

38th Session of the UN Human Right Council

Item 3: Clustered Interactive Dialogue – Special Rapporteur on Trafficking in persons especially women and children

Oral Statement

June 20/21, 2018

Mr. President,

Franciscans International and VIVAT International welcome the focus of the report of the Special Rapporteur on trafficking in persons on the importance of accurate identification of victims of trafficking in the context of mixed migration, as crucial to ensure their adequate protection and assistance.

We would like to draw her attention to the situation in South East Asia which is a region of origin, transit and destination of migrants, not only within the Asia-Pacific region but also globally. The migration flows in the region have increased significantly in the last two decades. According to latest figures, there are around 6.5 million migrants in Malaysia, Singapore and Thailand alone.

¹ Many of them are in irregular situation, including for having overstayed their visas, which increases their vulnerability to human trafficking, particularly for labour exploitation.

We are concerned that the lack of early identification in the embarkation points and the failure of identification in the country of destination can lead to serious human rights violations and, in some cases, to the loss of lives of the victims. In this regard, we would like to bring to the SR's attention the labour trafficking cases of migrants from Indonesia seeking work in domestic and plantation sectors in the neighbouring ASEAN countries. For instance, the Indonesian Province East Nusa Tenggara is one of the poorest provinces in the country, and the people from there are very vulnerable to human trafficking, especially for domestic work in Malaysia. The provincial authorities revealed that 90 % of the migrant workers from this province were in irregular situation,² and thought to be victims of trafficking. Many of these victims go unidentified and are denied protection and assistance, resulting in many cases of deaths at work place. During the review of Indonesia in 2017, the UN Committee on Protection of the Rights of All Migrant Workers and Members of their Families recommended Indonesia to prevent, suppress and punish trafficking in persons, including at the regional level and in cooperation with neighbouring countries, and through enhanced inter-agency cooperation on human trafficking.³

In 2015, the Association of South East Asian Nations (ASEAN) adopted the ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP),⁴ strengthening the

¹ See the World Bank latest publication, *Migration to Opportunity*, at

<https://openknowledge.worldbank.org/bitstream/handle/10986/28342/211106ov.pdf?sequence=19>

² See the news at <https://citra-news.com/2018/05/14/tki-ilegal-asal-ntt-90-persen-meninggal-di-luar-negeri/>

³ See the Concluding Recommendations for Indonesia by the Protection of the Rights of All Migrant Workers and Members of Their Families, CMW/C/IDN/CO/1 para 57 (c)

⁴ See the full text of ACTIP in <http://www.asean.org/wp-content/uploads/2015/12/ACTIP.pdf>

regional legal framework to combat human trafficking. However, the Convention focuses more on prosecution and criminalization of traffickers, and only to some extent on the aspect of prevention and of protection of victims. While the Convention provides for the need to establish identification guidelines and procedures, this seems to be challenging in practical terms for cross-border trafficking cases, as also highlighted in SR's report.

Madam Special Rapporteur, in the light of the above concerns in the region, we would like to ask you what your recommendations are to members of ASEAN, including Indonesia, and the state parties of ACTIP to tackle the trafficking of migrant workers and overcome challenges related to the identification and protection of victims of human trafficking, especially for labour exploitation?

I thank you!