

Step by Step

UN Inter-Agency Project on Human Trafficking in the Greater Mekong Sub-region



Co-ordinate Human Trafficking
in the Greater Mekong Sub-region

The UN Inter-Agency Project aims to reduce human trafficking in the Greater Mekong Sub-region through improving national and regional co-ordination, identifying and filling gaps in programme implementation and adding value to existing programmes. It includes Cambodia, Lao PDR, Myanmar, Thailand, Viet Nam and Yunnan Province of China and is supported by the UN Foundation (Ted Turner Fund) and AusAID.

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Lao PDR and Thailand sign Labour MOU: A first step to a legal migration system?

The Governments of Lao PDR and Thailand recently signed an MOU on labour employment. While not specifically aimed at trafficking, this MOU is a potentially important step towards safer migration channels for Lao workers. Hans van de Glind, ILO-IPEC, explains the importance of fast, cheap and transparent channels of migration and what is being done toward this.

Human trafficking in the Mekong sub-region can be seen in the context of significant migration flows – as pointed out in the recent ILO/UNIAP publication *TIA-1*, 2001. Such flows of people are determined among others by changing demographic and labour market needs in developed areas (the 'pull' side); population dynamics, unemployment and crisis pressure in less developed areas (the 'push' side); and established inter-country networks based on kinship or family.

Countries such as Lao PDR and Cambodia are faced with tremendous population pressures and very limited local job opportunities. For instance, almost 44 percent of the population of Lao PDR is under the age of 15. This will result in more than

200,000 youth joining the labour force in the next three years. Due to the limited absorption capacity of the local economy – 90 % are self-employed in agriculture – many job seekers (mainly in the age range 15 – 25 years) will want to go to Thailand for wage employment, given well-established migration networks and perceived economic opportunities, in combination with a demand for cheap labour. However, until recently, legal migration options did not exist in Lao PDR, so people migrated illegally, mainly to Thailand, and often ended up in exploitative situations.

In recent months, the Lao government acknowledged the importance of creating a legal migration mechanism and issued a Decree. The Decree signed by the Prime Minister in July 2002, allows Lao people to work abroad and aims to set up a management unit in the Ministry of Labour and Social Welfare to oversee migrant worker flows abroad.

Following this Decree, the Ministry of Labour and Social Welfare of Lao PDR and the Ministry of Labour of Thailand signed a Memorandum of Understanding (MOU) for 'Collaboration on labour employment' in October

2002, with an emphasis on preventing illegal migration, illegal labour trade, child labour and trafficking. UNIAP National Coordinator, Mr. Onevong Keobounavong played an important role in this process, which allows for a total of more than 50,000 Lao labourers to work legally (for 2 to 4 years) in particular sectors of the Thai economy. Cambodia is currently involved in similar negotiations with the Thai authorities.

With such MOUs in place, the crucial next step is to set up a legal labour migration management system that is cheap, fast and transparent. In order to assist sending countries such as Lao PDR, Cambodia and Viet Nam in developing such systems, ILO's Mekong sub-regional project to combat trafficking in children and women arranged for a study tour to Manila and Hong Kong, exposing participants to a relatively well functioning legal labour migration management system (including its down-sides).

The study tour which took place on 13-17 January 2003, included six participants each from Cambodia, Lao PDR and Viet Nam. It looked into pre-departure services, protection and other on-site services

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Notice Board

Forthcoming conferences

International Conference of Activists

A conference for "Path breaking strategies in the Global Fight Against Sex Trafficking" 22-26 February, 2003 Washington DC hosted by the U.S. State Department in partnership with the non-governmental War Against Trafficking Alliance (for further information contact the program office website at www.state.gov/g/tip)

CHANGE and ActionAid, together with their partners from Asia and Europe working with trafficked women in countries of origin and destination, are holding a seminar on 7 March 2003 in London entitled "Beyond Trafficking: Experiences from the Ground". Please contact CHANGE (E-mail: atp.change@sister.com) by Monday 10 February 2003 if you wish to attend.

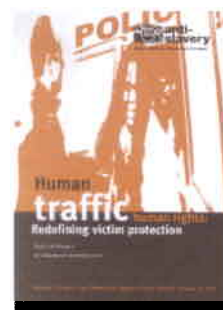
Reviewing Policies and Creating a Mechanism to Protect Migrant Workers—Asian Migration Center, Chulalongkorn University, Forum-Asia, Thai Action committee for Democracy in Burma, Burma Issues and Thai NGOs Network on Migrants and their families in Thailand will be holding a Seminar on 21 February, 2003 at Rambaibhanee Building, 4th Floor, Chulalongkorn University to discuss ways to improve Thai government policies on migrant workers and victims of trafficking.

The Human Rights Law Centre at the University of Nottingham is organising a conference on Trafficking in Persons (27-28 June 2003) to identify best practice relating to trafficking whether from a migration, criminal justice, gender or more general human rights perspective. Contributors are invited to send a 500 word abstract bracket (in English) by 28 February 2003. Conference updates including registration details will be posted at: <http://www.ccc.nottingham.ac.uk/law/hrlc> For administrative questions e-mail Catherine.Lovesy@Nottingham.ac.uk, for conference contributions or queries e-mail Patrick.Twomey@Nottingham.ac.uk

Recent Publications/Working Papers



IMPLEMENTATION OF THE AGENDA
FOR ACTION AGAINST THE
COMMERCIAL SEXUAL
EXPLOITATION OF CHILDREN



ECPAT Report on the implementation of the Agenda for Action against the Commercial Sexual Exploitation of Children 2001-2002.

Throughout the year 2001, government representatives, NGOs, Civil Society, youth and private sector groups participated in regional preparatory conferences in preparation for the Second World Congress against Commercial Sexual Exploitation of Children (CSEC) held in Yokohama, Japan (December 2001). A key result of those meetings was the development of region specific agendas, Regional Commitments, serving to complement the Agenda for Action. This report provides a detailed examination of the Regional Commitments and the outcomes of Yokohama, highlighting achievements made in the development of national plans, varied programmatic responses and examples of good practices.

Unbearable to the human heart: Child Trafficking and Action to Eliminate it

This report brings together the major elements of what is known about the problem of child trafficking around the world in an aim to share information, experience and knowledge. It also presents some positive experiences in combating this highly complex problem, in order for the anti-trafficking community to learn and benefit from these experiences in planning future action.

Human traffic human rights: Redefining victim protection

This report is based on research reports on protection of trafficked victims conducted in ten countries, including Thailand. Written by Elaine Pearson, Anti-Slavery International. (www.antislavery.org)

Opinion Piece

Putting Two and Two Together – What's Wrong with the Numbers?

Phil Marshall

It is commonly held that human trafficking is rapidly increasing. Yet, based on all the numbers that are being quoted on a regular basis, one could equally make an argument that trafficking is actually going down. UNESCO and UNIAP have been looking into the numbers around human trafficking. They simply don't add up. Here are some of the reasons why:

- ◆ *The increasingly quoted figure of 4 million is, at least as far as we can ascertain, entirely made up* – it was first quoted by a former UN official, who literally put two and two together, doubling the previous favorite of two million on the spot.

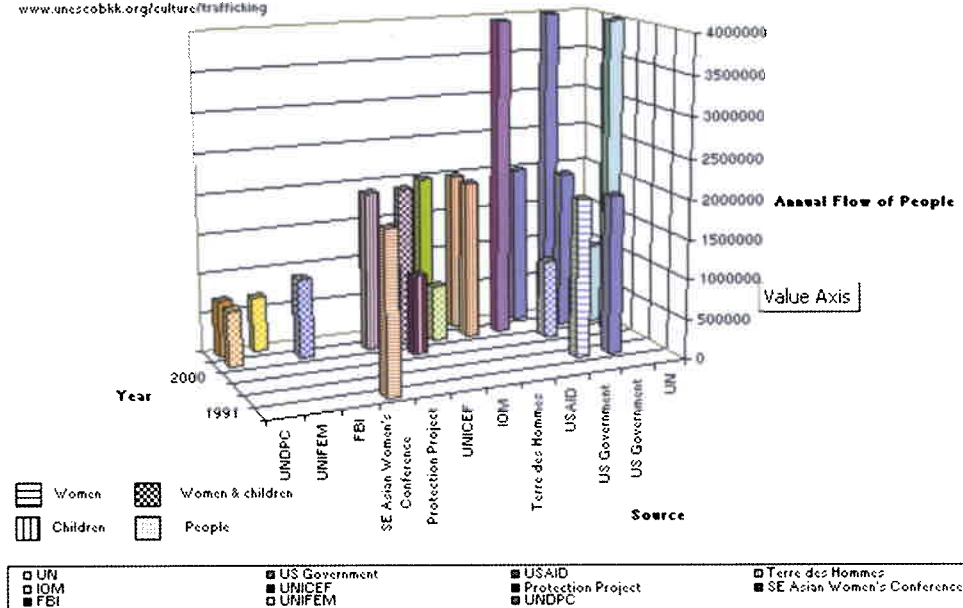
- ◆ *The economics don't add up* – if, as is regularly quoted, trafficking is a \$7 billion industry, and there are four million victims, the average victim contributes \$1,750 to this figure. Ignoring all other associated costs, and conservatively assuming the average victim is held for one year, this is an average of \$5 per day per victim. The economics do not even work out for two million. It is hard to imagine "organised crime" working so hard for such a small return. Begging Cambodian children, for example, are estimated to "earn" up to \$25 for their captors, while those trafficked into sex work in Western countries are estimated to bring in hundreds of dollars per day.



UNESCO Trafficking Project
www.unesco.org/culture/trafficking

Factsheet #1 Worldwide Trafficking Estimates by Organizations

Figures cited by or attributed to various organizations regarding the annual flow of trafficked people worldwide. (data compiled on February 2003)



A sample of some of the most commonly quoted trafficking statistics, prepared by UNESCO

(Studies in Italy and Israel, for example, conservatively estimated \$350-\$500 revenue a day per trafficked woman).

- ◆ *The mathematics do not work* – it is regularly quoted that there have been 30 million trafficking victims in Asia over the last 30 years and that this has been rapidly increasing. This would imply that the last few years have figures higher than the average of one million a year. However, the same reports suggest that there are currently one million victims a year in Asia. The only way that all of these three statements can be right is if trafficking has peaked and is coming down.

- ◆ *The numbers don't subtract* – according to one agency, there are at least 700,000 women trafficked into the sex trade each year but they give the same figure the number of women, men and children trafficked for all purposes.

- ◆ *Poverty is falling* – many reports suggest that poverty is the root cause of trafficking and, in fact, many programmes are developed on this premise. However, UNDP's Human Development Report calculates that poverty has been decreasing over the past decade. If this poverty is reducing, then alternative explanations are required as to why trafficking is rapidly in-

creasing, if this is actually the case.

Many decision makers love figures, of course, and some suggest that figures do not need to be accurate for advocacy purposes. It is also perhaps rather embarrassing to admit that we simply do not know. I personally would prefer that we faced up to this reality, until someone can come up with some numbers based on a clear, supportable methodology (and if someone has already done so, please let us know). If this is not possible, I think we should at least stop filling 'fact sheets' with figures that are not even internally compatible.

Phil Marshall
UNIAP Manager

TRAFFICKING – A DEMAND LED PROBLEM?

Demand for trafficked persons' labour/services is almost completely absent in sectors where workers are well unionised and where labour standards regarding working hours, health and safety, wages and employment contracts are well established, and routinely monitored and enforced

The last year has seen considerable discussion on the need to work more on the demand-side of trafficking. The knowledge base in this area is comparatively limited however. Bridget Anderson, University of Oxford, and Julia O'Connell Davidson, University of Nottingham, were commissioned by the Swedish Ministry of Foreign Affairs, SIDA, and Save the Children Sweden, to add to it. Here is a summary of their findings, involving a survey and interview work in Thailand, India, Japan, Italy, Sweden, and Denmark.

Part I: Review of Evidence and Debates on "The Demand Side of Trafficking"

In all regions of the world, there is demand for the labour/services of trafficked and otherwise unfree persons in three sectors: employers in small or large enterprises in the legally recognised economy (sometimes also their clients); those who organise money-making activities in the informal economy (sometimes also their clients); and those wishing to consume labour/services in the "private" realm of the household.

Trafficked and otherwise unfree persons' services/labour are invariably exploited/consumed in settings where a) the state affords little or no protection to unskilled migrant workers and/or other categories of exploitable persons (such as wives, *au pairs*, adopted children, beggars); and b) workers and other exploited groups have little or no opportunity to organise collectively to protect themselves from abuse and exploitation. These settings do not simply exist, but are to a large ex-

tent created through a combination of action and inaction on the part of state actors and other powerful interest groups.

Demand for trafficked persons' labour/services is almost completely absent in sectors where workers are well unionised and where labour standards regarding working hours, health and safety, wages and employment contracts are well established, and routinely monitored and enforced. By contrast, demand for trafficked/unfree persons' labour or services is very often found in contexts that are socially imagined to involve non-market relations, or that are viewed as occupying some twilight zone between market and non-market relations. For instance, domestic work is not fully understood as "work" when it takes place in private households; those who exploit child labourers often do not recognise children as "employees" or themselves as "employers", but cloak what is an exploitative labour relation behind fictive kinship or some other form of paternalism. This can also apply in relation to bonded labour involving adults. Meanwhile, "prostitute" is often taken to refer to a category of person (a sub-person) rather than a category of "worker", and as such, cannot be imagined as a rights-holder.

There is no international consensus as to how, if at all, states should respond to the consumption of commercial sex, or the consumption of domestic services and labour within private households. Without this consensus, it is hard to see how research on consumer demand in these

sectors could provide a straightforward or politically neutral basis for policy recommendations on trafficking. One conclusion that can be drawn is simply that policy makers need to be much clearer about their own objectives and priorities with regard to trafficking. Other key conclusions are as follows:

- ♦ In the current global economic and political climate, prioritising the control of illegal immigration or the suppression of prostitution is not consistent with the goal of protecting migrants from abuse and exploitation by traffickers and other third parties, and may indeed cause or encourage human rights violations.
- ♦ If the primary policy objective is to prevent migrants (and others) from ending up in exploitative situations from which they cannot freely retract, then policy makers must enter into dialogue with, and listen seriously to, the concerns of a wider range of interest groups than are currently included in debates on trafficking. At present, debate is dominated by actors concerned with border control, or with recovery, repatriation and reintegration of trafficked persons. There is an urgent need for closer engagement with trade unions, sex workers' rights activists and NGOs involved in outreach work with sex workers, migrant workers' organisations, and NGOs working on child labour, child migration, and on forced marriage.
- ♦ There is also a need for "joined up" thinking by national and international policy makers, involving dialogue between ministries of labour, foreign affairs, justice and

home affairs, employment, welfare/social services in order to devise and implement regulatory measures to protect vulnerable workers and other categories of exploitable persons, and to encourage and facilitate collective organisation amongst workers and other exploited groups.

Part II: The Demand Side of Trafficking: A Multi-Country Pilot Study

The pilot study involved survey and interview work in Thailand, India, Japan, Italy, Sweden, and Denmark. The research was centrally concerned with the question of whether or not it is possible to identify patterns of demand (for example, demand for migrant and/or youthful and/or cheap and vulnerable labour), within the general markets for sex and domestic work that could potentially act as a stimulus for trafficking.

The Demand for Sexual Services

The pilot research suggests that social pressures to engage in prostitute use are strongly focused on boys and young men, and on members of particular social or occupational groups, rather than operating uniformly on all males. While some clients actively seek prostitutes from groups that are most likely to be subject to abusive and slavery-like employment practices, others actively attempt to avoid prostitutes from these groups. Clients who imagined prostitution as a commodity market in which women/girls are traded as objects appeared more willing to use trafficked/unfree, young and vulnerable prostitutes, and more likely to tolerate or justify violence against

prostitutes, than clients who imagined prostitution as personal services market in which sex workers sell their skilled and alienable sexual labour. Both supply and demand sides of the market for commercial sex are, in many places, hierarchically stratified along lines of race/ethnicity and nationality. These hierarchies mirror the distribution of power and privilege in the society as a whole. Sex workers who belong to groups that are in general socially devalued, and socially, politically and economically marginalized were also likely to be devalued by our client interviewees. Taken together, the pilot research on demand for commercial sex has the following implications for policy:

- ◆ Calls for the immediate and universal penalisation of clients are unworkable and potentially conflict with other human rights concerns. Policy measures to address the demand-side of the market for commercial sex need to be sensitive to the particularities of the regional/local context within which demand occurs.

- ◆ If policy-makers are concerned to reduce overall levels of demand for prostitution, there is a need for extensive and long-term awareness raising and educational work to bring about a fundamental re-visioning of sexuality, age, gender relations and prostitution. Such campaigns would need to target children and young people in particular.

- ◆ In many contexts, campaigns to destigmatize prostitution represent a vi-

tal means of protecting women and girls within prostitution.

- ◆ There is a need to devise and publicise mechanisms through which clients can easily and anonymously report concerns about unfree/trafficked prostitutes.

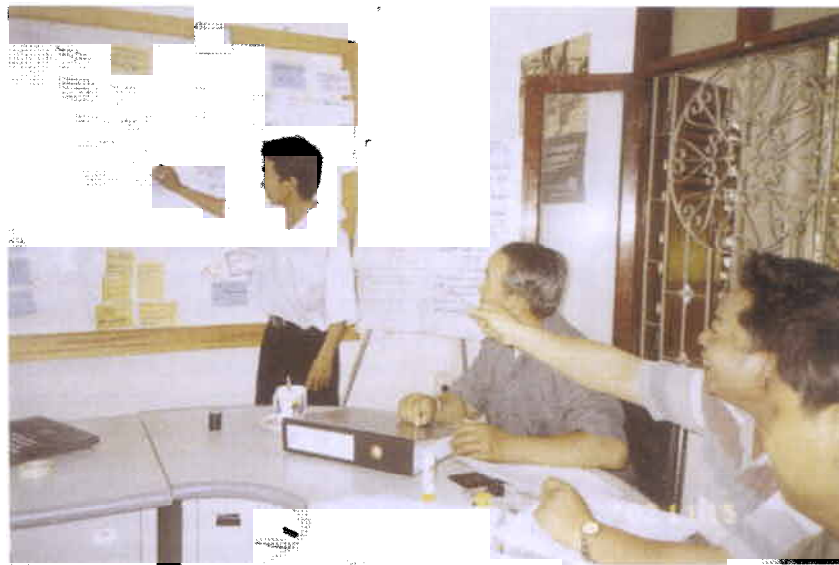
- ◆ All states' anti-trafficking measures need to incorporate efforts to combat the general social devaluation of migrants and to ensure their social, political and economic inclusion.

The Demand for Domestic Workers

The research showed that employers generally regard domestic work in private households as different from "regular work" and this has implications for their treatment of domestic workers. Employers who described their relationship with employees as "friendly and professional" were the least likely to think their employees are entitled to rights as workers, or to reject child labour, or to feel any obligation to report or intervene in cases of known abuse of the worker by third parties. Migrants were considered particularly desirable workers by many employers because they are cheap, controllable and less likely to leave, all characteristics exaggerated by trafficking. Isolation within the household increases vulnerability; lack of choice is compounded when support networks are inaccessible, making it even more difficult for migrant workers to retract from contracts that may be abusive and exploitative. Enforced relations of dependency are also imposed by employers who view

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Meeting with government officials in Lao PDR to map out in a participatory manner 'threats' and 'opportunities' in terms of setting up a legal labour migration management system.

Photo by HvdG
(November 2002)

(Continued from page 1)

other on-site services abroad, and return and reintegration assistance. Participants among others acknowledged the importance of the following:

- Protection of migrant workers through law – in line with ILO Conventions 97, 143 (both on migrant workers) and 181 (on private employment agencies), and the UN Convention on the rights of migrant workers;
- Acceptance of a limited number of registered private employment agencies – in addition to government agencies – for 'speedy' services;
- Regulation of private sector participation in the recruitment and overseas placement of workers – through a licencing and registration system;
- Joint and several liability of employers abroad and private employment agencies (in the sending country) for proper treatment of migrant workers;
- Securing the best terms and conditions of employment – and only charge fees from employers, not migrant workers;
- Establishing a board that includes migrant workers to monitor recruitment practices of registered private employment agencies;
- Instituting a system for ensuring fair and fast disposition of cases;
- Creating a pre-departure service programme including relevant skills training and orientation on rights and cultural understanding;
- Establishing a mechanism to ensure proper reintegration of former migrant workers;
- Ensuring proper inter-ministerial co-ordination and collaboration – in particular among the Ministries of Labour and Foreign Affairs (and especially at the level of Embassies in labour receiving countries);
- Developing a 'One-country team' approach by Embassies in labour receiving countries where the Ambassador, labour attachée, welfare attachée, and other embassy staff

collaborate in the protection of migrant workers – including the identification of 'niche' labour markets, monitoring of working conditions, offering legal assistance, provision of shelter, and return assistance;

- Action by governments of receiving countries (with engagement of employers) towards a coherent immigration policy, and monitoring of working conditions in sectors that host high numbers of migrant workers;

These lessons learnt and suggestions are hopeful signs towards the development of proper migration management systems. Such mechanisms are thought to offer youth and young adults at risk of trafficking a legal alternative, and may result in a 'win-win' situation for both sending and receiving countries.

Hans van de Glind

Deputy Manager, ILO TICW-project
For more see: www.ilo.org/asia/child/trafficking – in particular the following publications 'TIA-1' and 'SELL-8'.

(Continued from page 5)

themselves as "helping" their worker by employing them, but isolate them and deny them employment rights under the guise of resisting the commoditization of a personal relationship. The research has the following implications for policy:

- ◆ Immigration controls that reinforce migrants' dependency on employers or third parties create a field for unchecked human rights abuse. To combat this, paid domestic work in private households should be regulated by contract; work permits should be given to international migrants working in this sector; labour standards such as minimum wages, maximum hours, rights to holiday and other pay etc. should be applied, and the rights of domestic workers to organize collectively in trade unions and as migrants should be protected, as should the rights of whistle-blowers. Beyond this, domestic work contracts should also protect the

inalienability of personhood by protecting the worker's right to private space and time.

- ◆ There is a need for organizational and awareness-raising measures directed not only towards changing employer attitudes to domestic workers' rights and inculcating the need to report abuse, but also enabling employee and employer to make informed choices, to set boundaries and to recognize both where their interests inevitably conflict and where they may coincide.
- ◆ Because migrant women and children are particularly vulnerable, state immigration and emigration policies must be gender and age sensitive. Since migrants often have qualifications above their employment that they cannot use because of regulatory barriers, there should be appropriate state recognition of foreign qualifications.
- ◆ Existing instruments for the protection of migrant workers, such as the ILO Convention on the International Protection of the Rights of All Migrant Workers

and Members of their Families, should be ratified and implemented.

- ◆ There have been innovative projects working with child domestics that organize regular education and literacy sessions and negotiate with employers to permit their attendance. Such programmes should be further developed to make child domestic labour more visible and facilitate access to networks which could channel information on abuse.
- ◆ Separate attention should be given to the different elements in the migratory process, in particular the financing, the transportation, and the placing of the worker in employment.

For a full copy of the report, please e-mail Professor Julia O'Connell Davidson, julia.o'connelldavidson@nottingham.ac.uk, or contact your friendly local IAP office

Useful Links



Asia Against Child Trafficking (Asia ACTs) is a regional campaign to fight child trafficking in Southeast Asia.

www.oneworldweb.de/tdh/materialien/files/combating_child.doc

Publication of a conference volume: The Human Rights Challenge of Globalisation in Asia-Pacific-US: Trafficking in Persons and Human Slavery
www.globalhawaii.org/PDF/trafficking.htm

The 'Fifteen Myths of Trafficking' and a description of an upcoming UNIAP research project on child trafficking can be found at
www.un.or.th/TraffickingProject/Publications/publications.html

Victims of trafficking.org is an internet site developed within the framework of the Daphne Program set up by the European Commission, to document best methods of providing assistance to victims of trafficking in human beings
www.victims-of-trafficking.org



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Editor's Notes

The Newsletter is published four times a year by the UN Inter-Agency Project on Human Trafficking in the Greater Mekong Sub region. The views expressed in the Newsletter do not necessarily reflect the views of the Editor or the Project.

What's coming Up?

Date and Venue	Title/Activity	Organization
6-7 February 03 Texas, U.S.A.	A Trafficking in Persons Conference	
10-11 February 03 Bangkok, Thailand	Oslo + 5 Regional Meeting on the Worst Forms of Child Labour	RWG-CL
20-21 February 03 Tokyo, Japan	International Symposium on the Trafficking of Children	Ministry of Foreign Affairs of Japan and UNICEF
22-26 February 03 Washington DC	Pathbreaking strategies in the Global Fight Against Sex Trafficking	
3-5 March 03 Manila, Philippines	ASEM Meeting on "Strengthening Judicial Protection for Sexually Exploited Children"	ASEM member countries
6-7 March 03 Bangkok, Thailand	Regional meeting "Oslo+5" "Asia region & country responses to the worst forms of child labour: Achievements & outstanding issues"	RWG-CL
7 March 03 London, UK	Beyond Trafficking: Experiences from the Ground	CHANGE and ActionAid
12-14 March 03 Bangkok, Thailand	Regional Forum on Promoting and Protecting the Rights of Street Children	Consortium for Street Children, UK
18-20 March 03 Bangkok, ESCAP	Regional Meeting on Monitoring the Commitment and Action Plan Against CSEC	UNICEF EAPRO, ESCAP and ECPAT
22-24 April 03 Bangkok, Thailand	ASEM Conference on recovery return and reintegration of victims of trafficking in person	Government of Thailand
27-28 June 03 Nottingham, UK	A Conference on Trafficking in Persons	The Human Rights Law Center, University of Nottingham

WE ARE ON THE WEB!
WWW.UN.OR.TH/TRAFFICKINGPROJECT



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