

**Interim Report
on Fact Finding Missions:
Trafficking in Persons in the Greater
Mekong Sub-Region (GMS)**

March 2007

- Yumiko TANAKA, Senior Regional Advisor on Monitoring/Evaluation and Gender
- Arphatchanee HONGSWADHI, Special Coordinator for Asia-Africa Cooperation

JICA Regional Support Office for Asia,
JICA Thailand Office, Bangkok

**Main Purpose of Fact Finding Missions
on TIP in GMS**

1. To find out the core problems concerned with TIP and the effective measures taken by the governments, NGOs and UN agencies concerned.
2. To use the data and information collected as input to the project formulation mission on TIP planned to be undertaken in May-June 2007 by a consultant team.

Country Missions

1. Northern Thailand in 2006, and government centers/shelters in 2006 -2007
 2. Cambodia (with NVEC), Jan.2006
 3. Myanmar (ASEAN/SOMSVD), Dec.2006
 4. Lao PDR, Dec.2006
 5. Viet Nam, Jan.2007
 6. Myanmar, May 2007(field visit to be planned)
 7. China, ?
- Project Formulation Mission in Thailand, May-June 2007(to be planned)

Main Organizations visited

1. Government Focal Points on trafficking and gender issues
(M of Social Welfare, M of Public Security, Police Dept., IDC, M. of Women's Affairs, Women's Union, Youth Union, etc.)
2. Women shelters/centers
 - Cambodia: CWCC in Poipet, Children's Health Center
 - Laos: Lao Women's Union's center, AFESIP
 - Vietnam: AFESIP and Little Rose Center in HCMC
 - Thailand: Kredt, Korat, Pisanuloke, Surathani, YMCA Payao, Mekong Regional Indigenous Child Rights Home, etc.
3. NGOs: Asia Foundation, Save the Children, World Vision, FFW, SEPOM, DEPDC, etc.
4. UN organizations: IOM, UNICEF, UNIAP, UNESCO, ILO, etc.

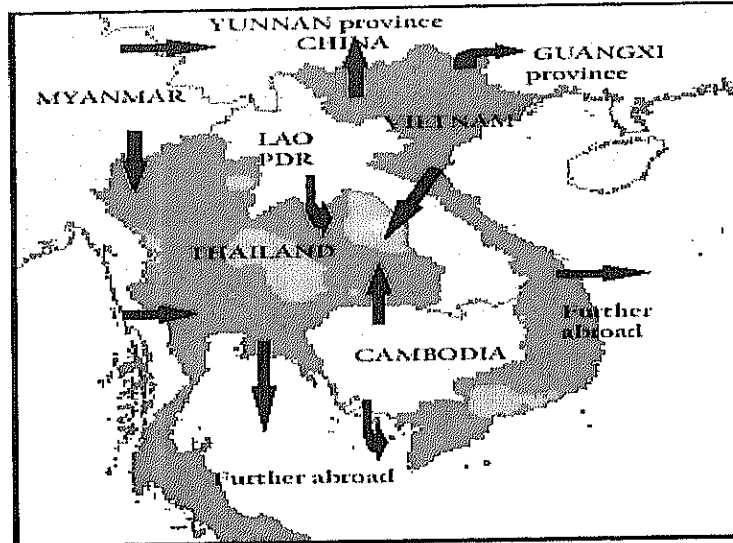
Areas visited

1. Border areas
 - Thailand: Chaing Rai, Aranyaprathet
 - Cambodia: Poipet, Prey Veng
 - Laos: Savannakhet, Pakse
 - Viet Nam: An Giang Province, Chau Doc District, Mong Cai (Quang Ninh)
2. Areas with high risk groups (Chiang Mai, Chiang Rai, Payao, Pakse, Savannakhet, Luangprabang, An Giang, Mong Cai, etc.)

Trafficking in Women and Children: global & regional; internal & cross-boarder

- Globalization of economy and information accelerate trafficking in persons.
- About 600,000~800,000 trafficking victims every year in the world, and profit made out of them about US\$. 5 to 7 billion.
- One third of the victims are from the South-east Asia.
- Over one million children are sexually exploited in the Asian region.
- Majority of the victims are women and children, but there are also men and boys.
- Poverty, income disparity, social inequality, traditional gender norms, human and civil rights violation, ethnic minority problems----push factors?

Trafficking among GMS (UNIFEM)



What has been done at the policy level in GMS ?

- 1996~ Asian and Pacific consultation meetings on refugees, Internally displaced persons and international migrations
- 1996~2000 Manila Process (International Migration and Human Trafficking)
- 1998 ASEAN Hanoi Action Plan
- 2001 Second World Conference against Sexual and Commercial Exploitation of Children in Yokohama
- 2002, 2003 Bali Process (Ministerial conference on international crime on smuggling and human trafficking)
- Oct. 2004 COMMIT Process (Coordinated Mekong Ministerial Initiative against Trafficking) (Cambodia, China, Laos, Burma, Thailand and Vietnam)
- Nov. 2004 ASEAN Declaration against Trafficking in Persons particularly Women and Children, 10th ASEAN Summit in Laos
- Bilateral Memorandum of Understanding (MOU)

Ways to combat trafficking in GMS

1. **Prosecution:** Justice procedures (punishment to the brokers and traffickers) and victims support
2. **Prevention:** Awareness raising among the stakeholders (legal personnel, immigration, police, embassy staff overseas, community people, schools, etc.)
3. **Protection:** International collaboration among governments (MOU and others), internal collaboration among the ministries concerned, collaboration among GOs, NGOs and others (Legal support, increasing the shelters, supporting the victims go home, improvement of the system at the detention centers, etc.)
4. **Reintegration:** community awareness and acceptance, job creation and security, income generation, care provider for physical and emotional health
5. **Improvement of database:** statistics and data, sharing of good practices, developing common guidelines and manuals for training and others.

Trafficking in Persons Report by US Department of State (Tier1, Tier2, Tier2-WL, Tier3)

	2001	2002	2003	2004	2005	2006
Cambodia	2	3	2	2	3	2-WL
Laos	2	2	2	2-WL	2	3
Myanmar	3	3	3	3	3	3
Viet Nam	2	2	2	2-WL	2	2
Thailand	2	2	2	2-WL	2	2
China	2	2	2	2	2-WL	2-WL
Japan	2	2	2	2-WL	2	2

The Tiers

US Trafficking Victims Protection Reauthorization Act (TVPRA) 2003, 2005

Tier 1: Countries whose governments fully comply with the Act's minimum standards.

Tier 2: Countries whose governments do not fully comply with the Act's minimum standards but are making significant efforts to bring themselves into compliance with those standards.

Tier 2 Watch List: Countries whose governments do not fully comply with the Act minimum standards but are making significant efforts to bring themselves into compliance with those standards.

Tier 3: Countries whose governments do not fully comply with the minimum standards and are not making significant efforts to do so.

What kind of perspectives we should be concerned about trafficking

Are we mainly concerned with trafficking from a perspective of:

- Sexual abuse and exploitation (sex workers, domestic workers, etc.)
- Gender discrimination
- Children's rights
- Safe migration
- Labour issues (workers' rights)
- Criminal problem (transnational crime prevention)
- Human rights (mandatory test)
- Civil rights (gender, ethnicity, race, age ?)
- Others ?

Interim Report on GMS:

- 1. Present Situations and Major Issues on Trafficking in Persons in each GMS countries**
- 2. Measures for Anti-Trafficking in Persons in each GMS countries**
 - 2-1. Legal Framework**
 - 2-2. National Policies and Action Plans**
 - 2-3. National Focal Point and National Mechanism**
 - 2-4. Social Delivery Policies and Programs**
(Prevention measures, roles and functions of shelters, reintegration and empowerment, etc.)

Cambodia:

C1. Present Situations

- Over 88,000 Cambodian women and children crossed the boarder to Thailand in 2004, but officially registered about 10,000 only. (cf. about 27,000 men were registered)
- More and more Cambodian women and children trafficked to Thailand, Malaysia, Singapore and other countries.
- Only 20% of the whole trafficking victims appealed to the court. It is rare for them to win the case.
- Chinese and Vietnamese women and girls are trafficked to Cambodia as sex workers and factory workers with little payment, then sent to Thailand and Malaysia.
- About 50,000 to 55,000 sex workers in Cambodia: 35% is from Viet Nam
- Internal trafficking is also a big issue.

What caused trafficking?

- Severe poverty in rural areas which push the girls to go to the cities and work for restaurants, garment factories and entertainment sectors in cities and abroad to support family. (270,000 people working for over 220 garment factories, 85% of which are women and girls. And 91% of them are young and unmarried girls coming from rural areas, under 18 years old.)
- With a rapid growth of tourism, over 1 million tourists visit Cambodia each year, which contribute more than 12% of GDP. Sex tourism has increased, and so has been the number of street children being targeted.
- Seeking for better life opportunities and other reasons.

Gender Issues

- Gender norms in Cambodia
- "Myth of virgin" promotes child sex abuses
- Apart from trafficking, women and girls face other problems: drop-out of schools, HIV/AIDS and other infectious disease, drugs, sexual abuse, rape, natural disasters, etc.
- All of these problems and gender biases against women and girls contribute to increase the risks to be trafficked and make it hard for them to return to communities.

C2. Measures for Anti-Trafficking in Persons :
C2-1. Legal Framework

- 1996: Law on the Suppression of Kidnapping Trafficking and Exploitation of Human Being
(only focused on sex abuse of trafficking, thus excluding forced labour, false marriage, begging, domestic works, etc. Child is under 15 years old. No provision for the protection of the victims.)
- 2005: Domestic Violence Law
- Draft Law on the Suppression of Human Trafficking and Sexual Exploitation, currently with the Council of Cabinet.

C2. Measures for Anti-Trafficking in Persons :
C2-1. Legal Framework (Cont.)

- The execution of laws against trafficking has just started, and legal actions and prosecution have been slightly improved in Cambodia.
- In 2005, the Cambodian Police has searched 67 cases, arrested 111 brokers/traffickers and rescued 164 victims of trafficking, in cooperation with NGOs, such as the Cambodia Defenders Project (CDP).
- Chaihua Hotel Incident in 2004

C2-2. National Policies and Action Plans

- 1999: National Five Year Plan against Child Trafficking and Sexual Exploitation
- 2005: Cambodia has been re-classified as Tier 3 by the US report on trafficking, then as Tier 2-WL in 2006
- 2005: Cambodia has signed the MOU on anti-trafficking with Viet Nam.
- Ministry of Women's Affairs : Neary Rattanak II Five Year Strategic Plan 2005-2009, addressed anti-trafficking programs.
- Ministry of Social Affairs, Veterans, and Youth Rehabilitation (MoSAVY): implementing a program for skill training for the victims of trafficking.

C2-3. National Focal Point and National Mechanism

- 2003: Ministry of Women's Affairs established Task Force on anti-trafficking in persons, consisting of concerned Ministries, such as Ministry of Justice, Ministry of Social Affairs (MoSAVY), National Police under the Ministry of Interior, Ministry of Education, Ministry of Health, and other agencies in Cambodia.
- Accordingly, all the concerned Ministries have been developing Five Year Action Plans on Anti-Trafficking.

C2-4. Social Delivery Policies and Programs

- The protection and reintegration of the victims have not been sufficient. Prevention and avoiding re-trafficking are also serious issues that the government and NGOs need to tackle by taking approaches as bottom-up, empowerment, rights-based and integrated, all together.
- The government has two shelters under the Ministry of Social Affairs, Veterans, and Youth Rehabilitation (MoSAVY)?

NGO Shelters/Centers in Cambodia

- CWCC has Shelters/centers in Phnom Penh, Siem Reap and Poipet (Banteay Meanchey) and supported more than 50,000 women victims of domestic violence, sexual abuse and trafficking since of 1997.
- HCC has a center called "Good Day Center" in Kandal Province, which protected 524 girls between 2002 and 2004. The Grassroots Grant scheme has provided them with a building where about 100 girls can stay.

NGO Shelters/Centers in Cambodia (Cont.)

- AFESIP has opened a Srey Khan drop-in center and supported more than 2,067 women since 2001. It has also established shelters in Phnom Penh, Kompong Cham, and Siem Reap.
- Friends International has supported self-reliance of street children, offering a transitional home, boarding house and training centers, both girls and boys, and conducting safe migrants programs for prevention of trafficking in Phnom Penh since 2003 and Kampong Cham since 2005.

Lao PDR L1. Present Situations

- The income gaps between Laos and the surrounding countries remain large, and globalization of information and openness of regional economy, all together, encourage Lao people to migrate, either legally or illegally, to the surrounding countries and beyond.
- The primary destination country for Laotians is Thailand, to which routes exist along the 1,754-kilometer borders with almost no effective border control between both countries.

Lao PDR

L1. Present Situations (Cont.)

- Laos is also a transit point of the Vietnamese and Chinese trafficking victims to Thailand and Malaysia.
- Much of trafficking in Laos takes place within the context of labour migration, both seasonal and permanently.
- Many trafficking victims, mostly range from 15-24 years of age, are lured or deceived into leaving their homes on the promise of a good employment opportunity.
- Younger children may be tricked or stolen, and later forced into commercial sexual exploitation or forced labour in factory, fish boat, plantation, construction site or as domestic workers.

Lao PDR

L1. Present Situations (Cont.)

- The Ministry of Labour has officially received 700 trafficked Lao victims from Thailand between 2001 and 2006.
- Twice a month, the Ministry receives Lao victims from Thailand.

UNICEF Study on Child Trafficking in Laos

- There is a trafficking case in every 17 province surveyed by the research team.
- Of those victims interviewed, about 63% were under 18 years old and 33% were between 19 and 29 years old.
- More than 60% of the surveyed victims were girls aged between 12-18 years old, 35% ended up in forced prostitution, 17% in factory work and 4% in fishing boats.
- The domestic workers also faced sexual abuse and mistreatment.
- So most of the Lao trafficked persons are young girls, just finished primary or secondary education.

L2. Measures

L2-1. Legal Framework

Laos does not yet have a specific anti-trafficking law and mainly use the Penal Code(1990) against violations of children's rights and Law on Protection of Women and Children (2004) to arrest and prosecute traffickers and to protect at-risk groups and victims. The Law has included the punishment of agents and brokers of trafficking in Article 27.

L2-2. National Policies and Action Plans

- No fully elaborated National Plan of Action (NPA) on Human Trafficking. However, in the COMMIT Senior Officials Meeting (4) in August 2006, it has placed the NPA on Human Trafficking in the first priority of work plan for anti-trafficking activities. The NPA is presently under finalization.
- A National Plan on Commercial Sexual Exploitation of Children (CSEC) is also developed and being proposed to the National Assembly.

L2-2. National Policies and Action Plans (Cont.)

- Recently, the Lao Government tries to urge legal migration to Thailand through registered agents, and tries to provide pre-departure information on danger of international migration, hotline number, and other necessary information in legally crossing border.

Problems with law enforcement

- Though 2004 Law provides protection of trafficking victims upon the return to Laos, the returnees are still punished and fined due to the lack of knowledge of local authorities.
- Due to weakness of legal system and inappropriate law enforcement, the Lao government needs to put effort to ensure the protection returning victims and prosecution of persons complicit in trafficking.

L2-3. National Focal Point and National Mechanism

- The Government's response to trafficking to date has been led by the Ministry of Labour and Social Welfare (MLSW), which is the focal point for anti-trafficking in Laos.
- The Ministry's role includes; supporting research, assisting with the return and integration of victims of trafficking, management of the transit center for trafficking victims, supporting income generation and awareness raising activities, and etc.

L2-3. National Focal Point and National Mechanism (Cont.)

- To arrest and prosecute traffickers are done by the Anti-Trafficking in Persons Division, Ministry of Public Security. The Division not only deals with traffickers, but also has role in tracing victims, in cooperation with the Thai immigration and police.
- In May 2003, a specialist trafficking response unit, the Lao Anti-people Trafficking Unit (LAPTU), is established within the Department of Immigration, Ministry of Public Security, to deal with anti-trafficking in terms of providing training program for police officers.

L2-4. Social Delivery Policies and Programs

- The Ministry of Labour and Social Welfare has an Emergency Transit Center in Vientiane for women and children victims of trafficking to stay up to 7 days, then they will be sent back to their communities.
- Those officially returned from Thailand have legal clearance, so easily returned home. They are usually returned from Kredtrakhan (Bangkok) or Nakorn Rachasima centers.
- The Ministry can provide some funds for the victims to start new businesses, if they had already acquired living skills in those centers in Thailand.

Center/shelter by Lao Women's Union

- The Lao Women's Union has opened a shelter for girls and women outside of Vientiane based upon the 2004 Law. It is the only government operated shelter for the victims of trafficking in Laos.
- The Center has been operated since January 2006 and has accommodated 24 victims of violence, 21 of whom have been the trafficked victims and the rest been the family violence. 20 of them were under 18 years old.

AFESIP centers

- AFESIP has opened a Shelter in October 2006 outside of Vientiane to support the sexually abused women and trafficked victims.
- Most of the victims have been between 12 and 25 years old.
- AFESIP receives the victims from the Emergency Transit Center of the Ministry of Labour and Social Welfare.
- AFESIP is planning to open the second center in Savannakhet.

Myanmar: M1. Present Situations

- Myanmar has national borders with five countries, Bangladesh, China, India, Laos, and Thailand.
- Myanmar consist of 135 ethnic groups and 8 out of which are major ethnic groups: 69% are Bamar, 8.5% Shan, 6.2% Karen, then followed by Mon, Kayah, Kachin and Chin.
- There are over 1,000,000 Myanmar migrant workers in Thailand and more than 140,000 refugees in Bangladesh and Thailand.

Migration

- The majority of the cross-boarder migrants are young, came from rural areas and had little formal education. They are usually from minority ethnic groups. And it is easier for girls and young women to find jobs along the boarder areas between Myanmar and Thailand.
- Most young people start migrating at the age of thirteen.
- Most of them cross the boarder without any documentation or a day pass, thus become vulnerable for exploitation, abuse and trafficking.

What causes migration?

There are many different reasons for them to migrate, i.e., economic hardship and poverty, droughts and floods, civil war, refuge, personal problems, such as family violence and forced marriage, and envisioned opportunities abroad. Especially the inflation in Myanmar hit the life of poor farmers.

Trafficking

- Trafficking in persons, predominantly children and young women, are usually found in boarder areas of China and Thailand. They are trafficked into sex works, forced marriage, domestic works, beggars, etc. and repeatedly sold to different brokers and traffickers.
- The girls are trafficked around the age of 10 to 12 years old.
- In the Northern Shan State, forced marriages are found within the communities and to China as well.

Trafficking (Cont.)

- Many domestic workers are also trafficked into such jobs and being exploited, then sold as sex workers.
- Kidnapping and smuggling young girls and infants to China are also found. Incidence of removal of organs, such as eyes and kidneys, from Myanmar children occur in Bangladesh and India.
- A few migrants may luckily bring back money and build nice houses, but most of them end up on debt-bondage, illegal confinement, mal health situations such as HIV/AIDS and abusive environments, and many of them never return.

M2. Measures for Anti-Trafficking in Persons

M2-1. Legal Framework

- The Anti Trafficking in Persons Law (The State Peace and Development Council Law No. 5/ 2005) was adopted in September 2005.
- It refers to perform effectively the functions of rescuing, receiving, safeguarding, rehabilitation and reintegration into society of trafficked persons.

M2-2. National Policies and Action Plans

- A National Plan of Action for combating Trafficking in Women and Children was made in 1997.

M2-3. National Focal Point and National Mechanism

- The Myanmar National Committee for Women's Affairs(MNCWA), a national machinery, has been taking a initiative for anti- trafficking campaign, prevention and re-integration since it inception in 1996.
- In July 2002, MNCWA has formed an inter- ministerial Preventive Working Committee for Trafficking in Persons, chaired by the Vice Minister of Home Affairs and 24 members from 11 ministries and NGOs.
- A special Anti-Trafficking Unit to investigate trafficking has been also established in the Police Force in collaboration with AusAID project.

M2-3. National Focal Point and National Mechanism (Cont.)

- The Chapter III of the 2005 Law says that the Government shall form the Central Body for Suppression of Trafficking in Persons.
- The Central Body comprises the Minister for the Ministry of Home Affairs as the Chairman, the Deputy Minister for the Ministry of Home Affairs, the Deputy Minister for the Ministry of Social Welfare, Relief and Resettlement (Department of Social Welfare as a focal point) and the Deputy Attorney General as Deputy Chairman, Director-General of Myanmar Police Force as Secretary and suitable persons from among the following as members: heads of relevant government departments and organizations; representatives from the non-governmental organizations; relevant experts.

M2-4. Social Delivery Policies and Programs

- The Department of Social Welfare has been the focal point for the victims protection and reintegration.
- The Department has temporary shelters in Yangon, Mandalay, Taechilek (near Mae Sai) and Chainton(?), where the victims can stay for one day to a month.
- Some centers provide one month training, such as sewing and knitting, to the victims and give "moral lessons".
- The victims have to be testified at the court, so they cannot immediately return home.
- However, there are no well-established shelters for women and girls to stay to receive counseling, health care and skill development to be mentally recovered and economically and socially empowered.

NGO Centers

- In December 2003, a NGO called Myanmar Women's Affairs Federation (MWAF) was newly formed, and one of their seven major programs has been anti-trafficking of women and children.
- The Save the Children has been operating in 17 townships in Shan, Mandalay, Kayin and Mon States.
- The World Vision has been assisting the family assessment of the victims, provision of counseling and returning home in collaboration with the Department of Social Welfare. The prevention of trafficking has been integrated as an important issue under their comprehensive Area Development Program (ADP) being implemented in 36 townships in 10 states in Myanmar.

Myanmar victims in Thailand

- Usually about 40 to 50 Myanmar girls, mostly victims of trafficking, out of total 380 girls and young women stay at Kredtrakhan Center in Bangkok.
- 5 Myanmar girls at Nakorn Rachasima center in January 2007,
- A few in Pisanuloke center as of Feb. 2007
- 15 at in Surat Thani center as of Feb. 2007.

Vietnam

V1. Present Situations

- Vietnamese women and children are trafficked primarily to China and Cambodia for sexual exploitation and arranged marriages.
- Singapore, Hong Kong, Macau, Taiwan, Malaysia and some European countries are other destination countries for domestic works and arranged marriages.
- Laos is another destination country for promised jobs in shops or bars, but some girls have to end up in commercial sexual services.
- Women may voluntarily go to Taiwan, Hong Kong, Macau, and China for arranged marriages, but become victims of trafficking, by means of being forced into slavery-like servitude or prostitution.
- Children are sold and trafficked within country, and to foreign destination, primarily Cambodia, for the purpose of prostitution.

Vietnam

V1. Present Situations (Cont.)

- The most at-risk for trafficking are poor women and teenage girls from rural areas, especially at northern and southern provinces.
- Some were sold by parents as domestic workers or for sexual exploitation with the belief that the eldest girl is assumed to support the family.
- The belief makes girls feel strong pressure to make the significant contribution to the family income, and sometimes compels them to 'voluntarily' engage in prostitution.

Vietnam

V1. Present Situations (Cont.)

- The Northern border town of Mong Cai in Quang Ninh province is one of the main Chinese borders for trafficking.
- It has 33-kilometer border with Guangxi, China with one international border gate.
- Campaigns by the government to stop trafficking in women and children were launched in this area, and appeared to be effective with fewer cases of trafficking in persons found within this area.
- However, if road condition to the city of Mong Cai was improved, possibility of having trafficking from other areas of northern Vietnam to China through Mong Cai may be increased.

Vietnam

V1. Present Situations (Cont.)

- In the southern border province of An Giang, trafficking of teenage children to Cambodia was extensively found.
- Routes from the city of Chau Doc by boat and land, and from the city of An Phu, which has one international border gate, are the most common, among 18 gates in An Giang for crossing to Cambodia.
- It was reported that there were girls from the province being trafficked everyday, mostly sold by parents, or lured by cousins or neighbours with offer for employment.
- The Vietnamese community in California has set up NGOs called Pacific Links Foundation, CAN and East Meets West to work closely with communities in prevention and protection of victims.

V2. Measures

V2-1. Legal Framework

- Criminal Code (1985, amended in 2004), section 149 is used for anti-trafficking actions.
- The Code addresses transnational child trafficking or organized crime/professional criminality with penalties for prison sentences of 2 to 20 years for each offense for persons found guilty of trafficking women, and for between 3 years and life in prison for each offense for persons found guilty of trafficking children.

V2. Measures

V2-1. Legal Framework (Cont.)

- In 1997, the Prime Minister issued a directive to coordinate measures to prevent trafficking, with orientations to identify problem areas, launch a mass movement against the phenomenon, take action against tourist agencies involved in trafficking, strengthen patrol of border area, cooperate with Interpol and the police of neighbouring countries, formulate vocational projects and job creation for victims of trafficking, and investigate and prosecute traffickers.

V2. Measures

V2-1. Legal Framework (Cont.)

- Other laws which help to strengthen prevention and protection includes, 1991 law on universal primary education and the 1994 labour code, which establishes the age of 15 as the minimum age of employment.
- In 2002, the government suspended the licenses of marriage mediation services and transferred their function into the Women's Union. The services had helped to arrange marriage between Vietnamese women and foreigners, primarily Taiwanese men.

V2-2. National Policies and Action Plans

- Before 2000, the problems of trafficking have been less recognized by the Government of Vietnam.
- Since 2004, the government has realized the urgent need in tackling trafficking in women and children and launched several policies and programs.

V2-2. National Policies and Action Plans (Cont.)

- 2006: Prime Minister's Decision approving the program on inter-branch cooperation for prostitution prevention and combat in the 2006-2010 period
- 2005: MOU on Trafficking between Vietnam and Cambodia
- 2005: Prime Minister's Decision approving the projects under the Program of Action Against Trafficking in Women and Children from 2005 to 2010.
- 2004: Government's Decree detailing the implementation of a number of articles of the Ordinance on Prostitution Prevention and Combat

V2-2. National Policies and Action Plans (Cont.)

- 2004: Prime Minister's Decision promulgating the Regulation on operation of the Steering Committee for the program of action against women- and children-trafficking crimes
- 2004: National Action Plan No.130 on the implementation of the Action Program for prevention and combat of women- and children-trafficking crimes from 2004 to 2010
- 2004: Prime Minister's Decision establishing the Steering Committee for the action program on prevention and combat of women and children trafficking crimes
- 2004: MOLISA's Decision promulgating the Regulation on operation of the inter-branch task force for prostitution prevention and combat

V2-3. National Focal Point and National Mechanism

- Ministry of Labour, Invalids and Social Affairs (MOLISA) has been designated as the lead ministry. (Department for Social Evils Prevention of MOLISA)
- Criminal Police Department of the Ministry of Public Security had been the main government agencies involved in implementation of combating trafficking. And, In 2004, the Anti- trafficking Office was established in the Ministry of Public Security has been called "130 office", subsequent to the National Action Plan No.130.

V2-4. Social Delivery Policies and Programs

- The Provincial Public Security Office contacts Provincial Women's Unions of the victims' origin when victims are deported.
- The officers of these organizations go together to pick up returnees at the border gate.
- Most returnees who come from the southern part of Vietnam would return through the gate at Tay Ninh province.
- After receiving the victims, the Women's Union repatriates them back to their hometown. After a certain period, extension workers go for interview and conduct skill training at the village.

Reception Centers

- The government's support for protection victims after being deported from aboard is still limited due to the lack of fund and qualified persons.
- The governmental shelters for receiving victims have not yet well established and reception of victims after being deported is normally done in a reception center of the Ministry of Public Security, which is the same center as the one used to accommodate prostitutes.
- Returnees can stay for the maximum of 2 weeks.
- There are altogether 6 reception centers in Vietnam; An Giang, Lang son, Quang Ninh, Lai Chau, Lao cai, and Mong Cai.

Government centers/shelters

- MOLISA is planning to establish 2 pilot recover centers for the victims of trafficking; one in Quang Ninh in the north, and another in An Giang in the south, to be assisted by UNICEF.
- MOLISA manages a vocational training center in Halong, where victims can go for training if needed. The victims stay in the dormitory for one year, and attend the training.

NGO Centers/Shelters

- AFEDIP has 2 shelters for trafficking victims; Hochi Minh City (HCMC) and Can Tho Province.
- The Center in HCMC was opened in December 2002. Since then, the Center has accommodated 118 victims and 54 of the total residents graduated from the Center.

Support for the returnees

- Vietnam Women's Union has implemented micro-credit projects targeting at trafficking victims, who were officially repatriated from aboard, and at those who can be rescued from the traffickers before crossing border.
- The credit can be provided for one (1) year at the maximum of 1,000,000 dong/time. The borrower will have to return 50% of the amount with small interest within half a year.
- Beside the micro-credits, the Women's Union also provides service on counseling and health check- up in the grass-root level.

Thailand

T1. Present Situations

- There is about 200,000 labor out-migration of Thais to more than 20 countries in the world. At the same time, Thailand has more than 1 million migrants, mostly undocumented, from other countries.
- As of March 2002, a total of 428,431 migrants had registered, following the Thai Government's decision to allow undocumented migrants to register with the government.
- Among those registered, 348,747 were from Myanmar, 42,085 from Laos and 37,595 from Cambodia. It is estimated that the real figure would be double the number registered.

Thailand

T1. Present Situations (Cont.)

- Regarding trafficking in persons, Thailand has been a country of origin, transit and destination.
- As the country of origin, Thai women have been trafficked to Malaysia, Singapore, Taiwan, Japan, Korea, US, Australia, Europe and rescued in more than 30 countries in the world.

Thai Women and Children Rescued (MoSDHS)

	2002	2003	2004	2005	Total
Australia	1	13	8	11	33
Bahrain	-	8	14	4	26
Hong Kong	4	9	4	4	21
Japan	13	57	53	45	168
Malaysia	25	49	32	60	166
Singapore	2	7	1	18	28
South Africa	-	25	8	14	47
UK	27	2	4	6	39
Other(22 c.)	2	29	19	24	74
Total	74	199	143	186	610

Internal Trafficking: Sex workers and domestic workers

- 250,000 to 400,000 sex workers, both male and female, with increased demand by tourism, both internal and international. The children, both girls and boys, are vulnerable for sex trafficking. There is no figure about how many of the sex workers are migrant women.
- There are 600,000 domestic workers in Thailand, 80% of which is women. Due to the private nature of domestic services, it is difficult to know how the domestic worker's rights are protected.
- Domestic Violence Law has not yet been passed. It is thus easily assumed that domestic workers would also face physical and sexual violence by employers.

Ethnic Minority Women and Children

- Nine formally recognized ethnic minority groups with a total population of about 900,000 persons in Thailand, receiving no educational, health and other social services from the government. Their situation has improved after the Master Plan(1992).
- However, it has been difficult for them to obtain citizenship and legal rights due to complex procedure, thus losing educational opportunities and other civil entitlements.
- Accordingly, many women and children become vulnerable to sex abuse, drugs, labor exploitation, mistreatment and trafficking within country and abroad.

A country of destination

- As a country of destination, there are many trafficked victims from Cambodia, China, Myanmar, Laos, Viet Nam, and other countries.
- Only about 180,000 migrant women from Myanmar, Cambodia and Laos granted work permit in 2002, however, the real figure would be triple or more.
- There is a mandatory pregnancy test for migrant women workers in Thailand when they want to renew their work permit. If they are found as pregnant, they will be deported along with a family. This kind of discriminatory policy has a negative impact on women and her family, and may lead women into unsafe abortion.

T2. Measures

T2-1. Legal Framework

- 1960 Prostitution Suppression Act criminalized prostitution: Any girls and women engaged in prostitution would be fined and sent by court order to rehabilitation for two years while the customers did not get any sanction.
- 1996 Prostitution Prevention and Suppression Act (B.E. 2539) was made mainly to prevent child prostitution. The prostitution of adult women is considered as an offense as to upsets public morality. Women will be fined without compulsory rehabilitation. Only children under 18 years old engaged in prostitution are forced to be rehabilitated and the parents involved in the sale of their children are punished.

T2. Measures

T2-1. Legal Framework

- 1997 Women and Children Trafficking Prevention and Suppression Act (B.E.2540) refers to women, girls and boys, and trafficking victims of other nationality. However, it excludes forced labour and male victims of trafficking.
- 1999 Common Guidelines for Agencies Concerned with Cases where Women and Children are Victims of Trafficking (revised in 2003) accepts foreign victims to government shelters/centers.
- 1999 Revised Criminal Act, and 2003 Child Protection Act

Despite of all these laws, the brokers and trafficker have not been sufficiently prosecuted.

T2-2. National Policies and Action Plans

- The Six-year National Plan and Policy on Prevention and Resolution of Domestic and Cross-border Trafficking in Children and Women was made in 2003. The Plan focuses on prevention, suppression, assistance and protection, recovery and reintegration and the establishment of the structure for effective policy implementation.
- Thailand has concluded MOU on Employment of Workers with Laos, Cambodia and Myanmar, and MOU on anti-trafficking with Cambodia.
- COMMIT Sub-regional Plan of Action has been followed as well.
- MOU on Trafficking with Cambodia and Laos (and Myanmar being discussed)

T2-3. National Focal Point and National Mechanism

- Anti-Trafficking Bureau on Women and Children under the Ministry of Social Development and Human Security (MoSDHS) has been established in 2002.
- The Bureau is mandated to:
 - 1) prevention
 - 2) protection and welfare services
 - 3) legal support
 - 4) repatriation and reintegration regarding the trafficked victims
- National Sub-Committee on Trafficking in Women and Children has been also formed to develop policies and programs.

TRAFCORD

- TRAFCORD (Anti-Trafficking Coordination Unit Northern Thailand), established in 2002 by MoDSHS, to coordinate 9 provinces in the North Thailand. MOU has been made among 9 provinces.
- Multi-Disciplinary Team, consisting of police, prosecutors, social workers, doctors, lawyers, interpreters, labor office, NGOs, Shelters, local government, court, money laundering unit, etc, has been working together to rescue the victims of trafficking and support them in the trials
- Between 2002-2005, they rescued 206 persons, 48 of which was trafficked victims. Majority were women from Myanmar.

TRAFCORD

- The Child and Women Protection Center (Unit) has been established in the Royal Thai Police.
- The same unit has been established in Chaing Mai Provincial Police and other provinces.
- Regarding the extradition of the criminals, mutual assistance on survey and transfer of offenders, the Royal Thai Police has official agreement with other governments.
- MOU with Australian government on transnational crime, including trafficking.

T2-4. Social Delivery Policies and Programs: Protection Centers/shelters under Ministry of Social Development and Human Security in Thailand

Location	Name of the Center/Shelter	Persons Staying
Bangkok (Nontaburi)	Baan Kredtrakhan Protection and Vocational Development Center	Girls and young women; about 40-50% are non-Thai (majority from Laos and Myanmar)
Bangkok (Nontaburi)	Baan Kredtrakhan Protection and Vocational Development Center	Boys
Nakorn Rachasima	Nareesawat Welfare Protection and Vocational Centre for Women	Girls and young women; 20-30% are non-Thai (majority from Laos)
Pisanuloke	Bansongkwaee Protection and Occupation Development Centre	Girls and young women; 10-20% are non-Thai (majority from Laos and Myanmar)
Chiang Mai	Chiang Mai Home for Boys	Boys
Chiang Rai	Baan Chiang Rai	Girls and young women
Surattani	Srisurat Protection and Occupational Development Centre	Girls and young women; 20-30% are non-Thai (majority from Myanmar)

Persons Staying at Baan Kredtrakhan

(As of Oct.2005: 144 persons under 15 years-old, 135 persons between 15-18 years-old, 75 persons between 9-24 years-old, and 26 persons over 25 years-old)

Nationality	Trafficked Victims	Others	Total Number (%)	Total Number (%)
	Oct.2005	Oct.2005	Oct.2005	Feb.2007
Thai	33	156	189 (49.7)	111 (28.4)
Laos	133	-	133 (35.0)	140 (35.8)
Myanmar	28	10	38 (10.0)	116 (29.7)
Cambodia	9	5	14 (3.7)	21 (5.4)
Viet Nam	6	-	6 (1.6)	3 (0.7)
Total	209	171	380 (100.0)	391 (100.0)

NGOs

- The MRI and VGDC have shelters and drop-in centers for children of ethnic minorities in the North.
- The FFW is now considering to set up a drop-in center in Bangkok for the victims of trafficking and other problems to strengthen the Network of Women Returnees to Thailand.
- The Self Empowerment Program of Migrant Women SEPOM has been supporting the returned victims and their children from Japan to gain civil rights and empowerment by peer group activities and networking.
- Alliance for the Advancement of Women, established in 2000, after Beijing+5, consisting of 39 women NGOs, and closely coordinating their activities.
- Others: EMPOWER, Thai Women's Watch, (SEPOM), YMCA Payao, Volunteer Group for Children Development(VGDC), Global Alliance against Trafficking of Women

NGOs

- Despite all the efforts and progress made by government and NGOs, it has been difficult for the victims to be self-determined and empowered.
- Despite being protected and trained for many months in the centers/shelters, some women and girls return to sex sectors and repeat illegal migration due to the lack of alternative ways of living, thus get re-victimized or re-trafficked.

Can we find good practices on empowerment of returnees/victims?

- Human rights: the right to self-determination, right to safe migration and safe return (internal and cross-boarder), child right (to be protected or to work),
- Civil rights for domestic workers, care givers, sex workers, women factory workers, ethnic minorities, etc.
- Empowerment of returnees: rights to choose and determine what to do and where to go, alternative living
- Sexuality, gender, re-value of reproductive work
- Multi-dimensional, culture-specific, gender sensitive approach
- Social/Gender analysis: women, men, girls and boys; ethnicity, minorities, etc.
- Partnership among government, NGOs, universities, and people.
- Regional cooperation and beyond

Summary

1. Present situations
2. Measures
 - 2-1. Legal Framework
 - 2-2. National Plans and Action Programs
 - 2-3. National Focal Point and National Mechanism
 - 2-4. Social Delivery

Table Main Measures taken to Combat Trafficking of Women and Children in GMS

	Legal Framework	National Policy and AP	National FP and Mechanism	Social Delivery Measures
Cambodia	New law being drafted against 1996 Law. Prosecution has been a big problem.	1999 National Five Year Plan. 2005 Neary Rattanak.	MoWA as focal point. Inter-Ministerial Task Force on TIP. Anti-Trafficking Unit in the Ministry of Interior.	MoSAVY has only 2 shelters. NGO (CWCC, AFESIP, HCC, etc.) working hard, but protection and reintegration not sufficient.
Laos	2004 Law on Protection of W and C.	National Plan does not exist and being drafted. Not enough budget to combat TIP by MoLSW and LAPTU.	MoLSW, and LAPTU in M of Public Security	Only Emergency Transit Centers. One LWU Center and AFESIP Shelter. Returnees still get punished and not well protected.
Myanmar	2005 Anti-Trafficking in Persons Law	1997 National Plan of Action for combating trafficking.	<u>Central Body for Suppression of TIP</u> , chaired by <u>Minister of Home Affairs</u> , DoSW as focal point for victims protection and reintegration	Myanmar Women's Affairs Federation(MWAF), Save the Children and World Vision have been supporting the protection and reintegration. But not sufficient. No IDs and difficult to find families.
Viet Nam	2004 Criminal Code and 1997 PM's Directive.	Active only after 2000. 2004 <u>National Action Plan No.130</u> (-2010). 2006 Program to combat against prostitution (-2010).	MOLISA (Department for Social Evil Prevention), and Anti-Trafficking Office in Ministry of Public Security.	Government has only temporarily reception centers at the border. MOLISA has plans on pilot centers, but not yet approved. AFESIP has 2 shelters.
Thailand	1996 Prostitution Prevention and Suppression Act. 1997 Women and Children Trafficking Prevention and Suppression Act. 1999 and 2003-revised Common Guidelines on Trafficking.	2003 Six Year National Plan and Policy on Prevention and Resolution of Domestic and Cross-border Trafficking and Children and Women.	Bureau on Anti-Trafficking in Women and Children, MoSDHS. <u>Sub-Committee on Trafficking in Women and Children</u> . TRAFCORD in north Thailand. Child and Women Protection Center/Unit in Thai Police	In total 7 protection and rehabilitation centers under the Bureau and 96 emergency centers at the provincial levels. NGOs also run centers. Difficult for the victims and returnees to be empowered and reintegrated into society.

Perspectives on Human Trafficking CAMBODIA's Experiences

Presented by

H.E. Mrs. You Ay
Secretary of State , Ministry of Women's Affairs

The Seminar on Trafficking in Persons in the Greater
Mekong Sub-Region(GMS) Focusing on the Roles
Of Shelter for Women and Children
Bangkok, 7-9 March 2007

1

- Human trafficking is a local, regional and Global problem. Origin, transit and destination countries should fight this evil in solidarity.

2

1 - Situation of Trafficking in Cambodia

Cambodia is a transit, sending, and receiving country in Human Trafficking :

- Trafficking within the country...
 - From villages to cities
 - Between provinces

3

- Trafficking across borders to...

- Thailand
- Malaysia
- Vietnam, for begging
- From Vietnam for sexual exploitation
- Taiwan (Fake married) and Onward to other parts of Southeast Asia, USA and Europe.

4

2 - Forms of Trafficking

Many Cambodians especially women and children have been trafficked for:

- Sexual exploitation
- Begging, selling small things, domestic labor, construction, factory work, and fishing
- Fake marriage

5

3 - Causes of Trafficking

- Poverty and the dream of better life
- Lack of employment opportunities, unsafe labor migration
- Debt bondage (For labor and sexual)
- Low level of education and lack of understanding of trafficker tricks
- Relaxation of Border Controls

6

4 - Role of the Royal Government Cambodia in the fight Against Trafficking

Legal Context and Response :

“The commerce of human beings, their exploitation by prostitution and obscenity which affects the reputation of women is prohibited”

(1993 Constitution of the Royal Government of Cambodia)

7

Current Cambodian Laws

- 1996 Law on the Suppression of Kidnapping and sexual Exploitation of Human Beings
- Many other relevant provisions from Penal Code and Penal Procedures, Marriage and Family Law, Immigration Law, Sub-Decree on Adoption of Children by Foreigners, etc.
- Law on Prevention of Domestic Violence and Protection of Victims.

8

Draft Cambodian Laws

- Law on Suppression of Human Trafficking and sexual Exploitation will be in compliance with UN protocol and new penal code.
- Law on Foreign Adoption
- Revised Penal Code, Penal Procedures, Civil Code, and Civil Procedures

9

Cambodia and International Instruments :

RATIFIED:

- UN Convention on the Rights of the Child (CRC)
- UN Protocol to CRC on Sale of Children, Child Prostitution and Child Pornography
- UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
- UN Convention on Forced or Compulsory labor and other ILO Conventions
- International Covenant on Civil and Political Rights (ICCPR)

10

- International Covenant on Economic, Social, and Cultural Rights (ICESCR)
- Statute on the International Criminal Court
- UN Convention against Transnational Organized Crime (TOC)
- UN Protocol to TOC to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol)

11

Bilateral and Multilateral Instruments:

Memorandum of Understanding/Agreement on Human Trafficking with:

- Thailand - signed on May 2003. Plan of action developed.
- Vietnam - signed on October 2005 workshop for 11 provinces on MOU/ARCPT awareness raising. Joint Action Plan developed
- GMS (6 countries) - signed in October 2004. Plan of action be implemented
- Malaysia - under discussion
- MOU between GO's and NGOs to help the victims of trafficking: signed on 6 Feb 2007

12

Extradition Treaties with:

- Thailand - signed
- Lao PDR - signed
- China - signed

Special extradition arrangements also made with:

- Australia
- Malaysia
- USA

13

Cambodia's Contribution in the fight Against Human Trafficking

A Tremendous amount of work has been done, by both government and civil society, to actively combat human trafficking in Cambodia.

- Trafficking within the country: assigned a number of key ministries according to their mandate.
- Trafficking across border: Cambodia shows commitment and political will to combating human trafficking by fostering bilateral, regional collaboration and ratifying to the relevant international instruments.

14

- The Royal Government of Cambodia is Particularly active in the areas of:

Prevention, Protection, Prosecution (Criminal Justice Response), Return, Recovery and Reintegration

15

Cycle of the fight against trafficking

I- Prevention :

- Ministry of Women's Affairs
- Ministry of Tourism
- Ministry of Education Youth and Sports
- Ministry of Interior
- Ministry of Labor and Vocational Training
- NGOs

16

II- Protection :

- Ministry of Interior (Police)
- Ministry of Women's Affairs
(legal protection)

III- Prosecution :

- Ministry of Justice (Judge, Prosecutor)

17

IV- Recovery and Reintegration :

- Ministry of Social Affairs, Veterans and Youth Rehabilitation
- Ministry of Foreign Affairs and International Cooperation
- Cambodian Embassies outside the country
- NGOs

18

National Mechanism to implement bilateral-multilateral MOU/Agreement

- **In the past:** the establishment of National Task force to implement...
 - MOU between Cambodia and Thailand (chaired by MOSAVY)
 - MOU in the GMS (chaired by MWA)
 - Agreement between Cambodia and Vietnam (chaired by MWA)

19

Good Practices

- **At present:** establishment a Unique National Mechanism(National Task Force)to implement bilateral-multilateral MOU/Agreement between the Royal Government of Cambodia with relevant countries (refer to notice agreement of Samdech Prime Minister, dated June15,2006 and the information letter of the Council of Ministers, dated July 17,2006)

20

This National Mechanism will:

- 1 - Act as a focal Mechanism to implement bilateral-multilateral MOU/Agreement.
- 2 - Facilitate to avoid duplication of activities.
- 3 - Ensure smoothly implementation of bilateral - multilateral MOU/Agreements.

21

5 - Obstacles, and Cambodia's Experience

Obstacles

- Lack of human resources and financial support
- Legal and judicial systems and law enforcement need to be strengthened
- Lack of knowledge and skills about law (by officials and public)
- Education and dissemination are limited (but MoWA has conducted awareness raising in 24 provinces/Municipalities)

22

- Tradition of families and perpetrators settling out of court for compensation
- Lack of shelters for victims (shelters have no minimum standard), and lack of social workers or counselors.
- Lack of facilities and expertise in forensic evidence.
- Lack of cooperation from victims
- Lack of standard data base

23

CAMBODIA's Experience in the fight against Human Trafficking.

To guarantee the success we need to :

- Change of education and dissemination strategies by focusing on safe migration,
- Promote Police-Prosecutor-Judge cooperation,
- Strengthen the use of forensic evidence
- Strengthen the cooperation with victims, with NGOs; avoid treating victims as criminals

24

- Provide Economic support and skill training to the victims, to prevent them to be trafficked again
- To have a standard data base
- Increase a number of shelters with minimum standard:
 - shelter for short term
 - shelter for long term

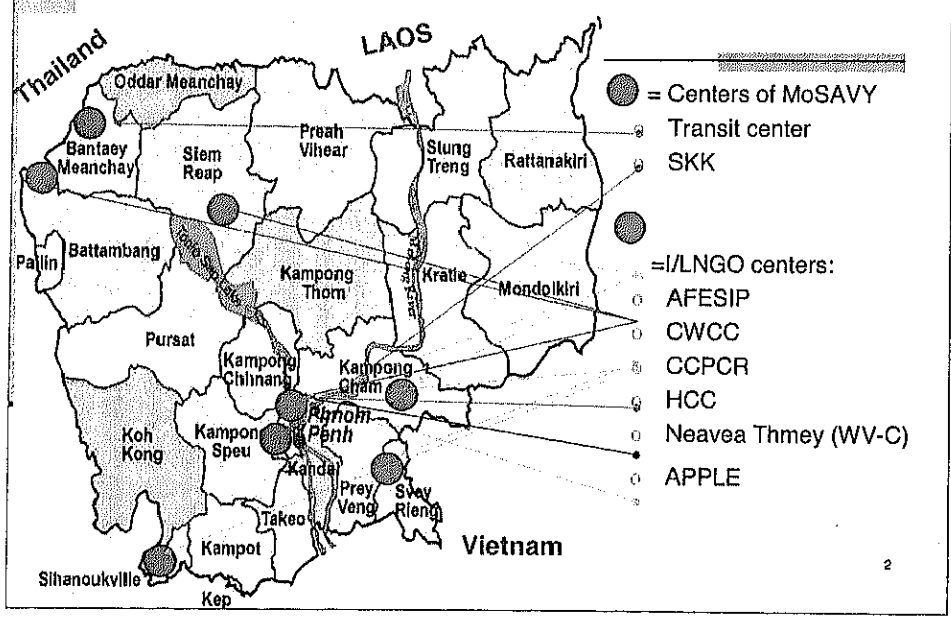
25

Trafficking In Persons (TIP) in The Greater Mekong Sub-Region (GMS) on The Roles of Shelter for Women and Children

March 07-09, 2007
Imperial Queen's Park Hotel
Bangkok, Thailand

Prepared by AFESIP, CWCC and MoSAVY
Presented by Chhoeurth SAO

**Geographical areas of center operation
Govt. and I/LNGOs are working directly with victims of TIP**



Types of service and support at the centers Govt. (MoSAVY)

- Transit Center bases in Poi Pet, is offering Family tracing, pre-repatriation case management; facilitate and coordinate with relevant Govt. and I/LNGOs on repatriation process between Cambodia and Thailand, welcome of Cambodian returnees from Thailand; an overnight safe accommodation; upon arrival case counseling and assessment and prepare an appropriate action with relevant partners;
- The similar intake center bases in Phnom Penh, is known as SKK (Child Protection Services), if offering counseling, case assessment and referring to the other appropriate partners for further action.
- Referral system of victims rescued by police to I/LNGOs is under supervision of DoSALVY

Types of service and support at the centers I/LNGOs are working directly with victims of trafficking

Daily holistic care; safe accommodation; legal protection; medical care supports; psychosocial counseling supports; Formal and non-formal education, vocational skills training; family tracing and conciliation; family, community and market

opt. assessments; vocational skills training, short course training, other life skills training. repatriation, reintegration and follow-up

Conclusion and Constraints

Despite, Cambodia has made some progress moving, within these few years, on combating TIP through developments of these tools and measures but there are more actions needed to be developed and improved:

- Gender Inequalities are cultural and traditional norms that consider women to be of lower status than men
- No MoU/Agreement with Malaysia and Taiwan
- Pass a new Law on the Suppression of Kidnapping, Trafficking, and Exploitation of Human Persons;

5

Conclusion and Constraints

- Funds and human resources number of staffs are limited and Psychologists/clinician;
- Study tour exchange program between sending and receiving countries;
- Cross-cultural approach;
- Security problem and slander;
- Family and community supports;
- Law enforcement and corruption;
- Special care for orphan and deformity children;

6

Conclusion and Constraints

- Speed up the repatriation process with Thailand and Vietnam;
- More centers, where mainly a long the borders, need to be established;
- The same types of vocational skills trained;
- Lack of market opt. post-completion of skills trained;
- Lack of employment opt.
- Potential information of migrants;
- Inadequate information of cross-border cases

7