

SUMMARY
PAPER

COUNTER-TRAFFICKING IN PERSONS STAKEHOLDER MAPPING IN SOUTH-EAST ASIA

Partnerships to advance victim rights and equality and inclusion



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Front cover: ASEAN-ACT Thailand Country Program Officer Chanita Rochananond (photo credit Mr Nakkarin Chaipayom)



Overview of trafficking trends in Southeast Asia

Southeast Asia is both a source and destination region for trafficking in persons. The majority of Southeast Asian victims are trafficked from lower-income countries such as Cambodia, Lao PDR, Myanmar and Vietnam to higher-income countries, including Thailand, Malaysia and Singapore, as well as to destinations outside the region, particularly China, Japan, the Republic of Korea, Europe, North America, the Middle East and Australia.

Drivers of trafficking in persons include poverty, uneven economic development, and demand for cheap, low-skill labour. Southeast Asia's large number of undocumented migrants, along with refugees, are highly vulnerable to exploitation and abuse, particularly in fishing, seafood processing, agriculture, construction, manufacturing and domestic work. Trafficking for sexual exploitation remains a serious problem in Southeast Asia, and new technologies have enabled a surge in online sexual exploitation of children. Recent years have also seen increased documentation of women and girls being trafficked from Southeast Asia into domestic work and forced marriages in China. The ongoing COVID-19 crisis is likely to exacerbate the vulnerability of migrants and other marginalised groups to trafficking.

Barriers to increasing prosecution and conviction rates for traffickers include capacity constraints in law enforcement (particularly at the subnational level), corruption, and the absence of reliable data. Other challenges in the region include effective victim identification, and a lack of resources for victim recovery and rehabilitation. Counter-trafficking and victim support efforts have been hampered by the impact of COVID-19-related restrictions and the diversion of resources to public health and economic recovery.

What is ASEAN-ACT?

ASEAN–Australia Counter Trafficking (ASEAN-ACT) is a 10-year program (2019–2028) that continues Australia’s longstanding cooperation with ASEAN to counter trafficking in persons. The program’s overarching goal is to promote effective justice systems within ASEAN that provide just punishment of traffickers and protect the rights of victims.

ASEAN-ACT supports all ASEAN member states to effectively implement and report on their obligations under the ASEAN Convention against Trafficking in Persons, Especially Women and Children (ACTIP). The program has national-level programming in Cambodia, Lao PDR, the Philippines, Thailand and Vietnam. ASEAN-ACT will continue Australia’s work with the justice sector and open up new partnerships that engage related state agencies, civil society and the private sector.

At the time of this publication, ASEAN-ACT is undergoing processes to implement national-level programming in Indonesia, with implementation in Myanmar on hold since the military coup in February 2021.

A victim rights approach

ASEAN-ACT promotes a victim rights approach – a systematic focus on the rights, needs and concerns of trafficking victims to ensure they receive services in a compassionate, sensitive and non-judgmental way. This approach seeks to minimise retraumatisation of victims during the criminal justice process, and is underpinned by the ‘do no harm’ principle. Other important principles are affording respect and dignity to victims, maintaining confidentiality, obtaining informed consent (or informed assent for children), and being sensitive to the rights and needs of child victims.

ASEAN-ACT mostly uses the term ‘victim’ rather than ‘survivor’ to refer to individuals who were trafficked. Both terms are important. The term ‘victim’ has legal implications in the criminal justice system and refers to an individual who suffered harm as a result of criminal conduct. ‘Survivor’ is used widely by service provision organisations to recognise the strength and courage it takes to overcome victimisation.

Supporting equality and inclusion

ASEAN-ACT’s gender equality and social inclusion work aims to remove obstacles faced by vulnerable groups most affected by trafficking in persons, for example relating to gender, ethnicity, sexuality, disability, and migration status.

ASEAN-ACT works with partners to promote diverse voices in debates and discussions on policies, laws and practices related to human trafficking. The program also seeks to enhance the ability of trafficking victims, and witnesses to claim their rights in the justice system, and improve the accountability of duty bearers for eliminating discrimination and upholding the human rights of marginalised and socially excluded groups.

ASEAN-ACT's partners

ASEAN-ACT works with a range of counter-trafficking partners at the regional and national level to uphold victim rights and promote equality and inclusion (Figure 1). The program's main partners are:

- **national government agencies** – both in the justice sector (police, prosecutors, judiciary) and related state agencies (e.g. labour, women's and children's affairs, social welfare, victim and witness protection), as well as multi-agency counter-trafficking committees and/task forces.
- **ASEAN sectoral bodies and mechanisms** – for example, the Senior Officials Meeting on Transnational Crime, ASEAN Commission on Women and Children, ASEAN Committee on Migrant Workers, and ASEAN Intergovernmental Commission on Human Rights
- **civil society organisations (CSOs)** – including local community-based organisations, national CSOs, and regional and international non-government organisations
- **the private sector** – including suppliers, retailers, recruiters, hotels, law firms, banks and tech companies, as well as business representative organisations
- **international organisations and other donor governments** – including the International Organization for Migration (IOM), the United Nations Office on Drugs and Crime (UNODC), and the International Labour Organization (ILO), and donors such as the United States Agency for International Development (USAID) and the European Union.

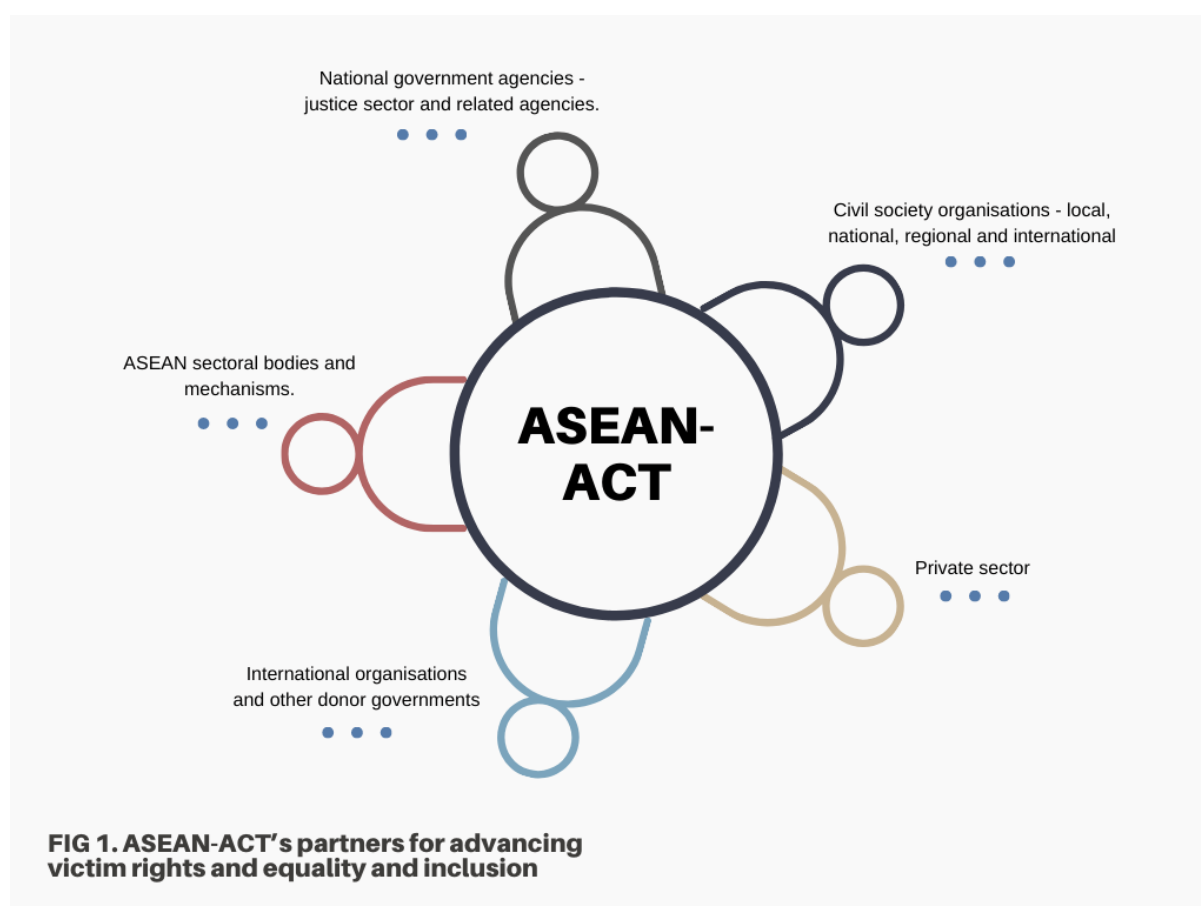


FIG 1. ASEAN-ACT's partners for advancing victim rights and equality and inclusion

Stakeholder mapping

ASEAN-ACT undertook stakeholder mapping from June to October 2020 to identify potential government and non-government partners for the program's victim rights and equality and inclusion work, both at the national and regional level. ASEAN-ACT will draw on the mapping to mobilise and engage multisectoral partners with expertise in areas such as gender, health, psycho-social support, shelters and legal assistance – helping to establish new partnerships and strengthen existing ones. The program will advance victim rights and equality and inclusion by facilitating connections and dialogue, and supporting projects that promote inclusive partnerships between justice sector agencies, related state agencies, CSOs and the private sector.

As part of the stakeholder mapping, ASEAN-ACT compiled a stakeholder directory that lists the key players involved in counter-trafficking in persons in Southeast Asia, including in the seven countries where ASEAN-ACT has national programming. The directory also identifies organisations in each country that are actively involved in supporting marginalised and socially excluded groups.

The research for the stakeholder mapping consisted of an open-source literature and policy review; interviews with key informants across government, business, multilateral organisations and civil society; and an online survey of 57 CSOs in ASEAN-ACT's seven target countries. ASEAN-ACT conducted validation workshops in most target countries to gain feedback on key findings and recommendations for advancing victim rights and equality and inclusion.

The stakeholder mapping exercise was an ambitious one, and its scope was wide. The stakeholders presented in this document are not intended to constitute an exhaustive list, especially in the diverse civil society space.

Common themes

In surveying stakeholders on challenges related to victim rights and equality and inclusion in the region, several common themes emerged, as listed below.

Victim rights

- Low levels of victim identification
- Lack of legal representation, full information about rights, and compensation and/or restitution
- Adverse effects on victim-witnesses resulting from delays in processing trafficking in persons cases, poor communication from courts, and a lack of clarity on receiving compensation (where a court has ruled in favour of granting compensation)
- Absence of a victim-centred or child-sensitive approach among law enforcement, prosecutors, judges and other personnel in the justice sector
- Limited recovery, rehabilitation and reintegration services for trafficked victims at the community level, due to factors such as scarcity of resources at the subnational level, the lack of knowledge of trafficking in persons, and the lack of will to address its root causes

Equality and inclusion

- Barriers for groups most affected by human trafficking in accessing their rights, protection and assistance

- High vulnerability of ethnic minority groups in Southeast Asia to trafficking in persons
- Ongoing discrimination faced by people living with disability and LGBTQI victims, resulting in limited shelter and rehabilitation options that are responsive to these groups' specific needs
- High levels of undocumented or irregular migration in the region, placing a significant number of migrant workers at risk of being trafficked and exploited by unscrupulous recruiters, brokers and employers
- A common misconception that human trafficking only affects women and girls, resulting in limited protection and rehabilitation services for male victims

Potential areas for cooperation

The adoption of the ACTIP is a major step towards combating trafficking in persons and reflects ASEAN's commitment towards tackling the common challenges listed above. It also opens up opportunities for ASEAN's partners, such as ASEAN-ACT, to support national governments in stepping up their counter-trafficking and victim protection measures.

ASEAN-ACT's interviews and consultations with stakeholders during the mapping exercise identified several potential areas for cooperation to advance victim rights and equality and inclusion. These areas include:

- strengthening policy coherence between the regional and national level
- building knowledge and capacity of local government and the justice sector
- adopting a holistic approach toward victim protection and assistance
- maximising impact through partnerships with other programs and stakeholders
- supporting national capacity in addressing emerging challenges – for example, 'non-traditional' forms of human trafficking, such as cyber-trafficking, forced marriage, surrogacy and sale of human organs.

ASEAN-ACT's Regional Program Steering Committee, and the national program steering committees in the seven target countries, provide strategic direction for, and oversight of, the program's work plans. This ensures that ASEAN-ACT's victim rights and equality and inclusion projects and activities align with the ACTIP and the national priorities of partner countries, and also meet ASEAN-ACT's investment criteria, which include adhering to gender and victim-sensitive reform and rights-based approaches.

Stakeholders at the regional level

ASEAN has acknowledged that trafficking in persons is a problem that ‘can be met only on a regional scale’ and that requires ‘agreed rules of behaviour and cooperative measures’ among member states.¹ The ACTIP, which entered into force in 2017, creates binding legal obligations for ASEAN member states to prevent and combat trafficking in persons, to ensure the just and effective punishment of traffickers, to protect and assist trafficking victims ‘with full respect for their human rights’, and to promote cooperation among member states.² The convention also enshrines the principle of non-discrimination, especially in relation to the treatment of victims of trafficking. The ASEAN Plan of Action against Trafficking in Persons, Especially Women and Children complements the ACTIP, and aims to provide specific action plans within ASEAN member states’ domestic laws and policies.³

ASEAN sectoral bodies are working with partners at the regional level to strengthen victim identification by developing policy guides, training law enforcement officials and developing a regional mechanism for identifying victims. The sectoral bodies are also developing tools to enhance protection and support for victims and victim-witnesses, and build the capacity of frontline officials to handle trafficking in persons cases using gender-sensitive, child-friendly and human rights-based approaches. Another important area of work is developing a regional protocol for victim referrals.

ASEAN bodies

At the regional level, ASEAN-ACT’s key ASEAN partners include:

- **Senior Officials Meeting on Transnational Crime (SOMTC)** – supports the ASEAN Ministerial Meeting on Transnational Crime. The SOMTC has established the Working Group on Trafficking in Persons, and developed the Bohol Trafficking in Persons (TIP) Work Plan 2017–2020 to harmonise regional counter-trafficking activities. The preparation of a new work plan is underway.
- **ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC)** – one of the key ASEAN bodies supporting implementation of the Bohol TIP Work Plan. The ACWC has delivered training and issued guidelines on addressing the needs of trafficking victims, especially women and children.
- **ASEAN Intergovernmental Commission on Human Rights (AICHR)** – an important stakeholder in the Bohol TIP Work Plan. The AICHR’s five-year work plan for 2021–2025 contains several initiatives related to trafficking in persons.
- **ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW)** – works with a range of regional stakeholders in the governance of labour migration in ASEAN. The ACMW’s action plan for 2018–2025 includes several initiatives that support implementation of the Bohol TIP Work Plan.
- **Council of ASEAN Chief Justices (CACJ)** – provides a regular forum for chief justices to discuss and exchange views on common issues facing ASEAN judiciaries, and facilitates judicial cooperation and collaboration. The CACJ also delivers training to enhance the capacity of ASEAN judiciaries.

¹ ASEAN (2012). [ASEAN Vision 2020](#).

² ASEAN (2015). [ASEAN Convention against Trafficking in Persons, Especially Women and Children](#).

³ ASEAN (2015). [ASEAN Plan of Action against Trafficking in Persons, Especially Women and Children](#).

Regional programs

Important regional programs that present ASEAN-ACT with opportunities for collaboration and harmonisation include:

- **Triangle in ASEAN** – an ILO-coordinated program that ‘delivers technical assistance and support with the overall goal of maximizing the contribution of labour migration to equitable, inclusive and stable growth in ASEAN’⁴
- **ASEAN–USAID Partnership for Regional Optimization within the Political-Security and Socio-Cultural Communities (PROSPECT)** – ‘collaborates with civil society, the United Nations, and other partners to strengthen ASEAN’s capacity to more proactively respond to transnational crimes and non-traditional security threats’⁵
- **USAID Asia Counter Trafficking in Persons (USAID Asia CTIP)** – ‘brings together governments, civil society, and businesses to support regional initiatives to combat trafficking in persons’.⁶
- **AIP (ACTIP Implementation Project)** – implemented by The Asia Foundation, AIP supports the SOMTC and the Voluntary Lead Shepherd on TIP in the establishment of a focal point system of national ACTIP representatives.

International organisations

International organisations working at the regional level are also important partners for ASEAN-ACT. These include:

- **International Organization for Migration (IOM)** – the IOM has regional and national counter-trafficking programs throughout Southeast Asia
- **United Nations Office on Drugs and Crime (UNODC)** – undertakes work related to trafficking in persons in Southeast Asia, including training for law enforcement and the judiciary, and examining corruption as a facilitator of trafficking in persons and the smuggling of migrants
- **International Labour Organization (ILO)** – implements the Triangle in ASEAN program (see above) and the Safe and Fair program (in partnership with UN Women) to address women migrant workers’ vulnerabilities to violence and trafficking
- **other UN agencies** – such as UN Women, UNICEF, the United Nations High Commissioner for Refugees (UNHCR) and the United Nations Development Programme (UNDP).

Civil society organisations

The stakeholder mapping identified several CSOs working at the regional level. Among the CSOs with a primary focus on trafficking in persons are:

- **The Asia Foundation** – has been supporting ASEAN in implementing the ACTIP, focusing on cross-sectoral initiatives in the Bohol TIP Work Plan, and is also supporting the development of a national ACTIP representative system to facilitate monitoring and reporting at the national level
- **Nexus Institute** – a think tank that develops innovative approaches to combating human trafficking and related issues

⁴ ILO (n.d.). [TRIANGLE in ASEAN](#). ILO website (accessed 28 February 2021).

⁵ US Mission to ASEAN (n.d.). [PROSPECT – Partnership for Regional Optimization within the Political-Security and Socio-Cultural Communities](#). US Mission to ASEAN website (accessed 28 February 2021).

⁶ USAID (n.d.). [USAID Asia Counter Trafficking in Persons](#). USAID website (accessed 28 February 2021).

- **Liberty Shared** – (formerly Liberty Asia) ‘aims to prevent human trafficking through legal advocacy, technological interventions, and strategic collaborations with NGOs, corporations, and financial institutions globally’⁷
- **Stop the Traffik** – works to prevent human trafficking through an intelligence-led approach that deploys big data and innovative technology
- **ECPAT International** – a worldwide network of organisations working to end the sexual exploitation of children through prostitution and trafficking, online and in the travel and tourism sector
- **Walk Free** – publishes the Global Slavery Index, and campaigns for behaviour and legislative change to end modern slavery
- **International Justice Mission** – an anti-trafficking organisation that rescues and restores victims, supports law enforcement in prosecuting traffickers, and provides capacity building to police and judges.

Private sector

The private sector has an important role to play in countering trafficking in persons in Southeast Asia – for example, through the use of technology to disrupt the work of human traffickers. As noted above, companies and business associations are potential partners for ASEAN-ACT’s work in the region. Below are some examples of private sector engagement in the region:

- **IBM** has partnered with **Stop the Traffik** to create the Traffik Analysis Hub – ‘the first ever global data hub to facilitate the sharing of information about human trafficking across all industries and sectors’.⁸
- **Edelman** formed a data partnership with **Stop the Traffik** to identify human trafficking hotspots and predict trafficking routes by deploying machine learning techniques.
- **ECPAT International** is working with **Facebook, Twitter, Google, TikTok** and **Snapchat** to ensure they have in place policies that are sensitive to victims.
- **Linklaters**, a London-based law firm, supports NGOs to develop research on anti-trafficking laws with the aim of promoting a victim-centred and rights-based system in key Asian jurisdictions.
- **The Mekong Club** brings together major companies from banking, manufacturing, hospitality and retail to address modern slavery in their supply chains and business practices.
- **Fair Employment Agency**, a Hong Kong-based employment agency, uses ethical recruitment and placement practices to prevent migrant domestic workers from entering a debt bondage situation.

⁷ Liberty Shared (n.d.). [About Liberty Asia](#). Liberty Shared website (accessed 28 February 2021).

⁸ Traffik Analysis Hub (n.d.). [What is TA Hub?](#) Traffik Analysis Hub website (accessed 28 February 2021).

Stakeholders at the national level

All seven target countries for ASEAN-ACT's national programming have developed a national plan to prevent and combat trafficking in persons. All seven have also established a national mechanism to oversee the implementation of the national plan and to lead and coordinate efforts among relevant government agencies, international organisations, civil society organisations and other stakeholders (Table 1).

Table 1: National counter-trafficking action plans and mechanisms in ASEAN-ACT target countries

Country	National mechanism	National action plan	Lead ministry
Cambodia	National Committee for Counter Trafficking	National Strategic Plan for Counter Trafficking in Persons 2019–2023	Ministry of Interior
Indonesia	Task Force on Prevention and Handling of Trafficking in Persons	National Plan of Action on the Eradication of the Criminal Act of Trafficking in Persons 2015-2019 ^a	Coordinating Ministry for Human Development and Cultural Affairs
Lao PDR	National Steering Committee on Anti-Human Trafficking	National Plan of Action to Prevent and Combat Trafficking in Persons 2021–2025	Ministry of Public Security
Myanmar	Central Body for Suppression of Trafficking in Persons	National Plan of Action to Combat Trafficking in Persons 2017–2021	Ministry of Home Affairs
Philippines	Inter-Agency Council Against Trafficking	Third National Strategic Plan against Human Trafficking 2017–2021	Department of Justice, Department of Social Welfare and Development
Thailand	Anti-Trafficking in Persons Committee	Anti-Human Trafficking Action Plan under Thailand's National Strategy 2018–2037	Ministry of Social Development and Human Security
Vietnam	National Steering Committee on the Prevention and Combating of Crime	National Plan of Action against Human Trafficking 2021–2025	Ministry of Public Security

a A new national plan of action for 2020-2024 is under development.

Working with partners at the national level

The national counter-trafficking mechanisms and lead ministries identified in Table 1 are key entry points for ASEAN-ACT's national programming in the seven target countries. In coordination with these peak government organisations, ASEAN-ACT will seek to advance victim rights and equality and inclusion by partnering with:

- **justice sector agencies** – including justice ministries, national prosecutors, police and judiciaries, with a focus on enhancing knowledge, skills and capacity at both the national and subnational level
- **related state agencies** – notably in the areas of labour, women's and children's affairs, and social welfare
- **civil society organisations** – from national bodies down to local grassroots organisations, as well as international CSOs – important agents in advocating for policy changes, filling critical gaps across the spectrum of victim protection and assistance, and addressing the specific needs and interests of vulnerable and marginalised groups
- **international organisations and other government donors** – with a focus on coordinating and harmonising counter-trafficking efforts, in alignment with the target country's identified priorities and ACTIP obligations
- **the private sector** – including employment agencies, national business associations, tech and telco companies, banks, manufacturing and construction companies, hotels and other tourism and hospitality businesses, and businesses in the fishing, seafood processing and agricultural sectors (the concept of involving the private sector in systemic changes to address human trafficking is still quite nascent in several of ASEAN-ACT's target countries).

Conclusion

By identifying and partnering with a broad field of regional and national stakeholders, ASEAN-ACT is capturing a wider range of opportunities to advance the principles of victim rights and equality and inclusion.

The program's inclusive stakeholder engagement strategy, which extends beyond the justice sector, will support ASEAN and its member states to make lasting systemic changes in their criminal justice and victim support processes, in line with their ACTIP obligations.