

International Instruments

International Law

Rules and principles dealing with the conduct of nation-states and their relations

Establishes a framework and criteria where states are principle actors in the international legal system

Depends on voluntary participation of states to formulate, observe and enforce law

Role of the UN in International Law

The UN was formed out of voluntary participation of states.

The UN creates a means for the world community to formulate, observe and enforce International law.

Main sources of International Law must be registered with the UN to be enforceable in its International Court of Justice.

The UN uses a wide range of written agreements that can be entered into by state parties as sources of law. They are called International Instruments.

International Instruments

Treaties

Agreements

Declarations

Conventions

Statutes

Proclamations

Charters

Guidelines

MOU's

Protocols

Recommendations

Principles

Some International Instruments are legally binding on states and some are non binding.

Vocabulary

Treaty

States

State Party

Provisions

Open for Signature

Monitoring Bodies

After the text of the treaty has been agreed upon, it is then open for states to begin signing/ratifying. Once enough signatures are gained, the treaty can come into force.

Legally Binding Instruments

Entry into Force/Enforced

Signature, Ratification, Accession & Reservation

Multilateral & Bilateral

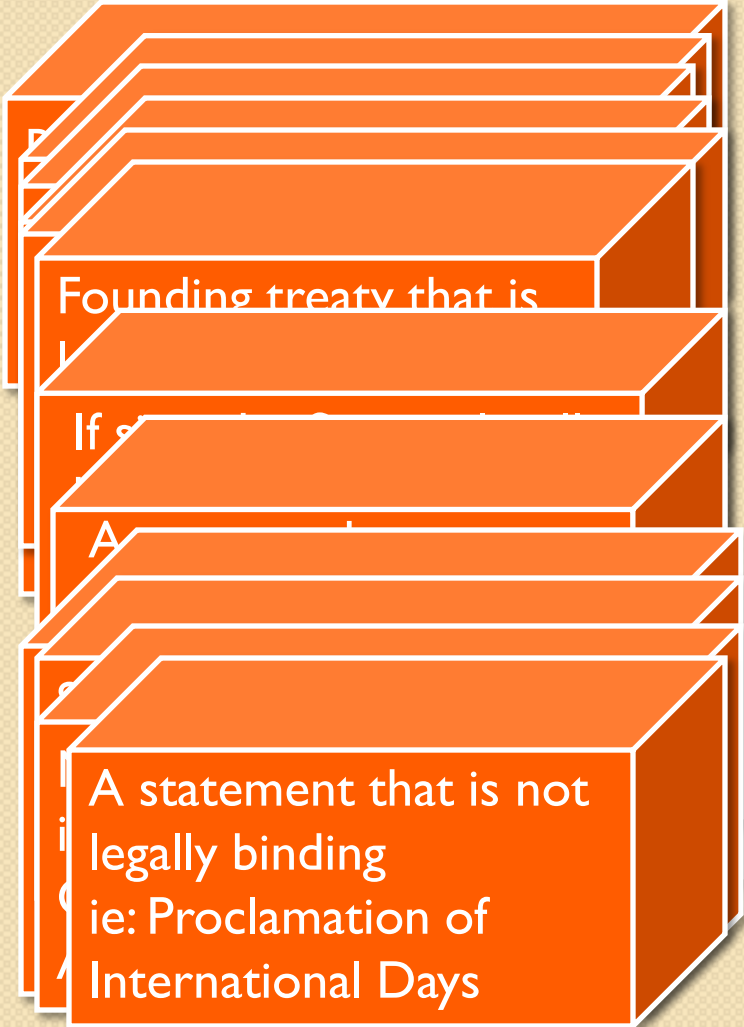
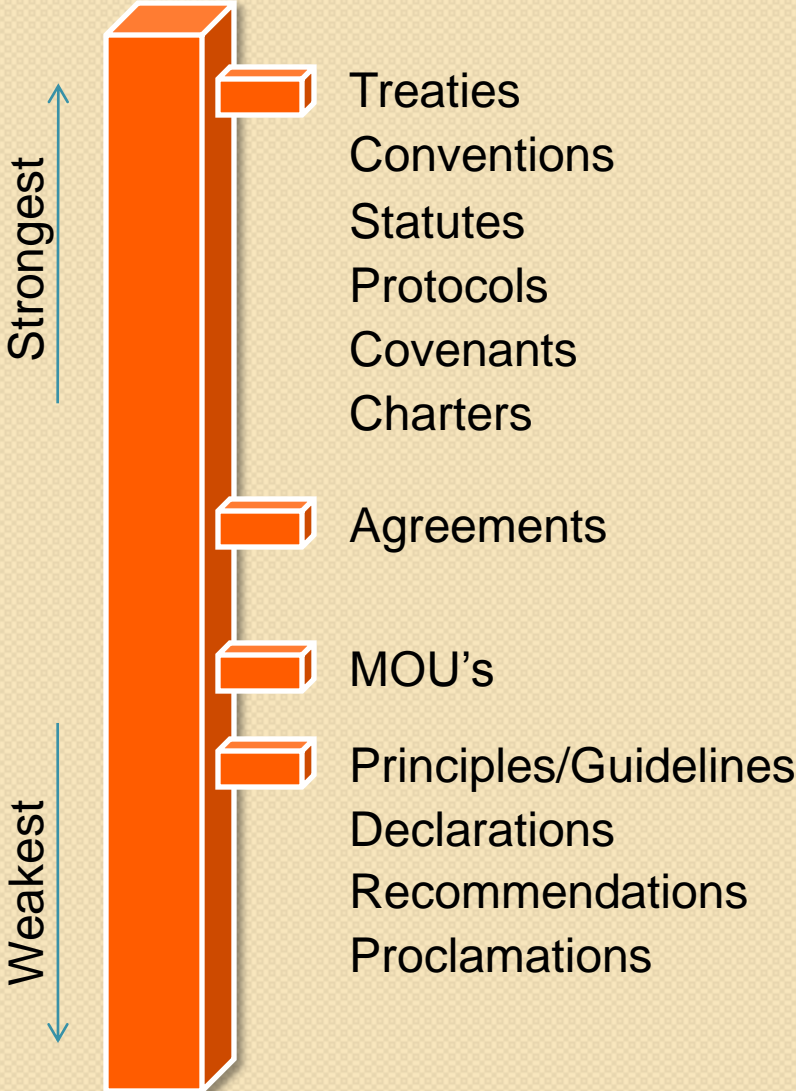
Non-binding Instruments

Does not pose legal obligation

Represents broad consensus of international community

Strong moral force in conduct of states

Strength of Instruments



GMS and International Instruments*

	CRC	CEDAW	TOC	Trafficking Protocol	Anti-Trafficking Law
Cambodia	a 15/10/92	a 15/10/92	R 12/12/05	R 02/07/07	yes 1996 & 2008
China	R 2/03/92	R 04/11/80	R 23/09/03	no	no
Lao PDR	a 8/05/91	R 14/08/81	a 26/09/03	a 26/09/03	no
Myanmar	a 15/07/91	a 22/07/97	a 30/03/04	a 30/03/04	yes 2005
Thailand	a 27/03/92	a 09/08/85	S 13/12/00	S 18/12/01	yes 1997 & 2008
Vietnam	R 28/02/90	R 17/02/82	S 13/12/00	no	no

*as of April 2009

Convention against Transnational Organized Crime

- **9 December 1998:** Ad Hoc Committee open to all States, for the purpose of elaborating the international convention against transnational organized crime and three additional international legal protocols
- **19-29 January 1999 :** First session of the Ad Hoc Committee took place in Vienna, Austria
- **15 November 2000:** Convention Adopted
- **12 December 2000:** Opened for Signature
- **29 September 2003:** Entered into force

Protocol to suppress, prevent and punish Trafficking in Persons, especially women and children

- **15 November 2000:** Adopted
- **12 December 2000:** Opened for Signature
- **25 December 2003:** Entered into force

CRC

OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY (OPSC)

1. child prostitution
2. child trafficking
3. child sex tourism
4. child pornography

Prevention, Legislation, Protection of the Rights of Child Victims

State Report VS Alternative Report

Cambodia's response

- **1996:** Law on the Suppressing of the Kidnapping, Trafficking and Exploitation of Human Beings
- **29 October 2004:** Signed the COMMIT MoU
- **12 December 2005:** Acceded to the convention against Transnational Organized Crime
- **12 March 2007:** Establishment of a National Task Force
- **2 July 2007:** Ratified the Trafficking Protocol
- **18 January 2008:** Law in Preventing and Suppressing Trafficking in Persons enacted

China's response

- **27 August 2003:** Ratified the Convention against TOC
- **29 October 2004:** Signed the COMMIT MoU
- **March 2005:** Adopted the COMMIT Sub-Regional Plan of Action
- **2005:** Ministry of Public Service agreement with Vietnam
- **2007:** Law on the Protection of Minors
- **Still at draft stage:** National Plan of Action to Combat Trafficking
- **20??** Signed MOU with Myanmar

Lao PDR's response

- **26 September 2003:** Acceded to the Convention and Trafficking Protocol
- **29 October 2004:** Signed the COMMIT MoU
- **2004:** Inter-ministerial National Steering Committee for Combating Human Trafficking established
- **2004:** Law on Development & Protection of Women adopted
- **2005:** Criminal Law amended
- **2006:** Law on the Protection of the Rights and Benefits of Children adopted

Myanmar's response

- **30 March 2004:** Acceded to the Convention and Protocol
- **November 2004:** Adopted the ASEAN Declaration against Trafficking in Persons Especially Women and Children
- **29 October 2004:** Signed the COMMIT MoU
- **13 September 2005:** Anti Trafficking in Persons Law Finalized
- **11 February 2006:** The Central Body and Working Groups for Suppression of Trafficking in Persons formed
- **2007:** National Plan of Action

Thailand's response

- **1997:** Measure on suppression & prevention of exploitation on women & children
- **13 December 2000:** Signed the Convention against Transnational Organized Crime
- **18 December 2001:** Signed the Trafficking Protocol
- **29 October 2004:** Signed the COMMIT MoU
- **2004:** MoU with Cambodia
- **2007:** MoU with Lao PDR
- **2008:** Anti-Trafficking in Person Acts
- **2008:** MoU with Vietnam
- **2010:** MoU with Myanmar
- **20??:** MoU with Malaysia, South Africa

Vietnam's response

- **29 October 2004:** Signed the COMMIT MoU
- **2004:** Established NPA (phase 1)
- **2005:** Agreement with Cambodia
- **2007:** Acceded to the Convention against Transnational Organized Crime
- **2008:** Established National Plan of Action (phase 2)
- **2008:** MoU & Plan of Action with Thailand