

Department of Anti-Trafficking in Persons
Ministry of Social Development and Human Security
Kingdom of Thailand

**KINGDOM OF THAILAND
PROJECT FOR
STRENGTHENING REGIONAL
NETWORK FOR COMBATING
TRAFFICKING IN PERSONS (TIP)
IN MEKONG REGION**

**SHORT-TERM EXPERT
(COUNTER-TRAFFICKING IN PERSONS)
PROJECT ACTIVITY
COMPLETION REPORT**

NOVEMBER, 2022

**JAPAN INTERNATIONAL COOPERATION AGENCY
(JICA)**

**IMPLEMENTED BY
QUNIE CORPORATION**

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**Project for Strengthening Regional Network for
Combating Trafficking in Persons (TIP) in Mekong Region
Short-Term Expert (Counter-Trafficking in Persons)
Work Completion Report**

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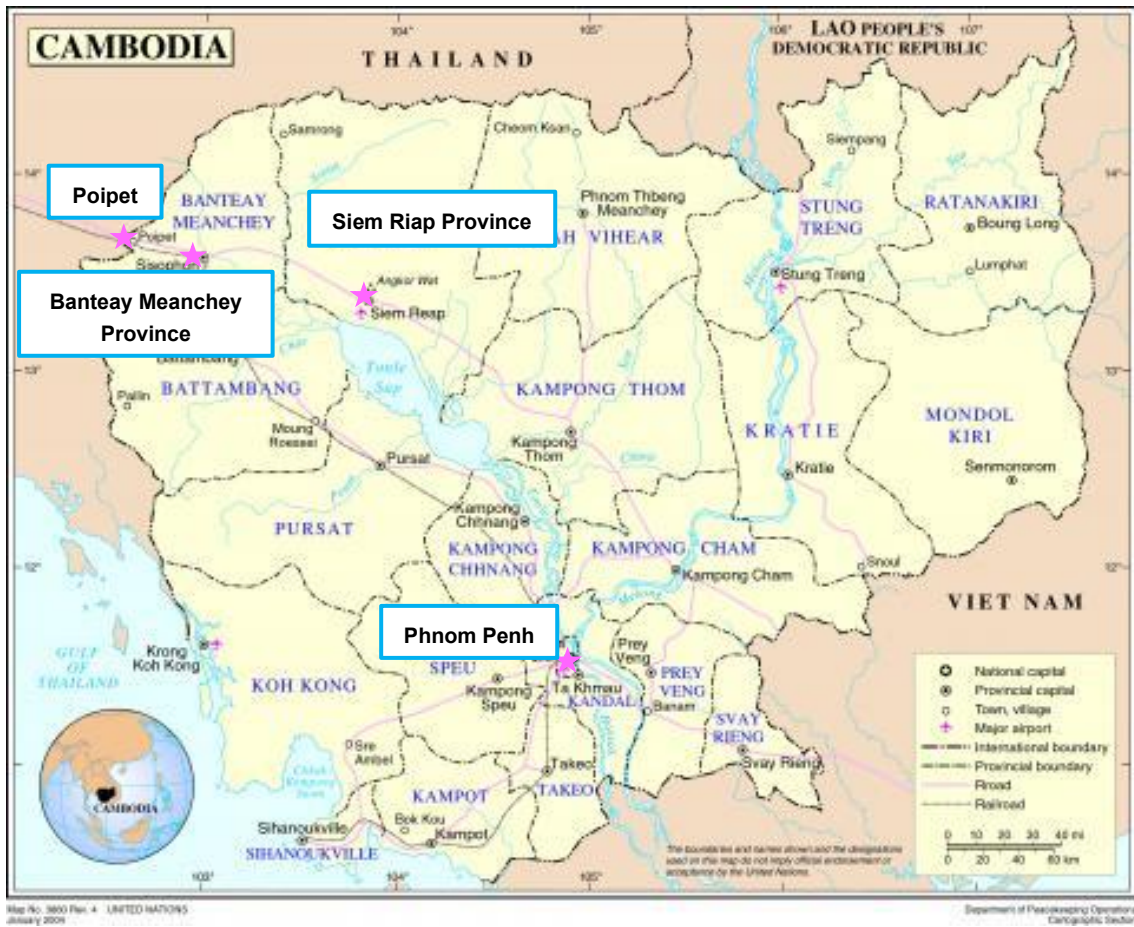
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Location of the Targeted Area

Cambodia



Source : <https://www.un.org/geospatial/content/Cambodia>

Thailand



Map No. 3893 Rev. 2 UNITED NATIONS
July 2006

Department of Field Support
Cartographic Section

Source : <https://www.un.org/geospatial/content/thailand>

Lao PDR



Source : <https://www.un.org/geospatial/content/lao-peoples-democratic-republic>

Vietnam



Source : <https://www.nationsonline.org/oneworld/map/vietnam-political-map.htm>

Myanmar



Source : <https://www.un.org/geospatial/content/myanmar>

List of Acronyms and Abbreviations

Common to all targeted countries

Acronyms / Abbreviations	Term
ACWC	ASEAN Commission on the promotion and Protection of the Rights of Women and Children
AIHCR	ASEAN Intergovernmental Commission on Human Rights
ADB	Asian Development Bank
ASEAN	Association of South East Asian Nations
ASEAN-ACT	ASEAN–Australia Counter Trafficking
CAC	Child Advocacy Centre
CBO	Community Based Organization
COMMIT	Coordinated Mekong Ministerial Initiative against Trafficking
COMMIT IMM	COMMIT Inter- Ministerial Meeting
COMMIT MOU	Memorandum of Understanding on Cooperation against Trafficking in Persons in the Greater Mekong Sub-Region
COMMIT SPA	COMMIT Sub-Regional Plan of Action
COVID-19	Novel Coronavirus
CSO	Civil Society Organization
DV	Domestic Violence
DX	Digital Transformation
EU	European Union
FY	Fiscal Year
GBV	Gender-Based Violence
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit
GNI	Gross National Income
ILO	International Labor Organization
IOM	International Organization for Migration
JICA	Japan International Cooperation Agency
JP-MIRAI	Japan Platform for Migrant Workers towards Responsible and Inclusive Society
MDGs	Millennium Development Goals
MOU	Memorandum of Understanding
MRW	Mekong Regional Workshop
NGO	Non-Governmental Organization
PDM	Project Design Matrix
PO	Plan of Operation
R/D	Record of Discussions
SDGs	Sustainable Development Goals
SEAH	Sexual Exploitation, Abuse and Harassment
SEZ	Special Economic Zone
SGBV	Sexual and Gender-Based Violence
SOP	Standard Operating Procedures
TIP	Trafficking in Persons
ToT	Training on Trainers
TRM	Transnational Referral Mechanism
TVPA	Trafficking Victims Protection Act of 2000
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNODC	United Nations Office on Drugs and Crime
UNICEF	United nations Children’s Fund

Acronyms / Abbreviations	Term
UN Women	United Nations Entity for Gender Equality and the Empowerment of Women
USAID	United States Agency for International Development
VOT	Victim of Trafficking
WBS	Work Breakdown Structure

Cambodia

Acronyms / Abbreviations	Term
AHTJP	Anti-Human Trafficking and Juvenile Protection Police
CBPNs	Community-Based Protection Networks
CWCC	Commune Council for Women and Children
CWCC	Cambodian Women's Crisis Centre
DOSVY	Department of Social Affairs, veterans and Youth Rehabilitation
LSCW	Legal Support for Children and Women
MOEYS	Ministry of Education, Youth and Sports
MOI	Ministry of Interior
MOJ	Ministry of Justice
MOLVT	Ministry of Labor and Vocational Training
MOSVY (or MOSAVY)	Ministry of Social Affairs, Veterans and Youth Rehabilitation
MOWA	Ministry of Women Affairs
NCCT	National Committee for Counter Trafficking
NRM	National Referral Mechanism
PCCT	Provincial Committee for Counter Trafficking
PTC	Poipet Transit Center
RBC	Regional Border Committee
SHG	Community-Based Self-Help Group
UNTAC	United Nations Transitional Authority in Cambodia
WCCC	Women and Children Consultative Committee
WG	Working Group

Thailand

Acronyms / Abbreviations	Term
ATP	Anti-Trafficking in Persons Committee
ATPD	Anti-Trafficking in Person Division
BCATIP	Border committee on Anti-Trafficking in Persons
CMP	Coordinating and Monitoring of Anti-Trafficking in Persons Performance Committee
CWP	The Child Woman Protection and Anti-Human Trafficking Centre
DATIP	Division of Anti-Trafficking in Persons
DSI	Department of Special Investigation
E-aht	Electronic Database for Anti-Human Trafficking
FBI	Federal Bureau of Investigation
GPS	Global Positioning System
IJM	International Justice Mission
IMM	Inter-Ministerial Meeting
IUU	Illegal, Unreported and Unregulated (Fishing)
MDT	Multi-Disciplinary Team
MSDHS	Ministry of Social Development and Human Security
NCPO	National Council for Peace and Order
NPTC	National Programme Steering Committee
NRM	National Referral Mechanism
PSDHS	Provincial Social Development and Human Security Office

Acronyms / Abbreviations	Term
NOCHT	National Operation Center for the Prevention and Suppression of Human Trafficking
OAG	Office of Attorney General
OBEC	Office of Basic Education Commission
POCHT	Provincial Operation Center for the Prevention and Suppression of Human Trafficking
PSDHS	Provincial Social Development and Human Security Office
TATIP	Thailand Against Trafficking in Persons Task Force
THB	Thai Baht
TICAC	Thailand Internet Crimes Against Children Task Force

Lao PDR

Acronyms / Abbreviations	Term
ATD	Anti-Trafficking in Persons Department
CHARI	Combating Human Trafficking through Reinforcing Judicial Capacity
GLO.ACT	Global Action against Trafficking in Persons and Smuggling of Migrants
LAK	Lao Kypr
LWU	Laos Women's Union
MICS	Multiple Indicator Cluster Surveys
MLSW	Ministry of Labor and Social Welfare
MOICT	Ministry of Information, Culture and Tourism
MOES	Ministry of Education and Sports
MPS	Ministry of Public Security
NCATIP	National Committee on Anti-Trafficking in Persons
OSPP	The Office of the Supreme People's Prosecutor
POLSW	Provincial Office of Labor and Social Welfare
VFI	Village Focus International
VTC	Vientiane Transit Centre

Vietnam

Acronyms / Abbreviations	Term
DCA	Department of Child Affaire
DOLISA	Department of Labor Invalids and Social Affairs
DSVP	Department of Social Vice Protection and Combat
IAWT	Inter-Agency Working Team
MOLISA	Ministry of Labor Invalids and Social Affairs
MPS	Ministry of Public Security
NPA	National Plan of Action
RCC	Regional call centers
SPP	The Supreme People's Procuracy
VND	Vietnamese Dong
VWU	Vietnam Women's Union

Photos

Cambodia (in late - March, 2022)



Shelter in CWCC Phnom Penh (Training Room, Counseling Room, Dormitory)



Training Room



Products (Vocational training)



Poipet Transit Center (PTC)



PTC Assembly hall



A truck for deportation in PTC



NGO Offices in PTC



A21Siem Riap, Child Friendly Interview Room



Textbooks on TIP prepared by Ministry of Education.

Thailand

(Ranong Province: in Early May, 2022, Pathumuthani Province and MRW: in Mid-August, 2022)

Ranong Welfare Protection Center for Victims of Trafficking



The Entrance



Facilities (courtroom)



Vocational training rooms

Pathumthani Welfare Protection Center for Victims of Trafficking



Rest Room



Nursery



Facilities (courtroom)



Products and equipment (Vocational training)



Healthcare facilities



10th Mekong Regional Workshop (MRW)



Group work in MRW



Group work in MRW



Sharing sessions



Vocabulary books for VOTs prepared by MSDHS (Vietnamese, Chinese, Lao, Myanmar and English)

Chapter 1 Project overview and results of implementation

1. Target Countries

Thailand, Cambodia, Lao PDR, Myanmar and Vietnam

2. Title of the Project

Project for Strengthening Regional Network for Combating Trafficking in Persons (TIP) in Mekong Region (Counter-Trafficking in Persons)

3. Project Period

Planned: January 2022 – January 2025

Out of the above period, the period of work for the Short-Term Expert (Counter-Trafficking in Persons) is January to November 2022.

4. Implementing Agency

Division of Anti-Trafficking in Persons (DATIP), Ministry of Social Development and Human Security, Thailand

5. Background

Trafficking in persons (TIP) has become a common and serious problem for all countries in the Greater Mekong Sub-Region (GMS: Thailand, Cambodia, Lao PDR, Myanmar, Vietnam and Southern China) as the rapid globalization of the economy and information increases the mobility of people. TIP flows in GMS include intra-regional and extra-regional movements. Thailand has a huge demand for cheap labor in the construction, fisheries, fish processing, and sex industries due to economic development and an aging society with a declining birthrate. These socioeconomic factors have made Thailand a major destination country for Victims of Trafficking (VOT) in the region. Furthermore, Thailand is also an original and transit country for VOTs from Thailand and other countries in GMS to other regions such as Middle East, Europe, and East Asia, including Japan.

As a destination, origin and transit country of VOTs in GMS, Thailand has been taking measures against TIP since the 1980s. In Thailand, efforts have been made through the formulation of a national strategy and plan for the prevention and suppression of TIP, the conclusion of Memorandum of Understanding between government agencies and between the public and private sectors, the conclusion of Memorandum of Understanding between the central government and local governments, and the enactment of the anti-trafficking in persons law. In GMS, Thailand has signed the Multilateral Memorandum of Understanding (MOU) of the Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT), a regional cooperation framework formed in 2004 by six countries in GMS. Also, Thailand has signed on bilateral MOUs with the countries participating in COMMIT and are being actively addressed in Counter-TIP. In 2014, the Thai government launched the Zero Tolerance for Human Trafficking policy, placing the issue of TIP as a top national priority and strengthening efforts to combat TIP related issues.

In order to support the Thai government's national efforts to combat TIP, JICA has implemented two technical cooperation projects which were "Project on Strengthening of Multi-Disciplinary Teams (MDTs) for Protection of Trafficked Persons in Thailand" (2009-2014) and "Project on Capacity Development on Assisting Victims of Trafficking in the Greater Mekong Sub-regional Countries" (2015-2019) with the Ministry of Social Development and Human Security (MSDHS) as the implementing agency, especially in the field of protection and reintegration against TIP. These two technical cooperation projects not only strengthened the response capacity of the relevant stakeholders in Thailand, but also facilitated the sharing of knowledge and experience and the building of networks among

working-level stakeholders in Thailand and its neighboring countries (Cambodia, Lao PDR, Myanmar and Vietnam) in relation to VOTs protection and return/rehabilitation assistance. Specifically, the Mekong Regional Workshop (MRW) was held once a year in Bangkok, providing an opportunity for working-level stakeholders from the five countries and Japan to sit together. In order to combat TIP, which is a transnational issue, it is important for countries to work together not only within their own countries, but also with countries in the region, and regular and continuous networking opportunities are needed to achieve this. And Thailand, which is more advanced in combating TIP than neighboring countries, has expressed its willingness to cooperate with neighboring countries through the COMMIT framework and other means, however, it does not have sufficient experience to support other countries and is still seeking ways to assist them.

Against this background, “Project for Strengthening Regional Network for Combating Trafficking in Persons(TIP) in Mekong Region (hereinafter referred to as "the Project") (2022-2025) is scheduled to be implemented for three years from January 2022, aiming to further strengthen the response capacity of MRW participants and the network of countries in the region through the holding of MRW.

6. Overall Goal, Project Purpose and Outputs

(1) Overall Goal

Collaboration to fight against TIP among/between CLMV (Cambodia, Lao PDR, Myanmar and Vietnam) - Thailand id continued.

(2) Project Purpose

The regional working-level network for anti-TIP among/between CLMV-Thailand is further strengthened.

(3) Outputs and activities

1. Common issues and challenges to combat TIP among CLMV-Thailand and effective/innovative anti-TIP measures in the Mekong Region are identified.
 - 1-1 Conduct desk review to explore and identify anti-TIP measures, experiences, challenges, needs, good practice and innovative approach in CLMV, Thailand and Japan.
 - 1-2 Conduct field survey to explore and identify anti-TIP measures and innovative approach in CLMV and Thailand.
 - 1-3 Participate in Knowledge Co-Creation Program (KCCP) to collect information on anti-TIP measures, experiences, challenges, needs, good practice and innovative approach of Japan and KCCP participating countries.
 - 1-4 Discuss 3-year MRW plan.
2. Knowledge and skills of government officials and NGO staff of CLMV-Thailand to combat TIP are improved.
 - 2-1 Plan and prepare the details of MRW.
 - 2-2 Organize MRW
 - 2-3 Share what the MRW participants learned at the MRW with relevant stakeholders within their own countries.
3. Activity plans among/between CLMV-Thailand and within respective countries are developed.
 - 3-1 Discuss to draft collaborative activity plans at the MRW.
 - 3-2 Discuss to draft individual activity plans at the MRW.

7. Overview of the work and the results of implementation

In this work, the Short-Term Expert (Counter-Trafficking in Persons) for the project performed the following tasks in the above mentioned activities.

Table 1 : Status of Implementation of Activities

Activities	Status of implementation
Output 1: Common issues and challenges to combat TIP among CLMV-Thailand and effective/innovative anti-TIP measures in the Mekong Region are identified.	
1-1. Conduct desk review to explore and identify anti-TIP measures, experiences, challenges, needs, good practice and innovative approach in CLMV, Thailand and Japan ¹ .	Desk research on TIP in Thailand, Cambodia, Lao PDR and Vietnam was conducted to identify the latest situation, challenges, needs and Good Practices (Innovative Approaches were identified in some countries).
1-2. Conduct field survey to explore and identify anti-TIP measures and innovative approach in CLMV and Thailand ² .	Field research TIP in Thailand, Cambodia, Lao PDR and Vietnam was conducted to identify the latest situation, challenges, needs and Good Practices (Innovative Approaches were identified in some countries).
1-3. Participate in Knowledge Co-Creation Program (KCCP) to collect information on anti-TIP measures, experiences, challenges, needs, good practice and innovative approach of Japan and KCCP participating countries.	No implementation in this work.
1-4. Discuss 3-year MRW plan.	Based on the results of the implementation of 1-1 and 1-2, issues common to the four countries (Thailand, Cambodia, Lao PDR and Vietnam) were identified and themes and agendas for the three-year MRW were proposed.
Output2: Knowledge and skills of government officials and NGO staff of CLMV-Thailand to combat TIP are improved.	
2-1. Plan and prepare the details of MRW.	Plans and preparations were made for the 10th MRW to be held in 2022
2-2. Organize MRW	The 10th MRW was conducted in 2022.
2-3. Share what the MRW participants learned at the MRW with relevant stakeholders within their own countries.	No implementation in this work.
Output 3: Activity plans among/between CLMV-Thailand and within respective countries are developed.	
3-1. Discuss to draft collaborative activity plans at the MRW.	One Multilateral Activity Plan was developed at the 10th MRW in 2022.
3-2. Discuss to draft individual activity plans at the MRW.	Eight Individual Activity Plans were developed during the 10th MRW in 2022 (four in Thailand, one in Cambodia, one in Lao PDR and one in Viet Nam).

In this report, the results of the implementation of 1-1 and 1-2 are described in “Chapter 2 Summary and the results of the research”; the results of implementation of 1-3, 2-1, 2-2, 2-3, 3-1 and 3-2 are described in “Chapter 3 Implementation of the Mekong Regional Workshop”; and recommendations based on the research and the MRW implementation are described in “Chapter 4 Recommendations”.

¹ Although Japan is included as one of the target country in the plan, no research in Japan was conducted in this work. Also for Myanmar, interviews with relevant local institutions and organizations were not conducted and only a review of past JICA assistance was conducted.

² Lao PDR, Myanmar and Vietnam were included as target countries in the field research, but only Thailand and Cambodia were covered in the field research conducted in this work.

Chapter 2 Summary and the results of the research

1. Objective, Outline and Methodology of the Research

1.1 Objective and Outline of the Research

The research targeted five countries, which were Thailand, Cambodia, Lao PDR, Myanmar and Vietnam, and conducted the basic research as part of the first year of the project's activities, with the following objectives.

- 1) To comprehensively analyze the status of TIP in the target countries of the research, as well as the challenges and efforts to address them
- 2) To identify the existing situation, challenges and needs for assistance against TIP specific to the impact of new coronavirus infection (COVID-19) in the target countries.
- 3) Based on the results of 1) and 2), and taking into account the ODA policy of the Government of Japan, as well as the properties, experience and comparative advantages of JICA projects and resources available in Japan and neighboring countries, to suggest a direction and outline of a project framework to address TIP issues.

For these purposes, and in consideration of the limitations of travelling abroad, the research was conducted in two phases: one was an online based research (in Thailand: Cambodia, Lao PDR and Vietnam), another one was a field research (in Thailand and Cambodia).

The online based research was conducted from January to April 2022, collecting basic information through a literature review of relevant documents on TIP in the four target countries and through online interviews with local stakeholders in Lao PDR and Vietnam, and analyzed according to the research items listed in Table 2. Field research was conducted in two countries, Cambodia and Thailand, including interviews with local stakeholders and field visits to relevant facilities and organizations in Cambodia in March 2022 and in Thailand from April to August 2022. For Myanmar, online interviews with local stakeholders were not conducted and only a review of previous JICA projects was implemented.

1.2 Research Items and Research Framework

This research was carried out in accordance with the research items shown in Table 2.

Table 2 : Research Items

#	Research Items
1	Regional policies or strategies on Counter-TIP in GMS
2	Latest status and challenges of TIP in four targeted countries in GMS (Cambodia, Lao PDR, Thailand and Vietnam) * including the specific situation and challenges under the influence of COVID-19 Pandemic
3	The status of laws and policies to address the challenges of TIP in each of the target countries
4	The latest status of implementation of governments and efforts to address the issue of trafficking in persons in each of the target countries, as well as challenges, its factors and needs ➤ Implementing structures, functions, authorities and budgets of relevant ministries, agencies and local governments * including innovative approaches and good practices through the use of Digital Transformation (DX), and the latest status and challenges of government initiatives in the context of COVID-19 Pandemic
5	Latest status of assistance for issues of trafficking in persons by other bilateral donors, UN agencies, women's organizations, NGOs in each of the target countries. * including, innovative approaches and good practices, and the latest status and challenges of efforts under the impact of COVID-19 Pandemic in particular
6	Review of JICA's cooperation to combat trafficking in persons ➤ Comprehensive analysis of the appropriateness of approaches, key achievements and lessons learned, and remaining challenges *Only for the review of Previous JICA cooperation, five countries including Myanmar will be targeted

In order to conduct a comprehensive analysis of the various stakeholders, subjects and target areas, a research and analysis framework was developed for the purpose of identifying issues along “5P Perspectives”: “Policy”, “Prosecution”, “Prevention” and “Protection”, these are “4Ps”, and “Partnership (Coordination, Monitoring and Evaluation and Data Collection and Management)”. Then, information was collected based on this research framework. After organizing and subdividing the research items as shown in Table 3 for 5Ps perspectives of “Policy”, “Prosecution”, “Prevention”, “Protection” and “Partnership”, the measures being implemented or to be implemented were identified by target, content and actor, and the status of implementation of measures, missing measures and issues were identified.

Table 3 : Detailed Research Items Based on 5Ps

Aspects	Contents	Key infomation
Policy	<ul style="list-style-type: none"> ■ National policies to address challenges of trafficking in persons in each of the countries ■ Regional Policy on Addressing challenges of Trafficking in Persons (Mekong Region) ■ National policies on migration and labour 	<p>Latest status and issues relating to the following items:</p> <ul style="list-style-type: none"> ■ Implementation structure ■ Progress of policy implementation ■ Roles, functions, organizational structure and budget allocation for each ministry/agency in charge ■ Roles of central ministries and local authorities, and systems of coordination ■ Status and content of concluded MoUs ■ Data on trafficking in persons ■ Assistance from donors, international organisations and NGOs ■ Specific actions and responses under the COVID-19 pandemic ■ Cooperation with the private sector and academic institutions ■ Good practices of the use of ICT ■ Achievement of JICA projects
Prevention	<ul style="list-style-type: none"> ■ Status of ratification of relevant international conventions ■ Law on the Prevention of Trafficking in persons ■ Awareness raising on human rights, gender equality, SGBV including human trafficking ■ Corporate and supply chain regulations 	
Protection	<ul style="list-style-type: none"> ■ Processes relating to the protection of VOT (national and regional) ■ Establishment of police and judicial bodies specialising in combating trafficking in persons ■ System for training service providers (like social workers) and implementation of trainings ■ Setting up and running a hotline to support VOT ■ Coordination system with medical institutions ■ Implementation to rehabilitate VOT (livelihood, skill trainings, income generation etc.) ■ Availability of shelters and other support facilities (public/private) 	
Prosecution	<ul style="list-style-type: none"> ■ Legal and judicial system for the punishment of perpetrators ■ Processes for prosecution of perpetrators (national and regional) ■ Legal assistance to VOT in judicial process (prosecution) ■ Coordination system for the punishment of perpetrators in the Mekong region 	
Coordination / Monitoring and evaluation / Data collection and management	<ul style="list-style-type: none"> ■ Coordination mechanisms (national and regional) involving relevant ministries, aid agencies, donors and NGOs ■ Monitoring and evaluation framework for combating trafficking in persons ■ Establishment and operation of a comprehensive data collection and management system on trafficking in persons 	

Source : Developed by the author

1.3 Methodology

The research was carried out using 2 types of methods: 1) literature review, 2) online interviews or interviews in person at field research³.

1) Literature Review

Based on the framework and research items, open-source materials were collected and reviewed to identify latest status and challenges, including primary sources such as number of reported cases, official data and reports, secondary sources produced by international organizations, sector experts and NGOs, and media reports excerpting major international news reports. Particular efforts were made to ascertain the actual situation of TIP in each of the target countries through collection of quantitative data. The latest status was clarified by confirming the measures underway/to be implemented for each target, content and actor. It also verified how measures underway have been functioning, and if these were not functioning sufficiently, the causes were analyzed and issues were extracted.

2) Online and Face-to-Face Interview

Based on the results of the literature review, interviews were conducted with government agencies such

³ Due to COVID-19 infection control measures, some interviews were conducted online, even at the field research.

as police and judicial officials, donors, international organizations, international NGOs, local NGOs and others involved in preventing and responding to TIP issues. Prior to have the interviews, questionnaires developed based on the results of the literature review were shared to each interviewee in advance to collect information efficiently and to obtain as many responses as possible. Based on the results of the literature review and responses on questionnaires, information was collected on items and qualitative data that required more detailed confirmation in interviews.

1.4 Research Schedule

Research was conducted in the following schedule;

- 1) Online based research: Mid-January to April, 2022
- 2) Field research in Cambodia: Mid to late March, 2022
- 3) Field research in Thailand: Mid-April to late September, 2022

1.5 Researcher

The research was conducted by the following consultant in coordination with the Office for Gender Equality and Poverty Reduction Governance and Peacebuilding Department, JICA, which is the lead department.

- JICA Short-Term Expert on Counter Trafficking in Persons: Masako MIURA (Ms.), Senior Consultant, QUNIE Corporation

2. Trafficking in Persons (TIP)

TIP is a crime in which a person is forced to work or exploited, such as in prostitution or factory work, after being forced to move or be under control by means of violence, threats, kidnapping or fraud. It is also a serious violation of human rights. It is an international crime that often crosses national borders and takes many forms, including forced prostitution, forced marriage, forced childbirth, sexual exploitation, child labor, including the worst forms of child labor, removal of organs and baby selling (although it can also be perpetrated domestically). It is recognized by various terms, such as trafficking in persons, human trafficking and modern slavery⁴, although there is no clear definitional difference between them, and all include slavery, commercial sexual exploitation, forced labor, forced marriage, or other forms of trafficking. In 2021, it is reported that 50 million people were living in condition as modern slavery, of whom 28 million were engaged in forced labor and 22 million were victims of forced marriage⁵.

According to “Global Report on Trafficking in Persons 2020 (GLOTIP 2020)” published by United Nations Office on Drugs and Crime (UNODC), among victims of trafficking (VOTs) identified in 2018, 46% were women and 19% were girls under the age of 18, indicating that nearly 70% of VOTs were female⁶⁷. Meanwhile, it is also reported that, compared to historical data, the proportion of adult women in the total number of victims has decreased, while the proportion of children under the age of 18, especially boys, has increased⁸.

The purposes of trafficking vary widely by age and gender, as shown in Figure 1. Overall, sexual exploitation accounts for about 50% of cases, and is the most common form of trafficking, especially among female victims⁹ (see Figure). On the other hand, based on data from 2006 to 2018, the proportion of sexual exploitation in the total number of cases has decreased, while the proportion of forced labor has increased¹⁰. Domestic servants, construction, fishing,

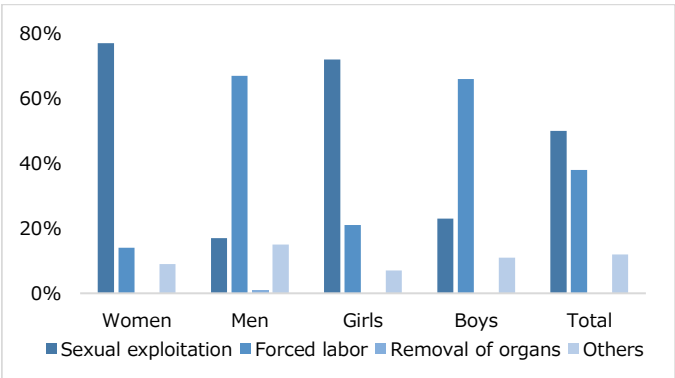


Figure 1 : Forms of TIP (by gender and age)
 **"Others" includes forced begging, forced criminal activities, forced marriage and baby selling.
 Source : Created by UNODC (2021), Global Report on Trafficking in Persons 2020, P.32

⁴ There are explanations that 'modern slavery' refers to a wider concept, including all forms of exploitation, such as TIP, and slavery-like practices.
<https://www.walkfree.org/what-is-modern-slavery/>, last accessed on 20 September, 2022
 In this report, the term 'trafficking in persons' will be used throughout, except in direct quotations from documents or from interviews, and the definition will be in line with the UN Protocol on Trafficking in Persons (Palermo Protocol) (see Chapter 1, 3.1.1).

⁵ ILO. Et.al, (2022), Global Estimate of Modern Slavery_Forc labor and Forced Marriage, P.2

⁶ UNODC (2021), Global Report on Trafficking in Persons 2020, P.31
 Some official government statistics and other data can also be found on “The Counter Trafficking Data Collaborative”.
<https://www.ctdatacollaborative.org/>

⁷ "Global Report on Trafficking in Persons 2020" is analyzed on the basis of data submitted by 148 countries, but administrative records in most countries do not record LGBTQI+ people, only data on women and men is recorded. However, the report notes that LGBTQI+ people are more likely to be VOTs for legal, social and economic reasons, and that mechanisms to protect them need to be strengthened. At the same time, the report notes that sexual exploitation against men and boys is often overlooked.
 UNODC (2021), Global Report on Trafficking in Persons 2020, P.38

⁸ UNODC (2021), Global Report on Trafficking in Persons 2020, P.31

⁹ In this report, the following terms shall be used to refer to persons who have been trafficked; “victim” shall be used in the context of protection (reception, identification and provision protection services) and prosecution of perpetrators, and “victim/survivor” shall be used in the context of social reintegration of those who were trafficked.

¹⁰ Ibid, P.33

agriculture, garments, mining, street trading and catering are identified as high-risk sectors for forced labor¹¹. Child labor in global supply chains has also been identified as a major challenge in the South-East Asia region¹². Perpetrators can vary from individuals, groups of several people or large organized criminal groups, and may pretend to be companies such as recruitment agencies, or may involve acquaintances or relatives of the victim.

The forms of offences related to trafficking in persons are becoming more diverse, with various methods used to create a state of servitude, such as deception, threats, forcing people into debt to work, and mind control. While recruitment by perpetrators used to be conducted in person, in recent years there has been a sharp increase in crimes using some form of information technology, and exploitation using online applications, such as gaming websites and social networking sites, has also become rampant. The forms and methods of trafficking in persons are becoming increasingly diverse and more difficult to identify. In addition, increased vulnerability due to the COVID-19 pandemic, which began in 2020, has not only increased the risk of trafficking, but also delayed support for victims in need of assistance, and perpetrators are using IT technology more than ever in trafficking cases, with a This has had a significant impact on prevention and response.

The forms of crimes related to TIP are becoming increasingly diverse, with various methods used to create a state of servitude, such as deception, threats, forcing people into debt to work, and mind control. Recruitment by perpetrators used to be carried out in person, but in recent years there has been a sharp increase in crimes involving some form of IT technologies. Exploitation using online applications, such as gaming websites and social networking sites, is also rampant¹³. As a results, the forms and methods of trafficking in persons are becoming increasingly diverse and more difficult to identify. In addition, increased vulnerability due to the COVID-19 pandemic, which began in 2020, has not only heightened the risk of trafficking, but also caused delays in support for victims in need of assistance. It has also encouraged perpetrators to make greater use of IT technologies in trafficking cases than ever before, with significant implications for the prevention of and response to trafficking in persons¹⁴.

3. Efforts for Combating TIP

3.1 Efforts of the International Community for Combating TIP

3.1.1 “United Nations Convention against Transnational Organized Crime” and “Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (The Palermo Protocol) ”

In November 2000, the UN General Assembly adopted “United Nations Convention against Transnational Organized Crime”, which sets out a legal framework to deal with transnational organized crime (it is known as “The Palermo Convention”, as the conference was held in Palermo, Italy, the following December). The Convention was accompanied by the following three protocols, which were also adopted by the UN General Assembly in November 2000 and signed in December 2000.

- The Trafficking Protocol (The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Known as “The Palermo Protocol”¹⁵)
- The Smuggling Protocol (The Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime)

¹¹ UNODC (2021), Global Report on Trafficking in Persons 2020,P.12

¹² Alliance8.7 (2019), Ending Child Labour, Forced Labour and Human trafficking in Global Supply Chains,P.9-10

¹³ ICAT (2019), Human Trafficking and Technology: Trends, Challenges and Opportunities

¹⁴ UNODC (2021), Impact of the COVID-19 Pandemic on Trafficking in Persons

¹⁵ The three protocols are sometimes collectively referred to as “The Palermo Protocols”.

- The Firearm Protocol (Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition)

Accordingly, each Member State of the UN has been required to sign and ratify the Convention and its three protocols, as well as to develop and implement national legislation and related measures in accordance with their respective international legal frameworks.

Of these, the Trafficking Protocol (hereafter referred to as “The Palermo Protocol”), for the first time in any international treaty or framework, defines TIP as follows (Article 3)¹⁶

- a) "Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means 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. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs;
- b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph a) of this article shall be irrelevant where any of the means set forth in subparagraph a) have been used;
- c) The recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in subparagraph a) of this article;
- d) "Child" shall mean any person under eighteen years of age.

Since then, the UN Member States that have signed and ratified on The Palermo Protocol (179 Member States have ratified it as of September 2022¹⁷) have basically followed the above-mentioned definition of TIP in The Palermo Protocol in developing their laws and policies. In this report, the definition of TIP also follows the definition in The Palermo Protocol, and if a different definition from that in The Palermo Protocol is used in any target country, it is mentioned separately.

3.1.2 Trafficking Victims Protection Act of 2000, the United States

Also in 2000, the Trafficking Victims Protection Act of 2000 (TVPA) was passed by the US Congress. The TVPA sets out the legal framework for various efforts to prevent TIP, protect victims and prosecute perpetrators based on the 3P perspectives of TIP (Prevention, Protection and Prosecution). It has been amended several times since its enactment, but the main outlines are as follows¹⁸

- Submit a report annually to the Secretary of State on the status of each country’s efforts on TIP.
- Provide public support for victim protection.
- Establish a quota of 5,000 provisional residence permits (T-visa) each year for victims of serious violations.
- Criminalize and punish TIP and related criminal activities.

As a result, the US Department of State has published a Trafficking in Persons Report (hereafter referred to as “TIP Report”) in late June every year since 2001 on how governments of UN Member States are

¹⁶ <https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-prevent-suppress-and-punish-trafficking-persons>, last accessed on 2 November, 2022

¹⁷ United Nations Treaty Collection, https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-a&chapter=18&clang=_en, last accessed on 22 September, 2022

¹⁸ United States (2000), Victims of Trafficking and Violence Protection Act of 2000

addressing the issue of TIP, and ranks each country's efforts in Tier 1 to Tier 3 as follows¹⁹.

- Tier 1: Countries and territories whose governments fully comply with the TVPA’s minimum standards.
- Tier 2: Countries and territories whose governments do not fully comply with the TVPA’s minimum standards but are making significant efforts to bring themselves into compliance with those standards.
- Tier 2 Watch List: Countries and territories whose governments do not fully comply with the TVPA’s minimum standards but are making significant efforts to bring themselves into compliance with those standards, and:
 - a). The estimated number of victims of severe forms of trafficking is very significant or is significantly increasing and the country is not taking proportional concrete actions; or
 - b). There is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year.
- Tier 3 : Countries and territories whose governments do not fully comply with the minimum standards and are not making significant efforts to do so.

Although the TIP Report is an assessment against the regulations of US domestic law, it has encouraged governments to strengthen their efforts in some ways. The countries covered by the report are also working to respond to the evaluation and the recommendations by providing information for the preparation of the report and holding consultations to share the latest situation.

3.1.3 Sustainable Development Goals (SDGs) and Alliance 8.7

The Millennium Development Goals (MDGs), which were set as development goals for the international community to achieve by 2015, did not include targets related to TIP. However, the Sustainable Development Goals (SDGs) included targets and indicators on TIP in Goals 5, 8, 10 and 16.

Table 4 : List of SDGs Targets and Indicators related to TIP

Targets	Global Indicators
Goal.5 Achieve gender equality and empower all women and girls	
5.2 Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation	5.2.1 Proportion of ever-partnered women and girls aged 15 years and older subjected to physical, sexual or psychological violence by a current or former intimate partner in the previous 12 months, by form of violence and by age
	5.2.2 Proportion of women and girls aged 15 years and older subjected to sexual violence by persons other than an intimate partner in the previous 12 months, by age and place of occurrence
5.3 Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation	5.3.1 Proportion of women aged 20-24 years who were married or in a union before age 15 and before age 18
Goal.8 Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all	
8.7 Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use	8.7.1 Proportion and number of children aged 5-17 years engaged in child labour, by sex and age

¹⁹ U.S. Department of State, <https://www.state.gov/report-to-congress-on-2022-trafficking-in-persons-interim-assessment-pursuant-to-the-trafficking-victims-protection-act/>, last accessed on 1 March, 2022

Targets	Global Indicators
of child soldiers, and by 2025 end child labour in all its forms	
8.8 Protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment	8.8.1 Fatal and non-fatal occupational injuries per 100,000 workers, by sex and migrant status
	8.8.2 Level of national compliance of labour rights (freedom of association and collective bargaining) based on International Labour Organization (ILO) textual sources and national legislation, by sex and migrant status
Goal.10 Reduce inequality within and among countries	
10.7 Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies	10.7.1 Recruitment cost borne by employee as a proportion of monthly income earned in country of destination
	10.7.2 Number of countries with migration policies that facilitate orderly, safe, regular and responsible migration and mobility of people
	10.7.3 Number of people who died or disappeared in the process of migration towards an international destination
Goal.16 Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels	
16.2 End abuse, exploitation, trafficking and all forms of violence against and torture of children	16.2.2 Number of victims of human trafficking per 100,000 population, by sex, age and form of exploitation

Source: Created by the author based on United Nations Website (<https://sdgs.un.org/goals#goals>)

To achieve Target 8.7 of the above relevant targets and indicators, “Alliance 8.7” was established in 2016, led by UN agencies. Alliance 8.7 is a global partnership of 26 countries and 375 partners, including the UN, research institutions, private companies and NGOs²⁰. It conducts research, studies, produces guidance and provides various tools in four areas to eradicate TIP, modern slavery and child labor: 1) Supply chains; 2) Migration; 3) Rule of law and governance; and 4) Conflicts and humanitarian settings.

3.2 Efforts for Combating TIP in GMS

According to the GLOTIP 2021 produced by UNODC, 5,699 VOTs were identified in East Asia²¹ and the Pacific region in 2018. Out of these, 48% were women, 20% were girls, 21% were men and 11% were boys²². Out of 5,144 VOTs reported in 2018, 64% were victims of sexual exploitation, 29% were victims of forced labor, and 7% were victims of other forms of exploitation. Of the victims of sexual exploitation in particular, 72% were women and girls, confirming that sexual exploitation against women and girls remains serious (sexual exploitation of men and boys is also reported to be high, at around 28%²³). VOTs sent from East Asia and the Pacific have been identified in the Middle East, Europe and other parts of the world. As shown in Table 5, a higher proportion of victims from East Asia and the Pacific are forced to move outside the region compared to the population distribution of VOTs from other regions.

However, many countries in East Asia and the Pacific are both origin and destination countries for VOTs. Out of 1,429 cases in 2018 which details of VOTs (an origin country, age, gender or others) were reported, 46% were victims of domestic TIP, whereas 42% were also from East Asia and the Pacific region. Both figures are high, indicating that cases of cross-border TIP are frequently operated in the

²⁰ Alliance 8.7, <https://www.alliance87.org/the-alliance/>, last accessed on 22 October, 2022

²¹ The term “East Asia” in GLOTIP 2020 refers to 13 countries, namely Brunei, Cambodia, China, Indonesia, Japan, Malaysia, Mongolia, Myanmar, the Philippines, South Korea, Singapore, Thailand and Timor-Leste. Therefore, Vietnam and Lao PDR are not included in the countries which are targeted by this research.

²² UNODC(2021), Global Report on Trafficking in Persons 2020, P.151

²³ Ibid, P.151

region²⁴. Thailand and Malaysia, with their particularly large economies, are noted as major destination countries of VOTs from neighboring countries²⁵.

Table 5 : Percentage of Origin of VOTs Detected in 2018

Destination Countries Origin Countries	Western/ Southern Europe	Central/ South- Eastern Europe	Eastern Europe/ Central Asia	South Asia	East Asia/ The Pacific	North America	South America	Sub- Saharan Africa	Middle East
Western/Southern Europe	37	17							
Central/South-Eastern Europe	17	60							
Eastern Europe and Central Asia	3	10	100						8
South Asia	5			100	6	9 ²⁶			12
East Asia and the Pacific	9	24			88				18
South America						3	97		
Sub-Saharan Africa	19							99	37

Source: Created by the author based on UNODC (2021), “Global Report on Trafficking in Persons 2020”

3.3 Counter-TIP Measures in GMS

In line with the strengthening of response frameworks and initiatives in the international community described in 3.1 of Chapter 1, the need for the establishment of a regional inter-state cooperation framework has been recognized in the South-East Asian region since 2000, and initiatives have been implemented within a regional framework to promote prevention and response to TIP pertaining to the region. This section outlines some of the most important measures.

3.3.1 Bali Process

“The Regional Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime” was held in Bali, Indonesia, in February 2002 to consider medium- and long-term strategies against TIP and other related crimes in the Asia-Pacific region. At the Conference, attended by ministers from more than 50 countries, the "Bali Process" was launched as a modest international framework for ongoing activities to strengthen cooperation on TIP and related crimes in the Asia-Pacific region. It is led by co-chairs from Indonesia and Australia, with Thailand and New Zealand as core members, and consisted of 45 countries (as of January 2022) from the Asia-Pacific region, the Middle East and the United States as general participants, and four international organizations: International Organisation for Migration (IOM), United Nations High Commissioner for Refugees (UNHCR), International Labour Organisation (ILO), and UNODC²⁷. In addition, 18 countries and organizations, including the European Union (EU), European countries and South Africa, and nine international organizations are named as observers²⁸.

The Bali Process conducts annual ministerial and steering meetings, develops medium- and long-term strategies, and conducts workshops and training on issues such as TIP, smuggling of migrants and forced labor, in order to strengthen the response capacity of member states. In 2017, “The Government and Business Forum” was also established to examine measures and develop toolkits aimed at eliminating forced labor and strengthening supply chain management in the private sector²⁹.

3.3.2 Counter-TIP Measures in ASEAN

The Association of South East Asian Nations (ASEAN) is an intergovernmental organization in the South East Asian region, established by the Bangkok Declaration in 1967. The original five member states were Thailand, Indonesia, Singapore, the Philippines and Malaysia, and currently the association consists of 10 countries, including Brunei, Vietnam, Cambodia, Myanmar and Lao PDR.

²⁴ UNODC(2021), Global Report on Trafficking in Persons 2021, P.152, 153

²⁵ Ibid, P.153

²⁶ As only the totals for South Asia and East Asia and the Pacific are given in the source, the two columns have been merged.

²⁷ Bali Process (2022), Regional Support Office (RSO) Fact Sheet, P.1

²⁸ Bali Process, <https://www.baliprocess.net/membership/>, last accessed on 1 March, 2022.

²⁹ Bali Process, <https://www.baliprocessbusiness.org/>, last accessed on 1 March, 2022

Although discussions on drug control began in ASEAN in the 1970s, and discussions on cross-border crimes began in the 1990s, TIP was recognized as a regional issue since 2000, just as discussions on TIP became more active in the international community³⁰. The adoption of “ASEAN Declaration against Trafficking in Persons Particularly Women and Children” at the ASEAN informal summit in November 2004 provided concrete measures to prevent trafficking in persons in ASEAN for the first time.

Discussions on combating TIP in the region continued, with the establishment of “ASEAN Intergovernmental Commission on Human Rights (AIHCR)” in 2009 and “ASEAN Commission on the promotion and Protection of the Rights of Women and Children (ACWC)” in 2010. These has led to the appointment of a separate body to address the protection of VOTs, consisting of ministries responsible for the protection of women and children and social welfare in each country, apart from a conference body to crack down on organized crime and cross-border crime, consisting of ministries in charge of security in each country. In addition to the crackdown on crime, the protection of victims has also been emphasized in the discussions in ASEAN. Consequently, the focus in the discussions in ASEAN has not only been on the combating of trafficking-related crimes, but also on the protection of victims.

And in November 2015, “ASEAN Convention against Trafficking in Persons, Especially Women and Children (ACTIP)” was signed and the Agreement entered into force in March 2017. ASEAN countries on preventing and responding to TIP with three objectives: 1) to prevent TIP, especially women and children; 2) to protect and assist VOTs; and 3) to promote cooperation between the parties to achieve 1) and 2)³¹. As a complementary document to ACTIP, “ASEAN Plan of Action against Trafficking in Persons, Especially Women and Children” has also been prepared and contains measures to be implemented in the following areas: 1) prevention of TIP; 2) protection of VOTs; 3) prosecution of perpetrators; and 4) promotion of regional and international cooperation.

3.3.3 Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT)

To promote measures to combat TIP in GMS, six countries in the region (Thailand, Cambodia, Lao PDR, Vietnam and China) launched COMMIT in 2004 and signed “Memorandum of Understanding on Cooperation against Trafficking in Persons in the Greater Mekong Sub-Region (COMMIT MOU)”. The COMMIT MOU strengthens the 4P (Policy, Prevention, Protection, Prosecution) approach of the ministries in charge of security and social welfare and ministries in charge of combating TIP-related crimes and protecting victims, with the aim of promoting multi-sectoral cooperation within each government. Specifically, it provides for the formulation of country-specific action plans, the establishment of a multi-sectoral national committee, “COMMIT Task Force”, to promote and manage the implementation of the action plans, and the conclusion of multilateral and bilateral agreements to promote cooperation³².

Based on this framework, COMMIT developed the COMMIT Sub-Regional Plan of Action (COMMIT SPA), which sets out specific measures and indicators, and actively promoted the development of national legislation, planning and bilateral MOU conclusion discussions³³. The COMMIT SPA has so far created SPA 1 (2005-2007), SPA 2 (2008-2010) SPA 3 (2011-2013), SPA 4 (2015-2018), and is

³⁰ IDE-JETRO (2014), YAMADA, Miwa et al, The Report on “*Jinshin Torihiki*” *Mondai no Gakusaiteki Kenkyu* (Interdisciplinary research on “trafficking in persons” issues), Chapter 2 P.5

³¹ ASEAN (2015), ASEAN Convention Against Trafficking in Persons, Especially Women and Children, P.3

³² ILO (2004), Memorandum of Understanding on Cooperation against Trafficking in Persons in the Greater Mekong Sub-Region

³³ The bilateral MOUs/bilateral agreements concluded up to 2021 are as follows (year of conclusion in parentheses). Thailand-Cambodia (2003, 2014), Thailand-Laos (2005), Thailand-Vietnam (2008), Thailand-Myanmar (2009), Thailand-China (2006, 2007, 2008), Cambodia-Vietnam (2005, 2009), Cambodia-China (2016), Lao PDR-Vietnam (2010), Lao PDR-China (2014) Vietnam-China (2010), Myanmar-China (2009)

currently under implementation with SPA 4 being extended to the end of 2022. The COMMIT Task Forces in member states develop work plans based on the SPAs on an annual basis and monitor its implementation.

The COMMIT process is established and operated with the support of several international organizations. The initial support came from the United Nations Inter-Agency Project on Human Trafficking (UNIAP), which is comprised of ILO, UNODC, IOM, and NGOs. In 2014, UNIAP was reorganized as United Nations Action for Cooperation against Trafficking in Persons (UN-ACT), a program under the jurisdiction of the United Nations Development Programme (UNDP), and COMMIT has been supported by UN-ACT. As UN-ACT has now ended, the UNDP Regional Hub for Asia and the Pacific in Bangkok and UNDP offices in each country, in collaboration with IOM and ILO, continue to support the formulation and implementation of the SPA as the COMMIT Secretariat.

UNDP is currently conducting assessments and consultations with stakeholders to establish a Transnational Referral Mechanism (TRM) by Member States within the framework of the COMMIT process. The TRM is an identified or provisionally recognized standardized cooperative framework for comprehensive transnational assistance and transfer of TIP. The response to TIP is complicated and requires a cross-border cooperation. However, as there are differences in laws and policies in each country and sometimes different responses at the operational level, there is a need to develop the TRM in order to integrate the victim referral process across the region and enable a comprehensive and effective response. UNDP, in collaboration with other international organizations such as ILO and IOM, has been discussing the specifics of the TRM with government officials in each country, and held TRM design workshops in Cambodia, Lao PDR and Thailand in June 2022. UNDP would proceed with the drafting of the TRM and aims to introduce it on a pilot basis from December 2022, based on feedback at the COMMIT Inter-Ministerial Meeting (COMMI IMM) scheduled for August 2022³⁴.

3.3.4 ASEAN–Australia Counter Trafficking (ASEAN-ACT)

ASEAN-ACT was established in 2019 with funding of approximately 6 billion JPY from the Government of Australia to combat TIP in the ASEAN region (activities are planned to last 10 years until 2028). The regional headquarters office is located in Bangkok, Thailand, and provides support for combating TIP at the regional level in ASEAN, with country offices in Thailand, Cambodia, Lao PDR, Vietnam, Myanmar, Indonesia and the Philippines among the 10 ASEAN member states. The organization also provides assistance in combating TIP in each country.

It mainly supports the implementation of ACTIP at the policy level, conducting trafficking-related research and information gathering, formulating various policies and guidelines, providing training to law enforcement and other government agencies, and organizing multilateral workshops.

³⁴ Based on the interview with UNDP Bangkok Regional Hub on 20 April, 2022, and the following document. UNDP(2022), Transnational Referral Mechanism (TRM) Pathways for the greater Mekong Sub region 2022

4. The Results of the Research in Kingdom of Cambodia

4.1 Overview

4.1.1 Socio-Economic Situation

The Kingdom of Cambodia (hereafter referred to as “Cambodia”) is a constitutional monarchy located in the southern Indochina Peninsula, bordering Lao PDR to the north, Vietnam to the east and Thailand to the west. The total population is approximately 17 million (in 2021)³⁵ and Khmer is the national language of the majority of the population. 97.4% of the population professes Buddhism, followed by Muslims (1.8%) and Christians (0.7%)³⁶.

Cambodia became independent from France in 1953 and a monarchy was established, followed by a coup d'état in 1970, which led to a republic. Thereafter, the civil war between anti-Chinese and pro-Chinese communists (Khmer Rouge) has happened, and the Democratic Cambodia (Pol Pot) regime was established by the Khmer Rouge in 1975. Civil strife followed, and the monarchy was restored in 1993 with a new constitution enacted after constitutional assembly elections held under the supervision of the United Nations Transitional Authority in Cambodia (UNTAC)³⁷. Since 1993, there has been a long period of government by the People's Party led by Prime Minister Hun Sen (including a period of two prime ministers with the Hun Sing Pek Party (1993-1998)). Local government consists of 24 Provinces nationwide and Phnom Penh Capital, which is divided into Khan - Sangkat under the capital city, and District - Commune or Municipality - Sangkat under the Province.

The Gross National Income (GNI) per capita in Cambodia in 2021 is USD 1,550 (Atlas method, 2021)³⁸, which is double the 2011 figure of USD 810. However, the proportion of people living below the national poverty line (9,571 Cambodian Riel per day in urban areas and 8,908 Cambodian Riel per day in rural areas) set by the government of Cambodia is 17.8%³⁹, and the poverty rate remains particularly high in rural areas⁴⁰.

Up to 2019, the economy continued to grow at a stable GDP growth rate of about 7% per annum, due to an increase in exports such as garment products, construction, services and foreign direct investment⁴¹. Negative growth was recorded in 2020 due to the COVID-19 pandemic, but positive growth is expected again from 2021 onwards.

4.1.2 Overview of TIP

Status of TIP

While Cambodia has achieved remarkable economic growth and poverty reduction in recent years, it has also become an origin country of VOTs. Many migrant workers⁴² who relocate to neighboring countries due to economic hardship, as well as VOTs abroad, have been identified.

Comprehensive data on the number of cases of TIP or VOTs in Cambodia is not publicly available. According to the TIP report in Cambodia by the US Department of State, the number of VOTs reported

³⁵ World Bank, <https://data.worldbank.org/indicator/SP.POP.TOTL?locations=KH>, last accessed on 22 October, 2022

³⁶ National Institute of Statistics, et.al, Cambodia Demographic and Health Survey 2021-22_Key Indicator Report, P.10

³⁷ Ministry of Foreign Affairs, Japan, <https://www.mofa.go.jp/mofaj/area/cambodia/data.html#section1>, last accessed on 22 October, 2022

³⁸ World Bank, <https://data.worldbank.org/indicator/NY.GDP.PCAP.CD?locations=KH>, last accessed on 22 October, 2022

³⁹ Asian Development Bank, <https://www.adb.org/countries/cambodia/poverty>, last accessed on 22 October, 2022

⁴⁰ Khmer Times, <https://www.khmertimeskh.com/50973518/cambodias-poverty-line-updated-178-percent-cambodians-under-the-poverty-line/>, last accessed on 22 October, 2022

⁴¹ Ministry of Foreign Affairs, Japan, <https://www.mofa.go.jp/mofaj/area/cambodia/data.html#section1>, last accessed on 22 October, 2022

⁴² The definition of “Migrant Workers” in this report refers to the definition in “International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families 1990”, 1 in article 2 “a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national”.

by the Government of Cambodia and the number of trafficking cases handled by the Anti-Human Trafficking and Juvenile Protection Police (AHTJP) in 2019, 2020 and 2021 are shown in Table 6 and Table 7 respectively. The report also states that in 2019, Phnom Penh Municipal Court handled 166 trafficking cases, of which 63 (140 suspects) were found guilty and 103 cases were in process at the end of the reporting period⁴³. In 2020, a total of 348 cases were prosecuted in all provinces, of which 233 trials were conducted (the courts were closed for several months due to the COVID-19 pandemic in 2020)⁴⁴. In 2021, 38 out of 109 suspects charged were reportedly convicted⁴⁵

Table 6 : Number of TIP Cases detected by AHTJP

	Sexual Exploitation	Others
2019	14 cases (27 suspects)	21 cases (26 suspects)
2020	21 cases (48 suspects)	21 cases (46 suspects)
2021*	4 cases	60 cases

*The total number of suspects in all trafficking cases was 109 (breakdown not reported).

Source: Created by the author based on US Department of States, TIP Report Cambodia 2020, 2021, 2022

Table 7 : Number of VOTs in Cambodia

	Sexual Exploitation	Others
2019	76 (26 are minors)	66 (20 are minors)
2020	95 (26 are minors)	322
2021	364*	

*The number of minor VOTs was not reported.

Source: Created by the author based on US Department of States, TIP Report Cambodia 2020, 2021, 2022

According to the Tip report in Cambodia by the US Department of State for the past five years (2018-2021), it had remained at Tier 2 until 2018, but was downgraded to Tier 2 Watch List in 2019. The reasons for the downgrading include the lack of stronger efforts compared to previous years, insufficient information gathering and sharing on law enforcement, lack of thorough prosecution of perpetrators, and the alleged involvement of government authorities with the perpetrators or groups of perpetrators of TIP of any kind⁴⁶.

Since then, Cambodia has been classified on Tier 2 Watch List for three years until 2021, with a further downgrade to Tier 3 in the latest edition of the 2022 report. According to the report, the reasons for the downgrade include: despite the large number of VOTs nationwide, widespread corruption has meant that the public officials and other actors involved have not been fully interrogated and proactive action has not been taken; the Government does not provide adequate protection services for victims both in cases of domestic and international and relies heavily on NGOs and foreign aid organizations to provide necessary care and secure funding⁴⁷.

TIP Cases outside Cambodia

Malaysia, China and Thailand are the most common destination countries for VOTs from Cambodia, with an increasing number of victims in the Middle East in recent years. In 2018, the Ministry of Foreign Affairs and International Cooperation (MFAIC) reported that 986 Cambodian VOTs were repatriated from nine countries. These included 382 from Malaysia, 288 from Thailand, 171 from Vietnam, 53 from China, 49 from Lao PDR, 23 from Indonesia, 12 from Japan, 5 from Singapore and 3 from Myanmar⁴⁸. In addition to TIP for sexual exploitation and forced marriage, forced labor in fishery, agriculture,

⁴³ US Department of State (2020) Trafficking in Persons Report: Cambodia
⁴⁴ US Department of State (2021) Trafficking in Persons Report: Cambodia
⁴⁵ US Department of State (2022) Trafficking in Persons Report: Cambodia
⁴⁶ US Department of State (2019) Trafficking in Persons Report: Cambodia
⁴⁷ US Department of State (2022) Trafficking in Persons Report: Cambodia
⁴⁸ US Department of State (2019) Trafficking in Persons Report: Cambodia

construction, factory labor, and domestic work are the main forms. In some cases, children from poor households are subjected to forced begging, street vending, and other forms of forced labor by their care givers and relatives in neighboring countries such as Thailand and Vietnam.

In recent years, there has also been an increase in the number of victims for the purpose of surrogate motherhood. In the past, pregnancy and childbirth took place in Cambodia, but since surrogacy became illegal in 2016, it has become common practice to hire women of childbearing age (mainly women between 18 and 35 years old) and organize surrogacy abroad by preparing doctors, nurses, food, and other supplies⁴⁹.

In many TIP cases, the surrogate mothers are recruited in rural areas, without disclosing that they are recruiting for surrogate motherhood but a sewing business or other labor. Once the pregnancy is confirmed, they are taken overseas with the help of a passport issuance service. The surrogate mothers are paid 500 USD for each pregnancy and about 300 USD per month, and after the birth of the baby, the surrogate mothers can earn a total of 10,000 USD, which is about six times the average annual income in Cambodia. According to the Ministry of Social Affairs, Veterans and Youth Rehabilitation (MOSVY), 35 cases of surrogate motherhood were confirmed in 2016, and the number is increasing every year (Chinese clients are reportedly the most common)⁵⁰.

TIP Cases within Cambodia

1) Sexual Exploitation and Forced Prostitution

In Cambodia, forced prostitution frequently occurs in tourist destinations and urban areas. In addition to the victims in brothels, massage parlors, karaoke bars, beer gardens serve as indirect pimping facilities. Perpetrators include not only Cambodians, but also many tourists from Europe, U.S., and Asia.

2) Forced Labor in Construction Industries including Brick Kiln

The recent construction explosion has resulted in a serious issue of forced labor in the construction industry, especially in the brick industry. In Cambodia, bricks are fired in brick kilns rather than in factories. There have been cases where brick kiln operators have relieved the debts of poor households such as loans to microfinance institutions⁵², and then forced all family members to work in the brick kilns⁵³. In addition, there is a lack of awareness of occupational health in the construction industry, including brick kiln work, and it is reported that workers, especially children, are often seriously injured or disabled by the hazardous works⁵⁴.

3) Forced Labor in Casinos and Call Centers

⁴⁹ After surrogacy was outlawed in Thailand, surrogacy for Chinese and Western clients became more frequent in Cambodia. In 2016, however, the Ministry of Health issued a ministerial decree (Prakas) stating that “the Law on the Regulation of Donation and Adaptation of Human Cells”, which prohibits the sale of human organs and cells, applies to surrogacy and surrogacy is completely prohibited. This has effectively made surrogacy illegal in Cambodia.

Sensible for Loving Families, <https://www.sensible-surrogacy.com/surrogacy-in-cambodia/>, last accessed on 2 April, 2022

⁵⁰ Surrogacy is illegal in Cambodia, and in some cases, women who become surrogate mothers are charged with crimes.

Reuters, <https://www.reuters.com/article/us-cambodia-surrogacy-women-idUSKBN2111NS>, last accessed on 1 April, 2022

⁵¹ Based on interviews with MOSVY on 11 March, 2022.

⁵² There are reports that microfinance operations in Cambodia are increasing the risk of TIP and forced labor. See the following documents.

Nithya Natarajan., et al (2020), Diffuse Drivers of Modern Slavery: From Microfinance to Unfree Labour in Cambodia

LICADHO (2019), Collateral Damage-Land Loss and Abuses in Cambodia’s Microfinance Sector

UNODC (2017), Trafficking in persons from Cambodia, Lao PDR and Myanmar to Thailand

⁵³ A team studying the brick industry in Cambodia at the University of London notes that brick kiln labor is a form of “Modern Slavery”. The team also reports that many rural households are affected by climate change, which has made agriculture unviable. Brickell K. et al, (2018) Blood Bricks: Untold Stories of Modern Slavery and Climate Change from Cambodia.

⁵⁴ Brickell K. et al, (2018) Blood Bricks: Untold Stories of Modern Slavery and Climate Change from Cambodia.P.37

Cambodia has long been recognized as an origin country for TIP, and in recent years there have been numerous reports of TIP cases with Cambodia as a destination country.

In addition to forced labor and forced prostitution in casinos at the border area, forced labor in "call centers" within Cambodia has increasing, mainly in Sihanoukville and Phnom Penh (known as "Scam Call Center"). The "call center" services are not the normal information services, but rather online fraud or telephone fraud activities aimed to defraud foreigners out of their properties, which are forced upon victims by the scam groups. In particular, cases which are Thai nationals are brought to Cambodia and forced to work to keep making fraudulent phone calls to Thai people have been recognized as a serious issue in Thailand, with hundreds of victims confirmed⁵⁵. Especially since the COVID-19 pandemic has started, it is reported that the number of victims of forced labor in call centers is increasing among those who have lost their jobs in Thailand. Not only victims from Thailand, but also those from Indonesia, Vietnam, Pakistan, and other countries have been confirmed⁵⁶.

The Repatriation Mechanism for VOTs to Cambodia

The repatriation and protection process for Cambodian victims who are identified as VOTs abroad consists of two major stages. The first stage is Preliminary Victim Identification of "potential victims" by MOSVY (or NGOs) and the second stage is Victim Identification by law enforcement agencies which are police, prosecutors, and courts.

The first stage, Preliminary Victim Identification, is conducted through interviews with Department of Anti-Human Trafficking and Reintegration of Victims in MOSVY, Cambodian embassies in destination countries, and NGOs⁵⁷. This is a process to confirm status, identify necessary services, and referral, whereby if confirmed as a potential victim of TIP, the victim may be referred to NGO-provided shelter, legal aid, medical assistance, vocational training, or other assistance, depending on their requests (even if not confirmed as a potential victim, the person may be referred to NGO services if required). In addition, MOSVY and the Department of Social Affairs, veterans and Youth Rehabilitation (DOSVY), a provincial-level division of MOSVY, provide ongoing follow-up until the case will be closed.

If the person is identified as a potential victim in the Preliminary Victim Identification process, an investigation by the police is then initiated. When the police determine that the potential victim is a victim of a trafficking case, the case is referred to the prosecutor. Thereafter, when the court finally rules that the case is TIP, the victim is identified as a VOT and is entitled to compensation from the perpetrator.

The process of repatriation from abroad applies to cases in which the person is identified as a VOT in the destination country, and if the person is determined to be an illegal migrant worker rather than a VOT, the person is deported to Cambodia. However, since there is a possibility that some of the deported illegal migrant workers are VOTs, the above process is also applied at the time of deportation, and if the illegal migrant worker is identified as a potential victim of TIP through Preliminary Victim Identification, the person will receive protection services as well.

⁵⁵ Based on the interview with MOSVY on 11 March, 2022

⁵⁶ Forum-Asia, <https://www.forum-asia.org/?p=36638>, last accessed on 20 May, 2022

⁵⁷ Since MOSVY and DOSVY are not fully staffed, trained NGO personnel and community representatives may also be responsible for the Preliminary Victim Identification process.

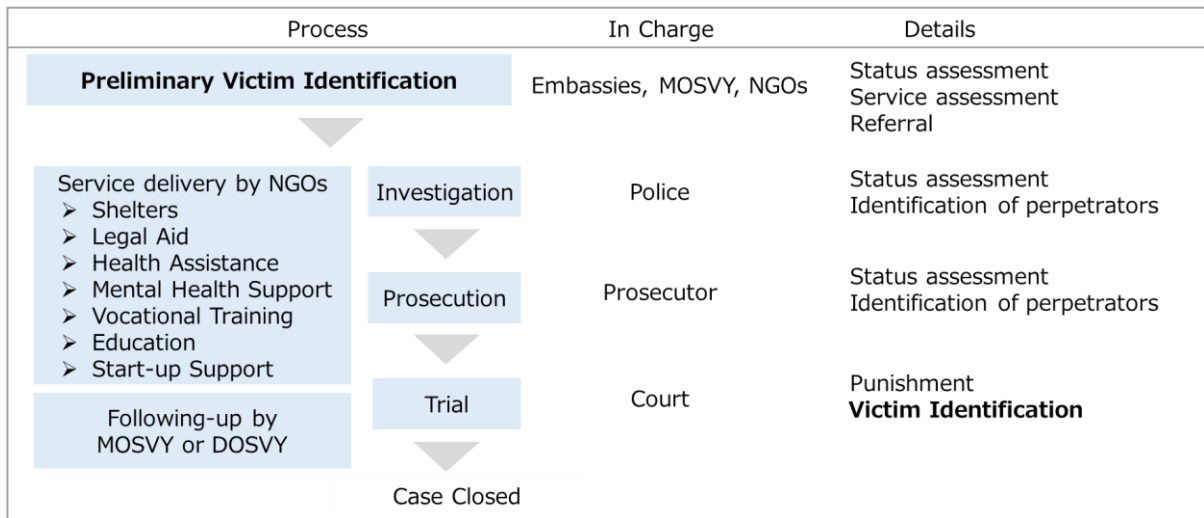


Figure 2 : Protection Process for VOT Repatriated to Cambodia

Source : Created by the author based in the interview

4.2 Legal Framework to Combat TIP

4.2.1 International and Regional Conventions

The international and regional conventions related to TIP that Cambodia has ratified or concluded are shown in Table 8.

Table 8 : List of International and Regional Conventions Ratified or Signed by Cambodia

Name of the convention (year of adoption)	Ratification
International Convention (UN)	
Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) (1979)	1992
United Nations Convention on the Rights of the Child (1989)	1992
The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990)	Signed on 2004 Not ratified
The Optional Protocol to the Convention on the Elimination of all forms of Discrimination Against Women (1999)	2010
Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999)	2006
The United Nations Convention against Transnational Organized Crime (2000)	2005
The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the Palermo Protocol) (2000)	2007
The Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime (2000)	2005
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000)	2002
Protocol of 2014 to the Forced Labour Convention, 1930 (2014)	Not signed or ratified
Regional Convention (ASEAN and COMMIT)	
Memorandum of Understanding on Cooperation against Trafficking in Persons in the Greater Mekong Sub-Region (COMMIT MOU) (2004)	2004
ASEAN Declaration Against Trafficking in Persons Particularly Women and Children (2004)	2004
ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (2007)	2007
ASEAN Human Rights Declaration (2012)	2012
ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP) (2015)	2016

Source : Created by the author based on United Nations Treaty Collection (https://treaties.un.org/pages/Home.aspx?clang=_en)

4.2.2 Bilateral MOUs and Agreements

Cambodia has the following bilateral MOUs or bilateral agreements regarding the protection of VOTs⁵⁸.

- > Memorandum of Understanding Between the Government of the Kingdom of Cambodia and the Government of the Kingdom of Thailand on Bilateral Cooperation for Eliminating Trafficking in

⁵⁸ Kingdom of Cambodia (2019), Five-Year national Strategic Plan for Counter Trafficking in Persons 2019-2023, P.75-76

- Persons and Protecting Victims of Trafficking (signed on 2003, amended on 2014)
- Agreement between the Royal Government of Cambodia and the Government of the Socialist Republic of Vietnam on Bilateral Cooperation for Eliminating Trafficking in Women and Children and Assisting Victims of Trafficking (signed on 2005, amended on 2012)
- Agreement between the Government of the Kingdom of Cambodia and People's Republic of China on Cooperation to Combat Trafficking in Persons (2016)
- Memorandum of Understanding Between the Government of the Kingdom of Cambodia on Cooperation for Prevention of Trafficking in Persons to Assist Rescue, Repatriation and Reintegration for Victims of Trafficking in Person, especially Women and Children (2018)

These MOUs or agreements state that the two countries have agreed to cooperate and strengthen coordination on the protection and repatriation of VOTs. The Government of Cambodia also seeking to conclude agreements with Indonesia and Malaysia, but these have not materialized as of March 2022⁵⁹. Cambodia has also concluded bilateral Standard Operating Procedures (SOPs) with Thailand and Vietnam, which describe more detailed procedures for repatriation based on the MOU. The sharing of SOPs between the two countries facilitates the process of victim protection. Therefore, the Government of Cambodia aims to conclude SOPs with China and India as well, which have many VOTs from Cambodia, in order to further strengthen the protection of victims (a draft of the SOP has already been shared with the Chinese and Indian sides)⁶⁰.

4.2.3 Domestic Laws

In Cambodia, ratification of the Palermo Protocol in 2006 initiated discussions on the development of domestic legislation, and “Law on Suppression of Human Trafficking and Sexual Exploitation” came into effect in 2008. The law aims to eliminate TIP for Cambodians and foreigners in the country and for Cambodians abroad, and provides for imprisonment and fines for various acts that constitute TIP, including illegal movement for the purpose of exploitation, illegal movement for cross-border transfer, illegal recruitment for exploitation, sale or exchange of persons for the purpose of exploitation, receiving persons for the purpose of exploitation, prostitution and child prostitution, and distribution, sale, exhibition, and projection of pornography⁶¹. Many of the provisions of this law provide for penalties for perpetrators, and there is little legally defined protection of victims or support for their rehabilitation. The only article that is mentioned as pertaining to the protection of victims is Article 46 on “Restitution of Unjust Enrichment” (restitution to the victim of unjust profits obtained by the perpetrator and a claim for damages from the victim to the perpetrator).

In some cases, perpetrators may be punished under the Criminal Code and Procedure of Criminal Code.

4.3 Policies and Policy Implementation Structure

4.3.1 Policies

Cambodia has developed and implemented a national strategy for TIP. The strategic plan is developed by the National Committee for Counter Trafficking (NCCT, see 0), and once subsequently approved by the government, the members of NCCT would implement each activity in accordance with the national strategy. So far, the Plan of Action 2011-2013 and National Plan of Action 2014-2018 have been implemented, and now the third roadmap, Five Year National Strategic Plan for Counter Trafficking in Persons 2019-2023 is under implementation.

⁵⁹ Based on the interview with MOSVY on 11 March, 2022

⁶⁰ Ibid

⁶¹ Kingdom of Cambodia (2006), Law on Suppression of Human Trafficking and Sexual Exploitation

The current Five Year National Strategic Plan is based on the following four strategies, with a number of activities planned under each strategy, and with its own responsible implementing agency and budget contributing agency⁶².

- 1) Strengthen collaboration on development and implementation of laws, policies, and legal standards
- 2) Promote prevention of all forms of TIP and child abuse
- 3) Strengthening the criminal justice system in response to TIP and child abuse
- 4) Promote the protection of victims, especially women and child victims

The implementation of the strategic plan will be monitored and evaluated by NCCT, a mid-term review will be conducted in 2021, and preparations are currently underway for the final review and planning of the next five-year strategic plan⁶³.

4.3.2 Coordination Bodies

In Cambodia, coordination bodies for Counter-TIP policy implementation has been established at the national and sub-national levels.

National Committee for Counter Trafficking (NCCT)

The National Committee for Counter Trafficking (NCCT) was established on June 25, 2014 under Decree No. 0614/080 as a function responsible for coordinating governmental and non-governmental organizations working on TIP⁶⁴. NCCT is a national coordinating body that manages, collects information, analyzes data, and facilitates consultations to eliminate TIP cases and all forms of exploitation (labor exploitation, sexual exploitation, child trafficking, organ trafficking, or others)⁶⁵. It is chaired by the Deputy Prime Minister and Minister of Interior and vice-chaired by the Undersecretary General of the Ministry of Interior, and has a Secretariat with approximately 70 staff members (the Vice-Chair doubles as the Secretary General). In addition, 26 government agencies involved in trafficking in persons are members⁶⁶.

NCCT holds coordination meetings twice a year to develop “Five-Year national Strategic Plan for Counter Trafficking in Persons” and monitor its implementation. NCCT has six thematic Working Groups (WGs), each with its own lead agency, which hold quarterly coordination meetings and develop strategies and action plans for each WG.

- 1) Prevention: Ministry of Education, Youth and Sports (MOEYS)
- 2) Victim Protection: Ministry of Social Affairs, Veterans and Youth Rehabilitation (MOSVY)
- 3) Law Enforcement: National Police Commissariat
- 4) Judicial Affairs: Ministry of Justice (MOJ)
- 5) International Relation : Ministry of Women Affairs

⁶² Kingdom of Cambodia (2019), Five-Year national Strategic Plan for Counter Trafficking in Persons 2019-2023, P. 15-72

⁶³ Based on the interview with NCCT on 15 March, 2022.

⁶⁴ Kingdom of Cambodia (2019), Five-Year national Strategic Plan for Counter Trafficking in Persons 2019-2023, P. 3

⁶⁵ Ibid P. 4

⁶⁶ Members of the NCCT are as follows;

【Miniseries】 1. Ministry of Interior (MOI), 2. Ministry of Education, Youth and Sports (MOEYS), 3. Ministry of Social Affairs, Veterans and Youth Rehabilitation (MOSVY), 4. Ministry of Justice (MOJ), 5. Ministry of Women Affairs (MOWA), 6. Ministry of Labor and Vocational Training (MOLVT), 7. Ministry of Health (MOH), 8. Ministry of Tourism (MOT), 9. Council of Ministers (COM), 10. Ministry of Foreign Affairs and International Cooperation (MOFAIC), 11. Ministry of National Defense (MOND), 12. Ministry of Economy and Finance (MOEF), 13. Ministry of Planning (MOP), 14. Ministry of Information (MOIf), 15. Ministry of Culture and Fine Arts (MOCFA), 16. Ministry of Rural Development (MORD), 17. Ministry of Post and Telecommunication (MOPT), 18. Ministry of Agriculture, Forestry and Fisheries (MOAFF), 19. Ministry of Industry, Science, Technology and Innovation (MISTI), 20. Ministry of Cult and Religion (MOCR), 21. Ministry of Public Function (MIPF)

【Specialized Unit】 General Commissariat of the National Police (MOI), General Department of Immigration (MOI), General Department of Identification (MOI), Gendarmerie, Department of Border Affairs, Royal Cambodian Armed Forces (MOND)

6) Migration : Ministry of Labor and Vocational Training (MOLVT)

NCCT is primarily a coordinating function, and its main duties include arrangements with member ministries and agencies, WG operations, and coordination with non-governmental organizations, or others. The NCCT Secretariat compiles the activities and results of each WG and prepares an annual Trafficking in Persons Report, which is submitted to the Prime Minister and the National Assembly. International organizations, NGOs, and other development agencies are not official members of WGs, but may be asked by NCCT to attend WG meetings, depending on the topic.

Meanwhile, apart from the activities of each WG, NCCT also provides Training on Trainers (ToT) to develop instructors on TIP. The training takes the form of developing trainers for each issue in key ministries and agencies, and each trainer conducts the training within his/her organization. In some cases, when TOT alone is not sufficient, NCCT takes the initiative in developing and revising guidelines. For example, in 2015, NCCT took responsibility of the development of victim identification guidelines from MOSVY, and NCCT has taken the lead in creating the currently used victim identification guidelines and conducting related training and other activities. NCCT is now in the process of revising the victim identification guidelines, and is discussing with relevant parties which parts to revise and to what extent to simplify them, as many have said that the current format is complicated and difficult to use⁶⁷. After the revision, NCCT plans to conduct training sessions to further clarify how to use it. In addition, NCCT plans to conduct training on reporting, recording, and information management⁶⁸. It is considered necessary to conduct training on a regular basis to ensure that essential knowledge is transferred to new members in case of a change in the person in charge due to a turnover of civil servants.

NCCT does not receive direct funding from international organizations or NGOs, but receives technical support in conducting training and developing guidelines. For example, NCCT has conducted training programs in collaboration with ASEAN-ACT, A21, IOM, Winrock International, Hager International, and others.

Through the interview conducted during the research, it became clear that NCCT is aware of the following challenges⁶⁹.

- Though it is expected that ToT and various training programs should be implemented at the provincial level as well, NCCT recognizes that sufficient training has not been provided due to relevant staff being busy with their normal duties. Therefore, it is necessary to consider the implementation of training at the provincial level with the cooperation of ministries and NGOs.
- Even if a countermeasure plan against trafficking in persons is developed, the actions of perpetrators cannot be fully foreseen, and the changing forms of crime make it increasingly difficult to respond to those situations. Therefore, it is necessary to focus not only on dealing with crimes that have occurred, but also on how to prevent crimes from arising themselves. As such, NCCT considers it crucial to focus on "prevention".

Provincial Committee for Counter Trafficking (PCCT)

Under the management of NCCT, Provincial Committees for Counter Trafficking (PCCT) have been established in Phnom Penh Capital and all 24 provinces. In each province, the provincial governor serves as PCCT chairperson and the provincial deputy governor as PCCT secretary general. As at the central level, six working groups have been set up, each with a member from the relevant provincial department.

⁶⁷ Based on the interview with NCCT on 15 March, 2022.

⁶⁸ Ibid

⁶⁹ Ibid

Each WG works in collaboration with development partners such as NGOs.

PCCTs formulate action plans based on “Five-Year national Strategic Plan for Counter Trafficking in Persons” prepared by the NCCT, according to the situation of each province, and develop budget plans based on the contents of above mentioned action plans. The budget plan is first developed over a five-year period, which is followed by a three-year plan, and then followed by a one-year plan. The budget is allocated by the province and the relevant ministries based on the plan. In some provinces, funding may also come from NGOs and the private sector. PCCTs submit monthly reports to NCCT on the progress of each measure under the action plan and on the occurrence of TIP cases.

Under the provincial level, anti-TIP WGs have been established in districts and communes⁷⁰. The district anti-TIP WG is chaired by the district governor and vice-chaired by the district deputy governor. The commune anti-TIP WG is chaired by the commune chief, and its members include local school directors, health center directors, youth representatives, and children's club representatives. Currently, WGs are not enough active in some communes⁷¹. Since there is a budget allocated by the commune administration on anti-TIP measures at the commune level as well, some PCCTs are strengthening the capacity of commune members on how to use these budgets, planning, strategic planning, or others.

Commune Council for Women and Children (CCWC)

In Cambodia, Commune Councils for Women and Children (CCWCs) have been established separately from PCCT or WGs at the local level. CCWC is an administrative function that formulates policies, collects information, and conducts awareness-raising activities regarding the protection of women and children in the commune, prevention of violence against women and children, and support for victims of domestic violence (DV), including intimate partner violence and other forms of violence from family members. Establishment of CCWCs was piloted in 422 communes in 6 provinces in 2004 with the support of the United Nations Children's Fund (UNICEF), and its successful implementation in all communes began in 2007⁷². CCWC is responsible for supporting women's and children's health, education, birth registration, and safety management, or others. TIP is one of the issues which CWCCs address. In addition to monthly meetings, CCWCs meet with the Provincial Local Administration Unit (PLAU) and District Office quarterly to share information and discuss issues. CCWCs consist of the following members;

- 1) Commune Chief: Chair
- 2) Second Deputy-Chief of Commune: Vice Chair
- 3) Commune Clerk: Permanent member
- 4) A chief or Deputy Commune Police: Member
- 5) A Director of School or a Representative: Member
- 6) A Director of Health Centre or a Representative: Member
- 7) A Village Chief or Deputy from all Villages: Member

The relationships among the coordination functions at the central, provincial, district, and commune levels are shown in Figure 3.

⁷⁰ In the past, there used to be a branch of each ministry at the district level, but with the ongoing reform of the administrative structure based on the decentralization policy, the branches of ministries have been reorganized as a part of the district and commune administrations. Therefore, at the district and commune level, the district and commune administration oversees WGs, rather than having six WGs led by each ministry branch by theme, as in NCCT and PCCT.

⁷¹ Base on the interview with PCCT in Siem Reap Province on 21 March, 2022.

⁷² Royal Government of Cambodia (2008), The Functioning of Commune committee for Women and Children, P.2

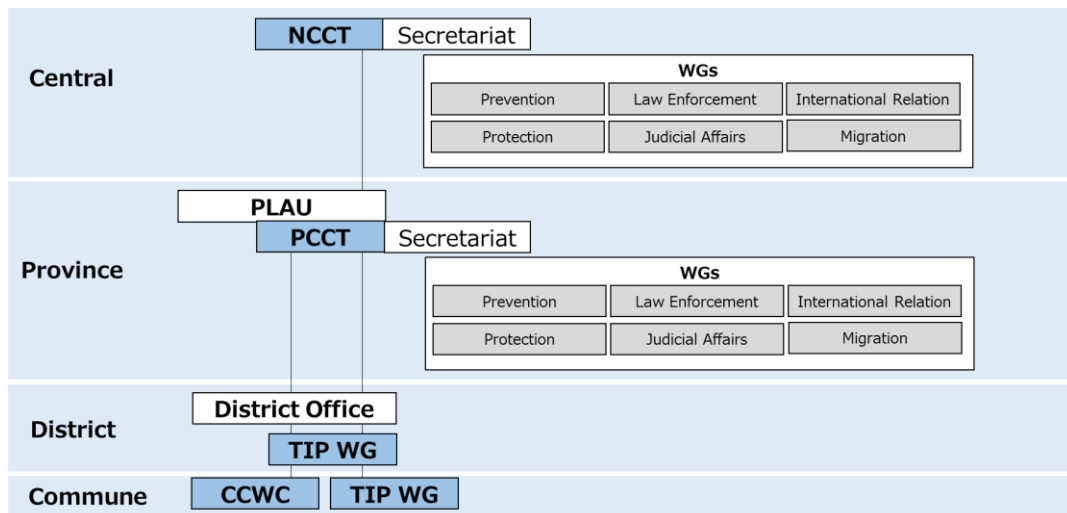


Figure 3 : Coordination Mechanisms and Collaboration between Central ministries and Local government on TIP in Cambodia

Source: Created by the author based on interviews

4.3.3 Policy Implementation Structure

This section describes the role of the government agencies interviewed during the field research in relation to TIP.

Ministry of Social Affairs, Veterans and Youth Rehabilitation (MOSVY)

The Department of Anti-Human Trafficking and Victim Repatriation of the Ministry of Social Affairs, Veterans and Youth Rehabilitation (MOSVY) is mainly responsible for the following three activities regarding VOTs; 1) repatriation support, 2) rehabilitation, and 3) social reintegration. MOSVY also serves as the lead agency of the Victim Protection WG in NCCT, which develops action plans based on “Five-Year national Strategic Plan for Counter Trafficking in Persons” and coordinates and reports on the activities of related agencies.

Repatriation of VOTs is accepted at the airports in Phnom Penh, Siem Reap, and Sihanoukville, in addition to Poipet, the border with Thailand, and Bove, the border with Vietnam. When a victim returns, MOSVY receives a communication from the Cambodian embassies in each country through the Ministry of Foreign Affairs, and the victim returning to Phnom Penh is handled by the MOSVY team in the capital, while those returning to Siem Reap or Sihanoukville are handled by DOSVYs in the respective provinces. After receiving the victims, MOSVY or DOSVY (or partner NGOs) conduct individual interviews with them (see Chapter 2, 0). During the interview, MOSVY or DOSVY (or a partner NGO) confirms the details of the situation and the need for support services. If the victim requests to receive such services, the victim is referred to partner NGOs or other organization that can provide psychosocial support, vocational training, and other services to support their social reintegration. If victims don’t wish to receive any specific services, MOSVY or relevant agencies support the return of them to their own communities. If there are foreign VOTs protected in Cambodia, they support to return to home countries while providing appropriate services.

At the local level, MOSVY has DOSVYs in the provinces and also has offices at the district level (communes do not have branches). The provincial DOSVY is affiliated with MOSVY, but in recent years, due to the structural reform of local administration through decentralization, the district-level offices have been integrated into some of the district administrations. As a result, DOSVYs are obliged to report to MOSVY on the progress and implementation of plans and work in cooperation with the provincial administration. District-level offices report to the district governor, not MOSVY, and the

district governor reports to the ministries and agencies through the provincial governor.⁷³

The results of the field research revealed that MOSVY identified the following as challenges⁷⁴.

- Strengthening the capacity of stakeholders involved in victim identification and service delivery
There is an urgent need to strengthen the capacity of MOSVY and staff members who deal with VOTs in the field. While not all staff members have sufficient understanding or skills in combating TIP, continuous capacity building is needed to adequately respond to VOT's needs. In addition, number of staff is limited and may not be able to respond to repatriation on holidays. The process for provisional identification of VOTs is detailed in the Guidelines for Victim Identification, but it has been observed that the Guidelines are not always followed in practice. In addition, there are cases where victims who need special consideration must be dealt with. In order to implement an appropriate consultation and victim identification process, MOSVY would like to provide training to all parties involved in receiving victims, conducting interviews, and providing services. In particular, there is a lack of understanding regarding conducting interviews, service assessment and service provision based on victims' rights.
- Strengthening the capacity of local government officials
After victims/survivors who have received skills training and vocational training from NGOs return to their original communities, local government officials (province, district, and commune officials) are supposed to follow up with them. They are expected to inform victims/survivors of the services available in the local government and NGOs in the area, where they can apply the skills they have acquired, and provide detailed follow-up to ensure that they are not exposed to the risk of being trafficked again.

Ministry of Women Affairs (MOWA)

The Department of Legal Protection in Ministry of Women Affairs (MOWA) has respective roles in TIP at the national and regional (ASEAN and COMMIT) levels.

At the national level, MOWA serves as the lead agency for the International Relations WG in NCCT, which is responsible for maintaining the international cooperation system on TIP, establishing bilateral cooperation, and monitoring the implementation of bilateral MOUs. The International Relations WG consists of 19 government agencies, NGOs, international organizations such as UN Women, and other Community Based Organizations (CBOs), and holds coordination meetings four times a year.

At the regional level, MOWA is the representative of the Government of Cambodia to the ASEAN ACWC and the ASEAN Committee on Women. These two congressional bodies conduct policy development and other activities to protect women's rights in ASEAN. At COMMIT, MOWA is the representative of the Government of Cambodia on the Legal Task Force.

MOWA is also responsible for promoting the elimination of Gender Based Violence (GBV)⁷⁵ as part of its national policy. Since TIP is considered to be a form of GBV as well, awareness-raising and support activities, which are provided by MOWA, sometimes include activities on the prevention of TIP and

⁷³ Based on the interview with MOSVY on 11 March, 2022.

⁷⁴ Ibid

⁷⁵ Sexual and Gender Based Violence (SGBV) is a term that has come to be used as a combination of "Sexual Violence (SV: Sexual Violence)" and "Gender-Based Violence (GBV: Gender-Based Violence)" (see the following document). Given that SV is also a form of GBV, GBV and SGBV are used synonymously in this report and are unified as "SGBV" except in direct quotations or names. OHCHR, https://www.ohchr.org/documents/issues/women/wrgs/onepaggers/sexual_and_gender-based_violence.pdf, last accessed on 20 March, 2022

Since "GBV" is used in Cambodia in policy documents, this report refers to "GBV" when describing Cambodian policy.

Note that GBV in Cambodian national policy refers to "Violence against Women (VAW)"

Royal Government of Cambodia(2019), National Action Plan to Prevent Violence Against Women 2019-2023, P. 42

support for VOTs. For example, MOWA manages and operates an online platform that accepts reports of GBV, including TIP, and receives and responds to reports from the general public. Since this platform also receives reports from Cambodians who have been VOTs abroad, various social networking services are used (e.g., LINE in Thailand and WeChat in China). When a report is received, MOWA works with the Police, the Ministry of Foreign Affairs, and MOSVY to protect the victims and investigate the case. 4-5 operators are assigned to Legal Protection Department in MOWA to receive those reports. It also operates a helpline to accept victims of GBV by phone (it is called a "helpline" rather than a "hotline" because it does not operate 24 hours a day, 365 days a year). When the helpline receives a report, it initiates coordination with the police and other relevant agencies to locate the victim and interview the victim's relatives.

The results of the field research revealed that MOWA identified the following as challenges⁷⁶.

- Establish closer bilateral partnerships
Closer cooperation with destination countries is needed to respond to VOTs. In many cases, the collection of evidence and investigation of perpetrators can only be conducted within destination countries. Therefore, collaboration on all aspects of the 4Ps should be established and support from NGOs and local governments should be available as well. Potential victims are often detained or subject to detention as illegal immigrants, but they must be carefully assessed to determine whether they are VOTs or not. Also they must be supported in following the humanitarian process so that they themselves can choose legal procedures and place themselves in an environment where they feel emotionally safe.
- Implementation of judicial procedures in TIP cases
VOTs tend to avoid initiating the legal procedures. Even though the victim or potential victim was trying to work in a neighboring country due to economic hardship, the completion of legal procedures can take months or even years, which can result in missed opportunities for them to earn an income. Furthermore, in many cases, relatives or acquaintances of them are the perpetrators, or they might be both victims and perpetrators since they are involved in other TIP cases. In such cases, victims may refuse to participate in the legal process.

Anti-Human Trafficking and Juvenile Protection Police (AHTJP), Ministry of Interior (MOI)

The Anti-Human Trafficking and Juvenile Protection Police (AHTJP), in the General Commissariat of National Police under the jurisdiction of MOI, is part of the police force responsible for TIP, sexual exploitation and protection of children and adolescents.

The National Police has a police force in every province, even at the subnational level, and there are also General Criminal Police Officers (GCPOs) at the district level, who are responsible for conducting criminal investigations. At the commune level, there are police stations, which is the smallest unit of police organization. Police units below the provincial level are also under the direction of the National Police and local administrations.

With regard to combating TIP, the National Police has its own action plan and conducts activities in accordance with the plan at the national, provincial, district, and commune levels, respectively. The National Police is responsible for responding to cases of both domestic TIP and TIP abroad where Cambodians are victimized. Cases of domestic TIP are handled in cooperation with the police in each province, while cases that occur abroad are often handled by the National Police (due to the need to coordinate with embassies, foreign police, or other entities). For example, in cases where a child residing

⁷⁶ Based on the interview with MOWA on 15 March, 2022

in a rural area is taken abroad, the local police reports the case to the National Police, who would then investigate and respond to the case abroad.

When a TIP case is identified, the police is involved in the victim identification process after the potential victim has been identified (see Chapter 2. 0). Interviews by the police can basically only be conducted by police officers who are qualified as Judicial Police Officers (JPOs)⁷⁷. This process is conducted by gathering information and evidence through interviews, which determine whether the case is TIP or not. If the police confirm that the case is TIP, it will be referred to the prosecutor. The interview by the embassy or MOSVY is only a preliminary and initial investigation, and only the police or judiciary can make the official confirmation of TIP cases.

The National Police also has a separate department that deals with cybercrime, and this department may also be responsible for online-based TIP cases.

The field research revealed that AHTJP has identified the following issues⁷⁸.

- Implementing of the victim identification process
In many cases, even if they are identified as potential victims at the preliminary identification process implemented by MOSVY and others, they are not identified as VOTs in the process of the victim identification which is done by the police side. There are two reasons for this. The first background is that in some TIP cases abroad, there are often not real VOTs, but people who voluntarily went abroad but could not find a job successfully, and pretend to be VOTs to return to Cambodia. Another reason is that when it comes to the police investigation stage, victims may not testify out of concern that talking about their cases may lead to the arrest of relatives, acquaintances, or friends who may have been involved in trafficking. Therefore, it is not easy to uncover the truth and properly identify victims through interviews. While it is not possible to identify victims without sufficient evidence, in many cases there is no documentation or other evidence of TIP.
- Responding to new forms of crimes
Perpetrators are constantly coming up with new methods, and the police must keep up with this kind of new trend. Despite the COVID-19 pandemic and restrictions on freedom of movement, trafficking continues to occur. In particular, Cambodia has the second lowest GDP per capita among the six GMS countries⁷⁹, only behind Myanmar, and is not economically prosperous, so the number of migrant workers going abroad is predicted to increase in the future. In addition, the number of cases of TIP using information technology is also on the rise, so the response to new forms of crime that cannot be handled by conventional methods must be strengthened.

4.4 Initiatives by the Government and Local Administration

This section provides an overview of the measures taken by the government and local administrations to combat trafficking in persons. Although "innovative approaches and good practices through the use of Digital Transformation (DX)" are listed as a research item in Table 2, no examples of DX or other counter-TIP measures were found in Cambodia during the literature review and field research.

⁷⁷ There are two types of police organizations in Cambodia: the Administrative Police and the Judicial Police. The Judicial Police Officer is a position defined in the Criminal Code and is responsible for investigating crimes, identifying perpetrators, making arrests, and collecting evidence, or others. Only police officers who have undergone specific training and qualifications are eligible to be Judicial Police Officers. Judicial police officers are also located at all levels of provinces, districts, and communes. In order to qualify as a judicial police officer, the officer must undergo appropriate training, which is provided at the Royal Academy of the Police and other institutions. In addition to police officers, government employees and civil servants can also qualify as judicial police officers (these civil servants must also be trained).

⁷⁸ Based on the interview with AHTJP on 14 March, 2022

⁷⁹ World Bank, <https://data.worldbank.org/indicator/NY.GDP.PCAP.CD?locations=KH-TH-LA-VN-CN-MM>, last accessed on 7 October, 2022

4.4.1 Initiatives by the Government Development of Relevant Guidelines

Various guidelines have been developed by ministries and agencies for dealing with TIP. The main documents currently in use are shown in Table 9.

Table 9 : List of Documents Related to Counter-TIP Measures in Cambodia

Name of the Documents	Detail
Guidelines on Forms and Procedures for Identification of Victims of Human Trafficking for Appropriate Service Provision (2015)	Guidelines pertaining to victim identification drafted by MOSVY and issued by NCCT. It stipulates criteria for the identification of VOTs and sexual exploitation, procedures and formats for the recognition of potential victims (preliminary identification), and referral procedures.
Monitoring and Evaluation Tool for Implementation of Policy and Minimum Standards for Protection of the Rights of Victims of Human Trafficking (2015)	Regulations on monitoring and evaluation for the implementation of the "Policy and Minimum Standards for the Protection of the Rights of Victims of Human Trafficking" issued by MOSVY in 2009.
Minimum Standards on Residential Care for Victims of Human Trafficking and Sexual Exploitation (2014)	Guidelines issued by MOSVY for the operation of shelters for VOTs. It stipulates the size of the building, location, environment, rehabilitation activities, and vocational training.
Standard operating procedures on the support of reintegration of men who are victims of human trafficking (2012)	SOP issued by MOSVY for repatriation and reintegration assistance for male victims/survivors who have been trafficked abroad. It stipulates standard procedures for each phase, including identification of family members, repatriation and acceptance, service provision, and monitoring.
Standard operating procedures for the units specializing in suppression of human trafficking (2010)	SOP issued by the National Police as a training material for police officers. It stipulates the tasks to be performed by police officers regarding the response and investigation of TIP cases.
Monitoring and Evaluation Tool for Implementation of Policy and Minimum Standards for Protection of the Rights of Victims of Human Trafficking (2015)	Minimum Standards for the Protection of the Rights of Victims of Trafficking in Persons issued by MOSVY. It establishes minimum standards for the protection of victims based on a Victim/Survivor-centered approach ⁸⁰ and rights-based approach, focusing on the needs in the protection process.

Source: Created by the author based on the research

As mentioned earlier, the Victim Identification Guidelines is currently undergoing a revision process under the coordination of NCCT. MOSVY is also preparing a guidelines on case management for VOTs with the support of ASEAN-ACT Cambodia⁸¹. As part of COMMIT process, UNDP is also working on establishing the National Referral Mechanism (NRM) by MOSVY to clarify the roles of government agencies, administrations, NGOs, and CSOs in the protection and reintegration process of victims/survivors.⁸²

4.4.1.1 Poipet Transit Center (PTC)

Poipet Transit Center (PTC) is a facility under the jurisdiction of The Department of Anti-Human

⁸⁰ The Victim/Survivor-Centered Approach is an approach that prioritizes the rights and needs of VOTs in the protection process. It emphasizes providing support tailored to the individual victim, while taking into account their various needs, safety management, and protection of privacy. See below. Relief Web, https://reliefweb.int/sites/reliefweb.int/files/resources/interagency-gbv-case-managementguidelines_final_2017low-res.pdf

⁸¹ A draft has already been completed and is awaiting the signature of the Minister of MOSVY; based on the results of the interview with ASEAN-ACT Cambodia on 18 March, 2022.

⁸² The draft NRM Guideline is currently under review by MOSVY. Base on the interview with UNDP Cambodia on 18 March, 2022.

Trafficking and Victim Repatriation of MOSVY, which provides temporary protection for illegal migrant workers deported and VOTs repatriated from Thailand at the border between Banteay Meanchey Province and Sa Kaeo Province, Thailand.

1) Cases of repatriation of VOTs

If the victim is identified as a victim of trafficking in persons in Thailand, he/she will be placed in a Thai shelter and repatriated after the Thai legal process is completed (generally 3~6 months in a Thai shelter, sometimes more than 1 year). The victims who are repatriated are sent across the Thai border to PTC by the Thai side. The repatriation is usually carried out once a month, and the PTC acts as a temporary reception facility for the victims and conducts interviews, etc. The victims stay at the PTC only for a short period of time. Victims who need medium- to long-term support are transferred to a shelter run by an NGO or other organization. For victims who do not wish to go to a shelter, PTC social officers may visit the victim's community of origin to conduct an assessment of the family and living environment, or request assistance from NGOs that provide reintegration support. Before the pandemic, there were about 10 repatriations each month, but after the pandemic there were very few (only 1 in 2021 and 2 in 2022 (January to March)).

Victims who are identified as VOTs in Thailand are placed in Thai shelters and repatriated after the Thai legal process is completed (generally 3-6 months in a Thai shelter, sometimes more than one year). The victims who are repatriated are sent across the Thai border to PTC by the Thai side. The repatriation is usually carried out once a month, and PTC acts as a temporary reception facility for VOTs and conducts individual interviews. VOTs stay at PTC only for a day at most and VOTs who need medium- to long-term support are transferred to shelters run by NGOs or other organizations. For VOTs who do not request to refer to other shelters, PTC social officers may visit their original communities to conduct assessment of the family and living environment, or request assistance from NGOs that provide reintegration support. There used to be about 10 repatriations every month, but after the pandemic the number of repatriated VOTs has been very few (only 1 in 2021 and 2 in 2022 (Jan-Mar))⁸³.

2) Cases of deportation of illegal migrant workers

Illegal migrant workers detained on the Thai side are deported back to Cambodia. Usually 50 to 100 Cambodian workers are deported per day. Deported migrant workers are taken to the Thai border checkpoint at Poipet, and they are transported from the border to PTC with Cambodian vehicles (trucks). In the past, the deported migrant workers were interviewed one by one to ascertain their situation, as there was a possibility that some of them were VOTs. However, since face-to-face interviews have been prohibited since the pandemic, this process is no longer in place⁸⁴. After acceptance at the PTC, PTC staff conducts a several-hour course on prevention of trafficking and safe immigration. After that, they used to go straight home, but since the pandemic, they have been placed in quarantine facilities as part of the process.

In both cases of repatriation and deportation, PTC does not provide in-kind assistance, but NGOs operating based in PTC provide food, refreshments, and a small amount of transportation assistance to return home. Illegal migrant workers who have not been identified as VOTs may also be provided shelter assistance and vocational training support by NGOs upon request. IOM also has an office at PTC, where migrant workers returning from Thailand are tested for tuberculosis.

⁸³ Based on the interview with PTC on 23 March, 2022.

⁸⁴ Ibid

Other activities include awareness raising activities by PTC's social officers are sometimes implemented.

4.4.1.2 Shelters

There are currently no public shelters for VOTs operated by the government or public administration in Cambodia. All shelters are operated by NGOs, and victims protected by the government are referred to NGO-run shelters (see Chapetr 2. 4.5.3 for NGO-run shelters).

A shelter providing medium- to long-term support for VOTs has been planned to be established in Poipet with support from the Thai government since long ago, but as of March 2022, construction has not yet begun. The construction of this shelter has been planned since 2003, when discussions between Thailand and Cambodia regarding the conclusion of a bilateral MOU on TIP began, and since the MOU was revised in 2014, the selection of the construction site (the planned construction site is adjacent to the PTC) and the acquisition of construction permits have been underway. After the COVID-19 pandemic, communication with the Thai side became a bit challenging, but on December 13~14, 2021, a delegation from Thailand visited MOSVY with the Thai Embassy in Cambodia and held discussions regarding tax exemption for construction materials. Since the construction will be carried out by the Thai government, the Cambodian side is aware that the bidding process is currently underway on the Thai side, but does not know the specific progress⁸⁵ (the counterpart on the Thai side is DATIP). The Thai side will operate the shelter for two years after its completion, during which time relevant skills will be transferred to Cambodia, and the shelter will be fully operated by the Cambodian side after two years⁸⁶.

4.4.1.3 Anti-TIP Hotline

There is a national hotline operated by AHTJP for reporting TIP cases, as well as several provincial-level hotlines, including Siem Reap and Banteay Meanchey. As mentioned above, the GBV Helpline operated by MOWA also accepts reports of TIP. Several NGOs also operate their own hotlines.

4.4.1.4 Legal Aid

Free legal aid is not provided by the government for VOTs in Cambodia. Public legal aid provided in Cambodia is only for those who possess an ID card called "ID Poor," which proves that they are poor from poor households.

The ID Poor program is a poverty reduction program initiated by Ministry of Planning (MOP) in 2006 with the support of the German Federal Ministry for Economic Cooperation and Development, Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), and the Australian Department of Foreign Affairs and Trade, with the aim of providing vulnerable households with appropriate services and assistance through screening and certification and information management. Assistance to poor households and to households that have been economically hit by COVID-19 is delivered based on this ID Poor data. Initially limited to rural areas, the program has been expanded to urban areas since 2014, conducting questionnaire-based surveys using standardized poverty criteria and identifying poor households through a participatory process involving local residents⁸⁷. Households identified as poor under the program receive a variety of assistance, including essential goods, cash transfers, medical care, and information on poverty reduction.

Legal aid is limited to poor households with ID Poor. For victims who don't have ID poor, free legal aid is supported by NGOs, but no government legal assistance is provided (see Chapetr 2. 4.5.3 for legal aid by NGOs).

⁸⁵ Based on interview with MOSVY on 11 March, 2022.

⁸⁶ Based on the interview with PTC on 23 March, 2022.

⁸⁷ ID Poor, <https://www.idpoor.gov.kh/about/process>, last accessed on 5 April, 2022.

Awareness-raising activities in schools

Awareness-raising activities related to prevention of TIP have been conducted mainly by NGOs for children who are vulnerable targets of trafficking, and MOEYS has developed a textbook with the cooperation of NGOs and other organizations to incorporate prevention of TIP into the regular curriculum. It is planned to be implemented in primary and secondary schools, with pilot implementation to begin in 2022. However, MOEYS has not been able to print a sufficient amount of textbooks due to lack of funds, and has not provided sufficient training to teachers as well⁸⁸.

4.4.2 Initiatives by Local Administrations

This section outlines the initiatives in Siem Reap and Banteay Myentchey provinces where field surveys were conducted.

Siem Reap Province

In Siem Reap Province, the Siem Reap PCCT is proactively implementing measures against trafficking in persons. Under the coordination of the provincial governor, who is a chairperson on PCCT, and deputy provincial governor, who is a Secretary General of PCCT, six working groups oversee each activity, and administrative agencies and NGOs work together to deal with Anti-TIP responses.

In Siem Reap Province, there were 19 TIP cases in Fiscal Year (FY) 2020 and 14 in FY 2021⁸⁹. As Siem Reap is a tourist destination and has many accommodation facilities, there are often cases of foreigners bringing children under the age of 18 into those accommodations for sexual exploitation. Sexual exploitation and forced prostitution may also occur under disguise of common legal businesses (karaoke, massage parlors, entertainment venues, beauty salons, etc.). Since it is illegal in Cambodia to have sexual relationship with children under the age of 18, perpetrators are arrested without exception if the victim is a child. However, there are many cases of children working under false pretenses of age, and in such cases it is sometimes difficult to intervene because it is impossible to immediately determine the age. In addition, because of its proximity to the border with Thailand, it is estimated that about 40,000 migrant workers from Siem Reap Province go to Thailand to work⁹⁰. In the process, there are numerous cases of forced labor and TIP.

The Provincial Police has a provision for at least one female deputy commissioner, who oversees the response to TIP, GBV, and violence against children. In addition to investigating cases and apprehending perpetrators, the police also conduct awareness-raising activities at the community level to prevent TIP. Siem Reap Provincial Police handle cases of TIP, including labor exploitation, sexual exploitation, and TIP for the purpose of organ selling.

It is also exploring greater collaboration with the private sector, although not many have yet taken the initiative. The Province invite private companies to public awareness activities on TIP sponsored by the Province, and encourage business representatives to attend regional consultation meetings. Some companies also cooperate in printing anti-TIP messages such as "Please report children under the age of 18 if you see them entering karaoke, entertainment facilities, or guesthouses", on vending machines installed in their offices.

The results of the field research revealed that Siem Reap PCCT identified the following as challenges⁹¹

- Increase in online sexual exploitation

There is no relevant law in Cambodia on online sexual exploitation. COVID-19 has put many children

⁸⁸ Base on the interview with A21 Cambodia on 22 March, 2022.

⁸⁹ Base on the interview with Siem Reap PCCT 21 March, 2022.

⁹⁰ Ibid

⁹¹ Ibid

in online classes, increasing their risk of exposure to Internet exploitation. In addition, enforcement has been challenging because the technology and capabilities of the police have not kept up with the capacity of online technology on the offender's side. Therefore, there is a need to collaborate with NGOs and other organizations regarding the improvement of IT skills of police officers. There was a case in which a police officer was not familiar with Twitter and could not take action against a perpetrator who took pictures of child pornography and posted them on Twitter.

- Insufficient training opportunities

Lack of training opportunities for staff at the provincial and county level and below on TIP, victim identification, service delivery, or others. Limited budgets at the province and below levels do not allow for adequate training opportunities. In addition, there is limited knowledge of international collaboration on combating TIP.

- Birth registration and education of children of migrant workers

Migrant workers may have families in the area, or they may leave their children in Cambodia to go to work, but in both cases, the children often do not have the opportunity to receive adequate education. Children of migrant workers often do not have birth certificates, and they cannot attend school without birth certificates. In addition, children of migrant workers in Thailand may be stateless because Thai law does not automatically allow Cambodians and their children to obtain Thai citizenship even if they marry Thai nationals. These children have no access to education in either country.

- Crackdown on illegal immigration

Thailand and Cambodia share many of their borders, making it difficult to completely crack down on illegal migration. In many cases, migrant workers in Thailand contact their relatives and friends in Cambodia to recruit them, and then migrate directly to Thailand without any legal documents. In addition, because they cross the border illegally, there is no accurate data on the names and places of origin of the illegal migrant workers. Even if they are detained in Thailand and deported, they can easily return to Thailand, and when they are deported, records often reveal that they have been deported multiple times in the past.

- Reinforcement of social reintegration support

Even if NGOs or other organizations provide vocational training to victims/survivors, there may be no place for them to put their skills to use after they return to communities. For example, it has been observed that even after acquiring the skills to open a beauty parlor, if the victim/survivor is from a place far from urban areas, this person is again exposed to the risk of TIP because there is no need for beauty parlors in such areas and no opportunity to earn an income. Some victims/survivors need to earn income to support their families, and in many cases, they go abroad again even though they know they are at risk of TIP.

Banteay Meanchey Province

In Banteay Meanchey Province, Banteay Meanchey PCCT is also taking measures against TIP. Under the coordination of the Provincial Governor, who is a chairperson of PCCT, and the Provincial Vice Governor, who is the Secretary General of PCCT, six working groups oversee each activity, and administrative agencies and NGOs are working together to deal with the situation.

Banteay Meanchey Province borders Thailand and has two border crossings (Poipet and Phnom Dey) with Sa Kaeo Province in Thailand. There are also bilateral checkpoint based on a bilateral MOU between Cambodia and Thailand. The bilateral checkpoints are open for people who are doing business between the two countries (since they are not official borders, passports are not stamped with an

entry/exit). Bilateral border crossings are permitted for those who obtain Border Pass, and basically require a day trip back to the Cambodian side between 7:00 a.m. and 7:00 p.m.

Banteay Meanchey Province coordinates with the Thai side through the Regional Border Committee (RBC). The provinces of Banteay Meanchey and Battambang meet once a year with the provinces of Sa Kaeo, Trat, and Chanthaburi on the Thai side (sometimes on an ad hoc basis as needed), with the governor of each province in attendance to discuss common issues near the border. It has been held 27 times in the past, and the 28th meeting is scheduled to be held in Thailand this year, 2022. The venue of the Committee is supposed to alternate between Thailand and Cambodia, but due to COVID-19 pandemic, the Cambodian side could not secure the budget to host it in 2022, so Thailand accepted to be a host country⁹². The main agenda of RBC consists of 1) education, 2) transportation, 3) commerce, and 4) TIP, and the results of the discussions are reported to the respective governments. With regard to TIP, the two countries discuss information sharing, responses to TIP cases when they occur, and issues related to migrant labor. Regarding education, consultations are held on the education of children in border areas. In border areas, people move back and forth between the two countries, with some living in Thailand and speaking Khmer, and others living in Cambodia and speaking Thai. For Khmer-speaking children living in Thailand, the Thai government invites teachers from Cambodia to provide school education in Khmer. However, the Cambodian government has not been able to provide education in their native language to Thai-speaking children living in Cambodia due to insufficient budget. In response to this situation, discussions are held to coordinate the two countries and learn from the Thai side's efforts. In addition to RBC, there is a meeting for Banteay Meanchey Province and Sa Kaeo Province only, chaired by the provincial governor. These meetings are not held on a regular basis, but on an as needed basis.

The results of the field research revealed that in the province of Banteay Meanchey, the following points were identified as challenges⁹³.

- Lack of infrastructure

There is only one truck to transport deported migrant workers from the border to PTC, and it has to go back and forth several times a day, forcing migrant workers to wait at the border for long periods of time.

- Insufficient budget for measures to combat TIP

As there is no budget allocated by the central government to the provincial governments with respect to combating trafficking in persons, the provincial budget is allocated. In addition to those, there is only support from a few NGOs and donors.

- Occurrence of cases of illegal migration through misuse of border passes

In some cases, people cross into Thailand with a Border Pass, a certificate issued under a bilateral MOU, and intentionally do not return and stay in Thailand illegally as migrant workers. As a result, they may be victims of labor exploitation or TIP.

4.5 Initiatives by International Organizations, Bilateral Aid Agencies, NGOs or other private organizations

In Cambodia, international organizations, bilateral aid agencies, and many NGOs and other private organizations are providing support related to combating TIP. This section outlines the support provided by those organizations interviewed during the field research. Note that in Cambodia, there are currently

⁹² Based on the interview with Banteay Meanchey PCCT on 23 March, 2022.

⁹³ Ibid

no coordination meetings among development partners on TIP⁹⁴.

4.5.1 International Organizations

IOM Cambodia⁹⁵

IOM Cambodia does not provide assistance in combating TIP itself, but basically addresses it as one issue within the context of migrant and forced labor. Within the migration and forced labor programs, IOM Cambodia provides training to government agencies on the victim identification and the referral process. The main counterparts on TIP in these programs are the NCCT and MOI.

The labor migration and human development program implemented by IOM Cambodia provides support and awareness-raising activities related to migrant workers' rights, increasing access to formal migration, and improving livelihoods. While there are needs throughout Cambodia, the program has a particular focus in Cambodia on the border region with Thailand, with a main activity in the three provinces of Banteay Meanchey, Battambang, and Siem Reap.

UNDP Cambodia⁹⁶

UNDP Cambodia is responsible for the secretariat functions of COMMIT in six countries in GMS (Cambodia, Thailand, Myanmar, Lao PDR, Vietnam, and China), taking over the role previously played by UN-ACT. UNDP Cambodia is supporting the efforts of the COMMIT Task Force in Cambodia and supporting the organization of COMMIT related meetings. Currently, the main activities are to review the progress of COMMIT SPA 4 for the preparation of COMMIT SPA 5, conduct a baseline study for the establishment of TRM, and hold consultation workshops. It has also taken over the NRM guidelines development process that was being conducted by UN-ACT and is providing support to MOSVY for the publication of the guidelines.

4.5.2 Bilateral Aid Agencies

ASEAN-ACT Cambodia⁹⁷

ASEAN-ACT Cambodia mainly works with government agencies as counterparts to support efforts at the policy level (it does not provide direct assistance to VOTs). The main counterparts are NCCT, AHTJP, Ministry of Justice, and MOSVY. It also collaborates with Ministry of Labor for vocational training.

Most recently, ASEAN-ACT Cambodia has assisted AHTJP in developing SOPs for the investigation of TIP cases and MOSVY in developing the guidelines for case management. The case management guidelines have already been drafted and are expected to be issued in June 2022. Once the guidelines is completed, ASEAN-ACT Cambodia is considering providing training to relevant staff members. In the future, ASEAN-ACT Cambodia is planning to offer training on online-based crimes, including TIP. With regard to the reintegration of victims/survivors, in collaboration with the Department of Anti-Human Trafficking and Victim Repatriation of MOSVY, training on victim/survivor protection and other related issues is being provided to front line staff operating in the border area with Thailand and Vietnam.

ASEAN-ACT Cambodia is assisting NCCT in strengthening its capacity in victim identification and service delivery, and is advising NCCT on the revision of its victim identification guidelines, which it is currently working on. NCCT is also currently working on revising SOPs pertaining to TIP between Thailand and Cambodia, and ASEAN-ACT Cambodia is also assisting in this process. Regarding

⁹⁴ As of 2016, it was reported that UN-ACT was leading the Key Partner Meeting and the Stakeholder Meeting on Combating TIP.

JICA et al, (2016), The Final Report of the Research on Extensive Activities of the Project for Capacity Building to Support Victims of Trafficking in Persons in the Mekong Region, P. 83, 84

⁹⁵ Based on the interview with IOM Cambodia on 14 March, 2022.

⁹⁶ Based on the interview with UNDP Cambodia on 18 March, 2022.

⁹⁷ Based on the interview with ASEAN-ACT Cambodia on 18 March, 2022.

Ministry of Justice, ASEAN-ACT Cambodia is strengthening the capacity of prosecutors and judges and plans to conduct a workshop on punishment and investigation of perpetrators in July 2022. In addition, based on requests regarding training on money laundering and other issues closely related to TIP, they are considering to deliver relevant training on these issues. Since the pandemic has made all training online, equipment for online conferencing was provided to departments in Ministry of Justice which are responsible for providing training to prosecutors and judges.

As part of its support for strengthening international cooperation, ASEAN-ACT Cambodia is also assisting in the implementation of online meetings between the Cambodian National Police, the Thai National Police, and the Department of Special Investigation (DSI) of the Thai Ministry of Justice. ASEAN-ACT does not provide any input on technical aspects of the meeting as it is an inter-state discussion, but it does provide support for the coordination of the meeting venue and collaboration.

4.5.3 NGOs and Private Organization

Winrock International Cambodia

Winrock International is a U.S.-based NGO that conducts anti-TIP activities in Southeast Asian countries with funding from United States Agency for International Development (USAID). In Cambodia, Winrock International has implemented two phases of TIP-related projects in the past and is currently working in eight provinces (Banteay Meanchey, Siem Reap, Battambang, Kampong Cham, Prey Veng, Koh Kong, Sihanoukville, and Phnom Penh Capital) on "prevention," "protection," "Enhancing Accountability," and "Partnerships". The period for implementation is for 5 years (2021-2025). In these provinces, there are many migrant workers, especially to Thailand and Indonesia, and workers are exploited in urban areas and business centers in Cambodia as well (specifically in Phnom Penh Capital and Sihanoukville). Various foreigners from China, Thailand, Pakistan, Bangladesh, and other countries have been reported to be conducting exploitative businesses in Cambodia, and criminal activities related to online-based fraud and gambling have increased in recent years. Details of each activity are as follows⁹⁸.

1) Prevention

It identifies people at risk of migration and TIP for exploitation in rural areas and returning migrant workers, and provides them with opportunities to acquire soft skills and vocational training to broaden their livelihood options. It strengthens responses related to obtaining means of livelihood through community-based activities to generate income in agriculture and animal husbandry such as poultry farming, aquaculture, and preventing labor exploitation in the recruitment of workers in factories and enterprises, based on the hypothesis that a stable income may reduce the number of migrant workers going abroad to work. It also provides commodities as initial support, followed by basic technical training in agriculture and then assessments for each household to identify what crops and livestock they request to produce. Technical training, agricultural guidance, and referrals to vocational schools, such as technical training schools run by Ministry of Labor and Vocational Training, are handled by partner local NGOs.

2) Protection

It strengthens government institutions and capacity to identify VOTs and provide them with necessary services. In particular, it supports NCCT in updating its victim identification guidelines and developing a ToT training manual. It is also implementing collaboration and capacity building of both CSOs and government agencies on community-based case management for VOTs. In the previous phase, a large

⁹⁸ Based on the interview with Winrock International Cambodia on 18 March, 2022.

portion of the budget was allocated to activities in the protection area, but in the current phase this is not as large a percentage.

3) Enhancing Accountability

It is working with CSOs and government service providers to expand access to legal remedies for VOTs. It is also strengthening capacity to achieve a more effective criminal justice response to TIP-related crimes and to strengthen cooperation with the police and courts. A pilot project on the establishment of alternative dispute resolution to provide compensation to victims and their families is also underway to be coordinated with a local NGO set up by a lawyer. It is planned to focus on establishing not only formal judicial procedures but also alternative dispute resolution instruments based on collaboration with CSOs, which have already been introduced in urban, environmental, and labor issues.

4) Partnership

It is working to strengthen cooperation with bilateral aid agencies, international organizations, international NGOs, local NGOs, CSOs, and others working in the field of combating TIP in Cambodia. It is also assisting NCCT, PCCT, and other stakeholders at the national and local levels to strengthen their initiatives, including the formulation of strategies. In addition, it is working to strengthen partnerships with the private sector, both within and outside Cambodia, to assist VOTs and those at risk of exploitation.

Cambodian Women's Crisis Centre (CWCC)

Cambodian Women's Crisis Centre (CWCC) is a local Cambodian NGO founded in 1997 and registered as an NGO in 1998. It conducts awareness-raising activities and operates shelters in Phnom Penh, Siem Reap, Banteay Meanchey, and Kampong Thom to empower communities to overcome challenges related to violence against women, DV, sexual violence, and trafficking in persons. Its main activities are as follows⁹⁹;

1) Operation of shelters

It operates shelters in Phnom Penh, Siem Reap, and Banteay Meanchey and accepts VOTs and victims of GBV. In some cases, victims themselves or their families have reported to CWCC, and in other cases, MOSVY has requested CWCC to accept them. When contacted by Thai NGOs or MOSVY, CWCC receives victims and deportees at the border and then conducts preliminary victim identification through interviews. In addition to food and livelihood assistance, the shelters provide psychosocial counseling, support for social reintegration, legal aid, and vocational training. All shelters have a capacity to accept 30-50 people in total. Those shelters cooperate with government agencies on admission, but do not receive any financial support.

Male victims are not accepted into CWCC shelters, but are offered job training if they requests. When reintegrating victims/survivors, CWCC conducts a preliminary assessment of the community and, if it is determined that the environment is not safe, it continues to provide shelter or support in finding new employment, based on the individual's needs.

2) Establishment and operation of Community-Based Protection Networks (CBPNs)

As a referral mechanism for comprehensive support services, CWCC established 10 Community-Based Protection Networks (CBPNs), consisting of commune council members, village chiefs, school directors, police officers, health officials, and others (43 out of 99 members are female). CBPNs have received capacity-building training on the challenges of migration and TIP and how to deal with them, and are

⁹⁹ Based on interviews with CWCC Phnom Penh on 14 March, 2022, CWCC Siem Reap on 21 March, 2022, CWCC Banteay Meanchey on 22 March, 2022.

conducting awareness-raising activities in their respective regions. In 2021, 24 cases of DV, 16 cases of sexual violence, and 19 cases of TIP were identified and referred to CWCC services. CWCC has been working on the following issues.

3) Establishment and operation of Community-Based Self-Help Group (SHG)

Community-Based Self-Help Groups (SHGs) consisting of 74 people (63 of them are female) trained in safe migration, migrant workers' rights including gender equality, TIP, and other related policies have been established to provide peer-to-peer education to children on issues such as migration and TIP in their respective areas of responsibility.

4) Establishment and operation of Savings Cooperative Organizations

As part of income generating support, three Savings Cooperative Organizations have been established (71 members in total, of which 64 are female, including 27 returnees).

Legal Support for Children and Women (LSCW)

Legal Support for Children and Women (LSCW), founded in 2000 and registered as an NGO in 2002, is a local Cambodian NGO that provides legal support to women and children. Since its inception, LSCW has focused on pro bono-based activities by young lawyers and graduate students studying law, primarily providing legal education, community awareness, legal training for local authorities, legal counseling for victims of trafficking and other forms of violence, and support for drug users. It also has a team of lawyers who deal more professionally with VOTs, SGBV, sexual exploitation, and other forms of trafficking. Their main activities are as follows¹⁰⁰;

1) Community empowerment

It conducts trainings on prevention and combating TIP at the community level. Training on safe migration is provided to educate people, especially those who are considering migration. Rather than discouraging people from migrating, the program is solely to support them to deepen their knowledge about safe migration, not necessarily referring to legal migration only, but including migration based on MOUs signed between two countries. It provides information on work in Thailand, from travel to arrival, how to protect oneself, and also offers counseling services when faced with difficult situations. It also operates a hotline for reporting.

2) Legal Aid

It provides legal advice to migrant workers and victims of forced labor, and assistance in legal representation, free of charge. In the case of migration based on a bilateral MOU, Ministry of Labor and Vocational Training must be notified of any problems with the working environment. In the case of voluntary immigrants, they need to go through the judicial process through the police if they are victims of TIP or others. LSCW provides support to victims in these legal procedures.

3) Referral services

Since a potential victim is not legally considered a victim unless the person can provide documentary evidence of trafficking, LSCW introduces and provides referrals to organizations in Cambodia that can provide assistance to potential victims in terms of livelihood, education, vocational training, or others.

A21 Cambodia

A21 is an international NGO working to eliminate TIP, and in Cambodia began its activities in 2016 and was officially registered as an international NGO working in Cambodia in 2018. Since it was discovered that most VOTs in Cambodia are children under the age of 18, and that there are particularly large

¹⁰⁰ Based in the interview with LSCW on 16 March, 2022.

numbers of victims in Banta Meanchey Province, the border with Thailand, and the tourist destination of Siem Reap Province, A21 now provides services to child trafficking victims in Siem Reap Child Advocacy Centre (CAC), with an office in Poipet, provides assistance to VOTs including men, women, boys and girls. Its main activities are follows¹⁰¹;

1) Awareness-raising activities on TIP

It conducts awareness-raising activities related to the prevention of child trafficking, children's rights, and safe migration, targeting communities and primary schools as extracurricular activities at high risk are of TIP. Awareness-raising on TIP and labor exploitation for the private sector is also conducted.

2) Support for Preliminary Victim Identification

The CAC has a Child Friendly Interview Room where only one interviewer conducts the interview with the child victim, and the other interviewers stay in an adjoining room and monitor the interview through a camera and speakers to ensure that the child is not forced to go through the same interview multiple times. This reduces the psychological burden on the victim and also allows all parties involved to share the same information. By having all parties involved work together on a case, it is also expected that findings can be shared among the team even when there are personnel changes. The Vice Chair of NCCT has expressed interest in this approach, and similar facilities may be introduced in other provinces as well.

3) Rescue and legal support for VOTs abroad

A21 Cambodia provides support for the return of children who have been victimized in other countries. Facilities operated by A21 are also staffed by psychologists, social workers, and counselors who provide care for children who have been VOTs. Children who need shelter protection are referred to other NGOs. In addition, to support social reintegration of victims/survivors, agreements are made with beauty salons and factories to provide work experience for a certain period of time as part of their job training (salaries for trainees are paid by A21 Cambodia).

Sala Bai Hotels and Restaurants¹⁰²

Sala Bai Hotels and Restaurants, established in Siem Reap Province in 2002, is a private vocational training facility with a hotel and restaurant and bar, training staff to work in the tourism industry, including hotels and restaurants. It provides free vocational training to students from poor and vulnerable households at risk of TIP. When recruiting students, it advertises through radio and newspaper ads and recruit in rural areas, especially in border areas with Thailand. Six social workers affiliated with the program gather information in cooperation with NGOs and influential people in the community such as village leaders. They also visit all households that apply for enrollment to assess their family and financial situations, and explain the educational program and subsequent employment support. If necessary, families can also come to observe classes. The assessment includes a vulnerability assessment on various criteria such as the number of people in the household, the condition of the house they live in, their means of livelihood, ownership of a motorcycle or car, water and electricity usage, and access to the school (because they must take classes, those who cannot read and write are not admitted to enter the school).

It is a boarding school, with a capacity of 150 students per grade (about 450 applications are received each year). Students recruited range in age from 17 to 23, and 70% are female. The school covers all living expenses, including dormitory, food, living expenses, uniforms, bicycles, health insurance, and

¹⁰¹ Based on the interview with A21 Cambodia on 22 March, 2022.

¹⁰² Based on the interview with Sala Bai Hotels and Restaurants on 24 March, 2022.

medical expenses. The curriculum consists of five courses: Culinary Arts, Restaurant, Housekeeping, Front Office, and Beauty Therapy, and lasts one year. The program also includes an internship program and job placement assistance.

4.6 The Impact of COVID-19 Pandemic

1) Increase of the number of TIP cases

Although borders were closed and movement was restricted due to the pandemic, the Government of Cambodia 359 identified cases of TIP in 2021, double the 155 cases reported in 2020¹⁰³. The increase seems to be due to uncovering of many cases of foreigners being forced into forced labor related to scam and gambling in Cambodia (see Chapter 2, 0). Surrogate motherhood has also been increasingly uncovered. The number of migrant workers illegally crossing borders to work abroad is expected to increase due to the economic hardship caused by the pandemic.

2) Delays in implementing the victim identification process

Face-to-face interviews have been prohibited after the pandemic began, resulting in delays in victim identification for repatriated victims. Also, due to the restriction to conduct face-to-face interviews, victim identification of deported illegal migrant workers was not implemented. Since some illegal migrant workers may be VOTs, individual interviews were conducted with deported illegal migrant workers before the pandemic, but this process was prohibited and no assistance was provided to potential victims at this moment.

4.7 Review on JICA Cooperation

JICA has not implemented any projects related to counter-TIP in Cambodia. However, JICA has invited stakeholders of Counter-TIP from Cambodia to MRWs which were held in 2 technical cooperation projects implemented in Thailand, "Project on Strengthening of Multi-Disciplinary Teams (MDTs) for Protection of Trafficked Persons in Thailand" (2009-2014) and "Project on Capacity Development on Assisting Victims of Trafficking in the Greater Mekong Sub-regional Countries" (2015-2019).

In addition, JICA has accepted participants from Cambodia to its Knowledge Co-Creation Programs (KCCP), which are "Seminar on Promotion of Networking among Asian Countries on Anti-Human Trafficking" and "Promotion of Networking among ASEAN Countries on Anti-Trafficking in Persons (from 2015)" in Japan since 2012. In KCCP, total of 19 participants from Cambodia have joined since 2014 (it was online bases training in 2020 and 2021). They have been provided with opportunities to learn about measures taken by the Government of Japan and private organizations to combat TIP, as well as learn more about counter-measures and protect victims/survivors through case studies and visits to related institutions.

Although it does not include activities directly related to TIP, JICA has conducted several projects in Cambodia with MOWA as a counterpart, such as "Gender Mainstreaming and Policy Development through Upgrading Information and Research Capacity" (2003-2008), "Project on Gender Mainstreaming Phase 2" (2010-2015), "Project on Gender Mainstreaming for Women's Economic Empower (2017-2022)" to support gender mainstreaming.

Gender mainstreaming in policy making and through economic empowerment has been promoted, and the current project includes pilot activities aimed at economic empowerment for women through agriculture, poultry farming, and tourism. Despite the recognition of the importance of support for social reintegration of victims/survivors in the context of counter-TIP, the provision of reintegration support is

¹⁰³ Radio Free Asia, <https://www.rfa.org/english/news/cambodia/trafficking-04072022165439.html>, last accessed on 7 April, 2022

limited compared to protection and prevention. In many cases, even when vocational training is provided, it does not lead to actual employment or entrepreneurship. When JICA provides support for counter-TIP in the future, it is expected that the results and evaluation of the economic empowerment methods obtained through the pilot project implemented in the current project, as well as the knowledge related to collective approach methods, will be used to provide reintegration support for victims/survivors.

4.8 Needs and Challenges

This section describes challenges and needs identified through the research according to 5P perspectives of Policy, Prosecution, Prevention, Protection, Partnership (including Monitoring and Evaluation, and Data Collection and Management) described in 1.2 of Chapter 2.

4.8.1 Policy

【Legislation】

- Law on Suppression of Human Trafficking and Sexual Exploitation does not include provisions for the protection and reintegration of victims/survivors.
- The legal definition of "trafficking in persons" is not clear (Law on Suppression of Human Trafficking and Sexual Exploitation does not include a definition and has only a list of prohibited acts).
- The Labor Law, as amended in 2018, does not include sufficient provisions on forced labor and labor exploitation.
- There is no law that addresses online sexual exploitation.

4.8.2 Prosecution

【Crackdown on Crimes】

- A number of TIP cases have shifted to crimes committed through online platforms, but the lack of budgets and IT skills of those involved has prevented adequate response to online crimes.
- There has been inadequate response to Call Center Scam and other related forced labor.
- The response has not kept up with the diverse forms of crime, such as surrogacy and online fraud.

4.8.3 Prevention

【Awareness-Raising on the Private Sector】

- Strengthening cooperation with the private sector is required to eradicate forced labor and labor exploitation.

【Awareness-Raising Activities】

- Awareness-raising activities aimed at preventing TIP need to be further strengthened. In many areas, especially in rural areas that are inaccessible from urban areas, awareness-raising activities are not being conducted.
- There is a lack of textbooks and teacher training for the nationwide introduction of awareness-raising on prevention of TIP in the public education curriculum.

【TIP WG, CCWC】

- The implementation capacity of TIP WG and CCWCs, which are the coordination functions at the commune level closest to the community, is not enough.
- The roles of TIP WGs and CCWCs partially overlap. Although the establishment of an organization called "GBV WGs," which is charged with prevention and response to SGBV, has begun, there is a lack of clarity and adequate coordination of the roles of those relevant functions.

4.8.4 Protection

【Victim Identification】

- The victim identification process is complicated and not enough knowledge is shared on its

implementation. There is also no ongoing follow-up or monitoring after the training. If there is a change in personnel, the training needs to be conducted again and again.

- The same kind of interviews are conducted many times during the identification process, which places a psychological burden on victims, especially child victims
- In many cases, the results differ between the preliminary identification and the victim identification implemented by judicial institutions.
- It is difficult to be recognized as a VOT without evidences.
- Since the criteria and processes for victim identification differ from country to country, there are cases where a person is identified as a VOT in the destination country but not identified in the legal process in that country of origin after being repatriated. This may cause confusion in the situation regarding assistance and prevent victims from receiving appropriate support services.
- Although public legal aid is provided only to the poor under the provision, there are cases where even victims who are not poor cannot receive support from their families or do not have sufficient personal assets to support legal proceedings.
- In some cases, when victims are trafficked abroad, they cannot be identified if they do not have identification or legal documents (often because they use someone else's ID card)). In the case of migrant workers, it is even more difficult to identify them because their family members are often migrant workers as well.
- VOTs tend to avoid legal procedures because it takes months or even years to complete.

【Protection of VOTs】

- There are no public shelters for VOTs.
- Most shelters and other support for the protection and social reintegration of victims/survivors are provided by NGOs, which are sometimes financially weak.
- Shelters that accept men, boys, and LGBTQI+ are limited. Also, organizations offer services other than shelters available to men and LGBTQI+ are few.
- Stakeholders' understanding of the victim/survivor-centered approach is not enough, and some shelters strictly control VOTs by taking cell phones away from them and imposing curfews.
- Many children of migrant workers have not had their birth certificates (most are stateless if born abroad). In addition, many children do not attend school, and in some cases are forced to work to support their families.
- In many cases, victims do not report the cases for various reasons, such as not wanting to reveal that they have been victimized, not trusting the government, or the possibility that relatives or acquaintances may commit crimes.

【Compensation】

- Although legally the VOT can claim compensation from the perpetrator, in practice most of the perpetrators do not have enough assets to provide coverage.
- There is no public fund to provide compensation or financial support to VOTs.

【Social Reintegration】

- Though it is expected that victims will acquire means of livelihood by finding a job or starting a business, only a few cases actually generate sufficient income. In addition, there is no public financial support for entrepreneurship.
- In conducting community and family assessments for social reintegration, it is necessary to establish a collaborative framework with sub-national level staff and community members.
- Many victims/survivors are not interested in vocational training and tend to seek means of livelihood that provide immediate income.

4.8.5 Partnership, Monitoring and Evaluation, and Data Collection and Management

【Coordination, Partnership】

- Although many ministries are involved in combating TIP, cross-ministerial coordination is quite limited. Vertical coordination from the central to the local level is also insufficient.

【Data Collection and Management】

- Due to the lack of integrated data pertaining to TIP and ambiguous definitions of TIP, relevant figures may vary depending on the agency collecting the data.
- There is a lack of capacity in monitoring and evaluation and data management related to TIP of PCCT and local government officials.

4.9 Proposals for JICA Interventions

Based on the latest situation and issues described above, and taking into consideration a review of JICA experience in providing assistance to Cambodia to date, JICA comparative advantage, its schemes, knowledge and experience that can be applied, following two proposals for assistance are suggested.

Table 10 : Interventions for Cambodia 1

Items	Details
Overview	The model for victim survivor protection and social reintegration will be strengthened through training and capacity building for province, district, and commune officials who implement practices related to protection and reintegration by clarifying procedures (including revision of guidelines) and strengthening capacity in the following areas: 1) multi-sectoral collaboration in victim/survivor protection and reintegration, 2) victim/survivor protection and service assessment based on a victim/survivor-centered approach, 3) standardized victim identification, 4) follow-up procedures and reporting during the victim/survivor protection and reintegration process, and 5) data collection and management.
Project Objectives	A model for victim/survivor protection and social rehabilitation support based on the Multi-Disciplinary Team (MDT) approach is developed.
Scheme	Technical Cooperation Project
Counterparts	Anti-Human Trafficking and Juvenile Protection Police (AHTJP), Ministry of Interior
Partner organizations	National Committee for Counter Trafficking (NCCT) Provincial Committee for Counter Trafficking (PCCT) Ministry of Social Affairs, Veterans and Youth Rehabilitation (MOSVY) Department of Social Affairs, veterans and Youth Rehabilitation (DOSVY) Ministry of Labour (MOL) Ministry of Justice (MOJ) Ministry of Women Affairs (MOWA) Ministry of Education, Youth and Sports (MOEYS) Provincial TIP Working Groups Commune TIP Working Groups
Expected outcomes	1. Cooperation among stakeholders concerned with the protection and social reintegration of victims/survivors is promoted 2. Understanding of the victim/survivor-centered approach among those involved in the protection and reintegration of victims/survivors is enhanced 3. Implementation of appropriate processes based on defined procedures for the protection and reintegration of victims/survivors is promoted

Table 11 : Interventions for Cambodia 2

Items	Details
Overview	A public shelter to protect and support VOTs will be constructed to create an

Items	Details
	environment that provides appropriate support to them. Specifically, an environment and structure to provide comprehensive support to VOTs will be established through; 1) construction and operation of a public mid- to long-term shelter; 2) establishment and operation of a call center (attached to the shelter) to receive reports and consultations on TIP; and 3) strengthening the operation and maintenance management structure of the public mid- to long-term shelter and the call center.
Project Objectives	A public mid- to long-term shelter for VOTs in Cambodia will be constructed, and a structure for its operation and maintenance will be established.
Scheme	Grant Assistance
Counterparts	Ministry of Social Affairs, Veterans and Youth Rehabilitation (MOSVY)
Partner organizations	National Committee for Counter Trafficking (NCCT) Provincial Committee for Counter Trafficking (PCCT) Anti-Human Trafficking and Juvenile Protection Police (AHTJP), Ministry of Interior Department of Social Affairs, veterans and Youth Rehabilitation (DOSVY) Ministry of Labour (MOL) Ministry of Justice (MOJ) Ministry of Women Affairs (MOWA) Ministry of Education, Youth and Sports (MOEYS) Provincial TIP Working Groups Commune TIP Working Groups
Expected outcomes	<ol style="list-style-type: none"> 1. A public mid- to long-term shelter is constructed 2. Victims/survivors receive the necessary services for protection and social reintegration 3. The call center attached to the shelter will be strengthened to receive reports and consultations on trafficking victims; 4. the public shelter will be properly operated and maintained through the development of guidelines and training programs 4. The structure to receive reports and consultations on TIP is strengthened through the operation of a call center attached to the shelter. 5. The structure for proper operation and maintenance of the public shelter is established through the development of guidelines and the implementation of training programs

5. The Results of the Research in Kingdom of Thailand

5.1 Overview

5.1.1 Socio-Economic Situation

The Kingdom of Thailand (hereafter referred to as "Thailand") is a constitutional monarchy located in the central to southern Indochina, bordered by Lao PDR to the north, Myanmar to the west, and Cambodia to the east. The total population is approximately 70 million (in 2021)¹⁰⁴, with about 1/3 of the population concentrated in urban areas, especially Bangkok. The majority of the population is of Thai ethnicity, and 94% of the population is of the Buddhist faith (with another 5% of the population being Muslim and a few of other religions¹⁰⁵).

Since the Sukhothai dynasty established by the Thai people in the 13th century, the monarchy has existed until the current Chakri dynasty, but the constitutional revolution of 1932 established the king as a symbolic figure in the Constitution and shifted to a constitutional monarchy¹⁰⁶. In terms of internal politics, after then Prime Minister Yingluck lost her post in May 2014, a coup d'état ensued in which the National Council for Peace and Order (NCPO), led by then Army Commander-in-Chief Prayut, took full control of the country. The NCPO subsequently announced a roadmap for returning to civilian rule, enacted a new Constitution, and held general elections for the House of Representatives, and Thailand returned to civilian rule after five years with the inauguration of the Prayut administration in July 2019. Local government consists of the capital city Bangkok and 76 Provinces nationwide, under which there are Districts - Sub-districts - Villages.

GNI per capita in Thailand is 7,260 USD (Atlas method, 2021)¹⁰⁷, and in 2019, the country was upgraded to an upper-middle income country in the World Bank's classification¹⁰⁸. Since 2018, Thailand has been implementing a long-term growth strategy called "Thailand 4.0," which aims to become a high-income country in the next 20 years based on the vision of transitioning Thailand into a value-added society by accelerating the digitalization of the economy and society¹⁰⁹. Under this strategy, Thailand has shifted its economic policy focus from heavy industry and industrial product exports to the development of a digital economy and a new generation of industries (next-generation automobiles, smart electronics, medical and health tourism, agriculture and biotechnology, future foods, robotics, aviation and logistics, biofuels and bio-chemicals, digital industries, and medical hubs)¹¹⁰.

5.1.2 Overview of TIP

Status of TIP

Among the six countries in GMS, Thailand is the second most developed economy after China, and many formal and informal migrant workers from neighboring countries have entered the country to work in various industries, such as fish processing, fishing, and construction, in order to take advantage of its abundant labor market. Some of migrant workers are victims of TIP and forced labor, and Thailand has become a major destination country for VOTs in the region. Thailand has also become a transit country for VOTs moving from neighboring countries such as Cambodia and Myanmar to Malaysia and Indonesia, and in recent years, the number of Thai nationals who have become VOTs overseas has been

¹⁰⁴ World Bank, <https://data.worldbank.org/indicator/SP.POP.TOTL?locations=TH>, last accessed on 22 October, 2022

¹⁰⁵ Ministry of Foreign Affairs, Japan, <https://www.mofa.go.jp/mofaj/area/thailand/data.html#section1>, last accessed on 22 October, 2022

¹⁰⁶ Tourism Authority of Thailand, <https://www.thailandtravel.or.jp/about/history/>, last accessed on 22 October, 2022

¹⁰⁷ World Bank, <https://data.worldbank.org/indicator/NY.GNP.PCAP.CD?locations=TH>, last accessed on 22 October, 2022

¹⁰⁸ World Bank, <https://thailand.opendevelopmentmekong.net/announcements/world-banks-new-country-classifications-by-income-level/>, last accessed on 22 October, 2022

¹⁰⁹ Royal Thai Embassy, Washington D.C., <https://thaiembdc.org/thailand-4-0-2/>, last accessed on 22 October, 2022

¹¹⁰ The Japan Research Institute, Limited., (2017), Pacific Rim Business Information, P. 103

increasing.

Table 12 and Table 13 below show the number of VOTs as published by the Government of Thailand (the nationality "Thai" includes both Thai victims in Thailand and Thai victims abroad). The number of identified VOTs decreased in 2020 when the border was closed due to the COVID-19 pandemic.

Table 12 : Number of VOTs in Thailand (2017-2022)

Year	Total number	Gender		Nationality				
		Male	Female	Thailand	Myanmar	Cambodia	Lao PDR	Others
2017	455	88	367	327	53	26	30	19
2018	631	282	349	345	205	28	14	39
2019	1,821	1,158	663	251	1,306	96	38	130
2020	231	66	165	162	5	5	46	13
2021	414	151	263	312	94	0	2	6
2022 Jan-Mar	202	87	115	196	2	2	2	0

Source: Royal Thai Government (2022), Royal Thai Governments Progress Report on Anti-Human Trafficking Efforts (1 January-31 March 2022), P.6

Forced prostitution was the most common type of cases, followed by forced labor in industries other than fishing.

Table 13 : Number of VOTs based on Types of TIP in Thailand (2020-2022)

Year	Total number	Types of TIP ¹¹¹							
		Forced Prostitution	Pornography	Sexual Exploitation	Enslavement	Forced Bagging	Forced Labor	Forced Labor in Fisheries	Others
2020	231	134	21	13	0	2	48	13	0
2021	414	159	14	8	2	2	156	2	71
2022 Jan-Mar	202	70	10	0	0	3	117	2	0

Source: Royal Thai Government (2022), Royal Thai Governments Progress Report on Anti-Human Trafficking Efforts (1 January-31 March 2022), P.8

As shown in Table 14, the Government of Thailand investigated 188 potential TIP cases in 2021 and initiated prosecution proceedings against

Table 14 : Prosecution of TIP Cases in Thailand

Year	Investigation	Prosecution	Convictions
2020	133 cases	302 suspects	233 defendants
2021	180 cases	125 suspects	82 defendants

US Department of State (2022) Trafficking in Persons Report: Thailand

125 suspects; 82 suspects were reportedly convicted, 75 of whom were sentenced to more than two years in prison¹¹².

According to the U.S. Department of State “Trafficking in Persons Report in Thailand” for the past five years (2018-2021), it was Tier 2 for the three-year period 2018-2020, but was downgraded to Tier 2 Watch List in 2021. The 2021 TIP Report noted that the authorities have not adequately addressed forced migrant labor, particularly in the fisheries, and garment industries, as "the Government of Thailand did not demonstrate an overall increased commitment compared to the previous reporting period, even considering the impact of the COVID-19 pandemic on the fight against TIP"¹¹³. The Government of Thailand responded to this downgrade by stating that the report does not represent international

¹¹¹ Types of TIP is based on the description and classification of the source.

¹¹² US Department of State (2022) Trafficking in Persons Report: Thailand

¹¹³ US Department of State (2021) Trafficking in Persons Report: Thailand

standards, but expressed its commitment to further strengthen anti-trafficking efforts¹¹⁴. In 2022, the TIP Report upgraded Thailand to Tier 2, due to several new initiatives launched in 2021-2022 (see Chapter2, 5.4.1) and an increase in the number of investigations and prosecutions of TIP crimes¹¹⁵.

TIP Cases outside Thailand

Thai nationals have been victims of forced labor and TIP in a wide range of regions, including North America, Europe, Africa, Asia, and the Middle East. Many cases have been reported, including 88 Thai nationals who were sexually exploited in Switzerland¹¹⁶, and sexual exploitation and forced domestic labor in the United Arab Emirates¹¹⁷. There have also been cases of Thai nationals being sexually exploited and forced to work in casinos and other establishments in the Special Economic Zones (SEZ) of neighboring countries, such as the Golden Triangle in Lao PDR¹¹⁸.

In recent years, the number of cases of Thai nationals being victims of forced labor related to a criminal act known as "Call Center Scam" in Cambodia has been increasing rapidly. Thai nationals recruited by Cambodia-based online and telephone scamming criminal organizations are forced to commit investment fraud using online messages and call center phone calls from Cambodia to the general Thai public (victims are recruited by these criminal organizations from their own country of origin, online, and in a variety of other situations and methods). For example, victims have been reported to be confined to a room in a building and forced to meet a quota, or to make up the quota with money¹¹⁹. In Sa Kaeo Province, where the border checkpoint with Cambodia is located, the province is in charge of receiving Thai nationals who have been victims of Call Center Scam in Cambodia after their deportation. According to a representative of the Provincial Social Development and Human Security Office (PSDHS) of Sa Kaeo Province, from August 2021 to May 2022, a total of 721 people were received on 13 occasions, of which 249 were identified as VOTs¹²⁰. It is estimated that an additional 1,000 victims may have remained in Cambodia. The Government of Thailand is taking the Call Center Scam in Cambodia quite seriously, and the Deputy Commissioner of the Royal Thai Police has visited Cambodia to discuss the matter with the Government of Cambodia, and other measures are being sought.

Victim Identification Process of VOTs

“The Multi-Disciplinary Team (MDT) approach” has been adopted to deal with TIP cases in Thailand, an approach that prioritizes collaboration among stakeholders in the field in the victim protection process. MDTs, which are composed of staff from multiple agencies, have been organized in all provinces. When a case of suspected TIP occurs, the MDT is responsible for various procedures, from interviewing the victim to victim identification.

The MDT is composed of officials from the administrative agencies of Coordinating and Monitoring of Anti-Trafficking in Persons Committee (CMP) (see Chapter2, 0), mainly law enforcement agencies such as PSDHS, police, labor offices, and prosecutors, who may be accompanied by officials from Ministry of Health, depending on the case. In the victim identification process by the MDT, the final confirmation is made by an Inquiry Officer, who may be an officer of the police or the Department of Special

¹¹⁴ Ministry of Foreign Affairs, Kingdom of Thailand (2021), Thailand’s Position on the U.S. State Department’s 2021 Trafficking in Persons Report

¹¹⁵ US Department of State (2022) Trafficking in Persons Report: Thailand

¹¹⁶ Swiss Info, https://www.swissinfo.ch/eng/society/exorbitant-fees_thai-human-trafficker-sentenced-in-switzerland-for-exploiting-compatriots/45601938, last accessed on 2 September, 2022.

¹¹⁷ Bangkok Post, <https://www.bangkokpost.com/thailand/general/2185467/trafficked-thai-woman-flown-home-from-dubai-govt>, last accessed on 2 September, 2022.

¹¹⁸ Based on the interview with Chiang Rai PSDHS on 17 June, 2022.

¹¹⁹ Ibid

¹²⁰ Based on the interview with Sa Kaeo PSDHS on 12 May, 2022.

Investigation (DSI) of Ministry of Justice, or a prosecutor. If the victim is identified as a VOT or a potential VOT, the victim is transferred to a government-run shelter (see Chapter2, 5.4.1, Thai victims can be outside the shelter if they request), where investigation by police and prosecutors and the process of trial are conducted. People who are identified as VOTs by the MDT, they are eligible to receive psychosocial support and job training in shelters, and compensation from the Anti-Trafficking in Persons Fund (see Chapter2, 5.4.1). If the victim is a foreigner, the victim is repatriated in accordance with interstate procedures after all legal procedures have been completed.

A summary of the victim identification process is as Figure 4;

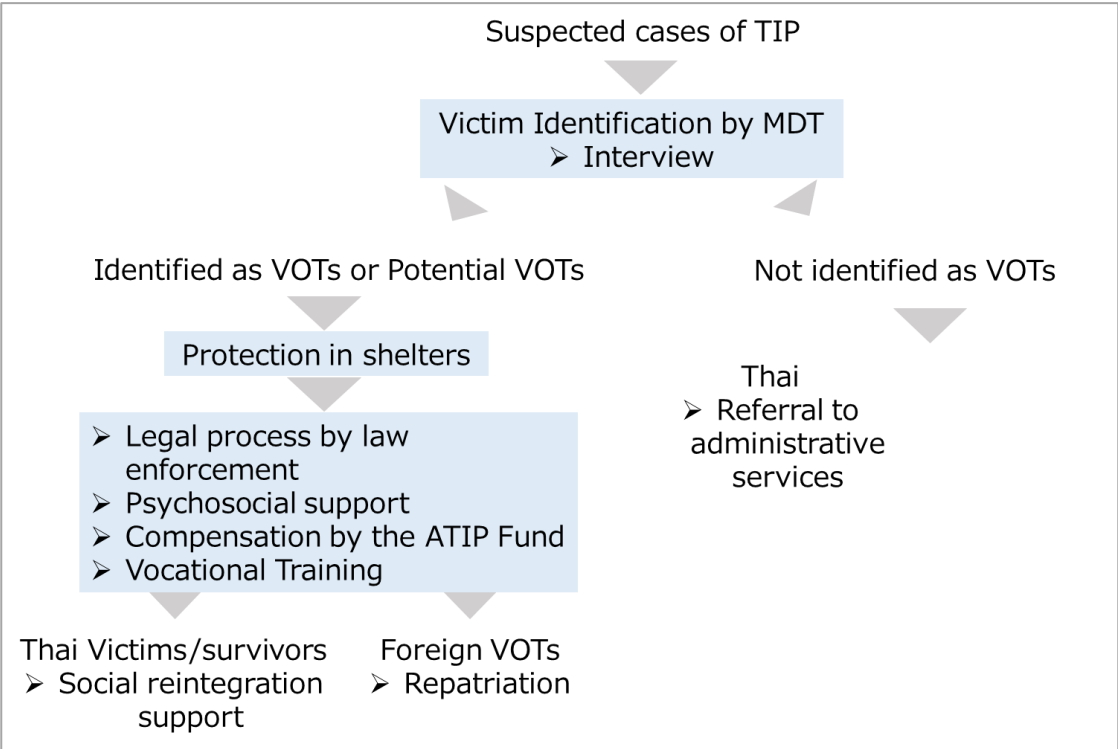


Figure 4 : The Summary of the Victim Identification and Protection Process in Thailand

Source: Created by the author based on the results of interviews

5.2 Legal Framework to Combat TIP

5.2.1 International and Regional Conventions

The international and regional conventions related to TIP that Cambodia has ratified or concluded are shown in Table 15.

Table 15 : List of International and Regional Conventions Ratified or Signed by Cambodia

Name of the convention (year of adoption)	Ratification
International Convention (UN)	
Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) (1979)	1985
United Nations Convention on the Rights of the Child (1989)	1992
The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990)	Not signed or ratified
The Optional Protocol to the Convention on the Elimination of all forms of Discrimination Against Women (1999)	2000
Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999)	2001
The United Nations Convention against Transnational Organized Crime (2000)	2013
The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the Palermo Protocol) (2000)	2013
The Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime (2000)	Signed in 2001, Not ratified

Name of the convention (year of adoption)	Ratification
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000)	2006
Protocol of 2014 to the Forced Labour Convention, 1930 (2014)	2004
Regional Convention (ASEAN and COMMIT)	
Memorandum of Understanding on Cooperation against Trafficking in Persons in the Greater Mekong Sub-Region (COMMIT MOU) (2004)	2004
ASEAN Declaration Against Trafficking in Persons Particularly Women and Children (2004)	2004
ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (2007)	2007
ASEAN Human Rights Declaration (2012)	2012
ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP) (2015)	2016

Source : Created by the author based on United Nations Treaty Collection (https://treaties.un.org/pages/Home.aspx?clang=_en)

5.2.2 Bilateral MOUs and Agreements

Thailand has signed the following bilateral MOUs and agreements on the protection of VOTs¹²¹.

- Agreement Between the Government of the Kingdom of Thailand and the Government of the Socialist Republic of Vietnam on Bilateral Cooperation for Eliminating Trafficking in Persons, Especially Women and Children and Assisting Victims of Trafficking (2008)
- MOU Between the Government of the Kingdom of Thailand and the Government of the Union of Myanmar on Cooperation to Combat Trafficking in Persons, Especially Women and Children (2009)
- MOU between the Government of the Kingdom of Thailand and the Government of Malaysia to Share Information to Combat Human Trafficking (2013)
- MOU Between the Government of the Kingdom of Cambodia and the Government of the Kingdom of Thailand on Bilateral Cooperation for Eliminating Trafficking in Persons and Protecting Victims of Trafficking (Signed in 2004, Revised in 2014)
- MOU between the Government of the Kingdom of Thailand and the Government of the Lao People's Democratic Republic on Cooperation to Combat Trafficking in Persons (2017)
- MOU of the Kingdom of Thailand and the United Arab Emirates on cooperation in combating human trafficking (2018)

In addition to the above MOUs, SOPs have been signed with Vietnam, Myanmar, Lao PDR, and Cambodia that stipulate actual repatriation procedures.

5.2.3 Domestic Laws

Thailand enacted the Anti-Trafficking in Persons Act B.E 2551 in 2008. Prior to the enactment of this Act, the Measures in Prevention and Suppression of Trafficking in Women and Children Act B.E. 2540 (1997) was in effect. However, the law only covered crimes against women and children. Under such circumstances, in 2006, it was discovered that VOTs were forced to work at a fish processing factory in Samut Sakhon Province, and while 60 women and children out of approximately 800 migrant workers from Myanmar were identified as VOTs and protected in shelters, men were not protected by any law. The majority of them were deported as illegal migrant workers¹²². This led to the recognition that male VOTs should also be eligible for protection, and the drafting of a new anti-trafficking law was initiated, making male VOTs would be covered by legal protection as well.

The Law defines TIP and provides for the punishment of perpetrators, the establishment of various

¹²¹ The JICA report on "Research on Counter-Trafficking in Persons measures in Mekong Region (research on Case Management in Countermeasures to Combat TIP)" (2013) mentioned that negotiations were underway to conclude an MOU with Malaysia, but it had not been realized at the time this research was conducted in 2022.

¹²² Johns Hopkins Bloomberg School of Public Health (2016), Anti-Human Trafficking in Thailand: A Stakeholder Analysis of Thai Government Efforts, The U.S. TIP Report and Rankings, and Recommendations for Action, P.30

coordinating committees, the role of relevant ministries and agencies, protection and support for VOTs, and the establishment of the Anti-Trafficking in Persons Fund¹²³. Based on the definition of TIP in the Palermo Protocol, the Act defines TIP as the "act" of procuring, buying, selling, or delivering a person by "means" of threats, violence, kidnapping, fraud, or others with the "purpose" of exploitation¹²⁴, and basically the process of victim identification is conducted based on this definition.

According to Article 52 of the Act, a person who commits TIP is subject to imprisonment of not less than 4 years and not more than 10 years and a fine of not less than 80,000 Thai baht (THB) and not more than 200,000 THB. If the victim is a minor, the penalty is more severe: if the victim is between 15 and 18 years old, the perpetrator shall be imprisoned for not less than 6 years and not more than 12 years and fined not less than 120,000 THB and not more than 240,000 THB; if the victim is under 15 years old, the perpetrator shall be imprisoned for not less than 8 years and not more than 15 years and fined not less than 160,000 THB and not more than 300,000 THB¹²⁵.

The Act was amended in 2019, adding Articles 6/1 and 6/2. Article 6/1 is the article pertaining to the prohibition of forced labor, and newly defines as a crime the use of violence or threats to force labor, seizure of identity documents, and forcing labor in exchange for debt (Article 6/2 provides a disclaimer for Article 6/1)¹²⁶. The penalties for forced labor range from 6 months to 4 years in prison, a fine of 50,000 to 400,000 baht per victim, or both, but are lighter than those for TIP mentioned above. However, due to the lack of implementation guidelines for auditing workplaces and a lack of shared understanding among the personnel in charge of auditing and investigations, it has been reported that there have been cases of inadequate investigations into allegations of exploitation of migrant workers, or cases of TIP that were identified as violations of the Labor Act and no criminal prosecution of the perpetrators¹²⁷. Discussions continue among the government and development partners to clarify the legal definitions of TIP and forced labor¹²⁸. To address this situation, Ministry of Labor, with the support of ASEAN-ACT, NGOs, and others, began preparing SOPs for auditing forced labor, and these SOPs were approved in March 2022. Ministry of Labor and Ministry of Social Development and Human Security (MSDHS) will take the lead in providing training on the use of the SOPs to field-level staff¹²⁹.

Other laws related to TIP and forced labor include the following;

- Criminal Code (1906)
- Prevention and Suppression of Prostitution Act (1996)
- Anti-Money Laundering Act (1999)
- Crime Victims Compensation Act (2001)
- Child Protection Act (2003)
- Computer Crime Act (2017)

5.3 Policies and Policy Implementation Structure

5.3.1 Policy

Thailand has developed a 20-year National Strategy "National Strategy 2018-2037", and policies for each sector are confirmed every five years based on the National Strategy (currently in the first phase

¹²³ The Fund was established in 2005 and came into operation under the Anti-Trafficking in Persons Act of 2008 with its enactment.

¹²⁴ Royal Thai Government (2008), The Anti-Trafficking in Persons Act B.E 2551 (2008) Section 6

¹²⁵ Ibid, Section 52

¹²⁶ Royal Thai Government (2021), Emergency Decree Amending the Anti-Human Trafficking Act B.E.2551(2008), B.E.2562(2019)

¹²⁷ US Department of State (2021) Trafficking in Persons Report: Thailand

¹²⁸ Based on the interview with ASEAN-ACT Thailand on 19 April, 2022.

¹²⁹ Based on the interview with Ministry of Labour on 26 April, 2022.

for 2018-2022). TIP is classified as one of the security challenges in the National Strategy, and it is stated that prevention and response to related challenges should be promoted¹³⁰. Until 2016, a separate National Strategy for TIP was developed every five years, but since 2018, under the National Strategy 2018-2037, a five-year plan has been developed by Anti-Trafficking in Persons Committee (ATP) with additional one-year plans being developed.¹³¹ Since 2022 is the final year of the first five-year plan, MSDHS leads a review of policy implementation in relevant ministries and agencies. The results of that will be reported to the National Assembly in June 2022¹³².

5.3.2 Coordination Bodies

In Thailand, two national committees have been established under the Anti-Trafficking in Persons Act. In addition, a central-level and provincial-level operation centers have been established within MSDHS to coordinate policy at the working level.

Anti-Trafficking in Persons Committee (ATP)

The Anti-Trafficking in Persons Committee (ATP) was established in 2008 with the enactment of the Anti-Trafficking in Persons Act. It is chaired by the Prime Minister, vice-chaired by the Deputy Prime Minister, and consists of ministers from seven ministries which are Ministry of Defense, Ministry of Foreign Affairs, Ministry of Tourism and Sports, MSDHS, Ministry of Interior, Ministry of Justice, and Ministry of Labour, and four experts with relevant professional experience appointed by the Prime Minister (it is stipulated that at least one half of the committee members must be female)¹³³. DATIP of MSDHS serves as the secretariat of ATP, which is responsible for decision-making and policy recommendations on combating TIP, as well as interagency strategic coordination. Specifically, the ATP has the following roles¹³⁴;

- 1) to make recommendations to the Cabinet concerning the policy on prevention and suppression of trafficking in persons;
- 2) to make recommendations to the Cabinet on the revision of laws, rules, regulations or the restructuring of any governmental agency responsible for the prevention and suppression of trafficking in person to enable a more effective implementation of this Act;
- 3) to lay down strategies and measures for the prevention and suppression of trafficking in person;
- 4) to prescribe guidelines and monitor the implementation of international obligations, including cooperating and coordinating with foreign bodies in relation to the prevention and suppression of trafficking in persons;
- 5) to direct and supervise the arrangements of study or research projects and the development of an integrated data base system for the benefit of prevention and suppression of trafficking in persons;
- 6) to issue regulations relating to the registration of a nongovernmental organization with a view to preventing and suppressing of trafficking in person, and to prescribe rules for assistance such organization in carrying out its activities;
- 7) to lay down rules, with the consent of the Ministry of Finance, concerning the receipt, payment, keeping, fund raising and the management of Fund;
- 8) to lay down rules concerning the report on financial status and the administration of the Fund for the purpose of implementing this Act;
- 9) to give instruction and supervise the performance of duties of the CMP Committee.
- 10) to perform any other acts as entrusted by the Cabinet.

¹³⁰ Royal Thai Government (2018), National Strategy 2018-2037, P. 10

¹³¹ Based on the interview with DATIP on 28 April, 2022.

¹³² Ibid

¹³³ Royal Thai Government (2008), The Anti-Trafficking in Persons Act B.E 2551 (2008) Section 15

¹³⁴ Ibid, Section 16

Sub-Committees on various topics have also been established under ATP, with relevant ministries designating a person in charge to make policy recommendations and coordinate on specific topics.

Coordinating and Monitoring of Anti-Trafficking in Persons Committee (CMP)

As with ATP, the Coordinating and Monitoring of Anti-Trafficking in Persons Committee (CMP) was established in 2008 under the Anti-Trafficking in Persons Act. It monitors and evaluates policy implementation and prepares plans and recommendations for review by ATP. The Deputy Prime Minister chairs the committee, the Minister of MSDHS is the vice-chair, and representatives from member ministries of ATP and representatives from 10 administrative agencies (the Permanent Secretary for Education, the Permanent Secretary for Public Health, the Attorney General, the Commissioner-General of the Royal Thai Police, the Director-General of the Department of Provincial Administration, the Director-General of the Department of Special Investigation, the Secretary-General of the Anti-Money Laundering Board, the Secretary-General of the National Human Rights Commission, the Secretary General of the National Security Council, the Governor of Bangkok Metropolitan Administration) and 8 experts with seven years of experience in the fields of prevention, response, social reintegration and international cooperation on TIP (it is stipulated that at least 1/2 of the committee members must be female)¹³⁵. DATIP of MSDHS serves as the secretariat. The roles of CMP are as follows¹³⁶.

- 1) to prepare and monitor the performance according to the implementation and coordination plans of the agencies concerned, whether they be at the central, regional or local level, or in the community and civil society, to ensure the consistency with the policies, strategies and measures on the prevention and suppression of trafficking in persons;
- 2) to prepare and monitor the implementation of plans and guidelines regarding the capacity building for personnel responsible for prevention and suppression of trafficking in persons;
- 3) to formulate and monitor campaigns to inform and educate the public in relation to the prevention and suppression of trafficking in persons;
- 4) to monitor, evaluate and report to the Committee the performance according to the policies, strategies, measures, together with the performance under this Act;
- 5) to follow up, and report to the Committee the performance under the international obligations, cooperation and coordination with the foreign bodies on the issues of the prevention and suppression of trafficking in persons;
- 6) to lay down rules and approve the payment and disposal of property of the Fund under Section 44(4);
- 7) to prepare and monitor the implementation plans under this Act with a view to achieve the highest efficiency of law enforcement and to be in line with the law on anti-money laundering, the law on the national counter corruption and any other related laws, including international obligations.
- 8) to perform any other acts as entrusted by the Committee.

In addition, the CMP has five subcommittees¹³⁷;

- 1) Sub-committee on Suppression of Human Trafficking, chaired by the Minister of Interior
- 2) Sub-committee on Women, chaired by the Minister of MSDHS
- 3) Sub-committee on Child Labour, Forced Labour, and Migrant Workers, chaired by the Minister of Labour

¹³⁵ Royal Thai Government (2008), The Anti-Trafficking in Persons Act B.E 2551 (2008), Section 22

¹³⁶ Ibid, Section 23

¹³⁷ USAID (2020), Trafficking Victim Protection Frameworks in Cambodia, Indonesia, Lao PDR, Thailand, and Viet Nam: A Resource for Practitioners, P.78

- 4) Sub-committee on Illegal, Unreported, and Unregulated (IUU) Fishing, chaired by the Minister of Agriculture and Cooperatives
- 5) Sub-committee on Public Relations and Legal Affairs, chaired by the Deputy Minister of Foreign Affairs

National Operation Center for the Prevention and Suppression of Human Trafficking (NOCHT)

The National Operation Center for the Prevention and Suppression of Human Trafficking (NOCHT) is an agency established directly under the Office of the Permanent Secretary (PS) of MSDHS. It coordinates activities related to the prevention of and response to TIP, including forced labor and commercial sexual exploitation.

NOCHT has also established Provincial Operation Centers for the Prevention and Suppression of Human Trafficking (POCHT) in all 76 provinces. NOCHT supervises and coordinates the activities of the POCHTs. POCHT is responsible for making policy decisions related to anti-TIP measures within each province, while the NOCHT oversees and compiles the activities of POCHT.

5.3.3 Policy Implementation Structure

This section describes the role of the government agencies interviewed during the field research in relation to TIP.

Division of Anti-Trafficking in Persons (DATIP), Ministry of Social Development and Human Security (MSDHS)

MSDHS is the primary agency to deal with TIP, and the Division of Anti-Trafficking in Persons (DATIP) of MSDHS is primarily responsible for implementing policies and providing services related to the protection of VOTs. DATIP consists of the following four divisions;

- 1) Division of Policy and Research: This division is responsible for developing a plan of action based on the policy against TIP determined by ATP. It is also responsible for liaison with other ministries and agencies.
- 2) Division of Protection of Rights of VOTs: This division is responsible for the operation and management of nine shelters for VOTs located throughout the country. It also protects the rights of victims and is in charge of supporting legal process and compensation, as well as repatriation procedures for VOTs of foreign nationality.
- 3) Division of National Committees: This division is responsible for the secretariats of the two national commissions, ATP and CMP.
- 4) Division of the Anti-Trafficking in Persons Fund: This division is in charge of administering the Anti-TIP Fund established under the Anti-Trafficking in Persons Act for the relief of VOTs. It is also responsible for the welfare of VOTs residing in shelters.

At the time of the research, DATIP employed a total of 78 staff with civil servants (permanent staff), contract staff every 4 years, and contract staff every 1 year (1/3 of whom were civil servants)¹³⁸. A total of 277 staff members are employed at the nine shelters (including civil servants and contract employees). In addition, a Provincial Social Development and Human Security Office (PSDHS) has been established in each province to carry out the tasks under the jurisdiction of MSDHS, including countermeasures against TIP, at the provincial level. When trafficking in persons occurs in a province, the person in charge within the PSDHS becomes a member of the MDT and performs victim identification. A total of 277 staff members are employed at the nine shelters (including civil servants and contract employees). In addition, a Provincial Social Development and Human Security Office (PSDHS) has been established in each province to carry out the tasks under the jurisdiction of the MSDHS, including countermeasures

¹³⁸ Based on the interview with DATIP on 28 April, 2022.

against trafficking in persons, at the provincial level. When a TIP case occurs in a province, the person in charge within PSDHS becomes a member of the MDT and performs victim identification.

Royal Thai Police

Royal Thai Police is responsible for investigating TIP cases and punishing the perpetrators. It has an Anti-Trafficking in Person Division (ATPD), which handles TIP cases, as well as several other agencies involved in the fight against TIP.

1) The Child Woman Protection and Anti-Human Trafficking Centre (CWP)

The Child Woman Protection and Anti-Human Trafficking Centre (CWP) was established in 2015 with a dedicated role for the protection of children, women and families and to combating TIP, and was established in 2015. CWP is responsible for responding to cases of TIP in Thailand and has the following main roles based on the 5P perspectives of TIP¹³⁹.

- a) Policy: It develops policies and plans related to TIP in Royal Thai Police.
- b) Prevention: To prevent trafficking in persons, it operated activities related to prevention targeting migrant workers and other persons at risk or vulnerable to TIP. Various police departments, including the Immigration Department, the Border Guard, and the Marine Police, work together to conduct audits and conduct awareness-raising activities at enterprises and factories where migrant workers work.
- c) Prosecution: It investigates TIP cases and refers them to prosecutors. CWP also works to strengthen the capacity of police officers and other officials in TIP investigations and to enhance cooperation with prosecutors.
- d) Protection: It works with the prosecution and MSDHS to support legal proceedings to receive compensation from the perpetrator.
- e) Partnership: It liaises and coordinates with other government agencies, domestic and international NGOs and CSOs, and coordinates and shares information with other countries. In addition, CMP provides support for repatriation procedures for Thai nationals who have been VOTs overseas.

CWP has 423 police officers, including those who concurrently serve in other departments. Under CWP, Thailand against Trafficking in Persons Task Force (TATIP) and Thailand Internet Crimes against Children Task Force (TICAC) have been established. When a case of trafficking in persons occurs in Thailand, the police of the province are basically in charge of the investigation, but in cases of large scale with many victims, CWP may deploy support personnel to the province. CWP also receives technical assistance from donors and NGOs such as ASEAN-ACT Thailand.

2) Thailand Against Trafficking in Persons Task Force (TATIP)

The Thailand against Trafficking in Persons Task Force (TATIP) is an agency established under the supervision of CWP and is a task force for combating TIP consisting of police officers, social workers, NGOs, and others across the country. It specializes in the investigation of complicated TIP cases.

3) Thailand Internet Crimes Against Children Task Force (TICAC)

The Thailand Internet Crimes against Children Task Force (TICAC) is a specialized task force to deal with online crimes against children, especially online sexual exploitation, consisting of police officers across the country. It has 300 police officers from both the central police force and local police forces. When online crimes against children, such as child pornography, are identified, digital forensics is conducted to collect and analyze online information and identify perpetrators, and the

¹³⁹ Based on the interview with CWP on 29 June, 2022.

task force works with MSDHS and NGOs to protect children and investigate and arrest perpetrators.

TICAC is often contacted by various hotlines and foreign NGOs specializing in monitoring online sexual exploitation of children, and TIP cases are also found by monitoring social networking sites such as Facebook and Twitter. TICAC investigated 79 cases in FY 2021, including 11 cases of TIP via the Internet, 11 cases of sexual exploitation of children, 40 cases of possession of child pornography, and 17 other cases¹⁴⁰.

Department of Special Investigation (DSI), Ministry of Justice (MOJ)

The Department of Special Investigation (DSI) is a division of Ministry of Justice that specializes in handling the most serious and severe criminal offenses. DSI has a department of TIP crimes, and complex TIP cases are handled by the DSI rather than Royal Thai Police (whether or not DSI will take charge of the case will be decided by a special committee within DSI depends on the case)¹⁴¹. Out of 188 TIP cases identified in 2021, DSI handled 6 cases¹⁴².

Office of Attorney General (OAG)

The Office of the Attorney General (OAG) was established in 2002 to investigate and prosecute criminal offenses (OAG is not under the jurisdiction of Ministry of Justice, but is an independent administrative agency). OAG investigates and prosecutes TIP cases referred by the police. If the victim is under 18 years of age, OAG must be a member of the MDT and participates in the victim identification process¹⁴³.

OAG also conducts awareness-raising activities to prevent TIP. It has a Legal Aid Office in each province, which conducts awareness-raising activities in primary and secondary schools in the province to share information on TIP, especially about the law and how to report it if they are trafficked. Awareness-raising activities are conducted on a regular basis, with 500 to 700 students participating each year¹⁴⁴. In addition to awareness-raising activities, the office also provides legal advice to local residents and assistance to the poor.

Ministry of Labour

Ministry of Labor is responsible for the prevention and response to TIP and forced labor through three main divisions: 1) the Office of the Permanent Secretary, 2) Department of Employment, and 3) Department of Labor Protection and Welfare. The Office of the Permanent Secretary has a role of decision making within the Ministry, the Department of Employment takes management and supervision of employment and labor conditions at workplaces, and the Department of Labor Protection and Welfare conducts protection of migrant workers from foreign countries.

Ministry of Labor has established labor offices in each province, and labor inspectors assigned to the provincial labor offices conduct audits and on-site investigations of workplaces with high risk of TIP and forced labor in cooperation with the police¹⁴⁵.

5.4 Initiatives by the Government and Local Administration

This section provides an overview of measures taken by the government and local administrations to combat TIP. In Thailand, in addition to the efforts by TICAC (see Chapter 2, 0), the "Protect-U" mobile application (see Chapter 2, 0) and the electronic database for combating trafficking in persons (see Chapter 2, エラー! 参照元が見つかりません。) are also listed as examples of “innovative

¹⁴⁰ Royal Thai Government (2022), Royal Thai Government's Country Report on Anti-Human Trafficking Efforts 1 January – 31 December 2021, P.26

¹⁴¹ Based on the interview with CWP on 29 June, 2022.

¹⁴² Ibid

¹⁴³ Based on the interview with OAG on 27 April, 2022.

¹⁴⁴ Ibid

¹⁴⁵ Based on the interview with Ministry of Labour on 26 April, 2022.

approaches and good practices through the use of Digital Transformation (DX)” which is specified as one of the research items.

5.4.1 Initiatives by the Government

Shelters

MSDHS operates nine shelters nationwide for the protection of VOTs: four out of the nine shelters are for women and girls, four for men and boys, and one for boys.

- 1) Shelters for female VOTs
 - Phisanuloke Welfare Protection Center for Victims of Trafficking (Northern area)
 - Nonthaburi Welfare Protection Center for Victims of Trafficking (Central area)
 - Nakon Ratchasima Welfare Protection Center for Victims of Trafficking (Eastern area)
 - Surathani Welfare Protection Center for Welfare Protection Center for Victims of Trafficking (Southern area)
- 2) Shelters for male VOTs
 - Chiang Rai Welfare Protection Center for Victims of Trafficking (Northern area)
 - Pathumthani Welfare Protection Center for Victims of Trafficking (Central area)
 - Songkhla Welfare Protection Center for Victims of Trafficking (Eastern area)
 - Ranong Welfare Protection Center for Victims of Trafficking (Southern area)
- 3) A Shelter for boys VOTs (a shelter for male victims up to 18 years of age)
 - Pakkred Reception Home for Boys (Nonthaburi Province)

Shelters are operated by Division of Protection of Rights of VOTs in DATIP as mentioned above, provides protection to VOTs if they are identified as victims or potential victims of trafficking through the MDT victim identification process (basically, all victims of trafficking in persons are admitted to government-run shelters, while admission to private shelters such as NGOs is not allowed). Thai victims can return to their homes if they want, while foreign victims are kept in shelters until the legal process is completed and they are repatriated (it usually takes 8-12 months until repatriation. repatriation is currently suspended due to the pandemic). Shelters for female VOTs accept victims together with their children if they have any, and boys are also accepted if they are under 6 years old. Shelters for male VOTs can accept entire families, including spouses and children¹⁴⁶. DATIP decides which shelter a victim will be placed in. In recent years, DATIP has begun to recognize the need to respond to cases of victims with a specific sexual orientation or gender identity (LGBTQI+) and has established a pilot program to accept LGBTQI+ VOTs in the Chiang Rai Center for the Protection and Welfare of Victims of Trafficking in Persons. Also it has provided training staff members at each shelter on the care of LGBTQI+ VOTs.

Each shelter is staffed by a general manager, a social worker who conducts service assessments through interviews with victims, and a legal representative who provides legal support. Victims who move into the shelters receive psychosocial support for the first 2-3 months, with priority given to their physical and mental health care. More serious cases, such as those with sexually transmitted diseases, pregnancy, or abuse, may require a longer period of time. During the recovery period, they do not receive vocational training or legal support, but focus on physical and mental care through counseling, meditation, and various activities with social workers and psychiatrists. Once it is confirmed that the victims has regained mental and physical health, the next step is to begin vocational training and legal procedures. For legal procedures, legal experts visit the shelter to provide support, and police investigations are also conducted. At the same time, vocational training and schooling begin. School-aged victims who are

¹⁴⁶ Base on the interview with DATIP on 28 April, 2022.

unable to attend school for certain reasons are provided with learning support at the shelter and distance learning via TV and other devices. Vocational training is provided in a variety of courses to meet the needs of victims. In addition, counseling is provided for victims/survivors on social reintegration after they leave the shelter. In addition, foreign VOTs can temporarily obtain a work permit in Thailand and work outside the shelter in accordance with Article 37 of the Anti-Trafficking in Persons Act.

After leaving the shelter, PSDHS or shelter staff in the district where the victim/survivor's home is located follow up regularly on the reintegration status. For foreign victims who have been repatriated, PSDHS or shelter staff in each province communicates regularly with the case managers in the country of origin to assess their reintegration status. Case Management Meetings (CMM) are also held between Thailand and the country of origin, and the reintegration is followed up at these meetings¹⁴⁷.

Each shelter holds monthly meetings with DATIP to report on implementation and performance status. Previously, DATIP staff used to visit each shelter 2-3 times a year to inspect its operations, but this has been suspended due to the pandemic. Financial and other relevant documents are submitted to DATIP every three months, and the results of questionnaires to residents conducted every 3-6 months are also submitted to DATIP. Since there are many foreign victims in the shelter, DATIP has developed an interpreter manual to support victims, and also conducts training for interpreters to ensure that they have specialized knowledge of relevant acts and TIP, given that they also provide support for legal procedures¹⁴⁸. Upon completion of the training, interpreters can work at shelters as DATIP-certified interpreters. Interpreters are not always present at the shelter, but are deployed when there is a particular need for assistance, such as in police investigations or legal support.

Regarding the protection of VOTs in shelters, while various services such as psychosocial care and support for legal procedures are available, the following issues were identified in interviews with relevant stakeholders and reports related to TIP in Thailand.

- Restrictions on the victim's freedom of movement and use of cell phones
In government-run shelters, freedom of movement of VOTs is restricted and they are not allowed to go out freely. Although ASEAN-ACT has been advocating for freedom of movement of VOTs to MSDHS¹⁴⁹, and MSDHS has recognized that issues, freedom of movement is still not ensured in some of shelters.
- Implementation of legal procedures
VOTs are required to go through legal procedures (prosecution of perpetrators) to claim TIP cases in order to receive services at the shelter. Since some VOTs do not want to prosecute or go to court, it needs to be able to receive various services without being required to follow legal procedures¹⁵⁰.
- Employment outside the shelter
Although there is no provision in the Anti-Trafficking in Persons Act for employment outside of shelters based on the gender of the VOT, USAID reports that most victims who are allowed to work outside are male¹⁵¹.
- Corruptions
A case of organized trafficking in minors (sexual exploitation) occurred in Surat Thani Province in May 2022, in which several minor girls were taken into care at the Home for Children which is a

¹⁴⁷ Royal Thai Government (2017), Thailand's Country Report on Anti-Human Trafficking Response (1 January – 31 December 2016), P.101

¹⁴⁸ Based on the interview with DATIP on 28 April, 2022.

¹⁴⁹ Based on the interview with ASEAN-ACT Thailand on 19 April, 2022.

¹⁵⁰ Based on the interview with Winrock International Thailand on 19 April, 2022.

¹⁵¹ USAID, Winrock International (2021), Review of Models of Care for Trafficking Survivors in Thailand, P.6

public shelter for abused and violated children, located in Bangkok and all 76 provinces. The deputy director of MSDHS Department of Children and Youth Affairs was criminally charged after it was discovered that he had pressured several minor girls who are VOTs, through the director of the center, not to testify that one of the perpetrators in the case was the son of a local politician¹⁵². Although it wasn't in a shelter for VOTs, this incident occurred at a public shelter operated by MSDHS, and more efforts are required to root out the involvement and misconduct of public officials and government officials¹⁵³.

During the field research, the researcher visited Nonthaburi Welfare Protection Center for Victims of Trafficking, Ranong Welfare Protection Center for Victims of Trafficking, and Pathumthani Welfare Protection Center for Victims of Trafficking. The latest situation and issues at each shelter are as follows;

1) Nonthaburi Welfare Protection Center for Victims of Trafficking

Nonthaburi Welfare Protection Center for Victims of Trafficking is a shelter for female victims located in Nonthaburi Province, central Thailand. At the time of the visit, there were 52 residents in the center, including 6 Laotians, 44 Thais, 1 Cambodian, and 1 Vietnamese. There are six residential buildings, each of which can accommodate 50 to 60 residents, for a total of up to 300 residents. Since the beginning of 2022, a total of 88 people have been admitted to the shelter¹⁵⁴. There are a total of 36 staff, including 3 social workers, 4 clinical psychologists, and 3 nurses (staff who are not licensed nurses but have specialized nursing experience).

Immediately after the admission, the focus is on mental and physical care, and priority is given to regaining physical and mental health through various counseling programs, group counseling, and therapy. Since the specific implementation of psychosocial care is outlined but not detailed by MSDHS, the shelter developed at the center with the support of IOM. Information is shared with other shelters, some of which refer to the program as a model¹⁵⁵.

Vocational training is offered in the following four categories: 1) cooking (barista, bakery, and Thai traditional sweets), 2) sewing (sewing machine work such as creating school uniforms), 3) vinyl basket making, and 4) handicrafts (knitting, patchwork, garland making or others)¹⁵⁶. In addition to these permanent courses, the center has also invited outside instructors to provide vocational training in nail art, craving, hotel bed-making, laundry based on requests from a VOT side, and NGO staff often come to teach English.

Nonthaburi Welfare Protection Center for Victims of Trafficking identified the following issues¹⁵⁷.

● Securing Staff

Out of 30 employees on staff, 23 are contract workers, and turnover is very high. Even after acquiring a certain level of expertise, many of them change jobs when other stable, permanent jobs become available. MSDHS is aware of this problem and is making efforts to increase the number of regular employees, but it is difficult to solve this problem in a situation where the number of government employees itself is not increasing.

¹⁵² Bangkok Post, <https://www.bangkokpost.com/thailand/general/2307210/well-known-politicians-son-faces-underage-sex-rap>, last accessed on 5 September, 2022.

¹⁵³ US Department of State (2022) Trafficking in Persons Report: Thailand

¹⁵⁴ Based on the interview with Nonthaburi Welfare Protection Center for Victims of Trafficking on 14 June, 2022.

¹⁵⁵ Ibid

¹⁵⁶ There used to be courses in hairdressing, Thai massage, and weaving, but the hairdressing course was terminated when the instructor retired, and Thai massage and weaving are now offered at public vocational training facilities for women, according to a decision by MSDHS.

¹⁵⁷ Based on the interview with Nonthaburi Welfare Protection Center for Victims of Trafficking on 14 June, 2022.

- Securing instructors for job training

Because instructors responsible for vocational training must not only have specialized skills, but also the skills to work with and deal with victims with various problems and difficulties, the same instructors inevitably teach for a long time, making it difficult to secure instructors who can teach new areas of training and IT skills.

2) Ranong Welfare Protection Center for Victims of Trafficking

Ranong Welfare Protection Center for Victims of Trafficking is a shelter for male victims located in Ranong Province, southern Thailand. At the time of the visit, there were five victims in the shelter: one Cambodian and four displaced persons (Rohingya) from Myanmar¹⁵⁸. The Cambodian victim had been a VOTs since childhood and was forced to sell souvenirs in Phuket. Four Rohingya victims were trafficked into Thailand when they were under 15 years old¹⁵⁹. The number of admissions is currently low due to the decrease in the number of cases identified as VOTs with border closing due to the pandemic, but it has accepted 160 VOTs in 2019 and 80 VOTs in 2020.

The center has 24 employees, including the center director. Six of them (including a social worker, an employee with legal knowledge, and an employee in charge of social development) participate in the victim identification process as the MDT, with three groups of two people each taking turns (the MDTs in Ranong Province consist of staff members from Ranong Welfare Protection Center for Victims of Trafficking, PSDHS, the provincial labor office, the provincial employment office, the provincial municipality, the immigration office, and Police)

After a four-week recovery period (shorter for male victims than female victims), victims begin vocational training. Various courses are offered according to their requests, and the shelter has facilities where they can learn cement making at construction sites, iron and wood working, and craft making. Basically, there are two instructors on staff, and students learn two courses in one year (some courses take 3 or 6 months depending on the contents). The facility also has equipment for mock trials so that VOTs can practice testifying in court.

The following issues were identified at Ranong Welfare Protection Center for Victims of Trafficking¹⁶⁰.

- Capacity building on the MDT

The Center assigns staff to the MDT, but some staff members have never received training on victim identification and have only read manuals, even though they are members of the MDT. Since the victim identification process and standards are perplexing, it is necessary to receive specialized training to deepen their understanding of the process, but there are not enough training opportunities provided. Although six members of the Center participate in the MDT, Five out of six have never received any relevant training. Only one person was allowed to participate in the recently conducted victim identification training and was expected to pass on what she learned to the other five. However, due to the complexity of the training contents, it is necessary for all participants to attend the training to ensure the same level of understanding.

- Lack of interpreters

It is difficult to secure interpreters of sufficient standard to assist victims. Lack of interpreter competence and understanding of TIP and the related acts can lead to misunderstandings and inconsistencies in the victim identification process and in interviews with victims. When

¹⁵⁸ Based on the interview with Ranong Welfare Protection Center for Victims of Trafficking on 7 May, 2022.

¹⁵⁹ Four Rohingya victims have refused repatriation to Myanmar, and the process of third-country resettlement to the United States was underway supported by the UN organizations, but has been suspended due to the pandemic.

¹⁶⁰ Based on the interview with Ranong Welfare Protection Center for Victims of Trafficking on 7 May, 2022.

interpreters are not available, other government agencies (e.g., provincial labor offices, provincial welfare offices or others) may be asked to dispatch interpreters, but these interpreters do not necessarily have a better understanding of the victim identification process, which can lead to confusion.

3) Pathumthani Welfare Protection Center for Victims of Trafficking

Pathumthani Welfare Protection Center for Victims of Trafficking is a shelter for male victims located in Pathumthani Province, Central Thailand. At the time of the visit, the center was sheltering 34 victims and their families (7 families), of which 1 was Thai and 33 were Myanmarese, most of whom were victims of forced labor¹⁶¹. Upon receiving the victims, the center conduct medical examinations, checking on their personal belongings, and provide them with daily necessities. If the victims are Thai, it contacts their care givers and family members. After that, an orientation is conducted to inform victims of their rights and obligations, followed by physical and mental care, legal procedures, and job training. Thai victims who do not want to enter the shelter may go to the shelter for counseling and legal procedures, or follow up with home visits by shelter or government officials.

Regarding vocational training, after confirming the expertise and requests of each victim, the program is tailored to each individual. Mainly, courses in Thai crafts making (baskets, string, etc.), mushroom cultivation, fruit harvesting, vegetable cultivation, and beauty and hairdressing have been prepared. It is also possible to work in the shelter and receive wages from the Anti-Trafficking in Persons Fund for assisting with cooking, general affairs, gardening, security, babysitting (nursery), or others. (See Chapter 2, エラー! 参照元が見つかりません。). Many of victims in this center work at construction sites or other jobs while residing in the shelter. Basically, they work on a daily basis, but sometimes they live in dormitories or other facilities owned by their employers. After the pandemic, day work became more difficult due to infection control measures, so many of the victims lived and worked at their employers' facilities¹⁶². In Pathum Thani Province, the minimum wage of 330B per day is paid for work outside the shelter¹⁶³.

The center also has a nursery program for children of victims, as family members of victims are also admitted to the center. The nursery has a child care program for six hours a day and currently provides the service to seven children¹⁶⁴. While the children are cared for at the Nursery, parents can receive vocational training or work outside the shelter.

Victims can also go out with the support from the center to visit hospitals (treatment of illnesses, vaccinations for children, antenatal care, COVID-19 vaccination, etc.), facilities related to legal proceedings (court or other facilities), banking (the shelter helps them open an account and they receive subsidies and rewards for their work from the Anti-Human Trafficking Fund), supermarkets (on the same day they go to the bank, they can go to the supermarket), and recreational activities (outings to relieve stress, going out with family members, religious events, etc.). In addition, cell phones are freely available 24 hours a day, and free Wi-Fi is provided in some areas of the facility (usage is monitored by staff)¹⁶⁵

The following issues were identified at the Pathum Thani Protection Vocational Training Center¹⁶⁶.

¹⁶¹ Based on the interview with Pathumthani Welfare Protection Center for Victims of Trafficking on 11 August, 2022.

¹⁶² Ibid

¹⁶³ Ibid

¹⁶⁴ Ibid

¹⁶⁵ Ibid

¹⁶⁶ Based on the interview with Pathumthani Welfare Protection Center for Victims of Trafficking on 11 August, 2022.

- Coordination with Myanmar side
Due to the political unrest and the pandemic in Myanmar, repatriation to Myanmar has been suspended. CMM with Myanmar has continued online during the pandemic, and the next CMM was scheduled to take place in July-August 2022, but no official communication has been received from the Myanmar side.
- Response against DV
In Myanmar, there are many cases of DV, and among the families admitted to the center, DV has been confirmed as well. Currently, the center is not accepting volunteers due to infection control measures. Currently, volunteers from JICA or other organizations are not being accepted due to infection control measure. Once the acceptance of volunteers is resumed, the center expect that people with expertise in DV and SGBV prevention and response come to work there.

The Anti-Trafficking in Persons Fund

The Anti-Trafficking in Persons Fund is administered under Chapter 5 of the Anti-Trafficking in Persons Act (Articles 42-51) to provide relief to VOTs and strengthen measures against TIP. The Fund is managed by Division of the Anti-Trafficking in Persons Fund of DATIP in MSDHS and is used for five purposes: 1) direct support for VOTs; 2) expenses related to the protection of VOTs; 3) expenses related to the return and repatriation of VOTs; 4) implementation of measures against TIP; and 5) administration of the Fund¹⁶⁷. The Fund Management Committee, chaired by the PS of MSDHS and consisting of the PS of Ministry of Foreign Affairs, the PS of Ministry of Justice, a representative of Budget Bureau, and a representative of State Audit Office, has been established to approve various expenditures and confirm the financial status of the Fund¹⁶⁸.

There are five main types of subsidies provided to victims by the Fund¹⁶⁹.

- 1) Living expenses: 3,000 THB per person, 3 times per year. A social worker interviews each victim and applies to the Fund if considered necessary.
- 2) Remuneration for work in the shelters: 200THB per day for remuneration for the work of VOTs in the shelters (cooking, security guard, general affairs, gardener, etc).
- 3) Medical expenses: Medical expenses for visits to the hospital for treatment or other cares. No expense is borne by the victim.
- 4) Expenses related to repatriation: airport pick-up, accommodation or others.
- 5) Visa-related processing fees

Living expenses and compensation are sent from the Fund to the shelters, which in turn pay the victims. 4.13 million THB was paid to VOTs by the Fund in 2021¹⁷⁰. It is also provided to foreign victims.

The Fund can also be used to activities related to prevention and response to TIP, and each province can develop activities to be implemented by NOCHT or its responsible office on an annual basis, apply to Division of the Anti-Trafficking in Persons Fund, and receive a grant if approved.

While the Fund is a critical measure to assist VOTs for their recovery and legal proceedings, the following challenges have been reported;

- It was noted that the process for VOTs to access this fund was complicated, and that some victims did not receive the financial support they needed because of the complexity of the application

¹⁶⁷ Royal Thai Government (2008), The Anti-Trafficking in Persons Act B.E 2551 (2008) Section 44

¹⁶⁸ Ibid Section 45

¹⁶⁹ Based on the interview with DATIP on 28 April, 2022.

¹⁷⁰ US Department of State (2022) Trafficking in Persons Report: Thailand

process¹⁷¹.

- Concerning grants for activities to combat TIP, a number of respondents said that the requirements for applying grants are severe and the application process is complicated, making it very difficult to use them¹⁷².

National Referral Mechanism (NRM)

The National Referral Mechanism (NRM) is a new system that was approved in March 2022, after full-scale consideration of its introduction began following downgrading to the Tier 2 Watch List in the 2021 TIP Report. NRM is "a co-operative, national framework through which governments fulfil their obligations to protect and promote the human rights of victims of trafficking, coordinating their efforts in a strategic partnership with civil society organizations"¹⁷³. The specifics vary from country to country, but it calls for the provision of appropriate services not only to reliably identified victims, but also to persons presumed to be victims (Presumed Trafficked Persons)¹⁷⁴.

The main point of NRM in Thailand is to provide a 45-day reflection period for victim identification. ATP approved NRM guidelines in March 2022, which include a 45-day reflection period to respect the process of recovery of victims and self-determination in a place where the victim is free from the fear of the perpetrator¹⁷⁵. ATP also directed MSDHS to promote the implementation of NRM¹⁷⁶.

Hotlines

In Thailand, there are a number of hotlines for reporting and counseling VOTs, and the agencies concerned operate their own hotlines. Some of the major hotlines are listed below;

- Social Assistance Center 1330 Hotline: A 24-hour hotline dedicated to TIP operated by MSDHS. In 2021, the hotline received information on 64 suspected trafficking cases (31 cases of forced prostitution, 20 cases of sexual exploitation, 11 cases of forced labor, 1 case of forced begging, 1 case of commercial surrogacy, victims are 8 men and 56 women). All 64 cases were referred to the relevant authorities for further investigation¹⁷⁷.
- Ministry of Labour Hotline 1506, 1546, 1694
- DSI Hotline 1202
- TATIP 24-hours Hotline 1599
- TICAC Hotline 1191, 1441

In addition to telephone calls, reports are also accepted through social networking services such as Facebook, and there are also a number of hotlines operated by NGOs and other support groups.

Development of Relevant Guidelines

Various guidelines have been developed by various ministries and agencies for dealing with TIP. The main guidelines currently in use are listed in Table 16.

Table 16 : List of Documents Related to Counter-TIP Measures in Thailand

Name of documents	Detail
Guidelines on Claims for Compensation (2018)	It is a guidelines issued by the MSDHS on the practice of claiming compensation in TIP cases.

¹⁷¹ US Department of State (2022) Trafficking in Persons Report: Thailand

¹⁷² JICA, et al, (2016), The Final Report of the Research on Extensive Activities of the Project for Capacity Building to Support Victims of Trafficking in Persons in the Mekong Region, P.101

¹⁷³ OSCE/ODIHR (2004), NATIONAL REFERRAL MECHANISMS: Joining Efforts to Protect the Rights of Trafficked Persons A Practical Handbook. P.15

¹⁷⁴ USAID, Winrock International (2021), Review of Models of Care for Trafficking Survivors in Thailand, P.11

¹⁷⁵ Royal Thai Government (2022), Royal Thai Government's Progress Report on Anti-Human Trafficking Efforts, P.1

¹⁷⁶ Ibid, P.28

¹⁷⁷ Royal Thai Government (2022), Thailand's Country Report on Anti-Human Trafficking Response (1 January – 31 December 2021)

Name of documents	Detail
Guidelines to Enhance Efficiency of Human Trafficking Victim Identification (2016)	It is a guidelines developed in consultation with government agencies and CSOs. It specifically defines a series of processes, including screening and referral, for victim recognition.
Royal Ordinance Concerning Rules on Bringing Migrant Workers to Work with the Employers in the Kingdom B.E. 2559 (2016)	It is a royal ordinance pertaining to the prevention of exploitation and forced labor to migrant workers.
MDT Operational Guidelines for the Protection of Victims of Human Trafficking (2013)	It is a set of guidelines for MDT operations developed jointly by the MSDHS and JICA, consisting of three chapters: 1) Assistance to foreign victims of trafficking in Thailand, 2) Assistance to Thai and foreign nationals having permanent residence in Thailand who were victims of trafficking in foreign countries and have returned to Thailand, and 3) Information on Procedures in Claiming for the Anti-TIP Fund.

Source: Created by the author based on the results of interviews

Mobile Application “PROTECT-U”

MSDHS is offering a mobile application called “PROTECT-U” starting in March 2019 as a tool for victims and their associates to report TIP to government authorities.

The application allows victims and stakeholder to share their location on Google Maps using the Global Positioning System (GPS), and if they need an interpreter, they can request one through the application (Myanmarese, Cambodian, or Laotian)¹⁷⁸. The application also provides information on the rights of migrant workers in Thailand in seven languages: English, Cambodian, Myanmarese, Chinese, Vietnamese, Lao, and Thai¹⁷⁹. The application also features an online store that sells items made by VOTs residing in public shelters in Thailand as part of their vocational training.

Electronic Database for Anti-Human Trafficking (E-aht)

The Electronic Database for Anti-Human Trafficking (E-aht, <https://www.e-aht.com/>) is a website that compiles various data related to the fight against TIP. It is managed and operated by DATIP. The website provides information on the number of TIP cases handled by the government, documents related to measures against TIP, and public relations materials, and also offers for sale items produced by VOTs in government-run shelters as part of their vocational training (the website is available only in Thai).

Don Mueang Human Trafficking Victim Identification Centre

The Government of Thailand, in cooperation with Ministry of Labor, Royal Thai Police, and other relevant agencies, established “Don Mueang Human Trafficking Victim Identification Centre” in February 2022. The center consists of three main functions as follows¹⁸⁰;

- 1) Victim Identification
Potential trafficking victims will be provided with safe accommodation and victim/survivor-centered services to help them recover from trafficking trauma. Innovative technology and database system will be used to elevate victim identification process and protection services
- 2) Anti-Trafficking in Persons Operation Centre for the Multidisciplinary Teams (MDTs) and related agencies
- 3) Regional Centre of Excellence for Combating Trafficking in Person

¹⁷⁸ Bangkok Post, <https://www.bangkokpost.com/thailand/general/1836544/protect-u-app-gives-big-boost-to-victims>, last accessed on 28 September, 2022

¹⁷⁹ Royal Thai Embassy, Washington <https://thaiembdc.org/2020/02/03/ministry-of-social-development-and-human-security-launched-protect-u/>, last accessed on 28 September, 2022

¹⁸⁰ Royal Thai Government (2022), Royal Thai Government’s Progress Report on Anti-Human Trafficking Efforts 1 January – 31 March 2022, P.1

The facility will train law enforcement officers to become specialists in anti-TIP. The training curriculum will be jointly developed with the NGO “International Justice Mission (IJM)” and ASEAN-ACT.

Crackdown on Forced Labor in the Fishery and Seafood Processing Industry

TIP and forced labor fishery in Thailand was widely reported internationally around 2014, and in light of the seriousness of the situation, the U.S. TIP Report downgraded Thailand to Tier 3 in 2014 and 2015, and the European Union (EU) issued a warning (commonly known as a "yellow card") on illegal, unreported, and unregulated fishing (IUU fishing).

In response, the Government of Thailand established “Port in Port Out Controlling Centers (PIPOs)” in all 22 provinces bordering the sea in 2015 as a mechanism to more strictly control TIP and forced labor in the fishery and seafood processing industry. PIPOs are operational centers that take the lead in resolving various issues in the industry. The MDTs consisting of Ministry of Labor, Ministry of Fisheries, The Port Authority, Navy, and others are organized to crack down on TIP and forced labor in the fishery and seafood processing industry. The Navy took the lead when PIPOs was first established, but since the Navy alone cannot conduct all of the enforcement, the MDT is now under the jurisdiction of Ministry of Fisheries, with the participation of other agencies.

As part of the process of protecting workers' rights, all fishing vessels are first registered with PIPOs, and PIPOs also checks all contracts for workers on the vessel. At the same time, work permits are obtained, the amount of salary (above the minimum wage), and the method of salary payment (all payments must be made by bank transfer) are also confirmed. All employment contracts must be written in at least two languages, Thai and the worker's native language, and no one under the age of 18 may be employed. The Port Authority verifies the relevant documents for the vessel. In addition to these document checks, PIPO MDTs conduct random checks of vessels to ensure that there are no discrepancies between the contract and the actual conditions through interviews with crew members and other means.

In addition to the crackdown by PIPOs, the number of cases of TIP and forced labor in the Thai fishery and seafood processing industry is said to have decreased significantly as a result of the revision of related laws and the development of various SOPs and guidelines. It is reported that there were 22 cases of TIP in the fishery industry investigated in 2021¹⁸¹. However, there are reported cases of people being paid in cash in some ports due to the lack of ATMs nearby, being unable to return home because their employers have confiscated their ID cards, and facing forced overtime due to the increased demand for storable seafood caused by the pandemic. In the fishery and seafood processing industry, it is estimated that 14-18% of migrant workers are still victims of forced labor¹⁸².

Initiatives for 2022 and beyond

Following the upgrade to Tier 2 in the TIP report by the U.S. Department of State, the Government of Thailand announced in July 2022 that it will pursue the following policies in order to further strengthen its efforts and step up to Tier 1 in the future¹⁸³

- 1) Effective implementation of the action plan on National Referral Mechanism (NRM), cases management, victim protection, and forced labour B.E. 2565 by all agencies.
- 2) Monitoring the NRM implementation and reflection period to strengthen victim identification,

¹⁸¹ US Department of State (2022) Trafficking in Persons Report: Thailand

¹⁸² Ibid

¹⁸³ Royal Thai Embassy, Washington D.C., <https://thaiembdc.org/2022/07/27/thai-government-to-advance-six-measures-against-human-trafficking/>, last accessed on 15 September, 2022.

referral, and protection system.

- 3) Utilizing a national victim identification center for the entire process which includes pre-screening preparation, screening and identification of the presumed trafficking victims.
- 4) Establishing the Counter Trafficking in Persons Center of Excellence, in collaboration with the Australian government, to enhance technical cooperation and exchange expertise between countries in Asia. The MOU is scheduled to be signed during one of the APEC Meetings, hosted by Thailand.
- 5) Expanding the Child Safe Friendly Tourism Project to cover the entire country as a proactive measure to protect children from trafficking.
- 6) Partnering with USAID Thailand Counter Trafficking in Persons Project (USAID Thailand CTIP) and Winrock International to develop systems and guidelines for preventing and combatting child labor, forced labor, and human trafficking.

5.4.2 Initiatives by Local Administration

This section provides an overview of TIP and the implementation of measures to combat it in Ranong and Sa Kaeo provinces where the field research was conducted.

Ranong Province

In Ranong Province, VOTs were mostly fishery workers around 2014-2015. Many were victims of forced labor, also known as slavery, which was a harsh environment where ID cards were confiscated, they were not given enough rest, and they were forced to work under conditions that were completely different from those in their contracts. However, as a result of various countermeasures through the aforementioned PIPOs, there are currently no cases of forced labor or TIP in the fishery and seafood processing industries in Ranong Province¹⁸⁴. In addition, TIP related to sexual exploitation has always been low, with only a few cases a year¹⁸⁵. On the other hand, since Ranong Province borders Myanmar across the sea, the number of immigrants from Myanmar has been increasing since the political uprising in Myanmar. Since there are cases of high risk of TIP, audits and crackdowns through the Labor Inspectors have been strengthened¹⁸⁶.

POCHT coordinates TIP policies in the province. The committee meets monthly, chaired the Provincial Governor, with members of PSDHS, the labor office, the police, the military, and other relevant agencies, discusses in the planning and review of policy progress and projects. Other activities include awareness-raising activities (media coordination, preparation of public relations tools, airing of radio programs, publicity and promotion of information on TIP, creation of billboards, etc.), conducting training programs, and planning for crackdowns and spot checks on fishing vessels. In addition, as mentioned above, Pocht considers the implementation of activities at the provincial level, as it can apply for grants from the Anti-Human Trafficking Fund to carry out it. The Ranong PSDHS has applied for a plan to conduct a 3-day MDT training course, and the police have applied for a plan to prepare awareness-raising materials on Anti-TIP and forced labor and a plan to strengthen the network for monitoring migrant workers¹⁸⁷.

Ranong has been holding Border Committee on Anti-Trafficking in Persons (BCATIP) meetings with neighboring Myanmar provinces twice a year since 2011 to share information and strengthen cooperation. Since the pandemic, the meetings have been suspended.

¹⁸⁴ Based on the interview with Ranong Provincial Office of Labour on 5 May, 2022.

¹⁸⁵ Ibid

¹⁸⁶ Ibid

¹⁸⁷ Based on the interview with Ranong PSDHS on 5 May, 2022.

The following issues regarding trafficking in persons were identified in Ranong Province¹⁸⁸.

- Lack of human resources involved in victim identification
PSDHS in Ranong Province lacks human resources for victim identification. Because of its location on the border with Myanmar, there are many illegal immigrant workers and many requests come in every month for the victim identification process, but it is sometimes difficult to respond to these requests due to the lack of sufficient personnel. There is also a lack of interpreters with expertise.
- Suspension of Coordination with Myanmar
Due to the political change and the pandemic, repatriation and deportation procedures to Myanmar have been suspended for several years. In addition, as mentioned above, BCATIP has not been held, making it difficult to coordinate with the Myanmar side on an ongoing basis.

5.4.2.1 Sa Kaeo Province

There are few cases of TIP in Sa Kaeo Province¹⁸⁹, but the risk of trafficking and forced labor is high due to the large number of migrant workers. Because of the border checkpoint with Cambodia, there are many migrant and migrant workers from Cambodia. Before the pandemic, more than 10,000 Cambodians, including illegal migrants, were reportedly coming to work at the Rongkluea Market in front of the checkpoint every day¹⁹⁰. Many Cambodian children also work at the market, selling goods, carrying cargo, and begging while their parents work¹⁹¹.

The Sa Kaeo Provincial Office of Labour is in charge of enforcing forced labor, and there are cases of potential illegal labor that are identified through audits by labor inspectors and investigations by the police¹⁹². If such a case is found, the employer will be informed and asked to take action to ensure that the working environment is appropriate.

Sa Kaeo PSDHS is engaged in prevention and response to TIP, including victim identification at the MDT. As in Ranong Province, POCHT compiles the measures and the latest status of TIP in the province and promotes the implementation of the plan, as well as examines the application for grants to the Anti-Trafficking in Persons Fund by the various agencies involved. Sa Kaeo PSDHS is using the fund to train personnel, especially the police, on the Anti-TIP Act and other regulations, to train members of the MDT, and to educate employers. Human resource development for MDT members, and awareness-raising for employers. While number of TIP within the province is low, in recent years, as mentioned in Chapter 2, 0, Thai nationals have been victims of forced labor in Scam Call Center in Cambodia, and Sa Kaeo Province, where the border checkpoint is located, is in charge of victim identification process for victims who are repatriated from Cambodia. Since there can be more than 100 victims in one repatriation period and the MDT certification process must be completed within a certain period, assistance is sometimes requested from the MDT in neighboring provinces when there are a large number of victims¹⁹³.

Since Sa Kaeo Province borders Cambodia, a Regional Border Committee (RBC) meeting is being held with neighboring provinces on the Cambodian side and on the Thai side (see Chapter 2, 0). RBC, which was suspended due to the pandemic but resumed in 2022, was held in Thailand on May 11, 2022. 7 issues were addressed at RBC, one of which was TIP, and the strengthening of inter-border policing and coordination was discussed¹⁹⁴.

¹⁸⁸ Ibid

¹⁸⁹ Based on the interview with Sa Kaeo Provincial Office of Labour on 12 May, 2022.

¹⁹⁰ Based on the interview with World Vision Sa Kaeo on 13 May, 2022.

¹⁹¹ Ibid

¹⁹² Based on the interview with Sa Kaeo Provincial Office of Labour on 12 May, 2022.

¹⁹³ Based on the interview with Sa Kaeo PSDHS on 12 May, 2022.

¹⁹⁴ Based on the interview with Sa Kaeo PSDHS on 12 May, 2022.

In Sa Kaeo Province, the following issues were identified regarding TIP¹⁹⁵.

- Lack of human resources involved in victim identification
Sa Kaeo PSDHS is short on staff for victim identification. Currently, there are five staff members with experience in identification process, but the number of victims of Scam Call Center is too large for them to handle. There is also a lack of training opportunities for MDT personnel development. There are seven staff from the Sa Kaeo Provincial Office of Labour participating in MDTs, but none of them have received formal training in victim identification¹⁹⁶. The MDT are not trained to conduct the procedure, as the victim identification training organized by MSDHS has a limited number of participants and there are few opportunities for MDT members other than PSDHS such as the office of labour and the police to participate.
- Response against Scam Call Center
It is estimated that there are still many Thai victims in Cambodia, and the repatriation of victims of Scam Call Center victims is assumed to continue, making the establishment of an appropriate response mechanism a challenge.

5.5 Initiatives by International Organizations, Bilateral Aid Agencies, NGOs or other private organizations

In Thailand, international organizations, bilateral aid agencies, and many NGOs and other private organizations are providing support to combat TIP. This section provides an overview of assistance provided by the organizations interviewed during the field research.

5.5.1 International Organization

5.5.1.1 UNDP

UNDP is currently implementing “Ship to Shore Right Programme (S2SR)”, an EU-funded joint program with ILO and IOM. The program promotes proper and safe migration in the fishery and seafood processing industries in Southeast Asia by protecting the rights of migrant workers, advocating evidence-based policy solutions to governments, and empowering workers. It also works with industry associations, NGOs, and CSOs to prevent TIP. The role of UNDP in the program is as follows¹⁹⁷.

- 1) Improve understanding and knowledge of the drivers, consequences, and dynamics of labor migration and TIP in Southeast Asia to promote knowledge and evidence-based policies and practices
 - Conduct research on migration and development with a focus on workers engaged in the fishery and seafood processing industries and produce a range of relevant documents.
- 2) Strengthen partnerships between labor inspectorates, law enforcement authorities and social partners to combat TIP and unacceptable forms of labor
 - Support TRM building under the COMMIT process for VOTs for forced labor and vulnerable migrants, including SOP development and capacity building, and work with and support existing NRMs to share good practices and lessons learned in the region

In line with the above-mentioned roles, the committee organizes consultations for TRM establishment, supports the organization of the Inter-Ministerial Meeting (IMM) of COMMIT scheduled to be held in Thailand in 2022, and conducts other research and analysis are implemented.

5.5.1.2 UN Women¹⁹⁸

UN Women is currently working on the program “Safe and Fair: Realizing women migrant workers’

¹⁹⁵ Ibid

¹⁹⁶ Based on the interview with Sa Kaeo Provincial Office of Labour on 12 May, 2022.

¹⁹⁷ Based on the interview with UNDP on 19 April, 2022.

¹⁹⁸ Based on the interview with UN Women on 21 April, 2022.

rights and opportunities in the Association of Southeast Asian Nations (ASEAN) region”, an EU-funded project aimed at eliminating violence against female migrant workers in 10 ASEAN countries (Brunei, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, the Philippines, Singapore, Thailand and Vietnam) in cooperation with ILO and UNODC. This program is part of "Spotlight Initiative to eliminate violence against women and girls," an initiative to eliminate SGBV that will run for three years in 10 targeted countries. The objectives of the program are as follows;

- 1) Women migrant workers are better protected by gender-sensitive labour migration governance frameworks;
- 2) Women migrant workers are less vulnerable to violence and trafficking and benefit from coordinated responsive quality services;
- 3) Data, knowledge and attitudes on the rights and contributions of women migrant workers are improved.

In Thailand, targeting foreign female migrant workers who have migrated to Thailand (policy advocacy and awareness-raising activities may target the general female population who are not migrant workers), awareness-raising activities related to SGBV prevention for Rohingya women migrant workers, strengthening NGOs and CSOs networks support, providing information aimed at improving access to essential services such as medical, social, and judicial services, and training government agencies on the collection of SGBV-related data.

5.5.1.3 ILO¹⁹⁹

ILO, together with UN Women and UNODC, is implementing the above-mentioned "Safe and Fair" program, which provided psychosocial support by clinical psychologists and recreational activities for women, especially Rohingya women, who are VOTs and are staying in shelters in Surat Thani and Nonthaburi provinces until 2020. The program also provided psychosocial support by clinical psychologists and recreational activities for children of TIP victims in Surat Thani and Nonthaburi provinces.

In 2021-2022, new training on forced labor and TIP is being provided to 100 labor inspectors, as well as training on gender-sensitive practices in the victim identification process. In addition, in 2022, 102 interpreters employed by Ministry of Labour will be trained on psychosocial approaches in interviews to identify VOTs.

5.5.2 Bilateral Aid Agencies

ASEAN-ACT Thailand

ASEAN-ACT Thailand focuses on prosecution and protection of VOTs, primarily through the following activities²⁰⁰.

- 1) Support for strengthening the criminal justice system
It provides capacity building support for police officers, prosecutors, and judges on TIP and forced labor in cooperation with law enforcement agencies such as Royal Thai Police, DSI, and Ministry of Justice. Specifically, the program provides Trauma Informed Care training for prosecutors and Evidence Issue Seminars for judges.
- 2) Support for implementation of bilateral meetings
It is supporting the organization of a bilateral meeting on cross-border investigative cooperation between Thailand's law enforcement agencies and Myanmar. It is also planning meetings between

¹⁹⁹ Based on the interview with ILO on 28 April, 2022.

²⁰⁰ Based on the interview with ASEAN-ACT Thailand on 19 April, 2022.

Thailand and Cambodia, Lao PDR, and Malaysia, and will support the implementation of a Joint Task Force Meeting to be held with Cambodia.

- 3) Preparation of various documents related to TIP
It has developed a handbook for judges and prosecutors on TIP cases and an interpreter handbook. It has also developed ToT tools.
- 4) Establishment of the Center of Excellence
In collaboration with the Government of Thailand, the Center of Excellence is being launched to coordinate capacity building on TIP. The center will be jointly managed by Governments of Thailand and Australia and will develop training curricula and provide training.
- 5) Participation to ATP
It participates in meetings as a member of several national committees, including the National Programme Steering Committee (NPTC), Capacity Development and Sustainable Solution sub-committee, and NRM sub-committees.
- 6) Compilation of public comments on the Anti-Trafficking in Persons Act
In response to requests from MSDHS, It provides support for evaluation and compilation of public comments on anti-trafficking in persons policies and the Anti-Trafficking in Persons Act. With regard to the Anti-TIP Act, MSDHS is providing assistance in evaluating the consistency with other relevant laws and international conventions, and the effectiveness of the Act since its revision.
- 7) Advocacy on freedom of movement of victims in shelters
It conducts advocacy to MSDHS, which has jurisdiction over shelters for VOTs, to ensure the freedom of movement of victims.

Basically, since specialized agencies for TIP in Thailand (police and DSI or others) are located in Bangkok, ASEAN-ACT targets prosecutors and police officers assigned to Bangkok for training, but the Center of Excellence to be established will also target local officials for training.

5.5.3 NGOs and Private Organization

Winrock International Thailand²⁰¹

Winrock International Thailand mainly assists migrants and provides training to MDTs, operates a training platform for the government, and provides training for the private sector. It also collects good practices related to MDT activities and encourages DATIP and Ministry of Labor to disseminate them nationwide. It has provided training on how to apply to the Anti-Trafficking in Persons Fund and budget allocation, developed a gender toolkit for government agencies, and conducted gender training.

In addition to the above, Winrock International Thailand provides training for journalists on social behavior change communication, how to identify and report forced labor, and how to create posts on social networking sites. Training has also been provided for local residents and migrant workers on their benefits, rights, and social security and how to claim them. In Phuket, they have established a Migrant Development Center for fishermen, where they work with NGOs and lawyers to provide training on various topics such as forced labor cases, rights of workers, administrative services, and how to change jobs.

The target areas have been Chiang Rai, Chiang Mai, Start Thani, Sa Kaeo, and Phuket provinces for the past five years (MDT training has been conducted in all five provinces). Similar training will continue in Chiang Rai and Sa Kaeo provinces going forward.

²⁰¹ Based on the interview with Winrock International Thailand on 19 April, 2022.

5.5.3.1 A21 Thailand

A21 Thailand was founded in 2013 and officially registered as an NGO in Thailand in 2016. In 2016, in partnership with Royal Thai Police, law enforcement, USAID, the U.S. Federal Bureau of Investigation (FBI), and the U.S. government, A21 Thailand established the Child Advocacy Centre (CAC) in Pattaya to provide services to child victims of trafficking. As in Cambodia, the CAC has a child-friendly interview room²⁰². A21 Thailand has been conducting following main activities²⁰³.

1) Prevention and awareness-raising

It conducts training programs for primary school students on human rights, safe migration, or other relevant topics. According to Ministry of Education, the curriculum on TIP is only incorporated from upper secondary school, but since many victims are actually very young, A21 started the program as an extracurricular activity to raise awareness from an earlier age. Since the topic of TIP is relatively difficult to understand, the program is based on games and play for younger students. 7,000 children have participated in the program over the past three years. In the future, it expects to digitize the training contents and make it accessible on their website. A 21 is also advocating to the Office of Basic Education Commission (OBEC) of the Ministry of Education for a nationwide rollout of the training program.

2) Protection of VOTs

Since A21 is not a law enforcement agency, it does not directly protect VOTs with regard to protection, but rather focuses on advocacy related to strengthening victim protection. Specifically, A21 provides legal support and assistance in implementing victim identification. It also provides the following training;

- Specialized training on TIP: It is training on definition of TIP and criteria for victim identification. It aims to increase the number of identified VOTs.
- Forensic Interview Training: Forensic interview training provided technical support to DSI with assistance from Homeland Security Investigations (HIS) of the U.S Government.

3) Psychosocial support for VOTs

A21 provides psychosocial support based on the needs of each VOT. It responds to victims who have been identified as VOTs by government agencies through receiving referrals from TICAC, other law enforcement agencies, and local NGOs in Pattaya (A21 does not have a hotline to receive direct reports). It has criteria to assess the psychosocial status of victims. The evaluation is conducted through interviews with caseworkers on a scale of level 1 to 4, and the aftercare program is terminated when the victim reaches level 4.

5.5.3.2 Hug Project

Hug Project is a local NGO in Thailand that works on combating trafficking in persons, especially child victims, prevention of TIP, protection of victims, and capacity building of law enforcement agencies²⁰⁴.

1) Prevention

It provides awareness-raising activities and training on sexual crimes, online sexual exploitation, and child labor for primary and secondary school students, teachers and parents. Training is conducted online, so that as many children and parents as possible can be reached (Bangkok, Chiang Mai, and Chiang Rai have many NGOs active and many similar trainings are offered, but other areas do not have access to training). It also encourages each school to assign a Child Protection Officer within the school to ensure that students are able to consult immediately if any

²⁰² After discovering that most of the child victims in Pattaya were Cambodians, A21 began working with the Government of Cambodia to prepare for establishment of a CAC in Cambodia, and opened it in Siem Reap in 2019.

²⁰³ Based on the interview with A21 Thailand on 21 April, 2022.

²⁰⁴ Based on the interview with Hug Project on 28 April, 2022.

problems arise.

2) Protection

It receives reports from children who are victims of some kind of crimes and works with the police and other law enforcement agencies to protect them. Hug Project has a hotline to receive reports, but most of the reports come from social networking sites, with requests for help coming in almost daily on Twitter. Many of them are cases of online sexual exploitation and sexual violence, and some have even developed into TIP. Upon receiving a call, it works closely with the police, prosecutors, and judges to help victims to access to justice quickly. Although some NGOs conduct detailed interviews with victims themselves and later contact the police, Hug Project believes it is important to work with the police and government from the initial stages of handling a case.

Hug Project also operates CACs in Chiang Rai, Phuket, and Kanchanaburi, providing counseling services to children in need of psychosocial support.

3) Strengthening the capacity of law enforcement agencies

It is strengthening capacity for law enforcement agencies, primarily TICAC and OAG. For TICAC, it has developed a handbook and SOPs on the prevention of online sexual exploitation and conducted training based on these documents in order to strengthen its capacity to investigate online sexual crimes and conduct forensic investigations. For OAG, it has developed a training curriculum and conducted training for prosecutors throughout the country with the aim of establishing “Child-friendly Justice”.

5.5.3.3 World Vision Thailand²⁰⁵

World Vision Thailand has no support activities directly related to TIP at the time the research was conducted, but has implemented projects in the past that focus specifically on combating TIP, and has applied for funding from Winrock International to start a new project for counter-TIP. When it will obtain funding support, it expects to conduct activities in 4-5 provinces, including Chiang Rai and Ranong, to combat TIP, especially awareness-raising activities including advocacy, and activities related to protection of VOTs, focusing on strengthening the capacity of MDTs. Although not implemented in any projects on anti-TIP, it provides training to MDTs and other officials when requested by local administrations. Last year, it provided MDT capacity strengthening training in Sa Kaeo, Ranong, and Surat Thani, where there are many migrant workers. The training was attended not only by MDT members, but also by community leaders and other stakeholders who are familiar with local contexts, with the aim of promoting understanding and improving response capacity throughout the region.

Currently, with funding from IOM, it is providing COVID-19 vaccination support and cash transfers to support the livelihoods of migrant workers affected by the COVID-19 pandemic.

5.6 The Impact of the COVID-19 Pandemic

The number of migrant workers who entered Thailand legally by land in FY 2020 was 5,800, a 99% decrease from 1 million in the previous year, due to the restriction to travel to Thailand from abroad with border closures caused by the pandemic²⁰⁶. In line with this, the number of cases of trafficking and forced labor investigated dropped significantly in FY 2020, although several reports and interviews estimated that illegal entry from neighboring countries continued, and that there would continue to be many VOTs among illegal migrant workers²⁰⁷.

Trafficking in persons for the purpose of forced prostitution is reported to have decreased because

²⁰⁵ Based on the interview with World Vision Thailand on 19 April, 2022.

²⁰⁶ Royal Thai Police Immigration Bureau (2021), Immigration Statistics

²⁰⁷ Based on the interviews with NGOs

tourists have been no longer entering the country. On the other hand, in an assessment of counter-trafficking measures conducted by USAID in 2021 based on a questionnaire survey of stakeholders (government officials, NGO officials, and others) in Thailand, the COVID-19 pandemic was the most frequently cited challenge by respondents²⁰⁸. The assessment reported that the use of the Internet further accelerated during the pandemic, leading to an increase in online sexual exploitation and trafficking²⁰⁹. It is also noted that the economic situation has deteriorated due to the pandemic, leading to long hours of work at low wages²¹⁰. In addition, infection control measures have had a significant impact on normal business operations, such as the need for a certain period of isolation in quarantine facilities before the victim identification process can be implemented, and interruptions and delays in police investigations and trials. Some said that the introduction of information technology, such as online trials, had already been in place and had not had a serious impact on the implementation of trials²¹¹, while others said that the lack of an online platform and infrastructure in the rural areas had a significant impact²¹².

5.7 Review on JICA Cooperation

5.7.1 Technical Cooperation Projects

JICA has so far implemented two technical cooperation projects aimed at strengthening Thailand's capacity to combat TIP.

1) Project on Strengthening of Multi-Disciplinary Teams (MDTs) for Protection of Trafficked Persons in Thailand

“Project on Strengthening of Multi-Disciplinary Teams (MDTs) for Protection of Trafficked Persons in Thailand (2009-2014, hereafter referred to as "Phase 1")” focused on strengthening the capacity of MDTs to effectively rescue, protect, and reintegrate VOTs in order to respond to the rapidly increasing number of VOTs in Thailand.

The project purpose was set as "Thai Government provides effective protection to trafficked persons through the operation of Central and Provincial MDTs” and capacity building was conducted under the following three outputs.

- Output1: Functions (Coordination, Management, Operation, as well as capacity development) of central MDT are strengthened for protection of trafficked persons.
- Output2: Functions (Coordination, Management, Operation, as well as capacity development) of provincial MDTs in selected provinces are strengthened for protection of trafficked persons.
- Output3: Lessons learned on the MST approaches for protection of trafficked persons are shared among selected countries.

In the terminal evaluation conducted from August to September 2013, the project purpose and outputs 1-3 were expected to be achieved, and relevance, effectiveness, and sustainability were rated as high, but the impact was rated as moderate. Expectations were expressed for sharing the findings with MDTs outside the project target provinces (Phayao and Chiang Rai) and at the district and sub-district level²¹³. It was also reported that the expected results were not achieved due to the lack of cooperation from key persons in the target districts in Chiang Rai Province and the fact that

²⁰⁸ USAID (2022), Final Assessment Report-Thailand Countering Trafficking in Persons (CTIP), P. 7

²⁰⁹ Ibid

²¹⁰ Ibid

²¹¹ Based on the interview with OAG on 27 April, 2022.

²¹² Based on the interview with ASEAN-ACT Thailand on 19 April, 2022.

²¹³ JICA (2013), Report on Terminal Evaluation on “Project on Strengthening of Multi-Disciplinary Teams (MDTs) for Protection of Trafficked Persons in Thailand”, P. iii~vi

the MDT was not organized in the first place²¹⁴.

Throughout the project period, large number of workshops were conducted and related documents were developed to improve MDT capacity in the target provinces, and an annual MRW was held for practitioners from five countries (Thailand, Cambodia, Lao PDR, Myanmar, and Vietnam) to discuss MDT approaches and cross-border collaboration.

2) Project on Capacity Development on Assisting Victims of Trafficking in the Greater Mekong Sub-regional Countries

"Project on Capacity Development on Assisting Victims of Trafficking in the Greater Mekong Sub-regional Countries (2015-2019, hereafter referred to as "Phase 2")" was a continuation of the prior project, with activities focused on improving support for the reintegration of victims/survivors of trafficking in Thailand and neighboring countries in order to promote anti-trafficking measures.

The project purpose was set as "Assistance for building new lives of VOT and trafficked persons (both Thai and foreign) rescued/protected in Thailand is improved" and capacity building was carried out based on the following three outputs;

- Output 1: Capacity of MDT members especially social workers/case managers and VOT peer support groups in Thailand assisting social reintegration is enhanced.
- Output 2: Collaboration among Thai social workers/case managers and other related agencies working on VOT repatriation is improved.
- Output 3: Support mechanism/structure(s) for VOT social reintegration and repatriation in neighboring countries are enhanced.

In addition to the Bangkok Metropolitan Region, Chiang Rai, Phayao, and Ubon Ratchathani provinces, two provinces in Lao PDR and one province in Myanmar bordering Thailand were selected as target provinces (with Lao PDR and Myanmar, cross-border regional-level cooperation was promoted). No mid-term or terminal evaluation has been conducted for the project, but the project completion report indicates that relevance, efficiency, impact, and sustainability are high²¹⁵. Effectiveness was rated as moderate, as several indicators were "partially achieved"²¹⁶.

In this project as well, various trainings were delivered and related documents such as handbooks were prepared, and provincial level cooperation with neighboring countries was promoted. In addition, MRW meetings were held once a year, as in the preceding project, to share experiences and knowledge related to support for social reintegration of victims/survivors and bilateral and regional cooperation.

Regarding the above two technical cooperation projects, the research confirmed the following points;

- While cooperation between countries requires time-consuming procedures through diplomatic channels and other means, the cross-border collaboration among provinces implemented in the second phase received a certain degree of recognition as faster as and more effective than the country-to-country collaboration²¹⁷. According to the Chiang Rai PSDHS representative interviewed, the collaboration with Bokeo Province, Lao PDR, established through the second phase is continuing, including sessions to share learnings with each other. Although the work has been temporarily suspended due to the pandemic, the work plan is planning to be shared after the

²¹⁴ Ibid

²¹⁵ JICA (2019), Project Completion Report-Project on Capacity Development on Assisting Victims of Trafficking in the Greater Mekong Sub-Regional Countries (CM4TIP), P,17

²¹⁶ Ibid P.18-19

²¹⁷ Based on the interview with UNDP on 19 April, 2022

pandemic. On the other hand, there has been no contact with Tachileik Province in Myanmar since the political change, where a cooperative relationship was also established through the second phase of the project²¹⁸.

- There is still a great need for the capacity building of local MDTs that has been implemented by JICA projects. As shown in the aforementioned research in Ranong and Sa Kaeo Provinces, it was confirmed that local MDTs have few training opportunities, and that not all those involved have a sufficient understanding of TIP and identification process. The spillover to other provinces, which was expected at the end of the first phase, has not been fully implemented.
- Holding MRWs is continued in the third phase, "Project for Strengthening Regional Network for Combating Trafficking in Persons (TIP) in Mekong Region" (2022-2025). It continues to be a valuable opportunity for working-level officials from Thailand and neighboring countries to gather and share knowledge. On the other hand, how to ensure the sustainability of such opportunities after the project is completed is an issue to be considered.
- Although it was not possible to track the current use of the many documents produced by JICA projects throughout the first and second phases, development partners reported that those documents were very useful²¹⁹. However, it was confirmed that the list of persons in charge of TIP in each province was not updated regularly, as it has been long since its publication and there has been a lot of turnover of persons in charge²²⁰. It is a significant issue to maintain the effectiveness of relevant documents produced by the projects through continuous updating and revision.

5.7.2 Others

JICA has also deployed JICA Volunteers to Welfare Protection Centers for Victims of Trafficking over the years. It was consisted of a variety of occupations, including youth activities, handicrafts, and domestic science, to assist with mental support for victims and provide vocational training. At the time of the field research, the deployment of JICA Volunteers, which had been suspended due to the spread of COVID-19, had just resumed, so there were no members dispatched to the shelters. JICA is conducting a survey of the requests of each shelter through MSDHS, and plans to consider dispatching more specialized and experienced personnel, such as social workers and clinical psychologists, depending on the needs of the shelters²²¹.

In addition, JICA has accepted participants from Thailand to its Knowledge Co-Creation Programs (KCCP), which are "Seminar on Promotion of Networking among Asian Countries on Anti-Human Trafficking" and "Promotion of Networking among ASEAN Countries on Anti-Trafficking in Persons (from 2015)" in Japan since 2012. In KCCP, total of 15 participants from Thailand have joined since 2014 (it was online bases training in 2020 and 2021). They have been provided with opportunities to learn about measures taken by the Government of Japan and private organizations to combat TIP, as well as learn more about counter-measures and protect victims/survivors through case studies and visits to related institutions.

5.8 Needs and Challenges

This section describes challenges and needs identified through the research according to 5P perspectives of Policy, Prosecution, Prevention, Protection, Partnership (including Monitoring and Evaluation, and Data Collection and Management) described in 1.2 of Chapter 2.

²¹⁸ Based on the interview with Chiang Rai PSDHS on 17 June, 2022

²¹⁹ Based on the interview with Winrock International Thailand on 19 April, 2022.

²²⁰ Ibid

²²¹ Based on the interview with a volunteer coordinator in JICA Thailand Office on 22 April, 2022.

5.8.1 Policy

【Legislation】

- Since Article 6/1 pertaining to forced labor was added to the Anti-Human Trafficking Act in 2019, there is a need to establish a clearer legal definition of what cases are considered trafficking and what cases are considered forced labor.

5.8.2 Prosecution

【Crackdown on crime】

- TIP cases using information technology are increasing rapidly. In particular, solicitation on social networking sites and sexual exploitation of children are on the rise. In addition, online crimes are becoming more sophisticated and complex, and the number of applications used is increasing, making it difficult to investigate and identify crimes.
- With the rapid increase in the number of forced labour cases of Scam Call Centers in Cambodia, further cooperation with the Government of Cambodia is required to fully understand the situation, punish the perpetrators, and protect the victims.
- There is a need to strengthen the crackdown on forced labor and labor exploitation in the fishery and seafood processing industry, construction, agriculture, and other sectors²²².

5.8.3 Prevention

【Awareness-raising on the private sector】

- Strengthening cooperation with the private sector is required to eradicate forced labor and labor exploitation.

【Others】

- The number of Thai nationals who are VOTs in persons overseas is increasing.
- As the forms of crime continue to diversify, the types of victims are also changing. The number of TIP cases is increasing among people who were previously considered unlikely to be VOTs, such as highly educated college graduates and people who speak multiple languages²²³. This background needs to be carefully analyzed and prevented.

5.8.4 Protection

【Shelters】

- Freedom of movement and freedom to use cell phones are not always guaranteed to the victims.
- Victims are required to initiate legal proceedings related to TIP in order to receive shelter and other services.
- There are very few cases where female victims are able to work outside the shelters compared to male victims.
- The skills acquired through vocational training at the shelters do not necessarily lead to employment or improved livelihoods after leaving the shelter

【Human resource management】

- In some cases, people who have no experience in TIP cases may join MDTs in rural areas due to personnel transfers, and basic understanding of TIP is not ensured.
- Capacity building of MDT members in rural provinces remains necessary. There are limited training opportunities available to rural areas, and some members are working as MDTs without ever receiving victim identification training.
- While there are complaints of a lack of training in the provinces, on the other hand, there are numerous training programs of various types being offered in Bangkok, and some government

²²² The following report raised concerns about forced labor in these three industries in particular.

USAID (2022), Final Assessment Report-Thailand Countering Trafficking in Persons (CTIP), P.10

²²³ Based on the interview with UNDP on 19 April, 2022.

employees spend many days away from their regular work to attend training programs²²⁴. It is necessary to reaffirm the training needs and carefully examine the effectiveness of the training programs that have already been implemented, and focus on more effective useful programs.

- In rural areas, interpreters who provide assistance to victims are in short supply. In particular, there is a lack of interpreters with sufficient knowledge of TIP, the Anti-TIP Act, and the victim/survivor-centered approach, which sometimes leads to differences in interpretation in interviews.

【Others】

- There are a number of formats and guidelines related to victim identification, which complicates the process. In addition, since they are prepared by different organizations, it is not clear whether the consistency among the documents is ensured or not. Although victim identification must be done with care and cannot be simplified easily, it is necessary to avoid situations where the complexity of the process causes discrepancies in understanding among members or where they are unable to use the format to its maximum extent.
- In dealing with TIP cases, it is critical to build a relationship of trust with community leaders who have a better understanding of local context. Investigations may not proceed smoothly without their cooperation²²⁵.
- Gender and social vulnerability perspectives need to be further incorporated throughout the entire victim protection process.
- A mobile application has been introduced for use by labor inspectors in the fishery industry to identify victims, but since the government does not provide cell phones and there is no Wi-Fi network, in some cases, labor inspectors have to use their own mobile phones and pay for the communication fees²²⁶. In addition, many migrant workers, especially those working in the fishery industry, are illiterate and cannot use applications to support victims²²⁷.

5.8.5 Partnership, Monitoring and Evaluation, and Data Collection and Management

【Cross-border collaboration】

- In order to promote cross-border initiatives, it is necessary not only for bilateral cooperation, but also to cooperate at the local level, such as in bordering provinces, as has been done in past JICA projects.
- Since the political change happened in Myanmar, procedures for repatriation of victims and deportation of migrants have been suspended, and no bilateral cooperation or other coordination has taken place.

5.9 Proposals for JICA Interventions

Based on the latest situation and issues described above, and taking into consideration a review of JICA experience in providing assistance to Thailand to date, JICA comparative advantage, its schemes, knowledge and experience that can be applied, the following proposal for assistance are suggested.

Table 17 : Interventions for Thailand

Items	Details
Overview	The model for the protection of migrant workers and their family members will be built through training and capacity building for those involved in forced labor of migrant workers and the welfare of migrant workers and their family members in Thailand through: 1) training on the enforcement of Article 6/1 of the Anti-Trafficking in Persons Act; 2) introducing the perspective of social vulnerability in dealing with

²²⁴ Based on the interview with NGOs

²²⁵ Based on the interview with World Vision Thailand on 19 April, 2022.

²²⁶ Based on the interview with ILO Thailand on 28 April, 2022.

²²⁷ Ibid

Items	Details
	migrant workers; 3) organizing, integrating and standardizing various guidelines and SOPs in the victim identification process; 4) collecting and managing data.
Project Objectives	Working and living conditions for migrant workers and their family members in Thailand will be improved.
Scheme	Technical Cooperation Project
Counterparts	Department of Labor Protection and Welfare, Ministry of Labour
Partner organizations	Anti-Trafficking in Persons Committee (ATP) Coordinating and Monitoring of Anti-Trafficking in Persons Committee (CMP) Ministry of Social Development and Human Security (MSDHS) Royal Thai Police
Expected outcomes	<ol style="list-style-type: none"> 1. The working and living conditions of migrant workers and their families in Thailand are clarified. 2. Implementation of appropriate processes based on standardized procedures for preventing and responding to forced labor is strengthened. 3. Migrant workers and their families are adequately protected.

6. The Results of the Research in Lao PDR

6.1 Overview

6.1.1 Socio-Economic Situation

The Lao People's Democratic Republic (hereinafter referred to as "Lao PDR") is a socialist republic located in the northern Indochina Peninsula, bordered by China to the north, Cambodia to the south, Myanmar and Thailand to the west, and Vietnam to the east. The total population is approximately 7.4 million (in 2021)²²⁸ and consists of more than 50 ethnic groups, including the Lao, who make up more than half of the total population²²⁹. The official language is Lao, and the majority of the population is Buddhist.

After being incorporated into the French Indochina Federation in 1899, Lao PDR gained independence in 1953, but was then repeatedly subjected to civil war. The country became the current Lao People's Democratic Republic in 1975 after the "Agreement on the Restoration of Peace and Reconciliation in Laos" was signed in 1973. The political system is based on a one-party under the leadership of the People's Revolutionary Party (PRP), with senior party officials holding concurrent posts in various state institutions. The party holds a party congress every five years to decide on policies and appointments for each five-year period²³⁰. Currently, Sisoulith General Secretary of the Lao People's Revolutionary Party is the head of state. Local government consists of the capital city of Vientiane and 17 provinces, followed by districts and villages.

Laos' GNI per capita in Lao PDR is USD 2,520 (Atlas method, 2021)²³¹, doubling from USD 1,140 a decade ago. The percentage of people living below the national poverty line defined by the Lao PDR (USD 2.5 per day) is 18.3% in 2018²³² and has been decreasing significantly. However, the economic gap between urban and rural areas remains large, and the poverty rate is reported to be high in areas with large ethnic minority populations²³³. Major industries include services, agriculture, and manufacturing. Lao PDR has maintained high GDP growth rates of about 6~8% annually since 1990, but negative growth has demonstrated in 2020 due to the COVID-19 pandemic. International transfers from migrant workers abroad have also been a major source of income, and the pandemic has forced migrant workers to return to Lao PDR, and the decrease in international transfers has been pointed out as one of the major factors related to the stagnation of economic growth²³⁴.

6.1.2 Overview of TIP

Status of TIP

Lao PDR is a country of origin for VOTs to neighboring countries, with the most frequent destinations being China and Thailand. Other trafficking victims from Lao PDR are sometimes identified in Malaysia, Indonesia, and Vietnam. Lao PDR is also a transit country for VOTs who travel from Vietnam to Thailand and China. In addition, Laotian and foreign VOTs have been identified in SEZs and other areas located within Lao PDR.

Comprehensive data on the numbers of TIP cases and VOTs in Lao PDR are not publicly available, but according to the TIP reports produced by the U.S. State Department in 2019-2021, the number of suspects of TIP crimes investigated by the Anti-Trafficking in Persons Department (ATD) of Ministry

²²⁸ World Bank, <https://data.worldbank.org/indicator/SP.POP.TOTL?locations=LA>, last accessed on 22 October, 2022

²²⁹ Ministry of Foreign Affairs, Japan, <https://www.mofa.go.jp/mofaj/area/laos/data.html#section1>, last accessed on 22 October, 2022

²³⁰ Ibid

²³¹ World Bank, <https://data.worldbank.org/indicator/NY.GNP.PCAP.CD?locations=LA>, last accessed on 22 October, 2022

²³² Asian Development Bank, <https://data.adb.org/dataset/basic-statistics-asia-and-pacific>, last accessed on 22 October, 2022

²³³ World Bank, et al (2020), Poverty Profile in Lao PDR, P.9

²³⁴ Ibid

of Public Security from 2019 to 2021 and the number of suspects subsequently referred to prosecutors are shown in Table 18. The number of TIP victims identified during the same period is also shown in Table 19. The Office of the Supreme People's Prosecutor (OSPP) reported that 21 out of the 25 cases were prosecuted and trials were initiated in 13 cases, resulting in the conviction of 10 defendants in 7 cases (in 2020, there were 5 cases and 11 defendants were convicted)²³⁵. The number of

Table 18 : Number of TIP Cases inLao PDR

	Number of cases and suspects investigated by ATD	Number of suspects referred to prosecution by ATD
2019	32cases	14 cases (25 suspects)
2020	21 cases (43 suspects)	10 cases (20 suspects)
2021	39 cases (77 suspects)	25 cases

*No number of people is given for some of the data for 2019 and 2021.
Source: Created by the author based on US Department of States, TIP Report Lao PDR 2020, 2021, 2022

Table 19 : Number of VOTs in Lao PDR

	Sexual Exploitaion	Forced Labor	Forced Marrage	Otehrs
2019	34	5	—	—
2020	21	39	66	16
2021	110			

*For 2021, no breakdown data provided.
Source: Created by the author based on US Department of States, TIP Report Lao PDR 2020, 2021, 2022

prosecutions and convictions by type of trafficking in persons is not tabulated. The number of prosecutions and convictions by types of trafficking in persons is not tabulated

Although the data for 2021 did not disclose a breakdown of types of TIP, gender and age of victims was broken down as follows: 30 women, 62 girls, 3 men, and 13 boys²³⁶. 92 out of 110 victims were Laotians who were VOTs abroad, most of them in China and Thailand.

The classification in TIP reports produces by the U.S. Department of State is Tier 3 for 2018, Tier 2 Watch List for 2019, and Tier 2 for the three-year period from 2020 to 2022. The rating was maintained at Tier 2 in 2022, due to the enhanced efforts by law enforcement agencies to investigate perpetrators of TIP and refer them to prosecutors, proactive implementation of training and awareness-raising activities, and increased repatriation of victims, compared to the situation before the COVID-19 pandemic started²³⁷. On the other hand, further efforts are required in terms of limited support for migrant workers returning from neighboring countries due to the border closure caused by the pandemic, lack of response against forced labor in the country, and insufficient capacity building of government officials in border areas²³⁸.

TIP Cases outside Lao PDR

China is the most common destination country for VOTs from Lao PDR, followed by Thailand²³⁹. The most commonly used route into China is through Northern provinces such as Louang Namtha Province, which borders the country, or through SEZs into Yunnan Province in China. Forced marriage is reported to be the most common form of TIP in China, and it is reported that in 2021, the Government of China repatriated 220 Lao women who were victims of forced or fraudulent marriages in China, and these women received social reintegration assistance from the Government of Lao PDR²⁴⁰. It has been noted that the percentage of child marriages (marriages under the age of 18) remains high in Lao PDR, which

²³⁵ US Department of States (2021), Trafficking in Persons Report: Lao PDR
²³⁶ Ibid
²³⁷ Ibid
²³⁸ Ibid
²³⁹ Based on the interview with Ministry of Public Security on 1 April, 2022.
²⁴⁰ US Department of States (2022), Trafficking in Persons Report: Lao PDR

is one of the reasons for the high number of victims of forced marriages in the country and abroad²⁴¹. In fact, UNICEF Multiple Indicator Cluster Surveys (MICS) conducted in 2017 found that the "percentage of women aged 20-24 who were married before the age of 18" was 33%, which is higher than in neighboring countries such as Cambodia (19%, 2014), Thailand (20%, 2019), Myanmar (16%, 2015), and Vietnam (11%, 2014)²⁴².

It is reported that many Laotians are victims of sexual exploitation and forced labor (e.g., agricultural, manufacturing, and domestic labor) in Thailand. Due to the large economic disparity between Thailand and Lao PDR, many migrant workers from Lao PDR have moved to Thailand to work, as there are more employment opportunities and wages are higher than in Lao PDR, even for informal employment. It is estimated that an average of about 44,000 migrant workers entered Thailand from Lao PDR each year before the pandemic (up to 500,000 Lao workers were estimated to have stayed in Thailand)²⁴³. Some of these migrant workers have been identified as VOTs and have been repatriated from Thailand to Lao PDR. In addition, sexual exploitation takes place in urban areas in Thailand based on restaurants such as bars and karaoke, and massage parlors. However, status in such circumstances is difficult to see, and statistics and estimates of Laotian victims of trafficking for the purpose of sexual exploitation in Thailand are not available²⁴⁴. It should be noted that the closing of borders due to the pandemic has forced a huge number of migrant workers to return from Thailand, where they were temporarily imposed to quarantine in facilities. It is highly likely that some of these migrant workers were VOTs, but due to infection control measures, face-to-face interviews were not conducted, and no identification or service delivery was provided to them²⁴⁵.

Other cases of Laotians being VOTs and victims of forced labor have been confirmed in neighboring countries such as Malaysia and Indonesia.

TIP Cased within Lao PDR

TIP, including forced labor and sexual exploitation, is a major issue in Lao PDR in 13 SEZs across the country (additional 27 SEZs are planned for construction). In particular, the Golden Triangle SEZ in Bokeo Province, located on the border with Thailand and Myanmar, is reported to have a particularly high risk of TIP²⁴⁶, and that not only Laotians but also many foreigners, including Myanmarese, Malaysian, and Thai nationals, have been VOTs²⁴⁷. In addition to forced labor in casinos and sexual exploitation by foreign tourists, forced labor in online scams, similar to Scam Call Center in Cambodia, have also been confirmed. However, since many of the enterprises that conduct economic activities in SEZs are foreign-owned, and the country is working to attract such private companies, there has been no active crackdown on criminal activities in SEZs.

Apart from SEZs, forced labor and sexual exploitation have been identified in bars and restaurants, domestic work, garment and textile industry, agriculture and construction²⁴⁸.

Victim Identification Process of VOTs

The process of victim identification in Lao PDR is divided into two stages. The first process is

²⁴¹ USAID (2022), Countering Trafficking in Persons in the Lao People's Democratic Republic An Ecosystem Approach Using Weak-Signal Analysis

²⁴² UNICEF, <https://data.unicef.org/topic/child-protection/child-marriage/>, last accessed on 15 September, 2022.

²⁴³ UNODC (2017), Trafficking in Persons from Cambodia, Lao PDR and Myanmar to Thailand, P.58

²⁴⁴ Ibid, P.78

²⁴⁵ Based on the interviews with NGOs.

²⁴⁶ US Department of States (2018), Trafficking in Persons Report: Lao PDR

²⁴⁷ Radio Free Asia, <https://www.rfa.org/english/news/laos/ransom-10032022143444.html>, last accessed on 10 October, 2022.

²⁴⁸ US Department of States (2021), Trafficking in Persons Report: Lao PDR

preliminary victim identification by Lao Women's Union, provincial police, immigration authorities, NGOs, CSOs or other relevant agencies. If the person is deemed as a potential victim of trafficking in the first process, victim identification by ATD is conducted afterward.

The four main steps in victim identification as defined in the Guidelines for Victim Identification (2016) as follows²⁴⁹.

- 1) Pre-interview assessment
Confirm the following items that indicate the possibility of being a VOT: age, gender, nationality, language, identification documents, and means of transportation, location of victimization, physical marks, or others
- 2) Preparation for interview
Make necessary preparations for the interview, including the interviewer, team composition, and interpreter
- 3) Interview to collect information
In accordance with the questionnaire stipulated in the guidelines, collect information to verify the reason for leaving home, transportation arrangements, the nature of the work mediated, accommodation, and to assess the existence of the three elements stipulated in the Anti-Trafficking in Persons Law, which are “means”, “purpose”, and “act”.
- 4) Summary of the interview
Validate the interview results and confirm the presence or absence of the three elements of TIP

If the victim is identified as potential VOT through the above process, the case is referred to ATD, which then proceed with the victim identification process. Once identified as VOTs by ATD, they are referred to a shelter or other necessary services, depending on the needs. The case is then referred to the prosecutors, who investigate, prosecute, and try the case.

Laos has concluded SOP on repatriation in addition to the bilateral MoU with Thailand. If a Laotian victim who is identified as a VOT in Thailand is repatriated, the person will be subjected to conduct the victim identification process by the Government of Lao PDR, and will continue to be regarded as a VOT in Lao PDR as well²⁵⁰.

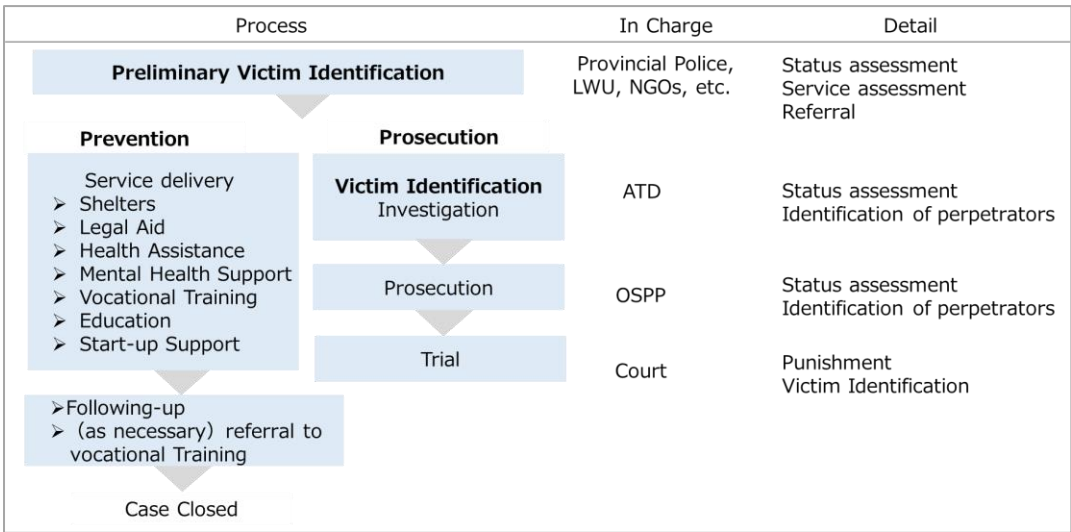


Figure 5 : Summary of Victim Identification Process in Lao PDR

Source: Created by the author based on the results of interviews

²⁴⁹ USAID (2020), Trafficking Victim Protection Frameworks in Cambodia, Indonesia, Lao PDR, Thailand, and Viet Nam: A Resource for Practitioners. P. 63
²⁵⁰ Based on the interview with Ministry of Labour and Social Welfare on 3 March, 2022

6.2 Legal Framework to Combat TIP

6.2.1 International and Regional Conventions

The international and regional conventions related to TIP that Lao PDR has ratified or concluded are shown in Table 20.

Table 20 : List of International and Regional Conventions Ratified or Signed by Lao PDR

Name of the convention (year of adoption)	Ratification
International Convention (UN)	
Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) (1979)	1981
United Nations Convention on the Rights of the Child (1989)	1991
The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990)	Not signed or ratified
The Optional Protocol to the Convention on the Elimination of all forms of Discrimination Against Women (1999)	Not signed or ratified
Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999)	2005
The United Nations Convention against Transnational Organized Crime (2000)	2003
The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the Palermo Protocol) (2000)	2003
The Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime (2000)	2003
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000)	2006
Protocol of 2014 to the Forced Labour Convention, 1930 (2014)	Not signed or ratified
Regional Convention (ASEAN and COMMIT)	
Memorandum of Understanding on Cooperation against Trafficking in Persons in the Greater Mekong Sub-Region (COMMIT MOU) (2004)	2004
ASEAN Declaration Against Trafficking in Persons Particularly Women and Children (2004)	2004
ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (2007)	2007
ASEAN Human Rights Declaration (2012)	2012
ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP) (2015)	2016

Source : Created by the author based on United Nations Treaty Collection (https://treaties.un.org/pages/Home.aspx?clang=_en)

6.2.2 Bilateral MOUs and Agreements

Lao PDR has signed the following bilateral MOUs and agreements regarding the protection of VOTs.

- Agreement between the Government of the Lao People's Democratic Republic and the Government of the Socialist Republic of Vietnam on Bilateral Cooperation in Preventing and Combating Trafficking in Persons and Protection of Victims of Trafficking (2010)
- Agreement between the Government of Lao PDR and the Government of China on Cooperation in Preventing and Combating Trafficking in Persons (2014)
- Memorandum of Understanding between the Government of the Kingdom of Thailand and the Government of the Lao People's Democratic Republic on Cooperation to Combat Trafficking in Persons (2017)

In addition to the three documents mentioned above, Lao PDR has concluded a SOPs with Thailand that stipulates repatriation procedures for VOTs. Lao PDR also aims to conclude bilateral cooperation agreements with Malaysia and Cambodia going forward²⁵¹.

6.2.3 Domestic Laws

The Law on Anti-Trafficking in Persons was enacted in Lao PDR in 2015. Based on the definition of TIP in the Palermo Protocol, the Law defines TIP as the "act" of procuring, buying, selling, or delivering a person by "means" of threats, violence, kidnapping, fraud, or others with the "purpose" of exploitation. The process of victim identification is based on this definition, which defines these three elements that

²⁵¹ Lao People's Democratic Republic (2021), The National Plan of Action On Anti-Trafficking in Persons Phase III (2021-2025), P.23

constitute TIP²⁵² (in the case that the victim is a child under age of 18, regardless of whether or not there was a consent, it constitutes TIP if the "act" and "purpose" are confirmed). Persons who commit TIP are subject to a sentence of 5 to 15 years in prison and a fine of 10 to 100 million Lao Kypr (LAK).

In addition to penalties, the Law provides articles for prevention of TIP, protection of victims, international cooperation in combating TIP, and agencies in charge. For VOTs or potential VOTs, law enforcement agencies collect appropriate information for identification. Those victims are also legally guaranteed the right to be referred to necessary support services, to temporary shelter, and to receive assistance related to legal, medical, vocational training, education, and social rehabilitation.

Other laws that are relevant to TIP include;

- Law on Development and Protection of Women (2004)
- Criminal Procedure Law (2004)
- Labour Law (2006)
- Law on Preventing and Combatting Violence against Women and Children (2014)

6.3 Policies and Policy Implementation Structure

6.3.1 Policies

The National Plan of Action On Anti-Trafficking in Persons Phase III (2021-2025) is currently being implemented in Lao PDR. It has set the following 12 targets (indicators) for the elimination of TIP²⁵³.

- 1) Encourage and promote development and revision of legislations, guidelines, teaching curriculums and courses
- 2) Organize training on anti-trafficking in persons for officials and staff who are working on anti-TIPs at the central and local levels nationwide; Organize study visits within the country and abroad, revise work plans and coordination mechanisms between the central and local levels to ensure timeliness, efficiency, and effectiveness
- 3) Encourage and promote the development of various forms of communication and awareness raising materials
- 4) Organize awareness raising campaigns to enhance understanding of dangers and negative impacts of trafficking in persons to ensure outreach to the population, organizations, authorities, and vulnerable areas
- 5) Expand and increase the Hotline utilization rates
- 6) Ensure achievement of 80% prosecution rate; (police officers, prosecutors, and courts), and bring perpetrators to justice and for strict punishment
- 7) Enhance statistics and data collection systems on trafficking in persons cases to ensure comprehensiveness, accuracy, and harmonization
- 8) Protect and assist victims of trafficking in persons in a timely and comprehensive manner
- 9) Ensure that vulnerable groups and victims of trafficking in persons are able to find and retain jobs as well as improve labor management in accordance with laws and regulations
- 10) Engage and expand bilateral and multilateral cooperation to mobilize technical and financial support and assistance
- 11) Maintenance and improvement of the Counseling and Protection Center for Women and Children, service, and recovery rooms for victims of trafficking in persons as well as establish temporary shelters for VOTs in the Northern Region of Luang Namtha Province and the Southern region

²⁵² Lao People's Democratic Republic (2015), Decree of the President of the Lao People's Democratic Republic On the Promulgation of the Law on Anti-Trafficking in Persons, Article. 9

²⁵³ Lao People's Democratic Republic(2021), The National Plan of Action On Anti-Trafficking in Persons Phase III (2021-2025), P.16-17

- (Savannakhet or Champasak), and the office buildings of the Secretariat for the National Committee on Anti-Trafficking in Persons. Provide vehicles and equipment to support the activities of anti-TIPs by allocating budget sourced from internal contributions from society and foreign countries
- 12) Summarize and report quarterly, every 6 months, annually, and evaluate the implementation of the National Plan of Action annually, every 3 years and 5 years in order to ensure that all activities within the NPA are implemented

Under those 12 targets, specific activities to be implemented in 5P perspectives are defined. 3 projects (9 activities) in Policy, 8 projects (30 activities) in Prevention, 5 projects (23 activities) in Prosecution, 7 projects (35 activities) in Protection, and 2 projects (15 activities) in Partnership.

6.3.2 Coordination Bodies

With the enactment of the Law on Anti-Trafficking in Persons in 2015, the National Committee on Anti-Trafficking in Persons (NCATIP) was established. NCATIP is a coordination mechanism to manage counter-TIP measures, chaired by the Deputy Prime Minister, with Minister of Public Security as a Vice-Chairperson, and consists of following members; Vice-Minister of the Ministry of Labour and Social Welfares, Vice-President of the Lao Women Union, Vice-Minister of the Ministry of Foreign Affairs, Deputy Permanent Secretary of the Prime Minister’s Office, Vice-Minister of the Ministry of Justice, Vice-Minister of the Ministry of Public Health, Vice-Minister of the Ministry of Education and Sports, Vice-Minister of the Information, Culture and Tourism, Deputy Secretary of the Lao Revolutionary Youth Union, Vice-President of Lao Federation of Trade Union, Deputy Director General of the General Police Department, Ministry of Public Security. It has its secretariat in the General Police Department, Ministry of Public Security and has the following roles;²⁵⁴

- 1) To formulate policies, strategic plans, programs, plans and projects relating to anti-trafficking in persons activities to propose to the government for consideration;
- 2) To disseminate policies, laws and regulations, provide information on anti-trafficking in persons activities to the general public and relevant national sectors and international stakeholders;
- 3) To guide, supervise and monitor Committees on Anti-Trafficking in Persons of Provinces and Vientiane Capital;
- 4) To guide, encourage, monitor and collaborate with ministries, organizations, local authorities and other stakeholders with regard to anti-trafficking in persons activities;
- 5) To organize meetings to review anti-trafficking in persons activities and take lessons learnt therefrom;
- 6) To maintain foreign relation and regional and international cooperation in anti- trafficking in persons activities;
- 7) To summarize anti-trafficking in persons activities and report to the government on regular basis; and
- 8) To exercise other rights perform duties as stipulated in the laws and regulations.

Under NCATIP, working groups at the technical level are established to discuss and share information among working practitioners.

In addition, under NCATIP as a central-level function, provincial Anti-TIP Committees have been established in all 17 provinces and in Vientiane Capital. Provincial Anti-TIP Committees are chaired by the deputy governor of each province, with the provincial Public Security Bureau serving as the secretariat, and are composed of other provincial-level organizations that are members of NCATIP. The committee is responsible for monitoring the progress of anti-TIP measures and issues in each province

²⁵⁴ Lao People’s Democratic Republic(2015), The Law on Anti-Trafficking in Persons, Article 56-57

and coordinating the efforts of all concerned parties.

6.3.3 Policy Implementation Structure

This section describes the role of the government agencies that conducted the online interviews in relation to TIP.

Ministry of Public Security (MPS)

The Ministry of Public Security (MPS) is the ministry that oversees the General Police Department, which in turn oversees the NCATIP Secretariat. The MPS also plays a central role in receiving Laotian VOTs from foreign countries for repatriation.

The General Police Department has Anti-Trafficking in Persons Department (ATD), which consists of six divisions, including intelligence, investigation, awareness and training, and is responsible for responding and preventions TIP cases. ATD has about 300 police officers, including about 100 at the central level and about 200 at the local level (10 to 20 officers in each province), and is responsible for receiving reports of TIP cases, conducting investigations and legal proceedings, and collecting data related to TIP²⁵⁵. ATD also provides formal victim identification for people who have been identified by other government agencies and CSOs in preliminary victim identification process.

In addition to legal procedures, MPS also conducts awareness-raising activities through various communication media on TIP and the fight against violence, as well as to disseminate information about the various guidelines being developed for victim identification, protection and support for victims. MPS regularly conducts awareness-raising campaigns on TIP through TV and radio programs operated by MPS²⁵⁶. In terms of human resource development within the police force, MPS also works with police organizations at the provincial and district levels to conduct training on TIP in several target provinces each year (in 2022, training was conducted in Savannakhet and Luang Prabang provinces)²⁵⁷. Technical assistance has been received from ASEAN-ACT to conduct these trainings.

The Office of the Supreme People's Prosecutor (OSPP)

The Office of the Supreme People's Prosecutor (OSPP) is primarily responsible for the legal proceedings in trafficking cases. When a case of suspected TIP occurs, ATD and the provincial police investigate, and if it is determined that the case is likely to be a criminal offense, the case is referred to the Prosecutor's Office. The prosecutors then gather information, scrutinize the case, and decide whether to prosecute or not. In Laos, Vientiane and all 17 provinces have their own prosecution organizations, and investigations and verifications are conducted by the prosecutors at the provincial level. If further investigation or verification is required, the OSPP may respond²⁵⁸.

Within the OSPP, various trainings related to the handling and basics of TIP cases are conducted. A system is also being put in place to train master trainers in each department to disseminate the training contents within their departments. The training is conducted every three to six months and covers all provinces and the capital. Technical support for the implementation of the training is being provided by IOM and ASEAN-ACT²⁵⁹.

Lao Women's Union (LWU)

Lao Women's Union (LWU) is one of the mass organizations under the control of the Lao People's

²⁵⁵ Based on the interview with MPS on 1 April, 2022.

²⁵⁶ Lao People's Democratic Republic(2021), The National Plan of Action On Anti-Trafficking in Persons Phase III (2021-2025), P.6

²⁵⁷ Ibid

²⁵⁸ Based on the interview with OSPP on 24 February, 2022.

²⁵⁹ Ibid

Revolutionary Party and was founded in 1955²⁶⁰. It is responsible for carrying out activities related to the protection and promotion of women's rights and serves as the national machinery for the promotion of gender equality in Lao PDR. Under the central headquarters, there are branches at the provincial, district, and village levels. In the fight against TIP, it is responsible for providing shelter protection, medical assistance, counseling, vocational training, and legal support to VOTs, and, with referrals from the police, is operating a shelter in Vientiane, the Counseling and Protection Center for Women and Children, which accepts VOTs (see Chapter 2, 0). LWU also provides preliminary victim identification of VOTs.

Ministry of Labor and Social Welfare (MLSW)

Ministry of Labor and Social Welfare (MLSW) is responsible for providing long-term vocational training, skills development, and employment opportunities for VOTs, as well as social welfare services, such as safe shelter, rehabilitation, psychosocial support, and reintegration support.

MLSW operates the Vientiane Transit Centre (VTC) in Vientiane, which temporarily accepts VOTs who have been repatriated from foreign countries (during their stay at the VTC, victim identification by ATD is conducted). In addition, MLSW has established 6 shelters across the country to support vulnerable people, including VOTs, people with disabilities, and the poor population, providing them with safe housing and support for social reintegration through job training. MLSW is also responsible for overseeing the operation of similar shelters run by NGOs²⁶¹.

Ministry of Education and Sports (MOES)

Ministry of Education and Sports (MOES), as a member of NCATIP, is responsible for 1) promoting universal education for women and children, 2) managing educational institutions, 3) incorporating prevention of TIP to curriculum, and 4) providing free educational opportunities for VOTs.

Prevention of TIP will be addressed as part of the subject "Civil Education" in primary and secondary schools, and MOES has developed a textbook on the prevention and combating of TIP as a supplementary teaching tool for use in the classroom. In addition, guidelines for teachers on TIP were also developed. A total of four types of guidelines have been prepared, two for lower grades and another two for upper grades. Teachers for Civil Education are currently being trained on how to use these materials and guidelines²⁶². In developing the curriculum, technical assistance has been provided by Winrock International Lao PDR (see Chapter 2, 0), which is an international NGO.

Due to the lack of sufficient budget for printing, printing of materials and guidelines has been completed for the Vientiane Capital and 12 out of 17 provinces, and will be distributed soon. The printing for remaining six province is planned to be completed during FY 2022.²⁶³ The training of teachers has also been only partially implemented due to a lack of budget (MOES is allocated a national budget of about 200-270 million LAK per year from NCATIP)²⁶⁴. Children who have dropped out of school and children in informal education are considered more at risk for TIP, but efforts to make TIP into the curriculum in formal education have just begun, and dissemination in informal education is not yet planned.

²⁶⁰ In Lao PDR, three mass organizations, the Lao Federation of Trade Unions, the Lao Women's Union, and the Lao People's Revolutionary Youth Union, have been established under the Lao Front for National Construction, a socio-political organization under the control of the Lao People's Revolutionary Party. Most of the people belong to one of the mass organizations and practice the Party's leadership and management at the grassroots level.

²⁶¹ Based on the interview with MLSW on 3 March, 2022.

²⁶² Based on the interview with MOES on 18 February, 2022.

²⁶³ Ibid

²⁶⁴ Ibid

Ministry of Information, Culture and Tourism (MoICT)

Ministry of Information, Culture and Tourism (MoICT) is primarily responsible for conducting awareness and public information campaigns to prevent TIP. Through various tools such as television, radio, and social networking sites, MoICT conducts awareness campaigns on TIP and disseminates information on regulations and laws related to the prevention of TIP.

It also conducts training and workshops for private companies and organizations. In particular, the tourism industry is one of the high-risk sectors related to TIP, and given that most TIP cases occur in relation to tourism businesses, the tourism sector is one of the main targets for prevention of TIP. For this reason, MoICT conducts awareness-raising activities for tourism businesses and mass media, as well as educational activities on the prevention of child labor in the tourism industry²⁶⁵.

For the implementation of these activities, a budget of approximately 300 million LAK per year was allocated by NCATIP, which was reduced by 30% after FY 2020 due to the COVID-19 pandemic²⁶⁶.

6.4 Initiatives by the Government and Local Administration

This section provides an overview of the measures taken by the government and local administrations to combat trafficking in persons. Although "innovative approaches and good practices through the use of Digital Transformation (DX)" are listed as a research item in Table 2, no examples of DX or other counter-TIP measures were found in Lao PDR during the literature review and online interviews.

6.4.1 Initiatives by the Government

Shelters

LWU operates "Lao Women's Union Counselling and Protection Center for Women and Children" in Vientiane as a shelter for VOTs. The shelter was established in 2006 with support from UNICEF, the Asia Foundation, and the Government Japan. It mainly protects VOTs and victims of SGBV, and provides various supports based on relevant laws, such as medical care, legal aid, vocational training, education, and rehabilitation, as well as social reintegration (services are provided free of charge). In addition to Lao victims, the shelter also accepts foreign VOTs in Laos (mainly Vietnamese).

The shelter has three departments: administration, protection, and counseling, and a total of about 20 staff members, including social workers and counselors, are assigned. Victims generally stay for about three months, but some victims of DV stay even longer (in some cases, it is more than two years). The shelter can accept both women and men in separated facilities for each gender. The maximum number of victims, both men and women, can be accepted is about 60²⁶⁷. Before a victim/survivor returns home from the shelter, an assessment of the environment of family and community is conducted by the shelter staff. In particular, ascertain whether the family is willing to accept the victim/survivor or not. If the victim/survivor does not wish to return to own home, the victim/survivor may be placed in a job in a different location than where his/her home is located, even within the same province of origin. After a victim/survivor leaves the shelter, the guidelines state that the shelter staff will follow up with the victim/survivor for two years without closing the case. However, depending on the situation of the victim/survivor, the shelter may follow up for three years or close the case after one year²⁶⁸. After returning home through receiving protection services at the shelter, victims/survivors who request to receive further mid- to long-term support can take job training by MLSW or be referred to shelters run

²⁶⁵ Based on the interview with MOES on 18 February, 2022.

²⁶⁶ Ibid

²⁶⁷ Based on the interview with Lao Women's Union Counselling and Protection Center for Women and Children on 15 February, 2022.

²⁶⁸ Ibid

by NGOs or other organization.

In addition, for the temporary protection of VOTs returning from China to northern Laos, the Government of Lao PDR has constructed a temporary protection shelter in Luang Namtha province, which borders China. The shelter is expected to open in March 2022 and will be able to accommodate women, men, and LGBTQI+ people, but is reportedly not yet fully functional after its opening²⁶⁹.

The following issues were identified during the interview conducted with the Counseling and Protection Center for Women and Children during the research²⁷⁰;

- Knowledge and expertise of shelter staff is limited. The lack of staff with expertise in specialized rehabilitation and psychosocial care for victims of labor exploitation, sexual exploitation, and other forms of exploitation makes it very difficult to handle serious cases. Since there is no curriculum to study these expertise in Lao higher education institutions, staff members only learn some of these skills through training in Japan and Thailand.
- The building for the headquarters (which houses the offices and cafeteria) has become noticeably dilapidated and in need of repair, but it has not been able to secure an adequate budget.

Hotlines

In Lao PDR, the main hotlines for reporting and consulting on TIP are follows²⁷¹;

- ATD Hotline 1300
- Hotline in Lao Women's Union Counselling and Protection Center for Women and Children 1362
- Hotline in Lao Federation of Trade Unions 1512

The 2022 TIP report produced by U.S. State Department states that more than 4,000 victims of trafficking in persons, DV, SGBV, Child abuse covered by child protection, and labor exploitation received assistance through hotlines in 2021. However, the report noted that all hotlines were understaffed during the pandemic, and public awareness of the existence of hotlines was limited²⁷².

Victim Identification Guidelines

MPS, with the support of IOM and other UN agencies, developed the Victim Identification Guidelines in 2016. The Guidelines define the victim identification process and describe the procedures and inquiries for victim identification interviews, considerations in conducting interviews, and the victim/survivor-centered approach (see Chapter 2, 0). Though MPS and other organizations involved in TIP have continued to conduct training since the publication of the Guidelines, it has been pointed out that field-level staff who conduct victim identification do not have a sufficient understanding of the process, and that capacity building through training is further required²⁷³.

The National Plan of Action On Anti-Trafficking in Persons Phase III mentioned that following relevant documents have been developed other than Victim Identification Guidelines²⁷⁴.

- Handbook on the Law on Anti-Trafficking in Persons
- Handbook on the Law on Preventing and Combatting Violence Against Women
- Guidelines on Raising Awareness on Trafficking in Persons

²⁶⁹ US Department of States (2022), Trafficking in Persons Report: Lao PDR

²⁷⁰ Based on the interview with Lao Women's Union Counselling and Protection Center for Women and Children on 15 February, 2022.

²⁷¹ Lao People's Democratic Republic(2021), The National Plan of Action On Anti-Trafficking in Persons Phase III (2021-2025), P.17-18

²⁷² US Department of States (2022), Trafficking in Persons Report: Lao PDR

²⁷³ Ibid

²⁷⁴ Lao People's Democratic Republic(2021), The National Plan of Action On Anti-Trafficking in Persons Phase III (2021-2025), P.8

- Training Manual on Anti-Trafficking in Persons
- Guidelines on Protecting and Assisting Victims of Trafficking in Persons
- Other tools and materials for awareness-raising activities

6.4.1.1 Anti-Trafficking in Persons Fund

The needs for establishment of a fund to pay compensation to VOTs is mentioned in The National Plan of Action On Anti-Trafficking in Persons Phase III (2021-2025), but no concrete plans have been initiated at the time the research was conducted. MLSW is also discussing the establishment of a social welfare fund, but has yet to develop any plan²⁷⁵²⁷⁶.

Although it is possible for a victim to receive compensation from a perpetrator based on the outcome of a criminal procedure, the victim must prosecute the perpetrator to apply compensation²⁷⁷, which sometimes places a heavy psychological burden on the victim. It is also possible for victims to receive compensation through civil lawsuits, but since victims must file civil lawsuits against their assailants, this procedure is rarely used in practice.

6.4.2 Initiatives by Local Administration

This section provides an overview of the anti-TIP measures and challenges in the Provincial Office of Labor and Social Welfare (POLSW) in Champasak Province, where the online interview were conducted.

As described in Chapter 2, Section 6.3.2, under NCATIP at the central level, provincial Anti-TIP committees have been established in Vientiane and in all 17 provinces. The provincial Anti-TIP Committees are chaired by the provincial deputy governor and have members of the provincial-level organizations of the government agencies that make up NCATIP. Regular meetings are held twice a year and, depending on the agenda, may be attended by NGOs and CSOs operating in the province.

POLSW in Champasak Province operates a shelter to support vulnerable groups, including VOTs by providing capacity building, vocational education and training, education, and employment opportunities. In the province, there are several facilities to support those who are vulnerable such as facilities operated by the NGO Village Focus International with support from Winrock International, a vocational training center operated by the provincial LWU, which provides classes for sewing, hairdressing and beauty salon, and a skill development center operated by POLSW which offers 11 different vocational courses.

Through the interview with Champasak POLSW, the following issues were identified²⁷⁸.

- A number of VOTs do not prefer to receive public assistance. Most victims are anxious about living away from home and wish to return to their homes as soon as possible. Additionally, they have no income while undergoing vocational training and would like to return to society and earn an income at the earliest possible time, without undergoing vocational training.
- Support for distribution of materials and equipment at the end of vocational training has decreased. In the past, the program provided relevant materials and equipment, such as sewing machines for the sewing course, hairdressing equipment for the hairdressing and beauty course, repair equipment for the bicycle repair course, or others, to enable them to start their own businesses upon completion

²⁷⁵ Based on the interview with MLSW on 3 March, 2022.

²⁷⁶ The Social Welfare Fund is mentioned in "Final Report of the Research on Extensive Activities of the Project for Capacity Building to Support Victims of Trafficking in Persons in the Mekong Region" conducted by JICA in 2016, but no concrete plan has been developed in the five years leading up to the implementation of this research.

JICA, et al, (2016), The Final Report of the Research on Extensive Activities of the Project for Capacity Building to Support Victims of Trafficking in Persons in the Mekong Region, P. 53

²⁷⁷ US Department of States(2022), Trafficking in Persons Report: Lao PDR

²⁷⁸ Based on the interview with Champasak PLSW on 3 March, 2022.

of vocational training. However, due to budget shortages, only about 4-5 out of 20 trainees are currently able to receive those support.

6.5 Initiatives by International Organizations, Bilateral Aid Agencies, NGOs or other private organizations

In Lao PDR, international organizations, bilateral aid agencies, and many NGOs and other private organizations are providing assistance related to combating TIP. This section outlines some of the assistance provided by these organizations.

6.5.1 International Organizations

IOM Laos

IOM has been providing assistance to the Government of Lao PDR since 2001 to address TIP and labor exploitation and to reduce the vulnerability of migrants. In recent years, two main projects have been implemented (the existence of current projects by IOM has not been confirmed)²⁷⁹.

- 1) Combating Human Trafficking through Reinforcing Judicial Capacity (CHARJ, 2017-2019)
CHARJ was a capacity building project for law enforcement agencies such as police officers, prosecutors, judges, and lawyers, implemented with the support of the U.S. Department of State. The project provided training and workshops on the elimination of TIP, judicial procedures in accordance with minimum standards for the protection of victims and punishment of perpetrators, and compliance with victim identification guidelines.
- 2) Global Action against Trafficking in Persons and Smuggling of Migrants (GLO.ACT, 2015-2019)
GLO ACT was a global program to combat TIP funded by EU in partnership with UNODC and UNICEF and implemented in 13 countries: Belarus, Brazil, Colombia, Egypt, Kyrgyz Republic, Laos, Mali, Morocco, Nepal, Niger, Pakistan, South Africa, and Ukraine. In the program, it worked with CSOs that provide assistance to VOTs and vulnerable migrant workers to strengthen their capacity to respond to TIP cases in Lao PDR.

As an international organization, UNDP is serving as the secretariat for the COMMIT process, reviewing SPA 4 and providing consultation for the development of SPA 5 (see Chapter 2, 3.3.3)²⁸⁰.

6.5.2 Bilateral aid agencies

ASEAN-ACT Laos²⁸¹

ASEAN-ACT Laos is mainly strengthening the capacity of government officials in protection and prosecution. Specifically, the following activities are being undertaken;

- 1) Strengthening capacity on victim identification
It is working with ATD to provide training on victim identification and the investigation of TIP cases. Since there is still a limited understanding of the definition of TIP and the identification process among field-level police officers, the program provides training focused on responding to TIP cases. The program also provides training on respecting victims' rights, such as access to legal aid, protection of privacy, and access to appropriate shelter services.
- 2) Strengthening response to children who have been VOTs
It is working with ATD to discuss establishing child-friendly provisions for children who have been VOTs, such as conducting child-friendly interviews.

²⁷⁹ IOM (2020), IOM Fact sheet_IOM's Counter Trafficking Programming in Lao PDR. P.2

²⁸⁰ UNDP, <https://www.undp.org/laopdr/press-releases/nationwide-consultation-first-ever-action-plan-legal-aid-lao-pdr>, last accessed on 20 September, 2022

²⁸¹ Based on the interview with ASEAN-ACT Laos on 22 February, 2022.

- 3) Introduction of judicial procedures in accordance with a victim/survivor-centered approach
In collaboration with OSPP, it is implementing a project on the introduction of a victim/survivor-centered approach and victim/survivor-sensitive indicators in judicial proceedings. It is also working with the courts to develop guidelines on the victim/survivor-centered approach. Once completed, these guidelines will be applied to all courts. Training is also being provided to judges on video testimony and pre-trial testimony.
- 4) Advocacy activities
Since a compensation system for VOTs hasn't been installed in Lao PDR, it has been advocating to the government on victim compensation.
- 5) Capacity building on victim protection
In collaboration with LWUs, it is strengthening capacities related to early detection of victims, victim identification, collaboration with the police, shelter operations, and services and support at the field level. It also conducts activities related to trauma care and gender-sensitive approaches to build capacity on victim protection and support.

Because of recent trends in TIP, particularly the increase in online recruitment and exploitation of children, it also conducts projects to promote understanding of the use of information technology and the preservation and use of digital evidence in TIP cases. In addition, it has formed partnerships with NGOs such as Village Focus International to strengthen protection and reintegration support for victims/survivors.

6.5.3 NGOs and Private Organizations

Winrock International Laos

Winrock International has been based in Lao PDR since 2017 and officially started its activities in 2019. Focusing primarily on reducing the vulnerability and risk of victims, it works on three perspectives: policy, protection, and prevention²⁸².

- 1) Policy
It provides support for the implementation of the National Plan of Action On Anti-Trafficking in Persons particularly for the implementation at the provincial level, and for the preparation of drafting of anti-TIP plans in the provinces. It also translates various policies into English and provides public relations support.
- 2) Prevention
It provides economic empowerment to VOTs and those at high risk of being trafficked. It basically provides each person with various vocational training and capacity building programs according to his or her needs. The program targets a total of 15 districts in Champasak and Savannakhet provinces. One of the backgrounds of TIP is poverty, and the risk of becoming a VOT is increased when there is no job or very low income. Therefore, the program provides skills training for people to become employed or earn a higher income. In addition, it conducts awareness-raising activities, such as producing posters and handbooks, together with MoICT, and works with MOES to conduct awareness-raising activities in schools.
- 3) Protection
Referrals are made to shelters and other services to ensure that VOTs receive appropriate support. It also provides training to shelters to improve the quality of their services. In addition to the two government-run shelters, the program targets shelters of local NGOs. It is also working with LWU to develop minimum standard guidelines for victim identification and shelter operations.

²⁸² Based on the interview with Winrock International Laos on 24 February, 2022.

Sensabang

Sensabang is a local NGO established in 2006 and one of MLSW partner organizations that provides assistance to vulnerable groups, including VOTs. 12 full-time staff, including 3 social workers and 1 lawyer, are primarily engaged in the following activities²⁸³;

1) Protection of VOTs

It operates a facility in Savannakhet Province that protects 1) vulnerable groups (people with challenges such as poverty, illness, and disabilities), 2) victims of violence (victims of sexual violence and forced labor), and 3) VOTs. The facility can accommodate up to 55 people and provides medical care and counseling as well as vocational training. The residents can choose from several vocational training courses, such as sewing, barbering, and cosmetology. Educational support is also provided for VOTs who have dropped out of school. Only women are allowed to live in the facility, and men can receive job training or be referred to job training outside the shelter. The facility is adjacent to a SEZ, and before the pandemic, companies with factories in the SEZ provided job training and referred residents who would like to work in their factories upon request.

2) Awareness-raising on TIP prevention

It conducts outreach and awareness-raising activities in communities and schools to combat TIP. In addition to TIP, awareness-raising on safe migration for migrant workers, gender equality, and prevention of drug use for students are conducted simultaneously.

Sensabang has received funding from organizations in Germany, Switzerland, and Australia, as well as support from Winrock International.

Village Focus International (VFI)

Village Focus International (VFI) is a local NGO that promotes the protection and empowerment of women and children, with funding from Winrock International and other European organizations. VFI focuses on activities for protection of VOTs²⁸⁴.

VFI operates shelters in Champasak Province and Vientiane. In addition to providing a safe living environment at the facilities, VFI offers various services such as medical care, vocational training, education, and social reintegration including support for employment opportunities, family support, and livelihood support. The shelters accept only female victims (not only VOTs, but also vulnerable populations and returned migrant workers) and can accommodate up to 26 people in Vientiane and 25 people in Champasak. Vocational training includes courses in sewing, cooking, bed-making, hairdressing, bicycle repair, agriculture, mushroom cultivation, and food processing, with different course requirements. The period of training varies depending on the course: up to 5 months for sewing, 2 months for cooking, 1 week to 1 month for agriculture, 2 to 2.5 months for bicycle repair, or others. Following-up is to be provided for two years after the victim/survivor leaves the shelter.

In addition to operating the facility, it also conducts awareness-raising activities in schools and victim identification training for CSOs. Previously, a transit center was set up near the border checkpoint between Champasak and Ubon Ratchathani provinces in Thailand to temporarily receive victims and migrant workers repatriated or deported from Thailand, but it is now closed due to the pandemic.

6.6 The Impact of COVID-19 Pandemic

Regarding the impact of COVID-19 pandemic, it is not clear whether the pandemic increased or decreased the number of TIP cases, since the TIP cases identified do not necessarily reflect the actual

²⁸³ Based on the interview with Sensabang on 3 March, 2022.

²⁸⁴ Based on the interview with Village Focus International on 29, March, 2022.

number of victims. On the other hand, it was confirmed that the impact of COVID-19 was significant in combating TIP, particularly in protecting victims and punishment of perpetrators. During the lockdown period, investigations and proceedings by the police and prosecutors were suspended, and there were periods when no trials were held, resulting in significant delays in the proceedings of TIP cases²⁸⁵. In addition, the restriction on assembly made it difficult to hold trainings and workshops for approximately two years starting in 2020²⁸⁶. Travel restrictions were imposed, making it impossible to travel to rural communities, and many awareness-raising activities were not carried out. Some activities were conducted on an online basis, but in some areas Internet connectivity was weak and communication challenges were significant²⁸⁷.

LWU increased the number of lines for the hotline during the pandemic to be able to receive more counseling and reports. In particular, there were many requests for counseling by people who were under stress due to reduced income²⁸⁸. With the closing of borders, numerous migrant workers returned from Thailand and other neighboring countries. The large number of migrant workers forced to live in cramped quarantine facilities led to the spread of COVID-19, which prevented implementation of victim identification interviews with migrant workers²⁸⁹. The normal victim identification process was also not conducted or was delayed due to difficulties in conducting face-to-face interviews.

Budget for anti-TIP measures were reduced and many resources were devoted to COVID-19 responses. As a result, some activities that were scheduled to be implemented have been cancelled, and it has been reported that it has been difficult to respond to victims at the field level²⁹⁰.

6.7 Review on JICA Cooperation

Although JICA has not provided assistance in the area of counter-TIP in Lao PDR, Champasak and Bokeo provinces in Laos bordering Thailand were selected as target areas for assistance under "Project on Capacity Development on Assisting Victims of Trafficking in the Greater Mekong Sub-regional Countries (2015-2019)" (see Section 2, 5.7.1), and capacity building was implemented at the local level, including strengthening cooperation with Thailand.

As a result of JICA support, an MoU was concluded with Ubon Ratchathani Province in Thailand (revised three times since then) on measures to combat TIP, and the two provinces agreed to collaborate on investigations of TIP cases, jointly develop awareness-raising tools, and hold regular meetings²⁹¹. Not only has the collaboration with the province continued after the completion of the project, but information is also shared with other neighboring provinces in Thailand based on the MoU²⁹².

JICA has invited stakeholders of Counter-TIP from Lao PDR to MRWs which were held in 2 technical cooperation projects implemented in Thailand, "Project on Strengthening of Multi-Disciplinary Teams (MDTs) for Protection of Trafficked Persons in Thailand" (2009-2014) and "Project on Capacity Development on Assisting Victims of Trafficking in the Greater Mekong Sub-regional Countries" (2015-2019).

In addition, JICA has accepted participants from Lao PDR to its Knowledge Co-Creation Programs

²⁸⁵ Based on the interview with MPS on 11 April, 2022.

²⁸⁶ Based on the interview with MOES on 18 February, 2022.

²⁸⁷ Based on the interview with MoICT on 22 February, 2022.

²⁸⁸ Based on the interview with Lao Women's Union Counselling and Protection Center for Women and Children on 15 February, 2022.

²⁸⁹ Based on the interview with NGOs.

²⁹⁰ Based on the interviews with ASEAN-ACT Laos on 22 February, 2022, and MoICT on 22 February, 2022.

²⁹¹ Based on the interview with Champasak PLSW on 3 March, 2022.

²⁹² Ibid

(KCCP), which are "Seminar on Promotion of Networking among Asian Countries on Anti-Human Trafficking" and "Promotion of Networking among ASEAN Countries on Anti-Trafficking in Persons (from 2015)" in Japan since 2012. In KCCP, total of 18 participants from Lao PDR have joined since 2014 (it was online bases training in 2020 and 2021). They have been provided with opportunities to learn about measures taken by the Government of Japan and private organizations to combat TIP, as well as learn more about counter-measures and protect victims/survivors through case studies and visits to related institutions.

6.8 Needs and Challenges

This section describes challenges and needs identified through the research according to 5P perspectives of Policy, Prosecution, Prevention, Protection, Partnership (including Monitoring and Evaluation, and Data Collection and Management) described in 1.2 of Chapter 2.

6.8.1 Policy

【Legislation】

- Forced labor is prohibited under the Labor Law, but there are no clear definitions or penalties.

6.8.2 Prosecution

【Crackdown on crimes】

- Sexual exploitation is strongly perceived as the main form of TIP, and there is a lack of response to widespread forced labor and labor exploitation.
- Though the number of TIP cases using IT is rapidly increasing, no crackdown on online crime or introduction of digital tools has been initiated.
- The status of trafficking in persons in the country is not fully understood, and forced labor and sexual exploitation, especially in SEZs, are not adequately addressed. Crackdowns on sexual exploitation in the tourism industry are also limited.

6.8.3 Prevention

【Curriculum on TIP in public education】

- Prevention of TIP has been incorporated as part of the curriculum in primary and secondary education, but budget shortage has caused delays in the printing and distribution of textbooks and guidelines and in the training of teachers.
- Awareness-raising for children at high risk of trafficking, such as school dropouts and children in informal education, is insufficient.

【Awareness raising activities】

- Although there is a need to raise awareness on anti-TIP measures and risks in remote areas, limited budgets make implementation in remote areas less likely to be done

6.8.4 Protection

【Victim Identification】

- There is still a lack of understanding among stakeholders regarding the victim identification guidelines and other related guidelines, and the number of professional staff with the necessary skills to investigate TIP cases and to conduct judicial proceedings remains low.

【Protection】

- Screening and identification for migrant workers returning from abroad is not adequately implemented.
- There are no public shelters that provide long-term support for victims of trafficking in persons.
- There are no clinical psychologists or counselors with the expertise to provide appropriate psychosocial support and care for victims in shelters and other protection facilities. In addition,

there is no higher education curriculum to acquire such expertise in Lao PDR.

- The buildings of some shelters are deteriorating.
- There is limited understanding of gender-sensitive approaches and perspectives of social vulnerabilities of VOTs.
- Shelters that accept men, boys, and LGBTQI+ are limited. Few organizations offer other services available to men and LGBTQI+.

【Financial Assistance for VOTs】

- No fund has been established to provide financial assistance to support victims.
- Although it is sometimes possible to obtain compensation from the perpetrator through criminal or civil lawsuits, it is very difficult to actually carry out the procedures because the victims themselves must file a lawsuit against the perpetrator.

【Social Reintegration】

- Some VOTs are not willing to receive public assistance, such as shelter or vocational training, and in some cases remain at high risk of trafficking.
- Budgetary resources to provide materials and equipment to improve livelihoods after receiving vocational training are decreasing.

6.8.5 Partnership, Monitoring and Evaluation, and Data Collection and Management

【Coordination and partnership】

- Although many ministries are involved in combating TIP, cross-ministerial coordination is quite limited. Vertical coordination from the central to the local level is also insufficient.
- In addition to the framework of bilateral cooperation, a seamless mechanism for close information sharing and mutual support needs to be established to facilitate cross-border collaboration. It is also important to strengthen cooperation at the provincial level.

【Data collection and management】

- Due to the lack of integrated data on TIP and ambiguous definitions, the figures may differ depending on the agency collecting the data. There have been a plan to create an integrated database, but no progress has been made on this plan at the time of the research²⁹³.

6.9 Proposals for JICA Intervention

Based on the latest situation and issues described above, and taking into consideration a review of JICA experience in providing assistance to Thailand to date, JICA comparative advantage, its schemes, knowledge and experience that can be applied, the following 2 proposal for assistance are suggested.

Table 21 : Interventions for Lao PDR 1

Items	Details
Overview	Identify challenges and effective measures to prevent TIP through providing support for Lao Women’s Union, which is engaged in prevention and response to TIP and SGBV, such as 1) development of tools for awareness raising activities to promote awareness and behavior change; 2) pilot projects for effective implementation of awareness raising activities; 3) development of implementation models for awareness raising activities in rural and remote areas; 4) collaboration with other ministries in awareness raising activities.
Project Objectives	A model for awareness-raising activities aimed at changing attitudes and behaviors related to TIP will be established.
Scheme	JICA Experts
Counterparts	Lao Women’s Union (LWU)

²⁹³ Lao People’s Democratic Republic(2021), The National Plan of Action On Anti-Trafficking in Persons Phase III (2021-2025),P.6

Items	Details
Partner organizations	National Committee on Anti-Trafficking in Persons (NCATIP) Provincial Committee on Anti-Trafficking in Persons Lao Women's Union Counselling and Protection Center for Women and Children Ministry of Public Security (MPS) Ministry of Labour and Social Welfare (MLSW) Ministry of Education and Sports (MOES)
Expected outcomes	<ol style="list-style-type: none"> 1. Tools for awareness-raising activities aimed at changing attitudes and behaviors are developed and pilot projects are implemented 2. Models of effective awareness-raising activities in rural and remote areas is developed 3. A structure for implementing awareness-raising activities in collaboration with other ministries and agencies is established.

Table 22 : Interventions for Lao PDR 2

Items	Details
Overview	The capacity to respond in accordance with the victim/survivor-centered approach will be strengthened at the Lao Women's Union Counselling and Protection Center for Women and Children, which is a facility that provides assistance to victims of trafficking in persons and SGBV. A more effective model for responding to VOTs will be developed through 1) training for staff to deepen their understanding of the victim/survivor-centered approach, 2) strengthening the response capacity of shelters and hotlines through the development of guidelines, 3) training for shelter and hotline staff to enhance their expertise in counseling, psychosocial support, trauma care, or others, 4) research and coordination for the establishment of a fund for the relief of VOTs.
Project Objectives	Quality of the services of case management and counselling in Lao Women's Union Counselling and Protection Center for Women and Children is improved.
Scheme	Technical Cooperation Project
Counterparts	Lao Women's Union Counselling and Protection Center for Women and Children
Partner organizations	National Committee on Anti-Trafficking in Persons (NCATIP) Provincial Committee on Anti-Trafficking in Persons Lao Women's Union (LWU) Ministry of Public Security (MPS) Ministry of Labour and Social Welfare (MLSW) Ministry of Education and Sports (MOES)
Expected outcomes	<ol style="list-style-type: none"> 1. Shelter and hotline staff have a better understanding of the victim/survivor-centered approach 2. Shelter and hotline operational guidelines are developed 3. Shelter and hotline staff develop expertise in counseling, psychosocial support, and trauma care 4. A model of support VOTs in line with a victim/survivor-centered approach through shelter and hotline services is developed 5. Needs and challenges related to the establishment of a relief fund for VOTs are identified.
Remarks	The Lao Women's Union Counselling and Protection Center for Women and Children has identified a lack of expertise among its staff. Findings through "Strengthening the Operation of Hotline for Counseling and Supporting Trafficked Survivors" conducted by JICA in Vietnam to improve the counseling capacity can be applied to this intervention.

7. The Results of the Research in Vietnam

7.1 Overview

7.1.1 Socio-Economic Situation

The Socialist Republic of Vietnam (hereafter referred to as "Vietnam") is a socialist republic located in the eastern Indochina Peninsula, bordering China to the north and Laos and Cambodia to the west. The total population is 98 million (in 2021)²⁹⁴, consisting of the Kinh ethnic group, which accounts for about 86% of the population, and 53 ethnic minorities²⁹⁵. The official language is Vietnamese, but many ethnic minority languages also exist. The majority of the population is Buddhist, and there are also a certain number of Christians and Muslims.

The Vietnam War²⁹⁶, which lasted for 14 years from 1960 to 1975, ended in 1976 with the unification of North Vietnam and South Vietnam, which resulted in the establishment of the current Socialist Republic of Vietnam. Since the Doi Moi (renewal) policy was launched in 1986, the Government of Vietnam has been working on structural reforms and strengthening international competitiveness. Domestic affairs is led by the Communist Party, the only legitimate political party in Vietnam²⁹⁷, and Communist Party General Secretary Nguyễn Phú Trọng currently serves as the head of state. Local governments consist of five centrally administered cities (Hanoi, Ho Chi Minh City, Hai Phong, Da Nang, and Can Tho) and 58 provinces nationwide. Under the centrally administered cities, there are Municipal City/District level Town - Urban District/District - Ward/Commune, and under the Province, there are District - Township or District/Provincial Cities/District level Town - Ward/Commune²⁹⁸.

GNI per capita in Vietnam is 3,560USD (Atlas method, 2021)²⁹⁹, which has more than doubled in the 10 years since 2011. The main industries are agriculture, forestry, fisheries, mining, construction, and services. Since 2000, Vietnam has shown high GDP growth rates of around 5-7% annually, and has continued to achieve export-led economic growth, supported by various free trade agreements in effect, infrastructure development utilizing ODA, and a low-cost labor force³⁰⁰. On the other hand, despite improvements in some areas, poverty rates remain high in the central and northern mountainous regions far from urban areas, especially in areas with large ethnic minority populations³⁰¹.

7.1.2 Overview of TIP

Status of TIP

Vietnam has been a country of origin for VOTs, with China accounting for the largest number of confirmed cases. According to Ministry of Public Security (MPS), more than 3,000 people were trafficked between 2012 and 2017, the majority of whom were trafficked across borders into neighboring countries such as China, Cambodia, and Lao PDR³⁰². In addition, victims of forced labor not only in neighboring countries but also in SEZs in Asian countries, the Middle East, and Europe have also been identified. In Vietnam, labor exploitation in the manufacturing industry, sexual exploitation in urban

²⁹⁴ World Bank, <https://data.worldbank.org/indicator/SP.POP.TOTL?locations=VN>, last accessed on 22 October, 2022

²⁹⁵ Ministry of Foreign Affairs, Japan, <https://www.mofa.go.jp/mofaj/area/vietnam/data.html#section1>, last accessed on 22 October, 2022

²⁹⁶ There are various views as to when the Vietnam War is considered to have begun (e.g., 1955, 1959, 1961, etc.).

²⁹⁷ Ministry of Foreign Affairs, Japan, <https://www.mofa.go.jp/mofaj/area/vietnam/data.html#section1>, last accessed on 22 October, 2022

²⁹⁸ Ministry of Land, Infrastructure, Transport and Tourism, Japan, <https://www.mlit.go.jp/kokudokeikaku/international/spw/general/vietnam/index.html>, last accessed on 22 October, 2022

²⁹⁹ World Bank, <https://data.worldbank.org/indicator/NY.GNP.PCAP.CD?locations=VN>, last accessed on 22 October, 2022

³⁰⁰ Ministry of Foreign Affairs, Japan, <https://www.mofa.go.jp/mofaj/area/vietnam/data.html#section1>, last accessed on 22 October, 2022

³⁰¹ World Bank et al, (2022), From the Last Mile to the Next Mile_2022 Vietnam Poverty and Equity Assessment, P.3-5

³⁰² Nguyen, Huy Binh.(2019). The Emergent Situation of Human Trafficking in Southeast Asia: A Case Study of Vietnam. The International Journal of Humanities & Social Studies. Vol. 7. Iss. 6

areas, and forced labor are prevalent, and vulnerable groups such as the poor households in rural areas, ethnic minorities, and children are at risk of TIP.

Comprehensive data on the number and number of VOTs in Vietnam are not publicly available. According to the TIP report produced by U.S. State Department, the number of TIP cases investigated by MPS and prosecuted by The Supreme People's Procuracy (SPP) from 2019 to 2021 is shown in Table 23. Out of 77 cases investigated by MPS, 7 cases were sexual exploitation, 3 cases were forced labor, and 67 cases were other forms of exploitation³⁰³. In the courts, judicial proceedings were held in 49 cases involving 94 suspects, and all 94 were convicted (sentences vary from less than three years to life imprisonment, depending on the case)³⁰⁴.

Table 23 : Number of Cases of TIP in Vietnam

	Number of TIP Cased investigated by MPS	Number of TIP Cased Prosecuted by SPP
2019	175 cases	84 cases (152 suspects)
2020	110 cases (144 suspects)	106 cases (180 suspects)
2021	77 cases (149 suspects)	106 cases (177 suspects)

*The number of investigations is not necessarily linked to the number of prosecutions, since "prosecuted cases" includes cases referred by MPS in the previous year.

Source: U.S Department of States, TIP Report Vietnam 2020, 2021, 2022

Table 24 : Number of VOTs in Vietnam

	Total	Female	Male
2019	300	—	—
2020	121	112	9
2021	126	114	12

*No data pertaining to the gender of the VOTs was reported in 2019.

Source: US Department of States, TIP Report Vietnam 2020, 2021, 2022

The number of VOTs identified is shown in Table 24. Out of 126 victims, 96 were Vietnamese nationals who were trafficked outside of Vietnam³⁰⁵. Those 96 VOTs included 28 victims of sexual exploitation and 22 victims of forced labor. More than half of 126 victims were reported to be from ethnic minorities³⁰⁶. 7,000 victims were identified from 2010 to 2019, but the number of reports has decreased significantly in recent years³⁰⁷.

The rating in TIP reports of the U.S. Department of State was Tier 2 until 2018, but has been Tier 2 Watch List for three years from 2019-2021, and was downgraded to Tier 3 in the latest report in 2022. The reported reasons for the downgrade include: a decrease in the number of cases investigated and prosecuted compared to the past few years; inadequate auditing of high-risk facilities and identification of VOTs in the process; and the failure to file criminal charges and properly punish Vietnamese diplomats at the Vietnamese embassy in Saudi Arabia, despite the fact that several of them were involved in TIP of Vietnamese nationals³⁰⁸. It is now necessary to revise relevant laws, secure budgets for the implementation of national policies, strengthen the capacity of relevant institutions, and enhance efforts related to the prevention of forced labor abroad³⁰⁹.

TIP Cased outside Vietnam

As mentioned above, the majority of TIP cases identified in Vietnam involve Vietnamese nationals being trafficked abroad, with forced marriage and forced labor in China accounting for the largest percentage³¹⁰. Many provinces in the northern part of Vietnam border China, and in areas where border

³⁰³ US Department of States (2022), Trafficking in Persons Report: Vietnam
³⁰⁴ Ibid
³⁰⁵ Ibid
³⁰⁶ Ibid
³⁰⁷ USAID (2021), Assessment of Countering Trafficking in Persons in Vietnam-Situational Analysis Report, P. vii
³⁰⁸ US Department of States (2022), Trafficking in Persons Report: Vietnam
³⁰⁹ Ibid
³¹⁰ Anti-Trafficking Review, <https://www.antitraffickingreview.org/index.php/atrjournal/article/view/611/464>, last accessed on 15 September, 2022

controls are relatively weak, it is easy to enter to China by crossing rivers or mountains³¹¹. Victims who have crossed into China have been moved not only to neighboring areas of Vietnam but also to all parts of China, with some victims being found in the Inner Mongolia Autonomous Region³¹². In addition, Vietnamese victims have been confirmed in various other countries and regions, including forced labor in agriculture and fishery in Asian countries such as South Korea and Malaysia, and forced labor as domestic servants in the Middle East. In the Golden Triangle SEZ, located in the border area between Lao PDR, Thailand, and Myanmar, many Vietnamese have also been reported to have been subjected to forced labor (see Chapter 2, 0).

TIP Cases within Vietnam

Though there are estimated to be many victims of TIP and forced labor in Vietnam, the government authorities are reportedly inadequate to deal with the situation³¹³. In the garment sector, there are reports of forced labor for children in small private sewing factories and illegal factories, forced begging and souvenir sales in urban areas, and forced labor in mines³¹⁴. TIP cases for the purpose of sexual exploitation and forced domestic labor have also been confirmed, the status of the trafficking has not been fully investigated within the country, and relevant data and information are still limited³¹⁵.

Victim Identification Process of VOTs

Procedures for the identification, referral, and repatriation of VOTs in Vietnam are described in “Circular 01 Joint Circular on Instructions and Procedure for and Cooperation in Identification, Receipt and Repatriation of Victims of Human Trafficking (hereafter referred to as “Inter-Agency Circular 01”) 2014”, issued jointly by the MPS, Ministry of National Defense, and the Ministry of Labor Invalids and Social Affairs (MOLISA) (see Chapter 2, 7.2.3 for “Circular”).

Inter-Agency Circular 01 distinguishes three forms of VOTs as follows;

- 1) Vietnamese VOTs trafficked in foreign countries (Articles 4-5)
Ministry of Foreign Affairs (MFA) and MPS provide assistance and identification for repatriation of VOTs. MPS or Ministry of National Defense receive VOTs, and refer them to MOLISA to provide initial support.
- 2) Vietnamese VOTs trafficked in Vietnam (Articles 6-7)
The police verify documents and identify victims, and the police refer the case to MOLISA, which provides initial support.
- 3) Foreign VOTs trafficked in Vietnam (Articles 8-9)
The police, Border Guard Command, and Coast Guard receive and identify victims, who are then referred to MOLISA to provide initial support.

In all cases, when a person is identified as a VOT, the police, Border Guard Command, or diplomatic mission abroad issue a "Victim Certificate". Once officially identified as a VOT and issued a "Victim Certificate", the victim is entitled to receive assistance described in Chapter 2, 0.

Initial support for victims consists of 1) daily commodities such as clothes, soap, and toothbrushes, 2) meal allowance, 3) emergency medical expenses, and 4) initial support grant (about 45 USD per month). The regulations stipulate that initial support grant is provided only to those from poor households (poor

³¹¹ Based on the interviews with NOGs

³¹² Ibid

³¹³ Based on the interview with NGOs.

³¹⁴ US Department of States (2020), Trafficking in Persons Report: Vietnam

³¹⁵ Based on the interview with NGOs.

households have certificates issued in social welfare programs)³¹⁶. In addition, one of the Circulars on TIP specifies that victims and their witnesses are entitled to legal aid and support of a lawyer in judicial proceedings³¹⁷. However, the Legal Aid Law (2017) stipulates that legal aid is to be provided only to 1) persons from poor households and 2) persons from ethnic minorities living in areas with particularly hard socioeconomic conditions, which may limit access to assistance to some victims³¹⁸.

7.2 Legal Framework to Combat TIP

7.2.1 International and Regional Conventions

The international and regional conventions related to TIP that Vietnam has ratified or concluded are shown in エラー! 参照元が見つかりません. .

Table 25 : List of International and Regional Conventions Ratified or Signed by Vietnam

Name of the convention (year of adoption)	Ratification
International Convention (UN)	
Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) (1979)	1982
United Nations Convention on the Rights of the Child (1989)	1990
The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990)	Not signed or ratified
The Optional Protocol to the Convention on the Elimination of all forms of Discrimination Against Women (1999)	Not signed or ratified
Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999)	2000
The United Nations Convention against Transnational Organized Crime (2000)	2012
The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the Palermo Protocol) (2000)	2012
The Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime (2000)	Not signed or ratified
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000)	2001
Protocol of 2014 to the Forced Labour Convention, 1930 (2014)	Not signed or ratified
Regional Convention (ASEAN and COMMIT)	
Memorandum of Understanding on Cooperation against Trafficking in Persons in the Greater Mekong Sub-Region (COMMIT MOU) (2004)	2004
ASEAN Declaration Against Trafficking in Persons Particularly Women and Children (2004)	2004
ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (2007)	2007
ASEAN Human Rights Declaration (2012)	2012
ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP) (2015)	2016

Source : Created by the author based on United Nations Treaty Collection (https://treaties.un.org/pages/Home.aspx?clang=_en)

7.2.2 Bilateral MOUs and Agreements

Vietnam has signed the following bilateral MoUs and agreements regarding the protection of VOTs.

- Agreement Between the Government of the Kingdom of Thailand and the Government of the Socialist Republic of Vietnam on Bilateral Cooperation for Eliminating Trafficking in Persons, Especially Women and Children and Assisting Victims of Trafficking (2008)
- Agreement between the Government of the Lao People's Democratic Republic and the Government of the Socialist Republic of Vietnam on Bilateral Cooperation in Preventing and Combating Trafficking in Persons and Protection of Victims of Trafficking (2010)
- Agreement between the Royal Government of Cambodia and the Government of the Socialist Republic of Viet Nam on Bilateral Cooperation for Eliminating Trafficking in Women and Children and Assisting Victims of Trafficking (signed in 2005, amended in 2012)

³¹⁶ USAID (2021), Assessment of Countering Trafficking in Persons in Vietnam-Situational Analysis Report, P.26

³¹⁷ Socialist Republic of Vietnam (2019), Circular No. 84/2019/TT-BTC Provisions on Contents and Levels for the Assistance of Victims and the Content and Levels of Support for Victims Provided in the Government's Decree No. 09/2013/ND-CP which provides Guidelines for the Law on Preventing Human Trafficking

³¹⁸ USAID (2021), Assessment of Countering Trafficking in Persons in Vietnam-Situational Analysis Report, P.26

- Agreement between the Government of the Socialist Republic of Vietnam and the Government of the People's Republic of China on Strengthening Cooperation on Preventing and Combating Human Trafficking (2010)

In addition to the above bilateral MOUs, Vietnam has concluded SOPs with Cambodia (2009) and Thailand (2013) on repatriation of VOTs.

7.2.3 Domestic Law

In the legal system of Vietnam, "Laws" approved by the National Assembly are established under the "Constitution," and "Decrees" are issued by the government to stipulate specific implementation procedures of the laws. In addition, ministries and agencies issue "Circulars" that detail administrative procedures and internal guidelines for implementing the Laws and Decrees³¹⁹. The legal framework for TIP is established at each stage of the legal process, and this section provides an overview of these legal documents.

Law

In Vietnam, the laws that combat TIP are “Law No. 66/2011/QH12 on human trafficking prevention and combat” and “Penal Code (Criminal Code)”.

The Law on Human Trafficking Prevention and Combat enacted in 2011 stipulates a definition of TIP, the rights and obligations of VOTs, and the roles of relevant institutions. The definition of TIP includes: 1) transporting or receiving a person for the purpose of sexual exploitation, forced labor, removal of human organs, or other inhumane purposes; 2) recruiting, transporting, or harboring a person for the purpose of sexual exploitation, forced labor, removal of human organs, or other inhumane purposes. The perpetrators of TIP are subject to the Penal Code. The following assistance is provided to VOTs based on the Law³²⁰.

- 1) Support to meet essential needs and for travel expenses (Initial Support)
- 2) Medical support
- 3) Psychological support
- 4) Legal aid
- 5) Support in general education and vocational training
- 6) Initial difficulty allowance, support in loan borrowing

The Penal Code prohibits TIP under Articles 150 and 151.

- Article 150: Human Trafficking
Any person who uses violence, threatens to use violence, deceives, or employs other tricks to commit any of the following acts shall face a penalty of 05 - 10 years' imprisonment:
 - a) Transferring or receiving human people for transfer for money, property, or other financial interests;
 - b) Transferring or receiving human people for sexual slavery, coercive labor, taking body parts, or for other inhuman purposes;
 - c) Recruiting, transporting, harboring other people for the commission of any of the acts specified in Point a or Point b of this Clause.
- Article 151: Trafficking of a person under 16
A person who commits any of the following acts shall face a penalty of 07 - 12 years' imprisonment:
 - a) Transferring or receiving a person under 16 for transfer for money, property, or other financial

³¹⁹ JETRO (2018), *Vietnam Zeimu Q&A* (Tax Information in Vietnam Q&A), P.1

³²⁰ Socialist Republic of Vietnam (2011), Law No. 66/2011/QH12 on human trafficking prevention and combat, Article 32

- interests, except for humanitarian purposes;
- b) Transferring or receiving a person under 16 for sexual slavery, coercive labor, taking body parts, or for other inhuman purposes;
- c) Recruiting, transporting, harboring a person under 16 for the commission of any of the acts specified in Point a or Point b of this Clause.

There are two differences between the definition of TIP in Vietnamese law and the definition in the Palermo Protocol, and it is expected to ensure legal consistency and to consider amending the law³²¹.

- The Definition of “TIP”
The Penal Code defines TIP as the trafficking, transportation, and harboring of a person without transferring and receiving the person. On the other hand, "victims" as defined in the Law on Human Trafficking Prevention and Combat include, in addition to VOTs as defined in the Penal Code above, persons who have been trafficked, transported or harbored for sexual exploitation, labor exploitation, organ selling or other inhumane purposes, even if they do not involve delivery. Therefore, while there are no discrepancies in definitions between the Law on Human Trafficking Prevention and Combat and the Palermo Protocol, there are some inconsistencies between the Penal Code and the Palermo Protocol regarding the definition of TIP. This has led to confusion at the field level as to whether each case is considered TIP or not³²².
- The Definition of “Children”
Under international laws, "a person under age of 18" is defined as a “child”, and the Palermo Protocol refers to those under 18 years of age as children. Under the Palermo Protocol, of the three elements that constitute TIP, namely "purpose," "act," and "means," children under age of 18 are identified as VOTs even without "means" such as threats or fraud, if the "purpose" and "act" are confirmed (see chapter 2, 3.1.1). However, since the Penal Code of Vietnam defines a child as "under age of 16" the definition of a child under the Palermo Protocol would not apply to “those who are ages of 16 to 18”, that means those people cannot be identified as VOTs unless it can be proven that there were "means" to show they did not give his/her consent.

To address these issues, the Government of Vietnam is currently in the process of revising the Law on Human Trafficking Prevention and Combat with the support of international organizations and bilateral aid agencies. At the time of the research, a draft of the amendment has already been completed and is awaiting discussion and approval by the National Assembly³²³. Approval by the National Assembly is expected in 2023³²⁴.

Decree

Among the decrees issued to implement the Law on Human Trafficking Prevention and Combat, the one that stipulates the details of victim assistance is "Decree No. 09/2013/ND-CP, Stipulating in detail a number of articles of the anti-human trafficking law (hereafter referred to as “Decree No.09”)(2013).

Decree No. 09 defines the authorization of victim support facilities and organizations, how to operate, and the procedures for victim support. It is the document referred to at the field level of victim protection, as it details the assistance provided to victims. The support provided to victims is described in detail in accordance with Article 32 of the Law on Human Trafficking Prevention and Combat, including daily commodities and travel expenses (Article 19), medical support (Article 20), psychosocial support

³²¹ US Department of States (2022), Trafficking in Persons Report: Vietnam

³²² USAID (2020), Trafficking Victim Protection Frameworks in Cambodia, Indonesia, Lao PDR, Thailand, and Viet Nam: A Resource for Practitioners, P.90

³²³ Based on the interview with ASEAN-ACT Vietnam on 4 March, 2022.

³²⁴ Ibid

(Article 21), legal support (Article 22), and basic vocational training and early recovery support (Article 21). However, the contents of these supports are only listed, and it is not clear which supports can be provided at which stage when they are actually used in the field. It was also pointed out that there are some supports that are actually provided but not listed in Decree No. 09, and that it is necessary to reconfirm the supports that can be delivered and organize the descriptions in order to ensure the sustainability of these supports.

Therefore, international organizations, bilateral aid organizations including JICA, and NGOs have collaborated with MOLISA, which supervise implementation of Decree No. 09, to formulate a draft amendment. The draft has already been completed and confirmed by MOLISA. However, as mentioned above, the amendment of the Law on Human Trafficking Prevention and Combat is also underway at the same time, and the related Decrees and Circulars will be revised after the Law is amended. Thus, it is expected that Decree No. 09 will be revised after the Law is amended in 2023³²⁵.

Circular

In addition to Inter-Agency Circular 01 mentioned above, the following two circulars have been issued in relation to the Law on Human Trafficking Prevention and Combat.

- Circular No. 35/2013/TT-BLDTBXH, Guidelines for some articles of the Government's Decree No. 09/2013/ND-CP Dated January 11, 2013, detailing the Law on Prevention of Human Trafficking) (2013)

It is the bylaws issued by MOLISA on support facilities and organizations for VOTs. The bylaws specify the size of the rooms, staffing, functions, details of services provided, repatriation, and other details pertaining to the support of victims.

- Circular No. 84/2019/TT-BTC Provisions on Contents and Levels for the Assistance of Victims and the Content and Levels of Support for Victims Provided in the Government's Decree No. 09/2013/ND-CP which provides Guidelines for the Law on Preventing Human Trafficking) (2019) With regard to the various types of assistance provided for in Decree No. 09, it establishes bylaws pertaining to budgetary measures, fund mobilization, financial assistance to victims, criteria for disbursement, and others.

7.3 Policy and Policy Implementation Structure

7.3.1 Policies

In Vietnam, the National Plan of Action 2021-2025 (NPA 2021-2025) is currently being implemented with regard to combating TIP. NPA 2021-2025 includes a variety of related activities under the following objectives³²⁶;

- 1) Communication shall be strengthened to raise awareness for individuals, families and communities on the prevention and combat of trafficking, with priority given to high-risk populations, especially in remote, border, and rural, and ethnic minority areas.
- 2) Aiming for a target of 100% of incidents of trafficking-related crime reporting and petitions for institution properly received and classified, and over 90% of which appropriately handled.
- 3) Ensure victims are promptly and effectively received, verified, identified, rescued, protected and supported in accordance with the law and following the victim-centered approach.
- 4) Policies and laws related to trafficking combating and prevention and to victim verification,

³²⁵ Based on the interview with JICA Experts on "Project for Strengthening the Operation of Hotline for Counseling and Supporting Trafficked Survivors" on 9 March, 2022.

³²⁶ The Socialist Republic of Vietnam (2021), PROGRAM on Human Trafficking Prevention and Combat for period 2021 – 2025 with a Vision to 2030, P.1-2

identification, rescue, protection and support are to be regularly reviewed and revised for internal coherence and consistency, external compatibility with regional and international laws, and alignment with actual developments of counter-trafficking in persons work.

- 5) Improve the efficiency of inter-agency coordination and international cooperation in receiving, verifying, identifying, rescuing, protecting and supporting victims, and in investigating, prosecuting and adjudicating trafficking cases.
- 6) Data and information on trafficking is collected, compiled, updated, and shared among relevant ministries and agencies for the purpose of monitoring and evaluation, as well as formulation of policies on trafficking prevention and combat.

It has been pointed out that the contents of NPA 2021-2025 largely follows on NPA 2016-2020, which was a former national policy on TIP, and does not adequately address latest trends and changes in TIP³²⁷. It is also said that the indicators set, including the target in Goal 2), are not realistic and the definitions are not clear, making it difficult to measure the level of achievement.

7.3.2 Coordination Bodies

The Steering Committee 138 has been established as the framework for promoting the implementation of NPA. The Committee, chaired by the Deputy Prime Minister and vice-chaired by the Minister and Deputy Minister of Public Security, oversees the implementation of NPA as a policy-making and monitoring body for combating TIP. Members include MOLISA, Ministry of National Defense, Ministry of Foreign Affairs, Ministry of Justice, Ministry of Health, Ministry of Information and Communication, Ministry of Agriculture and Rural Development, Ministry of Finance, Ministry of Planning and Investment, People's Committee, and Vietnam Women's Union, and others.

In addition, the National Counter-Trafficking Network has been established as a coordination function at the working level. Co-chaired by IOM and UNDP, it includes international organizations, bilateral aid agencies, NGOs, and CSOs, and meets four times a year to coordinate activities and share information³²⁸.

7.3.3 Policy Implementation Structure

Ministry of Labor, Invalids and Social Affairs (MOLISA)

The Ministry of Labor Invalids and Social Affairs (MOLISA) is the agency designated in the Law on Human Trafficking Prevention and Combat and the NPA 2021-2025 to provide assistance to VOTs. Within MOLISA, the Department of Social Vice Protection and Combat (DSVP) is primarily responsible for the development and enforcement of victim assistance laws, licensing and supervision of victim assistance organizations, training of victim assistance personnel, and strengthening international cooperation. In each province, the Department of Labor, Invalids and Social Affairs (DOLISA), a provincial level organization of MOLISA, is responsible for providing assistance to VOTs within the province. It also conducts awareness-raising activities using various tools, such as TV and radio program, posters, and leaflets.

DSVP is currently preparing training materials on case management and psychosocial support for victims, and plans to conduct a pilot ToT training using these materials in Ha Giang Province in 2023, followed by nationwide dissemination³²⁹. The training will target staff members in DOLISA, provincial and district police, Vietnam Women's Union, Border Guard Command, and other personnel responsible for supporting VOTs. DSVP also plans to launch a pilot project on the development of a support model

³²⁷ USAID (2020), *Trafficking Victim Protection Frameworks in Cambodia, Indonesia, Lao PDR, Thailand, and Viet Nam: A Resource for Practitioners*, P.21

³²⁸ Based on the interview with NGOs.

³²⁹ Based on the interview with DSVP on 8 April, 2022.

for pre-identification victims (those who are likely to be VOTs but have not been identified due to lack of evidence) and VOTs trafficked in Vietnam³³⁰. In preparation for this project, DSVP is currently developing tools to support victims working in domestic service industries such as bars and karaoke.

Department of Children Affairs (DCA) of MOLISA also operates a national hotline for TIP with the support of JICA.

The research confirmed that DSVP recognized the following challenges³³¹;

- Since the amendment of Decree No. 09 cannot be approved without the amendment of the Law on Human Trafficking Prevention and Combat, accelerate the amendment of the Law in order to deliver support for victims more effectively.
- Existing regulations and policies focus on Vietnamese VOTs trafficked abroad and do not adequately take into account the response and support for domestic VOTs.
- The functions of shelters and other victim protection facilities must be further expanded and the quality of support must be improved.

Ministry of Public Security (MPS)

Ministry of Public Security (MPS) is the ministry with jurisdiction over the police, which investigates TIP cases and penalizes perpetrators. It is also the agency to conduct victim identification in the process of victim protection.

Border Guard Command

Border Guard Command is an organization in Ministry of National Defense that is responsible for policing the border region. When a victim returns or is repatriated to the border area, Border Guard Command protects the victim at the border office, verifies documents, conducts interviews, and issues a “Victim Certificate”³³². Once the process is completed, the victim is handed over to DOLISA or NGOs. Through border security, Border Guard Command may also rescue victims who are trying to cross the border.

The research confirmed that Border Guard Command recognized the following challenges³³³;

- While there are a large number of female VOTs, most officers in Border Guard Command are male, making it difficult in some cases to respond to female VOTs.
- Most of the training related to TIP conducted by Border Guard Command focus on prevention, and training related to victim identification and investigation is provided by other organizations such as the police and NGOs. Opportunities to participate in those trainings are limited. Therefore, when relevant laws and regulations change, staff members need to update information by themselves, and they may not be fully informed or may have a wrong understanding of legal framework.

Vietnam Women’s Union (VWU)

Vietnam Women's Union (VWU) is a mass organization with 18 million members nationwide, basically female members of the Communist Party of Vietnam. VWU has a central headquarters and branches at the provincial, district, and commune levels. With regard to TIP, VWU conducts nationwide educational activities for women on risks of TIP, relevant laws, and provides information on services for VOTs. VWU also operates a shelter for female VOTs and a hotline for reporting and counseling (see Chapter 2, 7.4.1).

³³⁰ As there isn’t enough budgetary support from the government, currently considering seeking funding opportunities from donors. Based on the interview with DSVP on 8 April, 2022.

³³¹ Based on the interview with DSVP on 8 April, 2022.

³³² Based on the interview with 7.3.3.3 Border Guard Command on 5 April, 2022.

³³³ Ibid

7.4 Initiatives by the Government

This section provides an overview of the measures taken by the government and local administrations to combat trafficking in persons. Although "innovative approaches and good practices through the use of Digital Transformation (DX)" are listed as a research item in Table 2, no examples of DX or other counter-TIP measures were found in Vietnam during the literature review and online interviews (NGO initiatives through digitalization were identified, such as the use of cell phone applications to improve financial literacy. See Chapter2, 0).

7.4.1 Shelters

In Vietnam, the following three types of shelters have been in operation for the protection of VOTs at the time the research was conducted;

1) Peace House Shelter

Peace House Shelters are facilities for female victims of violence that VWU has operated since 2007 in two locations in Hanoi and one in Can Tho City. Of the two shelters in Hanoi, one is for victims of SGBV and the other for VOTs, while the shelter in Can Tho City accepts both victims of SGBV and TIP³³⁴. Victims can receive assistance of medical care, counseling, and vocational training.

2) Social Work Center

Social Work Centers are operated by DOLISA in each province that accepts people with disabilities, orphans, homeless children, VOTs, and the elderly (not all provinces have these facilities). In accordance with the Law on Human Trafficking Prevention and Combat, the centers provide housing, clothing, food, psychosocial support, transportation, and other assistance. Centers without clinical psychologists may request psychosocial support from VWU or other organizations³³⁵. VOTs can stay for up to 60 days based on their requests, but most of them stay for 10-15 days. The social work center in An Giang Province has a Hotline111 operated by DCA (see Chapter2, 7.4.2).

3) Shelters operated by NGOs

Some NGOs involved in combating TIP have their own shelters. They operate in various forms, including emergency shelters that provide protection after repatriation and medium- to long-term shelters that provide job training and other services (see Chapter 2, 7.5.3).

After the pandemic started, as part of infection control measures, repatriated and returned VOTs were placed in quarantine facilities for a certain period of time and returned directly to their homes once the quarantine was completed. At the time the research was conducted, VOTs were not placed to Social Work Centers.

The only shelter dedicated to VOTs is the shelter operated by VWU in Hanoi; other shelters are not specialized for VOTs. In addition, there are few shelters where victims can stay for a long period of time, and there is not a sufficient environment for victims to concentrate on their physical and mental recovery.

7.4.2 Hotlines

DCA in MOLISA operates Hotline 111, a JICA-supported hotline for reporting and counseling on TIP cases and child abuse. The hotline was established by MOLISA in 2004 and operated as a child helpline that mainly provides consultation services for children. With support from JICA, the hotline has added the function of a hotline for consultation and reporting on prevention of TIP and social rehabilitation of victims/survivors, and has developed a structure that includes cooperation with related organizations.

³³⁴ The Centre for Women and Development, <https://cwg.vn/en/peace-house-shelters>, last accessed on 28 September, 2022.

³³⁵ Based on the interview with Social Work Center in Ha Giang Province in 5 April, 2022.

Currently, an operation center is located in Hanoi, and connecting units have been established in An Giang and Ha Giang provinces to operate hotlines in both provinces.

When Hotline111 receives a report of TIP, the operator reviews and refers the case to the necessary services. Some ministries have established Inter-Agency Working Teams (IAWTs) consisting of several related ministries to respond to cases received by Hotline 111, so that IAWTs are contacted if cases requiring rescue occur. In addition, NGOs operating in Vietnam are sometimes requested to rescue victims of trafficking in persons, as some NGOs are equipped with rescue teams that can carry out rescue operations. Counseling services are also provided to victims by counselors, and through JICA's support, the capacity of counselors has been strengthened to establish a framework that can provide qualified counseling services.

Hotline111 has around 30 staff members, including counselors, and the Government of Vietnam allocates a budget of about 4 billion Vietnamese Dong (VND) annually for its operation. In the past three years (2019-2021), the hotline has responded to 127 cases and 165 VOTs (the majority of whom were victims of sexual exploitation)³³⁶. The JICA technical cooperation project completed in March 2022.

Through the interview with the Hotline 111 representatives, the following issues were identified³³⁷.

- It is not clarified how Hotline 111 will be maintained and managed after the JICA technical cooperation project is completed. Since the Government funding of 4 billion VND is not enough to cover equipment renewal and capacity enhancement, MOLISA has plans to increase the budget, but this has not yet been confirmed.
- Since IAWTs have not yet been established nationwide and some are not functioning well at the field level, it is necessary to promote the establishment of IAWTs and strengthen their capacity in order to further promotion of coordination in victim protection.

In addition to Hotline 111, Hotline 1900969680 is operated by VWU as a hotline to provide referrals and counseling to women who are victims of SGBV and TIP³³⁸.

7.5 Initiatives by International Organizations, Bilateral Aid Agencies, NGOs or other private organizations

In Vietnam, international organizations, bilateral aid agencies, and many NGOs and other private organizations are providing assistance related to combating TIP. This section outlines some of the assistance provided by these organizations.

7.5.1 International Organizations

IOM Vietnam³³⁹

IOM is working to strengthen prevention, protection, prosecution, and partnership of the fight against TIP in Vietnam.

- 1) Prevention: IOM conducts educational activities for people planning migration, raises awareness on safe migration and TIP, and helps them make well-informed decisions.
- 2) Protection: IOM provides protection-related assistance directly or through partner organizations to VOTs identified by government authorities and potential victims. If a foreigner is trafficked in Vietnam, IOM may provide assistance in returning home country or resettlement in Vietnam,

³³⁶ Based on the interview with DCA on 25 February, 2022.

³³⁷ Ibid

³³⁸ The Centre for Women and Development, <https://cwg.vn/en/peace-house-shelters>, last accessed on 28 September, 2022.

³³⁹ Based on the interview with IOM Vietnam on 2 March, 2022.

depending on the individual needs.

- 3) Prosecution: IOM provides technical assistance to MPS and other relevant government agencies responsible for providing assistance to VOTs and vulnerable migrants.
- 4) Partnership: In terms of partnerships in the Asian region, IOM serves as the secretariat for the Bali Process. In Vietnam, IOM co-chairs the National Counter Trafficking Network with UNDP.

UNODC Vietnam³⁴⁰

UNODC has started its activities in Vietnam since 1992. Based on the United Nations Convention against Transnational Organized Crime and the Palermo Protocol, UNODC has been conducting the following three activities to combat TIP in Vietnam, especially to strengthen capacity of law enforcement agencies;

- 1) UNODC supports the development of a legal framework to eliminate TIP, including the Law on Human Trafficking Prevention and Combat, the Penal Code or Decree No. 09.
- 2) UNODC works in cooperation with law enforcement agencies to strengthen their capacity, primarily targeting police officers and Border Guard Command. This is not specifically focused on TIP, but is building capacity to deal with transnational organized crime in general, including TIP. It also strengthens the capacity of police, prosecutors, and judges to handle cases of sexual exploitation against children, and provides practical assistance in developing training curriculum, organizing training, and response to crimes.
- 3) UNODC established the National Legal Study Group on Sexual Exploitation against Children to strengthen interagency coordination in combating TIP. It is composed of members from various institutions, including judicial officers, police officers, prosecutors, judges, child protection workers, lawyers, and NGOs, who discuss new developments in the legal framework pertaining to the sexual exploitation against children. It also conducts advocacy for the Government.

7.5.2 Bilateral Aid Agencies

ASEAN-ACT Vietnam³⁴¹

ASEAN-ACT has implemented the fourth phase of the anti-TIP program, funded by the Government of Australia, which began in 2019 and will run for 10 years until 2028 (2019-2023 is the first phase and 2023-2028 is the second phase).

The main focus in Vietnam is on strengthening the capacity of law enforcement agencies, such as MPS and the Supreme Court. In addition to the courts and police, training institutions such as the Court Academy, the Prosecutor's College, and the Police Academy, which are training institutions for those personnel, are also supported to develop training materials and conducting training programs on how to deal with TIP cases. In addition, efforts are being made to strengthen the victim-centered approach, victims' rights, and gender perspectives in the fight against trafficking in persons. It is also strengthening efforts based on victim/survivor-centered approach, victims' rights, and gender perspectives in combating TIP.

Apart from conducting training, it also provides assistance in enhancing coordination among law enforcement agencies, assisting in the development of NPA 2021-2015, and providing support in the process of revising the Law on Human Trafficking Prevention and Combat and Decree No. 09.

³⁴⁰ Based on the interview with UNODC Vietnam on 3 March, 2022.

³⁴¹ Based on the interview with ASEAN-ACT Vietnam on 4 March, 2022.

7.5.3 NGOs and Private Organizations

Blue Dragon Children's Fund³⁴²

Blue Dragon Children's Foundation is a local Vietnamese NGO established in 2005. It mainly rescues Vietnamese VOTs in foreign countries and has assisted more than 2,000 victims since its establishment. At this moment, there are more than 100 staff members, including about 40 members who are involved in the fight against TIP such as lawyers and clinical psychologists.

When Vietnamese police authorities rescue victims in other countries, they must issue official letters through diplomatic channels, as they cannot exercise police powers across borders. However, these processes are very time-consuming and sometimes do not receive even a reply. In such cases, the police or government agencies contact Blue Dragon Children's Foundation to request rescue operation (in addition to government agencies, victims sometimes report directly to Blue Dragon Children's Foundation via SNS such as Facebook or Line). Blue Dragon Children's Foundation has a rescue team, consisting of lawyers, social workers, and clinical psychologists that responds to cases of TIP in foreign countries to rescues protect takes them. For those who rescued, support for criminal procedure by lawyers and emergency assistance are provided according to their needs. It also operates an emergency shelter to support victims, providing housing, food, counseling, and legal advice. Once victims/survivors return to their homes, social workers conduct further needs assessments and develop plans regarding necessary support, job training, and support for schooling to support social reintegration.

Apart from rescue operations, Blue Dragon Children's Fund conducts awareness-raising activities to promote understanding of TIP and mitigation of risks in communities, and supports the revision of laws and decrees. In addition, in provinces where there are high numbers of VOTs (mainly Ha Giang and Lao Cai provinces), it conducts various training programs, including investigations of TIIP cases, communication with victims, and approaches to families of VOTs.

Pacific Links Foundation³⁴³

Pacific Links Foundation is an NGO headquartered in the United States that works to combat TIP in transit and destination countries in Asia and Europe. It has conducted its activities in Vietnam for more than 20 years and currently has a total of about 35 staff members in Vietnam and the U.S. (25 of them, including lawyers, social workers, or others, involved in combating TIP). The two main programs it implements are as follows;

1) Prevention of modern slavery

It conducts awareness campaigns and training programs for factories to prevent TIP in their supply chains. In partnership with multinational companies and international brands, it trains factory managers and workers on the risks of TIP in the supply chain. Training for factory employees focuses on how to prevent TIP, while training for factory managers focuses on transparency of supply chain and international and national legal framework regarding the prevention of modern slavery. It also provides pre-departure training for migrant workers and a mobile application for them called "PAXU". PAXU offers financial literacy training and supports migrant workers through comparisons of the cost of living between Vietnam and the destination countries, as well as simulations of living expenses.

2) Protection and awareness-raising

It operates "Compassion House", a shelter in Lao CAI Province that provides assistance to victims/survivors, mainly offering medium- to long-term services to VOTs repatriated from other

³⁴² Based on the interview with Blue Dragon Children's Fund on 28 February, 2022.

³⁴³ Based on the interview with Pacific Links Foundation on 2 March, 2022.

countries. At the shelter, victims/survivors receive basic support such as food and counseling, as well as job training and medical assistance. In terms of awareness-raising activities to prevent TIP, it conducts awareness-raising activities for students and the general public to disseminate information on the risks of TIP at schools, communities, bus stops, markets, vocational schools, or other locations.

Besides the above mentioned activities, it works with NGOs and law enforcement agencies in countries other than Vietnam and facilitates the building of cooperative relationships with field-level personnel in transit and destination countries.

7.6 The Impact of COVID-19 Pandemic

According to the number of VOTs mentioned in TIP reports produced by the U.S. State Department, there was a decrease in the number of victims in 2020 and 2021 compared to 2019, the year before the pandemic (see Table 24). However, interviews conducted for this research indicate that TIP has increased after the pandemic started due to greater vulnerability caused by the economic crisis³⁴⁴. As Vietnam borders China, Cambodia, and Laos, and some areas are easily crossed, there is a perception that the closure of border checkpoints has increased illegal border crossings³⁴⁵.

There were also reports of an increase in the number of VOTs in Vietnam, due to the difficulty of formal travel to foreign countries. There have been confirmed cases of girls between the ages of 14 and 16 becoming victims of forced prostitution at karaoke bars and other locations³⁴⁶. In conjunction with the increase in online solicitation, this may be contributing to the growing seriousness of the Tip status in the country.

As in the other countries targeted in the research, the direct impact of the pandemic was that administrative services and victim assistance were interrupted or delayed. Victims repatriated from abroad would normally receive assistance at shelters and Social Work Centers, but due to COVID-19 infection control measures, they were quarantined for a certain period of time and then returned home without being admitted to shelters, which meant that victims were unable to access the services they needed. In addition, the restrictions imposed on movement sometimes prevented or delayed the rescue of victims³⁴⁷.

7.7 Review on JICA Cooperation

7.7.1 Technical Cooperation Projects

JICA has implemented two technical cooperation projects to strengthen countermeasures against TIP in Vietnam, following the deployment of the "Advisor on Counter-Trafficking in Persons" to VWU (2009-2011).

1) Project for the Establishment of Anti-Trafficking in Persons Hotline in Viet Nam

"Project for the Establishment of the Anti-Trafficking in Persons Hotline in Viet Nam (2012-2016, hereinafter referred to as "Phase 1") focused on the prevention of TIP and strengthening operating structure of Hotline 111.

The project purpose was set as "Anti-TIP Hotline on preventing TIP and supporting trafficked persons is established at the central level and in the target provinces" and capacity building was carried out under the following four outputs;

³⁴⁴ Based on the interviews with UNODC on 3 March, 2022, and NGOs.

³⁴⁵ Based on the interviews with NGOs.

³⁴⁶ Ibid

³⁴⁷ Ibid

- Output 1: Collaboration network among concerned agencies for the anti-TIP hotline will be established at the central level and the target provinces.
- Output 2: Operation system of the anti-TIP hotline is set up.
- Output 3: Capacity of staff of the Operation Center, Connecting Units and concerned agencies to provide consultation, counselling and link to appropriate services is strengthened.
- Output 4: Awareness of people on TIP and anti-TIP hotline is increased in the target provinces.

Through the project, anti-TIP functions were added to the existing child helpline in Hanoi City, An Giang Province, and Ha Giang Province to prevent TIP and support victims, and an operational structure for an anti-TIP hotline was established. According to the terminal evaluation on Phase 1 project conducted in 2017, relevance, effectiveness, efficiency and sustainability were all rated as high or relatively high³⁴⁸. One of the major achievements of Phase 1 was the formulation of IAWTs, consisting of MOLISA, MPS, Ministry of National Defense, and VWU. The interagency coordination framework based on the hotline was also consistent with the needs mentioned in the national plan, and has enabled the stakeholders to initiate the establishment of a framework for prompt and effective victim protection.

2) Project for Strengthening the Operation of Hotline for Counseling and Supporting Trafficked Survivors

This project has strengthened regional hubs of Hotline111 and collaboration with related organizations through strengthening the functions of the operation center in Hanoi City, which covers 28 northern provinces and cities, and the establishment of the regional call center (RCC) in Da Nang, which covers 16 central provinces and 19 southern provinces, based on the outcomes of the Phase 1 project.

The project purpose was set as "Anti-TIP hotline operation is strengthened at the regional level" and capacity building was carried out under the following three outputs;

- Output 1: Referral / information sharing systems are strengthened through cooperation between relevant agencies at the central and provincial levels
- Output 2: Anti-TIP Hotline in regional call centers in Hanoi (Northern provinces), An Giang (Southern provinces) and Da Nang (Central provinces) is operationalized
- Output 3: Public awareness of Anti-TIP Hotline is raised nationwide

For Output 1, Hotline111 was incorporated into NPA 2021-2025 and the draft amendment to Decree No. 09 through the project, which has increased its sustainability. The function of IAWT has been further enhanced since Phase 1; and contact information for the central, provincial, district, and commune levels has been incorporated into the system used for Hotline111 as an e-directory.

With regard to Output 2, equipment installed was updated, and training was conducted to strengthen the capacity of the counselors. In addition, an external evaluation was conducted by a psychology expert regarding counseling, which further enhanced the capacity of the counselors.

For Output 3, a nationwide public relations campaign was conducted, using a variety of tools, including leaflets, brochures, TV and radio program, commercials, and video clips. Baseline and endline surveys on Hotline111 were conducted during the project period, and the percentage of people who knew about Hotline111 increased from 12.3% to 51%, indicating some outcomes were demonstrated on PR activities³⁴⁹.

³⁴⁸ JICA(2017), Terminal Evaluation Report on Project for the Establishment of Anti-Trafficking in Persons Hotline in Viet Nam, P. iv - v

³⁴⁹ JICA (2022), Socialist Republic of Vietnam Project for Strengthening the Operation of Hotline for Counseling and Supporting Trafficked Survivors Project Completion Report, P.4-14

According to the Project Completion Report of the Phase 2 project, relevance, consistency, and sustainability were rated as "high," while effectiveness, impact, and efficiency were rated as "relatively high"³⁵⁰. On the other hand, through this research, it was confirmed that the following points require continued efforts to be strengthened after the completion of the project³⁵¹;

- As equipment maintenance will be an issue going forward, DCS is trying to obtain a budget for that. Although three locations are now in place, they are not yet connected to the rest of the regional network, and therefore, collaboration with other regions will be necessary as well.
- Although efforts have been made to strengthen the function of IAWTs since Phase 1 project, there are still many provinces where IAWTs are not fully functional (some have not yet been established). As it is not always clear who is in charge when contacting the provincial or district level agencies, it is necessary to establish a structure that can respond more quickly and accurately.
- Although the baseline and endline surveys confirmed the increased visibility of Hotline111, it is recommended that the budget should be secured to continue publicizing it going forward, as these results may be transitory.
- External evaluations by professionals for counseling services should be conducted on an ongoing basis. Not only training but also quality improvement through evaluation and review of operations can be highly effective.
- While many VOTs are from ethnic minorities, the number of reports and consultations from ethnic minority victims received by Hotline111 is still low. It is necessary to promote awareness of Hotline 111 to those who are at higher risk, such as those living in remote areas and ethnic minorities³⁵².

7.7.2 Others

JICA has invited stakeholders of Counter-TIP from Vietnam to MRWs which were held in 2 technical cooperation projects implemented in Thailand, "Project on Strengthening of Multi-Disciplinary Teams (MDTs) for Protection of Trafficked Persons in Thailand" (2009-2014) and "Project on Capacity Development on Assisting Victims of Trafficking in the Greater Mekong Sub-regional Countries" (2015-2019).

In addition, JICA has accepted participants from Vietnam to its Knowledge Co-Creation Programs (KCCP), which are "Seminar on Promotion of Networking among Asian Countries on Anti-Human Trafficking" and "Promotion of Networking among ASEAN Countries on Anti-Trafficking in Persons (from 2015)" in Japan since 2012. In KCCP, total of 13 participants from Vietnam have joined since 2014 (it was online bases training in 2020 and 2021). They have been provided with opportunities to learn about measures taken by the Government of Japan and private organizations to combat TIP, as well as learn more about counter-measures and protect victims/survivors through case studies and visits to related institutions.

7.8 Needs and Challenges

This section describes challenges and needs identified through the research according to 5P perspectives of Policy, Prosecution, Prevention, Protection, Partnership (including Monitoring and Evaluation, and Data Collection and Management) described in 1.2 of Chapter 2.

³⁵⁰ JICA (2022), Socialist Republic of Vietnam Project for Strengthening the Operation of Hotline for Counseling and Supporting Trafficked Survivors Project Completion Report., P.19-28

³⁵¹ Based on the interview with JICA Experts on "Project for Strengthening the Operation of Hotline for Counseling and Supporting Trafficked Survivors" on 9 March, 2022.

³⁵² In the following data, more than 60% of VOTs are reported to be from ethnic minorities in Vietnam. Blue Dragon Children's Fund (2021), Human Trafficking & Traffickers in Vietnam, P.4

7.8.1 Policy

【Legislation】

- There are discrepancies between the Penal Code and the Palermo Protocol regarding the definitions of "TIP" and "children," and some victims are not protected under Vietnamese legal framework.
- Consistency is not ensured among legal documents, such as related laws, decrees, and circulars.

【Policies】

- National policies need to be developed that incorporate the latest trends in TIP and forced labor in order to address the various forms of crime.
- National policies need to set clear and achievable indicators.
- Although trafficking in persons has been identified in all 63 provinces and cities, national policy prioritizes provinces and cities with the greatest number of VOTs, so some provinces and cities outside the priority areas do not recognize as an important issue³⁵³. Therefore, few services are provided in such provincial cities.

7.8.2 Prosecution

【Domestic TIP cases】

- The real status of victims of TIP and forced labor in Vietnam has not been fully understood, and adequately addressed. Most of the efforts target Vietnamese VOTs in foreign countries.

【Crackdown on TIP crimes】

- Border security needs to be more robust.
- The number of TIP cases using information technology is increasing rapidly, but no crackdown on online crime or introduction of digital tools has been initiated.

7.8.3 Prevention

【Awareness-raising】

- Awareness-raising activities in remote areas and areas with large ethnic minority populations have not been adequately implemented.
- Public education curriculum do not incorporate contents on prevention of TIP.
- Most of the awareness-raising activities are limited to providing information and are not designed to promote changes in attitudes and behavior³⁵⁴. In addition, most of them are conducted on a broad scale through TV and radio program, and participatory activities are not often conducted.

7.8.4 Protection

【Support for VOTs】

- Victims who cross the border illegally often do not access to government services due to concerns about being judged. They may also refuse to receive assistance because they do not fully understand the victim identification process or the details of available assistance.
- Since some initial assistance and legal aid are available only to poor victims with the regulation, there are victims who need assistance but do not have access.
- There are few public shelters dedicated to VOTs, and few public shelters that offer medium- to long-term assistance.
- In some shelters, the buildings are dilapidated.

【Financial assistance for VOTs】

- There is no fund established to provide financial assistance to support victims.
- Although the law stipulates that compensation can be obtained from the perpetrators, most perpetrators have no assets, and in almost no cases compensation is awarded.

³⁵³ USAID (2021), Assessment of Countering Trafficking in Persons in Vietnam-Situational Analysis Report, P.11

³⁵⁴ USAID (2021). Assessment of Countering Trafficking in Persons in Vietnam-Situational Analysis Report, P.29

【Protection of VOTs】

- There is a lack of support for men, LGBTQI+. Number of cases that male victims are rescued is limited as well³⁵⁵.
- Public assistance is not available unless the victim is identified as a victim and a “Victim Certificate” is issued. Also in some cases, if the perpetrator is not identified, the trafficked person cannot be identified as a VOT.

【Response to VOTs from ethnic minorities】

- Many of the victims are from ethnic minorities, and in some cases, communication might be difficult if they do not speak Vietnamese.

【Hotline 111】

- Continuous efforts are required for equipment maintenance, capacity building of counselors, and interagency collaboration.

7.8.5 Partnership, Monitoring and Evaluation, Data Collection and Management

【Coordination】

- Vietnam and neighboring countries require further cooperation. It is sometimes hard for victims to return from foreign countries.
- Although many ministries are involved in combating TIP, cross-ministerial coordination is very limited.

【Data collection and management】

- Due to the lack of integrated data on TIP and ambiguous definitions, figures may vary depending on the agency collecting the data.

7.9 Proposals for JICA Intervention

Based on the latest situation and issues described above, and taking into consideration a review of JICA experience in providing assistance to Thailand to date, JICA comparative advantage, its schemes, knowledge and experience that can be applied, the following 2 proposal for assistance are suggested.

Table 26 : Interventions for Vietnam 1

Items	Details
Overview	A system for the protection and social reintegration of victims/survivors of TIP will be established through providing technical assistance to Vietnam Women's Union (VWU), which operates shelters and hotlines for prevention of TIP and protection of VOTs. Specifically, 1) rehabilitation and expansion of shelters for VOTs, 2) training for shelter and hotline staff in accordance with the victim/survivor-centered approach, 3) training for shelter and hotline staff in case management and counseling, and 4) expansion of economic empowerment for victims, are implemented.
Project Objectives	Protection and social reintegration of victims/survivors of TIP is promoted.
Scheme	Technical Cooperation Project
Counterparts	Vietnam Women's Union (VWU)
Partner organizations	Ministry of Public Security (MPS) Ministry of Labor, Invalids and Social Affairs (MOLISA) Department of Labor, Invalids and Social Affairs (DOLISA) Ministry of National Defense
Expected outcomes	1. Shelters for VOTs are expanded 2. Skills and competencies of shelter and hotline staff are improved 3. Quality of services provided in shelters is improved 4. Livelihoods and economic empowerment of trafficking victims are promoted

³⁵⁵ UK Home Office (2019), UK Home Office. 2019. Report of a Home Office fact-finding mission to Vietnam

Table 27 : Interventions for Vietnam 2

Items	Details
Overview	By providing technical assistance to female police officers who protect VOTs and crack down on perpetrators, a system for protection of VOTs Vietnam will be established. Specifically, 1) conduct capacity building for the crackdown on domestic TIP cases, especially sexual exploitation and labor exploitation in the service industry; 2) introduce a victim/survivor-centered approach in investigation; 3) develop guidelines and SOPs for investigation on domestic TIP cases; 4) promote inter-agency cooperation in respond to VOTs, are implemented.
Project Objectives	Protection of VOTs in Vietnam Facilitated by Female Police Officers.
Scheme	Technical Cooperation Project
Counterparts	Ministry of Public Security (MPS)
Partner organizations	Ministry of Labor, Invalids and Social Affairs (MOLISA) Department of Labor, Invalids and Social Affairs (DOLISA) Vietnam Women's Union (VWU)
Expected outcomes	<ol style="list-style-type: none"> 1. Female police officers gain a better understanding of sexual and labor exploitation in the country 2. Victim/survivor-centered approach to enforcement is strengthened 3. Tools for responding to domestic TIP cases are developed. 4. Collaboration with other ministries and agencies is promoted.

8. The Results of the Research in Myanmar

8.1 Review on JICA Intervention

8.1.1 Technical Cooperation Projects

JICA has implemented two technical cooperation projects in the field of combating TIP with the aim of building the capacity of relevant organizations and human resources to provide services for protection and social reintegration of victims/survivors of TIP in Myanmar.

1) Project on Capacity Improvement of Recovery and Reintegration Assistance for Trafficked Persons
In the "Project on Capacity Improvement of Recovery and Reintegration Assistance for Trafficked Persons" (2012-2016), the project purpose was set as "Protection support and services for trafficked persons by victim support agencies in the target areas are improved", and activities were carried out under the following three outputs.

- Output 1: The capacity of social welfare staff and social workers of victim support agencies to protect trafficked persons is enhanced.
 - Output 2: Pilot activities for protection of trafficked persons are planned and implemented.
 - Output 3: Practical tool and information on protection of trafficked persons are developed and shared among victim support agencies.
- 2) Project on Capacity Development and Promotion of Networking on Assisting Victims of Trafficking

The "Project on Capacity Development and Promotion of Networking on Assisting Victims of Trafficking" (2018-2021) states the project purpose as "The protection and repatriation/reintegration services for Victims of Trafficking (VOT) are enhanced through strengthening networking in the pilot sites and collaboration at the central level, and activities were implemented based on the following 3 outputs;

- Output1: Cooperation among VSAs in providing services and assistances to trafficked persons is strengthened through Multi-Sectoral Network (MSN) in pilot sites
- Output2: Access to information about support and services for VOT is enhanced by strengthening functions of the Information Center for Trafficked Persons (ICTP).
- Output3: Institutional capacity of CBTIP is strengthened on the protection and repatriation/reintegration of VOT based on victim-centered approach.

According to the Project Completion Report, the project was highly relevant and well aligned with development issues and needs, but the COVID-19 pandemic that began in early 2020 and the coup in February 2021 prevented the continuation of most of the training and meetings. As a result, outcomes were only partially achieved and did not fully demonstrate effectiveness³⁵⁶. The efficiency of the project was also rated as low due to slow progress, and sustainability was rated as moderate due to a number of uncertainties. Given the difficult situation of the implementing agencies, the report states that it is expected to take a considerable amount of time to achieve the project purpose³⁵⁷.

8.1.2 Others

JICA has invited stakeholders of Counter-TIP from Myanmar to MRWs which were held in 2 technical cooperation projects implemented in Thailand, "Project on Strengthening of Multi-Disciplinary Teams (MDTs) for Protection of Trafficked Persons in Thailand" (2009-2014) and "Project on Capacity Development on Assisting Victims of Trafficking in the Greater Mekong Sub-regional Countries" (2015-

³⁵⁶ JICA (2021), Project Completion Report - Project on Capacity Development and Promotion of Networking on Assisting Victims of Trafficking in Republic of the Union of Myanmar, P.21-27

³⁵⁷ Ibid, P.30

2019).

In addition, JICA has accepted participants from Myanmar to its Knowledge Co-Creation Programs (KCCP), which are "Seminar on Promotion of Networking among Asian Countries on Anti-Human Trafficking" and "Promotion of Networking among ASEAN Countries on Anti-Trafficking in Persons (from 2015)" in Japan since 2012. In KCCP, total of 22 participants from Myanmar have joined since 2014 (it was online bases training in 2020 and 2021). They have been provided with opportunities to learn about measures taken by the Government of Japan and private organizations to combat TIP, as well as learn more about counter-measures and protect victims/survivors through case studies and visits to related institutions.

Chapter 3 Implementation of Mekong Regional Workshop (MRW)

1. Overview

Chapter 3 describes a summary of the work related to the preparation and implementation of the 10th Mekong Regional Workshop (MRW) on August 9 and 10, 2022, and the post-implementation follow-up. The work that was stipulated to be carried out by the short-term expert (Counter-TIP) in the preparation, implementation and post-implementation follow-up of MRW is as follows;

【Preparation for MRW】

- 1) Review and propose the theme and content of the 3-year MRW.
- 2) Submit and finalize the draft General Information (GI) for the 10th MRW.
- 3) Confirm the specific activity process of the project and reflect it as a sub-activity in the Plan of Operation (PO).
- 4) Review and propose to the project stakeholders the method of regular monitoring after MRW, including the monitoring format.
- 5) Prepare for the 10th MRW in cooperation with JICA Thailand Office and the implementing agency.

【Implementation of MRW】

- 6) Share a summary of the research results with participants at the 10th MRW.

【Post-implementation follow-up of MRW】

- 7) Based on the questionnaire for the participants of the 10th MRW, we propose numerical values for the indicators 2.1 and 2.2 of the Project Design Matrix (PDM) to the project stakeholders.
- 8) Based on the works on the preparation and implementation for the 10th MRW, prepare a draft event manual for MRWs in cooperation with JICA Thailand Office and the implementing agency, summarizing the procedures to holding MRWs, division of roles, and considerations or others.

2. Preparation for MRW

2.1 Proposals for Themes of MRW (May, 2022)

Among the issues identified in the results of the research described in the Chapter 2, issues common to the four target countries were identified and classified into four categories: 1) Protection, referral, and social reintegration of VOTs; 2) Online-based crimes and advanced technology; 3) TIP and labor exploitation in business and human rights; and 4) Organizational management. The themes of MRW for the three-year period from 2022 to 2024 were discussed and the following four categories and seven themes were proposed. The themes for MRWs for the three-year period from 2022 to 2024 were reviewed and the above four categories and seven themes were proposed.

Table 28 : Proposed MRW Theme and Agenda

Category 1: Protection, referral, and social reintegration of VOTs	
1	<p>Standardized and collaborative victim identification and referral in GMS</p> <ul style="list-style-type: none"> ➤ Country presentations: Latest status and challenges of victim protection processes ➤ Presentations from resource persons: e.g., Transnational Referral Mechanism (TRM) ➤ Group work: Future efforts of each country and multilateral cooperation for adequate victim protection
2	<p>Operation of shelters and supporting social reintegration of VOT based on the survivor-centered approach</p> <ul style="list-style-type: none"> ➤ Country presentations: Latest status, challenges, and good practices in shelter operations ➤ Presentations from resource persons: e.g. Lessons learnt from the victim/survivor-centered approach and shelter operations in Japan ➤ Group work: Future efforts of each country and multilateral cooperation to support victims in accordance with the victim/survivor-centered approach
3	<p>Preparation for and response to the “New Normal” after COVID-19 Pandemic</p> <ul style="list-style-type: none"> ➤ Country presentations: Response, latest status and challenges on TIP under the circumstances of the

	<p>pandemic</p> <ul style="list-style-type: none"> ➤ Presentations from resource persons: Response, latest status, challenges and good practices on TIP under the circumstances of the pandemic ➤ Group work: Future national and multilateral preparedness and response to the "new normal" in combating TIP
4	<p>How to incorporate perspectives of gender and social vulnerabilities into the protection process</p> <ul style="list-style-type: none"> ➤ Country presentations: Latest status and challenges related to addressing diverse social vulnerabilities (gender diversity including LGBTQI+, physical and mental disabilities, age, ethnic minorities, statelessness, refugees, etc.) in the victim protection process ➤ Presentations from resource persons: Introduction of Gender Lens for Counter-TIP Measures ➤ Group work: Future efforts of each country and multilateral cooperation to implement appropriate protection production taking into account social vulnerabilities of VOTs
Category 2: Online-based crimes and advanced technology	
5	<p>How to handle and respond to online based crime and using IT solutions</p> <ul style="list-style-type: none"> ➤ Country presentations: Latest status, responses, and challenges of online-based TIP crimes ➤ Presentations from resource persons: e.g. Sharing of experiences from Tech Against Trafficking (https://techagainstrafficking.org/) ➤ Group work: Future efforts of each country and multilateral cooperation related to online-based TIP crimes using advanced technology
Category 3: TIP and labor exploitation in business and human rights	
6	<p>How to involve private sectors in the prevention against and response to TIP in the supply-chain management</p> <ul style="list-style-type: none"> ➤ Country presentations: Experiences and challenges to collaborate with the private sector on TIP ➤ Presentations from resource persons: Sharing information from international organizations working on business and human rights and from private companies actively working on this issue e.g. UNDP, ILO, Business and Human Rights Resource Centre, Japanese Ministry of Economy, Trade and Industry, US Embassy ➤ Group work: Future efforts of each country and multilateral cooperation to fight against TIP and labor exploitation in partnership with the private sector
Category 4: Organizational management	
7	<p>Budget allocation, human resource management and prioritization in own responsibilities for Counter-Trafficking in Persons</p> <ul style="list-style-type: none"> ➤ Country presentations: Latest status and challenges of administrative organizations responsible for combating TIP ➤ Presentations from resource persons: N/A ➤ Group work: Future efforts of each country and multilateral cooperation to obtain budgets, allocate budgets, manage human resources, and ensure proper prioritization in responsible tasks related to the fight against TIP

2.2 Selection of Selection of dates and themes (May, 2022)

In coordination with the counterpart, DATIP, the dates for the 10th MRW were determined and the theme for 10th MRW was discussed based on the seven proposed themes for MRWs for 3 years period as mentioned above. As a result, in light of the fact that MRW has not been held for the past two years and that the COVID-19 pandemic has had a significant impact on measures to combat TIP, No.3 in Table 28 "Preparation for and response to the "New Normal" after COVID-19 Pandemic" was selected.

2.3 Preparation of GI (May-June, 2022)

In line with the schedule and the selected theme, the agenda was reviewed and the draft General Information (GI) for a call for participants was prepared. The draft GI completed through being reviewed by JICA Headquarters, JICA Thailand Office, and DATIP, and shared with JICA Country offices in

Cambodia, Lao PDR, and Vietnam in early June. The call for participants in Thailand was coordinated by DATIP (from among the participants who applied, JICA Headquarters and JICA Country offices selected a focal point to coordinate the presentations in each country).

2.4 Preparation for Implementation of MRW (June-August, 2022)

A Work Breakdown Structure (WBS) was created to visualize and share the progress of preparations for the 10th MRW, and was updated as necessary during the preparation process and shared with all parties involved.

The WBS identified tasks and set deadlines for each of the six categories of the preparation process: 1) selection of theme and agenda, 2) preparation of GI, 3) selection of participants, 4) logistics work, 5) preparation for group work and presentations, and 6) preparation of equipment. The parties in charge were JICA Headquarters, JICA Thailand office, JICA Country offices (Cambodia, Vietnam, and Lao PDR), JICA short-term expert (Counter-TIP), DATIP, focal points in each country, local consultants, and a facilitator, and tasks were allocated as appropriate.

The short-term expert (Counter-TIP) was mainly responsible for tasks 1), 2), and 5) of the above six categories, and for 5) preparation for group work and presentations, the short-term expert proceeded to review the contents of the group work to develop the activity plan that is set as one of the outputs of this project. For the implementation of the group work, the short-term expert developed an activity plan format and guidelines on how to conduct the group work. In addition, meetings were held to explain the contents of the group work and how to use the Activity Plan format to the main facilitators and the group supporters who assist discussion in each group.

2.5 Updating of PO (July, 2022)

Since agreement was obtained with DATIP on the tasks identified in 2.4, Plan of Operation (PO) of the project was updated by adding tasks in the process related to the preparation of MRW as sub-activities.

2.6 Others

In addition to the above mentioned tasks, the short-term expert also managed some logistics operations and prepared Participant Information Sheets (PIS) to be distributed to participants and guidelines for preparing materials for country presentations.

The following ten documents were prepared by the short-term experts during the preparation process.

- 1) The list of MRW theme
- 2) General Information (GI)
- 3) Work Breakdown Structure (WBS)
- 4) Guidelines for country presentation
- 5) Tables for simultaneous interpretation
- 6) Activity plan format
- 7) Group work guidance for the main facilitator and group supporters
- 8) Group work guidance for day1 and day2 for projection at MRW
- 9) Participant information sheet
- 10) Monitoring sheet on implementation of activity plan
- 11) Questionnaire for MRW participants

3. Implementation of MRW

3.1 Overview of MRW

The 10th Mekong Regional Workshop was conducted as follows;

Date: 9-10 August, 2022 (2 days)
 Venue: Ambassador Hotel in Bangkok and online (hybrid format)
 Participants: Approximately 90 participants involved in counter-TIP from Thailand, Cambodia, Lao PDR, Vietnam, and Japan

3.2 Main Agenda for MRW

The 10th MRW was conducted according to the following agenda;

Table 29 : Agenda and Overview of the 10th MRW

	Agenda	Details
1	Opening Remarks	MSDHS and JICA Thailand Office made opening remarks respectively.
2	Opening Speech	“Overview of Global Trafficking in Persons, Challenges and Innovative Solution” (MSDHS) MSDHS shared the current global situation regarding TIP, and reported on the latest situation of TIP and the measures currently being taken to combat TIP in Thailand.
3	Presentation 1	“JICA’s Efforts for Gender Equality and Women’s Empowerment: Anti-TIP projects” (JICA Headquarters) The Office for Gender Equality and Poverty Reduction, Governance and Peacebuilding Department, JICA, which is the lead department for this project, introduced JICA's efforts to promote gender equality, prevent and respond to SGBV, and combat TIP, and reported on the role and significance of the project.
4	Presentation 2	“Sharing the Results of JICA TIP Research” (JICA Short-Term Expert on Counter-TIP) See 3.3 for the detail
5	Presentation 3	“Presentation on JICA Knowledge Co-creation Program Promotion (KCCP)” (the participant of KCCP) An officer from Malaysia's Ministry of Women, Family and Community Development, who has participated in past JICA KCCP on combating TIP, gave a report on countermeasures against TIP in Malaysia, with a particular focus on strengthening the response during a pandemic.
6	Country Presentations	Representatives from Cambodia, Lao PDR, Vietnam, and Thailand reported on the challenges and latest status of implementation of measures against TIP in each country, as well as responses and future prospects during the pandemic.
7	Presentation 4	“Preparation for and response to the "New Normal" after COVID-19 Pandemic - New trend of crimes, challenges, and innovative solutions” (IOM Regional Office for Asia and the Pacific) IOM Regional Office for Asia and the Pacific presented an overview of TIP in the Asia-Pacific region, new challenges arising from the pandemic, and IOM's response and good practices in dealing with TIP.
8	Group Work	Development of Activity Plans The participants were divided into country groups to discuss issues in Thailand, Cambodia, Lao PDR, and Vietnam respectively, and a multilateral group to discuss the establishment of a cooperative framework among the four participating countries, and prepared activity plans summarizing activities to be implemented by the next MRW in 2023. The

	Agenda	Details
		groups selected priority issues after identifying the latest challenges, and discussed measures to be implemented for those issues, which were then compiled into an activity plan. Participants from Thailand was divided into four groups (policy, prevention, prosecution, and protection), while Cambodia, Lao PDR, Vietnam, and the multilateral group were discussed in one group.
9	Closing Remarks	Closing remarks were given by JICA Headquarters.

3.3 Reporting of the Results of the Research

The short-term expert (Counter-TIP) reported on the results of a research conducted prior to 10th MRW (see Chapter 2) related to the situation and challenges of TIP in Thailand, Cambodia, Lao PDR, and Vietnam. Focusing mainly on the latest status related to TIP in the Greater Mekong Sub-region, the report covered recent changes and trends in TIP, including the diversification of forms of crime, the increase in crimes using digital technology, and the impact of the COVID-19 pandemic. The short-term expert also reported on some of the issues common to the four target countries based on the 5P perspectives (Policy, Prevention, Prosecution, Protection, and Coordination), as follows;

- Policy: Formulation of laws and policies based on victims' rights
- Prevention: Implementation of prevention-related initiatives such as awareness-raising activities in remote areas and areas with large numbers of ethnic minority residents
- Protection: Different victim protection processes in each country and the impact
Integration of the perspective of social vulnerability in the victim protection process
Strengthening support for victims (initial support, legal aid, etc.)
Strengthening support for activities delivered by NGOs
Enhancing compensation and financial support for victims
- Prosecution: Responding to the increasing diversity of TIP-related crimes
Human resource development to deal with cybercrime
- Partnership: Promoting Collaboration with the Private Sector
Building integrated databases and data management
Enhancing interagency and intersectoral collaboration
- Others: Current Status and Challenges in Combating TIP Using Digital Technology

3.4 Outcomes of MRW

The two main outputs of the 10th MRW implementation are as follows;

- 1) Eight activity plans were developed
Through group work, a total of eight Activity Plans were developed: four for Thailand, one for Cambodia, Lao PDR, and Vietnam, and one for a multilateral group. Each activity in the Activity Plans will be implemented for about one year until the next year's MRW, and JICA and DATIP will monitor the implementation and report the results of activities at the next year's MRW.
- 2) High level of understanding and satisfaction among participants is performed
In a questionnaire for participants conducted at the end of the 10th MRW (50 valid responses), 60% of the participants answered that they "understood" or "understood very well" the content, and 70% answered "very satisfied" or "satisfied" with the contents.

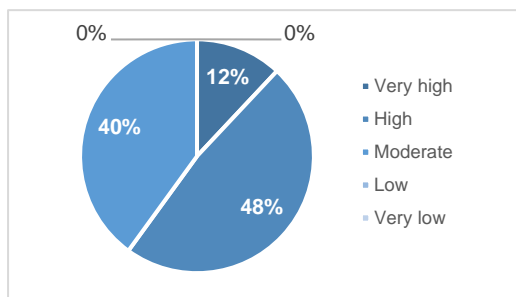


Figure 6 : Understanding of the Contents among the 10th MRW Participants

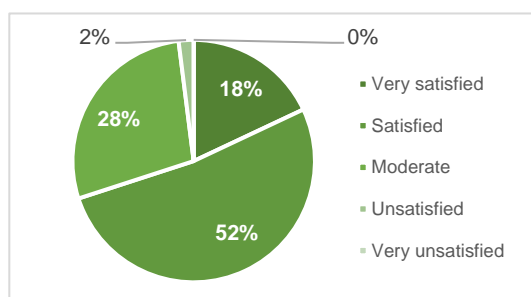


Figure 7 : Satisfaction of the Contents among the 10th MRW Participants

4. Follow-up after MRW

4.1 Proposal for numerical values for indicators 2.1 and 2.2 in PDM

One of the tasks of the short-term expert (counter-TIP) was to propose numerical values for the indicators in the PDM. Indicator 2.1 of Outcome 2 is "XX% of MRW participants answer that they have improved their understanding on effective and concrete measures for anti-TIP through MRW," and Indicator 2.2 of Outcome 2 is "YY% of MRW participants answer that they have satisfies with the contents of MRW." Based on the results of the questionnaire survey shown in Figure 6 and Figure 7, the short-term expert (counter-TIP) proposed the following numerical values for the indicators.

- Indicator 2.1: 55%
- Indicator 2.2: 65%

4.2 Development of the Event Manual for MRW

Based on the process of preparation and implementation of the 10th MRW, the short-term expert (counter-TIP) prepared a draft of "The Event Manual for Mekong Regional Workshop (MRW)" that summarizes the procedures for holding MRW in FY 2023 and 2024. The monitoring method for activity plans, which a part of the MRW management tasks, was also proposed to JICA and DATIP as a section in the MRW manual.

Chapter 4 Recommendations

1. Recommendations for Mekong Regional Workshop (MRW)

Based on the challenges identified during the 10th MRW, the short-term expert (counter-TIP) propose that the following recommendations could be improved and discussed ahead of MRWs in FY 2023 and 2024, and toward the end of the project.

Table 30: Recommendations for the preparation and implementation of MRWs

No.	Items	Details
Building Relationships with the Counterpart		
1	Communication (frequency, modality)	Communication with counterparts was not facilitative, and it took time to set up meetings, which did not allow sufficient time to discuss critical workshop agendas and other issues. It is necessary to explore modality and frequency of communication going forward, such as holding regular meetings with staff who are eligible of making decisions.
2	Promoting understanding of the project	The counterpart did not fully understand the PDM and the project itself (some of them saw the PDM for the first time on the day of the workshop). One of the reasons may be that it has been certain period of time since the signing of the Record of Discussions (R/D) for the intergovernmental technical cooperation project, and the staff in charge changed due to personnel transfers. In such cases, it is necessary to ensure a common understanding of the project by reading over the PDM in advance (in order to promote the counterpart's proactive participation).
Division of roles within JICA		
3	Clarification of roles	Although the lead agency for this project is The Office for Gender Equality and Poverty Reduction, Governance and Peacebuilding Department, JICA, it is JICA Thailand Office that is actually implementing the project on the ground. In the MRW preparation process, the roles of JICA Headquarters and JICA Thailand Office were not always clear. Since there are many tasks in the MRW preparation process, it is essential to clarify the roles within JICA beforehand.
Contents of the workshop		
4	Development of activity plans	Development of activity plans for each country was completed without any serious problems, but JICA and the counterpart did not have time to discuss the format in advance. It is desirable to fully discuss and agree on the format before implementation for next year onward.
5	Support for group discussions	The 10th MRW was held in a hybrid format, with each country gathering at the venue and connecting online each other (all participants in Vietnam participated remotely). Therefore, group work in countries other than Thailand could not be followed by the main facilitator, and the cooperation of each JICA Country Office was inevitably essential. Since the workshop required a clear output of creating an activity plan, it was desirable to have staff to support the discussions during the workshop. In addition, it was necessary to explain the two-day attendance to staff members in JICA Country Offices well in advance and to obtain their understanding (national staff members were not able to attend in some offices).
6	Management of the multilateral group	Participants from four countries (Thailand, Cambodia, Laos, and Vietnam) were connected online to develop an Activity Plan for the multilateral group, however, network problems arose, making discussions in the four countries nearly impossible. MRW support the development of the Activity Plan for this project, but the implementation of the Activity Plan will not be funded by DATIP or JICA, and the participants are expected to

No.	Items	Details
		implement the Activity Plan on their own initiative. The leadership of JICA and DATIP, the implementers of the project, is required to organize the multilateral activity plans. From next year onward, more proactive participation by DATIP is expected.
7	Implementation of the multilateral activity plan	As with the preparation, the leadership of JICA and DATIP is required in the implementation of the multilateral activity plans
8	Support for group works	Although a facilitator to lead the discussion was necessary for the outputs of the Activity Plan, a facilitator was not selected until just before the workshop, and group supporters from outside of Thailand were not secured, even though development of activity plans was clearly stated in the PDM. It seems that JICA and DATIP did not fully anticipate what was needed to conduct a workshop to develop an activity plan, even though this was specified in the PDM. It is important to recognize that as long as the deliverables are sought rather than just discussed, a certain level of support will be required.
9	Selection of the facilitator	It is necessary to select candidates earlier in the process regarding individuals who have a background in TIP and have extensive experience as workshop facilitators.
10	Relations with other donors *suggestion	Since the 10th MRW had a large number of participants from international organizations and bilateral aid agencies, it would be great if JICA could consider holding a donor conference in parallel with the group work time if the same level of participation can be expected next year.
11	Theme for presentation and presenter	Considering that MRW is a Japan-supported implementation, it is desirable to include at least one presentation that shares findings and learnings from initiatives in Japan.
Project Planning and Exit Strategies		
12	Revision of PDM *suggestion	In the PDM, Indicator 1 and means of verification and Indicators 1 of the Overall Goal, and indicators 1 and 2 and means of verification of project purpose are not enough clear and not measurable in some ways. Therefore, it is expected to revise the PDM appropriately.
13	Prospects after project completion	MRW will be held until 2024, and any support after that has not yet been decided. The MRW is a valuable networking and information-sharing platform that brings together practitioners from all levels of practice in the GMS. An exit strategy needs to be discussed with Counterpart and other donors to determine how this opportunity can be left behind after 2024.

2. Other Recommendations

Based on the issues identified in the research conducted in this project, the short-term expert (counter-TIP) propose the recommendations to be taken into consideration in the implementation of JICA projects.

2.1 Eliminating the Risk of TIP and Forced Labor in JICA Projects

TIP is a crime that arises from a complex intersection of various factors, including labor market, economic, migrant labor, diplomacy, gender inequality and others. Therefore, in order to address TIP issues, it is necessary to look at the background and factors involved, rather than focusing solely on cases itself. For example, in Cambodia, as previously mentioned, multiple debts from microfinance institutions have been reported to increase the risk of TIP and labor exploitation (see 0). In addition, the construction industry is a hotbed of forced labor and labor exploitation in any country, with many potential victims at risk in the construction rush that accompanies economic growth.

JICA provides support for infrastructure construction and microfinance projects through grant aid or other schemes. It is necessary to carefully confirm whether these support indirectly or unintentionally results in increasing the risk of TIP, and to take sufficient risk mitigation measures in advance. For example, in microfinance-related projects, it is expected to support the implementation of vulnerability assessments at the time of screening, and to provide awareness and guidance to financial institutions as well as financial literacy of borrowers. In addition, in infrastructure and construction projects, efforts should be made to minimize risk by considering the extent to which not only contractors but also their subcontractors and further subcontractors are required to comply with the guidelines and conduct due diligence. Currently, a checklist in JICA "Guidelines for Environmental and Social Considerations" only mentions a few items related to socially vulnerable groups, and it is not clear to what extent the Guidelines are actually effective in eliminating labor exploitation and child labor. In construction and infrastructure-related projects, it is also necessary to confirm the status of introduction of initiatives related to gender equality and prevention of sexual exploitation, abuse and harassment (SEAH).

Based on the achievements of JICA projects to date in combating TIP, it is highly expected that JICA will not only consider implementing new projects on counter-TIP, but also establish a structure and mechanism to more proactively eliminate the risk of TIP and forced labor in JICA intervention in other sectors as well.

2.2 Improvement of Working and Living Conditions for Migrant Workers in Japan

In Japan, the "Technical Intern Training Program for Foreigners" has been in place since 1993 to transfer skills, technology, and knowledge cultivated in the past in Japan to developing countries, thereby contributing to "human resource development" that will play a key role in the economic development of those regions³⁵⁸. While this scheme has achieved a certain level of success from the perspective of technology transfer, it is said to face a number of challenges, such as unreasonable commissions demanded by brokers when recruiting local human resources, and reports of overtime work, unpaid overtime wages, harassment, and other forms of labor exploitation at some of the training sites³⁵⁹. It is needless to say that there is an urgent need not only to contribute to implement measures against TIP in the target countries as part of international cooperation, but also to improve the current situation in Japan on labor issues of migrant workers. In response to this situation, the Government of Japan announced in July 2022 that it would fundamentally revise the scheme, stating that "it is true that there is a gap between the purpose of international contribution and the actual situation as a labor force to cover the shortage of human resources"³⁶⁰ (Minister of Justice)³⁶¹.

JICA, which has been involved in human resource development for foreign workers prior to their arrival in Japan and support for employment and entrepreneurship for foreign workers who have returned to their home countries, launched the establishment of "Japan Platform for Migrant Workers toward Responsible and Inclusive Society (JP-MIRAI)" with private companies who accept migrant workers in Japan, industry associations, labor unions, civil society, media, researchers, and others in 2020, with the aim of improving the working and living environment for those workers³⁶². In order to fulfill its

³⁵⁸ Japan International Trainee & Skilled Worker Cooperation organization, <https://www.jitco.or.jp/ja/regulation/>, last accessed on 22 October, 2022.

³⁵⁹ U.S. Department of State (2022), Trafficking in Persons Report Japan 2022

³⁶⁰ NHK, <https://www3.nhk.or.jp/news/html/20220730/k10013742971000.html>, <https://www.jitco.or.jp/ja/regulation/>, last accessed on 22 October, 2022.

³⁶¹ Immigration Service Agency in Japan, https://www.moj.go.jp/isa/publications/materials/nyuukokukanri07_00082.html, <https://www.jitco.or.jp/ja/regulation/>, last accessed on 22 October, 2022.

³⁶² Japan Platform for Migrant Workers towards Responsible and Inclusive Society, <https://jp-mirai.org/jp/about/>, <https://www.jitco.or.jp/ja/regulation/>, last accessed on 22 October, 2022.

responsibility to improve the working environment for migrant workers, the public and private sectors must work together to further expand such efforts.

Appendix: Reference

Chapter1-3 and common to all targeted countries

- ASEAN (2015), ASEAN Convention Against Trafficking in Persons, Especially Women and Children
- ASEAN-ACT (2020), 5 years on Baseline Report 2020
- Alliance8.7 (2019), Ending Child Labour, Forced Labour and Human trafficking in Global Supply Chains
- Alliance 8.7, <https://www.alliance87.org/the-alliance/>
- Bali Process (2022), Regional Support Office (RSO) Fact Sheet
- Bali Process, <https://www.baliprocess.net/membership/>
- Bali Process, <https://www.baliprocessbusiness.org/>
- COMMIT (2007), The COMMIT Sub-Regional Plan of Action (COMMIT SPA) Achievements in Combating Human Trafficking in the Greater Mekong Sub-Region, 2005-2007
- COMMIT (2015), COMMIT Sub-Regional Plan for Action (COMMIT SPA IV 2015-2018)
- Council of Europe (2017), Human Trafficking for the Purpose of Labour Exploitation
- Council for Europe (2022), Online and Technology-Facilitated Trafficking in Human Beings: Summary and recommendations
- ICAT (2019), Human Trafficking and Technology: Trends, Challenges and Opportunities
- ILO (2004), Memorandum of Understanding on Cooperation against Trafficking in Persons in the Greater Mekong Sub-Region
- ILO. Et.al, (2021), Global Estimate of Modern Slavery_Forc labor and Forced Marriage
- OHCHR (2014), Human Rights and Human Trafficking: Fact Sheet No.36
- Tech against Trafficking (2020), Leveraging Innovation to Fight Trafficking in Human Beings: A Comprehensive Analysis of Technology Tools
- United Nations Treaty Collection, https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-a&chapter=18&clang=_en
- United States (2000), Victims of Trafficking and Violence Protection Act of 2000
- UN-ACT (2017), United Nations Action for Cooperation against Trafficking in Persons: Annual Progress Report 2017
- UNDP (2022), Transnational Referral Mechanism (TRM) Pathways for the greater Mekong Sub region
- UNODC (2020), Female victims of trafficking for sexual exploitation as defendants
- UNODC (2021), Impact of the COVID-19 Pandemic on Trafficking in Persons
- UNODC (2021), The Effects of the COVID-19 Pandemic on Trafficking in Persons and Responses to the Challenges
- UNODC (2021), Global Report on Trafficking in Persons 2020
- USAID et al (2020), Identifying Trafficking Victims: An Analysis of Victim Identification Tools and Resources in Asia
- U.S. Department of State, <https://www.state.gov/report-to-congress-on-2022-trafficking-in-persons-interim-assessment-pursuant-to-the-trafficking-victims-protection-act/>
- Walkfree Foundation <https://www.walkfree.org/what-is-modern-slavery/>
- World Vision (2014), The Vulnerability Report: Human Trafficking in the Greater Mekong Sub-region
- 第 2 部 4 カンボジア
- APLE (2020), Referral Directory

Asian Development Bank, <https://www.adb.org/countries/cambodia/poverty>

A21 (2020), Impact Report 2020 Cambodia

Brickell K. et al, (2018) Blood Bricks: Untold Stories of Modern Slavery and Climate Change from Cambodia

Child Safe Alliance et al (2019), Annual Report: Partnership Program for the Protection of Children (3PC)

Forum-Asia, <https://www.forum-asia.org/?p=36638>

ID Poor, <https://www.idpoor.gov.kh/about/process>

Khmer Times, <https://www.khmertimeskh.com/50973518/cambodias-poverty-line-updated-178-percent-cambodians-under-the-poverty-line/>

Kingdom of Cambodia (2019), Five-Year national Strategic Plan for Counter Trafficking in Persons 2019-2023

LICADHO (2019), Collateral Damage-Land Loss and Abuses in Cambodia’s Microfinance Sector

National Institute of Statistics, et.al, Cambodia Demographic and Health Survey 2021-22_Key Indicator Report

Nithya Natarajan., et al (2020), Diffuse Drivers of Modern Slavery: From Microfinance to Unfree Labour in Cambodia

Radio Free Asia, <https://www.rfa.org/english/news/cambodia/trafficking-04072022165439.html>

Relief Web, https://reliefweb.int/sites/reliefweb.int/files/resources/interagency-gbv-case-managementguidelines_final_2017_low-res.pdf

Reuters, <https://www.reuters.com/article/us-cambodia-surrogacy-women-idUSKBN21I1NS>

Royal Government of Cambodia (2008), The Functioning of Commune committee for Women and Children

Royal Government of Cambodia(2019), National Action Plan to Prevent Violence Against Women 2019-2023, P. 42

Sensible for Loving Families, <https://www.sensiblesurrogacy.com/surrogacy-in-cambodia/>

UNODC (2017), Trafficking in persons from Cambodia, Lao PDR and Myanmar to Thailand

USAID (2013), Counter Trafficking in Persons (CTIP II) Newsletter Jan-Mar 2013

USAID, Winrock International (2020), Cambodia Countering Trafficking-in-Persons (CTIP) Program Year Five Annual Progress Report

US Department of State (2019) Trafficking in Persons Report: Cambodia

US Department of State (2020) Trafficking in Persons Report: Cambodia

US Department of State (2021) Trafficking in Persons Report: Cambodia

US Department of State (2022) Trafficking in Persons Report: Cambodia

World Bank, <https://data.worldbank.org/indicator/SP.POP.TOTL?locations=KH>

World Bank, <https://data.worldbank.org/indicator/NY.GDP.PCAP.CD?locations=KH>

World Bank, <https://data.worldbank.org/indicator/NY.GDP.PCAP.CD?locations=KH-TH-LA-VN-CN-MM>

Chapter 2, 5 Thailand

A21 (2020), Impact Report 2020 Cambodia

A21 (2021), Q21 National Human Trafficking Hotlines Report 2021

A21 (2021), Freedom Report

Bangkok Post, <https://www.bangkokpost.com/thailand/general/2185467/trafficked-thai-woman->

flown-home-from-dubai-govt

Bangkok Post, <https://www.bangkokpost.com/thailand/general/2307210/well-known-politicians-son-faces-underage-sex-rap>

Bangkok Post, <https://www.bangkokpost.com/thailand/general/1836544/protect-u-app-gives-big-boost-to-victims>

Department of Special Investigation (2021), DSI Annual Report

JICA et al (2013), MDT Operational Guideline for the Protection of Victims of Human Trafficking: Practical Version

JICA (2019), Project Completion Report-Project on Capacity Development on Assisting Victims of Trafficking in the Greater Mekong Sub-Regional Countries (CM4TIP)

Johns Hopkins Bloomberg School of Public Health (2016), Anti-Human Trafficking in Thailand: A Stakeholder Analysis of Thai Government Efforts, The U.S. TIP Report and Rankings, and Recommendations for Action

Ministry of Foreign Affairs, Kingdom of Thailand (2021), Thailand's Position on the U.S. State Department's 2021 trafficking in Persons Report

OSCE/ODIHR (2004), NATIONAL REFERRAL MECHANISMS: Joining Efforts to Protect the Rights of Trafficked Persons A Practical Handbook

Royal Thai Embassy, Washington <https://thaiembdc.org/2020/02/03/ministry-of-social-development-and-human-security-launched-protect-u/>

Royal Thai Embassy, Washington D.C., <https://thaiembdc.org/2022/07/27/thai-government-to-advance-six-measures-against-human-trafficking/>

Royal Thai Government (2008), The Anti-Trafficking in Persons Act B.E 2551 (2008)

Royal Thai Government (2017), Thailand's Country Report on Anti-Human Trafficking Response (1 January – 31 December 2016)

Royal Thai Government (2018), National Strategy 2018-2037

Royal Thai Government (2021), Emergency Decree Amending the Anti-Human Trafficking Act B.E.2551(2008), B.E.2562(2019)

Royal Thai Government (2022), Royal Thai Government's Country Report on Anti-Human Trafficking Efforts 1 January – 31 December 2021

Royal Thai Government (2022), Thailand's Country Report on Anti-Human Trafficking Response (1 January – 31 December 2021)

Swiss Info, https://www.swissinfo.ch/eng/society/exorbitant-fees_thai-human-trafficker-sentenced-in-switzerland-for-exploiting-compatriots/45601938

Tourism Authority of Thailand, <https://www.thailandtravel.or.jp/about/history/>

USAID (2020), Trafficking Victim Protection Frameworks in Cambodia, Indonesia, Lao PDR, Thailand, and Viet Nam: A Resource for Practitioners

USAID, Winrock International (2021), Review of Models of Care for Trafficking Survivors in Thailand

USAID, Winrock International (2021), Providing Services to Survivors in Counter Trafficking Projects: Learning from Our Actions

USAID, Winrock International (2022), A Study on Service Provision for Gender Minorities in Shelters for Human Trafficking Survivors in Thailand

USAID (2022), Final Assessment Report-Thailand Countering Trafficking in Persons (CTIP)

US Department of State (2019) Trafficking in Persons Report: Thailand

US Department of State (2020) Trafficking in Persons Report: Thailand
US Department of State (2021) Trafficking in Persons Report: Thailand
US Department of State (2022) Trafficking in Persons Report: Thailand
World Bank, <https://data.worldbank.org/indicator/SP.POP.TOTL?locations=TH>
World Bank, <https://data.worldbank.org/indicator/NY.GNP.PCAP.CD?locations=TH>
World Bank, <https://thailand.opendevelopmentmekong.net/announcements/world-banks-new-country-classifications-by-income-level/> US Department of State (2022) Trafficking in Persons Report: Thailand

Chapter 2, 6 Lao PDR

ASEAN-ACT (2021), Lao PDR Fact Sheet
Asian Development Bank (2009), Broken Lives: Trafficking in Human Being in the Lao People's Democratic Republic
Asian Development Bank, <https://data.adb.org/dataset/basic-statistics-asia-and-pacific>
IOM (2020), IOM Fact sheet_IOM's Counter Trafficking Programming in Lao PDR
JICA et al (2019), Study on Repatriation and Social Reintegration Assistance: Lao Victims of Trafficking Returned from Thailand
Lao People's Democratic Republic (2015), The Law on Anti-Trafficking in Persons
Lao People's Democratic Republic (2015), Decree of the President of the Lao People's Democratic Republic on the Promulgation of the Law on Anti-Trafficking in Persons
Lao People's Democratic Republic (2021), The National Plan of Action On Anti-Trafficking in Persons Phase III (2021-2025)
Lao Women's Union(2010), Promotion and Protection of Lao Women's Rights
Radio Free Asia, <https://www.rfa.org/english/news/laos/ransom-10032022143444.html>
UNCEF, <https://data.unicef.org/topic/child-protection/child-marriage/>
UNDP, <https://www.undp.org/laopdr/press-releases/nationwide-consultation-first-ever-action-plan-legal-aid-lao-pdr>
UNODC (2017), Trafficking in Persons from Cambodia, Lao PDR and Myanmar to Thailand
USAID (2020), Trafficking Victim Protection Frameworks in Cambodia, Indonesia, Lao PDR, Thailand, and Viet Nam: A Resource for Practitioners
USAID (2022), USAID Laos Counter Trafficking-in-Persons Project Quarter 1 Progress Report
USAID (2022), Countering Trafficking in Persons in the Lao People's Democratic Republic An Ecosystem Approach Using Weak-Signal Analysis
US Department of States (2018), Trafficking in Persons Report: Lao PDR
US Department of States (2021), Trafficking in Persons Report: Lao PDR
US Department of States (2022), Trafficking in Persons Report: Lao PDR
World Bank. et al (2020), Poverty Profile in Lao PDR
World Bank, <https://data.worldbank.org/indicator/SP.POP.TOTL?locations=LA>
World Bank, <https://data.worldbank.org/indicator/NY.GNP.PCAP.CD?locations=LA>

Chapter 2, 7 Vietnam

Anti-Trafficking Review, <https://www.antitraffickingreview.org/index.php/atrjournal/article/view/611/464>
Blue Dragon Children's Fund (2021), Human Trafficking & Traffickers in Vietnam

IOM et al (2018), Vulnerable to Human Trafficking: A Study of Viet Nam, Albania, Nigeria and the UK
The Centre for Women and Development, <https://cwg.vn/en/peace-house-shelters>

Nguyen, Huy Binh (2019). The Emergent Situation of Human Trafficking in Southeast Asia: A Case Study of Vietnam The International Journal of Humanities & Social Studies. Vol. 7

Socialist Republic of Vietnam (2011), Law No. 66/2011/QH12 on human trafficking prevention and combat, Article 32

Socialist Republic of Vietnam (2019), Circular No. 84/2019/TT-BTC Provisions on Contents and Levels for the Assistance of Victims and the Content and Levels of Support for Victims Provided in the Government's Decree No. 09/2013/ND-CP which provides Guidelines for the Law on Preventing Human Trafficking

Socialist Republic of Vietnam (2021), PROGRAM on Human Trafficking Prevention and Combat for period 2021 – 2025 with a Vision to 2030

UK Home Office (2019), UK Home Office. 2019. Report of a Home Office fact-finding mission to Vietnam

USAID (2020), Trafficking Victim Protection Frameworks in Cambodia, Indonesia, Lao PDR, Thailand, and Viet Nam: A Resource for Practitioners

USAID (2021), Assessment of Countering Trafficking in Persons in Vietnam-Situational Analysis Report

US Department of States (2022), Trafficking in Persons Report: Vietnam

World Bank et al, (2022), From the Last Mile to the Next Mile_2022 Vietnam Poverty and Equity Assessment

World Bank, <https://data.worldbank.org/indicator/SP.POP.TOTL?locations=VN>

World Bank, <https://data.worldbank.org/indicator/NY.GNP.PCAP.CD?locations=VN>

Chapter 2, 8 Myanmar

JICA (2021), Project Completion Report-Project on Capacity Development and Promotion of Networking on Assisting Victims of Trafficking in Republic of the Union of Myanmar

Chapter 4 Recommendations

NHK, <https://www3.nhk.or.jp/news/html/20220730/k10013742971000.html>

U.S. Department of State (2022), Trafficking in Persons Report Japan 2022