Report for the Consultation Workshop on Strategic Visioning for Post-2013 Coordinated Efforts in Anti-trafficking in Lao PDR

09-10th April,

Vientiane, Lao PDR

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Acronyms

ACWC ASEAN Commission on the Promotion and Protection of the Rights of Women and Children
ASEAN Association of Southeast Asian Nations
COMMIT Coordinated Mekong Ministerial Initiative against Trafficking
GMS Greater Mekong Sub-region
ILO International Labour Organization
IOM International Organization for Migration
MoI Ministry of Interior
MoJ Ministry of Justice
MoU Memorandum of Understanding
NGO Non-Governmental organisation
MPS Ministry of Public Security
M&E Monitoring and Evaluation
MOD Ministry of Defence
MOFA Ministry of Foreign Affairs
NPA National Plan of Action to Combat Human Trafficking
SODC Standing Office on Drugs and Crimes, General Police Department for Crime Prevention and Suppression
SPA Sub-regional Plan of Action
TIPP Protocol to Prevent, Suppress and Punish Trafficking in Persons, particularly Women and Children
TOC UN Convention against Transnational Organized Crime
UNIAP United Nations Inter-Agency Project on Human Trafficking
UNODC United Nations Office on Drugs and Crime
Introduction & Details about the Lao PDR Consultation Workshop

The United Nations Inter-Agency Project on Human Trafficking (UNIAP) convened a Consultation Workshop on Strategic Visioning for Post-2013 Coordinated Anti-trafficking Efforts, on 9-10th April 2013, in Vientiane, Lao PDR.

UNIAP was established in 2000 with a central focus on trafficking in persons and a mandate to facilitate a stronger and more coordinated response to trafficking in persons in the GMS. In order to prepare a vision for coordinated anti-trafficking work within the Greater Mekong Sub-region (GMS) beyond 2013, UNIAP has conducted a consultation process with a wide range of anti-trafficking stakeholders. This process took place through a series of consultation workshops at both the national and regional level, with UNIAP functioning as a secretariat to facilitate the workshops. The visioning process was conducted in such a way that it promoted inclusiveness of stakeholders, ensured national ownership and promoted national capacity development. The aim of the consultation process is to develop a vision for anti-trafficking work in the GMS covering a 5-year period including clear, concrete results to be achieved for the vision to become a reality.

This report on the Lao PDR Consultation Workshop outlines discussions held on human trafficking in the national context, including current challenges in assisting victims, prosecuting perpetrators, impunity, access to justice, relevant human rights instruments and international standards, good practices, policies, implementation at the country and regional level, and ways forward. The participants at the Lao PDR workshop included representatives of various ministries of the Lao Government, the United Nations, other international organisations and civil society organisations from across the country.

The workshop was organised in five sessions:

Session One served as an introduction to the Consultation Workshop and was moderated by the Facilitator who explained to the participants the purpose and aims of the consultation and introduced some basic rules. Participants were then asked to work in groups to discuss and identify the main problems in tackling human trafficking in Lao PDR. Problems and challenges were displayed in lists for all participants to review.

In Session Two, participants were asked to prioritise the problems. Each participant voted on what they thought were the three most important problems through the method. The Secretariat and Facilitator then grouped overlapping themes and tallied the votes together to identify six topics for further consideration. Selections were made based on analysis of each problem, but also whether solving these problems would have a significant impact on human trafficking, whether there would be enough support to solve them, and whether there is sufficient capacity and comparative advantage to work on the issues.
In Session Three, stakeholders worked to define the problems and develop the problem analysis. The main purpose of this was to study the root causes and major effects of the problems in order to design better solutions and make the process of developing a results map easier. After the problems were grouped and prioritized, “problem trees” were developed by each group and for each priority problem to support the analysis. This process helped participants develop a clearer understanding, not only of the surface problems, but also their underlying causes and constraints, and through this to develop a common understanding of the most significant problems faced at the regional, country and community level. Participants were asked to be precise and explicit when expanding on the six topics selected. The issue that was identified provided the trunk of the problem tree. Participants then brainstormed on the major causes of the problem, and identified a number of policy constraints, capacity weaknesses, social and cultural norms and attached them to the root of the tree.

In Session Four, participants were split into groups to discuss what their vision for the future is in relation to the problems identified in the previous sessions. The aim was to come up with a clear, realistic and agreed vision of how things will have positively changed over the next five-year period.

In the Final Session, a results map was developed in order to determine what must be in place to achieve the vision developed in each particular area. Once the various prerequisite intermediate changes were identified, stakeholders then worked to identify the interventions necessary to achieve them.

The results maps and strategic visions outlined in this document represent the collective will of a diverse, multi-stakeholder, multi-faceted group of senior government officials and representatives from local and international civil society organisations as well as United Nations Agencies. A number of good practices on tackling trafficking including gender sensitive migration laws, policies and implementation that were discussed by participants and that reflect current practices are included in this report.

The remarks and speeches of the closing session tied together the common threads of discussion throughout the workshop, including the importance of cooperation and harmonisation of efforts between all anti-trafficking stakeholders within the country and the Government, civil society, the media and the private sector, particularly in regards to monitoring and evaluation efforts and the sharing of information.

Background Situator to the Consultative Workshop

UNIAP

UNIAP was established in 2000 to facilitate a stronger and more coordinated response to human trafficking in the GMS and with the aim of creating an ‘overarching mechanism’ for the co-ordination of anti-trafficking initiatives by a wide range of stakeholders. UNIAP is managed
by a Regional Management Office (RMO) in Bangkok, with Country Project Offices (CPO) in the capitals of Cambodia, China, Lao PDR, Myanmar, Thailand and Viet Nam. UNIAP has been implemented over three consecutive phases that illustrate the Project’s evolution over time:

• UNIAP Phase I (2000 - 2003) -
The first phase of UNIAP concentrated on creating linkages between the range of different organisations involved in combating trafficking, using its broad and responsive mandate to address emerging issues, and supporting new small-scale pilot initiatives.

• UNIAP Phase II (2004 - 2006) -
The second phase of UNIAP was viewed as a consolidation of its work and achievements under the first phase. It was dominated by the project’s work in facilitating the development of a sub-regional Memorandum of Understanding between the six governments of the Greater Mekong Sub-region, accompanied by a Plan of Action to help governments fulfil the commitments made under the MOU - a process now known as the Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT).

• UNIAP Phase III (2007 – 2013) -
The third and current phase of UNIAP is aimed at building on the achievements of the first two phases, combining support for further consolidation and institutionalization of current approaches. This phase is due to end in December 2013.

The Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT)

COMMIT has fuelled major progress in anti-human trafficking efforts in the since its inception in 2004. In 2004, the six Governments of the Greater Mekong Sub-region (Vietnam, China, Lao PDR, Myanmar, Thailand, and Cambodia) signed a historic Memorandum of Understanding against Trafficking in Persons. This MOU, signed at the Ministerial level, committed the governments to a response to human trafficking meeting international standards, highlighting the need for multi-lateral, bilateral, and government-NGO cooperation to fight human trafficking.

UNIAP serves as Secretariat to the COMMIT Process, and as such is mandated to provide technical, financial, monitoring, reporting, and logistical support to activities under COMMIT. Based on its existing work and mandate as an inter-agency coordinating body, UNIAP is able to draw on its extensive network of partners throughout the region to provide technical and financial assistance to all aspects of the COMMIT Process, and also works with partners to ensure that programs and activities are aligned with government priorities in the COMMIT Sub-regional Plans of Action and National Plans of Action.

Opening Speeches

Major Khambon Soulivong, Deputy Chief of Secretariat Division, Prevention and Anti-Human Trafficking Department, Ministry of Public Security, began the consultation workshop by

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1 See http://www.no-trafficking.org/how.html for more information.
2 See http://www.no-trafficking.org/commit.html
welcoming all participants and encouraging them to engage, put forward ideas and useful activities in order to fight trafficking in the future. She then introduced the members of the panel Colonel Dr. Phengsavanh Thipphavongxay, Deputy Director General of the General Police Department, Ministry of Public Security and Head of the Secretariat of the National Steering Committee on Anti Human Trafficking, Mrs Xoukiet Panyanouvong, National Project Coordinator, UNIAP Lao PDR, Mr Geoff Manthey, UNIAP Consultant and Conference Facilitator, and Mr Sebastian Boll, UNIAP Regional Research Analyst.

Colonel Dr. Phengsavanh welcomed the speakers and participants to the national workshop on Strategic Visioning for Post-2013 Coordinated Efforts in Anti-trafficking in Lao PDR and across the region. The Government of Lao PDR is currently working to implement the 2011 - 2013 Coordinated Mekong Ministerial Initiative Against Trafficking (COMMIT) Sub-regional Plan of Action (SPA). The SPA provides for support to the development of a National Plan of Action (NPA) as well as for monitoring, evaluation, and reporting systems for anti-trafficking work based on the NPA. National efforts to combat trafficking in Lao PDR have involved the adoption of a number of mechanisms, policies and legislation including the development of the NPA in 2012 and active engagement in regional efforts.

Colonel Dr. Phengsavanh stated that on behalf of the National Secretariat for the National Steering Committee on Anti Human Trafficking, he was delighted to welcome participants who were attending in order to coordinate efforts for national anti-trafficking efforts. He highlighted the importance of the event as an opportunity to work together to coordinate actions and to contribute to regional efforts to combat trafficking through the COMMIT process.

Colonel Dr. Phengsavanh stated that he hoped participants will use the NPA 2012 – 2015 as a basis for discussion so that the government can coordinate and elevate national efforts to fight trafficking in persons. The NPA should provide guidance and serve as a platform for organisations’ work in this field. He asked participants to look at details of the NPA as well take note of the expected results. He also expressed his sincere gratitude to stakeholders for supporting the NPA. The consultation provided the opportunity to facilitate further input to plans for implementation and to focus on the areas that still needed to be addressed, so that stakeholders are able to work towards implementation of a more successful NPA over the next four to five years.

Major Khambon Soulivong, Deputy Chief of Secretariat Division, Prevention and Anti-Human Trafficking Department, then invited Mr Sebastian Boll, UNIAP Regional Research Analyst, to provide remarks. Mr Boll outlined how this envisioning process will be incorporated into the wider regional UNIAP process. UNIAP facilitated the development of a sub-regional Memorandum of Understanding between the six governments of the GMS, accompanied by a Sub-Regional Plan of Action (SPA) to help governments fulfil the commitments made under the MOU. At the same time, human trafficking and the way it is conceptualised and addressed has also evolved over the past 13 years. He noted that UNIAP is almost at the end of its third phase and it is important to take stock of where one comes from, to look at what’s been achieved and at trafficking trends of today before we start to plan for the next chapter in anti-trafficking work. He pointed out that this Consultative Workshop was not about UNIAP. It was about human
trafficking in Lao PDR, in the region, and how the anti-trafficking community should respond to it.

Mr Geoff Manthey, the facilitator of the workshop then introduced himself and set out the background to the consultation process. Mr Manthey outlined some basic rules for the workshop relating to being challenging but respectful, and then invited all participants to briefly introduce themselves. He stated that he was particularly pleased that organisations such as ILO, IOM and UNODC were able to participate given that they also joined the previous consultations in China, Cambodia and Vietnam. He also stated that he was delighted to welcome representatives from a number of key Government ministries as well as colleagues from UNICEF, the US Embassy and a other important stakeholders from civil society.

Identifying Main Problems

Participants worked in groups to discuss and set out what the main problems in tackling human trafficking are at the regional, country and community level. Questions were posed to guide discussion. Participants were asked what the critical problems that need to be addressed by
anti-trafficking work were, and whether current anti-trafficking efforts adequately address the problems facing men, women and children. Participants were split into four groups and identified the following themes and specific issues.

**Group One**

1. Poverty.
2. Lack of education; most vulnerable groups have low education levels.
3. Values - victims sometimes follow friends in travelling to work abroad, and also engaging in material pursuits.
4. Brokers actively look for potential victims to entrap.
5. Local authorities lack sufficient understanding of trafficking issues.
6. Insufficient job opportunities in communities and in local areas and thereby forcing people to move.
7. Insufficient implementation of the law. Law enforcement is not strict enough. There is no specific trafficking law in Lao PDR yet.
8. People lack awareness or have limited understanding of relevant laws and regulations.
9. Dissemination of information relating to laws and regulations is inadequate, especially in rural and remote areas.
10. Bilateral cooperation is not always based on MOUs that are established between neighbouring countries like Thailand. Even though we have multi-lateral cooperation at a regional level, we don’t follow the bilateral agreements closely enough that are currently in place.
11. Victims originating from Laos are being identified in Malaysia and Korea. However, no MOU’s have been signed with these countries to have any sufficient cooperation.
12. Internal migration within the country is an issue.
13. Insufficient coordination between the private sector, public sector, international organisations and other stakeholders.
14. Limited capabilities of staff authorised to deal with trafficking.
15. Lack of holistic knowledge on Human Trafficking within the country and the region due to nonexistence of a centralised human trafficking database.
16. Limited budget / funding for relevant agencies and government departments.
17. Insufficient information is provided to those travelling abroad on safety issues.
18. Lack of cooperation between different organisations working on victim assistance.
19. The main forms of trafficking currently occurring in Laos are through marriages between Lao PDR nationals and foreigners, adoption of children, sexual exploitation and labour exploitation.

A participant commented that a presentation given by the Government’s Anti Trafficking Division on identifying victims of trafficking found that in many cases, victims were in fact not coming from poor families. There is an assumption that victims always come from poor communities or from poor backgrounds when in fact this isn’t always the case. Sometimes, youth from rural areas travel to urban areas to explore the city in search of new experiences. These people are particularly vulnerable.
Another comment was made questioning the term ‘values’. Does this refer to traditional values or something different? The group’s representative responded that the term referred to a type of materialism. Victims often follow friends to urban areas in search of wealth in order to purchase attractive items.

Group Two

1. Economic issues are a big factor contributing to trafficking. Poverty is a major problem. A case example was given of a 16 year old girl working in a garment factory. The girl wanted to help her mother who was very poor, so she left Laos and travelled to Thailand in search of work where she became a victim of trafficking and was exploited. The factory owners provided her with drinking water laced with meth-amphetamine to which she became addicted. For three months, she had no contact with anyone outside of the factory. Her mother had to pay 30,000 baht to get her released from her captors. Poverty is a main cause of people being trafficked in Laos. Supply and demand issues and materialism are also contributing factors.

2. Culture – the influence from national and international media, advertising on television, and promotions on other forms of media make people want to go abroad to experience life and different cultures.

3. Values and consumerism - the desire for material items and luxury goods fuels trafficking. Vulnerable people are influenced by friends into seeking designer goods and wanting to travel abroad.

4. Lack of responsibility and prevention methods employed by families, schools and society more generally.

5. Cooperation between public and private sector is limited. The law says that under 18’s are not allowed to drink in bars for example. However, if private establishments such as bars and clubs don’t enforce this law, young people are exposed to vulnerable situations.

6. There is a lack of certain labour skills in the region (especially in developed countries like Thailand). For example, cleaning jobs are available in Thailand, so workers migrate to fill these gaps in the job market.

Participants felt that the main problems relate to economic issues and the household as an institution and hence the focus of anti-trafficking work should start there. A comment was made on public and private cooperation and partnership, which is considered very important. A participant asked whether this point was raised in regards to strengthening the relationship between relevant ministries and bars in terms of law enforcement? Bars are only successful because clients are demanding these particular services for example. Did the group reflect on demand side? The group representative responded that we already have good cooperation with the tourist police, who encourage bars to abide by the law and help prevent underage drinking. We have learned about cases of girls becoming prostitutes and men who begin thieving as a consequence of engaging in early age drinking.
Mr Manthey asked participants to postpone debate on this issue until the ‘causes’ section of workshop. However, he reminded participants that discussion on the private sector should not be restricted to only bars, but must also include brokers and agencies for example.

Another participant stated that the government used to work towards law enforcement primarily through the police alone. However, there is now more focus on the private sector.

Group Three

The representative from group three stressed that many of their ideas had already been raised by previous groups. However, they went on to describe migration as a cross cutting issue, both domestic and international migration. People who tend to stay in their communities and who do not migrate for work are far less likely to be exploited. Migration is therefore a main cause of exploitation.

Labour migration does not only effect and impact on poor communities. Migration is an attractive option to financially secure families and can involve both legal and illegal migration. Development gaps and economic differences between countries in the region and internationally provide a lure for wealthier family members to move. The better off are not immune to trafficking. Different education levels of different social groups mean that sometimes, there are different types of risks.

The Penal Code (2005) includes protections for women, but doesn’t specifically refer to or define human trafficking, its causes or penalties for offenders. The country suffers from insufficient regulations and criminal laws on trafficking. Insufficient regulation leads to weak implementation of existing laws especially at the local authority level.

In terms of dissemination of legal standards, this tends to be carried out in project or target areas. And because this only happens in specific areas, some provinces do not receive the information at all.

In conclusion, poverty is the main driving force behind trafficking. Economic differences and varying education levels are a particular concern. For example, dissemination of information through the media reaches more developed areas of the country, however if workers in paddy fields do not carry radios with them, how will they receive information on issue relating to trafficking? Those who can access the internet know more but cannot easily share such information to sections of the population who are not connected through internet. No specific budget is allocated for the dissemination of information in certain areas which confounds this problem.

Group Four

1. There is no comprehensive anti-trafficking law. Even when laws are disseminated and widely known, they may still not be functioning well. We need stronger definitions in existing laws, especially in relation to anti-trafficking activities.
2. Insufficient enforcement and implementation of current laws.
3. Over reliance on mediation / reconciliation at unit and village level. Sometimes, the result is no justice for victims.
4. What kind of systems exists to provide assistance? For example, how much material do we have on prevention campaigns that serve to inform the general public on the dangers of trafficking? Which person in the village holds information on trafficking that can be shared? Would they have the capacity or the materials such as leaflets or posters to share that information?
5. Limited awareness of legal rights.
6. Customary law does not always fit with obligations under international conventions.
7. The Government needs to take ownership:
   - Needs to allocate a sustained budget towards anti-trafficking;
   - There is a need for a government-sponsored sustained national campaign using tv, radio and print media, which includes the message that trafficking is a crime and will be prosecuted.
   - Long term thinking is required about developing the social welfare system.
   - A need to cooperate and consult more on cross-sector.
8. Problems relating to male victims are not addressed.
9. A need for more comprehensive re-integration programs so victims don’t go back re-trafficked
10. A need for professional specialised immigration corps that isn’t transferred out from or rotate out of positions in their job too frequently (i.e. border guards). If personnel are trained and then transferred, this is a waste of resources and knowledge is lost.
11. How do we make sure customs officials and border officials continue to play a role over a sustained period of time? They are continually moved to new posts.
12. We need to move quickly to establish and maintain a central database.
13. Lack of information, studies and data. A study on the Commercial Exploitation of Children has been conducted; however it has not been approved for publication. How can we ensure that information becomes available and is shared? We need to identify what information is needed so that we can develop programmes to fill these knowledge gaps.
14. How much do we know about people are being trafficked into Lao PDR? We know very little at present.
15. Lao PDR enjoys good cooperation with the governments of Thailand and Cambodia. What about China and Myanmar?
16. Available information must be shared with stakeholders (i.e. CSEC) in a timely manner.
17. More information about trafficking from Vietnam to Laos, and from Lao PDR to China is needed.
18. More information is needed on sex tourists originating from inside Asia (Korea, Taiwan, Japan, China, Thailand etc).
19. Limited international cooperation on criminal matters (mutual legal assistance (MLA) extradition).
20. Local officials who facilitate trafficking must be punished and corruption should be addressed.
A participant questioned how customary law fits with international treaties and obligations in this respect. A representative from the group stated that community and village level dispute resolution mechanisms employ customary law. However, trafficking is a crime and must be dealt with as such. Village mediation units are known to take on and try to resolve trafficking cases. Victims sometimes seek out compensation alone through this mechanism. Village-level dispute resolution mechanisms should also address prevention mechanisms. For example, if perpetrators pay a small amount of compensation, this may not be enough to actually dissuade him/her from continuing to engage in trafficking in the future.

A participant commented that village mediation units are only used for administrative purpose. When customary law is applied in this context, how does it fit in? Use of customary law in these circumstances does not comply with the system of local dispute resolution. Village units do not have the jurisdiction to tackle cases of trafficking. Only judicial bodies can do this. Village mediation doesn't involve criminal issues, they engage in civil matters only. The group representative responded that field officers have reported that in reality, village-level mediation bodies are trying to resolve trafficking cases, even if it against the law.

**Organizing and Prioritizing Main Problems**

Participants worked together under the instructions of the facilitator to group and prioritize the main problems from the list of identified problems above. The criteria for making the prioritization included i) whether solving this problem would have significant impact on human trafficking; ii) whether there would be enough support to solve the problem; and iii) would we have the capacity and comparative advantage to work on the problem. As a means to prioritize the issues identified, each participant was asked to place coloured dots next to the three subjects that they felt were most pressing. The facilitator then grouped overlapping themes and tallied the votes together to identify five topics. The issues selected as most important would then be adopted as the chosen themes for further analysis.

The agreed prioritized problems based on the voting process amongst participants were:

- **Skills**
- **Cooperation**
- **Economic Issues / Materialism**
- **Legal Issues / Regulations**
Problem Analysis

After the four main problems were prioritized, Mr. Mahanty, divided the participants into four groups, where each group was given one main problem for close scrutiny and analysis, where “problem trees” were developed for each priority problem to support the analysis. Beginning with the problem that was identified and positioned as the trunk of the problem tree, participants then brainstormed about the major causes of the problem by asking, “what is causing this to happen?” They then identified a number of policy constraints; capacity weaknesses, social problems and cultural norms, and these became the roots of the tree. The problem analysis was designed to help participants develop a clear understanding not only of the surface problems, but also their underlying causes and constraints. The aim was to help all participants develop a common understanding of the chosen topics.

Stakeholders were also asked to discuss the effects of the problems. ‘Branches’ were created on the problem tree to illustrate how the problem affects the region, country or community. The process involved identifying the most direct effects of the problem, classified under the same categories as were used for the analysis of the causes. In the problem tree, the effects of the higher-level problems are captured in the boxes above the trunk. In the problem tree, the effects of the higher level problem are captured in the boxes above the trunk.³

³ See Handbook on Planning, Monitoring, and Evaluating For Development Results. UNDP 2009, Pg 38-40 for more on methodology of Problem Tree Analysis.
Based on the problem tree, participants analysed the causes, root causes and effects of the main issues

Group I: Skills

Skills in this context relate to the limited skills of personnel working in the anti-human trafficking sector such as law enforcement officials. Three root causes were identified:

i) no specific curriculum on human trafficking training;
ii) limited budget funding;
iii) a lack of existing skilled personnel.

There is an insufficient amount of information dissemination about regulations that relate to trafficking. Under this cause, the lack of specialised experts on trafficking was highlighted. The government provides a limited budget to train staff and insufficient support is provided from civil society and the private sector. Many of the systems in place depend on the strategies of donors. Another underlying cause is high staff rotation, i.e. trained staff such as border guards are promoted or moved elsewhere. They tend to serve just six months in a post before being moved.

The effects include an inability to solve issues in a timely fashion. Law enforcement and implementation is not strict due to a lack of capacity and lack of skills. The system of providing services to assist victim re-integration is insufficient. There is a lack of consistent coordination and cooperation on child protection when children are returned to Lao PDR, i.e. on provision of healthcare.

A participant commented that if there were a will to do this, some of the problems identified here could be fixed. For example, the movement of staff on such regular rotations could be changed. We can ask senior officials to stop this, or to leave staff in posts slightly longer so as to ensure an overlap so that older staff can train new staff. Another participant commented that this problem is not as serious as it is in neighbouring countries yet, so there is time to address it.
Group II: Cooperation

Group two’s representative explained that there were two main branches to this problem tree. They divided the issues into internal and external cooperation, and tried to find the root causes related to trafficking.

In terms of internal cooperation, M&E is not conducted on a regular basis. Anti-trafficking activities suffer from insufficient materials, equipment and skilled personnel. There is no active ownership on cooperation and no national database on human trafficking. Organisations and agencies tend to have their own programmes and individual strategies which are scattered, uncoordinated and narrowly focused.

Issues of external cooperation can be divided into three categories. Lao PDR does not have MOUs with countries in which victims from Lao PDR are often found. Secondly, we don’t have a regional database for GMS countries. Thirdly, although Lao PDR has signed MOUs with some neighbouring countries such as Thailand, the agreements haven’t shown tangible results so far. Some of these agreements such as the MOU between the Government of the Lao PDR and the Government of the Kingdom of Thailand on Cooperation to Combat Trafficking in Persons, Especially Women and Children—signed in 2005, need to be reviewed and updated. Both internal and external cooperation suffers due to budget constraints and personnel shortages.

The effects of these problems include an influx of workers into urban areas. Internal cooperation doesn’t function well because of poor coordination. Local authorities do not provide reports of repatriated cases so it is difficult for support groups to follow up. As a result, victim identification is very difficult. Victims are sometimes ‘pushed’ back into Lao PDR. Many victims from Lao PDR have been treated extremely badly.

A participant commented that although Lao PDR needs its own database, it should also be able to access and link in to other countries databases, particular neighbouring GMS countries. This point was also raised during the Vietnam consultation and it is developing into a recurring theme. Another comment was made relating to the difficulties encountered in prosecuting perpetrators who reside outside of Lao PDR.
Group III: Economic Issues

The focus of discussion in group three centred on economic issues such as the current economic climate, economic development and materialism. Poverty, family indebtedness, lack of livelihoods, health problems and unemployment at the family level and access to loans were all deemed current problems. People in Lao PDR still purchase goods on instalments. No available jobs, in particular, there are no jobs in rural and remote areas. Some jobs require knowledge and skills which are not possessed by people who are not sufficiently educated.

The effects of these issues include family problems, as parents force their children to leave school in order to work. This leads to migration, particularly rural to urban migration. Physical and mental abuse can occur during this process. In the past, children under 15 years of age were not able to apply for passports in order to travel. Now, under international law, all children are eligible for passports.

Mr Geoff Manthey replied that although we’ve heard plenty about livelihood issues here, what is the main problem? Is labour trafficking increasing amongst the rural population? Should this be the main issue that requires higher consideration?

The group’s representative responded that economic forces are a push factor for migration. Therefore, in the problem tree, economic issues form the trunk of the tree. Poverty is a root cause. People are seeking a better life outside of their communities. Rural to urban migration and migration from urban areas to foreign states are the two big issues in Lao PDR. In Thailand, there is a law to protect migrant workers, however many workers do not understand the law which results in them surrendering their passports and documents.

The discussion moved on to what the real focus should be. Should it be unsafe migration or economic issues? The disparity in wealth and earnings as an issue was suggested by one participant. The family economic condition was also proposed as a central issue that needs to be address. Mr Manthey suggested the problem here is too big, too broad and it would be better to narrow the issue down so that we can identify clear causes and effects. The problem tree was subsequently edited with the trunk of the tree changing from economic issues / migration to ‘Insufficient economic opportunities, especially in rural areas’.
Group III: Economic Issues

- Insufficient economic opportunities, especially in rural areas
  - Poverty
    - Lack of livelihood in certain areas
    - Not enough jobs
  - Family is indebted
    - Borrowing loans from informal sources
    - Buying goods in instalments
  - Health problems
  - No permanent jobs
  - Unemployment
    - No factories/work in rural or remote areas
    - Knowledge and skills not suitable for the work available
  - Victims are physically and mentally abused
  - Victims need to assist parents financially
Group IV: Legal Issues

The core problem here is that implementation of relevant laws are insufficient. We refer here mainly to the Penal code (2005), the Law on Development and Protection of Women (2004) and the Promulgation of the Law on the Protection of the Rights and Interests of Children (2007). Laws are in place but officials don’t know how and when to apply them. There is a lack in implementing guidelines. This lack of implementation may due to the nonexistence of a national action plan to combat trafficking. A plan has been developed but it is not widely available. Such a plan is a core document that is necessary to rally stakeholders.

Insufficient implementation relates to core problems such as insufficient budget allocation, skills of personnel and lack of a database on trafficking victims. This can be described as a limited Government capacity. There is insufficient political will to push through proper allocation of budgets, training of personnel and to create an information centre. If there was a specific anti-trafficking law developed, it might lead to better implementation and enforcement of legal standards. At present, laws are splintered and there by lack of coordination between different actors involved. It is not clear who should be doing what.

A lack of internal collaboration leads to a lack of cooperation across borders resulting in fewer legal prosecutions. Lao PDR suffers from a weak judicial system. Judges and prosecutors are insufficiently trained. Even before it gets to the courts, anti-trafficking police lack funds to conduct proper investigation. A lack of funding to legal institutions results in fewer investigations. Insufficient awareness on human trafficking is both a cause and effect. Informal mediation on trafficking cases at the village level through mediation does not lead to prosecutions, which is also a cause and effect. If prosecutions aren’t being implemented, mediation fills the gap and serves as a substitute for prosecution services.

The effects of this are fewer trafficking cases going to court, less convictions, more sex tourists acting with impunity and ultimately, more victims. Victims of trafficking face severe difficulties to heal psychologically.

One participant stated that we do have the political will. Is this the same as lack of recognition of issues? The group representative responded that although there may be good intentions, these are not being translated into actions.
Group IV: Legal Issues

Increase of victims (both Laos & foreigner)

No repercussions for trafficker so they continue trafficking

Increase in sex tourism

Difficulty for victims of trafficking to heal psychologically – threat to health

Low level of prosecutions and convictions

Insufficient public awareness on human trafficking (or the fact that it’s a crime)

Informal mediation of trafficking cases at village level leads to fewer prosecutions

Very few trafficking cases get to court

Insufficient guidelines to implement existing laws

Lack of mutual legal assistance in cross-border trafficking cases

Duty bearers at local level not fully aware how to apply the law

Insufficient numbers of government personnel to take action

Weak justice system for prosecution

Insufficient judges and prosecutors trained to prosecute trafficking cases

Lack of NPA to combat trafficking in persons (not shared or implemented)

Anti trafficking police lack understanding on human trafficking and necessary skills for investigation

No specific anti-trafficking law

Insufficient Govt budget allocation for anti-trafficking efforts

Lack of database

Anti trafficking police usually lack funds to investigate trafficking cases

Lack of political will
**Vision Statement**

Mr. Manthey divided the participants into four groups in order to brainstorm the development of a vision statement. He asked each group to develop a vision statement that provided a clear goal for the country’s anti-trafficking community to aim for over the next five-year period, to address each of the four main problems identified above. Mr. Manthey emphasized that the vision statements should be high-level goals on which the anti-trafficking community as a whole can focus their efforts.

After the brainstorming session, the participants listed out the following vision statements from each of four groups.

*Participants debate problem tree analyses*
Group I Vision: Skills

**Vision:**Victims are assisted and offenders are convicted, through capacity building of responsible actors (Govt, UN, NGO, CSO) from multiple disciplines.

Mr Geoff Manthey asked participants whether they recognised the direction taken in developing this vision. How are we going to get there by developing capacities? The ultimate vision is the protection of people from Lao PDR.

A participant commented that the statement is too general and all encompassing. It is a big step and the jump is too big. There should be a closer connection between the problem and vision. They suggested changing the vision to “adequate capacity on the part of government to assist victims and convict perpetrators”.

The group representative responded that they followed the instructions of the facilitator in devising their vision, i.e. to develop a general vision, instead of short and long term goals. Mr Geoff Manthey asked whether it would be strengthened if there was a firmer connection between the problem tree and vision. A participant commented that it is indeed within the capacity of professionals working in this area to solve the problems identified.

Group II Vision: Cooperation

This issue was separated into two areas of cooperation: internal and external.

**Vision:**National implementation / cooperation mechanisms function better. Regional and international cooperation on anti-human trafficking is strengthened.

A participant commented that it might be better to envisage fully functioning mechanisms rather than better functioning mechanisms, i.e. to aim for more significant improvements. We may not reach this goal, but it is an aspiration. The group representative responded that in Lao PDR, “we say that if you move too fast, you will fail”. We should not be too ambitious and should take small steps.

Mr Geoff Manthey interjected and clarified that the vision statement can and should be ambitious. Is there room between the terms ‘fully’ and ‘better’? The group debated whether aiming high or being realistic is preferable. Should this process be about aspiring to something? No country has a perfectly functioning legal system. It might be good to include in the statement why we want this mechanism.

Mr Geoff Manthey asked what sort of vision should one aim for to witness progress in anti-trafficking work in Lao PDR. Should it be that no person from Lao PDR are trafficked? The vision is not just for a decrease in the number of people being trafficked, but to aim for the elimination of trafficking as a vision, even if we know trafficking will continue to occur. It is where we want to get to.
Group III Vision: Economic Issues

**Vision:** A strengthened and healthy community. Strengthened communities and strengthened local authorities.

To strengthen communities, we need to promote skills and provide permanent livelihood opportunities. How do you encourage people not to leave their home town? We increase the sense of community and patriotism. We promote and increase health and development funds. The vision is also to strengthen existing health promotion funds, and public private partnership. We want to cooperate with the private sector to promote market access. Employment law implementation and enforcement is part of this.

Some participants debated whether the vision statement itself was too broad and lacked specifics. Mr Geoff Manthey suggested that the comments relating to the vision should be turned into results. To achieve this vision, we might have ten or twenty different results. We should also take into account the causes established in earlier sessions and ask how do we address these? The group representative explained that a shorted vision is easier to understand, which is why they phrased their vision at the beginning in this way (‘a strong and healthy community’).

Group IV Vision: Legal Issues

**Vision:** To have a comprehensive Anti Trafficking Law and legal framework that is fully implemented and understood by all levels of Government and all levels of society.

A participant asked what is meant by the term “understood” in this context. The group representative responded that although Lao PDR has some excellent and comprehensive laws, they are not easily understood by government officials or the people. Mr Manthey clarified that this relates to legal literacy and what we discussed yesterday; that courts and law enforcement agencies need more training on applicable laws. Another participant asked how long might it take to implement this? They suggested that this is not a realistic goal to achieve in a five year period. The group representative replied that although it is not going to happen in five years, it is a grand vision and something to aim for.

Results Map

Participants created a “Results Map” following discussions on the measures (and structures) that need to be in place to achieve the vision and objectives identified above. The guiding question for this exercise was “what must be done and put in place to achieve the vision that has been developed in a particular area?” Participants were encouraged to take each major problem identified on the trunk of the problem tree and reword it as the immediate positive result with longer-term positive results or effects, articulated as clearly and concretely as possible. The
approach taken by participants in developing the results map was to set out the targeted aims in the following lists. Participants were encouraged to write results for all vision statements and problem trees, and not just for the groups they were assigned to. The aim was to broaden the results mapping process and to facilitate inputs on all problems from all participants.

**Group I Results: Skills**

National Trafficking in Persons (TIP) training Curriculum:
- Investigation and identification training for police.
- Prosecution procedures for lawyers and judges.
- Victim recovery services for social workers in shelters.
- Reintegration assistance services and social welfare at the district level.

Government officials and practitioners in all seventeen provinces received TIP training. Human trafficking cases solved. Victims receive comprehensive services during:
- Identification process.
- Interim care in shelter.
- Involvement in legal system.
- Reintegration back into society.

**Group II Results: Cooperation**

- Well functioning coordination among central and local levels, and monitoring and evaluation with a national database.
- Evidence on human trafficking shared across borders. Law enforcement cooperation on cases.
- Foreign victims are also assisted.
- Strengthened international / external cooperation framework.
- Controlled safe migration; safe migration providing accurate database and increasing awareness on human trafficking through efficient prevention.
- Traffickers and brokers are convicted.
- Reduced illegal migration. Legal migration work is supported and increased.
- Cooperation with other countries to bring traffickers to account under the law.
- Law enforcement agencies working on compensation for victims or prosecution of the traffickers cooperate with victim service agencies that provide protection services to victims.
- Better bilateral and multilateral cooperation.
- Government budget for coordination mechanism and human resource available

**Group III Results: Economic Issues**

- Reduction in unsafe migration and elimination of labour exploitation.
- No one lives in poverty.
- Strong economy, strong communities and a better quality of life.
- Lower school drop-out rates.
• Nutritional needs are achieved, so people develop healthy both physically and mentally.
• Public and private partnerships are successfully developed.
• Strengthen the capacity of human resources at the community level and with village authorities.
• Rise in awareness on human trafficking and the risks of migration

**Group IV Results: Legal Issues**

• A National Plan of Action is produced, budgeted and implemented.
• Traffickers and brokers in prison.
• Collaborative mechanism for dealing and processing victims, survivors and traffickers.
• Sufficient and sustained government funding.
• A knowledgeable corps of law enforcement and court professionals who can effectively pursue a case from rescue, identification, investigation, trial and judgement.
• Proactive identification of potential victims.
• Increased awareness of human trafficking laws.
• Reduction of victims being trafficked.
• Sex tourists drastically reduced.
• Government departments understand their specific role in the legal framework.
• Curriculum on human trafficking for police, lawyers, judges, social workers, medical and other related professions who are skilled and motivated.
• Less stigmatisation and discrimination towards victims.
• Victims / survivors have rights that are enshrined under that law and thereby protected.
• Victims are encouraged and feel safe in accessing the court system.
• Comprehensive services appropriate for males, females and children.

**Closing speeches**

Mr Geoff Manthey stated that some very succinct results had been outlined that related to causes discussed in previous sessions. He added that all vision statements are interconnected and the results apply across multiple aspects of anti-human trafficking work. Mr Manthey then invited the chair of the workshop to address participants.

Colonel Dr Phengsavanh provided observations reflecting on the results of the consultation. He said that the consultation was a positive exercise that would help upgrade technical capacities, especially of Government staff who deal with anti-trafficking. In particular, the event provided a good example of the technical approach to take when analysing issues, such as developing problem tree analyses to identify causes and effects, and then identifying future activities to engage in. He stressed that all public agencies and international organisations that have the capabilities and willingness to combat trafficking have to work together. He praised the consultation as a highly valuable process. The opinions and discussions should also help stakeholders develop their own plans and activities in the future and allow them to help the
government combat trafficking more effectively. The ideas presented here also serve as a reference to develop future activities.

Mr Geoff Manthey thanked participants for their efforts and stated that the results of the consultation work will help develop strong proposals for anti trafficking work in the region. He thanked the UNIAP regional office for their vital support as well as the national UNIAP staff for arranging the logistics of the event.
Participants gather for a group photo during consultation event
Annex: Attendance List

Consultation Workshop on Strategic Visioning for Post-2013 Coordinated Anti-trafficking Efforts in Lao PDR

On 9 – 10 April 2013
At Vientiane, Lao PDR

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<tr>
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<td>12</td>
<td>Mr. Geoffrey Manthey</td>
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