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**EVALUATING LAWS AND POLICIES TO COMBAT HUMAN  
TRAFFICKING IN RELATION TO ILLEGAL MIGRATION BY SEA IN  
THE SOUTH ASIA REGION**

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**ABSTRACT**

Prostitution of women and girls is frequently associated with human trafficking. This widespread linkage dates back to the early stages of the trafficking discussion, even though it is now acknowledged that this is simply one aspect of the story. Involuntary prostitution entered the international scene at the close of the 1800s when feminist campaigners such as Josephine Butler popularised the phrase "White Slave Trade," which went on to be used in a number of treaties and regulations. The phrase "white slave trade" originated from the French "Traite des Blanches," which was a corruption of the word "Traite des Noirs," which was used to refer to the African slave trade at the start of the nineteenth century (Bullough and Bullough, 1987). When the phrase was first used, it mostly referred to the trafficking of American and European women for prostitution between the United States and western Europe, as well as between these nations and their colonies. It did not, however, take into account the trafficking of individuals of other racial and ethnic backgrounds.

The South-East Asian region's many nations are connected through the patterns and procedures of trafficking. As a result, numerous instruments and answers have been created on the global, bilateral and regional levels, and obtaining nations and areas outside of Southeast Asia have also launched anti-trafficking campaigns. This section of our research focuses on how widespread human trafficking is in Southeast Asia and the various regional and cooperative measures created to combat it.

**Keywords: Slave, Human Trafficking, Prostitution, Race, Prostitution, Trade, Campaigns**

**INTRODUCTION**

Diverse strategies for combating human trafficking are not exclusively grounded in ethical and ideological justifications or learned knowledge. A nation's specific circumstances, including (Website-lexscriptamagazine.com) 3 (lexscriptamagazine@gmail.com)

those pertaining to its Historical, political, economic, and social context. Furthermore, this holds true for trafficking that occurs in Southeast Asia. Since the 1980s, and particularly in the 1990s, most South-East Asian governments have become concerned about trafficking into and out of the region. Depending on a range of criteria, the issue affects the different countries in the region in different ways, classifying them as sending, transit, or receiving countries. Nonetheless, because trafficking routes, goals, and techniques have evolved throughout time, these classifications are neither precise nor constant.

An estimated 200–225,000 women and children, or approximately one-third of the global trafficking trade, are believed to be trafficked each year from South-East Asia (Richard, 1999). Nonetheless, the majority of this trafficking takes place in Southeast Asia. About 40% of human trafficking goes to the rest of the world, and 60% of it goes to significant regional cities in South-East Asia (Richard, 1999). Approximately 30,000 out of 45–50,000 women and children estimated to have been brought into the US illegally are thought to have come from South East Asia, which makes this area the world's most important source for victims of human trafficking to the US. Thailand's trafficking scenario serves as a prime example of how the nature and scope of the problem have changed over time. Although not a recent phenomenon, trafficking gained significant attention in the 1980s due to the impact of the HIV/AIDS epidemic, the growing sex industry, sex tourism, and child prostitution. While women and girls were once recruited for commercial sex labour in metropolitan regions of North and Northeast Thailand from poorer districts, this practice was largely superseded by women and children being trafficked in the 1990s from Yunnan Province, Myanmar, Laos, and Cambodia.

Citizens of the less developed Trafficking in the Mekong subregion has been going to Thailand for various forms of employment and services, including factory, construction, domestic, and agricultural labour, in addition to commercial sex exploitation. Additionally, Children are taken in by traffickers from nearby nations to grovel and beg in Thailand. Thailand was a desirable travel destination because of its relative economic prosperity. The late 1990s economic crisis did not lessen this allure; on the contrary, it led to a rise in undocumented immigration. Thailand has continued to be a source country for migrants in addition to a receiving nation. Thai women were in greater demand as brides and sex workers than as domestic helpers when the foreign labour market for Thai labourers shifted (Phongpaichit, 1999). Thai women's travel destinations have shifted from Malaysia and Singapore to mostly Europe, North America, South America, Japan, and Taiwan both Australia and Africa. Recently, there has been a focus

on foreign women who are trafficked to different nations in Asia and beyond, with Thailand serving as a transit stop.

Trafficking in Indonesia has been characterised by a similar issue, albeit to a much smaller scale. Instances of maltreatment and mistreatment of migrant labourers, particularly women, have been linked to the issue of trafficking in Indonesia. Malaysia, major destinations for Indonesian migrant labour include Singapore, the Middle East, and other nations. The economic crisis has apparently made Indonesian women more susceptible to unauthorised and irregular migration, such as commercial sex trafficking in Indonesian cities or trafficking abroad. Again, the effects of trafficking are different in Singapore and Malaysia. Both view the matter of human trafficking primarily within the framework of illicit labour migration and perceive themselves as the countries that receive the majority of labour migrants from the region. Over two decades, Singapore and Malaysia have experienced labour shortages which resulted in a large influx of unskilled workers, mostly from women working in domestic services, as well as professionals.

### **SUBREGIONAL AND REGIONAL PROGRAMMES**

The acknowledgement of human trafficking as a concern impacting and linking nations in South-East Asia has resulted in a persistent demand for cooperative measures at the regional or subregional level to tackle the phenomenon. Governments have vowed to support such regional, cooperative, and integrative initiatives in regional gatherings and declarations. Initiatives with a regional or subregional focus have also been launched by international organisations and networks. However, as the majority of these different projects are still in their infancy, not much can be stated about how they will affect the region's trafficking problem just yet.

#### **1. Regional conferences and proclamations**

##### **i. Bangkok Proclamation**

In collaboration with IOM, the Royal Thai Government arranged and Bangkok hosted the "International Symposium on Migration: Towards Regional Cooperation on Illegal/Irregular Migration." The purpose of the summit was to promote regional cooperation in South East, Eastern, and Southern Asia on migration-related concerns. The Bangkok Declaration on illegal Migration provides a foundation for future regional collaboration in the battle against trafficking and illegal migration was approved by the ministers or their representatives on the symposium's final day. Among the Bangkok Declaration's main suggestions are:

- Creating a regional migration arrangement to act as an information bank on migration-related matters and to offer technical support, capacity-building, and policy support;
- Putting into practice regional and national initiatives to stop trafficking and irregular migration, including thorough investigation and cause analysis
- The effects of irregular migration, the adoption or enhancement of national law, the dissemination of information and public awareness campaigns; the hosting of Courses on International Migration Law and Policy for Asia and the Pacific region;
- The monitoring of irregular migration at the political and senior official levels (IOM 1999).

Thus, the Bangkok Declaration emphasises the desire of Asian nations to create collaborative projects to address issues pertaining to trafficking and irregular migration in the area.

ii. Consultations Asia-Pacific (APC)

Another regional initiative where migration issues are central is the Asia Pacific Consultations. The APC is an extension of a 1996 conference that the UNHCR and the Australian government arranged to talk on the topic of regionally displaced people and refugees. The topic of migration in general was added to the agenda in later meetings. As a result, the APC developed into a forum for discussing a wide range of topics pertaining to population shifts in the Asia Pacific area. These meetings are co-arranged by UNHCR and IOM, who also serve as the secretariat.

iii. Manila Method

several intergovernmental conferences on trafficking and unauthorised immigration in Southeast and East Asia, organised by the IOM, is known as the Manila Process. The Manila Method provides as a forum for informal discussions in which member nations attempt to assess and investigate potential solutions to the issues associated with trafficking and irregular migration.

iv. Asian Regional Programme Against Child and Women Trafficking (ARIAT)

The Philippine government, along with the US government, hosted a meeting in March 2000 to officially create the Asian Regional Centre to Combat Child and Women Trafficking. Governments, international organisations, and non-governmental organisations convened in Manila to address the problem of human trafficking, emphasising the involvement of women and children, globally, with a specific focus on Asia. Proposals to combat human trafficking by means of cooperation, gender mainstreaming, and information sharing prevention,

prosecution, repatriation, and reintegration activities were presented along with a regional action plan.

v. Asia-Pacific

The topic of trafficking has mostly been discussed by the Association of South-East Asian Nations (ASEAN) in relation to transnational crime. Joint efforts are required to address transnational crime in the region, especially trafficking of women and children, according to the 1997 ASEAN Declaration on international criminality. To establish subregional and regional agreements on mutual assistance in order to develop a cohesive regional strategy for the prevention, control, and neutralisation of transnational crime, member states created the ASEAN Plan of Taking Measures to Fight International Crime in 1999. This plan facilitated the prosecution of transnational crimes.

**2. Regional and subregional projects**

It has been acknowledged by governments as well as by international NGOs, networks, and organisations in ways that are regional and subregional to combating human trafficking are necessary. This realisation has led to a number of initiatives and programmes that use a regional perspective to address the various aspects of the issue.

i. UNICEF

The Children's Convention on Human Rights serves as the foundation for UNICEF's trafficking in persons. The approach to combating child trafficking centres on increasing raising awareness of the issue, helping families out financially, enhancing educational opportunities and standards, and standing out for children's rights. Although UNICEF does not currently possess a regional campaign against child trafficking, which it has financed and carried out studies on the subject in a number of nations and has contributed to the development of local and national capacity in the area. Additionally, Membership in the Regional Working Group on Child Labour is held by UNICEF. Additionally, UNICEF is a collaborator on multiple initiatives around the Asia-Pacific area, such as the ILO-IPEC project, the ESCAP project, and the Mekong Regional Law Centre project mentioned above.

ii. UNHCHR

The Asia-Pacific region's National Human Rights Commissions have been urged to address the matter by The UN High Commissioner for Human Rights is known as UNHCHR of being trafficked. Following conversations with the Asia-Pacific Forum of National Human Rights Institutions (APF), a draft document, and a suggestion were produced for all member (Website-lexscriptamagazine.com) 7 (lexscriptamagazine@gmail.com)

institutions to designate an individual to serve as the focal point on the problem of human trafficking. UNHCHR aims to be a catalyst and supporter of others' work by concentrating on the establishment of laws and policies. The High Commissioner designated A Special Envoy for Human Trafficking in December 1999. The Special Representative, who is headquartered in Cambodia, plays a significant part in assisting regional and national efforts to combat human trafficking.

iii. UNAIDS

UNAIDS formed a Task Force on HIV Vulnerability and Migrant Labour in Southeast and East Asia in 1997. In addition to doing research and advocating, the Task Force has organised workshops.

**3. Regional initiatives of non-governmental organizations**

i. Asian CARAM

NGOs working on migration-related issues in Asia have launched Asia's Coordination of AIDS and Mobility Action Research initiative, which is particularly concerned about the increasing susceptibility of immigrants in the region to AIDS/HIV. The goals within CARAM Asia include lobbying, information sharing, the creation of action research models and grassroots initiatives, and the defence of migrant workers' human rights. ACHIEVE Philippines, Solidaritas Perempuan Indonesia, Tenaganita Malaysia, SHISUK Bangladesh, ACHIEVE Philippines, the two organisations are Mobility Research and Support Centre Vietnam and Migrant Assistance Programme Thailand seven South and South-East Asian nations where CARAM has focal sites.

ii. Asia-Pacific CATW

Fighting against all types of sexual exploitation, including prostitution, The Coalition Against Women Trafficking is a global alliance of feminist organisations and NGOs that supports the women's and children's human rights. Manila is home to the Asia Pacific branch, which opened for business in 1993. Apart from creating human rights initiatives, overseeing a trafficking case documentation system, and planning educational and training courses, CATW-AP is actively involved in lobbying policy makers, networking, and campaigns against trafficking, prostitution, and sexual exploitation. In addition, it provides services to member groups, the media, and scholars in addition to publishing research and other publications.

**BILATERAL CAMPAIGNS**



Certain sending nations possess bilateral agreements in the area with other countries, both inside and beyond the region, to control migratory flows and lessen different types of irregular migration, including trafficking. Numerous of these agreements, which are between sending and receiving nations, centre on the quantity of migrant labourers and the policies governing their place of employment. The 1984 contract between Indonesia and Malaysia is one such. The government of Malaysia started this agreement to control migrant labourers from Indonesia, particularly those employed in domestic services and plantations, which account for the majority of the country's undocumented labour force (Tirtosudarmo, 1998). Since then, Malaysia has ratified more bilateral agreements with other nations in addition to Indonesia. A Memorandum of Understanding was signed between Malaysia and Cambodia, according to which the processing of the export of domestic helpers from Cambodia to Malaysia will be handled by one labour exporting business (Wolffers, 1999). Even while these programmes might be a significant step towards controlling international migration, they might not always meet both the receiving and exporting countries' needs for migration. The risk of human trafficking and illegal migration flows can then coexist with more regularised migration patterns.

Some agreements focus more specifically on stopping human trafficking or bringing back victims of trafficking. The Philippines has been actively pursuing partnerships with other nations to combat the issue of people being trafficked for citizens of the Philippines through a variety of protocols and agreements pertaining to trafficking and smuggling. There is a Memorandum of Agreement between Malaysia and the Philippines on the exchange of police liaison officers. About the commercial exploitation of minors, the Philippines, Australia, and the United Kingdom signed a memorandum. Additionally, the Philippines has agreements with about 39 nations on the issuance of immigration visas to citizens of the Philippines. Additionally, agreements with International Social Services to support victims of trafficking are in place in Italy and Hong Kong.

The Mekong Subregion's member nations have also established bilateral initiatives or signed bilateral agreements pertaining to migration and trafficking. The potential for cooperation between Vietnam and Cambodia in the fields of anti-trafficking and the procedures involved in the repatriation of Vietnamese children who have been trafficked have been highlighted. Repatriation schemes for women and girls who were trafficked to Thailand from Yunnan have been launched by the police in both Yunnan and Thailand. Initiatives to formalise labour migratory movements and stop child trafficking have been launched by the governments of

Laos and Thailand (Archavanitkul, 1998). These are critical actions that will strengthen coordinated efforts to combat human trafficking on many fronts, particularly in cases where the issue has raised delicate political difficulties.

### **INITIATIVES FROM NON-REGIONAL NATIONS**

The impacted sending and receiving South-East Asian countries are not the only ones concerned about the issue of trafficking in this region. Since trafficking routes and networks are global in scope, combating trafficking has also emerged as a major issue for nations outside of South-East Asia. Europe's member states as well as the US, Canada, Japan, and Australia have emerged as major hubs for South East Asian trafficked individuals. The majority of these nations see trafficking in connection with irregular migration, as seen by the actions taken by recipient nations outside of South-East Asia.

Australia has grown in popularity as a destination for trafficking and smuggling operations. Due to its large size and extensive coastline, Australia is a very easy country to enter illegally. Additionally, Australia is perceived as a wealthy, stable nation with a good standard of living and a laid-back lifestyle (Graycar, 1999). There is a definite need for low-cost migrant labour, whereby a migration scheme helps to somewhat regularise.

Australia has made an effort to reduce unlawful entrance with the use of intelligence investigative units both domestically and in various Asian countries, liaison officers for airlines who counsel airline personnel on travel documents, and coastal monitoring. Other crucial elements include international coordination, immigration officer training, the Migration Alert List, and the arrest, briefing, and deportation of unauthorised migrants. The 1958 Immigration Act stipulates that immigration fraud carries a maximum two-year prison sentence and other relevant penalties being fined—has drawn criticism for treating people trafficking less harshly than other crimes, like narcotics smuggling. Additionally, laws in Australia prohibit both sexual servitude and actions related to juvenile sex tourism that occurs elsewhere.

The issue of people being trafficked into EU member states has been a growing source of worry for EU member states. Over the past ten years, trafficking into the European Union (EU) has grown, encompassing not just Asian, African, and Latin American women and children, and Eastern Europe, but also an increasing number of women from the former Soviet Union. The European Union has created a number of initiatives and activities to enhance and reinforce national cooperative efforts, while individual nations having created their own domestic policies, strategies to the fight against human trafficking.

One of the main Asian destinations for women from Southeast Asia who are trafficked a variety of jobs, but mostly domestic labour, prostitution as well as services for amusement, is Japan. Even though many may have made their initial decision chose to travel to Japan of their own free will and may have known the type of employment they would be doing, but once there, they faced violence, debt bondage, exploitation of their labour, and unlawful status. Japan is particularly worried about illegal immigration, and in an effort to lower the number of overstayers and undocumented workers, The Department of Labour, the Department of Justice, and the Policy Agency have been working together.

Apart from the aforementioned government activities, other US-based organisations, networks, and agencies have been actively engaged in combating human trafficking both domestically and internationally.

### **THE JUDICIAL SYSTEM AND LAWS**

In 1997, the 192815 Act on Prevention of Traffic in Women and Children was revised to include boys and to better address the different types of modern-day trafficking, when authorities were granted more power to look through and examine businesses. Traffickers face prison terms ranging from one to twenty years. The Prevention and Suppression of Prostitution Act, a 1960 act amended, is one of the other pertinent pieces of legislation. While procurers, brothel owners, pimps, mamasans, customers, and parents who bring their children into prostitution face harsher punishments, prostitution is somewhat decriminalised and prostitutes are seen as victims of poverty, societal issues, and organised crime. Any foreign national entering Thailand without a valid paperwork is deemed an unlawful immigrant under the Immigration Act of 1969, which is a crime with a two-year jail sentence and a fine. Trafficked individuals receive the same treatment as undocumented immigrants, which includes being held in an immigration detention centre, paying a fee, or doing time in jail. In accordance with the MOU, Thailand would begin housing trafficked women and children in Department of Public Welfare shelters in February 2000, as opposed to treating them like other undocumented immigrants. The Criminal Code, the Constitution, the Royal Decree for the Labour Protection Bill (1998), which forbids underage labour (Roujanavong, 1997), and other pertinent laws all contain references to trafficking. In order to reduce the number of juvenile beggars, the Department of Public Welfare has partnered with whereas foreign gangs pressuring migrant children to beg can expect harsh penalties, the police have the authority to apprehend destitute youngsters and beggars.

The success of these laws' rests on how well the police, immigration authorities, and other pertinent institutions implement them. However, ineffective law enforcement is frequently cited as being hampered by a lack of knowledge, resources, and coordination among law enforcement officials as well as connections between law enforcement and criminal networks. Training sessions have been arranged to enhance the capabilities and consciousness of law enforcement personnel. To monitor the police, a number of watchdog measures have also been put in place.

## **CONCLUSION**

Remarkably, a number of new efforts have been created based on the assessments and suggestions of earlier research, suggesting that progress has been made in identifying and addressing the issue. However, as numerous studies and authoritative sources have shown, the issue of human trafficking is far from resolved and may even be becoming worse. Prior to delving into potential further initiatives, it is helpful to examine a few issues that, based on many research, persist in impeding the development of counter-trafficking policies in the area. One significant flaw that has been brought up repeatedly has to do with how trafficking is defined. What is meant by the term "trafficking" and to whom and what it should apply are not well understood. The different classifications of the phenomena demonstrate its multifaceted nature.

One more frequently brought-up weakness is the absence of coordination and cooperation amongst the different parties engaged in counter-trafficking. This implies that, at the federal level, government agencies handling the matter in accordance with their areas of expertise might not be aware of one another's actions, much less of the work that has been done.

of many international organisations and NGOs. There is no regional analysis or strategy to combat trafficking, even though national measures may have an impact on the state of trafficking in other nations in the region. While many multinational initiatives are being developed, there isn't a clear idea of how these initiatives might reinforce and complement one another on a global scale.

The main causes of trafficking are typically cited as being poverty, a lack of work prospects, a lack of education, and a general lack of public awareness of abuse and trafficking in migration. Therefore, efforts to prevent human trafficking typically concentrate on education and skill development initiatives, awareness-raising campaigns, and income-generating activities. Initiatives for prevention seek to alerting people to the dangers of human trafficking and

providing them with information on opportunities for regular migration. It is critical to remember that there is more to the causes of human trafficking than poverty and illiteracy alone. Rather, there is a complex interplay between local and global institutions pertaining to political, sociocultural, historical, and economic processes.

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