

# Trafficking victim protection in ASEAN

A study on the implementation of the ASEAN Convention  
against Trafficking in Persons, Especially Women and  
Children, in seven ASEAN member states

Rapid Asia  
September 2022





### **Rapid Asia's team**

Daniel Lindgren, Founder- **Technical Advisor**

Dewi Ratnawulan, Senior Gender and Human Rights Advisor- **Project Manager**

Toru Hisada, Project Manager- **Project Coordinator**

Leilana Quinger, Consultant- **Report Editor**

### **Country Coordinators**

Seang Hai Veng - **Cambodia**

Diantika Rindam Floranti - **Indonesia**

Viengdavong Luangsithideth - **Lao PDR**

Su Yin Htun - **Myanmar**

Shylene Belle Cadio, RN, **the Philippines**

Thanrada Mungthanya- **Thailand**

Nguyen Thi Thu Thuy - **Vietnam**

***Disclaimer:*** This study was funded by the Australian Government supported ASEAN-Australia Counter Trafficking, a DT Global managed program. The views expressed in this publication are the author's alone and are not necessarily the views of the Australian Government.

# Contents

<b>Abbreviations and acronyms .....</b>	<b>iv</b>
<b>Executive summary .....</b>	<b>v</b>
<b>Recommendations for ASEAN member states .....</b>	<b>viii</b>
<b>1. Introduction.....</b>	<b>1</b>
1.1. ASEAN Convention against Trafficking in Persons, Especially Women and Children .....	1
1.2. Other obligations of ASEAN member states related to counter-trafficking .....	3
1.3. Rationale for the study .....	5
1.4. Methodology.....	6
1.5. Limitations .....	7
<b>2. Cambodia summary report.....</b>	<b>9</b>
2.1. Gaps in national law and policy.....	9
2.2. Gaps in practice .....	11
2.3. Institutional roles and capacities .....	13
2.4. Impact of COVID-19.....	15
<b>3. Indonesia summary report .....</b>	<b>17</b>
3.1. Gaps in national law and policy.....	17
3.2. Gaps in practice .....	19
3.3. Institutional roles and capacities .....	23
3.4. Impact of COVID-19.....	26
<b>4. Lao PDR summary report.....</b>	<b>29</b>
4.1. Gaps in national law and policy.....	29
4.2. Gaps in practice .....	31
4.3. Institutional roles and capacities .....	32
4.4. Impact of COVID-19.....	34
<b>5. Myanmar summary report .....</b>	<b>35</b>
5.1. Gaps in national law and policy.....	35
5.2. Gaps in practice .....	38
5.3. Institutional roles and capacities .....	39
5.4. Impact of COVID-19.....	41
<b>6. Philippines summary report.....</b>	<b>43</b>
6.1. Gaps in national law and policy.....	43
6.2. Gaps in practice .....	46
6.3. Institutional roles and capacities .....	50
6.4. Impact of COVID-19.....	55
<b>7. Thailand summary report .....</b>	<b>57</b>
7.1. Gaps in national law and policy.....	57

7.2.	Gaps in practice .....	59
7.3.	Institutional roles and capacities .....	63
7.4.	Impact of COVID-19.....	64
<b>8.</b>	<b>Vietnam summary report.....</b>	<b>66</b>
8.1.	Gaps in national law and policy.....	66
8.2.	Gaps in practice .....	70
8.3.	Institutional roles and capacities .....	71
8.4.	Impact of COVID-19.....	73

### List of tables

Table 1:	ACTIP articles and provisions on TIP victim protection.....	1
Table 2:	Key international and regional instruments relevant to TIP victim protection.....	3
Table 3:	Stakeholders interviewed by country and gender.....	7

## Abbreviations and acronyms

ACTIP	ASEAN Convention against Trafficking in Persons, Especially Women and Children
AMS	ASEAN member states
ASEAN	Association of Southeast Asian Nations
ASEAN-ACT	ASEAN–Australia Counter Trafficking
ATTF	Anti-Trafficking Task Force ( <i>Gugus Tugas Pencegahan dan Penanganan Tindak Pidana Perdagangan Orang</i> ) (Indonesia)
CBTIP	Central Body for Suppression of Trafficking in Persons (Myanmar)
CRC	United Nations Convention on the Rights of the Child
DSWD	Department of Social Welfare and Development (Philippines)
GEDSI	gender equality, disability, and social inclusion
IACAT	Inter-Agency Council Against Trafficking (Philippines)
LGBTQI	lesbian, gay, bisexual, transexual, queer, and intersex
LPSK	Witness and Victim Protection Agency ( <i>Lembaga Perlindungan Saksi dan Korban</i> ) (Indonesia)
MOLISA	Ministry of Labour, Invalids and Social Affairs (Vietnam)
MoWECP	Ministry of Women’s Empowerment and Child Protection (Indonesia)
MSDHS	Ministry of Social Development and Human Security (Thailand)
NCCT	National Committee for Counter Trafficking (Cambodia)
NGO	nongovernment organization
PNP	Philippine National Police
TIP	trafficking in persons
TIPSE Law	Law on Suppression of Human Trafficking and Sexual Exploitation 2008 (Cambodia)
WCPC	Women and Children Protection Center (Philippines)

## Executive summary

The entry into force of the ASEAN Convention against Trafficking in Persons, Especially Women and Children (ACTIP), in 2017 created a framework for enhanced regional cooperation to respond to the crime of trafficking in persons (TIP) in the Southeast Asian region. As a legally binding instrument, the ACTIP creates obligations on ASEAN member states (AMS) to protect and support TIP victims. Since its inception, the implementation of the ACTIP at the national level has been uneven and hindered by various challenges, including the impact of the COVID-19 global pandemic.

An analysis of national anti-trafficking laws in seven AMS reveals that the definition of TIP is not aligned with that of the ACTIP in some countries. This is not surprising given that most TIP laws were enacted prior to the ACTIP's entry into force. Despite all AMS being signatories to the UN Convention on the Rights of the Child (CRC), the legal definition of a child in some countries is not aligned with the CRC or the ACTIP. On the other hand, the TIP laws in some AMS go beyond the definition of exploitation in the ACTIP to describe what might constitute exploitation. For example, in the Philippines, a victim of trafficking is more broadly defined and covers more specific descriptions such as debt bondage and mail brides; and Indonesian TIP law defines trafficking as having the purpose of exploitation or causing the exploitation of a person.

An examination of the provisions in law and policy in six domains of victim rights – victim identification, right to information, non-criminalization, right to legal assistance, right to remedy, and right to protection and support – shows the divergence between what the law or policy prescribes and what happens in practice.

Apart from Vietnam, none of the AMS studied has explicit provisions relating to **victim identification** in their TIP laws. However, most AMS have established guidance on victim identification and referral. However, the absence of a nationally endorsed and consistently applied set of victim identification guidelines in many AMS has resulted in differing interpretations of TIP and its victims. Victim identification is particularly challenging in situations involving forced labor or labor exploitation, online sexual exploitation, forced marriage, and forced surrogacy. Further, many victims do not wish to be identified out of fear of reprisal from their perpetrators. In some cases, perpetrators are known to victims, which creates additional risks of repercussions associated with being identified as a TIP victim and participating in a criminal justice process.

Most of the AMS studied do not stipulate the **right to information** in TIP laws, except for Indonesia, the Philippines, and, to some extent, Thailand. Some jurisdictions provide interpreting services for foreign TIP victims. However, this study has found little evidence on the extent to which frontline responders or law enforcement inform victims of their rights under the law in a language and format that victims understand.

Most of the AMS studied have provisions for victims' **right to legal assistance**. However, in practice, legal assistance tends to be limited and inaccessible to many TIP victims. Lawyers or attorneys representing victims do not always possess adequate qualifications or knowledge to assist victims throughout legal proceedings, including filing a request for restitution or compensation. Female victims probably access legal aid more than male victims. Yet, even among the female cohort, it is still not enough.

All the AMS studied stipulate victims' right to **compensation for damages or restitution** in their TIP laws. Despite these provisions, there is an absence of clear guidelines for the courts to calculate the appropriate amount of compensation or to ensure victims are compensated. In some jurisdictions,

unless the victim submits a request for restitution, it will not be awarded to the victim in the case of a successful conviction. At the same time, most defendants tend to be small-time brokers or low-level traffickers who do not possess any or many assets to be confiscated by the courts to pay for victims' compensation. The lack of proactive investigators to conduct asset tracing for possible asset seizure means that many perpetrators get away with an "unable to pay" clause, which results in no compensation for the victims. To avoid undergoing a lengthy legal proceeding, it is common for victims to settle with perpetrators outside the court to get immediate compensation, including accepting a lesser amount. As such, access to remedies for TIP victims is a challenge in practice, despite the clear provisions in TIP laws.

Except for Cambodia and Vietnam, the AMS studied have clear provisions on the **non-punishment** of victims for criminal offenses they may have committed as a result of being trafficked, including for illegal entry into the country, possession of fraudulent documents, prostitution, and others. Despite this, undocumented or irregular migrant workers continue to be detained, charged, or deported for immigration offenses. In jurisdictions where prostitution is illegal, the state has the discretion to impose penalties on victims of sex trafficking even if the non-punishment of TIP victims is provided in the anti-trafficking law.

Almost all AMS studied (excluding Cambodia) provide victims access to **protection and support**, including shelter, legal assistance, medical treatment, recovery and rehabilitation, counseling, vocational training and education, and return and repatriation. However, in practice, limited state resources and capacity mean that victims do not have access to a comprehensive suite of services and adequate recovery and reintegration support at the national or community level. It is unclear if the same level of protection and support is extended to foreign victims, especially those who refuse to participate in the prosecution process. Some TIP laws do not allow all foreign victims to stay (temporarily or permanently) in the country to which they were trafficked, and do not facilitate the return of victims if they are without proper documentation.

The overwhelming focus on women and children in most jurisdictions has led to neglecting the rights of men and other social groups vulnerable to TIP. Protection and support services, including shelters, primarily cater for women and children. There is a lack of appropriate shelter facilities for adult males in some of the AMS studied. Accommodation is also absent or limited for marginalized groups such as people with disabilities, ethnic minorities, and people identifying as lesbian, gay, bisexual, transexual, queer, and/or intersex (LGBTQI). Apart from arranging for interpreters, practitioners reported not having clear information or guidelines from the government on managing victims from these marginalized groups. In some of the AMS studied, open discussions on LGBTQI remain sensitive, limiting the level of protection and support victims of diverse sexual orientations can access.

All the AMS studied have established national committees or bodies dedicated to combating TIP and a national plan of action. The national committee or body is usually headed by the ministry of interior, home affairs, public security, or justice. The committee coordinates a national response to TIP among the relevant agencies. It usually oversees the utilization of an anti-TIP fund. Anti-trafficking task forces (typically located within the police force) at the national and subnational levels play a critical role in identifying and assisting victims. In some countries, such as the Philippines and Thailand, the anti-trafficking task forces are multidisciplinary in nature, comprising prosecutors, law enforcement agents, welfare officers, and nongovernment organizations (NGOs).

The existing state budgets dedicated to anti-TIP measures and victim protection are limited and do not sufficiently meet the needs of victims. Budgets and resources for anti-TIP measures were further reduced or diverted during the COVID-19 pandemic to support the public health response and enforce lockdowns. The lack of knowledge and capacity among frontline responders is an ongoing challenge,

resulting in a lack of victim-centered and gender-sensitive approaches when working with TIP victims. Regular training for the justice sector and other agencies was also disrupted during the pandemic. The frequent rotation and job transfer of law enforcement officers, especially those trained and qualified to handle TIP cases, is a significant barrier to increasing victim protection and victims' access to justice. The lack of gender diversity in law enforcement and among other frontline responders contributes to the under- or misidentification of TIP victims.

NGOs and civil society play an important role in advocating for policies to prevent TIP and address its root causes. In most of the AMS studied, the government actively partners with NGOs in providing shelter, legal aid, and other support services for TIP victims. The presence of NGOs at the grassroots level, including in border or remote areas, affords victims some level of assistance in the absence of state-directed services. Similar to government agencies, the work of NGOs in victim protection has been adversely affected by the COVID-19 pandemic. Many NGOs could not enter state-run shelters to meet with victims and provide services such as legal aid, counseling, or health checkups due to strict COVID-19 regulations and policies. The pandemic also affected the funding of some NGOs, particularly those reliant on fundraising activities and donor assistance.



# Recommendations for ASEAN member states

The following recommendations for ASEAN member states on TIP victim protection are based on the research findings presented in this report. The findings were informed by national validation workshops held with key government and nongovernment stakeholders from Cambodia, Indonesia, Lao PDR, the Philippines, Thailand, and Vietnam. The workshops were organized and facilitated by the ASEAN–Australia Counter Trafficking (ASEAN-ACT) program between December 2021 and January 2022.

## Victim identification

1. Develop clear guidelines on victim identification at the national level to ensure victims of trafficking are accurately and expediently identified. There should be clear implementation guidelines to enforce a common understanding of trafficking in persons (TIP), and who is a TIP victim, among frontline responders and law enforcers. The implementation guidelines should include a clear referral process for TIP victims and presumed TIP victims, to ensure their rights are protected, and they receive the necessary support and assistance throughout the victim identification process.
2. Provide a sufficient reflection period for TIP victims during the victim identification process to allow them to decide if they wish to be identified, receive assistance, or take part in a criminal justice process.
3. Engage relevant nongovernment organizations (NGOs) in the victim identification process. Their expertise and experience in dealing with TIP cases should be leveraged to support the official victim identification process.
4. Establish laws, policies and/or guidelines to recognize TIP victims identified by foreign competent authorities. This is important to ensure that repatriated TIP victims are not subject to repeated identification procedures. It will also assist transnational cooperation in trafficking cases.
5. Extend the outreach and scope of victim identification into sectors involving many labor migrants, especially in the fishing industry. More attention should be placed on interventions to rescue victims who cannot freely leave (are trapped in) workplaces.
6. Facilitate government officials and local NGOs working directly with victims to acquire the necessary knowledge and skills to monitor, identify, and disrupt online trafficking.
7. Increase the number of screening or focal points for victim identification, especially in remote and border areas. Self-identifying victims who return home on their own should be eligible for assessment and assistance. This will encourage more victims to access support and participate in a justice process.
8. Change the definition of a child to a person below the age of 18 years (instead of 16 years) in domestic legislation, in line with the ASEAN Convention against Trafficking in Persons, Especially Women and Children (ACTIP), and the UN Convention on the Rights of the Child. Trafficking committed against anyone aged between 16 and 18 years should be prosecuted under criminal provisions for trafficking committed against children.
9. Amend the definition of trafficking in persons, as stated in domestic TIP law and other relevant legislation, to align with the ACTIP. The definition should also address forced marriage and labor exploitation, which are common forms of exploitation in many ASEAN member states, and emerging forms of TIP, such as online sexual exploitation. Given the unique complexity of

exploited fishers, governments should consider creating a more specific legal framework and guidelines to target the recruitment agencies that hire fishers.

## **Right to information**

10. Enhance the dissemination of TIP-related information, including laws, decrees, policies, and the rights of TIP victims, especially at the provincial, district, village, and community levels. Community-based information and awareness campaigns should aim to enhance the understanding of legal assistance and services available to TIP victims and those at risk at the local community level.
11. Design and develop education and information materials related to victim rights and available supports, as required by the ACTIP and relevant domestic laws and policies, and tailor those materials to TIP victims from diverse groups.
12. Provide clear and accurate information to victims at all stages of the protection and assistance process, including victim identification, provision of shelter, participation in legal proceedings, and return and repatriation. Informed consent should be obtained from victims, or their legal guardians in the case of children, before any intervention or procedure.

## **Non-punishment**

13. Amend domestic TIP laws to include an explicit provision on the non-criminalization or prosecution of TIP victims for unlawful acts committed by victims of trafficking if such acts are directly related to the acts of trafficking. The list of offenses to which the non-punishment principle should be applied should extend beyond those related to irregular entry and/or work.
14. Develop ASEAN regional and/or national policy or guidance to support the interpretation and application of the non-punishment principle in line with the ACTIP. Such guidance should be made available to practitioners throughout the criminal justice process, including in remote and border areas. Policy and/or guidance should provide explicit instruction to frontline officials (such as police, immigration officials, and labor inspectors) on how to apply the non-punishment principle, including to suspected offenders in cases where they are TIP victims.
15. Strengthen victim identification efforts – early and adequate identification of victims is critical to protecting them from punishment for unlawful acts they have committed as a direct consequence of being trafficked.

## **Right to legal assistance**

16. Increase understanding among justice agencies that the right to legal assistance or representation should be granted and not be contingent on a victim's request.
17. Strengthen government commitment to applying the right to legal assistance by allocating sufficient funds and resources, including encouraging women's legal representation to support TIP victims in accessing justice, especially among vulnerable groups such as ethnic minorities, persons with disabilities, migrant workers, and LGBTQI victims.
18. Develop a directory with information about relevant legal aid organizations that provide free legal assistance to target communities most affected by human trafficking. The directory should be widely distributed and accessible to diverse groups.

## **Access to remedy**

19. Establish a state compensation fund for TIP victims to avoid reliance on restitution (payment from the perpetrator) in TIP cases. As ordered by court decisions, compensation should be paid to victims, even if the perpetrator has no assets or funds to pay restitution, using a state-established victim fund.
20. Simplify the procedure for obtaining restitution to ensure it is accessible to victims and their advocates. Victims should be kept informed of the progress of obtaining restitution in the case of a successful conviction. Restitution should be paid to foreign victims even if they have returned home.
21. Assign prosecutors and judges knowledgeable and specialized in handling TIP cases to increase the chances of successful conviction and payment of restitution to victims.
22. Provide information on the right to remedies, including restitution and/or state compensation, to TIP victims and presumed TIP victims in an accessible format and as early as possible through frontline responders, including law enforcers and investigators.

## **Rights to protection and support**

23. Use victim-centered and gender-sensitive approaches to build the capacity of law enforcement and justice agencies to protect and support TIP victims throughout the criminal justice process. At the same time, protection and assistance services such as shelter should be made available for all victims of TIP, and services should be provided in a nondiscriminatory, accessible, and individualized manner, including for adult males, LGBTQI victims, people with disabilities, and other marginalized groups.
24. Ensure legal provisions guarantee victims' right to safety and nondiscrimination, such as protecting the confidentiality of personal information that may identify a TIP victim and/or their family.
25. Extend legal provisions regarding the reintegration and rehabilitation of TIP victims to all TIP victims, not just women and children.

## **Gender equality, disability, and social inclusion commitments**

26. Define clearly the key cross-cutting elements of trafficking – act, means, and purpose. The definition of child trafficking should clearly state that the element of means in child trafficking is irrelevant, in line with the definition in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking Protocol).
27. Ensure laws and policies criminalize all forms of child sex trafficking and are aligned with the ACTIP, the Trafficking Protocol, and domestic child rights law.
28. Develop guidelines focused on protecting child victims, including child-specific victim identification, right to legal assistance, and access to remedy.
29. Integrate gender-responsive perspectives and victim-centered approaches into the planning and budgeting process of agencies with a role in countering trafficking. A specific budget for TIP should be allocated to relevant agencies according to their mandate and function, including budgets for capacity building.

30. Recognize the risks and vulnerabilities of trafficking experienced by different social groups. Gender equality, disability, and social inclusion (GEDSI) concerns need to be systematically integrated at all levels (national and subregional) to ensure inclusion in the victim protection and assistance process. This can be done through GEDSI training, awareness, and behavior change of government officials responsible for TIP victim protection.
31. Take measures to reduce the vulnerability of people with disabilities to TIP, and ensure that protection and support services are accessible to, and inclusive of, people with disabilities – noting that most ASEAN member states have laws protecting and promoting the rights of people with disabilities. Disability awareness and inclusion should be integrated into all aspects of counter-trafficking responses.

# 1. Introduction

## 1.1. ASEAN Convention against Trafficking in Persons, Especially Women and Children

Since the early 1990s, ASEAN member states have made efforts to combat transnational organized crime, including issues related to trafficking in persons (TIP). The ASEAN Convention against Trafficking in Persons, Especially Women and Children (ACTIP), which was signed by ASEAN member states on November 21, 2015, and entered into force on March 8, 2017, represented an important step toward a more robust legislative framework for countering TIP in the ASEAN region.

The ACTIP contains legally binding obligations, in contrast to ASEAN's previous anti-TIP measures based on nonbinding instruments. The ACTIP's core objectives recognize the need for more coordinated collaborative efforts across the region to prevent and improve responses to TIP. The overarching goal of the ACTIP is to ensure that ASEAN member states have effective justice systems that penalize TIP perpetrators and protect the human rights of TIP victims. The ACTIP contains articles and provisions for TIP victim protection (Table 1).

**Table 1: ACTIP articles and provisions on TIP victim protection**

Provision		Victim rights and GEDSI
<b>Article 14: Protection of Victims of Trafficking in Persons</b>		
1	Each Party shall establish national guidelines or procedures for the proper identification of victims of trafficking in persons, and where appropriate, may collaborate with relevant non-governmental victim assistance organisations.	Victim identification
2	In a case where the trafficking takes place in more than one country, each Party shall respect and recognise the identification of victims of trafficking in person[s] made by the competent authorities of the receiving Party.	Victim identification
3	Unless the victim otherwise informs, such identification shall be notified to the sending Party without unreasonable delay by the receiving Party.	Victim identification
4	Each Party shall 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. Each Party shall give appropriate consideration to humanitarian and compassionate factors to this end.	Right to temporary or permanent stay
5	Each Party shall endeavour to provide for the physical safety of victims of trafficking in persons while they are within its territory.	Right to safety
6	In appropriate cases and to the extent possible under its domestic laws, each Party shall protect the privacy and identity of victims of trafficking in persons, including, <i>inter alia</i> , by making legal proceedings relating to such trafficking confidential.	Right to privacy and confidentiality
7	Each Party shall, subject to its domestic laws, rules, regulations and policies, and in appropriate cases, consider not holding victims of trafficking in persons	Non-criminalization

Provision		Victim rights and GEDSI
	criminally or administratively liable, for unlawful acts committed by them, if such acts are directly related to the acts of trafficking.	
8	Each Party shall not unreasonably hold persons who have been identified by its competent authorities as victims of trafficking in persons in detention or in prison, prior to, during, or after civil, criminal, or administrative proceedings for trafficking in persons.	Non-criminalization
9	Each Party shall communicate to identified victims of trafficking in persons within a reasonable period, information on the nature of protection, assistance and support to which they are entitled [...] under domestic laws, and under this Convention.	Right to information
10	Each Party shall, where applicable, provide care and support to victims of trafficking in persons, including in appropriate cases, in cooperation with relevant non-governmental organisations, other organisations, and other elements of civil society [...].	Access to protection and support
11	Each Party shall make its best effort to assist in the reintegration of victims of trafficking in persons into the society of the sending Party.	Access to protection and support
12	Each Party shall take into account, in applying the provisions of this Article, the age, gender and special needs of victims of trafficking in persons, in particular the special needs of children.	Gender equality, disability, and social inclusion
13	Each Party shall ensure that its domestic legal system contains measures that offer victims of trafficking in persons the possibility of obtaining compensation for damage suffered.	Access to remedy
14	Each Party shall make provisions for appropriate funds to be allocated, including where applicable, establishing national trust funds, for the care and support of victims of trafficking in persons.	Access to protection and support
<b>Article 15: Repatriation and Return of Victims</b>		
5	Each Party shall adopt such legislative or other measures as may be necessary to establish repatriation programmes where appropriate, and if necessary, involving relevant national or international institutions and non-governmental organisations.	Right to safe repatriation and return
<b>Article 16: Law Enforcement and Prosecution</b>		
7	Each Party shall take all necessary steps to preserve the integrity of the criminal justice process, including through protecting victims and witnesses from intimidation and harassment, where necessary, and punishing perpetrators of such acts, in appropriate cases.	Right to safety Right to privacy and confidentiality

The ASEAN Plan of Action against Trafficking in Persons was developed in 2015 to support the implementation of the ACTIP. The plan of action outlines specific actions by ASEAN member states to align with the ACTIP and relevant international obligations. It is structured around four major aspects:

prevention of TIP, protection of TIP victims, law enforcement and prosecution of TIP crimes, and regional and international cooperation and coordination.<sup>1</sup>

## 1.2. Other obligations of ASEAN member states related to counter-trafficking

In addition to the ACTIP, ASEAN member states have other legal obligations to combat TIP, including protecting TIP victims under various international and regional instruments. Table 2 summarizes the primary instruments.

**Table 2: Key international and regional instruments relevant to TIP victim protection**

Instrument	Victim rights and gender equality, disability, and social inclusion (GEDSI)
<b>International</b>	
<p>Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2000)</p>	<p><b>Right to privacy: Article 6(1)</b> calls for each state party to protect the privacy and identity of victims of trafficking in persons, including, inter alia, by making legal proceedings relating to such trafficking confidential.</p> <p><b>Right to information and legal assistance: Article 6(2)</b> requires states parties to provide information on relevant court and administrative proceedings to TIP victims and to help TIP victims to enable their views and concerns to be presented and considered at appropriate stages of criminal proceedings against offenders.</p> <p><b>Right to safety and recovery: Article 6(3)</b> calls for states parties to provide for the physical, psychological, and social recovery of TIP victims. <b>Article 8(2)</b> calls for the states parties to ensure the safe return of TIP victims.</p> <p><b>Access to remedies (compensation): Article 6(6)</b> requires states parties' domestic legal system to contain measures that offer TIP victims the possibility of obtaining compensation for damage suffered.</p> <p><b>GEDSI: Article 6(4)</b> requires states parties to consider the age, gender, and special needs of TIP victims, especially the special needs of children, including appropriate housing, education, and care. <b>Article 10 (2)</b> calls for states parties to provide or strengthen training for their relevant officials. The training should also consider human rights and child- and gender-sensitivity-related issues.</p>
<p>Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime (2000)</p>	<p><b>Non-criminalization: Article 5</b> requires states parties not to make migrants liable to criminal prosecution under the protocol for the fact of having been the object of conduct outlined in the protocol.</p> <p><b>Victims' rights legislated: Article 16</b> requires states parties to take all appropriate measures to preserve and protect the rights of persons who have been the object of conduct outlined in the protocol.</p> <p><b>GEDSI: Article 16(4)</b> requires states parties to consider the special needs of women and children in applying the protocol's provisions.</p>
<p>Convention on the Elimination of All Forms of Discrimination Against Women (1979)</p>	<p><b>GEDSI: Article 6</b> requires states parties to take all appropriate measures, including legislation, to suppress all forms of traffic in women and the exploitation of the prostitution of women.</p>

<sup>1</sup> ASEAN (2015, November 21). [ASEAN Plan of Action Against Trafficking in Persons, Especially Women and Children](#).

Instrument	Victim rights and gender equality, disability, and social inclusion (GEDSI)
Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (2000)	<p><b>Right to legal assistance: Article 8(1)</b> requires states parties to provide appropriate support services to child victims throughout the legal process.</p> <p><b>Access to remedies and recovery: Article 9(3)</b> requires states parties to take all feasible measures to ensure all appropriate assistance to victims of offenses, including their full social reintegration and their full physical and psychological recovery. <b>Article 9(4)</b> calls for states parties to ensure that all child victims of the offenses have access to adequate procedures to seek, without discrimination, compensation for damages from those legally responsible.</p> <p><b>Right to information: Article 8(1)</b> requires states parties to inform child victims of their rights, their role, and the scope, timing, and progress of the proceedings and disposition of their cases.</p>
Convention on the Rights of Persons with Disabilities (2006)	<p><b>Access to protection and support: Article 16</b> requires states parties to take all appropriate measures to promote the physical, cognitive, and psychological recovery, rehabilitation, and social reintegration of people with disabilities who become victims of any form of exploitation, violence, or abuse. <b>Article 13</b> suggests states parties also provide age-appropriate accommodations to facilitate the participation of people with disabilities in all legal proceedings. <b>Article 22</b> obliges states parties to protect the confidentiality of personal, health, and rehabilitation information of people with disabilities on an equal basis with others.</p> <p><b>GEDSI – women with disabilities: Article 6</b> requires states parties to take measures to ensure the full and equal enjoyment by women and girls with disabilities of all human rights and fundamental freedoms. <b>Article 6</b> also requires states parties to take all appropriate measures to ensure women’s full development, advancement, and empowerment.</p> <p><b>GEDSI – children with disabilities: Article 7</b> requires states parties to take all necessary measures to ensure the full enjoyment of children with disabilities of all human rights and fundamental freedoms on an equal basis with other children. <b>Article 7</b> also requires states parties to ensure that children with disabilities have the right to express their views freely on all matters affecting them, their views being given due weight in accordance with their age and maturity, on an equal basis with other children, and to be provided with disability and age-appropriate assistance to realize that right.</p>
<b>Regional</b>	
ASEAN Declaration on Transnational Crime (1997)	<p><b>Resolution 8</b> expands the scope of ASEAN member states’ efforts against transnational crimes, including TIP, and requests the ASEAN Secretary-General to include these areas in the work program of the ASEAN Secretariat.</p>
ASEAN Declaration on Human Rights (2012)	<p><b>Article 13</b> states that no person shall be held in servitude or slavery in any of its forms or be subject to human smuggling or TIP.</p> <p><b>Non-criminalization: Article 20(2)</b> calls for states not to hold a person guilty of any criminal offense on account of any act or omission which did not constitute a criminal offense, under national or international law, at the time when it was committed.</p> <p><b>Access to remedies: Article 5</b> states that every person has the right to an effective and enforceable remedy.</p> <p><b>GEDSI: Article 2</b> states every person is entitled to the rights and freedoms, without distinction of any kind, such as race, gender, age, language, religion, political or another opinion, national or social origin, economic status, birth, disability, or another status. <b>Article 4</b> calls for the rights of women, children, the elderly, persons with</p>



Instrument	Victim rights and gender equality, disability, and social inclusion (GEDSI)
	disabilities, migrant workers, and vulnerable and marginalized groups to be an inalienable, integral, and indivisible part of human rights and fundamental freedoms.
ASEAN Regional Plan of Action on the Elimination of Violence against Women (2016)	<p><b>Right to legal assistance: Action 3(30)</b> requires ASEAN member states to establish mechanisms for women’s access to justice through, inter alia, providing effective and affordable or free legal assistance for impoverished victims/survivors.</p> <p><b>Access to remedies: Action 2(15–23)</b> requires ASEAN member states to provide protection and support services for victims/survivors. <b>Action 3(30)</b> requires ASEAN member states to establish mechanisms for women’s access to justice.</p>
Gender-Sensitive Guideline for Handling Women Victims of Trafficking in Persons (2016)	<p>The guideline provides practitioners with essential information on handling women TIP victims in line with human rights and gender-sensitive principles. It also provides guidance to enhance access to justice for women TIP victims.</p> <p><b>Gender sensitivity: paragraph 2.7.1</b> requires all stakeholders to be aware and respectful of the rights, special concerns, and needs of women and girls to provide appropriate services.</p> <p><b>Gender sensitivity: paragraph 2.7.2</b> requires all stakeholders to determine the gender of TIP victims to provide appropriate support and services such as health care, interviews, and safe shelters.</p>
ASEAN Gender Mainstreaming Strategic Framework 2021–2025 (2021)	The framework outlines a strategic direction for a whole-of-ASEAN gender mainstreaming approach by presenting a set of mutually reinforcing objectives, approaches, and activities that will build ASEAN’s commitment, capacity, and culture concerning gender and inclusion. The framework places emphasis on strengthening coordination and collaboration between the three ASEAN communities – political-security, economic, and socio-cultural.

### 1.3. Rationale for the study

The ACTIP is intended to be a legally binding convention that standardizes the understanding and application of TIP legislation, promotes cooperation between ASEAN member states, and enhances the protection of, and support provided to, TIP victims. To date, ASEAN member states have made progress in enacting laws, policies, and procedures to support ACTIP implementation. However, some gaps in law, policy, and practice hamper the full and consistent implementation of the ACTIP. The primacy of national sovereignty and the absence of a reporting and monitoring mechanism accompanying the ACTIP limit the extent to which the convention can be legally enforced. However, strong support for the ACTIP at the regional level, and ongoing efforts at the national level to align counter-trafficking efforts with the ACTIP, suggest that there are opportunities to further strengthen ACTIP implementation.

Against this background, the ASEAN–Australia Counter Trafficking (ASEAN-ACT) program commissioned Rapid Asia to conduct research on TIP victim protection in seven ASEAN member states (Cambodia, Indonesia, Lao PDR, Myanmar, Philippines, Thailand, and Vietnam) to examine the extent to which the ACTIP has been implemented, with a particular focus on victim rights and gender equality, disability, and social inclusion (GEDSI).

#### 1.3.1. Research objectives

- To examine the existing implementation of ACTIP obligations on victim rights and protection, especially in justice responses, before and during the COVID-19 pandemic.

- To identify and assess risks and challenges encountered by vulnerable groups and individuals such as women, children, LGBTQI people, ethnic minorities, people with disabilities, and other marginalized social groups in accessing the criminal justice process and victim protection before and during COVID-19.
- To inform relevant stakeholders of the good practices and limitations in the target ASEAN member states to prevent, mitigate, and respond to TIP under ACTIP obligations regarding victim protection.

### **1.3.2. Research framework**

The ASEAN-ACT team and consultants jointly selected six key dimensions of victim rights, which are directly derived from the ACTIP:

- Victim identification
- Non-criminalization or prosecution for status offenses
- Right to legal assistance
- Access to remedy
- Right to information about rights
- Right to protection and support

The research also considered the extent to which the GEDSI obligations in the ACTIP have been fulfilled at the national level.

The research analyzed the application of the dimensions of victim rights in five areas:

- Law and policy
- Institutions and procedures
- Capacity and resources
- Implementation (good practices and challenges)
- Impact of COVID-19

## **1.4. Methodology**

From May to November 2021, the research team conducted a literature review of reports, policy papers, legal case materials, and other relevant documents on TIP victim protection. The literature review was supported by a national consultant appointed in each country. Key informant interviews with relevant government and nongovernment actors working on justice and victim protection were then conducted in six of the seven target ASEAN member states (excluding Myanmar) to provide insights on how relevant laws and policies were implemented and the extent to which the practice aligns with ACTIP obligations on victim rights and protection. Stakeholders interviewed included criminal justice agencies, policymakers from relevant ministries, NGO representatives, members of anti-trafficking task forces and committees, and lawyers (Table 3). A total of 71 key informant interviews were conducted (44 female and 27 male).

**Table 3: Stakeholders interviewed by country and gender**

Stakeholders	Cambodia	Indonesia	Lao PDR	Philippines	Thailand	Vietnam
Justice officials (from ministries of justice, offices of attorneys-general, national police, supreme courts, and other relevant judicial agencies)	2	3	2	4	6	4
Anti-trafficking task forces and national committees against trafficking in persons (lead agencies)	1	1	1	1	–	–
Related state officials (ministries of social welfare, women’s affairs, child protection, labor, immigration, and foreign affairs)	4	2	2	2	2	2
National commissions dealing with human rights, violence against women, and child protection	–	1	1	–	–	1
Witness and victim protection agency and victim-witness coordinators	–	1	–	–	–	–
ASEAN Commission on the Promotion and Protection of the Rights of Women and Children representatives	–	1	–	–	1	–
NGOs working on TIP victim protection and support	4	4	5	4	3	3
Lawyers	–	1	–	–	1	1
<b>Total</b>	<b>11</b>	<b>14</b>	<b>11</b>	<b>11</b>	<b>13</b>	<b>11</b>
Gender composition	M (n=1) F (n=10)	M (n=6) F (n=8)	M (n=4) F (n=7)	M (n=5) F (n=6)	M (n=8) F (n=5)	M (n=3) F (n=8)

Following the data collection and analysis, national validation workshops were held with key government and nongovernment stakeholders from six ASEAN member states (excluding Myanmar). The workshops were organized and facilitated by ASEAN-ACT, and the research team was invited to present the draft research findings. The validation workshops solicited input and feedback from the participants, which informed the report’s final version. A total of 123 government and 83 nongovernment stakeholders attended the national validation workshops in six countries from December 2021 to January 2022.

## 1.5. Limitations

The scope and design of this research were subject to several limitations:

- The research scope was limited to responses at the national level, meaning that the research team did not review subnational regulations, policies, or practices. The research team had limited

access to the specific TIP data and/or statistics in some target countries, and not all information was available online and/or accessible to the public.

- Due to the COVID-19 pandemic, some key informant interviews were conducted virtually, which resulted in shorter interview times. However, it was still possible to obtain good-quality data.
- The coup in Myanmar took place shortly after the research had been commissioned, and this meant no primary data collection could be carried out in Myanmar. The research was undertaken via an in-depth literature review only.

## 2. Cambodia summary report

### 2.1. Gaps in national law and policy

The primary domestic law relevant to TIP is the Law on Suppression of Human Trafficking and Sexual Exploitation 2008 (Royal Kram No. NS/RKM/0208/005) (the “TIPSE Law”). The legislation aims to realize Cambodia’s obligations under the UN Convention against Transnational Organized Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking Protocol), and other instruments and international agreements relating to human trafficking that Cambodia has ratified or signed.<sup>2</sup>

The TIPSE Law’s elements do not align with the ACTIP **definition of trafficking in persons**. First, Article 13 of the TIPSE Law does not address the irrelevancy of consent and the confiscation of organs. It also does not identify the types of psychological control identified in the ACTIP definition, such as coercion, fraud, and deception.

Second, Article 28 in Chapter 4 of the TIPSE Law, regarding child prostitution, **defines a child** as someone under the age of 15 years. Similarly, Article 239 of Cambodia’s Criminal Code 2014 states that the age for sexual majority shall be 15 years. This contravenes Cambodia’s obligations under the UN Convention on the Rights of the Child (CRC) and the ACTIP, which regard a child as any individual under the age of 18 years.

**Victim identification** is not explicitly addressed in the TIPSE Law. Still, other domestic legislation has addressed this, such as the Prakas No. 857 SVY on the Minimum Standards for Protection of the Rights of Victims of Human Trafficking 2009. Article 7 of this “prakas” (order) stipulates some measures for victim identification and case management. The prakas states that, in cases where it is ambiguous whether or not an individual is a victim of trafficking, the individual shall be treated as a victim and provided with appropriate support and services until conclusive evidence indicates otherwise. It also stipulates that if a victim’s age is unknown and they could potentially be under 18, the victim shall be treated as a child. The victim identification process shall be consistent with the principles in the CRC. In addition, the National Committee for Counter Trafficking (NCCT) issued the “Guidelines on Forms and Procedures for Identification of Victims of Human Trafficking for Appropriate Service Provision” in 2015. However, the guidelines do not mention TIP victims identified by foreign competent authorities as mentioned in Article 14(2–3) of the ACTIP.

The **right to privacy and confidentiality** is partially covered under Article 49 of the TIPSE Law, which prohibits newspapers and all other mass media from publishing any information that could identify a victim.<sup>3</sup> This article is intended to shield trafficked victims from unnecessary embarrassment and ostracization, and to encourage them to participate in criminal justice proceedings. While the TIPSE Law provides some protection for victims, it does not require justice actors and other stakeholders to keep information about the victim’s identity confidential. Similarly, the guidelines on practices and cooperation in human trafficking cases do not require court cases involving trafficking to be kept confidential. This does not preclude the court from conducting hearings in closed sessions.<sup>4</sup>

The TIPSE Law does not have a **non-criminalization** provision to prevent prosecution or punishment of victims of trafficking for offenses directly related to the acts of trafficking. However, Article 44 of the

---

<sup>2</sup> Article 1 of the [TIPSE Law](#).

<sup>3</sup> Article 49 of TIPSE Law: “Newspapers and all other mass media shall be prohibited from publishing or broadcasting or disseminating any information which can lead to public knowledge of identities of victims in the offenses stipulated in this law.”

<sup>4</sup> Article 20 of the [Agreement on Guidelines for Practices and Cooperation between the Relevant Government Institutions and Victim Support Agencies in Cases of Human Trafficking](#) (2007).

TIPSE Law provides for the non-punishment of child victims by exempting a person under the age of 15 years from punishment for offenses stipulated in Article 42 (sentence for a person who has sexual intercourse with another person under the age of 15 years) and Article 43 (punishment for a person who commits an indecent act against another person under the age of 15 years). It also stipulates double punishment for a person who repeatedly commits any offense as indicated under articles 42 and 43. Article 4(2) of the TIPSE Law defines criminal responsibility as limited to the principal offenders and intermediaries. However, explicit protection from criminalization for the victims is not laid out. Cambodia's Criminal Code does not hold a person criminally responsible if they have committed an offense under the effect of force or compulsion. In addition, the Ministry of Justice's 2013 explanatory notes for the TIPSE Law address non-criminalization as a core concern.

Articles 46 and 47 of the TIPSE Law mention **compensation** in the form of restitution for trafficked victims and suggest a link between compensation for trafficked victims and confiscation of the assets of the traffickers or exploiters. Despite these provisions, there are no clear guidelines for the courts to calculate the appropriate amount of compensation or to ensure victims are actually compensated. The lengthy adjudication process is also a challenge in accessing compensation. Cambodia has yet to establish a national trust fund to allocate appropriate funds for the care and support of victims of trafficking in persons.

The TIPSE Law does not contain provisions on **victim care and support** such as appropriate housing, counseling and information, medical and psychological assistance, and employment and training opportunities, as identified in the ACTIP. However, to fill the gaps, there are guidelines for the provision of services for victims, including shelter (articles 31–37), health services (Article 31), education (Article 33), the opportunity to work (Article 34), and legal services (Article 37).<sup>5</sup> In addition, the Minimum Standards for Protection of the Rights of Victims of Human Trafficking 2009 list rights to services such as free legal assistance (Article 6(6)).

Cambodia has no legal provision to offer **temporary or permanent residency** to foreign victims wishing to remain in Cambodia to participate in civil or criminal proceedings. The government requires the repatriation of foreign victims, except in rare cases, and does not provide legal alternatives to their removal, regardless of whether they would face hardship or retribution upon return to their countries of origin.

The TIPSE Law does not address the **repatriation and return** of TIP victims from foreign countries. Article 40 of the guidelines on practices and cooperation in human trafficking cases states that victims repatriated from abroad should receive support in a shelter, and the shelter shall assist victims regardless of their nationality. There is a process for returned Cambodian migrants to register for legal status to enable them to find jobs and other legal benefits (Article 30 of the guidelines).

The TIPSE Law does not mention the protection of **marginalized groups** apart from women and child victims of sexual trafficking. However, the National Plan of Action 2019–2023 mentions the rights of vulnerable groups, including women, children, ethnic groups, people with disabilities, and LGBTI people. The plan seeks to address new forms of human trafficking through the internet, including surrogacy and sex trafficking. It states that agencies will continue to deliver services based on the gender needs and particularities of the target groups, and acknowledges that trafficking affects both men and women. Further, in the structural guidelines for the national and subnational levels, the NCCT has mandated the procedures and legal regulations on victim identification to be inclusive for everyone.<sup>6</sup> The Minimum Standards for Protection of the Rights of Victims of Human Trafficking 2009 also refer to the need for specific support for children and victims with disabilities. Service providers

---

<sup>5</sup> Agreement on Guidelines for Practices and Cooperation between the Relevant Government Institutions and Victim Support Agencies in Cases of Human Trafficking (2007).

<sup>6</sup> Government agency (interview), June 17, 2021.

are recommended to provide a sign language translator for mute and deaf individuals and to consider the child's best interests when dealing with child victims.

## 2.2. Gaps in practice

**Victim screening and identification** are conducted mainly by NGOs, the police, and social affairs practitioners using the Guidelines on Forms and Procedures for Identification of Victims of Human Trafficking for Appropriate Service Provision, issued by the NCCT in 2015. Once a victim is identified, the Anti-Human Trafficking and Juvenile Protection Police will gather evidence for prosecutors. This may lead to the legal and official determination of TIP victims based on Cambodia's Criminal Code 2014 and the TIPSE Law. However, stakeholders pointed out that there is often a mismatch between the TIP criteria used by NGOs and the criteria used by prosecutors or law enforcement. Not all police officers and prosecutors are aware of the three elements of TIP (act, means, and purpose), which can result in a TIP case being rejected by the court.<sup>7</sup>

Further, the referral process under the victim identification guidelines subjects trafficked victims to multiple interviews covering the same facts by different agencies, which may be traumatizing, overwhelming, and exhausting for the victims. This process also acts as a disincentive for them to participate in any legal proceedings.

Cambodia's courts and justice actors are not sufficiently **victim-sensitive** or **gender-sensitive**. Adjudication on TIP cases is often made by judges or prosecutors who are not trained in TIP or aware of the irrelevancy of consent as stipulated in the Trafficking Protocol and the ACTIP.<sup>8</sup> According to the Cambodian Center for Human Rights, there have been a number of trials where the presiding judge failed to address gender-sensitive issues suitably: "the right to be protected from criminal prosecution, but also the right not to be revictimized by the criminal justice system. The data and case studies recorded a number of instances where statements by the judge or the legal process itself may contribute to an abuse of the victim's rights in this regard."<sup>9</sup>

Labor and criminal laws are ineffective at addressing **forced surrogacy** involving women and children. For example, in 2018, four people were charged with transnational human trafficking and acting as intermediaries for false adoption and pregnancy under Article 16 of the TIPSE Law. However, there was no compensation scheme to support the 13 affected pregnant women. Both government agencies and NGOs discussed whether to consider the surrogate mothers as victims or conspirators as they would have received payment for delivering their babies to the offenders.<sup>10</sup>

Article 49 of the TIPSE Law does not require law enforcement officers and the court to ensure the **confidentiality** of victims' personal information and data except when dealing with the mass media. However, stakeholders reported that civilians and police who display victims' personal data during legal proceedings would be arrested.<sup>11</sup>

The TIPSE Law does not mention the **non-criminalization** of victims, except when it involves trafficked children aged under 15 years. Foreign migrant workers in Cambodia who do not have proper immigration and work authorization have been arrested and deported without access to victim identification screening.<sup>12</sup> Similarly, undocumented Cambodian workers in foreign countries who are

---

<sup>7</sup> NGO staff (interview), June 15, 2021.

<sup>8</sup> Law enforcement agency (interview), May 24, 2021.

<sup>9</sup> Cambodian Center for Human Rights (2010, July). [Human Trafficking Trials in Cambodia](#), p. 3.

<sup>10</sup> Fresh News Asia (2018, November 15). [Court orders detention of four people in connection with Cambodian surrogacy](#) [in Khmer].

<sup>11</sup> Law enforcement agency (interview), May 24, 2021.

<sup>12</sup> NGO staff (interview), May 24, 2021.

detained and deported by the immigration police are not screened by the Cambodian authorities as potential TIP victims. Vietnamese nationals usually refuse to collaborate with NGOs because they are afraid that they will be criminalized for illegal immigration into Cambodia. Vietnamese women and girls constitute the second largest group of sex workers in Cambodia.<sup>13</sup>

The primary service providers in Cambodia are NGOs and the Department of Anti–Human Trafficking and Reintegration of Victims (Ministry of Social Affairs, Veterans and Youth Rehabilitation). Stakeholders noted the need for **shelters** that provide a full range of services to prevent victims from traveling to different service centers and being interviewed multiple times.<sup>14</sup> Cambodia is trying to eliminate shelter provision for children because it is found that children are not well protected in the centers; instead, community-based care for children is encouraged.<sup>15</sup> Community-based care refers to counseling support provided to victims inside their homes and social workers collaborating closely with victims' parents, local authorities, and community members.<sup>16</sup>

Legal proceedings for trafficking cases are usually lengthy, which impacts the ability of victims to obtain compensation in the form of **restitution** when they need it. According to one key informant, even when a TIP victim succeeds in a criminal case, restitution will be paid only after the perpetrator's jail sentence is complete, causing a significant delay in restitution.<sup>17</sup> As such, stakeholders reported that many victims prefer to settle with perpetrators outside the court to get immediate compensation, including accepting a lesser amount, than to undergo lengthy legal proceedings. In addition, most defendants tend to be small-time brokers or low-level traffickers who possess few or no assets to be confiscated by the courts to pay for victims' compensation.

Cambodia has signed bilateral memorandums of understanding with Thailand and Vietnam to cooperate on the **repatriation and return** of trafficked victims. Under the 2014 memorandum of understanding with Thailand (which superseded the 2003 memorandum), Cambodia and Thailand agree to ensure trafficked women and children will not be deported to the country of origin (Article 15(d)) and that repatriation will be arranged and conducted in their best interests (Article 15(c)). In addition, the parties agree that victims would not be detained in an immigration detention center because of illegal entry while the repatriation process is ongoing (Article 6(b)).<sup>18</sup> Cambodia has set up a working group at the Poipet border to gather information from TIP victims who have been repatriated from Thailand.<sup>19</sup> Similarly, with Vietnam, the identification and repatriation of women and child victims are covered under the 2005 and 2009 agreements between Cambodia and Vietnam.<sup>20</sup> The agreements cover guidelines on the repatriation and integration of victims, which comply with international standards, and the roles and responsibilities of both countries toward the process, including providing legal assistance.

NGOs offer free **legal assistance** to poor and vulnerable groups and victims of TIP, but these services are limited and often inadequate. The services include legal advice and assistance to help

---

<sup>13</sup> NGO staff (interview), June 15, 2021.

<sup>14</sup> NGO staff (interview), June 3, 2021.

<sup>15</sup> NGO staff (interview), June 3, 2021.

<sup>16</sup> NGO staff (interview), June 15, 2021.

<sup>17</sup> NGO staff (interview), June 3, 2021.

<sup>18</sup> Memorandum of Understanding between the Government of the Kingdom of Thailand and the Government of the Kingdom of Cambodia on Bilateral Cooperation for Eliminating Trafficking in Persons and Protecting Victims of Trafficking (2014) (replacing the 2003 memorandum of understanding).

<sup>19</sup> Government of Thailand (2019, April 23). [Thailand and Cambodia sign MoU on strengthening the management of the repatriation and reintegration of human trafficking victims](#). [Thailand's Anti–Human Trafficking Actions website.]

<sup>20</sup> Agreement between Cambodia and Vietnam on Bilateral Cooperation for Eliminating Trafficking in Women and Children and Assisting Victims of Trafficking (2005) and Cooperation Agreement Between the Government of the Kingdom of Cambodia and the Government of the Socialist Republic of Vietnam on Standard Operating Procedures (SOPs) for the Identification and Repatriation of Trafficked Victims (2009).



victims obtain justice and compensation.<sup>21</sup> The Ministry of Justice provides information on available lawyers and is responsible for connecting victims to legal aid. The lack of female justice and other officials makes some women victims hesitant to seek or receive legal assistance. Stakeholders observed a preference among victims to seek legal assistance from female service providers. Female legal advisers or lawyers are more likely to be met with positive attitudes from victims, regardless of the victim's gender.<sup>22</sup>

Cambodia is updating the Law on the Protection and Promotion of the Rights of Persons with Disabilities, enacted in 2009.<sup>23</sup> The Ministry of Social Affairs, Veterans and Youth Rehabilitation and the Disability Action Council are responsible for implementing the National Disability Strategic Plan, which is aligned with the Convention on the Rights of Persons with Disabilities. Stakeholders reported limited information regarding services for TIP **victims with disabilities**.<sup>24</sup> At the national level, practitioners manage TIP victims from **marginalized groups**, such as LGBTQI people, people with disabilities, and ethnic minorities.<sup>25</sup> In practice, NGOs such as Chab Dai Coalition would ensure interpreters are provided for ethnic minorities who are unable to speak Khmer. They also respond quickly to TIP cases involving children and people with disabilities due to their vulnerabilities.<sup>26</sup> Stakeholders shared that criminal justice agencies will expedite legal processes if the victim or offender has a disability. Some courts are trying to facilitate the participation of people with disabilities in trials and court hearings.

## 2.3. Institutional roles and capacities

### 2.3.1. Government

The National Committee for Counter Trafficking (NCCT) is Cambodia's leading mechanism to coordinate and mobilize resources to combat trafficking in persons at the national and subnational levels. The NCCT was established by Royal Decree No. 0614/808, dated June 25, 2014, and is led by the Deputy Prime Minister, Minister of Interior, and Chair of the NCCT. Its membership comprises 21 ministries and five specialized units. There are six interministerial working groups:

- Prevention working group, led by the Minister of Education, Youth and Sports
- Victim protection working group, led by the Minister of Social Affairs, Veterans and Youth Rehabilitation
- Law enforcement working group, led by the National Police Commissioner
- International relations working group, led by the Minister of Women's Affairs
- Justice working group, led by the Minister of Justice
- Migration working group, led by the Minister of Labour and Vocational Training.

---

<sup>21</sup> For example, Chab Dai Coalition, Legal Support for Children and Women, Central, Caritas, Cambodia ACTs, and Agape International Missions provide legal assistance for victims of trafficking.

<sup>22</sup> NGO staff (interview), June 3, 2021.

<sup>23</sup> Human Rights Watch (2021, April 27). [Cambodia: Revise Flawed Disability Bill](#).

<sup>24</sup> NGO staff (interview), June 3, 2021.

<sup>25</sup> NGO staff (interviews), May 24, June 3, and June 15, 2021.

<sup>26</sup> NGO staff (interview), June 15, 2021.

The NCCT has a subnational structure called the Provincial (or Municipal) Committee for Counter Trafficking, chaired by the provincial (or municipal) governor, and involving relevant directors of provincial departments and other stakeholders as its members.

In 2019, the NCCT adopted its five-year National Plan of Action 2019–2023 to address new forms of human trafficking, including surrogacy and sex trafficking, facilitated by the internet.

Funding for government agencies is limited and the government budget dedicated to anti-TIP measures does not sufficiently meet the needs. The main funding source for direct protection and assistance for TIP victims comes from donor agencies and NGOs that have signed memorandums of understanding with government agencies.

The knowledge and skills of frontline responders in responding to TIP and protecting victims are generally at a low level. Law enforcement officers lack essential information and communications technology skills and the ability to detect trafficking related to online sexual exploitation, a growing trend in Cambodia and globally. There is a need for more skilled investigators within the police, especially with the retirement of many experienced police officers. In addition, there is a need for more women officers as first responders, and as investigators and prosecutors, who can work effectively with women and girls victims.<sup>27</sup> Stakeholders pointed out the need for additional training for frontline officials in provinces such as Kampong Cham, Prey Veng, Battambang, and Kampot, where many returned migrant workers originate from.<sup>28</sup> Internal trafficking from the provinces of Preah Sihanouk, Koh Kong, and Siem Reap to Phnom Penh occurs for sexual exploitation. There is a lack of accessible resource materials and explanatory notes regarding TIP laws at subnational offices.<sup>29</sup>

### 2.3.2. Nongovernment organizations

There are around 5,000 NGOs in Cambodia, including international and local NGOs, and associations.<sup>30</sup> In 2015, Cambodia enacted the Law on Associations and Non-Governmental Organizations, which provided a legal framework for controlling and censoring activities undertaken by domestic and international associations and NGOs.<sup>31</sup> NGOs and civil society play an important strategic role in advocating for and developing policies aimed at preventing human trafficking and providing critical support services for victims.<sup>32</sup> With an extensive presence in most provinces in Cambodia, they also offer legal support and essential social services in communities, including in border areas.<sup>33</sup> Key national and international NGOs working on counter-trafficking include Chab Dai Coalition, Central, International Justice Mission, Hagar, Agape International Missions (AIM), Winrock International, Ratanak International, Hope for Justice, American Rehabilitation Ministries (ARM), A21, Cambodian Women's Crisis Center, Cambodian Human Rights and Development Association (ADHOC), and Legal Support for Children and Women (LSCW). There is also a coalition of 16 NGOs

---

<sup>27</sup> NGO staff (interview), June 3, 2021.

<sup>28</sup> International Labour Organization (2022). [TRIANGLE in ASEAN Programme Quarterly Briefing Note: Cambodia \(July–September 2022\)](#).

<sup>29</sup> Law enforcement agency (interview), May 27, 2021.

<sup>30</sup> Khmer Times (2021, May 25). [Cambodia: NGOs economy and its downside effects](#).

<sup>31</sup> Articles 10 and 25 of the Law on Associations and Non-Governmental Organizations 2015 state that all NGOs have an obligation to register and submit activity reports and annual financial reports to the Ministry of Interior and Ministry of Economy and Finance. For criticism of the law, see International Federation for Human Rights (2015, July 14). [Cambodia: Adoption of Law on Associations and NGOs a severe attack on civil society](#).

<sup>32</sup> Government agency (interview), August 6, 2021.

<sup>33</sup> Asian Development Bank (2011, November). [Civil Society Briefs: Cambodia](#).

called Cambodia against Child Trafficking (Cambodia ACTs), which was set up in 2001. The coalition has been fighting child trafficking in 22 provinces and municipalities.<sup>34</sup>

NGOs also engage in promoting safe migration and supporting migrants who are victims of labor exploitation. They promote the empowerment of migrants through training and the formation of networks of migrants working overseas.<sup>35</sup>

Similar to government agencies, NGOs have insufficient qualified staff and first responders with the necessary skills in the provincial and municipal communities where they operate. NGOs also face funding constraints in hiring qualified staff to carry out their work.<sup>36</sup>

## 2.4. Impact of COVID-19

At the start of the COVID-19 pandemic, Thailand reduced its economic activities and closed its borders. According to a survey by the International Organization for Migration, more than 100,000 Cambodian migrant workers have returned from Thailand since March 2020.<sup>37</sup> According to a previous study, 40% of Cambodian rural households receiving remittances from migrant workers reported that remittances were used to pay off debts.<sup>38</sup>

Migrant workers have faced a greater risk of labor trafficking during COVID-19. Due to financial stresses, many undocumented migrants crossed the border for work in Thailand and violated border lockdown rules. Although the borders were officially closed, the migrants could still cross through small, illegal crossings and by using illegal recruiters.<sup>39</sup> Because of lockdowns, documented migrants were not allowed to work and had to stay in their places of residence or take leave without pay. Meanwhile, undocumented migrants had no legal protection and continued to work despite COVID-19 and the risk of infection. COVID-19 has also impeded countries' capability to identify TIP victims, as migrants in violation of COVID-19 restrictions would not be screened and referred for services.<sup>40</sup>

Between 2020 and 2021, Central, an NGO in Cambodia, reported that 70 migrants were arrested and over 2,000 migrants were deported and imprisoned, based on data from the Royal Thai Police. Thailand sent migrants back to Cambodia without proper identification and preliminary information. This created challenges for Cambodia to provide support to TIP victims as well as migrant workers during COVID-19.<sup>41</sup>

The National Committee for Counter Trafficking reported an increase of 100 TIP cases over the first six months of 2020. This was because traffickers were using the opportunity to commit fraud in the form of false promises of foreign employment and foreign marriage.<sup>42</sup>

COVID-19 led to budget cuts for anti-TIP activities due to the redirection of funding from the government and donors to pandemic mitigation. The redirection reduced the availability and quality of

---

<sup>34</sup> Cambodia ACTs (n.d.). [Cambodia ACTs – Home](#). Facebook.

<sup>35</sup> NGO staff (interviews), May 24, June 3, and 15 June 15, 2021.

<sup>36</sup> NGO staff (interview), June 15, 2021.

<sup>37</sup> International Organization for Migration (IOM) (2020). [Cambodia: Returning Migrants Survey](#).

<sup>38</sup> International Organization for Migration (IOM) (2019). [Debt and the Migration Experience: Insights from South-East Asia](#), p. 29.

<sup>39</sup> O. Sony & D. Keeton-Olsen (2020, October 30). [Risking closed borders, migrant workers seek work in Thailand to pay debts](#). VOD.

<sup>40</sup> RFI (2020, December 14). [Human trafficking in the first six months of 2020 increases by nearly 100 cases as Cambodia faces COVID-19](#) [in Khmer].

<sup>41</sup> NGO staff (interview), June 15, 2021.

<sup>42</sup> RFI (2020, December 14). [Human trafficking in the first six months of 2020 increases by nearly 100 cases as Cambodia faces COVID-19](#) [in Khmer].

services and support for TIP victims. Counter-trafficking programs were postponed because staff members were infected with COVID-19. Before COVID-19, the Ministry of Social Affairs, Veterans and Youth Rehabilitation facilitated the integration of TIP victims into their communities through physical and psychological support and livelihood support activities. However, COVID-19 significantly disrupted the ministry's ability to continue this initiative.<sup>43</sup>

Before COVID-19, there were many cases of child exploitation for child sex tourism in Cambodia.<sup>44</sup> COVID-19 created new risks of online sexual exploitation as a form of trafficking of women and children. Children are spending more time online for school and learning, which increases their risks of being recruited online, primarily via social media.<sup>45</sup>

The Department of Countering TIP and Victim Integration, within the Ministry of Social Affairs, Veterans and Youth Rehabilitation, adopted a network-based measure to mitigate risks during COVID-19. This network was composed of a broader range of local networks, including government and nongovernment organizations, that worked to reduce the risk of direct contact with victims. A frontline team of social workers worked with the network to deliver social services to victims of trafficking, including conducting victim screening and interviews. In response to the pandemic, the Chab Dai Coalition worked directly with the provincial governments in TIP hotspot areas, the Ministry of Social Affairs, Veterans and Youth Rehabilitation, the Ministry of Women's Affairs, and other stakeholders in each province. The coalition provided financial support for the travel and operational costs of provincial government officials who could travel within the province despite COVID-19 lockdowns. For training activities, the Chab Dai Coalition reduced the number of participants to four or five people – as permitted by COVID-19 restrictions. Online platforms such as Zoom have also been used to allow broader participation in meetings and training.<sup>46</sup>

---

<sup>43</sup> Government agency (interview), May 26, 2021.

<sup>44</sup> C. Baur and A. Varella (2018). [\*Country Review: A report on the scale, scope and context of the sexual exploitation of children in Cambodia\*](#), ECPAT International.

<sup>45</sup> Law enforcement agency (interview), May 24, 2021.

<sup>46</sup> NGO staff (interview), June 15, 2021.

## 3. Indonesia summary report

### 3.1. Gaps in national law and policy

Indonesia's counter-trafficking response is governed by Law No. 21 of 2007 on the Eradication of Trafficking in Persons (the "TIP Law"), which was enacted before the ratification of the ACTIP.<sup>47</sup> The law addresses the rights of TIP victims in Chapter V – Protection of Witnesses and Victims: the right to confidentiality and support services (articles 44–47); the right to restitution (48–50); and the right to medical and social rehabilitation, return assistance, and social reintegration (51–53). In addition, Article 55 emphasizes that the rights of witnesses and/or victims are regulated under other laws and regulations.<sup>48</sup> The right to legal assistance is stipulated under articles 35 and 36 of the TIP Law, with specific procedures for children under articles 38–40.

Provisions on the prohibition of TIP, especially trafficking of women and children, are also included under articles 297 and 324 of Indonesia's Criminal Code, which classify TIP as a criminal act, but impose more lenient penalties compared with the TIP Law.<sup>49</sup> While articles 297 and 324 have been overridden by the TIP Law, many other articles in the Criminal Code can be used to act against TIP perpetrators.<sup>50</sup>

There are several inconsistencies between the TIP Law, the ACTIP and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking Protocol).

First, the TIP Law mandates that the three elements of TIP – act, means, and purpose – must be fulfilled during the identification of victims, with no exception for child victims. In contrast, international law on children's rights recognizes a child's lack of capacity to give consent.<sup>51</sup> However, trained criminal justice actors such as police and prosecutors indicate that, in practice, the second element of TIP (means) is usually not required in cases of child trafficking.<sup>52</sup>

Second, the TIP Law does not explicitly address victim identification, and therefore does not recognize victim identification as a part of victim rights, unlike in the ACTIP. However, this gap has been addressed by the standard operating procedures for providing integrated services for witnesses and/or victims of TIP, which were released by the Ministry of Women's Empowerment and Child Protection in May 2021 (Regulation No. 8 of 2021).

There is no significant legal gap regarding **non-criminalization** principles under the TIP Law. Article 18 specifies that victims who are coerced or deceived into committing crimes by their traffickers

---

<sup>47</sup> [Law No. 21/2007](#) on the Eradication of the Criminal Act of Trafficking in Persons. The TIP Law consists of nine chapters and 67 articles, and replaces articles 297 and 324 of Law No. 1/1946; Law No. 73/1958; and Law No. 27/1999. Under the doctrine *lex specialis derogat legi generali*, the TIP Law – as a law governing the specific crime of trafficking in persons in Indonesia – overrides more general Indonesian criminal law in relation to TIP cases.

<sup>48</sup> [Law No. 13/2006](#) on the Protection of Witnesses and Victims, as amended by [Law No. 31/2014](#); [Government Regulation No. 9/2008](#) concerning Procedures and Mechanisms for Integrated Services for Witnesses and/or Victims of Human Trafficking; [Presidential Regulation No. 75/2020](#) concerning the Implementation of the Rights of Child Victims and Child Witnesses; and [Government Regulation No. 9/2017](#) concerning Guidelines for Child and Child Victim Case Registers.

<sup>49</sup> Article 297 of the [Criminal Code](#) states: "Trade in women and boys shall be punished by a maximum imprisonment of six years." Article 324 deals with the act of dealing in slaves.

<sup>50</sup> Relevant articles in the Criminal Code include, inter alia, articles 263, 266, 277–296, 301, 304, and 328.

<sup>51</sup> In identifying TIP victims, the three elements of TIP – act, means, and purpose – must be fulfilled if the victim is an adult (over 18 years of age). However, if the victim is still a child (under 18 years of age), the fulfillment of the "process" and "purpose" elements is sufficient to categorize the child as a TIP victim, while the "means" element can be disregarded.

<sup>52</sup> NGO staff (interview), June 17, 2021.

will not face punishment, which is broadly in alignment with the ACTIP. However, the interpretation and implementation of the non-criminalization principles are challenging in practice.

Victim **compensation** is provided for under numerous Indonesia laws and policies, such as the TIP Law, Law No. 31 of 2014, which amends Law No. 13 of 2006 on the Protection of Witnesses and Victims, Law No. 35 of 2014, which amends Law No. 23 of 2002 on the Protection of Children, Supreme Court Regulation No. 1 of 2022 concerning Procedures for Completing Applications and Providing Restitution and Compensation to Victims of Crime, etc. Moreover, Indonesia has established a dedicated Witness and Victim Protection Agency (Lembaga Perlindungan Saksi dan Korban – LPSK) to support the implementation of compensation and restitution for victims of crimes, including TIP. For trafficked victims, Indonesia’s laws and policies only recognize compensation in the form of restitution. Obtaining restitution from convicted offenders requires victims to participate in criminal justice processes, which are often lengthy and complicated. State compensation is so far only available for victims of gross human rights violations and victims of terrorism.<sup>53</sup> It may be argued that Article 9(C) and (H) of Law No. 26 of 2000 on the Human Rights Court indicate that slavery, sexual slavery, and forced prostitution are considered to be crimes against humanity, as referenced in Article 7 of the same law, and that victims of such crimes are entitled to state compensation, restitution, and rehabilitation, as stipulated under Article 35. However, the interpretation and implementation of these provisions are challenging, and to date, no trafficked victim has received compensation from a state fund.

There are significant gaps in existing domestic laws regarding compensation for victims of trafficking, as mandated by the ACTIP and other relevant international instruments such as the Trafficking Protocol and the UN Declaration on Basic Principles of Justice for Victims of Crime and Abuse of Power (1985), which emphasizes states’ obligation to provide compensation beyond just restitution for victims of crime and to establish a “victim trust fund” to facilitate the implementation of such compensation. The Indonesian Supreme Court recently issued a new regulation on the implementation of restitution – Regulation No. 1 of 2022 concerning Procedures for Completion of Applications and Provision of Restitution and Compensation to Victims of Crime. This regulation states that if a victim does not apply for restitution and is presented in court as a witness, the judge must notify the victim of their right to obtain restitution. Under the new regulation, a request for restitution can be submitted before the prosecutor submits a claim, or after the court’s decision, with the support of the Witness and Victim Protection Agency.

The challenges associated with access to restitution in Indonesia include issues such as calculating the amount of restitution, proving evidence of the claims, and collecting payment from the perpetrator.<sup>54</sup> Article 50(4) of the TIP Law states that if the perpetrator is unable to pay the restitution, the perpetrator is subject to a maximum imprisonment of one year. The lack of proactive investigators to conduct assets tracing for possible asset seizure means that many perpetrators get away with this “unable to pay” clause, which results in no compensation for the victims.

Indonesia’s domestic laws and policies contain numerous provisions related to **victim support**, such as health care, psychosocial support, legal assistance, and return and reintegration assistance. Provisions on **victim protection**, such as the right to confidentiality, the protection of the victim’s identity, and the victim’s physical safety, are also clearly regulated, in line with the ACTIP. Establishing victim protection and support agencies are also incorporated into the Indonesian TIP legal framework, including the need to establish a special room at local police stations to carry out TIP

---

<sup>53</sup> [Government Regulation No. 7/2018](#) on Compensation, Restitution, and Assistance to Witnesses and Victims.

<sup>54</sup> Sekretariat Gugus Tugas Pencegahan dan Penanganan Tindak Pidana Perdagangan Orang [Secretariat of the Anti-Trafficking Task Force] (2018). [Laporan 2018: Pencegahan dan Penanganan Tindak Pidana Perdagangan Orang](#) [2018 Report: Prevention and Handling of Trafficking in Persons] [in Indonesian].

investigations. Subnational governments, including regents/mayors and governors, are required to establish integrated service centers for witnesses and victims of trafficking.<sup>55</sup>

While the 2007 TIP Law has no explicit provisions related to **gender equality, disability, and social inclusion**, these are addressed in other national laws and regulations. For example, the Attorney General's Office has issued a new regulation, the Attorney General's Guidelines Number 1 of 2021, concerning access to justice for women and children. The principles of respect for human dignity; nondiscrimination; gender equality; and equality before the law are also specified in other laws.<sup>56</sup> In 2017, the Supreme Court issued a regulation on women coming in contact with the law with similar principles on gender equality and nondiscrimination.<sup>57</sup> These principles have been incorporated into revisions of the standard operating procedures of the Ministry of Women's Empowerment and Child Protection on integrated services for witnesses or victims of TIP.

In addition, under criminal procedure laws, victims and witnesses who do not understand Indonesian, who are mute or deaf, and/or who unable to write, have the right to a translator.<sup>58</sup> However, issues related to LGBTQI people remain sensitive, and none of the existing laws and policies discusses specific protection and support for LGBTQI people who are potentially vulnerable to trafficking.

Based on the Convention on the Rights of Persons with Disabilities, ratified by Indonesia in 2011, Indonesia has enacted Law No. 8 of 2016 on People with Disabilities, which has shifted the national perspective on **people with disabilities** from a socially based to a human rights-based approach. The law articulates the rights of people with disabilities to access justice and other services, as well as the right to meaningfully participate in social, political, and economic life.<sup>59</sup> Law enforcers are obliged to recognize that people with disabilities have equal rights under the law, including TIP victims with disabilities.<sup>60</sup> Further, other laws, such as Law No. 23 of 2002 on the Protection of Children, have specific provisions on dealing with child victims with disabilities. In 2020, the Supreme Court issued specific guidelines for providing services for victims with disabilities in high courts and district courts. These guidelines aim to ensure that people with disabilities can access court services according to their needs. Despite this, there is limited data or information on protection of, or services for, TIP victims with disabilities.

## 3.2. Gaps in practice

Indonesia has no unified **victim identification** guidelines or formal procedures in place. Various parties can carry out victim screening to deliver direct assistance and support. The Ministry of Foreign Affairs, the Ministry of Social Affairs, the Indonesian Migrant Workers Protection Agency (Badan Pelindungan Pekerja Migran Indonesia), UN agencies, and NGOs are among the organizations that carry out victim screening to identify possible victims of trafficking. These organizations typically refer cases to law enforcement to conduct a formal victim identification process.<sup>61</sup> Moreover, the Anti-Trafficking Task Force, and the Ministry of Women's Empowerment and Child Protection as the task force secretariat, have supported the establishment of a community watch system at the grassroots

---

<sup>55</sup> Article 46 of the TIP Law.

<sup>56</sup> [Attorney General's Guidelines No. 1/2021](#) on Access to Justice for Women and Children in Handling Cases.

<sup>57</sup> [Supreme Court Regulation No. 3/2017](#) on Guidelines for the Adjudication of Cases Related to Women in Conflict with the Law.

<sup>58</sup> [Law No. 8/1981](#) on the Criminal Procedure Code.

<sup>59</sup> S.W. Eddyono (2015, November). [Aspek-aspek Criminal Justice bagi Penyandang Disabilitas](#) [Aspects of Criminal Justice for People with Disabilities] [in Indonesian]. Institute for Criminal Justice Reform.

<sup>60</sup> Ibid.

<sup>61</sup> Government agency (interview), May 28, 2021.

level, which enables the community to be involved in the prevention and handling of TIP, including identifying potential victims of TIP.<sup>62</sup>

In 2021, the Ministry of Women's Empowerment and Child Protection published a new regulation concerning standard operating procedures for integrated services for TIP witnesses and/or victims. The regulation outlines victim identification procedures, stating that different stakeholders, both government and nongovernment, can carry out victim screening to identify potential TIP victims and deliver support services. The standard operating procedures also provide clear guidance on the approaches and principles to be applied when conducting the victim screening and identification process, such as ensuring informed consent, nondiscrimination, providing clear information, and adopting a gender-sensitive approach. The regulation clarifies that formal victim identification can only be undertaken by the police and involves the victim's participation in an official investigation and prosecution process. The purpose of victim screening, as determined by the regulation, is to record suspected cases and coordinate the rescue, return, and referral of potential victims of trafficking by assessing whether the three interrelated elements of TIP are present.<sup>63</sup>

Most stakeholders agreed that there are often differences in understanding among first responders (especially law enforcement), which can lead to a lack of consistency in victim identification. For example, there were domestic cases in which a police report contained evidence of the three elements of TIP (act, means, and purpose). However, the police pursued a single element that focused on a narrower claim of sexual exploitation, using Article 298 of the Criminal Code,<sup>64</sup> perhaps because they assumed that TIP involves crossing international borders. Consequently, TIP cases at the local or regional level are often ignored, as they presume TIP cases are only handled by the Criminal Investigation Agency (Bareskrim) at the national level.<sup>65</sup>

Stakeholders interviewed referred to a case where minors were recruited via WeChat and transported to hotels for the purpose of exploitation in Jakarta.<sup>66</sup> The police officers did not charge the perpetrators under TIP laws; instead, they were charged under Law No. 23 of 2002 on the Protection of Children. The children were simply sent home, and several months later, they were re-recruited for the same purpose.<sup>67</sup> In another case of sexual exploitation of children in Lombok (decision number 310/Pid.Sus/2020/PN.Mtr), the judge stated that the element of exploitation was not fulfilled as the victims had agreed to work with the perpetrator.<sup>68</sup> Moreover, because the victims were not identified as TIP victims, they did not receive the complete services available and were consequently revictimized.<sup>69</sup>

There are several regulations, including Article 44 of TIP Law, which states that the **confidentiality** of witnesses and/or victims of TIP, including their families and/or relatives, should be maintained.<sup>70</sup> Under the 2021 standard operating procedures of the Ministry of Women's Empowerment and Child Protection on integrated services for TIP victims and witnesses, general principle no. 7 states that all

---

<sup>62</sup> Government agency (interview), May 28, 2021.

<sup>63</sup> [Regulation No. 8/2021](#) on Standard Operating Procedures for Integrated Services for Witness and/or Victims of TIP.

<sup>64</sup> In a case involving "bride by order" (*pengantin pesanan*), some law enforcement officers considered the case not to constitute trafficking, as the victim had agreed to marry. The officers did not consider whether or not the victim's agreement was based on deception and economic lure. Source: Government agency (interview), June 2, 2021.

<sup>65</sup> Government agency (interview), June 2, 2021.

<sup>66</sup> National validation workshop, December 15, 2021.

<sup>67</sup> Ibid.

<sup>68</sup> M. Rahmawati (2021, July 30). [Perlu Segera Mereformasi Kebijakan Anti Perdagangan Orang di Indonesia](#) [*The Need for Immediate Reform of Anti-Trafficking in Persons Policy in Indonesia*] [in Indonesian]. Institute for Criminal Justice Reform.

<sup>69</sup> National validation workshop, December 15, 2021.

<sup>70</sup> TIP witnesses and/or victims are entitled to confidentiality. The same rights are also granted to the families of witnesses and/or victims (up to second-degree relatives) if family members are susceptible to receiving physical and/or psychological threats from others relating to the testimony of witnesses and/or victims.



information and communications regarding the victim or witness must be treated with due regard to the rights of confidentiality and privacy. In addition, Article 39 of the TIP Law states that a court hearing for a child witness and/or victim should be held in a closed setting. Further, in 2017, the Supreme Court Regulation No. 3 of 2017 contained guidelines stipulating that judges should protect female victims during legal processes by considering the psychological trauma they have experienced and allowing for the use of video testimony (Article 9).<sup>71</sup> However, in practice, court decisions that are currently available and accessible online under the Indonesian Supreme Court Directory do not fully comply with relevant provisions on confidentiality and privacy. The published court decisions still indicate the full names and personal details of TIP victims.

Despite being well stipulated in Indonesia's TIP Law, the application of the **non-punishment** principle is inconsistent. Among law enforcers and the judiciary, there is a lack of understanding of the meaning of the principle and when it should be applied, particularly at the subnational level. Stakeholders consulted suggested that the application of the non-punishment principle relies heavily on law enforcement agencies, which play an essential role in ensuring that victims are **not criminalized** as a result of being trafficked.<sup>72</sup> According to the existing laws, law enforcers and other frontline responders are also expected to help victims overcome their fear of detention and deportation, especially if the TIP case is related to an immigration offense. As stipulated under articles 86 and 87 of the Law on Immigration (Law No. 6 of 2011), provisions on immigration administrative actions do not apply to victims of trafficking and people smuggling.<sup>73</sup> However, these clauses are not always well understood by law enforcers, resulting in the detention of potential foreign victims of trafficking with no access to the victim identification process. Lack of coordination between immigration officers and counter-trafficking actors can prolong the detention of presumed victims of trafficking who entered the country irregularly.

While the law provides for a victim to claim **restitution**, no judge has issued a court order to confiscate the assets of a convicted trafficker for restitution.<sup>74</sup> It should be noted that filing for restitution concurrently with a criminal case does not eliminate the right of the victim to file their own claim for compensation through a civil lawsuit, as granted under Article 98 of the Criminal Code.<sup>75</sup> However, according to some stakeholders, this has never occurred.<sup>76</sup> As most TIP victims do not have the capacity to pursue a civil suit independently, the LPSK and law enforcement play an essential role in assisting victims in accessing restitution.<sup>77</sup> The LPSK can request the public prosecutor to pursue restitution and help gather information to support the amount of losses the victim claims. Ultimately, a judge will rule on whether a claim for restitution is granted and the amount that the defendant must pay. However, in practice, criminal justice agencies lack understanding about TIP victims' right to restitution (Article 48 of the TIP Law) – there is even greater divergence in understanding between central and provincial criminal justice actors.

---

<sup>71</sup> [Supreme Court Regulation No. 3/2017](#) on Guidelines for the Adjudication of Cases Related to Women in Conflict with the Law.

<sup>72</sup> Sekretariat Gugus Tugas Pencegahan dan Penanganan Tindak Pidana Perdagangan Orang [Secretariat of the Anti-Trafficking Task Force] (2018). [Laporan 2018: Pencegahan dan Penanganan Tindak Pidana Perdagangan Orang](#) [2018 Report: Prevention and Handling of Trafficking in Persons] [in Indonesian].

<sup>73</sup> Attorney General's Office, Indonesian National Police, Supreme Court, and International Organization for Migration (2018). *Pedoman Penegakan Hukum dan Perlindungan Korban dalam Penanganan Tindak Pidana Perdagangan Orang* [Guidelines for Law Enforcement and Victim Protection in Handling the Crime of Trafficking in Persons] [in Indonesian], 2nd edition.

<sup>74</sup> Sekretariat Gugus Tugas Pencegahan dan Penanganan Tindak Pidana Perdagangan Orang [Secretariat of the Anti-Trafficking Task Force] (2020). *Five-Year Report* [chapter on Witness and Victim Protection Agency] [in Indonesian].

<sup>75</sup> Attorney General's Office et al. (2018). *Pedoman Penegakan Hukum dan Perlindungan Korban dalam Penanganan Tindak Pidana Perdagangan Orang*, 2nd edition.

<sup>76</sup> NGO staff (interview), June 17, 2021.

<sup>77</sup> Attorney General's Office et al. (2018). *Pedoman Penegakan Hukum dan Perlindungan Korban dalam Penanganan Tindak Pidana Perdagangan Orang*, 2nd edition.

The new Supreme Court Regulation No. 1 of 2022 on restitution and the recently enacted Law No. 12 of 2022 on Sexual Violence Crimes strengthen the legal basis for providing restitution to TIP victims who have been sexually exploited.<sup>78</sup> Under the Law on Sexual Violence Crimes, victims of sexual exploitation are entitled to restitution and rehabilitation services.<sup>79</sup> Further, under articles 33 and 35 of the law, if the assets of convicted offenders are not sufficient to pay victim restitution, the state should pay compensation to the victim in accordance with the court's decision, with funds obtained from the victim aid fund. The new law mandates the establishment of a victim aid fund and state compensation scheme for victims of sexual violence. While the law offers scope for victims of sexual exploitation to access restitution and support, it cannot be applied to victims of trafficking for forced labor.

On **victim support and assistance**, Indonesia's laws and policies have numerous provisions related to victim support — ranging from health care, psychosocial support, and legal aid, to return and reintegration assistance in line with ACTIP obligations. Indonesia's TIP Law specifies that a special room at local police stations must be used to investigate TIP cases. Subnational governments, including regents/mayors and governors, are required by law to establish integrated service centers for witnesses and victims of trafficking.<sup>80</sup> These provisions are often not well translated into practice, especially at subnational levels. Nongovernment stakeholders highlighted the lack of government budget and resources for long-term victim support and recovery as a key challenge, particularly during the COVID-19 pandemic, when resources were diverted to the pandemic response.

Good practices were highlighted by stakeholders from Indonesia's Ministry of Foreign Affairs. The ministry identifies and protects Indonesian victims who have been exploited abroad — it continued to perform this function throughout the pandemic. The ministry has an online portal and mobile app, available through diplomatic missions, for individuals to report exploitation and access services. Some Indonesian consular missions have labor attachés that identify and refer Indonesian TIP victims to support services and shelters. Return and repatriation of victims, as outlined under Article 15 of the ACTIP, is provided to presumed TIP victims directly by the Ministry of Foreign Affairs and/or NGOs.

**Access to information** on the progress of TIP case proceedings at the Supreme Court can be publicly accessed through an online database. All court decisions can be publicly accessed and downloaded from the Supreme Court Decision Directory. While this is best practice in terms of transparency, some decisions contain victims' names and identifying details, violating victims' right to privacy and protection.

There is no data or information on the support and services provided to **TIP victims with disabilities**.<sup>81</sup> However, Indonesia's Supreme Court has initiated accessible courts that cater for the needs of people with disabilities and ensure that judges and court staff receive disability awareness training.<sup>82</sup> **LGBTQI issues** are sensitive in Indonesia, and while same-sex relations are not specifically criminalized, laws such as the Criminal Code and blasphemy law have been used to persecute LGBTQI people. Members of the LGBTQI community regularly report being harassed and mistreated by law enforcers.<sup>83</sup> A report by Crisis Response Mechanism recorded 51 incidents of

---

<sup>78</sup> Article 4(g) of Law No. 12/2022 on Sexual Violence Crimes.

<sup>79</sup> Article 30 of Law No. 12/2022 on Sexual Violence Crimes.

<sup>80</sup> Article 46 of the TIP Law.

<sup>81</sup> Government agency (interview), June 8, 2021.

<sup>82</sup> National validation workshop, December 15, 2021.

<sup>83</sup> C. Riska (2019). Catatan Kelam: 12 Tahun Persekusi LGBTI di Indonesia [Dark Note: 12 Years of LGBTI Persecution in Indonesia] [in Indonesian]. Arus Pelangi.

violence, discrimination, and persecution against LGBTQI people from November 2020 to September 2021.<sup>84</sup>

### 3.3. Institutional roles and capacities

#### 3.3.1. Government

The primary government coordination platform responsible for combating TIP is Task Force for the Prevention and Handling of the Crime of Trafficking in Persons (Anti-Trafficking Task Force – ATTF). Article 58 of the TIP Law provides the mandate for establishing this task force. Presidential Regulation No. 69 of 2008,<sup>85</sup> as amended by Presidential Regulation No. 22 of 2021, sets out the composition of the task force (Article 6), appointing:

- the Minister for Human Development and Cultural Affairs as chair
- the Coordinating Minister for Political, Legal and Security Affairs as deputy chair
- the Minister for Women’s Empowerment and Child Protection as chair for daily affairs.

ATTF members are drawn from 24 ministries and state agencies. The ATTF is established at both the national and provincial levels (there are 32 provincial ATTFs), as well as at the district or city level (there are 245 subprovincial ATTFs). According to Article 4 of Presidential Regulation No. 22 of 2021, the ATTFs are tasked with coordinating efforts to prevent and handle TIP; carrying out advocacy, socialization, training, and cooperation; monitoring the progress of the implementation of victim protection (rehabilitation, repatriation, and social reintegration); monitoring the progress of law enforcement; and carrying out TIP reporting and evaluation.<sup>86</sup>

According to the Ministry of Finance, there is no specific budget line for the Anti-Trafficking Task Force. Based on Article 30(1) of Presidential Regulation No. 69 of 2008, the budget for implementing the tasks of the national ATTF shall be borne by the State Revenue and Expenditure Budget through the Ministry of Women’s Empowerment and Child Protection. However, the National Action Plan on Trafficking in Persons requires all ATTF and sub-task force member agencies to allocate a specific budget for implementing the activities and programs to achieve each target indicator in the action plan. Funding for handling and preventing TIP is allocated under the budget of the related ministries and state agencies according to their tasks and duties. The ministries and state agencies that make up the ATTF are responsible for developing their programs related to handling and preventing TIP according to their responsibilities, and for proposing budget allocations to the Ministry of Finance.<sup>87</sup> However, not all ministries and state agencies have significant parts of their funding allocated for victim protection.

---

<sup>84</sup> Y. Octavian & K.M. Situmorang (2021). Laporan Pendokumentasian: Pendamping Kasus Focal Point Konsorsium Crisis Response Mechanism [Documentation Report: Case Assistance of Crisis Response Mechanism Coalition Focal Points] [in Indonesian]. Crisis Response Mechanism Coalition.

<sup>85</sup> [Presidential Regulation No. 69/2008](#) concerning the Task Force for the Prevention and Handling of the Crime of Trafficking in Persons.

<sup>86</sup> Deputy Coordinator of Women and Child Protection, (2019, October 15). [Rencana Aksi Nasional dan Rencana Aksi Daerah Pemberantasan Tindak Pidana Perdagangan Orang](#) [National Action Plan and Regional Action Plan for the Elimination of Trafficking in Persons [PowerPoint presentation in Indonesian]. Ministry of Women’s Empowerment and Child Protection.

<sup>87</sup> Article 30(1–2) of Presidential Regulation No. 22/2021 states that a ministry or state agency can allocate a budget for implementing the prevention and handling of criminal acts.

## Ministry of Women's Empowerment and Child Protection

As its minister is the ATTP's chair for daily affairs, the Ministry of Women's Empowerment and Child Protection (MoWECP) has a significant mandate in preventing and handling TIP in Indonesia. It is also a source of funding for the national ATTF, as noted above. Based on Presidential Regulation No. 65 of 2020 on MoWECP, the ministry has been given the authority to directly provide services and handle cases involving women and child victims. However, the municipality/regency authority should handle TIP cases in coordination with the provincial government before any cases are referred to MoWECP. Because MoWECP also addresses violence against women and children, it has funding for TIP prevention, handling of TIP cases, and providing services for TIP victims. Funding is also available to facilitate complaints, develop shelters, conduct socialization activities, and strengthen the capacity of the ATTFs and community watch structures at the local level.<sup>88</sup>

Most government shelters are owned and managed by the Ministry of Social Affairs. While MoWECP is still developing its capacity to provide shelter services (along with efforts to standardize service delivery), MoWECP runs integrated children and women centers in most districts that also serve as shelters for TIP victims. However, the quality of these centers is uneven across the country.

## Ministry of Social Affairs

The Ministry of Social Affairs serves as the coordinator of the Sub-Task Force on Social Rehabilitation. It works with various partners, including MoWECP and NGOs, to support the social rehabilitation of TIP victims. The primary service provided by the Ministry of Social Affairs for victims of TIP is sheltering at Social Rehabilitation Centers for Women (RPSW), Social Rehabilitation Centers for Children (RPSA), and Protection Houses and Trauma Centers (RPTC) for women and children victims of trafficking at the national and subnational levels. Currently, there are 27 RPTCs, one RPSW, 46 RPSA (7 are owned by the central Ministry of Social Affairs, 7 are owned by local government, and 32 are owned by the community), and one shelter for people with disabilities (Balai Disabilitas "Melati", Jakarta).

The Ministry of Social Affairs coordinates with the Criminal Investigation Agency (Bareskrim) to provide victim protection. However, there is inadequate capacity and skills among its frontline staff to assist trafficked victims with social rehabilitation and legal assistance. Many victims who have returned from overseas are in need of medical and/or psychological treatment. The ministry has limited facilities and capacity to support these victims. Moreover, some victims do not have a family to return to or have been rejected by their families. Services and support are also limited in countries of destination or transit.<sup>89</sup>

## Witness and Victim Protection Agency

According to Article 1(5) of Law No. 31 of 2014 on the Protection of Witnesses and Victims, the Witness and Victim Protection Agency (LPSK) has the responsibility and authority to protect witnesses and/or victims of crime who are involved in a criminal justice process.<sup>90</sup> To access support and protection from the LPSK, victims and witnesses need to submit a request indicating their specific needs, such as restitution, rehabilitation, or security escort for protection. In response to the COVID-19 outbreak, the LPSK introduced an online application function that can be accessed via

---

<sup>88</sup> MoWECP (2021, April 24). [Tingkatkan Cakupan dan Kualitas Layanan bagi Perempuan dan Anak Korban Kekerasan melalui Dana Alokasi Khusus](#) [Improve the Coverage and Quality of Services for Women And Child Victims of Violence through Special Allocation Funds] [media release in Indonesian].

<sup>89</sup> Government agency (interview), June 8, 2021.

<sup>90</sup> Article 5 and articles 7A–10 of Law No. 31/2014 on the Protection of Witnesses and Victims.

WhatsApp.<sup>91</sup> As reported in the LPSK's 2020 Annual Report, during the COVID-19 pandemic, there was a 40% decrease in the number of applicants presenting face-to-face at LPSK offices compared to the previous year.

Government agencies and NGOs can also refer TIP victims to the LPSK for protection and support. Over 70% of cases handled by the LPSK are based on government referrals.<sup>92</sup> The LPSK provides protection and support to obtain restitution and rehabilitation, including shelter, counseling, and escort services during police investigations and court hearings. Victims who do not wish to participate in the criminal justice process are not entitled to LPSK protection and will be referred to other service providers such as the Ministry of Social Affairs, state-run shelters or NGOs.

The LPSK can provide safe accommodation for victims if it is deemed necessary. The safe house location is kept confidential, and the LPSK does not place all its clients in one place. The LPSK faces a shortage of staff with the appropriate skills and experience to fulfill its mandate, as well as obstacles in recruiting staff. For example, applicants must pass a civil servant test. Currently, 45% of the LPSK's staff are contract employees.<sup>93</sup> Moreover, LPSK offices and staff are primarily located in the capital, Jakarta, which impacts the reach of the LPSK's support across the country. The LPSK has two provincially based representatives in Medan and Yogyakarta; however, the agency is advocating for a stronger subnational presence.<sup>94</sup>

Compared to other agencies, the LPSK has a small budget and staffing complement. As a result, the LPSK has to limit the duration of its services to clients to a period of two years, even though this is not a legal limitation. Clients who require protection after two years would need to reapply to the LPSK for protection and support.<sup>95</sup>

### Criminal justice agencies – police, prosecutors, and courts

According to stakeholders, there is a lack of capacity and skills among justice officials to handle TIP cases. This is partly due to differences in justice agencies' understanding of human rights, gender norms and TIP, and the provisions contained within the Trafficking Protocol, the Convention on the Elimination of All Forms of Discrimination Against Women, the Convention on the Rights of the Child, and Indonesia's domestic laws on the protection of children and the protection of Indonesian migrant workers. There are inconsistencies in the way laws and rights-based principles are applied by justice officials.<sup>96</sup> While there is regular training for justice sector agencies in handling TIP cases, it is often inconsistent, and there is a high turnover and rotation of justice officials. The inability to retain well-trained and qualified staff who are able to handle TIP cases results in a continuous need for training and upskilling of new personnel.<sup>97</sup>

### 3.3.2. Nongovernment organizations

NGOs in Indonesia play a significant role in counter-trafficking efforts, ranging from prevention and victim protection to contributing evidence for the prosecution of offenders. Although there are no official nongovernment members of the ATTF, some NGOs reported that their organizations had been

---

<sup>91</sup> LPSK (n.d.). [Pengaduan Layanan Publik](#) [Public Service Complaints].

<sup>92</sup> LPSK (2021). [Laporan Tahunan LPSK 2020](#) [LPSK Annual Report 2020] [in Indonesian], p. 76.

<sup>93</sup> Ibid.

<sup>94</sup> Validation workshop, December 8, 2021.

<sup>95</sup> Government agency (interview), June 2, 2021.

<sup>96</sup> Government agency (interview), May 28, 2021.

<sup>97</sup> Government agency (interview), June 15, 2021.

invited to play active roles in some sub–task forces, such as the prevention sub–task force led by the Ministry of Education and Culture.<sup>98</sup>

NGOs participate in identifying potential victims of TIP. For example, the Indonesian Migrant Workers Union (Serikat Buruh Migrant Indonesia – SBMI), the National Anti–Trafficking in Persons Network (JarNas Anti TPPO), Migrant Care, and ECPAT Indonesia are contacted by potential TIP victims or their families. According to SBMI, victims or their families may contact an SBMI representative directly or make a report via a call center.<sup>99</sup> According to the 2020 annual report of the National Commission on Violence against Women (Komnas Perempuan), of the 255 potential cases of TIP recorded, most referrals were from NGO-run women’s crisis centers (108 cases) and state-run shelters (106 cases). Further, the respondent mentioned that “only 21 cases were brought to the court.”<sup>100</sup>

MoWECP, as the ATTF secretariat, actively engages NGOs and international organizations, such as the International Organization for Migration, UN Women, and the International Labour Organization, in TIP policy and strategy development. NGOs and international organizations were involved in the development of Indonesia’s new National Plan of Action on Trafficking in Persons 2020–2024, which has been drafted but not yet approved by the President at the time of report writing.

NGOs face various capacity and resource challenges in providing services and assistance to TIP victims. Nevertheless, cooperation and collaboration between NGOs and government actors is strong in Indonesia.<sup>101</sup> Most NGOs collaborate with government agencies in organizing, providing training, raising awareness, conducting advocacy, handling TIP cases, and supporting social reintegration at the local, national, and even transnational levels.

### 3.4. Impact of COVID-19

At the beginning of the COVID-19 pandemic, the number of reported TIP cases fell because of mobility restrictions. However, the number of reported TIP cases has started to rise again at the time of report writing. Traffickers have taken advantage of the impact of the pandemic by targeting migrants and children who have dropped out of school or were home-schooling.<sup>102</sup> COVID-19 also increased the vulnerability of women and children to online sexual exploitation. For example, students became targets of online job offers, such as working in a well-known place, being a model, or becoming a celebrity, through schemes such as *Butuh Uang* (“Need Money”) Private Chat, leading to students taking out large loans.<sup>103</sup> According to the National Commission on Violence against Women, online or cyber gender-based violence increased significantly from 241 cases in 2019 to 940

---

<sup>98</sup> There are 20 NGO partners of the Ministry of Education and Culture in the TIP prevention program: PKA Nias operating in Gunung Sitoli City, YPKM in Serdang Bedagai District, Bina Mandiri Foundation in Batam City, Yayasan Melati in Subang District, Bahtera Foundation in Bandung District, Terung Le Foundation in South Minahasa, Indonesian Social Observer Foundation in Majalengka District, Kakak Foundation in Pati District, LP2D Blitar in Trenggalek District, LP3T2A Malang in Ponorogo District, KPS2K in Tulungagung District, Lentera Anak Bali Foundation in Karangasem District, Panca Karsa Association in West Lombok District, Kabar Bumi of West Sumbawa Branch in Sumbawa District, Tapen Bikomi Foundation in Malaka District, Nusa Bunga Abadi Foundation in Belu District, JPIT in South Central Timor District, Nusantara Social Solidarity Foundation in Sanggau District, Asa Puan in Sambas District, and Aisyah Primary and Secondary Education in Nunukan District. Source: Anti-Trafficking Task Force (2020). [2015–2019 Performance Report](#), p. 25.

<sup>99</sup> NGO staff (interview), May 25, 2021.

<sup>100</sup> Government agency (interview), June 15, 2021.

<sup>101</sup> For example, MoWECP collaborated with the International Organization for Migration in compiling a data collection module for TIP victims and in providing training for related ministries and agencies. Also, MoWECP collaborated with UN Women to draft gender-based violence guidelines and protocols for Indonesian migrant workers during the COVID-19 pandemic. Source: Government agency (interview), May 28, 2021. In addition, the Ministry of Social Affairs has agreements with over 100 grassroots organizations in delivering its mandate of victim rehabilitation and support.

<sup>102</sup> [MoWECP Regulation No. 8/2021](#), p. 18.

<sup>103</sup> Government agency (interview), May 28, 2021.

cases in 2020.<sup>104</sup> In cases of online prostitution, there are reports of child victims becoming enablers – with victims persuaded to recruit friends to be part of an exploitative venture.<sup>105</sup>

During the COVID-19 pandemic, hundreds of thousands of Indonesian migrant workers returned home without being screened for TIP. The support provided to TIP victims also decreased, with fewer victims received assistance,<sup>106</sup> and more mobility barriers in providing services.<sup>107</sup> Many service providers were shut down or had to carry out online consultations.<sup>108</sup>

The risk of contracting the virus also impacted law enforcement, service providers, and TIP victims and witnesses, mainly before vaccinations were available. Many police, for example, were exposed to COVID-19, and some died.<sup>109</sup>

TIP victims outside of Jakarta faced additional obstacles in accessing shelter and support. According to the International Organization for Migration, due to mobility restrictions, victims could not be brought to Jakarta and needed to be accommodated in their local province, where shelter capacity was minimal. The shelters' health protocols – for example, for social distancing – were inadequate.<sup>110</sup>

The pandemic also resulted in the diversion of law enforcement budgets and resources to contain the virus's spread.<sup>111</sup> Legal processes and trials were also delayed, particularly cases involving children.<sup>112</sup>

MoWECP acknowledged that the pandemic presented new challenges for Indonesia in responding to TIP.<sup>113</sup> One of MoWECP's responses was a new Protocol for Handling Cases of Violence against Women during the COVID-19 Pandemic, in collaboration with the United Nations Population Fund. This protocol aims to ensure the availability of protection services for victims of gender-based violence, including TIP victims. The protocol focuses on eight key points: filing complaints; providing assistance services; referring victims to health services; referring victims to shelters; psychosocial services; legal advice and consultation; legal assistance; and rescuing victims.<sup>114</sup>

---

<sup>104</sup> National Commission on Violence against Women (Komnas Perempuan) (2021, March 5). [Perempuan Dalam Himpitan Pandemi: Lonjakakan kekerasan seksual, kekerasan siber, perkawinan anak, dan keterbatasan penanganan di tengah COVID-19](#) [Women in the Crush of a Pandemic: The surge in sexual violence, cyber violence, child marriage, and limited response amid COVID-19] [in Indonesian]. In *Catatan Kekerasan Terhadap Perempuan Tahun 2020* [Annual Notes on Violence against Women 2020].

<sup>105</sup> Law enforcement agency (interview), August 1, 2021.

<sup>106</sup> O. D. B. Hana (2020), "Hati-Hati! Perdagangan Orang Kian Rentan Saat Pandemi Covid-19", (Be Careful! Trafficking in Persons Is More Vulnerable During a COVID-19 Pandemic) Kabar24, Available: <https://kabar24.bisnis.com/read/20201018/15/1306643/hati-hati-perdagangan-orang-kian-rentan-saat-pandemi-covid-19>

<sup>107</sup> KKP-KAS, (2020, November 27). [Tantangan Pengarusutamaan Perdagangan Manusia di Tengah Covid-19](#) [Trafficking in Persons Mainstreaming Challenges during COVID-19] [in Indonesian]. Institut Dialog Antar-Iman di Indonesia.

<sup>108</sup> Government agency (interview), June 12, 2021.

<sup>109</sup> NGO staff (interview), June 17, 2021.

<sup>110</sup> NGO staff (interview), May 31, 2021.

<sup>111</sup> E. Mazrieva (2020, August 3). [Pandemi Berlanjut, Perdagangan Manusia Memburuk?](#) [The Pandemic Continues, Human Trafficking Gets Worse?] [in Indonesian]. VOA Indonesia.

<sup>112</sup> Law enforcement agency (interview), July 23, 2021. According to the key informant, the time limit on the detention period for child offenders is only 10 days and can be extended up to 15 days. Meanwhile, there are some conditions under which the child is detained directly in prison (not in a detention house) and must undergo an isolation period of 14 days. The time to settle a case is very limited.

<sup>113</sup> MoWECP (2020, July 30). [Hari Dunia Anti Perdagangan Orang, Menteri Bintang: Lawan dan Akhiri Segala Bentuk Perdagangan Orang](#) [World Day against Trafficking in Persons, Minister Bintang: Fight to End All Forms of Trafficking in Persons] [in Indonesian].

<sup>114</sup> MoWECP (2020). [Protokol Penanganan Kasus Kekerasan terhadap Perempuan di Masa Pandemi Covid-19](#) [Protocol for Handling Cases of Violence against Women during the COVID-19 Pandemic] [in Indonesian].

MoWECP has also developed the Protocol for Handling Child Victims of Violence during the COVID-19 Pandemic. This protocol is a reference for providing special child protection in cases involving child victims of violence during the COVID-19 pandemic, including child victims of TIP.<sup>115</sup>

---

<sup>115</sup> Government agency (interview), May 28, 2021.



## 4. Lao PDR summary report

### 4.1. Gaps in national law and policy

The 2016 Law on Trafficking in Persons lays out the anti-TIP framework in the Lao People's Democratic Republic (PDR). Article 4(6) of the law states that victim protection should include rescue, referral, safety, and confidentiality of the victims. Article 4(7) sets out victim assistance measures to include temporary safe shelter and daily necessities, medical treatment, legal assistance, education, vocational training, economic support, and reintegration services. Article 6 also guarantees the protection of victims' rights and legitimate interests without discrimination, and the confidentiality of TIP victims and informants.

Lao PDR has also developed several policies and guidelines on TIP victim protection, including the second National Plan of Action on Anti-Trafficking in Persons (2021–2025). The Ministry of Public Security released victim identification guidelines in 2016, which outline the steps in victim identification. In 2019, the government also developed national guidelines on victim protection, assistance, and referral. In April 2020, the government approved new national victim protection and referral guidelines, developed in consultation with NGOs as part of national efforts to establish uniform procedures; however, the COVID-19 pandemic has delayed the dissemination and implementation of these guidelines.<sup>116</sup>

No laws, policies, or guidelines in Lao PDR **recognize TIP victims identified by foreign competent authorities**. This is problematic as recognition is important to ensure that TIP victims who a competent foreign authority has identified do not have their victim status overturned, and that repatriated victims are not subject to repeated victim identification procedures. Such recognition is also important for the government to promote international and regional cooperation.<sup>117</sup> Lao PDR has entered into bilateral agreements with China (2014),<sup>118</sup> Thailand (2017), and Vietnam (2012), which commit parties to cooperate in identifying and supporting TIP victims. The 2016 **victim identification** guidelines issued by the Ministry of Public Security are the primary guidance for Lao PDR officials. The guidelines state that after preliminary identification is completed, agencies should coordinate with relevant organizations to support and protect victims and prosecute perpetrators.<sup>119</sup> Further guidance may be needed beyond this to provide clear steps for subsequent referral support services, especially in transnational trafficking cases.

On the **non-punishment** principle, there are two explicit provisions for the non-criminalization of TIP victims: Article 39(7) of the Law on Trafficking in Persons, complemented by Article 25(6) of the 2004 Law on the Development and Protection of Women. However, these two provisions limit the scope of protection to only some offenses related to prostitution and illegal migration, and for trafficking in women and children only. The existing TIP agreement between Lao PDR and China stipulates that the non-punishment provision applies only to offenses related to illegal entry or exit, or other offenses arising directly from trafficking.<sup>120</sup> Agreements with both China and Vietnam specify that the non-punishment principle should only be applied to women and children. Meanwhile, the agreement with

---

<sup>116</sup> US Department of State (2021, June). [2021 Trafficking in Persons Report: Laos](#).

<sup>117</sup> Liberty Asia (2017, September). [ASEAN and ACTIP: Using a Regional Legal Framework to Fight a Global Crime](#), p. 122.

<sup>118</sup> Agreement between the Government of the Lao People's Democratic Republic and the Government of the People's Republic of China on Cooperation in Preventing and Combating Trafficking in Persons (2014), Article 4 and Article 5(2).

<sup>119</sup> R. Surtees, L.S. Johnson, M. McAdam, & J. Davis (2020). [Identifying Trafficking Victims: An Analysis of Victim Identification Tools and Resources in Asia](#). NEXUS Institute and Winrock International.

<sup>120</sup> Agreement between the Government of the Lao People's Democratic Republic and the Government of the People's Republic of China on Cooperation in Preventing and Combating Trafficking in Persons (2014), Article 4(1).

Thailand (2017) does not address non-punishment specifically but speaks to justice and protection from further victimization in legal proceedings.<sup>121</sup>

The rights of trafficked victims to **protection and support** are included under numerous laws and policies. The Law on Trafficking in Persons indicates that TIP victims have the right to testify, be compensated, be protected and assisted in ensuring their safety and security, and receive assistance such as safe shelter, legal aid, medical treatment, education, economic support, and assistance to reintegrate. A similar list of victim rights is also stipulated under Article 25 of the 2004 Law on the Development and Protection of Women, and Article 3 of the 2006 Law on the Protection of the Rights and Interests of Children. However, some stakeholders raised concerns that such rights are limited to women and children, and this has led to a misunderstanding that trafficking mostly happens to women and children. There are differences in the interpretation of Article 50 of the Law on Trafficking in Persons, with some stakeholders suggesting that it should apply to all genders and ages without discrimination.<sup>122</sup>

Article 36 of the Law on Trafficking in Persons enables civil plaintiffs or TIP victims to request civil **compensation** during criminal proceedings. Article 25 of the Law on the Development and Protection of Women helps women TIP victims to claim compensation, and Article 27 of the same law states that the court may order an offender to pay compensation to a woman victim, including compensation for loss of income and rehabilitation. Similarly, the 2006 Law on the Protection of the Rights and Interests of Children establishes a right to compensation. Significantly, however, compensation under all these laws is limited to restitution, which relies upon the ability of the offender to pay compensation for damages such as medical treatment, moral injury, sick leave, travel, food, accommodation, and other damages. There is no state compensation fund for TIP victims in Lao PDR.

Several articles in the Law on the Development and Protection of Women undermine women's rights and gender equality. For example, Article 33 states that "victims of domestic violence have the right to seek assistance from other family members, persons nearby and relatives, or to report to village administrations aiming at educating the violator, stopping the violence, and changing his or her bad behavior to [achieve] a united, harmonious, and happy family." Only if the case of domestic violence results in serious impact constituting an offense do victims have the right to initiate a report to police officers. In fact, Article 36 states that police officers should try to settle the matter while keeping in mind the need for unity, harmony, and happiness in the family. These provisions indicate that a large degree of discretion is given to police officers, mainly men, to determine what kind of violence is considered serious and criminal.

Based on the Lao PDR Constitution, the Lao PDR legal system only recognizes male and female gender categories. This does not allow for other gender categories to be accepted in legal identity documents and when accessing government services. The research found a major gap in the understanding and support of **LGBTQI** victims of trafficking.

In 2014, the Prime Minister issued a specific decree on the rights of **people with disabilities** and assigned the Ministry of Labour and Social Welfare to implement the decree. The decree aims to eliminate all forms of discrimination against people with disabilities and create conditions for people with disabilities to participate meaningfully in society. The decree was subsequently strengthened by the enactment of the Law on Persons with Disabilities in 2019, which widened the protection of people with disabilities, including prosecuting those committing offenses against people with disabilities. The

---

<sup>121</sup> Memorandum of understanding Between the Government of the Kingdom of Thailand and the Government of the Lao People's Democratic Republic on Cooperation to Combat Trafficking in Persons (2017), Article 17(a) and (b).

<sup>122</sup> In-country validation workshop of the draft report, conducted in Lao PDR on December 16, 2021, and attended by 18 government and nongovernment delegates.

law is a progressive step; however, at the time of writing this report, there is no evidence to suggest that the law has been applied to TIP victims with disabilities.

## 4.2. Gaps in practice

The 2016 victim identification guidelines cover critical topics such as ensuring victims' informed consent and informing TIP victims of the rights and benefits to which they are entitled. The guidelines also lay out the principles of confidentiality, nondiscrimination, the behavior of the interviewer, and how to conduct a victim-friendly interview.<sup>123</sup>

The Anti-Trafficking Division in the Ministry of Public Security is responsible for formal TIP **victim identification**. The division may receive case referrals from other stakeholders such as the police, immigration, local government, the Lao Women's Union, and NGOs. In other countries, Lao PDR diplomatic officials are responsible for TIP victim identification and reporting cases to the Anti-Trafficking Division or Ministry of Foreign Affairs. There have been efforts to screen returning Lao migrants from China and Thailand against TIP indicators; however, there is no evidence to suggest proactive efforts to identify TIP victims in high-risk industries within Lao PDR, such as agricultural plantations and garment manufacturing industries.<sup>124</sup> It is unclear whether the current guidelines will be adjusted to improve the uniformity and consistency of identifying TIP victims. Many TIP victims do not wish to receive support or cooperate with frontline responders handling TIP cases. This is partly driven by the fear of threats and/or intimidation from the perpetrators.<sup>125</sup> Perpetrators are often known to the victims (for example, the perpetrators may be family members or neighbors), inhibiting victims' willingness to testify in TIP cases.<sup>126</sup>

Article 36 of the Law on Trafficking in Persons allows victims or civil plaintiffs to claim civil **compensation** during criminal proceedings. Articles 67 and 68 of the Law on Criminal Procedure also state the rights of injured persons and civil plaintiffs to claim civil compensation. However, courts do not provide restitution unless the public prosecutors have included a request for restitution in the litigation file, or a victim or advocate specifically requests it. Article 25 of the Law on the Development and Protection of Women entitles TIP victims to request compensation. Article 27 stipulates that the court may order an offender to pay compensation to a TIP victim, including compensation for rehabilitation and loss of income. There is no state-run compensation fund.

Despite the existence of several legal provisions, the government lacks the resources and capabilities to assist TIP victims in their **recovery and reintegration**. International organizations or NGOs provide most services for child TIP victims.

**Dissemination of information** on TIP-related laws and policies in rural areas, including villages and communes, is limited. Authorities are unable to fully disseminate information to local residents in rural areas or to properly educate parents or guardians to understand the risks of TIP or their legal rights. TIP victims, especially those in rural areas, have limited information on where to access legal advice and other support.

Stakeholders suggested that there is a limited understanding of the discrimination faced by TIP victims who identify as **LGBTQI**.

---

<sup>123</sup> R. Surtees, L.S. Johnson, M. McAdam, & J. Davis (2020). [Identifying Trafficking Victims: An Analysis of Victim Identification Tools and Resources in Asia](#). NEXUS Institute and Winrock International.

<sup>124</sup> US Department of State (2021, June). [2021 Trafficking in Persons Report: Laos](#).

<sup>125</sup> Government agency (interview), July 22, 2021.

<sup>126</sup> Government agency (interview), August 6, 2021.

## 4.3. Institutional roles and capacities

### 4.3.1. Government

Several government agencies are responsible for combating TIP in Lao PDR, with the National Committee on Anti-Trafficking in Persons being the key agency. The national committee comprises the district, municipal, and city-level committees, which are established as required. It is a state body whose members are appointed by the prime minister, and it serves as the secretariat to the government on TIP issues.

Other key government agencies responsible for overseeing counter-trafficking work in Lao PDR include the:

- **Ministry of Public Security:** Chairs the National Steering Committee on Trafficking in Persons, an interagency body that brings together all the anti-TIP actors.<sup>127</sup> The ministry directs, leads, delegates, administers, supervises, monitors, and inspects the implementation of counter-trafficking activities to ensure their effectiveness and efficiency. It assists and rescues TIP victims in coordination with relevant sectors. The ministry also supports the return and repatriation of Lao TIP victims from abroad.<sup>128</sup>
- **Ministry of Labour and Social Welfare:** Provides long-term vocational training and employment opportunities for TIP victims. The ministry also provides social welfare such as safe shelters, rehabilitation, care, counseling, and reintegration into family and society.
- **Ministry of Health:** Conducts medical checkups and tests, treatment, and age verification of TIP victims. It provides psychological counseling and therapies to TIP victims free of charge. The ministry supervises and manages health-care services for families and organizations, including TIP victims of physical, psychological, and sexual violence. The ministry creates favorable conditions for women and children to access health-care services.
- **Lao Women's Union:** Protects women and child victims of violence, including assisting and rescuing the victims and coordinating with other relevant sectors. The organization receives referrals of TIP victims from the police. It provides support such as safe shelters, physical rehabilitation, basic care services, counseling, legal advice, short-term vocational training, and reintegration into family and society. The Lao Women's Union prepares TIP victims for legal proceedings and acts on behalf of TIP victims in legal proceedings free of charge. It maintains a presence across the country, including at the village level, and provides linkages within institutions at the community level and in provincial capitals.

According to the US State Department's *2021 Trafficking in Persons Report*, the Lao PDR government's budget for counter-trafficking activities in 2020 remained the same as in 2019, with 300 million Lao kip (US\$32,330) provided to each relevant ministry.<sup>129</sup> Some stakeholders, particularly service providers, reported facing additional expenses in 2020 due to a significant volume of returning migrant workers. The government provided additional funds to the Ministry of Health for counter-trafficking activities to assist the unusually high number of TIP victims returning from Thailand. For example, in March 2020, thousands of Lao migrants working formally and informally in Thailand and other countries, including Malaysia and China, began to return to Lao PDR, which led to widespread

---

<sup>127</sup> Provincial steering committees established in all 17 provinces support the National Steering Committee, and anti-TIP divisions of the Ministry of Public Security operate at the provincial level.

<sup>128</sup> The Ministry of Public Security's secretariat to the National Committee on Anti-Trafficking in Persons is the focal point.

<sup>129</sup> US Department of State (2021, June). [2021 Trafficking in Persons Report: Laos](#).

unemployment and increased economic hardship for families who were dependent on foreign remittances.<sup>130</sup>

The Law on Trafficking in Persons entitles TIP victims to temporary accommodation, legal advice, health care, education, job training, and financial and livelihood assistance. However, the research found that the government has not been able to effectively offer these services due to a lack of human and financial resources and capacity. For example, the Secretariat to the National Committee on Anti-Trafficking in Persons provides reintegration services for TIP victims.<sup>131</sup> However, the secretariat has faced constraints on human and financial resources and staff capacity limitations.

Various key informants stated that the government has a limited budget for TIP victim protection, and expressed concern about government agencies' lack of resources and capacity in TIP victim protection.

Capacity-building activities have been provided to staff of relevant agencies. However, the high turnover of officials dedicated to counter-trafficking means that this training has had a limited impact.

Regarding support and assistance to TIP victims, the Ministry of Labour and Social Welfare (until 2017) and the Secretariat to the National Committee on Anti-Trafficking in Persons (since 2018), in cooperation with NGOs, run transit centers for TIP victims and at-risk groups. The transit centers offer advice, health care, education, vocational training, and other services to at-risk groups, including TIP victims. These activities support children's mental and physical rehabilitation, reintegration, tracing of parents and guardians, and returning children to their place of origin. From 2015 to 2017, the Ministry of Labour and Social Welfare's transit centers housed 205 children.<sup>132</sup> Forty-four of them were TIP victims, and eight were victims of child labor.<sup>133</sup> Most of them (104) resided in shelters as they were considered at risk, and 27 were considered vulnerable children.

Although the government continued to identify male TIP victims due to their particular vulnerabilities to labor trafficking in the agriculture, mining, construction, and maritime sectors, the research found that most shelter services in Lao PDR only cater to women and children.

### **4.3.2. Nongovernment organizations**

NGOs engage in TIP victim protection and support, including victim identification, referral, support, and assisting government agencies. The roles and responsibilities of various stakeholders, including NGOs, are outlined in the National Guidelines on Victim Protection, Assistance and Referral. Stakeholders shared that government and NGOs jointly engage in TIP victim protection and support.

The Lao PDR government does not provide financial support to NGOs. However, the government supports NGOs by providing in-kind support, including access to land, buildings, and facilities for TIP victim protection. Stakeholders from NGOs stated that they play an essential role in conducting capacity development activities for government agencies involved in counter-trafficking efforts, mainly for law enforcers.

---

<sup>130</sup> Ibid.

<sup>131</sup> Reintegration services have often been funded and provided by international organizations and NGOs.

<sup>132</sup> National Commission for the Advancement of Women, Mothers and Children (2018). Report on the Implementation of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.

<sup>133</sup> Ibid. The Lao PDR government also considers child labor victims to be TIP victims and has maintained TIP victim protection efforts in line with the Law on the Protection of the Rights and Interests of Children.

## 4.4. Impact of COVID-19

COVID-19 impacted and delayed the work of Lao PDR government agencies in TIP victim protection and support. The impact was felt most acutely at the provincial level, where state services are more limited.<sup>134</sup> Returning TIP victims had to undergo 14 days of quarantine at government-run facilities before they were transferred to shelters, which resulted in delays in return and reintegration.<sup>135</sup>

The Lao PDR government adopted various measures to protect TIP victims during the COVID-19 pandemic, including free quarantine centers for TIP victims. The services were available for victims of labor trafficking in Vientiane and several other provinces that share a border with Thailand and other neighboring countries (Bokeo, Champasak, Luang Namtha, and Savannakhet provinces). After completing 14 days of quarantine, TIP victims were referred to the centers while undergoing health checks and personal data collection. At the centers, TIP victims were provided with meals, water, clothes, medicine, and physical and mental health care.

Moreover, the government allocated a budget for assisting TIP victims returning home during COVID-19, which included modest financial support (around 250,000 Lao kip (US\$15) per person), rice, meals, and other support to their families.<sup>136</sup> Special places for self-quarantine were established for TIP victims staying at state-run shelters. TIP victims returning from overseas were offered a COVID-19 test before entering the shelters. However, the government ceased the provision of social services, which play an essential role in TIP victim identification.

The COVID-19 pandemic hindered the work of NGOs engaging in TIP victim protection.<sup>137</sup> Many NGOs operated with few staff due to workers contracting the virus. Due to lockdowns and restrictions on movement, TIP victims had to stay longer at NGO shelters, resulting in less food and resources. NGOs have found it hard to accommodate additional TIP victims at their shelters.<sup>138</sup>

The pandemic had the greatest impact on marginalized groups, including women and children, especially those who live in remote areas – many lost their jobs and livelihoods during the lockdowns. Farmers and workers were impacted, particularly in the agricultural sector. This increased the vulnerability of people in rural areas to being trafficked, especially those in remote and ethnic minority areas.<sup>139</sup> During the pandemic, the Anti-Trafficking Division of the Ministry of Public Security widely disseminated information about TIP to raise awareness about deceptive recruitment opportunities.<sup>140</sup> Children under the age of 18 years also faced increased risks due to school closures, with many becoming more vulnerable to online sexual exploitation.<sup>141</sup>

---

<sup>134</sup> Government agency (interview), July 15, 2021.

<sup>135</sup> Government agency (interview), August 6, 2021.

<sup>136</sup> Government agency (interview), July 15, 2021.

<sup>137</sup> Government agency (interview), August 6, 2021.

<sup>138</sup> NGO staff (interview) June 9, 2021.

<sup>139</sup> NGO staff (interview), June 17, 2021.

<sup>140</sup> Government agency (interview), August 6, 2021.

<sup>141</sup> Government agency (interview), July 16, 2021.

## 5. Myanmar summary report

### 5.1. Gaps in national law and policy

As a party to international and regional conventions against trafficking in persons, Myanmar has enacted specific laws and incorporated anti-trafficking principles into its national legal framework. The Anti-Trafficking in Persons Law (the “Anti-TIP Law”) was passed on September 13, 2005,<sup>142</sup> and the government has adopted five-year national plans of action to combat trafficking since 2007. Before the Anti-TIP Law was enacted to criminalize human trafficking, the provisions that criminalized some acts of TIP, including sex trafficking, were contained in the Penal Code 1861.<sup>143</sup>

Myanmar has existing laws that are not specific to TIP but can and should be applied to it, including the Suppression of Prostitution Act 1949 and the 2019 Child Rights Law. However, none of Myanmar’s domestic laws and policies on TIP address **victim identification**. Section 3 of the Anti-TIP Law defines TIP and a trafficked victim broadly in line with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking Protocol). The Anti-TIP Law stipulates that TIP means the recruitment, transportation, transfer, sale, purchase, lending, hiring, harboring, or receipt of persons after committing any of the listed acts for the purpose of exploiting a person with or without their consent.<sup>144</sup> However, it does not mention the unlicensed recruitment of migrant workers as part of the definition of trafficking, even though it is common for government officials to classify recruitment without a license as trafficking.<sup>145</sup> The Anti-TIP Law requires a demonstration of force, fraud, or coercion to constitute a child sex trafficking crime and thereby does not criminalize all forms of child sex trafficking; however, the amended 2019 Child Rights Law addresses the gap.<sup>146</sup>

There is inconsistency regarding the **legal age of a child**. Section 3(j) of the Anti-TIP Law defines a child as a person who has not attained the age of 16 years, and a youth as a person who has attained the age of 16 years but is not yet 18 years of age. This is inconsistent with the ACTIP and the Trafficking Protocol, as well as the Child Rights Law that Myanmar enacted in 2019. Section 3(b) of the Child Rights Law defines a child as anyone under the age of 18.

Section 11 of the Anti-TIP Law protects the rights and dignity of TIP victims in relation to trials. It specifically calls for trials regarding TIP offenses to be conducted in camera instead of in an open court to preserve TIP victims’ dignity and **physical and mental safety**. This protection applies when the victim of TIP is a woman, child, or youth; the law does not mention the possibility of **male or LGBTQI victims of trafficking**.

The Anti-TIP Law only mentions protection from media coverage. Section 11(b) of the Anti-TIP Law protects the rights to **privacy and confidentiality**, with restricted media coverage at any stage of the investigation, prosecution, and adjudication. However, the law also restricts the release of court documents to parties not directly involved in the case, unless permission was granted by the appropriate body to publish the case.<sup>147</sup>

---

<sup>142</sup> [Anti-Trafficking in Persons Law](#). State Peace and Development Council Law No. 5/2005.

<sup>143</sup> See sections 358–377 of the [Penal Code \(1861\)](#). The Penal Code is still in force in Myanmar and penalizes some forms of trafficking, including import, export, and sale of slaves and forced labor.

<sup>144</sup> Section 3 of the Anti-TIP Law.

<sup>145</sup> Liberty Asia (2017, September). [ASEAN and ACTIP: Using a Regional Legal Framework to Fight a Global Crime](#), p 83.

<sup>146</sup> US Department of State (2021, June). [2021 Trafficking in Persons Report: Burma](#).

<sup>147</sup> Section 11(c) of the Anti-TIP Law.

Concerning victims of TIP who are women, children, and youth, Section 16(f) of the Anti-TIP law states that the central body and relevant working groups shall “give protection by keeping confidential the information relating to them.” Again, the law does not mention the possibility of **male or LGBTQI victims of trafficking**.

On the **non-punishment** provisions, Section 13(a) and (b) of the Anti-TIP Law states that the central body “shall not take action against TIP victims for any offense under this Law” and “shall determine whether or not it is appropriate to take action against the trafficked victims for any other offense arising as a direct consequence of trafficking in persons.” Accordingly, victims of TIP cannot be charged with offenses. However, the central body has the authority to determine whether victims of TIP can be charged with any other offense arising as a direct consequence of TIP.<sup>148</sup>

For example, in Myanmar, soliciting prostitution, and forcing or enticing a woman into prostitution to operate or work in a brothel, is illegal under the Suppression of Prostitution Act 1949.<sup>149</sup> These acts do not constitute offenses under the Anti-TIP Law, but the state can impose penalties on victims of sex trafficking under the Suppression of Prostitution Act.<sup>150</sup> Therefore, women and child victims of sex trafficking could be **criminalized** as prostitutes. In 1998, the Suppression of Prostitution Act was amended, but only to amend the definition of “brothel” and increase the penalty contained in sections 5 and 8 from a maximum of three to a maximum of five years imprisonment. Offenders may also be liable to pay a fine.<sup>151</sup>

Article 8 of the Thailand–Myanmar Memorandum of Understanding to Combat Trafficking in Persons 2009 protects TIP victims from being **prosecuted** for illegally entering or exiting the country.<sup>152</sup> The memorandum of understanding states that either party should not charge TIP victims for unlawful entry to or exit from the country, or for any other offenses resulting from trafficking in persons. Also, while waiting for their repatriation, TIP victims should not be detained in any law enforcement or immigration detention centers and should be placed under the care of social welfare. However, Myanmar’s bilateral agreements with other countries on TIP do not specifically mention the non-punishment principle.

Despite the 2019 Child Rights Law criminalizing child sex trafficking, not all forms of child sex trafficking are criminalized in Myanmar. For example, online sexual exploitation of children, such as online grooming, live streaming of child sexual abuse, and sexual extortion, are currently not criminalized. The situation is inconsistent with the ACTIP, the Trafficking Protocol, and the Convention on the Rights of the Child, all of which Myanmar has ratified.

Sections 16 and 19 of the Anti-TIP Law stipulate a number of means for **rehabilitation, recovery, and reintegration** of TIP victims through the central body and relevant working groups. Section 16(e) outlines provisions concerning victims of TIP who are women, children, or youth, including remedies for physical and mental damages, vocational education, and medical treatment (with consent). Meanwhile, Section 19 outlines provisions concerning (a) repatriation, (b) temporary shelter, (c) social rehabilitation, (d) legal representation, (f) medical care, and (g) vocational training; this section does not specify that these provisions are only to be applied to women, children, or youth. Unlike Section

---

<sup>148</sup> M. McAdam (2022, March). [Implementation of the Non-Punishment Principle for Victims of Human Trafficking in ASEAN Member States](#). ASEAN-ACT.

<sup>149</sup> [Suppression of Prostitution Act, 1949](#) [in Myanmar (Burmese)]. Online Burma/Myanmar Library.

<sup>150</sup> Liberty Asia (2017, September). [ASEAN and ACTIP: Using a Regional Legal Framework to Fight a Global Crime](#), p. 86.

<sup>151</sup> [Law Amending the Suppression of Prostitution Act, 1949 \(Law No. 7/98\)](#). NATLEX database, ILO.

<sup>152</sup> Article 8 of the [Memorandum of Understanding between the Government of the Kingdom of Thailand and the Government of the Union of Myanmar on Cooperation to Combat Trafficking in Persons, Especially Women and Children](#) (2009). Thailand’s Anti–Human Trafficking Actions [website].



16, it may be argued that Section 19 should be applied to all TIP victims, including male adult victims and others. The law does not mention whether social rehabilitation includes counseling and whether psychological health is covered under medical care. In addition, there is no provision detailing access to services that are not dependent on TIP victims' willingness to cooperate in legal proceedings, nor is there provision for funding vocational training for TIP victims.<sup>153</sup>

According to Section 16(e) of the Anti-TIP Law, the central body and working groups responsible for combating trafficking in persons will create special programs to deal with the **physical and psychological injuries** of the victims and provide vocational education, health checkups, and treatment with victims' consent. Moreover, Section 17 states that the state will carry out security and protection programs for victims during legal proceedings, including when filing for **compensation**. Section 33 of the Anti-TIP Law stipulates that courts may order damages to be paid to a TIP victim from money confiscated from the offender, from the proceeds of the sale of the offender's property, or a fine.<sup>154</sup> In addition, sections 372 and 373 of the Penal Code, on selling and buying minors for the purpose of prostitution, impose fines on traffickers. However, the laws do not define how TIP victims can apply for compensation, relying on the understanding of judges who adjudicate TIP cases. It is not clear what role investigators and prosecutors play in assisting victims in accessing compensation. Moreover, this provision applies only to women, children, and youth. Defense lawyers for alleged offenders may argue that adult male or LGBTQI victims are not entitled to such compensation.

Chapter VIII of the Anti-TIP Law establishes a fund for the **repatriation and rehabilitation** of TIP victims. The fund is not linked to the payment of **compensation** to victims.<sup>155</sup> It is not clear whether compensation stipulated under sections 17, 22, and 33 of the Anti-TIP Law refers to restitution or state compensation. In fact, there is no victim trust fund in Myanmar that could be used to pay for victims' damages or losses when the offender has no assets or property.

Sections 14 and 15 of the Anti-TIP Law support the **repatriation and resettlement** of TIP victims.<sup>156</sup> Support is also available for TIP victims who are foreigners in Myanmar, after they have testified (Section 15).<sup>157</sup> For Myanmar citizens who have been trafficked abroad, Myanmar embassies are responsible for providing necessary protection and coordinating with the relevant responsible bodies for returning victims to Myanmar (Section 20).<sup>158</sup> In April 2018, the Ministry of Social Welfare, Relief and Resettlement launched a manual on standard operating procedures for case management, repatriation, and reintegration of TIP victims from Thailand.<sup>159</sup> The manual provides step-by-step procedures for the two countries to take in combating TIP and assisting victims.<sup>160</sup>

The Anti-TIP Law does not mention whether the state should ensure **access to information** on all matters affecting child victims of TIP. Further, the Anti-TIP Law does not cite any child-sensitive

---

<sup>153</sup> Liberty Asia (2017, September). [ASEAN and ACTIP: Using a Regional Legal Framework to Fight a Global Crime](#), p. 84.

<sup>154</sup> Section 33 of the Anti-TIP Law.

<sup>155</sup> Sections 22 and 23 of the Anti-TIP Law.

<sup>156</sup> Section 14 of the Anti-TIP Law: "The Central Body also shall arrange and carry out for the security of life of trafficked victims and to arrange according to their wishes for repatriation and resettlement as much as possible."

<sup>157</sup> Section 15 of the Anti-TIP Law: "The Central Body shall in the prosecution of a person guilty of trafficking in persons coordinate with the relevant Ministries for the temporary residence in Myanmar and repatriation to the relevant State of the trafficked victim who is a foreigner, after giving the testimony."

<sup>158</sup> Section 20 of the Anti-TIP Law: "The responsible officials of the Embassies of the Union of Myanmar in foreign States shall provide necessary protection for trafficked victims of Myanmar citizens or permanent resident foreigners of Myanmar and coordinate with the relevant responsible persons for sending them back to Myanmar."

<sup>159</sup> The International Organization for Migration has supported the manual's development since the governments of Myanmar and Thailand signed the Memorandum of Understanding on Cooperation against Trafficking in Persons in the Greater Mekong Sub-Region in 2004.

<sup>160</sup> International Organization for Migration (2018, April 13). [Myanmar Launches Manual for Return and Reintegration of Trafficking Victims from Thailand](#).

approaches, including providing legal remedies in the child's best interests and appointing legal guardians. However, the central body and relevant working groups are responsible for arranging to send child victims back to their parents or guardians, taking into account the child's best interests. If repatriation is impossible, the central body should arrange other suitable protection. In addition, the central body and relevant working groups are required to consider the child's right to express their views and freedom of choice, depending on the child's age and maturity.<sup>161</sup>

In 2013, the governments of Thailand and Myanmar signed the first-ever Standard Operating Procedures on Management of Cases and the Repatriation and Reintegration of Victims of Trafficking. As noted above, with the support of the International Organization for Migration, Myanmar launched a manual for returning and reintegrating trafficking victims (including girls and boys) from Thailand in 2018.

The only **marginalized groups** mentioned in the Anti-TIP Law are women, children, and youth (Chapter VI).<sup>162</sup> Section 18 of the Anti-TIP Law provides for programs to train people working with child victims of trafficking. No details are provided about the nature of this training. Meanwhile, Section 377 of the Penal Code and Section 35(c) of the Police Act 1945 continue to place LGBTQI groups at a higher risk of extortion and psychological coercion by law enforcers.<sup>163</sup>

Other groups, including **ethnic minorities, LGBTQI people, people with disabilities, and adult males**, are not mentioned in the Anti-TIP Law. Moreover, in the context of the Citizenship Law 1982, the primary basis for citizenship is "national races" (*Taing Yin Thar*), which is discriminatory against religious and ethnic minorities in Myanmar.<sup>164</sup> This law excludes many ethnic minorities and religious groups from citizenship, and in some cases results in their status of statelessness. The 2014 census revealed that more than 25% of people in Myanmar do not have a legal identity, meaning they do not have equal access to state-based services.<sup>165</sup>

Further, since April 2021, Myanmar has made military training compulsory for soldiers' children. Any male or female child over 15 years and able to hold a gun has been forced to undergo military training, despite such training contravening both the Child Rights Law and international law. It is also inconsistent with the 2012 joint action plan between Myanmar and the UN Country Task Force on Monitoring and Reporting on Grave Violations against Children to end the recruitment and use of children as soldiers.<sup>166</sup>

Myanmar authorities drafted new legislation in late 2019 to replace the 2005 Anti-TIP Law and criminalize all forms of trafficking in line with international standards. The new law also expands law enforcement mandates for specific agencies. The new Prevention and Suppression of Trafficking in Persons Law was passed on June 16, 2022, after research for this report was finalized.

## 5.2. Gaps in practice

There are no formal procedures or guidelines for the **identification of TIP victims**. Currently, the central body and relevant working groups refer to the 2018 standard operating procedures for case

---

<sup>161</sup> Section 16(b)–(d) of the Anti-TIP Law.

<sup>162</sup> Sections 16, 17, and 18 of the Anti-TIP Law provide special protection for trafficked victims who are women, children, and youth.

<sup>163</sup> US Department of State (2021, June). [2021 Trafficking in Persons Report: Burma](#).

<sup>164</sup> Burmese Rohingya Organisation UK (2014, December). [Myanmar's 1982 Citizenship Law and Rohingya](#).

<sup>165</sup> International Commission of Jurists (2019, June). [Citizenship and Human Rights in Myanmar: Why Law Reform is Urgent and Possible: A Legal Briefing](#), p. 2.

<sup>166</sup> The Irrawaddy (2021, December 7). [Myanmar Regime Makes Military Training Compulsory for Soldiers' Children](#).

management, repatriation, and reintegration of victims of human trafficking from Thailand.<sup>167</sup> Another resource is the Guidelines on Cooperation and Coordination in the Investigation and Prosecution of Trafficking in Persons between the Anti-Trafficking in Persons Task Force, Police Station Officers and Prosecutors.<sup>168</sup>

While the law appears to provide some forms of **compensation** to TIP victims, it is not clear how to assess the amount of the damages in practice. There are no guidelines for compensation regarding the type of damage for mental harm, costs of daily necessities, costs for legal proceedings, loss of opportunity, and other damages. Victim compensation can be obtained through the sale of the convicted trafficker's assets.

Section 13(c) of the Anti-TIP Law ensures that a victim of TIP has the **right to security** if the trafficked person who re-enters the country has a right to permanent residence. In addition, Section 14 states that the central body should arrange and carry out measures for the security of TIP victims and arrange repatriation and resettlement according to their wishes, as far as possible. Under Section 19(e) of the Anti-TIP Law, the central body must provide security for victims of TIP who contest the case or give testimony in a TIP case. In practice, TIP victims are frequently reluctant to cooperate with law enforcement agencies due to fear of retaliation and a lack of trust in the criminal justice system.<sup>169</sup>

## 5.3. Institutional roles and capacities

### 5.3.1. Government

The Ministry of Home Affairs is the government's focal point on human trafficking issues, as stipulated in Chapter X of the Anti-TIP Law. The ministry, with the approval of the government, issues relevant rules and procedures to implement the provisions of the law, and is responsible for forming a "staff office" to carry out the functions and duties of the central body for suppressing TIP.<sup>170</sup>

The agency responsible for labor migration and the protection of migrants was previously called the Ministry of Labour, Immigration and Population. However, in August 2021, the military government reconstituted that ministry into two different ministries: the Ministry of Labour, and the Ministry of Immigration and Population, as per Order No. 150/2021 of August 1, 2021.

The Ministry of Home Affairs leads the Central Body for Suppression of Trafficking in Persons (CBTIP). The CBTIP is a multisectoral national coordination body. The secretary of the CBTIP is the Director-General of the Myanmar Police Force, and the secretary is supported by the heads of relevant government agencies, which include the Ministry of Labour, the Ministry of Population and Immigration, and the Ministry of Border Affairs, as well as by nongovernment organizations. The CBTIP supervises the implementation of the five-year national plan of action.

At the national level, the Myanmar Police Force (within the Ministry of Home Affairs) established the Anti-Trafficking in Persons Division in 2013 as the focal agency for anti-trafficking. This specialized division is mandated to oversee the anti-trafficking task forces across the country. The task forces,

---

<sup>167</sup> International Organization for Migration (2018, April 13). [Myanmar Launches Manual for Return and Reintegration of Trafficking Victims from Thailand](#).

<sup>168</sup> Ministry of Home Affairs (2018). Cooperation and Coordination Guidelines on Investigations and Prosecutions of Trafficking in person Cases between Anti-Trafficking in Persons Task Force (ATTF), Station Police and Prosecutors, Ministry of Home Affairs.

<sup>169</sup> Liberty Asia (2017, September). [ASEAN and ACTIP: Using a Regional Legal Framework to Fight a Global Crime](#), p. 83

<sup>170</sup> Sections 34–38 of the Anti-TIP Law.

formerly known as anti-trafficking units, were established in 2004 through a 2003 memorandum of understanding with Australia under the Asia Regional Cooperation to Prevent People Trafficking program. The Anti-Trafficking in Persons Division also oversees three child protection task forces.<sup>171</sup>

The Central Supervisory Committee for Undocumented Migrant Workers was formed in 2001, and is led by the Chief of the Myanmar Police Force. The function of the committee and its subnational subcommittees is to conduct education, and undertake law enforcement and other measures, to prevent people from leaving the country undocumented, including people who are susceptible to trafficking.<sup>172</sup>

The Myawaddy Reception Center in Kayin State was established in 2002 by representatives from six ministries: Defence; Home Affairs; Foreign Affairs; Social Welfare, Relief and Resettlement; Immigration and Population; and Labour. The purpose of the center is to receive Myanmar citizens who have migrated to foreign countries undocumented, including those who had been trafficked, and to facilitate their safe return home.

The Committee for Prevention of Military Recruitment of Underage Children was established in 2004, and is chaired by the Adjutant General, Ministry of Defence. The committee's objectives include preventing the recruitment of children as soldiers, protecting child soldiers' interests, and following orders and directives on the protection of "underage" children.<sup>173</sup> To strengthen the committee's effectiveness, the Working Committee for Prevention of Military Recruitment of Underage Children was set up in 2006, and is chaired by the Director of the Directorate of Military Strength in the Department of Defence.

In 2019, capacity-building workshops and training were conducted for officials from the Anti-Trafficking in Persons Division and state and regional police officers in cooperation with the International Labour Organization, the International Organization for Migration, the Japan International Cooperation Agency, the United Nations Office on Drugs and Crime, the United Nations Children's Fund (UNICEF), and the European Union. A basic TIP investigation course was provided to 88 trainees in the Anti-Trafficking in Persons Division, and several talks were delivered to over 19,000 participants from the national civil service commission, police training schools, and other relevant agencies.<sup>174</sup>

Due to the change from a civilian government to a military regime in February 2021, the authorities did not investigate and prosecute brokers and labor recruiters suspected of illegal recruitment under the Overseas Employment Act 1999. Moreover, due to the COVID-19 pandemic, the activities of official overseas recruitment agencies were suspended.<sup>175</sup>

The budget for the annual activities of the central body and working groups are sourced from the government by respective ministries. No information is publicly available on the government's counter-trafficking structural capacity or the human and financial resources of counter-trafficking agencies and stakeholders.

Myanmar embassies, staffed primarily by the Ministry of Foreign Affairs, host Ministry of Labour attachés in select countries. Since 2018, labor attachés have been present in the Republic of Korea

---

<sup>171</sup> R. Napier-Moore (2020). [Closing the Migration-Trafficking Protection Gap: Policy Coherence in Myanmar](#), pp. 25–28. International Labour Organization.

<sup>172</sup> Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime (2009). [Anti-trafficking efforts by Myanmar](#), p. 3.

<sup>173</sup> Under the 1993 Child Rights Law, a "child" is a person under the age of 16 years, and a "youth" is a person aged over 16 years and below 18 years.

<sup>174</sup> Central Body for Suppression of Trafficking in Persons (2020). *2019 Annual Report*.

<sup>175</sup> US Department of State (2022, July). [2022 Trafficking in Persons Report: Burma](#).

(1), Malaysia (2), and Thailand (5). Previously, only men were allowed to apply to be labor attachés. However, since January 2019, the men-only criterion was removed from advertisements, but there are still no female labor attachés.<sup>176</sup>

### 5.3.2. Nongovernment organizations

NGOs and labor organizations working on TIP in Myanmar are organized in a national network for migrants. Members of the network often receive TIP cases, and Section 6(g) of the Anti-TIP Law allows for cooperation between government and nongovernment actors.<sup>177</sup> The role of NGOs is to help provide information to potential victims of TIP, to file reports on incidents of TIP to law enforcement agencies or authorized officials, and to participate in providing assistance to victims. Unfortunately, the 2021 military coup has led to the disbandment of numerous NGOs in Myanmar.<sup>178</sup>

At the village/ward level, community-based watch groups hold awareness-raising sessions on TIP and disseminate pre-departure information for migrant workers. These groups also collect data about people who have migrated and have lost contact with their families, collate records of employment brokers and recruiters of workers in villages/wards for domestic and foreign jobs, and support rehabilitation and reintegration of TIP victims.

## 5.4. Impact of COVID-19

Following the Ministry of Health orders issued during the COVID-19 pandemic, authorities had the power to restrict the movement of people in lockdown areas. All government and nongovernment actors were required to follow the guidelines strictly. UNICEF Myanmar issued a Guidance Note for Service Providers Working with Victims of Human Trafficking during COVID-19.<sup>179</sup> Although shelters continued to provide support to victims of trafficking, the number of staff was reduced, and staff postponed activities and worked from home. The restriction prevented service providers to provide care and support for trafficking victims. Moreover, the restriction exacerbated Myanmar's socioeconomic vulnerabilities of the poorest and putting more households at risk of entering poverty.

According to the World Bank, between August and October 2020, the share of households experiencing moderate to severe food insecurity increased from 12 to 25 per cent.<sup>180</sup> Further, since February 2021, the situation has worsened because of military restrictions. For example, there were many reports of internet and phone networks being blocked after the coup, leaving service providers have no means to provide services.

Many people in Myanmar are reliant on remittances from migrant laborers in neighboring countries, especially China and Thailand. Disruptions to labor migration caused by the COVID-19 pandemic

---

<sup>176</sup> R. Napier-Moore (2020). [Closing the Migration-Trafficking Protection Gap: Policy Coherence in Myanmar](#), pp. 20. International Labour Organization.

<sup>177</sup> Section 6(g) of the Anti-TIP Law assigns to the central body the function of “communicating and coordinating with international organizations, regional organizations, foreign States, local and foreign nongovernmental organizations, and obtaining assistance for works relating to the suppression of trafficking in persons, protection and rendering assistance, resettlement and rehabilitation.”

<sup>178</sup> US Department of State (2022, July). [2022 Trafficking in Persons Report: Burma](#).

<sup>179</sup> UNICEF Myanmar and IOM Myanmar (2020, September), [Guidance Note for Service Providers Working with Victims of Human Trafficking during COVID-19 in Myanmar](#)

<sup>180</sup> The World Bank (2020), [Myanmar Economic Monitor -Coping with COVID-19, December 2020](#). p.13

have resulted in significant economic hardship and increased unemployment in urban and rural areas alike. Since January 2021, over 70,000 Myanmar migrants have returned from Thailand.<sup>181</sup>

At the same time as, despite the Thai border has been closed since 2020, a number of people from Myanmar began migrating into Thailand in 2021. These migrants were labeled as illegal migrants by the Thai media.<sup>182</sup> Furthermore, sometimes the Thai authorities failed to differentiate migrants and trafficking victims. These victims were even being criminalized and were fined for their illegal entry.<sup>183</sup>

---

<sup>181</sup>International Organization for Migration (IOM) (2022) [Myanmar Crisis Response Plan 2022- Myanmar and Thailand](#), p.4

<sup>182</sup> Bangkok Post (2021, 22 December) [‘42,000 illegal migrants caught this year’](#)

<sup>183</sup> Benar News (2022, 16 June) [‘Migration from Myanmar to Thailand surges amid fighting, COVID concerns’](#)

## 6. Philippines summary report

### 6.1. Gaps in national law and policy

The Philippines Anti-Trafficking in Persons Act of 2003 (R.A. No. 9208), twice amended through the Expanded Anti-Trafficking in Persons Act of 2013 (R.A. No. 10364) and the Expanded Anti-Trafficking in Persons Act of 2022 (R.A. No. 11862), institutes policies to combat trafficking in persons, especially women and children, and has specifically criminalized TIP.<sup>184</sup> The 2003 Act was the first anti-trafficking law in Southeast Asia.<sup>185</sup> It uses the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking Protocol) as a framework for defining TIP. The law's passage led to the creation of the Inter-Agency Council Against Trafficking (IACAT), a national policy and coordinating body co-chaired by the Secretary of Justice and the Secretary of Social Welfare and Development. It comprises representatives from nine government agencies and three NGOs.<sup>186</sup>

The first amendment of the Anti-Trafficking Act (through R.A. No. 10364) included sanctions for attempted trafficking, provisions for the publication of names of suspects in human trafficking, increased penalties, and liability for accomplices and accessories.<sup>187</sup> The second amendment of the Anti-Trafficking Act (through R.A. No. 11862) empowers government authorities by providing additional tools, particularly against using the internet and digital platforms to commit crimes.<sup>188</sup> The law also considered the acts of producing, printing, and issuing or distributing unissued, modified, or fake passports and birth certificates as acts that promote trafficking in persons. Further, the list of persons who may file a complaint under the law was expanded, and now includes “officer or social worker or representative of a licensed child-caring institution, officer or social worker of the Department of Social Welfare and Development, Philippine National Police or National Bureau of Investigation officers, barangay chairperson, or at least three (3) concerned citizens where the violation occurred.”<sup>189</sup>

R.A. No. 9208, R.A. No. 10364, and R.A. No. 11862 (hereafter called the “Anti-Trafficking Act”) are the primary laws on TIP, mandating the IACAT to act as the central coordinating and monitoring body in the enforcement of national policies and programs in eliminating TIP.

The five-year National Strategic Action Plan against Trafficking in Persons 2017–2021 (Strategic Action Plan) serves as the blueprint for the government, NGOs, and other stakeholders involved in combating TIP in the Philippines.<sup>190</sup> The government is also developing plans to achieve trafficking-related targets under the Sustainable Development Goals and the Manila Declaration to Enhance

---

<sup>184</sup> [Republic Act \(R.A.\) No. 9208](#) was signed into law on May 26, 2003, and its Implementing Rules and Regulations were adopted on September 17, 2003.

<sup>185</sup> J. Lim (2015, May 26). [Looking back: First anti-trafficking law in Southeast Asia](#), *Rappler*.

<sup>186</sup> Section 20 of the Anti-Trafficking Act (R.A. No. 9208), later amended by Section 21 of R.A. No. 10364, prescribes the following composition of the IACAT: Department of Justice (chair), Department of Social Welfare and Development (co-chair), Department of Foreign Affairs, Department of Labor and Employment, Philippine Overseas Employment Administration, Bureau of Immigration, Philippine National Police, National Commission on Women, Philippine Center on Transnational Crime, and three representatives from NGOs (dealing with women, overseas Filipinos, and children).

<sup>187</sup> [R.A. No. 10364](#) was signed into law on February 6, 2013.

<sup>188</sup> [R.A. No. 11862](#) was signed into law on June 23, 2022. See IACAT (2022). [Duterte Strengthens Campaign against Human Trafficking, Signs Extended Anti-Trafficking Law before Stepping Down as President of PH](#).

<sup>189</sup> Section 7(h) of the Anti-Trafficking Act (R.A. No. 11862).

<sup>190</sup> IACAT (2017). [Resolution Adopting the “2017–2021 National Strategic Action Plan Against Trafficking in Persons”](#) [No. 008/2017].

International Cooperation in Combating Human Trafficking (an initiative under the Manila International Dialogue on Human Trafficking) to support the implementation of the Strategic Action Plan.

Under the Philippines' Constitution, the government must ensure "the right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their development" (Article 15, Section 3). The government must also implement special protection provisions of the Convention on the Rights of the Child (CRC) (articles 19–23 and 34–40), which was ratified by the Philippines in 2002. The Philippines also ratified two optional protocols to the CRC: one on children in armed conflict, and the other on the sale of children, child prostitution, and child pornography. The ratifications reflect the government's commitment to the principles, provisions, and standards of the CRC, as enacted under the Special Protection of Children Against Abuse, Exploitation and Discrimination Act of 1992 (R.A. No. 7610). Accordingly, the Committee for the Special Protection of Children was established in 1995 to monitor the enforcement of R.A. No. 7610.<sup>191</sup> The committee's chair is the Secretary of Justice, and the co-chair is the Secretary of Social Welfare and Development. The strategy for child protection is included in the National Plan of Action for Children 2017–2022. Under the national plan of action, there is a specific regulation covering child trafficking, including children in shelter settings, children in armed conflict and disasters, children in migration, children in forced labor (hazardous work conditions and exploitative), and the online sexual exploitation of children.

The **definition of human trafficking and TIP victim** in the Anti-Trafficking Act is more expansive than the ACTIP in several ways. The Act has a broader definition of TIP, and a child is defined as someone who is not only under the age of 18 years but also unable to protect themselves from harm due to a physical or mental disability.<sup>192</sup> The Act also clearly defines and addresses debt bondage and sexual exploitation, addresses contract marriage as a form of sexual exploitation, and addresses sex tourism and pornographic performances. It explicitly covers the sale and removal of organs. Moreover, it criminalizes attempted trafficking and clearly outlines actions involving a child victim that would be considered attempted TIP.<sup>193</sup>

In line with the ACTIP, the Anti-Trafficking Act calls for TIP victims to be provided free **legal services** coordinated by the Department of Justice, in partnership with the Department of Social Welfare and Development (DSWD). However, there are no specific guidelines on accessing legal aid for TIP victims.

The Anti-Trafficking Act does not cover **compensation for TIP victims** – this is addressed in the Victim Compensation Act of 1992 (R.A. No. 7309). The Board of Claims under the Department of Justice grants compensation to victims of unjust imprisonment or detention and victims of violent crimes, which includes victims of trafficking.<sup>194</sup> The IACAT has also issued guidelines on granting financial assistance to TIP victims,<sup>195</sup> under which witnesses may be entitled to monthly financial

---

<sup>191</sup> The Committee for the Special Protection of Children was created through the Executive Order No. 275 in 1995, and was strengthened through the Executive Order No. 53 of 2011, which added key member agencies and sharpened the committee's focus on the legal and judicial protection of children.

<sup>192</sup> Section 3(b) the Anti-Trafficking Act (R.A. No. 9208), as amended by Section 3(b) of R.A. No. 10364, includes not only those individuals aged under 18 years, but also individuals who cannot protect themselves from harm due to a physical or mental disability.

<sup>193</sup> Where the victim is a child, any of the following acts shall also be deemed as attempted TIP: facilitating the unaccompanied travel of a child to a foreign country or territory without valid reason and the required clearance or permission from DSWD or a written permit or justification from the child's parent or legal guardian; executing, for consideration, an affidavit of consent or written consent for adoption; recruiting a woman to bear a child for the purpose of selling the child; simulating a birth for the purpose of selling the child; and soliciting a child and acquiring custody through any means, for the purpose of selling the child.

<sup>194</sup> Department of Justice (n.d.). [Victims Compensation Program](#).

<sup>195</sup> IACAT (2017). [Resolution Adopting the "Guidelines on the Grant of Financial Assistance to Victims of Trafficking"](#) [No. 004/2017].



assistance of 3,000 to 6,000 Philippine pesos (US\$62 to US\$125), or a higher amount at the discretion of the Secretary of Justice.

Article 22(2) of the ACTIP urges states to utilize confiscated proceeds or property of crime to return to TIP victims as **compensation** and assistance. However, Section 15 of the Anti-Trafficking Act (R.A. No. 9208) designates fines, and proceeds and properties forfeited and confiscated to be dedicated to a **trust fund** to support the programs of various agencies to prevent trafficking and to protect, rehabilitate, and reintegrate trafficked persons. Section 25 of the Anti-Trafficking Act (R.A. No. 10364) further states that all penalties, fines, or assets derived from the violation of the Anti-Trafficking Act are to be designated as funds for the IACAT. The trust fund does not stipulate compensation for victims.<sup>196</sup>

The Anti-Trafficking Act explicitly includes the **non-punishment** principle.<sup>197</sup> Section 17 of the Act (R.A. No. 9208) states that trafficked persons should not be penalized for crimes directly related to the acts of trafficking, and further states that the consent of a trafficked person to the intended exploitation is irrelevant. Other laws, including Article 202 of the Revised Penal Code of 1930 (Act No. 3815), Section 58 of the Juvenile Justice and Welfare Act of 2006 (R.A. No. 9344), and Section 5 of the Special Protection of Children Against Abuse, Exploitation and Discrimination Act of 1992 (R.A. No. 7610), also govern the non-punishment of trafficked persons. Nevertheless, there is still some confusion around the non-punishment principle outside of prostitution-related offenses. In the absence of clarity on the scope of protection from punishment, victims of trafficking may be charged if they play a role in the trafficking of other victims, for instance.<sup>198</sup>

The Anti-Trafficking Act does not have an explicit provision for foreign victims to **remain** in the Philippines (temporarily or permanently) or to facilitate the **return** of victims without proper documentation. There is also no guidance on recognizing TIP victims identified by foreign competent authorities. Section 19 of the Anti-Trafficking Act (R.A. No. 9208) states that trafficked foreign nationals should be permitted to remain in the Philippines for a length of time prescribed by the IACAT as necessary to prosecute offenders. For trafficked Filipinos overseas, the Department of Foreign Affairs should seek extensions of appropriate residency permits and protection with the host government if repatriation exposes the victims to more significant risks.<sup>199</sup>

Victim identification and care provision for **LGBTQI victims** are not yet regulated nationally.<sup>200</sup> House of Representatives Bill No. 2952 of 2017 seeks to establish LGBTQI help and protection desks in all police stations nationwide. The bill seeks to expand Title VII of the Philippine National Police Reform and Reorganization Act of 1998 (R.A. No. 8551), which currently provides for the creation of women's desks in all police stations and the formulation of a gender sensitivity program, to include LGBT desks in police stations.<sup>201</sup> Some progress has been made at the subnational level. For example, Quezon City, through City Resolution No. 7426 of 2018, mentions the establishment of LGBT desks in police stations.<sup>202</sup>

The Migrant Workers and Overseas Filipinos Act of 1995 (R.A. No. 8042), as amended by R.A. No. 9422 of 2007 and R.A. No. 10022 of 2009, is the primary regulation that protects migrant workers and overseas Filipino workers. Philippine migrant workers who are victims of labor rights violations and

---

<sup>196</sup> Sections 24 and 25 of the Anti-Trafficking Act (R.A. No. 10364).

<sup>197</sup> Section 17 of the Anti-Trafficking Act (R.A. No. 9208).

<sup>198</sup> M. McAdam (2022, March). [Implementation of the Non-Punishment Principle for Victims of Human Trafficking in ASEAN Member States](#). ASEAN-ACT.

<sup>199</sup> Section 25 of the Anti-Trafficking Act (R.A. No. 9208).

<sup>200</sup> US Department of State (2014, June). [The vulnerability of LGBT individuals to human trafficking](#).

<sup>201</sup> House of Representatives of the Philippines (2017, January 3). [House pushes LGBT protection](#) [media release].

<sup>202</sup> P. Raymundo (2018, July 26). [QC to set up LGBT help desks in police stations](#). Philippine News Agency.

forced labor in the destination country have rights to redress, including **compensation**. Further, the employer and recruitment agency are liable for any monetary claims awarded to workers. In addition, migrant workers have rights to **free legal assistance, repatriation, and reintegration**.<sup>203</sup> These provisions under the Migrant Workers and Overseas Filipinos Act complement the existing Anti-Trafficking Act, especially when dealing with migrant workers. There have been concentrated efforts to support Filipino domestic workers in the Middle East, primarily women. For example, the memorandum of understanding with the United Arab Emirates (UAE) aims to provide better protection for overseas Filipino workers in the UAE.<sup>204</sup>

The three major Philippine laws that serve to protect **fishers** on commercial fishing vessels are the:

- Act to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing of 2014 (R.A. No. 10654), amending the Philippine Fisheries Code of 1998 (R.A. No. 8550)
- Migrant Workers and Overseas Filipinos Act of 1995 (R.A. No. 8042), as amended by R.A. No. 9422 of 2007 and R.A. No. 10022 of 2009, for Filipino migrant seafarers and fishers
- Special Protection of Children Against Abuse, Exploitation and Discrimination Act of 1992 (R.A. No. 7610), as amended by R.A. No. 9231 of 2003, for worst forms of child labor.

In addition, the Department of Labor and Employment has issued Order No. 156 of 2016, as amended by Order No. 196 of 2018, related to the fishing sector.<sup>205</sup> The order deals with the rules and regulations governing fishers' working and living conditions aboard commercial fishing vessels, and is broadly consistent with the standards in ILO Convention No. 188.<sup>206</sup>

## 6.2. Gaps in practice

While the Philippine laws, regulations, and guidelines on TIP are expansive, uniform guidelines across agencies for **victim identification** appear to be lacking. The guidelines on the protection of children that outline the process of victim identification, developed by the IACAT, are a key tool; however, the guidelines are relatively vague, especially regarding the presumption of age for children.<sup>207</sup>

The guidelines on a referral system for the recovery and reintegration of trafficked persons, developed by DSWD, are more comprehensive in designating agencies responsible for initial contact with victims at different points of the recovery process.<sup>208</sup> While DSWD's referral system is detailed, it does not provide specific guidance on how to identify victims and what to do if a screened victim does not fit the profile of a trafficked victim.<sup>209</sup>

---

<sup>203</sup> Applies to workers who have experienced labor rights violations and forced labor in the country of destination – see Section 13 of R.A. No. 8042 (as amended by Section 8 of R.A. No. 10022). Repatriation and reintegration is covered in sections 15 to 18 of R.A. No. 8042.

<sup>204</sup> Department of Justice (2020). [2019 Annual Report](#), p. 74.

<sup>205</sup> Department of Labor and Employment (2016). [Rules and Regulations Governing the Working and Living Conditions of Fishers on Board Fishing Vessels Engaged in Commercial Fishing Operation](#) [Department Order No. 156/2016].

<sup>206</sup> International Labour Organization (ILO) (2019). [The Philippines and the Work in Fishing Convention, 2007 \(No. 188\): A Comparative Analysis](#). [ILO working paper].

<sup>207</sup> NGO Staff (Interview), May 31, 2021.

<sup>208</sup> Department of Social Welfare and Development (DSWD) and ILO (2009). [Referral System for the Recovery and Reintegration of Trafficked Persons](#). The referral system is a supplement to the DSWD Manual on the Recovery and Reintegration of Victims-Survivors of Trafficking.

<sup>209</sup> Government agency (interview), May 18, 2021.

It is good practice to have specific guidelines for responders whose primary responsibility is victim identification, and different guidelines for those with secondary or subsequent functions. This differentiation may occur to some degree in practice, although guidance material may not be publicly available. For example, the Bureau of Immigration's Travel Control and Enforcement Unit takes a proactive approach to identifying victims by inspecting documents and has deferred passengers' departure based on incomplete or fraudulent documents or suspicious travel purposes. The unit has also referred travelers suspected of being victims of illegal recruitment or TIP to the IACAT task force stationed at the airport to determine whether illegal activity is taking place.

Stakeholders suggested that the indicators and screening questions in victim identification tools should vary depending on the industry and the context, such as fishers at sea, construction workers in Saudi Arabia, and domestic workers in Hong Kong.<sup>210</sup> There should also be gender-specific guidance beyond statements about gender sensitivity or short sections on specific gender-related vulnerabilities to trafficking. Guidelines also need to be clear on the process for referring individuals screened and found not to be victims of TIP.<sup>211</sup>

Stakeholders also pointed out that local government units have not fully adopted the national mechanisms relevant to TIP victim identification, referral, and assistance.<sup>212</sup>

In 2019, the **Witness Protection Program** assisted 291 TIP victims, primarily female minors. In 2020, 264 (90%) victims in the program agreed to testify in court, while 27 (10%) refused to testify because of a close relationship with their traffickers.<sup>213</sup> Despite that victims enrollment in the program is voluntary, it appears that the Witness Protection Program does not cover all eligible victims and witnesses due to budgetary and resource constraints. However, victims who are not witnesses, or who are deciding whether or not to be part of legal proceedings, would still be eligible for assistance under the program. Currently, only a few cases are proceeding under the Witness Protection Program, and a significant number of the priority cases are not related to TIP.<sup>214</sup>

Stakeholders from the IACAT and NGOs stated that they have practices in place to protect the **confidentiality** of TIP victim data. For example, social workers are prohibited from sharing clients' personal information and posting pictures with their clients on social media. Photographs and video footage taken during rescue or raids are only used as evidence, not for public distribution.<sup>215</sup> Stakeholders reported that consent must be secured before using any recording equipment, and the purpose of the use of cameras, video cameras, and voice recorders should be explained to TIP victims. Specialized agents and prosecutors dealing with trafficked women and children are supposed to conduct interviews safely and securely in closed-door rooms, and in child-friendly spaces for cases involving children.<sup>216</sup>

The Department of Foreign Affairs provides overseas Filipino victims of TIP with free **legal assistance**. This assistance includes free counsel for victims to pursue legal action against their traffickers, representing victims' interests in any criminal investigation or prosecution, and assisting victims in applying for social benefits or regular immigration status. The assistance is funded by the Legal Assistance Fund, which was established under the Migrant Workers and Overseas Filipinos Act of 1995 (R.A. No. 8042, as amended) and is determined by the Office of the Undersecretary for Migrant Workers' Affairs. However, in 2020, the Department of Foreign Affairs did not report

---

<sup>210</sup> NGO staff (interview), May 31, 2021.

<sup>211</sup> Government agency (interview), May 18, 2021.

<sup>212</sup> NGO staff (interview), May 31, 2021.

<sup>213</sup> Department of Justice (2021). [2020 Annual Report](#).

<sup>214</sup> Government agency (interview), May 31, 2021.

<sup>215</sup> Government agency (interview), June 7, 2021.

<sup>216</sup> Ibid.

expenditures under the Legal Assistance Fund, despite having an allocated budget of 200 million pesos (US\$4.15 million).<sup>217</sup>

Section 16 of the Anti-Trafficking Act calls for trafficked persons to be provided free legal services coordinated by the Department of Justice (with DSWD).<sup>218</sup> The Department of Justice conducts a training program for lawyers and volunteer groups on victim assistance and protection. In practice, there is no specific guidance for accessing legal aid for TIP victims. However, the Department of Justice has a Public Attorney's Office where victims can seek legal help

The anti-TIP Act does not include any provisions for **restitution** to be paid by traffickers to victims of trafficking. Additionally, compensation for victims is not one of the listed items for which the victim trust fund overseen by the Council is stipulated for use in Section 15. However, there are remedies through which victims may be able to get compensation under the procedural law. And theoretically, judges could award **compensation** to victims for damages; in practice, victims rarely receive damages, and courts lack adequate mechanisms to collect damages from traffickers.<sup>219</sup>

This would also be accurate when we are talking about the procedural remedies: The Philippine legal framework provides a mechanism for victims to be able to secure restitution through the application of provisional remedies. Provisional remedies are applied pending litigation, to secure the judgement or preserve the status quo. However, theoretically, judges could award compensation to victims for damages; in practice, victims rarely receive damages, and courts lack adequate mechanisms to collect damages from traffickers.

Victims of trafficking may file a claim with the Department of Justice's Board of Claims or the Office of the Regional State Prosecutor for **financial assistance**. A stakeholder on the IACAT Anti-TIP Task Force at the Department of Justice explained that the Board of Claims is authorized to give 10,000 pesos (US\$200) to victims of violent crimes, which includes victims of TIP.<sup>220</sup> The stakeholder acknowledged that this one-time financial assistance for victims is inadequate. In addition, the IACAT has issued guidelines on granting financial aid to TIP victims,<sup>221</sup> under which witnesses may be entitled to the monthly financial assistance of 3,000 to 6,000 pesos (US\$62 to US\$125) or a higher amount at the discretion of the Secretary of Justice. In 2019, the Board of Claims granted financial assistance to 27 victims of TIP under its Victim Compensation Program.<sup>222</sup> Government stakeholders stated that the current compensation offered to trafficked victims is insufficient to meet their needs.<sup>223</sup>

The government provides **care and support** to TIP victims, including housing, counseling and information, medical, psychological, and material assistance, and employment and educational and training opportunities. This support is provided under the Recovery and Reintegration Program for Trafficked Persons, which is administered by DSWD in coordination with NGOs. In the case of overseas trafficked persons, the Department of Foreign Affairs coordinates with the Department of Labor and Employment to provide free temporary shelters and other services to Filipino victims through the Migrant Workers and Other Overseas Filipinos Resource Centers.

---

<sup>217</sup> US Department of State (2021, June). [2021 Trafficking in Persons Report: Philippines](#).

<sup>218</sup> Section 16(d) of the Anti-Trafficking Act (R.A. No. 9208) states that the "Department of Justice – shall ensure the prosecution of persons accused of trafficking and designate and train special prosecutors who shall handle and prosecute cases of trafficking. It shall also establish a mechanism for free legal assistance for trafficked persons, in coordination with the DSWD, Integrated Bar of the Philippines (IBP) and other NGOs and volunteer groups."

<sup>219</sup> US Department of State (2021, June). [2021 Trafficking in Persons Report: Philippines](#).

<sup>220</sup> Law enforcement agency (interview), May 31, 2021.

<sup>221</sup> IACAT (2017). [Resolution Adopting the "Guidelines on the Grant of Financial Assistance to Victims of Trafficking"](#) [No. 004/2017].

<sup>222</sup> Department of Justice (2021). [2020 Annual Report](#), p. 64.

<sup>223</sup> Government agency (interview), May 18, 2021.

Article III of the revised rules and regulations implementing the Anti-Trafficking Act stipulates the actions that the Philippines will take under Article 15 of the Act on the **repatriation and return** of victims. The measures include working with the host government to enable Filipino victims to remain in the country while facilitating the issuance of necessary travel documents to return to the Philippines. The Department of Foreign Affairs, DSWD and labor attachés collaborate to cover repatriation costs, designate an escort or social worker to receive victims with special needs, lay out the process for interviewing victims to build a prosecution case, and provide information and referrals for services in-country. The Anti-Trafficking Act does not have a clear provision for foreign victims to remain in the Philippines (temporarily or permanently) or to facilitate their return if they are without proper documentation.

Trafficking cases involving **women and children** are handled by the Women and Children's Desk in all police stations, according to Section 57 of the Philippine National Police Reform and Reorganization Act of 1998 (R.A. No. 8551). In June 2021, a gender sensitivity program was established at the Philippine National Police (PNP) in partnership with the Philippine Commission on Women.<sup>224</sup> Under the program, a gender and development executive briefing was attended by 100 police officials. The partnership may also cover gender analysis and related training of trainers, gender and development planning, and budgeting training for members of the PNP Gender and Development Focal Point System.<sup>225</sup>

While police in the Philippines have identified **LGBTQI** TIP victims during anti-trafficking operations, there are biases among law enforcement officers that hinder providing care and protection to LGBTQI victims.<sup>226</sup> House of Representatives Bill No. 2952 of 2017 seeks to establish LGBT help and protection desks in all police stations nationwide by amending Title VII of the Philippine National Police Reform and Reorganization Act of 1998 (R.A. No. 8551).<sup>227</sup>

As previously noted, the Philippines has three major domestic laws protecting **fishers** on commercial fishing vessels. While not explicitly drafted to combat instances of TIP, the overarching national labor standards provide protection against TIP and address the more vulnerable male populations exploited in the fishing industry.<sup>228</sup> However, issues on commercial fishing vessels are not regularly monitored,<sup>229</sup> and are rarely investigated or prosecuted.<sup>230</sup> In addition, it is unclear whether the Department of Labor and Employment has enough inspectors for compliance and enforcement.<sup>231</sup>

---

<sup>224</sup> Philippine Commission on Women (2021, June 17). [PCW, PNP boost ties to strengthen gender mainstreaming in police force](#).

<sup>225</sup> Ibid.

<sup>226</sup> US Department of State (2014, June). [The vulnerability of LGBT individuals to human trafficking](#).

<sup>227</sup> House of Representatives of the Philippines (2017, January 3). [House pushes LGBT protection](#) [media release].

<sup>228</sup> NGO staff (interview), May 31, 2021.

<sup>229</sup> International Labour Organization (ILO) (2019). [The Philippines and the Work in Fishing Convention, 2007 \(No. 188\): A Comparative Analysis](#). [ILO working paper].

<sup>230</sup> US Department of State (2020, June). [2020 Trafficking in Persons Report: Philippines](#). According to the US report, few convictions have been made. Of the 73 traffickers convicted under the Anti-Trafficking Act during the period analyzed, only three labor traffickers were convicted. Most of the convicted traffickers were engaged in child and sex trafficking.

<sup>231</sup> International Labour Organization (ILO) (2019). [The Philippines and the Work in Fishing Convention, 2007 \(No. 188\): A Comparative Analysis](#). [ILO working paper].

## 6.3. Institutional roles and capacities

### 6.3.1. Government

Under the Anti-Trafficking Act, the Inter-Agency Council Against Trafficking (IACAT) is the national policy and coordinating body and monitors the implementation of the Anti-Trafficking Act, with the Secretary of Justice as chair and the Secretary of Social Welfare and Development as co-chair. The members of the IACAT are drawn from government agencies and NGO representatives.<sup>232</sup> The national IACAT structure is replicated at the regional and municipal levels to coordinate and implement anti-TIP activities.<sup>233</sup> In 2019, the IACAT instituted anti-trafficking programs in various local government units through capacity-building and development of local TIP ordinances for barangay officials, local government officials, and local social workers.<sup>234</sup>

The IACAT's anti-trafficking task forces ensure that relevant agencies coordinate immediate and effective responses to TIP cases, including assisting in filing cases against individuals, agencies, institutions, or establishments that violate the law; and protecting the rights and needs of trafficked persons. The task forces are composed of prosecutors, law enforcement agents, welfare officers, and stakeholders from other government agencies and NGOs. As of June 2021, the IACAT has 24 task forces:<sup>235</sup> two national task forces, six port-based task forces, and 16 regional task forces. In July 2021, the IACAT and the National Bureau of Investigation launched the first Cyber-TIP Monitoring Center in the Philippines to combat human trafficking and online sexual exploitation of children.

In 2019, the anti-trafficking task forces had a total of 236 prosecutors, who were instrumental in resolving 85 TIP convictions. This resulted in the conviction of 95 perpetrators and the second-highest recorded number of convicted perpetrators since the enactment of the Anti-Trafficking Act in 2003. The task forces also assisted 40 anti-TIP operations, rescuing 210 trafficked victims and identifying and arresting 62 offenders.<sup>236</sup>

The Department of Justice manages the IACAT Secretariat and budget of the anti-trafficking task forces. The allocation of the IACAT Secretariat varies from year to year. In 2018, the budget was 80.4 million pesos (US\$1.7 million), which was increased to 92.9 million pesos (US\$1.9 million) in 2019. In 2020, the secretariat's budget was decreased to 73.2 million pesos (US\$1.5 million); however, in 2021, the budget was raised to 91.5 million pesos (US\$1.9 million).<sup>237</sup>

From 2019 to 2020, the IACAT Secretariat increased its staff from 116 to 142 employees and its task force members from 236 to 376. Many positions within the IACAT Secretariat are temporary.<sup>238</sup>

---

<sup>232</sup> The IACAT's membership consists of representatives from the Department of Foreign Affairs, Department of Labor and Employment, Philippine Overseas Employment Administration, Bureau of Immigration, Philippine National Police, Philippine Commission on Women, Philippine Center on Transnational Crime, and three representatives from NGOs (dealing with women, children, and overseas Filipino workers).

<sup>233</sup> Section 20 of the Anti-Trafficking Act.

<sup>234</sup> Also, in 2019, the anti-trafficking task forces organized and supported 122 capacity-building activities with a total of 6,987 participants from both the government and nongovernment sectors.

<sup>235</sup> The Department of Justice has established a total of 24 anti-trafficking task forces, which are responsible for enhancing law enforcement at the local level.

<sup>236</sup> Department of Justice (2020). [2019 Annual Report](#).

<sup>237</sup> Department of Justice annual reports (2019, 2020, and 2021).

<sup>238</sup> Government agency (interview), June 7, 2021.

## Department of Justice

The Department of Justice's primary counter-trafficking role is to facilitate the prosecution of persons accused of TIP and to designate and train special prosecutors. The department is mandated to create a mechanism for free legal assistance to victims of TIP, including free legal counsel and legal representation on matters requiring the services of a lawyer.<sup>239</sup> The Public Attorney's Office offers free legal assistance for the victims of TIP unless the victims request a private lawyer to represent them.<sup>240</sup>

The Department of Justice runs a Witness Protection Program that prioritizes TIP victims, although there are still inadequate resources to help all those in need.<sup>241</sup> Eleven trafficking victims entered the witness protection program in 2020 (40 in 2019), and the program provides housing, livelihood and travel expenses, medical benefits, education, and vocational placement for victims. The Department of Justice also supports victims who serve as witnesses during trials, with seven regional task force victim-witness coordinators providing trauma-informed support and assistance throughout the criminal justice process.<sup>242</sup> Unfortunately, not all regions in the Philippines have victim coordinators from the department.<sup>243</sup> The coordinators assisted 130 victims in 2020 (291 in 2019). In addition, the Department of Justice operations center personnel provide transportation and security, enabling 74 victims to participate in case conferences and hearings in 2019.<sup>244</sup>

The Department of Justice also facilitates victim compensation through the Board of Claims. Victim compensation is currently set at 10,000 pesos (US\$200), which the department acknowledges is inadequate.

Recently, the Supreme Court issued guidelines on the use of videoconferencing in hearings involving victims of abuse. International Justice Mission notes that the Philippines is making great strides in developing child-protective and victim-centered prosecution strategies. For example, it maximized technology to serve children's best interests using video recordings of in-depth interviews that are allowed under the Rule on Examination of a Child Witness. Video interviews prevent multiple victim interviews and in-court hearings that can re-traumatize a victim. However, NGOs stated that it would take time to normalize new strategies in court and accept them in place of victim testimony. There are also technological limitations, such as weak internet connections.<sup>245</sup>

## Department of Social Welfare and Development

Since 2011, the Department of Social Welfare and Development (DSWD) has been implementing the Recovery and Reintegration Program for Trafficked Persons. Using a multisectoral approach, the program delivers a complete package of services that aim to enhance the psychosocial and material needs of victims. It also enhances the awareness, skills, and capabilities of families and communities who are receiving returned trafficked victims. The program seeks to improve community-based systems and mechanisms that ensure the recovery of victims and prevent other families and

---

<sup>239</sup> The Department of Justice provides free legal assistance and representation to indigent and poor litigants, including the services of qualified practitioners in criminal, civil, and labor cases, administrative and other quasi-judicial proceedings, and noncommercial disputes through the Public Attorney's Office, pursuant to R.A. No. 9406 of 2007.

<sup>240</sup> Law enforcement agency (interview), May 31, 2021.

<sup>241</sup> Government agency (interview), May 31, 2021.

<sup>242</sup> Department of Justice (2020). [2019 Annual Report](#)

<sup>243</sup> Law enforcement agency (interview), May 31, 2021.

<sup>244</sup> Department of Justice (2020). [2019 Annual Report](#).

<sup>245</sup> NGO staff (interview), May 27, 2021.

community members from becoming victims of trafficking.<sup>246</sup> The program served 2,318 clients in 2018, 2,041 in 2019, and 1,205 in 2020.<sup>247</sup>

DSWD has an annual budget for the Recovery and Reintegration Program for Trafficked Persons, pursuant to the General Appropriations Act of 1996 (R.A. No. 8174). In 2020, the government allocated 22.9 million pesos (US\$475,370) to the program, which was less than the 24.4 million pesos (US\$506,510) in 2019. DSWD implements the national referral system, maintains a national recovery and reintegration database, and operates 44 residential care facilities that provide services to victims of trafficking and other forms of exploitation. Of these facilities, 24 served children, 13 served women, four served older persons, one served men, and two operated as temporary processing centers. Stakeholders observed that the residential care facilities have limited capacity for foreign nationals, and there is no budget to care for them. Even though a facility for male victims was added in 2018, stakeholders said that it is still insufficient to meet the demand.<sup>248</sup>

There has been visible progress in ensuring TIP victim protection by building solid partnerships with partner agencies and transferring shelter facility management to government institutions with trained multidisciplinary teams. Organizations are also increasingly using a holistic approach, which goes beyond attending to the basic needs of TIP victims. DSWD engages in community outreach and activities for children and women survivors, in partnership with civil society organizations, including educating parents on the victim's rights, increasing awareness to prevent re-trafficking, and preventing children from becoming victims of online trafficking. However, the lack of staff and the temporary nature of many positions at DSWD hinder the department's efforts to support the long-term recovery and reintegration of victim-survivors.<sup>249</sup>

### Women and Children Protection Center, Philippine National Police

The Women and Children Protection Center (WCPC) of the Philippine National Police (PNP) is designated as the secretariat of the PNP's Anti-Trafficking in Persons Committee, and serves as the focal point on TIP matters. Reports of TIP cases are received from various sources: directly from victims or family members, referrals from governments and NGOs, leads from concerned individuals and media, reports from the PNP's local field offices, and from the PNP phone hotlines.<sup>250</sup> Police stations in the Philippines have a dedicated Women and Children's Desk, and the Quezon City Council has passed a resolution supporting House of Representatives Bill No. 2952, which seeks to establish LGBT Help and Protection Desks in police stations nationwide.

In June 2016, the WCPC established the Internet Crimes Against Children office. In February 2019, the PNP and the National Bureau of Investigation founded the Philippine Internet Crimes Against Children Center, which has become a best-practice model for an enhanced global law enforcement response to the trafficking of children for online sexual exploitation. As the Philippines is a source country with a growing number of cases of online sexual exploitation of children, the WCPC requires more officers dedicated to this crime. There is still a need to build the capacity of law enforcers and prosecutors to gather, present, and assess independent evidence, such as conversation histories and financial records that can prove elements of the crime.<sup>251</sup>

---

<sup>246</sup> DSWD (2015, December 9). [Guidelines in the Implementation of the Recovery and Reintegration Program for Trafficked Persons](#).

<sup>247</sup> US Department of State (2021, June). [2021 Trafficking in Persons Report: Philippines](#).

<sup>248</sup> In June 2018, a residential care facility for male victims of trafficking in Mindanao was set up in collaboration with the Local Government Unit of Tagum City – the only facility in the Philippines for male victims of trafficking.

<sup>249</sup> Government agency (interview), May 18, 2021.

<sup>250</sup> Philippine National Police (n.d.). [Women and Children Protection Center Functions](#)

<sup>251</sup> NGO staff (interview), May 27, 2021.



In 2013, the PNP approved the Standard Operating Procedures: Trafficking in Persons Investigations, which were developed with assistance from the UN Office on Drugs and Crime. The manual includes tools for risk assessment, management of victims, and special investigation techniques. As of May 2019, the WCPC has launched a total of 24 anti-TIP operations leading to the rescue of 154 victims, the arrest of 33 alleged traffickers, and the filing of 21 cases before prosecutor's offices nationwide.<sup>252</sup>

The PNP has allocated funds for the direct protection and assistance of victims of trafficking, which it uses for sting and rescue operations. PNP representatives shared that while they have a sufficient budget to carry out investigations, rescues, arrests, and advocacy on behalf of TIP victims, the agency requires more trained personnel.<sup>253</sup>

### Travel Control and Enforcement Unit, Bureau of Immigration

Under the Anti-Trafficking Act, the Bureau of Immigration is tasked with adopting measures for apprehending suspected traffickers both at the place of arrival and departure; Under the Anti-Trafficking Act, the Bureau of Immigration is tasked with adopting measures for apprehending suspected traffickers both at the place of arrival and departure; and among others ensuring compliance of requirements of those leaving as trainees, student interns, volunteers, for pilgrimage, au pair work, tourist.

The Bureau of Immigration's Travel Control and Enforcement Unit aids victim identification through the inspection of documents, and has deferred passenger departures based on the grounds of incomplete or fraudulent documents, suspicious travel purposes, or the identification of possible victims of trafficking. The unit has also turned over victims suspected of possible illegal recruitment or trafficking in persons to the IACAT Task Force. From January to September 2021, the unit deferred the departure of 8,413 passengers, including 495 detected as possible victims of TIP or illegal recruitment, due to incomplete or suspicious travel documents, or misrepresentation as per the guidelines of the IACAT Task Force. A total of 325 people were turned over to the IACAT Task Force for investigation and the filing of charges against victims' handlers and recruiters.<sup>254</sup>

However, due to recent fraudulent activities involving Bureau of Immigration officers, who have since been recalled or suspended,<sup>255</sup> there are diminished staff numbers available to interview passengers and intercept traffickers or victims of TIP. To sustain the services, the government recently hired hundreds of additional immigration officers.<sup>256</sup>

The Department of Justice, through the anti-trafficking task forces, has been investigating at least nine Bureau of Immigration officers for facilitating the illegal departure by air of potential trafficking victims.<sup>257</sup> According to media reports, investigations show that at least 28 immigration officials facilitated the exploitation of 44 Filipinas who were trafficked to Syria.<sup>258</sup> The government filed corruption charges against 19 immigration officials who allegedly received kickbacks for ensuring the

---

<sup>252</sup> Philippine National Police (n.d.). [Women and Police Protection Center](#).

<sup>253</sup> Law enforcement agency (interview), May 28, 2021.

<sup>254</sup> In 2020, the Bureau of Immigration's Travel Control and Enforcement Unit deferred the departure of 11,706 passengers (31,211 in 2019), including 294 potential victims of trafficking. See US Department of State (2021, June). [2021 Trafficking in Persons Report: Philippines](#).

<sup>255</sup> ABS-CBN News (2020, October 27). [Ombudsman suspends 44 Immigration employees tagged in 'pastillas scheme'](#).

<sup>256</sup> Government agency (interview), June 14, 2021.

<sup>257</sup> Department of Justice (2020). [2019 Annual Report](#), p. 74.

<sup>258</sup> D. Galvez (2021, March 24). [BI probes 28 immigration officers for departure of 44 trafficked women to Syria](#). Inquirer.Net.

entry of migrant workers at airports and police arrested a Travel Control and Enforcement Unit official who received bribes from immigration officials for not pursuing criminal charges against them.<sup>259</sup>

### 6.3.2. Nongovernment organizations

The 1987 Constitution institutionalizes the role of NGOs, people's organizations, and community-based organizations in the Philippines.<sup>260</sup> NGOs are intermediaries between the government and people's organizations, and many NGOs work to strengthen people's organizations by providing financing, establishing linkages, and undertaking advocacy.<sup>261</sup> Government accreditation is essential for NGOs to participate in government projects and access official development assistance funds. All government departments and agencies have sections for liaison with NGOs. NGOs should be accredited for providing pre-departure services.<sup>262</sup> Moreover, the Local Governance Code of 1991 stipulates that NGOs can participate in local councils.<sup>263</sup>

The Philippine government recognizes the vital role of NGOs in combating TIP. Accordingly, this role is embodied in the Anti-Trafficking Act, which calls for NGO representatives in the IACAT. Three representatives at the IACAT come from NGOs representing women, overseas Filipino workers, and children. The President appoints the representatives for a term of three years.<sup>264</sup>

The National Strategic Action Plan Against Trafficking in Persons 2017–2022 includes NGO participation as one strategy to implement core programs.<sup>265</sup> For example, NGOs are valuable channels for funneling support to victims of trafficking and for enhanced prosecution of TIP cases through providing paralegal services for TIP cases. Religious or faith-based NGOs also have an essential role in combating TIP in the Philippines; for example, Apostleship of the Sea (AOS) and its Stella Maris seafarers' centers, and International Justice Mission Philippines.

Most NGOs work on prevention programs, including awareness-raising and community economic development activities. Many NGOs work on victim protection and provide support and assistance for TIP victims. A smaller number of NGOs assist law enforcement agencies in investigation and prosecution, including providing legal aid to TIP victims and assisting in victim identification. There are also NGO advocacy networks at the national and international levels. In addition, NGOs provide substantial inputs to universal periodic reviews of the Philippines at the UN Human Rights Council,<sup>266</sup> and to studies by the UN Special Rapporteur on trafficking in persons.

Many NGOs depend on financing from international donors and local donations, much of which is provided on a project basis.<sup>267</sup> Under the Anti-Trafficking Act, there is no allocation of funds specifically for NGOs, although various government institutions can partner with NGOs. There are instances where DSWD financially enhances NGOs' capacity, although this funding does not contribute significantly to NGOs' operational budgets.

One area in which NGOs make a significant contribution is the provision of shelter for TIP victims. Made in Hope Philippines is an NGO that provides services independently to TIP victims. It has

---

<sup>259</sup> B. Pulta (2020, September 2). [NBI files raps vs. immigration workers in 'pastillas' scheme](#). Philippine News Agency.

<sup>260</sup> Article II, Section 23, and Article XIII, Section 15, of the 1987 Constitution.

<sup>261</sup> Asian Development Bank (2007, December). [Overview of NGOs and Civil Society: Philippines](#).

<sup>262</sup> Article XIII, Section 15, of the 1987 Constitution.

<sup>263</sup> The code stipulates that at least one-quarter of the local development council's membership must come from civil society or the private sector. The civil society representatives must come from locally accredited organizations.

<sup>264</sup> Section 20(j) of the Anti-Trafficking Act (R.A. No. 9208).

<sup>265</sup> Council for the Welfare of Children (2018). [3rd National Action Plan for Children 2017–2022](#), p 21.

<sup>266</sup> See, for example, Dominicans for Justice and Peace (2016, October 6). [Human Trafficking in the Philippines](#).

<sup>267</sup> NGO staff (interview), June 22, 2021.

complied with DSWD's standard ratio of 1 social worker to 25 TIP victims and coordinates with the government to provide access to medical doctors and psychologists.<sup>268</sup> Meanwhile, the CURE Foundation has established an after-care shelter from its community outreach programs; it has served 45 survivors of online sexual exploitation.<sup>269</sup>

NGOs can function well at the local level as many participate in local councils. For example, Plan International initiated the SAFE Seas project in Palawan, General Santos City, and Sarangani. The project aims to address the issue of forced labor among fishers, including victim identification at the local level.<sup>270</sup>

## 6.4. Impact of COVID-19

The unprecedented measures adopted during the COVID-19 pandemic included restrictions on movement and travel, border closures, mandatory quarantine, curfews, lockdowns, and limitations on public life and economic activities, which disproportionately affected certain categories of people at risk of exploitation. A total of 3.76 million Filipinos over the age of 15 years were unemployed in June 2021.<sup>271</sup> There were dramatic increases in unemployment and reductions in income, especially for low-wage and informal-sector workers who were already vulnerable. This further entrenched economic and social inequalities that contribute to TIP's root causes. Factors that further contributed to vulnerability to TIP included the need to lower production costs due to economic crises, and less oversight and inspection by authorities. Finally, countries around the world adjusted their budgetary priorities due to the pandemic, diverting funds to domestic COVID-19 responses, thus reducing the capacity to fund support for TIP victims.

In the Philippines, data from previous natural disasters and conflicts shows that women and girls are often the most adversely impacted group during crises.<sup>272</sup> Before the pandemic, most reported cases of TIP targeted women and girls for sexual exploitation and labor trafficking.<sup>273</sup> Due to COVID-19, children in the Philippines faced a heightened risk of sexual exploitation and domestic violence as they undertook home-based schooling and increased their online activity. With more adults isolated at home, there was an increase in demand for sexually explicit materials involving children both through open networks, the dark web, and peer networks.<sup>274</sup> Based on referrals and reports, International Justice Mission identified a spike in cases of online sexual exploitation of children in the Philippines. Between March 1 and May 24, 2020, there was a 264% increase in cases.<sup>275</sup>

---

<sup>268</sup> NGO staff (interview), June 25, 2021.

<sup>269</sup> NGO staff (interview), June 22, 2021.

<sup>270</sup> NGO Staff (interview), May 31, 2021.

<sup>271</sup> Philippine Statistics Authority (2021, August 3). The unemployment rate in June 2021 is Estimated at 7.7 per cent. <https://psa.gov.ph/content/unemployment-rate-june-2021-estimated-77-percent>

<sup>272</sup> For example, according to the UN Population Fund, 5,000 women were victims of sexual violence in the month following Typhoon Haiyan. The typhoon resulted in increased gender-based violence levels and fostered the recruitment of girls from impoverished families for prostitution and forced labor. When thousands took shelter in the Tacloban Astrodome, traffickers lured women and young girls with food and aid supplies. See International Rescue Committee and Global Women's Institute (2015). *Responding to Typhoon Haiyan: Women and Girls Left Behind*, p. 20.

<sup>273</sup> While trafficking has many purposes, women and children are trafficked mainly and visibly for sexual exploitation in its varied forms – for brothel, bar, and street prostitution; sex tourism; the bride trade, including child marriages; pornography; and bonded labor. According to the US State Department's *2021 Trafficking in Persons Report: Philippines*, in 2020, law enforcement agencies conducted 248 anti-trafficking coordinated operations and investigated 233 cases of alleged illegal recruitment, compared with 482 investigations reported in 2019. Most of the initiated prosecutions of 377 alleged traffickers (an increase from 266 in 2019) were linked to sex trafficking, with 272 defendants (239 in 2019); 36 were linked to labor trafficking (24 in 2019), and 69 defendants were charged with using a child for soldiering (3 in 2019).

<sup>274</sup> B. Pulta (2020, May 25). [Online child exploitation reports in PH surge amid Covid-19: DOJ](#). Philippine News Agency.

<sup>275</sup> Ibid.

During the initial period of the pandemic, there were more than 20 convictions for online sexual exploitation of children, and more than 150 victims and at-risk children were moved or rescued from abusive situations.<sup>276</sup> To strengthen the protection of children against online sexual exploitation, the Senate passed the Senate Bill No. 2209 for the Special Protections against Online Sexual Abuse and Exploitation of Children Act on May 27, 2021.<sup>277</sup>

Another vulnerable group that was impacted by COVID-19 is overseas Filipino workers. According to the Department of Foreign Affairs, 327,511 overseas Filipino workers were repatriated in 2020.<sup>278</sup> Nearly 800,000 overseas were sent home to the Philippines after losing their jobs due to the pandemic.<sup>279</sup> Many have faced unemployment or a drop in household income since their return, according to an International Organization for Migration assessment in 2021.<sup>280</sup> Over 19% of all overseas Filipino workers had a contract terminated early, and more than half did not receive compensation. Most (83%) of the overseas Filipino workers surveyed were unemployed for an average of three months after their return to the Philippines.<sup>281</sup> Families who rely on remittances were further impoverished.<sup>282</sup> While it is difficult to quantify how many of these migrants were victims of trafficking, the pandemic has increased their vulnerability to trafficking.

As a result of lockdowns, movement restrictions, and closures of NGOs and government agencies, TIP victims faced greater challenges in accessing justice, services, and support. Service providers have shifted their services to online, such as counseling, seminars and training, and case conferences. However, this was not possible in all parts of the country due to connectivity and capacity issues.

Lockdowns and mobility restrictions hindered rescue operations during the pandemic. Stakeholders said they did not have enough personal protective equipment to use in conducting rescue operations, thereby increasing their risk of contracting and spreading the virus.<sup>283</sup> For DSWD staff and clients who contracted the virus, isolation facilities were identified, but services were limited.

Some NGO fundraising activities were suspended during the pandemic, and NGOs reliant on international funding sources faced particular difficulties.

---

<sup>276</sup> NGO staff (interview), May 27, 2021.

<sup>277</sup> Senate of the Philippines (2021, May 27). [Senate OKs bill expanding protections for children versus online sexual abuse, exploitation](#) [media release]. The existing laws – the Anti–Child Pornography Act of 2009 and the Anti–Photo and Video Voyeurism Act of 2009 – did not provide adequate protection against online abuse and exploitation.

<sup>278</sup> Department of Foreign Affairs (2021, January 4). [DFA repatriates 327,511 overseas Filipinos in 2020](#) [media release]. Of the repatriated overseas Filipino workers, 71% were land-based workers, and 29% were sea-based workers.

<sup>279</sup> International Organization for Migration (2021, May). [COVID-19 Impact Assessment on Returned Overseas Filipino Workers](#), p.10

<sup>280</sup> Ibid. p.24

<sup>281</sup> Ibid. p.21

<sup>282</sup> In mid-2021, the unemployment rate rose to 10% due to COVID-19 and associated lockdowns – equivalent to 4.5 million jobless Filipinos in 2020. See Ana Olivia A. Tirona (2021, March 9). [Unemployment rate hits record high in 2020](#). BusinessWorld.

<sup>283</sup> Law enforcement agency (interview), May 28, 2021.

# 7. Thailand summary report

## 7.1. Gaps in national law and policy

Thailand's anti-TIP framework is outlined in the Prevention and Suppression of Human Trafficking Act of 2008 (the "Anti-TIP Act"), which was subsequently amended in 2015, 2017, and 2019. It covers TIP victim protection, identification, referral, and support. In particular, Chapter 4 provides for the non-criminalization or prosecution for status offenses; the right to legal assistance; access to remedies; the right to information about rights; and victim's legal rights. The Anti-TIP Act No. 3 (2017) provides specific criteria for acts that constitute TIP and forced labor. In addition, the 1956 Criminal Code bans child trafficking and forced labor in sections 282, 283, and 312.<sup>284</sup>

Thailand has also developed several policies and guidelines addressing TIP victim protection, including incident reporting, screening, referral, and return and repatriation. Examples include the Second National Policy, Strategies and Measures to Prevent and Suppress TIP (2017–2021); Standard Operating Procedures to Implement the Identification and Referral Process (2008); Multi-Disciplinary Team Operational Guidelines for the Protection of TIP victims (2013); Guidelines to Enhance Efficiency of TIP Victim Identification (2016); and Guidelines on Claims for Compensation (2018).

Following the various amendments to the 2008 Anti-TIP Act, the latest version is now considered to be in line with the UN Convention against Transnational Organized Crime and the ACTIP. However, stakeholders highlighted that the Anti-TIP Act and related laws do not fully authorize relevant government agencies, such as the Anti-Trafficking in Persons Division of the Royal Thai Police, to work on new forms of trafficking, including online sexual exploitation of children.<sup>285</sup> As reported in the US State Department's *2021 Trafficking in Persons Report*, the government has responded to the gaps by institutionalizing a police division dedicated to combating online sexual exploitation of children.

There are no laws, policies, or guidelines in Thailand that **recognize TIP victims identified by foreign competent authorities**. This is problematic as recognition is important to ensure that TIP victims who a competent foreign authority has identified do not have their victim status overturned, and to ensure that repatriated TIP victims are not subject to repeated victim identification procedures. Such recognition is also important for the government to promote international and regional cooperation.<sup>286</sup> Section 29 of the Anti-TIP Act guarantees access to **victim identification** (fact clarification) and **security protection** for potential TIP victims. However, the same section also requires officials to take presumed trafficking victims into the government's custody for no more than 24 hours, or up to eight days with the permission of a court. This period was a significant barrier for some presumed victims who were not physically or psychologically prepared to undergo the multidisciplinary team identification process. The absence of a suitable reflection period where presumed victims could access recovery services from the government did not allow sufficient time for relevant officials to build rapport and trust with victims, including to obtain sufficient information to make a formal identification and to encourage victims' participation in the criminal justice process.<sup>287</sup> Therefore, Section 29 does not fully meet the requirements for effective victim protection.

---

<sup>284</sup> L.S. Johnson, M. McAdam, R. Surtees & T. Zulfahary (2020). [Trafficking Victim Protection Frameworks in Cambodia, Indonesia, Lao PDR, Thailand, and Viet Nam: A Resource for Practitioners](#). NEXUS Institute.

<sup>285</sup> Government agency (interview), May 27, 2021.

<sup>286</sup> Liberty Asia (2017, September). [ASEAN and ACTIP: Using a Regional Legal Framework to Fight a Global Crime](#), p. 122.

<sup>287</sup> US Department of State (2021, June). [2021 Trafficking in Persons Report: Thailand](#).

Nevertheless, victim identification guidelines have been made available for relevant police and multidisciplinary teams to use during initial interviews with potential victims of trafficking. Moreover, multiple memorandums of understanding between Thailand and several countries of origin (Cambodia, Lao PDR, Vietnam, and Myanmar) set clear guidance that potential victims shall have access to victim identification. For example, the memorandum of understanding between Thailand and Myanmar states that the parties shall make best efforts to identify potential TIP victims, and those victim identification criteria should be developed to guide the victim identification process.<sup>288</sup>

In Thailand, criminal **defamation** laws allow companies and individuals to pursue criminal charges against potential TIP victims and advocates. In December 2019, a court convicted and sentenced a reporter to two years imprisonment for criminal libel for making comments on social media related to a poultry farm that was previously ordered to compensate 1.7 million Thai baht (US\$57,100) to 14 Myanmar workers who were subjected to conditions indicative of forced labor.<sup>289</sup> The court decision was made in spite of amendments to the Criminal Procedure Code in March 2019 that allow courts to dismiss cases filed with dishonest intent or to intimidate the defendants, in addition to amendments in February 2019 that reinforce the rights of defendants in cases where their employers have filed criminal defamation charges. The government has not reported applying these amendments to dismiss criminal defamation charges filed against advocates.<sup>290</sup>

Compared to other ASEAN member states, Thailand has a relatively robust legal framework for **victim compensation** in the form of **restitution and state-funded compensation**. The Thai government has established the state-funded Anti-Trafficking in Persons Fund for TIP victims. The fund covers victims' basic needs and supports their participation in accessing justice during their stay in Thailand.<sup>291</sup> In addition, the Thai government has established the Compensation of Injured Persons Fund, as regulated under the Victim Compensation and Expenses for the Accused in Criminal Cases Act of 2001, and provides compensation under the Justice Fund Act of 2015, which establishes the right to compensation for damages incurred by victims of crime, including the crime of trafficking in persons.<sup>292</sup> TIP victims may also have access to restitution, a form of compensation paid by the offender, by submitting their claims under the **workers compensation** scheme or under the Anti-TIP Act. It should be noted that any person who is identified as a TIP victim is automatically compensated through the Anti-TIP Fund. However, the compensation of TIP victims, including compensation under the Anti-TIP Act, will be granted based on decisions by the Anti-Trafficking in Persons Committee.

Thai law obligates prosecutors to file restitution claims when a TIP victim expresses an intention to make a claim. The Trafficking in Persons Criminal Procedure Act of 2016 allows judges to award compensation or restitution to TIP victims, including in the absence of a TIP victim requesting these funds. The government did not report how many restitution claims were filed by prosecutors on behalf of TIP victims in 2019 (116 claims in 2018), but reported that courts ordered 3.3 million Thai baht (US\$110,850) in restitution for 14 TIP victims in two cases in 2019.<sup>293</sup> The government reported that,

---

<sup>288</sup> Article 7 the [Memorandum of Understanding between the Government of the Kingdom of Thailand and the Government of the Union of Myanmar on Cooperation to Combat Trafficking in Persons, Especially Women and Children](#) (2009). Thailand's Anti-Human Trafficking Actions [website].

<sup>289</sup> US Department of State (2021, June). [2021 Trafficking in Persons Report: Thailand](#).

<sup>290</sup> Ibid.

<sup>291</sup> Section 35 of the Prevention and Suppression of Human Trafficking Act of 2008 [B.E. 2551] (as amended); and Article 15 of the Regulation of the Ministry of Social Development and Human Security on the Provision of Assistance to Trafficked Victims, 2009 [B.E. 2552].

<sup>292</sup> Human Rights and Development Foundation (2019, February). [Compensation for Victims of Trafficking in Person: Laws, Policies and Practices in Thailand](#), pp. 27–33.

<sup>293</sup> US Department of State (2020, June). [2020 Trafficking in Persons Report: Thailand](#).

for the first time, two TIP victims successfully received court-ordered restitution from TIP perpetrators in 2019.<sup>294</sup>

The Anti-TIP Act has captured the **non-punishment** principle by requiring written permission from the Minister of Justice to prosecute a victim for a specific list of offenses.<sup>295</sup> According to Section 41 of the Act, TIP victims should not be prosecuted for illegal entry or stay, providing false information, document-related offenses, prostitution-related offenses, or work-related offenses, unless the Minister of Justice grants permission in writing. Therefore, TIP victims may still face punishment for offenses other than those indicated in Section 41, or for the indicated offenses as permitted by the Minister of Justice. Some stakeholders argued that the requirement to seek permission from the Minister of Justice to prosecute a trafficked person offers a higher standard of protection than the ACTIP, as investigators, prosecutors, and courts have no discretion to prosecute victims for the offenses indicated in Section 41.<sup>296</sup>

**Marginalized groups**, including women, children, migrants, stateless people, and ethnic minorities, lack access to continuous and stable livelihoods. Section 27 of the 2017 Constitution of Thailand endorses the fundamental principles that men and women shall have equal rights, and that all persons shall be equal before the law. In addition, the Gender Equality Act of 2015 defines gender discrimination and details the compensation and remedies available for victims of unfair discrimination. The law establishes a fund to promote gender equality. However, no laws, policies, or guidelines in Thailand include provisions for dealing with TIP victims who are **LGBTQI**.

## 7.2. Gaps in practice

The capacity of different government agencies involved in the **victim identification** process varies.<sup>297</sup> Some agencies do not have experience identifying, interviewing, and protecting TIP victims. Victim screening and identification processes are often conducted in public areas where victims feel unsafe or uncomfortable.<sup>298</sup> NGO participation in victim identification processes (including interviewing victims) is yet to be fully optimized.<sup>299</sup>

Counter-trafficking actors face challenges in consistently applying **victim identification** guidelines; one example is the varied understanding of forced labor as a form of TIP. Section 6(1) of the amended Anti-TIP Act defines forced labor, but it overlaps with the definition of other forms of TIP. Stakeholders shared that although forced labor is a form of TIP, it does not mean that all forced labor cases can automatically be defined as TIP. However, confusion among frontline responders, including law enforcers, in differentiating between forced labor and TIP has resulted in relatively low victim identification rates, especially for forced labor and trafficking for labor exploitation. Early and effective identification of victims is critical to their protection from punishment for unlawful acts they have committed as a direct consequence of being trafficked.<sup>300</sup>

A study on the implementation of the non-punishment principle for TIP victims noted that although the principle is recognized in Thai law, it may be inconsistently applied in practice, and that low victim

---

<sup>294</sup> Ibid.

<sup>295</sup> Section 41 of the Anti-TIP Act, as amended in 2015 [B.E. 2558].

<sup>296</sup> M. McAdam (2022, March). [Implementation of the Non-Punishment Principle for Victims of Human Trafficking in ASEAN Member States](#). ASEAN-ACT.

<sup>297</sup> Ibid.

<sup>298</sup> Ibid.

<sup>299</sup> Ibid.

<sup>300</sup> Ibid., p. 16.

identification rates may hinder potential victims of trafficking from being protected from arrest and prosecution.<sup>301</sup>

Section 29 of the Anti-TIP Act requires government officers to bring potential TIP victims into **temporary custody** for no longer than 24 hours. If a person needs protection for a longer period, custody can be extended to a maximum of seven days upon a decision of the court. Some frontline officers understand this as part of the victim identification process, while others do not.<sup>302</sup>

Thai courts have admitted video testimony provided in advance as evidence in TIP trials. This represents good practice and is strongly aligned with the ACTIP's victim protection obligations. In 2019, the courts conducted 15 advance hearings for 41 witnesses.<sup>303</sup> Some stakeholders reported that working with authorities in neighboring countries has enabled testimony from witnesses outside of Thailand.<sup>304</sup> Other stakeholders commented that law enforcement and prosecutors remain resistant to working across borders.

The Ministry of Social Development and Human Security (MSDHS) shared that Section 29 of the Anti-TIP Act covers only fact-finding and not the victim identification process. Stakeholders said that many units within MSDHS interpret that the Act only allows seven days for the victim identification process. However, stakeholders commented that the process is not explicitly stated in the Act and should be conducted before any other processes and without a time limitation.<sup>305</sup> A time-limited period for victim identification is problematic as it may not allow sufficient time for officers to build trust with potential TIP victims, and for victims to reflect on their traumatic experiences. Stakeholders commented that the multidisciplinary teams are reluctant to conduct a formal identification under Section 6 of the Anti-TIP Act (forced labor) unless a case is likely to result in a successful prosecution.

In 2019, MSDHS managed nine long-term regional TIP shelters and 76 short-stay shelters, including four designated for adult male TIP victims and their families, four for female TIP victims, and one for boys who are TIP victims.<sup>306</sup> The government allows non-Thai TIP victims who hold a valid visa or work permit at the time of their identification to stay outside government shelters during legal proceedings.<sup>307</sup> Undocumented non-Thai TIP victims are occasionally required to remain in public shelters while the government processes their applications for permits to stay and work in Thailand temporarily. Only TIP victims who are allowed to work outside shelters can leave the shelter regularly for work. Moreover, TIP victims are frequently required to reside in shelters until the completion of legal proceedings or advance testimony against their perpetrators.<sup>308</sup> In some cases, this still applies even when TIP victims are physically and psychologically ready to leave a shelter.

Labor inspectors and the Royal Thai Navy are responsible for screening migrant workers for TIP during routine inspections – authorities are required to refer all potential TIP victims to a multidisciplinary team for formal identification and referral. The multidisciplinary team is required to utilize standard screening guidelines to identify TIP victims and refer them to services formally. However, some government officers have failed to recognize TIP cases that do not involve overt signs of coercion or physical force, such as confiscation of documents, or delayed payment or nonpayment of wages.<sup>309</sup> There have also been cases where government officers encouraged workers who were

---

<sup>301</sup> Ibid., pp. 92 and 95.

<sup>302</sup> Government agency (interview), May 27, 2021.

<sup>303</sup> US Department of State (2020, June). [2020 Trafficking in Persons Report: Thailand](#).

<sup>304</sup> Ibid.

<sup>305</sup> Government agency (interview), May 21, 2021.

<sup>306</sup> Ibid.

<sup>307</sup> Ibid.

<sup>308</sup> Ibid.

<sup>309</sup> US Department of State (2020, June). [2020 Trafficking in Persons Report: Thailand](#).



likely forced labor victims to reconcile with their employer or refer their cases to labor courts rather than recognizing them as TIP victims.<sup>310</sup>

A mobile application created by MSDHS, called “Protect-U,” has exponentially increased the volume of calls from potential TIP victims. However, data on those seeking help, and on the uptake of services by those affected by or at risk of violence, exploitation, and abuse, are unclear and incomplete since service remits have been changed to cope with new demands, mainly relating to social assistance and protection needs generated by COVID-19.<sup>311</sup>

TIP victim protection is conducted on a nondiscriminatory basis, regardless of gender, ethnicity, sexuality, or nationality. There are no specific guidelines for the protection of TIP victims who are from marginalized groups. Nevertheless, the government considers marginalized groups’ particular needs and requirements as necessary, such as the provision of psychologists, interpreters, and social workers. There are separate guidelines for the handling of child victims. From the victim identification process to court proceedings, psychologists or social workers are required to be present.

The Anti-TIP Act protects TIP victims from **prosecution** for unlawful acts they are compelled to commit by TIP perpetrators. However, challenges in consistently applying victim identification procedures have increased the risks of authorities penalizing TIP victims.

One of the underlying challenges in providing **legal assistance** and starting legal proceedings against TIP perpetrators is that first responders, prosecutors, and judges do not always interpret or apply TIP-related laws consistently, especially for forced labor and trafficking for labor exploitation. Multidisciplinary teams and prosecutors frequently look for evidence of physical abuse, and cases of labor trafficking are frequently directed to labor courts rather than to criminal courts. The frequent rotation of police officers also means officers with experience working on TIP cases are rotated out of their positions and are often replaced with inexperienced officers.

The Office of the Permanent Secretary of MSDHS is responsible for providing legal assistance to TIP victims.<sup>312</sup> Shelters and skill development centers are also required to support and facilitate legal proceedings against recruiters, employers, and TIP perpetrators through training and preparation prior to the court process, and by providing staff to accompany victims to investigative interviews and witness interrogation for both criminal and labor cases. In criminal cases, shelter and skill development center staff members are required to accompany TIP victims to report a crime, identify crime scenes or perpetrators, and provide a statement for investigation. However, there are insufficient qualified legal specialists that can help TIP victims with their legal needs, including accessing compensation.

Victims’ lack of understanding of their right to legal assistance, especially among non-Thai victims, was also reported to be an ongoing challenge.<sup>313</sup>

The Anti-TIP Act and relevant policies and guidelines clearly stipulate that TIP victims should be **informed of their rights**. However, there is insufficient evidence to confirm whether this happens in practice. The multidisciplinary teams’ operational guidelines for protecting TIP victims state that the rescued person needs to be notified of relevant information about their rights before they are screened. However, the extent to which the multidisciplinary teams effectively carry out this function is difficult to assess.

---

<sup>310</sup> Ibid.

<sup>311</sup> Oxford Policy Management (2020, July). [Social Impact Assessment of COVID-19 in Thailand](#).

<sup>312</sup> Anti-Trafficking in Persons Division, Royal Thai Police (telephone conversation), June 22, 2022.

<sup>313</sup> Private law firm (interview), May 24, 2021; and government agency (interview), May 25, 2021.

Despite having multiple channels for TIP victims to be compensated, the government faces challenges in ensuring that TIP perpetrators – frequently victims’ employers – pay **restitution**. The execution of court orders to pay restitution for TIP victims remains ineffective, particularly for non-Thai victims. For example, in the case of 15 individuals from Myanmar who were trafficked into the fishing industry in Kantang, the judicial process began in 2017, and was concluded at the Supreme Court in 2019 with a decision to allocate money to the victims. To date, the funds have not been provided to the victims.<sup>314</sup>

The government drafted an amendment to the Anti-Money Laundering Act of 1999 to expand the rights of TIP victims to obtain compensation for assets confiscated from TIP perpetrators, pending the Thai Cabinet’s approval. While the Anti-TIP Act establishes TIP victims’ right to access compensation, there are no clear criteria to calculate the amount of compensation payable. Stakeholders expressed concerns about the governance of various funds established to deal with criminal assets. Although TIP is a predicate offense under money laundering legislation, the Anti-Money Laundering Fund does not cover compensation for TIP victims. In addition, the Anti-TIP Fund falls short of supporting reintegration for TIP victims. The fund merely provides initial financial remedies and assistance for TIP victims.

In 2020, government officers utilized approximately 1.21 million Thai baht (US\$40,440) from the Anti-TIP Fund to spend on repatriating 262 non-Thai survivors, mainly from Lao PDR and Myanmar.<sup>315</sup> The government did not report how many TIP victims it repatriated in 2019 but reported repatriating 201 in 2018.<sup>316</sup> The government also assisted 20 non-Thai survivors who could not return to their country of origin to **resettle in a third country**.<sup>317</sup> According to the US State Department’s *2020 Trafficking in Persons Report*, Thai authorities did not always follow procedures for safely repatriating non-Thai victims.<sup>318</sup> Thai law permits non-Thai TIP victims and witnesses to stay and work in Thailand for up to two years upon the completion of legal proceedings. In 2020, MSDHS granted requests from six TIP victims to stay in Thailand.<sup>319</sup>

In 2020, the government facilitated the **return** of 59 Thai nationals trafficked abroad (123 in 2019), including 10 confirmed TIP victims (25 in 2019), by offering to fund travel expenses, legal assistance, and job placement.<sup>320</sup> In the same year, MSDHS assisted in reintegrating 127 Thai TIP victims who completed the legal process in Thailand.<sup>321</sup> The government assigns social workers to maintain contact with Thai victims for at least one year after reintegration. MSDHS provides vocational training activities in shelters, and victims can earn a small income from activities such as producing handicrafts.

TIP **shelters** dedicated to assisting women primarily serve sex trafficking victims. Some MSDHS shelters are not fully equipped to offer appropriate accommodation for TIP **victims with disabilities** or **LGBTQI** victims.<sup>322</sup> Beginning in 2020, MSDHS has designated shelters for LGBTQI victims, with some shelters being reconstructed to accommodate the needs of victims with disabilities.<sup>323</sup>

---

<sup>314</sup> US Department of State (2020, June). [2020 Trafficking in Persons Report: Thailand](#).

<sup>315</sup> Ibid.

<sup>316</sup> Ibid.

<sup>317</sup> US Department of State (2021, June). [2021 Trafficking in Persons Report: Thailand](#).

<sup>318</sup> Ibid.

<sup>319</sup> US Department of State (2020, June). [2020 Trafficking in Persons Report: Thailand](#).

<sup>320</sup> US Department of State (2021, June). [2021 Trafficking in Persons Report: Thailand](#).

<sup>321</sup> Ibid.

<sup>322</sup> Research team field observation.

<sup>323</sup> US Department of State (2021, June). [2021 Trafficking in Persons Report: Thailand](#); and observation from ASEAN-ACT shelter visit in early 2022.

## 7.3. Institutional roles and capacities

### 7.3.1. Government

The Anti-Trafficking in Persons Committee is the lead agency on TIP victim protection and makes recommendations to the Cabinet on various matters related to TIP.<sup>324</sup> The committee is responsible for developing strategies and measures for TIP prevention and suppression. It also prescribes guidelines and monitors the implementation of Thailand's international obligations, including cooperating and coordinating with foreign counterparts on TIP prevention and suppression. The Anti-Trafficking in Persons Committee prescribes rules for NGOs to provide assistance to TIP victims. It also manages the utilization of the Anti-TIP Fund.

The Committee for the Coordination and Monitoring of Anti-Trafficking in Persons Performance supports the work of the Anti-Trafficking in Persons Committee.<sup>325</sup>

Other key government agencies responsible for combating TIP in Thailand include MSDHS, the Department of Special Investigation under the Ministry of Justice, the Royal Thai Police, the Office of the Attorney General, and the Thailand Internet Crimes Against Children Task Force.

Most law enforcement stakeholders stated that they have received adequate training and capacity building related to TIP. The Department of Special Investigation supports staff to join MSDHS and the Royal Thai Police at annual training on victim identification and legal knowledge.<sup>326</sup> The Office of the Attorney General provides training on TIP for all officers, especially for newly appointed provincial attorneys general and administrative officers, both from the central and regional offices. The Office of the Attorney General also receives support from the private sector for training on investigation and protection that are in line with international standards.<sup>327</sup> The Ministry of Labour provides training on the Anti-TIP Act to provincial labor offices, and the Command Center of Prevention on Labour Trafficking is currently developing its own training curriculum.<sup>328</sup>

In the first quarter of 2021, the government distributed 6,393,915 Thai baht (US\$214,410) from the Anti-TIP Fund for TIP-related work. Specifically, 4,144,003 baht (65%) was spent on activities related to TIP prevention and suppression, 786,221 baht (12%) on remedies for TIP victims, 775,000 baht (12%) on rewards for those involved in arresting TIP suspects, and 688,691 baht (11%) on fund management.

Regarding remedies for TIP victims, 610,151 Thai baht (US\$20,460) (78%) was allocated to TIP victims living in shelters in the first quarter of 2021, and the rest was allocated to those living outside the shelters. Remuneration for those working inside the shelters accounted for the largest portion,

---

<sup>324</sup> The committee consists of the Prime Minister (chair), the Deputy Prime Minister (vice-chair), the ministers of Defence; Foreign Affairs; Tourism and Sports; Social Development and Human Security; Interior; Justice; and Labour; and four qualified persons in the fields of prevention, suppression, rehabilitation, and international cooperation related to TIP issues.

<sup>325</sup> The committee consists of the Deputy Prime Minister (chair), the Minister of Social Development and Human Security (vice-chair), the permanent secretaries for Foreign Affairs; Tourism and Sports; Social Development and Human Security; Interior; Justice; Labour; Education; and Public Health; the Attorney General, the Commissioner-General of the Royal Thai Police, the directors-general of the Department of Provincial Administration; and the Department of Special Investigation; the secretaries-general of the Anti-Money Laundering Board; the National Human Rights Commission; and the National Security Council; the Governor of the Bangkok Metropolitan Administration, and eight qualified experts with no less than seven years professional experience in the fields of prevention, suppression, rehabilitation, and international cooperation on the issues of TIP.

<sup>326</sup> Government agency (interview), May 19, 2021.

<sup>327</sup> Government agency (interview), May 28, 2021.

<sup>328</sup> Government agency (interview), May 31, 2021.

amounting to 320,870 baht (41%),<sup>329</sup> followed by 285,000 baht (36%) for living expenses, 89,670 baht (11%) for education and training, 41,419 baht (5%) for medical expenses, 25,252 baht (3%) for funds for starting a new life, and 23,960 baht (3%) for the costs of repatriation.

Most stakeholders stated that the budget for victim protection was adequate, and that they could request additional funds if needed.

According to the US State Department's *2020 Trafficking in Persons Report*, public shelters frequently lack enough psychologists and staff trained in trauma-informed care, hindering TIP victims from accessing psychosocial support and individualized care.<sup>330</sup> Further, shelters often lack adequate numbers of interpreters, compromising their ability to offer services to TIP victims. Public shelters are typically not able to provide TIP victims with private counseling and instead rely on group counseling sessions with social workers. NGOs reported difficulties in contacting TIP victims they had assisted once they entered MSDHS shelters. This, combined with insufficient communication from shelter staff, discourages NGOs from further cooperating with the government or referring TIP victims to authorities. In 2019, MSDHS hired over 300 interpreters, an increase on the 251 hired in 2018. However, MSDHS frequently relies on interpreters supplied by international organizations and NGOs during rescue operations.<sup>331</sup>

### 7.3.2. Nongovernment organizations

Stakeholders observed that state and non-state actors engage in joint TIP victim protection. For example, the Department of Special Investigation exchanges information with NGOs, including International Justice Mission, A21, and Immanuel Foundation.<sup>332</sup> The Anti-Trafficking in Persons Division of the Royal Thai Police works closely with NGOs in exchanging information to protect TIP victims.<sup>333</sup>

The government has allocated some of the Anti-TIP Fund to NGOs to engage in TIP victim protection. For example, MSDHS has set up the Trafficking in Persons Protection and Prevention Fund. NGOs can request support from the fund by submitting project proposals. However, NGOs commented that the fund is not easily accessible as the application process is very complicated and does not meet the needs of NGOs in a timely way.<sup>334</sup>

## 7.4. Impact of COVID-19

The COVID-19 pandemic prevented police officers from conducting on-site inspections as all target areas were closed. The pandemic also reduced opportunities for TIP victims to work outside of a shelter setting. The number of staff working in shelters also decreased. In addition, the pandemic resulted in slow prosecution processes as the courts were only allowed to proceed with uncomplicated cases online – for example, civil cases where the claimants sue for a specific amount of compensation according to a contract and where there is no dispute over the amount of the compensation.<sup>335</sup>

---

<sup>329</sup> According to the government, due to the COVID-19 pandemic, TIP victims have not been able to work outside shelters or return to their place of origin. As a result, shelters have strived to provide increased employment opportunities for TIP victims.

<sup>330</sup> US Department of State (2020, June). [2020 Trafficking in Persons Report: Thailand](#).

<sup>331</sup> Ibid.

<sup>332</sup> Government agency (interview), May 19, 2021.

<sup>333</sup> Government agency (interview), May 27, 2021.

<sup>334</sup> National validation workshop, December 8, 2021.

<sup>335</sup> Private law firm (interview), May 24, 2021.

The effectiveness and efficiency of the victim identification process have been impacted by the large numbers of undocumented migrants in Thailand and reduced monitoring by government authorities. Many TIP cases that occurred during the COVID-19 pandemic were deemed to be illegal migration, with officials being unable to undertake the proper victim identification process.<sup>336</sup> Government agencies reported being unable to interview TIP victims directly, which has resulted in a more difficult prosecution process. Remote interviews also reduced the opportunity to build trust and create a comfortable environment for victim interviews.<sup>337</sup>

COVID-19 impacted the work of NGOs in TIP victim protection. Many NGOs could not work closely with TIP victims, and were often prevented from entering shelters to conduct health checkups due to strict COVID-19 regulations and policies.<sup>338</sup>

Some stakeholders said COVID-19 had not impacted the vulnerability of marginalized groups to trafficking.<sup>339</sup> There were reportedly fewer sex trafficking victims as the nightclubs were closed.<sup>340</sup> While marginalized groups faced difficulties finding jobs, some stakeholders expressed the view that there was less demand for labor, which reduced those groups' vulnerability to being trafficked.<sup>341</sup> On the other hand, other stakeholders pointed out that COVID-19 had created an intensification of labor exploitation and forced labor due to the high demand for workers and the low supply of labor in Thailand.<sup>342</sup> The lack of income during the pandemic caused some Thai citizens from marginalized groups to be deceived into being trafficked abroad. There were reportedly numerous cases of Thai citizens being trafficked to Dubai, with many waiting for repatriation at the Thai embassy.<sup>343</sup>

---

<sup>336</sup> NGO staff (interview), May 28, 2021.

<sup>337</sup> Government agency (interview), May 28, 2021.

<sup>338</sup> Private law firm (interview), May 24, 2021.

<sup>339</sup> Government agency (interview), May 28, 2021.

<sup>340</sup> Private law firm (interview), May 24, 2021.

<sup>341</sup> Government agency (interview), May 28, 2021.

<sup>342</sup> NGO staff (interview), May 31, 2021.

<sup>343</sup> Government agency (interview), May 25, 2021.

## 8. Vietnam summary report

### 8.1. Gaps in national law and policy

The anti-TIP framework in Vietnam is set out under the Law on the Prevention and Combating of Human Trafficking (the “TIP Prevention Law”), which was adopted in March 2011 and entered into force in January 2012. Section 6 of the TIP Prevention Law sets out the rights and obligations of TIP victims, including:

- the duty of competent agencies, organizations, or persons to take measures to protect victims and their relatives from having their life, health, honor, dignity, or property infringed upon
- receiving support and protection under the law
- accessing compensation for damages under the law
- providing information relating to violations of the law to competent agencies, organizations, and persons
- complying with requests made by competent authorities concerning TIP cases.

Section 32 of the TIP Prevention Law sets out the support available for TIP victims who are Vietnamese or stateless persons permanently residing in Vietnam, including fundamental needs and travel expenses, medical and psychological support, legal aid, general education and vocational training, initial hardship allowance, and access to loans. Under the law, non-Vietnamese TIP victims may also receive support to meet fundamental needs for travel, medical and psychological support, and legal aid. Vietnam is also a state party to the UN Convention against Transnational Organized Crime and the ACTIP, legally binding conventions governing the state’s obligations and mandates around protecting trafficked persons.

Since enacting the TIP Prevention Law, the government has released several decrees and circulars that serve as guidelines for interpretation of the law. The government has also issued a cross-agency circular providing guidance on cooperation in the identification, reception, and repatriation of TIP victims.

In February 2021, the government announced its new national plan of action – the “Program on Preventing and Combating Trafficking in Persons for the Period 2021–2025 with a Vision to 2030.” The national plan of action includes:

- a victim-centered approach for reception, verification, identification, rescue, and protection of TIP victims
- the development of standard operating procedures to support TIP victims’ reintegration back into their community
- a study and pilot of referral mechanisms for TIP victims and suspected TIP victims
- establishment of interagency and national and provincial coordination mechanisms for receiving and assisting TIP victims, as well as referring TIP victims and suspected TIP victims to appropriate support services
- strengthening and improvement of the quality of state-funded public services for TIP victim support

- a pilot of victim reintegration support models
- incorporation of anti-TIP content into different programs.

The **definition of TIP** provided in Vietnam’s relevant laws lacks some crucial elements contained in the ACTIP concerning children and forced marriage. Article 151 of the Criminal Code (as amended in 2015) provides a criminal offense for TIP committed against **children** under the age of 16 years. The Law on Children of 2016 (No. 102/2016/QH13) also defines a child as a person under the age of 16 years. However, Article 2(d) of the ACTIP defines a child as “any person under eighteen (18) years of age.”

Additionally, Resolution No. 02/2019/NQ-HDTP (which provides guidelines on the application of Article 151 of the Criminal Code in relation to TIP) lacks a general definition of TIP. Instead, it defines each form of TIP but omits **forced marriage**, a common form of TIP in Vietnam. Articles 150 and 151 of the Criminal Code (2015) reflect the three elements of trafficking outlined in the ACTIP. Finally, the terms “TIP victim” (Article 2) and “prohibited acts” (Article 3) in the TIP Prevention Law were developed based on the Criminal Code (1999) (No. 15/1999/QH10), which narrows the definition of trafficking as a crime against women and children only.<sup>344</sup>

There are no laws, policies, or guidelines in Vietnam that recognize TIP **victims identified by foreign competent authorities**. This is problematic as recognition is essential to ensure that TIP victims identified by a competent foreign authority do not have their victim status overturned, and that repatriated TIP victims are not subject to repeated victim identification procedures. This recognition is also essential for the government to promote international and regional cooperation.<sup>345</sup>

Decree No. 62/2012/ND-CP of 2012, in particular Article 5, provides details on the implementation of the TIP Prevention Law for the **identification and protection** of TIP victims and their relatives. A TIP victim is a person who:

- is discovered and rescued together with other victims
- lived together with other victims at the place where they were detained, managed, and mistreated by persons who commit acts specified in Article 5(1)
- shows physical and mental manifestations that are signs of sexual exploitation, forced labor, mistreatment, injury, fear, panic, depression, or illness
- during absence from their usual place of residence, has been reported by relatives as missing or being subjected to any of the acts specified in Article 5(1)
- is believed to be a victim on the basis of other lawful information.

Article 27 of the TIP Prevention Law further provides grounds for identifying an individual as a TIP victim. A person may be identified as a victim if one of the following grounds is established: “(a) such person is a person who is trafficked, transferred or received, and (b) such person is a person who is recruited, transported, or harbored.” This basis for identification is not in line with the TIP definition in the ACTIP and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, which use three interrelated elements – act, means, and purpose – as the basis for identifying TIP victims. Moreover, the TIP Prevention Law does not provide specific guidance on disregarding the element of “means” in the context of **child trafficking**.

<sup>344</sup> Articles 119 and 120 of the Criminal Code (1999).

<sup>345</sup> Liberty Asia (2017, September). [ASEAN and ACTIP: Using a Regional Legal Framework to Fight a Global Crime](#), p. 122.

The Inter-Agency Circular 01 of 2013 guides government agencies on the procedures for screening, identifying, receiving, and returning TIP victims. Law enforcement officers, specifically the police, are the primary actors with the authority to determine whether a person is a TIP victim. This assessment generally happens during a rescue, or after a referral in the country of destination that leads to the official repatriation of a trafficked person. However, the relevant laws do not stipulate access to support for potential TIP victims who are not yet formally identified as TIP victims. The existing TIP law and policies do not specify a reflection and recovery period.

The **non-punishment** of TIP victims is not stated in the TIP Prevention Law. Consequently, TIP victims often refuse to participate in criminal proceedings because they fear facing criminal charges. Provisions of the Criminal Code and Criminal Procedure Code (2015) relating to force and other mitigating factors protect victims from punishment on the basis of non-liability for acts in the absence of the fault element and the defenses set out therein.<sup>346</sup>

Article 32 of the TIP Prevention Law states that victims can access **psychological support** when needed. Such support is usually available only for TIP victims who reside in **social protection centers**. The centers generally support many vulnerable groups, including elderly people, homeless children, and people with disabilities. While support is available, it is generally not tailored to the needs of TIP victims.<sup>347</sup>

Access to **legal assistance** is means-tested and only made available to TIP victims from households assessed to be living in poverty.<sup>348</sup>

The provincial departments of the Ministry of Labour, Invalids and Social Affairs manage **social welfare centers** in selected provinces and other public social welfare facilities at the local level. Under Circular 84, enacted in January 2020, TIP victims are permitted to stay at support facilities for up to three months with a meal stipend and medical assistance. By law, foreign TIP victims are entitled to support for essential needs and travel expenses, medical and psychological support, and legal aid. The centers also provide support and assistance to TIP victims who are not staying at the centers. Below are examples of services the social welfare centers offer, according to a key informant:<sup>349</sup>

- **Accommodation and recreational activities:** TIP victims can stay at the centers for a maximum of three months and can receive a monthly allowance, seasonal clothes, and other daily necessities. The centers also offer rooms for recreational activities, differentiated by ethnic minority group.
- **Financial support:** TIP victims receive a monthly allowance according to their age.<sup>350</sup> If TIP victims no longer wish to stay at the centers, they will receive the cost of transportation to return home and meals on the way (minimum of 70,000 Vietnamese dong (US\$3) per person/day). The centers also offer an initial hardship allowance (1,000,000 dong (US\$44) per person) for TIP victims from poor households when they return home. Finally, the centers support TIP victims in applying for a loan at the Vietnam Bank for Social Policies.

---

<sup>346</sup> M. McAdam (2022, March). [Implementation of the Non-Punishment Principle for Victims of Human Trafficking in ASEAN Member States](#). ASEAN-ACT.

<sup>347</sup> There are several possible reasons, including insufficient financial support from the centers; the living environment in the centers (where people of different backgrounds and ages stay), which can make TIP victims feel more discriminated against and traumatized; and the short duration of stay compared to shelters operated by NGOs that offer a longer duration of stay.

<sup>348</sup> According to the Ministry of Public Security, ethnic minorities account for 80 to 90% of all TIP victims in Vietnam, mostly from poor households.

<sup>349</sup> Government agency (interview), May 27, 2021.

<sup>350</sup> The allowance is 1,350,000 Vietnamese dong (US\$60) (under 4 years of age); 1,080,000 dong (US\$48) (4–16 years of age); and 810,000 dong (US\$36) (above 16 years of age).



- **Health-care support:** TIP victims will receive a free health insurance card during their stay at the centers. However, in cases where a victim is seriously ill and must be transferred to a medical facility for special care, the cost of the medical examination and treatment must be paid by the victim or their family.<sup>351</sup>
- **Psychological support:** The centers' staff offers psychological counseling for TIP victims suffering from anxiety, post-traumatic stress, or depression, among other conditions.
- **Legal aid support:** The centers provide guidance and advice on TIP victims' rights to legal assistance and participation in the case proceedings.
- **Education and vocational training support:** TIP victims who reside at the centers are entitled to tuition waivers or reductions and can receive financial support for short-term vocational training.

No specific guidelines exist in Vietnam for **child trafficking** and the protection of child TIP victims. Article 19 of Circular No. 35 of 2013, includes the following provisions:

- Officials or interpreters are to complete statements for child TIP victims who cannot do so themselves.
- TIP victims who resemble children must be treated as children when their actual ages are not identified, and must be interviewed and identified in line with their best interests.

Circular No. 01 elaborates on the offenses stated in the Criminal Code. However, it does not cover further offenses related to other issues prevalent in trafficking, such as **forced labor** and **male victims**. The Law on Gender Equality of 2006 addresses **gender equality**, child protection, and women's empowerment in the fields of education, vocational training, and employment, and lists the acts that are considered a violation of the law in these areas.<sup>352</sup>

The right to **compensation** is set out in Article 6 of the TIP Prevention Law, Article 36(1) of the Legal Aid Act, Article 12 of the Civil Code, and Article 62 of the Criminal Procedure Code (2015). These laws state that victims of crimes, including TIP victims, are entitled to compensation and that victims or their representatives may also propose the amount of compensation and measures to secure such compensation. The compensation here refers to **restitution** – compensation paid by the offenders. Vietnam is yet to establish a state fund for victim compensation. A TIP victim in Vietnam may have a **legal representative** in the prosecution of a TIP crime, qualify for a legal aid lawyer, and be able to access free legal services from NGOs. However, the victim's legal representative must request affirmative relief in the form of restitution, along with the application of a criminal penalty, to receive financial compensation for a TIP victim. Without such a request by the TIP victim's representative, other stakeholders, like the prosecutor or judge, may not seek this remedy. A former judge stated that even when a judge orders financial restitution, by the time the case has been completed, it is extremely difficult to locate the perpetrator's assets to enforce the judgment and for victims of forced labor to receive monetary compensation.<sup>353</sup> However, sometimes offenders can pay restitution in exchange for a lighter criminal sentence, and in those cases, some victims have received compensation.<sup>354</sup> Moreover, compensation for TIP victims can only be calculated for physical damage and is often separated from civil compensation in criminal cases. The government reported that TIP victims requested compensation in 40 cases in 2020.

<sup>351</sup> Decree No. 09/2013/ND-CP of 2013, which sets out details on a number of articles in the TIP Prevention Law.

<sup>352</sup> International Organization for Migration (2015). [Assessment Report on Reintegration Support Models for Victims of Trafficking in Viet Nam](#).

<sup>353</sup> Law enforcement agency (interview), September 20, 2019.

<sup>354</sup> NGO staff (interview), September 25, 2019.

## 8.2. Gaps in practice

The **victim identification** process requires approval from multiple ministries — a process that can be complicated and bureaucratic before victims receive certification and are eligible for assistance. The certificate is issued by the police, but in many cases, it can only be issued once the elements of TIP have been identified.<sup>355</sup> Also, in reality, many TIP victims return home to Vietnam of their own volition. At the Vietnam–China border, for example, the border guard lacks the necessary resources and capability to care for TIP victims pending an investigation, which results in many of them returning home without being referred to the police for victim identification.

Victim identification procedures are laid out in Article 5 of Decree No. 62/2012/ND-CP. The decree was based on the criteria of the Coordinated Mekong Ministerial Initiative against Trafficking. There are reports of the border guard being proactive in common situations involving trafficking, such as the commercial sex industry, by screening individuals at border crossings or migrant workers returning from abroad, or screening workers in the fishing and seafood processing industries. However, the decree has not been adopted effectively. The research found that local officials remain unfamiliar with anti-TIP protocols and policies, and there is often insufficient interjurisdictional cooperation, which means TIP victims are not referred to protective services.

Some TIP victims, especially women and young girls who have been sexually exploited, are often not considered “victims” due to **social discrimination and gender bias** from their community. Consequently, they may face numerous challenges and difficulties when reintegrating into the community.

The time limit for victim identification is often inadequate, especially in complex cases.<sup>356</sup> For example, the screening and verification process may take longer in cases where victims are from remote or mountain areas or where significant language barriers exist.

**Reintegration** of TIP victims in Vietnam remains challenging. The low level of educational attainment among many TIP victims affects their capacity to attend and complete vocational training.<sup>357</sup> According to the NGOs interviewed, some TIP victims failed to complete vocational training courses.<sup>358</sup> As such, many TIP victims have not been able to obtain sufficient knowledge and skills to secure decent employment. Further, TIP victims often live in remote and rural areas with limited opportunities for local jobs that require higher levels of education and skills.<sup>359</sup>

Local police refer TIP victims who have certification to Ministry of Labour, Invalids and Social Affairs social welfare centers, where they can qualify for **emergency health checks, psychological services, shelter, and case management** with a social worker. The Peace House Shelters run by the Vietnam Women’s Union are available for women and girls who have been trafficked. However, Peace House Shelters are not equipped to provide services to male TIP victims.

---

<sup>355</sup> Decree No. 62/2012/ND-CP details the grounds for identifying a person as a victim of trafficking.

<sup>356</sup> According to Article 24 of the TIP Prevention Law, within 3 days of receiving a notice from a commune-level People’s Committee, a district-level Department of Labour, Invalids and Social Affairs shall receive and assist the victim and coordinate with the district-level police office in checking initial information on the victim when the person does not have any documents specified in Article 28 of the same law. Also, within 20 days of receiving a request from the district-level Department of Labour, Invalids and Social Affairs, the district-level police office shall undertake verification and issue a written reply to the department. For a complicated case, the verification period may be extended, but not for more than 2 months. If there are sufficient grounds to determine that a person is a TIP victim, the verifying agency shall issue a certificate to the victim.

<sup>357</sup> Government agency (interview), June 2, 2021.

<sup>358</sup> NGO staff (interview), May 21, 2021. Generally, training courses last 3 to 6 months. However, some TIP victims do not attend all classes and fail to complete their course.

<sup>359</sup> Government agency (interview), June 2, 2021.

Local police are required to offer **protection** to TIP victims or their families if they are under threat. However, it is unclear what protective services are provided.

Articles 32 to 40 of the TIP Prevention Law classify short-term and long-term support available to TIP victims. However, only TIP victims who have been issued a victim certificate are entitled to such support.

Non-Vietnamese TIP victims, including children, remain at risk of **deportation** without screening or referral to protective services. However, they may receive short-term support before returning to their home country.<sup>360</sup> The government encourages TIP victims to assist in judicial proceedings against TIP perpetrators. However, the laws do not state if non-Vietnamese TIP victims can be granted a **visa and work permit** to enable them to stay in Vietnam. NGOs reported that TIP victims are reluctant to speak about their abuses in a judicial setting because of fears that they may face deportation or arrest, for example, for crossing the border without documentation.

The social protection centers run by the Ministry of Labour, Invalids and Social Affairs support vulnerable populations, including TIP victims. However, the centers offer services **only to women and girls**. Men and boys are not entitled to services provided by the centers. This situation stems from the commonly held belief that only women and girls can be trafficked, often for sexual exploitation.

## 8.3. Institutional roles and capacities

### 8.3.1. Government

There are various government agencies responsible for victim protection and responding to trafficking. Chapter VI of the TIP Prevention Law and Decision No. 1957/QD-TTg of 2020 state the roles and responsibilities of government agencies in combating TIP, including victim protection. The key agencies are:

- **Ministry of Public Security:** Assumes the prime responsibility for coordinating with concerned ministries and sectors and provincial-level People's Committees in implementing laws, programs, and plans on TIP prevention and response. The ministry's mandate includes inspecting and evaluating the implementation of the TIP Prevention Law; directing police officers in receiving, verifying, and supporting TIP victims; running campaigns for the public to participate in preventing, detecting, and combating crime to maintain social order and safety; and propagating and disseminating the contents of the ACTIP and other legal documents on the prevention and combat of TIP.<sup>361</sup>
- **Ministry of Labour, Invalids and Social Affairs (MOLISA):** Directs the incorporation of TIP prevention and combat into programs on poverty reduction, vocational training, employment generation, prevention and combat of social evils, gender equality, and child protection.<sup>362</sup> The ministry's mandate includes coordinating with the Ministry of Health and the Ministry of Education and Training in supporting TIP victims in health, general education, and vocational training; managing, guiding, examining, and inspecting activities related to job recommendations; sending

---

<sup>360</sup> US Department of State (2021, June). [2021 Trafficking in Persons Report: Vietnam](#).

<sup>361</sup> The Ministry of Public Security carries out its mandate in coordination with other relevant ministries, departments, and agencies.

<sup>362</sup> Article 25 of Decree No. 09/2013/ND-CP sets out the responsibilities of MOLISA in assisting TIP victims. MOLISA's functional units include Work Safety, Labor Inspection, Child Protection and Care, and Social Vice Prevention and Combat. MOLISA operates at the national, provincial, and district levels.

Vietnamese workers abroad and recruitment of foreigners to work in Vietnam to prevent and combat the abuse of these activities for TIP; conducting labor inspections, which can contribute to the identification of TIP victims; identifying, referring, and assisting TIP victims at the provincial, district, and commune levels and helping them reintegrate into the community; operating social welfare centers through local authorities to provide services to TIP victims;<sup>363</sup> operating migrant resource centers at employment service centers; and operating the 24-hour 111 hotline for TIP victims.

- **Ministry of Foreign Affairs:** Directs and guides Vietnamese diplomatic missions in protecting Vietnamese citizens who are trafficked abroad to coordinate with competent Vietnamese and foreign agencies in making verifications and carrying out necessary procedures to send Vietnamese victim's home. The ministry supports the Ministry of Public Security and the Ministry of Defence in identifying TIP victims and provides fundamental assistance to Vietnamese migrants working overseas, including TIP victims, via diplomatic missions abroad.
- **Supreme People's Court and Supreme People's Procuracy:** Inform and raise awareness on the ACTIP and ASEAN Plan of Action against Trafficking in Persons for leaders and officials of Vietnam's various courts and procuracies. The court and the procuracy review the compatibility between provisions of the ACTIP and domestic laws, and propose the adoption of TIP laws that implement ACTIP provisions; handle violations of the TIP Prevention Law; and coordinate with concerned agencies and organizations in preventing and combating TIP.

Other relevant agencies include the Ministry of Defence, Ministry of Information and Communications, Ministry of Education and Training, Ministry of Culture, Sports and Tourism, Ministry of Justice, Ministry of Health, the People's Committee, Vietnam Women's Union, and other stakeholders.<sup>364</sup>

Based on the US State Department's *2021 Trafficking in Persons Report*, the Ministry of Foreign Affairs and Ministry of Public Security investigated 110 TIP cases and arrested 144 TIP suspects in 2020.<sup>365</sup> The figure dropped from the previous year, with 175 TIP cases investigated in 2019. Also, 121 TIP victims were identified in 2020, which consisted of 9 male victims and 112 female victims, and included 32 children. This represented a continuation of the consecutive decreases in TIP victim identification over previous years (300 in 2019, 490 in 2018, and 670 in 2017).<sup>366</sup>

The government continued to organize multiple anti-TIP training for relevant officers, including law enforcement officers, border guard forces, prosecutors, judges, and social workers at the provincial, district, and commune levels throughout 2020, in cooperation and collaboration with foreign governments, international organizations, and NGOs. For example, the Ministry of Foreign Affairs conducted training for 200 diplomatic and consular officials on victim identification and assistance before deployment overseas.<sup>367</sup>

With donor funding support, MOLISA operates the 24-hour 111 hotline for victims of crime, including TIP victims, with operators speaking Vietnamese, English, and seven ethnic minority languages. The hotline received reports of 59 potential TIP cases in 2020, an increase compared to 2019.<sup>368</sup> MOLISA referred these cases to NGOs and government services. MOLISA, in coordination with other

---

<sup>363</sup> In coordination with concerned ministries and ministry-level agencies.

<sup>364</sup> Article 17 of the TIP Prevention Law outlines the role of the Vietnam Fatherland Front and its member organizations, which are to take part in activities to support the reintegration of TIP victims into society. Also, Article 18 of the law mentions the Vietnam Women's Union, which runs shelters for TIP victims with support from the government and NGOs. NGOs also provide support and services to TIP victims.

<sup>365</sup> US Department of State (2021, June). [2021 Trafficking in Persons Report: Vietnam](#).

<sup>366</sup> Ibid.

<sup>367</sup> Ibid.

<sup>368</sup> Ibid.

government agencies, international organizations, and NGOs, also carried out public awareness campaigns to promote the hotline in 2020.

The Center for Women and Development, under the Vietnam Women's Union, runs Peace House Shelters. The shelters provide free and comprehensive support services to TIP victims, including safe accommodation and food; examination, treatment, and rehabilitation of physical health; stabilization counseling and mental health rehabilitation; legal advice and support to protect TIP victims' rights and interests; cultural learning, vocational training, and job orientation; life skills, communication and behavioral skills, and skills to respond to domestic violence and TIP; and support and follow-up for returning home and reintegration into local communities within two years.<sup>369</sup> Peace House Shelters also provide follow-up support for up to two years after leaving a shelter. The shelters are operated in both northern (Hanoi) and southern Vietnam (Can Tho City). Moreover, the Center for Women and Development also runs a free counseling hotline, 1900 969 680, for potential and verified TIP victims who are not staying at the Peace House Shelters.

The US State Department's *2021 Trafficking in Persons Report* stated that the Vietnamese government allocated 15.44 billion Vietnamese dong (US\$669,140) for TIP victim protection in 2020. This amount represents an increase from 2019, when 13.12 billion dong (US\$568,700) was allocated. Anti-TIP funding to local responses also increased to 9.8 billion dong (US\$424,790) in 2020, up from 4.0 billion dong (US\$173,390) in 2019.<sup>370</sup> The government continued to operate 94 social protection centers or social welfare centers across Vietnam, some funded by NGOs, to assist all types of vulnerable persons, including TIP victims, but none were dedicated to male or child victims of trafficking.

### 8.3.2. Nongovernment organizations

NGOs play an essential role in TIP victim protection in Vietnam, including support, recovery, and reintegration of TIP victims. NGO stakeholders discussed various activities they have carried out to support TIP victims, such as providing temporary accommodation or shelter, medical care and counseling, information and access to legal assistance (including access to remedies), and education and vocational training.

The Vietnam government has no specific financial resources or funding allocated to NGOs.

## 8.4. Impact of COVID-19

During the COVID-19 pandemic, relevant government agencies had to protect TIP victims while simultaneously preventing outbreaks of COVID-19.<sup>371</sup> Officers could not regularly conduct field visits for TIP victim identification, especially in remote areas. Similarly, NGOs reported not being able to engage in awareness-raising and other communication activities at the community level.<sup>372</sup> Stakeholders said some TIP victims had escaped from their quarantine zones or facilities. Those who remained refused to cooperate in interviews with government authorities.<sup>373</sup>

COVID-19 resulted in people from marginalized groups, including women and children, losing their jobs and livelihoods, creating an increased vulnerability to trafficking as they faced pressure to

---

<sup>369</sup> Government agency (interview), June 2, 2021.

<sup>370</sup> US Department of State (2021, June). [2021 Trafficking in Persons Report: Vietnam](#).

<sup>371</sup> Private law firm (interview), May 31, 2021.

<sup>372</sup> NGO staff (interview), May 26, 2021.

<sup>373</sup> Government agency (interview), June 4, 2021.

generate a stable income.<sup>374</sup> Some TIP perpetrators took advantage of this vulnerability, tricking people from marginalized groups into various exploitative situations, such as fetus trading, surrogacy, and giving birth abroad.<sup>375</sup> Due to low levels of awareness, many members of marginalized groups, including women and children, prioritized earning an income over the risk of contracting COVID-19.<sup>376</sup> If they became infected with COVID-19, they had few opportunities to receive adequate treatment.<sup>377</sup>

The COVID-19 pandemic and related travel restrictions also reduced opportunities to rescue TIP victims as border crossings had closed. All vocational courses and counseling services were moved online or canceled. However, with the lack of videoconferencing equipment in the shelters, most victims could not access online courses or counseling sessions. Moreover, the shelters faced challenges in supporting victims due to insufficient equipment and facilities to meet government requirements during COVID-19 restrictions.

---

<sup>374</sup> NGO staff (interview), May 21, 2021.

<sup>375</sup> *Ibid.*

<sup>376</sup> *Ibid.*

<sup>377</sup> Private law firm (interview), May 31, 2021.

## 9. Bibliography

ABS-CBN News (October 2020) *Ombudsman suspends 44 Immigration employees tagged in 'pastillas scheme'*, ABS-CBN News Corporation. Available: <https://news.abs-cbn.com/news/10/27/20/ombudsman-suspends-44-immigration-employees-tagged-in-pastillas-scheme>

ADB (December 2007) *Overview of NGOs and Civil Society – Philippines*, Available: <https://www.adb.org/sites/default/files/publication/28972/csb-phi.pdf>

ADB (November 2011) *Civil Society Briefs: Cambodia*, Asian Development Bank. Available: <https://www.adb.org/sites/default/files/publication/28965/csb-cam.pdf>

AICHR (December 2016) *AICHR Regional Workshop on Strengthening National Plans of Action on Trafficking in Persons*, Available: <https://aichr.org/news/aichr-regional-workshop-on-strengthening-national-plans-of-action-on-trafficking-in-persons-to-ensure-effective-implementation-of-the-asean-convention-against-trafficking-in-persons-especially-women/>

Bangkok Post (21 December 2021), 42,000 illegal migrants caught this year, Bangkok Post Online, Available: <https://www.bangkokpost.com/thailand/general/2235699/42-000-illegal-migrants-caught-this-year>

Benar News (16 June, 2022) , Migration from Myanmar to Thailand surges amid fighting, COVID concerns, Benar News Online, Available <https://www.benarnews.org/75urmese/news/thai/75urmese-migrants-thai-border-06162022184804.html>

BusinessWorld (March 2021) *Unemployment rate hits record high in 2020*, BusinessWorld Online, Available: <https://www.bworldonline.com/unemployment-rate-hits-record-high-in-2020/>

Cambodian National Assembly, Cambodia (2014) *Article 1 Law on Suppression of Human Trafficking and Sexual Exploitation, 2008*, Royal Code No. NS/RK/0206/005 (HTSE Act)

CENTRAL (October 2020) *Risking Closed Borders, Migrant Workers Seek Work in Thailand to Pay Debts*, Centre for Alliance of Labour and Human Rights. Available: <https://www.central-cambodia.org/archives/4739>

CWC (October 2018) *3rd National Plan of Action for Children*, Philippine Council for the Welfare of Children. Available: <https://www.cwc.gov.ph/resources/frameworks-for-plan-development-for-children.html>

Deutsche Welle (June 2021) *Myanmar: Time running out for NGOs to avoid humanitarian catastrophe*, Available: <https://www.dw.com/en/myanmar-ngos-human-catastrophe/a-57887423>

DFA (January 2021) *DFA Repatriates 327,511 Overseas Filipinos in 2020*, Philippine Department of Foreign Affairs. Available: <https://dfa.gov.ph/dfa-news/dfa-releasesupdate/28480-dfa-repatriates-327-511-overseas-filipinos-in-2020>

DOLE (June 2016) *Rules and Regulations governing the Working and Living Conditions of Fishers on board Fishing Vessels engaged in Commercial Fishing Operation*, Philippine Department of Labor and Employment. Available: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/103635/125992/F-1348308564/PHL103635.pdf>

DSWD (December 2015) *Guidelines in the Implementation of the Recovery and Reintegration Program for Trafficked Persons*, Philippine Department of Social Welfare and Development. Available: [https://www.dswd.gov.ph/issuances/MCs/MC\\_2015-020.pdf](https://www.dswd.gov.ph/issuances/MCs/MC_2015-020.pdf)

FIDH (July 2015) *Cambodia: Adoption of Law on Associations and NGOs a severe attack on civil society*, Available:

<https://www.fidh.org/en/region/asia/cambodia/cambodia-adoption-of-law-on-associations-and-ngos-a-severe-attack-on>

Fresh News Asia (November 2018) *Court orders detention of four people in connection with Cambodian surrogacy*, Available: <http://freshnewsasia.com/index.php/en/localnews/104820-2018-11-15-07-32-38.html>

Good Shepherd Sisters Myanmar (2017) *Myanmar Anti-Trafficking*, Available: <https://www.goodshepherdmyanmar.org/news-activities/myanmar-anti-trafficking/>

House of Representatives of the Philippines (January 2017) *House pushes LGBT protection*, Congress of the Philippines. Available: <https://www.congress.gov.ph/press/details.php?pressid=9894>

Human Rights Watch (April 2021) *Cambodia: Revise Flawed Disability Bill*, Available: <https://www.hrw.org/news/2021/04/27/cambodia-revise-flawed-disability-bill>

ICRC (2021) *Law on suppression of human trafficking and sexual exploitation, 2008*, Available: [https://ihl-databases.icrc.org/applic/ihl/ihl-nat.nsf/implementingLaws.xsp?documentId=C2A216E490C24060C1257D890049EC51&action=openDocument&xp\\_countrySelected=KH&xp\\_topicSelected=GVAL-992BUA&from=state&SessionID=DNFK8KXQI7](https://ihl-databases.icrc.org/applic/ihl/ihl-nat.nsf/implementingLaws.xsp?documentId=C2A216E490C24060C1257D890049EC51&action=openDocument&xp_countrySelected=KH&xp_topicSelected=GVAL-992BUA&from=state&SessionID=DNFK8KXQI7)

ILO (2008) *Prakas No. 62/08 on the Use of Court Screen and Courtroom TV-Linked Testimony from Child/Vulnerable Victims or Witnesses, adopted in 2008*, Available: [https://www.ilo.org/dyn/natlex/natlex4.detail?p\\_lang=en&p\\_isn=93362&p\\_count=96299](https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=93362&p_count=96299)

ILO (October 2009) *Inclusion of People with Disabilities in Cambodia*, Available: [https://www.ilo.org/wcmsp5/groups/public/@ed\\_emp/@ifp\\_skills/documents/publication/wcms\\_115096.pdf](https://www.ilo.org/wcmsp5/groups/public/@ed_emp/@ifp_skills/documents/publication/wcms_115096.pdf)

ILO (January 2009) *Referral system for the recovery and reintegration of trafficked persons*, Available: [https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-manila/documents/publication/wcms\\_125278.pdf](https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-manila/documents/publication/wcms_125278.pdf)

ILO (2017). *Global Estimates of Modern Slavery: Forced Labour and Forced Marriage*. Geneva. Available: [https://www.ilo.org/global/publications/books/WCMS\\_575479/lang--en/index.htm](https://www.ilo.org/global/publications/books/WCMS_575479/lang--en/index.htm)

ILO (March 2020) *The Philippines and the Work in Fishing Convention, 2007 (No. 188): a comparative analysis*, Available: [https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-jakarta/documents/publication/wcms\\_739446.pdf](https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-jakarta/documents/publication/wcms_739446.pdf)

ILO (2021) *TRIANGLE in ASEAN Programme Quarterly Briefing Note*, Available: [https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/genericdocument/wcms\\_735105.pdf](https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/genericdocument/wcms_735105.pdf)

IOM (April 2008) *Myanmar Launches Manual for Return and Reintegration of Trafficking Victims from Thailand*, Available: <https://www.iom.int/news/myanmar-launches-manual-return-and-reintegration-trafficking-victims-thailand>

IOM (2022), *Myanmar Crisis Response Plan 2022-Myanmar and Thailand*, p.4. Available: [https://crisisresponse.iom.int/sites/g/files/tmzbdl1481/files/appeal/pdf/2022\\_Myanmar\\_Crisis\\_Response\\_Plan\\_2022\\_Myanmar\\_and\\_Thailand.pdf](https://crisisresponse.iom.int/sites/g/files/tmzbdl1481/files/appeal/pdf/2022_Myanmar_Crisis_Response_Plan_2022_Myanmar_and_Thailand.pdf)

IOM (2020) *Cambodia - Returning Migrants Survey*, Available: <https://migration.iom.int/reports/cambodia-returning-migrants-survey-2020>

IOM (2021) *COVID-19 Impact Assessment on Returned Overseas Filipino Workers*, p.10-24, Available <https://dtm.iom.int/reports/covid-19-impact-assessment-returned-overseas-filipino-workers>

IOM (2018) *Debt and the Migration Experience: Insights from Southeast Asia*, Available: <https://publications.iom.int/books/debt-and-migration-experience-insights-south-east-asia>



IACAT (2018) *Resolution Adopting the Guidelines on the Grant of Financial Assistance to Victims of Trafficking*, Inter-Agency Council Against Trafficking. Available: <https://iacat.gov.ph/wp-content/uploads/2018/12/Resolution-No.-004-Resolution-Adopting-the-Guidelines-On-The-Grant-Of-Financial-Assistance-To-Victims-Of-Trafficking.pdf>

IACAT (2018) *Revised Rules and Regulations Implementing Republic Act No. 9208*, Inter-Agency Council Against Trafficking. Available: <https://iacat.gov.ph/wp-content/uploads/2018/12/Implementing-Rules-and-Regulations-of-RA-9208.pdf>

Issara Institute (2021) *Our Partners and Collaborators*, Available: <https://www.issarainstitute.org/partners>

Khmer Times (May 2021) *Cambodia: NGOs economy and its downside effects*, Available: <https://www.khmertimeskh.com/50861756/cambodia-ngos-economy-and-its-downside-effects/>

Lawphil Project (February 2013) *Republic Act No. 10364 -TIP*, The Lawphil Project - Philippine Laws and Jurisprudence Databank. Available: [https://lawphil.net/statutes/repacts/ra2013/ra\\_10364\\_2013.html](https://lawphil.net/statutes/repacts/ra2013/ra_10364_2013.html)

Lawphil Project (2021) *PNP Reform and Reorganization Act of 1998*, The Lawphil Project - Philippine Laws and Jurisprudence Databank. Available: [https://www.lawphil.net/statutes/repacts/ra1998/ra\\_8551\\_1998.html](https://www.lawphil.net/statutes/repacts/ra1998/ra_8551_1998.html)

Liberty Asia (2017) *ASEAN & ACTIP: Using a Regional Legal Framework to Fight a Global Crime*, Available: <https://globalinitiative.net/wp-content/uploads/2018/01/Using-a-Regional-Legal-Framework-to-Fight-a-Global-Crime-Liberty-Asia-2017.pdf>

Mely Caballero-Anthony (September 2018) *A Hidden Scourge*. Finance & Development, Vol. 55, No.3. p.19.

Myanmar Library (2021) *Myanmar Penal Code*, Available: [https://www.burmalibrary.org/docs6/MYANMAR\\_PENAL\\_CODE-corr.1.pdf](https://www.burmalibrary.org/docs6/MYANMAR_PENAL_CODE-corr.1.pdf)

Myanmar Library (2021) *Suppression of Prostitution Act - enacted 1949*, Available: [https://www.burmalibrary.org/docs15/1949-Suppression\\_of\\_Prostitution\\_Act-bu-red.pdf](https://www.burmalibrary.org/docs15/1949-Suppression_of_Prostitution_Act-bu-red.pdf)

Myanmar Times (December 2009) *Myanmar and China ink human trafficking agreement in Beijing*, Available: <https://www.mmtimes.com/national-news/5850-myanmar-and-china-ink-human-trafficking-agreement-in-beijing.html>

NCCT (July 2020) *High-level meeting between relevant ministries, institutions of the Royal Government and the United Nations in Cambodia on a joint program to support migrants returning from the Covid-19 crisis and its impact*, National Committee For Counter Trafficking. Available: <https://www.ncct.gov.kh/news/7/20/134>

NCCT (May 2020) *Handover Ceremony of Necessary Equipment for Women and Children in Coverage-19 from UNFPA Cambodia*, National Committee For Counter Trafficking. Available: <https://www.ncct.gov.kh/news/7/20/131>

NCCT (August 2020) *Discussion meeting of professional leaders, inter-ministerial working groups and 6 institutions for the first half of 2020*, National Committee For Counter Trafficking. Available: <https://www.ncct.gov.kh/news/7/20/135>

NEXUS Institute (2020) *Identifying Trafficking Victims: An Analysis of Victim Identification Tools and Resources in Asia* - p.84, Available: <https://winrock.org/wp-content/uploads/2020/08/Victim-ID-review-from-NEXUS-31.7.20-WINROCK-Edit-Format-7.8.20.pdf>

NEXUS Institute (2020) *Trafficking Victim Protection Frameworks in Cambodia, Indonesia, Lao PDR, Thailand, and Viet Nam: A Resource for Practitioners*, p.75.

NPC (August 2016) *Implementing Rules and Regulations of Republic Act No. 10173, known as the Data Privacy Act of 2012*, The Philippine National Privacy Commission, Available: <https://www.officialgazette.gov.ph/images/uploads/20160825-IRR-RA-10173-data-privacy.pdf>

OHCHR (2021) *Convention on the Elimination of All Forms of Discrimination Against Women*, Available: <https://www.ohchr.org/documents/professionalinterest/cedaw.pdf>

OHCHR (2021) *Convention on the Rights of the Child (entry into force September 1990)*, Available: <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

PCA (August 2021) *COVID-19 management at Court of appeals*, Philippine Court of Appeals. Available: <https://ca2.judiciary.gov.ph/caaws-war/faces/page/core/Main.xhtml>

PCW (2021) *Anti-Trafficking in Persons Act of 2003 (Section 16-f)*, Philippine Commission on Women. Available: <https://pcw.gov.ph/republic-act-9208-anti-trafficking-in-persons-act-of-2003/>

PDOJ (January 2014) *First Attempted Human Trafficking Conviction Scored in Davao*, Philippine Department of Justice. Available: [https://www.doj.gov.ph/news\\_article.html?newsid=248](https://www.doj.gov.ph/news_article.html?newsid=248)

PDOJ (November 2019) *Amending act RA 7309 under the Department Of Justice for Victims of Unjust Imprisonment or Detention and Victims of Violent Crimes*, Philippine Department of Justice. Available: [https://www.congress.gov.ph/legisdocs/basic\\_18/HB05347.pdf](https://www.congress.gov.ph/legisdocs/basic_18/HB05347.pdf)

PDOJ (2020) *Department of Justice - 2019 Annual Report*, Philippine Department of Justice. Available: [AR 2019 FA HIRES 03172021 for web posting.pdf](AR_2019_FA_HIRES_03172021_for_web_posting.pdf) ([doj.gov.ph](http://doj.gov.ph))

PDOJ (December 2020) *IACAT Intensifies Anti-Trafficking Response Online During COVID-19*, Philippine Department of Justice. Available: [https://www.doj.gov.ph/news\\_article.html?newsid=690](https://www.doj.gov.ph/news_article.html?newsid=690)

PNA (July 2018) *Quezon City Council to set up LGBT help desks in police stations*, Philippine News Agency. Available: <https://www.pna.gov.ph/articles/1042736>

PNA (May 2020) *Online child exploitation reports in PH surge amid Covid-19: DOJ*, Philippine News Agency. Available: <https://www.pna.gov.ph/articles/1103852>

PNA (September 2020) *NBI files raps vs. immigration workers in 'pastillas' scheme*, Philippine News Agency. Available: <https://www.pna.gov.ph/articles/1114208>

PNA (November 2021) *Bureau of Immigration Philippines holds off departure of over 8K passengers in 9 months*, Philippine News Agency. Available: <https://www.pna.gov.ph/articles/1158487>

PNP (February 2012) *Letter of Instructions 01-2011 (Amended), Anti- Trafficking in Persons*, Philippine National Police. [https://didm.pnp.gov.ph/images/Letters%20of%20Instructions/LOI%2001-11\(AMENDED\)%20ANTI-TRAFFICKING%20IN%20PERSONS.pdf](https://didm.pnp.gov.ph/images/Letters%20of%20Instructions/LOI%2001-11(AMENDED)%20ANTI-TRAFFICKING%20IN%20PERSONS.pdf)

POEA (2021) *Migrant Workers and Overseas Filipinos Act of 1995 (RA 8042)*, Philippine Overseas Employment Administration. Available: [https://www.poea.gov.ph/laws&rules/files/Migrant%20Workers%20Act%20of%201995%20\(RA%208042\).html](https://www.poea.gov.ph/laws&rules/files/Migrant%20Workers%20Act%20of%201995%20(RA%208042).html)

PSA (August 2021) *Unemployment Rate in June 2021 is Estimated at 7.7 percent*, Philippine Statistics Authority. Available: <https://psa.gov.ph/content/unemployment-rate-june-2021-estimated-77-percent>

Rappler Inc. (May 2015) *Looking back: First anti-trafficking law in Southeast Asia*, Available: <https://www.rappler.com/newsbreak/iq/94362-looking-back-ph-first-anti-trafficking-law-asean/>

Rappler Inc. (May 2021) *Senate approves bill on tougher crackdown vs online child sex abuse*, Available: <https://www.rappler.com/nation/senate-approves-bill-tougher-crackdown-online-sexual-abuse-children>

ReliefWeb (January 2010) *Myanmar: Conference demonstrates strong will to fight human trafficking in the Mekong region*, Available: <https://reliefweb.int/report/myanmar/myanmar-conference-demonstrates-strong-will-fight-human-trafficking-mekong-region>

ReliefWeb (July 2021) *COVID-19 Impact Assessment on Returned Overseas Filipino Workers*, Available: <https://reliefweb.int/report/philippines/covid-19-impact-assessment-returned-overseas-filipino-workers>

RFI Khmer (December 2020) *Human trafficking in the first six months of 2020 will increase by nearly 100 cases as Cambodia faces Covid 19*, Radio France International Khmer. Available: [\[Link\]](#)

Royal Thai Embassy (April 2009) *MoU between Thailand and Myanmar, Cooperation to Combat Trafficking in Persons*, Available: <http://www.thaianti-humantraffickingaction.org/Home/wp-content/uploads/2014/12/MoU-between-govt-of-Thailand-and-govt-of-Myanmar-on-Cooperation-to-Combat-Trafficking-in-Persons-Especially-Women-and-Children.pdf>

Royal Thai Embassy (April 2019) *Thailand and Cambodia sign MoU on strengthening the management of the repatriation and reintegration of human trafficking victims*, Available: <http://www.thaianti-humantraffickingaction.org/Home/2019/04/23/cambodia-thailand-sign-mou-on-strengthening-the-management-of-the-repatriation-and-reintegration-of-human-trafficking-victims/>

Surtees, R., L.S. Johnson, M. McAdam, and J. Davis (2020) *Identifying Trafficking Victims: An Analysis of Victim Identification Tools and Resources in Asia*. Washington, D.C., United States: NEXUS Institute and Winrock International.

Straits Times (March 2021) *Bureau of Immigration Philippines probes 28 immigration officers for departure of 44 trafficked women to Syria*, Available: <https://www.straitstimes.com/asia/se-asia/philippines-probes-immigration-officers-over-trafficking-women-to-syria>

Tang, Alisa (May 2016) *Former Cambodian child beggar triumphs over trafficked past to help others*, Thomson Reuters Foundation. Available: <https://www.reuters.com/article/cambodia-humantrafficking-childbeggar-idINKCN0XX02S>

UMN (May 2003) *Philippines Anti-TIP Law of 2003. Section 3(a)*, University of Minnesota - Human Rights Library. Available: <http://hrlibrary.umn.edu/research/Philippines/RA%209208%20-%20Anti-Trafficking%20Law.pdf>

UN (November 2000) *Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, Chapter 18: Penal Matters*, UN Treaty Collection website. Available: [https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XVIII-12-b&chapter=18](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-b&chapter=18)

UNICEF Myanmar and IOM Myanmar (2020, September), *Guidance Note for Service Providers Working with Victims of Human Trafficking during COVID-19 in Myanmar*, Available: [https://www.unicef.org/myanmar/media/5846/file/2020\\_Guidance\\_Note\\_Service\\_Providers\\_Victims\\_of\\_Trafficking\\_COVID%20\(English%20Version\).pdf](https://www.unicef.org/myanmar/media/5846/file/2020_Guidance_Note_Service_Providers_Victims_of_Trafficking_COVID%20(English%20Version).pdf)

UPR (October 2016) *UPR Philippines - Human Trafficking in the Philippines Report*, OHCHR - Universal Periodic Review. Available: [https://www.upr-info.org/sites/default/files/document/philippines/session\\_27\\_-\\_may\\_2017/js21\\_upr27\\_phl\\_e\\_main.pdf](https://www.upr-info.org/sites/default/files/document/philippines/session_27_-_may_2017/js21_upr27_phl_e_main.pdf)

U.S. Department of State (2020) *The Vulnerability of LGBT Individuals to Human Trafficking*, Available: <https://2009-2017.state.gov/documents/organization/233940.pdf>

U. S. Department of State (2020) *Trafficking in Persons Report: Indonesia – 2020*, Available: <https://www.state.gov/reports/2020-trafficking-in-persons-report/indonesia/>

U. S. Department of State (2021) *Trafficking in Persons Report: Indonesia - 2021*, Available: <https://www.state.gov/reports/2021-trafficking-in-persons-report/indonesia/>

U.S. Department of State (2021) *Trafficking in Persons Report: Laos - 2021*, Available: <https://www.state.gov/reports/2021-trafficking-in-persons-report/laos/>

U.S. Department of State (2021) *Trafficking in Persons Report: The Philippines - 2021*, Available: <https://www.state.gov/reports/2021-trafficking-in-persons-report/philippines/>

U.S. Department of State (2020) *Trafficking in Persons Report: The Philippines - 2020*, Available: <https://www.state.gov/reports/2020-trafficking-in-persons-report/philippines/>

U.S. Department of State (2020) *Trafficking in Persons Report: Thailand - 2020*, Available: <https://www.state.gov/reports/2020-trafficking-in-persons-report/thailand/>

U.S. Department of State (2021) *Trafficking in Persons Report: Thailand - 2021*, Available: <https://www.state.gov/reports/2021-trafficking-in-persons-report/thailand/>

U.S. Department of State (2021) *Trafficking in Persons Report: Vietnam - 2021*, Available: <https://www.state.gov/reports/2021-trafficking-in-persons-report/vietnam/>

Warnath Group (September 2005) *The Union of Myanmar - Anti Trafficking in Persons Law No. 5/ 2005*, Available: <https://www.warnathgroup.com/wp-content/uploads/2015/03/Burma-TIP-Law-2005.pdf>

Warnath Group (September 2005) *Section 16, 17 and 18. The Union of Myanmar - Anti Trafficking in Persons Law No. 5/ 2005*, Available: <https://www.warnathgroup.com/wp-content/uploads/2015/03/Burma-TIP-Law-2005.pdf>

Warnath Group (2007) *TIP Law Article 58- 63 - The Eradication of the Criminal Act of Trafficking in Persons*, Available: <https://www.warnathgroup.com/wp-content/uploads/2015/03/Indonesia-TIP-Law-2007.pdf>

WCPC (May 2019) *Inauguration of Philippine Internet Crimes Against Children Centre*, Philippine National Police. Available: <https://wcpc.pnp.gov.ph/index.php/activities/operations/osec/25-icac/73-inauguration-of-philippine-internet-crimes-against-children-centre>

WCPC (May 2019) *Rescue and Police Operations*, Philippine National Police - Women and Children Protection Centre, Available: <https://wcpc.pnp.gov.ph/index.php/about-wcpc/organizational-structure/12-accomplishment/operations/76-rescue-and-police-operations>

WCPC (2021) *Women and Children Protection Centre – Functions*, Philippine National Police. Available: <https://wcpc.pnp.gov.ph/index.php/about-wcpc/wcpc-functions>

The World Bank (2020), *Myanmar Economic Monitor -Coping with COVID-19, December 2020*. p.13. Available <https://openknowledge.worldbank.org/bitstream/handle/10986/34936/Myanmar-Economic-Monitor-Coping-with-COVID-19.pdf?sequence=1&isAllowed=y>

Yusran Ranyta (2018) *The ASEAN Convention Against Trafficking in Persons: A Preliminary Assessment*, Asian Journal of International Law, pp. 258-292.

