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The State of Human Trafficking in Asia Pacific



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The official release of the annual Trafficking In Persons (or TIP, see box 1) Report by the US State Department in June this year has once again resulted in the issue making the news. While the majority of the coverage has been reactions to and questions around the index where countries are ranked from Tier 1 to Tier 3 (see box 2), there are some notable developments and trends, particularly in the Asia Pacific region.

Highlights from the Report

Based on the report, from a global perspective, 2015 was a good year in the world's collective fight against human trafficking. On average there were more prosecutions, convictions, and identification of victims than any single year in the past. There was also an improvement in the number of new and amended legislation with regard to trafficking in persons.

For 2016, the report highlighted and recognised some important issues and trends. The recognition of the refugee/migrant crisis in Europe, the overburdened asylum system, and the resultant large incidences of trafficking involved were brought to light. In

addition, the recognition of statelessness, with particular mention of the plight of the Rohingya people, and the significant lead up to greater risks of being trafficked, were also highlighted. Lastly, the recognition of human trafficking, which occurs in conflict and

Box 1. What is Trafficking in Persons (TIP)?

"Trafficking in persons" and "human trafficking" are used as umbrella terms for the act of recruiting, harbouring, transporting, providing, or obtaining a person for compelled labour or commercial sex acts through the use of force, fraud, or coercion. The Trafficking Victims Protection Act of 2000 describe this compelled service using a number of different terms, including involuntary servitude, slavery or practices similar to slavery, debt bondage, and forced labour.

People may be considered trafficked victims regardless of whether they were born into a state of servitude, were exploited in their hometown, were transported to the exploitative situation, previously consented to work for a trafficker, or participated in a crime as a direct result of being subjected to trafficking.

Box 2. TIP Report Tier Placements

The TIP Report places each country into one of four tiers. This placement is based more on the extent of government action to combat trafficking than on the size of the country's problem.

While Tier 1 is the highest ranking, it does not mean that the specific country has no human trafficking problem or that it is doing enough to address the problem. Rather, a Tier 1 ranking indicates that the government has acknowledged the existence of human trafficking, and has made efforts to address the problem. Each year, governments need to demonstrate appreciable progress in combating trafficking to maintain a Tier 1 ranking.

Some factors, which influence a country's tier placement, include:

- Enactment of laws
- Criminal penalties
- Implementation of trafficking laws
- Proactive victim identification
- Funding for victim rehabilitation
- Efforts towards victim protection (legal, social)

natural disaster settings was given due attention.

The region

The Asia Pacific, Southeast Asia in particular, has consistently been flagged as one of the biggest 'hotspots' for human trafficking activities in the world. This is in

terms of being a major source, destination, and transit nodes in the complex system.

The majority of ASEAN countries remained fixed in the respective tier placements vis-à-vis the TIP report index from last year. Myanmar was however downgrad-

ed to Tier 3 (largely due to the poor handling of the Rohingya crisis) while Thailand was upgraded from Tier 3 to Tier 2 (for the government's work in trying to address the forced labour issues in their seafood industry). Critics have argued that the decision for Myanmar was long overdue, while the upgrading of Thailand might be too premature. There have also been criticism for not further downgrading Malaysia despite the mass graves uncovered in a remote forested area the past year.

Other notable developments include the downgrading of Hong Kong and Macau to Tier 2. Both have officially questioned and publicly rejected the study with accusations of the report being politically motivated rather than factual. Similar rejections were also communicated by Algeria and Sudan, both downgraded to Tier 3.

On a more positive note, Singapore, South Korea and Sri Lanka became signatories and state parties to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children, supplementing the United Nations Convention Against Transnational Organized

Table 1. Human Trafficking in the region at a glance

Country	TIP Report Tier Category (2015-2016)	Compared to previous year (2014-2015)	Main role of country in TIP
Brunei	Tier 2	=	Transit
Cambodia	Tier 2	=	Source, Transit
Hong Kong SAR	Tier 2 Watch List	↓	Destination, Transit
Indonesia	Tier 2	=	Major Source
Laos	Tier 2 Watch List	=	Source, Transit
Macau	Tier 2 Watch List	↓	Destination
Malaysia	Tier 2 Watch List	=	Destination, Source
Myanmar	Tier 3	↓	Major Source
Philippines	Tier 1	=	Major Source
Singapore	Tier 2	=	Destination, Transit
Thailand	Tier 2 Watch List	↑	Source, Destination, Transit
Timor Leste	Tier 2	=	Source
Vietnam	Tier 2	=	Source, Destination

Source: Adapted from *Trafficking in Persons Report June 2016*

Table 2. Global Data on Law Enforcement in Trafficking in Persons (figures for Asia Pacific)

Year	Prosecutions	Convictions	Victims Identified	New/amended legislation
2008	5,212	2,983	30,961	26
2009	5,606	4,166	49,105	33
2010	6,017	3,619	33,113	17
2011	7,909	3,969	42,291	15
2012	7,705	4,746	46,570	21
2013	9,460	5,776	44,758	58
2014	10,051	4,443	44,462	20
2015	18,930 (3,281)	6,609 (1,730)	77,823 (13,900)	30 (10)

Source: *Trafficking in Persons Report June 2016*

Crime (also known as the Palermo Protocol, Trafficking Protocol, or the UN TIP Protocol). This brought the total number of signatories to 117 and State Parties to 169.

Moving forward

Now that the U.S. State Department's annual report has been published, President Obama has 90 days (since the date of publication) to decide whether to impose restrictions and sanctions on Tier 3 countries. Based on past experience this is highly unlikely, primarily for geopolitical reasons.

Taking a macro and longer-term perspective, the deep and extensive scale of the problem will affect positive resolutions in the region or the world in the near future. Based on the report, which

primarily assesses the role of state parties in combatting and working against TIP, still far too little has been done in terms of enactment of laws, criminal penalties, proactive victim identification and protection. It is thus hoped that governments, particularly in the region, will address this particular transnational issue with better monitoring and greater international cooperation than what is already in operation.

One potential and relatively simple step forward would be for governments in the region to work more closely with local as well as international NGOs and organisations, which have been proactive on trafficking issues. Better information sharing on known and suspected traffickers

and victims between Southeast Asian countries could also go a long way. Lastly, efforts to ensure and guarantee protection as well as immunity from criminal prosecution for the victims will have to be institutionalised and well communicated to the masses in order to tackle this problem from the ground up.



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