

Indigenous Women and Human Trafficking in the Mekong Region:

Policy Overview and Community Response



Published by: Asia Indigenous Peoples Pact (AIPP)



Indigenous Women and Human Trafficking in the Mekong Region: Policy Overview and Community Response

Copyright Asia Indigenous Peoples Pact (AIPP)

Published by:

Asia Indigenous Peoples Pact (AIPP)
108 Moo 5, Tambon Sanpranate, Amphoe Sansai
Chiang Mai 50210 Thailand
Contact: +66(0)53 380168, fax. +66(0)53 380752

www.aippnet.org
www.iphrdefenders.net
www.iva.aippnet.org
www.ccm.in.aippnet.org

Written By: Erin M. Kamler, Ph.D.

Research and supporting materials By: Tanya Lutvey

Edited by: Luchie Maranan

Acknowledgment: On behalf of AIPP, kind thank you to Kanlaya on behalf of Indigenous Women's Network of Thailand (IWNT), Kamonphan Saelee for her patient help in translation, Ei Ei and Myo Ko Ko at POINT and Fong Chompey, Sotheara, Vichet and Lorang for coordinating interviews in Cambodia. Thank you to Awn Nang from Kachin Women's Association of Thailand, Yun Mane, Dy Thehoya and Tola from Community Legal Education Centre from Cambodia. Lan Hoàng Hương and Luong Thi Truong from CSDM for their hard work in collecting data in Vietnam. Finally, sincere and heartfelt thank you to all the experts, and especially the indigenous women and their translators, who took the time to contribute to our research.

Supported by:



Disclaimer:

This publication has been produced by the assistance of Oxfam. The contents of this publication are the sole responsibility of the Asia Indigenous Peoples Pact (AIPP) and can way be taken to reflect the views of Oxfam and its bodies. The sharing of this paper with the external audience is aimed at sharing general information and recommendations and does not constitute an endorsement by Oxfam or its institutions.

Published on: October 2015

Layout and cover design: AIPP Printing Press

Printed by: AIPP Printing Press Co., Ltd.

www.aippprinting.com



European Union

The printing press has been established with support from the European Union's European Instrument for Democracy and Human Rights



INDIGENOUS WOMEN AND HUMAN TRAFFICKING IN THE MEKONG REGION: POLICY OVERVIEW AND COMMUNITY RESPONSE

EXECUTIVE SUMMARY

Human Trafficking is defined as “the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation”.¹

In 2014, the Geneva-based International Labour Conference (ILC) voted to adopt a protocol and recommendation affirming States’ obligations to prevent and eliminate forced labor in all its forms and to develop national policies and action plans to prevent and suppress forced labor.³ Although victims and survivors include girls, boys, and men, the majority of those who migrate and subsequently face labor exploitation are women.⁴ This is due to the fact that home environments impose intersecting forms of insecurity onto women, including marginalization along class, gender, ethnic origin and socioeconomic lines.⁵ These insecurities cause women to search for opportunities outside their communities, across borders and on other shores, increasing their risk of exploitation and trafficking.

While women who migrate face the greatest risk of labor exploitation, indigenous women (IW) face an even more pronounced burden. The US State Department 2015 Trafficking in Persons (TIP) Report highlighted the vulnerability of 98,000 men, women and children from ethnic states in Myanmar who had been displaced by conflict,⁶ while a 2015 study documented the systemic trafficking of ethnic women from Myanmar into China as “forced brides”.⁷ Recent reports of the trafficking of Myanmar’s Rohingya minority have made international headlines,⁸ and a 2006 study of returning survivors from 19 Northern provinces in Vietnam revealed that 21.2% were ethnic minorities—a disproportionately large number considering that ethnic minorities comprise only 13.8% of the national population.⁹

The Mekong Sub-Region (Myanmar, Thailand, Vietnam, Laos, Cambodia and Yunnan, China) has long been documented as a “source, transit and destination” area for trafficking of IW, with Thailand as its focal point.¹⁰ These designations are meant to indicate the different experiences of exploitation that trafficking victims and survivors face. The cultural and linguistic similarities between countries such as Thailand and Laos, combined with “push factors” including denial of citizenship rights, poverty, economic disparity, political instability, gender imbalance, and other social and cultural pressures make labor migration attractive to members of indigenous communities. While solutions to trafficking should not involve halting migration, the factors that underscore irregular migration, the policies that fail to support lawful and intentional migration and the labor exploitation that often accompanies migration, cannot be overlooked. Trafficking occurs in many forms including exploitation in domestic servitude, the sale of women as brides, and children being recruited into armed conflicts and sent to work in the sex industry. Such exploitation is propelled by weak immigration systems and corruption of government authorities at the borders, and sustained by a system of inequality and marginalization, of which IW are at the center.

The US State Department developed an approach to combat trafficking, focusing on “Prevention, Protection, Prosecution, Rescue, Rehabilitation, and Reintegration,” and has implemented a 3-tiered category system designed to rank each country in the world according to how well they are doing on combating trafficking. Countries with a “Tier 1” ranking are thought to be leaders in this crusade, while those with “Tier 2 Watch List” or “Tier 3” ranking face the threat of sanctions from the US government for their non-compliance.

Laws have been implemented at the national level throughout the Mekong Region to combat human trafficking; however, these countries remain at the lowest ranks. The national anti-trafficking policies that are in place often fail to meet the needs of IW, whose existence the state does not acknowledge altogether through the denial of citizenship and other formal identification channels, as well as through systematic marginalization, which keeps them on the outskirts of mainstream society. Compounding this, IW face ongoing marginalization within their own communities, as they are seen as “less than” and “weaker than” their male counterparts. Children in these communities face an equally difficult bind: as lack of resources, land confiscation and weak educational structures increase the difficulty to access education beyond the primary school level; most indigenous societies expect children to contribute to the family labor pool at an early age.

This Briefing Paper introduces the root causes of human trafficking among IW in the region by presenting an overview of the government and non-government policies aimed to combat trafficking, and indigenous community perspectives on how and whether these policies are effective in their communities. We draw on qualitative interviews with 15 respondents from various community groups to assess their perceptions of trafficking and the effectiveness of policies in place to combat it. As such, this paper is intended as a springboard for advocacy, programming, and further research.

Prior research has well documented that certain factors tend to push women, children and men from indigenous communities to migrate, often resulting to exploitation and trafficking. Low levels of education, sparse economic opportunity, coupled with the prevalence of undocumented status have been cited as causes of precarious migration across borders. While these issues were reinforced in the interview data, some of the lesser known, but equally important factors surrounding IW’s vulnerability to trafficking were highlighted. This data highlights the complex obstacles faced by IW that often go overlooked in practitioner briefings and academic literature. Five categories of analysis emerged:

1. Erosion of land rights and traditional livelihoods, and environmental degradation
2. Lack of appropriate educational opportunities for girls and societal expectations around children’s labor
3. Customary practices that impede women’s empowerment
4. Poor government communication, lack of prevention, and perceptions of complicity
5. Inaccurate understanding of what actually is human trafficking

We then offer recommendations for overcoming these obstacles. Recommendations to governments throughout the Mekong Region include: recognizing that trafficking is a systemic problem resulting from other human rights violations inflicted on indigenous communities by national governments, and focusing on prevention strategies rather than carceral means of combating trafficking. Recommendations to international non-government organisations (INGO) and donors include: enhancing communication between policy makers, practitioners and community stakeholders through participatory practices that put community voices at the fore; bolstering funding for culturally-sensitive, accessible prevention activities at the community level; bringing attention to push factors such as environmental degradation, land grabbing and weak educational systems; and avoiding using overly-sensationalized narratives of trafficking.





TABLE OF CONTENTS

EXECUTIVE SUMMARY	1
ACRONYMS	4
CONTEXT: THE STRUGGLES OF INDIGENOUS WOMEN	5
POLICY OVERVIEW	7
VOICES OF INDIGENOUS WOMEN	9
FACTORS INFLUENCING HUMAN TRAFFICKING IN INDIGENOUS COMMUNITIES	10
ENVIRONMENTAL DEGRADATION AND THE EROSION OF LAND RIGHTS	10
LACK OF APPROPRIATE EDUCATIONAL OPPORTUNITIES FOR GIRLS AND SOCIETAL EXPECTATIONS AROUND CHILDREN'S LABOR	11
POOR GOVERNMENT COMMUNICATION, LACK OF PREVENTION, AND PERCEPTIONS OF COMPLICITY	12
CUSTOMARY PRACTICES THAT IMPEDE WOMEN'S EMPOWERMENT	14
INACCURATE UNDERSTANDINGS OF WHAT HUMAN TRAFFICKING ACTUALLY IS	15
DISCUSSION	16
CONCLUSION	16
RECOMMENDATIONS	17
TO GOVERNMENTS THROUGHOUT THE MEKONG REGION:	17
TO INTERNATIONAL NON-GOVERNMENT ORGANISATIONS, SERVICE PROVIDERS AND DONORS	18



ACRONYMS

AEC	ASEAN Economic Cooperation
AICHR	ASEAN Inter-Governmental Commission
ASEAN	Association of South East Asian Nations
CEDAW	Convention on the Elimination of all Forms of Discrimination Against Women
CBO	Community-Based Organisation
CIA	US Central Intelligence Agency
COMMIT	Coordinated Mekong Ministerial Initiative Against Trafficking
CRC	Convention on the Rights of the Child
CSO	Civil Society Organisations
GBV	Gender-based violence
IDP	Internally Displaced Person
ILC	International Labour Conference
ILO	International Labor Organization
INGO	International Non-Government Organisations
IP	Indigenous Peoples
IOM	International Organization for Migration
IW	Indigenous Women
MWVA	Ministry of Women's and Veterans' Affairs
TPP	Trans-Pacific Partnership
UNDRIP	The United Nations Declaration on the Rights of Indigenous Peoples





CONTEXT: **THE STRUGGLES OF INDIGENOUS WOMEN**

Indigenous Peoples (IPs) make up between 300 million and 400 million people globally (370 million being the most commonly cited number).¹¹ They make up roughly 4.5% of this global population, yet they disproportionately account for 10% of the world's poor.¹² Asia is home to two-thirds of the culturally diverse global population of IPs, with each indigenous group facing its own unique set of challenges in the fight for self-determination.¹³ IPs' long histories of militarization, settlement and colonization of their territories have prevented them from pursuing their own development, like their counterparts in mainstream society, and they now lack adequate access to infrastructure, are denied an equitable voice in decision making institutions and their traditional cultures are increasingly under threat of extinction. State-sanctioned development aggression is leading to challenges such as loss of territories, depletion of natural resources, forced displacement, deprivation of basic infrastructure and obstruction from culturally-appropriate education and services, among others. High levels of poverty make IPs vulnerable to multiple forms of exploitation, including trafficking, land grabbing and dispossession, and state endorsed violence.

For IW, the challenges are compounded by their intersectionality; the multi-dimensions of their marginalization stemming from their status as women, as indigenous, and, as indigenous women. IW face patriarchal oppression and disempowerment within traditional customary institutions, which are the primary governing bodies within indigenous communities. IW often have no access to financial resources, including household and cash assets, receive less education and have less employment opportunities than indigenous men, and have insufficient access to health care, including sexual and reproductive health. If an indigenous community does have access to a modern health care facility, IW may experience discriminatory or culturally insensitive attitudes from health service providers. Domestic violence is still prevalent in indigenous communities, as is sexual violence and other forms of gender-based violence.

Despite their chronic marginalization, IW play invaluable roles within their societies. In most indigenous communities women serve as primary caregivers to children and elderly family members. It is they who are the holders and teachers of the traditional knowledge passed down through generations, who are the main food producers and managers of their natural resources, and who have the knowledge to adapt to the effects of climate change on these resources. The role of IW is crucial to the survival of indigenous peoples, yet they remain subordinated to the dominant society, as well as to their own indigenous communities.

The indigenous communities of the five countries along the Mekong River are connected not only by their transnational borders, but also by the common struggles in light of the impending regional integration of the Association of South East Asian Nations (ASEAN)¹⁴, climate change and weak and/or transitioning political structures. They are often referred to as 'hill tribes', 'ethnic groups', or 'ethnic minorities', as governments bypass international obligations to ensure the rights of IPs and acknowledge their status as indigenous peoples. Additionally, the lack of reference to indigenous peoples in the ASEAN Human Rights Declaration and weak mandate of the ASEAN Inter-Governmental Commission (AICHR)—highly critiqued by civil society groups¹⁵—has further marginalized the status of IPs in the Mekong Region. Furthermore, the IPs in this region are among the poorest of the poor. In Laos, organizations are not legally allowed to openly focus on IPs' issues, while in north-west Vietnam, an area mostly inhabited by IPs, the poverty levels are nearly 30%, compared to the national average of 9%.¹⁶ These patterns are replicated across the region.



The US State Department's 2015 Trafficking In Persons (TIP) Report painted a grim portrait of an already integrated region: criminal gangs transport Vietnamese victims through Cambodia, en route to Thailand. Vietnamese women are sold as sex workers on the borders between China, Cambodia and Laos. Laotian women, children, and men are subjected to sex trafficking and forced labor in Thailand. Rohingya asylum seekers from Myanmar are transiting through Thailand and sold into forced labor or subjected to domestic sex trafficking. Women and girls from Cambodia, Laos, Vietnam, and Myanmar are subjected to sex trafficking in Thailand, while ethnic groups, stateless persons and members of 'hill-tribes' in Thailand are reporting trafficking in various forms.¹⁷

These realities are compounded by the potential threat created by the ASEAN Economic Cooperation (AEC) agreement blueprint,¹⁸ to be fully implemented by the end of 2015 and designed to transform ASEAN into a single market and production base. The increase in regional labor flows to be created by the AEC compounds the threat of human trafficking to IW, who are already highly vulnerable to exploitation due to the cross-border security.

The October 2015 adoption of the Trans-Pacific Partnership (TPP), the biggest multi-lateral trade deal in history, has attracted heavy criticism and remains a cause of concern from civil society and human rights groups alike, as it allows for the infringement of people's rights and freedoms in the name of corporate interest. The TPP will authorise the dominant players in the agreement to override national sovereignty and impose constraints on a variety of non-trade policies, including those relating to environmental, public service, intellectual property, labour, health and immigration. In other words, the vested and weighted interests of the most powerful signatories, including the United States of America and Australia, are likely to supersede those of the remaining members, which includes Vietnam¹⁹. The TPP is set to change the economic landscape not only for its member countries, but also globally, and there is no doubt that IW will feel the effects of this next phase in the capitalist agenda.

Moreover, IW are also experiencing the repercussions of climate change, with excessive and unpredictable rainfall resulting in failed crops, long periods of drought reducing access to clean water supplies, and the subsequent instability of household economics being felt across the region. For IW, who are responsible for the natural resource management in the communities, this adds to their existing burden of providing for their families. Crop yields that once supported the household income, now barely cover a fraction of daily needs. They now have to walk further every day to collect clean water, often across treacherous landscapes prone to landslides. The existing poverty of indigenous communities is getting a lot worse as global temperatures continue to rise and IW from the largely agrarian Mekong Region are forced to seek out alternative sources of income.

Laws and declarations to support IW exist, yet they are made redundant by weak implementation or incompatible state policies. For example, in Cambodia, the progressive 2009 National Policy on Indigenous Peoples' Rights has been significantly undermined by ongoing Cambodian government-sanctioned land concessions.²⁰ The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), both of which the Mekong countries have adopted, could ensure the rights of IW—only if states were committed to their enforcement. These issues set the conditions for IW's vulnerability to labor exploitation within the Mekong countries and across their borders.

Challenging the US Trafficking in Persons Report

In 2015, the annual TIP report drew criticism, for its seemingly inconsistent categorisation of a number of Asian nations. Questions were asked over the legitimacy of China maintaining its upgraded score from 2014, despite the country's failure to comply with many TIP standards in 2015. Meanwhile, Malaysia's upgrade from Tier 3 to Tier 2 Watch List, conveniently allowed for the nation to participate in the Trans-Pacific Partnership (TPP) trade deal (a country's eligibility to participate in the TPP is tied to its TIP rank), despite numerous reports of mass graveyards for Rohingya's who had been trafficked from Myanmar. Furthermore, in Myanmar itself, the TIP has ranked it as Tier 2 Watch List for the past four years, despite failing to meet the TIP's minimum standards of compliance.

These factors are indicative of a ranking system that can be compromised in the face of political gain or other incentives. Whilst this briefing paper acknowledges that the TIP is the most comprehensive and up-to-date source of data on the state of Trafficking in the Mekong Sub-Region, AIPP recognises that references made to the TIP are not necessarily an absolute true reflection of the situation on the ground.





POLICY OVERVIEW

The Mekong Region has worked to implement anti-trafficking policies at the national level. In Cambodia, the 2008 Law on the Suppression of Human Trafficking and Commercial Sexual Exploitation and in Laos, a 2006 revision to article 134 of its penal code, prohibit all forms of human trafficking. In Myanmar, the 2005 Anti-Trafficking in Persons Law, as well as Section 359 of the 2008 constitution, specifically address the problem of trafficking. Vietnam's 2012 anti-trafficking law expanded on Articles 119 and 120 of the country's penal code, and in 2008 in Thailand, the Anti-Trafficking in Persons Act was implemented.²¹ Despite these measures, however, anti-trafficking policies at the national level often fail to reach the IPs and their communities, and thus, have either no impact or, at worst, are harmful to the very populations they seek to serve.²²

Following is an overview of current programs, interventions, and initiatives designed to address human trafficking in the Mekong Region and their particular relevance to indigenous peoples, including those conducted by governments, UN agencies, and NGOs:

With an IP population of 923, 257,²³ **Thailand** stands at Tier 3 in the 2015 TIP Report as a “source, destination, and transit country for men, women, and children subjected to forced labor and sex trafficking.”²⁴ A recent crisis of the Rohingya “boat people” has shifted the focus to labor trafficking in the fishing industry from the previous years’ anti-trafficking policies on sex trafficking.²⁵ The 2001 United Nations Palermo Protocol²⁶ is designed to protect Thai citizens from trafficking, however, the Thai government has two reservations on this initiative: Article 7, regarding birth registration and Article 22, regarding children who seek refugee status in Thailand,²⁷ revealing an unwillingness to extend protections to refugees and stateless ethnic minorities.²⁸ In the domestic area, Thailand has implemented anti-trafficking legislations including: the *National Policy and Plan of Action for the Prevention and Eradication of the Commercial Sexual Exploitation of Children* (1996) and the 1997 amendment to the *Act on Prevention of Traffic in Women and Children* to include boys.²⁹ In 1992, Thailand ratified the *Convention on the Rights of the Child (CRC)* and more recently adopted the *Optional Protocol on the sale of children, child prostitution and child pornography*.³⁰ Recent government actions include: increased prevention efforts, establishment of a new Prime Minister-level anti-trafficking committee, increasing the minimum age of workers in agriculture and on fishing vessels, establishing a minimum wage, and amending the 2008 trafficking law to increase penalties for traffickers and protect whistleblowers.³¹ However, the government has come under criticism for failing to apply these reforms due to the prevalence of corrupt officials including police and state officials.³²

INGOs and other non-state actors remain active in facilitating anti-trafficking activities. The United Nations Action for Cooperation Against Trafficking, an international organization based in Bangkok, was established to compel governments in the Mekong Sub-Region to affirm the Coordinated Mekong Ministerial Initiative Against Trafficking (COMMIT) process. Due to the US State Department rendering prostitution a criminal act, tensions between some anti-trafficking organizations and sex workers’ rights groups continue, with groups such as Global Alliance Against Trafficking in Women, Asia Pacific Network of Sex Workers and EMPOWER pressing for decriminalization as a way to combat exploitation within the industry.³³

Despite these policies, the trafficking of IW in Thailand continues. An estimated three to four million migrant workers, primarily from ethnic communities in neighboring countries reside in Thailand. Shan women living in Thailand are regularly trafficked to spa and massage parlors in Singapore and Korea, and ethnic Cham, Khmer, Tay, Nung, Mong women have reportedly been trafficked from Thailand to China, South Korea, Taiwan, Malaysia, and Singapore.³⁴ Indigenous women from groups such as Shan, Karen, Kachin, Mon, Chin, Muong, Lahu who migrate informally across Thailand’s borders and enter into sex work are subject to discrimination on the basis of their ethnic status, denied basic rights including access to healthcare and education.³⁵ Those without birth registration documents or passports are further penalized.

Myanmar is the most ethnically diverse country in Asia, with IPs comprising 32% of its 51 million population,³⁶ and recognizing 135 official ethnic groups and 100 spoken languages.³⁷ Myanmar stands at Tier-2 Watch List in the 2015 US TIP Report due to its ongoing status as a source country for trafficking of men, women and children, particularly to the neighboring countries of Thailand and China. Having embarked on government reforms in 2011, Myanmar re-established diplomatic ties with the US government, which is working to bolster the country's anti-trafficking efforts through police training and improved victim rehabilitation services.³⁸ Despite this, trafficking of IPs remains a significant problem, particularly in the labor sector. Men from Rohingya communities face slavery on fishing boats,³⁹ and have been rejected as asylum seekers in destination countries.⁴⁰ Women from Rohingya communities face being trafficked and forced to marry men abroad,⁴¹ and children throughout Myanmar are regularly conscripted into armed services.

The trafficking of women in Myanmar has been tied to the ongoing problem of gender-based violence, both among Burmese population and in indigenous communities. For example, the Women's League of Burma reported that sexual violence has been used as a warfare tactic by the Myanmar Army in ethnic regions including Shan and Kachin States.⁴² The experience, as well as the threat of violence spurs women's migration from Internally Displaced Person (IDP) camps along the Myanmar-China border, often resulting in labor exploitation in China's Yunnan province. Other IPs are trafficked into rubber plantations in Myanmar, into labor and sex trafficking within the jade mining industry,⁴³ and in Malaysia and Singapore.⁴⁴ To address these issues, non-state actors such as The United Nations Population Fund, International Organization for Migration, and the Danish Refugee Council have held workshops and trainings.⁴⁵ Civil Society Organisations (CSO) such as Kachin Women's Association of Thailand Gender Equality Network, Shan Women's Action Network, and Women's Organization Network have implemented gender equality programming at the community level.⁴⁶ These programs, while seldom adequately supported by donors, are nonetheless imperative to raising awareness.

Cambodia, whose population of 200,000 to 400,000 includes an official count of 1-2% indigenous people,⁴⁷ has long been a source and transit country for human trafficking in the labor and sex sectors, with child sex trafficking remaining at 8.2% of commercial sex establishments.⁴⁸ Trafficking of IW in the fishing industry in Thailand, as forced brides in China, and into domestic servitude in the Middle East all remain threats for indigenous women and men in Cambodia. Vietnamese women have reportedly been trafficked into and through Cambodia for purposes of forced prostitution.⁴⁹ Notable government-led initiatives to combat trafficking include the Cambodia Human Trafficking Law adopted on 18 January 2008, the 1996 "Law on the Suppression of the Kidnapping, Trafficking and Exploitation of Human Beings", the National Assembly's Commission on Human Rights and Reception of Complaints' 1997 study on the sexual exploitation of children. More recently, the government coordinated efforts between NGOs and the Ministry of Justice, the Ministry of Social Affairs, Labour, Vocational Training and Youth Rehabilitation, the Ministry of Interior, the Ministry of Women's and Veterans' Affairs (MWVA) and Cambodian National Council for Children. Article 46 of the Cambodia Constitution Law prohibits all forms of human trafficking. In 2015 the government of Cambodia has agreed to undertake a national plan of action against trafficking, thus avoiding a downgrade from Tier 2 Watch List status in the US Government's TIP Report.⁵⁰

NGOs dedicated to combating trafficking are active in Cambodia; however, the activities of some groups go unchecked, raising questions about their legitimacy. For example, Newsweek revealed that Somaly Mam, founder of the anti-sex trafficking NGO AFESIP, fabricated data about her beneficiaries for fundraising purposes,⁵¹ in effect profiting from the sensationalist narrative of sex trafficking that is often repeated in the media. Additionally, some faith-based organizations, such as International Justice Mission, whose operations involve "rescuing" sex workers working by consent, have been allowed to operate unchecked,⁵² highlighting the need for policies to be in place to oversee the methodology and practices of anti-trafficking NGOs. In addition, these problematic practices create obstacles for IW who are legitimately in need of support from NGOs.



Large INGOs such as UN Women, International Organization for Migration (IOM) and International Labor Organization (ILO) have attempted to strengthen prevention capacities at the village level, implementing child-protection networks and community development programs along the border areas of Thailand. IOM has also provided direct assistance to irregular migrants from Cambodia wishing to cross back into the country.⁵³ As in other countries, community-based organizations focusing on the rights of indigenous women, such as Cambodia Women's Development Agency and Asia Indigenous People's Pact, are making powerful strides at the prevention level, as access to local populations, peer education initiatives, economic empowerment programming, and rights-based approaches toward sex work are proving more effective than top-down interventions.⁵⁴

Lao PDR is one of Southeast Asia's most ethnically diverse countries, home to 2.25 million IPs⁵⁵ such as the Lao Theung (at 22% of the total 6 million population), Lao Sung, including the Muong and the Yao (at 9%), and ethnic Vietnamese/Chinese (at 1%).⁵⁶ At Tier-2 Watch List status, Laos remains a source country for trafficking, and one in which indigenous women are particularly vulnerable. As in Cambodia, children are frequently trafficked into prostitution, and men and women are exploited while conducting manual labor in Thailand, and in the agricultural sector within Laos.⁵⁷ As noted in the 2015 TIP Report, The Lao government has implemented few formal measures to combat trafficking and, instead, relies almost entirely on international organizations to combat this problem. Importantly, the problem of trafficking takes a significant toll on indigenous communities, many of whom are "pushed back" into the country upon being denied refugee status in Thailand. Ethnic Muong still face systematic persecution in Laos, due to their historical involvement with the US Central Intelligence Agency (CIA) during the Vietnam War.⁵⁸ In 2009, thousands of Muong migrant asylum-seekers faced reprisals upon being forced by the Thai government to return to Laos. This precarious status in both Laos and Thailand exacerbates the Muong's vulnerability to labor exploitation and trafficking.

Vietnam is positioned at Tier 2 status in the TIP Report, and remains a source country for trafficking, with both men and women migrating to Taiwan, Malaysia, South Korea, Laos, the United Arab Emirates, and Japan where they face forced labor in sectors of construction, fishing, agricultural, mining, logging, and manufacturing.⁵⁹ Vietnam's ethnic majority are Viet or Kinh, while according to the 1999 Census, its ethnically diverse population of 13-14 million IPs⁶⁰ is made up of Tay, Thai, Muong, Khmer Krom, Hoa (Chinese) Nung, Muong, among others.⁶¹ There are recent reports of ethnic girls from Vietnam's highland communities being sold into China as "forced brides,"⁶² and formerly trafficked women have been known to return to Vietnam as trafficking recruiters.⁶³ New reports also describe children trafficked to the United Kingdom by criminal gangs to work in cannabis factories,⁶⁴ and a study by Save the Children found that children were being trafficked at an alarming rate into the UK to work in brothels, nail salons and for street crime purposes.⁶⁵ In 2007, the Vietnamese government published a National Plan of Action on Criminal Trafficking in Women and Children, and bi-lateral agreements with Thailand, China and Cambodia have been signed. While the Vietnamese government works with NGOs, consensus among non-state actors is that trafficking-related sentences have been light. On the prevention and rehabilitation side, initiatives by organizations such as Women Union's Safer Migration Programme, Alliance Anti-Traffic's teacher education programme, and Pacific Links Foundation's shelter for trafficked girls in Lao Cai are operational, yet some lack the resources to effectively reach indigenous communities in poor and remote regions.⁶⁶

VOICES OF INDIGENOUS WOMEN

In order to understand the perspectives of indigenous women and the issues surrounding trafficking that are most pertinent to them, AIPP conducted interviews with members of indigenous communities throughout the Mekong Region including nine community leaders, three Community-Based Organisation (CBO) members, and three survivors. The interview questions sought to capture themes and experiences of trafficking that were most meaningful to communities, including issues of gender-based violence, education, employment, and other "push factors" that lead to women's migration. Participants were also asked to discuss their perceptions

and attitudes about trafficking, and assess the impacts of government and non-government responses. Participants were identified via snowball sampling, and interviews were conducted in Thai, Burmese, Khmer, Laotian and Vietnamese and English via a questionnaire. When needed, the assistance of translators was utilized. Data was color-coded and sorted according to relevant themes prior to analysis. These voices lend rich qualitative data to the emerging research on trafficking of IW, and pave the way toward a larger project examining the effects of policy on those most vulnerable to trafficking. All names have been changed for the purposes of protecting the anonymity of the respondents.

◆◆ FACTORS INFLUENCING HUMAN TRAFFICKING IN INDIGENOUS COMMUNITIES

The data revealed key factors that underscore trafficking and labor exploitation, and expounds on the often simplistic narrative that drives policies to combat trafficking. The data also revealed problems with the “taken for granted” notion that national policies have an “automatically” positive effect on IPs. In addition to the already well-documented push factors associated with trafficking and labor exploitation—including lack of education, low economic opportunity, and gender discrimination- this research found that additional, more complex factors underscore the particular circumstances and insecurities surrounding indigenous peoples’ –and particularly indigenous women’s experiences.

ENVIRONMENTAL DEGRADATION AND THE EROSION OF LAND RIGHTS

For IPs, environmental degradation and the erosion of land rights directly intersect with experiences of migration and trafficking. IPs, who maintain an intrinsic relationship with the land, rely heavily on agricultural production as their primary means of income-generation. However, state-sanctioned erosion of land rights, compounded by climate change, threatens this relationship and creates vulnerabilities within indigenous communities. When asked about the main source of income in their community, responses were: Planting cassava, soybeans, cashew trees, rubber trees, pepper; trading and selling local products; paddy crops, and other agricultural work. The income from these activities was estimated around 2000-5000 THB⁶⁷ per month. When asked about the kind of work they were expected to do to support the family, survivors stated working on the land provided a means of income generation and contribution to household consumption.

The trend to migrate away from home communities is a direct effect of problems associated with agricultural production, and the loss and degradation of IPs’ control over their own land. These difficulties are critically linked to trafficking. Asked to describe the conditions in their village or town, *Kim*, a Muong respondent from Vietnam noted difficult living conditions because they live in the mountainous area, where people are easily trafficked. The local people’s economic difficulties compel them to have a higher income job like in restaurants, or other easier jobs, but they are cheated by acquaintances or even relatives. The respondent said that the victims are trafficked to China where they are forced to be sexual slaves and pushed into hard working conditions.

The response of *Linh*, an ethnic Tay from Vietnam, echoed this pattern where after the harvest season, the local people leave the villages to find jobs, especially across borders (China) for additional income. *Linh* said the workers are not sponsored and must go through the informal route and turn illegal. Thus, though they worked hard, they were not paid for their efforts, she explained.

Compounding the need to migrate is the pressure to sell the rights to indigenous land. These interrelated pressures disregard the importance of social cohesion and cultural integrity that are fostered by a community's relationship with the land, and undermine the socio-cultural institutions and practices that bind indigenous communities together. A Khmer village chief from Cambodia, *Bunroeun*, explained that at the beginning, there were many indigenous people in his village. But immigrants came every day, and the villagers had to sell their land, and eventually left. *Bunroeun* said that presently, only seven (indigenous) families were living there, because "selling land is a temptation when economic conditions are dire."

Narith, the director of an indigenous people's organization in Cambodia explained why the pressure to sell land is prevalent among IPs. According to *Narith*, the key concern about trafficking within the indigenous communities is a result of the prevalence of economic land concessions on their territories, and that there had been several cases of indigenous Bunong women trafficked from their village to the city by a worker of the land concession who acts as an agent, tricks indigenous women in the village by convincing them with jobs in Cambodia, Malaysia and Thailand, then gets the commission. Trafficking, he explained, involved "tricking" people to migrate away from their land; in effect, foregoing rights to that land altogether.

Alathoo, a Karen respondent from Thailand, explained this connection in further detail: "Because the area is still under the national conservation policy, the government can declare to take back the land whenever they want. We don't feel secure, and are afraid." Rotational farming and chemical use, she explained, exacerbated these fears of government land confiscation because the government did not allow for this type of farming, even though it was necessary for the community's wellbeing. Climate change, she added, had compounded these issues as the rain did not come when it should at that particular time of the year.

The UN Special Rapporteur on Indigenous Peoples discussed the unique connections between the historical experiences of land confiscation and the realities of indigenous women and girls and their rights. "It is vital to consider the unique historical experiences of indigenous communities. Those have included gross and sustained assaults on the cultural integrity of indigenous peoples; denigration and non-recognition of customary laws and governance systems; failure to develop frameworks that allow indigenous peoples appropriate levels of self-governance; and practices that strip indigenous peoples of autonomy over land and natural resources."⁶⁸

Echoing this, respondents revealed that reliance of their economy on agricultural industries and the degradation of the environment and climate change are linked to rising incidents of gender-based violence (GBV). *Alathoo*, noted that there have recently been more violations at the household level, as a result of men, after extended work to earn extra income, drinking alcohol, going home and fighting with their wives. GBV often went unpunished by community leaders because of the need for men to continue working the land and *Alathoo* noted that "Even with international law and the rights of women, it is difficult at the community level because in agriculture, we need manpower to do this kind of work."

LACK OF APPROPRIATE EDUCATIONAL OPPORTUNITIES FOR GIRLS AND SOCIETAL EXPECTATIONS AROUND CHILDREN'S LABOR

In virtually all interviews, community leaders, survivors and organizational employees emphasized societal expectations around children's labor, noting that often, children between ages 10-15 were expected to leave school and help their families with income-generating activities. Customary practices underscore the expectations around children's labor. In some societies, for example, marital status defines the category of "child" and "adult." According to *Lanai*, a respondent from the Bru ethnic group (also called Katang) in Laos, "If they are single and unmarried, up until 20 they are considered [child]. If they are 13 or 14 and married, they are considered adult." Among those interviewed, only one respondent, *Linh*, from the Tay ethnic group in Vietnam, stated that "childhood" officially ended and adulthood began at age 18, indicating that within



indigenous societies, perceptions of “childhood” may differ with that of the mainstream. Among survivors, “family needs” and “earning more money for the family” were cited as the primary reasons they migrated and faced labor exploitation, both in the sex industry and other labor sectors. A trafficking survivor from the Tompoun ethnic group in Cambodia, *Achariya*, said she had been expected to work since she was 10 years old, while the other survivor from the Karen group living in Myanmar, *Nornnee*, said it has been expected since she was five. The survivor, who said she is now HIV positive, described the conditions in her community prior to leaving as “hellish,” compelling her to migrate at age 15.

Additionally, poverty and lack of access to educational facilities and materials impeded children’s access to schooling. *Bunroeun*, the village-chief from Cambodia, noted that poor indigenous students live far away from school, which was upheld by a Karen respondent from Myanmar, *Nor Cee Thoo*, who noted that children wishing to go to school must “walk one hour” to attend classes. *Lanai*, noted the connection between child labor and education for the Bru community in Laos. She said only around 30-40% of children who attend primary school continue to go to secondary school, and only 20-30% of those children complete high school, with perhaps only 10% who complete secondary school go on to a vocational college. *Kim*, respondent from the Muong ethnicity in Vietnam, noted that the pressure to speak the national language often fuels children’s resistance to formal education. Lack of access to free, compulsory education conducted in local languages, compounded by social and economic pressures to assist families leave indigenous children vulnerable to becoming laborers well before the age of autonomous consent. This, in turn, increases their risk of being trafficked.

Labor expectations of children are common in indigenous communities where agricultural activities demand a heavy work force that as noted by *Lanai*, it is normal for children aged 10 to work to help the family, much so with larger families that ask their children to go to work. These labor expectations leave children vulnerable to exploitation and trafficking, particularly in migration situations.

The respondents described how traffickers recruit victims in their community and how the conditions of families have been taken advantage of. *Lanai*, explained that it becomes evident in the communities that families whose children go to Thailand have a lot of money, so others ask for their children to go to Thailand too. It has become common for people, mostly the youth, to migrate out of the community to go to Thailand.

POOR GOVERNMENT COMMUNICATION, LACK OF PREVENTION, AND PERCEPTIONS OF COMPLICITY

On the part of IPs, there was an overwhelming perception that government communication around trafficking and the associated policies to combat it were not being adequately shared at the community level. *Alathoo*, the Karen respondent from Thailand, said there have been no efforts; nothing significant had been seen when asked about the national government’s action to combat trafficking. Likewise, *Linh* noted that the government had held no training or courses in local communities. This was echoed by a respondent from a CBO focused on anti-trafficking initiatives in Myanmar’s Kachin State, who said that her organization has never collaborated or experienced working with the national government to combat trafficking.

Lanai commented that there is no conflict within the Bru community in Laos, but they have conflict and tension with the government regarding policy and noted that government leaders and employees rarely interact with communities in ways that are effective to combat trafficking. The government’s involvement is limited to reporting about communities or families whose children go abroad to work. She concluded that communication is rare because families never really complain to the government units, but suggested that communities should interact with or utilize government policies in place to combat trafficking in ways that are effective.

Much is still to be done by the government regarding awareness raising on trafficking and *Lanai* said not enough was being communicated which should come through dissemination of information at the local level.





She said she “would like to hear [about] the impact of human trafficking” to improve awareness and “to know about the mechanisms that the commissioner is using to get people [out of] the human trafficking system.” Victims of human trafficking should also be made aware of mechanisms that they can resort to such as: Who to ask for help? Who is responsible for the issue? Who can they turn to for support? Similarly, one NGO employee working in Cambodia noted that people do not get any information related to safe migration or understand how to save themselves when migrating to find jobs abroad.

Some respondents pointed to the government's highlighting of the problem and heavy focus on “rescue” instead of effective prevention strategies, designed to prevent trafficking from occurring in the first place. *Alathoo*, does not see the Thai government's role in pre-empting or protecting victims of trafficking and observed that the government reacts only when something has already happened.

Respondents stressed the need for awareness raising campaigns and participatory projects implemented at the local level. Others called for improved funding for outreach activities, health education, skills development in communication, advocacy, and for community leaders to impart their knowledge and experiences of trafficking to the community. The need for improved legislation was cited by several community members, including calls for improved labor laws, international laws, and a “Gender Equality Law.” But as one Shan respondent, *Charm*, noted, even when such laws did exist they rarely had any impact because, she said, “We have to find the information ourselves.”

Government complicity around trafficking was also identified as a problem. *Alathoo* was skeptical about the government's concern or sympathy to the needs of the community regarding trafficking as she expressed her doubt if the national government will care as it “may even be the ones to bring the trafficking.” Similarly, *Nor Cee Thoo*, one of the Karen respondents from Myanmar, described the disappearance and trafficking of a child in her community, and noted that the case did not advance with the Myanmar police to find the child because the mother had no national registration card.

The need for governments to increase protection policies in light of the impending opening of ASEAN was also expressed as a concern as respondents highlighted the implications of ASEAN opening up without governments first instilling adequate labor protection policies across member countries, and pointed to a need, on the part of governments, to address migration trends under a more open ASEAN.

Despite the evidence pointing to lack of government communication at the local level, some respondents expressed appreciation for government policy. *Linh*, from the Tey ethnic group in Vietnam, remarked that the government has identified Lang Son as one of four key provinces in the country with complicated issues on trafficking of women and children. *Kim*, a Muong respondent also from Vietnam, said that the government has policies and programs for victims they have rescued, where victims are taken care of, to stabilize their health and mind. Another respondent from Cambodia, *Syna*, noted that the government utilizes the media to broadcast the impacts of human trafficking to let people be aware and understand. Still, not many understand, when asked to assess the community's level of understanding of trafficking.



CUSTOMARY PRACTICES THAT IMPEDE WOMEN'S EMPOWERMENT

In many indigenous societies, women are viewed as caretakers of the home and preservers of culture. Some respondents noted that women are traditionally seen as “weaker than” men and having “less strength” than men, thus, they cannot participate in the same kinds of activities. Because of these traditional views, gender-based violence and poor economic conditions serve as threats to women's empowerment. Other respondents noted that cultural practices limited women's economic autonomy and participation in public life. *Linh*, explained that gender equality is of great concern to the community. She perceived women to have equal rights as men in general activities such as meetings, organizing groups, making contributions and recognizing celebration days for women. Yet, she observed that in some families where women do most of the work, they do not manage the finance and have no right in making major decisions. *Linh* views being a woman a challenge where the custom pronounces women to “follow their husbands” after getting married.

Following customary practices rather than more modern paradigms has material consequences on women—particularly those without proper identification documents who nevertheless choose to migrate to help their communities. Many respondents noted the dangers of migrating without proper identification documents, explaining that lack of documents leaves women vulnerable to trafficking and exploitation in destination countries.

Several community leaders explained that survivors often face stigma upon return from being trafficked, a factor which further impedes IW's empowerment in their communities. Community responses to returned survivors are varied, from acceptance to ostracism. *Syna* explained that those who were most discriminated were either “the poorest of the poor,” “sex workers,” and those “forced into marriage.” *Nor Cee Thoo*, Karen respondent from Myanmar, shared that those who reintegrate often have “reduced” chances of finding work. *Linh* said that victimization affects the entire family because with the victims' physical and mental trauma, all members of the victim's family suffer mentally, with the knowledge that their relatives were sold. The victim's family also faces the burden of costs in their search for their kin.

Nornee, declined to talk about her experiences as a sex worker abroad, but volunteered to talk to the police and her family if asked. Another survivor, *Achariya*, shares her experiences with many people because as another survivor noted, it is important to share experiences to help other members of the community overcome stigma, fear and replication of trafficking experiences.



INACCURATE UNDERSTANDINGS OF WHAT HUMAN TRAFFICKING ACTUALLY IS

It is a prevalent assumption that “trafficking” involves a dramatic scenario of being tricked or kidnapped, when in reality, labor exploitation occurs in seemingly “small” ways all the time. This inaccurate perception indicates problems in the communication practices that surround trafficking. This is illustrated in the response of *Lanai*, who downplayed the impact of her own exploitation. She said that hers was not a serious case because they lied to her about the salary only, and was not promised anything else. She did not consider it as a case of big trafficking, but rather, a minor inconvenience when she worked as a housekeeper in Bangkok and did not get her salary.

According to the tenets of the 2000 Palermo Protocol and the ILO, deceptive practices related to paying workers - including the blatant withholding of money within the workplace - qualifies as trafficking. The misperception on the part of this respondent about her own circumstance shows that dominant ideas about trafficking may be circulating, but these ideas are often incongruent with people’s actual experiences.

In many advocacy campaigns, trafficking is perceived as being akin to kidnapping, forced movement across borders, and a range of other circumstances that overlook and exclude more mundane-seeming incidents of deception in the workplace. While such “dramatic” forms of trafficking do, indeed, take place, such narratives have important consequences, as they paint a picture of victimhood that is less inclusive of “ordinary” seeming experiences of exploitation. It is important that INGOs, governments and other stakeholders working to combat trafficking help IW see their seemingly “everyday” experiences of exploitation in the workplace as important, valid, and unacceptable—rather than normalized and trivialized.

Misperceptions about trafficking were also highlighted at the authority level within communities where one respondent from Laos noted that because the committee authorities were not aware of trafficking and had no knowledge, much less consider reducing it. Community leaders also highlighted the importance of understanding the nuances of forced versus voluntary migration. *Charm*, a Shan respondent living in Thailand, believes that empowering the community is of primary importance. “There are many people who do not leave the village by force but the process of human trafficking happens later, which is why there is a need to teach girls how to be aware of their situation, where to go if they have problems, what phone contacts they can call...”

This response highlights a common misconception in anti-trafficking discourse; namely, that trafficking happens outside the purview of a voluntary process. As numerous cases have illustrated, however, it is often voluntary forms of migration—which later become exploitative—where the most egregious forms of exploitation and abuse occur. Educating potential migrants about the vulnerabilities of voluntary migration and instilling policy measures to protect them during these processes of migration is, therefore, a needed change of approach in anti-trafficking policy development.





DISCUSSION: HOW CAN POLICY BETTER SERVE INDIGENOUS COMMUNITY NEEDS?

The data shows that IPs in the Mekong Sub-Region perceive top-down policies designed to combat trafficking are failing to meet the needs of their communities. The focus on “rescue” rather than prevention, the failure to address push factors such as societal expectations of children in the labor force, gender-based violence and its intersection with environmental degradation, coupled with a failure to effectively communicate the meaning and implications of trafficking and labor exploitation, as well as what policies are in place to help IW and their communities, suggests that unless governments, INGOs and other stakeholders shift their approach to combating trafficking, such policies will continue to fail. IW are precariously situated at the center of this trafficking “drama,” balancing experiences of intersectional marginalization that leave them particularly vulnerable to trafficking and labor exploitation.

Finally, the focus on carceral approaches to combating trafficking does IW a particular disservice, in light of the undefined citizenship status of many IW within the Mekong Region. In discussing citizenship rights, T. H. Marshall explained, “Citizenship is a status bestowed on those who are full members of a community.”⁶⁹ The US State Department approach—replicated by governments throughout the Mekong Region—puts emphasis on “catching criminals;” however, often times stateless or at risk migrants are, themselves, viewed by the state as criminals, thus rendering them doubly vulnerable to a system which is not designed to protect their rights. As noted by numerous scholars and practitioners, policies that emphasize criminalization often reinforce government control apparatuses of policing and control⁷⁰ while ignoring the needs of women. Instead, gender-sensitive social justice approaches should focus on removing barriers for women in the social, political and economic spheres, in order to strengthen their capacities and empower whole communities.



CONCLUSION

This paper presents a preliminary investigation into the factors that underscore the trafficking of IW in the Mekong region, and the policies in place to help combat it. Primarily, it sheds light on community perspectives on trafficking, and highlights the ongoing vulnerabilities of IW and IPs in the Mekong Region. As such, it is intended to be a springboard for targeted and participatory programming, policy development, and further investigation. Future research could include a wider array of voices from the policy maker and survivor categories, and could examine the impacts of specific programs and advocacy strategies that are intended to reach communities at risk.

Both the 1995 Beijing Declaration and Platform for Action⁷¹ and the CEDAW⁷² emphasize the right of self-determination among women. In the context of IW, self-determination is defined as both a choice to determine political status, as well as the right to have autonomy over economic, social and cultural development.⁷³ Listening to the voices of indigenous communities, and in particular, indigenous women, should be a priority for governments working to uphold commitments to human rights—both within their national borders, and beyond.





RECOMMENDATIONS

TO GOVERNMENTS THROUGHOUT THE MEKONG REGION:

1. Recognize that human trafficking is a systemic problem resulting from other human rights violations inflicted on indigenous peoples by national governments. In this context, legal and policy reforms as well as enforcement of laws and policies on the rights of women and children should be implemented. These include but not limited to the following:

- Legal recognition of indigenous peoples and their rights as embodied in international human rights instruments particularly the UNDRIP especially their right to their lands, territories and resources
- Proper implementation of the CEDAW and the Beijing Declaration and Platform for Action and with targeted policies and programmes for the protection of women against violence and for their economic and political empowerment
- Ensure the right to citizenship of members of indigenous peoples including their equal access to basic social services such as education, health and employment
- Implement a targeted and appropriate education programme for indigenous children including mother-tongue education at the primary level

2. Focus on prevention strategies rather than palliative means of combating trafficking. Governments need to invest their resources to prevent trafficking by addressing the causes and factors of discrimination of indigenous women and girls, while adopting and enforcing a zero tolerance policy on police and other officials who facilitate the exploitation of migrant and indigenous women and children, both within a country and across its borders.



TO INTERNATIONAL NON-GOVERNMENT ORGANISATIONS, SERVICE PROVIDERS AND DONORS

- 1. Facilitate and enhance effective communication channels and coordination mechanisms among policy makers, law enforcers, service providers and community leaders especially women leaders in developing, implementing and monitoring targeted intervention programs to address and combat human trafficking.**
- 2. Bolster funding for culturally-sensitive and accessible prevention programs at the community level. These programs to be developed in collaboration with indigenous women, organizations and communities shall include appropriate education materials and tools translated in local/indigenous languages, outreach activities for indigenous children and youth; and appropriate early-warning and tracking systems on trafficking.**
- 3. Generate attention and action to push factors such as, land grabbing, prohibition and destruction of traditional livelihoods, discriminatory educational system and practices and continuing violations of the rights of indigenous peoples including women and children. Likewise, highlight the roles and contributions of women to the wellbeing of their families and communities, instead of using overly sensationalized narratives of trafficking that merely paint a picture of victimhood and does not capture the multidimensional exploitation and experiences of indigenous women.**
- 4. Support community initiatives for their self-determined development with particular attention to the economic empowerment and capacity building of indigenous women and girls.**



- ¹ United Nations Office on Drugs and Crime. (2014). *UNODC on human trafficking and migrant smuggling*. Retrieved from: <https://www.unodc.org/unodc/human-trafficking/>
- ³ US Department of State. (2015). *Trafficking In Persons Report*.
- ⁴ See Sassen, S. (2000). Women's burden: counter-geographies of globalization and the feminization of survival. *Nordic Journal of International Law* 71: 255-274, 2002.
- ⁵ United National Special Rapporteur. (2015). *Report to the Human Rights Council, 2015. Rights of indigenous women and girls*. United Nations General Assembly Human Rights Council Thirtieth Session Agenda Item 3 A/HRC/30/41 6 August 2015.
- ⁶ US Department of State. (2015). *Trafficking In Persons Report*.
- ⁷ Kamler, E. (2015). Women of the Kachin Conflict: *Trafficking and Militarized Femininity on the Burma-China Border*, *Journal of Human Trafficking*, 1:3, 209-234, DOI: 10.1080/23322705.2015.1014664
- ⁸ The New York Times. (2015). For Rohingya, *Fear and Forced Marriages*.
- ⁹ Asia Indigenous People's Pact. (2015). *TIP of the Iceberg: Trafficking of Indigenous Peoples*.
- ¹⁰ US Department of State. (2015). *Trafficking In Persons Report*.
- ¹¹ United Nations Permanent Forum on Indigenous Issues (n.d), *Indigenous Peoples, Indigenous Voices Factsheet: Who are Indigenous Peoples*.
- ¹² The World Bank (2015), *Indigenous Peoples Overview*.
- ¹³ Mikkelsen, C (ed.) (2015), *The Indigenous World 2015*, The International Work Group for Indigenous Affairs (IWGIA), Copenhagen, pp.279-306.
- ¹⁴ The Association of Southeast Asian Nations (ASEAN) comprises ten member countries: Brunei Darussalam, Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand and Vietnam.
- ¹⁵ Human Rights Watch. *Civil Society Denounces Adoption of Flawed Human Rights Declaration*. (2012).
- ¹⁶ Mikkelsen, C (ed.) (2015), *The Indigenous World 2015*, The International Work Group for Indigenous Affairs (IWGIA), Copenhagen, pp.279-306.
- ¹⁷ US Department of State. (2015). *Trafficking In Persons Report*.
- ¹⁸ ASEAN Economic Community Blueprint (2008).
- ¹⁹ For the countries of the Mekong, Vietnam is so far the only signatory, although Thailand has officially showed interest in joining the agreement.
- ²⁰ Mikkelsen, C (ed.) (2015), *The Indigenous World 2015*, The International Work Group for Indigenous Affairs (IWGIA), Copenhagen, pp.279-306.
- ²¹ United Nations Inter-Agency Project on Human Trafficking (n.d.), *Human Trafficking Laws: Legal Provisions for Victims*.
- ²² See Parreñas, R. (2011), *Illicit Flirtations: Labor, Migration and Sex Trafficking in Tokyo*, Stanford University Press.
- ²³ Mikkelsen, C (ed.) (2015), *The Indigenous World 2015*, The International Work Group for Indigenous Affairs (IWGIA), Copenhagen, pp.279-306.
- ²⁴ US Department of State. (2015). *Trafficking In Persons Report*. P. 330.
- ²⁵ *Ibid.*, p. 331.
- ²⁶ *United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime*, 2001: 2. Office of the High Commissioner for Human Rights. Retrieved at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/ProtocolTraffickingInPersons.aspx>
- ²⁷ ECPAT International (2006). *Global monitoring report on the status of action against commercial sexual exploitation of children: Thailand*. Bangkok: ECPAT International. P. 21.
- ²⁸ Kamler, E. (2014). Trafficking and Prostitution in Thailand: Re-Conceptualizing International Law in the Age of Globalization. In P. Liamputtong (Ed.), *Contemporary socio-cultural and political perspectives in Thailand*. Springer: Dordrecht, The Netherlands. In DOI 10.1007/978-94-007-7244-1
- ²⁹ Derks, A. (2000). *Combating trafficking in South-East Asia: A review of policy and programme responses*. Geneva: The International Organization for Migration.
- ³⁰ Kamler, E. (2014). Trafficking and Prostitution in Thailand: Re-Conceptualizing International Law in the Age of Globalization. In P. Liamputtong (Ed.), *Contemporary socio-cultural and political perspectives in Thailand*. Springer: Dordrecht, The Netherlands. In DOI 10.1007/978-94-007-7244-1
- ³¹ US Department of State. (2015). *Trafficking In Persons Report. Country Report: Thailand*. P. 331.
- ³² Lefevre, A.S. and Belford, A. (2015). *Thailand's trafficking crackdown adds to migrants' misery*. Reuters.com.
- ³³ See Asia Pacific Network of Sex Workers, (2015). *Please vote Yes to the policy of decriminalization of sex work*.



- ³⁴ Personal Communication with AIPP Interview Participant, 2015.
- ³⁵ Kamler, E. (2014).
- ³⁶ Mikkelsen, C (ed.) (2015), *The Indigenous World 2015*, The International Work Group for Indigenous Affairs (IWGIA), Copenhagen, pp.279-306.
- ³⁷ Minority Rights Group International. (2014). *World Directory of Minorities and Indigenous Peoples*.
- ³⁸ Personal communication with U.S. Consular Office in Yangon, Myanmar. March, 2015.
- ³⁹ The New York Times. (2015). *For Rohingya, Fear and Forced Marriages*.
- ⁴⁰ Global Voices. (2015). *Rohingya Boat Refugees Rejected by Thailand, Malaysia and Indonesia*.
- ⁴¹ The New York Times. (2015).
- ⁴² Women's League of Burma. (2014). *Same impunity, same patterns: Report of systematic sexual violence in Burma's ethnic areas*.
- ⁴³ Kachin Women's Association Thailand. (2014). *Programs*.
- ⁴⁴ Personal Communication with AIPP Interview Participant. (2015).
- ⁴⁵ International Organization for Migration. (2015). *IOM, Partners React to Trafficking, Gender-Based Violence in Northern Myanmar*.
- ⁴⁶ Myanmar Local Resource Centre. (2015). *Gender Equality Network (GEN- formerly the Women's Protection Technical Working Group)*.
- ⁴⁷ See *Indigenous People's in Cambodia. (2015)*. International Work Group for Indigenous Affairs. (2015). Note that the census in Cambodia has historically disregarded participation of indigenous peoples, which may account for inaccuracies among these figures.
- ⁴⁸ US Department of State. (2015). *Trafficking In Persons Report. Country Report: Cambodia*.
- ⁴⁹ Derks, A. (2000). *Combating trafficking in South-East Asia: A review of policy and programme responses*. Geneva: The International Organization for Migration.
- ⁵⁰ Ibid.
- ⁵¹ Marks, Simon, (2014). *Somaly Mam: The Holy Saint (and Sinner) of Sex Trafficking*. Newsweek.
- ⁵² Personal Communication with IJM, Phnom Penh, Cambodia, August, 2010; Personal Communication with EMPOWER, Chiang Mai, Thailand, December, 2011.
- ⁵³ International Organization for Migration. (2014). *IOM Asia Regional Director Assesses Cambodia Border Response as Movements Approach 180,000*.
- ⁵⁴ See Cambodia Women's Development Agency. (2015). *Community Self-Prevention*.
- ⁵⁵ Mikkelsen, C (ed.) (2015), *The Indigenous World 2015*, The International Work Group for Indigenous Affairs (IWGIA), Copenhagen, pp.279-306.
- ⁵⁶ *CIA World Factbook*. (2007).
- ⁵⁷ US Department of State. (2015). *Trafficking In Persons Report. Country Report: Laos*.
- ⁵⁸ George, W.L. (2010). *Muong Refugees Live in Fear in Laos and Thailand*. Time.
- ⁵⁹ US Department of State. (2015). *Trafficking In Persons Report. Country Report: Vietnam*.
- ⁶⁰ Mikkelsen, C (ed.) (2015), *The Indigenous World 2015*, The International Work Group for Indigenous Affairs (IWGIA), Copenhagen, pp.279-306.
- ⁶¹ Minority Rights Group International. (2014). *World Directory of Minorities and Indigenous Peoples*.
- ⁶² Thanh Nien News. (2015). *Vietnam busts human trafficking ring selling ethnic teen girls to China*.
- ⁶³ Dung, T. (2015). *Once trafficked, now a trafficker: 2 women charged for selling 21 other to Chinese*. Thanh Nien News.
- ⁶⁴ Kelly, A. and McNamara, M. (2015). *3000 children enslaved in Britain after being trafficked from Vietnam*. The Guardian.
- ⁶⁵ Save the Children. (2011). *The trafficking of women and children from Vietnam*.
- ⁶⁶ Ibid.
- ⁶⁷ About U.S. \$60-150
- ⁶⁸ United National Special Rapporteur. (2015). *Report to the Human Rights Council, 2015. Rights of indigenous women and girls*. United Nations General Assembly Human Rights Council Thirtieth Session Agenda Item 3 A/HRC/30/41 6 August 2015.
- ⁶⁹ Marshall, T.H., "Citizenship and Social Class." Pp. 3-51 in *Citizenship and Social Class* eds. T.H. Marshall and T. Bottomore (London: Pluto, 1992). P. 18.
- ⁷⁰ Bumiller, K. (2008). *In an Abusive State: How Neoliberalism Appropriated the Feminist Movement Against Sexual Violence*. Durham: Duke University Press.
- ⁷¹ *Beijing Declaration and Platform for Action*. (1995). UN Women.
- ⁷² *Convention on the Elimination of All Forms of Discrimination Against Women*. (1979). UN Women.
- ⁷³ United National Special Rapporteur. (2015). *Report to the Human Rights Council, 2015. Rights of indigenous women and girls*. United Nations General Assembly Human Rights Council Thirtieth Session Agenda Item 3 A/HRC/30/41 6 August 2015.



AIPP at a glance

The Asia Indigenous Peoples Pact (AIPP) is a regional organization founded in 1988 by indigenous peoples' movements as a platform for solidarity and cooperation. AIPP is actively promoting and defending indigenous peoples' rights and human rights, sustainable development and management of resources and environment protection. Through the years, AIPP has developed its expertise on grassroots capacity building, advocacy and networking from local to global levels and strengthening partnerships with indigenous organizations, support NGOs, UN agencies and other institutions. At present, AIPP has 47 members from 14 countries in Asia with 7 indigenous peoples' national alliances/ networks and 35 local and sub-national organizations including 16 are ethnic-based organizations, five (5) indigenous women and four (4) are indigenous youth organizations. It also specifically aims to empower indigenous women through networking, education and capacity building activities with the overall goal for indigenous women to assert, promote and protect their rights as women and as indigenous peoples.

Our Vision

Indigenous peoples in Asia are fully exercising their rights, distinct cultures and identities, are living with dignity, and enhancing their sustainable management systems on lands, territories and resources for their own future and development in an environment of peace, justice and equality.

Our Mission

AIPP strengthens the solidarity, cooperation and capacities of indigenous peoples in Asia to promote and protect their rights, cultures and identities, and their sustainable resource management systems for their development and self-determination.

AIPP Programmes

Our main areas of work among the different programmes are information dissemination, awareness raising, capacity building, advocacy and networking from local to global. Our programmes are:

- Human Rights Campaign and Policy Advocacy
- Regional Capacity Building
- Environment
- Indigenous Women
- Communication Development

AIPP is accredited as an NGO in special consultative status with the UN Economic and Social Council (ECOSOC) and as observer organization with the United Nations Framework Convention on Climate Change (UNFCCC), Convention on Biological Diversity (CBD), Green Climate Fund (GCF), Global Environment Facility (GEF) and the World Intellectual Property Organization (WIPO). AIPP is a member of the International Land Coalition (ILC).



