

**Conference on the Labour Dimensions of  
Trafficking in Persons in the ASEAN Region**  
*27-29 January 2014*  
*Sofitel Philippine Plaza Manila, Philippines*

**Concept Note**

**A. Background**

***Trafficking for labour exploitation***

1. The International Labour Organisation, as the UN specialized agency on labour issues, is concerned with the labour dimensions of trafficking in persons. According to the ILO's *Global estimate of forced labour (2012)*, there are at least 20.9 million victims of forced labour, trafficking and slavery in the world today. About 90 per cent of today's forced labour is found in the private economy, primarily in labour intensive industries such as manufacturing, agriculture and food processing, fishing, domestic work and construction. Out of the total number, 14.2 million (68 per cent) are victims of forced labour exploitation in economic activities, such as agriculture, construction, domestic work or manufacturing.
2. The Asia-Pacific region accounts for the highest absolute number of these victims of forced labour – 11.7 million or 56 per cent of the global total (ILO, 2012). Asia has a large number of irregular migrants, creating a dangerous situation where human traffickers are able to exploit migrants. The ILO estimates that there are 9.1 million victims of forced labour (44% of the total) who have moved either internally or internationally. The majority of trafficked and forced labour victims are undocumented migrants, for whom ILO Convention No. 143 Part I (migrations in abusive conditions), provides the most important framework of protection (ILO, 2005)<sup>1</sup>
3. The ASEAN region has seen a rapid increase in migration – particularly within the region. Between 1990 and 2013, of the region's total stock of immigrants, the proportion that came from other ASEAN countries rose from 47.8 to 68.6 per cent. Over the same period, their number rose from 1.5 million to 6.5 million. There is a corresponding pattern for emigrants – of the total emigrants from ASEAN countries over the same period, the intra-ASEAN share rose from

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<sup>1</sup>[http://www.ilo.org/wcmsp5/groups/public/@ed\\_norm/@declaration/documents/publication/wcms\\_081999.pdf](http://www.ilo.org/wcmsp5/groups/public/@ed_norm/@declaration/documents/publication/wcms_081999.pdf)

20.3 to 34.6 per cent. Most intra-ASEAN labour migration involves low- and medium-skilled workers. Policies for managing migration flows under the AEC are confined to high-skilled workers. Women make up a substantial share of labour migrants from the ASEAN region. Indonesia is ASEAN's second largest country of origin. In 2013 it had almost three million nationals living abroad, nearly half of whom were women.<sup>1</sup> During each year between 2006 and 2009 more than half a million women registered to work abroad, making up around 80 per cent of the total flows.

4. In the ASEAN, there is broad recognition that trafficking in persons occurs within the scope of labour migration, with women, men and children deceived or coerced into exploitative situations during the process of voluntarily moving from their communities in search of decent work. In recent years, the ILO Committee of Experts has made observations on the specific vulnerability of migrant workers to forced labour in Thailand and Malaysia. The US State Department's Trafficking in Persons (TIP) Report 2013 states that the overwhelming majority of trafficking victims in Thailand and Malaysia are regular and irregular migrants from neighbouring countries, and conversely, that trafficking victims from Lao People's Democratic Republic, Myanmar, Viet Nam and Cambodia are mainly those who have moved in search of work. Across Asia millions of people are on the move. While many are successful in finding decent employment, some are coerced into work they have not chosen voluntarily. They face situations such as<sup>2</sup>:
  - deception about the nature of work
  - restrictions on their freedom of movement
  - isolation
  - physical and sexual violence
  - retention of identity documents
  - withholding of wages
  - debt bondage
  - abusive working condition and living conditions
  - excessive overtime
5. Yet the criminal justice response to this phenomenon remains weak. There are only a few hundred convictions of traffickers every year in this region. Most of the victims are not identified and consequently never receive justice for the damage inflicted upon them. When foreign victims are not identified, they may be treated as irregular migrants -- incarcerated, deported or otherwise penalised for crimes committed as a direct result of their trafficking situation, such as violation of visa terms.

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<sup>2</sup> taken from ILO indicators of Forced Labour



### ***Role of ASEAN bodies***

6. This meeting will provide an opportunity to facilitate coordination and cooperation between the ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW) and the Senior Officials Meeting on Transnational Crime (SOM-TC) on the labour dimensions of trafficking in persons. The SOMTC currently drives the implementation of the ASEAN Declaration on Transnational Crime, ASEAN Plan of Action to Combat Transnational Crime, and Work Programme to Implement the ASEAN Plan of Action to Combat Transnational Crime. The ACMW's workplan recognises complementarity areas of work of its committee and SOMTC, and calls for coordination to avoid duplication of efforts. Hence, Thrust 3 of the ACMW's work plan calls for consideration of joint activities and regional cooperation to fight trafficking in persons in ASEAN.
7. The SOMTC's Permanent Working Group on TIP, led by the Philippines as Lead Shepherd on TIP, is working at an accelerated pace to complete the drafting of two ASEAN instruments on trafficking in persons in time for the 2015 ASEAN Heads of State meeting – a Convention and a regional Plan of Action. This meeting would contribute to SOMTC members' understanding of the labour dimensions of the trafficking in persons phenomenon in the ASEAN region and assist them with the task of drafting these instruments. While the responsibility for addressing labour exploitation and trafficking in persons lies with state institutions, upholding labour rights at the workplace and preventing the occurrence of violations that may lead to forced labour and trafficking in persons also requires the mobilization of employers' and workers' organizations and civil society in the region. These groups will be invited to participate in this meeting.

### **B. Objectives and outputs**

8. Objectives of the conference include:
  1. Enhancing understanding of the labour dimensions of trafficking, migration, and the criminal justice elements of labour trafficking
  2. Enhancing cross-sectoral collaboration among the constituent members of SOMTC and ACMW
  3. Building capacity among ILO constituents, the criminal justice sector, the labour ministries, and other key stakeholders to ensure more effective responses to labour exploitation and trafficking in persons in ASEAN
  4. Development of strategies to address labour migration management and trafficking for labour exploitation and discussions on future cross-sectoral dialogue on labour trafficking within ASEAN, encompassed in a meeting outcome statement.

## **Venue and date**

The conference will be held at Sofitel Philippine Plaza Manila on 27-29 January 2015 in Metro Manila, Philippines

## **C. Participants**

9. This workshop will bring together SOMTC, ACMW, ILO social partners and other stakeholders whose work relates to labour migration and/or trafficking in persons. Participants will be invited from ASEAN Member States and will include:
1. 10 representatives of ACMW coming from the Labour Ministries of ASEAN Member States
  2. 10 Representatives of SOMTC
  3. 1 representative from the ASEAN Trade Union Council (ATUC)
  4. 1 representative from the ASEAN Confederation of Employers (ACE)
  5. 1 representative from the Task Force on ASEAN Migrant Workers (TFAMW)
  6. 10 national workers' organizations from ASEAN
  7. 10 national employers' organizations from ASEAN
  8. Representatives of the criminal justice sector (police, prosecutors)
  9. 4 representatives of ASEAN Secretariat
  10. ILO officials working on labour migration, forced labour and/or domestic work
  11. AAPTIP officials
  12. Observers among Philippine stakeholders
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