



**NAVAL
POSTGRADUATE
SCHOOL**

MONTEREY, CALIFORNIA

THESIS

**HUMAN TRAFFICKING IN SOUTHEAST ASIA:
CAUSES AND POLICY IMPLICATIONS**

by

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June 2009

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| REPORT DOCUMENTATION PAGE | | | <i>Form Approved OMB No. 0704-0188</i> |
|---|---|---|---|
| Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instruction, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, and to the Office of Management and Budget, Paperwork Reduction Project (0704-0188) Washington DC 20503. | | | |
| 1. AGENCY USE ONLY (Leave blank) | 2. REPORT DATE June 2009 | 3. REPORT TYPE AND DATES COVERED Master's Thesis | |
| 4. TITLE AND SUBTITLE Human Trafficking in Southeast Asia: Causes And Policy Implications | | 5. FUNDING NUMBERS | |
| 6. AUTHOR(S) LT Diana Betz | | 8. PERFORMING ORGANIZATION REPORT NUMBER | |
| 7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) Naval Postgraduate School Monterey, CA 93943-5000 | | 10. SPONSORING/MONITORING AGENCY REPORT NUMBER | |
| 9. SPONSORING /MONITORING AGENCY NAME(S) AND ADDRESS(ES) N/A | | 11. SUPPLEMENTARY NOTES The views expressed in this thesis are those of the author and do not reflect the official policy or position of the Department of Defense or the U.S. Government. | |
| 12a. DISTRIBUTION / AVAILABILITY STATEMENT Approved for public release; distribution is unlimited | | 12b. DISTRIBUTION CODE | |
| 13. ABSTRACT (maximum 200 words) This thesis examines human trafficking within Southeast Asia to identify the similarities and differences between the causes of labor and sex trafficking. The thesis also analyzes how three case study countries have tailored their anti-trafficking policies to causes present in their country. The causes examined are divided into two distinct categories, universal and specific. The universal causes studied are large-scale social issues affecting the majority of countries, such as poverty and globalization. Specific causes are those that are limited to the Southeast Asian region or the individual case study country. The three countries selected are Cambodia, Indonesia, and Thailand due to the unique trafficking profile of each. The thesis finds that each of the three governments has not addressed all of the causes that lead to human trafficking in their country. The policies of each country tend to be universally focused and do not account for the unique circumstances present in the country. As a result, anti-trafficking policies are not as successful at reducing human trafficking. Countries must create policies that directly address its unique combination of causes, universal and specific, to effectively combat the challenging issue of human trafficking. | | | |
| 14. SUBJECT TERMS Human trafficking, Southeast Asia, Cambodia, Thailand, Indonesia, sex tourism, poverty, globalization, women's rights, education levels, uneven regional economic development, labor trafficking, corruption | | 15. NUMBER OF PAGES 103 | |
| | | 16. PRICE CODE | |
| 17. SECURITY CLASSIFICATION OF REPORT Unclassified | 18. SECURITY CLASSIFICATION OF THIS PAGE Unclassified | 19. SECURITY CLASSIFICATION OF ABSTRACT Unclassified | 20. LIMITATION OF ABSTRACT UU |

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CAUSES AND POLICY IMPLICATIONS**

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Submitted in partial fulfillment of the
requirements for the degree of

**MASTER OF ARTS IN NATIONAL SECURITY STUDIES
(FAR EAST, SOUTHEAST ASIA, PACIFIC)**

from the

**NAVAL POSTGRADUATE SCHOOL
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ABSTRACT

This thesis examines human trafficking within Southeast Asia to identify the similarities and differences between the causes of labor and sex trafficking. The thesis also analyzes how three case study countries have tailored their anti-trafficking policies to causes present in their country. The causes examined are divided into two distinct categories, universal and specific. The universal causes studied are large-scale social issues affecting the majority of countries, such as poverty and globalization. Specific causes are those that are limited to the Southeast Asian region or the individual case study country. The three countries selected are Cambodia, Indonesia, and Thailand due to the unique trafficking profile of each. The thesis finds that each of the three governments has not addressed all of the causes that lead to human trafficking in their country. The policies of each country tend to be universally focused and do not account for the unique circumstances present in the country. As a result, anti-trafficking policies are not as successful at reducing human trafficking. Countries must create policies that directly address its unique combination of causes, universal and specific, to effectively combat the challenging issue of human trafficking.

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I. INTRODUCTION

A. MAJOR RESEARCH QUESTION

What are the causes of human trafficking within Southeast Asia, specifically Cambodia, Thailand, and Indonesia? How do these causes differ for various types of human trafficking, specifically labor and sex work? Have these three countries tailored their policies to the specific causes present within each country and how has this affected the policies' success?

This thesis will begin by examining the causes of human trafficking, both globally and within the Southeast Asian region. By studying the causes of both sex and labor trafficking, one can establish how these causes differ and how policies must be adapted to better address the diverse nature of human trafficking. Through an analysis of the policies of the three selected countries, this thesis will test if tailored policies are more or less successful at curtailing human trafficking.

B. IMPORTANCE

Human trafficking has slowly been recognized as one of the most expansive and challenging human rights issues affecting the today's global community. The United Nations estimates that some four million people are moved between or inside countries annually across the globe.¹ Southeast Asia has been identified as one of the regions in which trafficking in persons is most prevalent, with estimates of 200,000 women and children being moved each year for sex work alone.² This estimate does not include the tens of thousands to hundreds of thousands of individuals who are moved in the growing labor trade in the Southeast Asian region.

¹ Janice Raymond, "The New UN Trafficking Protocol," *Women's Studies International Forum*, vol. 25, no. 5 (2002), 492.

² Ralf Emmers, "Globalization and Non-Traditional Security Issues: A Study of Human and Drug Trafficking in East Asia," *IDSS Working Papers*, no. 62 (2004), 18.

Initially, activists and governments focused on effects of human trafficking. However, with growing academic research, activists and politicians have realized that to truly combat the problem, there must be a firm understanding of the causes of human trafficking upon which to base a response. This belief has achieved increased international attention within the past decade, following the advent of the United Nations (UN) Protocol to Prevent, Suppress, and Punish Trafficking in Persons in 2000 and the establishment of the United States' Trafficking in Persons global program in 2001. Within Southeast Asia, human trafficking has received greater governmental attention as a result of the growing health crisis attached to the sex trade, rising migration issues between countries, and the association of trafficking with terrorist organizations. The growing health crisis within Cambodia, as 1 in 20 Cambodian adults is now infected with HIV/AIDS, has significantly affected relations between Southeast Asian countries, as many neighboring governments have voiced growing concerns about the spread of infection across borders as the epidemic within the country continues to worsen. Similarly, the strain of trafficking-led labor migration between countries has caused significant diplomatic issues between Indonesia and Australia. Finally, national security concerns have also been linked to human trafficking by many Southeast Asian governments, as terrorist organizations often fund trafficking in persons operations and use these networks throughout the region to transport equally destabilizing material, such as drugs and arms.³

As a result of the vast number of issues associated with human trafficking, many of the governments within the region have adopted anti trafficking policies in hopes of addressing these growing concerns. While these efforts are promising, many of the policies within the region are not based on a firm understanding of the causes present within each country. In order to establish sound policy, many academics and activists have realized that the recognition of the causes of human trafficking and how these causes differ in respect to the type of trafficking that occurs is critical. Until these root causes are identified, all policies will simply be treating symptoms of the larger problem,

³ Chris Beyrer, "Accelerating and Disseminating Across Asia," *The Washington Quarterly*, vol. 24, no. 1 (2001), 219.

rather than targeting the issue at its source. In each of the three countries studied, the current policies have not openly addressed and fully explored the causes of trafficking within the country and, as a result, have less than robust responses to these challenges. By examining overall and specific causes of human trafficking, countries can accurately engage individuals or groups that are in danger of trafficking or being trafficked. Also, by distinguishing the differences between the catalysts of trafficking for labor or sex work, national policies within Southeast Asia can be further refined to truly address the core issues that lead to trafficking in persons within the country and create policies that specifically address the challenges associated with the different types of trafficking present within. As each of the countries selected has a unique human trafficking profile, this study can aid in the categorization of these causes as universal or country specific.

Also, through an examination of the different policies within the three selected countries, one can assess the level of success that has been achieved in the identification of the specific causes and types of human trafficking and tailoring its specific anti-trafficking policy accordingly. By evaluating the level of effectiveness of these policies, best practices can be established that can then be disseminated throughout the region and world.

C. PROBLEMS AND HYPOTHESES

In order to identify how the causes of human trafficking differ for the different types of trafficking, this thesis will distinguish between trafficking for sex work and trafficking for labor purposes. By establishing a clear definitional difference between the two types of trafficking, the examination of the causes of human trafficking becomes more relevant. Through an examination of the causes of the two different types of trafficking, this paper will be able to identify if the causes of human trafficking overlap or if there are specific causes for each. This thesis expects to find that while there may be some overlap in the causes for each type, that there will be innate differences in the causes of trafficking that require specific policies.

As a result of these differences in the causes of human trafficking, this thesis will argue it is essential that as countries create anti-trafficking policy, officials must address

the types and causes of human trafficking individually for the greatest success. As each country has different trafficking challenges, each country's anti-trafficking policy must address its unique situation rather than adopt a universal policy. Each country's policy will be examined to assess if policies are tailored to the causes present within the country and how effective this policy has been.

D. LITERATURE REVIEW

In the study of human trafficking, two distinct types have emerged: trafficking for sex work and trafficking for forced, slave, or indentured labor. Through an examination of the evolution of the academic study of human trafficking, it becomes clear that these two forms are distinct who is trafficked and who conducts the trafficking, locations and methods, and overall motivations. Although some overlap exists between the two types, it is important to understand the differences in both the study and advocacy each type has received and the unique challenges each presents prior to attempting to establish anti-trafficking policy.

To understand the distinction between the two types and why this has not been readily acknowledged within Southeast Asia, it is important to understand the evolution of global anti-trafficking organizations and how this has affected the region. Initially, many of the first anti-trafficking advocates dedicated to the study and publicizing of human trafficking were feminist organizations interested in overcoming sex trafficking and female exploitation.⁴ These early organizations of the 1970s and 1980s focused solely on the study of plight of women and girls exploited sexually, not the existence of labor trafficking or considering that victims of trafficking could be men, leaving a significant portion of human trafficking unstudied and unacknowledged. It was not until the emergence of less biased non governmental organizations (NGOs) in the 1990s that labor trafficking and the plight of men began to be studied and advocated against.⁵ As a result, the bulk of any long range data on trafficking is weighted towards women and

⁴ Nicola Piper, "A Problem by a Different Name? A Review of Research on Trafficking in South-East Asia and Oceania," *International Migration*, vol. 43, no. 1/2 (2005), 210.

⁵ Piper, *A Problem by a Different Name*, 216.

children who have been trafficked for sexual purposes. However, there are estimates that sex trafficking accounts for as little as 10% of the overall global trafficking trade.⁶ Also, as many national governments did not establish organizations dedicated to the study of human trafficking within their countries until the late 1990s and early 2000s, data on human trafficking within some countries in Southeast Asia cover less than a decade, making trend analysis challenging.⁷

Also, prior to policy creation, governments must have a solid understanding of both the global and regional causes of both types of human trafficking. Again, there is some overlap between the large-scale causes, but, in general, each type of trafficking has unique and distinctive origins. A significant number of scholars have attempted to identify the root causes of global human trafficking, which has led to great debate inside the community regarding the relevance and pervasiveness of many of these causes. However, this debate has not resulted in agreement and many international organizations, such as the UN, do not include an official cause of human trafficking in protocols or other legal documents.⁸ Poverty is often cited as a cause of human trafficking, but as David Feingold argues, this is too simple of a response.⁹ One must examine the causes of human trafficking more thoroughly to recognize the links of abysmal women's rights, globalization, uneven industrial development and many other factors that lead to poverty within these countries. It is also important to differentiate between the causes of sex and labor trafficking, as targeted victims arise from strikingly different circumstances.

Sex trafficking has been particularly driven by the low level of rights afforded to women throughout the world and especially within many Southeast Asian countries. Many women within poorer regions of Indonesia and Cambodia are not issued birth certificates or other forms of legal identification at any point in their lives, resulting in an inability to secure legal employment and few opportunities to provide for themselves and

⁶ David Feingold, "Human Trafficking," *Foreign Policy* September/October, no. 150 (2005), 26.

⁷ Piper, *A Problem by a Different Name*, 213.

⁸ Raymond, *The New UN Trafficking Protocol*, 492.

⁹ Feingold, *Human Trafficking*, 32.

families.¹⁰ The naïveté of these women has also been cited as a cause of human trafficking. Without sound prevention programs, many of these victims cannot recognize the common signs of trafficking schemes and fall victim to obvious falsehoods. Traffickers often target impoverished, rural areas, promising young women opportunities at a better life in the big city. There has been an explosion in sex trafficking due to the growing sex tourism industry within Southeast Asia. The countries of Cambodia and Thailand are home to a substantial and thriving sex tourism industry. In his book, Lim Lean Lin argues that when Thailand's government began developing a tourism industry to bring in foreign wealth and take advantage of the newly globalized world, a secondary seedy tourism industry began to grow rapidly, with foreign Asian and Western men travelling into Southeast Asian nations to engage in illicit sexual acts with women, virgin girls, and young boys.¹¹ Cambodia also developed a sex tourism industry, but under significantly different conditions than that of the successful nations of Southeast Asia. When the UN Transitional Authority (UNTAC) took control after decades of war and disruption, first under the Khmer Rouge and later the Vietnam invaders, the sudden infusion of foreigners and foreign money led to a growing sex sector, as Cambodians had no other option for employment.¹² Throughout Southeast Asia, many countries have not taken greater action against the sex tourism industry as it is a recognized and substantial source of national income, limiting the governmental desire to take mitigating actions.

Labor trafficking within these countries has been most affected by the industrial development of many countries within the region. As newly industrializing countries, both Thai and Indonesian factories, mines and other labor intensive enterprises had a growing need for large amounts of cheap and compliant workers. In Indonesia, the government chose to develop several key centers with the goal of overall development to

¹⁰ Feingold, *Human Trafficking*, 32.

¹¹ Lin Lean Lim, ed., *The Sex Sector: The Economic and Social Bases of Prostitution in Southeast Asia* (Switzerland: International Labour Organization, 1998), 6.

¹² United Nations Inter-Agency Project (UNIAP) on Human Trafficking in the Greater Mekong Sub-region Web Page, "Cambodia," http://www.no-trafficking.org/content/Country_Pages_Cambodia/map_cambodia.htm.

be addressed later.¹³ As a result, individuals from poorer islands throughout the country and region began pouring into these few industrialized centers and struggled to find legitimate employment. Also, the successes and wealth acquired by Thailand and Indonesia drew in individuals from surrounding nations, such as Burma and Laos, where poverty and joblessness were prevalent. In many cases of labor trafficking, the victims are not as obviously coerced or forced into trafficking: more often, many willingly enter into labor, in hopes of increased wealth, only to find themselves in dangerous conditions with no means to leave.

The policies within the countries of Southeast Asia have differed greatly in level of success. Each of the three countries' governments have attempted to approach the issues of human trafficking differently, but no one country has successfully addressed the different types of human trafficking individually and created a policy directed towards the distinctive causes associated with the types of trafficking most prevalent within its borders. Trafficking in Thailand has long been associated with the ills of the sex tourism industry, but has also witnessed significant labor trafficking growth that is often associated with industrialization. Thailand has been most successful in addressing many of the challenges of sex trafficking, but has largely ignored the issues of labor trafficking, with much of the success of the anti-sex trafficking driven by the AIDS crisis of the 1990s.¹⁴ Indonesia is mainly affected by the challenges of labor trafficking, although there is some sex trafficking in the larger cities. Its policies do not specifically address the causes of labor trafficking. Instead, they focus mostly on the causes of sex trafficking in its larger cities.¹⁵ Cambodia has been most challenged by rampant sex trafficking to feed a growing sex tourism industry, with little labor trafficking. Compared to the other two countries, Cambodia has been the least successful in anti-trafficking policy creation and enforcement. The lack of effective government, in general, has hindered any efforts at creating a sound policy that addresses the unique concerns of this war-torn country.

¹³ Norman G. Owen, ed., *The Emergence of Modern Southeast Asia* (Honolulu, HI: University of Hawai'i Press, 2005), 432.

¹⁴ Beyrer, *Accelerating and Disseminating Across Asia*, 220.

¹⁵ United States Department of State, *2008 Trafficking in Persons Report*, 143.

E. METHODS AND SOURCES

The first two sections of this thesis will utilize a survey approach to examine the global and regional causes of human trafficking. In each section, the causes of trafficking will be examined for overlap and differences between the two types of human trafficking that will be addressed in this thesis, labor and sex. It is likely that human trafficking within each country will have some overlapping causes and some causes that are specific to the political, social, and cultural situation within each. The thesis will examine both academic studies of human trafficking and the data that has been collected by NGOs within the selected countries regarding the types of individuals who have been trafficked and the patterns of trafficking within each country.

The third section of this thesis will utilize a policy analysis approach to evaluate how effective each country has been in both combating human trafficking and creating a policy that addresses the types and causes of trafficking present within. This analysis, through an examination of evidence, will evaluate each policy utilizing the following criteria. Each policy will be studied to determine if the policy makers accounted for the different types of trafficking and addressed each, if the policy accurately addresses the specific challenges present within the country, and if the policy has effectively reduced both forms human trafficking.

F. THESIS OVERVIEW

This thesis will be divided into three sections. The first section will examine the nature and causes of human trafficking globally. It will be a broad overview of the causes of human trafficking that are universal and affect a majority of countries. The second section will focus on the nature and causes of human trafficking specifically within Southeast Asia. It will examine the circumstances, cultural inputs, and governmental organizations within the region that impact human trafficking and the challenges presented. The final section will examine the policy responses to human

trafficking within Southeast Asia and assess the level of effectiveness within each country. It will focus on how nations have effectively addressed each type of human trafficking and the causes of each.

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II. UNIVERSAL CAUSES OF HUMAN TRAFFICKING

A. INTRODUCTION

Human trafficking is rapidly being recognized as a global issue that can only be successfully overcome through a broad international effort with national government involvement. With acknowledged victim levels reaching several million yearly and significantly increased media attention on the issue of human trafficking, there is growing pressure on governments and international organizations to take action to address and combat this problem. As a result, these groups have begun to invest in the gathering of data regarding the extent of trafficking around the globe and in individual countries, in hopes of gaining a better understanding of the nature and causes of trafficking itself. These efforts have been coupled with investigation into measures which can reduce or eradicate human trafficking globally.

Initially, many of these organizations chose to focus on the two most easily controlled and better understood areas of human trafficking.¹⁶ These areas are the prosecution of those found to be conducting trafficking and the rehabilitation of victims found to be trafficked. This resulted in a lack of attention to the challenge of preventing trafficking. However, the limited success of these early efforts led many within the anti-trafficking community to question how effective any anti-trafficking program can be without addressing and understanding the prevention measures, which are critical to curtailing trafficking at its source.¹⁷ Therefore, most organizations have found that to successfully combat the issue of human trafficking, both international and national anti-trafficking policies must identify the root catalysts and treat the causes rather than simply responding to the symptoms. This requires the creation of programs that are based on a combination of the prosecution of traffickers, the rehabilitation of victims, and the use of

¹⁶ Janie Chuang, "Beyond a Snapshot: Preventing Human Trafficking in the Global Economy," *Indiana Journal of Global Legal Studies*, vol. 13, no. 1 (2006), 137.

¹⁷ Feingold, *Human Trafficking*, 30.

prevention measures that target those most likely to be trafficked. At the same time, these programs must address the universal and specific causes that contribute to sex and labor trafficking.

As a result, many academics and aid organizations have attempted to identify the multitude of causes of human trafficking and assess whether these causes are universal or specific to each individual country. In many cases, the research shows that both types of causes tend to be present within each country. Also, the combination of causes present within a specific country tends to be unique. These groups have found that there are both overarching universal causes present within each country and causes that are specific to the politics, cultures, and economy of individual countries. Therefore, anti-trafficking programs must address both types of causes and tailor prevention programs to specifically address the causes present within an individual country.

The most prevalent of these universal causes will be examined in this chapter. Universal causes refer to those causes that are present in nearly all countries around the world and are often broad in scope. These causes are: poverty, globalization, the sex tourism industry, women's rights, and general global education levels. In the fight against human trafficking, universal causes are especially difficult to completely address. These causes are broad social issues and have many far-reaching effects other than human trafficking. As a result, there are few, if any, concrete solutions that can completely address and overcome these massive challenges. However, it is important to recognize their presences in the overall issue of human trafficking. By improving their understanding of these issues, governments can create prevention programs that better address the challenges present within their country. There are no simple solutions to these problems, but it is still worthwhile and important to explore and examine their impact on human trafficking.

Also, this thesis will examine the commonalities and differences between the types of causes of trafficking for labor or sex purposes. Doing this will not only improve our understanding of human trafficking, but also aid in the creation of anti-trafficking policies that are more inclusive and accurately address the overall problem, as each type of trafficking requires a different and tailored response. In regard to the universal causes

of human trafficking, almost all, with the exception of sex tourism, apply to both sex and labor trafficking. However, the manner in which these universal causes lead to the different types of trafficking varies greatly. As a result, this chapter will distinguish between not only the different universal causes of human trafficking, but also examine how these causes differ with regard to the type of trafficking that occurs.

B. POVERTY

This section will examine how poverty acts as a cause of human trafficking. To understand how this universal issue acts as a cause, it is important to examine three specific aspects of poverty: the supply side, the demand side, and the interaction between these two forces. The supply side of poverty is the individuals around the globe whose survival needs are not met and there are limited means to meet these needs. The demand side of poverty refers to those industrial, agricultural or commercial pursuits that rely on these impoverished individuals being trafficked illegally to maintain a positive profit. The interaction between these two distinct forces often leads to human trafficking. There are many unscrupulous individuals that recognize the needs of those on the supply and demand side and take advantage of the opportunity presented by both sides.

To many, it would appear easy to argue that poverty alone causes men, women, and children to be moved across country borders, willingly or otherwise. As a result in anti-trafficking programs and research, the supply side of poverty is most commonly studied and best understood. This has led to the demand side being largely overlooked and ignored. While there is no doubt that the supply side of poverty plays an important role in migration around the world, both legal and illegal, to state that individual poverty alone drives human trafficking is too basic and simple. This viewpoint does not look deeply enough at the connection between human trafficking and poverty. Poverty must be examined from both a supply and demand point of view to understand how this issue acts as a cause of human trafficking. An understanding of both sides is important to target not only those individuals susceptible, but also to engage the businesses that rely on the exploitation of these individuals. By furthering studying the interaction between

these two forces, one can more accurately target the push-pull mechanisms that often lead to human trafficking. Also, it is important to understand that poverty alone is not the ultimate driver of trafficking, but poverty's interactions with many other causes.¹⁸

Many organizations have argued that the single, most important root cause of human trafficking is the supply side of poverty.¹⁹ This stance is based on the idea that the individuals who cannot feed, cloth, and house themselves or their families due to lack of work are the most susceptible to the lures of traffickers. However, with further research, this viewpoint has been largely disproven. Many previous anti-trafficking prevention measures that focused solely on poverty alleviation were not able to sizably curtail the level of trafficking.²⁰ Although it cannot be blamed alone, it is obvious that the poverty level of the victims does play an important role as a cause of human trafficking. There is little doubt that individuals who are wanting in some basic human respect are more likely to be trafficked than those individuals who have all their basic needs provided and have attained some level of comparative affluence. Many of these impoverished individuals may view migration as their only means of survival.²¹ Those individuals, who cannot provide for themselves, may be drawn by the promises of employment and affluence present in urban areas. Research indicates that, in fact, the most impoverished individuals located in rural areas are less susceptible to trafficking than those individuals residing in medium-sized towns who are less impoverished, but are more likely to be attracted by the promises of the urban wealth and lifestyle.²² It appears that those individuals who are more aware of what can be attained

¹⁸ Feingold, *Human Trafficking*, 32.

¹⁹ Ruta Tumenaite, "Rise in human trafficking tied to poverty, international church conference participants say," *Catholic Online*, October 23, 2006, http://www.catholic.org/international/international_story.php?id=21719.

²⁰ Strategic Information Response Network, United Nations Interagency Project on Human Trafficking (UNIAP), *Targeting Endemic Vulnerability Factors to Human Trafficking* (Thailand, 2007), 1.

²¹ Sheila Jeffreys, "Globalizing Sexual Exploitation, Sex Tourism and the Traffic in Women," *Leisure Studies*, vol. 18 (1999), 186.

²² Feingold, *Human Trafficking*, 26.

through urban living are more susceptible to the promises made by traffickers. Also, the most impoverished generally lack access to the information and infrastructure upon which trafficking relies.²³

Concerning sex or labor trafficking, there is little evidence to suggest that the cause of poverty is more prevalent within one type or the other. As a cause on the supply side, poverty can be considered to be universal. It is a general catalyst that does not seem to feed either the sex or labor trafficking industry more than the other. Those individuals that are trafficked are unlikely to be aware of the type of employment they will be forced into upon reaching their destination. Therefore, on the supply side, it cannot be stated definitively whether the cause of poverty plays a more important in either labor or sex trafficking.

It is clear that the supply side of poverty plays a critical role in the overall causes of human trafficking around the world. However, the effects of victim poverty have been overstated and are often erroneously viewed and treated as the single most important cause of human trafficking. Those groups that argue for the reduction of poverty in the most impoverished areas alone, without regard to the other aspects of poverty and other causes of human trafficking, will likely meet only moderate success. Supply side poverty must be examined in the larger context of both poverty and the multitude of other causes of human trafficking.

The demand side of poverty refers to those businesses that rely on cheap, often forced labor, to continue to make financial profit. Generally, this aspect of poverty can be discussed regarding both labor and sex trafficking. Whether referring to forced labor in factories or sex slaves, the demand side of labor is those businesses that knowingly employ impoverished, trafficked individuals at extremely low or non-existent wages. With many economically developing countries unable to meet the growing demands for low cost labor in industrial or agricultural pursuits, many businesses within these areas have taken advantage of the victims of poverty that cross borders in search of employment.²⁴ These companies or sex sectors make profits by meeting the labor

²³ The United Nations Population Fund, International Organization for Migration, *Female Migrants: Bridging the Gaps Throughout the Life Cycle* (New York, NY: UNFPA, 2006), 30.

²⁴ Chuang, *Beyond a Snapshot*, 144.

requirements to maintain high production levels through the exploitation of trafficked individuals who are forced to work for minimal or no compensation. These individuals are appealing to industries that require long hours, heavy labor, and dangerous conditions because victims are often unwilling to complain out of fear.²⁵ The businesses also gain by not having to pay the workers the large salaries that would be demanded by the local residents within these better developed areas.²⁶ As a result of these factors, some industries may actually prefer trafficked individuals over regular waged workers. This raises the demand for these individuals and leads to the continuance of human trafficking.

These two aspects of poverty interact within one another through a push-pull mechanism, with opportunists taking advantage of both sides. The poverty of individuals pushes them to seek out migration options. This often leads them to individuals who exploit their weaknesses by providing them to businesses who act as a demand source. Although both sides have long existed, it is the increased interaction of the two, due in large part to the next universal cause that has been integral in the expansion of human trafficking. Poverty is an important catalyst of human trafficking. By gaining more knowledge on both the supply and demand sides and the interaction between the two, future anti-trafficking programs can better address the challenges presented by this cause. Again, despite this important dynamic, it is important to remember that poverty is not the ultimate cause of human trafficking. Poverty must be examined in the larger context of its interaction with multiple other causes.

C. GLOBALIZATION

The phenomenon of globalization has been critical in the expansion of human trafficking. It has been argued that the latest round of globalization has actually been the catalyst that caused the explosion in human trafficking.²⁷ Prior to the latest round of globalization, which began in the 1970s and 1980s, human trafficking did exist.

²⁵ Solidarity Center, *The Push and Pull of Globalization: How the Global Economy Makes Migrant Workers Vulnerable to Exploitation*, Policy Brief (August 2007), 1.

²⁶ Chuang, *Beyond a Snapshot*, 145.

²⁷ Vidyamali Samarasinghe, "Confronting Globalization in Anti-Trafficking Strategies in Asia," *Brown Journal of World Affairs*, vol. 10, no. 1 (2003), 93.

However, this trafficking was largely contained within country borders. At its greatest extent, it may have involved some cross border movement into neighboring countries, but was mainly restricted to specific regions of the globe. However, as globalization began anew, human trafficking began to spread beyond its previously localized areas. Trafficking victims began traveling farther and farther from their home countries. Also, there was a significant increase of victims travelling outside their home region.

As human trafficking clearly existed prior to the latest period of globalization, one can argue that although globalization did not cause human trafficking, it has played an important role in the expansion and amplification of trafficking in general.²⁸ As a concept, globalization is generally recognized as the process by which communication, travel, and economic interaction between parties became significantly less defined by national borders.²⁹ For human trafficking, this means not only an ease of physical transit for traffickers and their victims, but also more tightly controlled country borders and an increased demand for trafficking victims.

Globalization has served to amplify the effects of poverty as a cause of human trafficking. The first manner in which this amplification has taken place is the widening of the wealth gap between both countries and regions around the world.³⁰ The income gap between wealthy and impoverished countries has increased from 30 to 1 in the 1960s to 74 to 1 in the 1990s.³¹ This increase in wealth disparity increased the pressure on the push-pull interaction of poverty, discussed in the section above. Globalization has made the supply side of poverty more obvious, with the impoverished being more aware of what needs are not being met.

Also, this phenomenon has led to an increased demand for low or no wage workers within industrial or agricultural sectors through growing economic specialization. The development of a global economy, where countries specialize in

²⁸ Emmers, *Globalization and Non-Traditional Security Issues*, 19.

²⁹ Phil Marshall, "Globalization, Migration, and Trafficking: Some Thoughts from the South-East Asian Region," *UN Inter-Agency Project on Trafficking in Women and Children in the Mekong Sub-Region Occasional Paper No. 1* (May 2001), 6.

³⁰ Chuang, *Beyond a Snapshot*, 138.

³¹ Lora Jo Foo, *Asian American Women: Issues, Concerns, and Responsive Human and Civil Rights Advocacy* (New York, NY: The Ford Foundation, 2002), 48.

specific industrial or agricultural production rather than producing a variety of items, has led those in search of employment to have to travel greater distances to find jobs that match their skill sets or lack thereof.³² This has played directly into the hands of traffickers, who are more than willing to facilitate this long distance travel at a high cost, which the impoverished can ill afford. This growing economic specialization has made some national governments wary of addressing the expanded use of victims of labor trafficking within their businesses. Some countries, especially those in the less affluent third world, which have specialized in low cost industrial or agricultural businesses, rely heavily on the ability to produce these products at prices lower than other competing countries. This competition has led to the practice of exploiting illegal migrants and victims of human smuggling to maintain a competitive edge over other producers.³³ Due to the high level of competition between countries, inherent in the globalized economy, many governments fear that taking a hard lined stance against labor trafficking may negatively impact the overall economy. This has forced many government officials to ignore labor trafficking and this has allowed trafficking to continue unchecked.

Another aspect of globalization that has led to a further increase in human trafficking is the tightening of national borders. Although the ease of legal travel has increased, many countries have tightened border security in order to appear to be taking a tougher stance against trafficking. As human trafficking has become a highly recognized human rights issue, many countries desire to be perceived as responsive to the issue and take action proving their commitment to the anti-trafficking cause. One manner in which they have done this is to tighten immigration requirements and increase border patrols. In fact, the 2000 United Nations (UN) protocol on human trafficking highlighted the need for increased border security, with the hope that prosecution of traffickers would curtail cross border smuggling.³⁴ However, these policies have had the opposite effect. Instead of eradicating human trafficking, these actions have actually forced those individuals who previously would have migrated legally to turn to traffickers, leading to their

³² Solidarity Center, *The Push and Pull of Globalization*, 2.

³³ Chuang, *Beyond a Snapshot*, 145.

³⁴ Anne Gallagher, "Human Rights and the New UN Protocols on Trafficking and Migrant Smuggling: A Preliminary Analysis," *Human Rights Quarterly*, vol. 23 (2001), 994.

victimization.³⁵ With decreasing immigration opportunities and highly restrictive policies, those individuals who desire to migrate for employment have few options other than relying on illegal means. This often results in the individual becoming a trafficking victim.³⁶

Finally, globalization has eased the costs and troubles associated with moving trafficking victims over greater distances, making the practice all the more appealing to those who look to profit. When combined with the growing knowledge of the existence of opportunities in far away regions that the internet and global communications have provided, the increased ease of international travel has played an important role in the expansion of human trafficking.³⁷ Although countries have taken action to tighten border security, the high profits associated with human trafficking often outweigh the possibility of detection and capture in the minds of those conducting trafficking. Also, as many traffickers are small, ad-hoc organizations, these small groups of individuals can operate with less risk of detection by border control.³⁸ In regards to sex trafficking, the growing ability to travel the globe has not only led to an increase in transit of trafficking victims, but also the rise of the sex tourism industry, which will be discussed in the next section.

The development of a global economy, the growing ease of travel and communication, and increasing global interaction between individuals and parties has had many substantial overall benefits, but has also had some negative and unintended consequences. This has been especially true concerning human trafficking. Globalization played an important role in the expansion of trafficking. As with poverty, the effects associated with this large, global phenomenon are not easily solved. Armed with a solid understanding of how globalization impacts human trafficking, however, policy makers can build anti-trafficking policies that accurately address these effects. It is important that these policies do not fight globalization, as many tightening of border

³⁵ Feingold, *Human Trafficking*, 27.

³⁶ Emmers, *Globalization and Non-Traditional Security Issues*, 16.

³⁷ Piper, *A Problem by a Different Name*, 207.

³⁸ Feingold, *Human Trafficking*, 28.

control responses do. These types of responses will only lead to increased dependence on illegal means. Instead, these policies should address the realities of globalization and work within these bounds.

D. SEX TOURISM

Beginning in the 1960s and 1970s, as global travel became more affordable and more accessible to the general population, there was an explosion in international travel and tourism.³⁹ Many countries began relying on revenues from tourism as an important addition to the national economy. Governments began developing national tourism policies and programs in hopes of promoting continued growth.⁴⁰ This new source of income was especially important to many third world countries that, at the time, were in the beginning stages of economic development.⁴¹ Concurrent with the growth of traditional tourism, many countries also experienced the growth of another industry, sex tourism. Sex tourism refers to the practice of individuals or groups travelling to a foreign country and paying a fee to engage in sex acts with men, women or young children that are often considered illicit or illegal within their home country.

The development of sex tourism sectors to meet the growing demands within these new tourist destinations, especially in developing countries, was largely ignored by national governments at the time. With many of these countries focused solely on continued economic growth, the ignorance or unpublished support of the growth of the sex tourism industry may have been seen as actually promoting the country's overall economic growth.⁴² The communication revolution that occurred with the development of the internet only furthered the growth of the sex tourism industry.⁴³ Potential sex tourists can now conduct a quick internet search to find information regarding popular locations, services provided, and costs in most sex tourism destinations around the

³⁹ Sarah Wahab, Chris Cooper, ed., *Tourism in the Age of Globalisation* (New York, NY: Routledge, 2001), 13.

⁴⁰ *Ibid.*, 9.

⁴¹ Child Exploitation and Obscenity Section Web Page, "Child Sex Tourism," U.S. Department of Justice, <http://www.usdoj.gov/criminal/ceos/sextour.html>.

⁴² *Ibid.*

⁴³ Jeffreys, *Globalizing Sexual Exploitation, Sex Tourism and the Traffic in Women*, 189.

globe.⁴⁴ Web sites are often targeted directly at foreign visitors, advertising the possibilities available during an overnight stay.⁴⁵ These sites also inform the user about where police officers are likely to patrol and what bribes may be necessary to escape prosecution by local governments. There are even services that offer to act as a travel agency, arranging all aspects of trips, including flights, hotel accommodations, and sex services, into sex sectors for both individuals and groups.⁴⁶

The growth of sex tourism as an industry led directly to an increased need for women and children to work within these expanding sex sectors. These demands soon outstripped those women who willingly consented to work as prostitutes. This led to an increase in trafficking of uneducated, impoverished women and children into these urban areas. Also, as the act of prostitution is often illegal and considered shameful employment by the general population, there are few women and children willing to work in these areas, making the trafficking of women into sexual slavery all the more important. Many of the initial trafficking victims were found in the countryside of their home countries or in neighboring countries. However, as the sex tourism sectors have continued to grow, there is an increasing demand by sex tourists for a more diverse group of sexual options, leading to the trafficking in of victims from other regions of the world.⁴⁷

Although increased international media attention has been placed on the plight of those women and children forced into sexual slavery within, sex tourism remains as a major cause of human trafficking. There has been increased pressure on national governments to curtail sex tourism, especially with regards to child sex tourism. This has led to some increases in both prosecution of foreigners found paying for these services and prevention programs based on awareness campaigns for foreigners upon entrance

⁴⁴ Julia Scheeres, "The Web, Where Pimps Roam Free," *Wired*, July 7, 2001, <http://www.wired.com/techbiz/media/news/2001/07/44888>.

⁴⁵ Donna Hughes, "The Use of New Communications and Information Technologies for Sexual Exploitation of Women and Children," *Hastings Women's Law Journal*, vol. 13, no. 1 (2002), 136.

⁴⁶ Lim, *The Sex Sector*, 6.

⁴⁷ *Ibid.*, 6.

into the country.⁴⁸ However, some pressure still exists within the government of the major sex tourist countries to allow the practice to continue for fear of the possible downturn in economic revenues from tourism.⁴⁹

The demands of the expanding sex tourism industry, which has been aided by government inattention and the continued expansion of the internet, plays a significant role in the continuance of the practice of sex trafficking. Despite the significant outcry of many anti-trafficking organizations and shocking media coverage, there still remains a significant number of individuals who continue to travel to foreign countries to participate in these acts. As there is continued demand for a diverse selection of women and children, there will always be traffickers who are willing to supply these needs through illegal means.

E. WOMEN'S RIGHTS

The lack of women's rights has traditionally been considered as an important cause of sex trafficking. However, as research regarding the extent and nature of labor trafficking grows, some have begun to argue that more women are trafficked for labor purposes than for sexual servitude. This new understanding of the breakdown of victims has led to further research into how the lack of women's rights acts as a catalyst. It is no longer solely a concern that women are being sexually exploited, but also that their lack of general rights leads to their exploitation within the overall labor market as well.

In early research regarding human trafficking, the lack of rights that were afforded to women was highlighted as a primary cause. Many organizations saw the exploitation of women and children in sexual slavery as further proof of the level of women's general oppression around the globe.⁵⁰ However, as these early anti-trafficking organizations were of a decidedly feminist orientation, there tended to be a larger focus on the overall issue of women's rights and violence against women than on discovering

⁴⁸ United States Department of State Webpage, "The Facts About Child Sex Tourism," <http://www.state.gov/g/tip/rls/fs/2005/51351.htm>.

⁴⁹ Jeffreys, *Globalizing Sexual Exploitation, Sex Tourism and the Traffic in Women*, 187.

⁵⁰ Coalition Against Trafficking in Women Web Page, "An Introduction to CATW," <http://www.catwinternational.org/about/index.php>.

what actually causes human trafficking.⁵¹ As a result, during the early decades of the anti-trafficking movement, many organizations were focused mainly on the lack of women's rights amongst those who were exploited sexually rather than on building a complete picture of the true extent of trafficking. As human trafficking has received greater media and academic attention recently, the reality of how women's rights acts as a cause is now better understood.

One of the most important manners in which the lack of women's rights manifests itself as a cause is the recent trend of the feminization of both the formal and informal labor sectors.⁵² In some regions of the world, female migration levels have actually surpassed those of men, resulting in over half of the migrating population being female.⁵³ This phenomenon has led to women being viewed as the new exploitable resource for manufacturing jobs, domestic servitude, as entertainment workers, and in numerous other areas. Many of the women that are recruited into these jobs are those who lack formal skills and a general education and are in desperate need of employment to care for themselves and families.⁵⁴ This trend of increased reliance on the exploitation of females in both the labor and sex market has led to a growing need for these women across the globe.

The effects of the low level of women's rights in these situations are clear. In many of these countries, women are not recognized as having the same rights to employment and political representation as men.⁵⁵ In many cases, these women are seen merely as a tool to be exploited rather than as victims. Some impoverished countries that are looking to gain an economic edge in the new globalized economy are actually encouraging women to migrate abroad and easing travel restrictions out of the country, in hopes that these individuals' remittances home will lead to increased overall national

⁵¹ Piper, *A Problem by a Different Name*, 210.

⁵² Samarasinghe, *Confronting Globalization in Anti-Trafficking Strategies in Asia*, 94.

⁵³ June Lee, "Human Trafficking in East Asia: Current Trends, Data Collection, and Knowledge Gaps," *International Migration*, vol. 43, no. 1/2 (2005), 166.

⁵⁴ Samarasinghe, *Confronting Globalization in Anti-Trafficking Strategies in Asia*, 94.

⁵⁵ The United Nations Population Fund, *Female Migrants*, 34.

wealth.⁵⁶ Many of the businesses that have been created to facilitate this new wave of female migration are not regulated by government organization, but are passively encouraged to continue sending females abroad. These organizations are therefore able to exploit these women without fear of punitive intervention.

Even with the knowledge of these practices, there is little compassion given to the women who find themselves working in the sex sector or in domestic servitude. Often these women are viewed and treated as criminals by the general population, rather than as victims. This serves to further limit the options for future employment should these women escape their current exploitation. In some countries, poverty stricken women are not even provided with any form of legal identification or documentation, beginning at their birth, also limiting the employment options available to them as they grow older.⁵⁷

By not being afforded equal rights, women have become far more vulnerable to the lures of traffickers. This lack of rights for women is often tied to religious or societal traditions that are inherent in their home cultures, and is, therefore, unlikely to be reversed easily. However, by gaining an understanding of how these women are targeted and exploited, countries can build prevention programs that address these issues directly. These types of programs will ensure that these women receive the information necessary to guard themselves against the lures of traffickers. As will be discussed in the next section, the lack of education that is prevalent amongst these women further compounds their vulnerability, making them all the more alluring targets.

F. EDUCATION LEVELS

The lack of education that trafficking victims have is perhaps the most straightforward of all the universal causes. However, this has not made resolving the issue any less complex. While some action has been taken to provide education to

⁵⁶ Samarasinghe, *Confronting Globalization in Anti-Trafficking Strategies in Asia*, 98.

⁵⁷ Feingold, *Human Trafficking*, 32.

vulnerable populations through prevention and rehabilitation programs, a significant number still exists that has not been exposed to the knowledge necessary to successfully navigate the dangerous waters of international migration.⁵⁸

Current economic reality is that many trafficking victims have few options other than migration to escape their current circumstances. In the newly globalized world, this migration can prove especially difficult and dangerous. Therefore, most are required to rely on other individuals or organizations to facilitate and fund their travel. However, without a proper education regarding the realities of human trafficking, these individuals may choose to rely on organizations that promise decent employment, but, in fact, intend to employ these individuals as forced labor or sex slaves.⁵⁹ Many times these traffickers are not members of organized crime syndicates, but rather trusted members of local society that recruit men, women and children voluntarily with false promises and then exploit them en route to or upon arrival at their promised destination.⁶⁰ While there is no doubt that major trafficking networks are operating on a global scale, these large scale organizations rely heavily on trusted individuals in local societies to gain the trust and acceptance of potential victims.

Without a thorough understanding of the possible consequences of their actions, many of these individuals that rely on brokers to facilitate their travel are totally unaware of what employment awaits them. These individuals arrive owing huge debts to either their labor broker or employer, forcing them to labor under whatever conditions they are placed in.⁶¹ This practice of incurred debt obviously makes the migrating individual far more susceptible to exploitation and more willing to work in dangerous conditions. If individuals are not informed of these realities prior to entering into an agreement with the travel broker, they have few resources for escaping their situation once they have incurred their debt.

⁵⁸ Academy for Educational Development humantrafficking.org Project Web Page, “Prevention: Awareness Programs,” http://www.humantrafficking.org/combat_trafficking/prevention.

⁵⁹ Samarasinghe, *Confronting Globalization in Anti-Trafficking Strategies in Asia*, 94.

⁶⁰ Feingold, *Human Trafficking*, 28.

⁶¹ Mike Dottridge, ed., *Collateral Damage: The Impact of Anti-Trafficking Measures on Human Rights Around the World* (Thailand: Amarin Printer and Publishing Public Company Limited, 2007), 174.

If individuals were informed on the realities of human trafficking, debt incursion, and the promises of employment brokers, then the incidents of human trafficking would likely decrease. However, this would require a massive effort to reach the impoverished individuals who are likely to rely on international migration for survival. The education of these individuals is not only the responsibility of NGOs, but also of the national governments, who often lack the ability or desire to undertake an education and prevention program of such a large scale.

Although the lack of education is perhaps the most of the universal causes, this has, by no means, meant that it is the best addressed. Raising education levels of those susceptible to traffickers has been a goal of many prevention programs in anti-trafficking organizations and governments, but with trusted individuals within societies acting as trafficking agents, significant difficulties still remain and prove challenging to overcome. Also, the vast number of individuals who require this increased awareness presents serious challenges to those organizations. When combined with the other universal causes, the lack of education makes these individuals more vulnerable to the promises of traffickers and is, therefore, an important issue for any national trafficking policy to address.

G. CONCLUSION

In summary, this chapter has addressed the five main universal causes of human trafficking: poverty, globalization, sex tourism, women's rights, and education levels. Each of these causes has broad reaching implications within a given society other than human trafficking and will be difficult for any program to address completely. There are no easy solutions for these issues, they are deeply rooted within society, and are likely irresolvable. However, a thorough understanding of the interaction between these causes and how this interaction relates to the overall issue of human trafficking is necessary to create successful anti-trafficking programs.

None of these causes individually can be blamed for the current global level of human trafficking, but it is the interaction of all of these causes with the region and country specific causes, which will be addressed in the next chapter, that are responsible.

Only by adequately addressing all of these areas can anti-trafficking programs hope to successfully overcome this challenging human rights issue. Also, only by tailoring national policies to the realities of the causes present within individual countries can programs reach the greatest level of success.

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III. REGIONAL AND COUNTRY SPECIFIC CAUSES

A. INTRODUCTION

Now that the universal causes of human trafficking have been explored, the thesis will shift into an examination of the causes that are specific to both the region of Southeast Asia and the three case study countries of Cambodia, Thailand, and Indonesia. Because each of these countries has a unique trafficking profile, one can expect differences regarding the causes present in each country. In the region and each of these countries, universal causes, such as poverty and globalization, continue to play an important role in human trafficking. However, there are also more individualized causes that are equally important to understand. This chapter will focus on these causes in order to strengthen the argument that it is crucial for countries to design their anti human trafficking policies to specifically address not only the universal, but also regional and country specific causes present in order to achieve success.

This chapter will begin with an examination of the some of the overall regional causes of human trafficking and then analyze the causes that are present in each of the case study countries. The regional causes that will be addressed in the first section are uneven industrial development across Southeast Asia and the rampant sex tourism industry there. The second section will examine each country individually, in order to identify the specific conditions that have facilitated human trafficking.

These regional and country causes may appear more clear cut than the universal causes and therefore easier to address than those discussed in the previous chapter. However, each cause is still a unique and difficult catalyst that will prove challenging for any country to completely address. This should not dissuade further investigation and research as a robust understanding of the challenges present in a country will create a far more successful and directed anti-trafficking policy than one that only addresses the symptoms and results of human trafficking.

B. REGIONAL CAUSES

The first regional cause to be examined is the uneven industrial development that has occurred throughout Southeast Asia. This process began in the 1960s and continues today. This section examines the implications of uneven economic development for labor trafficking in the region. While it is clearly also a cause of sex trafficking, the link between uneven development and this type of trafficking is better addressed in future paragraphs discussing the other regional cause, the sex tourism industry.

Beginning in the 1960s and 1970s, several countries in Southeast Asia began to undergo rapid industrialization. These countries experienced rapid overall economic growth. This growth caused them to surpass many of the neighboring countries that were embroiled in civil conflict or still recovering from their decolonization by Western countries. There is great debate over why some countries in the region advanced so rapidly and why others seemed to lag behind, which will not be addressed by this thesis. However, all agree that, despite how this growth came about, a stark divide began to emerge throughout Southeast Asia. There was a clear separation between those countries that were prospering and undergoing an economic surge and those that were not.⁶²

For the purposes of human trafficking, this divide resulted in severe contrasts in levels of affluence and standards of living throughout the region. Some countries in the region were entangled in violent civil conflict and suffering under devastating poverty, while others were undergoing substantial economic growth and constructing modern, flourishing urban centers. For example, countries such as Thailand and Singapore began developing diversified economic plans and maintained high levels of economic growth over several decades. Other countries, such as Cambodia and Laos, struggled to establish and implement any economic development plans and continued to languish in poverty.⁶³ This resulted in, understandably, a great pull for migration across the region, as people

⁶² Richard Stubbs, *Rethinking Asia's Economic Miracle*, (New York, NY: Palgrave MacMillan, 2005), 21.

⁶³ Thomas Leonard, ed., "Southeast Asia: History and Economic Development," in *Encyclopedia of the Developing World* (New York: Routledge, 2005) <http://www.routledge-ny.com/ref/developingworld/seasia.html>.

desired to move out of poverty and into affluence. This uneven economic development served to exacerbate the push mechanism of poverty, discussed in the previous chapter. There was an abundance of individuals looking to escape their dire situations.

Also, the uneven economic development of the Southeast Asian region amplified the effects of the pull mechanism of poverty. As economic growth continued, many of the Southeast Asian miracle economies began to outstrip the cheap labor sources available in these urban centers. The growing affluence of these areas encouraged local workers to lobby for higher wages and better working conditions, something many manufacturing and agricultural businesses in the region were not willing to provide. As a result, many of the industries began hiring or acquiring outside laborers. These laborers were willing or forced to work for the low wages and in the dangerous conditions that would continue to net the large profits necessary for these businesses to remain afloat. In the increasingly globalized economy, discussed previously, many of these countries' national incomes relied on the ability to produce cheap products to maintain a competitive edge over other developing countries.

Human traffickers were quick to recognize the needs of both the poverty stricken individuals and the growing industrial countries and began to build networks to marry supply with demand.⁶⁴ Traffickers simply took advantage of the opportunity presented by the masses of impoverished peoples in one country and the need for cheap, compliant labor present in another.⁶⁵ There has been some evening of development across the region in past decades. However, even today, there remains a substantial economic gap between the relatively wealthy countries, such as Thailand and Singapore, and the devastatingly poor, such as Cambodia and Laos.⁶⁶ Due to this, there is still a significant draw for both legal and illegal migration throughout the region. This gap leaves many uneducated and impoverished peoples susceptible to the promises of labor traffickers looking to feed the needs for cheap labor, which abound in many Southeast Asian

⁶⁴ Dottridge, *Collateral Damage*, 172.

⁶⁵ Chuang, *Beyond a Snapshot*, 138.

⁶⁶ Association of Southeast Asian Nations Webpage, "Selected Basic ASEAN Indicators," <http://www.aseansec.org/stat/Table1.pdf>.

industrial centers. It is likely that until these regional imbalances are somewhat corrected, there will remain an overwhelming poverty-driven migration push and pull that labor traffickers can easily take advantage of.

The other regional issue that will be examined is the expansive sex tourism industry in Southeast Asia. As discussed in the first chapter, sex tourism often develops as a seedy secondary source of income to the traditional tourism programs that became popular through globalization. In Southeast Asia, the sex tourism industry began to emerge in the 1960s and 1970s, when the newly industrializing nations began promoting traditional tourism as another means of continued economic growth.⁶⁷ Many countries relied heavily on the profits from traditional tourism and, as a result, tacitly supported the growth of sex tourism. As global travel has become even more accessible and affordable and the sex tourism industry in Southeast Asia has become better known through internet, travel into the region for this purpose has continued to increase.⁶⁸

The growth of the sex tourism industry in Southeast Asia was also aided by the numerous American military installations present throughout the region since the end of World War II. Not only did these bases lead to an increased demand for sex services in the surrounding areas, but also in other areas throughout the region. Many of the American service personnel who received rest and relaxation periods during various regional conflicts were sent to growing urban areas across Southeast Asia.⁶⁹ As a result of the increased demand, both near military installations and in urban centers, the sex sectors in these areas expanded dramatically.⁷⁰ As United States military involvement in the region waned, those working in these sex sectors shifted to marketing themselves to the growing number of foreigners travelling into the region for sex.

Southeast Asian governments were often unable or unwilling to reverse the growth of the sex tourism industry, with some viewing any intervention as a potential

⁶⁷ Piper, *A Problem by a Different Name*, 210.

⁶⁸ Kimberley Thachuk, ed., *Transnational Threats: Smuggling and Trafficking in Arms, Drugs, and Human Life* (Santa Barbara, CA: Greenwood Publishing Group, 2007), 41.

⁶⁹ Piper, *A Problem by a Different Name*, 210

⁷⁰ Chris Ryan, Colin Michael Hall, *Sex Tourism, Marginal People and Liminalities* (New York, NY: Routledge, 2001), 136.

loss to traditional tourism.⁷¹ As a result, these centers of sex tourism were allowed to prosper and expand unchecked for decades, becoming a major draw for both traffickers and visitors throughout the region and the world. The growing demand for workers in these sectors has led traffickers to take advantage of the numerous men, women, and children looking to escape their impoverished conditions. There has been increasing international attention placed on the sex tourism industry in many of these countries recently, especially in regards to child sex tourism.⁷² However, there is still a large underground industry present throughout the region that remains a significant catalyst to human trafficking.⁷³

These two regional causes play an important role in the continuance of human trafficking in Southeast Asia. The uneven economic development of the region and the growth of sex tourism have increased the demands for trafficking victims. Both are present in each of the case study countries and interact in important ways with both the universal and country specific causes. This chapter will now shift into a survey of the country specific causes, examining each country individually.

C. CAMBODIA

Of the three countries studied in this thesis, Cambodia has been most affected by the ills associated with human trafficking, especially in regard to health issues, such as HIV/AIDS. Human trafficking in Cambodia has been heavily influenced by its history of civil conflict, the growth of the sex sector as a result of UN intervention, and the country's lagging economic development.

Due to decades of conflict in the country, Cambodian society and infrastructure was virtually destroyed and has been slow to recover following the peace settlement of 1991.⁷⁴ The period prior to this settlement was characterized by famine, poverty, and

⁷¹ Michael Hitchcock, Victor King, Michael Parnwell, eds., *Tourism in Southeast Asia: Challenges and New Directions* (Copenhagen, Denmark: NIAS Press, 2008), 227.

⁷² Shay Cullen, "Southeast Asian Conference on Child Sex Tourism 2009," Preda Foundation, Inc., <http://www.preda.org/archives/2009/r09021001.html>.

⁷³ Lim, *The Sex Sector*, 15.

⁷⁴ Owen, *The Emergence of Modern Southeast Asia*, 489.

rampant political violence. Sweeping purges and political repression were common for decades, resulting in several generations of Cambodians being affected.⁷⁵ As a result of the destruction throughout the country and the new United Nations (UN) liberal, post-Cold War goal of democratization following civil conflict, a UN transitional team entered the country with the goal of rapidly transforming Cambodia into a democracy.⁷⁶ It was at this time, with the entrance of UN forces into the country, that some have argued human trafficking first appeared in Cambodia. However, as there are few or no statistical records regarding the level of human trafficking in the country prior to UN intervention, there is little evidence to confirm that human trafficking first emerged at this time. While disagreement exists regarding the presence of human trafficking in Cambodia prior to 1991, there is little doubt that an explosion of trafficking occurred at this time.

The effects of the substantial period of violent conflict in the country left the general population in an especially vulnerable position. During the period prior to UN intervention, general Cambodian institutional life ceased to exist and many of the services normally provided by a government disappeared. There were few schools, religious organizations, or legitimate economic opportunities that could provide the education and stability necessary for normal lifestyles.⁷⁷ This lack of structure and education left many in the country without the knowledge or understanding necessary to be aware of the danger posed by human traffickers. The Cambodian people also had a skewed sense of how normal societies should function.⁷⁸ As discussed in the universal causes chapter, this lack of education left much of the Cambodian population highly vulnerable to the trusted individuals in communities who are hired to facilitate trafficking.

⁷⁵ Owen, *The Emergence of Modern Southeast Asia*, 484.

⁷⁶ Roland Paris, *At War's End, Building Peace After Civil Conflict* (New York, NY: Cambridge University Press, 2004), 81.

⁷⁷ Owen, *The Emergence of Modern Southeast Asia*, 482.

⁷⁸ Timothy Spaulding, "Moving Beyond Treating Cancer with a Band-Aid: Addressing the Domestic Hindrances to Eradicating Child Sex Tourism and Child Prostitution in Cambodia," *Gonzaga Journal of International Law*, vol. 11, no. 2 (2008), 1.

For sex trafficking, the rapid infusion of foreigners with large sums of money that followed the entrance of both UN military forces and civilian officials led to an increased demand in sex sectors across the country. Some estimates are that the size of the sex sector surrounding UN installations tripled.⁷⁹ This expansion was aided by the absence of other forms of legal employment for women and children. Due to the complete disruption of society that occurred during the decades of conflict, there was massive poverty in the country. Many women found themselves without viable employment and little education, making them susceptible to the lures of traffickers.⁸⁰ The supply and demand of growing sex sectors and a susceptible population led traffickers to take advantage of those who needed employment to provide for their families. The traffickers worked to supply the growing sex sector in the urban areas of Cambodia.⁸¹ The UN itself has recognized its culpability in this growth, openly citing the expansion of sex trafficking in Cambodia and across national borders to other Southeast Asian countries as an unintended consequence of UN involvement in the country.⁸²

Even following the removal of UN forces from the country, the sex sectors have continued to thrive in Cambodia due to the expansive sex tourism industry. Throughout the country, the industry continues to grow as the Cambodian government promotes traditional tourism as a source of much needed economic growth. Among the sex tourism centers of Southeast Asia, Cambodia is well known as a safe haven for child sex tourists. Significant numbers of Asian and Western men travel into the country for encounters with underage girls and boys.⁸³ Corruption in the Cambodian police force and judicial system has also encouraged the continued growth of the sex tourism industry rather than curtailed it.⁸⁴ Incidents of corruption among top police offices and judges continue and have been largely ignored by Cambodian government officials.

⁷⁹ Chiyuki Aoi, Cedric de Conin, Ramesh Thakur, eds., *Unintended Consequences of Peacekeeping Operations* (Tokyo, Japan: United Nations University Press, 2007), 33.

⁸⁰ UNIAP Web Page, *Cambodia*, <http://www.no-trafficking.org>.

⁸¹ Beyrer, *Accelerating and Disseminating Across Asia*, 219.

⁸² UNIAP Web Page, *Cambodia*, <http://www.no-trafficking.org>.

⁸³ Spaulding, *Moving Beyond Treating Cancer with a Band-Aid*, 1.

⁸⁴ *Ibid*, 5.

Investigations into these incidents often result in administrative rather than criminal punishment.⁸⁵ Previously considered a source country, the sex trafficking industry in Cambodia is now so expansive that women and children from outside the country are being trafficked into Cambodian sex sectors. There is evidence that victims from the neighboring countries of Vietnam and China have been trafficked into Cambodia and forced to work in the sex industry.⁸⁶

The upheaval of the decades of civil conflict not only played a role in the growth of sex trafficking in the country, but also labor trafficking. Economically, Cambodia has lagged far behind its successful neighboring countries of Thailand, Indonesia, Singapore and Malaysia, leaving many of the impoverished in Cambodia with few employment options in their home country.⁸⁷ Some academics have even stated that following the cessation of conflict in 1991, much of the population in the country was in worse physical health, more impoverished, and had fewer options for survival than in the 1920s.⁸⁸ As a result, many Cambodian workers began seeking employment options elsewhere, which led directly to a rise in labor trafficking. Although there has been some recent economic growth, 36% of the population still lives in poverty, with nearly 90% of those individuals residing in rural areas.⁸⁹

Many of the issues regarding economic development in the country remain unresolved and recent economic downturns, in both the late 1990s and mid 2000s, stalled or undid many of the economic gains that had been achieved. Although there have been some glimmers of legitimate democratization and social reform, government corruption in the country remains rampant and remains a major hindrance to any anti-trafficking program.⁹⁰ With much of the population under 20 years of age and few prospects for

⁸⁵ U.S. Department of State, *2008 Trafficking in Persons Report*, 84.

⁸⁶ UNIAP Web Page, *Cambodia*, <http://www.no-trafficking.org>.

⁸⁷ Academy for Educational Development humantrafficking.org Project Web Page, “Cambodia: Country Overview,” <http://www.humantrafficking.org/countries/cambodia>.

⁸⁸ Owen, *The Emergence of Modern Southeast Asia*, 487.

⁸⁹ World Bank Web Page, “Cambodia: Country Brief,” <http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/EASTASIAPACIFICEXT/CAMBODIAE/XTN/0,,contentMDK:20174714~pagePK:1497618~piPK:217854~theSitePK:293856,00.html>.

⁹⁰ Owen, *The Emergence of Modern Southeast Asia*, 491.

economic growth, the Cambodian government has been unable and will remain unable to provide adequate, legal employment for much of the population, leaving the lures of human traffickers all the more enticing.⁹¹ Estimates are that nearly 200,000 new laborers will need employment in 2010, up from 150,000 currently, with little hope of job creation to meet these needs.⁹²

The causes of human trafficking in Cambodia are daunting. Rampant poverty and a generally undereducated populace in combination with a thriving sex industry and the existence of better opportunities elsewhere leave many in the country with few options other than those offered by traffickers. When these conditions are combined with a highly corrupt and floundering government that has little interest in taking action against human trafficking, there is little hope for any substantial anti-trafficking progress.

D. THAILAND

Compared to many other countries in the region, Thailand has had a long history of both human trafficking and anti-trafficking intervention. As a result, the causes of human trafficking in Thailand are better understood and more openly acknowledged than elsewhere in the region. However, a stark divide between the understanding of the sex trafficking industry and the labor trafficking industry still exists. The Thai government has been slow to act in combating labor trafficking when compared to the aggressive actions that it has taken to curtail sex trafficking. The major causes present within the country that will be discussed in this section are the sex tourism industry and rapid economic growth.

The sex industry is one of the main causes of human trafficking in Thailand. Historically, the Thai government has long been involved in the management and regulation of the expansive sex industry present within the country. There is evidence that as early as the 1300s, the Siam government licensed and taxed prostitution and there

⁹¹ Academy for Educational Development humantrafficking.org Project Web Page, *Cambodia*, <http://www.humantrafficking.org>.

⁹² Strategic Information Response Network Web Page, "Cambodia: Human Trafficking Data Sheet," United Nations Inter-Agency Project on Human Trafficking in the Greater Mekong Sub-region, http://www.no-trafficking.org/content/SIREN/SIREN_pdf/2008-03%20final%20cambodia%20data%20sheet.pdf.

has been recorded government intervention into the sex sector since that time.⁹³ The sex industry within the country received a substantial boost during the Vietnam War, when nearly 40,000 American service members entered the country on rest and recreation periods.⁹⁴ The increased number of American service members in the country occurred at the same time as the growing trend of global travel. This brought an even greater number of foreigners into the country looking for sex. The entrance of foreign men with foreign money led to a rapid expansion of the sex sector within the urban centers of Thailand.

To meet the growing needs of the sector, trafficking networks were established to transport individuals from both inside Thailand and from neighboring countries to Thai urban centers. Migrating women and children from countries such as Laos, Cambodia, and Burma, looking to escape the poverty and civil conflict in their own countries found themselves impressed into sexual servitude to meet the needs of the growing Thai sex tourism industry. Soon, even these regional sources could not meet the needs of the expansive sex industry and women and children began to be trafficked into the country from as far away as Eastern Europe.⁹⁵ During this period of expansion, there was little action taken by the Thai government to curtail this growth. The Thai government openly promoted the growth of the sex tourism industry until the late 1980s.⁹⁶ The government has become less vocal in its promotion of the sex tourism industry as a result of international pressure. However, there likely still remains some concern among government officials regarding the losses in income from general tourism that might result from actions taken to curtail the sex tourism industry.

There have also been trafficking networks established in Thailand to move women and children out of the country to other areas, such as the United States and

⁹³ Lim, *The Sex Sector*, 130.

⁹⁴ Owen, *The Emergence of Modern Southeast Asia*, 358.

⁹⁵ U.S. Department of State, *2008 Trafficking in Persons Report*, 243.

⁹⁶ Hitchcock, King, Pamwell, *Tourism in Southeast Asia*, 227.

Japan, for the purposes of sexual exploitation.⁹⁷ While there has been significant economic growth in Thailand, which will be discussed in the labor trafficking portion, there is still significant poverty in certain areas of the country, especially in the north and areas inhabited by ethnic minorities. The current estimate is that there are some 6.1 million individuals living beneath the poverty line in Thailand, with the majority of these individuals located in rural areas.⁹⁸ Many of these people have not been provided the same access to education and legal citizenship that others in the country have received.⁹⁹ As a result of their lack of legal status, these individuals are far more susceptible to the lures of traffickers and are often taken against their will to sex sectors around the world. There are estimates that there are over 100,000 Thai women working in sex centers across the globe.¹⁰⁰ The causes of sex trafficking in Thailand are similar to many of the other countries throughout the region. The demands of the rapid expansion of the sex industry in the country was combined with the supply of women and children who are under or uneducated and impoverished through the exploitation of traffickers.

As stated earlier, Thailand has experienced significant economic growth in comparison with many of its neighbors in the region. American involvement in the Vietnam War not only boosted the sex industry in the country. Some academics have argued that the benefits received by Thailand during this period were responsible for the exceptional economic growth that the country underwent in following decades. For fear of the conflict expanding, the United States invested significant sums of money into developing the Thai military. Also, and perhaps more importantly, the United States invested in infrastructure development across the country.¹⁰¹ This investment in

⁹⁷ Academy for Educational Development humantrafficking.org Project Web Page, “Thai Government and International Organizations Pledge Cooperation to Provide Assistance to Victims,” <http://www.humantrafficking.org/updates/653>.

⁹⁸ The World Bank Web Page, “Thailand: Country Brief,” http://www.worldbank.or.th/WBSITE/EXTERNAL/COUNTRIES/EASTASIAPACIFICEXT/THAILAND_EXTN/0,contentMDK:20205569~menuPK:333304~pagePK:1497618~piPK:217854~theSitePK:333296,0.html.

⁹⁹ Physicians for Human Rights, *No Status: Migration, Trafficking, and Exploitation of Women in Thailand* (Boston, MA, 2004), 27.

¹⁰⁰ Lim, *The Sex Sector*, 135.

¹⁰¹ Stubbs, *Rethinking Asia’s Economic Miracle*, 141.

infrastructure created the framework upon which future foreign direct investment could construct an industrial economy, making Thailand extremely attractive to Western and Japanese investors. It is at this time that a noticeable gap began to appear between the affluence in Thailand and the poverty in most neighboring countries. Also at this time, internal and regional migration increased, providing cheap, compliant labor for Thailand's growing industries.

As the growth in the country was generally centered in larger cities, a stark divide also emerged between the urban and rural areas of the country, which continues to exist in the country. In 2006, the city of Bangkok alone accounted for 60% of the gross national domestic product, despite containing only 20% of the Thai population.¹⁰² This contrast has resulted in a dramatic reshaping of the Thai employment landscape, with many citizens desiring to migrate from small, rural land holdings to work as laborers in the rapidly expanding larger cities.¹⁰³ However, despite the migratory movement in the country, the growing industrial pursuits could not be filled by Thai workers alone. This made it necessary to supplement the Thai work force with workers from outside the country.¹⁰⁴ Most of Thailand's neighboring countries, Burma, Cambodia, and Laos, remain mired in political conflict and, as a result, few legitimate employment opportunities are available to their citizens within their home countries. This led to a dramatic rise in legal and illegal migration between these countries and Thailand.

Also, during the early period of economic expansion, the Thai government was encouraging population control measures, such as limited childbirth. These policies ensured that there would continue to be a gap between the available Thai workforce and the workforce necessary to maintain economic progress into the future.¹⁰⁵ It is therefore not surprising that, at this time, human trafficking became a common industrial pursuit in Thailand. Due to the political nature of the issue of migration, many Southeast Asian

¹⁰² The World Bank Web Page, *Thailand*, <http://www.worldbank.or.th>.

¹⁰³ Dottridge, *Collateral Damage*, 172.

¹⁰⁴ *Ibid.*, 172.

¹⁰⁵ Owen, *The Emergence of Modern Southeast Asia*, 453.

nations were unwilling to discuss the issue openly. Therefore, few individuals were able to obtain legal documentation prior to migration. These individuals were forced to rely on outside, unregulated brokers to move them illegally from their home country to Thailand.¹⁰⁶ This reliance on non government sanctioned migration services left many of the uneducated and impoverished susceptible to the plies of traffickers.

Human trafficking in Thailand can be linked to many causes. The expansive sex sector and regional inequality play a large role, but one must also consider the universal causes of poverty in Thailand, ethnic inequality, and lack of education as well. While the causes of human trafficking in the country may be better understood and, in some ways, addressed than in other countries the region of Southeast Asia, there are still significant gains that need to be made to overcome the problem of human trafficking in Thailand.

E. INDONESIA

Due to its size, geography, and economic inequality, Indonesia has several unique challenges in the realm of human trafficking. The government has not been entirely successful in addressing these issues to overcome the trafficking problem in the country. Indonesia has been affected by both labor and sex trafficking, but the number of people exploited through labor trafficking far surpasses the number of victims forced into sexual slavery. However, the Indonesian government has been unable and unwilling to address labor trafficking directly. Instead, it has chosen to focus on sex trafficking alone. As a result, its anti-trafficking programs have been largely ineffective in curtailing the overall level of human trafficking in the country.

This section will begin with some overall causes that affect both sex and labor trafficking. One of the most important causes of human trafficking in the country is that legal documentation is not provided to many children at birth. In fact, approximately 37% of children under the age of five have no birth certificate.¹⁰⁷ This lack of legal documentation and status often leaves these individuals with few options for legal employment. This forces these individuals to rely on unsavory and unregulated labor

¹⁰⁶ Dottridge, *Collateral Damage*, 175.

¹⁰⁷ Ruth Rosenberg, ed., *Trafficking of Women and Children in Indonesia* (Jakarta, Indonesia: International Catholic Migration Commission, 2003), 120.

agencies, which are present throughout the country, to find employment.¹⁰⁸ Many times, these agencies provide undocumented laborers with falsified documents. Then, through either debt incursion or violence, force the trafficked individual into migrating to a Western or Middle Eastern country to work as a domestic servant or laborer in agriculture or manufacturing.¹⁰⁹ Despite the risks, in highly impoverished areas where labor is scarce and workers lack legal citizenship and adequate education, there are few options other than reliance on these agencies.

Another cause of human trafficking in Indonesia is the relative ease with which traffickers can operate within the country. This ease of transit manifests itself in two distinct ways, the transportation options available to those conducting trafficking and the actual level of prosecution against traffickers. In the past few decades, Indonesia has emerged as a major trafficking transit point from the Southeast Asian region to points westward, as the probability of detection is exceptionally low.¹¹⁰ With many small islands and not enough maritime police patrol craft, traffickers can transit through the area regularly with a relatively low risk of detection.¹¹¹ This ease of transit for traffickers has been especially problematic for Australia, which now has evidence that a significant number of Indonesians have been brought there by traffickers.¹¹² Until a sufficient level of coverage can be maintained by Indonesian law enforcement officials across the many islands of the country, the financial rewards of trafficking will continue to outweigh the risks of conducting trafficking.

Indonesia's weak enforcement of anti-trafficking regulations also allows the trade in humans to continue. Although there have been some recent increases in prosecution, there are still areas across the country where corruption and ignorance have allowed trafficking to thrive. Also, much of the prosecution reported by Indonesian officials has been in response to sex trafficking. There were very few investigations into labor

¹⁰⁸ Rosenberg, *Trafficking of Women and Children in Indonesia*, 121.

¹⁰⁹ U.S. Department of State, *2008 Trafficking in Persons Report*, 141.

¹¹⁰ Donald E. Weatherbee, *International Relations in Southeast Asia* (United Kingdom: Rowman & Littlefield Publishers, Inc., 2005), 179.

¹¹¹ *Ibid.*, 181.

¹¹² Ralf Emmers, Beth Greener-Barcham and Nicholas Thomas, "Institutional Arrangements to Counter Human Trafficking in the Asia Pacific," *Contemporary Southeast Asia*, vol. 28, no. 3 (2006), 503.

trafficking in 2007 and even fewer prosecutions.¹¹³ There is evidence of government officials and police officers in several regions of the country accepting bribes for protection and oversight of both sex and labor trafficking operations.¹¹⁴ Again, these circumstances encourage traffickers to continue, as the rewards far outweigh the potential costs of possible capture.

The final general cause that is present in Indonesia is not only the regional economic inequality within Southeast Asia, but also the highly uneven economic development that has taken place in the country of Indonesia itself. For several reasons following decolonization, Indonesia did not advance as quickly as some its neighbors in economic development. However, the country cannot be classified as one of the poorest countries in the region either. The poverty level in the country has remained relatively steady at 17% for the past several decades.¹¹⁵ Also, the country did not receive the same levels of foreign investment as other countries in the region did that were associated with a close relationship with the United States as other countries within the region did. As a result, Indonesia's economic development was slower and less evenly distributed across the many islands. This caused a significant number of citizens to migrate across the islands in search of employment in the areas that had begun to undergo industrialization and urbanization.¹¹⁶ These uneven economic levels have persisted throughout the country. As labor requirements for both industry and agriculture began to surpass the level of voluntary migration, there was a significant upswing in both internal trafficking from poorer islands in the country and cross border trafficking from poorer countries in the region.¹¹⁷

Although the level of sex trafficking in the country is relatively low in comparison with labor trafficking, there are still significant sex sectors located in the

¹¹³ U.S. Department of State, *2008 Trafficking in Persons Report*, 142.

¹¹⁴ Rosenberg, *Trafficking of Women and Children in Indonesia*, 146.

¹¹⁵ The World Bank Web Page, "Indonesia: Country Overview," http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/EASTASIAPACIFICEXT/INDONESIAEXTN/0,,contentMDK:20095968~menuPK:287079~pagePK:141137~piPK:141127~theSitePK:226309~isCURL:Y,00.html#Historical_Perspective.

¹¹⁶ Owen, *The Emergence of Modern Southeast Asia*, 437.

¹¹⁷ Academy for Educational Development humantrafficking.org Project Web Page, "Indonesia: Country Overview," <http://www.humantrafficking.org/countries/indonesia>.

more urbanized areas of Indonesia. There are an estimated 70,000 sex workers operating in the country.¹¹⁸ Like the other two countries examined in this thesis, Indonesia has also become a hub for sex tourism. While not the booming industry that can be found in Thailand or Cambodia, Indonesia's sex tourism industry developed following the growth of the traditional tourism industry that was promoted by the Indonesian government. The increasing ease and decreased cost of global travel led individuals from both Western and Asian countries in search of women and children with whom they could engage in illicit acts. Again, as in Thailand, the Indonesian government was wary of chastising the growth of the industry to openly for fear of losing much needed income.

In Indonesia, a unique cause of the level of women who were forced into sexual slavery during the sex tourism explosion of the 1960s and 1970s may be the unusually high divorce rates prevalent throughout the country in the 1950s and 1960s. With many divorced women lacking employment and a sound education, there were few options available to them other than to rely on unsavory characters and unregulated employment agencies to gain a source of income.¹¹⁹ This often resulted in women being forced into urban areas to work in the growing sex sectors. Although divorce rates are no longer at such high levels and, therefore, no account for the current level of trafficking, without these early victims, the sex tourism industry in Indonesia may not have developed to its current level.

Human trafficking in Indonesia has both similarities and differences with the other two countries that have been examined in this chapter. Although the sex sector and sex tourism may not be as prevalent in Indonesia as Thailand or Cambodia, the number of women forced into sexual slavery is still significant. The issues of regional and national economic inequality also plays an important role in the continuance of both labor and sex trafficking. The inability or lack of desire of the Indonesian law enforcement agencies to successfully patrol and prosecute those found trafficking and the ease of transit throughout the islands has also played an important role in the growth of trafficking in the country.

¹¹⁸ Rosenberg, *Trafficking of Women and Children in Indonesia*, 64.

¹¹⁹ Lim, *The Sex Sector*, 33.

F. CONCLUSION

In sum, this chapter has shown that the causes of human trafficking in Southeast Asia are both different and complex. No two countries share the same set of causes that can be successfully addressed by a single universal anti-trafficking policy. Although some causes are common across the region, each country faces a unique set of challenges to curtail the practice of human trafficking. Only through a thorough understanding of the universal, regional, and country specific causes present and the ability to successfully address each of these causes, will a country be able to create a successful anti-trafficking policy. In the next chapter, each of the three case study countries' current anti-trafficking policies will be analyzed to assess how successful each has been at incorporating an understanding of each of these issues.

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IV. COUNTRY ANTI-TRAFFICKING POLICY ANALYSIS

A. INTRODUCTION

This chapter will survey each of the three case study countries and assess the level of success that each has achieved in combating human trafficking. As has been shown in the previous two chapters, governments in each country must contend with different types of human trafficking. Their efforts are further complicated by the wide variety of causes from which trafficking arises. If policy makers choose to address only some of these causes, the success of their programs will be greatly diminished. It is critical that anti-trafficking policies are constructed to address the root causes of human trafficking, not just its symptoms. However, with the multitude of causes that are present in individual countries, achieving this can prove challenging. As a result, some governments have chosen policies that address only the most easily resolved and attention catching of these causes.

Most anti-trafficking policies have three main areas of focus: prosecution, prevention, and rehabilitation. Each of these areas has specific anti-trafficking measures associated with it. The area of prosecution focuses on the reporting and investigation procedures for reported trafficking and the criminal punishments associated with the crime. This area tends to be the most clearly defined and most easily tracked of the three. As a result, countries often tout prosecution data as evidence of their compliance with global anti-trafficking norms. Prevention refers to the measures taken by a country to stop trafficking before it begins. This is often centered on education programs and other interventions into populations that are susceptible trafficking. This is the area in which one should see the country's level of understanding of the universal and specific causes most clearly reflected in the overall anti-trafficking policy. The third aspect of most anti-trafficking policies is the rehabilitation of trafficked individuals. This area consists of education and skill-building programs for these individuals and assistance for them to find legal employment. Rehabilitation programs treat these individuals as victims, rather

than criminals, and are designed to limit the repetition of trafficking. This area should also reflect a government's level of understanding of the causes of trafficking in its country.

Each case study country section will begin with a brief history of anti-trafficking policies. This will give the reader an overview of how policy was developed and has evolved over time. Next, there will be a survey of the current anti-trafficking policy in use in the country. In this portion, the three areas of prosecution, prevention, and rehabilitation will be examined. Finally, each section will conclude with an analysis of the current policy.

Each policy will be analyzed in three ways. First, the policy will be examined to see if the countries have openly acknowledged that both labor and sex trafficking exist. This will be evaluated through an assessment of whether policymakers give equal attention to both types of trafficking or one is emphasized more heavily than the other. The second aspect to be examined is how well the policy makers have addressed the causes present within their country. This will be especially apparent within the rehabilitation and prevention portions of their anti-trafficking policy. Finally, this chapter will examine whether the policy in use in each country has managed to curtail the level of trafficking. Analysis of the impact of each country's policy will be based on recent estimates of trafficking levels, since no concrete data exist due to the secretive nature of human trafficking itself and the lack of sound data collection procedures around the world.¹²⁰

B. CAMBODIA

Due to the violent, conflict-ridden history from which the current Cambodian government emerged in the 1990s, it has struggled to establish its own power and rebuild basic government institutions. These struggles have affected the ability of those within the government to create a coherent national anti-trafficking policy. As a result, many past and present policies regarding this issue are disjointed and have not successfully

¹²⁰ Frank Laczko, Marco Gramegna, "Developing Better Indicators of Human Trafficking," *Brown Journal of World Affairs*, vol. 10, no. 1 (2003), 180.

addressed the multitude of causes in the country. Also, the government only recently enacted comprehensive anti-trafficking legislation that acknowledges the existence of labor trafficking and men as victims.

1. History of Anti-Trafficking Policy

The first piece of anti-trafficking legislation adopted in Cambodia was the Law on Suppression of Kidnapping, Trafficking, and Exploitation of Human Persons, which was enacted in 1996.¹²¹ This law focused solely on the victimization of women and children forced into sexual slavery. It did not acknowledge labor trafficking, nor did it clearly define the legal terminology associated with the overall practice of human trafficking. This omission left room for ambiguity regarding what could be considered trafficking, which allowed the government room to ignore or overlook instances of human trafficking. The law did lead to increased prosecution against those found conducting sex trafficking, but failed to set up protection and rehabilitation facilities for the victims of trafficking.¹²² As a result, victims were treated poorly and Cambodian officials relied heavily on the facilities of domestic or international NGOs to undertake the task of rehabilitation, rather than instituting government run organizations.¹²³ Finally, this policy did not address the area of prevention. This omission resulted in various government agencies acting in isolation when developing prevention measures. Numerous government agencies had overlapping prevention programs, leading to a great deal of inefficiency and lack of coverage for many of those vulnerable to human trafficking.¹²⁴

¹²¹ Takashi Yasunobu, “Combating Human Trafficking in Cambodia: Establishing a Legal Environment for the Effective Counter Trafficking Measure.” United Nations Inter-Agency Project on Human Trafficking in the Greater Mekong Sub-Region. <http://www.no-trafficking.org/content/pdf/combating%20ht%20in%20cambodia%20-%20legal%20environment%20for%20effective%20measure%202004.pdf>.

¹²² Ibid.

¹²³ United States Department of State Web Page, “2005 Trafficking in Persons Report,” <http://www.state.gov/g/tip/rls/tiprpt/2005/46613.htm>.

¹²⁴ UNIAP Web Page, *Cambodia*, <http://www.no-trafficking.org>.

2. Current Anti-Trafficking Policy

This legislation remained in effect until the enactment of the 2008 Law on the Suppression of Human Trafficking and Commercial Exploitation. Prior to its adoption, the Cambodian government had been under a great deal of pressure from both the United States and international anti-trafficking organizations to take on a larger role in the combating of human trafficking within the country.¹²⁵ Many stated that Cambodian officials were relying on outside organizations to handle the issue of trafficking rather than taking action themselves.¹²⁶ This current legislation and policy has made great advances in addressing the realities of trafficking within Cambodia, but still has significant flaws which will be discussed.

Most importantly, this new legislation has clearly defined what trafficking is and has acknowledged the other forms of human trafficking present in Cambodia.¹²⁷ These definitions removed the legal wiggle room under which the Cambodian government previously operated, making the scope of what is considered and prosecuted as trafficking within the country much wider. The legislation also ensures that all individuals exploited by traffickers, male or female, for labor or sex, will be recognized as victims. This guarantees that all trafficked individuals will be treated as victims, rather than criminals, making rehabilitation and prevention services available to them. Also, the law has expanded and increased the powers of police officers investigating and prosecuting trafficking.¹²⁸ Traffickers prosecuted under this legislation will find themselves subject to far more severe punishments than previously.¹²⁹ This increase in

¹²⁵ Eric Unmacht, "Cambodian Brothels Under Threat," *BBC News*, May 7, 2003, <http://news.bbc.co.uk/2/hi/asia-pacific/3007761.stm>.

¹²⁶ Yasunobu, *Combating Human Trafficking in Cambodia*, <http://www.no-trafficking.org>.

¹²⁷ Royal Kram 0208/005 of Cambodia, "Law on Suppression of Human Trafficking and Commercial Exploitation," http://www.no-trafficking.org/content/Laws_Agreement/cambodia%20new%20law%20on%20trafficking%20&%20sexual%20exploitation%20-%20english.pdf.

¹²⁸ United States Department of State, *2008 Trafficking in Persons Report*, 83.

¹²⁹ Royal Kram 0208/005 of Cambodia, *Law on Suppression of Human Trafficking and Commercial Exploitation*, <http://www.no-trafficking.org>.

punitive action was also extended to officials found to be complicit in the conducting of trafficking within the country. High-ranking officials in the Cambodian government have publicly stated a zero-tolerance policy on such acts of corruption.¹³⁰

The enactment of this legislation was coupled with the establishment of a national anti-trafficking task force. The goal of this organization is to improve interagency efforts at combating human trafficking.¹³¹ Previously, several government ministries had their own anti-trafficking policies, and the government lacked a comprehensive policy. The new task force will focus on the reduction of overlap between these agencies and coordinate the overall government effort, in hopes of providing a clearer picture on the actual level of progress against human trafficking being made in Cambodia.¹³² The task force will also focus on escalating law enforcement efforts through increased training of police forces and awareness campaigns.

Statistics regarding prosecution levels in Cambodia are often considered unreliable due to the level of government inefficiency. However, data released in the 2008 Trafficking in Persons (TIP) Report shows an increase in the overall level of prosecution within the country. Nearly all reported cases of sex trafficking were investigated and punitive action was taken against those found guilty. Investigations against complaints of labor trafficking were significantly fewer, with some investigations resulting in labor recruitment companies paying monetary fines rather than facing criminal punishment.¹³³ While there were fewer reported cases of labor trafficking, this data illustrates a clear trend in the country to focus heavily on those found conducting sex rather than labor trafficking.

Prevention efforts within the country have also increased with the passage of the comprehensive anti-trafficking legislation and the establishment of new policy. First, there has been an increased effort within the country to promote the level of women's and

¹³⁰ United States Department of State, *2008 Trafficking in Persons Report*, 83.

¹³¹ Marielle Sander-Linstrom, "Cambodia Tackles Human Trafficking," *Wall Street Journal Online*, June 12, 2008, <http://online.wsj.com/article/SB121321985362065761.html>.

¹³² Guy Delauney, "Trafficking Crackdown in Cambodia," *BBC News*, April 6, 2007, <http://news.bbc.co.uk/2/hi/asia-pacific/6532181.stm>.

¹³³ United States Department of State, *2008 Trafficking in Persons Report*, 83.

children's rights. The Ministry of Women's Affairs (MoWA) and the Ministry of Social Affairs, Veterans, and Youth (MoSVY) have initiated efforts to raise the level of awareness regarding human trafficking and providing rehabilitation and protection programs to the victims of trafficking.¹³⁴ These organizations have also begun organizing vocation training programs for those individuals vulnerable to the lures of traffickers.

The government has also undertaken efforts to reduce the sex tourism industry. The Ministry of Tourism (MoT) has begun producing and distributing pamphlets and information packages to incoming foreign tourists warning of the punishments that await those found committing illegal acts.¹³⁵ The MoT has also teamed with several NGOs to conduct workshops and training sessions educating those in the hospitality industry, instructing them on how to recognize and take action against instances of child sex tourism.¹³⁶ Finally, the MoT and NGOs have developed a program designed to protect the children in the sex tourism sectors of Cambodia from being drawn into brothels and exploited.¹³⁷

Rehabilitation efforts within the country have improved, but still rely heavily on support from outside organizations. The Cambodian government seems to have chosen to focus on prosecution and prevention measures rather than the rehabilitation of victims. The facilities for both internal and foreign trafficking victims in Cambodia are minimal, thereby limiting the services that victims receive upon rescue. Also, these facilities tend to be located near the large sex sectors rather regionally dispersed, further limiting access for individuals rescued from outside these urban areas.¹³⁸ Several of these facilities have recently come under international scrutiny as reports of violence and sexual abuse against

¹³⁴ UNIAP Web Page, *Cambodia*, <http://www.no-trafficking.org>.

¹³⁵ United States Department of State, *2008 Trafficking in Persons Report*, 84.

¹³⁶ Xinhua, "Cambodia Launches Tourism Documents to Combat Human Trafficking," *People's Daily Online*, August 28, 2007, <http://english.people.com.cn/90001/90777/6249450.html>.

¹³⁷ International Labour Organization (ILO) Web Page, "Booking the Tourism Sector for a Seat in Anti Trafficking Efforts," http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_099865.pdf.

¹³⁸ United States Department of State, *2008 Trafficking in Persons Report*, 84.

victims by police officials have begun to emerge.¹³⁹ There are vocational training and education programs offered by the NGOs, but the Cambodian government has begun developing these programs for themselves.¹⁴⁰

3. Policy Analysis

The new Cambodian legislation and policy has made advances in the recognition of both sex and labor trafficking. However, an institutional bias toward sex trafficking still remains. Although legal definitions have been established to acknowledge the existence of labor trafficking, the government has not adopted measures to pursue the prosecution, prevention, and rehabilitation of this type of trafficking. As evidenced by the lack of any labor trafficking complaints receiving criminal punishment in the previous year, Cambodian officials allow greater leeway for those found to be conducting labor trafficking.¹⁴¹ With reports of nearly 200,000 Cambodian laborers trafficked to Thailand and Malaysia, it is likely that the government had numerous opportunities to take action under the new legislation but simply failed to do so.¹⁴²

Also, as nearly all rehabilitation services are located in proximity to the sex sectors, any victims of trafficking that receive these services are likely to be found in this industry. Very few prevention programs within the country are addressed to the individuals who are likely to be trafficked for labor purposes. Government officials seem to have chosen to respond to the outcry of international organizations and the media regarding the high level of sex trafficking in Cambodia, especially the exploitation of children, rather than choosing to robustly combat human trafficking in the country.¹⁴³ As

¹³⁹ Agence France-Presse, "New Sex Law Brings Problems," *The Straits Times*, December 26, 2008, http://www.straitstimes.com/Breaking%2BNews/SE%2BAsia/Story/STIStory_318576.html.

¹⁴⁰ United States Department of State, *2008 Trafficking in Persons Report*, 84.

¹⁴¹ *Ibid.*, 83.

¹⁴² Integrated Regional Information Networks (IRIN), "Cambodia: Human trafficking likely to increase," <http://www.unhcr.org/refworld/docid/48d203d51e.html>.

¹⁴³ *BBC News*, "Cambodia Pressed Over Sex Trade," August 21, 2002, <http://news.bbc.co.uk/2/hi/asia-pacific/2207321.stm>.

this is the area in which the Cambodian government has received the greatest criticism, this bias is likely to continue until equal attention is placed on the plight of victims of labor trafficking.

Cambodia's current anti-trafficking policy responds mainly to the causes that are generally associated with sex trafficking. The current policy does a good job of addressing the causes of sex tourism through its use of awareness campaigns for not only the foreign tourists entering the country, but also by building prevention programs that are aimed at the vulnerable groups in the country. With over 30,000 workers within the tourism sector trained and over 700 tourism establishments willing to participate in monitoring, these awareness programs have reached a significant portion of the tourism sector in the busiest sex tourism areas of the country.¹⁴⁴ Also, by attempting to raise the level of women and children's rights through countrywide education programs and having advocates of these vulnerable groups present within the government, the government has begun to deal with the challenging issue of minority rights.¹⁴⁵ The country has also implemented programs focused on the rebuilding of Cambodian society, which will aid in combating human trafficking. Programs promoting Khmer values and Cambodian national spirit are critical in reversing the societal dislocation that occurred during the decades of conflict within the country.¹⁴⁶

The country has not been as successful at addressing many of the universal and specific causes associated with labor trafficking, such as globalization, poverty, and uneven regional industrial development. The push-pull mechanisms of poverty are prevalent across the underdeveloped countryside, but the majority of prevention programs in Cambodia are centralized on the sex sectors within urban centers. Although the government is attempting to form regional anti-trafficking organizations, the local governments in these provinces often lack the resources and expertise necessary to

¹⁴⁴ ILO Web Page, *Booking the Tourism Sector for a Seat in Anti Trafficking Efforts*, <http://www.ilo.org>.

¹⁴⁵ Strategic Information Response Network Web Page, *Cambodia: Human Trafficking Data Sheet*, <http://www.no-trafficking.org>.

¹⁴⁶ United States Department of State, *2008 Trafficking in Persons Report*, 83.

undertake such expansive and expensive programs.¹⁴⁷ Also, as the country's economic growth has been slow and uneven, there is still a great pressure for Cambodians to migrate to other more developed countries in Southeast Asia. The country continues to allow labor recruitment organizations to operate, even though many are known as a source of trafficking and have been investigated as such.¹⁴⁸ Finally, despite its efforts, Cambodia has been unable to overcome the corruption present in the judicial system. There has been some increased prosecution and punishment of those found implicit in trafficking.¹⁴⁹ However, in a country with notoriously high corruption levels, being ranked with an index of 1.8 out of 10, it is unlikely these few reported cases are the only that occurred during the reporting time period.¹⁵⁰

Due to the current inability of the Cambodian government to accurately track the level of trafficking in the country, it is difficult to judge if its anti-trafficking policy has been successful.¹⁵¹ As numerous agencies receive complaints and conduct investigations, it is challenging to assess the overall level of trafficking within the country.¹⁵² Despite these difficulties, it seems that the current policy has been somewhat successful and will likely continue to improve as the national task force becomes more involved in streamlining the overall anti-trafficking effort in Cambodia. In sex trafficking, advances have been made. There is no doubt that Cambodia has taken a tougher stance against child sex trafficking. Also, as women's rights and vocational programs become more widely available, the vulnerability of the uneducated women and children within the country will decrease. In the case of labor trafficking, it seems unlikely if the new anti-trafficking policy has had any real effect. While it is good that the existence of labor trafficking has been recognized within the country, the reality of

¹⁴⁷ United States Department of State, *2008 Trafficking in Persons Report*, 84.

¹⁴⁸ Academy for Educational Development humantrafficking.org Project Web Page, "Publications: Exploitive Brokering Practices in Cambodia," <http://www.humantrafficking.org/publications/543>.

¹⁴⁹ Khortieth Him, "Cambodian Police Involved in Child Sex Trafficking," *Asia Calling*, December 1, 2007, <http://asiacalling.kbr68h.com/index.php/archives/1048>.

¹⁵⁰ Transparency International Web Page, "2008 Corruption Perception Index," http://www.transparency.org/news_room/in_focus/2008/cpi2008/cpi_2008_table.

¹⁵¹ Strategic Information Response Network Web Page, *Cambodia: Human Trafficking Data Sheet*, <http://www.no-trafficking.org>.

¹⁵² United States Department of State, *2008 Trafficking in Persons Report*, 83.

minimal investigation and prosecution leads many to question if Cambodia truly considers this to be an issue. It seems that Cambodia has acknowledged the existence of the practice in response to complaints by international labor organizations, but has little intention of acting on these new definitions.

Cambodia's new, comprehensive anti-trafficking legislation is clearly a step forward from the previous policies. Its new policy has addressed some of the causes of human trafficking more clearly and, as a result, prevention programs are more accurately tailored. Also, the country has taken a somewhat harder stance on prosecution, with the punishment associated with the crime of trafficking increased and more widespread enforcement of these punishments. However, the prosecution is still clearly biased toward the practice of sex trafficking. Also, despite the best efforts of the government, there are still significant challenges that the Cambodian government needs to address.

C. THAILAND

Due to Thailand's long history of intervention in the sex industry, it is not surprising that the country's anti-trafficking legislation and policy are more advanced and have been in existence much longer than those of most other Southeast Asian countries. Driven by the HIV/AIDS epidemic of the 1990s, the country has been quick to respond to the challenges of sex trafficking and the health effects associated with it.¹⁵³ Also, due to the prevalence of NGO support, Thailand has been a leader in women's rights. Several important global anti-trafficking organizations, such as the Global Alliance Against Trafficking in Women (GAATW), are based out of Thailand.¹⁵⁴ Despite this history, the country has not been as successful at addressing the challenges associated with labor trafficking and there is still room for improvement in its sex trafficking policies.

¹⁵³ Beyrer, *Accelerating and Disseminating Across Asia*, 221.

¹⁵⁴ Global Alliance Against Trafficking in Women Web Page, "Home," <http://www.gaatw.org/>.

1. History of Anti-Trafficking Policy

Thailand first recognized the presence of trafficking with the 1928 Trafficking in Women and Girls Act.¹⁵⁵ This legislation aimed to reduce the number of women and girls forced into prostitution, in hopes of lessening the occurrence of sexually transmitted diseases. This was replaced in 1997 with the Prevention and Suppression of Trafficking in Women and Children Act. This law greatly expanded the prosecution and severity of penalties associated with human trafficking.¹⁵⁶ However, the law remained focused solely on the sexual exploitation of women and children, completely ignoring men or those trafficked for labor purposes as victims.¹⁵⁷ As with the previous law, this act was aimed at the reduction of sexually transmitted diseases rather than responding to trafficking as a human rights violation. Although there was a Labor Protection Act passed in 1998, this did not directly address the issue of labor trafficking. Instead the law advocated the voluntary practice of temporary registration for those illegal migrants found within the country.¹⁵⁸ The actual level of enforcement for these laws was minimal, with numerous reported incidents of government official involvement in trafficking schemes and multiple counts of abuses against illegal migrant workers.¹⁵⁹ Also, the legislation and policy did not provide for any increase in prevention or rehabilitation measures. With growing international attention placed on human trafficking, Thailand came under increased pressure to revise its legislation and take a tougher stance against the issue.¹⁶⁰

¹⁵⁵ Physicians for Human Rights, *No Status*, 46.

¹⁵⁶ *Ibid.*, 46.

¹⁵⁷ Royal Law B.E. 2540 of Thailand, "Measures in Prevention and Suppression of Trafficking in Women and Children Act," <http://www.baliprocess.net/Files/Legislation/Q-Z/ThailandTrafficking.pdf>.

¹⁵⁸ Physicians for Human Rights, *No Status*, 46.

¹⁵⁹ Public Broadcasting Service Wide Angle Web Page, "Dying to Leave, Human Trafficking Worldwide: Thailand," *Public Broadcasting Service*, <http://www.pbs.org/wnet/wideangle/episodes/dying-to-leave/human-trafficking-worldwide/thailand/1464/>.

¹⁶⁰ Jonathon Head, "New Trafficking Law for Thailand," *BBC News*, June 5, 2008, <http://news.bbc.co.uk/2/hi/asia-pacific/7437016.stm>.

2. Current Anti-Trafficking Policy

In 2007, the Thai government passed its comprehensive anti-trafficking law, the Prevention and Suppression of Human Trafficking Act. However, the implementation of this new legislation was somewhat delayed by the governmental upheaval occurring in the country at the time.¹⁶¹ This act recognizes the existence of both sex and labor trafficking and extends the status of victim to males, something not present in previous legislation.¹⁶² Also, this new law significantly increases the penalties associated with the crime.¹⁶³ The new law also directly addresses government corruption, with those within government found to be involved in trafficking schemes susceptible receiving double or even triple punishment.¹⁶⁴ There are also increases in the level of assistance that will be provided to those individuals rescued from trafficking.¹⁶⁵

Within the Thai government, the Ministry of Social Development and Human Security leads the development of anti-trafficking policy and coordination with other government organizations aiding in combating trafficking.¹⁶⁶ This has led to a greater level of efficiency in the areas of prosecution, prevention, and rehabilitation. Based on the new legislation, the Ministry of Labor has released new guidelines regarding the

¹⁶¹ Pennapa Hongthong, "New Law on Trafficking," *The Nation*, October 1, 2007, http://www.nationmultimedia.com/2007/10/01/national/national_30050827.php.

¹⁶² Patcharawalai Wongboonsin, "Legislative Regimes Against the Trafficking of Underage Prostitutes in Thailand," *Thai World Affairs Center*, http://www.thaiworld.org/upload/question/file_735.pdf.

¹⁶³ Oratai Junsuwanaruk, "Thailand: Liberation from Modern Day Slavery," *World Vision Asia Pacific*, <http://wvasiapacific.org/media-releases/thailand-liberation-from-modern-day-slavery.html>.

¹⁶⁴ Wongboonsin, *Legislative Regimes Against the Trafficking of Underage Prostitutes in Thailand*, <http://www.thaiworld.org>.

¹⁶⁵ Strategic Information Response Network (SIREN) Web Page, "Thailand: Human Trafficking Data Sheet," United Nations Inter-Agency Project on Human Trafficking in the Greater Mekong Sub-region, http://www.no-trafficking.org/content/SIREN/SIREN_pdf/thailand%20siren%20data%20sheet%20october%202008.pdf.

¹⁶⁶ The Government Public Relations Department Web Page, "Thailand's First Anti-Trafficking in Persons Act Has Come into Force," http://thailand.prd.go.th/view_inside.php?id=3495.

investigation and prosecution of labor trafficking.¹⁶⁷ The Thai government still relies greatly on aid from outside sources, but has begun to develop government-run prevention and rehabilitation programs.¹⁶⁸

Under the new policy, prosecution within the country has increased. In the 2008 TIP Report, the Thai government reported over 140 cases of sex trafficking that were investigated and prosecuted, up from the 88 reported the previous year.¹⁶⁹ Also, for the first time, Thailand reported the investigation of trafficking that resulted the identification of men as victims of labor trafficking.¹⁷⁰ The Thai government has also begun to investigate several labor recruitment organizations for the use of illegal practices. Despite these promising investigation efforts, no labor trafficking cases have resulted in criminal punishment for those found guilty.

Prevention efforts have also increased in response to the new legislation and policy. The Thai government has undertaken expansive awareness campaigns across the country, focusing on safe migration practices and integrating the importance of human rights into general education.¹⁷¹ There have also been poverty alleviation campaigns developed within the underdeveloped regions of the country.¹⁷² Sex tourism has also received some increased attention. Upon arrival, foreign tourists receive information regarding the high traffic sex sectors within the country and the penalties that are associated with criminal acts in Thailand.¹⁷³ However, these efforts are mainly focused at the reduction of child prostitution, rather than curtailing the overall sex tourism industry.¹⁷⁴ The country has also recognized the realities of the uneven regional

¹⁶⁷ United States Department of State, *2008 Trafficking in Persons Report*, 244.

¹⁶⁸ The Government Public Relations Department Web Page, *Thailand's First Anti-Trafficking in Persons Act Has Come into Force*, <http://thailand.prd.go.th>.

¹⁶⁹ United States Department of State, *2008 Trafficking in Persons Report*, 244.

¹⁷⁰ *Ibid*, 244.

¹⁷¹ SIREN Web Page, *Thailand: Human Trafficking Data Sheet*, <http://www.no-trafficking.org>.

¹⁷² International Programme on the Elimination of Child Labor, "Where We Work: Thailand," International Labor Organization, <http://www.ilo.org/public/english/region/asro/bangkok/child/trafficking/wherewework-thailanddetail.htm>.

¹⁷³ United States Department of State, *2008 Trafficking in Persons Report*, 245.

¹⁷⁴ Karen Emmons, "Child Protection in Thailand," *Tourism Authority of Thailand*, February 1, 2007, <http://www.tatnews.org/emagazine/3281.asp>.

development and its implications on human trafficking. The Thai government has been working with many regional organizations to increase awareness regarding safe migration practices in the underdeveloped countries in Southeast Asia. Thai officials have also begun liaising directly with other governments in the region to curtail illegal migration.¹⁷⁵

Finally, rehabilitation efforts within the country have also been increased by the new legislation and policy. Most of the programs established have been focused on the prevention of re-trafficking of victims. These programs offer various services to increase the victim's level of education and vocational skills. All female trafficking victims, whether Thai or foreign, are now offered shelter and rehabilitation services upon their rescue.¹⁷⁶ In most centers, these women are provided medical care, both physical and psychological, and access to vocational training programs and legal assistance.¹⁷⁷ There are currently seven shelters, which are located regionally, run by the government to assist victims of trafficking.¹⁷⁸ For foreign victims of trafficking, repatriation networks have been established so these individuals are properly returned to their home countries.¹⁷⁹ The Thai government has also established overseas protection and rehabilitation measures to ensure that Thai citizens found trafficked abroad will be returned safely home and reintegrated into society.¹⁸⁰

3. Policy Analysis

Current anti-trafficking policy and legislation has acknowledged the existence of labor trafficking, but there is still room for significant improvement in the actual imposition of this. There have been even more investigations into labor trafficking with

¹⁷⁵ International Programme on the Elimination of Child Labor, *Where We Work*, <http://www.ilo.org>.

¹⁷⁶ United States Department of State, *2008 Trafficking in Persons Report*, 245.

¹⁷⁷ United States Agency of International Development Web Page, "The Rehabilitation of Victims of Trafficking in Group Residential Facilities in Foreign Countries," http://pdf.usaid.gov/pdf_docs/PNADK471.pdf.

¹⁷⁸ United States Department of State, *2008 Trafficking in Persons Report*, 245.

¹⁷⁹ SIREN Web Page, *Thailand: Human Trafficking Data Sheet*, <http://www.no-trafficking.org>.

¹⁸⁰ *Ibid.*

several arrests than previously.¹⁸¹ However, with estimates of the number of trafficked men working in the fishing industry alone in the thousands, these few cases of criminal punishment are minimal when considering the scale of the problem.¹⁸² Also, as many of the rehabilitation measures available have not been extended to male victims and labor victims are not offered the same legal right to confront their previous exploiter, there is little evidence to support this new stance against labor trafficking that Thailand has purportedly taken.¹⁸³ As a result, although the country has acknowledged its existence, the actions taken in response to reported cases of labor trafficking lead to questions regarding how successful this aspect of the policy is.

In addressing the causes of trafficking, Thailand has achieved some level of success, both in Thailand and across the region of Southeast Asia. These actions should aid in the reduction of the overall level of trafficking within the country. Thailand has openly begun to tackle the challenging issue of poverty and uneven regional development. Through the establishment of poverty alleviation programs in Thailand and the Thai involvement in awareness campaigns in other countries, the Thai government has taken on a leading role in the issue of human trafficking. By participating in several regional anti-trafficking organizations, such as the Bali Process and the Coordinated Mekong Ministerial Initiative Against Trafficking (COMMITT), and reaching bi-lateral agreements with several of its neighbors, Thailand is taking steps to limit illegal cross-regional migration.¹⁸⁴ Through the utilization of overseas rehabilitation facilities for Thai citizens, the country is ensuring that those who are returned to Thailand will not find themselves in the same conditions which led them to be trafficked. Also, by offering services to foreign victims prior to repatriation, the Thai government is minimizing the chances of re-trafficking. The Thai government has begun incorporating the issue of

¹⁸¹ Usa Pichai, "Two Human Traffickers Arrested in Thailand," *Mizzima*, April 5, 2009, <http://www.mizzima.com/news/regional/1936-two-human-traffickers-arrested-in-thailand.html>.

¹⁸² Hongthong, *New Law on Trafficking*, <http://www.nationmultimedia.com>.

¹⁸³ United States Department of State, *2008 Trafficking in Persons Report*, 244.

¹⁸⁴ Noracht Sinhaseni, "Thailand," (Statement at the Vienna Forum to Fight Human Trafficking, Vienna, Austria, February 13-15, 2008), <http://www.ungift.org/docs/ungift/pdf/vf/statements/Thailand.pdf>.

human rights into school curriculums, thereby ensuring that Thai students understand what a challenging and important issue human trafficking is.¹⁸⁵

There are some causes that Thailand has not addressed as well. The country has mainly focused on the alleviation of child prostitution rather than the reduction of the overall sex tourism industry. There have only been occasional raids on known brothels and few efforts to impress upon those within the hospitality industry the importance of human rights.¹⁸⁶ Although there has been increased prosecution under the new law, 144 arrests in an industry estimated between 300,000 and 1 million workers is insignificant.¹⁸⁷ Also, by not enforcing labor trafficking standards more thoroughly, businesses that rely on or facilitate forced labor are not deterred from continuing exploitive practices, discussed earlier as the pull of poverty.

Due to its recent implementation, it is difficult to assess if Thailand's new anti-trafficking policy and legislation have been successful at reducing the level of human trafficking within the country. Evidence shows that there has been an increase in investigation and prosecution of sex trafficking cases and labor trafficking is receiving greater attention than it had previously, but given the scale of trafficking within the country, it is unclear how significant this increase truly is. The reduction of sex tourism has not received as much attention as it warrants and significant action against labor trafficking is lacking. Rehabilitation and prevention programs have been increased and expanded as a result of the new policy and are likely to have a great effect in the future as they address many of the causes present within the country.

The new anti-trafficking legislation and policy in Thailand indicates a step forward in the country's fight against human trafficking. As one of the leading countries in the region, the Thai government has established itself as an example in anti-trafficking policy for other Southeast Asian governments. These new measures have not only increased prosecution, but have led to the development of prevention and rehabilitation

¹⁸⁵ SIREN Web Page, *Thailand: Human Trafficking Data Sheet*, <http://www.no-trafficking.org>.

¹⁸⁶ United States Department of State, *2008 Trafficking in Persons Report*, 244.

¹⁸⁷ Kate McGeown, "Life as a Thai Sex Worker," *BBC News*, February 22, 2007, <http://news.bbc.co.uk/2/hi/asia-pacific/6360603.stm>.

measures. Although there is still room for growth, especially in regard to labor trafficking, the country has overall made advances in combating this challenging problem.

D. INDONESIA

As Indonesia has been most affected by the practice of labor trafficking, one would expect this country to be a leader in the fight against this form of exploitation.¹⁸⁸ However, this is not the case. The country has chosen to focus mainly on curtailing sex trafficking, only acknowledging labor trafficking as a crime within the past few years. The country has also struggled to ensure the implementation of its current legislation across the vast, disconnected countryside. While the country has made some advances in its fight against human trafficking, there are still areas that warrant attention, and the overall bias of the current policy needs to be shifted.

1. History of Anti-Trafficking Policy

Indonesia did not have any comprehensive anti-trafficking legislation in place prior to the enactment of the current law. Although there were related laws that focused on punishing sexual exploitation of women and children, there was nothing that clearly acknowledged human trafficking as a problem.¹⁸⁹ In 2003, the country enacted a law specifically focused on the trafficking of children and established an anti-corruption team to investigate reports of government official involvement in trafficking schemes.¹⁹⁰ However, neither law provided a clear legal precedence defining trafficking and establishing what punishments were associated with the crime. Beginning in 2004, regional governments within the country began adopting their own anti-trafficking legislation and funding anti-trafficking programs.¹⁹¹ However, without a comprehensive

¹⁸⁸ United States Department of State, *2008 Trafficking in Persons Report*, 141.

¹⁸⁹ United States Department of State Web Page, “2002 Trafficking in Persons Report,” <http://www.state.gov/g/tip/rls/tiprpt/2002/10680.htm>.

¹⁹⁰ United States Department of State Web Page, “2003 Trafficking in Persons Report,” <http://www.state.gov/g/tip/rls/tiprpt/2003/21276.htm>.

¹⁹¹ United States Department of State Web Page, *2005 Trafficking in Persons Report*, <http://www.state.gov>.

national law upon which the principalities could refer, these local laws were often disjointed and focused on a single issue, rather than on the overall challenge of human trafficking. As a result of increased international pressure and negative publicity associated with several high profile trafficking cases between Indonesia and Australia, the Indonesian government began developing new anti-trafficking legislation.¹⁹²

2. Current Anti-Trafficking Policy

The Parliament of Indonesia began constructing the current law and policy in 2003. After nearly four years of debate, the Suppression of the Criminal Act of Trafficking in Persons Law was enacted in April 2007.¹⁹³ This was the first piece of national legislation which explicitly defined the act of human trafficking and provided a legal base for anti-trafficking efforts within the country.¹⁹⁴ The law acknowledged all forms of human trafficking, including labor trafficking and recognized males as victims. Also, the law significantly increased the punishment associated with the act of trafficking, establishing a minimum six year jail sentence for the crime.¹⁹⁵ The new legislation states that all individuals rescued from trafficking will be recognized as victims.¹⁹⁶ Finally, the law has directed all associated government agencies to begin budgeting resources to the areas of prevention and rehabilitation.¹⁹⁷

Along with this new legislation, the Indonesian government has begun coordinating anti-trafficking efforts among government ministries. The leading government ministry is the Ministry of Women Empowerment, which works in cooperation with the Indonesian Police and Ministries of Social Affairs, Manpower, and

¹⁹² Emmers, Greener-Barcham Thomas, *Institutional Arrangements to Counter Human Trafficking in the Asia Pacific*, 503.

¹⁹³ International Catholic Migration Mission Web Page, "Passage of Anti-Trafficking Bill in Indonesia," <http://www.icmc.net/pdf/indonesia-anti-trafficking-law.pdf>.

¹⁹⁴ Rizal Sukma, "The Securitization of Human Trafficking in Indonesia," *RSIS Working Papers*, no. 162 (2008), 15.

¹⁹⁵ International Catholic Migration Mission Web Page, *Passage of Anti-Trafficking Bill in Indonesia*, <http://www.icmc.net>.

¹⁹⁶ Ibid.

¹⁹⁷ Ibid.

Transmigration and several NGOs and international organizations.¹⁹⁸ These agencies have created a standard operating procedure for the recovery and rehabilitation of trafficking victims.¹⁹⁹ This new procedure has been instrumental in creating a uniform response to human trafficking complaints across the country. Also, the new legislation has mandated that all district and provincial governments create and maintain local anti-trafficking task forces.²⁰⁰ These task forces not only prosecute trafficking within their area of responsibility, but also fund and direct services provided to victims of trafficking.

In the area of prosecution, the new law and policy has significantly increased the level of investigation and punishment, especially against sex trafficking. Under the new law, arrest of traffickers increased 77 percent from the previous year, with over 250.²⁰¹ No investigations or prosecutions of labor trafficking cases have been reported. The Indonesia anti-trafficking effort continues to struggle with internal corruption among local police officials.²⁰² Although there were numerous investigations into officials accepting bribes or facilitating trafficking, there were no criminal punishments doled out, only administrative punishment or reassignment.²⁰³

Prevention measures have also increased in response to the new policy, but only minimally. Indonesia continues to rely heavily on outside organizations to conduct awareness campaigns across the country and many of the prevention efforts in the country are under outside direction rather than mandated by the national government.²⁰⁴ There have been minimal efforts to reduce the sex tourism industry, through occasional

¹⁹⁸ Sukma, *The Securitization of Human Trafficking in Indonesia*, 15.

¹⁹⁹ *Ibid.*, 16.

²⁰⁰ *Ibid.*

²⁰¹ United States Department of State, *2008 Trafficking in Persons Report*, 142.

²⁰² *The Jakarta Post*, "Corruption Rate Stays High Despite Measures," August 25, 2008, <http://www.thejakartapost.com/news/2008/08/25/corruption-crime-rate-stays-high-despite-measures.html>.

²⁰³ United States Department of State, *2008 Trafficking in Persons Report*, 142.

²⁰⁴ International Organization for Migration, Indonesia Web Page, "Combating Human Trafficking in Indonesia," International Organization for Migration, [http://www.iom.or.id/project/eng/fs/CTU%20fact%20sheet-May2008\(eng\)-lo.pdf](http://www.iom.or.id/project/eng/fs/CTU%20fact%20sheet-May2008(eng)-lo.pdf).

raids on brothels and small scale workshops focused on minimizing child sex tourism.²⁰⁵ There has also been increased national media coverage regarding cases of human trafficking across the country, but this increased attention has not been coupled with awareness campaigns run by the national government.²⁰⁶ There are no known efforts being undertaken by the Indonesian government to address problems associated with labor trafficking. Finally, the funds allocated for prevention measures within the country are extremely low. The leading anti-trafficking ministry, the Ministry of Women Empowerment, was only given 0.06 percent of the 2007 national budget with an unknown amount of this being directed to anti-trafficking efforts.²⁰⁷

Under the new policy, the protection and rehabilitation of victims has increased, but again, there is still room for further improvement. In some areas of the country, trafficking victims are still being treated as criminals, arrested alongside of those conducting trafficking.²⁰⁸ Many times, women and children found in the sex sector are simply arrested and deported, with no attempts made to determine if these individuals are victims of human trafficking. As with prevention, the rehabilitation measures in place within the country are mainly run and funded by NGOs rather than the national government. These organizations offer some services, such as shelter and medical aid, available to victims of trafficking.²⁰⁹ However, these services are extremely limited and are not able to handle the current level of victims present within the country.²¹⁰ The government has begun to respond to the needs of overseas Indonesians who have been

²⁰⁵ Child Wise Tourism, ed., “2007 ASEAN Child-Sex Tourism Review,” End Child Prostitution, Child Pornography, and Trafficking of Children for Sexual Purposes, <http://www.ecpat.se/upl/files/3146.pdf>.

²⁰⁶ Triwik Kurniasari, “Group Calls for More Attention on Human Trafficking,” *The Jakarta Post*, January 3, 2009, <http://www.thejakartapost.com/news/2009/01/03/group-calls-more-attention-human-trafficking.html>.

²⁰⁷ Sukma, *The Securitization of Human Trafficking in Indonesia*, 18.

²⁰⁸ United States Department of State, *2008 Trafficking in Persons Report*, 143.

²⁰⁹ International Organization for Migration, Indonesia Web Page, “Project Summary: November 2005,” International Organization for Migration, <http://www.iom.int/unitedstates/Events/PDF/IOM%20Indonesia%20Project%20Summary%202005.pdf>.

²¹⁰ United States Department of State, *2008 Trafficking in Persons Report*, 143.

exploited by traffickers. Victims from overseas are now receiving medical care, education services, and financial compensation upon their return to the country, in hopes of lowering their chances of re-trafficking.²¹¹

3. Policy Analysis

Although Indonesia has acknowledged the existence of labor trafficking and has committed itself to combating it, actual action taken by the government is nonexistent. The country has not openly acknowledged labor trafficking as an issue when dealing with other countries within the region. In its dealings with Malaysia, Indonesia actually promoted practices that increase the vulnerability of Indonesian citizens who travel into the country to act as laborers, rather than working with the government to increase the safety of its own citizens.²¹² There have been no investigations into complaints of labor trafficking within Indonesia. Also, the country has allowed the continued existence of labor recruitment organizations, even though these are a known source of trafficking.²¹³ These licensed and unlicensed organizations have been allowed to continue their business with almost no government intervention. This government inaction lessens the deterrence value of the new legislation. Indonesia's commitment to the curtailing of labor trafficking is in word only.

Indonesia's new anti-trafficking policy shows almost no knowledge or consideration of the causes present within the country. First, in the realm of labor trafficking, the country has not addressed any of the universal and specific causes that are prevalent throughout the country. As the government relies almost entirely on outside organizations for prevention and rehabilitation, there is little evidence to suggest that the policy makers took any of these causes into account when creating the new legislation. The country has not acknowledged the issues of the economic disparity present within the

²¹¹ United States Department of State, *2008 Trafficking in Persons Report*, 143.

²¹² Reuters AlertNet, "Indonesia, Malaysia: Overhaul Labor Agreement on Domestic Workers," Embassy of Indonesia at Ottawa, February 21, 2007, http://www.indonesia-ottawa.org/information/details.php?type=news_copy&id=3653.

²¹³ National Portal, Republic of Indonesia Web Page, "SBY Wants Legal Protection for Migrant Workers," http://www.indonesia.go.id/en/index.php?option=com_content&task=view&id=7375&Itemid=701.

country itself or the region of Southeast Asia. The Indonesian government continues to encourage the practice of Indonesians travelling overseas to find employment and has allowed questionable labor organizations to continue without intervention.²¹⁴ Also, the country has not acknowledged the issue of the lack of legal documentation that affects many of the Indonesian impoverished. Many of these individuals are still required to seek the aid of labor organizations to obtain falsified documents to find some type of employment.²¹⁵ Also, the prevalence of illegal ports allows traffickers multiple transit options. One island alone has reported the presence of over 40 illegal access points.²¹⁶ The country has also not taken significant actions to address the causes of sex trafficking within the country. It has not implemented the awareness campaigns within the sex tourism sectors that many other countries have. Although there has been some small scale engagement in some popular tourist districts, these actions are not widespread enough to have a lasting impact. Also, due to the known level of corruption associated with sex trafficking, there is little incentive for those conducting trafficking to stop.

By looking solely at prosecution data, it would appear that Indonesia's new anti-trafficking law and policy has been extremely successful. There have been significant increases in investigation, arrests, and prosecution since its passing. However, on closer inspection, this improvement is limited and will have little impact on the actual curtailing of trafficking within the country. With an estimated 100,000 women and children trafficked for sex purposes each year, prosecution must significantly increase.²¹⁷ By not establishing sound prevention practices based on the causes present within the country, Indonesia will be unable to reduce human trafficking. The country will continue to be respond to the results of human trafficking only, rather than addressing the issue at its roots. As a result, it is unlikely there will be any appreciable decrease in the actual level

²¹⁴ Graeme Hugo, "Indonesia's Labor Looks Abroad," *Migration Information Source*, April 2007, <http://www.migrationinformation.org/Profiles/display.cfm?ID=594>.

²¹⁵ United States Department of State, *2008 Trafficking in Persons Report*, 142.

²¹⁶ *The Jakarta Post*, "41 Illegal Ports in Batam Make Way for Illegal Entry," April 08, 2009, <http://www.thejakartapost.com/news/2009/04/08/41-illegal-ports-batam-make-way-illegal-entry-authorities.html>.

²¹⁷ United Nations Children's Fund Web Page, "At a Glance: Indonesia," http://www.unicef.org/infobycountry/indonesia_23650.html.

of trafficking within the country. It appears that Indonesia has chosen to minimally respond to the international criticism it has received. Instead of creating a policy that will actually lead to results, the country has increased its prosecution in key areas to remove the spotlight from the issues present within the country.

As one of the largest trafficking hubs in Southeast Asia, Indonesia's new legislation and policy should have been a beacon for the rest of the region.²¹⁸ Instead, the country has chosen a superficial response to the problem and has not addressed the root causes present. Indonesia has only minimally responded to the presence of sex trafficking, and even these responses have been targeted to deflect international criticism. As a result, Indonesia is likely to remain one of the major trafficking centers in the region.

E. CONCLUSION

To conclude, this chapter has examined and assessed the anti-trafficking policies of the three case study countries. Each country's program is unique. All three countries continue to struggle to find the most effective manner in which to address the challenges of labor trafficking. Although all three have acknowledged the problem, none has been able to take significant action to deter this sort of trafficking. Also, all three countries struggled to address all the universal and specific causes present within the country. Thailand and Cambodia addressed a significant portion, while Indonesia has failed to address even a few. It is clear that future policies within these countries need to take a harder look at these causes and ensure that they are more thoroughly addressed. Finally, in each case, it was difficult to judge the level of success of each policy, as policies in all three countries were relatively new.

²¹⁸ *CNN.com*, "Factbox: Human Trafficking in Southeast Asia," March 3, 2002, <http://edition.cnn.com/2002/WORLD/asiapcf/auspac/03/01/smuggling.fact.region/index.html>.

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V. CONCLUSION

A. INTRODUCTION

As the past three chapters have shown, human trafficking is a complex and multi-faceted human rights issue that has a significant impact on the entire world. This thesis explored the causes of human trafficking and how each country has responded to these causes in their national policy. This thesis also examined how the causes for labor and sex trafficking differ and if these differences require specialized policies. To conclude, this chapter will briefly summarize the findings of this thesis. There will also be an examination of the United States' anti-trafficking policy for its effects on the case study countries. Finally, this chapter will offer policy recommendations for each country.

B. OVERVIEW

This thesis has shown that the causes of human trafficking within Southeast Asia are numerous. These causes are best divided into two distinct categories, universal and specific. The universal causes are broad social issues which have multiple affects outside human trafficking. The major universal causes that were discussed were poverty, globalization, the sex tourism industry, women's rights and general global education levels. Many of these universal causes interact with one another, magnifying the effects in regards to human trafficking. This is especially true of the relationship between poverty and globalization, with globalization significantly amplifying the effects of the push-pull mechanism of poverty. All of these universal causes discussed have no simple solutions in regard to human trafficking. For some causes, no solution exists. However, a thorough understanding of how these causes relate to human trafficking will aid government officials in the creation of successful policies.

The unique causes also play an important role in the continuance of human trafficking. These causes often relate to the history and culture of a specific region or country. In the case of Southeast Asia, the sex tourism industry was heavily influenced by the presence of American troops over several decades. Also, the uneven industrial development of the Southeast Asian region played a critical role in the growth of human

trafficking. As each of the three countries surveyed has a unique trafficking profile, it was not surprising that the causes in each were different. For specific countries, causes such as the tumultuous history of Cambodia or the island landscape of Indonesia must be addressed in anti-trafficking policy. In all three countries, it was clear that the universal causes also played an important role in the growth of human trafficking, but the manifestation of these causes varied significantly.

Not only do the causes of trafficking differ with each country, but the thesis also found that the causes differ depending on the type of trafficking occurring. Labor trafficking in the region has been heavily influenced by the uneven regional development, with businesses in economically flourishing nations relying on trafficked labor to maintain profits. Also, the feminization of the migrant labor has led to an increased demand for trafficked women around the world. The growth of sex trafficking in Southeast Asia can be linked directly to the expansion of the sex tourism industry in the region. Although there was overlap between some of the causes, there were also important differences between labor and sex trafficking that policies must address.

Each of these causes presented unique challenges for the policy makers in the countries. All three countries have anti-trafficking policies that are constructed around the three key areas of prevention, prosecution, and rehabilitation. On initial review, it appeared that each country had made significant gains in its most recent anti-trafficking policies. However, upon closer inspection, it was obvious that although there had been some gains, there was still significant progress to be made. Each country has recognized the existence of labor trafficking, but all three have failed to make substantial progress in prosecuting it. All countries struggled to devote the same level of governmental attention and resources to labor trafficking as they did to sex trafficking. Also, each of the countries failed to address all of the most pressing causes; Thailand and Cambodia addressed most, while Indonesia addressed only a few. Finally, none of the three countries showed a significant decrease in the level of trafficking in the country. As the data collection on trafficking is already murky and each of these countries had only recently enacted their latest policy, it is challenging to assess what impact these changes have made.

In Cambodia, the most important cause of human trafficking is the level of general disorder present in the country. Although peace settlement was reached in 1991, the Cambodian government has struggled to establish itself, not in regard to human trafficking, but overall. As a result, trafficking within the country has grown. The lack of economic opportunities in the country forces many Cambodians to seek employment elsewhere in the region. These individuals often rely on unlicensed travel brokers to facilitate their migration, which many times leads to their exploitation. Also, the expansive sex industry in the country has created immense demand for trafficked women and children. The immense level of corruption within the government has further encouraged trafficking through the lack of any form of deterrent.

The Thai government has struggled to overcome the challenges of its economic success in contrast to most neighboring countries. The opportunities present within Thailand draw significant numbers of migrants into the country who are quickly exploited by traffickers. Also, the massive sex tourism industry in the country draws in trafficked women from around the globe. Additionally, numerous Thai women are trafficked outside the country to other sex sectors in Europe, the United States, and Japan. Labor trafficking is perhaps the largest human rights challenge facing the Indonesia government. However, the country has been unable to overcome corruption among government officials and the police forces inability to provide adequate coverage across the vast island landscape. Also, remittances from overseas workers are an important part of the Indonesian economy, leading the government to turn a blind eye to many illegal labor recruitment agencies who traffic Indonesia workers around the world.

B. UNITED STATES ANTI-TRAFFICKING POLICY

The United States has identified human trafficking as not only an important human rights issue, but also one of national security. As many of the networks which are used for the trafficking of humans are the same as those that terrorist organizations utilize to traffic arms, drugs, and money, the United States has acknowledged that combating

human trafficking is an integral component in the reduction of global terrorism.²¹⁹ As a result of this interconnectedness and the other ill effects that have been associated with human trafficking, the United States has become a global leader in the anti-trafficking movement.

The United States established itself as a leader in the anti-trafficking movement through the 2000 passage of the Trafficking Victim's Protection Act (TVPA). This legislation not only recognized the need to combat human trafficking inside the United States, but also around the globe. It was one of the first pieces of comprehensive anti-trafficking legislation in the world. The TVPA recognized men as victims and acknowledged the existence of labor trafficking.²²⁰ While there was still a clear bias towards female victims and sex trafficking, this legislation represented an important step forward in the recognition of all forms of trafficking. With revisions in 2003 and 2005, this bias has been largely corrected to give equal standing to both types of trafficking.

In the legislation, the United States delineated clear, universal standards of anti-trafficking legislation and institutions that should be established in all nations in order to most effectively combat human trafficking.²²¹ The Act sets minimum standards in each of the three areas main policy areas of prevention, prosecution, and rehabilitation, which all countries should attain to effectively combat human trafficking.²²² To encourage global acceptance of the program and bring further attention to the extent of human trafficking across the globe, the Act created the Office to Monitor and Combat Trafficking in Persons in the Department of State.²²³ This organization is responsible for publishing an annual report on the level of trafficking in all countries and the state of anti-trafficking policy and action in each of the three focus areas. The Department of

²¹⁹ Office of the President of the United States, "National Security Strategy," Washington, DC 2006, <http://www.whitehouse.gov/nsc/nss/2006/nss2006.pdf>, 7.

²²⁰ *Trafficking Victim's Protection Act of 2000*, Public Law 106-386, 106th Congress, (October 28, 2000), 2.

²²¹ Gretchen Soderlund, "Running from the Rescuers: New U.S. Crusades Against Sex Trafficking and the Rhetoric of Abolition," *National Women's Studies Association Journal*, vol. 17, no. 3 (2005), 73.

²²² Anne Gallagher, review of *Trafficking in Persons Report*, by the Department of State, United States of America, *Human Rights Quarterly* vol. 23 (2001), 1137.

²²³ *Ibid.*, 1136.

State Trafficking in Persons (TIP) report was first published in 2001. The report, which estimates the level of trafficking and the level of anti-trafficking efforts across the globe, is compiled throughout the year on the basis of concrete information provided by NGOs, foreign governments, American government officials in foreign countries, and international organizations.²²⁴

Using the information that has been compiled by the various groups listed above, each country is evaluated in the three areas and then ranked accordingly. Each country ranking is accompanied by an explanation, broken out into the three focus areas, which states why a country has attained its rating and offers suggestions for further improvement. There is also a tracker with each country's past ratings and the level of progress that has been attained. There are four major tiers that countries can be grouped into: Tier 1, Tier 2, Tier 2 Watch List, and Tier 3. Tier 1 countries fully comply with the minimum standards set in the TVPA. Tier 2 countries do not fully comply, but are making visible efforts to reach compliance soon. Tier 2 Watch List countries do not fully comply, but are making some effort and have one or all of the following conditions: the number of victims in the country is high or increasing, there is a failure to prove improved efforts from the previous year, and/or the judgment that the country is making a significant effort is based on promises of future action rather than concrete results.²²⁵ Tier 3 countries do not comply with the minimum standards of the TVPA and are making little effort to do so.

These reports are not only a survey of the human trafficking around the globe, but also serve as the basis for the reward and punishment system that is associated with the United States anti-trafficking program.²²⁶ Officially, the report is a “diplomatic tool for the United States government to use as an instrument for continued dialogue and encouragement and as a guide to help focus resources on prosecution, protection, and prevention programs and policies.”²²⁷ To do this, the United States has deemed the best

²²⁴ United States Department of State, *2008 Trafficking in Persons Report*, 11.

²²⁵ *Ibid.*, 35.

²²⁶ Gallagher, review of *Trafficking in Persons Report*, 1137.

²²⁷ United States Department of State, *2008 Trafficking in Persons Report*, 15.

method of encouraging compliance to be a carrot and stick method. Those countries that are found to be lacking in their anti-trafficking programs are not only ineligible to receive aid for anti-trafficking programs, but have also found themselves susceptible to other forms of punishment. In 2003, the United States put teeth behind its anti-trafficking policy in hopes of making it more widely followed. The United States would no longer “provide non humanitarian, non trade-related assistance to any government that does not comply with the minimum standards.”²²⁸ This meant that Tier 3 nations who were making no attempts at creating a sound anti-trafficking program could be potentially be placed under sanctions until satisfactory improvements were made.

There are also rewards associated with the program. The United States Agency for International Development (USAID) and other agencies in the United States government use this report as a basis for funding anti-trafficking programs around the world. The report provides detailed information that can guide aid to the programs and areas that are most in need, such as improving prevention programs or funding training for police units to be used in prosecution. In fiscal year 2008, over \$12.4 million dollars was allotted to global anti-trafficking programs by the Department of State alone.²²⁹ This does not include the substantial aid that is provided by other organizations in the United States government. Officials have realized the importance of using both punishment and reward to encourage compliance and further the cause of human trafficking, rather than relying on the good will of foreign governments alone. Using this program, the United States has hoped to improve anti-trafficking programs around the world.

In regard to the three case study countries, the United States has been critical of the anti trafficking programs within each. Cambodia’s tier ranking has hurdled between Tier 2 and 3, beginning with a Tier 2 ranking in 2001, which dropped to Tier 3 in 2002, followed by oscillation between Tier 2 Watch List and Tier 3.²³⁰ In the latest report, for the first time since 2004, Cambodia was ranked Tier 2, not in full compliance with TVPA

²²⁸ Gallagher, review of *Trafficking in Persons Report*, 1137.

²²⁹ Office to Monitor and Combat Trafficking in Persons Web Page, “Home,” United States Department of State, <http://www.state.gov/g/tip/>.

²³⁰ United States Department of State, *2008 Trafficking in Persons Report*, 83.

standards, but making significant efforts to reach this goal. While the U.S. has elevated Cambodia to a Tier 2 nation, the Department of State still cited substantial concerns about the state of human trafficking within the country and offered numerous recommendations for improvement, stating that Cambodia must maintain significant forward progress or its ranking will not remain at its current level.²³¹ In fiscal year 2008, the Department of State provided funding and expertise to three organizations, in the hopes of not only preventing human trafficking, but also collecting data on the extent of trafficking and the health side effects associated with both the sex and labor trade.²³² The U.S. has been wary of providing aid directly to government organizations within Cambodia due to the known corruption and factionalism that is prevalent throughout the Cambodian government. Instead, the U.S. has mainly relied on aiding NGOs that have goals similar to those of the U.S. or providing training to enforcement organizations throughout the country.²³³

The U.S. has often cited Thailand as an anti trafficking leader within the region due to the government's successful handling of the AIDS crisis and curtailing of sex trafficking within the country. However, the U.S. has remained critical of Thailand's failure to adequately address the issue of labor trafficking within the country, even dropping Thailand's Tier ranking in 2004. With the exception of 2004, Thailand has been consistently ranked as a Tier 2 country, not in full compliance with the provisions of the TVPA, but making significant efforts to do so.²³⁴ Aid provided to the country from the U.S. has been primarily focused at furthering awareness and prosecution of labor trafficking. While there is some funding of sex trafficking programs, it is often prevention based in areas that are susceptible to both sex and labor trafficking.²³⁵ Due to the historical and pervasive NGO presence within the country, the U.S. has not been as

²³¹ United States Department of State, *2008 Trafficking in Persons Report*, 83.

²³² Office to Monitor and Combat Trafficking in Persons Web Page, "Anti-Human Trafficking Programs Awarded in Fiscal Year 2008," United States Department of State," <http://www.state.gov/g/tip/rls/rpt/111540.htm>.

²³³ *Ibid.*

²³⁴ United States Department of State, *2008 Trafficking in Persons Report*, 243.

²³⁵ Office to Monitor and Combat Trafficking in Persons Web Page, *Anti-Human Trafficking Programs Awarded in Fiscal Year 2008*, <http://www.state.gov>.

actively involved in the anti trafficking movement within the country. However, this lack of presence may be reflected in the continued political avoidance of prosecution against labor trafficking.

Indonesia began as a Tier 3 country, elevating to Tier 2 in 2003, where it has remained with the exception of being placed on Tier 2 Watch List in 2006.²³⁶ Indonesia was highly disappointed by this ranking and took action, such as the passage of the comprehensive anti trafficking law, to recover its Tier 2 ranking.²³⁷ Despite this recovery, the United States has been highly critical of anti trafficking efforts in Indonesia, citing continued local government involvement in the facilitation of trafficking and the lack of progress in combating labor trafficking.²³⁸ Due to the perceived level of corruption within the government and that many rehabilitation and prevention programs are run by outside organizations, funding provided by the United States has mainly been given to outside organizations operating within Indonesia, such as the International Organization for Migration.²³⁹

Although the United States program appears to have had an influence on the policies of each of the case study countries, criticism still exists regarding the effectiveness of this policy. The first and most important is that the comprehensive anti-trafficking legislation that must be enacted to meet TVPA standards is too universal to address the specific causes present in each country. In many cases, countries have written anti-trafficking legislation to meet the requirements of the TVPA rather than tailoring legislation to specifically address the causes that are present in.²⁴⁰ While the U.S. should still provide some universal guidelines for the drafting of comprehensive legislation, there should be greater latitude given so countries can address and design programs around the causes that are present in their own country, rather than creating a

²³⁶ U.S. Department of State, *2008 Trafficking in Persons Report*, 142.

²³⁷ Embassy of the United States Jakarta, Indonesia, "Indonesia Receives 'Tier 2' Ranking in New U.S. Trafficking in Persons Report," press release, June 13, 2007, http://www.usembassyjakarta.org/press_rel/indonesia-tip07.html.

²³⁸ U.S. Department of State, *2008 Trafficking in Persons Report*, 141.

²³⁹ U.S. Department of State Web Page, *Anti-Human Trafficking Programs Awarded in Fiscal Year 2008*, <http://www.state.gov>.

²⁴⁰ David E. Guinn, "Defining the Problem of Trafficking: The Interplay of US Law, Donor, and NGO Engagement and the Local Context of Latin America," *Human Rights Quarterly*, vol. 30 (2008), 139.

policy that is too broad to have any real impact. Also, the program is only as successful as the foreign governments allow it to be. With punishment only doled out to those within the lowest Tier ranking, there is little incentive to progress beyond Tier 2. Foreign governments can always claim to be significantly progressing towards TVPA compliance, but in reality take little action to actually achieve this goal. Indonesia is a clear case of a country who is content to remain a Tier 2 nation and only make the minimum progress required.

C. POLICY RECOMMENDATIONS

This thesis has argued that anti-trafficking policies will fail if they are designed only to address universal causes. Policies must address both universal and specific causes to achieve any level of relative success. The policy of each of the case study countries has failed to address important causes of human trafficking. This thesis will conclude with some final recommendations for further policy improvement.

In Cambodia, one of the most critical issues that must be tackled is the level of government corruption in regards to human trafficking. Although the government has a stated zero tolerance policy, this has not been reflected in prosecution actions. Corruption must be reduced in the country or the deterrence level of any policy will remain low. Cambodia must also address the realities of uneven economic development in the region. Although it is unlikely that Cambodia will be able to reduce the urge for cross-border migration, the government can take steps to increase safeguards against human trafficking. Through migration education programs and government intervention and oversight into labor recruitment agencies, Cambodia may be able to reduce the number of individuals vulnerable to trafficking. Finally, Cambodia must work on repairing much of the damage caused by the decades of warfare in the country. The societal dislocation that has been associated with this period of history has had far reaching effects on the Cambodian people. By working to rebuild community resources and networks, the government can lessen the influence of trafficking brokers that operate across the countryside.

Thailand's government must take the same aggressive approach to labor trafficking as it took towards sex trafficking in the 1990s. This means greater

prosecution of those found trafficking, providing services to those rescued from labor exploitation, and developing prevention measures specifically focused on labor trafficking. A major source of prevention will be Thai government leadership and involvement in anti-trafficking programs in other countries in the region. As a major destination country, the Thai government can only achieve so much success without taking on a role as a regional leader. Advocacy and open dialogue with other countries in the Association of Southeast Asian Nations and the Bali Process will only aid Thailand in its fight against human trafficking. Thailand will also have to continue to work bilaterally with other countries as well. By reaching agreements regarding migration levels and supporting awareness programs in the major source countries, such as Burma and Laos, Thailand may be able to reduce the level of illegal cross-border migration.

Indonesia has several significant issues which need to be more directly addressed in its anti-trafficking policy. The first is level of labor trafficking that occurs in the country. As a leading labor supplier, Indonesia must take steps to ensure that when Indonesian citizens leave the country, they are not in a position to be exploited. One of the most important methods to achieve this will be to take a tougher stance with labor recruitment organizations. The Indonesian government must not only state regulations for these organizations operations, but actually enforce these regulations consistently. Also, the Indonesia government must work with receiving countries to raise the level of safety for workers entering the country. This means openly addressing the issue of safe migration in regional forums, as well as working directly with destination country's governments. Also, the Indonesian government must enforce anti-trafficking legislation consistently across the many islands and work to lessen the level of corruption. While anti-trafficking efforts may be strong in some areas, there are others where it is simple to pay off a government official. This corruption is coupled with the current inability of Indonesian law enforcement to cover all areas thoroughly, allowing trafficking to occur undeterred in some areas of the country. Finally, Indonesia must address the lack of birth registration that is prevalent in some areas. Without identification, these individuals have few means for obtaining legal employment other than relying on unsavory individuals.

None of the recommendations discussed above are simple. Each will require a substantial amount of expertise and funding to be implemented. There must also be an increased level of political will to take on these challenges. Currently, each of the countries has only taken the action necessary to deter criticism from the United States and other anti-trafficking organizations. In all three countries, human trafficking remains lower in priority to economic development. Until this order is reversed, these governments will continue to only act in deference to criticism rather than in an honest effort to overcome the problem.

Only by addressing the many causes of trafficking directly will any anti-trafficking program be successful. While it is unlikely that any country will ever be able to completely eradicate human trafficking, there are many actions which can be taken to reduce it. As human trafficking is an important human rights issue that has many negative consequences associated with it, governments should be willing to invest the resources necessary to develop these programs.

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