



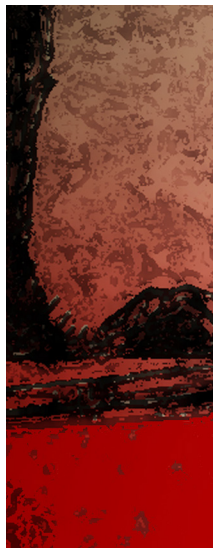
ENGAGING PARLIAMENTARIANS  
PURSUING DEVELOPMENT



**Australian  
Aid** 



**EXAMINING VIOLENCE AGAINST  
WOMEN IN SITUATIONS OF HUMAN  
TRAFFICKING IN SOUTH-EAST ASIA**





## EXAMINING VIOLENCE AGAINST WOMEN IN SITUATIONS OF HUMAN TRAFFICKING IN SOUTH-EAST ASIA

*This research, which is part of project 'Mobilizing Parliamentarians for ERAW in Asia-Pacific', was supported by the Australian Government Department of Foreign Affairs and Trade (DFAT)*

*Published in May 2014 by the Asian Forum of Parliamentarians on Population and Development.*

Author/Consultant:

**Hoa Nguyen**, B.Sc. Psych, M.Sc. (Social Work)

International Development Consultant

Anti-Human Trafficking Specialist ASIA PACIFIC

## CONTENTS

---

<b>Part I: Recommendations for Country-level Actions</b>	3
An overview of trafficking in South-East Asia	4
Situation Analysis	6
International Instruments	7
Gap Analysis	8
Preventive measures and reduction of vulnerability in the face of demand for trafficked women	12
A set of recommendations that break the anti-trafficking effort up into manageable steps	14
Summary of Recommendations	20
<b>Part II: Country Reviews</b>	25
Cambodia	26
Indonesia	30
Lao PDR	34
Malaysia	38
Myanmar	42
Thailand	46
Philippines	50
Vietnam	54
Summary of Good Practices	60
References	62

The Asian Forum of Parliamentarians  
on Population and Development  
Payathai Plaza Bldg., Suite 9-C, Payathai Road,  
Bangkok, 10400 Thailand

Tel. (622) 219-2903/04 | Fax: (622) 219-2905  
[www.afppd.org](http://www.afppd.org) | [afppd@afppd.org](mailto:afppd@afppd.org)



ENGAGING PARLIAMENTARIANS  
PURSUING DEVELOPMENT



---

EXAMINING **VIOLENCE AGAINST WOMEN**  
IN SITUATIONS OF **HUMAN TRAFFICKING**  
IN SOUTH-EAST ASIA

---

PART I. RECOMMENDATIONS FOR  
COUNTRY-LEVEL ACTION



# AN OVERVIEW OF TRAFFICKING IN SOUTH-EAST ASIA

## Background

Human trafficking is a form of violence against women (VAW) that occurs within and across borders. It involves many different actors, including families, local brokers, international criminal networks and immigration authorities, and in many cases it leads to a form of modern day slavery for the victim. Human trafficking affects the economy, political stability, law enforcement, women's rights and public health, particularly reproductive health and sexual health. Trafficking victims are also placed at greater risk of contracting HIV/AIDS.

Human trafficking also cuts across many fundamental issues, such as human rights, maintenance of peace and security, national development and family health, and efforts to stop it naturally involve many sectors of society. Parliamentarians, or members of national parliaments, are one vital element that can play a significant role by virtue of their commitment to legislation. Laws are meritless without government support.

**Human trafficking is one of the most extreme forms of violence against women and girls:** The trafficking of women and girls involves the most basic of human rights violations. These crimes include rape, domestic violence, genital mutilation, forced labour, forced marriage or trafficking for sexual and labour exploitation. According to the United Nations Office on Drugs and Crime's (UNODC) 2012 Global Report on Trafficking in Persons 2012 (TIP 2012), the most commonly detected trafficking victims are female adults.

Women and girls together account for about 75 per cent of trafficking victims and 27 per cent of all victims detected globally are children. Of every three child victims, two are girls and one is a boy.

The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, which supplements the United Nations Convention against Transnational Organized Crime, defines trafficking in persons as

“...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 labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”

**Human trafficking fuels violence against women:** Many women and girls become victims of sex and labour trafficking when they migrate or seek assistance for a better life, or when they seek to obtain employment, visas and other travel documents in this process. Some women are offered jobs abroad as dancers, waitresses and nannies only to find themselves held against their will and forced into prostitution or sexual slavery. Some women and girls are also sold by their parents, friends or relatives to the virginity trade or into modern-day slavery because of their desperate economic situation. Gender bias naturally plays a part in this, as evidenced by the higher trafficking rates for women.

Traffickers primarily target women and girls, using violence to intimidate them, to curtail their freedoms and to subdue them. These victims are that much more vulnerable in the context of poverty and discrimination, factors that already impede their access to employment, educational opportunities and other resources. In the destination or transit countries, women are then subject to physical violence, sexual assault, rape, battery, imprisonment, threats and coercion. Many times trafficked women and girls suffer extreme physical and mental abuse too, including rape, imprisonment, forced abortions and physical brutality at the hands of their so-called "owners".

Thus, trafficked women and girls often become isolated, live in fear and stigma, and face discrimination upon return to their countries of origin.

Violence against women provides fertile ground for human trafficking: In South Asia and East Asia, son preference manifests itself in numerous forms including female infanticide, prenatal sex selection and systematic neglect of girls. These practices have resulted in adverse female-male sex ratios and high rates of female infant mortality. In its most extreme form, forced marriage, another factor in VAW, can involve threatening behaviour, abduction, imprisonment, physical violence, rape, and in some cases, murder. VAW can also refer to specific cases of physical, sexual or psychological harm caused to an individual or to a group of women. It can as well refer to the frameworks through which relationships and structures of power in society are viewed and analysed.

The United Nations Declaration on the Elimination of Violence against Women broadly defines violence as occurring within private, public and “state-controlled” spaces, with “trafficking” specifically mentioned in the public sphere. The Beijing Platform for Action (BPFA) and the 1993 World Conference on Human Rights also list trafficking as a category within gender based violence (GBV).

Whatever form it takes, VAW both violates and impairs women’s enjoyment of their human rights and fundamental freedoms, and this violence is often driven by the demand for sexual services and the profit that they generate. This commodification of human beings as sexual objects, coupled with poverty, gender inequality, conflicts within countries and the subordinate position of women and girls provides fertile ground for human trafficking, as demonstrated by the data. As much as 60 per cent of trafficked women have experienced physical and/or sexual violence before being trafficked, pointing to GBV as a contributing factor in the trafficking of women. Women and girls are thus more susceptible because they are marginalized, they are victims of poverty and they are more likely to be unemployed.

---

# SITUATION ANALYSIS

**Trafficking in women and girls has a strong relationship to violence against women in South-East Asia:** Although the countries in South-East Asia do recognize trafficking in women and girls as a crime, and although they also recognise VAW as a crime, they still experience a significant degree of both. The region has a long history of migration for employment, both legal and illegal and both internal and across porous borders. The region also has large pools of poorly educated, impoverished and distressed people who provide a ready source of exploitable labour. The region sends many workers overseas, and its domestic and international sex industries, which in many cases contribute significantly to the economy, are infamous.

The United Nations Regional Information Centre (UNRIC) reports that:

- one in three women has been beaten or sexually abused in her lifetime;
- 60 million girls are sexually assaulted at school or on their way to school annually;
- up to 5 per cent of women report being physically abused while pregnant;
- between 100 and 140 million women and girls alive today have been subjected to female genital mutilation (FGM);
- over 60 million girls worldwide are child brides;
- at least 60 million girls are 'missing' from various populations, mostly in Asia.

And while South-East Asia is typically a source region for trafficking it is also one of the world's top destinations for trafficked persons: 959 cases of human trafficking were reported in Cambodia alone in 2012, 364 in Burma, 883 in Vietnam, 594 in Thailand and 193 in Laos.

**Women and girls face violence in their countries of origin before they are trafficked and after they return from trafficking:** In most origin countries for trafficking in South-

East Asia, such as Lao PDR, Cambodia, Vietnam, Myanmar, Indonesia, Thailand, Malaysia and the Philippines, women are often poorer and more vulnerable than are the men because of the systemic discrimination that they face in accessing education, health care, employment and control of assets. Women are often the most desperate among the desperate and many trafficked women and girls come from a family background of poverty, inequality broken homes, male preference, domestic violence, alcoholism, incest, physical and emotional abuse, very little or no education and family dysfunction. These victims are often coerced into the sex trade or into modern day slavery at a very young age, some as young as 9 or 10 years old. Others are sold into sex slavery by their parents, siblings, friends, husbands or strangers. Most of them believe they are being taken to an environment where they have prospects of getting a "good job" or a "better future" to help support their families. Instead they are sold to brothels, massage parlours or bars, or they are sold to forced labour. They are then ostracized, excluded and labelled for life as "prostitutes" or rejected for their "lost virginity". They are then viewed as "failure" migrant returnees.

**In destination and transit countries, most women and girls are subjected to violence and victimization during and after trafficking:** Research has found that, in most South-East Asia destination and transit countries, such as Thailand, Malaysia and Cambodia, women and girls are connected to vulnerabilities that lead to violence and victimization through trafficking, exposing them to multiple forms of discrimination, violence and exploitation. Some are sexually exploited while they are forced to work as domestics or labourers, and this combined stress further affects their physical, psychological and mental health. Many women and children that have escaped brothels still face overwhelming difficulties reintegrating into their families and communities as well. Those who try to leave sex work, or who are HIV-positive, face an especially precarious future as they struggle with the debilitating symptoms of psychological trauma in repatriation and rehabilitation.

# INTERNATIONAL INSTRUMENTS

## International law as an instrument in the response to trafficking:

There are various international conventions that seek to aid parliamentarians in using the UN Trafficking in Persons Protocol as the primary reference tool to develop national approaches to combat trafficking, to shape regional policy frameworks and to guide international cooperation in this field. The United Nations Convention against Transnational Organized Crime, described in more detail below, makes clear that trafficking is not limited to the sex industry or prostitution, and covers exploitation in any industry where force or fraud are used in recruitment.

To qualify as a violation of the protocol, the following three features must be present:

<b>ACTIVITY</b>	recruitment, transportation, transfer harbouring of persons, receipt of persons
<b>MEANS</b>	threat of force or other forms of coercion, use of force or other forms of coercion abduction fraud deception abuse of power or a position of vulnerability the giving or receiving of payments or benefits to achieve the consent of a person having control over another person
<b>PURPOSE</b>	exploitation within one of the exploitative forms specified in the definition

(In the case of child trafficking, however, means do not have to be present. And although the UN Protocol’s definition of trafficking is comprehensive, it contains many terms that can be interpreted differently in national legislation.)

Additional instruments of international law that address the trafficking of persons include: the Slavery Convention (1926), the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956), the Universal Declaration of Human Rights (1948), the International Covenants on Civil and Political Rights (1966), the United Nations Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution

of Others (1949), and the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) in 1979.

These conventions oblige South-East Asian states that are signatories to take all appropriate measures to suppress the trafficking of women and the exploitation of women through sex work and prostitution. These instruments also lay the foundation for contemporary conventions and efforts to eliminate trafficking. Standards on how trafficking victims should be treated are further outlined in two comprehensive documents that draw on various international law instruments, including the Human Rights Standards for the Treatment of Trafficking Persons and the Recommended Principles and Guidelines on Human Rights and Human Trafficking.

Enforcement of international law through the “regional solution”: This idea encourages parliamentarians to strengthen international cooperation by multilateral, regional and bilateral arrangements for the prevention, detection, investigation, prosecution and punishment of those responsible for acts involving trafficking of women and girls. Regional and domestic instruments that have played a key role in the prevention and elimination of human trafficking include the Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT), a sub-regional group composed of China, Laos, Thailand, Cambodia, Myanmar and Vietnam. Its purpose is to create policies for anti-trafficking measures in the region, such as the Association of South-East Asian Nations (ASEAN) Principles or the Bali Process, allowing each signatory state to create legislation that is in agreement with these provisions.

The Bali Process is a network established in 2002 to raise regional awareness of the consequences of people smuggling, trafficking in persons and related transnational crime. It has resulted in the development and implementation of strategies as well as practical cooperation among more than 45 members, including the United Nations High Commissioner for Refugees

# GAP ANALYSIS

(UNHCR), the International Organization for Migration (IOM) and United Nations Office on Drugs and Crime (UNODC), as well as a number of observer countries and international agencies.

International laws and regional solutions also provide parliamentarians with guidance for carrying out their commitments to combating trafficking and VAW with a focus on:

Prevention	of trafficking in women and girls, guaranteeing gender equality.
Protection	of the human rights of trafficked women and girls guaranteeing no discrimination and violence against women and girls; and
Prosecution	of those who commit or facilitate the crime.

**South-East Asian countries' response to trafficking in women and girls and the violence against women that goes with it**

## Law, Policy and Legal Framework

These provisions encourage parliamentarians to amend existing laws to provide protection of the human rights of trafficked women and girls, guaranteeing protection from violence.

**Anti-trafficking laws still do not address all forms of trafficking:** The laws in Thailand, Myanmar, Vietnam, Indonesia and the Philippines are closely based on the UN Trafficking Protocol, but some laws in some countries of the region restrict protections only to women and children. And in some cases these laws focus only on trafficking for sexual exploitation but not on other forms of trafficking. In still other cases, the law addresses transnational trafficking but not domestic trafficking.

**Some anti-trafficking laws limit the legitimate international migration of women:** Controlling migration and hindering women's right to migration will not curb or prevent trafficking and will simply drive it underground. Stricter border controls, such as instituting a passport system or more stringent border surveillance, will not stop trafficking or migration.

**Some anti-trafficking laws discriminate against women and girls:** In their efforts to control trafficking, some countries of the region have established ways of administering the law that actually discriminate against women and girls, such as by sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status. Some laws focus on national sovereignty, national security, morality, and law and order paradigms, for example, which penalise trafficked women and girls rather than penalise the traffickers and clients.



**There is still a lack of labour rights and social security rights:**

Most female migrants and sex workers, both voluntary and forced, in South-East Asian countries lack the labour rights afforded other workers, specifically male workers, including the right to a safe and healthy workplace and the right to reasonable terms and conditions of employment.

**Anti-trafficking laws conflate human trafficking with sex work:**

Laws that define all sex work as sexual exploitation contribute to the vulnerability of victims and others, generate stigma and create barriers to HIV service delivery. Some sex work is voluntary, yet some trafficking laws have been used to justify crackdowns and raids that suppress adult voluntary sex work, as in Cambodia, Indonesia, Malaysia, the Philippines and Thailand. This has resulted in violations of sex workers' human rights and in the undermining of HIV initiatives designed to protect them. According to UNODC, 58 per cent of human trafficking is for sexual exploitation, a number that activists worry has led the public and policymakers to conflate trafficking with sex work, to the detriment of effective responses.

**Law Enforcement and Justice:**

Parliamentarians can take the initiative to amend domestic legislation that may conflict with the Trafficking in Persons Protocol, CEDAW convention and international human rights law.

**Law enforcement practices sometimes result in the abuse of trafficking victims:**

Incidents of abuse by anti-trafficking police, law enforcement authorities and health care providers continue to be of concern. Violations include abuse of trafficked women and girls - especially sex workers - and have involved harassment, extortion, unauthorized detention and assault. These incidents have been reported in countries across the Asia Pacific region and sexual assault by police or military has been reported in Cambodia, Myanmar, Vietnam, Malaysia, Indonesia and The Philippines.

Sex workers are often targeted for harassment and violence because they are considered immoral and deserving of punishment. Yet criminalization of sex work and re-victimization at the hands of authorities make trafficked women and girls reluctant to report abuse while also making the authorities more reluctant to offer protection or to support to victims.

The law as it pertains to trafficking by force, coercion or lack of consent: Article 3 of the Trafficking in Persons Protocol states that the consent of the victim to the intended exploitation is irrelevant once it is demonstrated that deception, coercion, force or other prohibited means have been used. The women and girls "rescued" often cite forced detention and deportation as common consequences of raids. Law enforcement agencies often don't differentiate between voluntary and trafficked sex workers. Additionally, many raids aren't followed by prosecution of the traffickers, which would inhibit future trafficking.

There are still gaps in victim identification and lack of "trauma-informed" interview protocols for trafficked women and girls: Trafficking victims are still not adequately identified in law as victims of something. According to the US State Department's 2013 Trafficking in Persons Report, there are as many as 27 million trafficking victims at any given time. However, governments in UNODC's TIP report have officially identified only 40,000 people who came into contact with the authorities as actual victims of trafficking in 2012. The result is that there are still many moving stories of women and girls locked into a life of exploitation often because law enforcement and service providers do not recognize the true situation.

Shortcomings in the victim identification system: The process of identifying trafficking victims is very complex due to the complex nature of the problem, and officers charged with identifying trafficking victims often lack adequate training and tools. Victim identification is therefore best served by multi-disciplinary collaborations of professionals including law enforcement, NGOs and social service representatives.

---

Some countries where there are shortfalls in victim identification systems are Thailand, Malaysia and Myanmar, which have been known to prevent assistance to victims who need it. Source countries such as Cambodia, Lao PDR, Vietnam, the Philippines and Myanmar have meanwhile noted the difficulty of tracing 'missing persons' who may be unidentified trafficking victims in a foreign country, as well as the challenge of distinguishing victims of trafficking from among deportees and self-returnees. Women and girls who are 'self-returnees' may also have so little information on their rights and laws that they do not even know that they are considered trafficking victims.

Efforts to prevent trafficking still suffer from generalised definitions, corruption in law enforcement and lack of capacity to interview and work with trafficked women and girls: Many times law enforcement officers assume that someone arrested for prostitution or sex work is just another "drug-addicted hooker", so they do not take the time to investigate. But in reality, if officers were trained to know what signs to look for, what questions to ask and how to do so with sensitivity in the case of highly traumatized women and girls, they could have a major impact in interrupting the cycle of trafficking.

Some laws in some South-East Asian countries also assume that all sex workers are trafficked, and, while at least recognising trafficking as something bad, these laws still can end up denying the autonomy and agency of people who sell sex voluntarily for their blanket application. Such generalisations also mean that anti-trafficking efforts typically ignore the possibility of engaging sex workers, voluntary or otherwise, as partners in identifying, preventing and resolving situations that do involve authentic trafficking victims.

The perpetuation of these stereotypes and stigmatization contributes to the violation of women's rights to free movement and livelihood options. The chaos and violence involved can traumatize those identified and returned, and this trauma can have harmful consequences beyond the point

of protection and assistance.

Some countries in the region have come to terms, however, with the adverse effects of ill-conceived trafficking laws - in their current application - on consenting adult sex workers, such as in Cambodia, Malaysia and the Philippines. Thailand and Indonesia have clear guidelines for victim identification, meanwhile, but they still fail to address how to ethically and effectively interview highly traumatized trafficked women and girls.

Trafficked women and girls are often traumatized and depressed and, to add to their trauma, law enforcement officials with whom they come into contact are often corrupt. So those trafficking victims who are "rescued" and identified properly as victims may thus have significant distrust and fear of the authorities, many of whom are complicit in trafficking and in other forms of violence against women.

#### Protection, Recovery and Reintegration:

In pursuit of a more comprehensive system to end trafficking, to protect victims and to re-integrate them back into their communities, parliamentarians should establish a committee on human trafficking or women's rights in general to guide government policy, with the goal of ensuring an end to violence against women.

It is still very common for trafficking victims to be denied documents and citizenship rights: Some policies restrict trafficked women and girls' access to identity documents, which in turn restricts property and inheritance rights, freedom of movement and access to education, health care, housing and banking. In Myanmar, Lao PDR and Vietnam, trafficked women and their children have reported difficulties obtaining the identity cards that are required for access to a range of government services, and many trafficked women cannot register the birth of their children due to the inability

to confirm the identity of their child's father.

Discrimination through compulsory detention and protection facilities is widespread: Compulsory detention or rehabilitation of trafficked women and girls for the purpose of “trafficking prosecution” or “re-education” (especially in the case of sex work) constitute a highly punitive approach that continues to be implemented in Malaysia, Myanmar, Thailand and Vietnam. In most shelters in these countries and elsewhere in the region, trafficked women are treated like children, with little or no access to employment.

These “shelters” are a source of stigma, and in them, detainees are vulnerable to human rights abuses including compulsory medical examinations and forced labour. In some countries, these centres are even used as a source of free or cheap labour while there is generally little or no access to psychological support or to HIV/AIDS prevention, treatment, care and support.

Mandatory, compulsory or coerced testing is very common: Mandatory, compulsory or coerced medical, HIV/AIDS, pregnancy or STI testing of trafficked women and girls, especially in the case of sex work, is a widespread problem throughout the region. Laws in several countries even require regular testing of migrant women as a condition of on-going employment. Indonesia, the Philippines, Thailand, Vietnam and Malaysia also forcibly deport any women who test positive for sexually transmitted infections (STIs). Such practices violate the autonomy and privacy of these women and girls, expose them to discrimination and violence, compound stigma and divert resources from effective HIV prevention and care interventions.

---

# PREVENTIVE MEASURES AND REDUCTION OF VULNERABILITY IN THE FACE OF DEMAND FOR TRAFFICKED WOMEN

Parliamentarians could provide vital oversight by monitoring their government's fulfilment of its obligations under the Trafficking in Persons Protocol, CEDAW, and international human rights law, especially when it pertains to legislative, policy and other measures targeting the demand for trafficking in persons, whether for sex work, labour or other forms of exploitation.

**In many cases, the wording of anti-trafficking laws actually criminalises the victims and encourages corruption:**

Many countries in the South-East Asia region criminalize sex work in a way that encourages corruption among law enforcement and government officials and further empowers exploiters in the sex industry. The persistent narrow focus on the act of sex in the law actually obscures the violence and violations of human rights that occur during the process of trafficking. This in turn results in denial of redress to victims of trafficking because, in such cases, the victim must admit to the commission of a crime in the course of filing a complaint against a trafficker. This then undermines the intent of the anti-trafficking law, which is to prosecute traffickers and protect trafficked victims.

**The criminalization of sex work and sex work clients hampers efforts to properly combat trafficking:**

Because most South-East Asian countries criminalize sex work and sex work clients or certain activities associated with sex work, in some countries, a punitive approach to sex work is enshrined in law by the constitution, as in Cambodia, while Vietnam and Myanmar recognize sex work as a "social evil". This criminalization of sex work increases the vulnerability of trafficking victims to HIV/AIDS by fuelling stigma and discrimination, limiting their access to HIV/AIDS and sexual health services such as condoms and harm reduction. It adversely affects the self-esteem of sex workers as well as their ability to make informed choices about their health.

Some countries have opted to criminalize the clients of sex workers, rather than or in addition to, the sex workers

themselves, but the Joint United Nations Programme on HIV/AIDS (UNAIDS) has noted that there is no evidence that 'end demand' initiatives reduce sex work or HIV transmission, nor that they improve the quality of life of sex workers. Efforts targeting clients sometimes even encourage law enforcement officials to use any condoms found on sex workers as evidence against them.

In the Philippines and Thailand sex work is criminalized as well, but these governments recognise the reality that sex is sold in certain establishments in particular areas. In these countries, the law requires businesses such as entertainment venues or massage parlours to be registered or licensed and to comply with conditions, such as that employees test regularly for STIs. But the major flaw here is that the majority of sex workers operate outside of the licensing or registration system. For this reason, these approaches have not proven effective in legal protections from discrimination and unfair work practices, nor have they had an impact in preventing HIV epidemics among sex workers.

**National Action Plans and implementation:**

Parliamentarians have a role to play by promoting and monitoring the government and non-government sectors' accountability and fulfilment of their obligations under the country National Action Plans (NAPs). Parliaments are responsible for the legislation, policy oversight and budget approval that constitute these NAPs and this provides a systematic way for countries to develop their own action plans based on existing plans and processes to pursue their anti-trafficking priorities. But most countries in the region are limited by resource shortfalls in implementing NAPs and this can hinder enforcement of anti-trafficking laws.

**Lack of government funding:** Parliaments charged with oversight of anti-trafficking policies and programs often must do so within the limitations of national budgets.

**Weak anti-trafficking capacity:** Low capacity to address trafficking and under-developed media and investigatory institutions pose a significant obstacle to the independent evaluation of efforts to address human trafficking.

**Underdeveloped legal frameworks:** The weakness of current laws on trafficking limits the capacity of officials to arrest offenders, to identify and assist victims and to collect data on different forms of trafficking.

**Some NAPs are weak on monitoring and evaluation:** Although it is a major step forward that countries in the region have developed NAPs on trafficking, these national plans still are not detailed enough and this makes it difficult to map the issues, identify priorities and develop country-specific advocacy plans. Most NAPs in the region were also developed without the active participation of trafficked women and girls. Rather, governments and law enforcement agencies are responsible for enforcing the laws against human trafficking and traffickers, and in reality their focus sometimes shifts to migrants or consenting adult sex workers. In addition, few Parliaments have formally discussed progress on NAPs and few have received regular national updates from the government ministries responsible for tracking and coordination.

**Inadequate research and anti-human trafficking data systems:** In many countries there is inadequate research on trafficking and this results in a scarcity of reliable, comparable and regularly available data particularly related to VAW. This makes it difficult for parliaments to provide effective oversight. Studies have shown that one major obstacle that faces all actors in the region is a lack of systematically collected and data that is relevant to trafficking in human beings. This impedes a comprehensive and systematic understanding of the phenomenon and hinders government and non-governmental efforts to design effective responses.

Other challenges, such as low levels of awareness within many government agencies of data collection practices,

make it difficult to source basic information about data collection practices. Lack of coordination within and between government agencies then makes it very difficult to locate the right specialist to consult regarding data collection. Lack of gender sensitivity among data collection agencies impedes efforts since they are intimidated by possible criticism.

**Meeting the Millennium Development Goals:** Interventions to combat human trafficking directly support the achievement of the Millennium Development Goals (MDGs) by addressing factors that contribute to an individual's vulnerability to trafficking, such as poverty (MDG 1), lack of basic education (MDG 2) and gender inequality (MDG 3). Furthermore, interventions can also work to reduce the spread of HIV/AIDS (MDG 6). But reviews of MDG progress in various countries of the South-East Asia Region have revealed the need for urgent, focused action to meet the MDGs and sub-national areas may lag behind. Deficiencies in data collection hamper progress toward important data analysis that parliamentarians need to better argue for stronger action at the national level

---

# A SET OF RECOMMENDATIONS THAT BREAK THE ANTI-TRAFFICKING EFFORT UP INTO MANAGEABLE STEPS

It is critical that there be absolute commitment by governments to proactively reduce impunity for human traffickers, to protect the rights of trafficked victims and to commit sufficient government, human and financial resources to anti-trafficking efforts. These steps need to be defined and guided by NAPs.

For each area we have suggested some strategic guidelines, good practices and recommendations to guide the review of national laws and policies on human trafficking. These include five key guidelines:

- Guideline 1: Ensuring an adequate legal framework and rule of law;
- Guideline 2: Special measures for the protection and support of trafficked women and girls;
- Guideline 3: Improving victim identification with appropriate procedures and trauma-informed interviews for trafficked women and girls;
- Guideline 4: Promote and support good practices in anti-trafficking, especially promoting multidisciplinary and cross-sector approach to protect trafficked women and girls; and
- Guideline 5: Reviewed and revised NAPs for more effective implementation.

These recommendations are not intended to apply equally to all countries but priority should be given to in-country work to further define the issues, identify priorities and develop country-specific advocacy plans with active participation of trafficked women and girls. Parliamentarians and policymakers should review these strategies together with their country specific recommendations in this document and in the policy briefs.

**Guideline 1: Ensuring an adequate legal framework and rule of law by promoting women's equality through broad laws and policies that focus on reducing violence against women represents a unique model, which has been shown to reduce human trafficking.**

**Recommendation 1.1. Anti-trafficking laws should address all forms of trafficking:** Trafficking protections should not simply be limited to women and girls, nor should they focus only on sexual exploitation. Such protection should extend to other forms of trafficking, such as labour exploitation, forced marriage and trafficking in men and boys. The law should address both national and transnational trafficking whether or not it is related to organized crime.

**Recommendation 1.2. Anti-trafficking laws should not limit the international migration of women:** Countries in South-East Asia need to review their laws to ensure that there are no prohibitions against women's international migration or border passage, and no age limitations for travel. Anti-trafficking laws should be designed to protect women and girls without prejudice to international commitments defining their free movement. State parties need to strengthen, to the extent possible, such border controls as may be necessary to prevent and detect trafficking in persons. Additionally, the laws should ensure that trafficked women and girls not be seen as "migration criminals".

**Recommendation 1.3. Anti-trafficking laws should repeal harmful practices toward women and girls:** State laws should take all necessary measures to enable female migrant workers to enjoy work related protections just like other workers and just like male workers, including workplace safety and protection from violence, exploitation and discrimination. States should ensure, without prejudice and discrimination, the right to sexual health information, education and services for all women and girls, including those who have been trafficked, even if they are not legally resident in the country. The law and order paradigms should penalize the traffickers rather than penalizing trafficked women and girls, or their clients. And no specific laws or practices should be enacted to criminalize trafficked women and girls, even in cases of prostitution.

**Recommendation 1.4. Ensure access of labour rights and social security rights:** Ensure that female migrants and sex

workers access their labour rights afforded to other workers, and definitely male workers, including the legal right to a safe and healthy workplace and to reasonable terms and conditions of employment.

**Recommendation 1.5.** Anti-trafficking laws should clearly distinguish between human trafficking and sex work: An adult woman's right to make her own decisions must be recognized, including a decision to migrate for work in the sex trade. The legal framework to address trafficking should not use the platform to address issues of rape, child sexual abuse, pornography, kidnapping, sex work and prostitution, by defining them all as "trafficking". Each of these issues raises distinct and separate concerns and requires clear and precise definitions and rules of procedure and practice.

**Recommendation 1.6. Anti-trafficking laws should move away from criminalizing sex work and the activities associated with it:** Decriminalization of sex work should include removing criminal penalties for purchase and sale of sex, management of sex workers and brothels, and other activities related to sex work. Article 6 of CEDAW states, "States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women". CEDAW thus does not require the suppression of all forms of prostitution or sex work, but rather it seeks the suppression of the exploitation of prostitution.

**Guideline 2: Developing special measures for the protection and support of trafficked women and girls.**

**Recommendation 2.1. Laws should not define victims as criminal:** The issue of the protection of women migrants and trafficked women should top national agendas and should be based on a victim-centred approach. Laws should be reviewed to ensure that no mandatory, compulsory or coerced medical testing for HIV, pregnancy or STIs takes place for trafficked women and girls. Similar review should be given to codes allowing forced repatriation or deportation, or lack of consent.

Additionally, the legal framework needs to decriminalize consenting adults voluntarily engaged in sex work. This includes commitments by governments to a) remove laws that discriminate against women, b) take all necessary measures to protect the rights of women, and c) take steps to alleviate poverty and provide employment opportunities to women.

**Recommendation 2.2. Ensure that raids and rescues do not involve force, coercion or lack of consent from trafficking victims:** Police raids should result in the prosecution of traffickers without also forcing the detention and deportation of trafficked women and girls. Additionally, laws should move from a paradigm of rescue, repatriation, and rehabilitation to an approach that protects and promotes trafficked women's human rights and creates sustainable incomes through a rights-based approach. State benefits, including legal rights that are available to other families, should be made available to mothers and their children regardless of their work. States should also provide soft loans, infrastructure support and educational scholarships to women, including women who have been or still are engaged in sex work.

**Recommendation 2.3. Anti-trafficking laws should support citizenship rights and provision of identity documents:** Laws, policies and practices should promote access for trafficked women and girls to identity documents. Trafficked women and their children should also be able to obtain identity cards, and women to register births.

**Recommendation 2.4. Anti-trafficking laws should repeal compulsory detention of trafficking victims and their placement in compulsory protection facilities:** Trafficked women and girls should not be detained, placed in compulsory detention facilities, or placed in forced rehabilitation. They should be treated as individuals who can say "no" to assistance. Protection facilities or shelters/centres should improve their victim support and services for trafficked women and girls with access to psychological support, recovery services, and HIV/AIDS prevention, treatment, care and support. One

vital element here is that women (including women police and women social workers) should be involved at all stages of proceedings concerning cases of trafficking, including investigations and trials.

Recommendation 2.5. Build trust between government and NGOs: Effectively connect victims to comprehensive services through the case management approach and improve policy and procedures on a broad range of victim-related issues. UNODC and UNAIDS recommend that when dealing with trafficking for sexual exploitation, police agencies increase their chances of success when they form strong relationships and build trust with a range of stakeholders, including with sex workers and NGOs. One example would be a shift in focus from reduction of demand for sex work to reduction of demand for unprotected paid sex through empowerment of sex workers, which has been shown to reduce HIV risk for them and their clients.

**Guideline 3: Improving victim identification with appropriate procedures and ‘trauma-informed’ interviews of trafficked women and girls.**

**Recommendation 3.1. Clarifying the definition of human trafficking:** The definition of human trafficking should be in line with the Palermo Protocol and with mechanisms designed for effective implementation of the Law. This can be achieved by developing processes for the identification of victims and reinforcing the provision of identity documents. To be fully effective, all victim identification strategies must be linked to other prevention and intervention strategies.

**Recommendation 3.2. Governments should ensure proper identification of trafficked persons at strategic, managerial and operational levels:**

LEVEL	ACTION
National strategic and policy-making level	<ul style="list-style-type: none"> <li>· An increase in institutional capacity for early identification of potential and/or presumed victims should be part of a NAP or a national strategy.</li> <li>· There should be training, centralized information gathering, evaluative monitoring, benchmarking and national and international exchange of information at this level.</li> </ul>
National managerial level	<ul style="list-style-type: none"> <li>· There should be standard operating procedures for anti-trafficking efforts (including victim identification) to comply with NAPs; these should align with the police-public agreements and offer training for their staff.</li> <li>· There should be training for the national anti-trafficking taskforce on identification of trafficking victims.</li> <li>· Increase international cooperation and exchange of information to facilitate identification of cases.</li> </ul>
National operational level	<ul style="list-style-type: none"> <li>· Front-line police or victim ID officers should be trained and familiar with the most common indicators of human trafficking and mechanisms for immediate referral to victim services.</li> <li>· Police and victim ID personnel need to be briefed regularly; intelligence must be collated and prioritized with feedback.</li> <li>· A concise, comprehensive and prioritized list of indicators that takes into account a strategic analysis of the current situation and trends should be developed for each community. The list should be tailored to the specific situation.</li> </ul>

**Recommendation 3.3. Law enforcement and service providers should be trained to work with trafficked women and girls through trauma-informed interview and care:** Improving victim identification facilitates efforts to avoid further traumatizing victims. For example, interviewing victims while they are in highly anxious states, especially immediately after removal from a brothel, is not recommended. Traffickers mainly control victims through threats, and it is important for



government representatives not to similarly use threats to try to get the cooperation of victims. Instead, police should help with the initiation of healing routines of eating, sleeping, physical activity, and especially with encouraging adaptive coping that recognizes, “You are not crazy, this is how your body is supposed to react to a dangerous situation” and “Many people have these types of reactions when removed from trafficking situations”. They should also encourage physical activity such as daily walks and some form of exercise that helps to reduce stress as well as encourage a healthy connection to peers and professionals.

**Guideline 4: Promote and support good practices in laws and in implementation of anti-trafficking responses, especially promoting an interdisciplinary, coordinated, and integrated approach to vulnerability in trafficked women and girls.**

**Recommendation 4.1. Promote laws, policies and practices that protect women and girls from vulnerabilities and that are conducive to adequate reproductive health and HIV/AIDS responses:**

Examples of progress toward a more enabling legal environment to protect women and girls include:

- In The Philippines, Lao PDR and Cambodia, national HIV/AIDS laws offer some protections such as prohibition of compulsory testing, the right to confidentiality and right to protection from discrimination for those who are HIV- positive, including trafficked women and girls.
- Malaysia has partnered with UNDP to map and address the plight of single mothers, particularly the poorest single mothers. This has helped to build a system to register single mothers in the country who lack education and specialized job skills, and are thus often forced to accept poorly paid jobs in unfavourable conditions.

- Current law in Vietnam requires the Government to implement harm reduction interventions, including condom programs with for sex workers. The law also protects sex work peer educators from prosecution.
- In Lao PDR, current legislation obligates government to improve advocacy and HIV/AIDS education for sex workers; protects the right to voluntary counselling and testing for HIV/AIDS (and for test results to be kept confidential); provides that citizens, aliens, foreigners and people with no nationality (stateless) have rights to information on HIV prevention; and obligates the health sector report on HIV trends among sex workers to inform planning.
- Thailand’s Social Security Fund codes enable sex workers to access state social security benefits for illness, disability, death and a pension if they make financial contributions. The Thai Empower Foundation has also opened a bar in Chiang Mai that provides sex workers with working conditions that comply with standards under the Labour Protection Act.
- The Cambodian Ministry of the Interior issued a directive in 2011 that condoms would not be used as evidence for arrest, including in raids and rescues.
- The Government of Myanmar has ordered police not to confiscate condoms as evidence of sex work and enforcement of this order is supported by the National HIV Strategy for 2011-2015.
- In Indonesia, the National AIDS Commission engaged the sex workers’ organization, Organisasi Perubahan Sosial Indonesia (OPSI), to contribute to government policies and programs by participating in national committees.

---

**Recommendation 4.2. Promoting an anti-trafficking response involves a multi-disciplinary approach from police, social workers, lawyers, international agencies and interpreters (from Thailand and The Philippines):** This work consists of identification, rescue, rehabilitation, legal proceedings, repatriation, reception and reintegration. It is geared toward addressing issues affecting women and girls through the facilitation of essential services, and makes it possible to both improve inter-institutional coordination and to enhance the quality of the services provided.

**Recommendation 4.2. The Philippine Congress appropriated \$550,000 in the 2011 national budget to fund the Inter-agency Council Against Trafficking (ICAT) and the Department of Social Welfare and Development's anti-trafficking programs:** With this, ICAT was able to significantly increase staffing at its Ninoy Aquino International Airport Anti-trafficking Task Force, which operates 24 hours a day, 7 days per week. The Government has also established four regional anti-trafficking task forces consisting of prosecutors, law enforcement agents, social workers, and NGOs in trafficking hotspots around the country; and it has launched a new 24-hour nationwide anti-trafficking hotline designed to respond to crisis calls from victims.

**Recommendation 4.2. Training in counselling techniques is important for those working with victims:** One example is Behaviour Change Communication (BCC), a tool for anti-trafficking COMMIT taskforces, partner organizations and anti-human trafficking practitioners to help improve the planning and monitoring of trafficking prevention, including the following steps:

1. Identifying a target group and a behavioural goal;
2. Identifying the Opportunity, Ability, Motivation (OAM) factors relevant to the behavioural goals;
3. Reviewing the feasibility of the initial goal;

4. Developing activities;
5. Assessing where partnerships are needed;
6. Setting clear targets; and
7. Reviewing program logic.

**Recommendation 4.3. Support recovery and healing of trafficked women and girls through widely applicable trauma approaches such as art therapy:** These methods have the power to relieve trauma and should be used widely to help trafficking survivors to rebuild their lives. According to survivors, trafficking victims are not truly free until they are free of the traumatic after-effects. Art therapy to heal these victims can take various forms, from drawing to photography to poetry and clown troupes and puppet theatres. In Cambodia, Lao PDR and Vietnam, one art therapist collaborated with Agir pour les Femmes en Situation Precaire (AFESIP) in 2005, to provide psychological support to trafficked women and children, many of whom had been removed from sexual exploitation. The collaboration resulted in exhibitions that educated the public on both trafficking and mental health issues, and empowered the trafficked women to speak out.

**Recommendation 4.5. The Myanmar Government has partnered with non-governmental organizations to ensure that trafficked women who do return to their country of origin are provided with assistance and support per a social development model necessary to ensure their well-being, to facilitate their social integration and to prevent re-trafficking.** These measures include the provision of appropriate physical and psychological health care, housing, education and employment services for returned trafficking victims.

**Recommendation 4.6. Reviews of MDG progress in various countries have revealed many successes:** Malaysia has accomplished a number of key national developmental goals in pursuit of the MDGs on poverty, hunger, and gender disparity in primary and secondary education by working to

ensuring that girls have access to the full course of primary schooling. This has reduced by three-quarters the maternal mortality ratio. Malaysia has also increased cooperation with other developing countries and has developed productive work programs for youth. Lao PDR has also had some success on poverty reduction, primary school enrolment, and infant mortality by responding to the needs of the most vulnerable - the “poorest of the poor” - women and ethnic minorities.

#### **Guideline 5: On-going review and improvement of NAPs.**

A process of continual review and improvement of NAPs against trafficking is vital. Trafficking evolves, and so must policy to address it. Mindfulness by a government of its anti-trafficking measures allows for full participation, responsibility and accountability in defining the objectives, implementing the activities and meeting the outcomes of the anti-trafficking response. This includes the involvement of non-state actors, and especially of civil society and NGOs, in the design and implementation of this response.

**Recommendation 5.1. Establish a parliamentary committee on human trafficking, human rights and VAW to oversee and guide anti-trafficking policies and programs:** This would prioritise anti-trafficking as it relates to VAW responses, including budget considerations at the national level. It would monitor and report regularly on progress and results with increasing government funds allotted annually to support anti-trafficking programmes, events and mechanisms.

**Recommendation 5.2. Strengthen anti-trafficking personnel capacity through provision of regional, national, and sub-national generalist and specialist trainings for anti-trafficking responders and policymakers:** This would use the most up-to-date materials and certified trainers. It would also ensure a national rapporteur for independent evaluation of efforts to arrest offenders, to identify and assist victims and to collect data about all forms of trafficking.

**Recommendation 5.3. Support monitoring, evaluation, and reporting systems for anti-trafficking NAPs to ensure the timely implementation:** This would encourage the active participation of trafficked women and girls in the development of NAPs. Parliaments would also have regular discussions on, and receive updates on, progress from the government ministries responsible for NAP monitoring and coordination.

**Recommendation 5.4. Improve research, analysis and data systems including empirically based identification of vulnerability factors, modus operandi of traffickers, and the effectiveness of anti- trafficking laws, policies and measures:** Research on human trafficking must be strengthened in sectors other than just the commercial sex industry, to have a more accurate picture of human trafficking in the country. Better-focused research is needed to further improve and strengthen counter-trafficking approaches that include a focus on trafficked women and girls.

**Recommendation 5.5. Focus on sub-national areas:** This would focus support directly on communities by addressing factors that leave individuals vulnerable to trafficking and prostitution, such as poverty, lack of basic education and gender inequality. These interventions can also work to reduce the spread of HIV/AIDS.

# SUMMARY OF RECOMMENDATIONS

LAW, POLICY AND LEGAL FRAMEWORK		
GAPS	GUIDELINES AND RECOMMENDATIONS	HOW PARLIAMENTARIANS CAN SUPPORT?
Anti-trafficking laws do not address all forms of trafficking.	Anti-trafficking laws should address all forms of trafficking.	Gain familiarity with and understand the definition of human trafficking in all forms as defined by the Trafficking in Persons Protocol.
Anti-trafficking laws limit the international migration of women.	Anti-trafficking laws should not limit the international migration of women.	Enact laws that promote equality of opportunity and promote the migration rights of women and girls both domestic and international.
Anti-trafficking laws discriminate against women and girls.	Anti-trafficking laws should repeal harmful practices toward women and girls.	Enact legislation providing for the principle of non-criminalisation trafficked women and girls.
Lack of labour rights and social security rights.	Labour rights and social security rights should be guaranteed.	<p>Enact laws that ensure labour rights and social security rights and that strive to create social safety nets for the most vulnerable members of society.</p> <p>Ensure that internationally recognised labour rights are part of any free trade agreement approved.</p>
Anti-trafficking laws confuse human trafficking and sex work.	Anti-trafficking laws should clearly distinguish between human trafficking and sex work.	<p>Understand and clearly distinguish between human trafficking and sex work.</p> <p>Review, amend and enact existing laws that provide protection of the human rights of trafficked women and girls, guaranteeing no violence against women and girls, including in cases of sex work or prostitution.</p>

LAW ENFORCEMENT AND JUSTICE		
GAPS	GUIDELINES AND RECOMMENDATIONS	HOW PARLIAMENTARIANS CAN SUPPORT?
Law enforcement practices are often punitive.	Law enforcement should promote a multi-disciplinary approach and promote trust between the government sector and the NGO sector.	<p>Gain familiarity with and understand the multi-disciplinary approach to human trafficking responses provided by anti-trafficking good practices.</p> <p>Amend domestic legislation that may conflict with the Trafficking in Persons Protocol and international human rights law.</p>
Force, coercion and lack of consent often result in the current wording of laws.	Ensure that the legal approach to raids and rescues in trafficking does not permit force, coercion or lack of consent.	Amend domestic legislation that may conflict with the Trafficking in Persons Protocol, CEDAW convention and international human rights law to prevent the use of force, coercion and lack of consent in trafficking responses.
Victim identification is weak and interviews do not take into account trauma for trafficked women and girls.	Improve victim identification with appropriate procedures and “trauma-informed interviews” for trafficked women and girls.	<p>Enact legislation providing for mechanisms to properly screen potential victims of trafficking that may not identify themselves as such.</p> <p>Develop, enact and finance policies seeking to identify victims of trafficking.</p> <p>Adopt special measures to protect and promote the rights of trafficked women and girls, taking into account the fact that they may be victimized twice, including during and after interview and victim identification.</p>

PROTECTION, RECOVERY AND REINTEGRATION		
GAPS	GUIDELINES AND RECOMMENDATIONS	HOW PARLIAMENTARIANS CAN SUPPORT?
Trafficked women are denied identity documents and citizenship rights.	Human trafficking laws should support citizenship rights and provision of identity documents.	Enact laws regulating registration of marriages and promoting birth registration.  Adopt special measures to support citizenship rights and provision of identity documents for trafficked women and girls.
Detention is often compulsory and protection facilities are discriminatory.	Human trafficking laws should repeal compulsory detention of trafficking victims and their placement in compulsory protection facilities.	Establish a parliamentary committee on human trafficking to oversee and guide government policies ensuring no compulsory detention, no discriminatory protection facilities, and no mandatory, compulsory or coerced testing for trafficked victims.
Testing is often still mandatory, compulsory or coerced.		Incorporate human rights principles into all anti-trafficking and related legislation to end coercion or violence against women.

PREVENTIVE MEASURES AND REDUCTION OF VULNERABILITY		
GAPS	GUIDELINES AND RECOMMENDATIONS	HOW PARLIAMENTARIANS CAN SUPPORT?
Laws still often define trafficking victims as criminals.	Laws should not define trafficking victims as criminals.	Engage survivors of trafficking in formulating policy frameworks for victim identification and protection.  Lead campaigns to raise awareness of trafficking in persons so that they are not treated as criminals.
Criminalisation of sex work and sex work clients.	Human trafficking laws should move away from criminalising sex work and activities associated with it.	Ensure legislation that prevents trafficked persons from being prosecuted, detained or punished for illegal entry or residence, or for the activities they are involved in as a direct consequence of being trafficked.  Promote broad accountability and cooperation of government institutions with various stakeholders to identify appropriate measures for targeting sex work and sex work clients.

NATIONAL ACTION PLANS AND ITS IMPLEMENTATION TO RESPOND TO HUMAN TRAFFICKING		
GAPS	GUIDELINES AND RECOMMENDATIONS	HOW PARLIAMENTARIANS CAN SUPPORT?
Government funding has been insufficient.	Establish a parliamentary committee on human trafficking.	Allocate enough funding to implement programmes aimed at combating trafficking, including assisting victims of trafficking.
Capacity among anti-trafficking personnel is weak.	Strengthen the capacity of anti-trafficking personnel.	Introduce on-going training for police, public prosecutors, immigration officers, service providers and other law enforcement officials to increase their capacity on anti-trafficking responses.  Take measures to ensure adequate and appropriate training, in particular legal and psychology training, for persons working with trafficked women and girls.
Legal frameworks remain underdeveloped.	Promote and develop efficient legal frameworks for the response to VAW among trafficking victims.	Oversee and monitor government and NGOs' accountability and fulfilment of obligations under NAPs..  Continuously review and improve country legal frameworks.
Monitoring and evaluation are weak under current NAPs.	Support monitoring, evaluation and reporting systems.	Monitor and evaluate the implementation of NAPs on trafficking in persons.  Appoint a national rapporteur to monitor the development and implementation of national measures on trafficking.  Promote broad accountability and transparency of government institutions by engaging in regular evaluations of governance, with the participation of both governmental and non-governmental actors.
Research and data systems on trafficking are inadequate.	Improve research, analytical work and anti-trafficking data systems.	Request better research and data collection on the scope of trafficking and on best practices to combat it.
Some of the elements of the MDGs regarding trafficking and VAW will not be met on time.	Focus action on subnational areas in combating human trafficking and directly support the achievement of the MDGs.	Ensure effective oversight of policies prompted by the MDGs: Parliaments need to be aware of which stakeholders are involved in implementing policies and projects that aim to make progress toward the goals.





---

**EXAMINING VIOLENCE AGAINST WOMEN  
IN SITUATIONS OF HUMAN TRAFFICKING  
IN SOUTH-EAST ASIA**

---

PART II. COUNTRY REVIEWS:  
Myanmar, Cambodia, Vietnam, Lao PRD,  
Indonesia, Philippines, Thailand and Malaysia

---

# CAMBODIA

## SITUATION ANALYSIS



Cambodia has received much international attention in the last decade for internal and international sex trafficking. Cambodian women and children are trafficked to Thailand, Malaysia and Vietnam for begging, to solicit business or to sell flowers. They are exploited and controlled by loosely organized crime rings. Cambodian women and girls may also take positions as domestic workers only to find that they are working without wages in slavery-like conditions. Vietnamese women and children, many of whom are victims of debt bondage, are also transported to Cambodia and forced into commercial sex.

Within the country, Cambodian and ethnic Vietnamese women and girls migrate or are transported from rural areas to Phnom Penh, Siem Reap, Poipet, Koh Kong and Sihanoukville where they are subjected to sex trafficking in brothels and increasingly in beer gardens, massage parlours, salons, karaoke bars and non-commercial sites. Sex trafficking of young women and girls under the age of 15 (including the sale of virgin women and girls) was once promoted through highly visible methods in Cambodia.

Every year in Cambodia, hundreds of girls are also trafficked and sold into brothels where they are forced to work as sex slaves. Many of the victims endure years of torture and abuse resulting in lasting physical and psychological damage. Yet the Cambodian Ministry of the Interior has reported that security services in the country investigated just 93 cases of human trafficking in 2013.

According to the UN Inter-Agency Project on Human Trafficking (UNIAP), the number of human trafficking cases cracked down upon by authorities decreased from 135 in 2012 to 93 in 2013, 256 people were rescued and 116 traffickers were prosecuted. In comparison, 523 victims were rescued and 168 people were prosecuted in 2012.

## GAP ANALYSIS



**The response to trafficking mainly covers sexual exploitation:** Cambodia has ratified the United Nations Convention against Transnational Organized Crime and has signed the two supplemental protocols on trafficking in persons and smuggling of migrants. The Cambodian National Assembly has also adopted its own “Law on the Suppression of the Kidnapping, Trafficking and Exploitation of Human Beings”. While in principle this law protects victims of either sex and of any age or nationality, it only covers trafficking for the purpose of sexual exploitation.

There are also other grey areas in the wording of laws that create unintended new issues. The trafficking platform in Cambodia has been broadened to address issues of rape, child sexual abuse, pornography, kidnapping, sex work and prostitution, defining them all as “trafficking”. This has created bias and stigma for any trafficked women and girls upon their return and reintegration. This in turn confuses law enforcement and service providers on the issues and has made it difficult for them to know how exactly to proceed.

**Anti-trafficking laws in Cambodia conflate human trafficking with sex work:** NGOs working in Cambodia have reported that many Cambodian women and girls “rescued” by force are actually voluntary sex workers who have not been trafficked and don’t desire rescue. Some complain about being held in rehabilitation centres against their will and a portion of women return to the brothels. After 37 girls were rescued in a 2003 raid by the International Justice Mission in Svay Pak, Cambodia, at least 12 of them ran away from the shelter, some of them reappearing in brothels. A police raid in Svay Pak a year later rescued the same number of girls, and within days all had fled the shelter.

The system therefore clearly isn’t sensitive to the needs, rights and fears of the women whom it seeks to rescue, and as a

result often violates their human rights. This results in denial of redress to victims of trafficking for the purpose of prostitution because, in such cases, the “victim” risks impugning herself of committing a crime in the course of filing a complaint against a trafficker. This undermines the intent of the anti-trafficking law, which is to prosecute traffickers and protect trafficked victims. In 2012, it was reported that 168 of the 523 rescued trafficking victims were actually prosecuted themselves.

**Weak implementation of the NAP:** Many issues in Cambodia hamper proper implementation of the NAP, including the setting of unrealistic targets and poor coordination between government and NGOs. There are many NGOs in Cambodia and as a result there are tensions over monitoring, compatibility of data sources, data collection and updating, government monitoring of agencies in anti-trafficking, and in coordination/organizational issues.

**Protection and reintegration programmes too often do not meet the needs of traumatized women and girls who are returnees:** Trafficked women and girls are often traumatized and depressed, and they often have reason to be suspicious of authorities. Corruption in Cambodia in connection with trafficking is high, so those who have been “rescued” and identified as victims may have significant distrust and fear of the authorities. Many authority figures are even suspected by victims of being complicit in trafficking and thus are seen to contribute to the violation of women’s right to free movement and livelihood options.

Shelter and community services in Cambodia for trafficked women and girls are often inadequate as well. Although some offer adequate services, many are managed by NGOs without the proper experience or capacity to deal with sex and labour trafficking victims.

**Shortages of funding and weak technical skills:** Cambodia’s anti-trafficking work mainly relies on foreign aid and NGO funding, and implementation of MOUs with Thailand and

Vietnam on victim’s assistance have been slow. In 2007 the Royal Government of Cambodia signed an agreement on guidelines for cooperation with victim support agencies in cases of human trafficking that serves essentially as an internal MOU. This agreement establishes clearly defined roles and responsibilities of the police, prosecutors, judges and victim support agencies. Under this agreement, best practice principles for the treatment and protection of trafficking victims are also encouraged and are monitored in principle. There is still a large number of NGOs that have not signed this agreement and as a result are still operating outside of this formal network, which creates problems in the standardization of services reported.

## RECOMMENDATIONS

**Cambodia’s good practices for sharing of national-level experiences on how parliamentarians can support implementation of policy on trafficking and VAW:**



- The Government has partnered with some NGOs, such as HAGAR, to put in place child protection and case management guidelines based on best practices for protecting trafficked women and girls.
- The Government has also established a specialist anti-trafficking unit that sets minimum standards for trafficking responses through a working group with civil society.
- Government and NGOs work together to monitor “Coordinated Case Management” at the provincial level. This results in a better understanding of the protection, support and assistance of trafficking victims and it provides vital feedback for other stakeholders and counterparts.

---

## AREAS THAT NEED IMPROVEMENT



**Anti-trafficking responses should address all forms of trafficking:** The focus should be not only on trafficking in women and children for sexual exploitation but also on other forms of trafficking, such as labour exploitation, forced marriage and trafficking in men and boys.

**Anti-trafficking laws and policies should clearly distinguish between human trafficking and sex work:** The Government of Cambodia should have guidelines for, should raise awareness on, and should conduct on-going training for law enforcement in how to distinguish between “voluntary sex work” and “trafficking”. Laws should not use the platform to address issues of rape, child sexual abuse, pornography, kidnapping, voluntary sex work and prostitution by defining them all as “trafficking”. Each of these issues raises distinct and separate concerns and requires clear and precise definitions and rules of procedure and practice.

**Promote the empowerment of women by supporting women’s rights, including the right to self-determination:** Any raid or rescue needs to be executed with sensitivity and respect for the self-determination and human rights of adult women. Rescuing women who are being held against their will is vital, but these women need to be differentiated from those who do not wish to be rescued and who have emigrated for sex work as an expression of self-determination.

The right to make one’s own decisions must be recognized, and that might include a decision to migrate for work in the sex trade. There may be a time and place for raids, but only when the intervention has been carefully planned, all possible

outcomes are accounted for and service providers are granted immediate access to those rescued.

Alternative approaches include more thorough investigations, long-term presence of observers in brothel communities, utilization of service providers and a focus on prevention programmes and prosecution. Reducing reliance on ad hoc raids may mean fewer individuals are rescued right now, but implementing more effective and ethical practices will yield long-term, sustainable progress in the fight against sex trafficking.

**Review and revise the country’s NAP to combat trafficking in women and children:** The Government of Cambodia needs to strengthen capacity in monitoring and evaluation with NGOs who work in anti-trafficking and development. There should be a mechanism to ensure that all anti-trafficking agencies and NGOs work in coordination and with realistic targets. There is also a need to address factors in the NAP that contribute to an individual’s vulnerability to trafficking, such as poverty, lack of basic education and lack of gender equality. Furthermore, interventions can also work to reduce the spread of HIV/AIDS. All of these are included in the MDGs as measurable, realistic targets.

**Establish a parliamentary committee on human trafficking specifically related to VAW:** This committee would guide government policy and the NAP on the protection and reintegration of trafficked women and girls as well as on efforts to end violence against women. The committee would set up and review all procedures for protection and those procedures that are found to discriminate and/or re-traumatize trafficked women and girls can then be identified and changed. This includes monitoring government and NGO performance as well as monitoring corruption.

The committee would ensure that law enforcement authorities and victim services do not use force or coercion, which contribute to the violation of a woman's right to free movement and livelihood options, including voluntary sex work. Shelter and community services should also have guidelines in place and the capacity to accommodate both sex trafficking victims and labour trafficking victims.

**A parliamentary committee should be established to coordinate state funding on anti-trafficking and to monitor issues in technical capacity:** This would allow the Government to better pursue international anti-trafficking grants as well as allow it to better monitor NGO capacity to apply for, comply with, and account for these grants. The Parliament should ensure adequate funding and technical support to implement MOUs with Thailand and Vietnam for victim's assistance. It should also sign more agreements with anti-trafficking NGOs, and the work of these organisations should be monitored.

Governmental referrals of trafficking victims to NGOs should also be improved and there should be increased legal aid, psycho-social support and reintegration programmes for victims. More training should be provided to shelter staff to reduce re-traumatization of, and discrimination toward, trafficked women and girls as well.

---

# INDONESIA

## SITUATION ANALYSIS



Indonesia is a major source country for women, girls and children, who are subjected to sex trafficking and forced labour. An estimated 6 million Indonesian labourers, 70 per cent of whom are female, work abroad, and each of Indonesia's 33 provinces is a source - and destination - for trafficking. The most significant source areas being Java, West Kalimantan, Lampung, North Sumatra and South Sumatra. Many of those women are forced into exploitative situations in sweatshops, on plantations, in domestic work and in the sex industry in the Middle East and Asia.

One Indonesian NGO has reported on the large numbers of women and girls who travel overseas to work as domestics in Malaysia, Singapore, Hong Kong and the Middle East, and these women are particularly vulnerable to trafficking for sexual and labour exploitation. The number of Indonesian women who reported being raped while working as domestics, many of them in the Middle East, appears to be on the rise and some of these women have returned pregnant while others have returned with children who had been born there.

Women and girls in a desperate situation in their home country will seek a better life despite the risks and some even falsify work permits or obtain documents that falsify their age or where they are from. Many of them then find themselves in destinations working as unpaid domestic helpers, in bonded labour or in forced prostitution. Many then suffer psychological trauma, physical trauma and sexual assault by labour agents and employers.

Some NGOs working on trafficking, and the Indonesian Embassy in Kuala Lumpur, have received thousands of complaints from Indonesian domestic workers. Each month

more than 1,500 Indonesian maids run away from their Malaysian employers citing abuse, dissatisfaction with long working hours, lack of freedom of movement or unpaid salaries.

There have also been reports of women and girls from China, Thailand, certain Central Asian countries and Eastern Europe being exploited in Indonesia. Some labour recruitment brokers appear to operate similar to trafficking rings and impose high recruitment fees, which make migrants vulnerable to debt bondage too, and this is especially pronounced among sex trafficking victims.

There is also trafficking within Indonesia, and this typically occurs from rural areas to urban centres with women and girls exploited in domestic servitude, commercial sexual exploitation, and forced labour in rural agriculture, mining or fishing. Poverty, lack of employment opportunities, unequal gender roles, and community and family pressures to employ children all contribute to this. A cultural acceptance of a young marrying age for girls also often leads to false marriages or failed marriages as well, following which the girls are sometimes forced into prostitution.

International sex tourism and child sex tourism remain draws too, especially on the islands of Batam and Karimun. It is also common in major urban centres and tourist destinations across the country, including Bali and Riau Island. According to the Director General for the Development of Tourist Destinations for Indonesia, an estimated 40,000 to 70,000 Indonesian children, especially teenage girls, have been exploited in prostitution within the country.

## GAP ANALYSIS



**Lack of labour rights and social security rights:** The IOM and partner NGOs estimate that 43 to 50 per cent (3 to 4.5 million people) of Indonesia's overseas workforce are victims of something like trafficking, if not outright trafficking. These conditions include

the loss of labour rights and of social security rights for those who report being subjected to forced labour, as well as debt bondage and even rape.

There are large numbers of labour recruiters working illegally in Indonesia and who function similar to trafficking rings, imposing high recruitment fees, which make migrants vulnerable to debt bondage. And here again, women and girls in a desperate situation may falsify their documents to get work and then find themselves in debt-bondage working as unpaid domestic helpers or bonded labour. These women and girls are exploited in domestic servitude, commercial sexual exploitation, forced prostitution and forced labour.

**Anti-trafficking responses conflate “human trafficking” with “sex work”:** Indonesia's anti-trafficking laws have been used to justify crackdowns and raids that also suppress adult voluntary sex work. Some NGOs working in the country have reported that, while some trafficked women and girls have been rescued, the raids also increase tension among the various actors involved in sex trafficking. This tension can seed mistrust among trafficking victims who plead with law enforcement to rescue them and are then targeted by a violent crackdown on voluntary sex workers. It can also decrease sex workers' access to health and support services and drive the commercial sex trade further underground, into less-safe workplaces.

Current laws and MOUs are insufficient to protect trafficked women and girls: Indonesia has concluded MOUs, agreements and negotiations with Malaysia, Singapore, Hong Kong and some Middle Eastern countries to improve the standard contract for domestic workers. In the past, and currently in some places, some of these rules and MOUs allow for employers to confiscate the passports of migrant women, who are forced to endure nearly impossible conditions to prevent them from running away. Many of these women endure hellishly long working hours without rest and with no day off, or are forced to work for months or years without pay. Sometimes they are starved, beaten or burned with hot irons, or they suffer some form of routine humiliation.

Some NGOs have also reported that high numbers of Indonesian women working as domestic workers are also subjected to rape while working overseas. As mentioned earlier, some of those returned pregnant as the result of rape and some returned with children. They naturally face many difficulties in reintegration in their origin communities.

**Lack of accountability and transparency in anti-trafficking responses:** Corruption remains an issue and members of the security forces, immigration officials and government employees continue to be involved in trafficking. They conduct only very passive investigations into trafficking; they help falsify labour brokers' licenses; they fail to properly screen passports; and they accept bribes at immigration control. In some cases, trafficking victims are detained and arrested by police, including during raids on prostitution establishments that are often carried out simply to extract bribes from managers and owners. Government has little control over victim services, meanwhile, and victim protection is uneven, relying mostly on international organizations and NGOs.

## RECOMMENDATIONS



Indonesia's good practices for sharing of national-level experiences on how parliamentarians can support implementation of policy on trafficking and VAW:

- Indonesia Police Special Assistance Units have partnered with the Ministry of Social Welfare to operate several integrated service centres nationwide, namely the Recovery Centre and the One-Stop Crisis Centre, which provide medical services to victims of violence and assist in recovery for trafficked women and girls.
- The Indonesian Government is working with IOM, the United Nations Population Fund (UNFPA) and the World Health Organisation (WHO) on the programme, "EMPOWER!", which supports the provision of quality counselling and support to returned trafficked women and girls, including those who are HIV-positive.
- The Indonesian Government has also been negotiating with the Saudi Government to reform labour rights for Indonesian domestic workers in Saudi Arabia, a major destination country for Indonesian labour migrants. These negotiations would guarantee monthly payment of wages and paid vacation at the end of two years.

## AREAS THAT NEED IMPROVEMENT



**Anti-trafficking responses in labour rights and social security rights for migrant workers need to be strengthened:** There needs to be more emphasis on the "demand side" of trafficking and labour recruitment agencies involved in trafficking should be prosecuted, should have their licenses

withdrawn and should be blacklisted. There also needs to be more care and assistance offered to women and girls exploited in domestic servitude, commercial sexual exploitation, forced prostitution and forced labour in rural agriculture, mining, and fishing.

**Anti-trafficking laws and responses should clearly distinguish between human trafficking and sex work:** New anti-trafficking laws should be integrated into existing law enforcement procedures on raids, rescues and victim identification to ensure a proper distinction between sex work, prostitution and human trafficking.

The investigation and prosecution of human trafficking cases and the treatment of victims should be carried out in such a way as not to suppress adult voluntary sex work or to ensnare women and girls in sweeping crackdowns, which will only drive the trade underground. Health and support services for sex workers also need to be improved with easier access provided.

**Laws and MOUs to protect trafficked women and girls need to be improved:** There should be a review of laws and MOUs based on CEDAW, the ILO Convention Concerning Forced Labour (Convention No. 29) and the ILO Convention Concerning the Abolition of Forced Labour (Convention No. 105). National legislation and the NAP should also be improved to provide effective protections to Indonesian domestic workers who are recruited to work abroad.



A cooperative regional anti-trafficking framework should also be developed with a focus on VAW. It should be designed to protect women, girls and domestic workers from human trafficking and exploitation. This framework should be based on countries' commitments to CEDAW, particularly on reporting. It should ensure that new procedures to protect women and girls from debt-bondage and unpaid domestic work, bonded labour and forced prostitution are prohibited.

Establish accountability and transparency: There need to be stronger efforts on the part of the authorities to prosecute and convict public officials, particularly law enforcement and Ministry of Manpower officials, who are involved in trafficking. There should be increased funding and increased incentives for anti-trafficking staff to provide victim services and victim protection, which would include training for authorities and embassy staff to attain a more lasting impact. Training on human trafficking should also be integrated into regular education and in-house training for law enforcement and service providers. Funding for rescue, recovery and reintegration of trafficking victims also needs to be stepped up.

# LAO PDR

## SITUATION ANALYSIS



Despite efforts by the ruling party to end poverty, Lao PDR, also known as “Lao” or “Laos”, is still one of the poorest countries in South-East Asia. It is mainly a source country for human trafficking in women and girls to Thailand, Vietnam, Malaysia, Myanmar, the Republic of Korea and China for the purposes of forced marriage, forced labour and sexual exploitation. Internal trafficking is found to be common but it receives less attention than cross-border trafficking.

Laos is increasingly a transit country for Vietnamese and Chinese women who are subjected to sex trafficking and forced labour in neighbouring countries, particularly Thailand and Malaysia. Around 72 per cent of trafficked children are girls under the age of 18. Ethnic Hmong, Lao and Montagnard girls are being abducted and forced into marriage and prostitution at an alarming rate. NGOs report that individuals offering transportation services near the Thai border facilitate the exploitation of economic migrants, especially women and girls, in forced labour or sex trafficking in Thailand. Mini-van drivers sometimes intercept these migrants when they arrive back in Laos and facilitate their re-trafficking. Most human trafficking takes place in the context of seasonal, low skilled workers and longer-term labourers migrating through unofficial channels.

The Lao Government has highlighted the need to address the issue of migrants being turned back over international borders from Thailand without sufficient consideration being given to whether or not they have been trafficked. There are a number of elements in this issue: the economic disparities between two countries; the similar languages and cultures; and the lack of information concerning how to obtain legal migration papers, as well as the investment of time and money, in obtaining such papers.

The Lao Government has taken several steps to combat

trafficking in persons, including the establishment of a National Steering Committee on Human Trafficking; a committee to work on strengthening the MOU on Labour Migration with Thailand; a Lao–Thai MOU on Human Trafficking; and the implementation of the Commercial Sexual Exploitation of Children (CSEC) Plan to prevent the sexual exploitation of children.

## GAP ANALYSIS



**Weak implementation of the NAP on Human Trafficking:** Lao PDR does not have a specific law to address human trafficking and this limits government in addressing all forms of human trafficking effectively. This also hinders efforts to address all trafficking victims. It further challenges efforts to enforce the response to trafficking at all levels.

A March 2014 article in the Diplomat, based partly on UNIAP sources, reported that, although Laos’ 2004 Law on Development and Protection of Women supports trafficked women and children, enforcement remains weak. The report also added that, although Laos did pass a long-awaited plan of action to fight human trafficking in 2012, this measure still has not been implemented. The law aims to improve victim identification and systematic monitoring efforts. It also looks to increase resources such as vocational training for victims.

The Lao Government has also begun measures to coordinate the efforts of the National Steering Committee, the Lao Women’s Union, the Lao Youth Union and NGOs. However, there is little implementation by, or cooperation among, agencies to collaborate on victim identification. This is mostly due to lack of operational standards and procedures, and limited training of staff in government agencies and NGOs involved. It has led many trafficked women and girls to go

unidentified, and they often receive no assistance to prevent re-trafficking and VAW. This only leads to more exploitation and abuse of trafficked women and girls upon their return.

**There is little attention to internal trafficking and re-trafficking of women and children for commercial sexual exploitation:** Anti-trafficking measures in the country focus mainly on Laotians trafficked to Thailand so that cases from China, Vietnam and Malaysia, or within the country, are neglected. Lao women and girls are a prime source for flourishing sex trafficking rings and around 90 per cent of Lao trafficking victims are transported to or transited through Thailand. The majority of them are 12- to 18-year-old girls who are coerced into the sex trade and one study has found that there is little assistance available to them. This lack of assistance sometimes leads to them being re-trafficked.

The Lao Government participates in COMMIT Task Force and has thus agreed to comply with all regional principles in assisting and protecting victims. However, many trafficked women and girls are faced with more problems with the authorities upon their return due to the authorities' suspicion that these women have been engaged in sex work in Thailand.

Trafficked women and girls have experienced various difficulties ranging from community stigma to physical and mental health issues, to economic difficulties and social reintegration issues, and anti-trafficking agencies have a challenging time dealing with the trauma. One example of this is the lack of shelter and poor reintegration services for returnees. Other examples include the poor shelter facilities, inefficient court processes and lack of sensitivity to the special needs of trafficked women and girls. One French NGO in Vientiane has confirmed that many young Lao women and girls who cross the border don't receive the help they need.

**There is an acute need for awareness raising and for policies that address the 'demand' side of trafficking:** Some prevention activities are being implemented in Lao, mainly along the Mekong River, closer to the Thai border, that include awareness-raising campaigns on human trafficking and safe migration. There is lack of awareness raising and policies, however, to address the "demand side" of trafficking and also a lack of capacity among law enforcement and service providers to deal with the issue. Information about safe migration is of poor quality and there is low priority placed on identification and utilization of safe channels of labour migration. Most human trafficking takes place in the context of seasonal and longer-term labour migration through unofficial channels.

**Gender inequality and domestic violence leave returned trafficked women and girls at risk of re-trafficking and VAW:** According to a recent study by UN Women, Lao PDR is now facing a few specific challenges, including gender inequity in education, and 45 per cent of women surveyed indicated that their spouses have been violent toward them in some form, revealing the high incidence of domestic violence in the community. Gender inequality in family economics is a significant influencing factor in domestic violence as well and men culturally assert control over women. The survey also revealed that violence is more likely to occur in cases where the woman earns less money than the man.

But difference in earning ability and status are not the only determinants of violence. Education can also be a factor and analysis has shown that in some cases, less educated women are actually less likely to experience violence than are women who have some education or higher education. This may be related to the fact that educated women have more experience and contacts outside their home and village, and are more likely to be vocal, outspoken and less demure/subdued with their husbands.

## RECOMMENDATIONS



**Lao PDR's good practices for sharing of national-level experiences on how parliamentarians can support implementation of policy on trafficking and VAW:**

- The Lao Government has recognized that different types of assistance are often complimentary and mutually reinforcing and access to different and complimentary types of assistance can be important in supporting reintegration. One report, by UNIAP and the Nexus Institute, finds that “One Laotian woman received comprehensive assistance after her return from Thailand, where she was trafficked for sexual exploitation. She was accommodated in a shelter where she received a range of services. She studied to become a beautician, and after completion was provided with a small grant to open her own salon. Her business is doing well and she is now able to support herself and send money home to help her parents”.
- The Government has also provided assistance in some cases that fit well with the local market to empower trafficked women economically in the community. One woman from Lao PDR trafficked to Thailand for labour was trained as a tailor while being assisted in a shelter in Thailand to pursue the legal case against her trafficker. When asked how she assessed this training, she said it was very useful and relevant and she would be able to find work as a tailor when she returned home.
- The Lao Women's Union, in partnership with UNIAP, has launched the Nationwide Shelter Self-Improvement Initiative to improve the quality of care and services being provided in shelters serving trafficking victims. Lao is also benefiting from the establishment of service provider networks, referral meetings and on-going trainings. One of these events

has brought together shelter managers and case workers from all of the shelters, transit centres, and drop-in centres in the country to share good practices and challenges in shelter operations, victim referral systems and case management. These meetings are important for equipping service providers with the tools and knowledge for bringing their services and facilities up to international standards.

## AREAS THAT NEED IMPROVEMENT



**Lao parliamentarians should enact comprehensive legislation and should support implementation of an NAP on Human Trafficking:** There is still a need for comprehensive anti-trafficking legislation in Lao to address all forms of human trafficking effectively and to enforce anti-trafficking

at all levels. The anti -trafficking task force should build capacity in the implementation of the national plan as well, be more proactive in victim identification measures and impact assessments, and should strengthen systematic monitoring.

Evaluation and monitoring of human trafficking should be further strengthened in the counter-trafficking sector. Government should also ensure the development of concrete procedures for victim identification, victim referral and victim protection, as well as operational standards for cooperation among agencies and monitoring bodies. These should all take a victim-centred approach as well, to identify trafficked women and girls correctly, to provide assistance based on the victim's needs and to prevent re-trafficking and VAW among trafficked women and girls upon their return.

**Trafficking responses should focus more on the internal trafficking and re-trafficking of women and children for commercial sexual exploitation:** To Improve protections for returnees, the focus should not only be on Lao women and girls trafficked to Thailand but also those trafficked to China, Vietnam and Malaysia, or even within the country. The Lao

Government should have standards, case forms and guidelines for anti-trafficking staff and should train them to be able to identify and reintegrate victims without re-traumatizing them or leaving them vulnerable to re-trafficking.

Government should provide separate funding for shelter protection and reintegration services for those returnees in a way that improves court processes and addresses the needs and interests of trafficking victims. This type of long-term assistance can greatly reduce the risk of re-trafficking.

Improve awareness raising and improve policies to address the demand side of trafficking: The Lao Government should prioritize the building of safe channels of labour migration. Important steps would include effectively implementing the NAP on human trafficking. This can in part be achieved by improving and promoting victim identification procedures through the development of tools and monitoring mechanisms for the demand side. Training of government and NGO staff should also be prioritized and information on safe migration, with priority on seasonal and longer-term labour migration, should be made easier to access through official channels.

**Strengthen the legal framework for addressing gender inequality and domestic violence to reduce the risk of re-trafficking and VAW for returnees:** The law should ensure that all police anti-trafficking divisions, the criminal justice system, public institutions, INGOs and UN agencies have capacity to deal with gender based violence, thereby meeting the needs of women and protecting their human rights. Anti-trafficking activities should address both the supply and demand sides of trafficking with awareness raising, education and job creation among vulnerable women and girls with training and capacity building of front-line officials, prosecutors and judges.

---

# MALAYSIA

## SITUATION ANALYSIS



There are an estimated 300,000-plus migrant domestic workers in Malaysia, the majority of which are women from Indonesia, the Philippines and Cambodia. Abuses and exploitation through excessive recruitment fees, low wages, debt bondage, withholding of passports, insufficient rest days and physical or sexual abuse are reported widely. Both Cambodia and Indonesia have at times banned domestic workers from their countries migrating to work in Malaysia, requesting improvements in protection for them.

Malaysia is perceived to be a lucrative destination for its economic development and the demand for cheap labour in various industries is high. In most cases, trafficked women and girls from South or South-East Asia, and even those who entered as legal migrants but were then subsequently victimised, migrate voluntarily and legally to Malaysia for better employment and these legal migrants are promised contractual jobs along with decent pay and lodging. However, they are sometimes subjected to deplorable conditions of involuntary servitude in private households and in various sectors such as agriculture or food service. Many of these women and girls are forced to work in sweatshops, spas, massage parlours, karaoke lounges, pubs or restaurants and in many cases they are expected to perform commercial sex. Some of these women face debt bondage, forced labour and exploitation at the hands of agents, recruiters and employers severe enough to constitute trafficking.

Migrant women recruited for legal hotel and restaurant work in Malaysia also report being coerced into the sex sector on arrival and organized criminal groups from Uganda, Nigeria and China may be involved in the trafficking. One of the main entrance points in Malaysia is in Sabah, where Filipinos are trafficked to work in pubs, karaoke lounges or massage parlours, and for work in commercial sex. There has also been

an increase of Vietnamese women and girls being forced into the sex industry mainly in Kuala Lumpur and Penang as well. Some of them work as maids in domestic households.

Malaysia is to a lesser extent a transit country for trafficking, including trafficking of women internally and abroad into the sex sector, notably to Singapore, China, Thailand, Japan, Australia and even to Europe and the United States.

## GAP ANALYSIS



**Anti-trafficking laws and responses do not address the essential rights of trafficked women and girls: Malaysia passed its Anti-Trafficking in Persons Act (ATIP) in 2007 in line with UN Trafficking Protocol - including definitions of trafficking - and criminalized all aspects of trafficking.** However, this act, as well as other anti-trafficking responses in the country, are still not addressing victim rights on employment, education and training.

The law does not include victim compensation and this has caused challenges for cooperation between victims and the authorities. The laws also do not address the special needs of traumatized trafficking victims. While the Act discusses protection of trafficked persons, there is still no specific provision directly related to protection of physical and mental safety of the trafficked women and girls.

**Current laws and MOUs are insufficient to protect trafficked women and girls:** Malaysia has concluded MOUs and negotiations with Indonesia, the Philippines and Cambodia to improve a standard contract for domestic workers in the country. But Malaysia's employment laws still do not extend equal protection to domestic workers, leaving their work hours, payment of overtime wages, rest days and compensation for workplace injuries unregulated. Malaysian immigration policies tie domestic workers' employment visas to their employers as

well, so it is often difficult for women to leave their employers or report abusive conditions, particularly as the immigration authorities detain or deport workers caught without valid documents. And it is these very authorities that are weak in identifying trafficking.

Malaysia is party to CEDAW and this obliges the authorities to take all appropriate measures to suppress trafficking and the exploitation of women through prostitution, domestic work or forced labour. But as the number of young women and girls from China, Vietnam, Cambodia, Indonesia, Laos and the Philippines coerced into forced prostitution in Malaysia increases, many of them are charged regardless of whether they came voluntarily to work in the sex industry or were lured with false promises by agents. These women and girls are often imprisoned for overstaying their visas, for not possessing valid documents or for engaging in prostitution.

**Some current anti-trafficking laws work by force, coercion or lack of consent:** Trafficked women and girls are living in a policy environment that, like the trafficking industry that it seeks to police, often itself includes force, coercion, detention and threats of deportation. Trafficking victims who are deported are sometimes taken to the border and held for ransom, and if they cannot pay they are sent back into the labour and sex trafficking industry.

One element leading to this could be the wording of the Malaysia Women and Girls Protection Act. This piece of legislation does provide for the removal of a woman or girl from prostitution to a “place of refuge,” especially if she is “in urgent need of protection, as there is reasonable cause to believe that she is being threatened or intimidated for the purpose of prostitution”. The act affords the same protection to a trafficked woman who “has been brought into or is to be sent out of Malaysia” for the purpose of prostitution.

But the Act also contains wording that “no witness in any proceeding is obliged or permitted to disclose the identity of an informer or the substance of the information received from him or her”. Similarly, a witness is not obliged or permitted to state any matter that might lead to the informer’s discovery, which effectively hides the perpetrators. Thus, Law Enforcement often doesn’t differentiate between sex workers, prostitutes and trafficked persons and the women and girls “rescued” often cite forced detention and deportation as common consequences of raids. Additionally, many raids aren’t followed by prosecution of the traffickers.

**Poor shelters and weak victim support:** The Government of Malaysia has assigned the Council for Anti-trafficking in Persons (under its Malaysian acronym, “MAPO”), to implement an NAP with provision of counselling, legal advice, health care and services for the immediate needs of victims. Yet the condition of shelters for trafficked women and girls remains a point of concern. These institutions often lack decent living spaces, translators or psychosocial support, and the lack of family communication, coupled with strict rules, adds to the stress. Trafficked women and girls also often have little information about their status and many of them are faced with mandatory medical tests and generally poor victim support. In some documented cases, victims actually believed that they were now criminal because they were kept in locked rooms in the shelter without consent.

## RECOMMENDATIONS



**Malaysia’s good practices for sharing of national-level experiences on how parliamentarians can support implementation of policy on trafficking and VAW:**

- In 2007 the Government of Malaysia established its Sexual Investigation Division

(D11) to handle sexual abuse cases, cases involving child victims, and investigation of domestic violence cases at district and state level. Placed under the Department of Criminal Investigation, D11 has special units, and its investigators are fully trained to handle cases that are sexual in nature, including cases involving children and domestic violence.

- Under the Mutual Assistance in Criminal Matters Act (2002), Malaysia is authorized to receive and request mutual legal assistance from other countries for any “serious offence”, which includes offences that are punishable by imprisonment of not less than one year. The Extradition Act (1992) provides the legal basis for extradition to and from Malaysia.
- A number of local NGOs are involved in anti-trafficking, including Tenaganita, which works to promote and protect the rights of women workers and girls in an enabling environment and to empower them to achieve their full potential in society.
- The Government has funded and supported many local NGOs, including the Malaysian Women’s Aid Organisation, to cooperate in trafficking and VAW prevention in the community and in national responses to trafficking and VAW.

## AREAS THAT NEED IMPROVEMENT



**Anti-trafficking laws and responses should address and support all of the essential rights of trafficked women and girls:** The response to trafficking in Malaysia should take a more victim-centred approach and should involve more NGOs in reviewing and revising anti-trafficking laws. Policy

should include victim’s rights to compensation, employment, education and training. Policy should also be based on the Four P’s, “prevention, prosecution, protection, partnership

& cooperation” and should address the special needs of trafficked women and girls with gender sensitive services especially in cases of trauma.

**Improve laws and MOUs to protect trafficked women and girls:** MOUs with Indonesia, the Philippines and Cambodia should be revised to protect domestic workers in Malaysia with particular attention to work hours, payment of overtime wages, rest days and compensation for workplace injuries or abuse. Procedures for raids and rescues of women and girls should also be improved and there should be more informed procedures to identify labour trafficking among vulnerable groups, such as migrant women and girls. These procedures should ensure that trafficked women and girls are not threatened or otherwise punished as if they were criminals.

**Ensure that anti-trafficking laws do not work by force, coercion or lack of consent:** This would see that laws and responses to protect trafficked women do not permit force, coercion, detention or threats of deportation to be used against trafficking victims. This would also see that trafficked women and girls would not be sent back into labour or sex trafficking. Neither would women and girls be sent to a “place of refuge” or “be sent out of Malaysia” by law enforcement. This would further ensure that nothing happens without the victim’s consent and that trafficked women and girls have the right to privacy and confidentiality.

Improve shelter service and strengthen victim support: Strengthening capacity for MAPO would allow them to better implement and monitor the NAP as well as improve shelter services and victim support. This would allow for the creation of decent living spaces and would involve the provision of translators and psychosocial support with family communication.

With improved shelter service, women and girls would also not be locked in shelter rooms at any time and no action would be taken on them without their consent. Neither would they



be faced with mandatory medical tests nor brought to court against their will. There would be more on-going training for shelter staff and law enforcements as well, especially on the needs of trafficked women and girls.

Capacity training for service providers and shelter staff and managers would also be offered with a focus on assistance and recovery of trafficked women and girls. Return services would be improved with additional procedures to reduce the difficulties of return itself and to better serve the health needs of women in shelters. NGO participation would be stepped up to improve victim protection, including in shelters, and an effective national referral system with translators and counsellors would be established.

# MYANMAR

## SITUATION ANALYSIS



In Myanmar, human trafficking takes place within the context of large-scale internal and cross-border migration and internal conflict. UNICEF estimates that 10,000 girls are being trafficked every year from Myanmar into Thai brothels alone. Myanmar is a source country for women, children and men trafficked for the purposes of forced labour and commercial sexual exploitation. There is a close relationship as well between VAW and the trafficking of women and children from Myanmar. Women from Kachin State and Northern Shan states are often trafficked to Yunnan Province, China. Women as young as fourteen are taken to border towns in Yunnan Province and as far as Eastern China, where they are being 'sold' as wives or forced into the sex industry. There is also a trade in baby boys for adoption.

Women and men are trafficked to Malaysia and Thailand for exploitative labour, women are trafficked for sex work or as unpaid domestic workers, and children are trafficked into forced labour as street hawkers and beggars. The main exploitative sites in Thailand are Bangkok, Samut Sakhon, Mae Sai and Mae Sot.

Key issues relating to VAW in the context of trafficking in Myanmar are:

- Poor economic conditions, domestic violence and high living cost within Myanmar have led large numbers of women and children to migrate legally and illegally throughout East Asia and to destinations in the Middle East. Many of these migrants are subjected to forced labour, domestic work and sex trafficking.
- Internal trafficking of women and girls occurs primarily from villages in the central dry zone areas and the Irrawaddy Delta to urban centres. The main destinations for internal trafficking are Yangon and Mandalay, and these are also transit points for cross-

border trafficking. Women are internally trafficked into sexual and labour exploitation, and children are trafficked into forced labour in shops, agriculture and small-scale industries.

- The Rohingya people are stateless and there were reports during the year that some Burmese officials had kidnapped Rohingya women from Sittwe and subjected them to sexual slavery on military installations.
- The children of trafficked women are in danger of being considered stateless due to national laws that do not recognise the marriage of Burmese women to foreigners.

## GAP ANALYSIS



There is extreme poverty and hunger among women and girls: This leaves them vulnerable to trafficking and VAW. Myanmar has a poverty rate of 26 per cent and about 23 per cent of children are moderately underweight. There is only about 57.1 per cent employment and trafficked women and girls who return to Myanmar face a significant financial challenge to survive. This in turn makes them vulnerable to re-trafficking and VAW.

There is a lack of focus on protection, recovery and reintegration: Myanmar is party to several conventions that are relevant to trafficking, including CEDAW, which obliges it to take all appropriate measures to suppress the trafficking of women and the exploitation of women for commercial sex.

Myanmar has taken some action against trafficking, especially trafficking in women and children, as demonstrated in anti-trafficking policies since 1998 through the Ministry of Home Affairs. However, corruption and lack of accountability remain pervasive in the country and they affect all aspects of society. The Ministry of Home Affairs has focused on policy, legal frameworks and cooperation, but there is a persistent lack of

focus on protection, recovery and reintegration.

There are also missed opportunities for Memoranda of Understanding (MOUs) with anti-trafficking agencies, including INGOs and local NGOs. Current shelters for trafficked women and children also tend to limit stay to three days, a period much too short for recovery, and many trafficked women and children are additionally handicapped by being stateless.

Implementation of the MOUs and NAPs between the Myanmar Government and anti-trafficking agencies is still weak: In 2004, Myanmar acceded to the United Nations Convention against Transnational Organized Crime, which includes two supplemental protocols covering trafficking in women and girls and smuggling of migrants. Myanmar and Thailand then signed an MOU on cooperation in the employment of workers, especially women, in June 2003, but have taken few significant steps toward implementing it. A law against human trafficking was then adopted in 2005, providing for the rescue, receipt, safeguarding, rehabilitation and reintegration of trafficked women and girls.

Myanmar's current NAP for the Prevention of Trafficking in Persons has now been revised to incorporate the country's commitments under the UN Trafficking Protocol, ASEAN principles and the COMMIT MOU. Under the NAP the Government has committed itself to providing training to prosecutors. However, Burma's judiciary and anti-trafficking taskforce lack sufficient training and capacity to cooperate with international organizations and NGOs. There is a lack of transparency and poor adherence to codes of conduct among law enforcement professionals. There is also little trust between law enforcement and victim populations, including migrants, trafficked women and trafficked children.

Gender equality and female empowerment have not been established in Myanmar: Women are underrepresented in civic life in Myanmar. Just over 80 per cent of males in Myanmar

participate in the labour force, but among women this is only 54 per cent. Women receive lower wages than men as well, and the proportion of seats held by women in the National Parliament is much lower than it is in other countries in the region. The country's criminalisation of sex work, coupled with segregation and restriction of movement, have curtailed women and girls' access to a livelihood while state persecution and arbitrary arrests have prompted many to flee abroad. The Women's Empowerment Fund has reported that in 2012, 350,000 Burmese migrants were arrested for illegal entry mainly to Thailand, but only 57 of them were recipients of victim's assistance.

## RECOMMENDATIONS



**Myanmar's good practices for sharing of national-level experiences and mutual learning across countries** on how parliamentarians can support implementation of laws and policies on trafficking to EVAW:

- Myanmar government has established the Border Liaison Offices with China through the COMMIT process. This helped many women and girls trafficked into forced marriage to return to their villages of origin.
- Community Watch Groups: 18,000 plus have been created through implementing commitments in the COMMIT process and National Plan of Action.
- In Myanmar, the government provides assistance to vulnerable people including trafficked women and girls with public hospital access, free primary school education, free identity documents and vocational training programs.
- Anti-trafficking officials from the Myanmar government have permitted to operate in Thailand. This allows them to assist and support identified trafficked Burmese women and girls access to protection and return home safe.

- Myanmar government in partnership with non-governmental organizations, is taking steps towards ensuring that trafficked women who do return to their country of origin are provided with the assistance and support necessary to ensure their well-being. This includes facilitating their social integration and working to prevent re-trafficking.
- The government had partnered with UN women to building women's skills and confidence, empowering them to play a greater part in peace negotiations.

## AREAS THAT NEED IMPROVEMENT



**The Myanmar government's should target to reduce extreme poverty and hunger among women and girls by prioritizing them in poverty reduction,** prevention of trafficking and VAW programs. The approach should be include improvements in agricultural output and productivity,

improvement in the livestock sector, accelerated reforms and effective assistance by the development partners such as ARTIP, UN agencies and INGOs.

### **Anti-trafficking responses should improve measures in protection, recovery and reintegration.**

- Review and improve the MOUs with anti-trafficking agencies – ie INGOs and NGOs, prioritise and significantly increase victim identification and protection efforts.
- Scale up national training programs (focused on protection and assistance for victims of trafficking) by promoting case management and social work practices in victim protection.
- Destination countries aren't particularly invested in migrant victims' rights, but source and transit countries will find that a regional approach is effective; it is thus crucial to advocate for rights for women and girls

through COMMIT, ASEAN, ARTIP, and ETIP.

- Make long term care (more than 3 days in shelter for recovery) available to trafficked women and children to avoid the possibility of re-trafficking occurring.
- Focus more attention on the internal trafficking of women and children for commercial sexual exploitation (court processes, protection policies, victim identification and referral procedures...)

### **Strengthen implementation of the MOUs and National Plan of Action (NPA) between Myanmar government with anti-trafficking agencies.**

- Review and revise National Plan of Action to have clear outcomes for policy development to encourage public, civil society organizations and private partnerships and to have bilateral or multi-lateral cooperation with China, Malaysia, Thailand, Indonesia and Cambodia.
- Increase training and capacity building for law enforcement officials to work together, bilaterally and multilaterally; arrange that law enforcement officials take part in joint training; and ensure follow-up and on-going training.
- Engage trafficked women and girls to give feedback on policies and programs that benefit them in shelters and communities.

### **Scale up gender equality and empowering women.**

- The Government should implement MDG programs to increase female labor force participation rate, higher wage employment for women, and increase women seats in the National Parliament.
- Decriminalization of sex work in treatment toward trafficked women and girls, especially helping and assisting more cases return from Thailand and China.
- Anti-trafficking responses should prioritize women's empowerment to ensure that related legal reform and policy initiatives demonstrate gender perspectives and

analysis and incorporate a participatory planning process. This requires that women enjoy equal opportunity of access to education, technical training and skills development schemes, as well as entrepreneurship and job openings in both public and private sector. This also requires an enabling environment for women to fulfill their civic duties, to participate and take leadership roles in grass root level public administration and civil society initiatives.

---

# THAILAND

## SITUATION ANALYSIS



Thailand is a destination country for irregular migration and sex tourism. There is both internal and cross-border trafficking for sex and labour exploitation for various industries including garment manufacture, the canning of food, begging and domestic servitude.

Traffickers often coerce, deceive, abduct, threaten, and take advantage of, or otherwise force women and migrants into situations of exploitation.

Women and girls from neighbouring countries are trafficked into Thailand mainly for sexual exploitation and domestic servitude. Thais are trafficked to wealthier countries in North-East Asia, the Middle East and Europe. There is also rural-urban migration that leaves its participants quite vulnerable.

The majority of women and girls trafficked to Thailand come from Myanmar, Lao PDR, Cambodia and southern China and are subjected to forced or bonded labour and commercial sexual exploitation. The nature of labour migration to Thailand creates vulnerabilities for those migrant workers without documentation and without Thai language skills, who may not understand their rights under Thai law.

Sex tourism significantly fuels trafficking for commercial sexual exploitation and more recently attention has been paid to foreign women and girls who transit through Thailand from neighbouring countries and who are then trafficked to various destinations in Asia and beyond.

In the northern areas of Thailand, lack of citizenship for some populations makes highland women and girls particularly vulnerable to being trafficked due to their 'statelessness'. Ethnic Thais are trafficked from the relatively poor areas of Chiang Rai, Phayao and Nong Khai to urban and tourist areas or out of the country. Thai women, both urban and rural, are also sent to work in the sex industry or domestic industry in almost

all regions of the world, particularly Malaysia, Japan, Bahrain, Australia, the USA, Canada, South Africa and Germany.

Oft-cited vulnerability factors for these women are poverty, lack of education, lack of awareness, lack of employment options, domestic violence and dysfunctional families. The main sectors of work for trafficked women and girls in Thailand are sexual exploitation, massage parlours, begging, domestic work, factory work, agriculture and commercial fishing. The trafficking networks into and out of Thailand that ensnare them can be well structured and can work across borders through the use of brokers. However, the majority of trafficking cases are facilitated by individual and local level networks of friends, family members and former victims, and often begin with voluntary migration.

## GAP ANALYSIS



**Existing policies still are not sensitive enough to the difference between “sex work” and “trafficking”:**

In Thailand, the main legislation on trafficking of women and children is the Anti-Trafficking in Persons Act B.E. 2551. Regardless of whether or not victims were coerced, this law defines as sexual exploitation “all pornography (production and distribution) and prostitution and begging”. It additionally includes forced labour and trade in organs. Other relevant legislation includes the Immigration Act of 1979, the Prevention and Suppression of Prostitution Act of 1996 and the Witness Protection Act of 2003.

The confusion between “sex work” and “trafficking” remains a barrier to effective responses and identification of trafficked persons. It also hinders efforts to tackle the real concerns that sex workers have about their working conditions; they fear that the response to their complaints will be increased raids and “rescues” rather than improved labour standards.

Labelling all migrant sex workers as victims of trafficking effectively makes it impossible for sex workers to take a pro-active role in addressing human trafficking in the sex industry. Sex workers are at risk of arrest or detention and in some cases deportation. In practice many anti-trafficking organisations, networks and media also fuel the confusion and increase stigma, perpetuating the myth that trafficking and child sexual abuse in the Thai sex industry are widespread. As a result, sex workers are targeted for far more interventions than are workers and communities in other industries.

The sex worker community has also reported that they have been primarily targeted using punitive criminal justice strategies rather than education and awareness strategies, and they are discriminated against under the Act.

**There is a persistent lack of knowledge and understanding about national legislation and policies at the provincial level:** The Thai National Policy and Plan on Prevention and Resolution of Domestic and Cross-border Trafficking in Children and Women addresses human trafficking at the central and provincial levels. Laws are not strictly enforced, however, and at the provincial level there is a lingering lack of knowledge and understanding of national policy.

The challenges inherent in these systems mean that undocumented migration is still far more common than documented migration to meet the labour demand. Law enforcement's often biased view toward sex work, coupled with inherent corruption, then contributes to a failure to differentiate between sex workers, prostitutes and trafficked persons. This creates a gap in trust and cooperation between authorities and trafficked women and girls.

**Laws on trafficking by force, coercion or lack of consent:** In its application, Thai Act B.E. 2551 has sometimes resulted in police raids on brothels and entertainment establishments that are often poorly planned, poorly executed, chaotic and sometimes even violent for the women and girls "rescued". These incidents can traumatize those truly rescued, mainly

migrant women and girls.

These types of raids can also have harmful consequences beyond the point of rescue and assistance. The Empower Foundation has reported that there are more women in the Thai sex industry who are being abused by anti-trafficking practices than there are women being exploited by the actual traffickers. If a woman is rescued, there is an unlimited supply of women who can fill her place.

Additionally, many raids aren't followed by prosecution of the traffickers, which would inhibit future trafficking. Anti-trafficking agencies place themselves in the bizarre situation then of having to commit acts of violence and human rights abuses against the women and girls they rescue in order to try and prove that a crime has occurred, despite the denial and lack of cooperation from alleged victims. The women and girls rescued often cite forced detention, being interviewed without consent and deportation as common consequences of raids.

**There are still shortfalls in victim identification and victim assistance systems:** Current victim identification processes are ineffective and often result in a number of victims not being identified. These unidentified victims therefore do not receive the assistance they are entitled to. The Thai Government spent US\$3.7 million on anti-trafficking activities in 2012 but still only assisted 270 victims. (The country has actually invested more money in countering human trafficking than it has in the women's empowerment fund.)

In other findings in 2012, 350,000 migrants, mostly from Burma, were arrested for illegal entry but only 57 were given government legal or social assistance. According to the US State Department, Thailand identified victims during this period by nationality, counting 141 people from Myanmar among the victims. But none were Rohingya, who are mostly stateless people displaced by conflict. Most of the 1.1 million Rohingya found in rubber plantations near the Thai-Malay

border in Thailand's Songkhla Province are denied citizenship, and in this case many have been ferried back to brutal trafficking camps in Thailand, where some of them have died.

Thai law enforcement and identification officers often lack adequate training for such identification and this prevents the provision of assistance to more victims who want and need it. There have been many cases of victim misidentification by Thai authorities when dealing with cross border trafficking from Myanmar, Lao PDR and Cambodia. Nor were women and girls who were returned to their original communities through anti-trafficking activities provided with information about how to exercise their rights and access services, even those provided for trafficked persons under the law. Some may not even know that they are considered trafficking victims.

## RECOMMENDATIONS

**Thailand's good practices for sharing of national-level experiences on how parliamentarians can support implementation of policy on trafficking and VAW:**



- Thailand has implemented a victim identification preliminary checklist and the Office of the Anti-Trafficking in Persons Committee has produced the pamphlet, "The Scope and Elements of Identification

of Trafficked Persons". These tools have improved efforts to proactively identify victims of trafficking among vulnerable populations, such as trafficked women and girls who are undocumented migrants and deportees. These must be coupled with incentives that encourage more trafficked women and girls to communicate with authorities.

- The Thai Government is operating multi-disciplinary teams of police, social workers, lawyers, NGO staff, doctors and interpreters, working at different levels, with both government and with local and international agencies. This provides comprehensive services for

survivors of trafficking and violence in Thailand. As a result, victims get access to immediate services and assistance. In addition, counselling and psychological care, free medical and healthcare services, and free legal advice and referrals are available nationwide.

- The Government of Thailand has implemented prevention activities targeting source and destination trafficking. These include advocacy on the incorporation of human rights into school curricula, strengthening the capacities of families, communities and community-based organizations, and the creation of child protection networks and poverty alleviation projects through micro-credit schemes.

- The Government has initiated cross-border cooperation with Myanmar to ensure protection of trafficked women and girls. It provides assistance at public hospitals to vulnerable people including trafficked women and girls, offers social security for registered migrants, offers free education for six years, provides legal aid and offers vocational training programmes.

- Thailand has set up its National Database on Human Trafficking under the Sub-Committee to Combat Transnational Trafficking in Women and Children. This has helped to improve data on trafficking and has helped to create a database for the centralization of information.

## AREAS THAT NEED IMPROVEMENT



**Anti-trafficking laws should clearly distinguish between human trafficking and sex work:**

The issue of the protection of trafficked women and girls should be placed at the top of the national agenda with a victim-centred approach. This

includes commitments by government to remove laws that discriminate against women, to take all necessary measures to protect the rights of women, to take steps to alleviate poverty



and to provide employment opportunities to women.

An adult woman's right to make her own decisions must be recognized in making a decision to migrate for work in the sex trade. The law should not address rape, child sexual abuse, pornography, kidnapping, sex work and prostitution all as "trafficking". The Government should also revise laws to prevent mandatory, compulsory or coerced medical, HIV, pregnancy or STI testing of trafficked women and girls, to prevent forced repatriation or deportation, to require consent, and to decriminalize consenting adults voluntarily engaged in sex work.

**Raise awareness and offer training on national anti-trafficking legislation and policies at the provincial level:**

Improve training for staff in government agencies involved in the fight against trafficking. Local-level officers and central-level specialist officers, as well as trafficking hot-spot personnel, can help to increase the capacity of law enforcement officials and sensitise them to the rights of trafficking victims, including those trafficked for sex work. With increased effort, law enforcement will better understand the subtle differences between sex workers, prostitutes and trafficked persons. Anti-trafficking task force staff should also work to build trust with trafficked women.

**Ensure laws that remove coercion and lack of consent from raids and rescues:**

"Rescue" of trafficked women and girls should not be by force, coercion or lack of consent even in cases of sex work or prostitution. Raids should lead to the prosecution of the traffickers without forced detention and deportation of trafficked women and girls. Additionally, Laws should move from a paradigm of rescue, repatriation, and rehabilitation to an approach that protects and promotes trafficked women's human rights and creates sustainable incomes through a rights-based approach. Thai benefits, including legal rights, should be available to trafficked women

and girls regardless of their work. The State should also provide soft loans, infrastructural support and educational scholarships to women, including women who have been, or still are, engaged in prostitution.

**Improve victim identification systems and provide individualized victim protection and assistance:** Programmes should respond to the specific needs of trafficked women and girls. One important contribution to this is openness to the voices of victims to inform the improvement of the legal framework and of assistance programmes. An example of this would be attending to the needs of Burmese trafficking victims, including Rohingya, with protection, safe and sound repatriation, proper victim identification and citizenship support.

This would also involve a review of border management and MOUs with Myanmar, Lao PDR and Cambodia to ensure the rights of those refused entry or wrongly identified as trafficking victims by Thai authorities. Ideally it would also ensure that trafficked women and girls who are returned to their communities of origin have enough good information and resources to prevent re-trafficking and VAW. These victims should also be made aware that they have access to their rights and to services provided specifically for them. Ongoing training should also be provided to all officials and service providers involved to improve identification of trafficked persons.

Perhaps most importantly, the Government of Thailand should improve gender sensitivity training and should ensure that appropriate tools are available for law enforcement and police to end victim misidentification. This could take the form of greater financial support to NGOs or incentives for law enforcement officials to assist in victim identification efforts.

---

# PHILIPPINES

## SITUATION ANALYSIS



The Philippines is mainly a source country for women, men and children to be trafficked into forced labour, and women into commercial sex. This trafficking takes place in the context of the migration of about 10 million people overall to work abroad, the highest rate in Asia.

A significant number of Filipino women work as domestics in Asia and increasingly throughout the Middle East, where they face rape and violent physical or sexual abuse.

Many Filipino women and girls are forced into prostitution in restaurants, bars or entertainment businesses and some are subjected to conditions of forced labour in factories or on agricultural plantations. Women have been trafficked into the commercial sex industry in Malaysia, Singapore, Hong Kong, South Korea and Japan as well as in various Middle Eastern countries. Skilled Filipino women migrants, such as doctors and nurses, have also been subjected to conditions of involuntary servitude.

The traffickers use local recruiters sent to villages and urban neighbourhoods to recruit family and friends, often masquerading as representatives of government-registered employment agencies. These fraudulent recruitment practices, and the institutionalized practice of paying recruitment fees, often leave workers vulnerable to forced labour, debt bondage and commercial sexual exploitation. In some cases, organized crime syndicates have been heavily involved in the commercial sex industry and international syndicates transit victims from Mainland China through the Philippines to third-country destinations.

Women and children are also internally trafficked within the country for forced labour, as domestic workers, as small-scale factory workers, for forced begging and for exploitation in the commercial sex industry. Urban-to-rural trafficking is common as well.

Filipino women workers who become trafficking victims are often subject to violence, threats, inhumane living conditions, non-payment of salaries and withholding of travel and identity documents. Hundreds of trafficked women and girls are subjected to forced prostitution each day in well-known and highly visible business establishments that cater to both domestic and foreign demand for commercial sex. Some trafficking is also for forced marriage and organ transplant.

This trafficking and VAW in the Philippines can be attributed to poverty, youth unemployment, gender inequality, unequal access to employment and means of livelihood for women, discrimination and gender-based violence, especially for women and girls. Other factors are armed conflict, clan feuding and natural disasters, which result in large numbers of individuals being displaced. Women in this situation want to migrate to earn income, or they try to escape gender-based violence at home.

## GAP ANALYSIS



### **Anti-trafficking responses are insufficient to protect trafficked women and girls:**

Large numbers of women leave the Philippines to travel to Japan and Korea as 'entertainers'. While this is primarily voluntary migration, there is a large grey area where voluntary migration can descend into trafficking, particularly for forced prostitution and debt bondage. Filipino women and girls have been trafficked to Malaysia, Singapore, Hong Kong, the Republic of Korea, China, Japan, Saudi Arabia, the United Arab Emirates, Qatar, Kuwait and Syria, where it is difficult to seek help from the authorities. Many of them do turn to NGOs for support but UNODC has also reported that there is still a lack of victim support services.

In January 2013, the Government of the Philippines enacted its Domestic Workers Act, which provides specific protections to domestic workers, including mandatory daily and weekly rest periods and the prohibition of recruitment fees charged to workers by a private agency or third party. However, research shows that women trafficking victims, either for the sex industry or as exploited domestic labour, both domestically and abroad, are often subjected to violence, threats, inhumane living conditions, non-payment of salaries, confinement and withholding of travel and identity documents.

Women comprise about 66 per cent of victims, of whom 18 per cent are forced into prostitution. The trafficking process in the Philippines includes those who have been 'legitimately' recruited and promised high-paying jobs but are then forced into prostitution. It includes those who left as tourists and ended up as domestic helpers, exotic dancers or bar girls. It also includes women who were willing or coerced victims of the mail-order bride and sex trade.

Many of these victims pay about 72 per cent of their wages to actors, including brokers, recruiters and 'employers'. The recruitment agencies and placement firms arrange for the women and girls to migrate through either false promises, travel, forced marriage or employment.

In some cases, victims have reported that Philippine labour migration policies diminish a legitimate entertainer's ability to act as independent labour migrants, as the policies require overseas performance artists to work with brokers to secure employment that puts them at the mercy of avaricious middlemen.

**There is a persistent lack of cross-border agreements, lack of victim support and lack of focal points in destination countries:** The Philippines Government has agreements with Japan, Malaysia and some countries in the Middle East. But some NGOs have still reported that there is a lack of formal procedures in place for collaboration between victim

support agencies and the police and prosecutors in the destination countries. There are too few government experts and focal points, and those that do exist are often incapable of a comprehensive and multi-agency support response for victims. A significant number of women working in domestic service in foreign countries also face rape, physical violence, and sexual abuse, which they often have difficulty reporting or seeking assistance for.

**Inadequate research and data systems:** From 1992 to December 2002, Philippine Foreign Service posts recorded 1,084 cases of human trafficking but the actual number of victims is much higher. This may be attributed to the lack of a systematic monitoring mechanism on the movement of migrants. Research has showed the difficulty in accessing case files and victims, with limited validity and quality of the data, and even less is known about internal trafficking, suggesting a strong need for a data system. The Philippines Anti-trafficking Council has also voiced the need to develop a national documentation system and database in order to provide a picture of trafficking and to facilitate the delivery of interventions for victims.

**Gender inequality makes women and girls vulnerable to trafficking and re-trafficking:** In 2009, there were 9,485 cases of violence against women reported to police in the Philippines. Physical injuries and battery accounted for 45.5 per cent of them. Labour force participation for women was 49.3% in 2008 and unpaid work is still very common. Women continue to face many challenges in the Philippines, including many forms of gender discrimination as well as sexual harassment. Migrant workers, mainly women, face discrimination and lack of protection as well.

The Philippines has enacted some progressive laws protecting women from domestic violence, sexual violence and trafficking, however, with marital rape even included as part of the anti-rape law. Still, implementation of these laws remains weak and barriers remain in fully providing justice to women

---

who experience domestic violence, rape, sexual harassment, trafficking and other forms of violence.

## RECOMMENDATIONS



**The Philippines' good practices for sharing of national-level experiences on how parliamentarians can support implementation of policy on trafficking and VAW:**

- The Coalition Against Trafficking in Women in Asia Pacific (CATWAP) works in partnership with more than 22 NGOs in the Philippines and has been working on the issue of trafficking for over a decade, both nationally and internationally. The Coalition undertakes regular trainings on human rights and has developed a documentation system on VAW, especially in situations of trafficking. CATWAP has also organized community-based programmes for youth and neighbourhood officials to assist returnees.
- In December 2010, the Philippine Congress appropriated \$550,000 to fund both the Inter-Agency Council Against Trafficking (ICAT) and the Department of Social Welfare and Development's anti-trafficking programmes. With this funding, ICAT was able to significantly increase staffing at its Ninoy Aquino International Airport Anti-trafficking Task force, which now operates 24 hours per day, 7 days per week. The Government has also established four regional anti-trafficking task forces consisting of prosecutors, law enforcement agents, social workers and NGOs in trafficking hotspots around the country. And there is now also a new, 24-hour, nationwide anti-trafficking hotline designed to respond to crisis calls from victims.
- The Government has also partnered with UN Women and the Women and Gender Institute (WAGI) to initiate a savings and investment scheme for on-site and returning migrants. This aims to set up women's savings groups to encourage financial management,

build capacity for local enterprises to contain out-migration and to provide entrepreneurial and technical skills training.

## AREAS THAT NEED IMPROVEMENT



**The Philippines needs to strengthen anti-trafficking responses to protect trafficked women and girls:** Research has shown that the initial contact in trafficking recruitment often takes place through family, relatives or friends. Therefore, prevention and

awareness-raising campaigns must target not only populations at risk but also families of young girls, young men and women as well.

**Capacity needs to be strengthened for government experts and focal points in destination countries to implement agreements and provide victim support:** These experts and focal points should serve on a task force that guides the investigation of complaints and helps to shape an NAP on trafficking. Government experts and focal points should be trained to work with law enforcement in destination countries, where they would offer telephone translation services to encourage victims to report cases of trafficking and exploitation. NGOs would then provide support to trafficking victims.

**Data systems need to be strengthened:** There need to be stronger data systems for recording undocumented, internal trafficking and for documenting illegal migrants. This would also work toward improved monitoring of migrants.

**Scale up gender equality and women's empowerment to meet the UN's Millennium Development Goals:** Philippines law needs to be strengthened to protect women from domestic violence, sexual violence and trafficking, with marital rape even included as part of the anti-rape law. Anti-trafficking

responses need to be more comprehensive and coordinated too, with a multi-agency approach to VAW to ensure a more timely, responsive environment for women victims. There should also be a gender-sensitive judicial framework that safeguards victims throughout the criminal justice system.

# VIETNAM

## SITUATION ANALYSIS



Trafficking in women and girls occurs within Vietnam and from Vietnam to other countries and these trafficked women and girls experience various difficulties ranging from physical and mental health issues to economic and social reintegration issues.

Internal trafficking of women and girls in Vietnam is mainly from poor, rural provinces to urban areas, including Hanoi, Ho Chi Minh City and newly developed urban zones such as Binh Duong. Women and girls from the northern provinces are generally trafficked to China, the Republic of Korea, Taiwan and Hong Kong for forced marriage, sexual exploitation, domestic servitude or forced labour. Women and girls from southern Vietnam are primarily trafficked to Cambodia, Thailand, Singapore and Malaysia, forced into prostitution and sometimes subsequently sent to third countries elsewhere in South-East Asia or other regions. Some Vietnamese women and children are forced into prostitution in Indonesia and Russia too. Many Vietnamese women and children subjected to sex trafficking throughout Asia are often misled by fraudulent labour opportunities and sold to brothels on the borders. The Vietnamese Government estimates that nearly three-quarters of traffickers are women.

Many Vietnamese women also enter into foreign marriages with the majority of these marriages being to men from China, Taipei and South Korea. About 10 per cent of women lured into arranged marriages with Chinese men may have become trafficking victims. Contributing factors to the high rates of marriage with foreigners and trafficking in women and girls include: gender imbalances between Vietnam and neighbouring countries; increasing demand for virgins and children in prostitution; increased links with other regional countries; sex tourism and the attendant threat of a globalized HIV/AIDS pandemic; and simple marriage procedures in some other countries in the region.

The main documented purpose of trafficking to Cambodia is sexual exploitation of women and girls, a significant number of who are working under debt contracts and many of who are also under the age of 18.

## GAP ANALYSIS



**Vietnam's anti-trafficking responses still do not effectively address trafficking for labour exploitation:**

Vietnam legislation still does not provide a clear definition of trafficking and there is lack of awareness in the community, even among anti-trafficking staff. Trafficking responses are generally focused on cross-border movement of vulnerable women and girls, and it is often understood to be for the purpose of prostitution or the sex trade. Research has backed this up, showing that Vietnam focuses too narrowly on stopping the trafficking of women and children for sexual exploitation. This could be because, in past programmes, Vietnam had not done enough to show commitment and progress in protecting labour trafficking victims or in prosecuting labour traffickers.

**Poor victim identification and assistance for trafficked women and girls makes them more vulnerable to re-trafficking and VAW:**

Vietnam has agreements with Thailand, Cambodia, Laos and China on cooperation to combat trafficking in women and children and both trafficking and VAW are addressed in these agreements. In addition, Vietnam participates in regional dialogues like the COMMIT process, ASEAN agreements and the Bali Process on Human Trafficking and Related Transnational Crime. The Ministry of Public Security is the implementing institution for the current MOU with Thailand, Cambodia, Laos and China, which provides for a national task force of 130.

Under the terms of the MOU, repatriation of trafficked women and girls should be arranged quickly and carried out safely,

with respect for the dignity of the returnees. However, weak systematic nationwide procedures to proactively identify victims of trafficking among returning women and girls, and poor outreach programmes for rehabilitation of returnees (especially self-returned or internal cases), suggest that victim identification efforts remain inadequate. One study has shown that Vietnam still has high numbers of unidentified victims, self-rescued and self-identified victims who have limited access - and often no access - to government support mechanisms.

NGOs have reported as well that trafficking in Vietnam is generally understood as a cross-border phenomenon of vulnerable women and girls. And again, in this context, trafficking is simply thought to be for the purpose of prostitution or, in many cases, is simply identified as a “social evil”, which results in victims being mistakenly detained along with voluntary sex workers and drug users.

Other problems include poor management and ineffectively run victim shelters throughout the country, lack of on-going training for shelter staff and shelter managers, lack of knowledge and understanding of the needs of trafficked women and girls, and poor services in dealing with stigma and trauma. These difficulties only make for more hardship and increase greatly the risk of re-trafficking and VAW not only for trafficked women and girls but also for their families and communities.

#### **The “demand side” of trafficking still goes unaddressed:**

The Ministry of Public Security, in cooperation with other ministries, mass organizations, NGOs and international agencies, oversees the implementation of Vietnam’s NAP on Combating Trafficking in Women and Children for 2011 to 2015. However, there is lack of capacity and support for front-line officers and anti-trafficking officials to address the demand side of trafficking prevention. Too little effort goes into improving databases and research, and there is still a lack

of on-going training of staff in government agencies and the NGOs involved.

There is also a lack of action in addressing the “demand side” of trafficking in the Government’s strategy. Most trafficked women and girls are sent to countries in Asia, Western Europe and the Middle East for sexual exploitation, or are forced to work in factories or elsewhere, and the traffickers in these cases are often relatives or acquaintances of the victims.

## RECOMMENDATIONS



### **Vietnam’s good practices for sharing of national-level experiences on how parliamentarians can support implementation of policy on trafficking and VAW:**

- Vietnam has conducted a comprehensive review of its laws using the UN Trafficking Protocol as a point of comparison, and the Government does work to ensure that the national laws and legal framework will eventually cover all aspects of trafficking with a series of review seminars and consulting events. This review has provided valuable guidance to legislators and policymakers, who have visited victims in shelters to learn from their real trafficking experience. This could be used as a model for other countries seeking to integrate the Trafficking Protocol into their national legal framework.

- The Vietnam Government has mobilized international communities to ensure quality recovery and reintegration services for trafficked women and girls as well as to address domestic violence issues in the country through the Peace House model.

- The An Giang/Dong Thap Alliance to Prevent Trafficking programme (ADAPT) has enabled hundreds of young women to be served through a partnership between the Government and Pacific

---

Links Foundation. Prevention is the most common service provided, but there are important services for returnees as well. The ADAPT reintegration programme provides urgent assistance to trafficking survivors in the initial stages of reintegration with shelters serving as safe, temporary housing facilities and service sites. ADAPT provides comprehensive services such as medical/health care, vocational training, legal assistance, emotional support and individualized case management.

· The ETIP programme has helped to reduce risk factors that contribute to human trafficking at the individual, community, and structural levels as well as to increase the protective factors and resilience of the most vulnerable families and individuals to prevent trafficking. ETIP has also provided victim protection by strengthening the protection services to vulnerable women and girls, and to promote the reintegration of victims of trafficking.

## AREAS THAT NEED IMPROVEMENT



### **Vietnam's anti-trafficking responses should address all forms of trafficking:**

There should be a clear definition of human trafficking in line with the Palermo Protocol and in line with established mechanisms for effective implementation of the Law. This can be achieved through commitment and

progress in protecting labour trafficking victims or prosecuting labour traffickers.

More research also needs to be conducted on the dynamics of migration and human trafficking with a focus on trafficking in persons for labour exploitation, transnational marriages and internal trafficking. This should include strengthening the capacity of those likely to encounter victims, such as law

enforcement personnel, border control, labour inspectors, consular or embassy officials, judges and prosecutors, Department of Social Evils Prevention staff (DSEP) and civil society. Counter-trafficking interventions should move beyond trafficking for sexual exploitation and address all aspects of trafficking in the country. Awareness raising carried out at community events would also help to reduce stigma and discrimination toward trafficked women and girls upon their return.

**Improve victim identification and provide sufficient assistance to reduce vulnerability to re-trafficking and VAW for returned trafficked women and girls:** Vietnam should develop processes for the identification of victims and for reinforcing the provision of identity documents. This is especially the case for self-rescued and self-returned or internal cases. It would also help ensure that those individuals gain access to government support mechanisms. It would offer protection for trafficked women and girls, assist in their reintegration into the community and help to establish that they are victims of an actual crime.

It is vitally important that returnees not be seen as guilty of "social evils", and to combat this there should be a review of services and assistance mechanisms with consideration for the special needs of victims (such as to ensure their safety and reduce stigma). Shelters should also be supported to offer quality physical, psychological and social recovery with prevention, treatment, care and support for HIV/AIDS as well as trauma counselling.

There should also be greater support to victim shelters throughout the country with on-going trainings for shelter



staff and managers. The Government should also develop protection standards with clear procedures and sufficient guidelines to train anti-trafficking staff in dealing with stigma and trauma upon return for trafficked women and girls.

**Strengthen the anti-trafficking response to address the “demand side”:** The Government should build capacity for front-line officers and anti-trafficking officials to address the demand side of trafficking through prevention, improving databases and research, and ensuring on-going training for anti-trafficking staff in government agencies and NGOs.

Behaviour change messages should also be integrated into all information on trafficking to target traffickers, who are often relatives or acquaintances of victims. Access to information on safe migration should also be made easier, especially at

## SUMMARY OF GOOD PRACTICES

COUNTRY	GOOD PRACTICES	WHAT PARLIAMENTARIANS CAN DO
CAMBODIA	<p>The Cambodian Ministry of the Interior issued a Directive in 2011 that condoms would not be used as evidence for arrest, including during raids and rescues.</p> <p>Cambodia has supported the recovery and healing of trafficked women and girls through widely applicable trauma approaches such as art therapy.</p>	<p>Parliamentarians can repeal laws that criminalize activities associated with sex work, including the use of condoms as evidence for arrest in raids and rescues.</p> <p>Trauma recovery measures can be introduced, especially art therapy, to support recovery for trafficked women and girls.</p>
INDONESIA	<p>The Indonesian National AIDS Commission has engaged Olimpiade Penelitian Siswa Indonesia (OPSI), the national sex worker's association, to contribute to government policies and programs by participating in national committees.</p> <p>The Indonesian government has negotiated with the Saudi Government to reform labour rights in making new labour regulations for domestic workers. Although the work hours are still relatively exploitative, this has at least set a precedent for negotiations on monthly payment and paid vacation.</p>	<p>Parliamentarians can support sex workers and, where they exist, sex workers' organizations to participate in setting national priorities for action to improve the legal environment for sex workers and anti-trafficking.</p> <p>Parliamentarians can press for the adoption of MOUs and labour regulations to protect migrant workers under the Trafficking in Persons Protocol and international human rights law.</p>
MALAYSIA	<p>Malaysia has partnered with UNDP to map and address the plight of single mothers – particularly the poorest. This has helped to build a system to register single mothers in the country who lacked education and specialised job skills, which often forces them to accept poorly paid jobs in unfavourable conditions.</p> <p>Malaysia has accomplished a number of key national developmental goals related to the MDGs, including reduction by half of the proportion of poverty, hunger and gender disparity in primary and secondary education.</p>	<p>Here, parliamentarians could partner with UN agencies and the international community to ensure labour rights and social security rights as well as to create social safety nets for the most vulnerable and poorest members of society.</p> <p>Promote and monitor government and NGO commitment to obligations under key national developmental goals based on the MDGs.</p>

<p>MYANMAR</p>	<p>The Government of Myanmar has ordered police not to confiscate condoms as evidence of sex work, a policy supported by the National HIV Strategy for 2011-2015.</p> <p>The Government has also partnered with local and international NGOs to ensure that trafficked women who do return to their country of origin are provided with the assistance and support according to a social development model necessary to ensure their well-being, to facilitate their social integration and to prevent re-trafficking.</p>	<p>Parliamentarians can repeal laws that criminalize activities associated with sex work, such as using condoms as evidence for arrest.</p> <p>Here, parliamentarians should adopt a human rights-based approach that recognizes the trafficked person as a victim who is entitled to human rights.</p>
<p>LAOS</p>	<p>Current legislation in Laos seeks to improve several areas associated with trafficking. Some of them are: advocacy and HIV education for sex workers; right to voluntary counselling and testing for HIV and for test results to be kept confidential; that citizens, aliens, foreigners and people with no nationality also have the right to information on HIV prevention; and that the health sector is compelled to report on HIV trends among sex workers to inform planning.</p> <p>The Government has also supported the Lao Women’s Union, in partnership with UNIAP, to launch a Nationwide Shelter Self-Improvement Initiative to improve the quality of care and services being provided in shelters serving trafficking victims nationwide.</p>	<p>Parliamentarians can review and amend domestic legislation that may conflict with the international standards on HIV education to ensure the right to voluntary counselling and testing for HIV, and for test results to be kept confidential; that citizens, aliens, foreigners and people with no nationality have rights to information on HIV prevention; and that the health sector should report on HIV trends among sex workers to inform planning.</p> <p>Parliamentarians can support and monitor the Government’s fulfilment of its obligations under the Trafficking in Persons Protocol and international human rights law to ensure quality shelter services for trafficked women and girls.</p>

<p>THAILAND</p>	<p>Social Security Fund codes in Thailand currently enable sex workers to access state social security benefits for sickness, disability, death and a pension if they make financial contributions. The Thai Empower Foundation has also opened a bar in Chiang Mai that provides sex workers with working conditions that comply with standards under the Labour Protection Act.</p> <p>Thailand takes a multi-disciplinary approach with police, social workers, lawyers, international agencies and interpreters.</p>	<p>Parliamentarians could push for a pilot programme to encourage sex workers to access these services more regularly. They could also pilot a programme of protection for sex workers with working conditions that comply with standards under the Labour Protection Act.</p> <p>Parliamentarians could press for measures that ensure that anti-trafficking efforts are grounded in international standards for human rights protection, including the right to safety, the right to privacy, the right to information, the right to legal representation, the right to be heard in court, the right to be compensated for damages, the right to assistance, the right to seek residence and the right to return (Palermo, Art. 6).</p>
<p>PHILIPPINES</p>	<p>National HIV laws in the Philippines offer some protections in areas such as prohibition of compulsory testing, and rights to confidentiality and to protection from discrimination for those who are HIV- positive, including trafficked women and girls.</p> <p>The Philippine Congress has appropriated \$550,000 to fund the Inter-Agency Council Against Trafficking (ICAT) and the Department of Social Welfare and Development's Anti-Trafficking Programs. With this, ICAT was able to significantly increase staffing at its Ninoy Aquino International Airport facility.</p>	<p>Parliamentarians could repeal laws that authorise compulsory testing that ensure rights to confidentiality and ensure protection from discrimination for those who are HIV-positive, including trafficked women and girls.</p> <p>Parliamentarians could call for a hotline and for victim services that operate 24 hours per day, seven days per week, run by the anti-trafficking task force.</p>

<p>VIETNAM</p>	<p>Current Vietnamese legislation requires the Government to implement harm reduction interventions, including condom programs for sex workers, and protects sex work peer educators from prosecution.</p> <p>Currently in Vietnam, Behaviour Change Communication (BCC) is used as a tool for the anti-trafficking COMMIT taskforces, partner organizations and anti-human trafficking agencies to help improve monitoring of trafficking.</p>	<p>Parliamentarians could advocate for more non-discriminatory laws that protect the health and safety of sex workers, including harm reduction and condom programs.</p> <p>Parliamentarians could put the utmost priority on establishment of programs and services to prevent human trafficking with an innovative approach that is based on research, evidence and monitoring.</p>
----------------	---	---

---

## REFERENCES

Global Report on Trafficking in Persons”, UNODC, 2012”

Fighting Human Trafficking”, Resource Center, UN GIFT,” 2013

Combating Trafficking in Persons: A Handbook for Parliamentarians, UNODC, 2009

SIREN: Strategic Information Response Network, UNIAP

Stop VAW, The Advocates for Human Rights

The Art2Healing Project

Addressing Modern Slavery in the ASEAN Region”, US” Department of State, 2012

Asia Regional Trafficking in Persons (ARTIP), Country Profiles

AFPPD, “Human Trafficking in South-East Asia”, Policy Brief, 2013

The Polaris Project

Challenges and Achievements in the Implementation of” the Millennium Development Goals for Women and Girls”, CEDAW, 2014

Recommended Principles and Guidelines on Human Rights” and Human Trafficking”, UN Office of the High Commissioner for Human Rights, 2002

TIP report (Trafficking in Persons Report), US Department of State, 2013

“Lindsey King, “International Law and Human Trafficking

“IOM Asia Pacific, “The Context of Migration in the Region

UNAIDS and UNDP, “Sex Work and The Law in Asia and the Pacific”, 2012

UNIAP, “Why Victims Decline Assistance”, SIREN report, (May 2008 (GMS-05

UNIAP and CNN, GMS-10, “Exposing Trafficking in Supply Chains through Investigative Journalism”, June 2012

UNIAP, “Re-thinking Reintegration: What Do Returning Victims Really Want & Need? Evidence from Thailand and (the Philippines)”, SIREN report, August 2009 (GMS-07

Tenaganita, “Clearing Misconceptions: The Truth About Migrants in Malaysia”, 9 May 2012

UNODC/IPU/UN.GIFT, “Combating Trafficking in Persons: A Handbook for Parliamentarians”, 2009

Danish Red Cross, “Good practices in the Response to Trafficking in Human Beings”, 2005

OHCHR, UNHCR, UNICEF, UNODC, UN Women and ILO, “Prevent, Combat and Protect Human Trafficking - A Human Rights-Based Approach”, 2011

UN Special Rapporteur on Trafficking in Persons, Especially Women and Children, Addendum: “Mission to the Philippines”, UN doc. A/HRC/23/48/Add.3, 19 April 2013





ENGAGING PARLIAMENTARIANS  
PURSUING DEVELOPMENT



**Australian  
Aid**

