



WHAT IS ACTIP?

ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP)



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Overview

ACTIP was signed on 21 November 2015, and came into force in 2017 as a legal instrument for action to combat trafficking in persons for all ASEAN Member States. ACTIP has now been signed by all ASEAN Member States.

ACTIP is consistent with internationally recognised principles, including non-discrimination, non-punishment, freedom of movement and non-revictimisation principles. It applies to prevention, investigation, and prosecution of cross-border trafficking (including those committed by organised criminal groups), and protection of and assistance to victims of trafficking.

ACTIP mandated the ASEAN Senior Officials Meeting on Transnational Crime (SOMTC) to promote, monitor, review and report on the effective implementation of ACTIP.

Objectives



Prevent and combat trafficking in persons, especially against women and children, and to ensure just and effective punishment of traffickers.



Protect and assist victims of trafficking in persons, with full respect for their human rights.



Promote cooperation among the Parties in order to meet these objectives.

Causes of Trafficking

ACTIP recognises that trafficking in persons (TIP) is caused by a combination of factors, including:

- government corruption
- poverty
- economic instability
- inefficient legal systems
- organised crimes
- demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking

What is Trafficking in Persons?



ACT

Recruitment, Transport, Transfer, Harbours, Receipt of Persons



MEANS

Threat or use of force, Coercion, Abduction, Fraud, Deception, Abuse of Power or Vulnerability, Giving Payments or Benefits



PURPOSE

Sexual Exploitation, Forced Labour, Slavery, Removal of Organs, Other Types of Exploitation



TRAFFICKING IN PERSONS

ACTIP Chapters

There are 31 articles in the ACTIP detailed in 7 chapters:



General Provisions
(Chapter I)

- Objectives of the ACTIP- to prevent and combat TIP, protect and assist victims and promote cooperation
- Definition of TIP



Criminalisation
(Chapter II)

- Criminalisation of participation in an organised criminal group
- Criminalisation of the laundering of proceeds of crime
- Criminalisation of corruption
- Criminalisation of obstruction of justice



Prevention
(Chapter III)

- Prevention of trafficking in persons
- Areas of cooperation
- Cross-border cooperation, control and validity of documents



Protection
(Chapter IV)

- Protection of victims of trafficking in persons
- Repatriation and return of victims



Law Enforcement
(Chapter V)

- Law enforcement and prosecution
- Confiscation and seizure



International Cooperation
(Chapter VI)

- Mutual legal assistance in criminal matters
- Extradition
- Law enforcement and cooperation
- International cooperation for purposes of confiscation
- Disposal of confiscated proceeds of crime or property



Final Provisions
(Chapter VII)

- Establishment of coordinating structures
- Monitoring, reviewing and reporting
- Settlement of disputes, ratification, entry into force, and withdrawal

Protection of Victims of Trafficking

(Chapter IV)

Key Points



Establish national guidelines or procedures for the proper identification of victims



Collaborate with relevant non-governmental victim assistance organisations



Respect and recognise the identification of victims of trafficking in person made by the competent authorities of the receiving Party



Identification of victims shall be notified to the sending Party without unreasonable delay by the receiving Party



Consider adopting legislative or other appropriate measures that permit victims of trafficking in persons to remain in its territory, temporarily or permanently in appropriate cases



Not unreasonably hold persons who have been identified by its competent authorities as victims of trafficking in detention or prison, prior to, during or after civil, criminal or administrative proceedings



Communicate to identified victims of trafficking within a reasonable period, information on the nature of protection, assistance and support to which they are entitled to under domestic laws



Where applicable, provide care and support to victims, including: appropriate housing, counselling and information particularly their legal rights (in a language that they can understand), medical and psychological and material assistance, employment, educational and training opportunities



Ensure best effort to assist in reintegration of victims into society



Take into account the age, gender, and special needs of victims, in particular the special needs of children



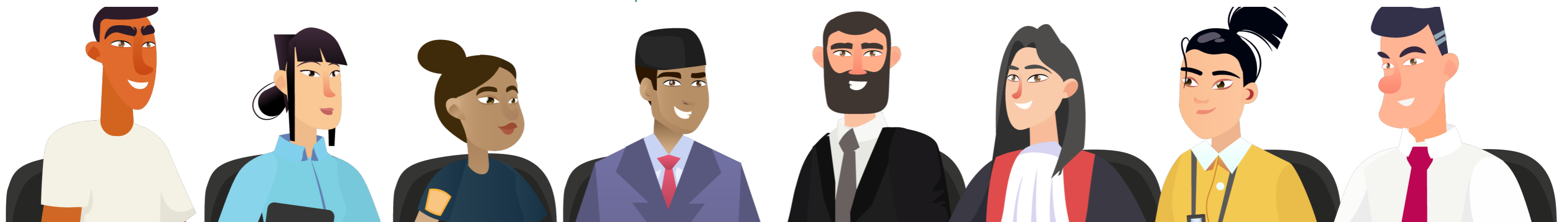
Ensure that domestic legal system contains measures that offer victims the possibility of obtaining compensation for damages suffered

Taking Action

How can ASEAN Member States implement the ACTIP?*

- ✓ Ensure legal frameworks and systems are effectively in place to handle trafficking cases.
- ✓ Include corruption and laundering of proceeds of trafficking as related offences to trafficking in persons in their domestic laws.
- ✓ Enable safe and regular migration across the region, including by disseminating accurate information on the requirements and conditions enabling the entry into, exit from and stay in ASEAN Member States.
- ✓ Establish, as appropriate, national coordinating bodies to combat trafficking and to enhance cooperation under ACTIP.
- ✓ Establish laws and measures to enable confiscation and seizure of trafficker's assets, in accordance with relevant laws.
- ✓ Exchange and share information on measures to reduce children's vulnerability to trafficking in persons.
- ✓ Strengthen regional cooperation in the investigation and prosecution of trafficking cases, including through direct channels of communication and intelligence exchange.
- ✓ Incorporate definition of trafficking, either by persons or corporations, under ACTIP into their domestic laws and policies.
- ✓ Establish whole-of-society approach for regional and national prevention, awareness and counter-trafficking strategies.
- ✓ Promote capacity building, including training, technical cooperation, and the holding of regional coordination meetings.
- ✓ Enhance the use of mutual legal assistance in trafficking investigations or proceedings pursuant to their domestic laws and Treaty on Mutual Legal Assistance in Criminal Matters.
- ✓ Include higher penalties for aggravating circumstances resulted from trafficking in their domestic laws and policies.
- ✓ Establish comprehensive policies programs and other measures to protect victims of trafficking, especially from revictimisation.
- ✓ Strengthen bilateral, regional and multilateral cooperation to address factors of trafficking, including poverty, underdevelopment and lack of equal opportunity.
- ✓ Preserve the confidentiality and secrecy of documents, records, and information received from any other ASEAN Member States, including the source thereof.

*from selected ACTIP provisions and the Bohol TIP Work Plan 2.0



Shared Responsibility

All ASEAN Member States share a common responsibility and goal: to prevent, prosecute, and punish trafficking, and to protect and assist victims of trafficking.

The ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP) recognises that cooperation is imperative to the successful investigation, prosecution and effective protection of, and assistance to victims of trafficking.

Learn more about the ACTIP,
watch this animation:



This fact sheet has been developed by the ASEAN Senior Official Meeting on Transnational Crime (SOMTC), in partnership with the Australian Government funded ASEAN–Australia Counter Trafficking program (ASEAN–ACT).

