Victim identification as a multi-stakeholder process

Effective victim identification procedures are key to a broader protection response in human trafficking cases, aimed at helping those affected (re)integrate successfully into society. However, whilst the ILO estimates that some 20.9 million people around the world are in situations of forced labour, a number often used as proxy for human trafficking as well, less than 50,000 trafficked persons are in fact identified annually.
The importance of, and challenges with, victim identification has prompted key stakeholders in the Greater Mekong Sub-region and Southeast Asia to make the area a key priority of their anti-trafficking work. For example, the 6 members of the COMMIT Process have recently committed themselves in a new Sub-regional Plan of Action to developing ‘standardized regional identification procedures’ involving ‘commonly agreed indicators of potential trafficking cases’.

In a workshop on 16-17 November, representatives from COMMIT and ASEAN members will join forces in Malaysia, the ASEAN chair in 2015, to take first steps towards regionally agreed indicators facilitating victim identification. The workshop is supported by AAPTIP, ILO, IOM and UN-ACT.

All 4 organizations were also involved in the most recent Regional Network Meeting on Human Trafficking (see below), a UN-ACT-facilitated gathering with relevant counter-trafficking initiatives working across the Greater Mekong Sub-region and Southeast Asia. The meeting focused on victim identification as well, with a panel discussing different approaches to the process and feeding into preparations for the workshop in November.

Experiences suggest that victim identification is complicated by a number of factors, not least of all the clandestine nature of the crime, with trafficked persons often found in environments of little state oversight, including fishing boats, private households, or factories, etc. It can also be compromised by victims’ lack of trust towards authorities, be it for experiences of abuse and complicity or perhaps an irregular migration status, resulting in their hesitance to actively seek assistance.

Victim identification is usually based on the concerned individual’s account, and relevant interviews often take place shortly after a person is detected. Aside from possible language barriers in such circumstances, those affected regularly suffer from trauma and confusion, and it can take weeks or months for a person to feel comfortable and safe enough to disclose information about their trafficking experience. This highlights the importance of recovery and rehabilitation support being integrated into victim identification procedures.

Relevant agencies also tend to struggle with questions around mandates. Victim identification is regularly seen as the exclusive responsibility of traditional law enforcement units, although other authorities such as labour inspectors or maritime officials may be more likely to encounter people in situations of forced exploitation. Indeed, the success of victim identification is often linked to whom the trafficked person first engages with.

Victim identification is also fundamentally connected to the broader protection and prosecution response following thereafter. The inadequacies in the latter, which often involve lengthy procedures for repatriation, forced participation in criminal justice proceedings and little to no employment opportunities in the meantime, at times result in trafficked persons proactively avoiding a positive identification. Deportation as an irregular migrant within days can be a worthwhile choice instead.

For further improvements to take place, it is key to integrate the various different stakeholders relevant for victim identification by nature of their work and mandates, on the basis of common, standardized procedures. This may include police, labour inspectors, social welfare, education, health, marine officials or immigration personnel, but should also engage non-governmental organizations due to their work with vulnerable populations at grassroots level and specialized social service expertise.
With COMMIT constituting a coordinated approach to counter-trafficking both nationally and regionally, it is ideally positioned to act upon such required improvements in victim identification procedures. UN-ACT and its partners will support this undertaking, with the forthcoming workshop in Malaysia marking only the starting point. In the long-term, COMMIT has the potential to develop into a functioning Transnational Referral Mechanism based on reliable, standardized procedures across all key pillars of anti-trafficking including victim identification.

TRAFFICKING TRENDS AND DEVELOPMENTS

CAMBODIA
- In the month of August, 6 Cambodian men were identified as trafficked aboard a Thai cargo ship seized by PNG authorities.
- 3 Cambodian women were rescued and returned home after a broker who attempted to traffic them to China was arrested by the Vietnamese police. Upon returning home, the women lodged a complaint which led to the arrest of another broker in Kampong Cham province.
- On August 25, 2 Cambodian women aged 23 and 28 from Kampong Thom and Prey Veng province, who had been deceived into marrying Chinese men, were returned home.

CHINA
- An amendment to the Chinese Criminal Law, which will come into effect on 1 November, criminalizes the ‘buyers’ in trafficking cases involving child adoption and forced marriage of women.
- Two Cambodian women were granted exit visas as VoTs and repatriated to Cambodia on 25 August after staying in a Chinese shelter for over 6 months because of a mandated investigation process.

LAO PDR
- A research project in Lao PDR maps out the legal and policy framework for regular labour migration between Lao PDR and Thailand, and analyses the experiences of those guying through such mechanisms. From August 6-14, a data collection team went on a second field mission, this time to Champasack, and conducted 86 interviews with respondents who had returned from regular labour migration experiences in Thailand. UN-ACT is currently engaged in the data entry process before analysis commences.

MYANMAR
- The recent, biannual meeting of the Central Body for Suppression of Trafficking in Persons (CBTIP) for the first time saw the attendance of the National Human Rights Commission and the Ministry of Defense, in line with the amended structure of the body. The meeting also involved the US Embassy as an observer.
- The latest Thailand-Myanmar Case Management Meeting took place in August, with both sides exchanging information and challenges on recent cross-border human trafficking cases between the two countries.

THAILAND
- The Thai police have arrested 5 people suspected of trafficking Thai women to China for sexual exploitation. The traffickers are believed to be a part of a ring that has also trafficked women into Malaysia and Singapore.
• An alleged ‘slavery farm’ was raided in Nakorn Pathom province, which led to the rescue of 13 Lao migrant workers who are now serving as witnesses in a suspected human trafficking case.

• 3 new divisions on Human Trafficking; Corruption and Misconduct of State Officials; and Narcotics have been established in the Criminal Court. Further, an MoU focusing on coordination between prosecution and witness protection has been signed by 5 agencies namely the Criminal Court, the Office of the Attorney General, the Royal Thai Police, the Justice Ministry and the Social Development and Human Security Ministry.

VIET NAM

• Vietnam and Malaysia are working towards a bilateral strategic partnership, which will pave the way for further agreements in the areas of transnational organised crime and human trafficking including national focal points.

IN THE NEWS

Fishermen compensated for years of unpaid work

Myanmar has repatriated more than 600 fishermen who were found on islands in the far south of Indonesia after facing brutal, slave-like treatment on largely Thai flagged illegal fishing vessels. According to the Myanmar embassy in Jakarta, of 105 fishermen repatriated to Myanmar on September 6, 65 were sent reimbursements. However some of these returned fisherman claim the sums received are well below the salaries they had originally been promised and did not begin to make up for the abuse suffered. Myanmar Times

Singapore accedes to UN protocol to prevent and combat human trafficking

Following the enactment of the Prevention of Human Trafficking Act on March 1, Singapore has become the latest country to accede to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (UN TIP Protocol) bringing the total number of ratifications to 172. According to Singapore’s Inter-Agency Taskforce on Trafficking in Persons the accession to the UN TIP Protocol is a key deliverable of Singapore’s National Plan of Action to combat human trafficking through prevention, prosecution, protection and partnership. The Straits Times
Thai fishing industry endangers child workers, says report

A recent study by ILO reveals that child labourers in Thailand’s multi-billion dollar seafood and shrimp industry are exposed to much more hazardous conditions at workplace than in any other industry and are twice as likely to get injured. The report discloses that 23% of them work in unhygienic conditions; about 20% reported workplace injuries, which is more the twice as compared to other industries. In addition, one-third of migrant children in these sectors do not attend school, due to a combination of challenges and restraints that include — household debt, childcare commitment for siblings and parental mobility. Deutsche Welle

Code Fuzzy on Forced Labour

Nguyen Van Binh, deputy head of the Department of Legal Affairs under the Ministry of Labour, Invalids and Social Affairs (MOLISA), suggests that the lack of official statistics on forced labour in Viet Nam has severely handicapped the ministry's ability to establish policies to counter such practices. Binh indicates that, whilst the country's 2012 Labour Code sets out regulations to protect workers and prohibit forced labour, the labour ministry would be pushing for forced labour to be included in the revised Penal Code. Marja Paavilainen from the ILO's Forced Labour in the Asian Region (FLARE) project supports this push urging the authorities to strengthen law reinforcement and promote joint efforts between the Labour Code and the Penal Code in order to address this issue. Viet Nam News
Bank manager loses bail in slave case

Chaidet Sonut, 55, a Kung Thai Bank manager has been jailed after the court revoked his bail on the grounds of his involvement in the crime of transnational human trafficking. Chaidet was arrested for allegedly subjecting 13 Lao workers to slave-like conditions at his Nakhon Pathom pig farm. The bail of Chaidet's wife Yupha was also revoked as she is suspected of being an accomplice in the maltreatment of the workers. Police Lt Col Thanee Phukpanich confirmed that the couple is now in Nakhon Pathom prison and was remanded together with another suspect named Somchai Phakphian, 63. [Bangkok Post]

VP calls for broader human trafficking cooperation

Speaking at the Myanmar Anti-Human Trafficking conference in Nay Pyi Taw, U Nyan Tun said procedures were in place between Myanmar and Thailand, a major destination for trafficked migrant workers from Myanmar, but claimed that further cooperation in the region was needed. He also emphasized the important role of the UN and civil society in suppressing human trafficking, particularly in conflict zones or after natural disasters when populations were at risk. He said it would be helpful to update the 2005 anti-trafficking law to improve investigation techniques and collaboration, including the establishment of a fund for the reception and rehabilitation of victims of human trafficking. [Myanmar Times]

More than 2,000 enslaved fishermen rescued in 6 months

Over 2,000 fishermen have been rescued this year from brutal conditions at sea following an Associated Press investigation into seafood brought to the U.S. from a 'slave island' in eastern Indonesia. The latest to go home were dozens of Burmese men in the bustling port town of Ambon, some more than a decade after being trafficked onto Thai trawlers. This is one of the largest scale rescues of human trafficking victims witnessed in the region. [The Washington Times]
UN-ACT Regional Network Meeting, 11 September 2015

The most recent Regional Network Meeting on Human Trafficking in Bangkok brought together some 28 participants from the ILO, GAATW, Nexus Institute, AAT, JICA, Caritas, Freedom Collaborative/NVader, IOM, UNHCR, AAPTIP, World Vision, A21 Campaign, ECPAT International, UNICEF, UN-ACT, and a number of independent consultants.

The meeting was half-day with a new, streamlined format. It involved updates and plans from partners for the last and next 3 months, and included a session on latest human trafficking developments in the region. In the latter, concerns about the shrinking space for civil society in a number of countries was a key topic of discussion. The thematic focus, which was victim identification (see above), was addressed in form of a panel discussion involving IOM, ILO and AAT as presenters. IOM introduced structural considerations of victim identification through (Trans-)National Referral Mechanisms, whilst the ILO presented on the role of labour inspectors in identifying trafficked persons. AAT concluded the presentation part by outlining their work with governmental agencies on victim ID as part of multi-disciplinary teams, before a discussion on the theme commenced. Details of the meeting can be obtained upon request.

The next network gathering is tentatively scheduled for late January 2016. Participation is open to all organizations with multi-country anti-trafficking work in the region.
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