

Tackling human trafficking in ASEAN



ASEAN's new convention against human trafficking is noteworthy progress on an issue that plagues Southeast Asia. But without a focus on prevention, trafficking won't stop, writes Ruji Auethavornpipat.

On 6 February, the Philippines became the sixth member of the Association of Southeast Asian Nations (ASEAN) to [ratify](#) the ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP). The ACTIP will now come into force in 30 days.

This is monumental for ASEAN as the ACTIP is the first legally-binding regional instrument to tackle human trafficking. However, three fundamental issues will impede the successful eradication of human trafficking in the ASEAN region.

Last year I [wrote](#) on *New Mandala* that ASEAN leaders should think 'regional' in crafting anti-trafficking programs. ASEAN has come a long way since 1997 when ASEAN Home Ministers first [brought up](#) the issue. In 2004, ASEAN issued a [declaration](#) which recognised the 'immorality and

inhumanity' of the phenomenon and called for an establishment of a regional anti-trafficking network. The commitment to enhance cooperation was further reaffirmed in a [plan of action](#) and a [joint statement](#) issued in 2010 and 2011 respectively.

ASEAN leaders first signed up to the ACTIP in November 2015, which will come in effect in March this year after receiving the minimum of six ratifications. The ACTIP adheres more closely to the internationally accepted standard against human trafficking as specified by the [United Nations](#) (UN) and the [United States](#). In particular, ASEAN adopts the international framework based on the "3Ps" notion, which emphasises prosecution, protection and prevention in the global anti-human trafficking effort. This is remarkable progress for ASEAN. However, the ACTIP has three pitfalls.

First, the ACTIP overly stresses the prosecution and criminalisation of traffickers as opposed to concrete prevention measures as a deterrent to future human trafficking. Of the 30 articles adopted in the ACTIP, six are on criminalisation and prosecution, two on the protection of victims, and only one focuses on prevention. The same emphasis on criminalisation is also reflected in this month's [report](#) by Thailand's Ministry of Foreign Affairs whose Minister Don Pramudwinai confidently [claims](#) the country's progress is based on the increasing number of indictments and convictions.

Second, while the sole ACTIP article on prevention aims to "discourage the demand that fosters all forms of exploitation of persons," it makes no reference to any measures to eliminate labour trafficking. The International Labour Organization [reports](#) that forced labour is most prevalent in the Asia-Pacific region and the UN Office on Drugs and Crime [confirms](#) trafficking in the form of forced labour is as high as 64 per cent in the region – a number greater than all other forms of trafficking combined. Hence, there is an obvious mismatch between the policy response and the nature of trafficking in the region.

Third, although the ACTIP encourages legal migration, it neglects the important connection between migration and the vulnerability of migrant workers. Migrants, crossing borders with hopes for a better life, are among the most vulnerable to human trafficking. This is a common thread throughout Southeast Asia – whether it be Myanmar nationals deceived into working in [Thai seafood industries](#), Bangladeshi migrants forced to work on [palm-oil plantations](#) in Malaysia or Indonesian women trafficked into [domestic work](#) abroad. And let's not forget the [mass grave](#) of trafficked Rohingya migrants found along the Thai-Malaysian border.

This casts doubts over the effectiveness of anti-trafficking implementation. For instance, Phil Robertson, Deputy Asia Director of Human Rights Watch, is [questioning](#) whether the current program, especially in Thailand, will tackle the trafficking of migrant workers.

Nevertheless, these shortcomings can be addressed with the advantages that come with the Philippine Chairmanship of ASEAN this year. The Philippine government has long been [the major proponent](#) in safeguarding the rights of migrant workers so it is well-positioned to strengthen the

migration-human trafficking nexus. Further, it can help generate a change in thinking about this challenging issue by reframing human trafficking – from a transnational organised crime approach that stresses the prosecution of traffickers, to a labour approach that prevents migrants from being trafficked in the first place.

A focus on labour is a more effective preventative measure in combating human trafficking because it curbs the demand for trafficked victims by attending to the legislative loopholes and conditions that make migrants vulnerable. For example, it regulates the recruitment process so migrants are not trapped in debt bondage by unscrupulous agents or in irregular migration which is among the most common preconditions for human trafficking. More importantly, a recent study has [found](#) that human trafficking occurs much less when good labour practices are upheld and enforced.

With ACTIP, ASEAN has made noteworthy progress in the anti-trafficking agenda. However, unless ASEAN governments adopt prevention programs that attend to the very nature of human trafficking in Southeast Asia, challenges in eradicating human trafficking successfully will remain.

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