



2nd Meeting of the CSCAP Study Group on Human Trafficking 28-29 August 2005, Bangkok

Introduction

A recent two-day meeting held on 28-29th August in Bangkok was the second meeting for the CSCAP Study Group on Human Trafficking. The meeting was notable for a number of things: even shorter notice about the date of the meeting than usual (or so I am told given that this was the first I had attended); the generosity of the Thai hosts; and a major turnaround from a potential lack of input to a fruitful and productive meeting.

The first meeting in April had focused on country case studies and on getting to grips with the phenomenon of 'human trafficking' (HT). At this first meeting in Manila the Study Group had decided to aim for some sort of publication with different groups to produce papers addressing six key areas: legislation; capacity building; regional arrangements; victim support; public awareness and crime type convergence. CSCAP New Zealand had elected to be involved with the group assessing regional arrangements. Prior to this latest meeting only one group of the six had produced a draft paper for circulation and consideration. However, a number of additional papers or paper outlines were forthcoming over the two day meeting – including some from members who had not attended the first meeting and from some invited guests.

The two day meeting was opened by CSCAP-Thailand's H.E. Vitthaya who recalled the discussions of the first meeting in Manila where it had been decided that the group would determine the scope of the problem in the Asia-Pacific, identify weaknesses, and offer effective ways to combat the phenomenon of human trafficking. H.E. Vitthaya also reminded attendees of the first meeting's emphasis on viewing HT as a phenomenon primarily defined by the vital element of 'exploitation' and also drew attention to the connection with transnational crime. From here the three co-chairs (Australia, Philippines and Thailand) welcomed CSCAP representatives (11 national committees were represented) and the other groups present (Pacific Islands Forum, Save the Children, Asia Foundation) and reminded attendees of the need to come up with some concrete recommendations by the end of the meeting.

Presentations

The presentations began with a paper from Dr Wanchai Roujawavong (Director General, Juvenile Observation and Protection Department, Ministry of Justice Thailand) that focused on the issue of legislation and the challenges of addressing HT as a transnational phenomenon that has thus far been very difficult to prosecute. A number of recommendations were made and the need for compatible legislation across countries in the region was stressed, as was the need to revisit the question of the status of the victims of HT and the difficulty in separating out HT, people smuggling (which may start out as intentional movement but often ends in exploitation) and illegal immigration in general. The problems of the blurring of such definitional terms continued to be themes that wended throughout the presentations that followed.

This session was followed by presentations on regional arrangements. These focused largely on East Asia and ASEAN arrangements as presented by Dr Nick Thomas (CSCAP Australia) and Dr Ralf Emmers (CSCAP Singapore) but a guest from the Pacific Island Forum (Shaun Evans, Law Enforcement Advisor) also presented an overview of Pacific institutional structures and capacity issues. Another member, Police Maj. Gen. Kerkphong Pukprayura (Deputy Commissioner (Strategy) Royal Thai Police), also outlined the current state of the Bali Process – an arrangement prompted by Australia and Indonesia that now involves 43 states from Turkey to the South Pacific – and one where New Zealand officials headed up the first working group. The emphasis throughout these papers was on, amongst other things, efforts regarding increased cooperation over border management, fraud, money-laundering, child sex tourism and most stressed the need to manage the problem rather than blaming source or transit or destination countries.

The sessions on capacity building that followed (led by Dr Suchit Bunbongkarn CSCAP Thailand and added to by Shaun Evans, Pol. Maj. Gen Kerkphong amongst others) emphasised the need to recognise who deals with the problem, what special needs there are and that thus far the emphasis has tended to be on enforcement and investigation – further work is needed to cope with the needs of the victims. These presentations therefore led on from the previous discussions on legislation and regional arrangements and moved to introduce victim support and public awareness initiatives.

Much of the input into the question of victim support came from the NGO attendees – Dr Lisa Rende Taylor from the Asia Foundation and Ms. Titing Martini from Save the Children Indonesia. Here some presenters outlined the problems of defining HT as a transnational crime in that it makes it difficult to pursue a victim centred approach. The perceptions of the victims, the problems of repatriation into communities where traffickers may still operate (or where family members were the traffickers), and the priority of stressing safe and informed migration were all key themes. Speakers and discussants also expressed concern about the issue of sustainability, the ‘push down and pop up’ dynamic, and the pressing need to look to long term solutions to address poverty and development. Presenters and discussants also addressed the issue of public awareness, with attendees outlining the various strategies employed to raise awareness amongst source and destination communities.

Sessions on crime types followed and the first presenter, Dr Li Zhenhua (Counsellor, Department of Treaty and Law, PRC) pointed out the difficulties in prosecuting HT *per se* rather than other related crime types such as fraud, money-laundering and illegal immigration. Another paper presenter (Dr Jorge Tigno (Institute for Strategic and Development Studies, Philippines) also explored the hypothesis of a necessary connection between HT and other criminal activity – finding in a preliminary case study that HT was frequently tied up with drug trafficking and other offences. Some interesting debate then arose over the level of organisation – is HT primarily a localised ‘cottage industry’ with small subcontractors feeding specialised capabilities to each other or is it primarily a phenomenon emerging out of highly organised and sophisticated groups?

Outcomes

At the end of the meeting it was decided that a draft memorandum be put together to present to the steering committee meeting at Kuala Lumpur in December this year. The memorandum is to be drafted by AUS-CSCAP co-chair John Buckley and then circulated to other members for additional commentary. This memorandum will briefly outline the work covered during the two Study Group meetings – focusing on the six topic areas addressed in the second meeting plus some of the case study material covered in the first meeting. It will include policy recommendations and it is likely that it will also include a substantial appendix bringing together official documents outlining national plans, regional plans and relevant pieces of legislation. The meeting also concluded with the general agreement of the participants that there was value in continuing on with the analysis of the issue of HT and CSCAP participants were encouraged to return home, contact relevant officials dealing with HT and to ask how CSCAP might further support the Track I process in this area.

Conclusion

The meeting had threatened to be rather disorganised in terms of the lack of papers being circulated prior to the meeting. However although there will not be a ‘book’ emerging from the Group, the memorandum may be more useful in that it will be more direct in its overview of the issues addressed and will explicitly outline CSCAP recommendations.

During the meeting there was a good deal of fruitful discussion forthcoming, with the delegates from the People’s Republic of China being particularly well-prepared to contribute on each of the six topics at hand. The addition of NGO groups and of the PIF representative was also invaluable – ASEAN had been approached to send a representative – and the ability to be involved in such cross-communication was arguably one of the most significant contributions of the meeting and something that should continue to be encouraged.

There were some differing views as to how far states should go to address the needs of the victims, concerns over re-trafficking continuing to be a major problem, and the occasional disagreement over what constitutes ‘exploitation’ or what constitutes illegal activity as opposed to a legal (if unfair) contractual arrangement between employer and employee. Some of the most interesting discussion centred on what is trafficking (how do we measure ‘exploitation’? is it a ‘loss of agency’? how much agency do individuals in a poverty-stricken environment have anyway?) and who is a trafficker (can family be blamed? is it the recruiter? the transporter? the end ‘employer’?). The importance of culture, of identifying who in the community can protect potential and actual victims, the rise of trafficking in men, the differences between labour and sex trafficking (and thus the need for different strategies to counter these phenomena) and the importance of a victim-centred approach were all important points raised. All in all it was a very worthwhile experience and the forthcoming Memorandum should provide a useful and accessible resource for Track I users.

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