

ASEAN Convention Against Trafficking in persons, especially women and children

5 years on ►

Baseline Report 2020





ASEAN-Australia Counter Trafficking

March 2022

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Foreword

2020 marked the five-year anniversary of the signing of the ASEAN Convention Against Trafficking in Persons, Especially Women and Children (the Convention).

The ASEAN-Australia Counter Trafficking Programme (ASEAN ACT) is a 10-year partnership funded by the Australian Government that works with ASEAN Member States to support the implementation of the Convention, particularly those obligations that protect and uphold victim rights and advance gender equality and social inclusion.

As a way of marking the Convention's five-year anniversary, this Report looks at the Trafficking in Persons (TIP) Annual Reports that the ASEAN Member States have published in 2020.

The Report documents how ASEAN Member States have approached national reporting of their Convention obligations and presents key findings and recommendations to guide future policy development and collaboration in support of the Convention's goals.

It is hoped that the publication by ASEAN-ACT of this 2020 Baseline Report on ASEAN Member States TIP Annual Reports will result in greater transparency of these national Annual Reports that showcase annual achievements as well as the ongoing challenges that arise when seeking to fully and consistently implement the Convention.

ASEAN-ACT will update this report each year over the life of the program (2018-2028) and continue to work with ASEAN and its member states to strengthen implementation of ACTIP obligations.

A handwritten signature in blue ink, appearing to read 'L. Pietropaoli', is positioned above the name and title of the signatory.

Dr Lucia Pietropaoli
ASEAN-ACT Team Leader

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Overview: findings



3 of 10 ACTIP Parties published a 2020 TIP Annual Report that was publicly available in 2021.



2 of 10 ACTIP Parties publish 3-5 years of trend data on key TIP indicators.



2 of 10 ACTIP Parties can report on four of the TIP case management indicators.



1 of 10 ACTIP Parties published data on the outcomes for the first instance court cases finalised in 2020.



2 of 10 ACTIP Parties published data on the number of Trafficking in Persons cases finalised by a first instance court in 2020.



0 of 10 ACTIP Parties published data on the percentage of TIP cases finalised in 2020 in which a victim received compensation.



2 of 10 ACTIP Parties published data on the number of TIP cases filed where victim receives legal assistance.



1 of 10 ACTIP Parties published data on the number of victims who were able to provide video testimony in advance of the court hearing in 2020.



4 of 10 ACTIP Parties published victim data disaggregated by sex.



4 of 10 ACTIP Parties published victim data disaggregated by age.



0 of 10 ACTIP Parties published victim data disaggregated by disability.



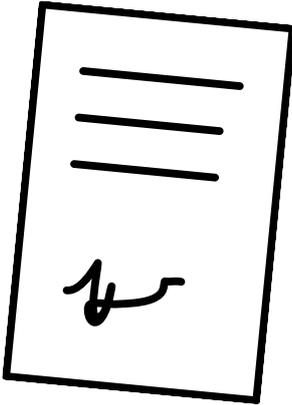
2 of 10 ACTIP Parties published a 2020 TIP Annual Report that presents the number of investigations, prosecutions, or convictions of officials that were complicit in trafficking in persons.



1 of 10 ACTIP Parties published online anonymised TIP court decisions finalised in 2020.

Overview: recommendations

- 1 ASEAN-ACT in collaboration with ASEAN assist ACTIP Parties to publish their TIP Annual Reports.
- 2 ASEAN-ACT work with interested ACTIP Parties to assist with the presentation of trend data that presents year-by-year developments for key Trafficking in Persons data to better understand trends in TIP cases.
- 3 ASEAN-ACT work with ACTIP Parties to improve the collection and analysis of Trafficking in Persons Data.
- 4 ASEAN-ACT work with ACTIP Parties to publish data in their TIP Annual Reports on trafficking cases filed and finalised in the reporting year and the outcomes in these cases.
- 5 ASEAN-ACT work with ACTIP Parties to publish data in their TIP Annual Reports on support provided to victims of trafficking including compensation, legal assistance and advance video testimony.
- 6 ASEAN-ACT work with ACTIP Parties to collect, analyse and publish data related to trafficking victims by sex, age and disability status.
- 7 ASEAN-ACT work with ACTIP Parties to publish in their TIP Annual Report the number of investigations, prosecutions, or convictions of officials that were complicit in trafficking in persons in the reporting period.
- 8 ASEAN-ACT work with ACTIP Parties to improve transparency in relation to trafficking in persons decisions through the publication of redacted decisions.



The Convention

In November 2015, the ten ASEAN nations signed the ASEAN Convention Against Trafficking in Persons, Especially Women and Children (the Convention).

The opening of the Convention states that: the signatories recognise that trafficking in persons constitutes a violation of human rights and an offence to the dignity of human beings.

They also recognise that trafficking is caused by a combination of factors including government corruption, poverty, economic instability, inefficient legal systems, organised crimes, and the demand that fosters all forms of exploitation of persons, especially woman and children, that leads to trafficking, and that trafficking must be effectively addressed.

The signatories realised the need to establish a regional instrument that deals especially with trafficking in persons as a legal framework for regional action amongst South East Asian nations in preventing and combating trafficking in persons, including the protection of, and assistance to, victims of trafficking in persons.

The Convention sets out legally binding obligations [to...] assist ASEAN Member States to deal with their diverse national challenges, priorities and strategies in the fight against trafficking in persons.



2020 – 5 years on from signature

The Convention articulates a collaborative approach to forge a robust, regional response to prevent and combat trafficking in persons and strengthen the protection of, and assistance to, victims of trafficking in persons, especially women and children.

Implementation of the Convention relies on the collection, analysis and sharing of national trafficking in persons data to determine if the treaty obligations are being upheld.

The transparent publication of national Trafficking in Persons Annual Reports ensures that the hundreds of government and non-government agencies across the ASEAN Member States that work to further the Convention's goals and support victims have the same information to inform and improve their service delivery.

The goal is to avoid a fragmented, agency-owned approach to data which does not provide a complete picture of national actions implementing the Convention.

ASEAN Convention Against Trafficking in Persons Especially Women and Children (ACTIP)
includes key provisions on support for victims



ASEAN-ACT is working with Member States on implementing
8 Victim Sensitive Indicators in TIP cases

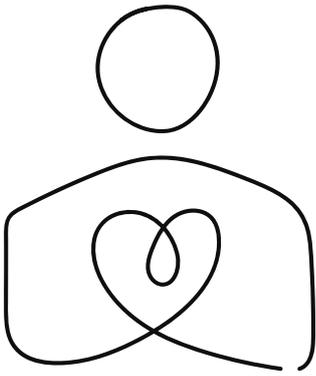
8

Evidence that ACTIP provisions are being implemented can be observed through ASEAN Member States including **reporting on the 22 Data KPIs in their Annual TIP Reports**

22

Transparency of national TIP Reports and sharing of approaches across ASEAN will strengthen implementation of the Convention's obligations and support TIP victims





Why is data critical to implementing a victim-centred approach in TIP cases?

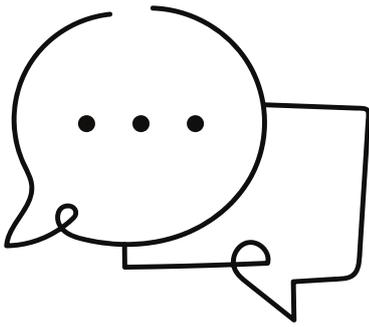
ASEAN Member States have identified the sensitive treatment of victims at every stage of a trafficking case as a priority.

The prosecution of traffickers relies to a large extent on victims of trafficking being prepared to be witnesses in criminal proceedings and present evidence recounting what happened to them. This can be a traumatising experience and victims will want to make an informed decision on whether to act as a witness.

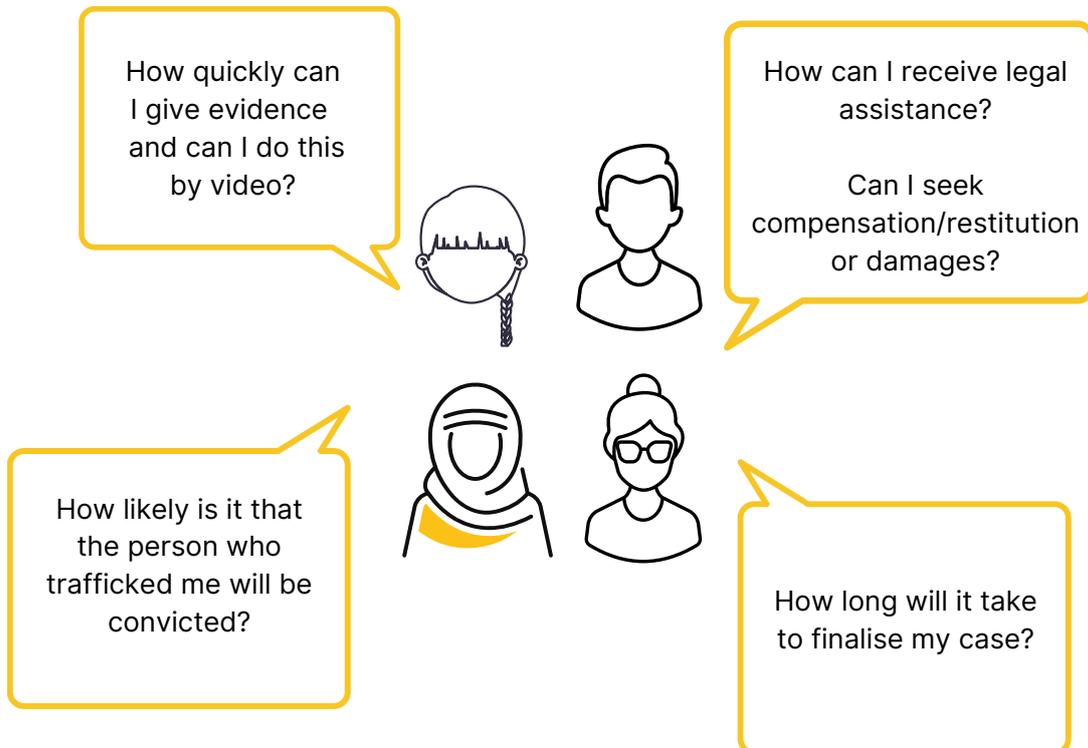
Without national data on Trafficking in Persons cases that explains the outcomes for both the trafficker and the victim it is impossible for a victim to make this informed decision.

Transparency of national Trafficking in Person Annual Reports across the ASEAN region demonstrates a commitment to the regional aspirations of the Convention to counter the trafficking of persons, especially women and children.

Illuminating how trafficking cases are handled across the ASEAN region and the treatment of victims who are witnesses in these cases will also hopefully improve the treatment of victims and the outcomes they receive. This, in turn, may spur more victims to testify in trafficking cases in future.



What does a victim of trafficking want to know to make an informed decision on being a witness?





ASEAN NATIONS PUBLISHING TRAFFICKING IN PERSONS ANNUAL REPORTS IS IMPORTANT FOR



ASEAN MEMBER STATES

that signed the ASEAN Convention Against Trafficking in Persons, Especially Women and Children in 2015

as they are committed to collaborate in the fight against Trafficking in Persons.

Publication of Annual TIP Reports creates the evidence base to evaluate whether their work is having an impact.



GOVERNMENT AND NON-GOVERNMENT AGENCIES

supporting shelter, legal assistance, medical and counselling services for the victim

as they contribute to the collection and analysis of TIP data in order to deliver a range of services in an effective manner to trafficking victims.



TRAFFICKING VICTIMS

as they need certain information to make an informed decision on whether to provide evidence in a TIP case.



NATIONAL JUSTICE AGENCIES

such as police, prosecution and courts

as they rely on witnesses and victims to give evidence in TIP cases.

Victim sensitive approaches in Trafficking in Persons cases: 22 Data Key Performance Indicators

ASEAN Member States have identified the sensitive treatment of victims in trafficking cases as a priority in the Convention.

Most ASEAN countries already collect a considerable amount of data on trafficking in persons cases. However, ASEAN Member States can consider presenting the following 22 data indicators in their national Trafficking in Persons Annual Reports. Most ASEAN Member States are already collecting this data and its inclusion in national Trafficking in Persons Annual Reports will present a picture of the extent to which the Member State is implementing their Convention obligations and the experience of victims of trafficking in these proceedings if they chose to be a witness in criminal proceedings or bring a civil case for compensation.

The Data KPIs below support the *Recommended Principles and Guidelines on Human Rights and Human Trafficking* developed by the United Nations High Commission for Human Rights, as well as the 8 Victim Sensitive Indicators and the Guidelines on their implementation developed by ASEAN-ACT.

A more detailed discussion of the 22 Data Key Performance Indicators can be seen at Annex 1 and in the *ASEAN-ACT Toolkit on Trafficking in Persons Data Key Performance Indicators: Building the Evidence Base for Victim Sensitive Approaches to Trafficking in Persons Across the ASEAN Region*.



2020 snapshot

The following findings are based on a review of TIP Annual Reports published online by four of the 10 ASEAN Member States that are parties to the Convention.

These Annual TIP Reports are available on the [ASEAN-ACT Partnership Hub: aseanactpartnershiphub.com](http://aseanactpartnershiphub.com)



Cambodia



Indonesia



Philippines



Thailand



ASEAN-ACT supports ASEAN Member States to implement their obligations under the [ASEAN Convention on Trafficking in Persons, especially Women and Children \(ACTIP\)](#).

Implementation relies on the collection, analysis and sharing of national trafficking in persons data. Publishing this data is even more valuable as it allows government and non-government to consider how their efforts may be contributing to outcomes.

To download annual trafficking in persons reports published by our program partners, click on the links below. Permission has been sought to publish any TIP report that does not appear on national websites.

Filters — Hide cover images

Year	Countries	Agencies
2021 <input type="checkbox"/>	<input type="checkbox"/> Cambodia	<input type="checkbox"/> Government Ministries
2020 <input type="checkbox"/>	<input type="checkbox"/> Indonesia	
2019 <input type="checkbox"/>	<input type="checkbox"/> Philippines	
2018 <input type="checkbox"/>	<input type="checkbox"/> Thailand	
2017 <input type="checkbox"/>		
2016 <input type="checkbox"/>		
2015 <input type="checkbox"/>		
2014 <input type="checkbox"/>		

Search...

Search





Transparency

3 of 10 ACTIP Parties published a 2020 TIP Annual Report that was publicly available in 2021: Cambodia, Philippines, Thailand.



Recommendation:
ASEAN-ACT in collaboration with ASEAN assist ACTIP Parties to publish their TIP Annual Reports.



TIP trend data

2 of 10 ACTIP Parties publish 3-5 years of trend data on key TIP indicators to provide government and civil society with an evidence base to inform their policies and programmes to counter trafficking in persons: Thailand and Indonesia.



Recommendation:
ASEAN-ACT work with interested ACTIP Parties to assist with the presentation of trend data that presents year-by-year developments for key Trafficking in Persons data to better understand trends in TIP cases.





Key TIP case management data

2 of 10 ACTIP Parties can report on four of the following TIP case management indicators related to investigations, prosecutions, cases at first instance and appeal and average duration of a trafficking case: Indonesia and Thailand.



Recommendation:

ASEAN-ACT work with ACTIP Parties to improve collection, analysis and publication of Trafficking in Persons Data.



TIP court cases finalised

1 of 10 ACTIP Parties published data on the outcomes for the first instance court cases finalised in 2020: Thailand.



While 2 of 10 ACTIP Parties published data on the number of Trafficking in Persons cases finalised by a first instance court in 2020: Indonesia with 200 cases finalised and Thailand with 199 cases.



Recommendation:

ASEAN-ACT work with ACTIP Parties to publish data in their TIP Annual Reports on trafficking cases filed and finalised in the reporting year and the outcomes in these cases.



Compensation for the victim

0 of 10 ACTIP Parties published data on the percentage of TIP cases finalised in 2020 in which in which a victim received compensation either from a national compensation fund or restitution/ damages from trafficker.



9 COMPENSATION/
RESTITUTION/
DAMAGES
RECEIVED BY
VICTIM

10 VICTIM
SUPPORT -
LEGAL
ASSISTANCE

11 VICTIM
SUPPORT -
ADVANCE VIDEO
TESTIMONY



Legal assistance for the victim

2 of 10 ACTIP Parties published data on the number of TIP cases filed where victim receives legal assistance: Cambodia and Indonesia.





Advance video testimony by the victim

1 of 10 ACTIP Parties published data on the number of victims who were able to provide video testimony in advance of the court hearing in 2020: Thailand.



Recommendation:

ASEAN-ACT work with ACTIP Parties to publish data in their TIP Annual Reports on support provided to victims of trafficking including compensation, legal assistance and advance video testimony.



Victim disaggregated data



4 of 10 ACTIP Parties published victim data disaggregated by sex: Cambodia, Indonesia, Philippines, Thailand.



4 of 10 ACTIP Parties published victim data disaggregated by age: Cambodia, Indonesia, Philippines, Thailand.



0 of 10 ACTIP Parties published victim data disaggregated by disability.



Recommendation:

ASEAN ACT work with ACTIP Parties to collect, analyse and publish data related to trafficking victims by sex, age and disability status.





Transparency on complicit officials

2 of 10 ACTIP Parties published a 2020 TIP Annual Report that presents the number of investigations, prosecutions, or convictions of officials that were complicit in trafficking in persons. Thailand and the Philippines



Recommendation:
ASEAN-ACT work with ACTIP Parties to publish in their TIP Annual Report the number of investigations, prosecutions, or convictions of officials that were complicit in trafficking in persons in the reporting period.



Transparency of TIP decisions

1 of 10 ACTIP Parties published online anonymised TIP court decisions finalized in 2020: Indonesia Supreme Court Decision Database



Recommendation:
ASEAN-ACT work with ACTIP Parties to improve transparency in relation to trafficking in persons decisions through the publication of redacted decisions.

The screenshot shows the website of the Indonesian Supreme Court (Direktori Putusan Mahkamah Agung Republik Indonesia). The page displays search results for 'Perdagangan Orang' (Human Trafficking). The search criteria include 'Amor' (Love) and 'Tingkat Proses' (First Instance). The results list several court decisions, including one from 2020 regarding the case of FRANSISKUS MUSTAWA, alias MUS, who was convicted for human trafficking. The text of the decision is partially redacted with blue boxes.

Annex 1

22 Key TIP Data Indicators

ASEAN-ACT has developed a Toolkit on how to report on these 22 TIP data Indicators that also presents examples of how ASEAN countries have addressed these reporting obligations.

Toolkit Annexes assist with the presentation of trend data on the key TIP data indicators.

On the Frontlines: Operationalizing Good Practice in TIP Data Collection is a detailed manual on all aspects of TIP Data collection published by the Nexus Institute in 2019 and is an invaluable guide for countries seeking a step by step guide.

The ASEAN-ACT program will continue to provide assistance to ASEAN Member States to strengthen their reporting on implementation of the obligations contained in the ASEAN Convention Against Trafficking in Persons, Especially Women and Children.





Indicators 1-5



Thematic Area: Case management data from Police, Prosecution and Courts

Why is this important for a victim sensitive approach?

TIP Prosecution Data, particularly, when presented as 3-5 year trends shows how long a case takes to prosecute from police reports to finalisation of cases in court, whether there are case backlogs for TIP cases in courts and whether a significant number of TIP cases are being appealed to higher courts.

The length of time a case will take and the likelihood of a decision being appealed to a higher court are important factors that a victim would consider when making an informed decision about whether to be a witness in a TIP case.

These Data KPIs demonstrate implementation of the obligations outlined in Articles 12 & 16 of the ASEAN Convention on Trafficking in Persons



Indicators 6-9



Thematic Area: Outcomes for victims

Why is this important for a victim sensitive approach?

The TIP outcome data indicators show the number of cases in which a conviction or acquittal is recorded and the number of cases in which an order for compensation/ restitution/ damages is made and those cases in which victims actually received compensation either from a national compensation fund or restitution/ damages from the trafficker.

The likelihood of a successful prosecution in a trafficking case and whether the courts are routinely making orders for compensation, restitution or damages are important factors that a victim would consider when making an informed decision about whether to be a witness in a TIP case.

These Data KPIs demonstrate implementation of the obligations outlined in Articles 14 & 16 of the ASEAN Convention on Trafficking in Persons



Indicators 10-12



Thematic Area: Support for the Victim

Why is this important for a victim sensitive approach?

These TIP data indicators show in how many TIP cases a victim receives legal assistance on their rights (this may happen at different stages in the criminal justice process), whether a victim is able to record their witness testimony ahead of the trial and whether there is a clear process for making a complaint about the way a victim is treated at any stage in the process of handling a TIP case.

Each of these data sets is important to allow a victim to make an informed decision on whether to be a witness in a TIP case. Legal assistance and the ability to provide pre-recorded witness testimony are ways to reduce the trauma that is often experienced by TIP victims. Advice provided to victims on public complaint handling mechanisms demonstrates that there are standards of treatment that should be maintained if they decide to act as a witness in a trafficking case.

More information on how to implement these Indicators focussing on support for the victim can be found in the [Guidelines for Victim Sensitive Courts](#).

These Data KPIs demonstrate implementation of the obligations outlined in Articles 11 & 14 of the ASEAN Convention on Trafficking in Persons



Indicators 13-16



Thematic Area: Forms of Trafficking and Victim Disaggregated Data

Why is this important for a victim sensitive approach?

Collecting sex, age and disability disaggregated data is critical for an understanding of who the victims are and what types of support are needed.

Using the [Washington Group Short Set of questions on functioning](#) will alert court, government agencies and CSOs to the particular assistance a person with a disability may require.

The United Nations Special Rapporteur on Human Trafficking raised the importance of collecting data on disability status in [comments made to the 24th Session UN Committee on the Rights of Persons with Disabilities](#):

The intersections of disability and human trafficking is an area that has been neglected in international law, policy and practice on human trafficking. This gap should be addressed as a matter of urgency. Limited disaggregated data is available on experiences of persons with disabilities of human trafficking, or prevalence of forms of exploitation. This contributes to the lack of visibility, and a lack of knowledge and good practice.

The data sets from the Washington Group Short Set that should be considered at the point of victim identification and that are used globally in census and other Bureau of Statistics data gathering exercises:

- Do you have difficulty seeing?
- Do you have difficulty hearing?
- Do you have difficulty walking or moving around?
- Do you have difficulty understanding or concentrating?
- Do you have difficulty being understood by others?

More information on how to implement these Indicators focussing on support for the victim can be found in the [Guidelines for Victim Sensitive Courts](#).

These Data KPIs demonstrate implementation of the obligations outlined in Articles 5, 12, 14 & 16 of the ASEAN Convention on Trafficking in Persons



Indicators 17-22



Thematic Area: Transparency of TIP data to raise awareness of the public, government and non-government partners working to combat trafficking

Why is this important for a victim sensitive approach?

The TIP data indicators are important as the ACTIP is a regional convention that requires the sharing of key TIP data to ensure that the aims of the Convention are realised. It is expected that the publication of 3-5 years of trend data in a timely manner following the end of each year will result in better information for the hundreds of government, CSO and court partners that are involved in the implementation of the ACTIP.

More information on how to implement these Indicators focussing on support for the victim can be found in the [Guidelines for Victim Sensitive Courts](#).

These Data KPIs demonstrate implementation of the obligations outlined in Articles 8 and 11-16 of the ASEAN Convention on Trafficking in Persons

Acknowledgements

This Report is the result of a number of discussions and email communications with National Coordinating Committees in Cambodia, Lao PDR, the Philippines, Thailand and Vietnam. Other ASEAN Member States were informed through their representatives to the Senior Officials Meeting on Transnational Crime (SOMTC).

ASEAN-ACT will continue to work with ASEAN and its member states to strengthen implementation of ACTIP obligations and improve the quality and transparency of Trafficking in Persons Data.



Cambodia



Indonesia



Lao PDR



The Philippines



Thailand



Vietnam

