



3rd Meeting of the CSCAP Study Group on Human Trafficking
Discovery Suites, Pasig City, The Philippines
8-9 July 2006

Introduction

The third meeting of the CSCAP Study Group on Human Trafficking (HT) was held in Manila on 8-9 July 2006. The meeting was co-chaired by John Buckley (AUS-CSCAP) and Suchit Bunbongkarn (CSCAP-Thailand). Carolina Hernandez, who had also been going to co-chair the meeting, was unable to attend. The meeting was attended by representatives from Australia, Brunei Darussalam, China, India, Japan, Malaysia, New Zealand, the Philippines, Thailand and the Pacific Island Forum Secretariat. As had been the case at previous HT Study Group meetings, those present came from a variety of backgrounds including the military, academia, law enforcement agencies, as well as other government and foreign ministries. Also in attendance were a number of Filipino government officials and NGO representatives.

The meeting was opened by John Buckley, who welcomed all attendees to the meeting and to the Philippines. This welcome was extended again by Herman Kraft of CSCAP-Philippines, who had been involved in much of the planning and organization of the meeting. John Buckley then went on to outline what he hoped would be achieved during the two-day meeting. The presentation of 'situation reports' from each country represented was to form the basis of much of the first day's discussion, with the second day devoted to the drafting of a set of recommendations to be presented to the CSCAP Steering Group in late 2006.

Expert Presentations

The presentations began with an update on the Bali Process by Bali Process Coordinator Gen. Krekphong Pukprayura (Police Major General/Deputy Commissioner (Strategy) Royal Thai police). In assessing the scope of the trafficking problem in the region, Gen. Pukprayura described it as 'vast', although it remains very difficult to establish accurately the number of people involved. He estimated it to be the third most significant area of criminal activity in the region, with terrorism and drug trafficking in first and second place respectively, and arms trafficking coming fourth. The trends and modus operandi of traffickers and smugglers change constantly, and the criminal groups involved are 'mushroom-like' in their ability to pop up in places where they have identified new opportunities for profit.

Gen. Pukprayura reported that the Bali Process, established to coordinate regional anti-trafficking measures at the ministerial level, now has 43 members, with a geographic spread from Turkey to Samoa. Among those countries he reported a great variation in the capacity of government officials to deal with human trafficking. He identified the drafting of model legislation to criminalize human trafficking as a very helpful development, with 17 out of the 43 member states now having passed domestic legislation based upon the model legislation. Gains have also been made in terms of the development and implementation of measures to harmonize anti-identity and document fraud activities. He singled out the development of the Bali Process website, particularly the 'members only' section, as an initiative with the potential to improve greatly coordination between law enforcement officials in different countries. This is an area of work the Bali Process is now focusing on at the officials' level.

Some of the problems Gen. Pukprayura reported as frustrating a number of countries' ability to deal with the trafficking issue included the lack of a lead agency to coordinate anti-trafficking measures and a degree of inter-agency rivalry. He emphasized the

need for governments to engage civil society when developing anti-trafficking plans, as NGOs and social workers can be very helpful to government agencies attempting to develop a national anti-trafficking strategy, particularly in the area of victim support.

Future goals for the Bali Process include a focus on interregional enforcement and cooperation, with an emphasis on targeting child sex trafficking, organized criminal groups, and lost and stolen passports.

A second presentation was given by Sean Evans, Law Enforcement Adviser from the Pacific Island Forum Secretariat. He began by reporting that Niue is the only Pacific Island country within the Forum to have ratified the Protocols to the UN Convention on Transnational Crime. However, the Pacific Islands Forum has also done a lot of work in developing model legislation, and a number of countries have anti-trafficking legislation before their parliaments. Evans illustrated the types of trafficking issues that are being seen in the Pacific by reference to cases of deceptive recruiting from China into Palau, of Thai women being forced into prostitution in Fiji, and women being forced into work at sweatshops in U.S. Samoa and Fiji. He raised some concerns about the incidence of passport fraud in these countries, citing as an example the practice of Chinese people gaining entry into the islands with legitimate passports and valid documentation, but going out of those countries on fake passports to countries with which the islands have visa-free arrangements. Part of the problem remains infrastructural, with inadequate support mechanisms available for those working in border security and enforcement. Evans also circulated a paper about people smuggling, trafficking and immigration-related crimes in the Pacific in 2006, with up-to-date information on people smuggling routes in the region.

Situation Reports

Prior to the meeting John Buckley had circulated to members of the HT study group a 'Draft Action Plan for the CSCAP Study Group on Human Trafficking', which arose from its report and recommendations to the CSCAP Steering Group Meeting in December 2005. The goal of the Draft Action Plan was to collect data from each of the CSCAP member countries about human trafficking in their home country, and efforts made to date by their countries to counter trafficking. Each member of the study group was asked to provide information about the following:

- The incidence of trafficking, and characteristics of the trade
- Government actions to counter trafficking, including development of National Action Plans to combat Human Trafficking
- Public attitudes towards trafficking
- Involvement of organized crime in the trade
- NGO involvement in anti-trafficking initiatives and victim support
- International and regional co-operation
- Any examples of 'best practice' initiatives designed to combat trafficking

Written reports were circulated for China, Chinese Taipei, Brunei, Malaysia, the Philippines, Thailand, Australia, New Zealand and India, and oral reports were submitted from the Thai and Japanese representatives. Dr Beth Greener-Barcham and I had worked together before the meeting to compile New Zealand's situation report, with considerable assistance from the New Zealand Immigration Service and New Zealand Police. The reports revealed very different country experiences in terms of the incidence and characteristics of human trafficking, and similarly varying legislative and policy responses to trafficking problems. Of the 10 countries who presented reports, only half (New Zealand, Australia, India, Japan and the Philippines) have ratified both the UN Convention against Transnational Organised Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons. A number of countries which have yet to ratify the protocol have domestic legislation under which such

crimes could be prosecuted. Draft Action plans to combat human trafficking have been developed, or are being developed in Australia, India and New Zealand, although all the other states have agencies tasked to deal with trafficking issues, among other criminal matters. All the reports noted a lack of reliable statistics on the number of people involved in human trafficking, and a dearth of reliable research on the economics of the trafficking trade, suggesting that major information gaps remain one of the most significant barriers to a good understanding of the problem, and hence to the development of successful anti-trafficking measures.

Recommendations for the CSCAP Steering Committee

Having gained a much clearer idea about the different challenges and successes being experienced in combating trafficking in the region, the second day of the meeting was devoted to the drafting of recommendations for the CSCAP Steering Committee. The Study Group was divided into three workshops, each tasked to draw up recommendations on one of the following topics: 'Standard Setting', 'Capacity Building', and 'Information Dissemination and Publicity'. John Buckley asked participants to be wary of duplicating the work of existing processes, and suggested that the most useful contribution they could make to regional efforts to combat trafficking would be to produce something 'concrete', such as a manual. Each of the three groups reported back with a list of suggested recommendations to go forward to the CSCAP Steering Committee. The recommendations and comments of the groups were as follows:

Standard Setting workshop

1. The CSCAP Human Trafficking Study Group encourages CSCAP member states to make serious efforts to ratify and implement the Protocol to the Convention Against Transnational Crime and to Suppress and Punish Trafficking in Persons, especially women and children.
2. We encourage member states to share their experiences with ratification and implementation of the Convention and its associated Protocols.
3. We encourage member states to establish further linkages between law enforcement agencies working specifically with human trafficking. The study group further recommends that member states provide support for such linkages, including strengthening the functioning and cooperation of the ASEANPO to combat human trafficking.
4. We encourage member states to give special assistance, support and protection to the victims of human trafficking.

Capacity Building workshop

1. Recommend research and data generation:
 - On the number of people trafficked in each country, although may not be reflective of the true indicators, may be useful as indicators with regards to the problem of trafficking in each country;
 - To identify the root cause of trafficking in each country;
 - Study the process with regards to what is being done to victims of trafficking from the point of view that they are identified as such until they are deported back to their own country.
2. Investigative capabilities:
 - As part of border management, identification technology, such as biometrics, be utilized;

- There should be information sharing by relevant agencies at the regional level with regards to status and movement of people entering and leaving respective countries.
3. Identifying needs:
- A directory of all organisations, NGOs, explaining their functions, should be published and disseminated to all agencies involved;
 - Frontline officers should be educated to ensure that they are more aware of the issues, and sensitive to the victims, of human trafficking.

Information Dissemination and Publicity workshop

'Our aim is to reach out from the national level down to the grassroots level information dissemination or the raising of public awareness on understanding the different issues in human trafficking. Why do we need an information, education and dissemination campaign (IEDC)? Four reasons:

1. Human trafficking is a violation of human rights;
2. It is a human security issue and governments are expected to promote people's welfare;
3. Human trafficking cannot be done without some corruption in some law enforcement agencies, and corruption greatly undermines the effectiveness of the State's security sector;
4. Human trafficking is a transnational crime and could be tied up with other crimes such as drug trafficking.

Based on experience, the IEDC should be multi-layered and simultaneous, using all available modes and approaches. But a grassroots, community oriented, and sustained public awareness campaign has been found to convey the messages more effectively.

At the national level, the following are suggested:

1. Raise human trafficking as a priority crime among law enforcement agencies;
2. National governments direct local governments to be more directly and actively involved in anti-human trafficking;
3. Link the anti-human trafficking public awareness with an already established similar campaign, such as that of HIV/AIDS. Some features of the public information campaign on HIV/AIDS worth noting are its focused message on "How to protect yourself"; use of famous personalities as endorsers; a worldwide campaign, e.g., the red ribbon; and some programs for specific targets, e.g. truck drivers in India, gay community in the US.

Below the national level, the following are suggested:

1. Develop a module for schools;
2. Use already highly organized NGOs/CSOs;
3. Establish a hotline for victims and concerned citizens. The anonymity of the hotline could encourage "whistle blowers" and informants;
4. IEDC material also draws attention on to the traffickers – i.e. their modus operandi. Keep in mind that one indicator of a successful IEDC is the conviction rate against traffickers.

How then can CSCAP help in ongoing national and regional efforts against human trafficking?

1. Guide interview questions for victims of human trafficking developed in the Philippines could be a model for other law enforcers, social workers, etc. in the region;

2. Manuals developed by the Philippines and China, which contain information on the laws, how to avoid becoming a victim, what are the rights of a victim, government programmes for victims, contact agencies and persons, and others, can be used as a model;
3. a CSCAP regional information clearing house be established, which aims to facilitate exchange of stories and experiences among law enforcers, social workers, national/local government officials, members of academe, etc.'

These were clearly draft recommendations and comments, and John Buckley endeavored to draft a memorandum to the Steering Committee based upon these recommendations and comments. This draft will be circulated and comments invited upon it from members of the HT group. It will be amended accordingly, and submitted to the Steering Committee at their meeting later in 2006.

Conclusion to Meeting

John Buckley concluded the meeting by saying that as the HT group had achieved the objectives set at the outset of the meeting, it would probably not be necessary for the group to meet again in Bangkok later in the year.

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