was hunger that provoked the assault that ended her life. Accused of stealing leftover porridge from the tour guide's infant daughter, the maid was kicked so severely that her stomach ruptured. Several days later she was found lying in agony in a vomit-stained T-shirt. Police had arrived too late to save her.

Sex work - Singapore is a destination country for women and girls from China, Indonesia, Thailand, Malaysia, the Philippines, and Viet Nam who work in the Singaporean sex industry. It is widely held that most foreign nationals working in the sex industry leave their countries of origin knowing they will be working in the sex industry. The 2007 TIP Report states that a small number of those women who travel to Singapore voluntarily for sex work or other work are deceived or coerced into sexual servitude. The Singapore government has described cases of 'forced prostitution' as 'very rare'.²⁵

Singapore does not have laws relating specifically to sex work, however, public solicitation, living on the earnings of a prostitute, and maintaining a brothel are illegal. The government has just introduced a bill effectively increasing the age at which a woman may work as a sex worker from 16 to 18 years.²⁶ The US Bureau of Democracy and Human Rights reports police unofficially tolerate and monitor a limited number of brothels. Sex workers (the great majority of whom are foreign and working illegally) in those brothels are required to undergo periodic health checks and carry a health card. Singaporean authorities periodically crackdown on solicitation, and arrest and deport foreign women working as sex workers, particularly when working outside informally designated red light areas.²⁷

There have been suggestions that women from some nationalities, particularly Vietnamese and Chinese women²⁸, have been working in the sex industry while in Singapore on tourist visas. In 2005, about 400 000 Vietnamese visited Singapore. Some of them may have worked as illegal pub hostess expecting to earn about S\$1000 before their one month visa expired.²⁹ In 2004, a Reuters article stated that the biggest source of new sex workers is China³⁰, servicing Singaporeans (77 percent ethnic Chinese) and possibly Chinese tourists (an expanding market).

Baby Trafficking – The Indonesian Women's Empowerment Minister Meutia Farida Hatta, has identified Indonesian babies have been trafficked to Singapore. The Minister cited a case of 880 babies sent from North Sumatra to Singapore, where they were sold. It is alleged that if at risk of being caught at sea, traffickers simply throw the babies overboard to destroy the evidence.³¹ In another case, a trafficking ring was busted after an Indonesian baby sold in Singapore was 'returned' after being found to be HIV positive.³² There are also reports of babies being trafficked from China to Singapore. Geoffrey York of The (Toronto) Globe and Mail reports that in 2004, Chinese state media reported 3500 children were rescued from baby-trafficking rings in 1975 cases (note: these children were not all trafficked to

Singapore). In some cases, babies are drugged to keep them asleep while being transported, and some have died as a result.³³ In one case in August, two men in the Chinese province of Fujian were sentenced to death for organizing gangs that bought 82 children from their parents and sold them to families in Singapore.

Marriage – There have been suggestions that the migration of ‘brides’ from countries such as Viet Nam has the potential to lead to exploitation and abuse, and may constitute trafficking. One of the latest migration patterns to emerge in Viet Nam is through arranged marriages, brokered by agents acting on behalf of men from Taiwan, China, South Korea, Hong Kong, and Singapore.³⁴ Agencies advertise their matchmaking services and facilitate travel arrangements. While some operate openly, others use deception and abuse.

Fortunately there are no documented cases of trafficking through the use of ‘marriage’ deception to date. There are, however, some disturbing practices, including one cited by Dr Anne where a matchmaking company at Singapore trade show displayed a group of eligible young Vietnamese girls behind glass.³⁵ Aware of the trafficking potential in the growing marriage brokering of Vietnamese women, the government formed an inter-agency task force in 2005 to examine this phenomenon with a focus on ways of regulating it more closely in order to prevent trafficking and exploitation.

4. Issues for consideration

4.1 Lack of research/data – There appears to be limited labour exploitation and very limited trafficking within Singapore, however, analysis is difficult given the lack of data. The government tracks the number of trafficking related prosecutions, repatriations of foreign women and girls who are suspected sex workers, and complaints from foreign domestic workers. In 2005, the Singaporean Government reported 76 prosecutions for violations of national prostitution laws; eight of these involved the commercial sexual exploitation of minors.³⁶ The government does not adequately screen those who may have fallen prey to exploitation, for example, domestic workers leaving employers, so information is lost. The November 2006 launch of a program to randomly interview foreign domestic workers is welcomed. The interviews aim to provide the government with information on how well individual workers have adjusted to their working conditions and to reinforce workers’ knowledge of their rights, responsibilities, and work place safety. These interviews could also provide a mechanism for collecting data on exploitation and abuse.

More information is needed to develop appropriate policy responses and reduce exploitation and abuse among vulnerable populations including domestic workers, sex workers, and possibly women migration for marriage. A whole of government system to record and manage labour exploitation and trafficking cases would greatly enhance Singapore’s policy response.

4.2 Government response – Singapore lacks a national action plan to address trafficking and also a specific anti-trafficking law. That being said, Singapore’s existing laws and programs and their enforcement have significantly limited the number of people trafficked. The government maintains effective border and immigration controls and there is no evidence that government officials are

complicit in trafficking. Labour and sex trafficking is criminalized through the *Penal Code*, the *Employment Agency Rules*, and the *Employment of Foreign Workers Act*. The *Women's Charter* 1961 makes trafficking (not defined) in women and girls a crime punishable by up to five year's imprisonment.

There is no specialist police response to trafficking although the vice unit investigates cases of women trafficked for commercial sexual exploitation. Officers are trained in interview techniques and work with translators when required. Singapore Police have noted that of the 30 reports of forced prostitution between 2002 and 2004, only four cases were substantiated involving five victims.³⁷ Increased law enforcement efforts in red light and entertainment districts in 2005, facilitated Singaporean police's identification of trafficking victims among the 3220 foreign women in commercial sex work detained: a total of 83 victims, including 48 minors.³⁸ In the first nine months of 2006, 23 employers were prosecuted and convicted for abusing their foreign domestic workers. In one case, an employer was sentenced to nine months in jail for scalding her maid and hitting her with a clothes hanger. In February 2007, an employer was sentenced to 21 months' imprisonment for physical abuse. The government investigates complaints by foreign workers, and attempts to resolve non-criminal cases through mediation, followed by enforcement action.

A protocol to manage cases of those trafficked for sexual exploitation is located in the *Integrated Management of Family Violence Cases Manual*, which is shared by all key agencies. The government provides limited assistance to trafficking victims and those who have been exploited, for example, through funding of an NGO operated shelter or referral to their embassies. Trafficking victims may approach Family Service Centres or ring the National Family Service Centre Helpline (or police) if they require temporary crisis accommodation or other assistance, including access to trained social workers. Trafficking victims are encouraged to assist in the investigation of traffickers, and are provided temporary immigration status until their testimony is concluded.

The government operates a telephone hotline for domestic workers. The government prints employees' rights information and police hotline numbers for domestic workers on prepaid phone cards, and has started a newsletter that is mailed directly to foreign domestic workers that includes information on rights and responsibilities. The government distributes an information booklet to employers of foreign domestic workers that explains their rights, and criminal penalties that may be applied against employers who abuse their domestic workers.

The issue of exploitation and abuse of some foreign domestic workers remains. Singapore's regulations governing foreign domestic workers are far stronger than those of neighboring Malaysia, but weaker than those of Hong Kong, the other major Asian destination for migrant domestic workers. As outlined above, Singapore has recently introduced new measures to combat these abuses, however, domestic workers vulnerability to exploitation and abuse results from their location in individual homes, a tacit endorsement of employers' right to restrict their freedom of movement, their accrued debt and, most importantly, their exclusion from basic labour entitlements. Human Rights Watch has suggested that:

in a country well-known for strictly enforcing laws to promote order and efficiency, the failure to provide adequate and equal protection to an entire class of workers is an anomaly. By implementing comprehensive reforms, Singapore could become a standard-setter in the region for migrant domestic workers.³⁹

The economics of labour migration is convoluted with money changing hands at many levels. Currently, many workers incur large debts in their home countries before arrival in Singapore. Workers then accrue a debt to their Singaporean labour agent, who may try to rip them off by having them stay with the agent for some time, thus increasing their debts. Workers wages are very low with many workers spending months working off their debt while receiving little pay or no pay at all. It is frequently workers fear of not being able to repay their debt that traps them in situations of exploitation and abuse. Even when their debt is paid, some abused workers may stay as they feel desperate to leave Singapore with some income to show for their months of labour.

Employers pay a S\$5000 bond to the government, plus a monthly levy which is often more than the worker is paid. It appears that consequently, many employers feel they are 'paying a lot' for their employee's services despite the fact that little is received by the worker. The government collects hundreds of millions of dollars annually from employer's levies, estimated at between S\$360 to 531 million. These funds go directly into a central government fund and are not earmarked for programs geared toward migrant domestic workers.

Despite the government's efforts, more is needed including action to:

- **Develop a national action plan**

The Government should develop a national plan of action and a coordinated whole of government response to human trafficking because despite Singapore's strong performance in limiting trafficking (and to a lesser extent exploitative labour migration), this lack remains a stumbling block to greater anti-trafficking efforts. It is not possible to gain a clear picture of the exploitation which does exist without a focused, concerted effort to understand it in its full complexity.

- **Consider means to reduce debt bondage**

The Government should employ economic and policy analysts to devise a means to eradicate or reduce systems of debt bondage. Source and destination government fees could be revised (or abolished), as both economies benefit enormously from migrant workers' labour and remittances. Systemic labour migration costs associated with training, recruitment and placement fees could be offset by government, or minimised through the provision of no-interest government loans.

An enormous amount of money changes hands throughout the labour migration process. Traffickers, sending and receiving governments and employers receive substantial economic benefit from migrant workers' labour. The economics of

labour migration is complicated, however, the fact that migrant workers bear the substantial cost is iniquitous, particularly given that they are usually the most economically (and otherwise) vulnerable of all parties. There are many issues for consideration in the development of a less fundamentally exploitative system, not the least of which is the imperative to mandate and deliver fair wages and conditions, however, the issue of debt bondage is paramount as in many instances, it is an employee's debt that triggers their entrapment in exploitative and abusive employment.

- **Extend equal protection of labour laws to domestic workers, including rights to a just wage, overtime pay, weekly rest days, benefits, and workers' compensation.**

The Government should extend equal employment protection to its many migrant domestic workers. This should include the abolition of discriminatory policies that determine wages according to nationality rather than work experience, education, or other relevant criteria. The National Wages Council should promote equal pay for equal work in the domestic work sector. Workers should be guaranteed one rest day each week, and should be able to access workers compensation.

- **Insist on the use of simple, uniform contracts**

Systems should be in place to ensure that each worker is fully aware of the fees they will incur; the fair and reasonable calculation of which should be mandated by government. Contracts should be written in simple, basic language so they can be fully understood by persons with limited formal education. The standard contract should clearly state monthly salary and all expenses, and should provide minimum labour protections, including a fair minimum wage, all expenses, maximum working hours, a 24-hour rest period per week, benefits, and safe working conditions.

- **Increase policing of migrant employment agencies**

Agents should be restricted from charging exorbitant recruitment fees, and charging large fees for employment transfer. Agencies should be required to conduct appropriate investigations and conduct police or other government officials in instances when an employee has alleged abuse, before a replacement domestic worker is sent. Stronger sanctions should be applied to agents who commit abuses. Closer monitoring of employment agencies, including interviews with employees, should reduce abuses occurring in those venues.

- **Develop an accessible complaints mechanism**

The Government should develop and publicise an accessible complaints mechanisms for foreign workers who experience exploitation and abuse including violence, unpaid wages, or poor working conditions. The new practice of government officials conducting random employee interviews, and the new policy for officials to meet with employers who have had more than four workers in one

year (which some argue, is a lot of dissatisfied workers) goes some way towards identifying problem areas. A more comprehensive system would be beneficial for 'red flagging' abusive employers, possibly including more investigation and inspection of workplace conditions, help desks at airports, exit interviews of departing workers and cross matching of employment agency records. It is possible a very small number of abusive employers are responsible for abuse of many workers over time. It is highly problematic that employees reporting abuse to agents are replaced with other workers who presumably experience similar abuses.

- **Develop protocols and provide training to police and immigration officers**

Greater attention should be paid to the role of police, and their responsibility in investigating and responding to cases of abuse and exploitation, including trafficking. Police training should include further understanding of issues relating to trafficking and exploitation, how to respond appropriately to complaints, how to investigate and collect evidence in such cases, and the provision of appropriate referrals for health care, counseling, legal aid, and referral to shelters. The resourcing of effective trafficking focal points within key departments, for example, police and immigration, would facilitate greater understanding on the ground.

Strong investigation of abuse cases would likely lead to increased prosecution of employers and agents who have inflicted physical and sexual violence, and other abuses.

- **Prosecute employers who abuse workers**

Greater attention to prosecution of employers for labour and human rights violations would send a clear anti-exploitation/trafficking message.

- **Criminalise the confinement of domestic workers to the workplace**

Workers should be given freedom of movement outside working hours (which clearly need to be set) and should be permitted to reside in independent living quarters. The restriction of a person's movement is usually considered a standard factor on the checklist of means used by traffickers to force people into exploitative situations, yet in the case of domestic workers, it is sanctioned by the Singaporean government.

- **Develop constructive regional and international agreements**

Greater effort should be expended on regional and international mechanisms to reduce human trafficking. Migrant workers' vulnerability to trafficking could be reduced by the development of protective agreements with sending countries.

- **Increase services for victims**

The Government should increase services to victims of human trafficking. Although the government provides assistance to some victims, including some innovative information strategies, more could be done. The government attempts

to make domestic workers aware of their rights and available resources by printing information on prepaid phone cards, and has a newsletter mailed directly to workers. The government funds a shelter at a local NGO or refers victims to their embassies. It provides counseling, health care, physical security, and skills development programs for abused foreign domestic workers and victims of sexual exploitation. The government provides temporary immigration status for those wishing to pursue prosecution of their traffickers, and has allowed some victims the right to work.

- **Ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime**

- **Ratify the Convention on the Protection of All Migrant Workers and Members of Their Families.**

Thailand

Data¹

Population	65 233 000
GDP	US\$206 645 100 000
Per capita income	US\$3167.80 (US\$9163.50 recomputed using IMF WEO Database April 2007)

UN Convention	Government Action
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children	Signed 2001
Convention on Rights of Migrant Workers and Members of Their Families	Not Signed

1. Background

The Thai economy is South-East Asia's second largest, although recent economic performance has been affected by a sense of political uncertainty (culminating in the September 2006 military coup²) and a drop in foreign direct investment. Tourism continues to provide significant revenue. Despite other challenges, including the loss of some eight and a half thousand lives and massive property destruction from the 2004 tsunami, and the effect of Avian influenza on its poultry sector exports, Thailand enjoys a large current account surplus.³

Thailand is ranked 84th of the 179 countries surveyed to create the 2007 Corruption Perceptions Index.⁴ UNDP ranks Thailand 74 out of 177 countries in its 2006 Human Development Index, reflecting a relatively high level of development and Thailand's important position in the Mekong sub-region. In 2004, adult literacy was estimated at 92.6 percent, with youth literacy (ages 15 to 24) at 98 percent. Thailand has achieved many of the Millennium Development Goals (MDG) targets at a national level well in advance of the 2015 timeframe, and has now set ambitious new targets. Unfortunately some regions and groups have been left behind, particularly ethnic minorities, migrants, refugees and the very poor. Twenty one percent of the population continues to be undernourished, with 19 percent of children under five years of age underweight for age, and 13 percent under height. Nine percent of infants are born with low birth weight.⁵ More than 1 million children are thought to be in need of special protection, including orphaned children, children affected by HIV/AIDS, street children, children with disabilities, children in conflict with the law, child labourers and children without birth registration. An estimated one million children of primary school age either do not go to school or enrol years late.⁶ A tiered system of citizenship exists with many ethnic groups (commonly known as mountain people or hill-tribes) denied citizenship although born in Thailand. Consequently they have limited or no access to land rights, education, health care, and mobility.⁷ Thailand's new MDG-plus target aims to reduce the proportion of people in poverty to below four percent by 2009; an ambitious target which would mean poverty reduction of four-fifths since 1990.

In November 2003, the Royal Thai Government publicly expressed its wish to move away from the position of being an aid recipient, to that of being an aid donor. Thailand provides considerable assistance to Least Developed Countries in the region, and is doing more to open its markets to these countries than many OECD countries.⁸

2. Migration System

Thailand's situation of economic development and its location among neighbouring countries with limited development and political instability, has made it a magnet for several types of migrants: asylum seekers, regular labour migrants and irregular migrants.⁹ Although it is difficult to give accurate figures due to irregular migration patterns, most migration into Thailand is from the bordering countries of Myanmar, Cambodia and Lao PDR. The Thai government has recently moved to formalise labour-related migration, and now provides an interesting case study of the many difficulties encountered when attempting to move from a situation of substantial irregular migration to a system of legal labour migration.

In 1996, the government set quotas for undocumented migrants to work in specified occupations in certain provinces for a period of two years. At that time, most registered migrants worked in garment factories in Mae Sot, fish processing in Samutsakorn, agriculture and construction sectors in Chiang Mai, and the fishing industries in Surattani and Ranong. Migrants working as domestic workers in Thai households were found in every city in Thailand.

In 2001, the Government expanded its policy on migrant workers by introducing work permits for migrants from Myanmar, Cambodia, and Lao PDR. The quota system was dropped, however, the Mekong Migration Network & the Asian Migrant Centre assert that in the short term, the number of registered migrants fell as a result of problems in the registration process including:

- registration being linked to employer, with workers allowed only seven days to find another employer if their job was unsatisfactory (forcing them to endure the situation or lose their job and legal status in Thailand)
- the USD100 fee being beyond the means of many, forcing workers to borrow money leading to debt bondage
- many workers paying approximately two months' wages plus interest to their employer for a work permit card, which generated health care benefits and labour protections, however, lack of enforcement meant most workers saw limited value in registering
- migrants finding it cheaper to pay to pay police bribes

In 2002 and 2003, the Government signed Memorandums of Understanding on employment cooperation with Lao PDR, Cambodia, and Myanmar aiming to regulate migration flows and offer workers protection (see below). The governments also began a process of attempting to verify each worker's country of origin so that appropriate travel documents could be issued and migration procedures formalised.

The process of verifying hundreds of thousands of workers' identities has proven very time consuming and taken far longer than originally anticipated. In 2004, the government introduced a staged process to assist with verification and reduce

dependency on employers. Burmese, Cambodian and Lao workers could be registered as temporary residents and issued with a one year temporary residence card at no cost other than the cost of the photo. Unfortunately, the generosity of this system was undermined by some workers being 'charged' for the cards, sometimes with promises of full citizenship. By the end of July, 1 284 920 migrants (921 492 from Myanmar, 179 887 from Lao PDR, and 183 541 from Cambodia) had registered. Migrants were then offered the opportunity to participate in the national 30 baht health insurance scheme. Employers were asked to register their needs for potential migrant workers, and 246 553 employers registered, requesting registration of a total of 1 591 222 migrants. In July 2005, one day border passes and passes for seasonal work were introduced. By late 2005, 705 293 migrant workers had registered for work permits, while employers registered a need to employ 1 881 529 workers.

While it is reported that these changes initiated improvements in migrant workers' experiences, with migrant workers participating far more fully and openly in their Thai communities, temporary legal status appeared to have minimal effect on their working conditions. The 2004 policy permitting migrants to change workers was also disappointing with those who tried to change employer having to go through the entire registration process again, paying another US\$100, despite many changing employer as the result of exploitation or abuse. Moreover, migrants who complained about working conditions were frequently blacklisted, making it extremely difficult to find new employment.

Case Study¹⁰

In April 2005, 230 migrant workers from the Uni Ocean factory in Mae Sot went on strike, demanding the minimum wage and better working conditions. These workers were thrown out of the factory, and thus out of their living quarters as well, for challenging their employer. Despite retaining legal status, they had nowhere to stay. The only place they could go was to a monastery, but even then they were only allowed to stay for a few nights, after which point they became homeless.

The 2005 policy further attempted to allow migrants to move for work, permitting movement from one province to another following payment of another registration fee, however, some analysts suggest that only employers seem to have benefited. For example, employers of domestic workers can now take domestic worker with them wherever they go in Thailand. As a result of delays in implementing the MOUs, the government passed a Cabinet resolution in 2005 and again in 2006 to allow mainly previously registered workers to renew their work permits.

A significant proportion of intra-Mekong labour migration continues to flow through irregular channels, including workers avoiding checkpoints by going across mountainous borders or rivers. The observed ratios of documented to undocumented migrants vary from place to place. In some areas, such as in southern Thailand, NGOs providing aid to migrants affected by the 2004 tsunami observed that only about half or one third of migrants were registered. In other areas, the ratio may differ.

Thailand's Memorandums of Understanding with Lao PDR, Cambodia, and Myanmar target proper procedures for the employment of migrant workers, effective repatriation of migrant workers, protection of migrant workers, and the prevention of illegal crossings, trafficking of illegal workers, and illegal employment of workers. While many of the measures are useful, some are cause for concern, particularly the limit on work permit to four years. Following four years' employment, workers will be unable to gain legal employment in Thailand until another three years has expired. Unfortunately, many migrants who have registered their status are probably unaware of this fact, including Burmese who have migrated to Thailand fearing oppression and who have families, including children, born in Thailand. It is likely this regulation will push workers back into the illegal system. The proposed compulsory savings or deportation fund may also work against migrant worker's interests. Designed to prevent migrants from running away, and to make them pay for their repatriation costs, a portion of their salaries will be paid into their fund. It seems unlikely that employees will be able to control their own banking documents, making it difficult for them to change employers in cases of contract violation, exploitation or abuse. In theory, workers will receive their savings some time after returning to their home countries.

Most migrant workers are housed in accommodation provided by the employer, and these are often unsanitary. Frequently, crowded factory dormitories are poorly ventilated facilitating spread of disease, fishermen sleep packed together on boats, migrants working on construction sites have to build their own living quarters from unused materials, and lack of drainage in the rainy season leads to mosquitoes breeding and dengue fever. Some migrants unable to leave their worksites lack adequate diet. The situation seems to be exacerbated in areas that have seen a rapid increase in migrant populations, including border 'economic zones' where local government has been unable to keep up with demand for services, including housing.

According to Thailand's migration policy, all migrants who register to work in Thailand are protected by the national labour laws, including a province based minimum wage, however 'most migrants receive far less than the minimum wage'. Moreover, many migrants experience delayed payment or even non-payment of their wages.

Case Study¹¹ - Cambodian worker

After I arrived in 2000, I worked on a boat for three months. My employer simply kept prolonging payment of my salary, as his profit had decreased around that time. I complained about this a number of times and eventually got dismissed from work and received about one third of my full salary.

Case study¹² - Burmese worker

I've been working at the orange plantation for seven months but the employers never gave me my pay. I did not know where to complain. I myself was an illegal worker and I am afraid to be arrested and deported back home.

Many migrants report that they have few breaks from work, and lack clean drinking water. Many employers confiscate worker's documents which impacts their security, as without ID they cannot access the health care system, and can be arrested and deported. Many workers are unaware of their labour rights. Recently, the Thai Labour Protection Office has assisted hundreds of workers to receive compensation, although stories of threats and intimidation by employers persist.

Some migrants cross the border unassisted and then face difficulties moving from the border into Thailand. Others seek the help of agents and brokers who move them around, bribe officials, and find employers. Some charge extortionate fees and subject migrants to severe forms of exploitation and danger. Some are traffickers. Migrant workers escaping poverty and abuse at home and/or desperate for a chance at increased economic stability take dreadful risks. In March 2002, 13 Burmese migrant workers, including five children, were found dead in a waste site east of Bangkok. They had suffocated in the back of a truck while being to Bangkok in a pickup truck transporting roses.

3. Trafficking

Ranking of the Thai Government's efforts to address human trafficking according to the US Department of State's series of Trafficking in Person's Report¹³

2001	2002	2003	2004	2005	2006	2007
Tier 2	Tier 2	Tier 2	Tier 2 WatchList	Tier 2	Tier 2	Tier 2

3.1 Internal Trafficking

Women are internally trafficked, particularly from the impoverished north-east and the north to Bangkok for sexual exploitation, although internal trafficking of women appears to be on the decline due to prevention programs and better economic opportunities.¹⁴ Children are trafficked for sexual exploitation and for other labour exploitation including work on fishing boats. In some extreme cases, boys have been drugged and woken to find themselves aboard, where they are effectively imprisoned for months while out to sea.¹⁵ Young girls and children are in high demand in the commercial sex industry and for domestic work. An ILO rapid situational assessment on domestic workers found that of the migrant Thai children between the age of 12 and 17 working in Bangkok, 27 percent were boys. None of their cases, however, were considered to include the worst forms of child labour.¹⁶

Ethnic minorities and hill tribes living within Thailand who lack Thai citizenship are at increased risk of trafficking due to their statelessness. These women and girls are vulnerable to exploitation, due to societal gender stereotypes and an expectation that they provide financially for their families, particularly their parents.

3.2 International

3.2.1 Source Country

It is broadly accepted that people, particularly women and children, are trafficked from Thailand, however, data is limited. A 2007 UNIAP report¹⁷ identified 13 pre-existing reports and two internet sources providing useful information on Thai nationals trafficked abroad. All focused on sexual exploitation, except for a US study which revealed Thai men and women being trafficked into forced labour. This useful report effectively synthesises the data of the above mentioned sources, and forms the basis of the following information in this section on trafficking from Thailand unless otherwise footnoted.

Sex Work – Thai women and girls are trafficked into many countries for commercial sexual exploitation. Trafficking routes are often intricate, with Thai nationals transiting en route to their destination. Numerous visa types are used, including student, transit, protection and marriage-related visas, and these are often misused. New Zealand's 90 day visa waiver for Thai nationals has been exploited as has Japan's visa waiver for Singaporean nationals. Malaysia has been used as a transit point, with Thai women then traveling to Japan using fake Malaysian passports. Migrants working in Thailand are also transported to other countries on Thai passports.

Although women usually migrate willingly (if not necessarily legally), they typically incur a debt which must be paid through their earnings, so may not see any wages for many months if at all. Debts appear to differ partly based on country of destination, with accumulated debt estimated to range between US\$30 000 and \$50 000. Of concern, the UNIAP report suggests debts are increasing. Travel documents are usually seized by employers, and in many instances the worker's movement is restricted. There are reports that women and girls trafficked to South Africa have been auctioned with bids ranging from 15 000 rand to 35 000 rand, although a 'leasing system' is also in high demand. Trafficking agents who bring women from Thailand transport them to a transit house where they are locked up before being transported, rented to and rotated among brothels and clubs on a daily basis.

In 2006, the Ministry of Foreign Affairs repatriated 380 women primarily trafficked for sexual exploitation to Bahrain (256 victims), Malaysia, Singapore, South Africa, and Italy. In May 2006, the government repatriated nine Shan women who were not Thai citizens but who had been trafficked to Malaysia in 2004. Their repatriation to Thailand was delayed due to their lack of Thai or any other citizenship.¹⁸

Other - The 2007 TIP Report states that Thai labourers working abroad in Taiwan, Malaysia, the United States, and the Middle East often pay excessive recruitment fees prior to departure, which may facilitate debt bondage. Victims are usually burdened with an unreasonably high debt, as well as threats to their physical and psychological well-being for the duration of their servitude. Victims have also received death threats to themselves and their families, even after they escape from their servitude. In addition to the commercial sex industry, Thais are trafficked into the US for exploitation in a number of sectors, including garment factories and domestic work. For example, in 1995, more than 70 Thai women and men were found working in a garment factory in California in slave like conditions. They were

reportedly locked up and treated 'like animals'. According to a CIA study, it takes at least twice as long to discover cases of trafficking into sectors other than the commercial sex industry as cases into the commercial sex industry.

The Ministry of Labour conducts regular seminars with all outgoing Thai workers to advise them of restrictions on labour broker fees and regulations governing foreign guest worker programs.¹⁹

3.2.2 Transit Country

Some women are moved through Thailand and onwards to other destinations, particularly for commercial exploitation. A number of women and girls from Myanmar, Cambodia, and Viet Nam transit through Thailand's southern border to Malaysia for sexual exploitation primarily in Johor Bahru, across from Singapore. Thai and hill tribe women and girls are trafficked internally and to Japan, Malaysia, South Africa, Bahrain, Australia, Singapore, Europe, Canada, and the United States for sexual exploitation.²⁰

3.2.3 Destination Country

As the region's economic hub, Thailand provides an ideal market for traffickers recruiting victims from Thailand's neighbouring countries. Trafficking cases have been reported in a wide range of industries including the commercial sex industry, pornography, street begging, domestic work, agriculture, farming, construction, the garment industry and the fishing industry. The IOM has suggested that although there may be upwards of 100 000 trafficked migrants in Thailand, only about 30 to 40 are identified each month.²¹

Many migrants' decision to migrate through irregular means put them at increased risk of trafficking. The UNIAP report suggests that victims are usually from poor households with little or no educational background, and that migrants are getting younger. Most migrate willingly, hoping to find employment to improve their standard of living. Research suggest it is often not the poorest of the poor who migrate, but those from poor backgrounds who become aware of their relative poverty and, in the case of young people particularly, are attracted by the materialism they see and excited about the possibilities migrant work offers.

Many are deceptively recruited through local contacts. They may have been sought out by their recruiter but are just as likely to have approached someone they identify as having the means to get them into Thailand and help them find work. The trafficking process can have many stages including transferring a person from one 'facilitator' to another, and the person being 'sold' at some point. Many of those trafficked from neighbouring countries use land routes, although some also arrive by boat.

There appear to be differences in migratory behaviours exhibited by men and women. Women and girls tend to migrate at an earlier age. For example, in None Muang village in Lao PDR, the average age of women migrating to Thailand between 1994 and 2004 was 16.5 years old, while male migrants were just below 21 years old. Females under 16 years accounted for 63 per cent of Laotian migrants, while males accounted for 14 per cent.

Women tend to migrate with family or relatives, and are more dependent on agents. A study on border areas between Myanmar and Thailand shows that some 58

percent of male migrants migrated to Thailand by themselves compared to only some 33 percent of females. Men directly approach their potential employers for work at the destination, while women are more likely to be recruited in their community and country of origin before they migrate. Men proactively look for agents while women are more likely to be approached by agents. A study on Cambodian migrants to Trat Province in Thailand concludes that male migrants usually pay their agent fees prior to their departure by borrowing money from moneylenders, thus accumulating their debt to their lenders in their community or province of origin, while female migrants accumulate their debt to employers at their destination, making them more likely to suffer a direct form of debt bondage.

Domestic work – Domestic work is not protected by Thailand’s labour laws so domestic workers are dependent on their employers’ goodwill for beneficial working conditions. Isolated in their employers’ homes, they are cut off from most legal and social protections. Although the Thai Government recently amended social security laws to allow a person to register a single employee for social security benefits (previously it related to companies with a minimum of seven employees), to date this amendment appears to have had little impact as it relates to domestic workers. The number of migrant domestic workers in Thailand is not known but there are many thousands, perhaps hundreds of thousands, particularly from Myanmar, Lao PDR and Cambodia. A substantial 2006 study by the ILO (subsequently referred to in this chapter as the ‘Mekong Challenge Report’) considered the experiences of 62 migrant domestic workers. The report, which was not on ‘trafficking’ per se, revealed the difficult conditions under which many domestic workers work, and exposed many cases of exploitation and some of trafficking.

The Mekong Challenge Report found that 45 of the 62 employers interviewed employed workers of Burmese, Mon, Karen or Shan ethnicity, 14 employed Lao workers and three employed Cambodian workers.²² Child domestic workers are believed to be in high demand as a source of cheap labour which is easy to control, with reports that migrant children are taking up the slack created by Thai children’s recent participation in 12 year’s compulsory education and their reluctance to work in the domestic sector. In the Mekong Challenge Report study, the age of migrant domestic workers surveyed ranged from 13 to 24 years, with only 3 percent below the age of 15, 19 percent between 15 and 17 years old and 78 percent aged 18 to 24 years old. Fourteen percent had never attended formal schooling and 56 percent had completed primary school only.

Domestic workers usually undertake a wide range of tasks including cleaning, washing and ironing clothes, cooking, taking care of children, the elderly or animals and washing cars. In some cases they are expected to also clean an employer’s worksite (eg. store) and/or help in their employer’s business. A third of the domestic workers surveyed in the Mekong Challenge Report also reported having to give their employer massages.

Many domestic workers are forced to work, sometimes under conditions of debt bondage and sometimes in debts to family or friends. The Mekong Challenge Report found that almost one third of domestic workers had borrowed money from their family to come to Thailand. A quarter had sold valuable personal belongings and almost one fifth borrowed money from others, including relatives and friends. Almost

17 percent of domestic workers were in debt to a broker.²³ The onus of repaying their debts makes them vulnerable to exploitation.

Working hours are very long, with rare breaks. A study on migrant domestic workers from Myanmar by the Institute for Population and Social Research found that more than half (approximately 57 percent) worked for approximately 15 to 18 hours per day.²⁴ Many are expected to be available 24 hours a day, and to work while ill. Most have no holidays or days off.²⁵

Case Study²⁶

I worked seven days a week. The work was very hard. I had to wake up at 4am and start work straight away. In addition, I worked standing up, selling things from morning till 6pm in the evening. I couldn't sit down.

Victims of human trafficking working in the domestic work sector are often unpaid. In some instances, brokers take money from employers to whom victims are sold. The workers then have to work for free for an unknown period until they repay the employer. It is reported that many employers increase the debt owed by charging for food, board, any mistakes or breakages, and rest taken. There are reliable reports of women and girls working for years without payment of salary.²⁷

Case Study²⁸

After working for a month, I asked for my salary and the shop owner told me that somebody had sold me to them so I would never get paid. If I complain they will send me to the police, so I feel devastated.

Case Study²⁹

When I arrived in Bangkok I was only 11 years old. They asked me to take care of their children and said they would pay me 500 baht per month. But they never actually gave it to me. They said if the chance came along, they would send it to my family. I didn't see them send any money home during the five years I worked for them. While I was staying with them they bought a rice pot and cut it from my salary. When they bought a television for their family, they cut that from my salary, too. They said I ate rice and watched television with them. They cut all sorts of things from my salary.

Domestic workers are commonly denied freedom of movement and prohibited from having outside contact, with significant restrictions imposed on domestic workers' contact with friends and family. The Mekong Challenge Report found that the majority of employers (80 percent) did not allow their employees to use the telephone, and approximately half did not allow their workers to receive calls. About 35 percent of domestic workers reported that their employers did not allow them to receive or send mail. Unregistered migrants faced more restrictions by their employers than registered migrants. For example, about 65 percent of unregistered migrants compared with 35 percent registered domestic workers were not allowed to receive phone calls.³⁰

Many domestic workers are verbally abused and/or beaten, and sometimes sexually abused by their employers. Cases involving 'punishment' causing severe physical injuries have also been documented. In March 2007, a criminal court sentenced a senior military official to life imprisonment for the detention and murder of a Burmese domestic worker who was considered a trafficking victim.³¹

Case Study³²

I don't know how many times she beat me. But she scolds me often. She also hit me on the head. Sometimes she beats me up. When I was beaten with a stick, it left some bruises but they disappeared in three or four days so it looks like I never had a serious injury. They may regard me as a child and beat me, but since they are not my parents and not from my home country it makes me feel depressed. I'm also afraid of them. I feel sad. I say nothing. I can't speak their language. If I say something I might be beaten even more. I feared they might even kill me and no one would know. I also don't know who to inform about my situation.

Sex work – Women and children (although far more girls than boys) are trafficked into the commercial sex industry. Since 1999, increased law enforcement has led to a decrease in the number of brothels but more commercial sex services now occur in bars, go-go bars, massage parlors, hotels, restaurants and cafes. Most of those trafficked into Thailand's commercial sex sector are women and girls from Thailand's neighbouring countries. Whether the initial migration steps were voluntary or involuntary, the end situation is often exploitative and abusive.

Reports suggest that in most cases, young women and girls are lured and deceived into commercial sex via recruitment, which is done more at a local community level than by internationally organised criminal syndicates. People follow former villagers, friends, relatives, or familiar people who may turn out to be traffickers or facilitators of migration that lead to the trafficking situation. Traffickers give false information about potential lucrative employment. Other victims simply use agents to smuggle them into Thailand, and then are deceived and trafficked into the sex industry at some point during their migratory journey. Some children are sent by their parents, with different perspectives suggesting those children are 'sold', or alternatively the parents understand they are receiving a 'cash advance' on the earnings their child will generate. Some parents may understand their child's 'work' will be in the sex industry, others do not. Some children enter the commercial sex industry of their own free will, but discover conditions are different from those to which they agreed. Regardless, these children are not considered able to 'consent'. Even in cases where migration has been straightforward, organised crime may be involved in the sex industry establishment.

Case study³³

I was promised work at a restaurant, but when I reached Thailand I found out that I had been cheated, and I had to work selling sex. While working, I was arrested several times by the police but my boss came to my aid. I signed an agreement with my employer but it is all in Thai, so I have no idea what it says. I received only half of the amount of pay I was promised by the agent. I felt like I was doing nothing good for myself, only for the employer.

While women and girls are trafficked directly into the commercial sex industry, those trafficked into other forms of sexual and non-sexual exploitation, such as street begging and pornography, are vulnerable to further trafficking into the commercial sex industry.

Women from Eastern European and Central Asian countries, such as Russia and Uzbekistan, are also reported to be victims of trafficking into the Thai commercial sex industry. Some of these are recruited for non-existent jobs outside the sex industry. Strong Russian transnational criminal syndicates are active. It appears these women are probably rotated between hotels to avoid police investigation. Their passports are usually confiscated and they are kept in constant fear.

Case Study³⁴

If I go back to Russia, the Russian mafia will simply kill me. These people know my family very well. Sometimes, we were brought to sleep with government officials for free. We are so afraid they would turn us back to the pimps if we reported it to police.

Victims of trafficking in the commercial sex industry report physical and sexual violence during migration and at their destination. Freedom of movement is regularly controlled or denied. Frequently, employers rape new arrivals to 'teach' them how to entertain clients. Many workers lack the right to determine who or how many clients per day they serve. If they fail to meet their quota they may be beaten or sold to another establishment, incurring further debt. Trafficked sex workers also experience violence from clients, and are frequently not permitted to negotiate safe sex.

Widespread sex tourism in Thailand encourages trafficking for sexual exploitation although there is also a substantial domestic client base. Some experts have suggested a recent decline in the number of both Thai and foreign victims of trafficking into the commercial sex industry in Thailand, although there is no agreement on this point.

Fishing – There is limited information available about trafficking onto fishing boats, although that which exists suggests conditions are frequently dangerous and highly abusive. Problems are endemic. Replacing the large number of Thais who have left the fishing industry, it is estimated that some 200 000 migrant labourers now work as fishermen on boats operating from Thailand.³⁵ The majority are from Cambodia and Myanmar, but some are also from Lao PDR. Migrants employed on fishing vessels are paid much less than they should be entitled to under Thai labour law.³⁶ Only one third are registered.³⁷

Of those surveyed for the Mekong Challenge Report (which again, is not specifically focused on trafficking) some 95 percent reported they had no contracts, with the remaining reporting they did not know whether they had contracts or not.³⁸ Most lacked control of their identity documents, which were held by their employers. Although fishing work involves heavy labour, all reported working more than eight hours a day, with almost half working more than 15 hours a day. Children (under 18 years) worked longer hours than adults.³⁹ There was little rest and workers were frequently without medical care. Depending on boat size, they may be at sea for days, weeks or (up to three) years.⁴⁰

Case Study⁴¹

We work all day and all night on the boat. During working hours, we are not allowed to rest. If we do rest, we risk punishment. We try to be diligent and do our work without rest, but if we must [rest], we make sure that no one is around because stealing just one second of work time to look out at the sea means that we will be yelled at. Neither of us has been physically beaten – only yelled at. But we are scared because we have seen some crew members thrown off the boat or beaten with hooks and anchors that weigh close to one kilo and are as long as our arms. The crew who were beaten with these sharp and heavy objects bled profusely, especially when the sharp end of the hooks grabbed onto their skin. They could crack your skull open if they hit you too hard.

Upon arrival in fishing towns, migrant fishermen frequently use agents without realizing they will be ‘sold’ onto a boat and a ‘debt’ incurred. There are reports that employers delay payment of salaries until the contract’s completion because fishermen sometimes leave if the work is too demanding, with employers sometimes intentionally giving difficult dangerous work to facilitate this process. Some fishermen are sold from one boat to another, increasing their debt. There are credible reports of migrant fishermen being drugged in town, and waking to find themselves at sea and trapped for months or years.⁴²

Trafficking victims include men and boys. The Mekong Challenge Report found that majority of migrants working on fishing boats in the surveyed province was aged between 15 and 17 years old.⁴³ There are frequently reported cases of migrant fishermen being threatened and beaten, forced to take drugs so they can work long hours, not being paid, having salary deductions made for invented ‘fines’, being held captive at to sea, and being murdered (for example if too ill to work) and thrown overboard.

Case Study⁴⁴

Migrant workers were grouped and divided on different boats. One group of 13 was put on a boat that already had three migrants on board. The three migrant fishermen told the newly boarded migrant workers that the boat driver would kick and beat them if they did not work hard enough. They were also told that migrant fishermen had to work day and night 24 hours a day.

One of the 13 migrant fishermen became too sick to work, and was shot by a boat driver with an AK-47. His body was thrown into the sea. A few weeks later, others got sick and were also killed. The rest decided to take a chance and escape into the sea. They floated in the sea for three days and nights before a foreign boat found them and picked them from the water. They stayed in a cell for three months and were then taken to a detention center for nine months. Then they were taken to the Embassy to stay for more than a month before taking off to the airport to returning their home country. It took more than a year to return home after they had escaped the boat.

Twenty percent of those surveyed reported being forced to work, with younger men being more likely to experience forced labour.⁴⁵

Factory Work- There is very little information available about trafficking into factory work although it is suspected migrant workers are sometimes trafficked and held in slavery like conditions. The manufacturing sector is significant to the Thai economy; producing almost 40 percent of GDP in 2005.⁴⁶ Increasingly, manufacturing sector employees are migrants.

The Mekong Challenge Report considered the conditions of a sample of 130 migrant factory workers in Bangkok and surrounding areas. Of those surveyed, there were more women (64 percent) than men, ages ranged from 15 to 24 years, with 86 percent aged 18 or older, and most were from Myanmar. Sixty three percent had completed less than seven years schooling. Eighty percent were registered, although a large percentage of Karen migrants (46 percent) were not. The researchers found few cases of forced labour, however, many exploitative practices were identified, and if these conditions are typical of the manufacturing industry, the industry may well be attractive to traffickers.

Most workers (94 percent) had no written contract. The most common form of abuse was working extremely long hours. Seven percent of those surveyed had experienced physical abuse from their employers. Almost a third had experienced verbal abuse from their employer. Nearly a fifth indicated that their current job and their working conditions differed from what they had been told prior to arriving at the workplace. On average, workers were receiving only about half of what they were entitled to under Thai labour law. More than 40 percent had their travel document held by their employers. While there were few cases of forced labour, 10 percent felt that the confiscation of their documents prevented them from leaving their job, while nine percent had been threatened by their employer to report them to the authorities.

Case study⁴⁷

Mr. Kham decided to go to Thailand to look for his niece who was trafficked to a factory in Bangkok, where he saw an estimated 200 Lao people working in the factory, many of whom were underage. Girls were locked up and beaten, and they were lashed with whips if they did not work hard enough. The debt incurred from the broker was deducted from their salary.

Most enjoyed at least some freedom of movement, although 64 percent of employers surveyed believed that migrants should be locked in at night to prevent them from escaping. A majority of employers (56 percent) believed that workers should not have the right to leave the premises without permission outside of work hours.

An earlier study by Physicians for Human Rights suggested that single Cambodian workers living in a garment factory were living in a prison-like situation.⁴⁸ They were physically confined and frequently beaten. Threats were also made to their families in Cambodia. The 2007 TIP Report states that:

in September 2006, the Thai police raided a shrimp-processing factory and rescued 800 Burmese men, women, and children, many of whom were subjected to conditions of involuntary servitude, physical and psychological abuse, and confinement inside the premises through the use of barbed wire fences and document confiscation. Thai authorities classified 66 of the females as trafficking victims and provided them with appropriate shelter and psycho-social counseling services. However, an undisclosed number of the males were removed by police and deported to Myanmar without being interviewed to determine if they were victims of involuntary servitude. Five months later, all three factory owners were arrested and face criminal charges in addition to a civil suit and regulatory fines. The factory remains in operation.⁴⁹

Agriculture – In 2004, 45 000 employers requested work permits for 380 500 agricultural migrant workers, with 179 000 permits granted. Of those, 16 800 workers were from Lao PDR, 18 800 from Cambodia and 143 800 from Myanmar. Migrant agricultural workers range in age from 14 to 45, with an equal representation of men and women.⁵⁰ Neither local nor migrant agricultural workers are fully protected under labour laws. Despite a reduction in registration costs, many small farms cannot afford migrant workers' registration fees. The Mekong Challenge Report found that more than a third of the 92 workers surveyed were not registered. Approximately two thirds of registered workers who had their registration costs paid by the employers were required to repay their employers via deductions from their wages, and were effectively bonded labour.

The same report found that although forced labour was negligible, migrant workers faced several forms of labour exploitation, particularly a lack of freedom of movement. More than two thirds of employers felt migrant workers should be locked up at night to prevent them escaping. Many were not in possession of their identification documents, and worked long hours without payment for overtime or regular days off. The average daily payment of 100 to 150 baht was way below the minimum wage for that region⁵¹. Children younger than 15 years of age were employed despite this being illegal under Thai law. There have been reports of

severe sexual and labour exploitation in the agricultural sector, however, none was recorded in the Mekong Challenge Report.

Case study⁵²

A 17 year old girl from Myanmar, Win Win, paid 6000 Baht to a well known broker to take her to the orange plantation that is located a three hour drive from Bangkok. With a false promise of salary by her employer, she had worked for free for 1.5 years before she received a monthly stipend of 500 Baht. She worked from 7am to 5pm on the plantation. She had to serve the family as a domestic worker after her plantation work. She was raped by her employer's husband and son many times. When she told them that she wanted to go home to Myanmar she was threatened by the employer and told they would call the police to arrest her.

Begging – Although some people migrate to Thailand and work on the streets, including parents and their children, it seems likely that traffickers lure children from neighbouring countries and force them to beg and sell small products on the street. Child beggars/hawkers in Thailand come from within and outside Thailand, including Myanmar, Lao PDR and Bangladesh, and on a larger scale, Cambodia. Boys are particularly targeted for these activities, but girls are also vulnerable. Various methods are used to recruit children. Some are deceived and kidnapped to become beggars and sellers, while others are sent by their families. Agents/recruiters also use third parties for recruitment, for example, moto-taxi drivers.

There are reports that organised begging and street-selling rings children are under strict surveillance and are severely punished if they do not meet a daily quota of earnings. The scale of forced begging remains under research with conflicting reports on its scale and degree of coercion used. It is believed all money earned goes to the boss or gang. If they fail to meet a daily quota they are severely beaten. It is also reported that they are forcibly drugged in order to work day and night. Once involved in these types of activities, girls become vulnerable to sexual exploitation.

Case Study⁵³

In the house where I stayed there were 10 or 20 people. But where we went begging there was a lot more. One old woman was 80 years old and didn't know about money. She was very pitiable...she always received a lot of money. Every time she could earn 400 or 500 Baht. ...Sometimes when her pot was full, they took the money and put her back at the place to beg more.

4. Issues for consideration

4.1 Lack of research/data – Compared to most countries in the region, and in fact in the world, there have been many trafficking related studies in Thailand. Most of that research has been on the exploitation of women and girls in the commercial sex industry. These studies are useful although their usefulness in building an accurate picture of trafficking for the commercial sex industry is limited by the lack of a uniform

trafficking definition. For example, some agencies consider a woman knowingly smuggled into a foreign sex industry under debt bondage to be trafficked even if all the conditions are as she had anticipated. Other agencies would disagree. That aside, the main hindrance to building a profile of trafficking of Thais into foreign industries, and foreign nationals into Thai industries, is the lack of focus on anything much outside the sex industry. UNIAP's recently established human trafficking library at Thammasat University Library is an impressive tool; centralizing all existing reports on one database to build a bibliography of more than 250 reports on human trafficking in Thailand.

The Thai Government has made efforts to introduce strong data collection mechanisms with some success, however, that success has been undermined by a number of factors.

In 2005, the Thai Government formed a National Sub-Committee to set up a National Database on Human Trafficking to centralize trafficking data. The Office of the Attorney-General has established the Centre Against International Human Trafficking to better collect data relating to prosecution of human trafficking cases and other relevant information. The National Operation Centre for Prevention and Suppression of Human Trafficking in the Ministry of Social Development and Human Security also collects trafficking related data.

The IOM suggests that the majority of trafficking victims in Thailand return home on their own or through expulsion and are not identified as trafficking victims, "particularly because illegal migrants detained in provinces near borders with other countries are usually expelled without being screened to determine if they are trafficking victims"⁵⁴. Thailand lacks a single law on trafficking. Instead, trafficking is currently defined in the 1997 *Measures in Prevention and Suppression of Trafficking in Women and Children Act* by reference to several other Thai laws. Clearly men are excluded and trafficking is largely equated with sexual exploitation (although this situation will soon change with the introduction of the new trafficking law) which is reflected in case identification and data collection. Lacking a single 'trafficking' definition, agencies use different definitions which are not necessarily comparable with the UN Trafficking Protocol, and collect data differently making comparisons difficult. There are no processes in place to avoid double counting when cases are referred from one agency to another. Some data is collected in a format that is very easy to compile (for example, yes/no answers, tick box answers)⁵⁵, however, much is embedded in narrative statements and is not extracted for data analysis. While some privacy provisions exist, they are generally lacking as they relate to data sharing among government agencies.

4.2 Government Action - While the Thai Government has undertaken impressive efforts to address trafficking for sexual exploitation, until recently it had done little to reduce trafficking outside this sector. Thailand criminally prohibits trafficking for sexual exploitation through its 1997 *Prevention and Suppression of Trafficking in Women and Children Act*, however, this Act fails to criminalize bonded labour or trafficking perpetuated against men. Thailand has now drafted comprehensive anti-trafficking legislation (the *Measures in Prevention and Suppression of Trafficking in Persons bill*), which criminalizes all forms of trafficking and includes men. That legislation should very soon be passed.

The Government's National Trafficking Action Plan for 2005-2007 identified US\$34.2 million for trafficking-related project initiatives. Thailand's Sub-Committee to Combat Transnational Trafficking in Women and Children (under the Ministry of Social Development and Human Security), which includes representatives from 20 government departments, 10 NGOs and numerous international organizations, is responsible for coordinating anti-trafficking actions at a national level and implementing the national plan. Numerous MOUs establish operational procedures and practical guidelines for government, non-government and international agencies to work in a coordinated, effective manner to reduce human trafficking. As noted above, Thailand's MOUs with Cambodia, Lao PDR and Myanmar offer measures to reduce trafficking, although they are not uniform in their approaches.

As noted above, in May 2007, the Coordinating Centre for Human Trafficking Cases was transformed into the Centre Against International Human Trafficking, with broader functions including:

- collection of data relating to the prosecution of human trafficking cases
- the consideration and analysis of data in order to identify problems and obstructions and make suggestions to the Attorney General
- study and recommendation for revision of laws relating to trafficking in persons (including the possible signing and ratifying of any related conventions, protocols and other agreements)
- arrangements for training, seminars and other activities that will enhance knowledge and understanding on trafficking in persons
- coordination with internal offices of the Office of the Attorney General and other public and private organizations in matters relating to trafficking in persons

A specialist anti-trafficking unit was established within the Crime Suppression Division of the Royal Thai Police in 2005. The Department of Special Investigations in the Ministry of Justice also investigates trafficking crimes, usually those with a high profile or involvement of transnational organized crime.⁵⁶ Law enforcement resources struggle to address the volume of trafficking into Thailand, and corruption remains a problem, with local police and immigration officials protecting brothels, fishing and sweatshop facilities from raids. Officials are also reported to occasionally facilitate the movement of Burmese, Cambodian, Lao, and PRC women and children into or through Thailand. No public officials or law enforcement officials were arrested for trafficking related crimes in 2006.⁵⁷

The Department of Social Development and Welfare has primary responsibility for victims, rather than the police. Their staff conduct preliminary interviews and compile relevant information which is provided to investigators. They ensure victims are provided appropriate accommodation and care prior to repatriation.⁵⁸ Current law (and the impending law) and policy is clear that trafficked persons are victims of crime and should be treated accordingly. Job placement agencies which violate the law on the recruitment of people for overseas work can be punished. They are liable for the cost of a person's return to Thailand if the job is not as promised. Deceiving someone about overseas work carries a three to 10 year jail sentence and a fine. Failure to return a person carries a maximum two year jail sentence.⁵⁹

In 2006, the Government cooperated with the ILO to publish a migrant workers' handbook which was published in Lao, Burmese, Khmer, and Thai to advise migrant

workers of their rights and avenues of recourse. The Thai Government has provided in-kind assistance in the form of technical support, personnel, and facilities to NGOs active in anti-trafficking initiatives and has worked with the IOM to establish transit facilities, shelters, and referral processes to improve victim protection.

The IOM project on return and reintegration of trafficking victims assisted in 1730 formal returns from Thailand to other countries in the Greater Mekong Sub-region between September 2000 and October 2006. In 2006, the Thailand Government reported 105 victims were returned to Cambodia, 1 to China, 278 to Lao People's Democratic Republic, 90 to Myanmar and 5 to Viet Nam. Victims are generally provided comprehensive care, although the length of time between identification and return is a cause for concern.⁶⁰ Unfortunately, Thai authorities' identification of trafficking victims is largely isolated to Bangkok. Victims are generally identified after being found to have irregular status and sent to the Immigration Detention Centre in Bangkok prior to expulsion to their home countries. At the Centre they are interviewed by the Victim Identification Unit. Trafficking victims are then moved to a shelter and provided a caseworker able to work in the victim's own language. Unfortunately, most trafficking victims spend more than four and a half months in their shelter before able to return to their home country as a result of difficulties in the family tracing and assessment processes in the country of origin and the legal process in Thailand.⁶¹ On the other hand, irregular migrants detained close to the border with their country are normally expelled directly, apparently without trafficking screening. 2006 statistics revealed that none of the 147 543 Cambodians and 133 370 Burmese deported from the four large border Centres identified a single victim of trafficking.⁶²

The Thai government collaborates effectively with NGOs working to protect victims of sex trafficking and provides impressive protection to foreign victims of sex trafficking in Thailand and Thai citizens who have returned to Thailand after facing labour or sex trafficking conditions abroad. In 2005, the government allocated 500 million baht (equivalent to US\$13 million) to increase victim care, however, the US Department of State reports that a substantial portion of those funds remains unspent.⁶³

Despite the government's efforts, more is needed including action to:

- **Increase the budget for anti-trafficking efforts**

Although government budget has been allocated, funds should be allocated to programs and spent. Additional funding is required to significantly impact trafficking.

- **Consider means to reduce debt bondage**

The Government should employ economic and policy analysts to devise a means to eradicate or reduce systems of debt bondage. Source and destination government fees could be revised (or abolished), as both economies benefit enormously from migrant workers' labour and remittances. Systemic labour migration costs associated with training, recruitment and placement fees could be offset by government, or minimised through the provision of no-interest

government loans. Perhaps, instead of demanding worker registration fees up front, the system could allow migrant workers and employers to pay applicable fees in installments throughout the year.

An enormous amount of money changes hands throughout the labour migration process. Traffickers, sending and receiving governments and employers receive substantial economic benefit from migrant workers' labour. The economics of labour migration is complicated, however, the fact that migrant workers bear the substantial cost is iniquitous, particularly given that they are usually the most economically (and otherwise) vulnerable of all parties.

There are many issues for consideration in the development of a less fundamentally exploitative system, not the least of which is the imperative to mandate and deliver fair wages and conditions, however, the issue of debt bondage is paramount as in many instances, it is an employee's debt that triggers their entrapment in exploitative and abusive employment.

- **Review the *Labour Protection Act* to provide protection to all workers**

The *Labour Protection Act* should offer protection to all workers, including those employed in agriculture, domestic work and on fishing boats.

- **Devise and mandate the use of simple, uniform contracts**

Contracts should be written in simple, basic language so they can be fully understood by persons with limited formal education. The standard contract should clearly state monthly salary and all expenses, and should provide minimum labour protections, including a fair minimum wage, all expenses, maximum working hours, a 24 hour rest period per week, benefits, and safe working conditions. Systems should be in place to ensure that each worker is fully aware of the fees they will incur; the fair and reasonable calculation of which should be mandated by government.

- **Monitor all employers to ensure registration of migrant workers for work permits and their inclusion in the social security scheme**

Despite the mandate under Thai law, many employers fail to register migrant workers for work permits and for inclusion in the Thai social security scheme.

- **Review occupational health and safety standards in high risk occupations**

An audit of working conditions is needed in those sectors identified as employing migrant workers who have been trafficked and/or enduring labour exploitation and abuse. Migrants should also be granted compensation in cases of industrial accidents, and illness and disability resulting from unsafe working conditions.

- **Remove the restriction of movement on registered migrants**

The Government should lift the restrictions on freedom of movement for registered migrants in accordance with Thailand's obligations as a signatory to the *International Covenant on Political, Cultural and Civil Rights*.

- **Deliver training to all officials who may come into contact with trafficking practices**

More training should be provided to officials who encounter human trafficking. Training should facilitate improved understanding of issues relating to trafficking and exploitation, how to respond appropriately to complaints, how to investigate and collect evidence in such cases, and the provision of appropriate referrals for health care, counselling, legal aid, and referral to shelters. Strong investigation of abuse cases would likely lead to increased prosecution of employers and agents who have inflicted physical and sexual violence, and other abuses.

The issue of trafficking is complex and misunderstood by many. Victims are often blamed for their circumstances and sometimes perceived as criminals. Many officials simply do not recognise events as constituting exploitation or trafficking. This is exacerbated by official definitions focusing on exploitation in the commercial sex industry and the exclusion of men. Some officials are complicit in trafficking practices.

- **Develop employment standards and mechanisms for regular monitoring of workplace conditions**

The equal protection of labour laws including rights to a just wage, overtime pay, weekly rest days, benefits, and workers' compensation should be extended to all migrant workers. The government should increase monitoring and regulation of those sectors in which migrant workers are frequently abused, some of whom have been trafficked. Inspections should be conducted of all worksites, including those where domestic workers are employed.

- **Develop accessible complaints mechanisms**

A comprehensive, accessible complaints mechanism should be developed. While the multi-lingual workers' rights information booklet is to be applauded, worker's labour protections would be strengthened through the development and publicising of accessible complaints mechanisms for workers who experience exploitation and abuse, including violence, unpaid wages, or poor working conditions. One possibility would be the introduction of a system administered by local labour officers, with labour inspectors accountable for action.

- **Prosecute employers who abuse workers, including confining workers to the workplace**

Employers should be better informed of their legal obligations, including that they have no right to restrict the freedom of movement of their migrant workers under Thai law. Those who breach their legal obligations should be investigated and prosecuted. Cases of psychological, physical and sexual abuse, food deprivation, and forced confinement must be pursued by police using transparent legal channels.

- **Increase policing of child labour conditions**

The government should increase monitoring to ensure children are not being exploited and should halt fishing boats from employing children aged under 18 due to the nature of the work it might be considered a 'worst form' of child labour under *ILO Convention 182*. Many migrant children currently work in Thailand.

- **Increase efforts to prosecute and sentence both domestic and foreign 'sex tourist' paedophiles**

Increased efforts should target both domestic and foreign 'sex tourist' paedophiles to get them off the streets and send a clear message about the trafficking of children for commercial sex.

- **Deliver stronger anti-corruption efforts, including the prosecution of officials**

Greater efforts should be made to identify and prosecute corrupt officials. Corruption among public officials remains a problem facilitating human trafficking.

- **Develop constructive regional and international agreements**

Further consideration should be given to bilateral and regional mechanisms to increase benefits to migrant workers and the protection of their human rights, to add to the demonstrated efforts already undertaken on this issue, including the development and signing of MOUs with Cambodia, Lao PDR and Myanmar.

- **Increase services for victims**

More attention should be paid to effective victim identification, particularly those identified as having irregular status outside Bangkok. While the Government provides some impressive, effective services for victims, more are needed. This is particularly the case for men who are generally not recognised as trafficked.

- **Ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime**
- **Ratify the Convention on the Protection of All Migrant Workers and Members of Their Families**

Socialist Republic of Viet Nam

Population ¹	84 222 000
GDP	\$US 609 652 000 000
Remittances ²	\$US4 800 000 000
Per capita income	US\$723.90 (US\$3 373.30 recomputed using IMF WEO Database April 2007)

Signatory to:

UN Convention	Government Action
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children	Not Signed
UN Convention on Rights of Migrant Workers and Members of Their Families	Not Signed

1. Background

With the seat of government, HaNoi in the north of the country, Viet Nam comprises 64 provinces, with the largest city, Ho Chi Minh City, located in the south. Viet Nam is a multi-ethnic country, with the Kinh (ethnic Vietnamese) people accounting for 86 percent of the population. The remaining 14 percent of the population comprises 53 ethnic groups.

Emerging from the ravages of war, Viet Nam was one of the world's poorest countries. The economy was stagnant and rice production insufficient to feed its population. In 1986, the Vietnamese government launched the *Doi Moi* or renovation process, which has brought such significant economic growth that the World Bank now contends that "Viet Nam is one of the best-performing developing economies in the world [with] the potential to be one of the great success stories in development".³ Viet Nam avoided the economic crises suffered by several other East Asian countries in the late 1990's. The economic growth rate has exceeded eight percent in the years 2005 to 2007. The Government aims to achieve middle-income country status by 2010.⁴

The country remains a single-party state, nevertheless economic and social stability objectives drive governance reforms. The government was brought 'within the framework of the rule of law' by constitutional amendments introduced in 1992⁵ Strategies introduced in 2002 aim to further increase budgetary transparency, improve government professionalism and accountability and to reduce corruption.⁶ Further, *doi moi* reforms have seen local non government organisations given greater recognition, and organizations such as the Viet Nam Women's Union and the Youth Union hold important roles as policy implementers.⁷

Viet Nam is a major exporter of rice, the production of which is a mainstay of the economy.⁸ Foreign tourism is an increasingly important economic component, with an almost eight-fold increase to 2.33 million foreign tourists per annum in the period 1991 to 2001, and a target of 6 million by 2010.

Approximately 63 percent of the population is of working age, and the country boasts an average of 5.3 percent unemployment in urban areas.⁹ More than half (53

percent) of the workforce is employed in agriculture or forestry.¹⁰ Per capita GDP doubled from \$US200 to \$US400 during the 1990's¹¹ while poverty levels have decreased from 58 percent to 20 percent in the period 1993 to 2004¹².

Viet Nam has a history of high participation in education, a legacy that has been built upon in recent years, reaching 94 percent enrollment in primary school in 2004. This rate varies across sectors of the population with the poorest 20 percent of the population and ethnic minorities at 91 percent and 88 percent enrollment rates respectively.¹³ Approximately 75 percent of the population continues to secondary schooling, and 16 percent to tertiary levels.¹⁴

In 1999, population density was among the highest in the East Asian region, ranking third behind Singapore and the Philippines. The population is concentrated mainly in the Mekong and Red River deltas, although they comprise only 16 percent of the country's total land area.¹⁵ Since the 1960s, the Vietnamese government has pursued resettlement policies especially into the New Economic Zones. Each year some 200 000 to 300 000 households are resettled for example to make way for dams and hydroelectricity systems etc.¹⁶

Viet Nam has been ranked 109th of the 177 countries ranked in UNDP's Human Development Index.¹⁷ The incidence of poverty varies significantly across the nation. A majority (90 percent) of people living in poverty rely on agriculture for their income with women in rural areas suffering disproportionately.¹⁸ Seventeen percent of the population is estimated to be undernourished. Twenty eight percent of children under 5 years of age are estimated to be underweight for age and 37 percent of children under height.¹⁹

Viet Nam is one of the most disaster-prone countries in the world, mainly from floods, typhoons, droughts, mudslides, and saltwater intrusions. Economic losses due to natural disasters increased from around US\$29 million per annum in the 1980s, to US\$200 million in the 1990s. On average, more than one million people in Viet Nam need emergency relief each year due to natural disasters. Many of these people are just above the poverty line, and the impact of a flood or typhoon often pushes them back into poverty.²⁰

2. Migrant Labour

Viet Nam is primarily a country of emigration. In 2005, more than 2 million people, or 2.6 percent of the total population, left Viet Nam. The top 10 destination countries for migration are the United States, Canada, Cambodia, Australia, France, Germany, Republic of Korea, United Kingdom, Japan and Thailand.²¹ In 2006, an estimated \$US4.8billion²² in officially recorded remittances flowed into Viet Nam. Unrecorded flows through formal and informal channels are believed to be larger.

Emigrants from Viet Nam comprise four major groups: contract workers in host nations, permanent migrants and asylum seekers, temporary migrants working overseas, and unauthorized entrants or visa overstayers. Migration affairs are managed across several government departments. The Ministry of Agriculture and Rural Development (MARD) is charged with managing flows of internal migration, in collaboration with the Ministry of Labour, War Invalids and Social Affairs (MoLISA)

which also holds primary responsibility for alleviating poverty. The Department for Management of Foreign Employed Labour Forces (DAFELF), under MoLISA supervises contract workers and manages the export labour industry. The Ministry of Public Security (MPS) is responsible for the registration of temporary migrants. MPS in cooperation with the Ministry of Foreign Affairs (MOFA) and the Ministry of Justice (MOJ) holds responsibility for immigration and has recently started investigating human trafficking with the Border Guard Command (BGC).²³ Recently, East Asia has become a major destination for contract workers.²⁴

Migrant labour is managed by the Guest Worker Management Department under MoLISA. In 2005 alone, almost 70 600 people migrated as guest workers. Estimates of the total number of migrant workers currently employed overseas range up to 400 000; most in Malaysia (100 000) Taiwan (90 000) South Korea (over 30 000), and Japan (20 000). MoLISA aims to double this in 2007 by tapping into new markets such as Canada, the US, Australia, Italy and some countries in the Middle East.²⁵

Recruitment agencies licensed and supervised by MoLISA, broker foreign employment contracts for temporary workers. Under current regulations, three types of companies are eligible to apply for specialized licenses to export labour from Viet Nam: State Owned Enterprises (SOEs); SOE-turned-joint stock companies whose majority stakeholders are the state; and companies affiliated with mass organizations such as the Youth Union, the Women's Union, and the Farmer's Union.²⁶ Workers pay service fees and a deposit to guarantee fulfillment of the obligations of the contract²⁷. Charges of more than US\$7000 by some licensed and unlicensed export migrant labor recruiting agencies may contribute to trafficking, leading some men and women into debt bondage and abusive labour situations abroad.²⁸

Around 50 000 guest workers went to South Korea in 2006 for employment as production workers, in the agricultural sector and in the shipping industry, and as "trainees"²⁹ "Trainee" status is used in the Republic of Korea to justify huge wage differentials between guest workers' wages and Korean wages. Trainees are neither recognised, nor protected under Korean labour laws as the arrangement is often a contract between a South Korean employer and a Vietnamese labour recruitment agency rather than with the individual migrant worker.³⁰

In 2003, 27 of Viet Nam's 159 labour companies were licensed to export workers to Malaysia, and some 30 000 Vietnamese workers were sent there for employment in manufacturing, electronics, textiles and garments and the construction industry. Approximately half were employed in the manufacturing sector. There are reports of people purporting to be licensed agents recruiting workers, charging \$US2000 each to arrange jobs, and sending them into Malaysia on tourist visas whereupon their passports are confiscated and they are basically imprisoned by their employers and allowed out only for odd jobs. Escapees arrested risk up to five years' imprisonment and caning following the 2002 amendment of the Malaysian *Immigration Act* to allow for mandatory jail sentences and up to six strokes of the cane for illegal immigrants.³¹

Reports of Vietnamese migrant workers breaking work contracts and absconding from their places of employment possibly as a result of poor working conditions,

abuse and low wages have been met by proposed heavy sanctions for offending workers, including the threat of re-education camps or public labour works. Such actions may increase the vulnerability of persons to the risk of trafficking and further exploitation.

A new law on Vietnamese people working overseas came into effect on 1 July 2007, regulating export agencies and workers' contracts, with provision for pre-departure vocational and language training, education regarding their rights and obligations, payments and dispute resolution. Supplementary to this, the Overseas Employment Support Fund assists in the development and promotion of the existing labour market and provides for support of families of guest workers in the event of their death, (VND10million) or illness or injury resulting in their early return (VND5million).³²

3. Trafficking

Ranking of the Vietnamese Government's efforts to address human trafficking according to the US Department of State's series of Trafficking in Person's Report³³

2001	2002	2003	2004	2005	2006	2007
Tier 2	Tier 2	Tier 2	Tier 2 Watch List	Tier 2	Tier 2	Tier 2

3.1 Internal Trafficking

Poorer women and teenage girls, typically aged between 15 and 17 years of age³⁴, without access to education, employment opportunities, and information about migration and trafficking³⁵, especially those from rural areas, are most at risk.³⁶ Ministry of Public Security and UNICEF research³⁷ indicate that while trafficking victims may come from anywhere in the country, those in some of the northern and southern border provinces, as well as the central province of Thanh Hoa are over represented in cases of trafficking. Domestic trafficking networks bring women and children from rural and remote areas to more urban, industrialized areas³⁸ sometimes for child begging or sexual exploitation.³⁹

In the 1990s, young women began to migrate more frequently than they had in the past, perhaps reflecting limited opportunities in their home provinces and new employment opportunities in emerging industries in cities, such as the labour intensive garment industry: the sustainability of employment in which is questionable given the long hours and sub-standard working conditions in both private and state-owned enterprises.⁴⁰

Similarities in recruitment patterns and victim profiles suggest linkages between international and domestic trafficking. Within urban areas, the pool of vulnerable women and children created by internal migration or trafficking networks may be at greater risk of international trafficking. From there, cross-border trafficking networks can transfer victims to other countries through borders in the North to China, and in the South to Cambodia. Other women travel abroad, primarily to Taiwan, for marriage⁴¹.

Domestic Workers - In Viet Nam, children are often forced to work to contribute to the livelihood of their families. Most are occupied as unskilled labour in the informal sector, in agriculture or in domestic labour. Although trafficking into the sex industry is the most common form of child exploitation in Viet Nam, victims are sometimes used for domestic work.

While all forms of forced labour are prohibited and there are strict regulations forbidding the use of under age labour (defined as under 18 years), the ILO estimates that one in every 100 households in Hanoi employs a child younger than 16 for domestic tasks.⁴² In Ho Chi Minh City, a total of 2160 children aged 10 to 17 are estimated to be employed in domestic labour. Of them, around 10 per cent are younger than 15.⁴³

Sex Industry – In 2003, the number of sex workers in Viet Nam was estimated at around 200 000, including some 13 percent being children aged less than 18 years.⁴⁴ The ILO Mekong sub-regional project⁴⁵ suggests that children are recruited to the sex industry in the north of the country generally from rural areas, particularly provinces adjacent to Hanoi and Hai Phong, whilst those in the south are more often from poorer urban families. The same study indicated that around one third of sex workers in major cities are aged under 18 and often employed by female employers. The children are generally from large families, often with poorly educated parents whose per capita income ranged from half the national average in the north, to less than a third of the national average in the south. They may have been living with relatives, or in some cases be orphaned or abandoned and living on the streets. In the main, children are procured by people from their own villages often by deception and/or the promise of good work. Children often report that it is their choice to engage in commercial sex work to help their families although many are forced by their families from whom they receive no support.⁴⁶ Young girls are often initiated into commercial sex through the sale of their virginity, which is believed to help the customer stay virile or to succeed in business. Sex with a virgin is highly valued.⁴⁷

One report notes that commercial sex work in Viet Nam is not only the result of poverty, i.e. women and girls being pushed into the commercial sex industry as a result of poverty, but also the consequence of increased wealth. Greater purchasing power resulted in increased local demand for commercial sex work. The economic growth since 1986 has thus provided a large group of new customers for commercial sex workers.⁴⁸

Very few cases of commercial sex work of boys were reported,⁴⁹ however, boys more often work individually on the street. In contrast, girls usually work in the more organized commercial sex business conducted in different price ranges in places ranging from brothels, mini-hotels, cafes, *beer om* [cuddle] places, and on the street.

Fishing – Men are often found in situations where they are vulnerable to exploitation, including within the fishing industry.⁵⁰ Very little information is available regarding trafficking of Vietnamese workers into the fishing industry however, the ILO/IPEC study posits that the fishing industry provides an opportunity to earn much more than village life would provide. While the life may be hard and sometimes dangerous it provides a form of subsistence.⁵¹

Other forms of child labour – Young Vietnamese women and children are trafficked domestically for child begging.⁵² According to one source, hundreds of trafficked children are ‘managed’ by child traffickers and rented daily to professional beggars, often women who have been trafficked themselves.⁵³ This same report claims that in 2003, some 25 000 children worked in Ho Chi Minh City, some of who had been taken from their parents and ostensibly sold into slavery.

3.2 International Trafficking

3.2.1 Source Country

Three major cross-border trafficking routes connect Viet Nam as a source country to several other countries in the Greater Mekong Sub-region and beyond. Northern Vietnamese women are trafficked to the People’s Republic of China (PRC) for marriage or for commercial sex work. From southern provinces, particularly in the Mekong delta, Vietnamese women and children are sold into the Cambodian sex industry. From Cambodia, victims can be transferred to a third country mainly Thailand and Malaysia or further afield to countries including Hong Kong, Macau, the United Kingdom and the Czech Republic.⁵⁴ And women from all regions are targeted by agents for marriage abroad mainly to Taiwanese or South Korean men. Southern women are often transported to Ho Chi Minh City where they are ‘selected’ for marriage.⁵⁵ Forced labour and illegal adoption of children further exemplify trafficking and exploitation of Vietnamese citizens.⁵⁶

Chinese border police have reportedly rescued more than 1800 trafficking victims on the Chinese-Vietnamese border since 2001, most of whom had been in forced marriages with Chinese men. An estimated 10 percent of all women in such marriages may be, or ultimately become, trafficking victims. An IOM estimate suggests up to 4000 Vietnamese women may be victims of trafficking in the commercial sex industry in Cambodia.⁵⁷ The 2007 TIP Report states that between 1995 and 2000, approximately five thousand trafficked women and children escaped from Cambodia.⁵⁸ Further indications of the extent of trafficking are given by Vietnamese police and court records. The Deputy General Director of the Vietnamese People’s Police General Department, Lieutenant-General Nguyen Viet Thanh, reported that thousands of women and children were trafficked over the past decade; perhaps 3800 into nearby countries and 7000 within Viet Nam. From 1998 to 2006, more than 3000 suspected human traffickers were arrested, and more than 1600 human trafficking cases reached the courts.⁵⁹ In 2006 alone, the Supreme People’s Court reported that more than 700 trafficking cases were tried nationwide involving some 1700 victims: more than 200 of them children. Convictions were recorded against more than 500 individuals, several receiving the maximum sentence of 20 years. In one instance, Ministry of Public Security police broke up a trafficking ring run by a Taiwanese couple taking Vietnamese women to Taiwan, Malaysia and Singapore for forced labour or brokered marriages. Seventy three individuals were arrested and 266 victims assisted.⁶⁰

Dottridge suggests that within the Mekong region, children and young women are generally trafficked by one or two persons, a family, or a known community member, rather than by an organized crime syndicate.⁶¹ Reports commissioned by the

Vietnamese government suggest complex criminal networks or organizations may be involved in cross-border trafficking from Viet Nam.⁶²

Based on the result of the research on cross-border trafficking in women and children conducted by the Department of Criminal Police of the MoPS and UNICEF Viet Nam in 2002/2003, trafficking was most prevalent from (number of victims): in the north, Quang Ninh (69); Bac Giang (66); and Lang Son (65); in the south, An Giang (350) and Tay Ninh (116) and the central provinces of Thanh Hoa (473) and Nghe An (180).⁶³

Vietnamese women and girls are lured with promises of employment and trafficked into sexual exploitation, forced labour, and forced marriage in China.⁶⁴ According to one report, between 1990 and 2000 approximately 20 thousand young women and girls were sent to China to become brides, domestic workers, or sex workers, however, it was not clear how many were victims of trafficking.⁶⁵ Young, single women with little education and information about the risks of trafficking are especially vulnerable. These women are at high risk of contracting HIV/AIDS and sexually transmitted diseases and regularly report rape and abuse by their Chinese husbands and in-laws. If the women manage to return to Viet Nam, discrimination is widespread. Children fathered by Chinese men are not always registered and the women have little access to counselling or social work assistance.⁶⁶

The north-eastern province of Quang Ninh is a source and transit province for trafficking, particularly in women and children into China. A survey⁶⁷ of 436 women including 213 returnees from China, conducted in this province found that most of the women were lured into southern China, often by relatives or friends, with promises of good jobs and husbands. Most women remained in rural areas within neighbouring Chinese provinces although almost 20 percent were moved (possibly trafficked) to larger urban areas, including Guangzhou. Returning to Viet Nam presented its own problems; difficulty finding jobs and, since most had lost their household registration whilst away, they were unable to claim land. While some women faced discrimination and were stigmatised, ("Going to China" is negatively interpreted as a being 'prostitute' or greedy) most reintegrated satisfactorily.

Cambodia is a major transit and destination country for Vietnamese migrants and estimates of Vietnamese living in Cambodia are upward of 150 000, many of whom arrived after the defeat of the Pol Pot Regime. Others arriving after 1988 are mostly family members of the earlier wave of migration, making Vietnamese nationals the single largest minority population in Cambodia with estimates ranging between 5 and 10 percent of the total population. Many of these are undocumented migrants, whose children subsequently become effectively stateless.⁶⁸ Add to this the historical animosity between Cambodians and Vietnamese, and these multi-generational migrants may represent a pool of particularly vulnerable persons with no access to health care, education or other social support services. Socially illiterate women and children living in poverty are also particularly vulnerable because they are more likely to trust other people and to be cheated. UNIAP states that most trafficking cases were carried out by criminal organizations or networks, operating through close linkages between national and international traffickers, using a complex array of sophisticated tricks.⁶⁹

Domestic workers - One third of Vietnam's official labour migrants are women, with the majority employed in overseas domestic work. By the end of 2003 there were an estimated 57 000 Vietnamese workers in Taiwan alone, although the unofficial number may be much higher. Most (80 percent) were female, working as caregivers, textile and garment workers and domestic helpers.⁷⁰ Dependency on employers, restriction of movement and poor working conditions are common, with some workers likely having been trafficked.

Sex work – Since 1995, 3761 cases involving 10 218 trafficked women and children have been officially recorded, with 87 percent of victims being trafficked into sex work, most to China and Cambodia. Other cases include trafficking to Hong Kong, Taiwan, and Macau, primarily through marriage.⁷¹

A study of 436 women from Quang Ninh province comprised 213 returnees from China. In this particular study, only 6 percent of the women were trafficked as sex workers, however anecdotally the numbers are much higher. For example, one returnee stated “there were hundreds of Vietnamese women and girls working at brothels in China”. Some of the women had to serve up to 15 clients a day. Many were locked up and experienced physical punishment if they disobeyed orders or tried to escape.⁷²

Between six and 30 percent of the total population of Vietnamese living in Cambodia are estimated to be involved in the commercial sex industry, with 30 percent the proportion most often cited.⁷³ Around 25 percent of Vietnamese families living in Cambodia have a female member working as a sex worker with about 60 percent having been forced to participate and the remainder having “chosen”.⁷⁴ Many girls are sold into the commercial sex industry, some for the sale of their virginity.

This is not exclusive to Vietnamese living in Cambodia, some child sex workers may be transported across borders specifically to ‘sell’ their virginity, often returning to Viet Nam to continue as sex workers.⁷⁵ There are also reports of a practice, at present rare but increasing in recent years, of children as young as 2 years of age being ‘sponsored’ by foreign men. Families are paid to care for the girl until such time as the foreigner comes to take her for sex.⁷⁶

Case Study⁷⁷

My mother is a member of a hui (a credit group). She needs money to contribute to the group. She forces me to make money this way. I work every day and she takes all the money. .. Two years ago she took me to Nam Vang in Cambodia. –She said I would work as a dish cleaner. I do not know how far it was from here but we left in the early morning and arrived in the evening. We came to a restaurant and there I was told that I should sell my virginity for good money for my family. I did not understand what virginity means so my mother explained it to me. She said sooner or later I would lose it, but better to lose it this time since I could make money. If not, I will lose it to some bastard friends and it will be wasteful to do so. –The customer was a middle-aged Chinese who bought my virginity with US \$300. My mother took money from him in advance and did not give any money to me. After that night, I stayed for about a month, making money by sleeping with all kinds of customers, including the Vietnamese. Then I travelled back and have worked in this neighbourhood ever since. ... It is better here since it is close to home. – She just gives me two clothes a year and pays for my breakfast only. – I did not get angry with her. She is my mother and my duty is to help her.

The Asian Migrant Centre reports that Vietnamese sex workers in Cambodia generally receive around US\$200 per month and receive some 3 to 5 clients per day. Wages are split 50/50 with the brothel owner however, workers usually commence work in debt after borrowing some US\$200 to 300 as an advance sent to their families. Workers report that it is quite difficult to repay the debt, especially if they incur unexpected expenses such as being arrested. They fear arrest as their job is illegal and unprotected, and are scared they could be sold to other brothels.⁷⁸ However, many workers see their jobs as a means to an end rather than a permanent way of life.⁷⁹

Although operating on a smaller scale, the sale of boys is not unknown. Most operate along the waterfronts and often also work as shoe shiners or book sellers. Sex is often arranged by an intermediary such as a taxi driver or pimp.⁸⁰

Marriage – A conference organized by the Vietnam's Women's Union was told that since 1998, approximately 87 000 Vietnamese women have married foreigners, more than 10 000 having done so illegally. Illegal brokerage services arrange the marriages, most to the Republic of Korea, Taiwan, Malaysia and China. An estimated 31 800 cases were reported between 2003 and the first quarter of 2005: 70 percent to Taiwan.⁸¹ Women from Ho Chi Minh City and the Mekong Delta marrying Taiwanese have reportedly been forced into the commercial sex industry after their arrival in Taiwan. Others were trafficked into the Macau Special Administrative Region of China with the assistance of organizations in China that were ostensibly marriage service bureaus, international labor organizations, and travel agencies. After arrival, women were forced into conditions similar to indentured servitude and some forced into the commercial sex industry. In 2002 the government suspended the licenses of marriage mediation services and transferred their function to the Women's Union⁸².

Following the implementation of an interview system in 2005, whereby Vietnamese government officials in Ho Chi Minh City and Hanoi interviewed Vietnamese women applying for Taiwanese visas for marriage, the number of Vietnamese women marrying Taiwanese men declined 70 percent to 3461 in the first eleven months of 2005. It has since risen again.⁸³

In contrast, the number of South Korea destined brides has more than doubled in the last five years.⁸⁴ Bridal tourism for South Korean men is an increasingly lucrative business venture in Viet Nam, with tours costing up to \$US10 000 for a 5 day trip, in some cases subsidized by local government.⁸⁵ The areas around Hanoi and Ho Chi Minh city are the major sources for brides for Korean men, and kidnapped women from Viet Nam are trafficked into southern Chinese villages.⁸⁶ Most of the women were promised better jobs and good husbands, and among those studied in Quanh Ninh province, it would appear that the latter was a driving force given that a majority were aged 18 to 24 and considered 'old' to be unmarried. Almost one third were sold as wives, often to old and disabled men, sometimes multiple men. They lived a life of hardship in dual roles as wives and labourers, often suffering physical abuse.⁸⁷

The Central Vietnam Women's Union approved an international marriage support project, funded by the Vietnamese Women's Culture Centre in Korea. To be implemented between 2007 and 2011, the project aims to protect the interest of Vietnamese women in marriages to foreigners, including support to rejoin their local communities in the event of their returning home.⁸⁸

Case Study

In 1991, Phuong was lured to the border by traffickers and taken against her will to China, where she was dragged to a house in a small town and sold to become an older man's wife.

"I didn't know how old he was or the name of the place we lived," she said. "I lost my freedom. I had to go everywhere with his family or else I was locked in a room. I had to work hard. When I was tired or sick, they didn't let me stop working."

Phuong remained captive for more than two years. Then one night, the family forgot to lock her door. She escaped and found her way back across the border to Viet Nam.

Adoption –Several adoption scandals involving forged documents, child abductions, offers to buy newborn babies and production of fake orphans have occurred during the last few years.⁸⁹ Individuals have also been convicted in cases in which parents received payments in exchange for giving up their infant children for adoption. In addition, there is anecdotal evidence that small children and infants were sometimes kidnapped and sold to traffickers in China.⁹⁰ Babies have reportedly been kidnapped from a hospital with the purpose of selling them to childless Vietnamese and Viet Kieu families, as well as to foreigners. There are reports of children sold for organs, which may or may not be true.⁹¹

In a report to the General Assembly, the Special Rapporteur on Trafficking noted that the sale and trafficking of babies for adoption is reported to be developing into a lucrative business in Viet Nam, following a sharp rise in international adoptions from the country in recent years. Children are being sold for up to US\$5000. In both the northern and southern parts of Viet Nam, child-for-sale syndicates have been uncovered, and information indicating that syndicates had procured hundreds of babies from poor families for illegal adoption since 1996. In July 2000, a child trafficking operation was uncovered that reportedly had sold 77 children to foreigners during the previous 18 months. In the same month, the authorities filed charges against more than 12 people, including health and justice department officials, for alleged involvement in the sale of approximately 350 children to foreigners over a three year period.

The report notes, *inter alia*: in January 2000, nine people involved in a ring that trafficked 199 babies abroad between 1995 and 1997 were sentenced to prison terms of up to 20 years; the defendants included a provincial justice department official and the director of an orphan care centre. Unmarried mothers and parents from poor rural families had been told by doctors and nurses that their children would be looked after by the health officials' relatives. The children were then brought to the orphanage to be sold to foreigners.

Other forms of Child Labour – The 2007 TIP Report states that children arriving illegally in the United Kingdom have become the victims of crime and abuse, including being forced to work in brothels, as beggars, in crime rings, and as drug traffickers.⁹²

Fishing - Approximately 22 000 mostly male Vietnamese workers in the Republic of Korea are employed in the fishing industry. Low wages, mistreatment and hazardous working conditions have been widely reported.⁹³ Workers are often recruited legally for jobs within the Taiwanese fishing industry only to be subjected to forced labour or debt bondage upon arrival in Taiwan.⁹⁴ In 2003, 2241 Vietnamese fishermen were identified in Taiwan⁹⁵ many suffering abuse exacerbated by their isolation during the long periods spent at sea, and the dangerous nature of deep sea fishing. Employers or employment agencies illegally deduct expenses such as accommodation and food costs from salaries, which should be covered by the employer, and fabricate loans that workers must repay. Fishermen have the highest rate of absconding from employers among all migrant workers in Taiwan. A group of fishermen who escaped from their fishing boat after two years at sea were found to have been brought into Taiwan on a 14 day tourist visa. They reported that they had been forced to work 20 hours per day and had not been paid.⁹⁶

3.2.2 Transit Country

There is little evidence of Viet Nam being used as a transit country for human trafficking.

3.2.3 Destination Country

Viet Nam is a destination country for trafficked Cambodian children who are taken to urban centres for forced labour often as beggars or for sexual exploitation.⁹⁷ An IOM

(2002) study identified a number of Cambodian boys and girls aged between eight and 17 years who had been recruited in Svay Rieng Province to work in Ho Chi Minh City. Most worked as beggars. The children had usually been recruited by offering to pay the children's parents (often the equivalent of US\$6.65) upon the children's return. They were identified as trafficking victims owing to their age, working conditions and harsh treatment.⁹⁸

4. Issues for consideration

4.1 Lack of research/data – As is apparent in many other countries, there is a lack of data and such data as is collected is often difficult to compile into coherent, compatible data sets.

East Asia has been represented neither sufficiently nor accurately in databases compiled by international organizations such as the IOM, the United Nations Office on Drugs and Crime (UNODC), and the United Nations Children's Fund (UNICEF).⁹⁹ Much of the information reported on individual cases, relies heavily on anecdotal evidence. Figures are often based on published estimates without explanation of how figures are calculated. Most data are based on 'guesstimates' which in many cases are used for advocacy or fund-raising purposes.¹⁰⁰ In addition, by its very nature, most of the relevant populations involved in trafficking constitute hidden populations, often involving illegal behavior resulting in individuals refusing to cooperate or to give unreliable answers to protect their privacy. More research is needed, and greater efforts by Government to identify and record data which is comparable across the whole of government. The Vietnamese Government does not currently collect statistical information on trafficking cases.

4.2 Government responses – The 2003 *Ordinance on Prevention of Prostitution* prohibits sex trafficking, with stringent penalties for trafficking for sexual and labour exploitation. Other laws may be employed against traffickers, however, lack of standardised and comprehensive legislation impedes more effective punishment of trafficking offenders. Victims of trafficking are able to seek compensation under Vietnamese law.

The National Plan of Action (NPA) Against the Crime of Trafficking in Children and Women was signed in July 2004 and will operate until 2010. The NPA is enforced by the Ministry of Public Security (MoPS), with a focus on tackling the problem of trafficking through four different strategies: 1) awareness raising and educating within communities targeted at potential victims to prevent trafficking, 2) prosecuting traffickers, 3) repatriating, rehabilitating, and supporting the victims of trafficking, and 4) developing and finalizing legal frameworks to prevent and combat human trafficking.¹⁰¹ The National Program of Action has recently received additional funding and improved implementation, and there have been increases in investigations, arrests, prosecutions, and convictions of traffickers.¹⁰²

The Government reports that between 1998 and 2003, the People's Court prosecuted 942 cases of trafficking in women and children, involving 1618 perpetrators, although the exact charges are not available.¹⁰³ Vietnam has recently established specialist police anti-human trafficking units at central and province levels, and the Government has lately instigated many more criminal cases against

traffickers, which according to The Supreme People's Court represents a 60 percent increase in trafficking cases before the courts over the last five years. A legal handbook has recently been developed to assist judges and prosecutors in considering trafficking cases. While there is no suggestion of corruption among senior government officials, there is evidence that some lower level officers participate in trafficking and/or accept bribes.

Viet Nam has developed MOUs with Cambodia and China addressing trafficking of women and children: The Vietnam-Cambodia Bilateral Agreement on Elimination of Trafficking in Women and Children and on Victim Assistance, and the Memorandum of Understanding on Cooperation in Combating Crimes.¹⁰⁴ Passage of the new *Export Labour Law* should also assist in protecting Vietnamese migrant workers.

The IOM office in Cambodia reported that Viet Nam returned to Cambodia 27 victims of trafficking in 2004, 93 in 2005 and 164 in 2006. Between 15 May 1999 and 31 March 2005, a total of 47 Vietnamese victims of trafficking were returned from Cambodia and in May 2005 nine more were awaiting repatriation. The largest number of returns is from China but there exists no formal process of victim identification in southern China, so victims are generally returned in mass deportations, "sometimes with those who have trafficked them"¹⁰⁵. Unfortunately, existing policies also fail to recognise the reality of extensive cross-border marriage, which is inevitable due to local demographic factors. As a result, happily married women may be apprehended and deported up as part of anti-trafficking campaigns, and be separated from their husband and families.¹⁰⁶

Similar to other countries in the Greater Mekong Sub-region, family tracing in Viet Nam is time consuming, more specially trained social workers are needed and a more returnee-centered approach is recommended.¹⁰⁷ Although the system could be strengthened, Marshall's 2006 review of Vietnamese return, recovery and reintegration procedures suggested the system's effectiveness is based in part on the dedication and competence of most officials involved, and the linking of vocational training with job opportunities.¹⁰⁸ Marshall's recommendations are noted.

In January 2007 the Prime Minister issued a Decision on the promulgation of reception and community-based reintegration support mechanism for returned women and children victims of trafficking (unofficial translation). Among other things, the Decision requires police stations at international border crossings and in border provinces to set up victim reception centres, at which victims should remain for not more than 15 days. Provincial People's Committees are to establish victim support centres providing health and psychological support, education and life skills, where victims should remain for not more than 30 days unless continued care is required, in which case the period can be extended to 60 days.¹⁰⁹

The Government has begun spending the US\$4.86 million allocated in its 2005 to 2010 State budgets to improve services and facilities for returned and at-risk women and children, and has issued new regulations and specific government wide protocols for the return and reintegration of trafficking victims. The government established a global fund for Vietnamese embassies and consulates to access when needed for repatriation of trafficking victims.

Recommendations

Despite the government's efforts, more is needed including action to:

- **Increase anti-trafficking budgets**

The Government should allocate additional funds to increase its substantial anti-trafficking initiatives.

- **Enforce new legislative framework to better manage the labour export industry**

Every effort should be made to ensure that the new export labour legislation enacted on 1 July 2007 is enforced. The law mandates tighter controls on labour export agencies, provisions for pre-departure education, dispute resolution and family support mechanisms where necessary, and is a commendable initiative on the part of the Vietnamese government. If properly implemented, the legislation should provide additional protection for foreign workers from exploitation and the risk of trafficking.

- **Consider means to reduce debt bondage**

The Government should employ economic and policy analysts to devise a means to eradicate or reduce systems of debt bondage. Source and destination government fees could be revised (or abolished), as both economies benefit enormously from migrant workers' labour and remittances. Systemic labour migration costs associated with training, recruitment and placement fees could be offset by government, or minimised through the provision of no-interest government loans. In some instances, perhaps this process could be managed through the involvement of international agencies or large NGOs.

An enormous amount of money changes hands throughout the labour migration process. Traffickers, sending and receiving governments and employers receive substantial economic benefit from migrant workers' labour. The economics of labour migration is complicated, however, the fact that migrant workers bear the substantial cost is iniquitous, particularly given that they are usually the most economically (and otherwise) vulnerable of all parties. There are many issues for consideration in the development of a less fundamentally exploitative system, not the least of which is the imperative to mandate and deliver fair wages and conditions, however, the issue of debt bondage is paramount as in many instances, it is an employee's debt that triggers their entrapment in exploitative and abusive employment.

- **Develop mechanisms to investigate and police the condition of domestic workers inside private households in Viet Nam**

The Government should increase regulation and monitoring of domestic workers' employment, and should prosecute employers who exploit or abuse their employees. Workers should be allowed freedom of movement, as restriction of a person's movement is usually considered a standard factor on the checklist of

means used by traffickers to force people into exploitative situations. Workers should be given freedom of movement outside working hours (which clearly need to be set) and should be permitted to reside in independent living quarters.

Efforts are needed to assess the conditions of domestic workers in Viet Nam to ensure that adult and child domestic workers are not trapped in exploitative and abusive conditions. The fact that many children work in households despite underage labour being illegal is an anachronism that needs attention; either changing the law to allow and set clear standards for the employment of those under 18 years or enforcing child labour laws and removing children from domestic employment.

- **Increase monitoring and enforcement mechanisms targeting the labour recruitment industry**

Closer monitoring of recruiters is required to ensure workers are fully informed of the conditions of their employment and are charged according to state set fees. Each worker should be provided with a basic, clearly worded contract including monthly salary and all expenses.

- **Provide additional support to programs targeting international marriage**

Additional research, policy analysis and programs are required to strengthen protection for women at risk of being trafficked through international marriages. While the international marriage support project is a welcome initiative, further support on this issue is needed. Also, recognition of many cross-border marriages between Vietnamese and Chinese would mitigate against Vietnamese partners being caught up in deportations aimed at reducing illegal migration and trafficking.

- **Develop strategies to assist and protect the increasing number of street kids**

Strategies should be developed to increase assistance to children living on the streets. The number of children living on the streets, particularly in highly urbanised areas represents a highly vulnerable population. Examination of the reasons for, and development of sensitive strategies to manage, the increase in numbers is of utmost importance. Any assistance provided should be sensitive to the various reasons these children are living on the streets, and should offer support while respecting the rights of these children.

- **Extend legislation to prevent exploitation of child labour in the private sector**

Further research is required to facilitate the setting of appropriate standards for children working in the private sector. While Vietnamese legislation offers some protection for child labourers in the state owned sector and joint ventures, protections in the private sector are very limited. It is in this sector children will be most at risk of being involved in harmful work.

- **Develop protocols and provide training to police officers and border guards**

Greater attention should be paid to the role of police, particularly those operating at street level, and their responsibility in investigating and responding to cases of abuse and exploitation, including trafficking. Police training should include further understanding of issues relating to trafficking and exploitation, how to respond appropriately to complaints, how to investigate and collect evidence in such cases, and the provision of appropriate referrals for health care, counselling, legal aid, and referral to shelters. Strong investigation of abuse cases would likely lead to increased prosecution of employers and agents who have inflicted physical and sexual violence, and other abuses.

- **Strengthen efforts to prosecute and convict public officials who profit from or are involved in trafficking**

Greater efforts should be made to identify and prosecute corrupt officials. Corruption seriously undermines efforts to prevent trafficking as laws and policies are worthless unless effectively implemented.

- **Increase services for victims**

The Government should increase services to victims of trafficking. While the Government provides some impressive, effective services for victims, the system could be improved through efforts to increase the skill set of officials and support staff, develop mechanisms to expedite family tracing, improve follow up activities, and make the process more victim centred.

- **Sign and ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime**

- **Ratify the Convention on the Protection of All Migrant Workers and Members of Their Families.**

Chapter 4. ASEAN's Response to Human Trafficking

1. ASEAN's Broad Structure

The Association of Southeast Asian Nations (ASEAN) was established in 1967 by the five original Member Countries: Indonesia, Malaysia, the Philippines, Singapore, and Thailand. Five other Member Countries have since joined: Brunei Darussalam (1984), Vietnam (1995), Lao People's Democratic Republic (1997), Myanmar (1997), and Cambodia (1999). ASEAN now represents the interests of some 500 million people, generates a combined gross domestic product of approximately US\$700 billion, and conducts trade worth about US\$850 billion.¹ ASEAN Member Countries have committed to work together to combat human trafficking. That agreement is based on a number of formal agreements and mechanisms.

The ASEAN Declaration states that the aims and purposes of the ASEAN are:

1. to accelerate economic growth, social progress and cultural development in the region, and
2. to promote regional peace and stability through abiding respect for justice and the rule of law in the relationship among countries in the region and adherence to the principles of the United Nations Charter.

ASEAN's 'fundamental principles'² guide Member Countries' relations with one another:

- a. mutual respect for the independence, sovereignty, equality, territorial integrity, and national identity of all nations;
- b. the right of every State to lead its national existence free from external interference, subversion or coercion;
- c. non-interference in the internal affairs of one another;
- d. settlement of differences or disputes by peaceful manner;
- e. renunciation of the threat or use of force; and
- f. effective cooperation among states.

Clearly, state sovereignty is considered paramount (as outlined in not one, but the first three of the principles: a. to c.). This has various implications, not the least of which is the challenge of devising ASEAN agreements that do not conflict with one or more countries' domestic laws. Principles d. and e. relate to the goal of achieving peace within the region, and to ASEAN's credit, no tension has escalated into armed confrontation among ASEAN Member Countries since ASEAN's establishment (which was not the case prior to ASEAN's founding). The final principle, 'f.' relates to the spirit of effective cooperation. This principle is now understood to offer broad possibilities and provides the greatest potential for reducing human trafficking.

The ASEAN Vision 2020, adopted in 1997, agrees on a shared vision of ASEAN "as a concert of Southeast Asian nations, outward looking, living in peace, stability and prosperity, bonded together in partnership in dynamic development and in a community of caring societies".³ Vision 2020 aims to promote closer consultation in macroeconomic and financial policies, and to advance economic integration and cooperation. Vision 2020 states:

We envision our rich human and natural resources contributing to our development and shared prosperity. ... We commit ourselves to moving towards closer cohesion and economic integration, narrowing the gap in the level of development among Member Countries, ensuring that the multilateral trading system remains fair and open, and achieving global competitiveness. ... We will create a stable, prosperous and highly competitive ASEAN Economic Region in which there is a free flow of goods, services and investments, a freer flow of capital, equitable economic development and reduced poverty and socio-economic disparities.

Although ASEAN has specifically named its goal of developing a free trade area and facilitating the free flow of investments, the relationship of this vision to the flow of labour (as opposed to goods and capital) across borders, remains less clear. Not surprisingly, national interests on labour migration are, at times, competing as the result of the competing interests of source countries aiming to facilitate employment for their respective workers, and competing interests of source and destination countries, the latter of which can be preoccupied with keeping people out despite demand for their labour, and keeping salaries down to maximize domestic profits.

The **ASEAN Declaration on Transnational Crime** (Full copy at Appendix 1) was signed by ASEAN Member Countries in 1997. 'Convinced that the continuity of existing global framework against transnational crime rests on consolidated regional action in the institutional and operational spheres' ... Member Countries committed "to take firm and stern measures to combat transnational crime such as drug trafficking and trafficking of women and children, as well as other transnational crime". The Declaration focuses on the need to strengthen the commitment of Member Countries to cooperate at the regional level in combating transnational crime, and encourages networking of relevant agencies and organisations, and cooperation with UN and other relevant agencies. It also suggests measures such as the establishment of an ASEAN Centre on Transnational Crime and assigning of police liaison officers to facilitate inter-country exchanges. The associated plan of action commits to:

- ensure that trafficking in persons is a crime in all Member Countries
- ensure key national policies are consistent within the ASEAN region
- identify ways for law enforcement officials to work together, bilaterally and multilaterally
- arrange joint training for law enforcement officials
- develop a regional training program on victim assistance

In 2003, the ASEAN Leaders resolved that "an ASEAN Community shall be established comprising **three pillars**" of regional cooperation. The way in which trafficking is perceived in relation to these three pillars is important:

Pillar 1 - The ASEAN Security Community is focused on ensuring intra-regional disputes are settled peacefully and ASEAN Member Countries recognise and effectively manage their security interdependence.

It might be argued that human trafficking fits neatly under the 'security' umbrella as trafficking has been interpreted by many governments, particularly receiving governments, as a threat to national security. A focus on

controlling the illegal entry of foreign nationals, be it undocumented or falsely documented, has been one motivation for many governments to take a strong law and order approach to trafficking. (The involvement of organised crime is another motivation.) Trafficking has been equated with people smuggling, with governments aiming to detain smugglers and smuggled persons, followed by their prosecution and/or deportation. Even, the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children is essentially a law and order response, situated as it is under the UN Convention against Transnational Crime. Fortunately, recognised international best practice is now moving towards a more holistic response to the trafficking problem, and particularly the identification of trafficking victims as victims of crime. Consequently, it is vital that trafficking not be subsumed as primarily a security concern.

Pillar 2 - The ASEAN Economic Community aims to establish ASEAN “as a single market and production base ... making the ASEAN a more dynamic and stronger segment of the global supply chain”⁴.

Trafficking is fundamentally about profiteering, with economic considerations driving the organised movement of people for exploitation. Unfortunately, ASEAN's Economic Community has been focused to date on the development of joint/shared infrastructure such as roads, telecommunications, and energy, and the movement of goods and capital (all clearly useful strategies), despite the fact that in many instances, goods are produced (grown, fished, harvested, etc.) by foreign workers employed to fill the demand of domestic employers, and domestic workers are able to participate in their nation's formal sector through the employment of foreign workers providing services in their homes. The second pillar makes little reference to the flow of labour, although it does find agreement to facilitate the movement of “business persons, skilled labour and talents”. Should ASEAN wish to emulate some of the European Union's significant success as a powerful, regional economic bloc, greater ambition of vision requires that greater movement of migrant labour and accompanying protections be considered under this pillar.

Pillar 3 - The ASEAN Socio-Cultural Community aims to develop “a Southeast Asia bonded together in partnership as a community of caring societies” founded on a common regional identity.

This pillar's focus on social development includes recognition that the development of human resources is a key strategy for employment generation, alleviating poverty and socio-economic disparities, and ensuring economic growth with equity. ASEAN has committed to ensuring its workforce be prepared for, and benefit from, economic integration by investing more resources for basic and higher education, training, science and technology development, job creation, and social protection. This pillar holds enormous potential as applied to human trafficking because the delivery of stronger education and training, job creation and social protection has the potential to significantly reduce peoples' vulnerability to trafficking. Further, a focus on labour protections as a means to reduce socio-economic disparities has the potential to reduce/limit trafficking sites.

4.2 ASEAN Human Trafficking Related Mechanisms

ASEAN has taken a number of actions to address human trafficking.

The Ha Noi Plan of Action (1998) was developed as a series of plans of action to increase ASEAN's capacity to achieve the goals outline in the ASEAN Vision 2020. It contained a number of measures related to immigration and trafficking, particularly accelerating the freer flow of skilled labour and professionals in the region, and the strengthening of ASEAN collaboration on combating the trafficking of, and crimes of violence against, women and children (Note, men are excluded). The associated **Ha Noi Declaration** also reiterated ASEAN's goal to address transnational crimes such as smuggling and trafficking in persons. In light of the above, the 1999 3rd Meeting of the ASEAN Directors General of Immigration Departments and Heads of Consular Affairs Divisions of the ASEAN Ministries of Foreign Affairs agreed to establish a High Level Ad-hoc Experts Group Meeting on Immigration Matters to:

- establish an institutional framework for ASEAN cooperation on immigration matters so that ASEAN immigration authorities could respond effectively to the needs and aspirations of ASEAN;
- develop a Plan of Action for Cooperation on Immigration Matters to maximize the benefits of regional cooperation on immigration matters and to assist in supporting ASEAN endeavours outlined in the ASEAN Vision 2020 and the Ha Noi Plan of Action; and
- establish an ASEAN Directory of Immigration Focal Points to facilitate networking among the immigration authorities in ASEAN, especially in the area of enforcement.

The ASEAN Plan of Action on Immigration Matters offers a mixed bag. Its general objectives are to strengthen immigration cooperation with a view to establish an effective network to promote the modernization of immigration facilities, systems and operations; upgrade human resources capabilities and capacities of immigration officials to support the economic aspirations of ASEAN; support efforts to combat transnational crime, and streamline region-wide immigration procedures to facilitate intra-ASEAN commerce, tourism and travel. Broad recognition of the need to restructure migration per se, to support both migrant workers and local industry is missing. The second tiered 'specific objectives' offer more hope:

1. To develop a strong network among immigration authorities in ASEAN to promote and facilitate economic cooperation and combat transnational crime, especially trafficking in persons;
2. To foster regional cooperation aimed at modernizing immigration systems, operations, facilities and human resource development;
3. To strengthen regional capacities and capabilities through effective networking and cooperation to facilitate intra-ASEAN economic cooperation, especially in the areas of intra-ASEAN commerce, tourism and travel;

4. To cooperate amongst Member Countries in the movement of labour, both skilled and unskilled;
5. To upgrade human resource development capabilities through training for immigration officials towards the evolution of common ASEAN procedures and practices; and
6. To collaborate with other immigration authorities, ASEAN Dialogue Partners, the relevant

In particular, it is arguable that objective 4., which includes cooperation in the movement of labour, **both skilled and unskilled** [emphasis added] might deliver some benefits, however, the associated programme of action, while listing many valuable objectives, excludes any mention of any actions to facilitate the movement of unskilled labour. Moreover, the whole package (general objectives, specific objectives and programme of action) largely ignores the mandate under which it sits, which is ASEAN's stated objective to move 'towards closer economic integration, where greater intra-ASEAN economic cooperation and a free flow of people, goods and services are anticipated'⁵.

In November 2004, ASEAN Member Countries signed the **Declaration against Trafficking in Persons Particularly Women and Children**.⁶ (Full copy at Appendix 2). This welcome document recognises the 'urgent need for a comprehensive regional approach' including continuing dialogue, information exchange and cooperation. It acknowledges the social, economic and 'other' factors that cause people to migrate and make them vulnerable to trafficking, and commits to human development and security, and improving quality of life. It also recognizes the criminal nature and the immorality and inhumanity of trafficking. The Declaration commits:

1. to establish a regional focal network to prevent and combat trafficking in persons, particularly women and children, in the ASEAN region;
2. to adopt measures to protect the integrity of their respective passports, official travel documents, identity and other official travel documents from fraud;
3. 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;
4. to intensify cooperation among our respective immigration and other laws enforcement authorities;
5. 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;

6. to undertake actions to respect and safeguard the dignity and human rights of genuine victims of trafficking in persons;
7. to undertake coercive actions/measures against individual and/or syndicate engaged in trafficking in persons and shall offer one another the widest possible assistance to punish such activities; and
8. to take measures to strengthen regional and international cooperation to prevent and combat trafficking in persons.

The Declaration affirms ASEAN's unwavering desire to embrace the spirit of existing international anti-trafficking agreements, particularly the UN Convention against Transnational Organised Crime and the Anti-Trafficking Protocol. Although generally a useful anti-trafficking tool, the Declaration would be stronger if instead of just identifying that social, economic and 'other' factors motivate people to migrate and make them vulnerable to trafficking, it provided some commitment to regional strategies to address these factors. The use of the word 'genuine' at measure 6 is cause for concern. Who is a 'victim of trafficking' other than a 'genuine victim of trafficking'? The terminology suggests excessive apprehension that 'others' may claim 'victim' status. Surely this caveat is unnecessary if best practice policing and immigration procedures are followed. That being said, although the Declaration is heavy on law enforcement/border control, the drafters are to be congratulated for including human rights considerations among the many juggling priorities. Finally, the usual 'hands off' domestic politics is applied, with Member Countries committing to apply maximum effort by appropriate instruments as may be necessary and consistent with their respective national laws and policies. It is unfortunate that it is not possible to make a broader commitment to the development of domestic policies that provide maximum protection of human rights and domestic security while facilitating ASEAN's goals. Such a measure would surely still allow a broad degree of domestic and cultural interpretation. Finally, although some strong progress has been made on many of these commitments, the trafficking focal point is yet to be established (though that now appears imminent – see below).

In 2006, the Inter-agency Ad-Hoc Working Group on Trafficking in Persons was created and tasked with the development of a Work Plan to implement the ASEAN Declaration against Trafficking. The *2007-2009 Work Plan to Implement the ASEAN Declaration against Trafficking in Person, Particularly Women and Children*, prepared by the ASEAN Secretariat in consultation with the Philippines, was endorsed by the 7th ASEAN Senior Officials Meeting on Transnational Crime in Lao PDR in June 2007. The Work Plan focuses on developing common standards and strengthening criminal justice responses. Adoption of this Work Plan represents a major step forward. Its defined areas of action are welcomed. A permanent Trafficking in Persons Working Group was established in June 2007, and given primary responsibility for overseeing implementation of the Work Plan. The Work Plan is summarised below.

Work Plan to Implement the ASEAN Declaration Against Trafficking in Person, Particularly Women and Children
(Synopsis Only)

Area 1: Regional and International Cooperation

1.1 Establish a regional focal network to coordinate and advance ASEAN responses to trafficking in persons, particularly women and children.

- A regional focal network is to be established under SOMTC: the SOMTC Working Group on Trafficking in Persons

1.2. Strengthen the legal and policy framework around trafficking in order to promote more effective national responses as well as greater regional and international cooperation especially in relation to the investigation and prosecution of trafficking cases and the protection of victims.

- ASEAN Member Countries are encouraged to ensure their ratification of key international and regional treaties including the UN Convention and Protocol and MLAT as well as the Convention on the Elimination of Discrimination against Women and the Convention on the Rights of the Child.
- ASEAN Member Countries are further encouraged to consider supporting a region-wide survey of trafficking related laws including those dealing with money laundering, mutual legal assistance and extradition with a view to identifying effective practices within and outside the region and supporting those countries that wish to strengthen their applicable legal frameworks. The survey could also include recommendations for strengthening of regional legal mechanisms in identified areas such as extradition.
- ASEAN Member Countries are further encouraged to consider supporting the development of common quality guidelines on the criminal justice response to the crime of trafficking in persons as an extension of ASEAN's "checklist for an effective criminal justice response" set out in the 2006 *ASEAN Responses to Trafficking in Persons: Ending Impunity for Traffickers and Securing Justice for Victims* report.
- ASEAN Member Countries are finally encouraged to seek technical and financial support for the analysis, review and reform of national legal frameworks to ensure they provide the basis for an effective national response to TIP.

1.3. Improve the information position of ASEAN Member Countries with regard to trends and flows in the trafficking of persons from, through and to the region as well as the "modus operandi" of transnational criminal syndicates involved in TIP Progress to date:

- ASEAN Member Countries are encouraged to support initiatives aimed at strengthening their individual and collective capacity to collect, analyse and use TIP-related data.

1.4. Maintain and disseminate a detailed and current record of national, regional and international laws and policies related to TIP as well as country-specific and ASEAN-wide achievements and progress in the area of combating TIP Progress to date

- ASEAN Member Countries are encouraged to consider the possibility of requesting an annual supplement to the 2006 Study that would provide up to date information from all AMCs on TIP related developments. Consideration could also be given to the development of a second, fully revised edition of the study in two to three years time.
- ASEAN Member Countries are further encouraged to consider the possibility of requesting ASEAN Secretariat to facilitate the sharing among Member Countries of the Study and its supplements as well as national laws, regulations, and any other relevant information in relation to trafficking in persons in the ASEANWEB to allow Member Countries to access the information on-line.

Area 2: Law Enforcement Cooperation in the Investigation of Trafficking Cases

2.1 Strengthen ASEAN Member Country law enforcement capacities to investigate TIP cases

- Member Countries are encouraged to consider the finalisation, adoption and implementation of an ASEAN-wide *Training Curriculum on TIP for Front Line Law Enforcement Officials* – to be directed at police, immigration and border control officials who may be involved in providing a first response to a trafficking case.
- Member Countries are further encouraged to consider the development, finalisation, adoption and implementation of an ASEAN-wide *Training Curriculum on TIP for Specialist Law Enforcement Officials*.

2.2. Strengthen bilateral and regional cooperation between law enforcement agencies

ASEAN Member Countries are encouraged to support the heads of Specialist Units Process and, if they have not already done so, to consider setting up specialist units within their national police forces to deal with the crime of trafficking. ASEAN member Countries are further encouraged to consider requesting the HSU members to provide regular briefings and updates on their work to the Regional Focal Network proposed in 1.1.above. SOMTC is recommended to consider ways in which it can work more

directly to the Heads of Specialist Trafficking Units (HSU) process with the eventual goal of linking the process to SOMTC structures and processes.

Area 3: Prosecution and Adjudication of Trafficking Cases

3.1 Strengthen ASEAN Member Country capacities to successfully prosecute and adjudicate TIP cases

Member Countries are encouraged to contribute to the finalisation, adoption and implementation of the *ASEAN Curriculum on Trafficking in Persons for Judges and Prosecutors* and a more detailed technical training programme for prosecutors specializing or expected to specialize in trafficking in person cases.

3.2 Strengthen bilateral and regional cooperation between prosecutorial agencies of ASEAN Member Countries

ASEAN Member Countries are encouraged to support the development of an informal network of prosecutors and central authority legal officers based on the model of the HSU process. The network should function to facilitate exchange of information and experiences; encourage the development of personal and professional contacts between national agencies; and promote the adoption and observance of agreed quality standards in the prosecution of TIP cases throughout the ASEAN region.

Area 4: Victim Protection and Support

4.1. Strengthen ASEAN Member Country capacities to successfully identify, protect and support victims of trafficking in persons

* Member Countries are encouraged to contribute to the development of agreed quality standards as well as procedures and protocols that will ensure the rapid and accurate identification of victims of trafficking. This would include mechanisms for identification cooperating on a bilateral basis, preferably through the specialist trafficking units (see 2.1. above).

* Member Countries are encouraged to contribute to the development of agreed quality guidelines in relation to the protection and support of victims of trafficking as well as to procedures and protocols that will ensure the implementation of these standards.

* Member Countries are encouraged to contribute to the development of common guidelines in relation to the protection and support of victims of trafficking who are involved in the criminal justice process as witnesses as well as to procedures and protocols that will ensure the implementation of these standards.

A number of **ASEAN Ministerial Meetings on Transnational Crime** have been held. To maximise their effect, meetings have also been held with invited other parties, for example, meetings have included ASEAN plus China, and ASEAN +3

(China, Japan and the Republic of Korea). These meetings have considered a wide range of issues including terrorism, drug trafficking, money laundering, arms smuggling, sea piracy, international economic crime, cyber crime and trafficking in persons. Meetings have generally been referenced to the Work Programme to implement the ASEAN Plan of Action to Combat Transnational Crime, the development of which has taken some time.

Meetings have acknowledged the need to enhance coordination among relevant national agencies, and to ensure that their efforts are in line with the Work Programme. There is also agreement that direct lines of communication should be maximized to facilitate the timely exchange of intelligence and information. Not surprisingly, efforts have been focused more on perpetrators of crime than on victims of crime, however, the meetings have furthered the development of the Treaty on Mutual Legal Assistance in Criminal Matters (2004), with calls for all Member Countries to ratify the Treaty.

ASEAN Chiefs of Police Conferences have deliberated on a wide range of topics including illicit drugs trafficking, terrorism, arms smuggling, maritime fraud, commercial crimes, bank offences and credit card frauds, cyber crime, fraudulent travel documents, transnational frauds, the ASEANAPOL database system, mutual legal assistance in criminal matters, exchange of personnel and training programs amongst ASEAN police forces, and human trafficking. In relation to trafficking, the 24th Conference in 2004 agreed to:

- harmonize and share a common concept and framework of relevant laws
- support the adoption of a National Action Plan of Member Countries to combat human trafficking
- encourage Member Countries to sign bilateral or multilateral agreements on combating human trafficking and on assistance for victim support
- strengthen national, regional and international networks
- maintain close cooperation on the exchange of information and intelligence
- emphasize the need for strict border access control
- raise public awareness⁷

In May 2005, the 25th ASEAN Chiefs of Police Conference produced a Joint Communiqué⁸ including the following resolutions in relation to human trafficking:

1. To enhance information exchange among member countries on the identities, movements and activities of known transnational criminal organizations involved in human trafficking.
2. To appoint, update and disseminate the contact points from each member country for the purpose of liaison and exchange of information on human trafficking.

3. To encourage member countries to conclude bilateral or multilateral agreements on combating human trafficking and enhance cooperation in border control management.

Other recommendations of relevance have included developing more secure travel documents and accompanying administration, to deliver increased legal assistance in criminal matters under the ASEAN Mutual Legal Assistance Treaty, to urge governments to develop an Extradition Treaty amongst ASEAN countries, to assist police across jurisdictions (with liaison officers in each country), and to encourage governments to ratify the ASEAN Treaty on Mutual Legal Assistance in Criminal Matters. The exchange of police personnel and joint training programs among ASEAN police were also recommended.

Since 2004, leaders of ASEAN Member Countries' specialist anti-trafficking law enforcement units have met regularly to exchange information and insights. This process, now known as the **Heads of Specialist Trafficking Units Process** (or HSU) now involves eight of the 10 Member Countries: all but Brunei and Singapore. It has facilitated a system of intelligence and data exchange, and has been internationally recognised as a model of best practice.

The ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers⁹ (full copy at Appendix 3) was signed in January 2007. It refers to ASEAN's three pillars, the Universal Declaration on Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women, and the Convention on the Rights of the Child, as well as 'other' international instruments. It also refers to ASEAN's Vientiane Action Programme "which provides for, inter alia, the promotion of human rights and obligations to realise an open, dynamic and resilient ASEAN Community", and confirms shared responsibility for a secure and prosperous ASEAN Community by improving the quality of life of its people and strengthening its cultural identity towards a people-centered ASEAN through measures, including those to protect and promote migrant workers' rights. The Declaration recognises the contributions of migrant workers to the societies and economies of both ASEAN receiving and sending states, and acknowledges the need to address cases of abuse and violence against migrant workers. The General principles provide that:

1. both the receiving states and sending states shall strengthen the political, economic and social pillars of the ASEAN Community by promoting the full potential and dignity of migrant workers in a climate of freedom, equity, and stability in accordance with the laws, regulations, and policies of respective ASEAN Member Countries;
2. The receiving states and the sending states shall, for humanitarian reasons, closely cooperate to resolve the cases of migrant workers who, through no fault of their own, have subsequently become undocumented;
3. The receiving states and the sending states shall take into account the fundamental rights and dignity of migrant workers and family members already residing with them without undermining the application by the receiving states of their laws, regulations and policies; and

4. Nothing in the present Declaration shall be interpreted as implying the regularisation of the situation of migrant workers who are undocumented.

The Declaration places obligations on receiving states to protect migrant workers' welfare, human rights and dignity, facilitate broad access to resources and remedies including education, legal and consular resources, promote fair employment protections, and 'work towards the achievement of harmony and tolerance between receiving states and migrant workers'. The Declaration obliges sending states to enhance measures related to the promotion and protection of migrant workers' rights, ensure access to livelihood opportunities as sustainable alternatives to migration, establish policies and procedures to facilitate migration (including repatriation and reintegration), and reduce recruitment malpractices through regulation and policing of legal and valid contracts, regulation and accreditation of recruitment agencies and employers, and blacklisting of negligent/unlawful agencies.

All Member Countries have committed to:

- promote decent, humane, productive, dignified and remunerative employment for migrant workers;
- establish and implement human resource development programmes and reintegration programmes for migrant workers in their countries of origin;
- take concrete measures to prevent or curb the smuggling and trafficking in persons by, among others, introducing stiffer penalties for those who are involved in these activities;
- facilitate data-sharing on matters related to migrant workers, for the purpose of enhancing policies and programmes concerning migrant workers in both sending and receiving states;
- promote capacity building by sharing of information, best practices as well as opportunities and challenges encountered by ASEAN Member Countries in relation to protection and promotion of migrant workers' rights and welfare;
- extend assistance to migrant workers of ASEAN Member Countries who are caught in conflict or crisis situations outside ASEAN in the event of need and based on the capacities and resources of the Embassies and Consular Offices of the relevant ASEAN Member Countries, based on bilateral consultations and arrangements;
- encourage international organisations, ASEAN dialogue partners and other countries to respect the principles and extend support and assistance to the implementation of the measures contained in this Declaration; and
- task the relevant ASEAN bodies to follow up on the Declaration and to develop an ASEAN instrument on the protection and promotion of the rights of migrant workers, consistent with ASEAN's vision of a caring and sharing Community, and direct the Secretary-General of ASEAN to submit annually a report on the progress of the implementation of the Declaration to the Summit through the ASEAN Ministerial Meeting.

This Declaration, although long overdue, is a welcome addition to ASEAN's list of achievements and should facilitate greater protection of migrant workers and a reduction in human trafficking. It clearly states that various problems exist, many of which were previously unrecognised, specifies that states have obligations to address these, and makes some very useful, if broad, suggestions. The ILO

Regional Office in Bangkok has asserted that the Declaration suggests “political will is growing in the region to tackle the significant challenges facing their important group of workers”.¹⁰ ASEAN has already made a formal Declaration to facilitate formation of the Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers¹¹. Some commentators have suggested that progress would be facilitated by the establishment of a cooperative mechanism, ‘a high level task force to study the mechanisms and measures needed to implement the Declaration [with] the ensuing blueprint approved by ASEAN’ as a means to minimise the time consuming process of the process dominated by Ministerial and Senior Labour Officials Meetings.¹²

While not wishing to undermine the Declaration’s importance, its power is undermined by a number of factors. Firstly, it is a statement of intent, rather than a binding legal instrument. The Declaration explicitly recognises that all commitments are pursuant to the prevailing laws, regulations and policies of the respective state parties. State sovereignty is twice reiterated, in relation to states “determining their own migration policy relating to migrant workers, including determining entry into their territory and under which conditions migrant workers may remain”, and “the legitimate concerns of the receiving and sending states over migrant workers, as well as the need to adopt appropriate and comprehensive migration policies on migrant workers”.

Secondly, the Declaration primarily covers documented workers traveling within ASEAN countries. Given that many trafficked persons are made vulnerable to trafficking as a result of their undocumented or falsely documented status, it is difficult to gauge how significant the impact of the Declaration’s associated policies and programs will be. The lack of legal migration channels creates opportunities for illegal recruiters or intermediaries, and it is difficult to know whether this Declaration will result in the opening up of those channels. The rights of all workers need to be recognised, including those working in informal industries and undocumented migrants. Finally, among the list of UN Instruments specifically mentioned, the 1990 Convention on the Rights of Migrant Workers and their Families is noticeable by its absence.

Finally, the most recent ASEAN agreement which may affect ASEAN’s anti trafficking capacity is the June 2007 signing of a **‘Declaration of Cooperation’**¹³ by the ‘ASEAN Four’: the National Human Rights Commission of Indonesia (KOMNAS HAM), the Human Rights Commission of Malaysia (SUHAKAM), the Commission on Human Rights of the Philippines (CHRP) and the National Human Rights Commission of Thailand (Khamakarn Sit).

The ASEAN Four have formally pledged to develop a regional strategy to enforce the promotion and protection of human rights, including a strategy to work with ASEAN Member Countries to establish an ASEAN human rights mechanism. The ASEAN Four further agreed to carry out programs and activities on five human rights issues of common concern including the protection of the human rights of migrants and migrant workers, and the human rights aspects of trafficking in persons.¹⁴ The ASEAN Four agreement is the culmination of work which commenced in 2004.

Efforts to entrench a human rights perspective into anti-trafficking efforts can only be beneficial. Ethically, victims must be protected, however, the integration of a human rights approach into anti-trafficking efforts is motivated by more than that: To date, law and order responses focused solely on crime and migration have had little effect. The complexity of factors driving human trafficking demands an integrated approach.

3. Other ASEAN projects

In 2005, ASEAN commissioned the IOM to conduct a pilot research project to identify 'best practice' in human trafficking related data collection using case studies of data collection methods employed by Cambodian, Indonesian, Philippine and Thai government agencies. The excellent ***Trafficking in Persons: Using Data as a Tool to Combat Trafficking in Persons*** report forms the basis for some of the data-related observations in this report.

In 2006, SOMTC launched ASEAN's ***ASEAN responses to Human Trafficking: Ending Impunity for Traffickers and Securing Justice for Victims***. This very useful study reflected recent developments and emerging good practices to combat human trafficking among ASEAN Member Countries. It also included the practical and constructive 'ASEAN Checklist: Key Elements of an Effective Criminal Justice Response to Trafficking' (boxed below).

**ASEAN Checklist: Key Elements of
an Effective Criminal Justice Response to Trafficking¹⁵**

1. A strong and realistic legal framework in compliance with international standards.

- Trafficking in all of its forms is criminalised, either through a special law or through a combination of laws.
- Related offences, such as debt bondage, forced labour, exploitative labour, forced marriage and child labour, are criminalised.
- Trafficking is specifically included in laws addressing crimes relating to trafficking, such as the laws on tracing proceeds of crime, money laundering, organised crime, mutual legal assistance and extradition.
- The legal framework supports victims as effective witnesses. This might include laws allowing victims to remain in the country while they participate in criminal prosecutions; witness-protection schemes; and special laws of evidence for victims and witnesses, especially children.

2. Law enforcement agencies have the capacity to investigate trafficking. Because of the complexity of the crime, this usually requires a specialist anti-trafficking investigations unit.

- The specialist unit is given a mandate to investigate trafficking and enough authority to investigate trafficking effectively.
- The specialist unit is a formal part of the law enforcement system and structured in a way that meets local needs.

- The specialist unit has ongoing funding, allocated in each budget.
- The specialist unit has standard operating procedures in place for:
 - identifying victims;
 - monitoring cases; and
 - handling complaints.
- Suitable structures are established in the major cities, regions and provinces, particularly in trafficking 'hot spots'.

3. Frontline law enforcement officials know how to identify and respond effectively to trafficking cases.

- Frontline officials are trained to quickly and accurately identify:
 - victims of trafficking; and
 - perpetrators of trafficking
- Frontline officials are trained to identify, preserve and collect trafficking-related evidence.
- Frontline officials are educated on trafficking issues. Ideally, this will be incorporated into basic police training.
- Guidelines are in place on the identification and treatment of victims and suspects.
- There are clear lines of communication in place between the specialist anti-trafficking unit and the general police force.

4. Prosecutors and judges are willing and able to contribute to the criminal justice response to trafficking

- Prosecutors and judges are aware of trafficking issues and relevant laws.
- Prosecutors and judges that deal with many cases of trafficking have special skills.
- Prosecutors and judges who only come across trafficking cases occasionally have access to expertise on these cases.
- Courts are equipped to maintain the confidentiality and safety of victims, especially children, during the judicial process.
- Complaints mechanisms are available to assist with transparency and accountability.

5. Victims of trafficking are quickly and accurately identified and protected from further harm, while their immediate needs are met.

- There are clear and strong working relationships between frontline law enforcement officials and victim support agencies. Frontline officials are able to trust and work with NGOs, and NGOs are able to trust and work with frontline officials.
- Victim support agencies know how to support victims who are cooperating with law enforcement and prosecutors.
- Victims are informed quickly and accurately about their legal rights and options, such as laying charges or claiming civil damages.

6. All parts of the criminal justice system work together.

- There are written, agreed frameworks in place for cooperation between law enforcement, prosecutors and judges on trafficking.

- There are written, agreed frameworks in place for cooperation on information-sharing between criminal justice and victim support agencies. This includes protocols on victim identification, rescue, protection, support, referral and confidentiality.
- There are well-established and well-known lines of communication between law enforcement, prosecutors, courts and victim support agencies.
- There are systems in place for monitoring cooperation and coordination between police, prosecutors, courts and victim support agencies.

7. There are effective systems in place to ensure that the criminal justice agencies in one country can cooperate with the criminal justice agencies in another country.

- To facilitate cooperation, countries have consistent policies and laws in place on trafficking, including common definitions.
- Specialist police units have agreed on standard operating procedures, and hold regular meetings so that they can share intelligence and update their standard operating procedures as needed.
- Prosecutors in each Member Country are able to request assistance in obtaining evidence from other Member Countries.
- Mutual assistance and extradition procedures cover trafficking and operate effectively.

8. Donors work effectively

- At the bilateral and regional levels, donors are encouraged to fund programs that are consistent with, and that give effect to, the above elements of the criminal justice response.

The above checklist sets out all of the elements needed for a criminal justice system to respond effectively to trafficking, and reflects best practice in anti-trafficking initiatives from all over the world.

The May 2007 **ASEAN Workshop on Criminal Justice Responses to Trafficking in Persons** (the first of its kind) included the participation of specialist police, prosecutors and judges from all ASEAN Member Countries. The workshop facilitated discussion among criminal justice officials of their responses to human trafficking. The workshop generated a set of agreed '**Practitioner Guidelines**' for use in ASEAN Member Countries, and a draft outline curriculum for an ASEAN Awareness Program on Trafficking in Persons for prosecutors and judges to be piloted over the next 12 months.

4.4 Other Regional Mechanisms

Recently, there has been an increasing level of multilateral collaboration to combat forms of transnational crime and human trafficking, and many agencies are active in addressing these issues. Regional cooperation has been facilitated by two **Ministerial Conferences on People Smuggling, Trafficking in Persons and Related Transnational Crime** held in Bali in 2001 and 2003. These conferences included all ASEAN Member Countries (as well as many others).¹⁶ The Conferences

triggered a range of strategies and projects which, although acknowledging 'the human rights dimensions of the problems of people smuggling and trafficking in persons', have had a strong law and order approach:

Smuggling of migrants and trafficking in persons are immediate and serious problems. They threaten the integrity of States' borders at a time when national security is a serious concern for all countries. They compromise national sovereignty and the rule of law.¹⁷

The **Memorandum of Understanding on Cooperation against Trafficking in Persons (COMMIT)** was signed in October 2004 by six of the Mekong region states: Cambodia, China, Lao PDR, Myanmar, Thailand and Vietnam. All except China are ASEAN Member Countries. COMMIT constitutes a sub-regional agreement for cooperation between the six governments to combat human trafficking. A Sub-regional Plan of Action aims to be strategic and comprehensive, and deliver effective cooperative endeavours against human trafficking. COMMIT is governed by an annual meeting of Senior Officials which meets in a different Mekong country each year, with UNIAP serving as Secretariat. COMMIT has been an effective mechanism to progress anti-trafficking initiatives.

Significant trafficking/migration related **Memorandums of Understanding** have been signed between:

- Indonesia and Malaysia
- Thailand and Vietnam
- Thailand and Lao PDR
- Thailand and Cambodia
- Cambodia and Vietnam

Neighbouring Member Countries are developing cross-border working arrangements: some of them innovative and impressive.

A **Memorandum of Understanding** on non-traditional security threats was signed by ASEAN Member Countries and China in 2004. In this context, the parties have agreed to cooperate on a range of issues including trafficking in persons.

The **Joint Declaration for Cooperation to Combat International Terrorism** was signed by ASEAN Member Countries and the United States in 2002. The associated work plan includes trafficking in persons as a possible area of cooperation.

The **ASIA Regional Cooperation to Prevent People Trafficking** project commenced in 2003. The AusAID funded project focused on strengthening criminal justice responses to trafficking in ASEAN countries. Following its conclusion in 2006, the project was followed by the Asia Regional Trafficking in Persons project (ARTIP) and is expected to run for up to 5 years. Like its predecessor, ARTIP is focused on the criminal justice response to trafficking with a special emphasis on ending impunity for traffickers and securing justice for victims. The project is working with Cambodia, Lao PDR, Myanmar, Thailand and recently, with Indonesia.

Chapter 5. ASEAN – Looking Forward

ASEAN Member Countries continue to face a number of challenges, including:

- a lack of understanding about what trafficking is
- limited resources to combat trafficking
- a failure to see trafficking as a priority
- ineffective monitoring of the working conditions of people employed overseas
- limited safe and regular migration routes
- limited scrutiny of unsafe and exploitative working conditions, including within domestic environments
- limited cross-border cooperation
- inadequate or inappropriate laws
- the complexity and multifaceted nature of trafficking, making investigation difficult
- the need to protect victims while also pursuing an aggressive approach to apprehending and punishing those responsible for trafficking
- the complicity or involvement of officials in trafficking¹

As demonstrated in the country profiles, Member Countries are making significant efforts to address these challenges but there is still much to be done. ASEAN has recently taken unprecedented steps towards achieving agreement on appropriate measures to reduce human trafficking. The ASEAN Declaration against Trafficking in Persons Particularly Women and Children and the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers have the potential to greatly increase ASEAN's effectiveness in combating human trafficking. The engagement of destination countries, which traditionally are better resourced but less motivated to tackle trafficking issues, is to be applauded. ASEAN and ASEAN Member Countries are adopting measures that are among the world's best practice, and ASEAN has the potential to develop to become a world leader in the fight against human trafficking.

Aside from the substantial work currently being undertaken, ASEAN's actions to reduce human trafficking could be further strengthened by Member Countries working cooperatively to develop and implement:

- **A sophisticated, integrated approach to human trafficking that facilitates inclusion of human rights and victim support**

Although key ASEAN documents include mention of human rights and concern for victims' welfare, in practice, most Member Countries demonstrate minimal commitment. While it is vital that countries build capacity to deliver criminal justice related methods, policy and programs to reduce trafficking and prosecute traffickers, it is also crucial that anti-trafficking strategies be imbued with a human rights perspective.

The importance of human rights and the benefits of providing mechanisms to deliver human rights are raised by the UN General Assembly's 1993 *Vienna Declaration and Program of Action* which refers to "the need to consider the possibility of establishing regional and subregional arrangements for the promotion and protection of human rights where they do not already exist"². That

same year, the ASEAN Inter-Parliamentary Organization (AIPO) stated “it is...the task and responsibility of member states to establish an appropriate regional mechanism on human rights” in its *Declaration on Human Rights*. Most member states have no domestic human rights institution (the exceptions being Indonesia, Malaysia, the Philippines and Thailand), and ASEAN also lacks a human rights mechanism.

Many different kinds of human rights violations occur in Southeast Asia, as in countries throughout the world. The Working Group for an ASEAN Human Rights Mechanism argues that an ASEAN human rights mechanism would:

- assist ASEAN member states to address human rights concerns in their respective jurisdictions
- ensure that international human rights laws are observed and implemented by ASEAN countries which have agreed to them
- help ASEAN people develop a common understanding of universal human rights issues and perspectives³

The national human rights bodies of Indonesia, Malaysia, Philippines and Thailand have formally recommended that the ASEAN Charter currently being drafted include provisions on the importance role of national human rights institutions in the promotion of respect for human rights and fundamental freedoms, and the importance of the establishment of national human rights institutions in ASEAN Member States. They have also jointly called for the establishment of an appropriate ASEAN human rights mechanism. Southeast Asia is one of the last areas in the world lacking an intergovernmental human rights mechanism.

- **Consistent, compatible definitions of trafficking in persons that ensure inclusion of all cases (not only those relating to sexual exploitation)**

ASEAN Member Countries have agreed to work together to combat trafficking but lack a common understanding of what trafficking is. Member countries employ different definitions of trafficking in persons, and sometimes different definitions within countries. This reduces ASEAN’s capacity to tackled human trafficking on a regional and inter-country level. An obvious example is Thailand’s exclusion of men from its trafficking related laws (soon to be amended), while Cambodia allows for the inclusion of men, women and children: a situation which impacted their Memorandum of Understanding.

More work needs to be done to develop a more compatible, wide-reaching definition of trafficking in persons for application by ASEAN Member Countries. Currently, “one country’s ‘trafficking victim’ is another country’s ‘illegal migrant.’”⁴ An ASEAN-consistent definition of trafficking needs to consider: What is trafficking?; How does trafficking differ from migrant smuggling and irregular migration?; Who is a ‘victim’ and who is a ‘trafficker’?; and finally, Can the UN Protocol’s definition of ‘trafficking’ be adopted as a means to facilitate greater international compatibility.

- **Better data collection models to be used by governments**

Trafficking takes many forms and the specifics are constantly changing as traffickers respond to new impediments and identify new opportunities. It is vital

that Member Countries understand exactly what is going on in their own country and to their citizens trafficked abroad: their ‘trafficking profile’. Human trafficking data collection is not a simple process. Inconsistency and lack of clarity in law and policy is reflected in poor data collection. Terminology such as ‘trafficking’ and ‘exploitation’ needs to be defined and understood. There should not be an assumption that people will simply ‘know’ what terms mean, as people frequently do not know, cases are not identified and even trafficking cases which include government intervention remain underreported. The best integrated computer technology in the world will produce nothing useful unless those collecting data understand what it is they are collecting. Officials need to understand the purposes for which they are collecting data as context can assist with clarity of purpose.

Usually, many different agencies are involved in data collection (or if not, they should be) as human trafficking cuts across many different portfolios. Data collected by a range of agencies must be capable of being integrated in a time-efficient, straightforward manner. If data must be sourced from individual agencies or if data compilation is too difficult, evidence suggests that in most cases it won’t be collected and analysed. Data collection must be coordinated to the extent that cases are not double counted, and key staff of different agencies understand the full range of data being collected by all agencies, and are able to draw on that data to inform policy and program development. They must understand what data from other agencies actually means, so they do not draw conclusions based on erroneous assumptions. Data collection must include all cases and not refer solely to, or be skewed towards, women and children exploited in the commercial sex industry

Data collection must also include confidentiality and privacy provisions. Currently, it is common practice in many areas for agencies to hand over case files that include comprehensive details of victim’s names and other personal information, including that related to the sensitive area of health. While data sharing is important, not all information is relevant to all agencies. Although specific, personal data may be required for operational reason, anonymous, de-identified data is usually sufficient for policymaking purposes. Building a process which comprehensively assists prosecution of traffickers and victim support while protecting privacy will increase victim and informant confidence and lead to greater cooperation with government.

This recommendation notes the excellent work reported on in *ASEAN and Trafficking in Persons: Using Data as a Tool to Combat Trafficking in Persons*⁵, and asks that the challenges noted in that report are adequately resourced and addressed, with comparable study and analysis extended to other ASEAN Member Countries. It also notes the welcome inclusion of this issue in ASEAN’s anti-human trafficking Work Plan at 1.3. Further, it would be ideal if an ASEAN data base, or at least decisions on compatible definition and data sets, could be established to facilitate ASEAN wide analysis on human trafficking. This process would be greatly assisted by inclusion of more general data on migration and labour exploitation, as these practices provide the context for the majority of human trafficking.

- **A coordinated labour migration system that priorities worker protection and matches supply with demand**

Traffickers target those who are afraid of being arrested for immigration offences, so promoting safe migration routes and work protections helps prevent trafficking. The labour migration system should be driven by a mandate to build economies and protect workers' rights. The current human cost of economic development built on migrant labour is too high. To varying degrees, both destination and source countries are responsible. In most instances, destination countries' labour laws are written to protect their nationals. Governments under-regulate and under-police their privatised labour recruitment agencies and employment sites, and permit exploitative work practices to occur. Source countries, driven by a desire to attract remittances (which basically prop up economies and reduce unemployment and demand for job creation), appear to accept that at least some degree of worker exploitation is acceptable. Internationally, some analysts have referred to source countries' 'race to the bottom', ie. governments willing to offer their workers at lower and lower levels of salaries and protections in order to get their workers into destination countries ahead of competing source countries' workers.

There are many issues for consideration in the development of a less fundamentally exploitative system, not the least of which is the imperative to mandate and deliver fair wages and conditions, however, the issue of debt bondage is paramount. The trafficking system is propped up a broad acceptance that debt bondage is acceptable: 'a fact of life' for the poor. In some instances, this includes a belief that it is acceptable to force someone to continue working against their will if there is a 'debt' owed from an employee to an employer. The ethics of debt bondage per se are not only highly questionable, but in practice debt bondage is frequently highly damaging to the indebted person because the debt is unmanageable. It may be arbitrarily calculated, effectively 'pulled out of a hat' by a recruiter, agent or employer. It may be calculated on the basis of costs a person has incurred through circumstances beyond their control, for example, the basic incarceration of workers in government regulated holding centres for unspecified periods of time prior to their deployment/departure: their debt increasing each day. It may be based on 'fines' which are arbitrary and unspecified until they occur, based on the whim of employers. It may be based on workers borrowing money to afford migration from loan sharks at outrageous interest, and being unable to afford repayments due to their stated or contracted salaries not being paid. It may be based on a worker's debts increasing if they decide to leave an exploitative/abusive employer, and consequently incurring another 'fee' or 'fine' from their agent or the government for changing employers. In some tragic cases, debts have been accrued by a combination of some or all of these factors, and then a person has been 'rescued' soon after arrival in their destination country, and deported against their wishes to huge debts and no means of repayment.

As outlined in many of the country recommendations in section 3, the economics of labour migration is complicated, however, the fact that (domestic and international) migrant workers bear the substantial cost is iniquitous. It is widely reported that huge amounts of money are generated for those involved in trafficking, that governments too receive enormous economic benefit from remittances and from the services of the large pool of foreign nationals exploited in their domestic industries (including sex industries), and that employers also receive great economic benefit because they are able to fill a labour shortage

they cannot fill with domestic workers and/or pay far lower salaries than they would employing domestic workers. Perhaps ironically then, economists and other such number crunching boffins have largely been absent from trafficking and labour exploitation policy analysis and its formulation. ASEAN could greatly contribute to anti-trafficking/labour exploitation learning (both within ASEAN and internationally) by facilitating the difficult process of conceptualising and doing the hard economic number crunching to develop a system that would shift the economic onus of ASEAN labour migration from individuals and simultaneously offer them greater protection. It is arguable that source and destination government fees should be reviewed (or abolished) as both economies benefit enormously from migrant workers' labour and remittances. Perhaps it is necessary to shift some of the cost to governments, or perhaps a reduction in debt bondage could be facilitated through the provision of government migration loans. In some instances, perhaps this process could be managed through the involvement of international agencies or large NGOs.

- **Formal labour standards for unregulated sectors, particularly 'domestic work'**

An area shared by many ASEAN Member Countries is the trafficking and exploitation of women and girls, both internally and transnationally, as domestic workers. Domestic work is poorly remunerated, and workers are particularly at risk of abuse because of their isolation in private homes. Domestic workers are frequently excluded from formal labour protections and lack simple mechanisms for reporting abuse. They are routinely lumbered with large debts and minimal means of repaying them. Domestic workers are often misinformed about their conditions of employment and the work they will be required to undertake, working very long hours, denied rest days and freedom of movement (with workers being locked inside rooms and houses), not provided suitable accommodation or sleeping areas, and paid late, less than agreed or not at all. Many are also denied adequate food and health care, and many are psychologically, physically and sexually abused.

In some instances, issues associated with domestic work are complicated, particularly as they relate to children. In some countries, there is a cultural tradition of poor families sending their children to be raised by more prosperous family members in exchange for the child's assistance in the household. Some research has suggested that families deliberately seek out members of extended family or friendship networks to identify employers for their children, as a means to protect them from trafficking. Research suggests these attempts to minimize exploitation are hit and miss. Many 'family' members do not consider these children to be 'employees' and subsequently do not pay them a wage. Many children employed within these networks and those employed by 'strangers' suffer exploitative working conditions which make their employment identifiable as 'one of the worst forms of child labour'.

Significant work needs to be done in this area. ASEAN could effectively reduce trafficking in women and girls into domestic service by working to extend key labour protections to domestic workers, establishing minimum regional standards of employment, and ensuring that employers and labour agents are held accountable for abuse.

Domestic workers are not alone. Others employed in unregulated sectors are also vulnerable to exploitation and abuse.

- **Stronger victim support including repatriation models that keep trafficked persons out of detention, and assist their repatriation and reintegration**

The provision of victim support can be a long convoluted process (or worse, it can be noticeable by its absence). Numerous country reports refer to the lack of a simple, accessible complaints mechanism for workers who find themselves in trouble. In the first instances, it is worth considering whether it is possible to simplify emergency contact procedures; perhaps an 'ASEAN Hotline' for all ASEAN workers in crisis situations.⁶

The International Organization for Migration (IOM) has recently released a report titled *The Long Way Home: Analysis of Regional and National Processes for the Return and Reintegration of Victims of Trafficking in the Greater Mekong Sub-region*⁷ ('the IOM report'). This report presents a system-wide analysis of the current process and legal and administrative structures for, the sometimes bureaucratically 'fiddly', process of returning and reintegrating victims of trafficking in the Greater Mekong Sub-region (GMS). It finds that most GMS governments have made enormous progress on repatriation in a short period of time and have worked effectively with international agencies and NGOs to improve victim services, however, there is more to be done. The following suggestions are based in part on the IOM report, however, the IOM report includes other useful recommendations for consideration.

In a bid to attack the problem of trafficking as quickly as possible, there are now many players including government agencies, international organizations and NGOs. The IOM report recommends the development of coordination mechanisms, internal Memorandums of Understanding and standard operating procedures (which include some degree of flexibility) to define the functions and responsibilities of all partners in the various components of the return and reintegration process. This recommendation for the GMS could be extended to all ASEAN Member countries.

Some of that required is quite specific and relates to specific practices, but a coordinated response could deliver enormous benefits to those who have been identified and removed from situations of trafficking. For example, there remains a lack of direct communication processes and practice between ASEAN Member Country counterpart agencies. In some instances, this contributes to major delays in the repatriation of trafficking victims. Routine correspondence, for example, that relates to victim identification and family tracing could surely be administered by key staff in the relevant departments, with interaction between those departments in different Member Countries. Similarly, language remains a barrier. Not surprisingly, most case records are recorded in the official language of the destination country so translation is required before the source country can take action. Sometimes information is first translated into a third language such as English which is both time consuming and can facilitate errors. Various mundane bureaucratic practices could alleviate the language barrier. For example, the IOM report suggests the development of a common summary page for case records, including name, sex, age, address, key dates and health status which could be

consistently coded across languages and states. Also, given that many interviews require the assistance of an interpreter, interpreters could enter the subject's name and address in the language of their source country, with officials entering the same data in their own alphabets and completing the remainder of the summary page by ticking the appropriate (consistently number coded) boxes.

In most instances, victims would be better served by spending less time in pre-repatriation shelters. Elements of the Poipet model (Thailand/Cambodia) should be considered for other countries, whereby victims are repatriated quickly and receive shelter support services in their own country while family tracing and assessment takes place. Means to speed up family repatriation need to be considered, for example, making greater use of national NGOs that have nationwide networks and are already active in many non-urban communities. Victims would also be better served by being given options based on information in their own languages, and support by appropriately trained staff such as social workers and interpreters.

- **Joint programs to facilitate livelihood options that mitigate against people migrating for work**

Clearly the development of livelihood options for those who are economically disadvantaged is fundamentally linked to the enormous challenges of building nation's whole economies. That being said, this area would benefit from an ASEAN-wide commitment to facilitate an ASEAN-wide review (or several reviews using compatible definitions and data collection mechanisms) of re-training programs currently being offered to trafficking victims for the purpose of minimizing their risk of re-trafficking. Although there is limited qualitative data available, there is ample anecdotal evidence that many existing training programs are ineffective for a variety reasons including: their delivery in countries of destination where communication and context is compromised and a student's priority may be getting home; their failure to generate skills that lead to employment; their failure to generate skills that lead to anything but low-income/subsistence employment; their failure to include training on small business operation such as planning and budgeting to increase new businesses chance of success; their being limited to a range of occupations, ie, how many small hairdressing businesses can a regional community tolerate?

This area would also benefit from investigation of the possibilities of joint investment in business ventures in areas of high unemployment or unemployment in source countries, with profits equitably shared.

- **Identification and adoption of best practice examples from within (and beyond) the ASEAN region**

Many ASEAN Member Countries have taken quite different approaches to combating human trafficking. This is the result of numerous factors including resource capacity and cultural and political frameworks, but one consequence is that there now exists an enormous number of examples of laws, policies, programs and projects which have to varying degrees, succeeded or failed. More effort should be made to collect examples of best practice from throughout the region. Recent innovative strategies have included:

- Singapore's introduction of random interviews of domestic workers as a means to gauge general conditions of employment, and also alert employers to the possibility of their employment standards being examined.
- the Thai/Cambodian 'Poipet model' of repatriation, where victims are repatriated quickly and receive shelter support services in their own country while family tracing and assessment takes place.
- Indonesia's Police Special Assistance Units (RPKs) and medical recovery centre for victims of trafficking
- Cambodia's bilingual database on the return of victims of trafficking at the Anti-Trafficking and Reintegration Office which permits the analysis of trends for program evaluation and planning.

- **Stronger laws and policies relating to citizenship and immigration status**

Trafficking in the ASEAN region intersects regular and irregular migration, but beyond that is the question of two more fundamental issues. Firstly, there is the issue of citizenship. UNESCO has described lack of citizenship as "the single greatest risk factor for hill tribe women in Thailand being trafficked".⁸ Thailand is not alone in refusing to grant citizenship to (frequently vulnerable) people who have lived in that state for many years, their whole lives, and sometimes have been born of families who have lived there for generations. The IOM has suggested that Vietnamese who are long-term residents in Cambodia or who have family members residing in Cambodia could be offered the option of integration in that country, particularly as the number of Vietnamese identified as victims of trafficking in Cambodia is small and the numbers would have little impact on the Cambodian economy or on Cambodian cultural and political practice. Also, some Vietnamese wives of Chinese men who are detained as illegal migrants may prefer to regularize their status through formal marriage and remain in China instead of being deported, and that option should be made available.⁹

Secondly, anti-trafficking initiatives have not yet developed the means to identify and appropriately deal with those foreign nationals who are most appropriately defined as asylum seekers or refugees but denied access to those legal mechanisms to grant them that status. More attention needs to be paid to this issue. Surely alternatives to repatriation should be available in some cases. Even while the formal process of applying for refugee status is denied, the possibility of regularizing a trafficking victim's immigration status to allow a trafficked person to become a registered worker may be possible, instead of forcing them to return home where they are likely to face retribution or very difficult circumstances.

Appendix 1

**ASEAN Declaration on Transnational Crime
Manila, 20 December 1997**

¹**WE**, the ASEAN Ministers of Interior/Home Affairs and Representatives of ASEAN Member Countries, participating in the first ASEAN Conference on Transnational Crime held in Manila on 18-20 December 1997;

CONCERNED about the pernicious effects of transnational crime, such as terrorism, illicit drug trafficking, arms smuggling, money laundering, traffic in persons and piracy on regional stability and development, the maintenance of the rule of law and the welfare of the region's peoples;

RECOGNIZING the need for clear and effective regional modalities to combat these forms of crimes, especially on the aspect of information exchange and policy coordination;

RECALLING the Naples Political Declaration and Global Plan of Action of 23 November 1994, which sought international solidarity and effective legal cooperation against these forms of crime;

RECALLING FURTHER the Baguio Communique adopted during the first International Conference on Terrorism held in Baguio City, Philippines, on 18-21 February 1996, which endeavoured to enhance international cooperation against all forms of terrorism through such modalities as intelligence-sharing, coordinated policies and law enforcement training;

NOTING the decision of the 29th ASEAN Ministerial Meeting (AMM) in Jakarta in July 1996 on the need to focus attention on such issues as narcotics, economic crimes, including money laundering, environment and illegal migration which transcend borders and affect the lives of the people in the region, and the urgent need to manage such transnational issues so that they would not affect the long term viability of ASEAN and its individual member nations;

ENDEAVOURING to further the decision of the First Informal ASEAN Summit in November 1996 in Jakarta to request the relevant ASEAN bodies to study the possibility of regional cooperation on criminal matters, including extradition;

PURSUANT to the decision of the 30th AMM in Kuala Lumpur in July 1997 which stressed the need for sustained cooperation in addressing transnational concerns including the fight against terrorism, trafficking in people, illicit drugs and arms and piracy;

AFFIRMING the agreement among Heads of Government during the Second Informal Summit in December 1997 in Kuala Lumpur to take firm and stern measures to combat transnational crime such as drug trafficking and trafficking of women and children, as well as other transnational crime; and,

CONVINCED that the continuity of existing global framework against transnational crime rests on consolidated regional action in the institutional and operational spheres:

HAVE RESOLVED TO CONFRONT THE PROBLEM OF TRANSNATIONAL CRIME THROUGH THE FOLLOWING MEASURES:

1. **Strengthen** the commitment of Member Countries to cooperate at the regional level in combating the transnational crime;
2. **Convene** at least once every two years ASEAN Ministerial Meeting on Transnational Crime in order to coordinate activities of relevant ASEAN bodies, such as the ASEAN Senior Officials on Drug Matters (ASOD) and the ASEAN Chiefs of National Police (ASEANAPOL);
3. **Hold** discussions with a view to signing mutual legal assistance agreements, bilateral treaties, memorandum of understanding or other arrangements among Member Countries;
4. **Consider** the establishment of an ASEAN Centre on Transnational Crime (ACOT) which will coordinate regional efforts against transnational crime through intelligence sharing, harmonisation of policies and coordination of operations;
5. **Convene** a high-level ad-hoc Experts Group within one year to accomplish the following with the assistance of the ASEAN Secretariat:
 - a. ASEAN Plan of Action on Transnational Crime,
 - b. Institutional Framework for ASEAN Cooperation on Transnational Crime, and,
 - c. Feasibility study on the establishment of ACOT;
6. **Encourage** Member Countries to consider assigning Police Attaches and/or Police Liaison Officers in each other's capital in order to facilitate cooperation for tackling transnational crime;
7. **Encourage** networking of the relevant national agencies or organizations in Member Countries dealing with transnational crime to further enhance information exchange and dissemination;
8. **Expand** the scope of Member Countries' efforts against transnational crime such as terrorism, illicit drug trafficking, arms smuggling, money laundering, traffic in persons and piracy, and to request the ASEAN Secretary-General to include these areas in the work programme of the ASEAN Secretariat;
9. **Explore ways** by which the Member Countries can work closer with relevant agencies and organizations in Dialogue Partner countries, other countries and international organizations, including the United Nations and its specialised agencies, Colombo Plan Bureau, Interpol and such other agencies, to combat transnational crime;
10. **Cooperate and coordinate more closely** with other ASEAN bodies such as the ASEAN Law Ministers and Attorneys-General, the ASEAN Chiefs of National Police, the ASEAN Finance Ministers, the Directors-General of Immigration and the Directors-General of Customs in the investigations, prosecution and rehabilitation of perpetrators of such crimes; and,
11. **Strengthen** the ASEAN Secretariat's capacity to assist the Member Countries in initiating, planning, and coordinating activities, strategies, programmes and projects to combat transnational crime. SIGNED this 20th day of December 1997 in Manila, Philippines.

Appendix 2

ASEAN Declaration Against Trafficking in Persons Particularly Women and Children

WE, the Heads of States/Governments of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand, the Socialist Republic of Viet Nam, members of the Association of the Southeast Asian Nations, hereinafter referred to as ASEAN,

REAFFIRMING the Ha Noi Declaration of 1998 and the Ha Noi Plan of Action, which, among others, committed to intensify individual and collective efforts to address transnational crimes, including the trafficking in persons;

EXPRESSING the urgent need for a comprehensive regional approach to prevent and to combat trafficking in persons, particularly women and children;

ACKNOWLEDGING that social, economic and other factors that cause people to migrate also make them vulnerable to trafficking in persons;

RECOGNIZING that the immorality and inhumanity of this common concern elicits the need to strengthen legislative, law enforcement and judicial responses to ensure deterrent action is taken against persons involved in individual or syndicated activities of trafficking in persons, particularly women and children;

APPRECIATING that a successful campaign against the scourge of trafficking in persons, particularly women and children, requires continuing dialogue, exchange of information and cooperation among ASEAN;

REAFFIRMING ASEAN's unwavering desire to embrace the spirit behind the United Nations Convention against Transnational Organized Crime and its relevant protocols as it reflects the commitment of the Member States of the United Nations to prevent and combat transnational organized crime;

REAFFIRMING through this Declaration a commitment to human development and security, and the improvement of the quality of life of the peoples of ASEAN;

HEREBY DECLARE, to the extent permitted by their respective domestic laws and policies, to undertake concerted efforts to effectively address an emerging regional problem, namely the trafficking in persons, particularly women and children, through the following measures:

1. To establish a regional focal network to prevent and combat trafficking in persons, particularly women and children, in the ASEAN region;

2. To adopt measures to protect the integrity of their respective passports, official travel documents, identity and other official travel documents from fraud;
3. 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;
4. To intensify cooperation among our respective immigration and other laws enforcement authorities;
5. 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;
6. To undertake actions to respect and safeguard the dignity and human rights of genuine victims of trafficking in persons;
7. To undertake coercive actions/measures against individual and/or syndicate engaged in trafficking in persons and shall offer one another the widest possible assistance to punish such activities; and
8. To take measures to strengthen regional and international cooperation to prevent and combat trafficking in persons.

All Member Countries reaffirm their commitment to accomplish the elements of this Declaration through maximum efforts by such appropriate instruments as may be necessary and consistent with their respective national laws and policies.

ADOPTED by the Heads of State/Government of ASEAN Member Countries on this Twenty-ninth Day of November 2004 in Vientiane, Lao People's Democratic Republic.

Appendix 3

ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers²

WE, the Heads of State/Government of the Member Countries of the Association of Southeast Asian Nations (hereinafter referred to as ASEAN), attending the 12th ASEAN Summit on 13 January 2007 in Cebu, Philippines;

RECALLING the Declaration of ASEAN Concord II adopted at the 9th ASEAN Summit in Bali, Indonesia, which stipulated the establishment of an ASEAN Community resting on three pillars: an ASEAN Security Community, an ASEAN Economic Community and an ASEAN Socio-Cultural Community;

RECALLING also the Universal Declaration on Human Rights adopted and proclaimed by General Assembly Resolution 217(A)(III) of 10 December 1948, as well as other appropriate international instruments which all the ASEAN Member Countries have acceded to, in order to safeguard the human rights and fundamental freedoms of individuals such as the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child;

RECALLING further the Vientiane Action Programme adopted at the 10th ASEAN Summit in Vientiane, Lao PDR, which provides for, inter alia, the promotion of human rights and obligations to realise an open, dynamic and resilient ASEAN Community;

CONFIRMING our shared responsibility to realise a common vision for a secure and prosperous ASEAN Community by improving the quality of life of its people and strengthening its cultural identity towards a people-centered ASEAN through, among others, measures on the protection and promotion of the rights of migrant workers;

RECOGNISING the contributions of migrant workers to the society and economy of both receiving states and sending states of ASEAN;

RECOGNISING further the sovereignty of states in determining their own migration policy relating to migrant workers, including determining entry into their territory and under which conditions migrant workers may remain;

ACKNOWLEDGING the legitimate concerns of the receiving and sending states over migrant workers, as well as the need to adopt appropriate and comprehensive migration policies on migrant workers;

ACKNOWLEDGING also the need to address cases of abuse and violence against migrant workers whenever such cases occur;

REITERATING that ASEAN should make further progress as a cohesive and caring society committed to enhancing the quality of life and well being of its people, especially those in the vulnerable and disadvantaged sectors;

HEREBY DECLARE AS FOLLOWS:

GENERAL PRINCIPLES

- Both the receiving states and sending states shall strengthen the political, economic and social pillars of the ASEAN Community by promoting the full potential and dignity of migrant workers in a climate of freedom, equity, and stability in accordance with the laws, regulations, and policies of respective ASEAN Member Countries;
- The receiving states and the sending states shall, for humanitarian reasons, closely cooperate to resolve the cases of migrant workers who, through no fault of their own, have subsequently become undocumented;
- The receiving states and the sending states shall take into account the fundamental rights and dignity of migrant workers and family members already residing with them without undermining the application by the receiving states of their laws, regulations and policies; and
- Nothing in the present Declaration shall be interpreted as implying the regularisation of the situation of migrant workers who are undocumented.

OBLIGATIONS OF RECEIVING STATES

Pursuant to the prevailing laws, regulations and policies of the respective receiving states, the receiving states will:

- Intensify efforts to protect the fundamental human rights, promote the welfare and uphold human dignity of migrant workers;
- Work towards the achievement of harmony and tolerance between receiving states and migrant workers;
- Facilitate access to resources and remedies through information, training and education, access to justice, and social welfare services as appropriate and in accordance with the legislation of the receiving state, provided that they fulfill the requirements under applicable laws, regulations and policies of the said state, bilateral agreements and multilateral treaties;
- Promote fair and appropriate employment protection, payment of wages, and adequate access to decent working and living conditions for migrant workers;
- Provide migrant workers, who may be victims of discrimination, abuse, exploitation, violence, with adequate access to the legal and judicial system of the receiving states; and
- Facilitate the exercise of consular functions to consular or diplomatic authorities of states of origin when a migrant worker is arrested or committed to prison or custody or detained in any other manner, under the laws and regulations of the receiving state and in accordance with the Vienna Convention on Consular Relations.

OBLIGATIONS OF SENDING STATES

Pursuant to the prevailing laws, regulations and policies of the respective sending states, the sending states will:

- Enhance measures related to the promotion and protection of the rights of migrant workers;

- Ensure access to employment and livelihood opportunities for their citizens as sustainable alternatives to migration of workers;
- Set up policies and procedures to facilitate aspects of migration of workers, including recruitment, preparation for deployment overseas and protection of the migrant workers when abroad as well as repatriation and reintegration to the countries of origin; and
- Establish and promote legal practices to regulate recruitment of migrant workers and adopt mechanisms to eliminate recruitment malpractices through legal and valid contracts, regulation and accreditation of recruitment agencies and employers, and blacklisting of negligent/unlawful agencies.

COMMITMENTS BY ASEAN

For purposes of protecting and promoting the rights of migrant workers, ASEAN Member Countries in accordance with national laws, regulations and policies, will:

15. Promote decent, humane, productive, dignified and remunerative employment for migrant workers;
16. Establish and implement human resource development programmes and reintegration programmes for migrant workers in their countries of origin;
17. Take concrete measures to prevent or curb the smuggling and trafficking in persons by, among others, introducing stiffer penalties for those who are involved in these activities;
18. Facilitate data-sharing on matters related to migrant workers, for the purpose of enhancing policies and programmes concerning migrant workers in both sending and receiving states;
19. Promote capacity building by sharing of information, best practices as well as opportunities and challenges encountered by ASEAN Member Countries in relation to protection and promotion of migrant workers' rights and welfare;
20. Extend assistance to migrant workers of ASEAN Member Countries who are caught in conflict or crisis situations outside ASEAN in the event of need and based on the capacities and resources of the Embassies and Consular Offices of the relevant ASEAN Member Countries, based on bilateral consultations and arrangements;
21. Encourage international organisations, ASEAN dialogue partners and other countries to respect the principles and extend support and assistance to the implementation of the measures contained in this Declaration; and
22. Task the relevant ASEAN bodies to follow up on the Declaration and to develop an ASEAN instrument on the protection and promotion of the rights of migrant workers, consistent with ASEAN's vision of a caring and sharing Community, and direct the Secretary-General of ASEAN to submit annually a report on the progress of the implementation of the Declaration to the Summit through the ASEAN Ministerial Meeting.

DONE at Cebu, Philippines, this Thirteenth Day of January in the Year Two Thousand and Seven, in a single original copy in the English Language.

Bibliography

Adawi, H. (2005, March 23). *Guest Worker May Lose Digits, Toes after Being Tied up in Bathroom for a Month*. Retrieved October 2007, from Arab News Website:
<http://www.arabnews.com/?page=1§ion=0&article=60876&d=23&m=3&y=2005&pix=kingdom.jpg&category=Kingdom>

Agence France-Presse. (2007, September 17). *Oral, anal sex to be legalized in Singapore bill*. Retrieved October 2007, from Inquirer.net Website:
http://newsinfo.inquirer.net/breakingnews/world/view_article.php?article_id=89122

Agency for SME Development. (2007). *Law on Vietnamese labour working overseas in according with contract*. Retrieved Oct 02, 2008, from Ministry of Planning & Development: Agency for SME Development (ASMED) Website:
<http://www.business.gov.vn/newsevents.aspx?id=4470&LangType=1033>

Amparita Maria, S. S. (n.d.). *Study on the Legal Protection of Child Domestic Workers in the Asia-Pacific*. Retrieved October 2007, from
www.ilo.org/public/english/region/asro/bangkok/download/cdw_legalprotect.pdf

Anti-Slavery International. (n.d.). *Trafficking in Indonesia*. Retrieved October 2007, from Anti-Slavery International Website:
<http://www.antislavery.org/homepage/antislavery/traffickingindonesia.htm>

ASEAN. (2006). *ASEAN Responses to Trafficking in Persons: Ending Impunity for Traffickers and Securing Justice for Victims*. ASEAN.
http://www.artipproject.org/artip/14_links/Pubs/ASEAN%20Responses%20to%20TIP.pdf

ASEAN. (2004, November 29). *ASEAN Declaration Against Trafficking in Persons Particularly Women and Children, Vientiane Lao PDR*. Retrieved October 2007, from ASEAN: <http://www.aseansec.org/16793.htm>

ASEAN. (2007, January 13). *ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers, Cebu Philippines*. Retrieved October 2007, from ASEAN Website: <http://www.aseansec.org/19264.htm>

ASEAN. (n.d.). *ASEAN Vision 2020*. Retrieved October 2007, from ASEAN Website:
<http://www.aseansec.org/1814.htm>

ASEAN. (n.d.). *Association of Southeast Asian Nations - Overview*. Retrieved October 2007, from ASEAN website: <http://www.aseansec.org/64.htm>

ASEAN. (n.d.). *Mandate for ASEAN Cooperation on Immigration Matters - ASEAN Plan of Action for Cooperation on Immigration Matters*. Retrieved October 2007, from ASEAN Website: <http://www.aseansec.org/16572.htm>

ASEAN. (2007, July 30). *Statement of the Establishment of the ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers*. Retrieved October 2007, from ASEAN Website:
<http://www.aseansec.org/20768.htm>

ASEAN. (2007, September). *Table 1. Selected basic ASEAN indicators*. Retrieved October 2007, from <http://www.aseansec.org/stat/Table1.pdf>

ASEAN. (n.d.). *Treaty of Amity and Cooperation in Southeast Asia (TAC)*. Retrieved October 2007, from ASEAN Website: <http://www.aseansec.org/1217.htm>

ASEAN Working Group for an ASEAN Human Rights Instrument. (2007, June 28). *ASEAN Four Signs Declaration of Cooperation*. Retrieved October 2007, from ASEAN: <http://www.aseanhrmech.org/news/asean-four-signs-declaration-of-cooperation.html>

ASEANAPOL. (2005, May 16-20). *25th ASEAN Chiefs of Police Conference, Bali Indonesia*. Retrieved October 2007, from ASEAN Website: <http://www.aseansec.org/25ASEANAPOL.pdf>

Asia Development Bank. (n.d.). *Fighting Poverty in Asia and the Pacific: The Poverty Reduction Strategy*. Retrieved October 2007, from Asia Development Bank Website: www.adb.org/Documents/policies/poverty_reduction/default.asp

Asia Regional Cooperation to Prevent People Trafficking. (Undated). *Asia Regional Cooperation to Prevent People Trafficking: ARCPPT in Myanmar*. Retrieved October 13, 2007, from Asia Regional Cooperation to Prevent People Trafficking: <http://www.arcppt.org/eng/myanmar.html>

Asian Development Bank. (2006). *Asia Development Outlook 2006*. Manila: Asian Development Bank.

Asian Development Bank. (2007). *Country Strategy and Program 2006-2009 (Draft for Consultation): Indonesia: Current Development Trends and Issues*. Retrieved October 2007, from Asian Development Bank Website: <http://www.adb.org/Documents/CSPs/INO/2006/csp0102.asp>

Asian Economic News. (2004, June 21). *Singapore cracks down on Chinese women involved in Prostitution*. Retrieved October 2007, from Kyodo News International Website: http://findarticles.com/p/articles/mi_m0WDP/is_2004_June_21/ai_n6267378

Asian Legal Resource Centre (ALRC). (2003). *a written statement submitted to ECOSOC*. Retrieved October 2007, from ALRC Website: [http://www.unhchr.ch/Huridocda/Huridoca.nsf/\(Symbol\)/E.CN.4.2003.NGO.100.En?Opendocument](http://www.unhchr.ch/Huridocda/Huridoca.nsf/(Symbol)/E.CN.4.2003.NGO.100.En?Opendocument)

Asian Legal Resource Centre (ALRC). (2003, January 30). *UNHCR SPECIFIC GROUPS AND INDIVIDUALS: MASS EXODUSES AND DISPLACED PERSONS Written statement submitted by ALRC*. Retrieved October 08, 2007, from [http://www.unhchr.ch/Huridocda/Huridoca.nsf/\(Symbol\)/E.CN.4.2003.NGO.100.En?Opendocument](http://www.unhchr.ch/Huridocda/Huridoca.nsf/(Symbol)/E.CN.4.2003.NGO.100.En?Opendocument)

Asian Migrant Centre. (2004). *Asian Migrant Yearbook Country Report Cambodia*. Retrieved October 2007, from Asian Migrant Centre Website: http://www.asian-migrants.org/index.php?option=com_docman&task=cat_view&gid=60&Itemid=48

- Asian Migrant Centre. (2004). *Asian Migrant Yearbook: Country Reports Myanmar*. Retrieved from Asian Migrant Centre Website: http://www.asian-migrants.org/index.php?option=com_docman&task=cat_view&gid=60&Itemid=48
- Asian Migrant Centre. (2004). *Country Reports Vietnam*. Retrieved October 2007, from Asian Migrant Centre: http://www.asian-migrants.org/index.php?option=com_docman&task=cat_view&gid=60&limit=10&limitstart=20
- Associated Press. (2006, September 06). *Health Crisis along Myanmar-Thai border comparable to Africa's worst war zones*. Retrieved October 8, 2007, from International Herald Tribune: Asia Pacific: http://www.iht.com/articles/ap/2006/09/07/asia/AS_GEN_Myanmar_Health_Crisis.php
- Associated Press. (2007, August 17). *Indonesia maid tortured to death*. Retrieved October 2007, from Tenaganita Website: http://www.tenaganita.net/index.php?option=com_content&task=view&id=120&Itemid=51
- AusAid. (2007, September). *Cambodia - Country overview*. Retrieved October 2007, from AusAID: <http://www.ausaid.gov.au/country/country.cfm?CountryID=34&Region=EastAsia&CFID=4497313&CFTOKEN=32156632>
- AusAID. (2007, May). *Indonesia*. Retrieved October 2007, from AusAID Website: <http://www.ausaid.gov.au/country/country.cfm?CountryId=30>
- AusAID. (2007, May). *Overseas Aid Vietnam*. Retrieved September 20, 2007, from Australian Government AusAID: <http://www.ausaid.gov.au/country/country.cfm?CountryID=33&Region=EastAsia>
- AusAID. (2007, May). *Overseas Aid: Vietnam*. Retrieved September 24, 2007, from Australian Government AusAID Website: <http://www.ausaid.gov.au/country/country.cfm?CountryID=33&Region=EastAsia>
- Australian Government Department of foreign Affairs and Trade. (2003, April 29-30). *Why Hold a Regional Ministerial Conference?* Retrieved October 2007, from Australian Government DFAT Website: http://www.dfat.gov.au/illegal_immigration/bali_conference_0403_bkg_paper.html
- Australian Government: Department of Foreign Affairs and Trade. (2007, October). *Thailand - Country Brief - October 2007*. Retrieved October 2007, from Australian Government: Department of Foreign Affairs and Trade Website: http://www.dfat.gov.au/geo/thailand/thailand_brief.html
- Bangkok Post. (2005, June 23). *Thai Trafficked Girls and Women Saved in Malaysia*. Retrieved October 2007, from humantrafficking.org: <http://www.humantrafficking.org/updates/50>
- Bangun, T., & Sprague, J. (1999, July 30). *Caught in the Net*. Retrieved October 2007, from Asiaweek Website: <http://www.asiaweek.com/asiaweek/99/aw.0702.to.0820/0730/sr1.html>

BBC News. (2007, March 29). *Inside Burma's new Capital*. Retrieved October 6, 2007, from BBC news International version: http://news.bbc.co.uk/2/hi/in_pictures/6507419.stm

Brown, E. (2007). *Out of Sight, Out of Mind? Child Domestic Workers and Patterns of Trafficking in Cambodia*. Phnom Penh: International Organisation for Migration.

Brown, E. (2007). *The Ties that Bind: Migration and Trafficking of Women and Girls for Sexual Exploitation in Cambodia*. Phnom Penh: International Organization for Migration.

bruneiresources.com. (undated). *Foreign Workers Information*. Retrieved October 2007, from bruneiresources.com: <http://www.bruneiresources.com/foreignworkers.html>

Bureau of Democracy, Human Rights and Labor. (2006, March 8). *Country Reports on Human Rights Practices*. Retrieved October 2007, from US Department of State Bureau of Democracy, Human Rights and Labor Website: <http://www.state.gov/g/drl/rls/hrrpt/2005/61626.htm> 2005

Bureau of Democracy, Human Rights and Labor. (2006, March 8). *Thailand: Country Reports on Human Rights Practices*. Retrieved October 2007, from US Department of State: Bureau of Democracy, Human Rights and Labor: <http://www.state.gov/g/drl/rls/hrrpt/2005/61628.htm>

Bureau of Democracy, Human Rights and Labour. (2007, March 6). *Country Reports on Human Rights Practices - 2006*. Retrieved October 2007, from US Department of State Website: <http://www.state.gov/g/drl/rls/hrrpt/2006/78780.htm>

Bureau of Democracy, Human Rights, and Labor. (2006, March 08). *Country Reports on Human Rights Practices - 2005: Brunei*. Retrieved October 2007, from U.S. Department of State Website: <http://www.state.gov/g/drl/rls/hrrpt/2005/61602.htm>

Bureau of Democracy, Human Rights, and Labor. (2006, March 8). *Country Reports on Human Rights Practices - 2005 (Vietnam)*. Retrieved September 21, 2007, from U.S. Department of State: <http://www.state.gov/g/drl/rls/hrrpt/2005/61632.htm>

Bureau of Democracy, Human Rights, and Labor. (2006, March 8). *Country Reports: Burma*. Retrieved October 13, 2007, from US Department of State Website: <http://www.state.gov/g/drl/rls/hrrpt/2005/61603.htm>

Bureau of East Asian and Pacific Affairs. (2007, October). *Background Note: Phillipines*. Retrieved October 2007, from U.S. Department of State Website: <http://www.state.gov/r/pa/ei/bgn/2794.htm>

Cambodia Daily (Source: UNIAP). (2006, March 31). *Pact Would Protect Indonesian Maids in Malaysia*. Retrieved October 2007, from humantrafficking.org website: <http://humantrafficking.org/updates/381>

Cambodia Daily (source: UNIAP). (2006, March 31). *Pact Would Protect Indonesian Maids in Malaysia*. Retrieved October 2007, from humantrafficking.org:updates: <http://humantrafficking.org/updates/381>

Cambodian Women's Crisis Centre. (2005). *Trafficking of Cambodian Women and Children - Report of the Fact-Finding in Malaysia*. Phnom Penh: Cambodian Women's Crisis Centre.

- Cambodian League for the Promotion and Defense of Human Rights. (2002). *Abuses Related to the International Adoption Process in Cambodia*, Cambodian League for the Promotion and Defense of Human Rights. Phnom Penh: Cambodian League for the Promotion and Defense of Human Rights
- Cameron, S., & Newman, E. (2003). *Trafficking of Filipino Women to Japan: Examining the Experiences and Perspectives of Victims and Government Experts*. Retrieved October 2007, from United Nations Office on Drugs and Crime Website:
http://www.unodc.org/pdf/crime/human_trafficking/Exec_summary_UNU.pdf
- Caouette, T. M., & Pack, M. E. (2002, December). *Pushing Past the definitions: Migration from Burma to Thailand*. Retrieved October 05, 2007, from Refugees International:
<http://www.ibiblio.org/obl/docs/Caouette&Pack.htm>
- Caroline Irby: BBC News. (2004, April 2004). *BBC News International Version "Thailand's cycle of trafficking"*. Retrieved October 8, 2007, from BBC News:
<http://news.bbc.co.uk/2/hi/asia-pacific/3623091.stm>
- Central Intelligence Agency. (2007, October 17). *The World Factbook - Laos*. Retrieved October 2007, from Central Intelligence Agency Website:
<https://www.cia.gov/library/publications/the-world-factbook/print/la.html>
- Central Intelligence Agency. (2007). *The World Factbook*. Washington: CIA.
- Central Intelligence Agency. (2007). *The World Factbook*. Washington: CIA.
- Chan, T. C. (2007, April 19). *Child Workers "abandoned" at sea*. Retrieved October 2007, from Aljazeera News Asia-Pacific Website:
<http://english.aljazeera.net/NR/exeres/0BBD09C0-EEB1-4922-8DE7-E05F6F25FE66.htm>
- Christina Cacioppo (Ed). (2006, September). *Can Tho City, Hua Giang Province and Tay Ninh Province in Southern Vietnam: The Situation of Migration and Trafficking of Children and Women: A Rapid Assessment*. Retrieved September 27, 2007, from ILO Mekong sub-regional Project to Combat Trafficking in Women and children Website:
www.ilo.org/public/english/region/asro/bangkok/child/trafficking/downloads/vietnam-migration-trafficking.pdf
- Collective Position Paper by 11 Filipino NGOs on Japan's New Immigration Policy. (2005, January 26). *Uphold the Dignity and Integrity of the Filipino Artist and Stop the Trafficking of Women to Japan!* Retrieved October 2007, from Vital Voices Global Partnership Website:
http://www.vitalvoices.org/desktopdefault.aspx?page_id=208
- Communist Party of Vietnam Central Committee. (2007, July 21). *Communist Party of Vietnam Online Newspaper:Forums: "Drastic Measures urged to avoid risks in labour exports"*. Retrieved September 29, 2007, from Communist Party of Vietnam Central Committee:
http://www.cpv.org.vn/english/forums/details.asp?topic=29&subtopic=118&leader_topic=185&id=BT2170763053
- Communist Party of Vietnam Central Committee. (2005, 12 30). *Labour export to be a solution for effective job generation*. Retrieved september 29, 2007, from Communist Party

of Vietnam Online Newspaper Website:

http://www.cpv.org.vn/details_e.asp?topic=29&subtopic=118&id=BT280566723

Council for Security Cooperation in the Asia Pacific. (n.d.). *CSCAP Study Group on Human Trafficking*. Retrieved from Council for Security Cooperation in the Asia Pacific Website: www.cscap.ca/Human%20Trafficking%20SG%20-%20Memorandum.doc

David (ed.), F. (2006). *ASEAN and Trafficking in Persons: Using Data as a Tool to Combat Trafficking in Persons*. Retrieved October 2007, from International Organization for Migration Website:

www.iom.int/.../shared/shared/mainsite/published_docs/books/lowres%20asean%20report-complete.pdf

de Castro Jr., I. (undated). *Korea: New Way Out for Pinoys*. Retrieved October 2007, from Human Trafficking in Asia Website: <http://www.newsbreak.com.ph/humantrafficking/story-korea.htm>

Derks, A. (2000). *Combating Trafficking in South-East Asia: A review of Policy and Programme Responses*. Geneva: International Organization for Migration.

Derks, A. (1998, March). *Trafficking of Vietnamese Women to Cambodia*. Retrieved October 2007, from Centre for Advanced Studies Phnom Penh Website:

http://www.cascambodia.org/trafficking_vietnam.htm

Duong, D. L. (2002, July). *Vietnam Children in Prostitution in Hanoi, Hai Phong, Ho Chi Minh City and Can Tho: A rapid Assessment*. Retrieved September 24, 2007, from ILO Mekong Sub-Regional Project to Combat Trafficking in Children and Women:

<http://www.ilo.org/public/english/region/asro/bangkok/child/trafficking/wherewework-vietnamdetails.htm#top>

Fernandez, I. (2007, August 13). *NBC's Report of Sexual Slavery in Penang must be Investigated thoroughly by authorities*. Retrieved October 2007, from Tenaganita Website:

http://www.tenaganita.net/index.php?option=com_content&task=view&id=113&Itemid=50

Flores-Oebanda, C. (2004, January-April). CWA Child Domestic Workers Task Force. *Child Workers in Asia Newsletter Volume 20 Nos. 1/2*, p. 39.

Fujimoto, N. (undated). *Trafficking in Persons and the Filipino Entertainers in Japan*.

Retrieved October 2007, from Hurights Osaka Website: <http://www.hurights.or.jp/asia-pacific/043/05.html>

Garcia, L. (2006, December). Is Overseas Migration Worth it? *The Migrant Watch*, p. 5.

General Statistics Office of Vietnam. (2007, August). *Population and Employment*. Retrieved September 24, 2007, from General Statistics Office of Vietnam Website:

http://www.gso.gov.vn/default_en.aspx?tabid=467&idmid=3&ItemID=4683

GMA News. (2007, September 19). *Cimatu report confirms OFW trafficking to Iraq*.

Retrieved October 2007, from GMA News Website:

<http://www.gmanews.tv/story/61190/Cimatu-report-confirms-OFW-trafficking-to-Iraq>

- Gustavo Capdevila, I. N. (2007, June 15). *Burma: No end to Forced Labour*. Retrieved October 08, 2007, from Corp Watch Website: <http://www.corpwatch.org/article.php?id=14544>
- Harrison, S., & Somatheavy, K. (2004). *Moving Forward: Secondary Data Review of Sending and Receiving Areas and Employment Sectors in Prevention of Trafficking Children and Women in Cambodia*. Phnom Penh: International Labour Organization.
- Harrison, S., & Somatheavy, K. (2004). *Moving Forward: Secondary Data Review of Sending and Receiving Areas and Employment Sectors in Prevention of Trafficking Children and Women in Cambodia*. Phnom Penh: International Labour Organization.
- Hasan, R. (2006, November 08). *Meutia: Disasters Increase Risk of Human Trafficking*. Retrieved October 2007, from tempointeractive website: <http://www.tempointeractive.com/hg/nasional/2006/11/08/brk,20061108-87306,uk.html>
- Haughton, J. (2006). *Situational analysis of Human Trafficking in the Lao PDR: With emphasis on Savannakhet*. Retrieved September 29, 2007, from UNIAP Website: http://www.no-trafficking.org/content/Reading_Rooms/lao_pdr.htm
- Hudock, D. A. (2007, June 27). *In Vietnam: Discrimination Drives Trafficking*. Retrieved October 2007, from Asia Foundation Website: <http://asiafoundation.org/in-asia/2007/06/27/in-vietnam-discrimination-drives-trafficking/>
- Hughes, D. M. (2002). *MRS No 7 Trafficking for Sexual Exploitation: The Case of the Russian Federation*. Retrieved October 2007, from International Organization for Migration Website: <http://www.iom.int/jahia/Jahia/cache/offonce/pid/1674?entryId=7990>
- Huguet, J. W., & Ramangkura, V. (2007). *The Long Way Home: Analysis of Regional and National Processes for the Return and Reintegration of Victims of Trafficking in the Greater Mekong sub-region*. Retrieved October 2007, from International Organization for Migration: http://www.iom-seasia.org/resource/pdf/thelongroadhome/The_long_road_home.pdf?POSTNUKESID=ddecfb505333c1c8f13e58031e7924b5
- Human Development Index (HDI) 1999-2005*. (n.d.). Retrieved October 2007, from Statistics Indonesia: <http://www.bps.go.id/sector/ipm/table1.shtml>
- Human Rights Commission of Malaysia. (2004). *Trafficking in Women and Children*. Retrieved October 2007, from Human Rights Commission of Malaysia: http://www.suhakam.org.my/en/document_resource/details.asp?id=73
- Human Rights Task Force on Cambodia. (2001, August 13). *Human Rights Solidarity: Cambodia: Prostitution and Sex Trafficking: a Growing Threat to the Human Rights of Women and Children*. Retrieved October 2007, from Human Rights Solidarity: <http://www.hrsolidarity.net/mainfile.php/1996vol06no04/219/>
- Human Rights Watch . (2003). *Boderline Slavery - Child Trafficking in Togo*. New York: Human Rights Watch.

- Human Rights Watch. (v.17(7) 2005). *Always on Call: Abuse and exploitation of Child Domestic Workers in Indonesia*. Retrieved October 2007, from Human Rights Watch Website: <http://hrw.org/reports/2005/indonesia0605/>
- Human Rights Watch. (2005, July). *Bad Dreams: Exploitation and Abuse of Migrant Workers in Saudi Arabia*. Retrieved October 2007, from Human Rights Watch Website: <http://hrw.org/reports/2004/saudi0704/index.htm>
- Human Rights Watch. (2006, September 12). *Burma: Use of Child Soldiers Continues Unabated*. Retrieved October 08, 2007, from Human Rights Watch: <http://hrw.org/english/docs/2006/09/12/burma14179.htm>
- Human Rights Watch. (2004, July). *Help Wanted: Abuses against Female Migrant Domestic Workers in Indonesia and Malaysia*. Retrieved October 2007, from Human Rights Watch Website: <http://hrw.org/reports/2004/indonesia0704/index.htm>
- Human Rights Watch. (2004, July). *Help Wanted: Abuses against Female Migrant Domestic Workers in Indonesian and Malaysia*. Retrieved October 2007, from Human Rights Watch Website: <http://hrw.org/reports/2004/indonesia0704/index.htm>
- Human Rights Watch. (2007, February 21). *Indonesia, Malaysia: Overhaul Labor Agreement on Domestic Workers*. Retrieved October 2007, from Human Rights Watch: Human Rights News: <http://hrw.org/english/docs/2007/02/20/indone15370.htm>
- Human Rights Watch. (2005). *Maid to Order - Ending Abuses Against Migrant Domestic Workers in Singapore*. Retrieved October 2007, from Human Rights Watch Publications Website: <http://hrw.org/reports/2005/singapore1205/index.htm>
- Human Rights Watch. (2007, March 27). *Rohingya Refugees from Burma Mistreated in Bangladesh*. Retrieved October 08, 2007, from Human Rights Watch: <http://hrw.org/english/docs/2007/03/27/bangla15571.htm>
- Human Rights Watch. (2007, August 17). *Saudi Arabia: Migrant Domestic Workers Killed by Employers*. Retrieved October 2007, from Human Rights Watch Website: <http://hrw.org/english/docs/2007/08/17/saudia16699.htm>
- Human Rights Watch. (2005, December 07). *Singapore: Domestic Workers Suffer Grave Abuses - Migrant Women Face Debt Burden and Exploitation*. Retrieved October 2007, from Human Rights Watch Website: <http://hrw.org/english/docs/2005/12/07/singap12125.htm>
- Human Rights Watch. (2006, July 21). *Singapore: New Contract Shortchanges Domestic Workers: No Weekly Rest Days or Caps on Huge Fees*. Retrieved October 2007, from Human Rights Watch: <http://hrw.org/english/docs/2006/07/21/singap13785.htm>
- Human Rights Watch. (2006, July). *Swept Under the Rug: Abuses against Domestic Workers Around the World*. Retrieved October 2007, from Human Rights Watch: <http://hrw.org/reports/2006/wrd0706/>
- Human Trafficking .org. (2004). *Burma*. Retrieved October 2007, from Human Trafficking.org: <http://www.humantrafficking.org/countries/burma>

humantrafficking.org. (2004). *Lao PDR: Government Laws: Law on Development in Women*. Retrieved Sept. 30, 2007, from humantrafficking.org:
http://www.humantrafficking.org/government_law/69

humantrafficking.org - source: UNIAP. (2005, December 15). *South Korea Edging Out Japan in Trafficking in Women*. Retrieved October 2007, from humantrafficking.org website:
<http://www.humantrafficking.org/updates/220>

humantrafficking.org. (n.d.). *Cambodia*. Retrieved October 2007, from HumanTrafficking.org Website: <http://www.humantrafficking.org/countries/cambodia>

humantrafficking.org. (2007). *Country Reports: Lao PDR*. Retrieved September 29, 2007, from Human trafficking.org website: http://www.humantrafficking.org/countries/lao_pdr

humantrafficking.org. (2004, April 12). *First Trafficking and VAW Shelter in Laos*. Retrieved October 2007, from humantrafficking.org website:
<http://www.humantrafficking.org/updates/128>

Humantrafficking.org. (2004, April 12). *First Trafficking and VAW Shelter in Laos*. Retrieved September 28, 2006, from humantrafficking.org:
<http://www.humantrafficking.org/updates/128>

humantrafficking.org. (n.d.). *Indonesia*. Retrieved October 2007, from humantrafficking.org website: <http://www.humantrafficking.org/countries/indonesia>

humantrafficking.org. (undated). *Lao PDR*. Retrieved October 2007, from humantrafficking.org website: http://www.humantrafficking.org/countries/lao_pdr/

humantrafficking.org. (2003, December 09). *US Ambassador to Philippines visits Trafficking Halfway House*. Retrieved October 2007, from humantrafficking.org Website:
<http://www.humantrafficking.org/updates/132>

IDA. (2007, February). *Vietnam: Laying the Foundation for Steady Growth*. Retrieved September 24, 2007, from World Bank Website: www.worldbank.org/ida

ILO & UNIAP. (2004, December). *Labour Migration and Trafficking within the Greater Mekong Sub-Region*. Retrieved October 2007, from International Labour Organization Website: www.ilo.org/public/english/region/asro/bangkok/child/trafficking/downloads/tia-1-revised-2004.pdf

ILO. (2004). *Helping Hands or Shackled Lives? Understanding Child Domestic Labour and responses to it*. Retrieved October 2007, from International Labour Organization Website: www.ilo.org/wcmsp5/groups/public/---ed_norm/---ipecc/documents/publication/kd00098.pdf

ILO. (2007). *Labour and Social Trends in ASEAN 2007*. Retrieved October 2007, from ILO Regional Office for Asia and the Pacific, Bangkok, 2007:
www.ilo.org/public/english/region/asro/bangkok/library/download/pub07-04.pdf

ILO. (2001). *The ILO-Japan Asian Meeting on the Trafficking of Children for Labour and Sexual Exploitation: Country Report-Philippines [CD-ROM]*. Manila: International Labour Office.

ILO TICW Project & UNIAP. (2004, December). *Project to Combat Trafficking in Children and Women Publications/Research*. Retrieved October 13, 2007, from ILO/IPEC Project to Combat Trafficking in Children and Women:

<http://www.ilo.org/public/english/region/asro/bangkok/child/trafficking/publicationsresearch.htm>

ILO/IPEC. (2006, December 13). *Fresh Research Reveals Serious Human Rights Violations of Young Foreign Migrant Workers in Thailand*. Retrieved October 13, 2007, from International Labour Organisation Website:

<http://www.ilo.org/public/english/region/asro/bangkok/child/trafficking/newpublication-showcase.htm>

ILO-IPEC. (2004). *Child Domestic Labour in South East and East Asia: Emerging Good Practices to Combat it*. Retrieved September 28, 2006, from International Labour Office (ILO) Website:

<http://www.ilo.org/ipec/areas/Childdomesticlabour/Goodpracticesandlesonslearned/lang--en/index.htm>

Institute for Economic Research Ho Chi Minh city and LIFE; ILO-IPEC. (2006). *Child domestic workers in Ho Chi Minh City*. Ho Chi Minh City: ILO-IPEC.

Internal Displacement Monitoring Centre. (2006, October). *Countries: Myanmar (Burma)*. Retrieved October 08, 2007, from Internal Displacement Monitoring Centre:

[http://www.internal-displacement.org/idmc/website/countries.nsf/\(httpEnvelopes\)/736F99D2D0A4BFA7C1257123004939E4?OpenDocument](http://www.internal-displacement.org/idmc/website/countries.nsf/(httpEnvelopes)/736F99D2D0A4BFA7C1257123004939E4?OpenDocument)

Internal Displacement Monitoring Centre. (2006, October). *Thailand Burma Border Consortium estimates at least 500,000 IDPs in eastern Burma as of October 2006*. Retrieved October 2007, from Internal Displacement Monitoring Centre Myanmar (Burma) Website:

[http://www.internal-displacement.org/idmc/website/countries.nsf/\(httpEnvelopes\)/736F99D2D0A4BFA7C1257123004939E4?OpenDocument](http://www.internal-displacement.org/idmc/website/countries.nsf/(httpEnvelopes)/736F99D2D0A4BFA7C1257123004939E4?OpenDocument)

International Labor Organisation. (2006, March). *Where We Work : Lao PDR*. Retrieved October 2007, from International Labour Organization Website:

<http://www.ilo.org/public/english/region/asro/bangkok/child/trafficking/wherewework-laosdetail.htm>

International labour Office. (2004). *Human Trafficking for Sexual Exploitation in Japan*. Retrieved October 2007, from International Labour Office Website:

<http://www.ilo.org/public/english/region/asro/tokyo/downloads/r-japantrafficking.pdf>

International Labour Office. (n.d.). *Mobilizing Action for the Protection of Domestic Workers Against Forced Labour and Trafficking in Southeast Asia: The Philippine Component - A Project Brief*. Retrieved October 2007, from International Labour Office Manila Website:

<http://www.oit.org/public/english/region/asro/manila/downloads/domwork.pdf>

International Labour Office. (2005). *The Mekong Challenge - Destination Thailand: A cross-border labour migration study in Banteay Meachey Province, Cambodia*. Bangkok: International Labour Office.

International Labour Organisation - IPEC. (2001). Labour migration and trafficking within the Greater Mekong Subregion: Proceedings of Mekong Subregional Experts meeting and exploratory policy paper. *Proceedings of Mekong Subregional Experts meeting and exploratory policy paper*. Bangkok: International Labour Office.

International Labour Organisation International Labour Office. (2005). *Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work*. Retrieved October 2007, from International Labour Office, Geneva. Website: http://www.ilo.org/dyn/declaris/DECLARATIONWEB.DOWNLOAD_BLOB?Var_DocumentID=5059

International Labour Organisation/ International Programme on the Elimination of Child Labour ILO/IPEC (b). (2002). *Yunnan Province, China Situation of Trafficking in Children and Women: a Rapid Assessment*. Bangkok: International Labour Office.

International Labour Organisation/International Programme on the Elimination of Child Labour. (2001). Labour migration and trafficking within the Greater Mekong Subregion. *Proceedings of Mekong Subregional experts meeting and exploratory policy paper* (p. 35). Bangkok: International Labour Office.

International Labour Organisation/International Programme on the Elimination of Child Labour (ILO/IPEC). *Trafficking in Girls with Special Reference to Prostitution: A Rapid Assessment*. Geneva: International Labour Office.

International Labour Organisation/International Programme on the Elimination of Child Labour. *Preliminary Assessment on Trafficking of Children and Women for Labour Exploitation in Lao PDR*. Laos: International Labour Office.

International Organization for Migration. (2007, February 27). *Counter Trafficking Agreement Signed*. (L. Bonneau, Editor) Retrieved September 28, 2007, from International Organization for Migration: <http://www.iom.int/jahia/Jahia/pbnAS/cache/offonce?entryId=13228>

International Organization for Migration. (v1(1) 2006, April). Home at Last: Helping Trafficking Victims. *IOM Indonesia Newsletter*, p. 6.

International Organization for Migration. (2007, July). *Indonesia Facts and Figures*. Retrieved October 2007, from International Organisation for Migration website: <http://www.iom.int/jahia/Jahia/pid/498>

International Organization for Migration. (2004, November). *Labour Migration in the Mekong Region*. Retrieved September 28, 2007, from International Organization for Migration Website: www.iom-seasia.org/resource/pdf/Infosheet_LM.pdf

International Organization for Migration. (1997). *Trafficking in Women to Japan for Sexual Exploitation - A survey on the Case of Filipino Women*. Geneva: International Organization for Migration.

- International Trade Union Confederation. (2007). *2007 Annual Survey of violations of trade union rights*. Retrieved October 2007, from ITUC CSI IGB Website: <http://survey07.ituc-csi.org/getcountry.php?IDCountry=BRN&IDLang=EN>
- IOM . (2000). *Combating Trafficking in South-East Asia: A Review of Policy and Programme Responses* . Retrieved September 28, 2006, from IOM International Organisation for Migration: <http://www.iom.int/jahia/Jahia/cache/offonce/pid/1674?entryId=7420>
- Jones, S. (1996). *Women Feed Malaysia boom*. Retrieved October 2007, from Inside Indonesia: <http://insideindonesia.org/edit47/jones.htm>
- Jordan, A. D. (n.d.). *The annotated Guide to the Complete UN Trafficking Protocol*. Retrieved October 2007, from International Human Rights Law Group: www.hrlawgroup.org/initiatives/trafficking_persons/
- Jubilee Campaign. (2002, March 14). *Peers Press for an End to Trafficking*. Retrieved October 2007, from Jubilee Campaign: www.jubileecampaign.co.uk/world/traf.htm
- Ka Dae Choi (Kayo Yamada). (2007). *Human Trafficking in Thailand: Data Collation and integration of Selected Human Trafficking Information*. Retrieved October 2007, from UNIAP Website: http://www.no-trafficking.org/content/pdf/dci%20report%202006%20final3%20_edited%20for%20the%20website_.pdf
- Kangaspunta, K. (2003). Mapping the Inhuman Trade: Preliminary Findings of the Database on Trafficking in Human Beings. *Forum on Crime and Society, Vol 3 Nos 1 & 2* , 81-103.
- Laczko, F., & Lee, J. J. (2003). Developing Better Indicators of Human Trafficking for Asia. *Expert Group Meeting on Prevention of International Trafficking*. Seoul, Korea: IOM Research and Publications Division, Geneva.
- Lam (a), T. D. (2003). *Labour Exports to Curb Joblessness Come with a Price*. Retrieved September 27, 2006, from IPS Asian Migration Trail: Migration Stories - Vietnam Website: <http://ipsnews.net/migration/stories/exports.html>
- Lam (b), T. D. (2003). *Trading in Children*. Retrieved September 27, 2007, from Asian Migration Stories - Vietnam Website: <http://ipsnews.net/migration/stories/trading.html>
- Lee, J. J. (2005). Human Trafficking in East Asia: Current Trends, Data Collection, and Knowledge Gaps. In I. O. Migration, *Data and research on human trafficking: A global survey* (pp. 165-201). Geneva: International Organization for Migration (IOM).
- Leones, C., & Caparas, D. (undated). *Trafficking in Human Beings from the Philippines: A Survey of Government Experts and Law Enforcement Case Files*. Retrieved October 2007, from UNODC Website: http://www.unodc.org/pdf/crime/human_trafficking/Exec_Summary_NAPOLCOM.pdf
- Levett, C. (2005, August). *Child beggars exploited, beaten and making a small fortune - for others*. Retrieved October 2007, from [humantrafficking.org](http://www.humantrafficking.org): News and Updates: <http://www.humantrafficking.org/updates/91>

Linh, H. T. (2005). *Cross-Border Trafficking in Quang Ninh Province Vietnam*. Retrieved October 03, 2007, from Asia Pacific Migration Research Network Website: apmrn.anu.edu.au/regional_members/Cross%20border%20trafficking%20in%20Quang%20Ninh%20Vietnam%20by%20Linh.doc

Mahmud, H. D. (2007, March 11). *Cut dependence on foreign labour*. Retrieved October 2007, from The Brunei Times: http://www.bt.com.bn/en/classification/news/home_news/2007/03/11/cut_dependence_on_foreign_labour

Mawdsley, N., Tanuhandaru, M., & Holman, K. (2002, March). *Report of the EC Conflict Prevention Assessment Mission*. Retrieved October 2007, from European Commission Website: http://ec.europa.eu/external_relations/cfsp/cpcm/mission/indo02.htm

Mekong Migration Network & Asian Migrant Centre. (2005, November). *Resource Book - Migration in the Greater Mekong Subregion (2nd Edition)*. Retrieved September 27, 2007, from Asian Migrant Centre Website: http://www.asian-migrants.org/index.php?option=com_docman&task=cat_view&gid=58&Itemid=48

Mekong Migration Network/Asian Migrant Centre. (2005). *Resource Book: Migration in the Mekong Sub-Region (2nd Edition)*. Hong Kong: Asian Migrant Centre.

Migrant Assistance Foundation. (2006, September 5). *The Regularisation of Migrant Workers Following the MOUs*. Retrieved October 05, 2007, from Map Foundation Website: <http://www.mapfoundationcm.org/Eng/MOUupdate.html>

Migrant Work Project. (2007, June). *Six Month Report on the situation of Cambodian Migrant Workers in Klong Yai District, Trat, Thailand*. Retrieved October 2007, from UNIAP Cambodia Reading Room Website: www.no-trafficking.org/.../cambodia_pdf/lscw%20migrant%20support%20team%20six%20month%20report.pdf

Migrant Work Project. (2007). *Six Month Report on the Situation of Cambodian Migrant Workers in Klong Yai District, Trat, Thailand*. Cambodia: Migrant Work Project - Legal Support for Women and Children.

Ministry of Labour and Social Welfare & UNICEF. (2004). *"Broken Promises Shattered Dreams"*. Retrieved September 29, 2007, from UNICEF Website: www.unicef.org/media/files/BrokenPromisesFULLREPORT.pdf

Morris, K. (2005, June). *Khmer girls' trafficking ordeal*. Retrieved October 2007, from BBC News: Asia Pacific: <http://news.bbc.co.uk/1/hi/world/asia-pacific/4599709.stm>

Myanmar National Committee for Women's Affairs. (n.d.). *Status of Myanmar Women*. Retrieved October 2007, from Myanmar National Committee for Women's Affairs: <http://mncwa.tripod.com/mncwa/id8.html>

National Statistics Centre of the Lao PDR. (2005). *Population Census 2005: NSC Lao PDR*. Retrieved September 28, 2007, from National Statistic Centre - a Lao PDR Government Website:

http://www.nsc.gov.la/Products/Populationcensus2005/PopulationCensus2005_chapter1.htm

Natividad, I. S. (2005). *Trafficking in Women as a Non-Traditional Security Challenge: Philippine Cases and Responses*. Hong Kong: Centre of Asian Studies, The University of Hong Kong.

New Straits Times. (2006, November 05). *Malaysia Top Destination for Indonesian Victims*. Retrieved October 2007, from [humantrafficking.org](http://www.humantrafficking.org) website: <http://www.humantrafficking.org/updates/485>

New Straits Times. (2006, November). *Malaysian sex slave gang jailed*. Retrieved October 2007, from [humantrafficking.org](http://www.humantrafficking.org): <http://www.humantrafficking.org/updates/484>

New York Times. (2007, February 22). *Korean Men Use Brokers to Find Brides in Vietnam*. Retrieved September 25, 2007, from The New York Times: Asia Pacific: <http://www.nytimes.com/2007/02/22/world/asia/22brides.html?pagewanted=1&ei=5088&en=e7549c68e20c55fd&ex=1329800400&partner=rssnyt&emc=rss>

Nguyen, A. D. (2007). *Labour Export from Viet Nam: Issues of Policy and Practice. Presented at: 8th International Conference of Asia Pacific Migration Research Network 26-29 May 2007*. Fujian, China: unpublished.

Nguyen, A. D., Tacoli, C., & Thanh, H. X. (2003). Migration in Vietnam - A review of information on current trends and patterns, and their policy implications. *Regional Conference on Migration, Development and Pro-Poor Policy Choices in Asia* (pp. 13-15). Dhaka: Department for International Development (DFID) UK.

Nguyen, V. M. (undated). *Combating The Trafficking in Women and Children in Vietnam Through the Impacts of Labour & Employment*. Retrieved Oct 03, 2007, from International Labour Organisation Website: www.ilo.org/public/english/region/asro/bangkok/child/trafficking/downloads/vanminhspeech.pdf

Nine MSN. (2006, December 04). *Child trafficking 'on rise in Indonesia'*. Retrieved October 2007, from [humantrafficking.org](http://www.humantrafficking.org) website: <http://www.humantrafficking.org/updates/574>

Ofreneo, R., & Samonte, I. Strengthening the Role of Governments and Unions in the Protection of Migrant Workers in the ASEAN. *The Sixth ASEAN People's Assembly*. Manila 24-25 October 2007: Unpublished.

O'Neill, F. P. (2004). *Women Migrant Factory Workers*. Retrieved October 2007, from Asian Migrant Yearbook: http://www.asian-migrants.org/index.php?option=com_docman&task=cat_view&gid=60&limit=10&limitstart=20

Pacis, R. R., & Flores-Oebanda, M. C. (2006). *Clarifying the Batas Kasambahay: Q&A on the Bill for Domestic Workers in the Philippines*. Retrieved October 2007, from Visayan Forum Foundation Manila Website: http://www.visayanforum.org/article.php?mode_id=721

Pacis, R. R., & Flores-Oebanda, M. C. (2005). *Looking from within: A Primer on Trafficking in Persons in the Philippines*. Retrieved October 2007, from Visayan Forum Foundation Manila Website: http://www.visayanforum.org/article.php?mode_id=773

Pakkiasamy, D. (2004). *Saudi Arabia's Plan for Changing Its Workforce*. Retrieved October 2007, from Saudi-US Relations Information Service Website: <http://www.saudi-us-relations.org/newsletter2004/saudi-relations-interest-12-02.html>

Panam, A., Punpuing, S., Caouette, T., & Zaw, K. M. (2004). *Migrant Domestic Workers: From Burma to Thailand*. Nakhonpathom, Thailand: Institute for Population and Social Research.

Pattaya Daily News. (2007, March 22). *Human Trafficking Rackets being operated in Southern Thailand*. Retrieved October 2007, from Pattaya Daily News Website: <http://www.pattayadailynews.com/shownews.php?IDNEWS=0000002594>

Pearson et al, E. (2006). *The Mekong Challenge- Underpaid, Overworked and Overlooked: The realities of young migrant workers in Thailand - Volume 2*. Retrieved October 2007, from <http://www.no-trafficking.org/content/pdf/ilo-domestic-vol2-eng.pdf>

People's Daily Online. (2007, May 15). *Filipino overseas workers remittances rise by 26 pct in March*. Retrieved October 2007, from People's Daily Online website: http://english.people.com.cn/200705/15/eng20070515_374856.html

People's Daily Online. (2007, May 17). *Malaysian government presents first bill against human trafficking*. Retrieved October 2007, from [humantrafficking.org](http://www.humantrafficking.org): News & Updates: <http://www.humantrafficking.org/updates/621>

People's Daily Online: Source - Xinhua. (2006, May 19). *Vietnam, Cambodia to Cooperate on Anti-Human Trafficking*. Retrieved Oct 3, 2006, from People's Daily Online: http://english.peopledaily.com.cn/200605/19/eng20060519_267035.html

Phillipine Overseas Employment Administration. (2006). *OFW Global Presence: A compendium of Overseas Employment Statistics*. Retrieved October 2007, from Phillipine Overseas Employment Administration Website: <http://www.poea.gov.ph/stats/2006Stats.pdf>

Phillipines Information Agency. (2007, September 12). *Global OFW deployment reaches 1 M, remittances US\$14B*. Retrieved October 2007, from Official Website of the Republic of the Philippines: <http://www.gov.ph/news/?i=18811>

PonNgern, S. (2007, September 25). *Laos: Children and Women Abuses on the Rise*. Retrieved September 29, 2007, from News Voice of America: Lao Website: <http://www.voanews.com/lao/2007-09-25-voa6.cfm>

Powell, S. (2004, June 15). *HIV Alert exposes baby trafficking*. Retrieved October 2007, from "The Australian" website: http://www.theaustralian.news.com.au/common/story_page/0,5744,9846995%255E2703,00.html

Press Release from Cambodian Ministry of Women's and Veterans' Affairs. (2004, January 22). *humantrafficking.org - News & Updates*. Retrieved October 2007, from [humantrafficking.org: http://www.humantrafficking.org/updates/14](http://www.humantrafficking.org/updates/14)

Raks Thai Foundation. (2003). *Tangled Nets: The Vulnerability of Migrant Fishermen and Related populations in Thailand*. Retrieved October 2007, from Raks Thai Foundation and the Rockefeller Foundation: http://www.rockmekong.org/pubs/publications_2003.htm

Reimer, J. K. (2006). *At what price, honour?* Phnom Penh: Chab Dai.

Ren, X. (2004). Trafficking in Children: China and Asian Perspective. *Making Children's Rights work; National and International perspective* (pp. 1-13). Montreal: International Bureau for children's Rights.

Rodriguez, R. M. (2002). *Striking Filipino Workers in Brunei: Globalisation, migrant workers and migration policy in a labour sending State*. Retrieved October 2007, from Asia Pacific Migration Research Network Website: http://www.apmrn.anu.edu.au/projects/striking_filipino_workers.pdf

Rosenburg (ed.), R. (2003). *Trafficking of women and Children in Indonesia*. Retrieved October 2007, from International Catholic Migration Commission Website: http://www.icmc.net/pdf/traffreport_en.pdf

Samydorai, S. (2007). ASEAN CSO-TU Consultation Process on the rights of migrant workers. *The Sixth ASEAN People's Assembly 24-25 October 2007*. Manila: Unpublished.

Santos, A. B. (2007). *Statement of Socioeconomic Planning Secretary Augusto B. Santos on the Release of the Second Quarter 2007 National Income Accounts*. Manila: National Economic and Development Authority.

Scalabrini Migration Center. (2005). *Preparing to Work Abroad: Filipino Migrants Experiences Prior to Deployment*. Quezon City, Philippines: Scalabrini Migration Center.

Scalabrini Migration Centre. (Undated). *Sex trade attracting foreign and local women*. Retrieved October 2007, from Scalabrini Migration Centre: <http://www.smc.org.ph/amnews/amn060731/southeast/malaysia060731.htm>

Sida. (2003). *Vietnam Country Analysis, January 2003*. Retrieved October 2007, from Swedish International Development Cooperation Agency Website: http://www.sida.se/sida/jsp/sida.jsp?d=118&a=3054&language=en_US&searchWords=count%20analysis%20vietnam

Sijabat, R. M. (2007, March 31). *Legislature Approves Harsh Bill to Combat Human Trafficking*. Retrieved October 2007, from [humantrafficking.com: http://www.humantrafficking.org/updates/534](http://www.humantrafficking.org/updates/534).

Sim, H. B. (2006, August). *A Report on Migrant Life in Brunei*. Retrieved October 2007, from People on the Move No 101 (Suppl.) August 2006 Pontifical Council for the Pastoral Care of Migrants and Itinerant People: http://www.vatican.va/roman_curia/pontifical_councils/migrants/pom2006_101-suppl/rc_pc_migrants_pom101-suppl_report-sim.html

Singapore Tourism Board. (2007, January 31). *Record Year as Tourism Exceeds 2006 targets with S\$12.4 Billion Tourism Receipts And 9.7 Million Visitor Arrivals*. Retrieved October 2007, from Singapore Tourism Board Website: <http://app.stb.com.sg/asp/new/new03a.asp?id=6243>

Spencer, S. (2004, June 3). *Campaign to Stop Trafficking in Women and Children Between Viet Nam and China*. Retrieved October 03, 2007, from UNICEF website: http://www.unicef.org/vietnam/media_521.html

Straits Times. (2004, September 03). *Cases of forced prostitution are 'very rare'*. Retrieved October 2007, from yawning bread website: http://www.yawningbread.org/arch_2004/yax-383.htm

Tenaganita. (2007). *Fact Finding Report: Outsourcing in Labor or Trafficking in Migrant Labor?* Retrieved October 2007, from Tenaganita: http://tenaganita.net/images/outsourcing_report.pdf

TESDA. (n.d.). *Comparative Data 2003-2006: TVET Enrolment and Graduates*. Retrieved October 2007, from Technical Education and Skills Development Authority (TESDA) Website: <http://www.tesda.gov.ph/page.asp?rootID=4&sID=192&pID=34>

TESDA. (2004, February). *How Saturated is the Caregivers' Market?* Retrieved October 2007, from Technical Education and Skills Development Authority Website: <http://www.tesda.gov.ph/page.asp?rootID=4&sID=153&pID=34>

Teves, O. (2005). *Remittances can't replace good economic policies, RP told (Associated Press)*. Retrieved October 2007, from Global Nation Web Site: http://web.archive.org/web/20060305192447/http://www.inq7.net/globalnation/sec_new/2005/dec/02-01.htm

Thanh Nien Daily. (2006). *Information website for prospective Vietnamese brides*. Retrieved September 25, 2007, from Vo Viet chong han:: http://www.vovietchonghan.org/korea/en_documents.php

The Economist. (2006, September 14). *Poverty in Indonesia: Always with them*. Retrieved October 2007, from Economist.com Website: http://www.economist.com/world/asia/displaystory.cfm?story_id=7925064

The Federation of Trade Unions – Burma (FTUB) Migrants Section & Robertson Jr. (Ed.), P. (Undated). *The Mekong Challenge – Working Day and Night: The Plight of Migrant Child Workers in Mae Sot, Thailand*. Bangkok: ILO Mekong Project to Combat Trafficking in Children and Women.

The Nation. (2005, June 23). *Thai Trafficked Girls and Women Saved in Malaysia*. Retrieved October 2007, from humantrafficking.org: <http://www.humantrafficking.org/updates/50>

The Protection Project. (2002, March). *A Human Rights Report on Trafficking of Persons, Especially Women and Children*. Retrieved October 05, 2006, from UNIAP: http://www.no-trafficking.org/content/Reading_Rooms/Burma.htm

- The Protection Project. (n.d.). *Laos*. Retrieved September 29, 2007, from The Protection Project Website: www.protectionproject.org/laos.doc
- The Star Online. (2007, August 16). *Tenaganita rescues 148 abused maids*. Retrieved October 2007, from The Star Online News: <http://thestar.com.my/news/story.asp?file=/2007/8/16/nation/18602812&sec=nation>
- The World Bank . (2007, April). *Key Development Data & Statistics - Vietnam Country Profile*. Retrieved October 2007, from The World Bank Website: <http://devdata.worldbank.org/external/CPProfile.asp?PTYPE=CP&CCODE=VNM>
- The World Bank. (2006). *Migration Can Deliver Welfare Gains, Reduce Poverty, Says Global Economic Prospects 2006*. Retrieved October 2007, from The World Bank website: <http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20724214~pagePK:64257043~piPK:437376~theSitePK:4607,00.html>
- The World Bank. (2006, January). *Migration, Remittance and Female Migrant Workers*. Retrieved October 2007, from The World Bank Website: http://siteresources.worldbank.org/INTINDONESIA/Resources/fact_sheet-migrant_workers_en_jan06.pdf
- Think Centre. (2006, February 24). *Think Centre forges ASEAN solidarity*. Retrieved October 2007, from Think Centre Website: <http://www.thinkcentre.org/article.cfm?ArticleID=2716>
- Transparency International. (2007). *2007 Corruptions Perception Index*. Retrieved October 2007, from Transparency International Web Site: http://www.transparency.org/policy_research/surveys_indices/cpi/2007
- Transparency International. (2006). *Regional Overview Report on National Integrity Systems in East and Southeast Asia*. Retrieved October 2007, from Transparency International Website: http://www.transparency.org/news_room/in_focus/2007/nis_in_east_and_southeast_asia
- Travel Trade Gazette Asia. (2000, August). *Police Raids Best Western*. Retrieved October 2007, from TTG Asia: http://www.ttgasia.com/index.php?option=com_search&Itemid=0&searchword=Police+Raids+Best+Wester&submit=Search&searchphrase=exact&ordering=oldest
- U.S. Department of Labour, Bureau of International Labor Affairs. (2007, October). *Philippines: Incidence and Nature of Child Labor*. Retrieved October 2007, from U.S. Department of Labor: Bureau of International Labor Affairs: <http://www.dol.gov/ilab/media/reports/iclp/tda2004/philippines.htm>
- U.S. Department of State. (2004). *Country Reports - 2004: Philippines, Sections 6c and 6f*. Washington: U.S. Department of State.
- U.S. Department of State. (2001). *Victims of Trafficking and Violence Protection Act of 2000: TIP Report 2001*. Retrieved October 2007, from U.S. Department of State: <http://www.state.gov/g/tip/rls/tiprpt/2001/>

U.S. Department of State. (2002). *Victims of Trafficking and Violence Protection Act of 2000: TIP Report 2002*. Retrieved October 2007, from U.S. Department of State: <http://www.state.gov/g/tip/rls/tiprpt/2002/>

U.S. Department of State. (2003). *Victims of Trafficking and Violence Protection Act of 2000: TIP Report 2003*. Retrieved October 2007, from U.S. Department of State: <http://www.state.gov/g/tip/rls/tiprpt/2003/>

U.S. Department of State. (2004). *Victims of Trafficking and Violence Protection Act of 2000: TIP Report 2004*. Retrieved October 2007, from U.S. Department of State: <http://www.state.gov/g/tip/rls/tiprpt/2004/>

U.S. Department of State. (2005). *Victims of Trafficking and Violence Protection Act of 2000: TIP Report 2005*. Retrieved October 2007, from U.S. Department of State: <http://www.state.gov/g/tip/rls/tiprpt/2005/>

U.S. Department of State. (2006). *Victims of Trafficking and Violence Protection Act of 2000: TIP Report 2006*. Retrieved October 2007, from U.S. Department of State: <http://www.state.gov/g/tip/rls/tiprpt/2006/>

U.S. Department of State. (2007). *Victims of Trafficking and Violence Protection Act of 2000: TIP Report 2007*. Retrieved October 2007, from U.S. Department of State: <http://www.state.gov/g/tip/rls/tiprpt/2007/>

U.S. Department of State: Bureau of Democracy, Human Rights, and Labor. (2007, March 6). *Country Reports on Human Rights Practices - 2006*. Retrieved October 2007, from U.S. Department of State Website: <http://www.state.gov/g/drl/rls/hrrpt/2006/78767.htm>

U.S. Department of State: Bureau of East Asian and Pacific Affairs. (2007, April). *Background Note: Laos*. Retrieved September 28, 2007, from U.S. Department of State Website: <http://www.state.gov/r/pa/ei/bgn/2770.htm>

U.S. Department of State: Bureau of East Asian and Pacific Affairs. (2007). *Background Note: Brunei Darussalam*. Retrieved October 2007, from U.S. Department of State Website: <http://www.state.gov/r/pa/ei/bgn/2700.htm>

U.S. Department of State: Bureau of East Asian and Pacific Affairs. (2007, April). *Background Note: Singapore*. Retrieved October 2007, from U.S. Department of State: Bureau of East Asian and Pacific Affairs Website: <http://www.state.gov/r/pa/ei/bgn/2798.htm>

U.S. State Dept TIP Report. (2007). *Human Trafficking & Modern Day Slavery Socialist Republic of Vietnam*. Retrieved September 21, 2007, from Human Trafficking: <http://gvnet.com/humantrafficking/Vietnam.htm>

UN. (2007) 'UN Joint Framework: Addressing Human Trafficking in Cambodia'. Retrieved November 2007, from United Nations in Cambodia Website: http://www.un.org.kh/?url=/joint_framework/human

UNDP. (2006). *2006 Human Development Index Rankings*. Retrieved October 2007, from UNDP Human Development Reports Website: <http://hdr.undp.org/en/statistics/>

- UNDP. (2006). *Brunei: Human Development Report 2006*. Retrieved October 2007, from UNDP Website:
http://hdr.undp.org/hdr2006/statistics/countries/country_fact_sheets/cty_fs_BRN.html
- UNDP. (2006). *Myanmar: Human Development Report 2006*. Retrieved October 2007, from UNDP Website:
http://hdr.undp.org/hdr2006/statistics/countries/data_sheets/cty_ds_MMR.html
- UNDP. (2006). *Singapore: The Human Development Index - going beyond income*. Retrieved October 2007, from UNDP Human Development Reports Website:
http://hdrstats.undp.org/countries/country_fact_sheets/cty_fs_SGP.html
- UNDP. (n.d.). *Thailand: Millenium Development Goals*. Retrieved October 2007, from UNDP: <http://www.undp.or.th/mdg/index.html>
- UNDP. (2006). *Thailand: The Human Development Index - going beyond income*. Retrieved October 2007, from UNDP Human Development Reports Website:
http://hdrstats.undp.org/countries/country_fact_sheets/cty_fs_THA.html
- UNDP. (2006). *UNDP Human Development Report 2006: Beyond scarcity: Power, poverty and the global water crisis*. Retrieved October 2007, from UNDP Web site:
http://hdr.undp.org/hdr2006/statistics/countries/data_sheets/cty_ds_PHL.html
- UNDP. (2004). *Viet Nam: The Human Development Index - going beyond income*. Retrieved October 2007, from UNDP Human Development Reports Website:
http://hdrstats.undp.org/countries/country_fact_sheets/cty_fs_VNM.html
- UNESCO. (n.d.). *Responses to the Trafficking of Women and Children - UNESCO Projects Related to the Trafficking of girls and Women*. Retrieved October 2007, from UNESCO Bangkok Website: www.unescobkk.org/culture/trafficking/unesco.htm
- UNFPA. (2006, October). *Viet Nam must plan for increased migration, UNFPA studies find*. Retrieved September 25, 2007, from UNFPA Website: <http://vietnam.unfpa.org>
- UNIAP. (2004). *COMMIT Senior Officials Meeting 1: Myanmar Country Paper*. Retrieved October 2007, from UNIAP Website: http://www.no-trafficking.org/content/Reading_Rooms/Myanmar.htm
- UNIAP. (2004). *Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT): Vietnam Country Paper*. Retrieved October 2007, from UNIAP Website: http://www.no-trafficking.org/content/Reading_Rooms/vietnam.htm
- UNIAP. (n.d.). *Country Pages - Cambodia*. Retrieved October 2007, from UNIAP: http://www.no-trafficking.org/content/Country_Pages_Cambodia/overview_cambodia.htm
- UNICEF. (n.d.). *At a glance: Indonesia*. Retrieved October 2007, from UNICEF Website: <http://www.unicef.org/infobycountry/indonesia.html>
- UNICEF. (n.d.). *At a glance: Phillipines*. Retrieved October 2007, from UNICEF Web Site: http://www.unicef.org/infobycountry/philippines_statistics.html

UNICEF. (n.d.). *Cambodia - background*. Retrieved 2007, from UNICEF Cambodia Website: http://www.unicef.org/infobycountry/cambodia_2190.html

UNICEF. (Undated). *Malaysia Overview - Nationhood in Progress*. Retrieved October 2007, from Malaysia Overview: <http://www.unicef.org/malaysia/overview.html>

UNICEF Philippines. (n.d.). *Stop Child Pornography Today*. Retrieved October 2007, from UNICEF Philippines Website: http://www.unicef.org/philippines/support/sup_12.html

UNICEF. (n.d.). *Thailand*. Retrieved October 2007, from UNICEF Website: http://www.unicef.org/infobycountry/Thailand_1022.html

UNIFEM. (2006). *Cambodia Women Migrant Workers: Findings from a Migration Mapping Study*. Phnom Penh: UNIFEM - Project Office, Cambodia.

UNIFEM Regional Program on Empowering Women Migrant Workers in Asia. (2007). *Empowering Women Migrant Workers in Asia*. Retrieved October 2007, from UNIFEM South And Southeast Asia Regional Office: <http://www.unifem-eseasia.org/projects/migrant/migrant.htm>

United Nations. (2007). *A framework for addressing human trafficking in Cambodia*. Phnom Penh, Cambodia: Office of the United Nations Resident Coordinator in Cambodia.

United Nations Country Team, Malaysia. (2005). *Malaysia: Achieving the Millennium Development Goals*. Kuala Lumpur: UNDP.

United Nations Country Team, Malaysia. (2005). *Malaysia: Achieving the Millennium Development Goals*. Kuala Lumpur: UNDP.

United Nations Department of of Public Information. (2001, March). *Backgrounder to the World Conference against Racism, Racial Discrimination, Xenophobia and related Intolerance*. Retrieved October 2007, from Human Rights Watch Website: www.hrw.org/campaigns/race/backgrounder_english.pdf

United Nations. (2007). *UN Joint Framework for Addressing Human Trafficking in Cambodia*. Phnom Penh: Office of the United Nations Resident Coordinator in Cambodia.

UNODC. (2003, March 11). *Human Trafficking - Regional Profile 2003-03-11*. Retrieved 10 03, 2007, from UN Office on Drugs and Crime Website: www.unodc.un.or.th/material/document/RegionalProfile.pdf

US Department of State. (n.d.). *Report Details Mixed Human Trafficking Picture in Europe, Eurasia*. Retrieved October 2007, from US Department of State Website: <http://usinfo.state.gov/gi/Archive/2006/Jun/07-205905.html>

US Department of State. (2003). *TIP Report - Country Narratives: Laos*. Retrieved October 2007, from US Department of State Website: <http://www.state.gov/g/tip/rls/tiprpt/2003/21276.htm>

US Department of State. (2006). *TIP Report 2006*. Retrieved October 2007, from U.S. Department of State Website: <http://www.state.gov/g/tip/rls/tiprpt/2006/65990.htm>

US Department of State. (2007). *Victims of Trafficking and Violence Protection Act of 2000: TIP Report 2007*. Retrieved October 2007, from U.S. Department of State Website: <http://www.state.gov/g/tip/rls/tiprpt/2007/>

US Department of State: Office to Monitor and Combat Trafficking in Persons. (n.d.). *Trafficking in Persons Interim Assessment East Asia and the Pacific*. Retrieved September 29, 2007, from US Department of State Website: <http://www.state.gov/g/tip/rls/rpt/40252.htm>

USAID. (2006, February). *Anti-Trafficking Technical Assistance: Indonesia Analysis of United States Government Funded Anti-Trafficking Activities*. Retrieved October 2007, from USAID Website: <http://www.usembassyjakarta.org/indo-reports/IndonesiaTrafficking.pdf>

Valenzuela, R. G. (2005, July). *Kasambahay (domestic worker) program: working together towards a Magna Carta for Filipino domestic workers*. Retrieved October 2007, from Overseas Development Institute Website: http://www.odi.org.uk/RAPID/Projects/PPA0104/domestic_workers.html

Vicente, J. (2006, March 29). *Korea asked not to issue entertainment visas*. Retrieved October 2007, from The Manila Times: www.newsbreak.com.ph/humantrafficking/story-korea.htm

Vietnam Law & Legal Forum. (2007, August 25). *Legal Updates: Decision No. 144/2007/QD-TTg*. Retrieved October 2, 2007, from Vietnam Law & Legal forum: http://news.vnnet.vn/vietnamlaw/Service.asp?CATEGORY_ID=3&SUBCATEGORY_ID=8&NEWS_ID=2267

Vietnam Net Bridge. (2007, August 21). *One more vietnamese bride reported dead in Korea*. Retrieved September 25, 2007, from Vietnam net Bridge Website: <http://english.vietnamnet.vn/social/2007/08/732154/>

Vietnam Voice. (2007). *Vietnam Voice News*. Retrieved October 13, 2007, from Vietnamese Overseas Initiative for Conscience Empowerment (Voice) Website: <http://www.vietnamvoice.org/index.php?taiwan>

Visayan Forum Foundation. (n.d.). *Child Domestic Workers*. Retrieved October 2007, from Visayan Forum Foundation: http://www.visayanforum.org/article.php?mode_id=31#1

Vital Voices Global Partnership. (2007, June). *Stateless and Vulnerable to Human Trafficking in Thailand*. Retrieved October 2007, from Vital Voices Global Partnership Website: <http://www.vitalvoices.org/files/docs/Vital%20Voices%20-%20Stateless%20and%20Vulnerable%20to%20Human%20Trafficking%20in%20Thailand.pdf>

Voice. (2007). *Voice News*. Retrieved October 13, 2007, from Vietnamese Overseas Initiative for Conscience Empowerment: http://www.vietnamvoice.org/index.php?counter_cambodia

Women's Commission for Refugee Women and Children . (2006). *Abuse without End: Burmese Refugee Women and Children at Risk of Trafficking*. New York: Women's Commission for Refugee Women and Children .

Women's Commission for refugee Women and Children. (2006, July). *Memorandum submitted by the Women's Commission for Refugee Women and Children*. Retrieved October 13, 2007, from UK Parliament Publications and Records Website: <http://www.publications.parliament.uk/pa/cm200607/cmselect/cmintdev/ucburma/uc2102.htm>

Wong, C. M. (2006, September 06). *Singapore the most business-friendly economy in the world: World Bank*. Retrieved October 2007, from Channel News Asia Website: <http://www.channelnewsasia.com/stories/singaporebusinessnews/view/228852/1/.html>

Wong, D., & Saat, G. (2003). *Trafficking of Filipino women to Malaysia: Examining the Experiences and Perspectives of Victims, Governmental and NGO Experts*. Retrieved October 2007, from United Nations Office on Drugs and Crime: http://unodc.org/pdf/crime/human_trafficking/Exec_Summary_IKMAS.pdf

Wong, F. (2004, October 12). *Prostitution wave hits 'squeaky clean' Singapore*. Retrieved October 2007, from Singapore Window: <http://www.singapore-window.org/sw04/041012re.htm>

World Bank development Prospects Group. (2006). *Migration and Remittances Factbook: Burma*. Retrieved October 2007, from The World Bank website: <http://econ.worldbank.org/WBSITE/EXTERNAL/EXTDEC/EXTDECPROSPECTS/0,,contentMDK:21352016~menuPK:3145470~pagePK:64165401~piPK:64165026~theSitePK:476883,00.html>

World Bank Development Prospects Group. (2006). *Migration and Remittances Factbook: Vietnam*. Retrieved September 20th, 2007, from The World Bank Website: <http://siteresources.worldbank.org/INTPROSPECTS/Resources/334934-118167...>

World Vision. (2007). *Lessons Learned: Review on the Law Enforcement Against Sexual Exploitation and Trafficking of Children Project (LEASETC)*. Phnom Penh: World Vision Cambodia.

York, G. (2005, December 16). *China shuts down reports about baby trafficking*. Retrieved October 2007, from The (Toronto) Globe and Mail: http://seattlepi.nwsource.com/national/252260_babysmuggle16.html

Notes

Chapter 1. Executive Summary

¹ (U.S. Department of State, 2007), *Victims of Trafficking and Violence Protection Act of 2000: TIP Report 2007*. Retrieved October 2007, from U.S. Department of State at

http://www.google.com.au/search?sourceid=navclient&aq=t&ie=UTF-8&rlz=1T4WZPA_en_AU205&q=us+traffickin+in+persons+report+2007

² The Trafficking Protocol entered into force in December 2003. A full copy is available at http://www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_%20traff_en_g.pdf

³ (Jordan) *The Annotated Guide to the Complete UN Trafficking Protocol*, International Human Rights Law Group, Washington DC, www.hrlawgroup.org/initiatives/trafficking_persons/ p11.

⁴ Dr Radhika Coomaraswamy, UN Special Rapporteur on Violence Against Women, quoted in (Jubilee Campaign, 2002) *Peers Press for an End to Trafficking*, 14 March 2002, www.jubileecampaign.co.uk/world/traf.htm.

⁵ (Ofreneo & Samonte, Unpublished) 'Strengthening the Role of Governments and Unions in the Protection of Migrant Workers in the ASEAN', paper presented at *The Sixth ASEAN People's Assembly, Manila*, 24-25 October 2007.

⁶ (Ofreneo & Samonte, Unpublished) 'Strengthening the Role of Governments and Unions in the Protection of Migrant Workers in the ASEAN', paper presented at *The Sixth ASEAN People's Assembly, Manila*, 24-25 October 2007.

⁷ (International Labour Organisation/International Programme on the Elimination of Child Labour, 2001), *Labour migration and trafficking within the greater Mekong Subregion: Proceedings of Mekong Subregional experts meeting and exploratory policy paper*, International Labour Office, Bangkok, 2001, p.35.

⁸ (Samydorai, 2007) 'ASEAN CSO-TU Consultation Process on the rights of migrant workers', paper presented at *The Sixth ASEAN People's Assembly, Manila*, 24-25 October 2007 (unpublished).

⁹ (ASEAN, 2007), *ASEAN Responses to Trafficking in Persons: Ending Impunity for Traffickers and Securing Justice for Victims*, ASEAN, April 2006 at http://www.artipproject.org/artip/14_links/links.html

¹⁰ Full document at [http://www.unhcr.ch/huridocda/huridoca.nsf/\(Symbol\)/A.CONF.157.23.En](http://www.unhcr.ch/huridocda/huridoca.nsf/(Symbol)/A.CONF.157.23.En)

¹¹ At <http://www.aseanhrmech.org/aboutus.html>

¹² (David (ed.), 2006) *ASEAN and Trafficking in Persons: Using Data as a Tool to Combat Trafficking in Persons*, International Organization for Migration, Geneva, 2006 at www.iom.int/.../shared/shared/mainsite/published_docs/books/lowres%20asean%20report-complete.pdf

¹³ see (David (ed.), 2006) *ASEAN and Trafficking in Persons: Using Data as a Tool to Combat Trafficking in Persons*, International Organization for Migration, Geneva, 2006 at www.iom.int/.../shared/shared/mainsite/published_docs/books/lowres%20asean%20report-complete.pdf

¹⁴ (Ofreneo & Samonte) 'Strengthening the Role of Governments and Unions in the Protection of Migrant Workers in the ASEAN', paper presented at *The Sixth ASEAN People's Assembly, Manila*, 24-25 October 2007 (unpublished).

¹⁵ (Huguet & Ramangkura, 2007) *The Long Way Home: Analysis of Regional and National Processes for the Return and Reintegration of Victims of Trafficking in the Greater Mekong Sub-region*, International Organization for Migration, 2007 at http://www.iom-seasia.org/resource/pdf/thelongroadhome/The_long_road_home.pdf?POSTNUKESID=ddecfb505333c1c8f13e58031e7924b5

¹⁶ (UNESCO) 'UNESCO Responses to the Trafficking of Women and Children – UNESCO Projects Related to the Trafficking of Girls and Women', at www.unescobkk.org/culture/trafficking/unesco.htm.

¹⁷ (Huguet & Ramangkura, 2007)

Chapter 2. What is Trafficking?

¹ The Trafficking Protocol entered into force in December 2003. A full copy is available at http://www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_%20traff_eng.pdf

² (Jordan) *The Annotated Guide to the Complete UN Trafficking Protocol*, International Human Rights Law Group, Washington DC, www.hrlawgroup.org/initiatives/trafficking_persons/ p11.

³ (United Nations Department of Public Information, 2001) 'Backgrounder to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance', March 2001.at www.hrw.org/campaigns/race/backgrounder_english.pdf

⁴ Dr Radhika Coomaraswamy, UN Special Rapporteur on Violence Against Women, *quoted in* (Jubilee Campaign, 2002) *Peers Press for an End to Trafficking*, Jubilee Campaign, 14 March 2002, www.jubileecampaign.co.uk/world/traf.htm.

⁵ (International Labour Organisation International Labour Office, 2005) *Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work*, International Labour Office, Geneva, 2005, p.10 at

http://www.ilo.org/dyn/declaris/DECLARATIONWEB.DOWNLOAD_BLOB?Var_DocumentID=5059

⁶ (International Labour Organisation International Labour Office, 2005) *Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work*, International Labour Office, Geneva, 2005, p.12 at

http://www.ilo.org/dyn/declaris/DECLARATIONWEB.DOWNLOAD_BLOB?Var_DocumentID=5059

⁷ Thirty two percent are trafficked for economic exploitation, and the remaining 25 percent for mixed or undetermined reasons.⁷

⁸ (International Labour Organisation International Labour Office, 2005) *Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work*, International Labour Office, Geneva, 2005, p.10 at

http://www.ilo.org/dyn/declaris/DECLARATIONWEB.DOWNLOAD_BLOB?Var_DocumentID=5059

⁹ (International Labour Organisation/International Programme on the Elimination of Child Labour (ILO/IPEC)) International Labour Organisation/International Programme on the Elimination of Child Labour, *Trafficking in Girls with Special Reference to Prostitution: A Rapid Assessment*, International Labour Office, p. 20.

www.oit.org/public/english/region/asro/newdelhi/ipec/download/resources/subregion/subpubl01eng8.pdf

¹⁰ (Human Rights Watch , 2003) *Borderline Slavery – Child Trafficking in Togo*, Human Rights Watch, New York, 2003.

¹¹ (US Department of State) 'Report Details Mixed Human Trafficking Picture in Europe, Eurasia', US Department of State Website at <http://usinfo.state.gov/gi/Archive/2006/Jun/07-205905.html>

¹² (International Labour Organisation/ International Programme on the Elimination of Child Labour ILO/IPEC (b), 2002) *Yunnan Province, China, Situation of Trafficking in Children and Women: A Rapid Assessment*, International Labour Office, Bangkok, 2002, p.vii.

¹³ (US Department of State, 2006), *Victims of Trafficking and Violence Protection Act of 2000: TIP Report 2006* at <http://www.state.gov/g/tip/rls/tiprpt/2006/65989.htm>

¹⁴ (International Labour Organisation/ International Programme on the Elimination of Child Labour ILO/IPEC (b), 2002) *Yunnan Province, China, Situation of Trafficking in Children and Women: A Rapid Assessment*, International Labour Office, Bangkok, 2002, p.vii.

¹⁵ (humantrafficking.org) *Cambodia* at <http://www.humantrafficking.org/countries/cambodia>

¹⁶ http://hrw.org/reports/2004/indonesia0704/3.htm#_Toc76201449

¹⁷ (Ministry of Labour and Social Welfare & UNICEF, 2004) *Broken Promises Shattered Dreams, A Profile of Child Trafficking in the Lao PDR*, p.33, at

<http://www.unicef.org/media/files/BrokenPromisesFULLREPORT.pdf>

¹⁸ (Human Trafficking .org, 2004) *Burma* at <http://www.humantrafficking.org/countries/burma>

¹⁹ (International Labour Organisation - IPEC, 2001) *Labour migration and trafficking within the greater Mekong Subregion: Proceedings of Mekong Subregional experts meeting and exploratory policy paper*, International Labour Office, Bangkok, 2001, p.33.

²⁰ (International Labour Organisation - IPEC, 2001) *Labour migration and trafficking within the greater Mekong Subregion: Proceedings of Mekong Subregional experts meeting and exploratory policy paper*, International Labour Office, Bangkok, 2001 , p.35.

²¹ (Asia Development Bank) *Fighting Poverty in Asia and the Pacific: The Poverty Reduction Strategy* at www.adb.org/Documents/policies/poverty_reduction/default.asp.

²² (International Labour Organisation - IPEC, 2001) *Labour migration and trafficking within the greater Mekong Subregion: Proceedings of Mekong Subregional experts meeting and exploratory policy paper*, International Labour Office, Bangkok, p.35.

²³ (International Labour Organisation/International Programme on the Elimination of Child Labour (ILO/IPEC)), *Trafficking in Girls with Special Reference to Prostitution: A Rapid Assessment*, International Labour Office, p.36.

²⁴ (International Labour Organisation/International Programme on the Elimination of Child Labour) *Preliminary Assessment on Trafficking of Children and Women for Labour Exploitation in Lao PDR*, International Labour Office, Lao PDR, p.36.

²⁵ (International Labour Organisation - IPEC, 2001) *Labour migration and trafficking within the greater Mekong Subregion: Proceedings of Mekong Subregional experts meeting and exploratory policy paper*, International Labour Office, Bangkok, 2001, p.11.

²⁶ (The World Bank, 2006) World Bank, 'Migration Can Deliver Welfare Gains, Reduce Poverty, Says Global Economic Prospects 2006' at <http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20724214~pagePK:64257043~piPK:437376~theSitePK:4607,00.html>

Chapter 3. Country Profiles

Brunei Darussalam

¹ Data from (Table 1. Selected basic ASEAN indicators , 2007)at

<http://www.aseansec.org/stat/Table1.pdf>

² (UNDP, 2006), *Human Development Report 2006*, at

http://hdr.undp.org/hdr2006/statistics/countries/country_fact_sheets/cty_fs_BRN.html

³ (UNDP, 2006), *Human Development Report 2006*, at

http://hdr.undp.org/hdr2006/statistics/countries/data_sheets/cty_ds_BRN.html

⁴ (U.S. Department of State: Bureau of East Asian and Pacific Affairs, 2007), *Background Note: Brunei Darussalam*, at <http://www.state.gov/r/pa/ei/bgn/2700.htm>

⁵ (Bureau of Democracy, Human Rights, and Labor, 2007), *Country Reports on Human Rights Practices*, at <http://www.state.gov/g/drl/rls/hrrpt/2006/78767.htm>

⁶ (Mahmud, 2007), *Cut dependence on foreign labour*, at

http://www.bt.com.bn/en/classification/news/home_news/2007/03/11/cut_dependence_on_foreign_labour

⁷ (Sim, 2006), *A Report on Migrant Life in Brunei at*

http://www.vatican.va/roman_curia/pontifical_councils/migrants/pom2006_101-suppl/rc_pc_migrants_pom101-suppl_report-sim.html

⁸ (U.S. Department of State: Bureau of East Asian and Pacific Affairs, 2007), *Background Note: Brunei Darussalam*, at <http://www.state.gov/r/pa/ei/bgn/2700.htm>

⁹ (U.S. Department of State: Bureau of East Asian and Pacific Affairs, 2007) *Background Note: Brunei Darussalam*, at <http://www.state.gov/r/pa/ei/bgn/2700.htm>

¹⁰ (bruneiresources.com, undated) *Foreign Worker Information* at

<http://www.bruneiresources.com/foreignworkers.html>

¹¹ (International Trade Union Confederation, 2007), *2007 Annual Survey of violations of trade union rights*, at <http://survey07.ituc-csi.org/getcountry.php?IDCountry=BRN&IDLang=EN>

¹² (International Trade Union Confederation, 2007). *2007 Annual Survey of violations of trade union rights*, at <http://survey07.ituc-csi.org/getcountry.php?IDCountry=BRN&IDLang=EN>

¹³ (Vital Voices Global Partnership, 2007), *Stateless and Vulnerable to Human Trafficking in Thailand*, p.146 at <http://www.vitalvoices.org/files/docs/Vital%20Voices%20-%20Stateless%20and%20Vulnerable%20to%20Human%20Trafficking%20in%20Thailand.pdf>

¹⁴ In fact, Brunei has never been listed as experiencing the problem of human trafficking during the seven year history of the report's annual publication.

¹⁵ UNICEF, *Children on the Edge: Protecting Children from Sexual Exploitation and Trafficking in East Asia and the Pacific*, 2001 in (Laczko & Lee, 2003) *Developing Better Indicators of Human Trafficking for Asia*, "Expert Group Meeting on Prevention of International Trafficking", Seoul, Korea, September 22-23rd, 2003. IOM Research and Publications Division, Geneva.

¹⁶ (U.S. Department of State: Bureau of Democracy, Human Rights, and Labor, 2006) *Country Report on Human Rights Practices – 2005: Brunei*, at <http://www.state.gov/g/drl/rls/hrrpt/2005/61602.htm>

¹⁷ (Rodriguez, 2002), *Striking Filipino Workers in Brunei: Globalisation, migrant workers and migration policy in a labour sending State*, at http://apmrn.anu.edu.au/projects/striking_filipino_workers.pdf

Cambodia

¹ Data from (Table 1. Selected basic ASEAN indicators , 2007) at <http://www.aseansec.org/stat/Table1.pdf>

² Usually estimated at between 1 and 3 million.

³ (AusAid, 2007), 'Cambodia – Country overview' at

http://www.usaid.gov.au/country/country.cfm?CountryID=34&Region=EastAsia&CFID=4497313&CF_TOKEN=32156632

⁴ (UNICEF, Undated), 'Cambodia – background' at

http://www.unicef.org/infobycountry/cambodia_2190.html

⁵ (Harrison & Somatheavy, 2004), *Moving Forward: Secondary Data Review of Sending and Receiving Areas and Employment Sectors in Prevention of Trafficking Children and Women in Cambodia*, International Labour Organization, Phnom Penh, 2004, p.22.

⁶ (International Labour Office, 2005), *The Mekong Challenge – Destination Thailand: A cross-border labour migration survey in Banteay Meanchey Province, Cambodia*, International Labour Office, Bangkok, 2005, p.32.

⁷ Van Acker, 'The LADIT Study', 1999 cited in (Harrison & Somatheavy, 2004), *Moving Forward: Secondary Data Review of Sending and Receiving Areas and Employment Sectors in Prevention of Trafficking Children and Women in Cambodia*, International Labour Organization, Phnom Penh, 2004, p.10.

⁸ (Harrison & Somatheavy, 2004), *Moving Forward: Secondary Data Review of Sending and Receiving Areas and Employment Sectors in Prevention of Trafficking Children and Women in Cambodia*, International Labour Organization, Phnom Penh, 2004, p.11.

⁹ Asian Migrant Centre, 'Migration Needs, Issues and Responses in the Greater Mekong Subregion', 2003 ... in (International Labour Office, 2005), (Pearson et al, 2006) *The Mekong Challenge – Destination Thailand: A cross-border labour migration survey in Banteay Meanchey Province, Cambodia*, International Labour Office, Bangkok, 2005, p.viii

¹⁰ (Harrison & Somatheavy, 2004), *Moving Forward: Secondary Data Review of Sending and Receiving Areas and Employment Sectors in Prevention of Trafficking Children and Women in Cambodia*, International Labour Organization, Phnom Penh, 2004 p.13.

¹¹ (Harrison & Somatheavy, 2004), *Moving Forward: Secondary Data Review of Sending and Receiving Areas and Employment Sectors in Prevention of Trafficking Children and Women in Cambodia*, International Labour Organization, Phnom Penh, 2004 p.12.

¹² (International Labour Office, 2005), *The Mekong Challenge – Destination Thailand: p.viii*

¹³ (Asian Migrant Centre Country Report: Cambodia, 2004)

¹⁴ National AIDS Authority quoted in (UNIFEM, 2006) *Cambodia Women Migrant Workers Findings from a Migration Mapping Study* UNIFEM - Project Office, Cambodia Phnom Penh 2006, p.18.

¹⁵ (UNIFEM, 2006) (UNIFEM, 2006) *Cambodia Women Migrant Workers Findings from a Migration Mapping Study* p.38, at www.unifem-eseasia.org/projects/migrant/migrant.htm,

¹⁶ (UNIFEM, 2006) *Cambodia Women Migrant Workers Findings from a Migration Mapping Study* at www.unifem-eseasia.org/projects/migrant/migrant.htm

¹⁷ (UNIFEM, 2006), *Cambodia Women Migrant Workers Findings from a Migration Mapping Study* p.36. at www.unifem-eseasia.org/projects/migrant/migrant.htm

¹⁸ (International Labour Office, 2005), *The Mekong Challenge – Destination Thailand*, p.viii

¹⁹ The Department of State ranks each countries performance based more on the extent of government action to combat trafficking rather than the size of the problem, important though that is. Governments that comply with the US Trafficking Victims Protection Act's minimum standards for the elimination of trafficking are placed in Tier 1. Governments considered to be making significant efforts to bring themselves into compliance are placed in Tier 2. Governments that do not fully comply with the minimum standards and are not making significant efforts to do so are placed in Tier 3. Tier 2 countries are placed on the Tier 2 Watch List when they are considered at risk of being demoted to

Tier 3. A full list of all countries surveyed rankings is available at <http://www.state.gov/g/tip/rls/tiprpt/2007/82802.htm>. Further details on the *TIP Reports* are contained in the introduction section of this report.

²⁰ UN, 'The United Nations in Cambodia' website at http://www.un.org.kh/?url=/joint_framework/human

²¹ (World Vision, 2007), *Lessons Learned Review on the Law Enforcement Against Sexual Exploitation and Trafficking of Children Project (LEASETC)*, World Vision Cambodia, Phnom Penh, 2007, p.15.

²² (UNIFEM, 2006) *Cambodia Women Migrant Workers Findings from a Migration Mapping Study*, at www.unifem-eseasia.org/projects/migrant/migrant.htm

²³ (UNIFEM, 2006) *Cambodia Women Migrant Workers Findings from a Migration Mapping Study*, at www.unifem-eseasia.org/projects/migrant/migrant.htm, p. 45.

²⁴ ADB, 2004, p.5 in (Harrison & Somatheavy, 2004) , *Moving Forward: Secondary Data Review of Sending and Receiving Areas and Employment Sectors in Prevention of Trafficking Children and Women in Cambodia*, International Labour Organization, Phnom Penh, 2004, p.12.

²⁵ A sexually loose women is sometimes referred to as "she has got legs" ('koat meun cuen'), meaning that she walks far from her household).

²⁶ (Brown (a), 2007), *The Ties that Bind; Migration and Trafficking of Women and Girls for Sexual Exploitation in Cambodia*, International Organization for Migration, Phnom Penh, January 2007 at <http://www.no->

[trafficking.org/content/Country_Pages_Cambodia/cambodia_pdf/csewg%20report%20final.pdf](http://www.no-trafficking.org/content/Country_Pages_Cambodia/cambodia_pdf/csewg%20report%20final.pdf) and (UNIFEM, 2006) UNIFEM Regional Program on Empowering Women Migrant Workers in Asia, *Cambodian Women Migrant Workers: Findings from a Migration Mapping Survey*, UNIFEM, Phnom Penh, June 2006, p. 47.

²⁷ For example, 1993 and 1995 studies by Human Rights Vigilance of Cambodia in (Human Rights Task Force on Cambodia, 2001) at <http://www.hrsolidarity.net/mainfile.php/1996vol06no04/219/>

²⁸ LICADHO data cited by (World Vision, 2007), *Lessons Learned Review on the Law Enforcement Against Sexual Exploitation and Trafficking of Children Project (LEASETC)*, World Vision Cambodia, Phnom Penh, 2007, p.16

²⁹ (CARE Cambodia, 2005 cited in (UNIFEM, 2006), p.43.

³⁰ (Human Rights Task Force on Cambodia, 2001): Prostitution and Sex Trafficking: A Growing Threat to the Human Rights of Women and Children in Cambodia, *Human Rights Task Force on Cambodia*, 2001, <http://www.hrsolidarity.net/mainfile.php/1996vol06no04/219/>

³¹ (Brown (a), 2007), *The Ties that Bind; Migration and Trafficking of Women and Girls for Sexual Exploitation in Cambodia*, International Organization for Migration, Phnom Penh, January 2007 at <http://www.no->

[trafficking.org/content/Country_Pages_Cambodia/cambodia_pdf/csewg%20report%20final.pdf](http://www.no-trafficking.org/content/Country_Pages_Cambodia/cambodia_pdf/csewg%20report%20final.pdf)

³² (Brown (a), 2007) p. 57. This trade in virginity is an overwhelmingly Asian (including Cambodian) male phenomenon, with research suggesting that although Western men are often involved in the sexual exploitation of underage boys and girls, they do not present a high demand for virginity as such.

³³ (Brown (b), 2007), *Out of Sight, Out of Mind? Child Domestic Workers and Patterns of Trafficking in Cambodia*, International Organization for Migration, Phnom Penh, January 2007.

³⁴ (United Nations, 2007) *A framework for addressing human trafficking in Cambodia*, Office of the United Nations Resident Coordinator in Cambodia, Phnom Penh, Cambodia 2007 http://64.233.167.104/custom?q=cache:CTZ45cU4q60J:www.un.org.kh/%3Furl%3D/resourceslibrary/publications/joint_framework_human_trafficking.pdf+trafficking&hl=en&ct=clnk&cd=1

³⁵ (UNIAP, Undated) Country Pages – Cambodia http://www.no-trafficking.org/content/Country_Pages_Cambodia/overview_cambodia.htm

³⁶ For example the Cambodian Ministry of Women's and Veterans Affairs recorded a 2003 case of victims "promised good jobs in Thailand [who were] trafficked, sold and forced to work as sex workers in Malaysia', (Press Release from Cambodian Ministry of Women's and Veterans' Affairs, 2004), *Successful Case of Assisting Women and Girl Victims of Trafficking*, January 22, 2004 at <http://www.humantrafficking.org/updates/14>

³⁷ (International Labour Office, 2005), *The Mekong Challenge – Destination Thailand: A cross-border labour migration survey in Banteay Meanchey Province, Cambodia*, International Labour Office, Bangkok, 2005, p61/62.

- ³⁸ (Cambodian Women's Crisis Centre, 2005), *Trafficking of Cambodian Women and Children – Report of the Fact-Finding Mission in Malaysia*, Cambodian Women's Crisis Centre, Phnom Penh, August 2005
www.cwcc.org.kh/downloads/TRAFFICKING%20OF%20CAMBODIAN%20WOMEN%20AND%20CHILDREN.pdf, p.14
- ³⁹ (Morris, 2005), 'Khmer girls' trafficking ordeal, BBC News at <http://news.bbc.co.uk/1/hi/world/asia-pacific/4599709.stm>
- ⁴⁰ (UNIFEM, 2006), p.32
- ⁴¹ (Pearson et al, 2006), *The Mekong Challenge - Underpaid, Overworked and Overlooked: The realities of young migrant workers in Thailand - Volume 2*, ILO, 2006, p.73 at <http://www.no-trafficking.org/content/pdf/ilo-domestic-vol2-eng.pdf>
- ⁴² (Migrant Work Project, 2007), *Six Month Report on the Situation of Cambodian Migrant Workers in Klong Yai District, Trat, Thailand*, Migrant Work Project – Legal Support for Women and Children, Cambodia, June 2007. Most of the following section is drawn from that report.
- ⁴³ (Cambodian Women's Crisis Centre, 2005) *Trafficking of Cambodian Women and Children – Report of the Fact-Finding Mission in Malaysia*, Cambodian Women's Crisis Centre, Phnom Penh, August 2005, p.17/18.
- ⁴⁴ ASEAN, *ASEAN Responses to Trafficking in Persons: Ending Impunity for Traffickers and Securing Justice for Victims*, ASEAN, April 2006 at http://www.artipproject.org/artip/14_links/links.html
- ⁴⁵ Child Beggars in Thailand: A Lucrative Business August 2005, adapted from: (Levett, 2005). "Child beggars exploited, beaten and making a small fortune - for others." August 13, 2005.
<http://www.humantrafficking.org/updates/91> and <http://www.no-trafficking.org/content/pdf/trafficking%20national%20report%20-%20in%20english.pdf>
- ⁴⁶ being more than a shop assistant earns
- ⁴⁷ for example, see (Cambodian League for the Promotion and Defense of Human Rights, 2002), *Abuses Related to the International Adoption Process in Cambodia*, Cambodian League for the Promotion and Defense of Human Rights, 2002 at <http://www.licadho.org/reports/files/31AdoptBPaper.pdf>
- ⁴⁸ (UNIAP, Undated) http://www.no-trafficking.org/content/Country_Pages_Cambodia/overview_cambodia.htm
- ⁴⁹ (UNIAP, Undated) http://www.no-trafficking.org/content/Country_Pages_Cambodia/overview_cambodia.htm
- ⁵⁰ "Police Raids Best Western," (*Travel Trade Gazette Asia*, 2000), 25 August 2000. at http://www.ttgasia.com/index.php?option=com_search&Itemid=0&searchword=Police+Raids+Best+Wester&submit=Search&searchphrase=exact&ordering=oldest
- ⁵¹ For example, the June 2004 Government convened national workshop to increase understanding of the MOU with Thailand produced a key recommendation highlighting labour migration surveys as a key starting point for understanding this issue, cited in (International Labour Office, 2005) International Labour Office, *The Mekong Challenge – Destination Thailand: A cross-border labour migration survey in Banteay Meanchey Province, Cambodia*, International Labour Office, Bangkok, 2005, p.3.
- ⁵² (Harrison & Somatheavy, 2004), *Moving Forward: Secondary Data Review of Sending and Receiving Areas and Employment Sectors in Prevention of Trafficking Children and Women in Cambodia*, International Labour Organization, Phnom Penh, 2004, p.52.
- ⁵³ (David (ed.), 2006), *ASEAN and Trafficking in Persons: Using Data as a Tool to Combat Trafficking in Persons*, International Organization for Migration, Geneva, 2006, p.16.
- ⁵⁴ (ASEAN, 2007), *ASEAN Responses to Trafficking in Persons: Ending Impunity for Traffickers and Securing Justice for Victims*, ASEAN, April 2006 at http://www.artipproject.org/artip/14_links/links.html
- ⁵⁵ noted in 'Cambodia Country paper for Commit', p.6. in ASEAN, *ASEAN Responses to Trafficking in Persons: Ending Impunity for Traffickers and Securing Justice for Victims*, ASEAN, April 2006 at http://www.artipproject.org/artip/14_links/links.html
- ⁵⁶ Letter from Prum Sockha, Chairperson of LEASETC, Ministry of Interior, Royal Government of Cambodia (2 August 2006) printed in (World Vision, 2007), *Lessons Learned Review on the Law Enforcement Against Sexual Exploitation and Trafficking of Children Project (LEASETC)*, World Vision Cambodia, Phnom Penh, 2007.
- ⁵⁷ World Vision, *Lessons Learned Review on the Law Enforcement Against Sexual Exploitation and Trafficking of Children Project (LEASETC)*, World Vision Cambodia, Phnom Penh, 2007, p.16.
- ⁵⁸ Although many of these aren't without their limitations. For example, World Vision reports that the hotlines providing members of the public a clear method to alert police to cases of child sexual abuse

have received strong support, however, their effectiveness has been undermined by the hotline being frequently unattended, high staff turnover, operators lacking English skills despite frequent calls by non-Khmer speakers, and referral to police sometimes being long. (p.25) Also, the brief medical certificates (for which people were charged a fee) on which judges have relied to substantiate issue of consent and penetration in rape cases did not record sufficient evidence. The Cambodian government worked with World Vision to develop a comprehensive eight page certificate to be provided free, however, it appears hospitals are not using the new certificates and are continuing to charge. (p.11) in World Vision, note

⁵⁹ (International Labour Office, 2005), *The Mekong Challenge – Destination Thailand: A cross-border labour migration survey in Banteay Meanchey Province, Cambodia*, International Labour Office, Bangkok, 2005, p.3.

⁶⁰ (United Nations, 2007)

http://64.233.167.104/custom?q=cache:CTZ45cU4q60J:www.un.org.kh/%3Furl%3D/resourceslibrary/publications/joint_framework_human_trafficking.pdf+trafficking&hl=en&ct=clnk&cd=1

⁶¹ (Huguet & Ramangkura, 2007) *The Long Way Home: Analysis of Regional and National Processes for the Return and Reintegration of Victims of Trafficking in the Greater Mekong Sub-region*, International Organization for Migration, 2007 at http://www.iom-seasia.org/resource/pdf/thelongroadhome/The_long_road_home.pdf?POSTNUKESID=ddecfb505333c1c8f13e58031e7924b5

⁶² (Huguet & Ramangkura, 2007)

⁶³ (Huguet & Ramangkura, 2007)

⁶⁴ for example, see (ASEAN, *ASEAN Responses to Trafficking in Persons: Ending Impunity for Traffickers and Securing Justice for Victims*, 2006)

⁶⁵ For example, the ILO found that the lack of an employment agency in Banteay Meanchey led people to depend on agents or facilitators, thus increasing their vulnerability to being trafficked or exploited in other in (International Labour Office, 2005) , *The Mekong Challenge – Destination Thailand*, p.viii

⁶⁶ (World Vision, 2007), p.18.

⁶⁷ (World Vision, 2007), p.33.

⁶⁸ (U.S. Department of State TIP Report, 2007) *Victims of Trafficking and Violence Protection Act of 2000: TIP Report 2007*

⁶⁹ (U.S. Department of State TIP Report, 2007) *Victims of Trafficking and Violence Protection Act of 2000: TIP Report 2007*

⁷⁰ (U.S. Department of State TIP Report, 2007) *Victims of Trafficking and Violence Protection Act of 2000: TIP Report 2007*

Indonesia

¹ All data except that for remittances from (Table 1. Selected basic ASEAN indicators, 2007) at <http://www.aseansec.org/stat/Table1.pdf>

² (International Organization for Migration, 2007), 'Indonesia Facts and Figures', at <http://www.iom.int/jahia/Jahia/pid/498>

³ (Mawdsley, Tanuhandaru, & Holman, 2002), *Report of the EC Conflict Prevention Mission: Indonesia*, p.3, at http://ec.europa.eu/external_relations/cfsp/cpcm/mission/indo02.htm

⁴ see (Human Development Index (HDI) 1999-2005) at <http://www.bps.go.id/sector/ipm/table1.shtml>

⁵ (Asian Development Bank, 2007) 'Country Strategy Program 2006-2009 (Draft for Consultation): Indonesia' at <http://www.adb.org/Documents/CSPs/INO/2006/csp0102.asp>

⁶ (*The Economist*, 2006) *Always with them*, at http://www.economist.com/world/asia/displaystory.cfm?story_id=7925064

⁷ (UNDP, 2006), *Human Development Report 2006*, at http://hdr.undp.org/hdr2006/statistics/countries/data_sheets/cty_ds_IDN.html

⁸ (AusAID, 2007), 'Indonesia' at <http://www.ausaid.gov.au/country/country.cfm?CountryId=30>

⁹ (UNICEF), 'Indonesia – at a glance' at <http://www.unicef.org/infobycountry/indonesia.html>

¹⁰ (Sijabat, 2007), Indonesian Legislature Approves Harsh Bill to Combat Human Trafficking', *The Jakarta Post*, at <http://www.humantrafficking.org/updates/534>.

¹¹ (The World Bank, 2006) 'Migration, Remittance and Female Migrant Workers', at http://siteresources.worldbank.org/INTINDONESIA/Resources/fact_sheet-migrant_workers_en_jan06.pdf

¹² Based on World Bank [World Development Indicators database, April 2006](http://www.worldbank.org), cited by (International Organization for Migration, 2007), *Indonesia Facts and Figures*, at <http://www.iom.int/jahia/Jahia/pid/498>

¹³ (The World Bank, 2006) 'Migration, Remittance and Female Migrant Workers', at http://siteresources.worldbank.org/INTINDONESIA/Resources/fact_sheet-migrant_workers_en_jan06.pdf

¹⁴ (Rosenburg (ed.), 2003), *Trafficking of Women and Children in Indonesia*, , p.61 at http://www.icmc.net/pdf/traffreport_en.pdf

¹⁵ (Human Rights Watch, 2004), *Help Wanted: Abuses against Female Migrant Domestic Workers in Indonesia and Malaysia*, at <http://hrw.org/reports/2004/indonesia0704/index.htm>

¹⁶ (Anti-Slavery International) *Trafficking in Indonesia* at <http://www.antislavery.org/homepage/antislavery/traffickingindonesia.htm>

¹⁷ Coalition of Indonesian NGOs (2002, June 2-3). Systematic Abuse at Home and Abroad, Indonesian Country Report to the UN Special Rapporteur on the Human Rights of Migrant Workers, Kuala Lumpur, Malaysia: Presented to the Special Rapporteur at the First Consultative Meeting with Non-Government Organizations from Asia, cited in (Rosenburg (ed.), 2003), p.52.

¹⁸ see, (Rosenburg (ed.), 2003), p.52

¹⁹ The Department of State ranks each countries performance based more on the extent of government action to combat trafficking rather than the size of the problem, important though that is. Governments that comply with the US Trafficking Victims Protection Act's minimum standards for the elimination of trafficking are placed in Tier 1. Governments considered to be making significant efforts to bring themselves into compliance are placed in Tier 2. Governments that do not fully comply with the minimum standards and are not making significant efforts to do so are placed in Tier 3. Tier 2 countries are placed on the Tier 2 Watch List when they are considered at risk of being demoted to Tier 3. A full list of all countries surveyed rankings is available at <http://www.state.gov/g/tip/rls/tiprpt/2007/82802.htm>. Further details on the *TIP Reports* are contained in the introduction section of this report.

²⁰ (U.S. Department of State TIP Report, 2007) *Victims of Trafficking and Violence Protection Act of 2000: TIP Report 2007* at <http://www.state.gov/g/tip/rls/tiprpt/2007/82806.htm>

²¹ (USAID, 2006), 'Anti-Trafficking Technical Assistance – Indonesia Analysis of United States Government Funded Anti-trafficking Activities', p.ii at <http://www.usembassyjakarta.org/indo-reports/IndonesiaTrafficking.pdf>

²² (Human Rights Watch, v.17(7) 2005), *Always on Call: Abuse and Exploitation of Child Domestic Workers in Indonesia*, , at <http://hrw.org/reports/2005/indonesia0605/>.

²³ (Rosenburg (ed.), 2003), p.65.

²⁴ Agustinanto, F. (2001). Skripsi Gambaran Perilaku Coping Anak yang Dilacurkan Dalam Menghadapi Penyakit Menular Seksual: studi kasus 5 anak yang dilacurkan yang terkena penyakit menular seksual, Depok, FISIP Universitas Indonesia, cited in (Rosenburg (ed.), 2003), p.92.

²⁵ (Bangun & Sprague, 1999) *Caught in the Net*, Asiaweek, at http://www.asiaweek.com/asiaweek/99/aw_0702.to.0820/0730/sr1.html

²⁶ (Chan, 2007), *Child workers "abandoned" at sea*, Al Jazeera English - News, at <http://english.aljazeera.net/NR/exeres/0BBD09C0-EEB1-4922-8DE7-E05F6F25FE66.htm>

²⁷ Irwanto, Nugroho, F. & Imelda, J. (2001). *Perdagangan Anak di Indonesia*. Jakarta, Indonesia: ILO, cited in (Rosenburg (ed.), 2003), p.112.

²⁸ UNICEF has suggested that some 60 percent of children under five lack birth certificates, and about half of those are not registered anywhere, in (humantrafficking.org) at <http://www.humantrafficking.org/countries/indonesia>.

²⁹ (UNODC, 2003) *Human Trafficking – Regional Profile 2003-03-11* at <http://www.unodc.un.or.th/material/document/RegionalProfile.pdf>

³⁰ (International Organization for Migration, v1(1) 2006) April, "Home at Last: Helping Trafficking Victims", *IOM Indonesia Newsletter* p.6 at http://www.iom.int/tsunami/news_anniv/indonesia/newsletter_vo1_issue1_April06.pdf

³¹ Adapted from (New Straits Times, 2006) *Malaysia Top Destination for Indonesian Victims*, at <http://www.humantrafficking.org/updates/485> .

- ³² (U.S. Department of State, 2007) *Victims of Trafficking and Violence Protection Act of 2000: TIP Report 2007* at <http://www.state.gov/g/tip/rls/tiprpt/2007/82806.htm>
- ³³ (Human Rights Watch, 2004) *Help Wanted: Abuses against Female Migrant Domestic Workers in Indonesia and Malaysia* at http://hrw.org/reports/2004/indonesia0704/3.htm#_Toc76201449
- ³⁴ (Human Rights Watch, 2007), *Saudi Arabia: Migrant Domestic Workers Killed by Employers*, at <http://hrw.org/english/docs/2007/08/17/saudia16699.htm>
- ³⁵ (Adawi, 2005), *Guest Worker May Lose Digits, Toes After Being Tied Up in Bathroom for a Month*, at <http://www.arabnews.com/?page=1§ion=0&article=60876&d=23&m=3&y=2005&pix=kingdom.jpg&category=Kingdom> and (Human Rights Watch, 2007) *Saudi Arabia: Migrant Domestic Workers Killed by Employers*, at <http://hrw.org/english/docs/2007/08/17/saudia16699.htm>
- ³⁶ From an interview with an NGO in West Java cited in (Rosenburg (ed.), 2003), p. 185.
- ³⁷ (Anti-Slavery International) *Trafficking in Indonesia* at <http://www.antislavery.org/homepage/antislavery/traffickingindonesia.htm>
- ³⁸ (Nine MSN, 2006) *Child Trafficking on the Rise in Indonesia*, at <http://www.humantrafficking.org/updates/574>
- ³⁹ Djuhari, 'Indonesians Targeted by Baby Sellers', 5 August 2002 cited in (Rosenburg (ed.), 2003), p. 114.
- ⁴⁰ (U.S. Department of State, 2007) *Victims of Trafficking and Violence Protection Act of 2000: TIP Report 2007*.
- ⁴¹ For example, see the many lists of research findings listed in (Rosenburg (ed.), 2003)
- ⁴² The Presidential Decree on Trafficking in Women and Children and the Presidential Decree on the Commercial Sexual Exploitation of Children (2002a).
- ⁴³ For example, in May 2005, police recorded 30 trafficking cases, while between March 2005 and May 2006, over 1000 trafficking victims were assisted through the Recovery Centers for Victims of Trafficking at three police hospitals, from (Rosenburg (ed.), 2003).
- ⁴⁴ see (Rosenburg (ed.), 2003), pp. 44 -45.
- ⁴⁵ Other participating countries were Cambodia, the Philippines and Thailand.
- ⁴⁶ (David (ed.), 2006) *ASEAN and Trafficking in Persons: Using Data as a Tool to Combat Trafficking in Persons* at <http://www.iom.int/jahia/Jahia/cache/offonce/pid/1674?entryId=14477>
- ⁴⁷ Signed April 2007.
- ⁴⁸ Two other national plans positively affect this issue: The National Plan of Action on Elimination of Sexual Exploitation of Children, and The National Plan of Action on the Elimination of the Worst Forms of Child Labor.
- ⁴⁹ Coordinating Ministry for People's Welfare, *Elimination of Trafficking in Persons in Indonesia, 2003-2004*, Jakarta, 2005, cited in (ASEAN, *ASEAN Responses to Trafficking in Persons: Ending Impunity for Traffickers and Securing Justice for Victims*, ASEAN, 2006)
- ⁵⁰ which began operating in March 2007
- ⁵¹ Coordinating Ministry for People's Welfare, *Elimination of Trafficking in Persons in Indonesia, 2003-2004*, Jakarta, 2005, cited in (ASEAN, *ASEAN Responses to Trafficking in Persons: Ending Impunity for Traffickers and Securing Justice for Victims*, ASEAN, 2006)
- ⁵² (ASEAN, *ASEAN Responses to Trafficking in Persons: Ending Impunity for Traffickers and Securing Justice for Victims*, ASEAN, 2006)
- ⁵³ (USAID, 2006) *Anti-Trafficking Technical Assistance: Indonesia Analysis of United States Government Funded Anti-Trafficking Activities*, at <http://www.usembassyjakarta.org/indo-reports/IndonesiaTrafficking.pdf>, p. 9.
- ⁵⁴ (Cambodia Daily (Source: UNIAP), 2006) *Pact Would Protect Indonesian Maids in Malaysia*, at <http://humantrafficking.org/updates/381>.

Laos People's Democratic Republic

- ¹ All data except that on remittances from (Table 1. Selected basic ASEAN indicators, 2007) at <http://www.aseansec.org/stat/Table1.pdf>
- ² (World Bank Development Prospects Group, 2006) at www.worldbank.org/prospects/migrationandremittances
- ³ (U.S. Department of State: Bureau of East Asian and Pacific Affairs, 2007) *Background Note: Lao PDR* at <http://www.state.gov/r/pa/ei/bgn/2770.htm>

- ⁴ (U.S. Department of State: Bureau of East Asian and Pacific Affairs, 2007) *Background Note: Lao PDR* at <http://www.state.gov/r/pa/ei/bgn/2770.htm>
- ⁵ (U.S. Department of State: Bureau of East Asian and Pacific Affairs, 2007) *Background Note: Lao PDR* at <http://www.state.gov/r/pa/ei/bgn/2770.htm>
- ⁶ (U.S. Department of State: Bureau of East Asian and Pacific Affairs, 2007) *Background Note: Lao PDR* at <http://www.state.gov/r/pa/ei/bgn/2770.htm>
- ⁷ (Central Intelligence Agency, 2007) *The World Factbook: Lao PDR* at <https://www.cia.gov/library/publications/the-world-factbook/print/la.html>
- ⁸ (U.S. Department of State: Bureau of East Asian and Pacific Affairs, 2007) *Background Note: Lao PDR* at <http://www.state.gov/r/pa/ei/bgn/2770.htm>
- ⁹ (Transparency International, 2007) *2007 Corruptions Perception Index* http://www.transparency.org/policy_research/surveys_indices/cpi/2007
- ¹⁰ (UNDP, 2006) *UNDP Human Development Report 2006: Beyond scarcity: Power, poverty and the global water crisis* http://hdr.undp.org/hdr2006/statistics/countries/data_sheets/cty_ds_LAO.html
- ¹¹ (National Statistics Centre of the Lao PDR, 2005) *Population Census 2005: NSC Lao PDR* at http://www.nsc.gov.la/Products/Populationcensus2005/PopulationCensus2005_chapter1.htm
- ¹² (National Statistics Centre of the Lao PDR, 2005) *Population Census 2005: NSC Lao PDR* at http://www.nsc.gov.la/Products/Populationcensus2005/PopulationCensus2005_chapter1.htm
- ¹³ (Ministry of Labour and Social Welfare & UNICEF, 2004) *Broken Promises Shattered Dreams* at www.unicef.org/media/files/BrokenPromisesFULLREPORT.pdf
- ¹⁴ (Mekong Migration Network/Asian Migrant Centre, 2005) at http://www.asian-migrants.org/index.php?option=com_docman&task=cat_view&gid=58&Itemid=48
- ¹⁵ (Mekong Migration Network/Asian Migrant Centre, 2005) at http://www.asian-migrants.org/index.php?option=com_docman&task=cat_view&gid=58&Itemid=48
- ¹⁶ (International Organization for Migration, 2004) *Labour Migration in the Mekong Region* at www.iom-seasia.org/resource/pdf/Infosheet_LM.pdf
- ¹⁷ (Trafficking from Community to Exploitation) report (TRACE Research Project 2004) explicitly states that there is an increase in out-migration from villages with “some” economic development cited in (Haughton, 2006) and (Ministry of Labour and Social Welfare & UNICEF, 2004) *Broken Promises, Shattered Dreams* at www.unicef.org/media/files/BrokenPromisesFULLREPORT.pdf
- ¹⁸ (Mekong Migration Network & Asian Migrant Centre, 2005) *Resource Book - Migration in the Greater Mekong Subregion (2nd Edition)* at http://www.asian-migrants.org/index.php?option=com_docman&task=cat_view&gid=58&Itemid=48
- ¹⁹ (Haughton, 2006) *Situational analysis of Human Trafficking in the Lao PDR: With emphasis on Savannakhet* at http://www.no-trafficking.org/content/Reading_Rooms/lao_pdr.htm
- ²⁰ (Haughton, 2006) *Situational analysis of Human Trafficking in the Lao PDR: With emphasis on Savannakhet* at http://www.no-trafficking.org/content/Reading_Rooms/lao_pdr.htm
- ²¹ (International Organization for Migration, 2004) *Labour Migration in the Mekong Region* at www.iom-seasia.org/resource/pdf/Infosheet_LM.pdf
- ²² The MoLSW/UNIAP report on Saravanh and Xaygnaboury (MoLSW and UNIAP 2001). Cited in (Haughton, 2006) *Situational analysis of Human Trafficking in the Lao PDR: With emphasis on Savannakhet* at http://www.no-trafficking.org/content/Reading_Rooms/lao_pdr.htm
- ²³ (U.S. Department of State TIP Report, 2007) *Victims of Trafficking and Violence Protection Act of 2000: TIP Report 2007*
- ²⁴ (Ministry of Labour and Social Welfare & UNICEF, 2004) *Broken Promises Shattered Dreams* at www.unicef.org/media/files/BrokenPromisesFULLREPORT.pdf
- ²⁵ (Ministry of Labour and Social Welfare & UNICEF, 2004) *Broken Promises Shattered Dreams* at www.unicef.org/media/files/BrokenPromisesFULLREPORT.pdf
- ²⁶ (PonNgern, 2007) *Lao PDR: Children and Women Abuses on the Rise* at <http://www.voanews.com/lao/2007-09-25-voa6.cfm>
- ²⁷ (Amparita Maria) *Study on the Legal Protection of Child Domestic Workers in the Asia-Pacific* at www.ilo.org/public/english/region/asro/bangkok/download/cdw_legalprotect.pdf
- ²⁸ (Amparita Maria) *Study on the Legal Protection of Child Domestic Workers in the Asia-Pacific* at www.ilo.org/public/english/region/asro/bangkok/download/cdw_legalprotect.pdf
- ²⁹ (Ministry of Labour and Social Welfare & UNICEF, 2004) *Broken Promises Shattered Dreams* at www.unicef.org/media/files/BrokenPromisesFULLREPORT.pdf
- ³⁰ (Ministry of Labour and Social Welfare & UNICEF, 2004) *Broken Promises Shattered Dreams* at www.unicef.org/media/files/BrokenPromisesFULLREPORT.pdf *ibid.*

- ³¹ (Ministry of Labour and Social Welfare & UNICEF, 2004) *Broken Promises Shattered Dreams* at www.unicef.org/media/files/BrokenPromisesFULLREPORT.pdf *ibid*.
- ³² MOLSW&UNICEF (undated) cited in (Haughton, 2006) *Situational analysis of Human Trafficking in the Lao PDR: With emphasis on Savannakhet* at http://www.no-trafficking.org/content/Reading_Rooms/lao_pdr.htm
- ³³ MOLSW&UNICEF (undated) cited in (Haughton, 2006) *Situational analysis of Human Trafficking in the Lao PDR: With emphasis on Savannakhet* at http://www.no-trafficking.org/content/Reading_Rooms/lao_pdr.htm
- ³⁴ (Amparita Maria) *Study on the Legal Protection of Child Domestic Workers in the Asia-Pacific* at www.ilo.org/public/english/region/asro/bangkok/download/cdw_legalprotect.pdf (Amparita Maria)
- ³⁵ (Amparita Maria) *Study on the Legal Protection of Child Domestic Workers in the Asia-Pacific* at www.ilo.org/public/english/region/asro/bangkok/download/cdw_legalprotect.pdf.
- ³⁶ (Haughton, 2006) *Situational analysis of Human Trafficking in the Lao PDR: With emphasis on Savannakhet* at http://www.no-trafficking.org/content/Reading_Rooms/lao_pdr.htm
- ³⁷ (U.S. Department of State TIP Report, 2007) *Victims of Trafficking and Violence Protection Act of 2000: TIP Report 2007*
- ³⁸ (Ministry of Labour and Social Welfare & UNICEF, 2004) *Broken Promises Shattered Dreams* at www.unicef.org/media/files/BrokenPromisesFULLREPORT.pdf
- ³⁹ (The Protection Project) *Lao PDR* at www.protectionproject.org/Lao_PDR.doc
- ⁴⁰ (Ministry of Labour and Social Welfare & UNICEF, 2004) *Broken Promises Shattered Dreams* at www.unicef.org/media/files/BrokenPromisesFULLREPORT.pdf
- ⁴¹ (Ministry of Labour and Social Welfare & UNICEF, 2004) *Broken Promises Shattered Dreams* at www.unicef.org/media/files/BrokenPromisesFULLREPORT.pdf.
- ⁴² (Ministry of Labour and Social Welfare & UNICEF, 2004) *Broken Promises Shattered Dreams* at www.unicef.org/media/files/BrokenPromisesFULLREPORT.pdf.
- ⁴³ (International Labor Organisation, 2006) *Where We Work: Lao PDR*, at http://www.ilo.org/public/english/region/asro/bangkok/child/trafficking/wherewework-Lao_PDRdetail.htm.
- ⁴⁴ No indication is given as to how long the children had been away from home, however the TRACE report suggests those who were at high risk of being victims of trafficking were those who have had no contact, information or remittances for at least a year (an absence of less than a year could be explained by seasonal migration, and was considered unexceptional) (TRACE Research Project (2004). *Lessons Learnt Through Trace: Human Trafficking from Lao PDR to Thailand*. O. Ginzburg, TRACE: Trafficking from Community to Exploitation: 88) cited in (Haughton, 2006) at http://www.no-trafficking.org/content/Reading_Rooms/lao_pdr.htm
- ⁴⁵ (humantrafficking.org, undated) *Lao PDR* at http://www.humantrafficking.org/countries/lao_pdr/
- ⁴⁶ (humantrafficking.org, 2004) (Humantrafficking.org, 2004) *First Trafficking and VAW Shelter in Lao PDR* at <http://www.humantrafficking.org/updates/128>
- ⁴⁷ (Haughton, 2006) *Situational analysis of Human Trafficking in the Lao PDR: With emphasis on Savannakhet* at http://www.no-trafficking.org/content/Reading_Rooms/lao_pdr.htm
- ⁴⁸ (Ministry of Labour and Social Welfare & UNICEF, 2004) *Broken Promises Shattered Dreams* at www.unicef.org/media/files/BrokenPromisesFULLREPORT.pdf
- ⁴⁹ (Flores-Oebanda, 2004) *Child Workers in Asia Newsletter Vol 20, Nos 1,2* at <http://www.cwa.tnet.co.th/cwa-news.html>
- ⁵⁰ (ILO-IPEC, 2004) *Child Domestic Labour in South East and East Asia: Emerging Good Practices to Combat it*. (ILO-IPEC., 2004) at <http://www.ilo.org/ipecc/areas/Childdomesticlabour/Goodpracticesandlesonslearned/lang--en/index.htm>
- ⁵¹ (U.S. Department of State TIP Report, 2007) *Victims of Trafficking and Violence Protection Act of 2000: TIP Report 2007*
- ⁵² (U.S. Department of State TIP Report, 2007) *Victims of Trafficking and Violence Protection Act of 2000: TIP Report 2007*
- ⁵³ (Mekong Migration Network & Asian Migrant Centre, 2005) *Resource Book - Migration in the Greater Mekong Subregion (2nd Edition)* at http://www.asian-migrants.org/index.php?option=com_docman&task=cat_view&gid=58&Itemid=48
- ⁵⁴ (Ministry of Labour and Social Welfare & UNICEF, 2004) (Ministry of Labour and Social Welfare & UNICEF, 2004) *Broken Promises Shattered Dreams* at www.unicef.org/media/files/BrokenPromisesFULLREPORT.pdf

- ⁵⁵ From Migrant Children and Youth in Lao PDR, January 2004
- ⁵⁶ (Haughton, 2006) *Situational analysis of Human Trafficking in the Lao PDR: With emphasis on Savannakhet* at http://www.no-trafficking.org/content/Reading_Rooms/lao_pdr.htm
- ⁵⁷ (Haughton, 2006) *Situational analysis of Human Trafficking in the Lao PDR: With emphasis on Savannakhet* at http://www.no-trafficking.org/content/Reading_Rooms/lao_pdr.htm.
- ⁵⁸ (humantrafficking.org, 2007) *Lao PDR* at http://www.humantrafficking.org/countries/lao_pdr
- ⁵⁹ (Ministry of Labour and Social Welfare & UNICEF, 2004) (Ministry of Labour and Social Welfare & UNICEF, 2004) *Broken Promises Shattered Dreams* at www.unicef.org/media/files/BrokenPromisesFULLREPORT.pdf
- ⁶⁰ (Haughton, 2006) *Situational analysis of Human Trafficking in the Lao PDR: With emphasis on Savannakhet* at http://www.no-trafficking.org/content/Reading_Rooms/lao_pdr.htm
- ⁶¹ (U.S. Department of State, 2007) *TIP Report, 2007* at <http://www.state.gov/g/tip/rls/tiprpt/2007/>
- ⁶² (The Protection Project) *Lao PDR* at www.protectionproject.org/Lao_PDR.doc
- ⁶³ (Mekong Migration Network & Asian Migrant Centre, 2005) *Resource Book - Migration in the Greater Mekong Subregion (2nd Edition)* at http://www.asian-migrants.org/index.php?option=com_docman&task=cat_view&gid=58&Itemid=48
- ⁶⁴ (U.S. Department of State, 2007) *TIP Report 2007* at <http://www.state.gov/g/tip/rls/tiprpt/2007/>
- ⁶⁵ (Haughton, 2006) *Situational analysis of Human Trafficking in the Lao PDR: With emphasis on Savannakhet* at http://www.no-trafficking.org/content/Reading_Rooms/lao_pdr.htm
- ⁶⁶ (Asian Research Center for Migration, Asian Development Bank et al. 2000) cited in (Haughton, 2006) *Situational analysis of Human Trafficking in the Lao PDR: With emphasis on Savannakhet* at http://www.no-trafficking.org/content/Reading_Rooms/lao_pdr.htm
- ⁶⁷ (Haughton, 2006) *Situational analysis of Human Trafficking in the Lao PDR: With emphasis on Savannakhet* at http://www.no-trafficking.org/content/Reading_Rooms/lao_pdr.htm
- ⁶⁸ (humantrafficking.org, 2004) *Law on Development in Women* at http://www.humantrafficking.org/government_law/69
- ⁶⁹ (U.S. Department of State, 2007) *TIP Report – 2007* at <http://www.state.gov/g/tip/rls/tiprpt/2007/>
- ⁷⁰ (U.S. Department of State, 2007) *TIP Report – 2007* at <http://www.state.gov/g/tip/rls/tiprpt/2007/>
- ⁷¹ (International Organization for Migration Bangkok, 2007) *Counter Trafficking Agreement Signed* at <http://www.iom.int/jahia/Jahia/pbnAS/cache/offonce?entryId=13228>
- ⁷² (U.S. Department of State, 2007) *TIP Report – 2007* at <http://www.state.gov/g/tip/rls/tiprpt/2007/>
- ⁷³ (Huguet & Ramangkura, 2007) *The Long Way Home: Analysis of Regional and National Processes for the Return and Reintegration of Victims of Trafficking in the Greater Mekong Sub-region*, International Organization for Migration, 2007 at http://www.iom-seasia.org/resource/pdf/thelongroadhome/The_long_road_home.pdf?POSTNUKESID=ddecfb505333c1c8f13e58031e7924b5
- ⁷⁴ (Huguet & Ramangkura, 2007) *The Long Way Home: Analysis of Regional and National Processes for the Return and Reintegration of Victims of Trafficking in the Greater Mekong Sub-region*, International Organization for Migration, 2007 at http://www.iom-seasia.org/resource/pdf/thelongroadhome/The_long_road_home.pdf?POSTNUKESID=ddecfb505333c1c8f13e58031e7924b5
- ⁷⁵ (US Department of State, 2003) *TIP Report- Country Narratives Lao PDR* at <http://www.state.gov/g/tip/rls/tiprpt/2003/21276.htm>
- ⁷⁶ (Haughton, 2006) *Situational analysis of Human Trafficking in the Lao PDR: With emphasis on Savannakhet* at http://www.no-trafficking.org/content/Reading_Rooms/lao_pdr.htm

Malaysia

- ¹ Data from (Table 1. Selected basic ASEAN indicators , 2007) at <http://www.aseansec.org/stat/Table1.pdf>
- ² (Central Intelligence Agency, 2007), *The World Factbook*, at <https://www.cia.gov/library/publications/the-world-factbook/geos/my.html>
- ³ (United Nations Country Team, Malaysia, 2005), *Malaysia: Achieving the Millennium Development Goals*, at http://www.undp.org.my/uploads/files/MDG_advocacy_English.pdf
- ⁴ (United Nations Country Team, Malaysia, 2005), *Malaysia: Achieving the Millennium Development Goals*, at http://www.undp.org.my/uploads/files/MDG_advocacy_English.pdf
- ⁵ UNICEF *Economic Planning Unit, Malaysia* quoted in (UNICEF, Undated) *Malaysia: Nationhood in Progress* at <http://www.unicef.org/malaysia/overview.html>

⁶ This estimate provided by Human Rights watch (at <http://hrw.org/reports/2004/indonesia0704/index.htm>) is only one of many conflicting guestimates . During an amnesty to regularize the immigration status of undocumented workers in 1992, fifty thousand undocumented workers came forward. In 1997, 1.4 million Indonesians residing in Malaysia voted in the Indonesian elections, causing Malaysia's Immigration Department to estimate that 1.9 million Indonesians lived in Malaysia at the time.

⁷ (Human Rights Watch, 2007), *Indonesia, Malaysia: Overhaul Labor Agreement on Domestic Workers*, at <http://hrw.org/english/docs/2007/02/20/indone15370.htm>

⁸ (Human Rights Watch, 2004) *Help Wanted: Abuses against Female Migrant Domestic Workers in Indonesia and Malaysia*, at <http://hrw.org/reports/2004/indonesia0704/index.htm>

⁹ (Human Rights Watch, 2004). *Help Wanted: Abuses against Female Migrant Domestic Workers in Indonesia and Malaysia*, at <http://hrw.org/reports/2004/indonesia0704/index.htm>

¹⁰ (Human Rights Watch, 2004) *Help Wanted: Abuses against Female Migrant Domestic Workers in Indonesia and Malaysia*, at <http://hrw.org/reports/2004/indonesia0704/index.htm>

¹¹ (Human Rights Watch, 2004) *Help Wanted: Abuses against Female Migrant Domestic Workers in Indonesia and Malaysia*, at <http://hrw.org/reports/2004/indonesia0704/index.htm>

¹² (Human Rights Commission of Malaysia, 2004), *Trafficking in Women and Children*, at http://www.suhakam.org.my/en/document_resource/details.asp?id=73

¹³ The Department of State ranks each countries performance based more on the extent of government action to combat trafficking rather than the size of the problem, important though that is. Governments that comply with the US Trafficking Victims Protection Act's minimum standards for the elimination of trafficking are placed in Tier 1. Governments considered to be making significant efforts to bring themselves into compliance are placed in Tier 2. Governments that do not fully comply with the minimum standards and are not making significant efforts to do so are placed in Tier 3. Tier 2 countries are placed on the Tier 2 Watch List when they are considered at risk of being demoted to Tier 3. A full list of all countries surveyed rankings is available at <http://www.state.gov/g/tip/rls/tiprpt/2007/82802.htm>. Further details on the *TIP Reports* are contained in the introduction section of this report.

¹⁴ (U.S. Department of State, 2007), *TIP Report 2007*, at <http://www.state.gov/g/tip/rls/tiprpt/2007/82806.htm>

¹⁵ (U.S. Department of State, 2007) *TIP Report 2007*, at <http://www.state.gov/g/tip/rls/tiprpt/2007/82806.htm>

¹⁶ (ASEAN, *ASEAN Responses to Trafficking in Persons: Ending Impunity for Traffickers and Securing Justice for Victims*, ASEAN, 2006)

¹⁷ (Human Rights Commission of Malaysia, 2004), *Trafficking in Women and Children*, at http://www.suhakam.org.my/en/document_resource/details.asp?id=73

¹⁸ Human Rights Watch stated that by 2004, only 20 agents had been blacklisted, (Human Rights Watch, 2004) *Help Wanted: Abuses against Female Migrant Domestic Workers in Indonesia and Malaysia*, at <http://hrw.org/reports/2004/indonesia0704/index.htm>

¹⁹ (The Star Online, 2007) *Tenaganita rescues 148 abused maids*, at <http://thestar.com.my/news/story.asp?file=/2007/8/16/nation/18602812&sec=nation>

²⁰ (The Star Online, 2007) *Tenaganita rescues 148 abused maids*, at <http://thestar.com.my/news/story.asp?file=/2007/8/16/nation/18602812&sec=nation>

²¹ (Human Rights Watch, 2004), *Help Wanted: Abuses against Female Migrant Domestic Workers in Indonesia and Malaysia*, at <http://hrw.org/reports/2004/indonesia0704/index.htm>

²² (Human Rights Watch, 2004). *Help Wanted: Abuses against Female Migrant Domestic Workers in Indonesia and Malaysia*, at <http://hrw.org/reports/2004/indonesia0704/index.htm>

²³ (Human Rights Watch, 2004). *Help Wanted: Abuses against Female Migrant Domestic Workers in Indonesia and Malaysia*, at <http://hrw.org/reports/2004/indonesia0704/index.htm>

²⁴ (Human Rights Watch, 2004). *Help Wanted: Abuses against Female Migrant Domestic Workers in Indonesia and Malaysia*, at <http://hrw.org/reports/2004/indonesia0704/index.htm>

²⁵ (Human Rights Watch, 2004). *Help Wanted: Abuses against Female Migrant Domestic Workers in Indonesia and Malaysia*, at <http://hrw.org/reports/2004/indonesia0704/index.htm>

²⁶ (Human Rights Watch, 2007), *Indonesia, Malaysia: Overhaul Labor Agreement on Domestic Workers*, at <http://hrw.org/english/docs/2007/02/20/indone15370.htm>

²⁷ The article does not source how that figure was derived, in (Associated Press, 2007) *Indonesian maid tortured to death*, at http://www.tenaganita.net/index.php?option=com_content&task=view&id=120&Itemid=51

²⁸ (US Bureau of Democracy, Human Rights and Labour, 2007), *Country Reports on Human Rights Practices – 2006*, at <http://www.state.gov/g/drl/rls/hrrpt/2006/78780.htm>

²⁹ (Human Rights Commission of Malaysia, 2004), *Trafficking in Women and Children*, at http://www.suhakam.org.my/en/document_resource/details.asp?id=73

³⁰ (Scalabrini Migration Centre, Undated), *Sex trade attracting foreign and local women*, at <http://www.smc.org.ph/amnews/amn060731/southeast/malaysia060731.htm>

³¹ (U.S. Department of State, 2007) *TIP Report 2007* at <http://www.state.gov/g/tip/rls/tiprpt/2004/33191.htm>

³² (Human Rights Watch, 2004). *Help Wanted: Abuses against Female Migrant Domestic Workers in Indonesia and Malaysia*, at <http://hrw.org/reports/2004/indonesia0704/index.htm>

³³ (Derks, 2000), *Combating Trafficking in South-East Asia A Review of Policy and Programme Responses*, p.17 at

http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/published_docs/serial_publications/mrs2.pdf

³⁴ (*The Nation*, 2005) and '(Bangkok Post, 2005) *Thai Trafficked Girls and Women Saved in Malaysia*, at <http://www.humantrafficking.org/updates/50>

³⁵ (Yunnan Province Women's Federation, 2002), *Yunnan Province, China Situation Of Trafficking In Children And Women: A Rapid Assessment*, p.vii at

<http://www.ilo.org/public/english/region/asro/bangkok/child/trafficking/downloads/final-yunnan-ra-2003.pdf>

³⁶ (Yunnan Province Women's Federation, 2002) *Yunnan Province, China Situation Of Trafficking In Children And Women: A Rapid Assessment*, p.17 at

<http://www.ilo.org/public/english/region/asro/bangkok/child/trafficking/downloads/final-yunnan-ra-2003.pdf>

³⁷ echoing the 1992 case of nine Indonesian women (aged 16 to 22) found locked in a hotel where they had been kept under constant guard for two months, forced to sell sex and refused food if they did not do so. The women had been recruited by an Indonesian agent and promised good jobs as waitresses. Instead they were sold to pimps. The women told police that some forty Indonesian women were being held at the hotel, *outlined in* (Jones, 1996), *Women feed Malaysia boom* at

<http://insideindonesia.org/edit47/jones.htm>

³⁸ a series of media articles is listed on Tenaganita's site at

http://www.tenaganita.net/index.php?option=com_content&task=blogsection&id=5&Itemid=50

³⁹ (Tenaganita, 2007), *Fact Finding Report: Outsourcing In Labor Or Trafficking In Migrant Labor?*, at http://www.tenaganita.net/images/outsourcing_report.pdf

⁴⁰ from (Tenaganita, 2007), *Fact Finding Report: Outsourcing In Labor Or Trafficking In Migrant Labor?*, at http://www.tenaganita.net/images/outsourcing_report.pdf

⁴¹ (Human Rights Commission of Malaysia, 2004), *Trafficking in Women and Children*, at http://www.suhakam.org.my/en/document_resource/details.asp?id=73

⁴² (Human Rights Watch, 2004). *Help Wanted: Abuses against Female Migrant Domestic Workers in Indonesia and Malaysia*, at <http://hrw.org/reports/2004/indonesia0704/index.htm>

⁴³ (Fernandez, 2007), *NBC's Report of Sexual Slavery in Penang must be Investigated thoroughly by authorities*, at

http://www.tenaganita.net/index.php?option=com_content&task=view&id=113&Itemid=50

⁴⁴ (U.S. Department of State, 2007), *TIP Report 2007*, at

<http://www.state.gov/g/tip/rls/tiprpt/2007/82806.htm>

⁴⁵ (Human Rights Commission of Malaysia, 2004), *Trafficking in Women and Children*, at http://www.suhakam.org.my/en/document_resource/details.asp?id=73

⁴⁶ (U.S. Department of State, 2007), *TIP Report 2007* at

<http://www.state.gov/g/tip/rls/tiprpt/2007/82806.htm>

⁴⁷ (Cambodia Daily (source: UNIAP), 2006) *Pact Would Protect Indonesian Maids in Malaysia*, at <http://humantrafficking.org/updates/381>.

Myanmar

¹ All data except that on remittances from (ASEAN, 2007) *Table 1, Selected basic ASEAN indicators* at <http://www.aseansec.org/stat/Table1.pdf>

² Based on fiscal year April –March ^ computed using derived foreign exchange based on IMF WEO database April 2007 from 'Table 1, Selected basic ASEAN indicators' at <http://www.aseansec.org/stat/Table1.pdf>

³ This figure refers to officially recorded remittances. The true size of remittances, including unrecorded flows through formal and informal channels, is believed to be larger. (World Bank development Prospects Group, 2006)(World Bank Development Prospects Group, 2006) *Migration and Remittances Factbook :Myanmar* at <http://econ.worldbank.org/WBSITE/EXTERNAL/EXTDEC/EXTDECPROSPECTS/0,,contentMDK:21352016~menuPK:3145470~pagePK:64165401~piPK:64165026~theSitePK:476883,00.html>

⁴ (Central Intelligence Agency, 2007) *The World Factbook: Burma* at <https://www.cia.gov/library/publications/the-world-factbook/geos/bm.html>

⁵ Drawn from (ASEAN, 2007) 'Table 1, Selected basic ASEAN indicators' at <http://www.aseansec.org/stat/Table1.pdf>

⁶ (Mekong Migration Network & Asian Migrant Centre, 2005) *Resource Book - Migration in the Greater Mekong Subregion (2nd Edition)* at http://www.asian-migrants.org/index.php?option=com_docman&task=cat_view&gid=58&Itemid=48

⁷ Cited in (Mekong Migration Network & Asian Migrant Centre, 2005) *Resource Book - Migration in the Greater Mekong Subregion (2nd Edition)* at http://www.asian-migrants.org/index.php?option=com_docman&task=cat_view&gid=58&Itemid=48

⁸ (UNDP, 2006) *Human Development Report 2006*, at http://hdr.undp.org/hdr2006/statistics/countries/data_sheets/cty_ds_MMR.html

⁹ (Mekong Migration Network & Asian Migrant Centre, 2005) *Resource Book - Migration in the Greater Mekong Subregion (2nd Edition)* at http://www.asian-migrants.org/index.php?option=com_docman&task=cat_view&gid=58&Itemid=48

¹⁰ (Caouette & Pack, 2002) *Pushing Past the definitions: Migration from Burma to Thailand* at <http://www.ibiblio.org/obl/docs/Caouette&Pack.htm>

¹¹ (Mekong Migration Network & Asian Migrant Centre, 2005) *Resource Book - Migration in the Greater Mekong Subregion (2nd Edition)* at http://www.asian-migrants.org/index.php?option=com_docman&task=cat_view&gid=58&Itemid=48

¹² (Caouette & Pack, 2002) *Pushing Past the definitions: Migration from Burma to Thailand* at <http://www.ibiblio.org/obl/docs/Caouette&Pack.htm>

¹³ (Mekong Migration Network & Asian Migrant Centre, 2005)

¹⁴ (UNDP, 2006) *Human Development Report 2006*, at http://hdr.undp.org/hdr2006/statistics/countries/data_sheets/cty_ds_MMR.html

¹⁵ (Transparency International, 2007) *2007 Corruptions Perception Index*, at http://www.transparency.org/policy_research/surveys_indices/cpi/2007

¹⁶ (US Department of State, 2007) *Victims of Trafficking and Violence Protection Act of 2000: TIP Report 2007* at <http://www.state.gov/g/tip/rls/tiprpt/2007/>

¹⁷ (Internal Displacement Monitoring Centre, 2006) *Thailand Burma Border Consortium estimates at least 500,000 IDPs in eastern Burma as of October 2006* at [http://www.internal-displacement.org/idmc/website/countries.nsf/\(httpEnvelopes\)/736F99D2D0A4BFA7C1257123004939E4?OpenDocument](http://www.internal-displacement.org/idmc/website/countries.nsf/(httpEnvelopes)/736F99D2D0A4BFA7C1257123004939E4?OpenDocument)

¹⁸ (Asian Legal Resource Centre (ALRC), 2003) a written statement submitted to ECOSOC at [http://www.unhcr.ch/Huridocda/Huridoca.nsf/\(Symbol\)/E.CN.4.2003.NGO.100.En?Opendocument](http://www.unhcr.ch/Huridocda/Huridoca.nsf/(Symbol)/E.CN.4.2003.NGO.100.En?Opendocument)

¹⁹ (Asian Legal Resource Centre (ALRC), 2003) a written statement submitted to ECOSOC at [http://www.unhcr.ch/Huridocda/Huridoca.nsf/\(Symbol\)/E.CN.4.2003.NGO.100.En?Opendocument](http://www.unhcr.ch/Huridocda/Huridoca.nsf/(Symbol)/E.CN.4.2003.NGO.100.En?Opendocument)

²⁰ (Asian Migrant Centre, 2004) (Asian Migrant Centre, 2004) *Asian Migrant Yearbook: Country Reports Myanmar* at http://www.asian-migrants.org/index.php?option=com_docman&task=cat_view&gid=60&Itemid=48

²¹ (Huguet & Ramangkura, 2007) *The Long Way Home: Analysis of Regional and National Processes for the Return and Reintegration of Victims of Trafficking in the Greater Mekong sub-region* at http://www.iom-seasia.org/resource/pdf/thelongroadhome/The_long_road_home.pdf?POSTNUKESID=ddecfb505333c1c8f13e58031e7924b5

²² (Huguet and Punpuing, 2005:11) cited in (Huguet & Ramangkura, 2007) *The Long Way Home: Analysis of Regional and National Processes for the Return and Reintegration of Victims of Trafficking in the Greater Mekong sub-region* at <http://www.iom->

seasia.org/resource/pdf/thelongroadhome/The_long_road_home.pdf?POSTNUKESID=ddecfb505333c1c8f13e58031e7924b5

²³ (Mekong Migration Network & Asian Migrant Centre, 2005) *Resource Book - Migration in the Greater Mekong Subregion (2nd Edition)* at http://www.asian-migrants.org/index.php?option=com_docman&task=cat_view&gid=58&Itemid=48

²⁴ (Asian Migrant Centre, 2004) *Asian Migrant Yearbook: Country Reports Myanmar* at http://www.asian-migrants.org/index.php?option=com_docman&task=cat_view&gid=60&Itemid=48

²⁵ (Asian Migrant Centre, 2004) *Asian Migrant Yearbook: Country Reports Myanmar* at http://www.asian-migrants.org/index.php?option=com_docman&task=cat_view&gid=60&Itemid=48

²⁶ (Asian Migrant Centre, 2004) *Asian Migrant Yearbook: Country Reports Myanmar* at http://www.asian-migrants.org/index.php?option=com_docman&task=cat_view&gid=60&Itemid=48

²⁷ (Migrant Assistance Foundation, 2006) *The Regularisation of Migrant Workers Following the MOUs* at <http://www.mapfoundationcm.org/Eng/MOUupdate.html>

²⁸ (Migrant Assistance Foundation, 2006) *The Regularisation of Migrant Workers Following the MOUs* at <http://www.mapfoundationcm.org/Eng/MOUupdate.html>

²⁹ (Asian Migrant Centre, 2004) *Asian Migrant Yearbook: Country Reports Myanmar* at http://www.asian-migrants.org/index.php?option=com_docman&task=cat_view&gid=60&Itemid=48

³⁰ From (Mekong Migration Network & Asian Migrant Centre, 2005) *Resource Book - Migration in the Greater Mekong Subregion (2nd Edition)* at http://www.asian-migrants.org/index.php?option=com_docman&task=cat_view&gid=58&Itemid=48

³¹ (Huguet & Ramangkura, 2007) *The Long Way Home: Analysis of Regional and National Processes for the Return and Reintegration of Victims of Trafficking in the Greater Mekong sub-region* at [http://www.iom-](http://www.iom-seasia.org/resource/pdf/thelongroadhome/The_long_road_home.pdf?POSTNUKESID=ddecfb505333c1c8f13e58031e7924b5)

[seasia.org/resource/pdf/thelongroadhome/The_long_road_home.pdf?POSTNUKESID=ddecfb505333c1c8f13e58031e7924b5](http://www.iom-seasia.org/resource/pdf/thelongroadhome/The_long_road_home.pdf?POSTNUKESID=ddecfb505333c1c8f13e58031e7924b5)

³² (Caouette & Pack, 2002) *Pushing Past the definitions: Migration from Burma to Thailand* at <http://www.ibiblio.org/obl/docs/Caouette&Pack.htm> and (Asian Legal Resource Centre (ALRC), 2003) a written statement submitted to ECOSOC at

[http://www.unhcr.ch/Huridocda/Huridoca.nsf/\(Symbol\)/E.CN.4.2003.NGO.100.En?Opendocument](http://www.unhcr.ch/Huridocda/Huridoca.nsf/(Symbol)/E.CN.4.2003.NGO.100.En?Opendocument)

³³ (Asian Migrant Centre, 2004) *Asian Migrant Yearbook: Country Reports Myanmar* at http://www.asian-migrants.org/index.php?option=com_docman&task=cat_view&gid=60&Itemid=48

³⁴ (Human Rights Watch, 2007) *Rohingya Refugees from Burma Mistreated in Bangladesh* at <http://hrw.org/english/docs/2007/03/27/bangla15571.htm>

³⁵ (Mekong Migration Network & Asian Migrant Centre, 2005) *Resource Book - Migration in the Greater Mekong Subregion (2nd Edition)* at http://www.asian-migrants.org/index.php?option=com_docman&task=cat_view&gid=58&Itemid=48

³⁶ (US Department of State, 2007) *Victims of Trafficking and Violence Protection Act of 2000: TIP Report 2007* at <http://www.state.gov/g/tip/rls/tiprpt/2007/>

³⁷ The Department of State ranks each countries performance based more on the extent of government action to combat trafficking rather than the size of the problem, important though that is. Governments that comply with the US Trafficking Victims Protection Act's minimum standards for the elimination of trafficking are placed in Tier 1. Governments considered to be making significant efforts to bring themselves into compliance are placed in Tier 2. Governments that do not fully comply with the minimum standards and are not making significant efforts to do so are placed in Tier 3. Tier 2 countries are placed on the Tier 2 Watch List when they are considered at risk of being demoted to Tier 3. Myanmar is listed in the report as 'Burma'. A full list of all countries surveyed rankings is available at <http://www.state.gov/g/tip/rls/tiprpt/2007/82802.htm>. Further details on the *TIP Reports* are contained in the introduction section of this report.

³⁸ (Caouette & Pack, 2002) *Pushing Past the definitions: Migration from Burma to Thailand* at <http://www.ibiblio.org/obl/docs/Caouette&Pack.htm>

³⁹ (BBC News, 2007) *Inside Burma's new Capital* at http://news.bbc.co.uk/2/hi/in_pictures/6507419.stm

⁴⁰ (Associated Press, 2006) *Health Crisis along Myanmar-Thai border comparable to Africa's worst war zones* at <http://www.arcppt.org/eng/myanmar.html>

⁴¹ (Mekong Migration Network & Asian Migrant Centre, 2005) *Resource Book - Migration in the Greater Mekong Subregion (2nd Edition)* at http://www.asian-migrants.org/index.php?option=com_docman&task=cat_view&gid=58&Itemid=48

- ⁴² (US Department of State, 2007) *Victims of Trafficking and Violence Protection Act of 2000: TIP Report 2007* at <http://www.state.gov/g/tip/rls/tiprpt/2007/>
- ⁴³ (Caouette & Pack, 2002) *Pushing Past the definitions: Migration from Burma to Thailand* at <http://www.ibiblio.org/obl/docs/Caouette&Pack.htm>
- ⁴⁴ (Caouette & Pack, 2002) *Pushing Past the definitions: Migration from Burma to Thailand* at <http://www.ibiblio.org/obl/docs/Caouette&Pack.htm>
- ⁴⁵ (Asia Regional Cooperation to Prevent People Trafficking, Undated) *Asia Regional Cooperation to Prevent People Trafficking: ARCPPT in Myanmar* at <http://www.arcppt.org/eng/myanmar.html>
- ⁴⁶ (Bureau of Democracy, Human Rights, and Labor, 2006) *Country Reports: Burma* at <http://www.state.gov/g/drl/rls/hrrpt/2005/61603.htm>
- ⁴⁷ (US Department of State, 2007) *Victims of Trafficking and Violence Protection Act of 2000: TIP Report 2007* at <http://www.state.gov/g/tip/rls/tiprpt/2007/>
- ⁴⁸ (Associated Press, 2006) *Health Crisis along Myanmar-Thai border comparable to Africa's worst war zones* at <http://www.myanmar.com>
- ⁴⁹ (The Federation of Trade Unions – Burma (FTUB) Migrants Section & Robertson Jr. (Ed.), Undated) *The Mekong Challenge – Working Day and Night: The Plight of Migrant Child Workers in Mae Sot, Thailand* at www.ilo.org/public/english/region/asro/bangkok/child/trafficking/downloads/workingdayandnight-english.pdf
- ⁵⁰ (US Department of State, 2007) *Victims of Trafficking and Violence Protection Act of 2000: TIP Report 2007* at <http://www.state.gov/g/tip/rls/tiprpt/2007/>
- ⁵¹ (US Department of State, 2007) *Victims of Trafficking and Violence Protection Act of 2000: TIP Report 2007* at <http://www.state.gov/g/tip/rls/tiprpt/2007/>
- ⁵² (Human Rights Watch, 2006) *Burma: Use of Child Soldiers Continues Unabated* at <http://hrw.org/english/docs/2006/09/12/burma14179.htm>
- ⁵³ (US Department of State, 2007) *Victims of Trafficking and Violence Protection Act of 2000: TIP Report 2007* at <http://www.state.gov/g/tip/rls/tiprpt/2007/>
- ⁵⁴ (US Department of State, 2007) *Victims of Trafficking and Violence Protection Act of 2000: TIP Report 2007* at <http://www.state.gov/g/tip/rls/tiprpt/2007/>
- ⁵⁵ (US Department of State, 2007) *Victims of Trafficking and Violence Protection Act of 2000: TIP Report 2007* at <http://www.state.gov/g/tip/rls/tiprpt/2007/>
- ⁵⁶ (The Protection Project, 2002) *A Human Rights Report on Trafficking of Persons, Especially Women and Children* at http://www.no-trafficking.org/content/Reading_Rooms/myanmar.htm
- ⁵⁷ (US Department of State, 2007) *Victims of Trafficking and Violence Protection Act of 2000: TIP Report 2007* at <http://www.state.gov/g/tip/rls/tiprpt/2007/>
- ⁵⁸ (US Department of State, 2007) *Victims of Trafficking and Violence Protection Act of 2000: TIP Report 2007* at <http://www.state.gov/g/tip/rls/tiprpt/2007/>
- ⁵⁹ (Women's Commission for refugee Women and Children, 2006) *Memorandum submitted by the Women's Commission for Refugee Women and Children* at <http://www.publications.parliament.uk/pa/cm200607/cmselect/cmintdev/ucburma/uc2102.htm>
- ⁶⁰ (Asian Migrant Centre, 2004) *Asian Migrant Yearbook: Country Reports Myanmar* at http://www.asian-migrants.org/index.php?option=com_docman&task=cat_view&gid=60&Itemid=48
- ⁶¹ (Huguet and Punpuing, 2005:14), in (Huguet & Ramangkura, 2007) *The Long Way Home: Analysis of Regional and National Processes for the Return and Reintegration of Victims of Trafficking in the Greater Mekong sub-region* at http://www.iom-seasia.org/resource/pdf/thelongroadhome/The_long_road_home.pdf?POSTNUKESID=ddecfb505333c1c8f13e58031e7924b5
- ⁶² (Panam, Punpuing, Caouette, & Zaw, 2004) *Migrant Domestic Workers: from Burma to Thailand*, Insitute for Population and Social Research, Nakhonpathom, Thailand at <http://iussp2005.princeton.edu/download.aspx?submissionId=52058>
- ⁶³ (Mekong Migration Network & Asian Migrant Centre, 2005) *Resource Book - Migration in the Greater Mekong Subregion (2nd Edition)* at http://www.asian-migrants.org/index.php?option=com_docman&task=cat_view&gid=58&Itemid=48
- ⁶⁴ (Women's Commission for refugee Women and Children, 2006) *Memorandum submitted by the Women's Commission for Refugee Women and Children* at <http://www.publications.parliament.uk/pa/cm200607/cmselect/cmintdev/ucburma/uc2102.htm>

- ⁶⁵ (Pearson et al, 2006) *The Mekong Challenge - Underpaid, Overworked and Overlooked: The realities of young migrant workers in Thailand* at <http://www.ilo.org/public/english/region/asro/bangkok/child/trafficking/newpublication-showcase.htm>
- ⁶⁶ (Women's Commission for Refugee Women and Children, 2006) Memorandum submitted by the Women's Commission for Refugee Women and Children at <http://www.publications.parliament.uk/pa/cm200607/cmselect/cmintdev/ucburma/uc2102.htm>
- ⁶⁷ (US Department of State, 2007) *Victims of Trafficking and Violence Protection Act of 2000: TIP Report 2007* at <http://www.state.gov/g/tip/rls/tiprpt/2007/>
- ⁶⁸ (Mekong Migration Network & Asian Migrant Centre, 2005) *Resource Book - Migration in the Greater Mekong Subregion (2nd Edition)* at http://www.asian-migrants.org/index.php?option=com_docman&task=cat_view&gid=58&Itemid=48 (Mekong Migration Network & Asian Migrant Centre, 2005)
- ⁶⁹ (The Protection Project, 2002) *A Human Rights Report on Trafficking of Persons, Especially Women and Children* at http://www.no-trafficking.org/content/Reading_Rooms/myanmar.htm
- ⁷⁰ Human Rights Documentation Unit and Burmese Women's Union, *Cycle of Suffering*, 2000. Cited in (Women's Commission for refugee Women and Children, 2006) *Memorandum submitted by the Women's Commission for Refugee Women and Children* at <http://www.publications.parliament.uk/pa/cm200607/cmselect/cmintdev/ucburma/uc2102.htm>
- ⁷¹ (Asian Migrant Centre, 2004) *Asian Migrant Yearbook: Country Reports Myanmar, Hong Kong* at http://www.asian-migrants.org/index.php?option=com_docman&task=cat_view&gid=60&Itemid=48
- ⁷² (UNIAP, 2004) *COMMIT Senior Officials Meeting 1: Myanmar Country Paper* at http://www.no-trafficking.org/content/Reading_Rooms/myanmar.htm
- ⁷³ (Women's Commission for Refugee Women and Children, 2006) *Abuse without End: Burmese Refugee Women and Children at Risk of Trafficking*, NY at www.womenscommission.org
- ⁷⁴ (US Department of State, 2007) *Victims of Trafficking and Violence Protection Act of 2000: TIP Report 2007* at <http://www.state.gov/g/tip/rls/tiprpt/2007/>
- ⁷⁵ (Women's Commission for Refugee Women and Children, 2006) *Abuse without End: Burmese Refugee Women and Children at Risk of Trafficking*, NY at www.womenscommission.org
- ⁷⁶ (Mekong Migration Network & Asian Migrant Centre, 2005) *Resource Book - Migration in the Greater Mekong Subregion (2nd Edition)* at http://www.asian-migrants.org/index.php?option=com_docman&task=cat_view&gid=58&Itemid=48
- ⁷⁷ (US Department of State, 2007) *Victims of Trafficking and Violence Protection Act of 2000: TIP Report 2007* at <http://www.state.gov/g/tip/rls/tiprpt/2007/>
- ⁷⁸ (US Department of State, 2007) *Victims of Trafficking and Violence Protection Act of 2000: TIP Report 2007* at <http://www.state.gov/g/tip/rls/tiprpt/2007/>
- ⁷⁹ (UNIAP, 2004) *COMMIT Senior Officials Meeting 1: Myanmar Country Paper* at http://www.no-trafficking.org/content/Reading_Rooms/myanmar.htm
- ⁸⁰ (Women's Commission for Refugee Women and Children, 2006) *Abuse without End: Burmese Refugee Women and Children at Risk of Trafficking*, at www.womenscommission.org
- ⁸¹ (The Federation of Trade Unions – Burma (FTUB) Migrants Section & Robertson Jr. (Ed.), Undated) *The Mekong Challenge – Working Day and Night: The Plight of Migrant Child Workers in Mae Sot, Thailand* at www.ilo.org/public/english/region/asro/bangkok/child/trafficking/downloads/workingdayandnight-english.pdf
- ⁸² (Pearson et al, 2006) *The Mekong Challenge - Underpaid, Overworked and Overlooked: The situation of young migrant workers in Thailand* at <http://www.ilo.org/public/english/region/asro/bangkok/child/trafficking/newpublication-showcase.htm>
- ⁸³ Raks Thai Foundation, *Tangled Nets: The Vulnerability of Migrant Fishermen and Related populations in Thailand*, Raks Thai Foundation and The Rockefeller Foundation, 2003.
- ⁸⁴ (Pearson et al, 2006) (ILO/IPEC, 2006) *The Mekong Challenge - Underpaid, Overworked and Overlooked: The realities of young migrant workers in Thailand* at <http://www.ilo.org/public/english/region/asro/bangkok/child/trafficking/newpublication-showcase.htm>
- ⁸⁵ (Pearson et al, 2006) (ILO/IPEC, 2006) *The Mekong Challenge - Underpaid, Overworked and Overlooked: The realities of young migrant workers in Thailand* at <http://www.ilo.org/public/english/region/asro/bangkok/child/trafficking/newpublication-showcase.htm>
- ⁸⁶ (Migrant Assistance Foundation, 2006) *The Regularisation of Migrant Workers Following the MOUs* at <http://www.mapfoundationcm.org/Eng/MOUupdate.html>

-
- ⁸⁷ (US Department of State, 2007) *Victims of Trafficking and Violence Protection Act of 2000: TIP Report 2007* at <http://www.state.gov/g/tip/rls/tiprpt/2007/>
- ⁸⁸ (The Protection Project, 2002) *A Human Rights Report on Trafficking of Persons, Especially Women and Children* at http://www.no-trafficking.org/content/Reading_Rooms/myanmar.htm
- ⁸⁹ (US Department of State, 2007) *Victims of Trafficking and Violence Protection Act of 2000: TIP Report 2007* at <http://www.state.gov/g/tip/rls/tiprpt/2007/>
- ⁹⁰ US Department of State,
- ⁹¹ (US Department of State, 2007) *Victims of Trafficking and Violence Protection Act of 2000: TIP Report 2007* at <http://www.state.gov/g/tip/rls/tiprpt/2007/>
- ⁹² (Mekong Migration Network & Asian Migrant Centre, 2005) *Resource Book - Migration in the Greater Mekong Subregion (2nd Edition)* at http://www.asian-migrants.org/index.php?option=com_docman&task=cat_view&gid=58&Itemid=48
- ⁹³ (Gustavo Capdevila, 2007) *Burma: No end to Forced Labour* at <http://www.corpwatch.org/article.php?id=14544>
- ⁹⁴ (US Department of State, 2007) *Victims of Trafficking and Violence Protection Act of 2000: TIP Report 2007* at <http://www.state.gov/g/tip/rls/tiprpt/2007/>
- ⁹⁵ (Huguet & Ramangkura, 2007) *The Long Way Home: Analysis of Regional and National Processes for the Return and Reintegration of Victims of Trafficking in the Greater Mekong Sub-region*, International Organization for Migration, 2007 at http://www.iom-seasia.org/resource/pdf/thelongroadhome/The_long_road_home.pdf?POSTNUKESID=ddecfb505333c1c8f13e58031e7924b5
- ⁹⁶ (Myanmar National Committee for Women's Affairs) *Myanmar National Committee for Women's Affairs, 'Status of Myanmar Women*, at <http://mncwa.tripod.com/mncwa/id8.html>
- ⁹⁷ (UNIAP, 2004) *COMMIT Senior Officials Meeting 1: Myanmar Country Paper* at http://www.no-trafficking.org/content/Reading_Rooms/myanmar.htm
- ⁹⁸ (US Department of State, 2007) *Victims of Trafficking and Violence Protection Act of 2000: TIP Report 2007* at <http://www.state.gov/g/tip/rls/tiprpt/2007/>
- ⁹⁹ (US Department of State, 2007) *Victims of Trafficking and Violence Protection Act of 2000: TIP Report 2007* at <http://www.state.gov/g/tip/rls/tiprpt/2007/>
- ¹⁰⁰ (Huguet & Ramangkura, 2007) *The Long Way Home: Analysis of Regional and National Processes for the Return and Reintegration of Victims of Trafficking in the Greater Mekong Sub-region*, International Organization for Migration, 2007 at http://www.iom-seasia.org/resource/pdf/thelongroadhome/The_long_road_home.pdf?POSTNUKESID=ddecfb505333c1c8f13e58031e7924b5
- ¹⁰¹ Beesey (n.d) *cited in* (Huguet & Ramangkura, 2007) *The Long Way Home: Analysis of Regional and National Processes for the Return and Reintegration of Victims of Trafficking in the Greater Mekong Sub-region*, International Organization for Migration, 2007 at http://www.iom-seasia.org/resource/pdf/thelongroadhome/The_long_road_home.pdf?POSTNUKESID=ddecfb505333c1c8f13e58031e7924b5
- ¹⁰² (Huguet & Ramangkura, 2007) *The Long Way Home: Analysis of Regional and National Processes for the Return and Reintegration of Victims of Trafficking in the Greater Mekong Sub-region*, International Organization for Migration, 2007 at http://www.iom-seasia.org/resource/pdf/thelongroadhome/The_long_road_home.pdf?POSTNUKESID=ddecfb505333c1c8f13e58031e7924b5
- ¹⁰³ (Huguet & Ramangkura, 2007) *The Long Way Home: Analysis of Regional and National Processes for the Return and Reintegration of Victims of Trafficking in the Greater Mekong Sub-region*, International Organization for Migration, 2007 at http://www.iom-seasia.org/resource/pdf/thelongroadhome/The_long_road_home.pdf?POSTNUKESID=ddecfb505333c1c8f13e58031e7924b5
- ¹⁰⁴ (Huguet & Ramangkura, 2007) *The Long Way Home: Analysis of Regional and National Processes for the Return and Reintegration of Victims of Trafficking in the Greater Mekong Sub-region*, International Organization for Migration, 2007 at http://www.iom-seasia.org/resource/pdf/thelongroadhome/The_long_road_home.pdf?POSTNUKESID=ddecfb505333c1c8f13e58031e7924b5
- ¹⁰⁵ (Huguet & Ramangkura, 2007) *The Long Way Home: Analysis of Regional and National Processes for the Return and Reintegration of Victims of Trafficking in the Greater Mekong Sub-region*, International Organization for Migration, 2007 at http://www.iom-seasia.org/resource/pdf/thelongroadhome/The_long_road_home.pdf?POSTNUKESID=ddecfb505333c1c8f13e58031e7924b5
-

seasia.org/resource/pdf/thelongroadhome/The_long_road_home.pdf?POSTNUKESID=ddecfb505333c1c8f13e58031e7924b5

Philippines

- ¹ Data from (Table 1. Selected basic ASEAN indicators , 2007) at <http://www.aseansec.org/stat/Table1.pdf>
- ² (Bureau of East Asian and Pacific Affairs, 2007), *Background Note: Philippines*, at <http://www.state.gov/r/pa/ei/bgn/2794.htm>
- ³ (Santos, 2007) , *Statement of Socioeconomic Planning Secretary Augusto B. Santos on the Release of the Second Quarter 2007 National Income Accounts*, at <http://www.neda.gov.ph/>
- ⁴ (Transparency International, 2007), *2007 Corruptions Perception Index*, at http://www.transparency.org/policy_research/surveys_indices/cpi/2007
- ⁵ (UNDP, 2006), *Human Development Report 2006*, at http://hdr.undp.org/hdr2006/statistics/countries/data_sheets/cty_ds_PHL.html
- ⁶ (UNICEF), *At a glance: Philippines*, at http://www.unicef.org/infobycountry/philippines_statistics.html
- ⁷ (UNDP, 2006), *Human Development Report 2006*, at http://hdr.undp.org/hdr2006/statistics/countries/data_sheets/cty_ds_PHL.html
- ⁸ (Central Intelligence Agency, 2007) *The World Factbook*, at <https://www.cia.gov/library/publications/the-world-factbook/print/rp.html>
- ⁹ (Scalabrini Migration Center, 2005), *Preparing to Work Abroad: Filipino Migrants Experiences Prior to Deployment*, at <http://www.smc.org.ph/preparework/highlights.htm#para5>
- ¹⁰ (Asian Development Bank, 2006), *Asia Development Outlook 2006*, at <http://www.adb.org/Documents/Books/ADO/2006/documents/phi.pdf>
- ¹¹ (Teves, 2005) , *Remittances can't replace good economic policies, RP told*, at http://web.archive.org/web/20060305192447/http://www.inq7.net/globalnation/sec_new/2005/dec/02-01.htm
- ¹² (Garcia, 2006), *Is Overseas Migration Worth it?* p.5 at <http://www.pmrw.org/newsletters/Newsletter%204-06.pdf>
- ¹³ (Phillipines Information Agency, 2007), *Global OFW deployment reaches 1M, remittances US\$14B*, 2007 at <http://www.gov.ph/news/?i=18811>
- ¹⁴ (People's Daily Online, 2007), *Filipino overseas workers' remittances rise by 26 pct in March*, at http://english.people.com.cn/200705/15/eng20070515_374856.html
- ¹⁵ (Bureau of East Asian and Pacific Affairs, 2007), *Background Note: Philippines*, at <http://www.state.gov/r/pa/ei/bgn/2794.htm>
- ¹⁶ (People's Daily Online, 2007), *Filipino overseas workers' remittances rise by 26 pct in March*, at http://english.people.com.cn/200705/15/eng20070515_374856.html
- ¹⁷ (Scalabrini Migration Center, 2005) *Preparing to Work Abroad: Filipino Migrants Experiences Prior to Deployment*, at <http://www.smc.org.ph/preparework/highlights.htm#para5>.
- ¹⁸ (Scalabrini Migration Center, 2005) *Preparing to Work Abroad: Filipino Migrants Experiences Prior to Deployment*, at <http://www.smc.org.ph/preparework/highlights.htm#para5>
- ¹⁹ (Phillipines Overseas Employment Administration, 2006) *OFW Global Presence: A Compendium of Overseas Employment Statistics*, 2007 at <http://www.poea.gov.ph/stats/2006Stats.pdf>
- ²⁰ including able seaman, oiler, ordinary seaman, bosun, second mate, chief cook, messman, second engineer officer, third engineer officer and third mate. Table 14. Deployment of Seafarers by Top Ten Positions for the Year 2006' at <http://www.poea.gov.ph/stats/2006Stats.pdf>
- ²¹ (International labour Office, 2004), *Human Trafficking for Sexual Exploitation in Japan*, at <http://www.ilo.org/public/english/region/asro/tokyo/downloads/r-japantrafficking.pdf>
- ²² (Scalabrini Migration Center, 2005) *Preparing to Work Abroad: Filipino Migrants Experiences Prior to Deployment*, at <http://www.smc.org.ph/preparework/highlights.htm#para5>
- ²³ (TESDA), *Comparative Data 2003-2006: TVET Enrolment and Graduates*, at <http://www.tesda.gov.ph/page.asp?rootID=4&slD=192&plD=34>
- ²⁴ (TESDA, 2004), *How Saturated is the Caregivers' Market?*, at <http://www.tesda.gov.ph/page.asp?rootID=4&slD=153&plD=34>
- ²⁵ (Scalabrini Migration Center, 2005) *Preparing to Work Abroad: Filipino Migrants Experiences Prior to Deployment*, at <http://www.smc.org.ph/preparework/highlights.htm#para5>
- ²⁶ (Scalabrini Migration Center, 2005), *Preparing to Work Abroad: Filipino Migrants Experiences Prior to Deployment*, at <http://www.smc.org.ph/preparework/highlights.htm#para5>

²⁷ The Department of State ranks each countries performance based more on the extent of government action to combat trafficking rather than the size of the problem, important though that is. Governments that comply with the US Trafficking Victims Protection Act's minimum standards for the elimination of trafficking are placed in Tier 1. Governments considered to be making significant efforts to bring themselves into compliance are placed in Tier 2. Governments that do not fully comply with the minimum standards and are not making significant efforts to do so are placed in Tier 3. Tier 2 countries are placed on the Tier 2 Watch List when they are considered at risk of being demoted to Tier 3. A full list of all countries surveyed rankings is available at <http://www.state.gov/g/tip/rls/tiprpt/2007/82802.htm>. Further details on the *TIP Reports* are contained in the introduction section of this report.

²⁸ (Valenzuela, 2005), '*Kasambahay (domestic worker) program: working together towards a Magna Carta for Filipino domestic workers*', at http://www.odi.org.uk/RAPID/Projects/PPA0104/domestic_workers.html

²⁹ cited in (Pacis & Flores-Oebanda, Clarifying the Batas Kasambahay: Q&A on the Bill for Domestic Workers in the Philippines, 2006), *Clarifying the Batas Kasambahay: Q&A on the Bill for Domestic Workers in the Philippines*, , p.17, at http://www.visayanforum.org/article.php?mode_id=721

³⁰ (International Labour Office), *Mobilizing Action for the Protection of Domestic Workers Against Forced Labour and Trafficking in Southeast Asia: The Philippine Component – A Project Brief*, at <http://www.oit.org/public/english/region/asro/manila/downloads/domwork.pdf>

³¹ cited in (Pacis & Flores-Oebanda, Clarifying the Batas Kasambahay: Q&A on the Bill for Domestic Workers in the Philippines, 2006), *Clarifying the Batas Kasambahay: Q&A on the Bill for Domestic Workers in the Philippines*, , p.17, at http://www.visayanforum.org/article.php?mode_id=721

³² (International Labour Office), *Mobilizing Action for the Protection of Domestic Workers Against Forced Labour and Trafficking in Southeast Asia: The Philippine Component – A Project Brief*, at <http://www.oit.org/public/english/region/asro/manila/downloads/domwork.pdf>

³³ (Visayan Forum Foundation), *Child Domestic Workers*, at http://www.visayanforum.org/article.php?mode_id=31#1

³⁴ (Visayan Forum Foundation) *Child Domestic Workers*, at http://www.visayanforum.org/article.php?mode_id=31#1

³⁵ cited in (Pacis & Flores-Oebanda, Clarifying the Batas Kasambahay: Q&A on the Bill for Domestic Workers in the Philippines, 2006), *Clarifying the Batas Kasambahay: Q&A on the Bill for Domestic Workers in the Philippines*, , p.17, at http://www.visayanforum.org/article.php?mode_id=721

³⁶ (International Labour Office), *Mobilizing Action for the Protection of Domestic Workers Against Forced Labour and Trafficking in Southeast Asia: The Philippine Component – A Project Brief*, at <http://www.oit.org/public/english/region/asro/manila/downloads/domwork.pdf>

³⁷ (U.S. Department of State, 2004), *Country Reports- 2004: Philippines*, Sections 6c and 6f. See also (ILO, 2001), *The ILO-Japan Asian Meeting on the Trafficking of Children for Labour and Sexual Exploitation: Country Report- Philippines* [CD-ROM], Manila, 2001 cited in US Department of Labor,

³⁸ Cited in (UNICEF Philippines) at http://www.unicef.org/philippines/support/sup_12.html

³⁹ (Pacis & Flores-Oebanda, Looking from within: A Primer on Trafficking in Persons in the Philippines, 2005 (b)), p.13 at http://www.visayanforum.org/article.php?mode_id=773

⁴⁰ (UNICEF Philippines) at http://www.unicef.org/philippines/support/sup_12.html

⁴¹ (Pacis & Flores-Oebanda, Looking from within: A Primer on Trafficking in Persons in the Philippines, 2005 (b)), p.24 at http://www.visayanforum.org/article.php?mode_id=773

⁴² Summarised from (Pacis & Flores-Oebanda, Looking from within: A Primer on Trafficking in Persons in the Philippines, 2005 (b)), p.13 at http://www.visayanforum.org/article.php?mode_id=773

⁴³ (U.S. Department of Labour, Bureau of International Labor Affairs, 2007), *Philippines: Incidence and Nature of Child Labor*, at <http://www.dol.gov/ilab/media/reports/iclp/tda2004/philippines.htm>

⁴⁴ (humantrafficking.org, 2003) '*US Ambassador to Philippines visits Trafficking Halfway House*', at <http://www.humantrafficking.org/updates/132>

⁴⁵ (U.S. Department of Labour, Bureau of International Labor Affairs, 2007), *Philippines: Incidence and Nature of Child Labor* at <http://www.dol.gov/ilab/media/reports/iclp/tda2004/philippines.htm>

⁴⁶ (Pacis & Flores-Oebanda, Looking from within: A Primer on Trafficking in Persons in the Philippines, 2005 (b)), at http://www.visayanforum.org/article.php?mode_id=773, p.10.

⁴⁷ The other destination (3rd) was Hong Kong, where women travelled mainly for domestic work. The 2007 *Trafficking in Person Report* states that "A small minority of women from the Philippines and Indonesia who go to Hong Kong to work as domestic servants are subjected to exploitation and conditions of involuntary servitude". To a lesser extent, Hong Kong is also a destination for women

from the Philippines who travel voluntarily “for prostitution or jobs in restaurants or hotels but are deceived or coerced into sexual servitude”. at <http://www.state.gov/g/tip/rls/tiprpt/2007/82806.htm>

⁴⁸ (Philippines Overseas Employment Administration, 2006), at

<http://www.poea.gov.ph/stats/2006Stats.pdf>

⁴⁹ information is drawn from the 2007 TIP Report unless otherwise cited.

⁵⁰ (Philippines Overseas Employment Administration, 2006), at

<http://www.poea.gov.ph/stats/2006Stats.pdf>

⁵¹ (Human Rights Watch, 2005), *Bad Dreams: Exploitation and Abuse of Migrant Workers in Saudi Arabia*, Human Rights Watch, at <http://hrw.org/reports/2004/saudi0704/index.htm>

⁵² (Human Rights Watch, 2005) at <http://hrw.org/reports/2004/saudi0704/index.htm>

⁵³ (Human Rights Watch, 2005) at <http://hrw.org/reports/2004/saudi0704/index.htm>

⁵⁴ (Philippines Overseas Employment Administration, 2006), at

<http://www.poea.gov.ph/stats/2006Stats.pdf>

⁵⁵ (Pakkiasamy, 2004), *Saudi Arabia's Plan for Changing Its Workforce*, at <http://www.saudi-us-relations.org/newsletter2004/saudi-relations-interest-12-02.html>

⁵⁶ (Philippines Overseas Employment Administration, 2006) at

<http://www.poea.gov.ph/stats/2006Stats.pdf>

⁵⁷ (GMA News, 2007), *Cimatu report confirms OFW trafficking to Iraq*, at

<http://www.gmanews.tv/story/61190/Cimatu-report-confirms-OFW-trafficking-to-Iraq>

⁵⁸ (Philippines Overseas Employment Administration, 2006), at

<http://www.poea.gov.ph/stats/2006Stats.pdf>

⁵⁹ (Philippines Overseas Employment Administration, 2006) at

<http://www.poea.gov.ph/stats/2006Stats.pdf>

⁶⁰ (Human Rights Watch, 2005), *Maid to Order- Ending Abuses Against Migrant Domestic Workers in Singapore*, at <http://hrw.org/reports/2005/singapore1205/index.htm>

⁶¹ (Philippines Overseas Employment Administration, 2006), at

<http://www.poea.gov.ph/stats/2006Stats.pdf>

⁶² (Human Rights Watch, 2005), *Maid to Order- Ending Abuses Against Migrant Domestic Workers in Singapore*, at <http://hrw.org/reports/2005/singapore1205/index.htm>

⁶³ (Human Rights Watch, 2005) *Maid to Order- Ending Abuses Against Migrant Domestic Workers in Singapore*, at <http://hrw.org/reports/2005/singapore1205/index.htm>

⁶⁴ (Human Rights Watch, 2005) *Maid to Order- Ending Abuses Against Migrant Domestic Workers in Singapore*, at <http://hrw.org/reports/2005/singapore1205/index.htm>

⁶⁵ (Human Rights Watch, 2005) *Maid to Order- Ending Abuses Against Migrant Domestic Workers in Singapore*, at <http://hrw.org/reports/2005/singapore1205/index.htm>

⁶⁶ (Human Rights Watch, 2005) *Maid to Order- Ending Abuses Against Migrant Domestic Workers in Singapore*, at <http://hrw.org/reports/2005/singapore1205/index.htm>

⁶⁷ (Wong & Saat, 2003), *Trafficking of Filipino Women to Malaysia: Examining the Experiences and Perspectives of Victims*, Governmental and NGO Experts, at

http://www.unodc.org/pdf/crime/human_trafficking/Exec_Summary_IKMAS.pdf

⁶⁸ (U.S. Department of State, 2007), *Victims of Trafficking and Violence Protection Act of 2000: TIP Report 2007* at <http://www.state.gov/g/tip/rls/tiprpt/2007/>

⁶⁹ (Cameron & Newman, 2003), *Trafficking of Filipino Women to Japan: Examining the Experiences and Perspectives of Victims and Government Experts*, at

http://www.unodc.org/pdf/crime/human_trafficking/Exec_summary_UNU.pdf

⁷⁰ (Collective Position Paper by 11 Filipino NGOs on Japan's New Immigration Policy, 2005), *Uphold The Dignity and Integrity of the Filipino Artist and Stop the Trafficking of Women To Japan!* at

http://www.vitalvoices.org/desktopdefault.aspx?page_id=208

⁷¹ (Fujimoto, undated), *Trafficking in Persons and the Filipino Entertainers in Japan*, at

<http://www.hurights.or.jp/asia-pacific/043/05.html>

⁷² (International Organization for Migration, 1997), *Trafficking in Women to Japan for Sexual Exploitation— A Survey on the Case of Filipino Women*, International Organization for Migration: Geneva p. 28.

⁷³ (Fujimoto, undated), *Trafficking in Persons and the Filipino Entertainers in Japan*, at

<http://www.hurights.or.jp/asia-pacific/043/05.html>

⁷⁴ (Philippines Overseas Employment Administration, 2006), at

<http://www.poea.gov.ph/stats/2006Stats.pdf>

⁷⁵ Cited in (Natividad, 2005), *Trafficking in Women as a Non-Traditional Security Challenge: Philippine Cases and Responses*, at <http://rsis-ntsasia.org/publications/PDF/susannatividad.pdf>

⁷⁶ (Natividad, 2005), *Trafficking in Women as a Non-Traditional Security Challenge: Philippine Cases and Responses*, at <http://rsis-ntsasia.org/publications/PDF/susannatividad.pdf>

⁷⁷ Data obtained from 31 case files involving trafficking incidents. Twenty-six of these were obtained from the Philippines Center on Transnational Crime, while the other 5 were obtained from the National Bureau of Investigation. (Leones & Caparas, undated), *Trafficking in Human Beings from the Philippines: A Survey of Government Experts and Law Enforcement Case Files*, at http://www.unodc.org/pdf/crime/human_trafficking/Exec_Summary_NAPOLCOM.pdf

⁷⁸ (de Castro Jr., undated), *Korea: New Way Out for Pinoys*, at <http://www.newsbreak.com.ph/humantrafficking/story-korea.htm>

⁷⁹ (humantrafficking.org - source: UNIAP, 2005) 'South Korea Edging Out Japan in Trafficking in Women', at <http://www.humantrafficking.org/updates/220>

⁸⁰ (Vicente, 2006), *Korea asked not to issue entertainment visas*, at <http://www.newsbreak.com.ph/humantrafficking/story-korea.htm>

⁸¹ (de Castro Jr., undated), *Korea: New Way Out for Pinoys*, at <http://www.newsbreak.com.ph/humantrafficking/story-korea.htm>

⁸² (David (ed.), 2006), *ASEAN and Trafficking in Persons: Using Data as a Tool to Combat Trafficking in Persons*, International Organization for Migration, Geneva, 2006, p.66 at www.iom.int/.../shared/shared/mainsite/published_docs/books/lowres%20asean%20report-complete.pdf

⁸³ (U.S. Department of State, 2007), *Victims of Trafficking and Violence Protection Act of 2000: TIP Report 2007*, at <http://www.state.gov/g/tip/rls/tiprpt/2007/>

⁸⁴ (ASEAN, *ASEAN Responses to Trafficking in Persons: Ending Impunity for Traffickers and Securing Justice for Victims*, ASEAN, 2006)

⁸⁵ (ASEAN, *ASEAN Responses to Trafficking in Persons: Ending Impunity for Traffickers and Securing Justice for Victims*, ASEAN, 2006)

⁸⁶ US Department of State

Singapore

¹ Data from (Table 1. Selected basic ASEAN indicators , 2007) at <http://www.aseansec.org/stat/Table1.pdf>

² (Singapore Tourism Board, 2007) *Record Year As Tourism Exceeds 2006 Targets With S\$12.4 Billion Tourism Receipts And 9.7 Million Visitor Arrivals*, at <http://app.stb.com.sg/asp/new/new03a.asp?id=6243>

³ (U.S. Department of State: Bureau of East Asian and Pacific Affairs, 2007), *Background Note: Singapore*, at <http://www.state.gov/r/pa/ei/bgn/2798.htm>

⁴ (UNDP, 2006) *Human Development Report 2006 – Human Development Indicators. Country Fact Sheets: Singapore* at http://hdr.undp.org/hdr2006/statistics/countries/country_fact_sheets/cty_fs_SGP.html

⁵ (Transparency International, 2006), *Regional Overview Report on National Integrity Systems in East and Southeast Asia* Transparency International, 2006 at http://www.transparency.org/news_room/in_focus/2007/nis_in_east_and_southeast_asia

⁶ Dr Angelique Chan, Sociologist, National University of Singapore

⁷ (Wong, 2006), *Singapore the most business-friendly economy in the world: World Bank*, at <http://www.channelnewsasia.com/stories/singaporebusinessnews/view/228852/1.html>

⁸ In Hong Kong, this figure is set at no more than 10 percent of a migrant worker's monthly salary, and includes domestic workers.

⁹ (Human Rights Watch, 2006), *Singapore: New Contract Shortchanges Domestic Workers - No Weekly Rest Days or Caps on Huge Fees*, at <http://hrw.org/english/docs/2006/07/21/singap13785.htm>

¹⁰ The Department of State ranks each countries performance based more on the extent of government action to combat trafficking rather than the size of the problem, important though that is. Governments that comply with the US Trafficking Victims Protection Act's minimum standards for the elimination of trafficking are placed in Tier 1. Governments considered to be making significant efforts to bring themselves into compliance are placed in Tier 2. Governments that do not fully comply with the minimum standards and are not making significant efforts to do so are placed in Tier 3. Tier 2

countries are placed on the Tier 2 Watch List when they are considered at risk of being demoted to Tier 3. A full list of all countries surveyed rankings is available at <http://www.state.gov/g/tip/rls/tiprpt/2007/82802.htm>. Further details on the *TIP Reports* are contained in the introduction section of this report.

¹¹ 2004 Report ... Singapore was not in the 2003 Report but is included this year because of newly available information indicating it has a significant trafficking problem.

¹² (U.S. Department of State, 2007), *TIP Report 2007*, at <http://www.state.gov/g/tip/rls/tiprpt/2007/82807.htm>

¹³ (Human Rights Watch, 2006), Singapore: New Contract Shortchanges Domestic Workers - No Weekly Rest Days or Caps on Huge Fees, at <http://hrw.org/english/docs/2006/07/21/singap13785.htm>

¹⁴ (Human Rights Watch, 2006), *Swept Under the Rug: Abuses against Domestic Workers Around the World*, at <http://hrw.org/reports/2006/wrd0706/>

¹⁵ (Human Rights Watch, 2006) *Swept Under the Rug: Abuses against Domestic Workers Around the World*, at <http://hrw.org/reports/2006/wrd0706/>

¹⁶ (Human Rights Watch, 2006) *Swept Under the Rug: Abuses against Domestic Workers Around the World*, at <http://hrw.org/reports/2006/wrd0706/>

¹⁷ (Human Rights Watch, 2006) *Swept Under the Rug: Abuses against Domestic Workers Around the World*, at <http://hrw.org/reports/2006/wrd0706/>

¹⁸ estimated by Human Rights Watch at approximately US\$200.

¹⁹ (Human Rights Watch, 2006), *Swept Under the Rug: Abuses against Domestic Workers Around the World*, Human Rights Watch, at <http://hrw.org/reports/2006/wrd0706/>

²⁰ (Human Rights Watch, 2006), *Swept Under the Rug: Abuses against Domestic Workers Around the World*, at <http://hrw.org/reports/2006/wrd0706/>

²¹ (Human Rights Watch, 2006) *Swept Under the Rug: Abuses against Domestic Workers Around the World*, at <http://hrw.org/reports/2006/wrd0706/>

²² (Human Rights Watch, 2006) *Swept Under the Rug: Abuses against Domestic Workers Around the World*, at <http://hrw.org/reports/2006/wrd0706/>

²³ (Human Rights Watch, 2006), 'Singapore: New Contract Fails Domestic Workers - No Weekly Rest Days or Caps on Fees', at http://hrw.org/english/docs/2006/05/31/singap13483_txt.htm

²⁴ M. Baker, 'Maids of Constant Sorrow', *Sydney Morning Herald*, 25 July 2002 cited in (Rosenburg (ed.), 2003) *Trafficking of Women and Children in Indonesia*, at http://www.icmc.net/pdf/traffreport_en.pdf

²⁵ (Straits Times, 2004), 'Cases of forced prostitution are 'very rare', at http://www.yawningbread.org/arch_2004/yax-383.htm

²⁶ (Agence France-Presse, 2007), *Oral, anal sex to be legalized in Singapore bill*, at http://newsinfo.inquirer.net/breakingnews/world/view_article.php?article_id=89122

²⁷ (Bureau of Democracy, Human Rights and Labor, 2006), *Country Reports on Human Rights Practices - 2005*, at <http://www.state.gov/g/drl/rls/hrrpt/2005/6/1626.htm> 2005

²⁸ (Asian Economic News, 2004), *Singapore cracks down on Chinese women involved in prostitution* at http://findarticles.com/p/articles/mi_m0WDP/is_2004_June_21/ai_n6267378

²⁹ (Think Centre, 2006), *Think Centre forges ASEAN solidarity*, at <http://www.thinkcentre.org/article.cfm?ArticleID=2716>

³⁰ (Wong F. , 2004), *Prostitution wave hits 'squeaky clean' Singapore*, Reuters, at <http://www.singapore-window.org/sw04/041012re.htm>

³¹ (Hasan, 2006), *Meutia: Disasters Increase Risk of Human Trafficking* at <http://www.tempointeractive.com/hq/nasional/2006/11/08/brk,20061108-87306.uk.html>

³² (Powell, 2004), *HIV alert exposes baby trafficking*, http://www.theaustralian.news.com.au/common/story_page/0,5744,9846995%255E2703,00.html

³³ (York, 2005), China shuts down reports about baby trafficking *The (Toronto) Globe and Mail*, at http://seattlepi.nwsource.com/national/252260_babysmuggle16.html

³⁴ (Hudock, 2007), *In Vietnam: Discrimination Drives Trafficking*, at <http://asiafoundation.org/in-asia/2007/06/27/in-vietnam-discrimination-drives-trafficking/>

³⁵ (Hudock, 2007) *In Vietnam: Discrimination Drives Trafficking*, at <http://asiafoundation.org/in-asia/2007/06/27/in-vietnam-discrimination-drives-trafficking/>

³⁶ (U.S. Department of State, 2007) *TIP Report 2007* at <http://www.state.gov/g/tip/rls/tiprpt/2006/65990.htm>

³⁷ Information provided by the Government of Singapore to (ASEAN, ASEAN Responses to Trafficking in Persons: Ending Impunity for Traffickers and Securing Justice for Victims, ASEAN, 2006)

³⁸ (US Department of State, 2006), *TIP Report 2006*, at <http://www.state.gov/g/tip/rls/tiprpt/2006/65990.htm>

³⁹ (Human Rights Watch, 2005), *Singapore: Domestic Workers Suffer Grave Abuses - Migrant Women Face Debt Burden and Exploitation*, at <http://hrw.org/english/docs/2005/12/07/singap12125.htm>

Thailand

¹ Data from (ASEAN, 2007) *Table 1, Selected basic ASEAN indicators* at <http://www.aseansec.org/stat/Table1.pdf>

² the 18th coup in Thailand since it became a constitutional monarchy in 1932, although the first since 1991

³ Listed at US\$3.8 billion by the (Australian Government: Department of Foreign Affairs and Trade, 2007) at http://www.dfat.gov.au/geo/thailand/thailand_brief.html

⁴ (Transparency International, 2007) *2007 Corruptions Perception Index*, Transparency International at http://www.transparency.org/policy_research/surveys_indices/cpi/2007

⁵ (UNDP, 2006) *Thailand: The Human Development Index - going beyond income* at http://hdrstats.undp.org/countries/country_fact_sheets/cty_fs_THA.html

⁶ (UNICEF) *Thailand* at http://www.unicef.org/infobycountry/Thailand_1022.html

⁷ (Mekong Migration Network & Asian Migrant Centre, 2005) *Resource Book - Migration in the Greater Mekong Subregion (2nd Edition)* at http://www.asian-migrants.org/index.php?option=com_docman&task=cat_view&gid=58&Itemid=48. This excellent report forms the basis of the Thailand 'migration system' section. All information in this section is drawn from that report unless otherwise footnoted.

⁸ (UNDP) *UNDP Thailand: Millenium Development Goals* at <http://www.undp.or.th/mdg/index.html>

⁹ (Huguet & Ramangkura, 2007) *The Long Way Home: Analysis of Regional and National Processes for the Return and Reintegration of Victims of Trafficking in the Greater Mekong Sub-region*, International Organization for Migration, 2007 at http://www.iom-seasia.org/resource/pdf/thelongroadhome/The_long_road_home.pdf?POSTNUKESID=ddecfb505333c1c8f13e58031e7924b5

¹⁰ (Mekong Migration Network & Asian Migrant Centre, 2005) *Resource Book - Migration in the Greater Mekong Subregion (2nd Edition)* at http://www.asian-migrants.org/index.php?option=com_docman&task=cat_view&gid=58&Itemid=48

¹¹ (Mekong Migration Network & Asian Migrant Centre, 2005) *Resource Book - Migration in the Greater Mekong Subregion (2nd Edition)* at http://www.asian-migrants.org/index.php?option=com_docman&task=cat_view&gid=58&Itemid=48

p.110.

¹² (Mekong Migration Network & Asian Migrant Centre, 2005) *Resource Book - Migration in the Greater Mekong Subregion (2nd Edition)* at http://www.asian-migrants.org/index.php?option=com_docman&task=cat_view&gid=58&Itemid=48

p.111.

¹³ (US Department of State, 2007) The Department of State ranks each countries performance based more on the extent of government action to combat trafficking rather than the size of the problem, important though that is. Governments that comply with the US Trafficking Victims Protection Act's minimum standards for the elimination of trafficking are placed in Tier 1. Governments considered to be making significant efforts to bring themselves into compliance are placed in Tier 2. Governments that do not fully comply with the minimum standards and are not making significant efforts to do so are placed in Tier 3. Tier 2 countries are placed on the Tier 2 Watch List when they are considered at risk of being demoted to Tier 3. A full list of all countries surveyed rankings is available at <http://www.state.gov/g/tip/rls/tiprpt/2007/82802.htm>. Further details on the *TIP Reports* are contained in the introduction section of this report.

¹⁴ (U.S. Department of State Bureau of Democracy, Human Rights and Labor, 2006) *Thailand: Country Reports on Human Rights Practices* at <http://www.state.gov/g/drl/rls/hrrpt/2005/61628.htm>

¹⁵ For example, see 'Human Trafficking Racket being operated in Southern Thailand', (*Pattaya Daily News*, 2007) at <http://www.pattayadailynews.com/shownews.php?IDNEWS=000002594>

¹⁶ (Ka Dae Choi (Kayo Yamada), 2007) *Human Trafficking in Thailand: Data Collation and integration of Selected Human Trafficking Information* at http://www.no-trafficking.org/content/pdf/dci%20report%202006%20final3%20_edited%20for%20the%20website_.pdf.

¹⁷ (Ka Dae Choi (Kayo Yamada), 2007) *Human Trafficking in Thailand: Data Collation and integration of Selected Human Trafficking Information* at http://www.no-trafficking.org/content/pdf/dci%20report%202006%20final3%20_edited%20for%20the%20website_.pdf.

¹⁸ (US Department of State, 2007) *Victims of Trafficking and Violence Protection Act of 2000: TIP Report 2007* at <http://www.state.gov/g/tip/rls/tiprpt/2007/>

¹⁹ (US Department of State, 2007) *Victims of Trafficking and Violence Protection Act of 2000: TIP Report 2007* at <http://www.state.gov/g/tip/rls/tiprpt/2007/>

²⁰ (US Department of State, 2007) *Victims of Trafficking and Violence Protection Act of 2000: TIP Report 2007* at <http://www.state.gov/g/tip/rls/tiprpt/2007/>

²¹ (Huguet & Ramangkura, 2007) *The Long Way Home: Analysis of Regional and National Processes for the Return and Reintegration of Victims of Trafficking in the Greater Mekong Sub-region*, International Organization for Migration, 2007 at http://www.iom-seasia.org/resource/pdf/thelongroadhome/The_long_road_home.pdf?POSTNUKESID=ddecfb505333c1c8f13e58031e7924b5

²² (Pearson et al, 2006) *The Mekong Challenge - Underpaid, Overworked and Overlooked: The realities of young migrant workers in Thailand - Volume 2* at <http://www.no-trafficking.org/content/pdf/ilo-domestic-vol2-eng.pdf>

²³ (Pearson et al, 2006) *The Mekong Challenge - Underpaid, Overworked and Overlooked: The realities of young migrant workers in Thailand - Volume 2* at <http://www.no-trafficking.org/content/pdf/ilo-domestic-vol2-eng.pdf> p.87.

²⁴ cited in (Ka Dae Choi (Kayo Yamada), 2007) *Human Trafficking in Thailand: Data Collation and integration of Selected Human Trafficking Information* at http://www.no-trafficking.org/content/pdf/dci%20report%202006%20final3%20_edited%20for%20the%20website_.pdf

²⁵ Report pp.54/55.

²⁶ (Pearson et al, 2006) *The Mekong Challenge - Underpaid, Overworked and Overlooked: The realities of young migrant workers in Thailand - Volume 2* at <http://www.no-trafficking.org/content/pdf/ilo-domestic-vol2-eng.pdf> p.73.

²⁷ (Ka Dae Choi (Kayo Yamada), 2007) *Human Trafficking in Thailand: Data Collation and integration of Selected Human Trafficking Information* at http://www.no-trafficking.org/content/pdf/dci%20report%202006%20final3%20_edited%20for%20the%20website_.pdf

²⁸ (Pearson et al, 2006) *The Mekong Challenge - Underpaid, Overworked and Overlooked: The realities of young migrant workers in Thailand - Volume 2* at <http://www.no-trafficking.org/content/pdf/ilo-domestic-vol2-eng.pdf> p.80.

²⁹ (Pearson et al, 2006) *The Mekong Challenge - Underpaid, Overworked and Overlooked: The realities of young migrant workers in Thailand - Volume 2* at <http://www.no-trafficking.org/content/pdf/ilo-domestic-vol2-eng.pdf> p.81.

³⁰ (Pearson et al, 2006) *The Mekong Challenge - Underpaid, Overworked and Overlooked: The realities of young migrant workers in Thailand - Volume 2* at <http://www.no-trafficking.org/content/pdf/ilo-domestic-vol2-eng.pdf> p.74.

³¹ (US Department of State, 2007) *Victims of Trafficking and Violence Protection Act of 2000: TIP Report 2007* at <http://www.state.gov/g/tip/rls/tiprpt/2007/>

³² (Pearson et al, 2006) *The Mekong Challenge - Underpaid, Overworked and Overlooked: The realities of young migrant workers in Thailand - Volume 2* at <http://www.no-trafficking.org/content/pdf/ilo-domestic-vol2-eng.pdf> p.77.

³³ (Mekong Migration Network & Asian Migrant Centre, 2005) *Resource Book - Migration in the Greater Mekong Subregion (2nd Edition)* at http://www.asian-migrants.org/index.php?option=com_docman&task=cat_view&gid=58&Itemid=48 p.112

³⁴ From (Hughes, 2002) *Trafficking for Sexual Exploitation: The Case of the Russian Federation MRS No 7* at <http://www.iom.int/jahia/Jahia/cache/offence/pid/1674?entryId=7990>

³⁵ (Raks Thai Foundation, 2003) *Tangled Nets: The Vulnerability of Migrant Fishermen and Related populations in Thailand*, at http://www.rockmekong.org/pubs/publications_2003.htm

- ³⁶ (Pearson et al, 2006) *The Mekong Challenge - Underpaid, Overworked and Overlooked: The realities of young migrant workers in Thailand - Volume 1*, ILO, 2006 at <http://www.ilo.org/public/english/region/asro/bangkok/child/trafficking/downloads/underpaid-eng-volume1.pdf> p.132.
- ³⁷ (Pearson et al, 2006) *The Mekong Challenge - Underpaid, Overworked and Overlooked: The realities of young migrant workers in Thailand - Volume 1*, ILO, 2006 at <http://www.ilo.org/public/english/region/asro/bangkok/child/trafficking/downloads/underpaid-eng-volume1.pdf> p.122.
- ³⁸ (Pearson et al, 2006) *The Mekong Challenge - Underpaid, Overworked and Overlooked: The realities of young migrant workers in Thailand - Volume 1*, ILO, 2006 at <http://www.ilo.org/public/english/region/asro/bangkok/child/trafficking/downloads/underpaid-eng-volume1.pdf> p.142.
- ³⁹ (Pearson et al, 2006) *The Mekong Challenge - Underpaid, Overworked and Overlooked: The realities of young migrant workers in Thailand - Volume 1*, ILO, 2006 at <http://www.ilo.org/public/english/region/asro/bangkok/child/trafficking/downloads/underpaid-eng-volume1.pdf> p.137.
- ⁴⁰ (Pearson et al, 2006) *The Mekong Challenge - Underpaid, Overworked and Overlooked: The realities of young migrant workers in Thailand - Volume 1*, ILO, 2006 at <http://www.ilo.org/public/english/region/asro/bangkok/child/trafficking/downloads/underpaid-eng-volume1.pdf> p.61.
- ⁴¹ (Pearson et al, 2006) Elaine Pearson et al, *The Mekong Challenge - Underpaid, Overworked and Overlooked: The realities of young migrant workers in Thailand - Volume 1*, ILO, 2006 at <http://www.ilo.org/public/english/region/asro/bangkok/child/trafficking/downloads/underpaid-eng-volume1.pdf>
- ⁴² (Migrant Work Project, 2007) *Six Month Report on the Situation of Cambodian Migrant Workers in Klong Yai District, Trat, Thailand* at www.no-trafficking.org/.../cambodia_pdf/lscw%20migrant%20support%20team%20six%20month%20report.pdf
- ⁴³ (Pearson et al, 2006) *The Mekong Challenge - Underpaid, Overworked and Overlooked: The realities of young migrant workers in Thailand - Volume 2* at <http://www.ilo.org/public/english/region/asro/bangkok/child/trafficking/downloads/underpaid-eng-volume1.pdf> p.118
- ⁴⁴ 'Gender', UNIAP. Forthcoming. Partnership Against Trafficking. Bangkok, cited in (Ka Dae Choi (Kayo Yamada), 2007) *Human Trafficking in Thailand: Data Collation and integration of Selected Human Trafficking Information* at http://www.no-trafficking.org/co'ntent/pdf/dci_percent20report_percent202006_percent20final3_percent20_edited_percent20for_percent20the_percent20website_.pdf p.35.
- ⁴⁵ (Pearson et al, 2006) p.132
- ⁴⁶ (Pearson et al, 2006) *The Mekong Challenge - Underpaid, Overworked and Overlooked: The realities of young migrant workers in Thailand - Volume 2* at <http://www.ilo.org/public/english/region/asro/bangkok/child/trafficking/downloads/underpaid-eng-volume1.pdf> p.7.
- ⁴⁷ *Broken Promises Shattered Dreams*, MLSW Lao PDR and UNICEF, 2004 cited in (Ka Dae Choi (Kayo Yamada), 2007) *Human Trafficking in Thailand: Data Collation and integration of Selected Human Trafficking Information* at http://www.no-trafficking.org/co'ntent/pdf/dci_percent20report_percent202006_percent20final3_percent20_edited_percent20for_percent20the_percent20website_.pdf
- ⁴⁸ p.87
- ⁴⁹ (US Department of State, 2007) *Victims of Trafficking and Violence Protection Act of 2000: TIP Report 2007* at <http://www.state.gov/g/tip/ris/tiprpt/2007/>
- ⁵⁰ (Pearson et al, 2006) *The Mekong Challenge - Underpaid, Overworked and Overlooked: The realities of young migrant workers in Thailand - Volume 2* at <http://www.ilo.org/public/english/region/asro/bangkok/child/trafficking/downloads/underpaid-eng-volume1.pdf> pp.12-14
- ⁵¹ Thailand has a set of minimum wages that apply to different regions, for example, 191 baht/day in Bangkok, 186 baht/day in Phuket.
- ⁵² From an interview in 1999, *A Memoir of Burmese Workers*, cited in (Ka Dae Choi (Kayo Yamada), 2007) *Human Trafficking in Thailand: Data Collation and integration of Selected Human Trafficking*

Information at http://www.no-trafficking.org/content/pdf/dci_percent20report_percent202006_percent20final3_percent20_edited_percent20for_percent20the_percent20website_.pdf

⁵³ Gender, Human Trafficking, and the Criminal Justice System in Cambodia in (Ka Dae Choi (Kayo Yamada), 2007) *Human Trafficking in Thailand: Data Collation and integration of Selected Human Trafficking Information* at http://www.no-trafficking.org/content/pdf/dci_percent20report_percent202006_percent20final3_percent20_edited_percent20for_percent20the_percent20website_.pdf

⁵⁴ (Huguet & Ramangkura, 2007) *The Long Way Home: Analysis of Regional and National Processes for the Return and Reintegration of Victims of Trafficking in the Greater Mekong Sub-region*, at http://www.iom-seasia.org/resource/pdf/thelongroadhome/The_long_road_home.pdf?POSTNUKESID=ddecfb505333c1c8f13e58031e7924b5

⁵⁵ This also reflects the Thai Government's efforts to provide police with simple mechanisms (ie. tick box forms) to identify trafficking cases using uniform definitions and processes.

⁵⁶ (ASEAN, *ASEAN Responses to Trafficking in Persons: Ending Impunity for Traffickers and Securing Justice for Victims*, ASEAN, 2006)

⁵⁷ (US Department of State, *TIP Report*, 2007)

⁵⁸ (ASEAN, *ASEAN Responses to Trafficking in Persons: Ending Impunity for Traffickers and Securing Justice for Victims*, ASEAN, 2006)

⁵⁹ (ASEAN, *ASEAN Responses to Trafficking in Persons: Ending Impunity for Traffickers and Securing Justice for Victims*, ASEAN, 2006)

⁶⁰ (Huguet & Ramangkura, 2007) *The Long Way Home: Analysis of Regional and National Processes for the Return and Reintegration of Victims of Trafficking in the Greater Mekong Sub-region* at http://www.iom-seasia.org/resource/pdf/thelongroadhome/The_long_road_home.pdf?POSTNUKESID=ddecfb505333c1c8f13e58031e7924b5

⁶¹ (Huguet & Ramangkura, 2007) *The Long Way Home: Analysis of Regional and National Processes for the Return and Reintegration of Victims of Trafficking in the Greater Mekong Sub-region* at http://www.iom-seasia.org/resource/pdf/thelongroadhome/The_long_road_home.pdf?POSTNUKESID=ddecfb505333c1c8f13e58031e7924b5

⁶² (Huguet & Ramangkura, 2007) *The Long Way Home: Analysis of Regional and National Processes for the Return and Reintegration of Victims of Trafficking in the Greater Mekong Sub-region* at http://www.iom-seasia.org/resource/pdf/thelongroadhome/The_long_road_home.pdf?POSTNUKESID=ddecfb505333c1c8f13e58031e7924b5

⁶³ (US Department of State, 2007) *Victims of Trafficking and Violence Protection Act of 2000: TIP Report 2007* at <http://www.state.gov/g/tip/rls/tiprpt/2007/>

Vietnam

¹ All data except that on remittances from (ASEAN, 2007) *Table 1, Selected basic ASEAN indicators* at <http://www.aseansec.org/stat/Table1.pdf>

² (World Bank Development Prospects Group, 2006) *Migration and Remittances Factbook* at www.worldbank.org/prospects/migrationandremittances

³ (IDA, 2007) *Vietnam: Laying the Foundation for Steady Growth* at www.worldbank.org/ida

⁴ (IDA, 2007) *Vietnam: Laying the Foundation for Steady Growth* at www.worldbank.org/ida

⁵ (AusAID, 2007) *Overseas Aid Vietnam* at <http://www.ausaid.gov.au/country/country.cfm?CountryID=33&Region=EastAsia>

⁶ (Sida, 2003) *Vietnam Country Analysis, January 2003* at http://www.sida.se/sida/jsp/sida.jsp?d=118&a=3054&language=en_US&searchWords=country%20analysis%20vietnam

⁷ (Sida, 2003) *Vietnam Country Analysis, January 2003* at http://www.sida.se/sida/jsp/sida.jsp?d=118&a=3054&language=en_US&searchWords=country%20analysis%20vietnam

⁸ (AusAID, 2007) *Overseas Aid Vietnam* at <http://www.ausaid.gov.au/country/country.cfm?CountryID=33&Region=EastAsia>

- ⁹ (General Statistics Office of Vietnam, 2007) *Population and Employment* at http://www.gso.gov.vn/default_en.aspx?tabid=467&idmid=3&ItemID=4683
- ¹⁰ (IDA, 2007) *Vietnam: Laying the Foundation for Steady Growth* at www.worldbank.org/ida
- ¹¹ (AusAID, 2007) *Overseas Aid Vietnam* at <http://www.ausaid.gov.au/country/country.cfm?CountryID=33&Region=EastAsia>
- ¹² (IDA, 2007) *Vietnam: Laying the Foundation for Steady Growth* at www.worldbank.org/ida
- ¹³ (IDA, 2007) *Vietnam: Laying the Foundation for Steady Growth* at www.worldbank.org/ida
- ¹⁴ (The World Bank, 2007) *Key Development Data & Statistics - Vietnam Country Profile* at <http://devdata.worldbank.org/external/CPProfile.asp?PTYPE=CP&CCODE=VNM>
- ¹⁵ (Nguyen, Anh Dang et.al, 2003) *Migration in Vietnam - A review of information on current trends and patterns, and their policy implications* *Regional Conference on Migration, Development and Pro-Poor Policy Choices in Asia* at www.livelihoods.org/hot_topics/docs/Dhaka_CP_7.pdf
- ¹⁶ (Sida, 2003) *Vietnam Country Analysis, January 2003* at http://www.sida.se/sida/jsp/sida.jsp?d=118&a=3054&language=en_US&searchWords=country%20analysis%20vietnam
- ¹⁷ (UNDP, 2006) *2006 Human Development Index Rankings*, at <http://hdr.undp.org/en/statistics/>
- ¹⁸ (AusAID, 2007) *Overseas Aid Vietnam* at <http://www.ausaid.gov.au/country/country.cfm?CountryID=33&Region=EastAsia>
- ¹⁹ (UNDP, 2004) *Viet Nam: The Human Development Index – going beyond income* at http://hdrstats.undp.org/countries/country_fact_sheets/cty_fs_VNM.html
- ²⁰ (Sida, 2003) *Vietnam Country Analysis, January 2003* at http://www.sida.se/sida/jsp/sida.jsp?d=118&a=3054&language=en_US&searchWords=country%20analysis%20vietnam
- ²¹ (World Bank Development Prospects Group, 2006) *Migration and Remittances Factbook Vietnam* at <http://econ.worldbank.org/WBSITE/EXTERNAL/EXTDEC/EXTDECPROSPECTS/0,,contentMDK:21352016~menuPK:3145470~pagePK:64165401~piPK:64165026~theSitePK:476883,00.html>
- ²² (World Bank Development Prospects Group, 2006) *Migration and Remittances Factbook Vietnam* at <http://econ.worldbank.org/WBSITE/EXTERNAL/EXTDEC/EXTDECPROSPECTS/0,,contentMDK:21352016~menuPK:3145470~pagePK:64165401~piPK:64165026~theSitePK:476883,00.html>
- ²³ (Nguyen, Anh Dang et.al, 2003) *Migration in Vietnam - A review of information on current trends and patterns, and their policy implications* *Regional Conference on Migration, Development and Pro-Poor Policy Choices in Asia* at www.livelihoods.org/hot_topics/docs/Dhaka_CP_7.pdf
- ²⁴ (Nguyen, Anh Dang et.al, 2003) *Migration in Vietnam - A review of information on current trends and patterns, and their policy implications* *Regional Conference on Migration, Development and Pro-Poor Policy Choices in Asia* at www.livelihoods.org/hot_topics/docs/Dhaka_CP_7.pdf
- ²⁵ (Communist Party of Vietnam Central Committee, 2005) *Labour export to be a solution for effective job generation* at http://www.cpv.org.vn/details_e.asp?topic=29&subtopic=118&id=BT280566723
- ²⁶ (Mekong Migration Network & Asian Migrant Centre, 2005) *Resource Book - Migration in the Greater Mekong Subregion (2nd Edition)* at http://www.asian-migrants.org/index.php?option=com_docman&task=cat_view&gid=58&Itemid=48
- ²⁷ (Nguyen, Labour Export from Viet Nam: Issues of Policy and Practice, 2007) at www.apmrn.anu.edu.au/conferences/8thAPMRNconference/10.Dang%20Anh.pdf
- ²⁸ (US Department of State, 2007) *Victims of Trafficking and Violence Protection Act of 2000: TIP Report 2007* at <http://www.state.gov/g/tip/rls/tiprpt/2007/>
- ²⁹ (Nguyen, Labour Export from Viet Nam: Issues of Policy and Practice, 2007)
- ³⁰ (Nguyen, Anh Dang et.al, 2003)
- ³¹ (Lam (a), 2003 a) *Labour Exports to Curb Joblessness Come with a Price* at <http://ipsnews.net/migration/stories/exports.html>
- ³² (Vietnam Law & Legal Forum, 2007) *Legal Updates: Decision No. 144/2007/QD-TTg* at http://news.vnanet.vn/vietnamlaw/Service.asp?CATEGORY_ID=3&SUBCATEGORY_ID=8&NEWS_ID=2267
- ³³ (US Department of State, 2007) The Department of State ranks each countries performance based more on the extent of government action to combat trafficking rather than the size of the problem, important though that is. Governments that comply with the US Trafficking Victims Protection Act's minimum standards for the elimination of trafficking are placed in Tier 1. Governments considered to be making significant efforts to bring themselves into compliance are placed in Tier 2. Governments

that do not fully comply with the minimum standards and are not making significant efforts to do so are placed in Tier 3. Tier 2 countries are placed on the Tier 2 Watch List when they are considered at risk of being demoted to Tier 3. A full list of all countries surveyed rankings is available at <http://www.state.gov/g/tip/rls/tiprpt/2007/82802.htm>. Further details on the *TIP Reports* are contained in the introduction section of this report.

³⁴ (US Department of State, 2007) *Victims of Trafficking and Violence Protection Act of 2000: TIP Report 2007* at <http://www.state.gov/g/tip/rls/tiprpt/2007/>

³⁵ (Christina Cacioppo (Ed), 2006) *Can Tho City, Hua Giang Province and Tay Ninh Province in Southern Vietnam: The Situation of Migration and Trafficking of Children and Women: A Rapid Assessment* at <http://www.ilo.org/public/english/region/asro/bangkok/child/trafficking/downloads/vietnam-migration-trafficking.pdf>

³⁶ (US Department of State, 2007) *Victims of Trafficking and Violence Protection Act of 2000: TIP Report 2007* at <http://www.state.gov/g/tip/rls/tiprpt/2007/>

³⁷ Cited in (US Department of State, 2007) *Victims of Trafficking and Violence Protection Act of 2000: TIP Report 2007* at <http://www.state.gov/g/tip/rls/tiprpt/2007/>

³⁸ (Christina Cacioppo (Ed), 2006) *Can Tho City, Hua Giang Province and Tay Ninh Province in Southern Vietnam: The Situation of Migration and Trafficking of Children and Women: A Rapid Assessment* at <http://www.ilo.org/public/english/region/asro/bangkok/child/trafficking/downloads/vietnam-migration-trafficking.pdf>

³⁹ (UNODC, 2003) *Human trafficking – Regional Profile* at www.unodc.un.or.th/material/document/RegionalProfile.pdf

⁴⁰ (Christina Cacioppo (Ed), 2006) *Can Tho City, Hua Giang Province and Tay Ninh Province in Southern Vietnam: The Situation of Migration and Trafficking of Children and Women: A Rapid Assessment* at <http://www.ilo.org/public/english/region/asro/bangkok/child/trafficking/downloads/vietnam-migration-trafficking.pdf>

⁴¹ (Christina Cacioppo (Ed), 2006) *Can Tho City, Hua Giang Province and Tay Ninh Province in Southern Vietnam: The Situation of Migration and Trafficking of Children and Women: A Rapid Assessment* at <http://www.ilo.org/public/english/region/asro/bangkok/child/trafficking/downloads/vietnam-migration-trafficking.pdf>

⁴² (ILO, 2004) *Helping Hands or Shackled Lives? Understanding Child Domestic Labour and responses to it* at www.ilo.org/wcmsp5/groups/public/---ed_norm/---ipecc/documents/publication/kd00098.pdf

⁴³ (Institute for Economic Research Ho Chi Minh city and LIFE; ILO-IPEC, 2006) cited in (ILO-IPEC, 2004) *Child Domestic Labour in South East and East Asia: Emerging Good Practices to Combat it* at <http://www.ilo.org/ipecc/areas/Childdomesticlabour/Goodpracticesandlessonslarned/lang--en/index.htm>

⁴⁴ (Sida, 2003) *Vietnam Country Analysis, January 2003* at http://www.sida.se/sida/jsp/sida.jsp?d=118&a=3054&language=en_US&searchWords=country%20analysis%20vietnam

⁴⁵ (Duong, 2002) *Vietnam Children in Prostitution in Hanoi, Hai Phong, Ho Chi Minh City and Can Tho: A rapid Assessment* at <http://www.ilo.org/public/english/region/asro/bangkok/child/trafficking/wherewework-vietnamdetails.htm#top>

⁴⁶ (Duong, 2002) *Vietnam Children in Prostitution in Hanoi, Hai Phong, Ho Chi Minh City and Can Tho: A rapid Assessment* at <http://www.ilo.org/public/english/region/asro/bangkok/child/trafficking/wherewework-vietnamdetails.htm#top>

⁴⁷ (Derks, 1998) *Trafficking of Vietnamese Women and Children to Cambodia* at http://www.cascambodia.org/trafficking_vietnam.htm

⁴⁸ (Derks, 1998) *Trafficking of Vietnamese Women and Children to Cambodia* at http://www.cascambodia.org/trafficking_vietnam.htm

⁴⁹ (Duong, 2002) *Vietnam Children in Prostitution in Hanoi, Hai Phong, Ho Chi Minh City and Can Tho: A rapid Assessment* at

<http://www.ilo.org/public/english/region/asro/bangkok/child/trafficking/wherewework-vietnamdetails.htm#top>

⁵⁰ (ILO & UNIAP, 2004) *Labour Migration and Trafficking within the Greater Mekong Sub-region* Bangkok 2001 at www.oit.org/public/english/region/asro/bangkok/child/trafficking/downloads/tia-1-revised-2004.pdf

⁵¹ (ILO & UNIAP, 2004) *Labour Migration and Trafficking within the Greater Mekong Sub-region* at www.oit.org/public/english/region/asro/bangkok/child/trafficking/downloads/tia-1-revised-2004.pdf

⁵² (UNODC, 2003) *Human Trafficking - Regional Profile 2003-03-11* at www.unodc.un.or.th/material/document/RegionalProfile.pdf and (Lam (b), 2003) *Trading in Children* at <http://ipsnews.net/migration/stories/trading.html>

⁵³ (Lam (b), 2003) *Trading in Children* at <http://ipsnews.net/migration/stories/trading.html>

⁵⁴ (UNODC, 2003) *Human trafficking – Regional Profile* at www.unodc.un.or.th/material/document/RegionalProfile.pdf

⁵⁵ (Christina Cacioppo (Ed), 2006) *Can Tho City, Hua Giang Province and Tay Ninh Province in Southern Vietnam: The Situation of Migration and Trafficking of Children and Women: A Rapid Assessment* at <http://www.ilo.org/public/english/region/asro/bangkok/child/trafficking/downloads/vietnam-migration-trafficking.pdf>

⁵⁶ (Nguyen V. M., undated) (Director of Department of Social Evils Prevention (DSEP), Ministry of Labour, Invalids and Social Affairs (MOLISA) Speech: *Combating The Trafficking In Women And Children In Vietnam Through The Impacts Of Labour & Employment Policies* at www.ilo.org/public/english/region/asro/bangkok/child/trafficking/downloads/vanminhspeech.pdf and (US Department of State, 2007) at <http://www.state.gov/g/tip/rls/tiprpt/2007/>

⁵⁷ (Huguet & Ramangkura, 2007) *The Long Way Home: Analysis of Regional and National Processes for the Return and Reintegration of Victims of Trafficking in the Greater Mekong Sub-region*, at http://www.iom-seasia.org/resource/pdf/thelongroadhome/The_long_road_home.pdf?POSTNUKESID=ddecfb505333c1c8f13e58031e7924b5

⁵⁸ (US Department of State, 2007) *Victims of Trafficking and Violence Protection Act of 2000: TIP Report 2007* at <http://www.state.gov/g/tip/rls/tiprpt/2007/>

⁵⁹ Th; 2006 cited in (Christina Cacioppo (Ed), 2006) *Can Tho City, Hua Giang Province and Tay Ninh Province in Southern Vietnam: The Situation of Migration and Trafficking of Children and Women: A Rapid Assessment* at <http://www.ilo.org/public/english/region/asro/bangkok/child/trafficking/downloads/vietnam-migration-trafficking.pdf>

⁶⁰ (US Department of State, 2007) *Victims of Trafficking and Violence Protection Act of 2000: TIP Report 2007* at <http://www.state.gov/g/tip/rls/tiprpt/2007/>

⁶¹ Dottridge, M. *Kids as Commodities? Child trafficking and what to do about it*, International Federation Terre des Hommes, Lausanne, May 2004. cited in (Christina Cacioppo (Ed), 2006) *Can Tho City, Hua Giang Province and Tay Ninh Province in Southern Vietnam: The Situation of Migration and Trafficking of Children and Women: A Rapid Assessment* at <http://www.ilo.org/public/english/region/asro/bangkok/child/trafficking/downloads/vietnam-migration-trafficking.pdf>

⁶² (Christina Cacioppo (Ed), 2006) *Can Tho City, Hua Giang Province and Tay Ninh Province in Southern Vietnam: The Situation of Migration and Trafficking of Children and Women: A Rapid Assessment* at <http://www.ilo.org/public/english/region/asro/bangkok/child/trafficking/downloads/vietnam-migration-trafficking.pdf>

⁶³ (Mekong Migration Network & Asian Migrant Centre, 2005) *Resource Book - Migration in the Greater Mekong Subregion (2nd Edition)* at http://www.asian-migrants.org/index.php?option=com_docman&task=cat_view&gid=58&Itemid=48

⁶⁴ (US Department of State, 2007) *Victims of Trafficking and Violence Protection Act of 2000: TIP Report 2007* at <http://www.state.gov/g/tip/rls/tiprpt/2007/>

⁶⁵ (Bureau of Democracy, Human Rights, and Labor, 2006) *Country Reports on Human Rights Practices - 2005 (Vietnam)* at <http://www.state.gov/drl/rls/hrrpt/2005/61632.htm>

⁶⁶ (Spencer, 2004) *Campaign to Stop Trafficking in Women and Children Between Viet Nam and China* at http://www.unicef.org/vietnam/media_521.html

- ⁶⁷ (Linh, 2005) *Cross-Border Trafficking in Quang Ninh Province Vietnam* at apmrn.anu.edu.au/regional_members/Cross%20border%20trafficking%20in%20Quang%20Ninh%20Vietnam%20by%20Linh.doc
- ⁶⁸ (Mekong Migration Network & Asian Migrant Centre, 2005) *Resource Book - Migration in the Greater Mekong Subregion (2nd Edition)* at http://www.asian-migrants.org/index.php?option=com_docman&task=cat_view&gid=58&Itemid=48
- ⁶⁹ (UNIAP, 2004) *Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT): Vietnam Country Paper* at http://www.no-trafficking.org/content/Reading_Rooms/vietnam.htm
- ⁷⁰ (Nguyen, Anh Dang et.al, 2003) *Migration in Vietnam - A review of information on current trends and patterns, and their policy implications Regional Conference on Migration, Development and Pro-Poor Policy Choices in Asia* at www.livelihoods.org/hot_topics/docs/Dhaka_CP_7.pdf
- ⁷¹ (Mekong Migration Network & Asian Migrant Centre, 2005) *Resource Book - Migration in the Greater Mekong Subregion (2nd Edition)* at http://www.asian-migrants.org/index.php?option=com_docman&task=cat_view&gid=58&Itemid=48
- ⁷² (Linh, 2005) *Cross-Border Trafficking in Quang Ninh Province Vietnam* at apmrn.anu.edu.au/regional_members/Cross%20border%20trafficking%20in%20Quang%20Ninh%20Vietnam%20by%20Linh.doc
- ⁷³ (Reimer, 2006) *At what price honour?* at www.humantrafficking.org/uploads/publications/pages_201-40_20from_20at_20what_20price_20honour.pdf
- ⁷⁴ (Reimer, 2006) *At what price honour?* at www.humantrafficking.org/uploads/publications/pages_201-40_20from_20at_20what_20price_20honour.pdf
- ⁷⁵ (UNIAP, 2004) *Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT): Vietnam Country Paper* at http://www.no-trafficking.org/content/Reading_Rooms/vietnam.htm
- ⁷⁶ (Reimer, 2006) *At what price honour?* at www.humantrafficking.org/uploads/publications/pages_201-40_20from_20at_20what_20price_20honour.pdf
- ⁷⁷ (UNIAP, 2004) *Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT)* at http://www.no-trafficking.org/content/Reading_Rooms/vietnam.htm
- ⁷⁸ (Asian Migrant Centre, 2004) *Asian Migrant Yearbook Country Reports Cambodia* at http://www.asian-migrants.org/index.php?option=com_content&task=blogsection&id=5&Itemid=28
- ⁷⁹ (Reimer, 2006) *At what price honour?* at www.humantrafficking.org/uploads/publications/pages_201-40_20from_20at_20what_20price_20honour.pdf
- ⁸⁰ (Reimer, 2006) *At what price honour?* at www.humantrafficking.org/uploads/publications/pages_201-40_20from_20at_20what_20price_20honour.pdf (Reimer, 2006)
- ⁸¹ (Thanh Nien Daily, 2006) *Information website for prospective Vietnamese brides* at http://www.vovietchonghan.org/korea/en_documents.php
- ⁸² (US Department of State, 2007) *Victims of Trafficking and Violence Protection Act of 2000: TIP Report 2007* at <http://www.state.gov/g/tip/rls/tiprpt/2007/>
- ⁸³ (Thanh Nien Daily, 2006) *Information website for prospective Vietnamese brides* at http://www.vovietchonghan.org/korea/en_documents.php
- ⁸⁴ (US Department of State, 2007) *Victims of Trafficking and Violence Protection Act of 2000: TIP Report 2007* at <http://www.state.gov/g/tip/rls/tiprpt/2007/>
- ⁸⁵ (New York Times, 2007) *Korean Men Use Brokers to Find Brides in Vietnam* at <http://www.nytimes.com/2007/02/22/world/asia/22brides.html?pagewanted=1&ei=5088&en=e7549c68e20c55fd&ex=1329800400&partner=rssnyt&emc=rss> and (Lee, 2005) in *Data and research on human trafficking: A global survey* (IOM, Geneva) at www.nswp.org/pdf/IOM-GLOBALTRAFFICK.PDF
- ⁸⁶ (Linh, 2005) *Cross-Border Trafficking in Quang Ninh Province Vietnam* at apmrn.anu.edu.au/regional_members/Cross%20border%20trafficking%20in%20Quang%20Ninh%20Vietnam%20by%20Linh.doc
- ⁸⁷ (Linh, 2005) *Cross-Border Trafficking in Quang Ninh Province Vietnam* at apmrn.anu.edu.au/regional_members/Cross%20border%20trafficking%20in%20Quang%20Ninh%20Vietnam%20by%20Linh.doc
- ⁸⁸ (Vietnam Net Bridge, 2007) *One more Vietnamese bride reported dead in Korea* at <http://english.vietnamnet.vn/social/2007/08/732154/>

- ⁸⁹ (Sida, 2003) *Vietnam Country Analysis, January 2003* at http://www.sida.se/sida/jsp/sida.jsp?d=118&a=3054&language=en_US&searchWords=country%20analysis%20vietnam
- ⁹⁰ (US Department of State, 2007) *Victims of Trafficking and Violence Protection Act of 2000: TIP Report 2007* at <http://www.state.gov/g/tip/rls/tiprpt/2007/>
- ⁹¹ (Derks, 1998) *Trafficking of Vietnamese Women to Cambodia* at http://www.cascambodia.org/trafficking_vietnam.htm
- ⁹² (US Department of State, 2007) *Victims of Trafficking and Violence Protection Act of 2000: TIP Report 2007* at <http://www.state.gov/g/tip/rls/tiprpt/2007/>
- ⁹³ (Nguyen, Anh Dang et.al, 2003) *Migration in Vietnam - A review of information on current trends and patterns, and their policy implications Regional Conference on Migration, Development and Pro-Poor Policy Choices in Asia* at www.livelihoods.org/hot_topics/docs/Dhaka_CP_7.pdf
- ⁹⁴ (US Department of State, 2007) *Victims of Trafficking and Violence Protection Act of 2000: TIP Report 2007* at <http://www.state.gov/g/tip/rls/tiprpt/2007/>
- ⁹⁵ (O'Neill, 2004) *Migrant Women Factory Workers* at http://www.asian-migrants.org/index.php?option=com_docman&task=cat_view&gid=60&limit=10&limitstart=20
- ⁹⁶ (Vietnam Voice, 2007) *Vietnam Voice News* at <http://www.vietnamvoice.org/index.php?taiwan>
- ⁹⁷ (US Department of State, 2007) *Victims of Trafficking and Violence Protection Act of 2000: TIP Report 2007* at <http://www.state.gov/g/tip/rls/tiprpt/2007/>
- ⁹⁸ (Huguet & Ramangkura, 2007) *The Long Way Home: Analysis of Regional and National Processes for the Return and Reintegration of Victims of Trafficking in the Greater Mekong Sub-region*, International Organization for Migration, 2007 at http://www.iom-seasia.org/resource/pdf/thelongroadhome/The_long_road_home.pdf?POSTNUKESID=ddecfb505333c1c8f13e58031e7924b5
- ⁹⁹ (Lee, 2005) in *Data and research on human trafficking: A global survey (IOM Geneva)* at www.nswp.org/pdf/IOM-GLOBALTRAFFICK.PDF
- ¹⁰⁰ (Kangaspunta, 2003) *Mapping the Inhuman Trade: Preliminary Findings of the Database on Trafficking in Human Beings* at www.unodc.org
- ¹⁰¹ (Mekong Migration Network & Asian Migrant Centre, 2005) *Resource Book - Migration in the Greater Mekong Subregion (2nd Edition)* at http://www.asian-migrants.org/index.php?option=com_docman&task=cat_view&gid=58&Itemid=48
- ¹⁰² (US Department of State, 2007) *Victims of Trafficking and Violence Protection Act of 2000: TIP Report 2007* at <http://www.state.gov/g/tip/rls/tiprpt/2007/>
- ¹⁰³ (Asean,)
- ¹⁰⁴ (UNIAP, 2004) *Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT): Vietnam Country Paper* at http://www.no-trafficking.org/content/Reading_Rooms/vietnam.htm
- ¹⁰⁵ (Huguet & Ramangkura, 2007)
- ¹⁰⁶ (Huguet & Ramangkura, 2007)
- ¹⁰⁷ (Huguet & Ramangkura, 2007), *The Long Way Home: Analysis of Regional and National Processes for the Return and Reintegration of Victims of Trafficking in the Greater Mekong Sub-region*, International Organization for Migration, 2007 at http://www.iomseasia.org/resource/pdf/thelongroadhome/The_long_road_home.pdf?POSTNUKESID=ddecfb505333c1c8f13e58031e7924b5
- ¹⁰⁸ (Huguet & Ramangkura, 2007)
- ¹⁰⁹ (Huguet & Ramangkura, 2007), *The Long Way Home: Analysis of Regional and National Processes for the Return and Reintegration of Victims of Trafficking in the Greater Mekong Sub-region*, International Organization for Migration, 2007 at http://www.iom-seasia.org/resource/pdf/thelongroadhome/The_long_road_home.pdf?POSTNUKESID=ddecfb505333c1c8f13e58031e7924b5

Chapter 4. ASEAN's Response to Human Trafficking

- ¹ (ASEAN), 'Association of Southeast Asian Nations – Overview' at <http://www.aseansec.org/64.htm>
- ² These principles are stipulated in the Treaty of Amity and Cooperation in Southeast Asia (TAC) at <http://www.aseansec.org/1217.htm>
- ³ (ASEAN), 'ASEAN Vision 2020' at <http://www.aseansec.org/1814.htm>
- ⁴ (ASEAN), 'Association of Southeast Asian Nations – Overview' at <http://www.aseansec.org/64.htm>

⁵ (ASEAN), 'Mandate for ASEAN Cooperation on Immigration Matters – ASEAN Plan of Action for Cooperation on Immigration Matters' at <http://www.aseansec.org/16572.htm>.

⁶ (ASEAN, 2004) *ASEAN Declaration Against Trafficking in Persons Particularly Women and Children*, Vientiane Lao PDR at <http://www.aseansec.org/16793.htm>

⁷ full copy of the Joint Communiqué is at <http://www.aseansec.org/16327.htm>

⁸ at (ASEANAPOL, 2005) 25th ASEAN Chiefs of Police Conference, Bali Indonesia at <http://www.aseansec.org/25ASEANAPOL.pdf>

⁹ (ASEAN, 2007) *ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers*, Cebu Philippines at <http://www.aseansec.org/19264.htm>

¹⁰ (ILO, 2007) *Labour and Social Trends in ASEAN 2007*, ILO Regional Office for Asia and the Pacific, Bangkok, 2007 at www.ilo.org/public/english/region/asro/bangkok/library/download/pub07-04.pdf

¹¹ (ASEAN, 2007) *Statement of the Establishment of the ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers*, Manila, Philippines at <http://www.aseansec.org/20768.htm>

¹² (Ofreneo & Samonte) 'Strengthening the Role of Governments and Unions in the Protection of Migrant Workers in the ASEAN', paper presented at *The Sixth ASEAN People's Assembly*, Manila, 24-25 October 2007 (unpublished).

¹³ (ASEAN Working Group for an ASEAN Human Rights Instrument, 2007), 'ASEAN Four Signs Declaration of Cooperation' at <http://www.aseanhrmech.org/news/asean-four-signs-declaration-of-cooperation.html>

¹⁴ The other issues of common concern are the suppression of terrorism while respecting human rights; the implementation of economic, social and cultural rights and right to development, and the enhancement of human rights education.

¹⁵ (ASEAN, *ASEAN Responses to Trafficking in Persons: Ending Impunity for Traffickers and Securing Justice for Victims*, ASEAN, 2006)

¹⁶ (Council for Security Cooperation in the Asia Pacific) *CSCAP Study Group on Human Trafficking* at www.cscap.ca/Human%20Trafficking%20SG%20-%20Memorandum.doc

¹⁷ (Australian Government Department of foreign Affairs and Trade, 2003) "Why Hold a Regional Ministerial Conference", *Second Regional Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime*, Bali, 29-30 April 2003' at http://www.dfat.gov.au/illegal_immigration/bali_conference_0403_bkg_paper.html

Chapter 5. Looking forward

¹ From (ASEAN, 2007), *ASEAN Responses to Trafficking in Persons: Ending Impunity for Traffickers and Securing Justice for Victims*, ASEAN, April 2006 at

http://www.artipproject.org/artip/14_links/links.html

² Full document at [http://www.unhchr.ch/huridocda/huridoca.nsf/\(Symbol\)/A.CONF.157.23.En](http://www.unhchr.ch/huridocda/huridoca.nsf/(Symbol)/A.CONF.157.23.En)

³ At <http://www.aseanhrmech.org/aboutus.html>

⁴ (David (ed.), 2006) *ASEAN and Trafficking in Persons: Using Data as a Tool to Combat Trafficking in Persons*, International Organization for Migration, Geneva, 2006 at

www.iom.int/.../shared/shared/mainsite/published_docs/books/lowres%20asean%20report-complete.pdf

⁵ see (David (ed.), 2006) *ASEAN and Trafficking in Persons: Using Data as a Tool to Combat Trafficking in Persons*, International Organization for Migration, Geneva, 2006 at

www.iom.int/.../shared/shared/mainsite/published_docs/books/lowres%20asean%20report-complete.pdf

⁶ (Ofreneo & Samonte) 'Strengthening the Role of Governments and Unions in the Protection of Migrant Workers in the ASEAN', paper presented at *The Sixth ASEAN People's Assembly*, Manila, 24-25 October 2007 (unpublished).

⁷ (Huguet & Ramangkura, 2007) *The Long Way Home: Analysis of Regional and National Processes for the Return and Reintegration of Victims of Trafficking in the Greater Mekong Sub-region*, International Organization for Migration, 2007 at http://www.iom-seasia.org/resource/pdf/thelongroadhome/The_long_road_home.pdf?POSTNUKESID=ddecfb505333c1c8f13e58031e7924b5

⁸ (UNESCO) 'UNESCO Responses to the Trafficking of Women and Children – UNESCO Projects Related to the Trafficking of Girls and Women', at www.unescobkk.org/culture/trafficking/unesco.htm.

⁹ (Huguet & Ramangkura, 2007)

² (ASEAN, 2007) ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers, Cebu Philippines at <http://www.aseansec.org/19264.htm>