ASEAN Children Trafficking: The Status and Recommendations

Dr. Nguyen Thi Bao Anh¹, Msc. Nguyen Thu Huong²

Abstract

Trafficking in persons is a major problem worldwide. ASEAN countries are not an exception to the challenge of trafficking in persons. Trafficking in children is a significant problem in ASEAN countries, whereby children are trafficked into exploitative labour and sexual exploitation. This study aimed to highlight the problem of trafficking in children in ASEAN countries and how children are exploited after being trafficked. The study findings will add to the existing knowledge on trafficking in general and the trafficking of children in particular in ASEAN countries. The researcher relied on a library-based (literature review) approach that involved analysis of existing literature on the topic. The study revealed that a lot of children are trafficked in ASEAN countries. It was also discovered that poverty, conflicts, and a promise of a better future are key drivers of trafficking. The research also revealed that labour and sexual exploitation are rampant among trafficked children. This paper adds to the existing body of knowledge on trafficking in children. ASEAN countries should come with joint concerted efforts to tame trafficking in children by sealing all the existing loopholes.

Keywords: anti-trafficking, children trafficking, labor abuse, risk, sex abuse.

1. Introduction

“Security threats are no longer just about military confrontation, territorial disputes, and nuclear proliferation. They also arise from non-military dangers such as climate change, natural disasters, infectious diseases, and transnational crimes. Among these nontraditional security threats, human trafficking looms large, especially in Southeast Asia. Natural disasters and military conflicts lead to displaced people and refugees, who are particularly vulnerable to this heinous crime.”

“Human trafficking frequently involves multiple forms of abuse, including deception, coercion, extortion, threats, and, for many, physical or sexual violence.”

“Despite ratifying global and regional anti-trafficking frameworks and enacting relevant national laws, human trafficking remains an endemic security problem in East Asia, threatening states and societies. Two-thirds or 25 million global trafficking victims were identified as in the region.” Trafficking of human beings is known to involve severe violations of human rights through various forms of abuse and exploitation. Some estimates currently place the number of enslaved people due to human trafficking at 18 million. However, some quarters challenge these statistics because of the secretive nature of the human trafficking network.

Coming up with a uniform, all-encompassing definition of human trafficking has been problematic. However, The U.N. Convention Against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women,
and Children, defines human trafficking as “the recruitment, transportation, transfer, harboring or receipt of persons using threats 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 the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for exploitation. Exploitation shall include, at 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.” Experts in human trafficking have reached a consensus concerning the nature of human trafficking. They agree that it revolves around exploitation and coercion. Also, the aspects of curtailment of freedom of movement, living in an abusive environment, forced labour/slavery, exploitation in all its forms, seizure of identification and travel documents, debt bondage, and failure to pay wages or salaries over an extended time are all hallmarks of trafficking.

“Recently, child trafficking for sexual exploitation has been exacerbated by the proliferation of new technologies, including the online live-streaming of sexual abuse of children. Child trafficking is frequently committed, as various estimates indicate that tens of thousands of children in the Philippines are subjected to online sexual abuse. At the same time, Thailand and Cambodia have been tagged as major source countries of child sexual abuse images.”

Studies have also shown that people who had originally migrated for work sometimes end up in slavery and sex work. The movement of these workers is facilitated by agents who, in some cases, are not legally registered. Migrants sometimes find themselves burdened with expensive recruitment fees, transport costs, and other expenses that incur exorbitant interest. These financial constraints arising from costs incurred while looking for job placement leave migrant workers vulnerable to slavery and sexual exploitation. In a desperate move to offset the debts, they might end up in prostitution. At the same time, some are tricked into joining prostitution from the initial stages of the recruitment process, but once they join, they are coerced into taking part in acts they had not agreed to.

As cited in Renshaw, Shaw writes, “In the deep jungle along the border between Thailand and Malaysia are the graves of hundreds of Burmese and Bangladeshi migrants. Thai and Malay authorities discovered the graves in May and July 2015 near deserted camps littered with chains and barbed wire cages. Some of the camps had been abandoned for many years, others only recently.” Moreover, according to the Trafficking Victims Protection Act of 2000 (TVPA), as cited in Renshaw, “In 2014, the U.S. Department of State ranked both Thailand and Malaysia as Tier 3 countries for human trafficking. Tier 3 is the lowest grade, reserved for states that are not making sustained efforts to comply with the Minimum Standards to address trafficking set out in the Trafficking Victims Protection Act (TVPA)” Renshaw further writes that “Every ASEAN state has passed specific legislation relating to human trafficking. Laos was the last to do so, with the National Assembly’s adoption of the Law on Preventing Human Trafficking in December 2015. In most cases, the legislation includes provisions for the protection of victims of trafficking, as well as for the prosecution of perpetrators, and references, to different extents, to the Trafficking Protocol definition of “trafficking in persons.”

Act to Institute Policies to Eliminate Trafficking in Persons, Especially Women and Children were passed in 2003 in the Philippines; the Anti-Trafficking in Persons Law of the Philippines, which sets the issue of trafficking within a human rights framework and provides a broad definition of trafficking, deeming the issues of consent irrelevant.

Section 4 of the Brunei legislation (threat, use of force or other forms of coercion, etc.) are identical to the means set out in the Trafficking Protocol.”

Myanmar: In 2005, The Anti Trafficking in Persons Law (Act No. 5/2005) § 3(a). (Myan.) Myanmar’s Anti-Trafficking in Persons Law was decreed. Again, Myanmar’s legislation sets out the prohibited means of procuring persons for exploitation in identical form.

In 2005, the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act (Act No. 670/2007) § 13(a)-(h) (Malay.) the Malaysian House of Representatives passed the Anti-Trafficking in Persons Act, which adopts the Trafficking Protocol language regarding means of trafficking118 and the Trafficking Protocol definition of exploitation. The Malaysian Act deems consent to be irrelevant, provides some measures for the care and protection of trafficked persons, and creates a high-level Council for Anti-Trafficking in Persons. The Act was amended in 2010 to include the issue of migrant smuggling. In 2015, further amendments were put before Parliament but had not, at the time of writing, been passed into law.


Singapore: “Prevention of Human Trafficking Act (No. 45/2014) (Sing.): Until 2015, Singapore’s government continued to rely on provisions of existing criminal and labor laws to prosecute traffickers and protect victims.128 However, in 2014, Singapore’s Parliament passed the Prevention of Human Trafficking Act,129, which adopts the Trafficking Protocol definition of trafficking130 and provides for a regime of punishments, which include a maximum $100,000 fine, imprisonment for a term not exceeding ten years, and caning not exceeding six strokes.”

Moreover, it should be noted that anti-trafficking regulations in all ASEAN countries. “The positioning of Southeast Asia (comprising Brunei, Cambodia, East Timor, Indonesia, Laos, Malaysia, Myanmar or Burma, Philippines, Singapore, Thailand, and Vietnam) as an anti-trafficking hub belies the global relevance of regional patterns. Anti-trafficking configurations vary across countries; however, the specific trends and patterns are relevant to the region as a whole. For instance, the research on anti-trafficking in Thailand examines the co-constitutive interactions between the illegibility of human trafficking and the growth of the anti-trafficking industry, particularly in relation to market-based interventions. Critical research on Vietnam offers an instructive analysis of the fusion between humanitarianism and punishment that characterizes “rehabilitation” efforts in anti-trafficking. Research on Singapore and Indonesia considers the function of co-constitutive interactions between the hyper-visibility of sex trafficking and the relative invisibility of labor trafficking. In Indonesia—as a country of origin, transit, and destination—the fractured contours of anti-trafficking responses have produced unexpected or unpredictable interactions, marked by competing understandings of what trafficking is and the accountability of different governmental bodies.”

Human trafficking is definitely a significant issue in Southeast Asian countries. In 2017, ILO and Walk Free Foundation reported that “human trafficking is a complex crime web that has an estimated more than 40 million men, women, and children in “modern-day slavery.” The victims of human trafficking underwent sexual exploitation, forced labour,
and forced marriages. The Walk Free Foundation’s Global Slavery Index 2016 estimated (it’s difficult to get the exact data because many cases go unreported or undetected) that human trafficking generated about 150 billion USD a year worldwide. Moreover, the report recorded that 25 million victims representing two-thirds of the trafficked people, were in East Asia.”

An IOM 2016 report notes that it is difficult to get the exact number and study the actual number of trafficked persons. The report states that just like any other form of organized crime, it can’t be quantified or studied using the traditional data collection methods. Therefore, the existing data does not reflect the exact status of human trafficking. One of the primary reasons cited is that the victims of human trafficking are too scared to report their experiences to authorities.

Human trafficking, which is often tied to drug trafficking, undermined regular migration and was seen as a threat to the ASEAN states’ moral foundation. Having noticed the challenges human trafficking posed to economic, political, and Societal stability in the member states, ASEAN countries passed the ASEAN Convention against human trafficking in persons. The Convention noted that the trafficking of Women and Children was of great concern. The idea of establishing a framework to fight the trade in humans was mooted and resulted in ASEAN Convention against Trafficking in Persons, Especially Women and Children (ACTIP) ACTIP in 2015. ACTIP came into force in February 2017 when the Philippines deposited her instruments of ratification, effectively joining Cambodia, Singapore, Thailand, Myanmar, and Vietnam, who had ratified the Convention earlier (Foo, 2021).

2. Method

Research methods refer to the techniques of collecting and analyzing data. This article is based on library research. The article is developed based on a literature review of existing publications on traffic in persons. The researcher read and analyzed the current literature on trafficking in persons.

3. Findings

“Child sex trafficking (CST) occurs in all Southeast Asian countries. In a region where the demand for young brides, sex with children, images of child pornography, and cheap labour is strong, children may be trafficked at source or during migration, either en route or after reaching their destination. Origin, transit, and destination countries for child trafficking exist throughout the Southeast Asia region, with some countries characterised as origin, transit, or destination, and others encompassing origin and transit, or indeed all three models. Internal trafficking, from rural to urban centres and small towns to big cities, is also a considerable dynamic, although far less researched than cross-border trafficking. Complex market supply and demand, and “push” and “pull” factors including poverty, gender inequality, unemployment, and forced migration complicate the CST issue and prevent effective policy and advocacy responses.”

“Today, Thailand is not only a paradise for backpackers and honeymooners but a key destination country for migrant workers, human trafficking, and forced labour. In 2019, an estimated 3.9 million migrant workers were living and working in Thailand, both legally and illegally. Most came from neighboring Cambodia, Lao People’s Democratic Republic, Myanmar, and Vietnam. 480,000 were estimated to be stateless, while 100,000 were refugees and asylum seekers… Often, children are recruited through online brokers or agents giving false promises of employment opportunities, better economic conditions, and well-paid work overseas. Instead, they end up in a situation of sexual exploitation. Today, the internet is a goldmine for recruiters. Through social media and chat rooms,
they can easily advertise and contact children and youth looking for new livelihood opportunities.”

3.1. Trafficking of persons to Thailand; Cambodia to Thailand

It should be noted that Thailand serves as a source, transit, and destination country for human trafficking. The UNODC 2013 report noted that most people trafficked through or into Thailand originate from Cambodia, Lao PDR, and Myanmar. The report indicates that “451,000 migrants are smuggled into Thailand annually from Myanmar, 55,000 from Cambodia, and 44,000 from Lao PDR.”

According to the United Nations Office on Drugs and Crime (UNODC) (2017) report, there is an active child trafficking syndicate in Thailand. Children are trafficked from “Cambodia, Lao PDR and Myanmar to Thailand and put into labour, sexual exploitation and forced begging.” The report notes that incidents of child labour are rampant within border areas. Many children cross from neighbouring countries to work in agriculture, seafood processing industries, or markets, then travel back home in the evening. Also, many children from Cambodia, Lao PDR, and Myanmar beg in Thailand’s cities. There isn’t much research to establish whether these children are trafficked from their countries or are born to migrants. There is also another form of diabolical trafficking that targets children, specifically girls. Traffickers kidnap girls from the far-off hill tribes of Cambodia, forcibly take all their identification documents and then traffick them to Thailand. It is well known and documented that very many children are trafficked from Cambodia to Thailand. These children are primarily trafficked and put into forced labour, sexual exploitation, and coerced begging in the cities of Thailand.

Quite a number of girls are trafficked within Cambodia. They are trafficked from rural areas to urban centres, where they are exploited sexually. Also, in some instances, children (both boys and girls) aged 12 years and below are trafficked into Thailand and put in the forced commercial sex work industry. Unfortunately, some of these children are trafficked with the full knowledge of their parents. Some parents accept money from traffickers in exchange for their daughters, who are then made to work in Thailand’s commercial sex industry. Moreover, some children are recruited initially to work as farm labourers, domestic workers, or in other industries. Still, unfortunately, they always, more often than not, end up working in Thailand’s commercial sex industry.

Trafficking of children from Cambodia to Thailand also serves other purposes other than sexual exploitation. Some children are put to work within “Thailand’s fishing and seafaring industries, street flower vendors and other forms of exploitative labour.”

3.2. Trafficking from Lao PDR to Thailand

“The Government of Laos does not fully meet the minimum standards for eliminating trafficking but is making significant efforts. The government demonstrated overall increasing efforts compared to the previous reporting period, considering the COVID-19 pandemic’s impact on its anti-trafficking capacity; therefore, Laos remained in Tier 2. These efforts included investigating, prosecuting, and convicting traffickers, approving national victim protection and referral guidelines, identifying and referring victims to protection services, maintaining a national anti-trafficking budget, improving cooperation with civil society, and implementing measures to protect the rights of Lao migrant workers abroad—including those seeking employment in domestic work.”

Laos PDR is a significant source country for children who are trafficked for sexual exploitation. This is mainly fueled by the fact that rapid economic development has created a wide economic gap between the rich and the poor in recent years. Also, Laos PDR doesn’t have resources for border patrols. The porous border is one of the reasons why trafficking in children and women is rampant. “Lao PDR is predominantly a source country for trafficking. It is estimated that about 90% of persons trafficked from Lao PDR arrive in Thailand.”
“UNICEF has reported that child sexual exploitation is one of the worst manifestations of child labour in the Mekong Region and that 30-35% of all ‘sex workers’ in the Region are children between 12 and 17 years of age. A database analysis specific to Lao PDR showed that girls under 18 represented 47.4% – almost half – of the sample. Prostitution is forbidden in Lao PDR73, and strict law enforcement means that the country does not share the open large-scale brothel industries visible in Thailand and Cambodia. Nevertheless, sex is traded in nightclubs, bars, guesthouses, and hotels, where children receive a commission on alcohol sold and are encouraged to offer sex services. Research reported by World Vision in 2014 relayed accounts of girls aged between 14 and 16 offering sex in beer and karaoke bars in the capital Vientiane and the possibility for clients to request particular types of girls, such as students or virgins, which are listed and graded by agents or masamans according to potential clients.”

Thailand has a vibrant and well-known sex industry. It has also taken measures to stop the adoption and exploitation of children in its sex industry. However, due to the increasing demand for sex workers, the gap is filled by girls trafficked from Lao PDR, Cambodia, Myanmar, and Vietnam. A recent raid in bars by Thai police netted 72 young sex workers of Laotian descent aged between 13 and 20. Moreover, there is a high number of homosexual and transgender adolescent boys of Laotian origin working in the sex industry in the Thai tourist centres of Pattaya, Phuket, and Bangkok. “Research shows that in around 42% of SECTT cases worldwide, child sexual abuse material is also involved. It is used to groom or blackmail children, produced for the offender to relive and share the experience with others, or the child abuse may even be live-streamed from cyber-sex dens.”

3.3. Trafficking in Myanmar

“Poverty in Myanmar, formerly Burma, generates the conditions for slavery. Many Burmese are forced to migrate out of desperation, seeking to escape poor conditions at home and support their families, hoping for a new life. Burmese men and women are trafficked in Thailand, exploited by traffickers that sell them into forced labor.” “The Government of Burma does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so, even considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore, Burma remained on Tier 3. During the reporting period, there was a government policy or pattern of use of children for forced labor by the military. The international monitor-verified use of children in labor and support roles by certain military battalions increased in conflict zones, predominantly in Rakhine and Kachin States.” In Myanmar (Burma), investigations have revealed that officers within the law enforcement ranks facilitated or benefited from trafficking in persons. Corrupt police officers and government officials were reportedly complicit in human trafficking. “Corruption and impunity reportedly continued to hinder law enforcement in general; this included police officers and other public officials accepting bribes, as well as individuals claiming to have ties to high-level officials purportedly pressuring victims not to seek legal redress against their traffickers in some cases. There were credible allegations during the reporting period that police and other officials received kickbacks for allowing brothels and other locations that facilitated commercial sex, including potential sex trafficking, to operate.” Over the past five years, reports indicate that traffickers force their victims (Men, Women, and Children) into forced labour; women and children are forced into the sex trade in Myanmar and abroad. Some Burmese to travel overseas for work (mainly in Thailand, China, and other Asian countries) are forced into forced labour and sexual exploitation by traffickers.

Many reports indicate that many victims of trafficking from Myanmar to Thailand are minors. Moreover, their tender age does not influence the sectors they are trafficked into. Just like adults, existing data show that minors are trafficked for sexual exploitation and forced/ exploitative labour. “Trafficking in women from Myanmar often involves young women under the age of 18, including girls as young as 12 or 15. Youth and beauty are
critical factors for many employers and clients in the Thai sex industry. Interviews conducted in Myanmar for this report noted that girls from Shan state are frequently trafficked to Thailand for sexual exploitation. There are widely held beliefs that young people are less likely to be infected with infectious diseases like HIV. That sex with women who are virgins entails fewer dangers and is more rejuvenating.”

In Thailand, there are workers of Myanmar extraction (adults and children) who migrated into the country illegally or through trafficking. A survey in Thailand’s agricultural industry shows that boys aged 11 and 13 years and above work in the sector, most of whom are between 15-18 years old. However, only a few children aged below 15 years are trafficked from Myanmar to work in Thailand’s agricultural sector. “Children from Myanmar are frequently found begging in the streets of Bangkok and other major cities in Thailand. Despite its visibility, this issue is not well documented and researched. It is unclear whether children are recruited from Myanmar explicitly to beg or whether these children are found among or were born to the many Myanmar refugees living in Thailand. According to some reports, refugee children are sometimes targeted by gangs in Thailand and forced into begging. Children can earn from 500 to 3,000 THB a day for traffickers who provide them with little more than basic food and accommodation.”

3.4. Trafficking in Vietnam

“Trafficking but is making significant efforts to do so. These efforts included providing trafficking victims the affirmative right to legal representation in judicial proceedings; increasing the number of time victims could remain in a shelter by one month, and the amount of financial support provided to them for certain basic needs; continuing to operate large-scale awareness campaigns in communities vulnerable to trafficking, including workers migrating overseas; and training law enforcement officials.”

Like in other ASEAN countries, trafficking in persons is challenging in Vietnam. Within the borders of Vietnam, those involved in trafficking in persons include parents, relatives, and minor networks that exploit men, women, and minors (including vulnerable children such as street children and children with disabilities). Although scanty information is available on these cases, the victims are believed to be placed under exploitative work conditions (forced labour). Human traffickers reportedly coerce both children and adults into working in the garment sector, where they work under coercion, threats, and intimidation. Some reports indicate that children as young as six are sometimes coerced into working in small, privately-owned garment factories. “Traffickers subject some children to forced or bonded labor in brick factories, urban family homes, and privately-run rural gold mines. Sex traffickers target many children from impoverished rural areas and a rising number of women from the middle class and urban settings. Traffickers increasingly exploit girls from ethnic minority communities in the northwest highlands, including in sex trafficking and forced labor in domestic service, by channeling their criminal activities through the traditional practice of bride kidnapping. Child sex tourists, reportedly from elsewhere in Asia, the U.K. and other countries in Europe, Australia, Canada, and the United States exploit children in Vietnam.”

“A study, conducted by Coram International, in partnership with UNICEF and the Institute of Labour and Social Sciences (ILSSA), found that an estimated 5.6 percent of children in Viet Nam may have experiences related to child trafficking. It confirmed that the children exposed to trafficking risks were from all parts of Viet Nam – but noted that children in some regions faced higher than average risk. The children were also found across various industries, with girls/young women and boys/young men found to be equally at risk.” The study reports that most trafficked children had voluntarily migrated in search of fresh opportunities. However, due to their vulnerability, they got trafficked in the process and exploited as they pursued the dream of new opportunities. It was noted that poor and deprived families are vulnerable, and children and young people from the said families are at a heightened risk of exploitation and trafficking in persons. Moreover,
the study also reported most child trafficking victims experience a form of violence, coercion, or exploitative work conditions.

Studies have shown that trafficked girls are mostly pushed into the hospitality industry. Unfortunately, more often than not, their experience ends up in sexual exploitation. Consider the findings of this study:

“Similarly, in Vietnam, when asked about the types of cases of child trafficking that they encounter, informants often described cases where children, nearly always girls, had been trafficked into the sex industry:

Q. What purpose are children trafficked for?

If they are female, then 99% are pushed into hotels and restaurants… They are sexually exploited and turned into prostitutes.”

A Coram International 2019 report, ‘Casting light in the shadows, found that trafficking in persons took place in varying sectors and in different shapes. The research found that most of the cases of trafficking in persons manifested in the services industry, garment manufacturing, and the agricultural sector. Moreover, the study further found that children were more likely to be trafficked into some sectors than others based on their sex. The study showed that boys were mainly trafficked into the agriculture, fishing, and manufacturing sectors. On the other hand, girls would be trafficked to work in the garment manufacturing sector, prostitution, and domestic work.

This study has highlighted that trafficking in children is rampant in ASEAN countries, just like the other parts of the world. Traffickers use different methods to get their victims. It is evident that, sometimes, traffickers in persons do not use force when recruiting their victims. Sometimes they lure children from poor/vulnerable families into their trap with promises of better opportunities. The unsuspecting children only come to realize that they have been trafficked when it’s too late. In some instances, it has been determined that some parents accept monetary compensation in exchange for their children.

Moreover, the research has also revealed many children have been trafficked and made to work under exploitative or slavery-like conditions. Many children are trafficked into Thailand from Vietnam, Lao PDR, Cambodia, and Myanmar. However, some children are trafficked within their countries within different sectors.

Further, it has been observed that many trafficked children are coerced into begging, forced labor, and sexual exploitation. Thailand is identified as a hub for child prostitution/sexual exploitation. The cartels involved in the sex exploitation rings sometimes do so with the full knowledge of corrupt police officers and government officials. Children of both sexes are often forced into commercial sex work and live in cybersex shows involving vile sexual abuse of minors.

Moreover, victims of trafficking in children are also made to work in the seafaring and fishing industries. This sector of forced or exploitative labour is multi-pronged. The trafficked children are also made to work as farmhands, domestic employees, in the garment manufacturing industry, selling flowers, etc. Also, it is noteworthy that some children are involved in forced begging in significant towns and cities. All these are exploitative conditions under which the trafficking victims are put.

4. Conclusion

Because of these findings, individual governments as ASEAN countries must devise ways of tackling human trafficking. This research has revealed that legislation alone cannot solve the trafficking-in-person nightmare.
There is an urgent need to tackle the social/economic challenges that fuel trafficking in persons. For example, unless communities are empowered economically, they will remain easy targets for traffickers. This is evident in cases whereby children are tricked with the promise of a possible better way of life away from poverty only to end up being victims of trafficking.

In addition, border surveillance should be increased in all countries affected by trafficking. It has been noted that the main challenges affecting border surveillance are porous borders, an inadequate workforce, and insufficient funding. ASEAN nations should allocate more funds to this management aspect to reduce trafficking in children.

Authorities in the affected countries should also launch a major crackdown on brothels exploiting children sexually. Also, the crackdown should go beyond brothels and encompass all sectors that use child labour.

A collective effort should also be made to tackle issues such as conflicts and the displacement of people. Children from conflict zones are vulnerable to trafficking and other forms of exploitation.

Finally, trafficking in persons is not a single nation’s affair. All ASEAN countries should make concerted efforts to deal with trafficking in children. The countries should also work closely with international bodies to help curb the problem, e.g., working closely with Interpol.

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