

Final Report on the Implementation of the
COMMIT Sub-Regional Plan of Action III



COORDINATED MEKONG MINISTERIAL INITIATIVE AGAINST TRAFFICKING

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1. INTRODUCTION

1.1 : The COMMIT Process

The Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT) represents a Government-led process incorporating the six countries in the Greater Mekong Sub-region (Cambodia, China, Lao PDR, Myanmar, Thailand, and Viet Nam). Initiated in 2004 with the signing of a Memorandum of Understanding (MoU), the COMMIT process was established to strengthen cross-border cooperation and collaboration in addressing human trafficking in the Greater Mekong Sub-Region (GMS).

The COMMIT MoU is a model for regional agreements to combat human trafficking containing commitments in the areas of: Policy & Cooperation; Legal Frameworks, Law Enforcement & Justice; Protection, Recovery & Reintegration; Preventive Measures & Vulnerability Reduction; and Monitoring, Evaluation & Anti-Human Trafficking Data Systems.

The COMMIT Process is based on the principle that an inter-ministerial and inter-governmental approach is an effective way to tackle the broad and complex issue of human trafficking that goes beyond the mandate of any one government ministry or country. In addition, COMMIT is not a stand-alone process; it incorporates, builds upon, and complements other initiatives and commitments to fight human trafficking in the region. This is demonstrated by the COMMIT Task Forces' active partnerships with counter trafficking agencies and programmes in each GMS country.

The objectives of the COMMIT Process are to :

1. Promote and strengthen systems and arrangements of inter-country and regional cooperation against human trafficking ;
2. Establish a holistic regional response, covering all aspects of the human trafficking problem and ensuring that concern for the victim is at the center of all interventions;
3. Identify and adapt successful models in one country to be shared with others as appropriate ; and
4. Enhance national capacities to address human trafficking in order to facilitate each country's engagement at the sub-regional level, building on existing strengths in each country

1.2 : Human Trafficking in the Greater Mekong Sub-Region

Human trafficking is defined in the Human Trafficking Protocol to the UN Convention on Transnational Organized Crime as, “the recruitment, transportation, transfer, harboring or receipt of persons, by means¹ of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation”. It is a transnational organized crime of global reach, generating an estimated USD 150 billion in annual revenues. Human trafficking ranks as one of the world’s largest criminal industries.

The ILO 2012 Global Estimate of Forced Labour estimates that some 11.7 million people from the Asia- Pacific region are in conditions of forced labour at any given point in time, a prevalence 3 times greater than the second most affected region, the African continent. Within Asia-Pacific, the GMS features some of the most extensive flows of migration and human trafficking. These are characterized by strong cross-border patterns shaped by factors such as cultural linkages, traditional migration trends, long and porous borders, as well as significant disparities in the socio-economic development levels of the countries therein.

Despite an initial focus on trafficking of women and girls across borders for the purpose of sexual exploitation, the nature of human trafficking in the GMS today is commonly acknowledged to take place in the context of large irregular migration flows within and between neighboring countries, for the purposes of forced labor in the fishing and seafood industries, in agriculture, construction, domestic servitude or begging; as well as for sexual exploitation or forced marriage.

Trafficking in persons affects men, women and children alike, albeit often in different ways. In Southeast Asia, women and girls are regularly trafficked for sexual exploitation and domestic servitude, whilst men and boys are primarily trafficked into forced labour on fishing boats, in factories and other forms of forced labour. Children are a particularly vulnerable group to human trafficking.

Vulnerability to human trafficking is enhanced in irregular migration flows, although deception/ coercion and exploitation also occur in channels of regular migration. For the socially and economically excluded, and the relatively poor, the means by which migration channels are entered, e.g. through incurring debt from moneylenders, may also make them more vulnerable to human trafficking.

¹ Note that in the case of children the means component is irrelevant and does not need to be satisfied.

2. The Sub-Regional Plan of Action III

2.1 : Introduction to the Sub-Regional Plan of Action III

The Sub-regional Plans of Action (SPAs) transform the political commitments made under the COMMIT MoU into action. The SPAs are intended to complement, build on and, where applicable, support national responses and planning processes. As a result, the SPAs focus primarily on activities of a regional and cross-border nature, while also providing opportunities for sharing of experiences, successes and lessons learned at national level.

Three such SPAs have been developed and implemented since the establishment of COMMIT in 2004, i.e. SPAI (2005-2007), SPAII (2008-2010) and SPAIII (2011-2013). The latter was later extended by one year, partly to allow for sufficient time to develop SPAIV over the course of 2014.

The COMMIT SPA III was drafted, deliberated, and agreed in mid-late 2010, focusing on :

How the commitments in the original COMMIT MoU have been reflected in the COMMIT SPAs to date, and the identification of gaps to be addressed by the COMMIT SPA III ;

- How the commitments in the original COMMIT MoU have been acted upon by the COMMIT Governments to date, and the identification of gaps to be made a higher priority during the course of implementation of COMMIT SPA III ;
- Completed versus non-completed activities under the COMMIT SPA I and II, and the appropriateness of rolling some of the non-completed activities into the COMMIT SPA III ;
- Structural changes in the COMMIT SPA III, with activities outlined in a less prescriptive manner in recognition of the flexibility required by each country to approach activities in different ways ; and
- Taking into consideration new and emerging anti-human trafficking initiatives building on lessons learned within the Greater Mekong Sub-region, other parts of Asia, and throughout the world.

COMMIT SPA III (2011-2013) structurally is more in line with the original COMMIT MoU than its predecessors, and consists of five major sections, namely :

Area 1: Policy and Cooperation

Area 2: Legal Frameworks, Law Enforcement, and Justice

Area 3: Protection, Recovery, and Reintegration

Area 4: Preventive Measures and Vulnerability Reduction

Area 5: Monitoring, Evaluation, and Anti-Trafficking Data Systems

The targets and timelines of the COMMIT monitoring and evaluation framework have been given greater prominence, conveying the more aspirational and results-oriented focus of the COMMIT Process. Additionally, the previously separate training and capacity building activity area has been eliminated, with most training activities instead being incorporated into each of the Areas to highlight the need for more specialist training and capacity building.



2.2 : Area 1 : Policy & Cooperation

The objectives of SPAIII Area 1, 'Policy and Cooperation' included the development of National Plans of Action; the introduction of regional and national training programmes; the establishment of cross-border agreements; and the engagement of relevant states and bodies outside the COMMIT framework.

Over the duration of SPAIII, various policy and cooperation targets were achieved, namely, the development of NPAs in all six countries, the establishment of comprehensive regional and national training programmes, and the development of bilateral MoUs and standard operating procedures.

The governments allocated budgets to combat human trafficking, in some cases increasingly so. In addition, national laws on trafficking in persons were further aligned with international standards, and systems were put in place to operationalize bilateral agreements between countries.

CAMBODIA

Over the duration of the SPA III, Cambodia established several mechanisms to counter human trafficking. The government enacted a NPA (2014-2018) against trafficking in persons, which provides a holistic strategy for the Cambodian context. The government also allocated about 149 million KHR (US\$ 37,000) per year to the Ministry of Women's Affairs for anti-trafficking work. Comprehensive national training programmes have been established, and aligned to regional curricula. Regional training programmes were conducted twice per year on average, with 5 government officials and 4 non-government organisation (NGO) staff having been trained each time. In addition, a regional training of trainers workshop (ToT) was conducted, with 4 government officials and 2 NGO staff from Cambodia participating. Amongst other national training programmes, Cambodia developed a national ToT programme, "Strategies for Combating Human Trafficking", which on average was conducted three times per year. Between 2011 and 2014, the national training programme resulted in the training of 454 government officials and NGO staff.

The government formalized and revised a number of cross border agreements. In 2012, Cambodia amended an MoU on bilateral cooperation to combat human trafficking with Viet Nam, originally signed in 2005. In addition, in 2014, Cambodia also amended its 2003 MoU on bilateral cooperation to combat human trafficking with Thailand. Action plans and standard operating procedures (SOPs) for cross-border agreements were put in place.

During the SPA III period, anti-human trafficking cooperation with relevant States and multilateral bodies outside of the COMMIT member countries were developed including through ASEAN. In addition, national mechanisms that support cross border cooperation were established, such as the National Committee on Counter Trafficking in Persons - a national, inter-ministerial institution under the Ministry of Interior responsible for coordinating and gathering information about the anti-trafficking efforts of various ministries, institutions, national and international NGOs, the private sector and other stakeholders.

Persons affected by human trafficking were engaged and consulted with in the monitoring and evaluation of the effectiveness of national anti-trafficking programmes through workshops, and also through direct follow-up with (re)integrated victims.

CHINA

In 2013, the Chinese government enacted an NPA against Trafficking in Persons (2013-2020) in alignment with the definition of trafficking in persons in the United Nations Palermo Protocol. The document was amended from exclusively addressing trafficking of women and children to include all forms of human trafficking. Annually, the Central Government distributes 50 million RMB (USD 8 million) to local governments across China to address human trafficking. In addition, a special fund of 5 million RMB (USD 800 thousand) is allocated each year to the Ministry of Public Security for anti- trafficking work.

Comprehensive regional and national training programmes were established with approximately 2,000 government officials and NGOs being trained. The Ministry of Public Security held several rounds of national anti-trafficking trainings every year for policemen from all over China who are engaged in or in charge of anti-trafficking work. From 2011, there were at least 6 national training programmes on anti-trafficking and 8 provincial/municipal trainings each year on relevant themes of anti-trafficking.

China also achieved significant success in cross-border agreements. From 2011-2014, the government of China signed a number of bilateral extradition treaties. Moreover, in 2014, China and Lao PDR signed an Agreement on Preventing and Combating Crimes of Trafficking in Persons. Mechanisms for anti-human trafficking cooperation outside of the COMMIT member countries were put in place through channels such as the International Criminal Police Organization. The Chinese Ministry of Public Security was in cooperation with the police from Russia, UK, Australia, and Malaysia in the investigation of criminal cases and intelligence sharing. Furthermore, the Ministry of Public Security also proactively cooperated with the Special Administrative Region (SAR) of the government of China, Hong Kong SAR and Macau SAR in human trafficking investigation. Appropriate collaboration was also carried out with international bodies such as UNODC, UNICEF, ILO, IOM and UN-ACT.

In 2007, China had established 3 Border Liaison Offices (BLOs) at different points on the China- Viet Nam border. During the SPA III period, these were increased to 8. The BLOs increased information exchange, and supported the return and repatriation of victims. People affected by human trafficking were engaged and consulted in the monitoring and evaluation of the effectiveness of national anti-trafficking programmes through regular contact by the police with family members and victims of trafficking, through informal meetings, telephone, email and QQ (Chinese instant online communication).

LAO PDR

In May 2013, the Lao Government adopted the National Plan of Action to Prevent and Combat Trafficking in Persons (2013-2015), and in 2014 increased its budget allocation for anti- trafficking to 2 billion LAK (USD 246 660). In addition, the Government established the National Steering Committee on Counter-Trafficking with the role of supporting Lao migrant workers who might be vulnerable to trafficking. Comprehensive regional and national training programmes were developed for national anti-trafficking responders and policy makers in Lao PDR. 52 workshops/trainings were held for officials at national and regional levels. Trainings on victim protection and ethics were conducted in 9 districts in Vientiane capital with 78 participants, and a number of victim identification trainings were conducted in Savannakhet, Champassak and Salavan provinces, involving a total of 440 participants. Trainings for front line officers were held in 17 provinces and 1175 police officers received training, as did 76 police school teachers. Moreover, Standard Operating Procedures (SOPs) trainings were conducted for the northern, central and southern parts of Lao PDR with 105 participants.

Cross-border agreements were formalized and monitored with China, Thailand, and Viet Nam. Action plans and SOPs for these cross-border agreements were put in place, and implementation plans were reviewed twice. In addition, anti-human trafficking cooperation with relevant States and multilateral bodies outside of the COMMIT member countries were established through collaboration with the International Police System 1247, ASEAN and Australia Asia Program to Combat Trafficking in Persons (AAPTIP).

Effective cross-border cooperation was supported by national mechanisms through Decree 156/PM on the establishment of the National Steering Committee on Human Trafficking, and Decree 27/PM on Fighting against Inequality in Society. Moreover, Lao PDR signed an agreement with China on Cooperation in Preventing and Combatting Trafficking in Persons in 2014. This agreement enables Lao PDR and China to develop cross-border cooperation to combat human trafficking as well as effectively provide necessary protection and assistance to the victims of trafficking. During the SPA III period, 681 people affected by human trafficking were engaged and consulted in the monitoring and evaluation of the effectiveness of national anti-trafficking programmes through consultations and inspections by the National Steering Committee on Human Trafficking.

MYANMAR

A 5-year National Plan of Action (2012-2016) was enacted to address all forms of human trafficking. In addition, the government more than doubled its budget allocation for anti-trafficking work, with MMK 12.042.358 million (USD 11.6 million) being provided from 2011- 2014 for anti-trafficking work. In 2013, a re-structuring saw the creation of the Anti-Trafficking in Persons Division (ATIP), an upgrade from the previous Anti-Trafficking in Persons Unit (ATU) with an expanded mandate and increased resources.

Comprehensive regional and national training programmes were developed for national anti-trafficking responders and policy makers in Myanmar, with 1109 government officials and NGOs receiving training. From 2011-2014, government officials and NGOs participated in 18 meetings, 3 workshops and 8 training programmes at the regional level as well as 10 meetings, 3 workshops and 37 training programmes at the national level. Following these regional and national COMMIT trainings and sensitizations, including visits to migrant communities in Thailand, officials changed policies and attitudes to human trafficking and safe migration. Further, through cross-border cooperation with Thailand, officials visited Myanmar victims in Thai government shelters to understand their needs and situations.

The government also put in place mechanisms for anti-human trafficking cooperation outside of the COMMIT member countries, namely, the joint plan with the US as well as with ASEAN Heads of Specialist Units (HSU) and AAPTIP for developing mechanisms for anti-trafficking cooperation. In addition, the Border Cooperation on Anti-Trafficking in Persons (BCATIP) mechanism with Thailand and BLOs with China was established to support coordination in cross-border cases.

THAILAND

Over the duration of the SPA III, Thailand developed and implemented an NPA (2011-2016) to counter trafficking in persons. Coordination and integration both at the policy and implementation levels were reinforced and strengthened. The government initiated the establishment of the Policy Committee on Combating Human Trafficking and Illegal Fishing, a new mechanism that addresses the issue of trafficking in persons in a more comprehensive manner. In addition, the government's annual budget to combat human trafficking doubled. In 2014, Thailand allocated THB 210 million (about 6.5 million USD) for government agencies to implement the anti-trafficking plan of action. The amount was increased to THB 496.82 million (about USD 15.53 million) in the budget year 2015 (from 1 October 2014 - 30 September 2015). The increased budget would further strengthen the capacity to carry out activities and launch projects related to prevention, protection and prosecution of human trafficking.

Comprehensive regional and national training programmes were established for government and non-government anti-trafficking responders and policy makers. Government anti-trafficking policy makers, programmers and NGOs were active participants in the Regional Training Programmes, as well as regional and national ToT programmes. Over the duration of the SPA III, 389 government officials and NGOs received trainings at both regional and national levels.

The government also put in place mechanisms for anti-human trafficking cooperation outside of the COMMIT member countries through cooperation with ASEAN Senior Officials Meeting on Transnational Crime (SOMTC), AAPTIP and the Bali Process. Thailand launched Bilateral SOPs with Viet Nam and Myanmar on Repatriation and Reintegration of Trafficking Victims. In addition, cross-border agreements were formalized with Lao PDR, Cambodia and Viet Nam to support coordination in cross-border cases. Between 2012 and 2013, three Border Cooperation against Trafficking in Persons (BCATIP) offices were established at different points on the Thailand-Myanmar border (ChiagRai-Tachileik, Ranong-Kautung and Maesot-Myawaddy).

VIET NAM

During the SPA III period, the Government of Viet Nam launched an NPA (2011-2015) against human trafficking. The NPA addresses various areas of anti-human trafficking, such as raising public awareness, prosecution, victim identification and repatriation, development of legislation and international cooperation. A total state budget of nearly USD 20 million (VND 270 billion, VND 54 billion/year on average) was allocated to various counter-trafficking efforts over a period of 5 years.

Regional and national training programmes were established and implemented. The Government of Viet Nam, in consultation with international organizations, developed and used the inter-agency training manual on victim protection and support during the process of prosecution. Viet Nam also organized ToTs, inter-agency courses and specialized courses on anti-human trafficking at both central and local levels with over 1,000 participants trained.

Bilateral MoUs, SOPs as well as Bilateral Plans of Action with neighboring countries were developed and implemented. Viet Nam signed MoUs with Lao PDR, Thailand and China, and SOPs with Cambodia and Thailand. These agreements created a foundation to strengthen bilateral cooperation between the countries involved. Bilateral meetings were organized annually to update on the implementation of MoUs as well as agree on the annual joint action plan. Under the MoUs, the BLOs were established so as to strengthen the information exchange as well as cooperation in investigation and suppression of crimes across the borders. The government also put in place mechanisms for anti-human trafficking cooperation outside of the COMMIT member countries through cooperation with ASEAN.

2.3 : Area 2 : Legal Frameworks, Law Enforcement & Justice



COMMIT SPA III, Area 2, 'Legal Frameworks, Law Enforcement and Justice' prioritized the introduction of comprehensive human trafficking legislation in line with international standards; training of law enforcement officials including anti-trafficking specialist units; training of investigators and prosecutors involved in human trafficking cases; and the integration of a victim service response into criminal justice measures in human trafficking cases. Over the course of SPAIII implementation, various countries introduced new, or revised existent legislation related to human trafficking, and significant training efforts for law enforcement officials, investigators and prosecutors were made.

CAMBODIA

In 2012, Explanatory Notes on the 2008 Law on Suppression of Human Trafficking and Sexual Exploitation were developed to serve as a guidebook to enable all citizens, law enforcement officials and researchers to better understand the law, and to ensure that the law is implemented effectively. Relevant training of law enforcement personnel was conducted with 1,191 officers receiving training on investigation techniques as well as victim identification and support between 2011 and 2014.

Investigators and prosecutors involved in the criminal justice response to human trafficking were trained on the relevant technical aspects of the crime, with five judges and prosecutors having been trained as trainers. In addition, 178 judges and prosecutors were sensitized during a one-day 'awareness raising training'; out of these, 70 were fully trained on the technical aspects of the human trafficking crimes. An additional 55 student judges and prosecutors also received training.

CHINA

China formulated and enacted a series of laws and regulations to provide a legal basis to punish crimes of human trafficking, and to safeguard the legitimate rights and interests of the victims. The PRC Criminal Law Amendment (eight) was passed in 2011 by the NPC Standing Committee, contributing to a revision of relevant articles of the Criminal Law such as the criminalization of the illegal removal and selling of human organs (Article 234, Criminal Law), the crime of forced labor and an increase in the statutory sentence from 3 years to 10 years (Article 244, Criminal Law), as well as the crime of assistance in organizing prostitution (Article 358, Criminal Law).

3,000 law enforcement and criminal justice officials were trained on human trafficking, including those in courts and the police from all over China. In addition, 1,000 prosecutors and investigators were amongst the participants who were trained on technical aspects of the crime. These trainings equipped policemen from various places of China with skills in DNA comparison technology, operational skills, as well as better knowledge of prosecution procedures in the interest of a better collaboration with different departments in handling human trafficking cases.

China also made efforts to protect the security of victims of trafficking. The government provided judicial protection to alien victims of trafficking in China, including arrangements for shelter and repatriation. Chinese law enforcement makes a clear distinction between victims of human trafficking and illegal immigrants, ensuring that the former are not detained. Moreover, judicial institutions took measures to strengthen the protection of the rights of victims.

LAO PDR

Lao PDR does not yet have a specific law on human trafficking, but made steps towards developing targeted legislation. At this point, human trafficking is criminalized in the country's Penal Code, and other laws such as the Law on Criminal Procedure, the Law on the Development and Protection of Women, and the Law on Child Protection Care and Education, all of which may be applied in human trafficking cases.

In 2011, the Ministry of Public Security established the Department of Prevention and Anti-Trafficking (DPA), including a division specifically dealing with human trafficking investigations.

1,874 law enforcement officials were trained, including anti-trafficking specialist units and general duties police and immigration officers in trafficking hotspot areas. 2,047 investigators and prosecutors involved in the criminal justice response to human trafficking were also trained on the relevant technical aspects of the crime.

MYANMAR

Myanmar developed national guidelines on the return and repatriation of trafficked victims. With regards to associated offenses, the country applied other relevant laws such as the Criminal Law, Evidence Act and Criminal Procedures in human trafficking cases. Training programmes were developed, with 600 law enforcement officials participating. In addition, 12 law enforcement-related officers attended a regional training on the criminal justice response to human trafficking. There were 37 national training programmes, and 1,109 law enforcement personnel were trained. Two investigations were conducted into alleged complicity and corruption within law enforcement.

Forced labor, including the recruitment of children into the army, is a criminal offence under both the new Wards and Village Tracts Administration Act passed in March 2012, and the Penal Code (Section 374). Violations can result in imprisonment for up to one year, a fine, or both. In addition, forced labor is prohibited under Section 359 of Myanmar's 2008 constitution.

THAILAND

In 2013, Thailand ratified the United Nations Convention against Transnational Organized Crime (UNTOC) and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

Thai law enforcement and judicial agencies further strengthened their efforts to proactively enforce the laws. Over the SPA III period, 164 law enforcement authorities received training. Relevant laws, which are not directly related to human trafficking, but which can put pressure on suspected members of human-trafficking syndicates, such as anti-money laundering and anti-tax-evasion laws, were applied more stringently. Anti-corruption measures were also more strictly enforced on state officials at all levels.

VIET NAM

The government ratified the UNTOC during the SPAIII reporting period. In addition, the national legal framework was strengthened with the development and endorsement of the Law against Trafficking in Persons (March 2011) and several related Decrees and Circulars developed under the Law. Articles 119 and 120 of the country's Penal Code were expanded to specifically define and prohibit sex and labor trafficking.

In 2013, the Supreme People's Court, the Supreme People's Procuracy, the Ministry of Public Security, the Ministry of National Defence, and the Ministry of Justice issued a joint circular establishing criminal penalties for the trafficking crimes prohibited in the law. The new law takes into account trafficking of men, women and children, including foreign victims living in Viet Nam. The law also covers internal and cross-border trafficking, labour trafficking and other forms of trafficking such as for organ removal and surrogacy.



2.4 : Area 3 : Protection, Recovery & (Re) Integration

The objectives of COMMIT SPAIII Area 3, 'Protection, Recovery and (Re)Integration', related to the introduction of effective victim identification guidelines; to systems for the return and repatriation of trafficked persons; and mechanisms for individualized and consensual protection and (re)integration support.

Regional and national guidelines for victim identification, repatriation, and quality of care in victim protection services were established across the region. Regional guiding principles for trafficking victim protection, and national guidelines and procedures to operationalize victim identification and protection processes as originally developed in 2007 were improved.

The capacity of victim protection personnel also improved, in parts due to the introduction of a range of tailored shelter improvements and ethics trainings.

CAMBODIA

Several initiatives were undertaken to strengthen victim identification in Cambodia by various ministries and organizations such as the Ministry of Social Affairs, Veterans and Youth Rehabilitation (MoSVY), IOM, UNIAP and HCC. For example, both Minimum Standards for the Protection of the Rights of Victims of Human Trafficking, a Policy on the Protection of the Rights of Victims of Human Trafficking were introduced, which, together with various other laws and regulations, provide entitlements to protection services to trafficked persons and guarantee various rights.

In addition, MoSVY established the Department of Anti-Human Trafficking and Reintegration, and also released the Operational Standard Procedures on Reintegration Support to Male Trafficking Victims. Assessments on victim needs were improved and information and relevant information for trafficked persons was provided in their respective languages; 401 victim service providers were provided with relevant training.

CHINA

In China, a victim-centered relief system was defined and implemented, in line with China's NPA against trafficking in persons. The Chinese government made available translation/interpretation services for victims from other countries. Nearly 1,000 staff from over 500 relief organizations and service agencies received training by Civil Affairs both at the national and local level.

The Chinese government established 8 BLOs along borders with Viet Nam, Myanmar and Lao PDR, in order to share information and facilitate cross-border repatriation. Repatriation mechanisms were also established between China and countries not bordering China.

The Chinese government actively sought the opinions of victims on the relief and assistance provided, aiming to improve transnational cooperation.

LAO PDR

Protection measures involved activities taking place in relation to Laotians trafficked to Thailand or within the country. This work consisted of identification, rescue, rehabilitation, legal proceedings, repatriation, reception and (re)integration. For victims repatriated from Thailand, this involved a multi-disciplinary approach from the police, social workers, lawyers, international agencies and interpreters, particularly with regards to their rehabilitation and reintegration.

In addition, systems and guidelines were operationalized to ensure that victims of trafficking are offered safe options during the return and repatriation through the Victim Identification Guidelines and the Front Line Officer Guidelines.

The government continued its efforts to support victims' reintegration and protection through various projects such as the 'Shelter for Self-improvement Initiative' (SSI) that was conducted in 2013. Through SSI, shelter staffs were able to increase their knowledge concerning work with victims of trafficking as well as to improve the shelter facilities to better meet the victims' needs.

MYANMAR

Strengthened victim identification mechanisms were put in place in Myanmar during the SPAIII reporting period. For example, the National Guidelines on the Return/Repatriation & Reintegration of Trafficked Victims as enacted in 2012 provided for more individualized, gender- and age-appropriate protection interventions.

Cross-border cooperation, based on joint meetings and bilateral agreements, was improved, with such improvements measured based on the feedback and comments of trafficked persons themselves. An important achievement was the development and operationalization of bilateral SOPs with Thailand for the return and repatriation of trafficking victims.

THAILAND

The government adopted a policy on victim identification among vulnerable populations, providing for all potential victims to be interviewed. The government enabled trafficking victims to access legal assistance and ensured that victims were not held in any custodial facilities against their will. Furthermore, a hotline with interpreters in 5 languages (Burmese, Chinese, English, Khmer and Vietnamese) was introduced on human trafficking-related affairs.

A network for repatriation support, which also aims to prevent re-trafficking, was put in place. It involves a multi-disciplinary approach from police, social workers, lawyers, NGOs and interpreters.

Repatriation programmes were arranged with Cambodia, Lao PDR, Myanmar, Viet Nam and Yunnan Province of China. In addition, the government coordinated with relevant government agencies, non-government organizations, international organizations and Thai embassies overseas to provide shelter and ensure the safe return of trafficked persons to their countries of origin.

Efforts also aimed at ensuring the successful recovery and reintegration of trafficked persons, ideally with follow-up and monitoring programmes to prevent re-trafficking.

VIET NAM

In Viet Nam, Decree (09/ NĐ-CP) on supporting victims, and Decree No. 62/NĐ-CP to identify and protect trafficked victims and their families, as well as Circular No. 01/TTLT between MPS, MOD, MOLISA, MOFA on procedures for coordination on identification, receipt and return of victims were passed, all aimed at ensuring that victims of trafficking were offered safe options during return and repatriation as well as targeted rehabilitation and (re)integration services thereafter.

The Criminal Procedure Code was put in place to ensure that victims of human trafficking were not held in any custodial facilities against their will.

In addition, SOPs were introduced with Cambodia and Thailand on the identification and receipt of victims. Similar systems were also agreed with Lao PDR.

2.5 : Area 4 : Preventive Measures & Vulnerability Reduction



The objectives of Area 4, 'Preventive Measures and Vulnerability Reduction' included the development and strengthening of community protection and surveillance networks; the introduction of labour laws and other relevant policies protecting the rights of all workers including labour inspections and complaint mechanisms; and the strengthening of cooperation with the private sector in anti-trafficking interventions. Over the duration of SPA III, the COMMIT governments developed and implemented a range of activities, including community protection and surveillance networks as well as public awareness and advocacy campaigns.

CAMBODIA

In Cambodia, a number of public awareness and advocacy campaigns that addressed human trafficking, safe migration and labour rights were developed and replicated. These included Anti-Human Trafficking Day events, TV and radio spots, TV and radio talk shows, booklets, leaflets, posters, concerts, and peer education. Informal interviews and a number of pre- and post-tests were conducted to measure knowledge of the participants who were exposed to the awareness raising interventions.

Various labour laws and other related policies were put in place to protect the rights of all workers, including a Labor Migration Management Policy (2014), Prakas on Working Conditions, Occupational Safety and Health Rules of Entertainment Service Enterprises, Establishment and Companies (2014), and Sub-Decree No. 190 on the Management of the Sending of Cambodian Workers Abroad through Private Recruitment Agencies (2011), among others.

Cooperation between the government and the private sector, such as recruitment agencies, the entertainment industry and tourism sectors, were put in effect. Recruitment agencies worked with the government to improve their systems and thereby reduce trafficking occurrences and exploitation. The tourism sector (for instance hotels, guesthouses and travel agencies) and the entertainment industry participated in awareness raising campaigns with the government and CSOs.

CHINA

In China, various forms of mass media were used to disseminate knowledge and information about trafficking in order to create public awareness. Traditional media formats such as TV, radio, newspaper were utilised, as were new media formats such as micro blogs and WeChat. A number of documentaries and animations were produced and broadcasted to extensively publicize the issue of human trafficking, raising awareness and understanding of human trafficking among the general public.

Community protection and surveillance networks were developed with police departments and other organizations at the grass-roots level. The Labor Law of China was developed on the basis of principles of non-discrimination and equality. Substantial collaboration with the private sector across China, such as civil aviation, transportation and railway, were put in effect.

LAO PDR

Prevention activities were mainly implemented in source areas along the Mekong River towards Thailand. The target groups were, for the most part, young people in rural areas, but also authorities at various levels. National and local measures to identify and reduce human trafficking vulnerability included campaigns on human trafficking and safe migration, child safe tourism, education and capacity building. In addition, child protection networks were created and poverty alleviation projects through micro-credit schemes put in place.

Different organizations and sectors were involved in public awareness raising on human trafficking, including the Women and Children Consultation and Protection Center, the Lao Youth Union, the Lao Federation of Trade Unions, the Border Military, the Propaganda Department of the Ministry of Information, or the Ministry of Labour and Social Welfare.

In addition, there were efforts to support the continued implementation and improvement of the legal labour recruitment channels within the framework of the Lao-Thai MoU on Labour Cooperation.

In 2013, a workshop on re-thinking prevention of trafficking was conducted. The workshop reviewed IEC materials on human trafficking prevention that government and development partners had developed in the past years for central, provincial and community levels. The workshop focused on the application of behavior change communication in anti-trafficking.

Between 2013 and 2014, Decree 169/Government on Social Welfare and Decree 1777/MLSF on the Establishment and the Work of Social Welfare were put in place to protect the rights of all workers. In addition, cooperation with the private sector took place, particularly with the tourism industry including hotels, guesthouses, beer shops, the transportation sector, garment factories, and schools.

MYANMAR

National and local measures to identify and reduce human trafficking vulnerabilities were developed and implemented through awareness raising and training of the anti-human trafficking implementation actors. The government formed community watch groups in 42 hotspot areas in order to strengthen community protection networks on trafficking. Information about labour affairs was made accessible, and awareness raising for prospective migrants was implemented through pre-departure training programmes.

A regulation penalizing those who returned after irregular migration was revoked. Instead, support provided to both regular and irregular migrant workers was increased, including through the issuance of passports and nationality verification.

Migration management and migrant protection policies were put in place, with dialogues convened to further determine ways to make migration safer, and to make formal channels cheaper and more accessible.

THAILAND

Prevention measures and vulnerability reduction in Thailand included awareness-raising campaigns on human trafficking and safe migration, as well as education, capacity building and vocational training. It also involved advocacy on the incorporation of human rights into school curricula, strengthening the capacities of families, communities and community-based organisations, and the creation of child protection networks and poverty alleviation projects through micro-credit schemes.

Trainings on the Anti-Trafficking in Persons Act B.E. 2551 were organised for youths, the general public, and members of multidisciplinary teams to equip them with practical knowledge on human trafficking so that they can protect themselves and act as watchdogs in their respective areas. A series of seminars for the entertainment sector in Bangkok was conducted to raise awareness and disseminate knowledge on prevention and suppression of human trafficking.

With respect to labour trafficking, the government continued to regulate both inbound and outbound workers and improve the process of legalization of previously illegal immigrants through the establishment of One-Stop Service Centre (OSS) nationwide. In the fishery sector, Thailand proceeded with the registration of both fishery workers and fishing vessels, and introduced significant legislative amendments to improve working and living conditions for every worker on fishing vessels.

VIET NAM

In Viet Nam, various stakeholders carried out awareness-raising campaigns and provided education and vocational training, job opportunities, life-skills and technical training, or implemented poverty alleviation projects through micro-credit schemes.

In addition, laws and regulations were put in place as part of the government's strategy to prevent exploitation and protect migrant workers.

The contribution of the tourism sector towards the prevention of child sex tourism and counter trafficking was emphasized.

2.6 : Area 5 : Monitoring, Evaluation & Anti-Human Trafficking Data Systems



The objectives of Area 5, 'Monitoring, Evaluation & Anti-Human Trafficking Data Systems' included the development of data systems on human trafficking, more and better research and data analysis efforts, and the preparing of annual monitoring reports as well as a final evaluation of SPAIII. Over the course of SPAIII, some annual progress reports were prepared and an independent evaluation of COMMIT conducted. In addition, various relevant research projects were implemented including a region-wide study on the (re) integration experiences of trafficked persons.

CAMBODIA

Between 2011 and 2014, three databases were created and maintained by different Ministries. These were:

- A database of MoI, which records the calls to the hotline of the Ministry. It includes cases of human trafficking, rape, child sexual exploitation, indecent acts and missing persons.
- A database of MoJ recording data on prosecutions, convictions, etc.; and
- An MoLVT database recording migrants going to work abroad through legal channels.

Research on human trafficking and related issues was conducted by development partners, and some of the findings were used to design counter-trafficking programmes.

In addition, annual monitoring reports on counter-trafficking interventions were.

CHINA

In China, the Ministry of Public Security established a National Public Security Department Information System and a National Public Security Department DNA Database to find trafficked/missing children.

The information system requests public security organs in all parts of China to collect DNA of parents of reported trafficked or missing children, and to put this into the national database. It also requires all public security organs across China to collect DNA data from children who are suspected of being trafficked or missing, and to also put this information into the national DNA database. The information system can then automatically check the DNA data from both sides to determine compliance of kinship.

All the cost related to blood collection, sampling and testing are borne by the public security department. The national anti-trafficking DNA database is managed and supported by the Material Evidence Identification Center of MPS with nationwide networking.

In addition, the State Council Inter-Ministerial Meeting Office evaluated the performance of all provinces, autonomous regions and municipalities in combating human trafficking each year, and the results of the evaluation were recorded in the National Evaluation System on Comprehensive Governance for Social Security.

LAO PDR

Data collection on human trafficking was undertaken by different organizations, including the Ministry of Labour and Social Welfare, the Women and Children Consultation and Protection Center, and the Police Department of Prevention and Anti-human Trafficking.

In addition, efforts were made on gathering the funds/budget to develop a database center, with the goal of developing a national database for anti-human trafficking.

MYANMAR

In Myanmar, national-level data collection and data management systems were operated, although an integrated data collection system was still lacking. Data was collected by the various Ministries concerned with anti-trafficking using different methods and strategies.

The CBTIP provided support to development partners through the Human Trafficking Working Group to conduct research, with such work having improved and strengthened the anti-trafficking interventions in Myanmar.

THAILAND

The database system on the prevention and suppression of human trafficking was developed by the Ministry of Social Development and Human Security (MSDHS). The database system consists of 2 parts, a) information on the legal proceedings against the offenders, and b) data on the trafficked victims. The former is entered by the Royal Thai Police, while the latter is supervised by MSDHS.

In 2014, training workshops for practicing data entry into the system were conducted. The first workshop included social workers and data entry operators responsible for providing protection to the trafficked victims from the main agencies of MSDHS. The second workshop was for law enforcement officers and included police officers as well as data entry officers from the Anti-Human Trafficking Division.

VIET NAM

In Viet Nam, the Ministry of Public Security developed a database software on anti-human trafficking. The data collection system is maintained through the government's budget.

2.7 : Case Studies from the Sub-Regional Plan of Action III

EFFECTIVE BILATERAL COOPERATION

A group of villagers from rural Cambodia who were lured to Saudi Arabia by the promise of well-paid jobs in the oil industry have been able to return home through effective bilateral cooperation between Cambodia and Thailand. The men, who come from a remote part of eastern Cambodia where poor communities survive on hard physical labour as farmers, learned about opportunities of better working conditions with good pay in Saudi Arabia. Their journey was organized by a broker, with whom they agreed on salary levels and working conditions. The men left their village in December 2013, heading first by bus to Thailand and onwards by plane to the Saudi capital, Riyadh. Two more Cambodian workers joined the group through the same broker in January 2014.

Upon their arrival in Riyadh, the men were immediately put to work on a construction site, instead of in the oil industry. Their passports were confiscated and they were informed that their salaries would be only one third of the amount they had been promised. After realizing that they had been deceived the men called the broker in Phnom Penh to complain. They reported their situation to the local police but the employer separated the group and sent them to work in different locations. One of the workers was able to call his family to let them know about the bad situation the Cambodian workers found themselves in. His family further informed the families of the other victims and reported the problem to the Ministry of Foreign Affairs and International Cooperation of Cambodia (MoFAIC).

The men then managed to escape from their workplace. As there is no Cambodian Embassy in Saudi Arabia, they sought help from the Royal Thai Embassy. In the meantime, the Cambodian authorities approached the relevant Thai authorities to seek their cooperation in resolving the problem. The Cambodia COMMIT Task Force contacted their Thai COMMIT counterparts while MoFAIC approached the Royal Thai Embassy in Phnom Penh. Thailand's Ministry of Foreign Affairs then met with the Thai COMMIT Taskforce and Cambodia Embassy representatives in Bangkok to discuss ways to assist the victims.

Following interventions made by the Royal Thai Embassy in Riyadh and due to the complaint that had been filed by the Cambodian workers with the local Saudi police, the employer was ordered to pay two months of salary (2,400 Saudi Riyal, or approx. USD 600) to each worker in addition to the cost of their return flights to Bangkok. The men were eventually repatriated on 23 September 2014, after receiving shelter and assistance for over one month at the Royal Thai Embassy's compound in Riyadh.

EMPOWERING TRAINING

“Before I attended the training, I did not even know the true definition of human trafficking so I was not able to identify human traffickers or victims, even though human trafficking cases were happening around me. After the training, my skills and knowledge were enhanced and I felt committed to participate in combating human trafficking in my country and also the world. There have since been cases which I participated in or facilitated by supporting the identification of victims and the prosecution of brokers, and by providing assistance to victims. Now I am also leading the awareness raising programmes for the grassroots people.”

- Grassroots civil society worker, Chin State/Myanmar

MULTI-STAKEHOLDER COOPERATION

The Department of Social Welfare in Myanmar, along with the Myanmar and Indonesia branches of IOM, facilitated the repatriation of male trafficking victims from Indonesia.

The victims were originally from Rakhine state and were sold into forced labour on Thai fishing boats after being persuaded by a broker to work in Thailand for good salaries. When they reached Thailand, they were given fake passports and Thai names. They worked under bad conditions, were given little food and experienced physical and emotional abuse.

The victims managed to escape when the fishing boat arrived on Ambon Island in Indonesia. They hid on the island and managed to contact the IOM, which, jointly with the Myanmar ATIPD and the Myanmar Embassy in Indonesia, rescued and repatriated the victims.

VICTIM PROTECTION IN THE CRIMINAL JUSTICE RESPONSE

One of the key challenges in prosecuting perpetrators on human trafficking charges is the lack of cooperation by victims/witnesses in providing strong evidence and testimony to investigators and prosecutors.

The Thai Department of Special Investigations (DSI), the Labour Rights Promotion Network (LPN), Alliance Anti-Traffic (AAT) and UNIAP convened an expert group of criminal justice and victim protection practitioners from Thailand as well as from the source countries Cambodia, Lao PDR and Myanmar. The purpose of the meeting was to analyze the challenges in gaining cooperation from foreign trafficked persons in the Thai criminal justice process and generate action points for better victim protection that may also lead to increased victim/witness cooperation in the judicial process.

The discussions were underpinned by video statements by Burmese and Cambodian trafficking victims who had participated in the judicial process in Thailand, sharing their views on how participation in the Thai judicial process helped or hindered their recovery.

The key findings of these discussions as well as recommendations were documented, providing the basis for improvements in victim protection within the criminal justice process.

3. Conclusion and Looking Forward

Overall, much progress under SPAIII was made in Area 1, 'Policy and Cooperation' with the development/revisions of numerous anti-trafficking laws, policies and agreements. Each government enacted a National Plan of Action (NPA), which for the most part reflect the five areas outlined in SPA III, and policies and laws on trafficking were put in place or strengthened in all six countries. There is evidence that the discourse on human trafficking has shifted away from an exclusive focus on the sexual exploitation of women and children to also include forms of labor exploitation, and that there is a better understanding of the scope of human trafficking in the GMS more generally.

Areas of challenge included the implementation and monitoring of policies and other interventions related to 'Prosecution', 'Protection' and 'Prevention', especially at the regional level. In response, COMMIT governments have developed a fourth Sub-Regional Plan of Action (SPAIV) that is more targeted and results-based, thereby allowing for enhanced measuring of progress and best practices. SPAIV also emphasizes the regional dimension of COMMIT, and hence recognizes the distinctive added value that this brings to the counter-trafficking response in a sub-region where trafficking often occurs across international borders.

