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LIFE WITH DIGNITY

# EVANGILICAL LUTHERAN CHURCH IN AMERICA (ELCA)

And

# LIFE WITH DIGNITY (LWD)

*In Depth Study in Mapping of the Current  
Situation on Migration and Human Trafficking in  
Asia*

*Report 2019*

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: Mr. Chhun Vireak

Phnom Penh, 12 August 2019

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## PREFACE

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Human trafficking is 'Global Threat' to fundamental Liberty and Human Rights. It is one of the oldest, immoral, sinful and serious crime and human rights violation. It is violation of the right to liberty, freedom and security of a person as well as it is crime against the humanity, society and it is also against the whole human civilization. Migration and human trafficking are not new in the course of human history. One reality is that the situation around these issues is generating increasing attention and scrutiny in recent decades. As this issue matters to God's gift of human dignity and life, more attention needs to be paid by faith-based organizations and religious institutions to combat inhuman modern slavery.

Human trafficking remains the most profitable illegal trade. Globally, million men, women and children are trafficked across international border and trafficked within country every year. The majority of trafficking victims are women and girls, who are especially vulnerable due to limited economic opportunities, illiteracy or low education, and low socio economic. Women and girls are also more vulnerable to trafficking if they are involved in marginalized livelihoods, deserted by their husbands or families, victims of abuse and violence, and those from disadvantaged communities and extremely poor families.

The major factors that push to emerging of human trafficking are poverty, unemployment, lack of means of livelihoods and landlessness, illiteracy, lack of awareness, globalization, and unsafe migration. In recently, the form of human trafficking can be seen in the sexual trafficking, labor trafficking and body/organ trafficking it is committed for sexual exploitation, prostitution, sex tourism, pedophilia, child marriage, force marriage, domestic servant, bound labor, circus worker, removal of organs etc.

The report on "In Depth Study in Mapping of the Current Situation on Migration and Human Trafficking in Asia" is the first mapping out the information related to migration issues and human trafficking in Asia aim to provide an overview of policy and strategy, as well as to produce an effective tool for information exchange and for further development of migration and human trafficking initiatives as intended by ELCA, its companion member churches and partner organizations in combating Human Trafficking and Migration issues in the future.

The report has been prepared by the report writing team (consultant team) under my close supervision of ELCA and LWD management team. This report mainly focuses on situation and new trend of trafficking in persons in Asia especial reference to both cross-borders and internal trafficking and further goes on the international, regional, and national mechanism to counter-trafficking initiatives and law enforcement status and judicial responses to trafficking in each level.

We believe that the Report will serve as a fact-based reference to those working for combating trafficking at international, regional and national level both state authority and non-state actors. Since this report mainly reveals the engagement from faith-based and churches actor

to combat human trafficking, it will support the program and strategy of those institution to take effective steps for strengthening impact-based progress in planning, implementation and monitoring of their activities on counter trafficking.

Sincerely,



**Sopheap SUON, Ph.D**

Executive Director

Life With Dignity

Sincerely,

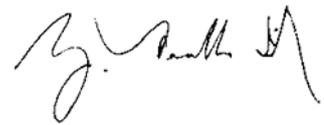


**Dr. Chandran Martin**

Regional Representative

ELCA, Global Mission

Sincerely,



**Dr. Franklin Ishida,**

Director for Asia & Pacific,

ELCA, Global Mission

## ACKNOWLEDGEMENT

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For this research study *“In Depth Study in Mapping of the Current Situation on Migration and Human Trafficking in Asia”*, many individuals from various institutions have contributed to collect both primary and secondary data, as well as to analyze them to form valid results and prepare this report.

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We would also like to express special thanks to all relevant stakeholders: both local (in Cambodia) and international institution members who met and consulted with the consultant team and email responded by filling out the answers to the questionnaire for the study. We would like to acknowledge those this includes the National Committee for Counter Trafficking (NCCT), Cambodia National Committee for Children (CNCC), Ministry of Women Affairs (MoWA), Ministry of Labor and Vocation Training (MoLVT), Chab Dai Coalition, Mission Alliance, Winrock International, UN-Women, Lutheran Church in Cambodia, Church of Christ in Thailand, New Life Center Foundation-Thailand, Lutheran Work Foundation-Myanmar, Myanmar Lutheran Church, CDRM-Indonesia, KNLWF-Indonesia, Lutheran Work Foundation-Nepal, Nepal Evangelical Lutheran Church, Rangpur Dinajpur Rural Service (RDRS)-Bangladesh, and the Lutheran Church in Malaysia. We sincerely appreciate their valuable time in meeting with the research team, for sharing information and experiences, for providing input and suggestions, and for giving us the opportunity to learn.

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It has been a great learning process for us to work with all relevant key stakeholders dedicated to reducing unsafe migration, preventing labor and human trafficking and exploitation, promoting human rights and migrants’ rights, and to abolishing modern day slavery.

Sincerely,



**SOUN Sopheap**, PhD  
Executive Director, LWD

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## ACRONYMS

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AAPTIP	Australia-Asia Program to Combat Trafficking in Persons
ACTIP	ASEAN Convention against Trafficking in Persons, Especially Women and Children
ACWC	ASEAN Commission on the Promotion and the Protection of the Rights of Women and Children
ADHOC	Cambodia Human Rights and Development Association
AICHR	ASEAN Intergovernmental Commission on Human Rights
ASEAN	Association of Southeast Asian Nations
BMET	Bangladesh's Bureau of Manpower, Employment and Training
CCA	Christian Conference of Asia
CCPCR	Cambodia Center for the Protection of Children's Rights
CCT	Church of Christ in Thailand
CEDAW	Convention on Elimination of Forms of Discrimination Against Women
CMW	Convention on Protection of the Rights of Migrant Workers and Members of their Families
COMMIT	Coordinated Mekong Ministerial Initiative Against Trafficking
CRC	Convention on the Rights of the Child
CRC-OPSC	Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography
ECPAT	End Child Prostitution Child Pornography and Trafficking of Children For Sexual Purposes
ELCA	Evangelical Lutheran Church in America
GoN	Government of Nepal
ICM	India Centre for Migration
ILO	International Labor Organization
INTERPOL	International Criminal Police Organization
IOM	International Office of Migration
KNLWF	Komite Nasional Lutheran World Federation
LCC	Lutheran Church in Cambodia
LCCHTs	Local Committees for Controlling Human Trafficking
LICHADO	Cambodia League for the Promotion and Defense of Human Rights
LWD	Life With Dignity
LWF	Lutheran World Federation
M&E	Monitoring and Evaluation
MoEYS,	Ministry of Education, Youths, and Spots
MoI	Ministry of Interior
MoJ	Ministry of Justice
MoLVT	Ministry of Labor and Vocational Training

MoSVY	Ministry of Social Affairs, Veteran and Youth Rehabilitation
MoSW	Ministry of Social Welfare
MOU	Memorandum of Understanding
MoWA	Ministry of Women Affairs
MoWCA	Ministry of Women and Children Affairs
MWCD	Ministry of Women & Child Development
NAP	National Action Plan
NCCHT	National Committee for Controlling Human Trafficking
NCCT	National Committee for Counter Trafficking
NGO	Non-Governmental Organization
POCSO	Protection of Children from Sexual offences
RDRS	Rangpur Dinajpur Rural Service
RDRS	Rangpur Dinajpur Rural Service
RGC	Royal Government of Cambodia
SAARC	South Asian Association for Regional Cooperation, Convention on Preventing and Combating Trafficking in Women and Children for Prostitution
SMJ	Solidarity Network with Migrants Japan
TIP	Trafficking in Persons
UN	United Nations
UNCHR	The office of the United Nations High Commissioner for Refugees
UNODC	United Nations Office on Drugs and Crime
UNWOMEN	United Nations Entity for Gender Equality and the Empowerment of Women
WCC	World Council of Churches
YWCA	World Young Women's Christian Association

## EXECUTIVE SUMMARY

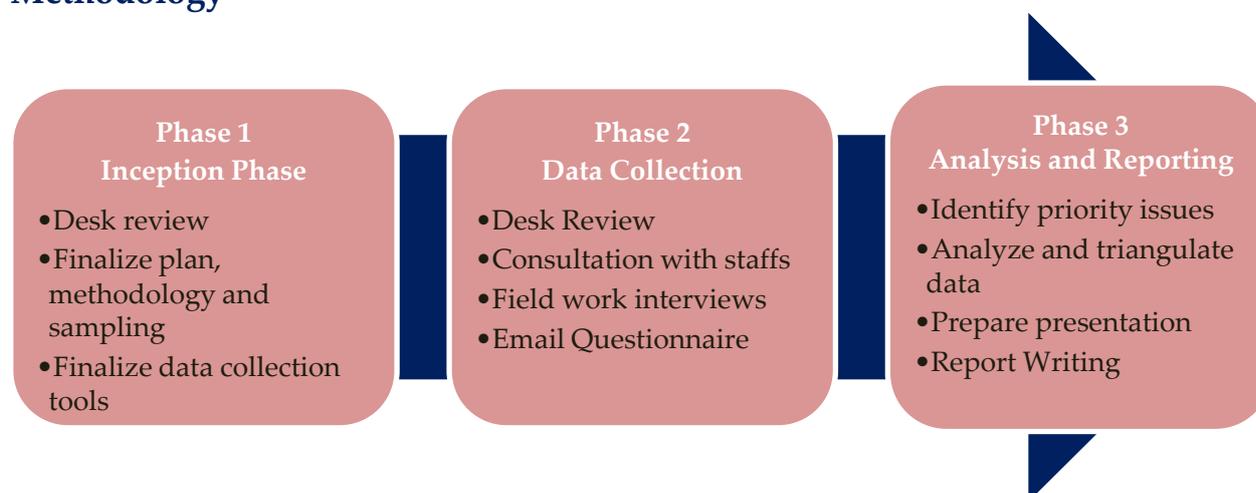
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### Background

Migration and human trafficking are not new in the course of human history. One reality is that the situation around these issues is generating increasing attention and scrutiny in recent decades. As this issue matters to God's gift of human dignity and life, more attention needs to be paid by faith-based organizations and religious institutions to combat inhuman modern slavery. For this aim, Evangelical Lutheran Church in America (ELCA) and Life With Dignity (LWD) have decided to jointly organizing an International Conference, "Migration and Human Trafficking Crisis in Asia- Presence, Prevention, Promotion and Partnership", on 21-23 August 2019.

The study report was produced as an important preparation process for the Conference. The research study aimed to provide an overview of migration and human trafficking initiatives in the Asia region, which will be utilized by ELCA, its companion member churches, and partner organizations in combating unsafe migration and human trafficking in the future. There are four main objectives of the study (1) to document an overview of the historical development (root-causes) of human trafficking; (2) to examine the situation of human trafficking and migration in Asia; (3) to document response mechanisms to human trafficking in Asia; and (4) identifying gaps and offering recommendations on areas that churches, faith-based, and other actors can prioritize for future interventions.

### Methodology



### Data Collection

The methodology of data collection was an inclusive, participatory and rights-based approach. Special attention was paid in regard to the Protection Policy and Code of Conduct of LWD.

- **Desk Review:** Existing relevant documents, reports, studies about migration and human trafficking in Asia
- **Consultation with LWD staff members: Consultations were held in every process of the study;** In the process of designing the framework and developing questionnaires for in-depth interviews, the LWD team assisted the consultant team and confirmed the process of the study, as well as for analysis.
- **In-Depth Interviews/Key-Informant interviews (KII):** Done with key stakeholders, including government ministries and other institutions (faith-based institutions and churches).

- **Email-Questionnaire:** some interviews with study targets in foreign countries were conducted in a written form, depending on the preference of the respondents.

### Participants to the study

There were 20 institutions (23 participants) across 13 selected countries in Asia which participated in the study, including 4 relevant government ministries and institutions of Cambodia, 1 Local NGO, to tackle human trafficking across countries, 1 UN Agency, 8 ELCA companion churches and local churches, and 6 faith-based actors.

### Key terminologies\*: Migration and Trafficking in Persons (TIP)

<b>Migration</b>	A migrant is a person who is moving or has moved across international borders or within a country away from their original permanent residence (IOM’s definition). According to United Nations (UN), there were approximately 258 million international migrants worldwide in 2017, and approximately 740 million people migrating within their own country in 2009 (IOM data).
<b>TIP</b>	TIP is defined as “the recruitment, transportation, transfer, harboring 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” (UN protocol). The main types of trafficking are for forced labor, forced criminal activities, sexual exploitation, and the removal of organs. According to a report by the United Nations Office on Drugs and Crime (UNDOC), the most common form of human trafficking is for sexual exploitation (79%), of whom the victims are normally women and girls, and the second most common form is forced labor (18%).
<b>Linkage of Migration &amp; TIP</b>	Migrants are particularly vulnerable to human trafficking, especially when they are fleeing desperate situations and/or migrating unsafely, including asylum seekers. Unsafe migration can be caused through a lack of documentation (such as passport or legal work permit) or not accessing/using proper immigration channels. When people are migrating to escape conflicts and poverty, they are often pushed to migrate unsafely, which leads them to be socially vulnerable and more likely to be subjected to human trafficking. Additionally, international migrants are often not protected under the new country’s laws/regulations, and become socially vulnerable to human trafficking. Lastly, women are increasingly migrating for domestic work, which can lead them to be at risk of human trafficking due to the socially isolating situation and the lack of legal rights in the country they immigrate to.

### International Legal Framework

There are multiple international legal frameworks for both migrants and trafficking in human persons.

- The United Nations (UN) Convention against Transnational Organized Crime (2000)
- The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2003) was the first global legally binding instrument which had an agreed upon definition for trafficking in persons, and aims to facilitate the development of national

instruments targeting the investigation and prosecution of trafficking in persons cases. It also aims to assist and protect victims of trafficking in persons.

- The UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949)
- The International Covenants on Civil and Political Rights (ICCPR) (1966)
- The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) (1979)
- The Convention on the Rights of the Child (CRC) (1989) and its Protocol
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990)

### International Response Mechanism

Name	Aim of the institution	Main function related to human trafficking/migration
<b>International Organization for Migration (IOM)</b>	<ul style="list-style-type: none"> <li>• Promote social and economic development through migration, uphold the human dignity and well-being of migrants, and assist in meeting the growing operational challenges of migration management</li> </ul>	<ul style="list-style-type: none"> <li>• All functions relate to migration, but specifically their strategic focuses within cost and legal aid of migrants, as well as helping States and humanitarian organizations to more effectively deal with migrants.</li> </ul>
<b>The United Nations Office on Drugs and Crime (UNODC)</b>	<ul style="list-style-type: none"> <li>• Assist Member States in struggle against illicit drugs, crime, and terrorism, as well as to increase efforts to fight transnational crime.</li> </ul>	<ul style="list-style-type: none"> <li>• Created and upholds the UN Convention on Transnational Organized Crime, as well as its Protocols on trafficking in persons and migrant smuggling.</li> <li>• Launched initiative “Global Action to Prevent and Address Trafficking in Persons and the Smuggling of Migrants”.</li> <li>• “The Human Trafficking Knowledge Portal” and “The Smuggling of Migrants Knowledge Portal” is an initiative run by UNODC to disseminate information on UN Convention on Transnational Organized Crime.</li> <li>• “Voluntary Trust Fund for Victims of Human Trafficking” provides humanitarian, financial, and legal support to victims of TIP.</li> <li>• “Toolkit to Combat Smuggling of Migrants” was created to assist countries in implementing Smuggling of Migrants Protocol</li> </ul>
<b>The United Nations Entity for Gender Equality and the</b>	<ul style="list-style-type: none"> <li>• Dedicated to gender equality and the empowerment of women.</li> </ul>	<ul style="list-style-type: none"> <li>• works at the grassroots level to raise awareness, promote sustainable economic alternatives to human trafficking and provides justice for women who have suffered from TIP.</li> </ul>

<b>Empowerment of Women (UNWOMEN)</b>		<ul style="list-style-type: none"> <li>• increases the capacity of UNWOMEN officials to support the needs of women victims of TIP.</li> <li>• supports the creation of gender-responsive migration laws</li> </ul>
<b>The International Criminal Police Organization (INTERPOL)</b>	<ul style="list-style-type: none"> <li>• inter-governmental organization which aims to help police in member countries by enabling them to share and access data on crimes and criminals.</li> </ul>	<ul style="list-style-type: none"> <li>• Supports police to respond to human trafficking by providing support in training, capabilities, global operations, partnerships, events and conferences, specialists groups, and resources.</li> <li>• “Smuggling Training Operation Programme” which helps enhance the capabilities of frontline officers in member countries.</li> </ul>
<b>The office of the United Nations High Commissioner for Refugees (UNCHR)</b>	<ul style="list-style-type: none"> <li>• To assist and help refugees worldwide</li> </ul>	<ul style="list-style-type: none"> <li>• A global organization dedicated to saving lives, protecting rights and building a better future for refugees.</li> <li>• Prevent asylum-seekers, refugees, other persons in need of international protection, internally displaced and stateless people from becoming victims of trafficking, and addressing the protection and assistance needs of those who do</li> </ul>

## Migration and Human Trafficking in Asia<sup>1</sup>

### Situation

Asia is also one of the world’s largest sources for international migrants. In fact, one in three migrants come from Asia, with approximately 85 million migrants from Asia, with the majority being from China (5.2 million), Russia (3.8 million), and Bangladesh (3.7 million). Asia has seen some particularly alarming trends with regards to human trafficking in recent years.

- More than 85 % of human trafficking victims from East Asia and the Pacific are trafficked from within the region.
- More than half the victims in East Asia are trafficked a short distance.
- Wealthier countries such as Australia and Japan are often the destinations of victims.
- Worldwide, Asia and the Pacific make up about 63% of the total victims of human trafficking.
- In 2016, it was estimated that there were approximately 24.9 million people living in modern slavery in Asia and the Pacific.
- Asia and the Pacific have the highest levels of forced labor, with 4 per 1,000 people in forced labor. In East Asia, 51% of victims were women and approximately a third was children.
- Human trafficking for sexual exploitation accounts for 73% of victims.

<sup>1</sup> The Data sources can be found in the main body part.

- In East Asia, forced marriage for women makes up a significant portion of those trafficked and forced marriage of women and children are very prominent in the Mekong region of Cambodia, China, Myanmar, and Vietnam.
- China, Malaysia and Thailand are also often destinations.
- Within the region of Southeast Asia, Thailand is the leading destination from countries from Cambodia, Laos, and Myanmar.
- Malaysia is the destination for victims from Indonesia, Cambodia, the Philippines and Vietnam.
- The ethnic Rohingya in Myanmar have long faced discrimination and hardship and many have been displaced to refugee camps within Myanmar.

### **Legal Framework in Asia (ASEAN)**

There are 6 ASEAN frameworks, 2 ACWC frameworks, 1 South Asia framework, and 1 COMMIT framework;

- The ASEAN Declaration Against Trafficking in Persons Particularly Women and Children (2004)
- The ASEAN Declaration on the Protection and Promotion of the Right of Migrant Workers (2007), Similarly, the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers (2018)
- The ASEAN Convention Against Trafficking in Persons Especially Women and Children (2015), with the ASEAN Plan of Action Against Trafficking in Persons, Especially Women and Children
- The ASEAN Practitioner Guidelines on an Effective Criminal Justice Response to Trafficking in Person (2007)
- Gender Sensitive Guideline for Handling of Women Victims of Trafficking in Persons (2016)
- Regional Guidelines and Procedures to Address the Needs of Victims of Trafficking Persons (ongoing)
- South Asian Association for Regional Cooperation, Convention on Preventing and Combating Trafficking in Women and Children for Prostitution (SAARC Convention) (2000)
- The Memorandum of Understanding on Cooperation Against Trafficking in Person in the Greater Mekong Sub- region (2004)

### **Response Mechanism in Asia**

ASEAN has a few regional response mechanisms to combat human trafficking and for migration;

- The ASEAN Intergovernmental Commission on Human Rights (AICHR)
- The ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) (2010)
- ASEANAPOL, the ASEAN Police
- The Coordinated Mekong Ministerial Initiative Against Trafficking (COMMIT) is a policy dialogue within the Great-Mekong Sub-region

### **Key Faith-Based/Church Actors**

- A notable example of a faith-based actor is the Evangelical Lutheran Church in America (ELCA). ELCA has done work on human trafficking and unsafe migration. They have several resources which outline the Church's position on the issues, as well as information on how to take action. ECLA's "Social Message on Commercial Sexual Exploitation" (2001) was adopted in 2001 and seeks to increase awareness of the human trafficking industry,

specifically on sexual exploitation, as well as provide guidelines on how to take action. They have also published 6 sessions on human trafficking, “Human Trafficking Learning Series”, which is a tool to raise awareness of trafficking and gives resources to combat trafficking.

- The Roman Catholic Church: The Vatican’s The Migrants and Refugees Section is an action-oriented office which aims to support migrants and victims of human trafficking. It is led by Pope Francis. Recently, The Migrants and Refugees Section of the Dicastery for Promoting Integral Human Development released “Pastoral Orientations on Human Trafficking” (2019) which is a set of guidelines which aims to inspire and improve the church’s work on fighting human trafficking and assisting its victims. A separate publication was released by The Migrants and Refugees Section, “Lights on the Ways of Hope”, which outlines the Pope’s teachings on migrants, refugees, and human trafficking.
- The World Council of Churches (WCC), a worldwide Christian inter-church organization founded in 1948, seeks to supports member churches in promoting justice and peace. The WCC aims to support migrants (including human trafficking victims) by raising awareness among churches party to WCC, as well as by engaging and challenging the churches in their work with migrants.
- The Lutheran World Federation (LWF) is a global communion of 148 churches in the Lutheran tradition, representing over 75.5 million Christians in 99 countries, including Asia. Beyond the communion, the LWF Churches and Network also has program to counter Human Trafficking. Recently, a nation interfaith network was inaugurated in Nigeria by The Lutheran Church of Christ in Nigeria to help different stakeholders mitigate the impact of irregular migration and to counter Trafficking in Persons.
- The Churches’ Commission for Migrants in Europe (CCME) is an organization specifically focused on serving churches in their commitment to promoting an inclusive community by advocating for just policy for migrants.
- ACT Alliance is the largest coalition of Protestant and Orthodox churches and church-related organizations engaged in humanitarian, development and advocacy work in the world, consisting of 155 members working together in over 140 countries to create positive and sustainable change in the lives of poor and marginalized people including those who are vulnerable of migration and human trafficking.
- The Christian Conference of Asia (CCA) is an organ and fellowship of churches ecumenical councils in Asia for initiating and facilitating dynamic Christian witness and action. The CCA strives for the unity of the church in Asia, joint action in mission, Asian contribution to Christian thought and worship, sharing and fellowship among the churches in Asia and beyond, effective Christian response to the challenges of the changing societies of Asia, relationships with people of other faiths in Asia, human dignity and care for the creation.

### TIP Convention and Protocol Ratification & Trafficking Ranking

<i>Countries</i>	<b>UN Convention against Transnational Organized Crime</b> <i>(Enter into Force 29 Sep 2003)</i>	<b>Protocol to Prevent, Suppress and Punish Trafficking in Persons,</b>	<b>Trafficking Ranking by U.S</b>
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			<b>Especially Women and Children</b> (Enter into Force 25 Dec 2003)		<b>Department of State</b> (June 2019)
	Signature	Ratification, Acceptance(A), Accession(a)	Signature	Ratification, Acceptance(A), Accession(a)	
<i>Bangladesh</i>	No	13 Jul 2011 (a)	No	No	Tier 2 Watch List
<i>Cambodia</i>	11 Nov2001	12 Dec 2005	11 Nov2001	02 Jul 2007	Tier 2 Watch List
<i>China</i>	12 Dec 2000	23 Sep 2003		08 Feb 2010 (a)	Tier 3
<i>India</i>	12 Dec 2002	5 May 2011	12 Dec 2002	05 May 2011	Tier 2
<i>Indonesia</i>	12 Dec 2000	20 Apr 2009	12 Dec 2000	28 Sep 2009	Tier 2
<i>Japan</i>	12 Dec 2000	11 Jul 2017 (A)	09 Dec 2002	11 Jul 2017 (A)	Tier 1
<i>Malaysia</i>	26 Sep 2002	24 Sep 2004	No	26 Feb 2009 (a)	Tier 2 Watch List
<i>Myanmar</i>	No	30 Mar 2004 (a)	No	30 Mar 2004 (a)	Tier 3
<i>Nepal</i>	12 Dec 2002	23 Dec 2011	No	No	Tier 2
<i>Philippines</i>	14 Dec 2000	28 May 2002	14 Dec 2000	28 May 2002	Tier 1
<i>Singapore</i>	13 Dec 2000	28 Aug2007	No	28 Sep 2015 (a)	Tier 2
<i>Thailand</i>	13 Dec 2000	17 Oct 2013	18 Dec 2001	17 Oct 2013	Tier 2
<i>Vietnam</i>	13 Dec 2000	8 Jun 2012	No	08 Jun 2012 (a)	Tier 2 Watch List

## Key Findings & Discussion/Analysis

### *Awareness about unsafe migration/TIP*

#### **Limited awareness about migration and TIP amongst faith-based organizations/churches:**

Overall, this assessment found out that that faith-based organizations or churches are not actively engaging in TIP related efforts, though there are some outstandingly active and famous organizations that are very active.

**Limited information sharing about migration and TIP amongst faith-based organizations/churches:** Despite some strong willingness by faith-based organizations/churches to know more about unsafe migration and TIP, they lack appropriate information in their local languages that directly links to their faiths/religious doctrines.

### *Prevention*

**Awareness raising amongst potential migrants is key to prevention of TIP:** Prevention is key to eliminating TIP, but faith-based organizations/ churches have not systematically mainstreamed unsafe migration/TIP issues into their activities.

### *Protection*

**Limited shelter-based care by faith-based organizations or churches:** When the victim is protected and required to stay in a safe space, it is essential that such a shelter is available for them. In Japan, the women's shelter House in Emergency of Love and Peace (HELP) has been

run by the Foundation Japan Christian Women (Kyofukukai) since 1986. Such a place is rarely found across those countries assessed in this study.

**Some support has started for repatriation support for victims in foreign lands:** If a victim is rescued in the foreign land, it is necessary to provide transportation service and legal documents (such as a passport) for them to be safely returned to their home country. A church in Malaysia reported supporting victims, but across countries such support is limited.

**Recovery support has been limited though faith-based organizations/churches can greatly contribute:** For long term recovery, basic education such as literacy and mathematics are essential, as many victims lack basic education.

### *Partnership: Cooperation and Networking*

**Partnership with multi-dimensional stakeholders:** Most countries examined in this study faced cross-border trafficking, which involves multiple countries, however, partnerships within the countries and cross-border has been limited; partnership with UN or donor agencies has been limited, and there is limited partnership with community people, including women or youth groups, to combat TIP.

**Engagement into the national dialogue:** To combat and to respond to TIP, a collective approach is essential, especially for the protection process. Presence of faith-based organizations or churches at the national committee or commission to address TIP in each country is very limited, except in Cambodia, where CHAB DAI is a strong advocate and support to the NCCT.

**Networking and partnership amongst by faith-based organizations/churches:** Additionally, information sharing amongst faith-based organizations/churches is very limited across the countries assessed in this study. Each church has its own network in their communities but information about migration or TIP is not shared amongst them.

### *Prosecution*

**Prosecution remains as a challenge:** Laws are the basis of any prosecution process and prosecutors will have great difficulty prosecuting traffickers and securing appropriate penalties if legal frameworks are incomplete, unclear or inadequate.

**Victims' identification is difficult as many do not speak out:** Some of the challenges in prosecution are identifying victims of human trafficking, the investigation process, and prosecution by the prosecutors.

**Spiritual support to victim can enhance prosecution process:** There are large spaces for faith-based organizations or churches in encouraging victims to speak out their sufferings from human trafficking, and also to assist prosecution to effectively occur.

**International cooperation amongst faith-based organizations and churches can improve prosecution involving cross-border trafficking:** Where trafficking patterns occur internationally, limited international cooperation in criminal justice has hampered the prosecution of traffickers.

### *Promotion*

**Promotion of a human rights-based approach with spiritual support:** Human rights-based approaches to human trafficking is essential in the process to address the issue, and it is

particularly important that fundamental rights of victims of human trafficking to an effective remedy is established in the entire process to address human trafficking.

**Promotion of more evidence-based research on human trafficking by faith-based organization and churches:** To ensure a human-rights based approach is mainstreamed in the efforts to combat trafficking, it is necessary to establish strong evidence of the gaps in the current mechanisms, identify the promising practices, and improve the process of prevention, protection and prosecution responses.

**Promotion of safety of victims:** The faith-based organizations and churches have a great advantage to assist victims of human trafficking in raising their voices in a safe environment and safe space, with spiritual support, to ensure that their rights are protected.

**Advocacy by faith-based organizations and churches:** With evidence-based research results, advocacy is also essential so that victims' voices are reflected and integrated to improve the current mechanisms for tackling human trafficking.

### *Gaps and Challenges*

Based on findings from the assessment (both desk review and field work interviews/survey), analysis/discussion was made in regard to prevention, protection and partnership as in the above section.

**Limited awareness about migration and TIP in faith-based institutions and churches:** Faith-based institutions have very limited understanding about unsafe migration and TIP. Due to limited awareness on these issues, they paid limited attention in their religious services for prevention of TIP.

**Limited messages delivered by the faith-based institutions and churches to its community people/members:** Faith-based institutions and churches have a variety of events to deliver important spiritual messages to the people but no systematic intervention has been done.

**Limited international cooperation amongst the faith-based institutions:** Engagement of faith-based organizations and churches is considerably limited for international/cross-border trafficking.

**Faith-based institutions/churches have very limited partnership mechanisms for protection of victims with state authority and CSOs:** Faith-based institutions and churches can play a very important role in providing spiritual support for the victims in the recovery process from all the traumatic experiences but partnership with relevant stakeholders has been limited.

**Faith-based institutions in each country have limited cooperation to have a collective voice to combat TIP:** Limited attempt was made to bring all faith-based institutions and churches/pagodas/mosques to raise their voices together to combat unsafe migration or TIP.

**Religious schools have not taught about TIP issues in a systematic manner:** Education at religious schools focus on the Bible or religious teachings/doctrines but issues about TIP has not been mainstreamed into their curriculums.

### **Key Recommendations**

A set of recommendations was made as below, divided into two groups; short-term (to be completed by 2020) and long-term (to be completed by 2030).

### *Short-term (to be completed by the end of 2020)*

1. Urgently develop a small leaflet directly linking the religious teachings/doctrines and TIP, and ELCA/LWD mobilize resources to conduct a small training session about the TIP situation for religious institutions.
2. Set up a network based on the participants in this study (and the International Conference) and set up online platform to share information.
3. Urgently encourage faith-based organization to appoint one focal person on TIP as a leader in each faith-based institution. ELCA/LWD can help to prepare a Term of Reference (ToR) for them and invite them to join the training sessions for 3-5 days about their roles and responsibilities.
4. Some promising practices by outstanding faith-based institutions can be shared by a wider-range of faith-based institutions that participated in this study.
5. ELCA/LWD can support the creation of a local network by mapping out all faith-based institutions and CSOs and make a directory (contact name and number of each institution).
6. It is highly recommended that ELCA/LWD conduct an in-depth survey with faith-based organizations to identify promising practices to share with all the partners so they can also utilize promising practices into their own actions.

### *Long-term (by 2030, in line with the SDG timeframe)*

7. Organize a national conference amongst leaders from different religions by engaging state authority, and make a strong statement about the commitment of faith-based institutions to preventing TIP and to protecting victims of TIP.
8. Approach schools of faith-based institutions that produce future religious leaders and provide leaflets that are produced by ELCA/LWD to be taught on a regular basis.

## **Way Moving Forward**

This study collected rich information from faith-based organizations and churches across 13 countries in Asia who generously shared their experiences and knowledge on human trafficking. Many participants were open, eager to have further cooperation, and committed to help people with solidarity as guided by God. As John 3:16 says, “For God so loved the world that he gave his one and only Son, that whoever believes in him shall not perish but have eternal life” (NIV). It starts with love, and that’s where efforts to combat human trafficking need to start.

Recommendations created by the study in a collective effort with the participants of the study need to be seriously taken into consideration for further actions to materialize the joint commitment by the faith-based organizations and churches. A small leaflet directly linking the religious teachings/doctrines and TIP and ELCA/LWD can be urgently made and utilized in their religious activities, and a network such as online platform to share information can be set up with assistance by LWD. To facilitate an effective functioning of the platform, faith-based organizations may appoint one focal person on TIP and they can obtain trainings from ELCA/LWD to learn about their roles and functions.

Fostering national and international cooperation amongst faith-based organizations and churches for the prevention of human trafficking can be facilitated by ELCA/LWD by sharing challenges they may have encountered and how collectively they can collaborate to contribute to the reduction of unsafe migration. The protection mechanisms are strong in many countries that participated in this study and faith-based organizations and churches can provide spiritual support to victims so that they may try to cooperate for prosecution, and religious doctrines can provide victims more safe spaces and peace of mind for a better recovery pathway from the trauma.

For future actions to be taken, a national conference or an international conference inviting different religious leaders to raise their voices in a united manner can be a strong message to the people in the community, in the country, in the region and in the globalized world to be spiritually encouraged to pay more attention to the issues of unsafe migration and human trafficking as a fundamental human rights issues.

# 1 INTRODUCTION

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## 1.1 Study Background

Migration and human trafficking are not new in the course of human history. One reality is that the situation around these issues is generating increasing attention and scrutiny in recent decades. As this issue matters to God's gift of human dignity and life, more attention needs to be paid by faith-based organizations and religious institutions to combat inhuman modern slavery. For this aim, Evangelical Lutheran Church in America (ELCA) and Life With Dignity (LWD) have decided to jointly organize an International Conference, "Migration and Human Trafficking Crisis in Asia- Presence, Prevention, Promotion and Partnership", on 21-23 August 2019.

During the Conference, it is expected that participants from various countries will: address Asian and global realities around human trafficking and migration; examine participants' own theology, faith and spiritualities; look at roots causes, and seek strategies that address survivors; address potential church responses; and find means to build alliances and networks with other actors for meaningful, relevant and effective responses.

## 1.2 Study's Goal

The research study aims to provide an overview of policy and strategy, as well as to produce an effective tool for information exchange and for further development of migration and human trafficking initiatives as intended by ELCA, its companion member churches and partner organizations in combating Human Trafficking and Migration issues in the future.

## 1.3 Study's Objectives

1. To overview the historical development (root-causes) of the human trafficking debate and gives an analysis of the various approaches to human trafficking, migration and focusing on human trafficking and migration patterns and responses in the Asia.
2. To look at the situation of human trafficking and migration in Asia and then list the various trafficking responses that have been developed by faith-based actors, such as churches and ministries of all denominations in Asia.
3. To look at the response mechanisms/roles that have been developed within Asia countries. Attention is paid to the different actors, including governments, NGOs, international organizations and international networks, focusing on how the policies could be influenced by the different actors such as the government, NGOs, and other church bodies.
4. Identify gaps and offer recommendations on areas that churches, faith-based organizations, and other actors can prioritize for taking further actions to combat human trafficking and migration issues.

# 2 METHODOLOGY

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## 2.1 Research Design

The research study was designed by the consultation between consultant team and ELCA/LWD management team.

## 2.2 Instruments

The study team consulted with LWD team for all the designed tools to be used for data collection. As a result, the consultation confirmed the tools as below:

- *Semi-structured questionnaires* for individual interviews/email response. In total, there were 4 types of questionnaires. Please see the all questionnaires in the [Appendix 3](#).

The tools were first developed in English for consultation with LWD management and the project team. After the draft tools in English were agreed upon, the consultant team did test and then modified the tools (not the contents, but most probably rather the flow of the questions and to combine some questions/delete some). All the interviews were conducted in Khmer and/or English in Cambodia and in other countries, English or the local language will be used via phone interviews or by an email- questionnaire.

## 2.3 Scope and Geographic Coverage of Work

### 2.3.1 Scope

The research study focused on several countries in Asia including Cambodia, Thailand, Vietnam, Indonesia, Malaysia, Singapore, Philippines, Myanmar, Japan, Nepal, Bangladesh, India and China; all are the countries where human trafficking and migration are presumed to have considerable magnitudes. The study will map out the following points: where people start to move, where they transit and where their final destination is. And at each point, the faith-based actors who are involved are found. For example, if a migrant is from Cambodia and then he or she is trafficked through Thailand with a final destination in China, is there at any point where a church or any faith-based actor can intervene or protect him/her throughout his/her journey. This study will conduct face-to-face interviews in Cambodia and either phone-interviews or through emails with the questionnaire in other countries in Asia.

### 2.3.2 Target Groups and Sample

This study was proposed to engage approximately 30 institutions across 13 countries. However, only 20 institutions (23 participants) participated in the study, including 4 relevant government ministries and institutions of Cambodia, 1 Local NGO to tackle human trafficking across countries, 1 UN Agency, 8 ELCA companion churches and local churches in Asia, and 6 Faith-based actors in selected countries in Asia (See the name list of participants in the [Appendix 1](#)).

## 2.4 Data Collection

The methodology of data collection was an inclusive, participatory and rights-based approach. Special attention was paid in regard to the Protection Policy and Code of Conduct of LWD. The main approach for the data collection is participatory, and target groups of people for the project are actively encouraged to participate in the study. In this study only qualitative methods (semi-structured interviews) were utilized to collect comprehensive information. Mainly, the below four methods were used for data collection;

- **Desk review:** Existing relevant documents, reports, and studies about migration and human trafficking in Asia
- **Consultation with LWD staff members:** in designing questionnaires for in-depth interviews or other forms of data collection and to obtain overall views about the project's study.
- **In-depth interview/Key-informant interview (KII):** Key stakeholders, including government ministries and other institutions.
- **Email-Questionnaire:** some interviews with the study's targets in foreign countries were conducted in a written form, depending on the preference of the respondents

## 2.5 Data Analysis Approach and Process

The primary data was collected through field work, including direct interviews and meetings with all key stakeholders to the study, such as LWD staff members, local police, provincial and national level officials, who participated in raising their ideas and concerns in this process. Prior to primary data collection, secondary data collection will be done by inquiring with LWD staff members to share their reports, studies, and assessments.

After the primary data and secondary data have been collected by the consultant team, it will be cross-examined based on a triangulation of evidence from different data collection methods. Then, a first draft report will be made and submitted to the LWD for verification and validation as a form of internal meeting. In the meeting, comments and feedbacks will be provided by the participants and those will be incorporated into the final report.

Throughout the process, the consultant team, led by the international consultant, will closely work with the LWD management team by updating them on the progress and sharing any concerns that are identified in the process.

## 2.6 Ethical Consideration

Throughout the study process, the study team strictly follows and respects protection policy and code of conduct of LWD, which was carefully read and examined and signed by the research team members. In case any serious matters are identified in the field work, the consultant team will immediately report the matter to the LWD project staff so that they can take action. The consultant is required not to disclose any information from this study to the other parties to respect LWD stakeholder protection and media policies. Moreover, an oral consent and e-mail consent was taken to get the agreement of participants the study.

## 2.7 Study's Limitations

- Not all churches proposed to meet were met, and some declined due to their lack of engagement in and limited knowledge of the topic.
- Some policy documents of investigated countries were not accessible online.
- Church related information was rarely found online and analysis about churches/faith-based organizations greatly relied on information obtained by the participants to this study.

## 3 HISTORICAL DEVELOPMENT IN GLOBAL CONEXT

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### 3.1 Migration

A migrant is a person who is moving or has moved across international borders or within a country away from their original permanent residence. Migration can be either temporary or permanent and happens for a wide variety of reasons. To be a migrant, someone does not need to have obtained legal status in their new residence and does not necessarily need to have moved voluntarily. A person is a migrant no matter what the cause for movement is or what the length of stay in the new area is. Migration can occur due to economic or labor related opportunities, to join family in a new place, or to go to school. Other reasons can be political (such as to avoid a conflict, human rights violations or prosecution) or environmental (such as to avoid the effect of natural disasters or climate change). In 2017, there were approximately 258 million international migrants worldwide who did not live in their country of origin.<sup>2</sup> Within country migration is even more common, with approximately 740 million people migrating within their own country in 2009.<sup>3</sup>

There are many positive and negative aspects of migration. One positive aspect of migration is the remittances that people who migrate can send back to their country or place of origin. If people are migrating to seek better job opportunities, the income they make can be sent back to their family, which can help poorer families in both urban and rural areas. Additionally, migration can lead to more diversity in the country or place they are migrating to, leading to new perspectives and culture that may otherwise not have been introduced. Negative aspects of migration are the feminization of migration, which has happened because of: jobs becoming increasingly gender-selective, such as in the service, health, and entertainment sectors; the changing gender relations in the countries of origin; and the demand for women to migrate for domestic work.

Another negative part of migration is the spillover effects for children, either those who are left behind by their parents or those who are taken by their parents. Children who are left behind by their parents can benefit from the remittances sent home, but also can become vulnerable to emotional, psychological, or physical harm. Children taken by their parents can face marginalization or discrimination in their new communities. Children who migrate without proper documentation or without their parents are also at serious risk for child labor and exploitation. In fact, a large factor for all migrants influencing whether migration is positive or negative is whether migration has occurred through unsafe or undocumented practices.

### 3.2 Human Trafficking – Trafficking in Person (TIP)

Under the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000), trafficking in persons is defined as “the recruitment, transportation, transfer, harboring 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

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<sup>2</sup> United Nations, *Migration*, at: <https://www.un.org/en/sections/issues-depth/migration/index.html>

<sup>3</sup> IOM (2018) *World Migration Report 2018*, at:

[https://www.iom.int/sites/default/files/country/docs/china/r5\\_world\\_migration\\_report\\_2018\\_en.pdf](https://www.iom.int/sites/default/files/country/docs/china/r5_world_migration_report_2018_en.pdf)

person having control over another person, for the purpose of exploitation". There are different types of trafficking which occur for different purposes, including trafficking for forced labor, for forced criminal activities, for sexual exploitation (where women and children are particularly vulnerable), and for the removal of organs. According to a report by the United Nations Office on Drugs and Crime, the most common form of human trafficking is for sexual exploitation (79%), in which the victims are normally women and girls.<sup>4</sup> The second most common form is forced labor (18%).<sup>5</sup>

Victims of human trafficking are often the most vulnerable populations, people who are poor or lack access to jobs and opportunities in their place of origin. As well, people without proper documentation are often vulnerable to human trafficking. Children are particularly vulnerable to human trafficking as they can lure them with the promises of a better life, shelter, or food. Perpetrators of human trafficking are often organized criminals with a large criminal organization. There are many different steps of individuals, businesses, or organizational entities involved in human trafficking, including in the recruitment/abduction stage, the transportation stage, and the exploitation stage.

Causes of human trafficking range from political instability, poverty, marginalization of certain populations, gender inequality, addictions, and mental health issues, gang involvement, and online vulnerability. Globalization has also increased human trafficking as it makes it easier for users of human trafficking victims to gain access to their victims and transport them. Systematic discrimination of certain groups can also cause people to seek opportunities through vulnerable methods, such as through recruiters which are disguised human traffickers.

Being a victim of human trafficking can take a serious emotional, social, physical, and psychological toll. Recovery from human trafficking depends on the extent and type of damage victims have undergone, and different countries have different resources in place for human trafficking victims. As the emotional, social, and psychological toll can have long lasting effects, often extensive assistance is required by mental health professionals.

### **3.3 The Linkage between Migration and TIP**

Migrants are particularly vulnerable to human trafficking, especially when they are fleeing desperate situations and/or migrating unsafely. Unsafe migration can be caused through a lack of documentation or not accessing/using proper immigration channels. When people are migrating to escape conflicts and poverty, they are often pushed to migrate unsafely, which leads them to be socially vulnerable and more likely to be subjected to human trafficking. Additionally, when people migrate for jobs, they are often not protected under the new country's laws/regulations, and so become socially vulnerable in the country they migrate to, increasing the risk for human trafficking. Lastly, women are increasingly migrating for domestic work, which can lead them to be at risk of human trafficking due to the socially isolating situation and the lack of legal rights in the country they immigrate to.

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<sup>4</sup> UNODC, *Global Report on TIP*, available at: [https://www.unodc.org/documents/Global\\_Report\\_on\\_TIP.pdf](https://www.unodc.org/documents/Global_Report_on_TIP.pdf)

<sup>5</sup> Ibid.

### 3.4 International Legal Framework

There are multiple international legal frameworks for both migrants and trafficking in human persons. The United Nations Convention against Transnational Organized Crime (adopted in 2000 by the UN General Assembly and entry into force in 2003), is the main international instrument in the fight against transnational organized crime.<sup>6</sup> States that ratify this international convention commit to taking serious measures against transnational organized crime, including: the creation of criminal offences, the adoption of new frameworks and laws, and the promotion of increased capacity.

The Convention also has two Protocols which specifically targets trafficking in persons and migrants: The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (adopted in 2000 and entry into force in 2003), and the Protocol against the Smuggling of Migrants by Land, Sea and Air (adopted in 2000 and entry into force in 2004). The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2003) was the first global legally binding instrument which had an agreed upon definition for trafficking in persons, and aims to facilitate the development of national instruments targeting the investigation and prosecution of trafficking in persons cases. It also aims to assist and protect victims of trafficking in persons. The Protocol against the Smuggling of Migrants by Land, Sea and Air (2004) was the first global international instrument which defined what smuggled migrants were. It aims to prevent and combat the smuggling of migrants, as well as to protect their rights.

The New York Declaration for Refugees and Migrants (2016) was adopted by UN General Assembly at its seventieth session on 19 September 2016. The Declaration aimed to address the question of large movements of refugees and migrants.<sup>7</sup> Following the Annex II of the New York Declaration, a process began of intergovernmental consultations and negotiations towards the development of a Global Compact for Safe, Orderly and Regular Migration, a Global Compact for Migration adopted by the majority of UN Member States on 10 December 2018, and formal endorsement on 19 December by the UN General Assembly.<sup>8</sup> The Global Compact is the first inter-governmentally negotiated agreement covering all dimensions of international migration in a holistic and comprehensive manner which aims to support international cooperation on the governance of international migration; provide a comprehensive menu of options for States from which they can select policy options to address some of the most pressing issues around international migration; and give states the space and flexibility to pursue implementation based on their own migration realities and capacities.<sup>9</sup>

Additional international laws which aim to tackle trafficking in persons and migrant workers are: the Universal Declaration of Human Rights (1948), the United Nations Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (was approved by the General Assembly in 1949 and entry into force in 1951), the International Covenants on Civil and Political Rights (adopted by UN General Assembly in 1966, and entry

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<sup>6</sup> UNODC. 2003. "United Nations Convention Against Transnational Organized Crime."

<https://www.unodc.org/unodc/en/organized-crime/intro/UNTOC.html>

<sup>7</sup> UN General Assembly, *New York Declaration for Refugees and Migrants: A/71/150.*, Available at: [https://www.iom.int/sites/default/files/our\\_work/ODG/GCM/NY\\_Declaration.pdf](https://www.iom.int/sites/default/files/our_work/ODG/GCM/NY_Declaration.pdf)

<sup>8</sup> IOM, *Global Compact for Migration*, at: <https://www.iom.int/global-compact-migration>

<sup>9</sup> IOM, *Global Compact for Migration*, at: <https://www.iom.int/global-compact-migration>

into force in 1976), the Convention on the Elimination of all Forms of Discrimination Against Women (adopted by General Assembly in 1979, and entry into force in 1981), the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (adopted by General Assembly in 1990 and entered into force in 2003), and the Convention on the Rights of the Child (adopted by General Assembly in 1989 and entry into force in 1990) and its Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.

### 3.5 International Response Mechanism

There are multiple international organizations which aim to combat human trafficking and help victims recover and get back to their families. Some of these include the International Organization for Migration, the United Nations Office on Drugs and Crime, the United Nations Entity for Gender Equality and the Empowerment of Women, The International Criminal Police Organization, and the United Nations. Each organization has a specific function that aims to increase international and regional response to human trafficking and migration issues. Each organization, their aim, and their main function relating to human trafficking/migration is summarized in the table below.

**Table 1:** The International Institutions on Counter Trafficking

<b>Name of the Institutions</b>	<b>Aim of the Institution</b>	<b>Main function related to human trafficking/migration</b>
<i>International Organization for Migration (IOM)</i>	Promote social and economic development through migration, uphold the human dignity and well-being of migrants, and assist in meeting the growing operational challenges of migration management	-All functions relate to migration, but specifically their strategic focuses within cost and legal aid of migrants, as well as helping States and humanitarian organizations to more effectively deal with migrants.
<i>The United Nations Office on Drugs and Crime (UNODC)</i>	To assist Member States in struggle against illicit drugs, crime, and terrorism, as well as to increase efforts to fight transnational crime.	-Created and upholds the UN Convention on Transnational Organized Crime, as well as it's Protocols on trafficking in persons and migrant smuggling. - Launched initiative "Global Action to Prevent and Address Trafficking in Persons and the Smuggling of Migrants". - "The Human Trafficking Knowledge Portal" and the "The Smuggling of Migrants Knowledge Portal" is an initiative run by UNODC to disseminate information on UN Convention on Transnational Organized Crime.

		<ul style="list-style-type: none"> <li>- “Voluntary Trust Fund for Victims of Human Trafficking” provides humanitarian, financial, and legal support to victims of TIP.</li> <li>- “Toolkit to Combat Smuggling of Migrants” was created to assist countries in implementing Smuggling of Migrants Protocol</li> </ul>
<i>The United Nations Entity for Gender Equality and the Empowerment of Women (UNWOMEN)</i>	UN entity which is dedicated to gender equality and the empowerment of women.	<ul style="list-style-type: none"> <li>- Works at the grassroots level to raise awareness, promote sustainable economic alternatives to human trafficking and provides justice for women who have suffered from TIP.</li> <li>-increases the capacity of UNWOMEN officials to support the needs of women victims of TIP.</li> <li>- Supports the creation of gender-responsive migration laws</li> </ul>
<i>The International Criminal Police Organization (INTERPOL)</i>	Inter-governmental organization which aims to help police in member countries by enabling them to share and access data on crimes and criminals.	<ul style="list-style-type: none"> <li>-Supports police to respond to human trafficking by providing support in training, capabilities, global operations, partnerships, events and conferences, specialists groups, and resources.</li> <li>- “Smuggling Training Operation Program” which helps enhance the capabilities of frontline officers in member countries.</li> </ul>
<i>The office of the United Nations High Commissioner for Refugees (UNCHR)</i>	To assist and help refugees worldwide	<ul style="list-style-type: none"> <li>- A global organization dedicated to saving lives, protecting rights and building a better future for refugees.</li> <li>- Prevent asylum-seekers, refugees, other persons in need of international protection, internally displaced and stateless people from becoming victims of trafficking, and addressing the protection and assistance needs of those who do</li> </ul>

## 4 MIGRATION AND HUMAN TRAFFICKING IN ASIA

### 4.1 General Situation

Asia has seen some particularly alarming trends with regards to human trafficking in recent years. According to the Global Report on Trafficking in Persons 2016 (UNODC) report, more than 85 % of human trafficking victims from East Asia and the Pacific region are trafficked

from within the region. More than half the victims in East Asia are trafficked a short distance. Wealthier countries such as Australia and Japan are often the destinations of victims. However, China, Malaysia and Thailand are also often destinations. Within the region of Southeast Asia, Thailand is the leading destination from countries from Cambodia, Laos, and Myanmar according to the report Global Slavery Index 2016 (Walk Free Foundation). Malaysia is the destination for victims from Indonesia, the Philippines and Vietnam. Despite people within the region being trafficking short distances generally, victims from Asia have been trafficked from no main country of origin or repatriated from no main country of destination – people are being trafficking and repatriated from all over the region and world.

Worldwide, Asia and the Pacific make up about 63% of the total victims of human trafficking.<sup>10</sup> In 2016, it was estimated that there were approximately 24.9 million people living in modern slavery in Asia and the Pacific every day.<sup>11</sup> Asia and the Pacific has the highest levels of forced labor, with 4 per 1,000 people in forced labor.<sup>12</sup> In East Asia, 51 % of victims were women and approximately a third were children.<sup>13</sup> Human trafficking for sexual exploitation is particularly bad in the Asia and Pacific region, with the region accounting for 73% of victims.<sup>14</sup> In East Asia, for example, forced marriage for women makes up a significant portion of those trafficked (UNODC, 2016). Human trafficking for the purposes of forced marriage of women and children are very prominent in the Mekong region of Cambodia, China, Myanmar, and Vietnam.<sup>15</sup>

Asia is also one of the world's largest sources for international migrants. In fact, one in three migrants came from Asia.<sup>16</sup> The Asian Economic Integration Report (Asian Development Bank, 2018) indicates that approximately 85 million migrants are from Asia, with the majority being from China (5.2 million), Russia (3.8 million), and Bangladesh (3.7 million). Reasons for a particularly large number of migrants from Asia include conflict, poverty, climate change and a lack of both economic and educational opportunities.

The ethnic Rohingya in Myanmar have long faced discrimination and hardship and many have been displaced to refugee camps within Myanmar. The worsening security situation has compelled a large number to seek asylum in neighboring countries such as Malaysia and Indonesia. On this often-perilous journey, men, women and children are extremely vulnerable to being trafficking. Former trafficking camps have been uncovered along the Thai-Malaysian border, inciting a crackdown on human trafficking in Thailand. Rescued victims reported that camp conditions were dire- torture, sexual assaulted and death were routine. Asylum seekers were deceived by smugglers and held at these trafficking camps while their captors extorted

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<sup>10</sup> Global Slavery Index. 2018. "Asia and the Pacific" <https://www.globalslaveryindex.org/2018/findings/regional-analysis/asia-and-the-pacific/>

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

<sup>13</sup> Mely Caballero-Anthony. (2018), *A Hidden Scourge: Southeast Asia's refugees and displaced people are victimized by human traffickers, but the crime usually goes unreported*. At:

<https://www.imf.org/external/pubs/ft/fandd/2018/09/pdf/human-trafficking-in-southeast-asia-caballero.pdf>

<sup>14</sup> Global Slavery Index. 2018. "Asia and the Pacific" <https://www.globalslaveryindex.org/2018/findings/regional-analysis/asia-and-the-pacific/>

<sup>15</sup> Mely Caballero-Anthony. 2018. "A Hidden Scourge: Southeast Asia's refugees and displaced people are victimized by human traffickers, but the crime usually goes unreported."

<https://www.imf.org/external/pubs/ft/fandd/2018/09/human-trafficking-in-southeast-asia-caballero.htm>

<sup>16</sup> Bart Edes. 2019. "Migration in Asia: Where is Everybody Going?" (

<https://www.weforum.org/agenda/2019/02/migration-in-asia-where-is-everybody-going>

their families. If their families cannot pay, they were sold directly into forced labor- primarily on Thai fishing vessels. There were also reports of Rohingya women who were forced to marry to secure their released from those camps, as their families could not afford the exorbitant fees imposed by the traffickers. It is estimated that hundreds of women and girls have been married off in this way to Rohingya men already settled in Malaysia. The extent to which they have consented to these marriages is blurred by their fears of sexual violence and threats of being sold off for sex work from their captors.<sup>17</sup>

## 4.2 Regional Legal and Policy Framework

There are multiple regional legal and policy frameworks, particularly under the Association of Southeast Asian Nations (ASEAN), the ASEAN Commission on the Promotion and the Protection of the Rights of Women and Children (ACWC), and the Coordinated Mekong Ministerial Initiative Against Trafficking (COMMIT). There are 6 ASEAN frameworks, 2 ACWC frameworks, and 1 COMMIT framework, as outlined below.

The ASEAN Declaration Against Trafficking in Persons Particularly Women and Children (2004) was introduced in 2004 by ASEAN in order to implement efforts to reduce trafficking in persons, particularly in women and children. Its goal was to produce a regional network to prevent and combat trafficking in persons and to create collaboration between members of ASEAN on this issue. This Declaration reaffirmed the Ha Noi Declaration of 1998 and the Ha Noi Plan of Action which aimed to combat transnational crimes, including trafficking in persons. Additionally, it reaffirmed ASEAN member states commitment to the United Nations Convention against Transnational Organized Crime.

The ASEAN Declaration on the Protection and Promotion of the Right of Migrant Workers (2007) was introduced in 2007 by ASEAN. It aims to recognize the value of migrant workers to the ASEAN economies and promote the rights of migrant works. The commitments of ASEAN countries enshrined in the Declaration is to promote the rights of migrant workers, increase their access to rights, and collaborate by sharing information and practices to obtain those goals. Similarly, the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers (2018) is a reaffirmation of the Declaration, outlining fundamental rights of migrant workers and their families and the actions to be taken by states in order to ensure those rights are achieved. Both the Declaration and Consensus were born out of a reaffirmation of ASEAN member states to the UN Declaration of Human Rights, the ASEAN Charter, and CEDAW.

The ASEAN Convention Against Trafficking in Persons Especially Women and Children (2015), introduced in 2015, recognizes that trafficking in persons violates human rights and aims to prevent trafficking in persons, protect victims of human trafficking, and increase collaboration between ASEAN members to achieve these goals. It requires ASEAN members to adopt legislation or other measures to establish human trafficking as a criminal offense, as well as measures to address organized criminal groups. The ASEAN Plan of Action Against Trafficking in Persons, Especially Women and Children outlines a plan of action, outlining concrete steps which member states can take to implement the Convention. These include strengthening the rule of law and border control, increasing efforts to prosecute trafficking

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<sup>17</sup> Asia-Europe Foundation (ASEF), *Human Rights and Trafficking in Person* ,15th informal ASEAN seminar on human rights, 24-25 November 2015, Switzerland

cases, and increasing cooperation among member states. More detailed actions in the areas of prevention of human trafficking, protection of victims, law enforcement and prosecution of crimes of trafficking in persons, regional and international cooperation and coordination, and implementation mechanism are included.

The ASEAN Practitioner Guidelines on an Effective Criminal Justice Response to Trafficking in Person (2007) is a document produced by the ASEAN Ad-Hoc Working Group on Trafficking in Persons in 2007 with the objective to assist criminal justice agencies of ASEAN Member Countries in their goal of assisting victims in accessing justice and in ending human trafficking.

The ACWC also has two guidelines which were produced to tackle human trafficking: Gender Sensitive Guideline for Handling of Women Victims of Trafficking in Persons (2016) and Regional Guidelines and Procedures to Address the Needs of Victims of Trafficking Persons (ongoing). Both provide support for ASEAN countries in implementing the Convention Against Trafficking in Persons, Especially Women and Children, and reaffirm ASEANs commitment to preventing human trafficking, prosecuting human traffickers, and protecting victims of human trafficking.

In South Asia, there is a convection called South Asian Association for Regional Cooperation, Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, in short SAARC Convention (2000). The main purpose of this Convention is to promote cooperation amongst Member States so that they may effectively deal with the various aspects of trafficking in women and children, i.e. the prevention of the use of women and children in international prostitution networks, particularly where the countries of the SAARC region are the countries of origin, transit and destination, and the repatriation and rehabilitation of victims of trafficking.

Lastly, the Memorandum of Understanding (MOU) on Cooperation Against Trafficking in Person in the Greater Mekong Sub- region (2004) is a commitment by members of COMMIT, which includes Cambodia, China, Lao, Myanmar, Thailand, and Vietnam, to tackle human trafficking in persons by: developing and implementing new policy and cooperation efforts; increasing legal frameworks, law enforcement efforts, and justice systems; increasing protection, recovery and reintegration measure; increasing preventative measures; and developing a plan of action to implement, monitor, and evaluation the Memorandum of Understanding. It was born out a desire to reaffirm the importance of the United Nations Recommended Principles and Guidelines on Human Rights and Human Trafficking (UNHCHR, 2002), and to increase the efforts of COMMIT member states to tackle human trafficking.

### **4.3 Regional Response Mechanism**

ASEAN has a few regional response mechanisms to combat human trafficking and for migration. The ASEAN Intergovernmental Commission on Human Rights (AICHR) is a commission which aims to promote and protect human rights and fundamental freedoms. In their work to fight human trafficking, the AICHR has held workshops, including the “Regional Workshop on Prevention and Strategies to combat Trafficking in Persons (TIP), Especially Women and Children” in 2018. This workshop was part of AICHR’s continued effort to promote a regional approach to tackling trafficking in persons and particularly focused on prevention strategies.

The ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) (2010) aims to increase women's and children's rights. In 2019, ACWC is partnering with the U.S. Government to draft the ACWC Regional Guidelines and Procedures to Address the Needs of Victims in Trafficking in Persons, Especially Women and Children. They are being developed to support the practical implementation of the ACTIP and include regional multi-sectoral guidelines and procedures that reflect national, regional, and international commitments.

ASEANAPOL, the ASEAN Police, aims to enhance police professionalism and increase regional cooperation and collaboration in policing. They support the efforts to prevent trafficking in persons and the smuggling of migrants through them on the ground efforts and through increasing capacity in countries within the region to tackle trafficking in persons.

Lastly, the Coordinated Mekong Ministerial Initiative Against Trafficking (COMMIT) is a policy dialogue within the Great-Mekong Sub-region which aims to tackle and prevent human trafficking. It creates discussion between countries within the region on how to best address the problem. The principles and guidelines of COMMIT contribute to strengthening national frameworks to combat trafficking in persons and the support of migrant workers.

## 5 CHURCHES AND FAITH-BASED ORGANIZATIONS ON COUNTERING TRAFFICKING

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Churches and Faith-based organizations all around the world have taken actions to fight human trafficking and unsafe migration. Different actors play different roles in this area, with differing views on the causes of human trafficking and how to best help its victims. Different programs that churches and/or faith-based organizations have done are: "promoting individual-level changes and traditional development initiatives; awareness-raising aimed at changing structural beliefs, attitudes, and behaviors; raids and rescues; aftercare, reintegration, and vocational training; and faith-inspired businesses".<sup>18</sup> In order to do these activities to address human trafficking, churches and faith-based organizations sometimes work closely with government entities, private organizations, and individuals.

### 5.1 Evangelical Lutheran Church in America (ELCA)

A notable example of a faith-based actor is the Evangelical Lutheran Church in America (ELCA).<sup>19</sup> ELCA has done work on human trafficking and unsafe migration. They have several resources which outline the Church's position on the issues, as well as information on how to take action.<sup>20</sup> ELCA's "Social Message on Commercial Sexual Exploitation" (2001) was adopted in 2001 and seeks to increase awareness of the human trafficking industry, specifically on sexual exploitation, as well as provide guidelines on how to take action. They

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<sup>18</sup> World Faiths Development Dialogue. 2012. "Faiths Roles in Cambodia's Effort to Counter Trafficking in Persons." 5. <http://gmmiles.co.uk/wp-content/uploads/2013/05/121015WFDDFaithRolesCambodiasEffortsCounterTraffickingPersons.pdf>.

<sup>19</sup> Evangelical Lutheran Church in America (ELCA), at: <https://www.elca.org>

<sup>20</sup> This information is available on their website: <https://www.elca.org/Our-Work/Publicly-Engaged-Church/Justice-for-Women/Social-Issues/Human-Trafficking>.

have also published 6 sessions on human trafficking, “Human Trafficking Learning Series”, which is a tool to raise awareness of trafficking and gives resources to combat trafficking.

## **5.2 The Roman Catholic Church**

The Vatican’s The Migrants and Refugees Section is an action-oriented office which aims to support migrants and victims of human trafficking. It is led by Pope Francis. Recently, The Migrants and Refugees Section of the Dicastery for Promoting Integral Human Development released “Pastoral Orientations on Human Trafficking” (2019) which is a set of guidelines which aims to inspire and improve the church’s work on fighting human trafficking and assisting its victims. A separate publication was released by The Migrants and Refugees Section, “Lights on the Ways of Hope”, which outlines the Pope’s teachings on migrants, refugees, and human trafficking.

## **5.3 World Council of Churches (WCC)**

Another notable example is the World Council of Churches (WCC), which is a worldwide fellowship of 349 global, regional, sub-regional, national, and local churches seeking unity, a common witness, and Christian service. Within this, the WCC supports member churches in promoting justice and peace. The WCC aims to support migrants (including human trafficking victims) by raising awareness among churches party to WCC, as well as by engaging and challenging the churches in their work with migrants.<sup>21</sup>

## **5.4 Lutheran World Federation (LWF)**

The Lutheran World Federation (LWF) is a global communion of 148 churches in the Lutheran tradition, representing over 75.5 million Christians in 99 countries, including Asia.<sup>22</sup> Beyond the communion, the LWF Churches and Network also has program to counter Human Trafficking. Recently, a nation interfaith network was inaugurated in Nigeria by The Lutheran Church of Christ in Nigeria to help different stakeholders mitigate the impact of irregular migration and to counter Trafficking in Persons.<sup>23</sup>

## **5.5 Churches’ Commission for Migrants in Europe (CCME)**

The Churches’ Commission for Migrants in Europe (CCME) is an organization specifically focused on serving churches in their commitment to promoting an inclusive community by advocating for just policy for migrants.<sup>24</sup>

## **5.6 ACT Alliance**

ACT Alliance is the largest coalition of Protestant and Orthodox churches and church-related organizations engaged in humanitarian, development and advocacy work in the world, consisting of 155 members working together in over 140 countries to create positive and

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<sup>21</sup> World Council of Churches (WCC), at: <https://www.oikoumene.org>

<sup>22</sup> Lutheran World Federation (LWF), at: <https://www.lutheranworld.org>

<sup>23</sup> Lutheran World Federation (LWF), *Interfaith network to counter human trafficking launched in Nigeria*, at: <https://www.lutheranworld.org/news/interfaith-network-counter-human-trafficking-launched-nigeria>

<sup>24</sup> Churches’ Commission for Migrants in Europe (CCME), at: <https://ccme.eu>

sustainable change in the lives of poor and marginalized people including those who are vulnerable of migration and human trafficking.<sup>25</sup>

## 5.7 Christian Conference of Asia (CCA)

The Christian Conference of Asia (CCA) an organization and fellowship of churches ecumenical councils in Asia for initiating and facilitating dynamic Christian witness and action. The CCA strives for the unity of the church in Asia, joint action in mission, Asian contribution to Christian thought and worship, sharing and fellowship among the churches in Asia and beyond, effective Christian response to the challenges of changing societies of Asia, relationships with people of other faiths in Asia, human dignity, and care for the creation.

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## 6 MIGRATION AND TIP IN COUNTRIES FOCUSED

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The section above highlighted only the satiation of migration and human trafficking, the key legal framework which were developed in the selected countries in Asia, key response mechanisms which were established to implement and work on counter trafficking. In addition, for faith-based and church engagement, countries that have faith-based organizations and churches which participated in the study were mentioned; however, some countries were done by online research and desk reviews.

### 6.1 Kingdom of Cambodia

#### 6.1.1 Situation

According to the provisional population census, Cambodia's population reached at 15,288,489 people (7,869,912 women and 7,418,577 men) as of March 3, 2019, with a 14.1% increase from the previous census (2018).<sup>27</sup> Cambodian labor migrants in search for work both domestically and internationally (especially to Thailand, South Korea and Malaysia) have been increasing over the past 10 years.<sup>28</sup> According to the Cambodia Inter-Census Population Survey (ICPS) 2013, Cambodia has an estimated 4.2 million migrants, both internal and cross-border (19% increased from 2008), and approximately 8.3% of migrants are aged between 10-19 years old.<sup>29</sup>

- Official Name: *Kingdom of Cambodia*
- Population: *16.2 million (WB, 2018)*
- Government System: *Parliamentary Constitutional Monarchy*
- Main Ethnicities: *Khmer*
- National/Main Religion: *Buddhist, Christian (1%)*
- GDP Per Capita: *1,380 USD (WB, 2018)*
- U.S Trafficking Ranking (2019): *Tier 2 Watch List*

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<sup>25</sup> Act Alliance, at: <https://actalliance.org>

<sup>26</sup> Cristian Conference of Asia, at <http://www.cca.org.hk>

<sup>27</sup> Long Kimmarita. (8 Aug 2019). *Kingdom's numbers rise as census puts population at over 15 million*. Retrieved 9 Aug 2019, from Phnom Penh Post at: <https://www.phnompenhpost.com/national/kingdoms-numbers-rise-census-puts-population-over-15-million>. (At the time of reporting period, the data of ministry is not yet published,

<sup>28</sup> Bandeth, R. Sothorn, K. (2017), *Migration, human trafficking prevention and sexual exploitation*, Parliamentary Institute of Cambodia., p. 1.

<sup>29</sup> National Institute of Statistic, MOP (2013), *Cambodia Inter-Census Population Survey of 2013*, p. 85.

Trafficking in Person (TIP) is an ongoing issue as Cambodia experiences significant internal and cross-border trafficking and Cambodia remains a source, transit, and destination country for TIP.<sup>30</sup> According to H.E. Chou Bun Eng, Secretary of State (MOI) and Permanent Deputy Chair of NCCT, there is a new trend that many migrants move to Hong Kong, but Thailand and Malaysia remain the main destination countries and many keep practicing irregular migration through the middle persons or porkers. H.E. said: “*There are some citizens have migrated illegal via brokers, themselves to find jobs, so normally they face many issues: labor forces exploitation, getting less salary, detained by authority, less work benefits and so on. Most migrants have migrated the whole family (fresh marriages or small family) to Thailand, Malaysia, and Hong Kong. Migrants are 40% female and 60% male.*”<sup>31</sup> According to a report by U.S Department of State, Cambodia was ranked as “*Tier 2 Watch List*” as of June 2019.<sup>32</sup> Men, women, and children are subjected to forced labor and sex trafficking both domestically and abroad, significantly in Asian and recently even to the Middle East.<sup>33</sup> The gender dimension of human trafficking has been evident and migrants/trafficking victims are often women and girls in rural areas without decent employment opportunities. It was reported that women and young girls are migrating for work in urban areas, tourist destination cities or foreign countries, and in many cases, traffickers seek vulnerabilities of them and exploit them in sex trafficking, including in massage parlors, karaoke bars, and beer gardens.<sup>34</sup>

### **6.1.2 Prevention: Legal and Policy Framework**

Any form of TIP was prohibited by the Cambodian national laws. The Royal Government of Cambodia (RGC) has made significant efforts in combating TIP as highlighted below in its strong legal and policy framework. Regarding the international human trafficking issue, the RGC has signed and ratified a number of sub-regional, regional, and international conventions and agreements.

#### ***Key National Law***

- Cambodian Constitution (1993)
- Law on Suppression of Human Trafficking and Sex Exploitation (2008)
- Criminal Law (2009)
- Labor Law (1997)

#### ***Key International Instruments***

- The UN Convention against Transnational Organized Crime (2000), ratified in 2005
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Palermo Protocol), supplementing the UN Convention against Transnational Organized Crime, ratified in 2007
- Convention on Protection of the Rights of Migrant Workers and Members of their Families (1990) (signed in September 27, 2004)

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<sup>30</sup> NCCT (2017), *Mid-Term Review Report: National Action Plan 2014-2018*, p.10. See also UN-ACT, *Cambodia*, retrieved from: <http://un-act.org/cambodia/>

<sup>31</sup> Interviewed on 15 July 2019

<sup>32</sup> U.S Department of State (2019), *2019 Trafficking in Persons Report: Cambodia*. Retrieved from: <https://www.state.gov/reports/2019-trafficking-in-persons-report-2/cambodia/>. Accessed August 1, 2019.

<sup>33</sup> UN-ACT, *Cambodia*, retrieved from: <http://un-act.org/cambodia/>.

<sup>34</sup> U.S Department of State (2019), *Trafficking in Person Report June 2019*, p. 3., Available at: <https://www.state.gov/wp-content/uploads/2019/06/2019-Trafficking-in-Persons-Report.pdf>

- Convention on Elimination of Forms of Discrimination Against Women (1979), ratified in 1992
- Convention on the Rights of the Child (1989), ratified in 1992
- Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography, ratified in 2002

#### ***Key Regional Instruments***

- ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers (signed in November 14, 2017)
- The Treaty on Mutual Legal Assistance in Criminal Matters among ASEAN Countries

#### ***Multilateral and Bilateral Instruments***

- Memorandum of Understanding (MOU) on Cooperation Against Trafficking in Persons in the Greater Mekong Sub-region (2004) by Coordinated Mekong Ministerial Initiative Against Trafficking (COMMIT)
- MOU between the RGC and Royal Government of Thailand on Bilateral Cooperation in Elimination of Children and Women Trafficking and Helping the Victims of Trafficking (signed on May 31, 2003, and amended and re-signed in 2014 by the Ministry of Vocational Training and the Ministry of Social Development and Human Security, Thailand)
- MOU between Cambodia and Thailand on Cooperation in the Employment of Workers (2003)
- MOU on the Field of Exchange of Manpower between the Royal Government of Cambodia and the Government of the State of Kuwait (2009)
- MOU between the Ministry of labor and Vocational Training of the Kingdom of Cambodia and the Ministry of Labor of the Republic of Korea on the Sending of Workers to the Republic of Korea under the Employment Permit System
- Agreement between the RGC and the Socialist Republic of Vietnam on Bilateral Cooperation for Eliminating Trafficking in Women and Children and Assisting Victims of Trafficking (2005)
- The agreement between the RGC and the Government of Socialist Republic of Vietnam on Bilateral Cooperation in Elimination of Children and Women Trafficking and Protection of Victims of Trafficking (2012)
- The Agreement Principles on the Cooperation in Prevention and Suppression of Crime of Human Trafficking, especially Women and Children, crossing Cambodia-Vietnam border (2007)
- The Agreement on Cooperation between the RGC and the Government of Socialist Republic of Vietnam, on Standard Operational Procedures for Identification and Repatriation of Victims of the Trafficking (2009)
- Bilateral agreement on strengthening of cooperation in countering trafficking in person between the RGC and the Government of People's Republic of China (2016)
- Agreement between Cambodian and Vietnamese Police (2008)
- Guidelines on Repatriation of Trafficking Victims for Cambodia and Thailand (2005)

#### ***Other Regulation and Policies***

- National Plan of Action on Combating Trafficking in Person 2014-2018
- Policy on Labor Migration for Cambodia (2014)

- National Policy on the Protection of the Rights of Victims of Human Trafficking (2009)
- Prakas on Minimum Standards for Protection of the Rights of Victims of Human Trafficking (2009)
- Prakas on Policy on Protection of the Rights of Victims of Human trafficking (2009)
- Agreement on Guidelines for Practices and Cooperation between the Relevant Government Institutions and Victim Support Agencies in Cases of Human Trafficking (2007)
- The Guidelines on Forms and Procedures for Preliminary Identification of Victims of Human Trafficking for appropriate service provision (NCCT, 2015)

### 6.1.3 Protection: Key Responses Mechanism

The RGC has taken proactive measures to combat any forms of TIP and protect all migrants. A key national mechanism, called National Committee for Counter Trafficking (NCCT) was established (NS/RKT/ 0614/808, 25 June 2014)<sup>35</sup> and it is chaired by the Minister of Interior (MOI), along with the Sub-National Level Committee for Counter Trafficking in Persons. NCCT plays a crucial role in coordinating, gathering and providing information about the efforts of ministries, institutions, national and international civil society organizations/NGOs, development partners, private sector, and other stakeholders to suppress TIP.<sup>36</sup> NCCT comprised of 21 ministries and 6 Inter-ministerial Thematic Working Group (TWG) – Prevention Chaired by Ministry of Education, Youth, and Sport (MoEYS), Victim Protection Chaired by Ministry of Social Affairs, Veteran and Youth Rehabilitation (MoSVY), Law Enforcement Chaired by Cambodia National Police, Justice Affairs Chaired by Ministry of Justice (MoJ), Migration Affairs Chaired by Ministry of Labor and Vocational Training (MoLVT), and International Cooperation Chaired by Ministry of Women Affairs (MoWA).<sup>37</sup>

*“The RCG/NCCT further continues to overcome obstacles and hardship of all kind, and to combat all forms of human trafficking for Cambodians and mankind to enjoy their human rights, dignity, legitimate interests and harmony. The RGC is committed to working with relevant stakeholders, and demanding more assured cooperation from concerned countries in the regions and across the world in order to jointly combat all forms of human trafficking and to sternly punish offenders with the aim to reduce and eradicate the effect of the crime.”*

**H.E. Chou Bun Eng, Secretary of State of the MOI and Permanent Deputy Chair of NCCT**

### 6.1.4 Partnership: Faith-Based/NGO Response

The NCCT has been in partnership with both national and international institutions, including Faith-Based organizations and UN agencies. Partners of NCCT include Winrock International, Khmer Youth Association, Friends International, Cambodia Women’s Crisis Center, Legal Support for Women and Children, Terre Des Hommes, Freedom Stones, Ratanak

<sup>35</sup> NCCT was evolved from the National Committee to Lead the Suppression of Human Trafficking, Smuggling, Labor and Sexual Exploitation in Cambodia (NC-S.T.S.L. S), 2009

<sup>36</sup> NCCT, *About NCCT*, retrieved from: <http://www.ncct.gov.kh>

<sup>37</sup> NCCT at: <http://www.ncct.gov.kh/pages/7/40>, and NCCT (2017), *Mid-Term Review Report: National Action Plan 2014-2018*, p.27.

International, World Vision, CARAM, International Justice Mission, Cambodia Center for the Protection of Children’s Rights (CCPCR), Chab Dai, ChildFund, Open Institute, ADHOC, LICHADO, Hagar, Cambodia Legal Education Center, Samaritan’s Purse, Caritas, The Asia Foundation, International Office of Migration, International Labor Organization – Triangle Project, and Australia-Asia Program to Combat Trafficking in Persons (AAPTIP).<sup>38</sup>

One of the well-known faith-based organizations, which also participated in the study, is called Chab Dai Coalition in short ‘Chab Dai’, which is a coalition of Christian NGOs (and a member of NCCT). Chab Dai is working on partnerships to combat sexual abuse, the migration issue, and cross-border TIP. Chab Dai has both prevention and victim protection programs to abolish all form of abuse, exploitation, and TIP.<sup>39</sup> The main projects, highlighted by Cambodia’s Country Director of Chab Dai, Mr. Rous Yeng,<sup>40</sup> are advocacy, Justice and

*“We provide the training to police officer and local authority at community level about what human trafficking and safe migration, and consequences, and how to respond appropriately to human trafficking case and protect the whole community members. For, Justice and client care project, we provide repatriation and legal (including lawyers) service.”*

**Mr. Rous Yeng, Chab Dai’s Country Director, Cambodia**

client care, and Safe Community. At the local level, Chab Dai provides training, education and empowers the community people about unsafe migration and the risk of TIP. At a national level, Chab Dai provides feedback and policy recommendations to strengthen memorandums of understanding (MoUs) between the RGC and foreign governments to better assist Cambodian migrants who have been trafficked across borders.<sup>41</sup>

*“Mission Alliance has a good cooperation with Chab Dai to share and spread human trafficking’s information, provide vocation training, and exchange experiences. Mission Alliance has engaged with local community to utilize save-groups (save money as team), in which offers them more benefits to push up their living and pay any debt. This means the part of main source to reduce their migration work.”*

**Mr. Sim Sambath, Program Manager, Mission Alliance**

Another Faith-based organization, called Mission Alliance,<sup>42</sup> also participated in the research study. According to Mr. Sim Sambath, Program Manager, Mission Alliance works in cooperate and partnership on prevention and promotion, in which provide training on how to educate about child rights, safe migration and human trafficking. Mission Alliance also provides vocation training focuses on victimized and marginalized people on

running small business. Mission Alliance has no services and safe center for victim, but they urge migration workers to participate in Help-self group and chicken farming program.<sup>43</sup>

One NGO which also participated in the study is Winrock International. Winrock International has cooperated with various stakeholder, including governmental ministries, NGOs and INGO, on policy partnerships, prevention, promotion, protection, and prosecution.

<sup>38</sup> NCCT (2017), Mid-Term Review Report: National Action Plan 2014-2018, p.19

<sup>39</sup> More detail please see at: <https://chabdai.org>

<sup>40</sup> Interviewed on 11 June 2019.

<sup>41</sup> Chab Dai, *Advocacy*, Retrieved from Chab Dai’s Website at: <https://chabdai.org/advocacy>

<sup>42</sup> Mission Alliance, at: <https://www.misjonsalliansen.no/>

<sup>43</sup> Interviewed on 17 June 2019

Chhum Phally, Advocacy and Policy Advisor of Winrock International said: *“Winrock International have partnerships with Ministry and NGO to adopt policy and invention to combat human trafficking and migration issues. For prevention, we work to share and spread information on social media, TV, radio, news, and other networks. For promotion, we have jobs platform (in Bong Pheak website), and cooperate with MOLVT on specific skill in business. For protection, we work on safe migration and repatriation service. And for prosecution, we provide legal support such as lawyers; negotiate on compensation and law enforcement on broker or middlemen.”*<sup>44</sup>

### **6.1.5 Engagement from the Church**

Religious institutions, especially churches, are identified as important agents to counter TIP, and heal the wounds of those who have been trafficked, and raise awareness of TIP.<sup>45</sup> A church in Cambodia, named Lutheran Church in Cambodia (LCC), reported in the study that LCC has engaged through various programs and activities in combatting human trafficking and migration issues both directly and indirectly. LCC has highlighted their project as below:<sup>46</sup>

- *Livelihood through engaging basic learning and practices on agriculture and vocational projects (chickens, goats, vegetable plantation, sewing machines)*
- *Informal education: through basic computer & English training to older children from high schools; nursery/enrichment classes for young children.*
- *Basic Healthcare: Provide mobile primary healthcare consultations, eye, and dental health care, a few times a year in different communities in 3-4 provinces.*
- *Food Security: Relief and livelihood support thru one-meal-a-day plus livelihood training and implementation to the vulnerable families to be healthier families to bless back the community.*
- *Provide scholarship opportunities of tertiary education and safer shelter for young people for future good quality of leaders for the society and Church. Family Ministry by networking with other NGOs and Churches, in more than 10 provinces, to promote social awareness (particularly migration and human rights); platform for Family Ministry issue learning-focusing on how to raise children and be healthier marriage.*

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<sup>44</sup> Interviewed on 13 June 2019

<sup>45</sup> IOM. 2006. IOM UN Migration. October 02. Accessed June 23, 2018. <https://www.iom.int/news/faith-based-organizations-join-fight-against-human-trafficking>

<sup>46</sup> Email Questionnaire Responded by LCC, received on 21 June 2019

## 6.2 People's Republic of Bangladesh

### 6.2.1 Situation

Migration and emigration from Bangladesh are a regular phenomenon. International migration from Bangladesh has become a defining characteristic of the country. Especially since 1980s, large scale labor migration has become a common phenomenon of Bangladesh. With a few exceptions, manpower export has been showing an increasing trend year by year. Most of the expatriates, who are largely unskilled or semiskilled, are working in the Middle East countries like KSA, UEA, Kuwait, Qatar and

Bahrain and in the Malaysia and the Singapore. According to Bureau of Manpower, Employment & Training (BMET) of Bangladesh there are 12,531,878 people migrated to various countries for employment from 1971 to 2019. In the 2017 record 1,008,525 people migrated in different countries from Bangladesh. Gender-wise, like other countries from the developing world, the migration-related statistics of Bangladesh too is tilted in favor of males. As the statistics of BMET, less than 7% of females migrate to other countries for employment. But in last few years there has been a constant increase in the number of female migrants, who can migrate either alone or with their spouse. According to the June 2019 statistics of Bangladesh's Bureau of Manpower, Employment and Training (BMET), a total of 101,695 female workers had gone to different countries in 2018; According to the BMET statistics, the KSA is home to 37% of the total female migrant workers of Bangladesh. Like overseas employment, remittances flow has been increasing every year with its increased share in GDP and export earnings. Major shares of total remittances come from the Middle East countries."<sup>47</sup>

"In Bangladesh, human trafficking is one of the most money-making forms of illegitimate enterprises. Bangladesh is one of the major countries where human trafficking occurs within the country and across the border in terms of the origin and transit country. Because of the hidden nature of this crime of trafficking, reliable statistics are hard to come by. Every year thousands of people are trafficked out. In a study, it has been found that among the trafficking victims, the women and the children are in the most vulnerable position. It is very difficult to discover the exact data, because of the unwillingness of the family member of the victims to share the exact information. The most common forms of human trafficking in Bangladesh are, among others: trafficking for sexual exploitation, forced prostitution, domestic servitude, forced labor and other forms of exploitation."<sup>48</sup>

Limited socio-economic opportunities drive thousands of Bangladeshis to look for opportunities abroad. But many are believed to fall into the hands of human trafficking networks, ending up in forced labor or other exploitative situations abroad. Trafficking in

- Official Name: *People's Republic of Bangladesh*
- Population: *161 million (WB, 2018)*
- Government System: *Parliamentary republic*
- Main Ethnicities: *Bengali*
- National/Main Religion: *Islam, Christian (0.5%)*
- GDP Per Capita: *1,750 US\$ (WB, 2018)*
- U.S Trafficking Ranking (2019): *Tier 2 Watch List*

<sup>47</sup> Email Questionnaire Responded by RDRS-Bangladesh, received on 5 August 2019.

<sup>48</sup> Email Questionnaire Responded by RDRS-Bangladesh, received on 5 August 2019.

persons also occurs internally within Bangladesh.<sup>49</sup> Bangladesh is one of the countries in the world in which the rate of trafficking is very high, Tier 2 Watch List as of 2019.<sup>50</sup>

The refugee crisis is one of the problems affecting the Bangladesh society, especially Rohingya refugees. Bangladesh is also not a party to the 1951 UN Convention Relating to the Status of Refugees (Refugee Convention) or its 1967 Protocol. According to UNHCR, over 742,000 Rohingya refugees, as of 31 July 2019, have fled to Bangladesh since 25 August 2017 when violence broke out in Myanmar's Rakhine State. An estimated 12,000 reached Bangladesh during the first half of 2018 where the vast majority reaching Bangladesh were women and children, and more than 40% were under age 12. Many others are elderly people requiring additional aid and protection. They have nothing and need everything.<sup>51</sup>

## **6.2.2 Prevention: Legal and Policy Framework**

### ***Key National Law***

- The Constitution of the People's Republic of Bangladesh (1972)
- The Prevention and Suppression of Human Trafficking Act (2012)
- Overseas Employment and Migrants Act 2013, and Act, 2016
- Woman and Children Repression Prevention Act (2000)
- Penal Code of Bangladesh (1860)

### ***Key International Instruments***

- The United Nations Convention against Transnational Organized Crime (2000), accessioned in 2011
- Convention on the Elimination of All Forms of Discrimination against Women (1979), accessioned in 1984
- Convention on the Rights of the Child (1989), ratified in 1990

### ***Key Regional Instruments***

- South Asian Association for Regional Cooperation, Convention on Preventing and Combating Trafficking in Women and Children for Prostitution (SAARC Convention), 2000

### ***Multilateral and Bilateral Instruments***

- MOU between the government of the Republic of India and the Government of the People's Republic of Bangladesh on Bilateral Cooperation for Prevention of Human Trafficking Especially Trafficking in Women and Children; Rescue, Recovery, Repatriation and Reintegration of the Victims of Trafficking (2015)

### ***Other Regulation and Policies***

- National Plan Action for Combating Human Trafficking (2015-2017) and new plan (2018-2021)

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<sup>49</sup> IOM (2019), *Human Trafficking Takes Centre Stage in Bangladesh*, retrieved from IOM at <https://www.iom.int/news/human-trafficking-takes-centre-stage-bangladesh>

<sup>50</sup> U.S Department of State (2019), *Trafficking in Person Report June 2019*, p. 86., Available at: <https://www.state.gov/wp-content/uploads/2019/06/2019-Trafficking-in-Persons-Report.pdf>

<sup>51</sup> UNHCR, *Rohingya emergency*, at: <https://www.unhcr.org/rohingya-emergency.html> accessed on 10 August 2019.

### 6.2.3 Protection: Key Responses Mechanism

- Ministry of Expatriates' Welfare & Overseas Employment
- Bureau of Manpower Employment and Training (BMET)
- Ministry of Home Affairs
- Ministry of Social Welfare (MoSW)
- Ministry of Women and Children Affairs (MoWCA)

### 6.2.4 Partnership: Faith-Based Response

There are many international and national NGO working to counter human trafficking in persons in Bangladesh, including faith-based organizations with the partnership of the Bangladesh Government to reach the goal of National Plan of Action in 2018-2022. One of the well-known faith-based organizations called Rangpur Dinajpur Rural Service (RDRS) has been working in Bangladesh under the field program of the Geneva-based Lutheran World Federation, Department for World Service since 1972.<sup>52</sup>

The Project Manager (prevention & protection) of RDRD reported that RDRS is implementing the Bangladesh Counter Trafficking in Persons (BC/TIP) program in 4 districts in the northern part of Bangladesh.<sup>53</sup> To date, RDRS assisted 154 identified trafficked survivors in various different way, such as counselling, life skill training, entrepreneurship training, vocational training and small business support.

*"We assisted 154 identified trafficked survivors in different way; like- we provided counselling, life skill training, entrepreneurship training, vocational training & small business support. We think that it is very needed for a trafficked victim these sorts of service to re-integrate their family and society."*

**Md. Khairul Islam, Project Manager  
(prevention & protection) of RDRD-  
Bangladesh**

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<sup>52</sup> More detail please see: RDRS-Bangladesh, at: <http://www.rdrsbangla.net>

<sup>53</sup> Email Questionnaire Responded, received on 5 August 2019.

## 6.3 People's Republic of China

### 6.3.1 Situation

China has been transiting people from neighboring countries such as Thailand, Malaysia, Myanmar, Mongolia, Russia and North Korea. Through China, women and children of different ages are trafficked for different purposes. Most migrants are skilled men and the number of local companies and international migration from 17 to 25 years has been rising, and therefore the Chinese women's rate of forced prostitution by ICC.

- Official Name: *People's Republic of China*
- Population: *1.393 Billion (WB,2018)*
- Government System: *Communist state*
- Main Ethnicities: *Han Chinese*
- National/Main Religions: *Buddhist, Christian (2.3%), Islam, Taoist*
- GDP Per Capita: *9,470 UD\$ (WB, 2018)*
- U.S Trafficking Ranking (2019): *Tier 3*

Children are also at risk of kidnapping and trafficking. Migrant workers are at risk of exploitation before they leave their home, as they often lack accurate information about the jobs and the working and living conditions at their destination. They also suffer poor working and living conditions in receiving countries or cities. For these and other reasons, migration presents a major challenge everywhere to social and economic policy.<sup>54</sup>

China is one of the countries which has witnessed high rates of human trafficking in different forms that the Chinese government can identify in order for more effective implementation of the laws for purpose of preventing human trafficking (CSHRS 2017) inside or across China's border, including: bride-buying, which is the process of having fake marriage in order to get legal permission to live or work in another country; illegal adoption, which mostly happens to children without law or processing; cross-border trafficking which is human trafficking from one country to another;<sup>55</sup> organ trafficking which is considered a crime of trafficking and a violation to humanity as well;<sup>56</sup> and labor exploitation, which is sometimes a migrant worker with undocumented or illegal processes to work oversea and also sometimes cases where domestic people being cheated.<sup>57</sup>

### 6.3.2 Prevention: Legal and Policy Framework

For the last few decades, China has been trying to improve their situation of migration, human trafficking, abduction, and problems related to human trafficking. Below are the key national and international instruments that were adopted, signed, ratified, and accessioned by the Government

#### *Key National Law*

- The Constitution of the People's Republic of China (1982, last revised 2018)
- Law of the People's Republic of China on Control of the Entry and Exit of Aliens (1986)
- Criminal Law of the People's Republic of China (1997)
- Law on Penalties for Administration of Public Security

<sup>54</sup> International Labor Organization <http://www.ilo.org/beijing/areas-of-work/labor-migration/lang--en/index.htm> (accessed July 12, 2019).

<sup>55</sup> Ibrahim, Aisha. n.d. *The process of preventing the human trafficking of those crossing and leaving China*. Accessed June 24th, 2019. [https://acamun.weebly.com/uploads/1/0/6/3/10634031/unodc\\_bg\\_paper\\_\\_trafficking\\_.pdf](https://acamun.weebly.com/uploads/1/0/6/3/10634031/unodc_bg_paper__trafficking_.pdf).

<sup>56</sup> INDEX, *THE GLOBAL SLAVERY*. at: <https://www.globallslaveryindex.org/2018/findings/country-studies/china/>.

<sup>57</sup> Ibid

- Law of the People's Republic of China on the Protection of Minors (1991)
- Law of the People's Republic of China on the Protection of Rights and Interests of Women (2005)

### ***Key International Instruments***

- The UN Convention against Transnational Organized Crime (2000), ratified in 2003
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Palermo Protocol), supplementing the UN Convention against Transnational Organized Crime, accessioned in 2010
- Convention on Elimination of Forms of Discrimination Against Women (1979), ratified in 1980
- Convention on the Rights of the Child (1989), ratified in 1992
- Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography, ratified in 2002

### ***Multilateral and Bilateral Instruments***

- MOU on Cooperation Against Trafficking in Persons in the Greater Mekong Sub-region (2004) by Coordinated Mekong Ministerial Initiative Against Trafficking (COMMIT)
- Bilateral agreement on strengthening of cooperation in countering trafficking in person between the RGC and the Government of People's Republic of China (2016)
- MOU between the Government of the People's Republic of China and the Government of Socialist Republic of Vietnam on Strengthening Cooperation on Prevention and Combating Human Trafficking (2010)

### ***Other Regulation and Policies***

- National Plan of Action on Combating Trafficking in Women and Children (2008-2012) and new Plan (2013-2020)
- Guiding Opinions on Punishing Crimes of Trafficking in Women and Children According to Law
- Ministry of Public Security Opinions Concerning Public Security Authorities' Implementation of the NPA

#### **6.3.3 Protection: Key Responses Mechanism**

- Ministry of Anti-Trafficking
- Ministry of Public Security
- Ministry of Foreign Affairs

#### **6.3.4 Partnership: Faith-Based/NGO Response**

The United Nations Office on Drugs and Crime will partner with the Anglican Church in South Africa in organizing the first-ever international, interfaith forum to fight human trafficking. The UNODC Executive Director Antonio Maria Costa agreed with the Archbishop of Cape Town, Njongonkulu Ndungane, that the event would take place in Cape Town in October. The forum will focus on UNODC's recently launched Global Initiative to Fight Human Trafficking around the world. In this event, Mr. Costa said.<sup>58</sup>

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<sup>58</sup> PRETORIA, 5 April 2007 (UNODC) "UNODC to partner with Anglican Church of South Africa in hosting faith-based anti-human-trafficking forum". <https://www.unodc.org/unodc/en/press/releases/2007-04-05.html>

"Faith communities have a critical role to play in fighting human trafficking, which is a truly global problem," Mr. Costa said. "They can help raise awareness of a problem that is still widely misunderstood, put pressure on governments to live up to their commitments and help ensure that victims get the support they deserve. South Africa's church leaders have long enjoyed great moral authority throughout the world. I am confident that the support of the Archbishop and his colleagues will help make the Cape Town forum a milestone event in tackling this modern form of slavery. The Victims of trafficking - whether Christian, Muslim, Hindu, Buddhist, Jewish or of no religion - share a common humanity. The suffering they face is devastating and they are too often stigmatized as criminals rather than recognized as victims."

According to Associated Press, Christian church leaders work with Pakistani and Chinese traffickers. They found that the marriages are false with Chinese men because they are poor girls and of young ages. The women go to China where they are abused. Pakistani police say the women are often forced to work as prostitutes. Natasha is one of hundreds of Pakistani girls who have been married to Chinese men in return for payments to their families. Most of the families are Christians. They come from some of the poorest communities in Pakistan. Her mother asked her small church in the Pakistani city of Faisalabad for help. Some members of the church put together a plan to rescue the girl from the hotel more than 1000 kilometers away. It worked and Natasha came back home. Pakistan's Federal Investigation Agency has raided trafficking businesses and made arrests. Information provided by victims has led to a greater understanding of how the human traffickers work.<sup>59</sup>

## 6.4 The Republic of India

### 6.4.1 Situation

The Republic of India is a popular destination for migrant workers or traders looking for commercial opportunities not only for the movement of Indian people inside the country but also for the neighboring countries, such as Nepal and Bangladesh.<sup>60</sup> The total number of international migrants who come from India is 5.2 million. The United Arab Emirates (UAE) is the top destination globally for Indian migrants. India is a source, destination, and transit country for men, women, and children

- Official Name: *The Republic of India*
- Population: *1.353 billion (WB, 2018)*
- Government System: *Federal parliamentary republic*
- Main Ethnicities: *Indo-Aryan, Dravidian*
- National/Main Religion: *Hindu, Christian (2.3%)*
- GDP Per Capita: *2,020 UD\$ (WB,2018)*
- U.S Trafficking Ranking (2019): *Tier 2 Watch List*

subjected to forced labor and sex trafficking. The victims were exploited in forced labor, sex trafficking, and in forced marriage. Traffickers exploit some Indian migrants who willingly seek employment abroad in construction, domestic work, and other low-skilled sectors in forced labor in the Middle East and other regions, often following recruitment fraud and

<sup>59</sup> Susan Shand and Caty Weaver "Chinese, Pakistani Traffickers Force New Wives into Prostitution". Published June 22, 2019/ <https://learningenglish.voanews.com/a/china-pakistan-traffickers-force-brides-into-prostitution/4963912.html>

<sup>60</sup> Ravi Srivastava, S.K.Sasikumar. (2003). *An overview of Migration in India, Its Impact and Key Issues*. United Kingdom: Livelihood

exorbitant recruitment fees.<sup>61</sup> Around 20 to 65 billion Indians, men, women and children, are trafficked for different purposes and reasons other than labor force and sexual exploitation in India. Women and girl are being brought into the country for the aim of the sexual market and force marriage. The main population for the purpose of labor migration is men and boys, and it also forces them to serve as gigolos, massage experts, and escorts. Boys are significantly needed as factory workers, domestic servants, beggars, and in agricultural fields, and are also sometimes forced to join insurgent groups as a terrorist (2018).<sup>62</sup>

#### **6.4.2 Prevention: Legal and Policy Framework**

##### *Key National Law*

- The Constitution of India
- The Immoral Traffic (Prevention) Act, 1956 (ITPA)
- The Juvenile Justice (Care and Protection of Children) Act, 2000
- Criminal Law (amendment) Act 2013
- Protection of Children from Sexual offences (POCSO) Act, 2012
- Child Labor (Prohibition and Regulation) Act, 1986,
- Transplantation of Human Organs Act, 1994
- The Punjab Prevention of Human Smuggling Act, 2012

##### *Key International Instruments*

- The UN Convention against Transnational Organized Crime (2000), ratified in 2011
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Palermo Protocol), supplementing the UN Convention against Transnational Organized Crime, ratified in 2011
- Convention on Elimination of Forms of Discrimination Against Women (1979), ratified in 1993
- Convention on the Rights of the Child (1989), accessioned in 1992
- Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography, ratified in 2005

##### *Key Regional Instruments*

- South Asian Association for Regional Cooperation, Convention on Preventing and Combating Trafficking in Women and Children for Prostitution (SAARC Convention), 2000

##### *Multi and Bilateral Instruments*

- MOU between the government of the Republic of India and the Government of the People's Republic of Bangladesh on Bilateral Cooperation for Prevention of Human Trafficking Especially Trafficking in Women and Children; Rescue, Recovery, Repatriation and Reintegration of the Victims of Trafficking (2015)

#### **6.4.3 Protection: Key Responses Mechanism**

- Anti-Trafficking Cell

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<sup>61</sup> U.S Department of State (2019), *Trafficking in Person Report June 2019*, p.239., Available at: <https://www.state.gov/wp-content/uploads/2019/06/2019-Trafficking-in-Persons-Report.pdf>

<sup>62</sup> U.S Department of State (2018)

- The Ministry of Home Affairs
- Department of Women & Child Development
- India Centre for Migration (ICM)
- Ministry of Women & Child Development (MWCD)
- Ministry of External Affairs
- Ministry of Labor & Employment
- Government of India and Apparel and Export Promotion Council of India (AEPC)

## 6.5 Republic of Indonesia

### 6.5.1 Situation

Indonesia is located off of the coast of mainland Southeast Asia in the Indian and Pacific Oceans. This country is a diverse archipelago which is comprised of more than 300 ethnic groups. Indonesia has a population estimated at 267,663,435 million (WB,2018).<sup>63</sup> The country's GDP per capita is 3986 USD (WB 2018). The poverty rate in Indonesia is a sensitive issue. According to

- Official Name: *Republic of Indonesia*
- Population: *268 million (WB, 2018)*
- Government System: *Presidential republic*
- Main Ethnicities: *Javanese, Sundanese*
- National/Main Religion: *Islam, Christian (10%)*
- GDP Per Capita: *3,986USD (WB,2018)*
- U.S Trafficking Ranking (2019): *Tier 2*

the World Bank report, approximately 29.9 million Indonesians live below poverty line.<sup>64</sup> According to Mr. Kepler Silaban, Executive Director of Disaster Risk Management and Community Development Studies (CDRM&CDS), there around 9 million Indonesians working abroad, with 2 million as undocumented migrant workers. The main destination is Malaysia, and there are many migrant workers who were trafficked to Malaysia, mostly for labor trafficking.<sup>65</sup> He said: *"Indonesia is the resource country of the migrant workers. There are around 9 million Indonesian workers working abroad. The main country is Malaysia, follow by Singapore, Arab countries, Hong Kong, and other counties. There are around 2 million undocumented migrant workers. There are many migrant workers were trafficked to Malaysia, mostly the labor trafficking. Sometimes, traffickers are the recruitment agencies and brokers (can be relative or friends). They mostly target the young female, some of them become the sex workers or prostitute in Singapore and Malaysia."*<sup>66</sup> Moreover, human trafficker exploits not only local people but also foreign workers. The government is open for foreign countries to work in Indonesia. In other areas like Aceh, there is a community of Rohingya, with some becoming the victims of human trafficking. Traffickers deceive women, men and children in fish processing, oil palm and construction. They normally use debt or offering work in entertainment places, factories and other domestic service in order to deceive and force women and girls and exploit them to work in prostitute.<sup>67</sup> Therefore, each place of the 34 provinces in Indonesia is a source and destination of trafficking.<sup>68</sup>

<sup>63</sup> The World Bank Group, Total population of Indonesia (2018) retrieved from <https://data.worldbank.org/indicator/SP.POP.TOTL?locations=ID>

<sup>64</sup> The world Bank in Indonesia 2019: available at <https://www.worldbank.org/en/country/indonesia/overview>

<sup>65</sup> Interviewed on 27 June 2019.

<sup>66</sup> Mr. Kepler Silaban, interviewed on 27 June 2019.

<sup>67</sup> Trafficking in Persons report (2019) p. 243

<sup>68</sup> Ibid

### 6.5.2 Prevention: Legal and Policy Framework

The Indonesian Government National Mid-Term Development Plan 2010-2014, as well as the Ministry of Manpower and Transmigration's (MoMT) Strategic Plan 2010-2014, have developed and strengthened policy framework for the protection of Indonesian migrant workers. The government also made an amendment and ratified a number of regional, sub-regional and international conventions in order to assist victims and survivors and combat human trafficking.

#### *Key National Law*

- The Law on the Eradication of the Criminal Act of Trafficking in Person
- Law on Protection of Indonesian Migrant Workers (Law No 18, 2017)
- National Law on Placement and Protection of Indonesian Migrant Workers Abroad (Law No. 39, 2004)
- Law on Child Protection (Law No. 23 of 2002)

#### *Key International Instruments*

- The United Nations Convention against Transnational Organized Crime (2000), accessioned 2012
- Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children (Palermo) supplementing the UN convention Against Transnational Organized Crime, accessioned 2012
- Convention on the Elimination of All forms of Discrimination against Women (1979), ratified on 13 Sep 1984
- Convention on the Rights of the Child (1989), ratified in 1990
- Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography, ratified in 2012

#### *Key Regional Instruments*

- The Treaty on Mutual Legal Assistance in Criminal Matters among ASEAN Countries

#### *Other Regulation and Policies*

- National Action Plan on the Eradication of the Criminal Act of Trafficking in Persons and Sexual Exploitation of Children (2009-2014)
- Regulation of the Republic of Indonesia No.9/2009 Regarding Procedures and Mechanism of an Integrated Service Center for a Witness and/or Victim of Trafficking in persons

### 6.5.3 Protection: Key Responses Mechanism

The government of Indonesia has collaborated strongly with national and international organizations to minimize human trafficking cases and to ensure that migrants are safe when they move to foreign countries in search for work. The Government Ministry of Home Affairs issued a ministerial regulation mandated by the regional government to include anti-human trafficking in their policy priorities.<sup>69</sup> The Ministry of Women Empowerment and Children protection (MOWECP0) has partnered with the Millennium Challenge Account to increase

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<sup>69</sup> U.S Department of State "2019 Trafficking in Persons Report: Indonesia : available at <https://www.state.gov/reports/2019-trafficking-in-persons-report-2/indonesia/>

Indonesia's role in the development of women's empowerment and the protection of women and children.<sup>70</sup> The government passed the 2017 Protection of Indonesian Migrant Workers law which laid out procedures to regulate and monitor labor recruitment.<sup>71</sup> The private actors and the government in Indonesia cooperated with the International Labor Organization to assist the victims and migrants working abroad. ILO has contributed positive changes to governments policy, especially labor laws. Through ILO efforts, the international labor standards for migrant's worker have been developed, enhancing linkages between international standards, national policies and local laws. Besides, ILO also conducted a number of media-based campaigns to raise awareness and educate local people on human trafficking and labor laws.<sup>72</sup>

#### **6.5.4 Partnership: Faith-Based/NGO Response**

The trafficking issue in Indonesia is a sensitive topic for all relevant actors. The government has proved its strong commitment at the national, regional and international level to eradicate this problem. Therefore, Indonesia has partnerships with non-state actors, including faith-based organization, national and international NGOs, and with UN agencies to work on human trafficking. IOM is one of the international organizations that has been playing an active role in supporting counter-trafficking partners with the government of Indonesia. This Organization has been operating in Indonesia since 2005. It mainly works on the prevention of trafficking in persons through community awareness raising and improved monitoring of the recruitment, the protection of trafficking victims through victims' assistance and institutional capacity-building of both the state and non-state, and strengthening of an effective criminal justice response through enforcement capacity-building.<sup>73</sup>

#### **6.5.5 Engagement from the Church**

According to a coalition of churches in Indonesia which participated in the study named Komite Nasional Lutheran World Federation (KNLWF), it was reported that there are some certain ways that the church can engage in anti-human trafficking efforts both directly and indirectly, including Livelihood program, giving information about work in foreign countries, strengthening the congregation spirituality through worship and bible study or focused on discussion group, sharing prayers about human trafficking and migration, providing a safe place and shelter for people in need, and be more involved in advocacy work. Bdt. Basa Huabarat, Executive Secretary of KNLWF, said: *"Our churches were served and have a shelter for the members who have problem. The target is to protect the workers who have problems from their company with church methodology. Church is a safe house for migrant workers and open it for 24 hours. The migrant workers can share and discuss about anything in the church. We also give some information to parents and adult in remote area where the agents or traffickers looked for the fresh age girls and bring them to overseas."*<sup>74</sup>

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<sup>70</sup>Millennium Challenge Account-Indonesia(2017): available at: [http://www.mca-indonesia.go.id/en/our\\_news/press\\_releases/mowecp\\_and\\_mca-indonesia\\_committed\\_to\\_increase\\_economic\\_access\\_for\\_women-1111](http://www.mca-indonesia.go.id/en/our_news/press_releases/mowecp_and_mca-indonesia_committed_to_increase_economic_access_for_women-1111)

<sup>71</sup> U.S Department of State "2019 Trafficking in Persons Report: Indonesia : available at <https://www.state.gov/reports/2019-trafficking-in-persons-report-2/indonesia/>

<sup>72</sup> 10 years of work on labor Migration in Indonesia p16: available at [https://www.ilo.org/wcmsp5/groups/public/-/asia/--ro-bangkok/--ilo-jakarta/documents/publication/wcms\\_213361.pdf](https://www.ilo.org/wcmsp5/groups/public/-/asia/--ro-bangkok/--ilo-jakarta/documents/publication/wcms_213361.pdf)

<sup>73</sup> IOM Indonesia, *What we can do*, at <https://indonesia.iom.int/what-we-do/counter-trafficking>

<sup>74</sup> Interviewed 27 June 2019.

## 6.6 Japan

### 6.6.1 Situation

The moving of labor from one place to another place or from one region to another region. People from lower income status moving to another higher income community. Furthermore, the movement of labor can be identified by many forms of legal and illegal migration. Human Trafficking has also happened during the act of the movement of labor.<sup>75</sup> One record of the National Human Trafficking Hotline

- Official Name: **Japan**
- Population: **126 million (WB, 2018)**
- Government System: **Parliamentary Constitutional Monarchy**
- Main Ethnicities: **Japanese**
- National/Main Religion: **Buddhist, Shinto, Christian (1%)**
- GDP Per Capita: **48919.60 US\$ (WB,2018)**
- U.S Trafficking Ranking (2019): **Tier 1**

illustrated that 24.9 million people around the world are being fraud by smugglers for a multi-billion dollar revenue in criminal industries.<sup>76</sup> According to the United States Department of State on June 2019, Japan was placed in the Tier 1 List as the government of Japan completely accomplished the minimum standards which are required to eliminate human trafficking.<sup>77</sup>

### 6.6.2 Prevention: Legal and Policy Framework

#### *Key National Law*

- Criminal Laws and Anti-Prostitution Laws under the Immigration Control and Refugee Recognition Act (1951)
- The Regulations of the Prostitution Prevention Laws 1956
- Law Enforcement Task Force Against Trafficking in Persons (2014)
- Law No. 147 of 1950, Nationality Law (last amended 1993)
- Immigration Control and Refugee Recognition Act of 1951 as Amended in 2014
- The Penal Code (1907)

#### *Key International Instruments*

- The United Nations Convention Against Transnational Organized Crime (2000), signed in 2000 and accepted in 2017, but did not ratified it yet
- The Protocol to Prevent, Suppress, and Punish Trafficking in Person, especially women and Children, signed in 2002 and accepted in 2017
- Convention on the Elimination of all Forms of Discrimination against Women (1979), ratified in 1985
- Convention on the Rights of the Child (1989), ratified in 1994
- Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography, ratified in 2005

#### *Multilateral and Bilateral Instruments*

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<sup>75</sup> National Human Trafficking Hotline, What is human trafficking. <https://humantraffickinghotline.org/what-human-trafficking>. 2017. Accessed date: 07/2019

<sup>76</sup> Statistics Bureau of Japan

<sup>77</sup> United States Department of State." U.S. Department of State. Accessed July 15, 2019. <https://www.state.gov/reports/2019-trafficking-in-persons-report-2/japan/>.

- Directive (With First Amendment, 2010), 2009 for sending Nepali technical interns to Japan (2009)

#### *Other Regulation and Policies*

- Japan's 2014 Action Plan to Combat Trafficking in Persons
- The Initiation of the Children Support Plan for Tsunami Victims 2004

#### **6.6.3 Protection: Key Responses Mechanism**

- The Inter-Ministerial Liaison Committee (Task Force)
- Japanese Embassies and Consulates-General Overseas
- Japanese Immigration Bureau
- The Ministry of Land, Infrastructure and Transport
- The Official Development Assistance (ODA)

#### **6.6.4 Partnership: Faith-Based Response**

There are a number of faith-based organizations working to combat trafficking in Japan as listed below:

- Help, Asian Women's Shelters: To address the needs of women, children and transgender survivors of domestic violence and human trafficking, especially those who are immigrants and refugees.<sup>78</sup>
- ZOE International seeks to bring life to others by offering them the hope of Jesus Christ, and providing children who've been victimized by human trafficking true healing and restoration in the name of Jesus.<sup>79</sup>
- Encom Yokohama: Working towards a society where people can live together, beyond differences of race and nationality and aiming at building a community of brothers and sisters where our human dignity as children of God is respected.<sup>80</sup>
- Lighthouse: Center for Human Trafficking Victims is an NGO that works to eliminate the issue of human trafficking, especially sex trafficking, in Japan. They are committed to fighting for a society without human trafficking. Like a lighthouse that guides people who are lost in the dark to safe harbors, they hope to be the beacon of hope for survivors of human trafficking and to be their voice.<sup>81</sup>
- Solidarity Network with Migrants Japan (SMJ): Is to realize a society that ensures the rights and dignity of migrants and people with multicultural backgrounds, where all people can feel safe in living as they are.<sup>82</sup>
- The World Young Women's Christian Association (YWCA): This non-profit agency provide help, such as shelters, cares and support services to women and children of Trafficking in Persons.<sup>83</sup> Kyoto, Young Women's Christian Association (YWCA) is a non-

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<sup>78</sup> Help, Asian Women's Shelters At: <https://www.sfaws.org/>

<sup>79</sup> Zoe International, at: <https://gozoe.org/>

<sup>80</sup> Encom Yokohama, at: <http://encomyokohama.jp/>

<sup>81</sup> Lighthouse, at: <https://lhj.jp/english>

<sup>82</sup> Solidarity Network With Migrants Japan (SMJ), at: <https://migrants.jp/english.html>

<sup>83</sup> World Young Women's Christian Association, at: <https://www.worldywca.org/>

profit community service organization working for the empowerment of women, offering services focused on the needs of women, children, and foreign residents in Japan.<sup>84</sup> Asian People Together (APT) is a group within the Kyoto YWCA which supports foreign residents in Japan. APT strives to help create a multicultural society in which people with different ethnic backgrounds live together in peace.<sup>85</sup>

- End Child Prostitution Child Pornography and Trafficking Of Children For Sexual Purposes (ECPAT): Realisation of the right of all children to live free of child prostitution, child pornography and child trafficking for sexual purposes.<sup>86</sup>

## 6.7 Federation of Malaysia

### 6.7.1 Situation

Federation of Malaysia has a total population of 69,428,524 (World Bank, 2018).<sup>87</sup> Among developing countries in Southeast Asia, Malaysia is one of the most common destinations of legal migration from neighboring countries and an unknown number of people fall into human trafficking. According to International Organization for Migration (IOM), between 2010 and 2017, the number of documented foreign migrant workers in Malaysia increased from 1.7 million to 2.2 million (129% increase) and as of the end of 2018, there are an estimated 2 to 4 million additional undocumented foreign migrants estimated to be working in Malaysia.<sup>88</sup> Many are working legally in Malaysia, however, cases of human trafficking have been also reported and Malaysia was ranked in Tier 2 Watch List in 2019 by the US State Department.<sup>89</sup> Victims of human trafficking in Malaysia consist of local migrants from rural area, refugees from foreign countries, and people of other nationalities. The victims of human trafficking are usually from developing countries and they are trafficked across the border into the fields of agriculture, construction, and the manufacturing industry.<sup>90</sup> Refugees in Malaysia lack recognition of their status or the ability to work legally in Malaysia, who is not a signatory to the 1951 UN Convention on the Status of refugees. As a result, this category of persons is subject to becoming vulnerable to trafficking. This is true especially for Rohingyas from Myanmar who typically embark on maritime and overland journeys often via Thailand to arrive in Malaysia.

- Official Name: *Federation of Malaysia*
- Population: *31.5 million (WB, 2018)*
- Government System: *Federal constitutional monarchy*
- Main Ethnicities: *Malay, Chinese*
- National/Main Religion: *Islam, Christian (9.2%)*
- GDP Per Capita: *7,273.563 USD (WB,2018)*
- U.S Trafficking Ranking (2019): *Tier 2*

<sup>84</sup> Kyoto, Young Women's Christian Association (YWCA), at: <http://kyoto.ywca.or.jp/en/>

<sup>85</sup> Asian People Together (APT), at: <http://kyoto.ywca.or.jp/en/helpline/>

<sup>86</sup> End Child Prostitution Child Pornography and Trafficking Of Children For Sexual Purposes (ECPAT), at: <http://ecpatstop.org/>

<sup>87</sup> World Bank Organization (2018) Malaysia, retrieved from:

<https://data.worldbank.org/indicator/SP.POP.TOTL?locations=MY>

<sup>88</sup> International Organization for Migration, "Malaysia: General Information," accessed on July 9, 2019, <https://www.iom.int/countries/malaysia>.

<sup>89</sup> U.S Department of State (2019), *Trafficking in Person Report June 2019*, p. 307., Available at:

<https://www.state.gov/wp-content/uploads/2019/06/2019-Trafficking-in-Persons-Report.pdf>

<sup>90</sup> Ibid.

Initially smuggled across borders, some are subsequently trafficked to fishing boats and palm oil plantations for labor exploitation, ending up in bonded labor to repay their transportation debts. Others are held captive and abused in Malaysia until ransom is paid by their relatives. There are also indications of child trafficking for the purpose of forced begging amongst the Rohingya children.

### **6.7.2 Prevention: Legal and Policy Framework**

#### ***Key National Law***

- The Federal Constitution of Malaysia,
- Immigration Act 1959/1963 [Act 155]
- The Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act 2007 (amended in 2010 and 2015)

#### ***Key International Instruments***

- The UN Convention against Transnational Organized Crime, ratified in September 2004
- The CRC, ratified in 17 February 1995 and its Optional Protocol (OP) on the Sale of Children, Child Prostitution, and Child Pornography (2000), ratified in April 2012 and OP to the Convention on the Rights of the Child on the involvement of children in armed conflict 12 April 2012
- CEDAW, 05 July 1995

#### ***Key Regional, Sub-Regional, and Bilateral Instruments***

- MOU between the government of Malaysia and the government of Cambodia on the recruitment and employment of the workers
- Agreement between Vietnam and Malaysia on the co-operation in Prevention and Combating Transnational crimes, including human trafficking (2015)
- Situation and gap analysis on Malaysian legislation, policies, and the ILO Forced Labor Convention and protocol
- The ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP), ratified in 2015
- ASEAN Declaration Against Trafficking in Persons Particularly Women and Children adopted in 2004
- Malaysia is a member of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (2007)

#### ***Other Regulation and Policies***

- National Action Plan on Human Trafficking 2016-2020 (NAP)
- In 2019, the Malaysian government established a pilot program to provide victims assistance specialist to guide survivors from their identification, through legal process, and finally repatriation in their country of origin.<sup>91</sup>

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<sup>91</sup> 2019 Trafficking in Persons report: Malaysia: available at <https://www.state.gov/reports/2019-trafficking-in-persons-report-2/malaysia/>

### 6.7.3 Protection: Key Responses Mechanism

The Malaysian government has closely worked with stakeholders and agencies to combat human trafficking. Those actors are from the police force, Labor Department (part of the Ministry of Human Resources), as well as the equivalent departments in Sabah and Sarawak (on the island of Borneo), Immigration Department (part of the Ministry of Home Affairs) Royal Malaysian Customs Department, Malaysian Maritime Enforcement Agency.<sup>92</sup> According to the Section 51 of the ATIPSOM Act, enforcement officers have the responsibility to “investigate into the circumstances of the person’s case for the purpose of determining whether the person is a trafficked person.” The Act also creates the Council for Anti-Trafficking in Persons and Anti-Smuggling of Migrants which is commonly known as MAPO.<sup>93</sup> The Council is governed by different high-ranked officials who aim to prevent and combat trafficking in persons and smuggling of migrants, including: coordinating the implementation of the Act; formulating policies and programs, including protective programs for trafficked persons; increasing public awareness; monitoring immigration and emigration patterns; advising the government on the issues, etc.<sup>94</sup> More than that, the amendment of ATIPSOM Act in 2010 is also a momentum for the creation of National Action Plan on Human Trafficking 2016-2020 (NAP) which was launched in 2016.<sup>95</sup>

### 6.7.4 Partnership: Faith-Based Response

With strong commitment by the Malaysian government led by MAPO, Malaysia has increased its efforts to prevent human trafficking. MAPO consists of five enforcement bodies and some NGOs. These relevant agencies meet on quarterly basis in order to implement the government’s 2016-2020 National Action Plan.<sup>96</sup> Tenaganita (Women’s Force) is one of the organizations working on issues related to migration, human trafficking in persons and refugees in Malaysia. This NGO’s main activities include helping and protecting migrants, refugees, women and children from exploitation, discrimination, slavery and human trafficking.<sup>97</sup>

### 6.7.5 Engagement from the Church

The leaders from different religions including Buddhist, Christian, Hindu, Taoist and Sikh Naujawan Sabha in Malaysia signed an Inter-Faith Joint Declaration against Human Trafficking in an event hosted by the Kuala Lumpur Archdiocese in 2017. The faith leaders jointly declared that, “every girl, boy, woman and man is a free person, and all exist for the

*“We have experience in providing medical support for migrant workers, and air tickets to return to their home countries after deserted by their employers.”*

**Aaron Yep and Tan Kong Beng, LCM/  
Christian Federation of Malaysia**

<sup>92</sup> Kelly Buchanan, “Training Related to Combating Human Trafficking: Malaysia,” *Library of Congress*

<sup>93</sup> ATIPSOM Act, Part II

<sup>94</sup> *ibid.* Section 7

<sup>95</sup> Zukri Valentino, “Fight against human trafficking: efforts will yield results,” *New Straits Times* (March 4, 2018), accessed 2019 <https://www.nst.com.my/opinion/columnists/2018/03/341128/fight-against-human-trafficking-efforts-will-yield-results>

<sup>96</sup> 2019 Trafficking in Persons report: Malaysia: available at <https://www.state.gov/reports/2019-trafficking-in-persons-report-2/malaysia/>

<sup>97</sup> TENAGANITA, “Who we are,” <http://www.tenaganita.net/our-story/>

good of all in equality and fraternity.<sup>98</sup> The joint declaration, held on the same the UN World Day against Trafficking in Persons, was an initiative spearheaded by Kuala Lumpur Archdiocese in collaboration with the Conference of Religious Major Superiors Malaysia-Singapore-Brunei.<sup>99</sup> Besides that, there were two church who jointly responded to the study questionnaire, Christian Federation of Malaysia and Lutheran Church in Malaysia (LCM). Christian Federation of Malaysia engaged in community development work through a denomination office or through local churches as agencies. Lutheran Church in Malaysia (LCM) has assisted local people by highlighting the issues related to human trafficking in order to raise their awareness. They mentioned that their church is engaged in anti-human trafficking by: highlighting the problem to create awareness and actions to assist those in such circumstances; engaging legislators and governments on the issues; engaging the media on it; creating awareness of the human rights issues; providing a place to stay; contacting with their embassy; helping them in the police cases; helping victim to return home; and assisting them in going through the immigration or visa process.<sup>100</sup>

## 6.8 Republic of the Union of Myanmar

### 6.8.1 Situation

Republic of the Union of Myanmar is bordered by India and Bangladesh to its west, Thailand and Laos to its east and China to its north and northeast, with a total population, as recorded by World Bank in 2018, at 53.71 million covered by the total area 676,575 km<sup>2</sup>.<sup>101</sup> This country recorded a GNI per capital of 1,310US\$ in 2018 compared to 1,200US\$ in 2017 and 71.215 Billion US\$ of total GDP in 2018 compared to 66.719 Billion US\$ in 2017.<sup>102</sup> Despite

- Official Name: *Republic of the Union of Myanmar*
- Population: *53.71 million (WB, 2018)*
- Government System: *Parliamentary Republic*
- Main Ethnicities: *Burmese*
- National/Main Religion: *Buddhist, Christian (6.2%)*
- GDP Per Capita: *1,310 USD (WB, 2018)*
- U.S Trafficking Ranking (2019): *Tier 3*

being a large country in the region, Myanmar is the poorest country. According to an estimation from the Ministry of Planning and Finance and the World Bank, about a quarter (32.1%) of the population was living under poverty line in 2015.<sup>103</sup> Moreover, poverty in Myanmar's rural areas is substantially higher than in urban areas, with 38.8% of the population in rural areas estimated to be poor, compared to 14.5% of those in towns and cities.<sup>104</sup> Because of living conditions and low income, people in Myanmar are migrating to neighbouring countries. A large amount of them leave the country without legal documents and therefore their vulnerabilities to human trafficking become high in the foreign land. The

<sup>98</sup> Chan, Adrian. 2017. *Religious leaders to fight against human trafficking*. July 31.

<https://www.thestar.com.my/news/nation/2017/07/31/religious-leaders-to-fight-against-human-trafficking/>.

<sup>99</sup> Chan, Adrian. 2017. *Religious leaders to fight against human trafficking*.

[Ahttps://www.thestar.com.my/news/nation/2017/07/31/religious-leaders-to-fight-against-human-trafficking/](https://www.thestar.com.my/news/nation/2017/07/31/religious-leaders-to-fight-against-human-trafficking/).

<sup>100</sup> Email Questionnaire responded, received on 8 July 2019.

<sup>101</sup> World Bank (2018), *Myanmar*, Retrieved from: <https://data.worldbank.org/country/myanmar>

<sup>102</sup> World Bank (2018), *Myanmar*, Retrieved from: <https://data.worldbank.org/country/myanmar>

<sup>103</sup> World Bank (2017), *An analysis of poverty in Myanmar (English)*. Washington, D.C.: World Bank Group., p. 4.

Available at: <http://documents.worldbank.org/curated/en/829581512375610375/An-analysis-of-poverty-in-Myanmar>

<sup>104</sup> World Bank (2017), *An analysis of poverty in Myanmar (English)*. Washington, D.C.: World Bank Group., p. 23.

US state department kept Myanmar to Tier 3 in 2019, same in 2018.<sup>105</sup> Myanmar is a source country for women, children, and men trafficked for the purposes of forced labor and commercial sexual exploitation. Myanmar people are trafficked to Thailand, China, Malaysia, South Korea, and Macau for sexual exploitation, domestic servitude, and forced labor and some migrants end up in situations of forced or bonded labor or forced prostitution. Myanmar children are particularly vulnerable to child labor within the country, as well as being trafficked into Thailand as forced street hawkers and beggars, or to work in shops, agriculture, and small-scale industries. Myanmar is also a transit country for trafficking of Bangladeshis to Malaysia and Chinese to Thailand.<sup>106</sup>

### **6.8.2 Prevention: Legal and Policy Framework**

The Government of Myanmar has intensified its efforts to combat, protect, prevent and prosecute all illegal actions relating to undocumented migration and human trafficking. Myanmar has adopted and ratified some of the national and international legal frameworks, and signed the Memorandum of Understanding (MOU) with other nations. The government continued to maintain law enforcement efforts, prosecute and convict traffickers, and identified more victims.

#### ***Key National Law***

- Anti-Trafficking in Persons Law 2005
- Anti-Money Laundering Law (2004)
- Penal Code
- Criminal Law
- Evidence Act
- Criminal Procedures
- Wards and Village Tracts Administration Act (2012)
- Anti-discriminating law also

#### ***Key International Instruments***

- The UN Convention against Transnational Organized Crime (2000), accessioned in 2004
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Palermo Protocol), supplementing the UN Convention against Transnational Organized Crime, accessioned in 2004
- CEDAW, accessioned in 1997
- CRC, accessioned in 1991

#### ***Key Regional Instruments***

- ASEAN Convention on Trafficking in Person, Especially Women and Children (ACTIP), 2015
- ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers, 2017

#### ***Multilateral and Bilateral Instruments***

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<sup>105</sup> U.S Department of State (2019), *2019 Trafficking in Persons Report: Burma*. Retrieved from: <https://www.state.gov/reports/2019-trafficking-in-persons-report-2/burma/>. Accessed August 2, 2019

<sup>106</sup> U.S Department of State (2019), *2019 Trafficking in Persons Report: Burma*. Retrieved from: <https://www.state.gov/reports/2019-trafficking-in-persons-report-2/burma/>. Accessed August 2, 2019

- MOU on Cooperation against Trafficking in Persons in the Greater Mekong Sub-region (signed on October 29, 2004)
- MOU between the Government of the Union of Myanmar and the Government of the Kingdom of Thailand and on Cooperation in the Employment of Workers (2003) was signed by Both Ministry of Foreign Affairs
- MOU between Myanmar and Thailand on Cooperation to Combat Trafficking in Persons, Especially Women and Children (2009)
- MOU between Myanmar and China on Cooperation to Combat Trafficking in persons (2009) was signed between the Ministry of Home Affairs and Ministry of Social Development and Human Security

### ***Other Regulation and Policies***

- National Plan of Action to Combat Human Trafficking 2012-2016

#### **6.8.3 Protection: Key Responses Mechanism**

The Government of the Union of Myanmar has taken proactive actions and set up a responsive system to combat human trafficking and protect all migrants. A key national response mechanism, called the Central Body for Suppression of Trafficking in Persons (CBTIP) was established in 2006 and it is chaired by the Minister of the Ministry of Home Affairs. CBTIP formed three different Working Groups and Anti-Trafficking in Persons Division (ATIPD). The three Working Groups include Prevention of Trafficking in Persons and Protection of Trafficked Victims (headed by the Deputy Minister for the Ministry of Home Affairs), Legal Framework and Prosecuting Measures (headed by the Deputy Attorney General), and Working Group on Repatriation, Reintegration and Rehabilitation of Trafficked Victims (headed by the Deputy of the Ministry of Social Welfare, Relief and Resettlement). ATIPD was upgraded from the previous Anti-Trafficking in Persons Unit (ATU) in 2013 with a restructuring, an expanded mandate, and increased resources.<sup>107</sup>

#### **6.8.4 Partnership: Faith-Based/NGO Response**

The Government of the Union of Myanmar is also open for partnership with other non-state actors, such as faith-based organizations, national and international NGO, and UN agencies. The Lutheran World Federation (LWF-Myanmar), one of the biggest faith-based organizations in Myanmar, has joined with government and non-governmental organizations working in community development. The LWF-Myanmar's country program includes greater access to quality education, water, sanitation and hygiene.<sup>108</sup> LWF-Myanmar has used this strategy to strengthen people's capacity and to promote for their own rights, and also caters to health needs, justifiable livelihood opportunities and other social services, including trafficking awareness and psychological support for victims in need. LWF also works to

*“LWF Myanmar youth programming is affected by economic and seasonal migration. We engage in trafficking awareness to our entire partner villages, so that they know the dangers and their rights and mitigating actions. These are designed so the leaders, parents and youth are all aware and can make informed decisions.”*

**Mr. David Mueller, Country Representative of LWF-Myanmar**

<sup>107</sup> COMMIT, *Final Report on the Implementation of the COMMIT Sub-Regional Plan of Action III.*, p. 9.

<sup>108</sup> LWF 2019, International NGOs in Myanmar reiterate humanitarian obligation to protect civilians in Rakhine

promote close collaboration between government agencies and the community. Mr. David Mueller, Country Representative of LWF-Myanmar reported: *“We include all members of the community in our project activities and these may include retiring migrants. We target the most vulnerable household as partner households and these may include trafficking victim. But if victims need special attention, we are not able to go beyond providing basic community based Psychosocial support. Beyond that we refer them to government social services or other specialized NGOs.”*<sup>109</sup>

#### 6.8.5 Engagement from the Church

According to IOM, Myanmar Buddhist and Christian religious and community leaders met at a workshop organized by IOM to discuss community-based solutions to human trafficking and migrant smuggling (2017). The workshop engaged Buddhist monks, Christian nuns and priests, the Myanmar Police, Anti-Trafficking Task Force (ATTF) and representatives from other faith-based community organizations, including Karuna Mission Social Solidarity (KMSS) and Good Shepherd.<sup>110</sup> Religious leaders are influential in Myanmar society and they are highly respected and trusted by the people of their society and communities. Buddhism also motivates people in many kinds of ways when people need spiritual supports. However, there were many challenges for Buddhist religious leaders being involved in social work in Myanmar.

A church, called Lutheran Church of Myanmar (LCM), participated in the study and has highlighted the key engagement by its own project and community program. According to the President of Lutheran Church of Myanmar, one of the mission themes of LCM is *“Education”*. Rev. Martin Lalthangliana, President of LCM reported: *“We implement our mission by setting up tuition free education center in some of the poor villages around the country. We try to promote the value*

*“Whenever church leaders and members received information and problems about human trafficking and migrant workers issue, we tried to help them as much as we can. We can also share awareness about how to prevent human trafficking with other people through social media and different means. Through our relief arm called “Helping Hands”, our church is helping the disaster affected people in different parts of Myanmar and raise awareness on how we can prevent on human trafficking and migrant issues.”*

**Rev. Martin Lalthangliana, President of Lutheran Church of Myanmar**

*of education by giving awareness training on education systems of the country, hygiene, drug and alcohol rehabilitation, HIV awareness training and other topics that are needed for the community to be well prepared.”*<sup>111</sup> Throughout the education mission, LCM can share information about human trafficking cases and try to help the victim as much as they can. Moreover, since LCM's bible also has stories about the Israelites migrants and people who did human trafficking in those days, LCM have to talk about that and discuss how they feel during their bible studies, retreats and Sunday school teachings. In any circumstance of the migration issue and human trafficking, LCM's members and leaders are always ready to help if there are any people who seek help, such as getting information about lost family members, relatives in foreign lands, making connections for them, and reporting and filing of cases for the victim, even though

<sup>109</sup> Email Questionnaire responded, received on 1 July 2019.

<sup>110</sup> IOM UN migration 2017, *Myanmar Religious Leader Meet to Combat Human Trafficking, smuggling*. p. 14.

<sup>111</sup> Email Questionnaire responded, received on 26 July 2019.

LCM doesn't have any separate department that can assist the victims of human trafficking or migration in particular.

## 6.9 Federal Democratic Republic of Nepal

### 6.9.1 Situation

Migration for foreign employment has become a major source of income for many Nepali households. The quality of labor opportunities and the amount of remittances is largely dependent on the level of skill and desperation, with the least skilled, most desperate migrants undertaking the most disturbing work. In most cases, there are no formal contracts for migrant domestic workers and salary levels are very low. There are instances of exploitation for both men and women, but the men have stronger agency to negotiate better conditions of work and remuneration than their female counterparts. Despite these challenges and the poor conditions under which they work, migrant domestic workers believe that migration has enhanced the wellbeing of their households.

- Official Name: *Federal Democratic Republic of Nepal*
- Population: *31 million (WB, 2018)*
- Government System: *Federal parliamentary Republic*
- Main Ethnicities: *Chhettri, Brahman-Hill*
- National/Main Religion: *Hindu, Buddhist, Christian (1.4%)*
- GDP Per Capita: *960 USD (WB, 2018)*
- U.S Trafficking Ranking (2019): *Tier 2*

TIP is considered one of the gravest crimes in Nepal. According to the National Report on Trafficking in Persons done by National Human Rights Commission (NHRC) in Nepal, annually women and children are trafficked across international borders and trafficked within country. Cross-border trafficking (to India), oversee trafficking (beyond India) and internal trafficking has been found in Nepal. Trafficking of girls and women to India today takes place for prostitution, dancing in orchestras, circus performance and even for marriage. Trafficking of persons to overseas be mainly for labor exploitation but it has also turned into sexual exploitation in night clubs, dance bars and hotels and other entertainment sectors. Internal trafficking takes place for both labor exploitation and sexual exploitation. Trafficking victims often are taken to locations within Nepal, often from rural areas to the urban centers. Mainly girls and women are trafficked for sexual and labor exploitation in places such as cabin/dance restaurants, massage parlors, and other places within the tourism sector. Most victims were lured with promises of better jobs in areas such as India, Dubai, or Saudi Arabia. Trafficking of girls/women for dance, erotic performances, involvement in the production of pornography in night clubs and other entertainment sectors in African countries like Kenya, Tanzania and South Africa is also reported. Smuggling of MWs to USA using illegal routes via a number of countries has emerged as a very profitable business for the traffickers. Furthermore, trafficking in the name of performing cultural programs, studying, family visits, and medical treatment are also the emerging dynamics of the trafficking phenomenon in Nepal. The majority of trafficking victims are women and girls, who are especially vulnerable due to limited economic opportunities, illiteracy or low education, and low socio-economic status. Women and girls are also more vulnerable to trafficking if they are involved in marginalized

livelihoods, deserted by their husbands or families, victims of abuse and violence, or are those from disadvantaged communities and extremely poor families.<sup>112</sup>

### **6.9.2 Prevention: Legal and Policy Framework**

The Government of Nepal (GoN) has made the commitment to developing and strengthening intervention mechanisms and legal frameworks geared to countering trafficking and to protecting the trafficking victims. The Nepalese law and policies deem TIP and other forms of worker exploitation, as well as to rescue the Nepali citizens who have been trafficked to foreign countries. In terms of international corroboration, a number of international and regional instruments for anti-trafficking were also ratified and signed by the GoN.

#### ***Key National Law***

- Human Trafficking and Transportation Control Act (HTTCA) 2007
- Human Trafficking and Transportation Control Rule (HTTCR) 2008
- Foreign Employment Act (FEA)

#### ***Key International Instruments***

- The UN Convention against Transnational Organized Crime, ratified in 2011
- Convention on Elimination of Forms of Discrimination Against Women, ratified in 1991
- Convention on the Rights of the Child, accessioned in 1990
- Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography, ratified in 2006

#### ***Key Regional Instruments***

- South Asian Association for Regional Cooperation, Convention on Preventing and Combating Trafficking in Women and Children for Prostitution (SAARC Convention), 2000

#### ***Bilateral Agreement and MOU***

- Agreement between the Government of Nepal and the Government of the State of Qatar Concerning Nepalese Manpower Employment in the State of Qatar (2005)
- MOU between the Government of Nepal and the Government of the Republic of Korea on the Sending of Workers to the Republic of Korea under the Employment Permit System (2007)
- MOU between the Government of Nepal and the Government of United Arab Emirates in the Field of Manpower (2007)
- MOU in the Areas of Labor and Occupational Training between the Government of Nepal and the Government of the Kingdom of Bahrain (2008)
- Directive (With First Amendment, 2010), 2009 for sending Nepali technical interns to Japan (2009)
- Joint Pilot Program on the Employment of Workers between the Government of Nepal and Israel (2015)
- Agreement on the Employment of Workers between the Government of Nepal and the Government of Jordan (2017)

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<sup>112</sup> National Human Rights Commission (2018), *National Report: Trafficking in Person in Nepal*, available at: [http://www.nhrcnepal.org/nhrc\\_new/doc/newsletter/NHRC\\_National\\_Report\\_TIP\\_in\\_Nepal\\_September\\_2018.pdf](http://www.nhrcnepal.org/nhrc_new/doc/newsletter/NHRC_National_Report_TIP_in_Nepal_September_2018.pdf)

## *Other Regulation and Policies*

- National Plan of Action (NPA) against TIP Especially Women and Children (2012-2022)

### **6.9.3 Protection: Key Responses Mechanism**

In terms of institutional framework, there are a number of governmental organizations which are working together for prevention, protection, prosecution, coordination, cooperation and partnership to combat human trafficking.

- The National Committee for Controlling Human Trafficking (NCCHT)
- Local Committees for Controlling Human Trafficking (LCCHTs)
- Ministry of Women, Children and Social Welfare (now called Ministry of Women, Children and Senior Citizen)
- Ministry of Labor and Employment (now, Ministry of Labor, Employment and Social Security)
- Ministry of Home Affairs.
- Ministry of Foreign Affairs;
- Ministry of Education (now, Ministry of Education, Science and Technology);
- Ministry of Finance;
- Ministry of Law, Justice and Parliamentary Affairs;
- Ministry of Information and Communication (now, Ministry of Communication, Information and Technology)
- The Nepal Police Women's Cells (NPWCs)
- The Central Investigative Bureau (CIB)
- Department of Foreign Employment (DoFE)

### **6.9.4 Partnership: Faith-Based/NOG Response**

Along with the governmental institutions, Nepal has an extensive network and partnership and the GoN also recognizes the importance of engagement of national and international NGOs, including faith-Based organizations. This research study has also engaged one faith-based organization in Nepal, called the Lutheran World Federation (LWF) Nepal. Dr. Prabin Manandhar, Country Director of LWF-

*“There were survivors in the community who were assisted by the program. They were provided with psychosocial support, skill development training and livelihood support. These activities help build self-esteem, dignity, confidence and livelihoods of the victim of human trafficking.”*

**Dr. Prabin Manandhar, Country Director of LWF Nepal**

Nepal reported<sup>113</sup> in the study that even though there is no special program on assessing the victims of human trafficking, LWF Nepal has been involved in many community and development works, such as scholarship provisions to the children of disadvantaged families, community based psychosocial support and counselling, and humanitarian assistance to disaster affected communities. In addition to those programs, LWF Nepal also has a program which might directly link to migration and human trafficking, such as skills development training and livelihood support to the aspirant migrant workers and transformative education program. In addition, LWF Nepal is part of civil society network on UPR processes at the national level.

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<sup>113</sup> Email Questionnaire Responded, received on 30 June 2019.

## 6.9.5 Engagement from the Church

It was reported that Nepal Evangelical Lutheran Church (NELC) has developed the Lutheran Community Welfare Society, a diaconal wing of NELC which has engaged in community development and empowerment programs since 2010. These development programs are mostly focused on Emergency Preparedness, Response and Disaster Risk Reduction, Food security and livelihood and good governance and justice. Santhal (marginalized people) and Musahar (the most marginalized Dalit facing social discrimination as well) are the targeted population of these projects. NELC also provides counseling to youths and makes them aware about the possibility of victimization of human trafficking. When cases of human trafficking happen, NELC can provide a transitional shelter and refer the victims to the parents, police or relevant organizations working in the sectors and providing services. Moreover, NELC established a youth network, arranged sensitization in migration and trafficking, organized campaigns by coordinating with schools for such campaigns, and raised awareness among youths and their parents about migration and human trafficking.<sup>114</sup>

*“Church can play an important role to sensitize the youth in close collaboration with other organizations which are working in such anti-trafficking work. It can also provide counseling to the youths and make them aware about the possibility of victimization. It can also organize campaigns in the border area as well as most marginalized community so that the people from such poor socio-economic background protected of such trafficking. It can also establish youth network and arrange sensitization in migration and trafficking. It can also coordinate with schools for such campaigns and aware the youths and their parents.”*

**Rev. Joseph SOREN, NELC**

## 6.10 Republic of the Philippine

### 6.10.1 Situation

The Republic of the Philippine is a country consisting of more than 7,000 islands and is located in Southeast Asia. It has a total population of 106,651,922 million (World Bank, 2018).<sup>115</sup> With its huge population, this country is also among the fastest-growing economies in Southeast Asia. The Philippine’s government defined its development goals as driving fast but inclusive economic growth, increasing employment and reducing poverty.<sup>116</sup> According to the WB, the Philippines’s economic growth rate stands at 4.8% in 2018 while its GDP per capita is 3102 USD.<sup>117</sup> Although this country has made significant progress on economic growth and it’s employment rate, other social issues still

- Official Name: *Republic of the Philippines*
- Population: *107 million (WB, 2018)*
- Government System: *Presidential Republic*
- Main Ethnicities: *Tagalog, Cebuano, Ilocano*
- National/Main Religion: *Christian (90.1%)*
- GDP Per Capita: *3,102 USD (WB, 2018)*
- U.S Trafficking Report Ranking: *Tier 1*

<sup>114</sup> Email Questionnaire Responded, received on 4 July 2019.

<sup>115</sup> World Bank Organisation data 2018, Available at <https://data.worldbank.org/indicator/SP.POP.TOTL?locations=PH>

<sup>116</sup> Asian Development Bank “Philippines and ADB” available at : <https://www.adb.org/countries/philippines/main>

<sup>117</sup> World Bank Organization data 2018: Available at <https://data.worldbank.org/indicator/SP.POP.TOTL?locations=PH>

exist, especially human trafficking. Forced labor and sex trafficking of men, women and children within the Philippines is a serious problem. Due to poverty, women and children from local communities in remote area, conflict and disaster-affected areas are subjected to sex trafficking in the Philippines or abroad.<sup>118</sup> As reported in 2019, human traffickers exploited domestic and foreign victims in the Philippines and sent them to other countries. About 10 million Filipinos stay or work overseas and the government managed to process around 2.3 million new or renewed contracts for Filipinos working abroad annually. Therefore, those migrants who didn't have legal documents become victims of sex trafficking and labor trafficking.<sup>119</sup>

### **6.10.2 Prevention: Legal and Policy Framework**

The Manila government assists to protect women and children against violence and human trafficking. The Philippines has demonstrated serious and sustained efforts to combat human trafficking. The efforts included implementing prosecution procedures which pave the way for reducing potential for future harm on child sex trafficking victims, punishing traffickers and rousting efforts to prevent trafficking of Filipino migrant workers.<sup>120</sup>

#### ***Key National Law***

- Republic Act No.10364 or the Expanded Ani-human in Person Act of 2012
- Anti-Violence against women and their children Act of 2004 (Republic No 9262)
- The Philippine Immigration act of 1940

#### ***Key International Instruments***

- The united Nations Convention against Transnational Organized Crime (2000), accessioned 2012
- Protocol to Prevent, Supress, and Punish Trafficking in Persons, Especially Women and Children (Palermo) supplementing the UN convention Against Transnational Organized Crime, accessioned 2012
- Convention on the Elimination of All forms of Discrimination against Women (1979), ratified in 1981
- Convention on the Rights of the Child (CRC), ratified in 1990
- Optional Protocol to the Convention of the Rights of the Child on the Involvement of children in armed conflict (CRC-OPAC), ratified on 26 Aug 2003
- Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography (CRC-OPSC), ratified on 28 May 2002

#### ***Key Regional, Sub-Regional, and Bilateral Instruments***

- Memorandum of Understanding (MoU) on Labor Cooperation with UAE Minister of Human Resources and Emiratisation (MoHRE) 2017
- ASEAN Plan of Action Against Trafficking in Persons, Especially Women and Children
- The Treaty on Mutual Legal Assistance in Criminal Matters among ASEAN Countries

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<sup>118</sup> U.S Department of state (2019) Trafficking report in person "trafficking Profile":p383  
<https://www.state.gov/reports/2019-trafficking-in-persons-report-2/philippines/>

<sup>119</sup> Ibid

<sup>120</sup> Ibid

### 6.10.3 Protection: Key Responses Mechanism

The government of The Philippines follows the formal procedures to identify and assist victims and refer them to the government or NGO facilities for short- and long-term care. Government agencies employed proactive identification measures and victims were identified through rescue operation screening at departure points, embassies abroad, and calls to the national anti-trafficking help line. Many police units have specialized facilities for processing women and child victims. An Act expanding republic act No. 9208, entitled “An Act to Institute Polices to Eliminate Trafficking in Persons especially Women and Children, Establishing the necessary institutional mechanisms for the protection and support of trafficked Persons, providing penalties for its violations and for other purposes.<sup>121</sup> -Section 20 of R.A. No. 9208 IACAT follows a multi-stakeholder approach to combatting human trafficking. It undertakes measures to prevent and suppress TIP and ensures the victims’ recovery, rehabilitation and reintegration into mainstream society.<sup>122</sup> The mechanisms to combat human trafficking underlaid in IACAT include:

- Coordinate the programs and projects of the various member agencies to effectively address the issues and problems attendant to trafficking in persons;
- Coordinate the conduct of massive information dissemination and campaign on the existence of law and various issues and problems attendant to trafficking, through the local government units (LGUs), concerned agencies, and NGOs;
- Assist in filing of cases against individuals, agencies, institutions or establishments that violate the provisions of this Act;
- The Government increased the Philippine National Police (PNP) Women and Children’s Protection Center Budget in 2018.
- Happening on December 8, 2018, “Run Free from Modern-Day Slavery” is an Advocacy Run organized by the Inter-Agency Council Against Trafficking (IACAT) as part of the weeklong observation of the International Day Against Trafficking.<sup>123</sup>

### 6.10.4 Partnership: Faith-Based Response

The Philippine’s government opens the space for NGOs and faith-based organizations to operate in their territory freely. Faith-based organizations have a long history of leadership on the implementation of action for health care worldwide. These organizations have provided educational services to raise local people’s awareness on human trafficking. The National Council for Churches in the Philippines comprised of many major faith-based organizations working together on child friendly policies and the fight against human trafficking. NCCP associate members include the association of Christian schools, Colleges and University (ACSCU), Consortium of Christian Organizations for Rurban Development, Philippine Bible Society(PBS), Student Christian Movement of the Philippines(SCMP) and Union Church of Manila (UCM) just to name a few.<sup>124</sup> Besides those, the Philippine Interfaith

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<sup>121</sup> Preventing Human Trafficking in the Philippines overview and current activities: available at [https://www.unafei.or.jp/publications/pdf/RS\\_No87/No87\\_13PA\\_Aileen.pdf?fbclid=IwAR1ONjykvV3UATK8UpL04DwFJFVy04qwSUIueOsh mugRpaOA23avlcUTts](https://www.unafei.or.jp/publications/pdf/RS_No87/No87_13PA_Aileen.pdf?fbclid=IwAR1ONjykvV3UATK8UpL04DwFJFVy04qwSUIueOsh mugRpaOA23avlcUTts)

<sup>122</sup> The Philippine Law an Jurisprudence Project : available at [https://www.lawphil.net/statutes/repacts/ra2013/ra\\_10364\\_2013.html](https://www.lawphil.net/statutes/repacts/ra2013/ra_10364_2013.html)

<sup>123</sup> 2019 Wold Day Against Trafficking “ 2018 IACAT Advocacy Run” available at: <http://iacat.gov.ph/promoting-fitness-supporting-a-worthwhile-cause-2018-iacat-advocacy-run/>

<sup>124</sup>National Council of Churches in the Philippines: Associate members , Available at <http://nccphilippines.org/about-us/our-associate-members/>

Movement Against Human Trafficking (PIMATH) is also an alliance with NCCP that works for the protection of victims of human trafficking. This alliance advocates for a safe, peaceful and nurturing environment for children.<sup>125</sup>

### 6.10.5 Engagement from the Church

Churches also provide rural health care and orphan care in many parts of the developing world and play an important role in serving the poorest and hardest to reach populations. UNICEF of Manila and 20 the National Council of Churches in the Philippines composed of eleven major Protestant religious dominations working together on the Child friendly Local Church Communities initiate. It has published a bible-based study guide on children's right and promotion of the development of a children's ministry in Manila.<sup>126</sup>

*"Our involvement in this area of social issue is to provide counseling for those who seek them especially the families left behind by the migrant workers. It is more of a pastoral and congregational activity than an organizational concern."*

**Pastor Daniel Pondevida, Lutheran Church in the Philippines**

Pastor Daniel Pondevida of Lutheran Church in the Philippines reported that in the Philippines this is a big social problem that involves widespread poverty and the Lutheran Church in the Philippines provides the psychological support by lessening the psychological impact of children being left behind by their parents working abroad. Pastor Daniel added: *"Most of the children are left to the nearest relative who sometimes mistreat them or keep some of the money sent by their parents and deprive the children of what belongs to them."*<sup>127</sup>

## 6.11 Singapore

### 6.11.1 Situation

Singapore is an island country made up of 63 islands. It has a total population of 5,638,676 million.<sup>128</sup> Singapore is a high-income economy with a cross national income of 64,581.944 (World Bank, 2018).<sup>129</sup> This country jumped from a low-income country to high-income country. GDP growth in Singapore was recorded at 3% in 2018 due to a slowdown of the expansion

- Official Name: *The Republic of Singapore*
- Population: *5,638,676 Million (WB, 2018)*
- Government System: *Parliamentary republic*
- Main Ethnicities: *Chinese, Malay, Indian*
- National/Main Religion: *Buddhist, Islam, Taoist, Christian (38.5%)*
- GDP Per Capita: *64,581.944 USD(WB,2018)*
- U.S Trafficking Report Ranking: *Tier 2*

<sup>125</sup> National Council of Churches in the Philippines: Protect our children, no to lowering of minimum age of criminal responsibility (2019) available at <http://nccphilippines.org/2019/01/29/protect-our-children-no-to-lowering-of-minimum-age-of-criminal-responsibility/>

<sup>126</sup> Global Organization, Work Together to Save life, P.5, 2011, [http://www.e-alliance.ch/typo3conf/ext/naw\\_securedl/secure3c97.pdf?u=0&file=fileadmin/user\\_upload/docs](http://www.e-alliance.ch/typo3conf/ext/naw_securedl/secure3c97.pdf?u=0&file=fileadmin/user_upload/docs)

<sup>127</sup> Email Questionnaire responded, received on 30 July 2019

<sup>128</sup> The World Bank Group, Total population of Indonesia (2018) retrieved from : <https://data.worldbank.org/indicator/SP.POP.TOTL?locations=SG>

<sup>129</sup> The World Bank Group, GDP per Capita: available at <https://data.worldbank.org/indicator/NY.GDP.PCAP.KD?locations=SG>

in manufacturing and services and a decrease in domestic demand.<sup>130</sup> Singapore is home to about 1.37 million migrant workers. These workers migrated from other countries to seek better work opportunities, yet approximately 1 million of them are earning low-wage incomes. Most of those migrants are from Myanmar, Bangladesh, India, The Philippines and Vietnam.<sup>131</sup> These migrant workers are subjected to be trafficked. Traffickers compel victims into sex trafficking or forced labor through threats of forced repatriation without pay, restriction on movement, and physical and sexual abuse. Some recruitment agencies illegally engage in fake contracts by changing and charging higher fees in exchange for a legal permit.<sup>132</sup>

### **6.11.2 Prevention: Legal and Policy Framework**

The Singapore government has increased its efforts to fight against human trafficking by fully implementing the existing legal framework and policies. To effectively combat TIP, Singapore has made amendments, and signed and ratified a number of regional, sub-regional and international conventions.

#### ***Key National Law***

- The Prevention of Human Trafficking Act (PHTA) 2015
- Private Member's Prevention of Human Rights Bill 2014
- Corruption, drug trafficking and other serious crimes (Confiscation of Benefits) Act
- Mutual Assistant in Criminal Metter Act
- Extradition Act

#### ***Key International Instruments***

- The united Nations Convention against Transnational Organized Crime (2000), accessioned 2007
- Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children (Palermo) supplementing the UN convention Against Transnational Organized Crime, accessioned 2015
- Convention on the Elimination of All Forms of Discrimination against Women (1979), ratified in 1995
- Convention on the Rights of the Child (1989), ratified in 1995
- Optional Protocol to the Convention on the Rights of the Child on the involvement of Children in armed conflict (CRC-OP-AC), ratified in 2008

#### ***Key Regional, Sub-Regional, and Bilateral Instruments***

- Ratification of ASEAN Convention against Trafficking in Persons, Especially Women and Children (ACTIP) in January 2016.<sup>133</sup>
- ASEAN Plan of Action Against Trafficking in Persons, especially women and Children

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<sup>130</sup> The World Bank Group, GDP growth annual for Singapore (2018): available at <https://data.worldbank.org/indicator/NY.GDP.MKTP.KD.ZG?locations=SG>

<sup>131</sup> <https://hagar.org.sg/human-trafficking-in-singapore/>

<sup>132</sup> U.S Department Trafficking in Persons report (2019), p418 available at: <https://www.state.gov/wp-content/uploads/2019/06/2019-Trafficking-in-Persons-Report.pdf>

<sup>133</sup> U.S Department Trafficking in Persons report (2019), p418 available at: <https://www.state.gov/wp-content/uploads/2019/06/2019-Trafficking-in-Persons-Report.pdf>

### *Other Regulation and Policies*

- National Approach Against Trafficking in Person (2016-2026)
- National Plan of Action on Combating Human Trafficking in Person (NPA 2012-2015): NPA set out strategic outcomes and implementation plans to combat TIP.

#### **6.11.3 Protection: Key Responses Mechanism**

- Passed the organized Crimes Bill and raised penalties under the Empowerment of Foreign Manpower Act and employment Agencies Act
- Providing Trainings for frontline offices including Immigration and Checkpoints Authority (ICA), MOM and MHA officers.<sup>134</sup>

#### **6.11.4 Partnership: Faith-Based Response/ Desk review**

Singapore has partnerships with both domestic and international NGOs as these organizations play important roles in raising people's awareness, increasing human trafficking case referrals and providing support to potential victims of TIP.<sup>135</sup> The Singapore National Approach has developed keys strategies and the desired outcomes to guide the taskforce and relevant stakeholders to combat TIP when developing their plan of actions. The national strategic plan to fight against TIP was created in consultation with different stakeholders, including academic institutions, Civil Society Organizations, business associations and especially faith-based organizations.<sup>136</sup> Beside this support, the government made a commitment to future effort in providing services to assist the victims, including supporting funds to build shelters for victims, and providing needed funding for NGOs to support victims with trauma and medical care.<sup>137</sup> Faith-based communities also engage closely with the Singapore government as well. For instance, the Hagar international organization based in Singapore has been providing services to assist survivors of human trafficking, such as counselling, case management, literacy and life skill trainings, as well as helping to assist victims to resettle back in their home countries. Furthermore, Hagar works closely with the Singapore government to ensure that victims of trafficking are systematically supported throughout the legal process.<sup>138</sup>

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<sup>134</sup>National Approach Against TIP (2016-2026) at: [https://www.mha.gov.sg/docs/default-source/default-document-library/national-approach-against-trafficking-in-persons-\(2016-2026\).pdf](https://www.mha.gov.sg/docs/default-source/default-document-library/national-approach-against-trafficking-in-persons-(2016-2026).pdf)

<sup>135</sup> National Plan of Action Against Trafficking In Persons (2012-2015) p14: available at : <https://www.mom.gov.sg/-/media/mom/documents/foreign-manpower/trafficking/npa-against-trafficking-in-persons-2012-2015.pdf?la=en&hash=40FFC7F9A1D1FB71575C38703DCEA941>

<sup>136</sup> Singapore Inter-Agency Taskforce on Human Trafficking in Persons: National Approach Against TIP, available at: <https://www.mom.gov.sg/trafficking-in-persons>

<sup>137</sup> US Department of State: 2018 Trafficking in Persons Report - Singapore 2018)

<sup>138</sup> Hagar Singapore available at: <https://hagar.org.sg/where-we-work/>

## 6.12 Kingdom of Thailand

### 6.12.1 Situation

The Kingdom of Thailand has a total population of 69,428,524 (World bank, 2018).<sup>139</sup> Thailand has made significant progress, especially during the 1980s, in social and economic development which allowed it to upgrade its economic status from a low-income country to an upper-income country. Therefore, Thailand has

- Official Name: *Kingdom of Thailand*
- Population: *69 million (WB, 2018)*
- Government System: *Constitutional Monarchy*
- Main Ethnicities: *Thai*
- National/Main Religion: *Buddhist, Christian (1%)*
- GDP Per Capita: *7,273.563 USD (WB,2018)*
- U.S Trafficking Ranking (2019): *Tier 2*

become one of the widely cited development success stories due to its strong and notable poverty reduction.<sup>140</sup> However, despite the fact that Thailand has been enjoying economic growth for the last decade, the poverty rate in this country is still relatively high. According to an Asian Development Bank (ADB) report, there was 7.9% of the population living below the national poverty line as of 2017.<sup>141</sup> Such a high poverty rate leads to vulnerable populations living in remote areas and the outskirts of Bangkok to migrate to work in the city. These people have high vulnerabilities in falling victim of human trafficking.

According to UN-ACT, Thailand has been identified as a key destination for human trafficking in the Mekong region, in addition to being a hotspot and transit country for sex trafficking and forced labor. Victims are often trafficked into Thailand via migration routes from neighboring countries with lower levels of socio-economic development such as Cambodia, Lao PDR, Vietnam and Myanmar. However, a majority of victims identified in Thailand are Thai people and they have been trafficked for sexual exploitation domestically and to a number of foreign countries.<sup>142</sup> In most of the cases, the causes of human trafficking and forced labor issues is the flow of migration. Therefore, Thailand needs to have a strong partnership and cooperation with its ASEAN member states both bilaterally and sub-regionally.

### 6.12.2 Prevention: Legal and Policy Framework

Thailand has identified human trafficking in person as a top national agenda and priority which has to be eliminated.<sup>143</sup> To counter-attack these crimes, the Thai government has adopted domestic laws and proactively ratified specific international legal frameworks to prosecute and fight human traffickers. Thailand has identified human trafficking in person as a top national agenda and priority which has to be eliminated in its policy.

#### *Key National Law*

- Law on Prevention and Suppression of Human Trafficking, adopted in 2017

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<sup>139</sup>World Bank Organization (2018) Thailand, retrieved from:

<https://data.worldbank.org/indicator/SP.POP.TOTL?locations=TH>

<sup>140</sup> The World Bank Thailand (2019): <https://www.worldbank.org/en/country/thailand/overview>

<sup>141</sup> Poverty in Thailand ADB report (2017) available at: <https://www.adb.org/countries/thailand/poverty>

<sup>142</sup> The trafficking situation in Thailand; available at: <http://un-act.org/thailand/>

<sup>143</sup> Thailand's country Report on Anti-Human Trafficking Response (2016) available at <http://un-act.org/publication/view/thailands-country-report-anti-human-trafficking-response-1-january-31-december-2016/>

- Human Trafficking Criminal Procedure Act (2016)
- The Royal Ordinance Concerning Rules on Brining Migrant Workers to Work with Employers in the Kingdom (2016)

#### *Key International Instruments*

- UN convention against Transnational Organized Crime (2000), ratified in 2013
- Protocol to Prevent, Suppress and Punish Trafficking in Person, Especially Women and Children (Palermo Protocol), supplementing the UN Convention against Transnational Organized Crime, ratified in 2013
- Convention on the Elimination of All Forms of Discrimination against Women (1097), ratified on 09 Aug 1985
- Convention on the Rights of the Child (1989), ratified on 27 Mar 1992
- Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, ratified on 27 Feb 2006
- Optional Protocol to the Convention on the Rights of the Child on the sale of Children child prostitution and child pornography, ratified on 11 Jan 2006

#### *Key Regional, Sub-Regional, and Bilateral Instruments*

- MOU on Labor Cooperation and the Agreement on the Employment of Workers with Myanmar, Lao PDR, Cambodia and Vietnam<sup>9</sup>
- Thailand and United Arab Emirates: MOU on Cooperation in Combating Trafficking in Persons (2017)
- Memorandum of Understanding between the government of the Kingdom of Thailand and the government of the Lao People's Democratic Republic on Cooperation to Combat Trafficking in Persons 2017
- Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT) Task Force (2005), with UN-ACT as secretariat
- Thailand and Myanmar: MOU on Bilateral Cooperation for Eliminating Trafficking in Children and Women and Assisting Victims of Trafficking (2009)
- Thailand and Lao PDR: MOU on Cooperation to the combat trafficking in persons signed in 2006 (renewed in 2016)
- Thailand and Cambodia: MOU on the Establishment of Transit and Reception Center for Victims of Trafficking and Other Vulnerable Groups (2016)
- Thailand and Vietnam: MOU on labor cooperation, including training and making manual in Vietnam language (2015)
- Japan-Thailand Joint Task Force on Counter-Trafficking in Persons

#### **6.12.3 Protection: Key Responses Mechanism**

The Royal Thai government has shown growing attempts by prosecuting and convicting more traffickers, and by using specific anti-trafficking law enforcement divisions, reducing prosecution time for trafficking instances. The government also published relevant laws to improve supervision of shelters operated by NGOs and provide access to economic assistance from the government. It established an anti-trafficking task force consisting of law enforcement, social workers, and NGOs to enhance coordination of law enforcement and

victim protection initiatives, developed a victim specialist program, and enhanced preparation for forced labor inspectors.<sup>144</sup>

- The National Anti-Trafficking in Persons Committee, established pursuant to Section 15 of the Anti-Trafficking Act and chaired by the Deputy Prime Minister, is one of the drivers of change across the Thai Government's counter-trafficking policies.
- The "Competent Official," namely the Office of the Permanent Secretary for Social Development and Human Security, is the Secretariat of the Committee on Anti-Trafficking in Persons and the Committee on Anti-Trafficking in Persons Performance Coordination and Monitoring (the "CMP Committee").
- The ATP Committee and the CMP Committee
- The 2015 amendments to the Anti-Trafficking Act abolished a requirement that at least half of the skilled members of the CMP Committee be female.<sup>145</sup>
- Thailand Internet Crimes Against Children Task Force (TICAC)
- Measures for Prevention and Suppression of Trafficking in Women and Children Act adopted in 1997
- Anti-Trafficking in Persons Committee (ATP Committee)
- Coordinating and Monitoring of Anti-Trafficking in Persons Performance Committee (CMP Committee)
- The ministry of Social Development and Human Security Overseas the implementation of Thailand's nationwide network of victim's shelters
- Department of Special Investigations (DSI) under the Ministry of Justice (MoJ)
- Anti-Human Trafficking Division (ATHD) of the Royal Thai Police

#### **6.12.4 Partnership: Faith-Based/NGO Response**

In Thailand, religious institutions and NGOs have been playing an important role to prevent and combat human trafficking. For instance, New Life Center Foundation works exclusively with young ethnic minority women throughout the Mekong sub-region (Thailand, Burma, China, Laos) who are at risk of falling victim of human trafficking, forced labor, and sexual abuse.<sup>146</sup> New Life Center Foundation (NLCF) works in areas of prevention and protection and has supported many survivors of human trafficking over the last 32 years of operation. This organization offers a number of services including legal advocacy, comprehensive residential services, therapeutic rehabilitative activities and education. These services are necessary for the effective restoration and rehabilitation of the survivors of trafficking. NLCF is a part of broader anti-human trafficking network in Thailand. It takes the form of formal and informal networks. Other network partners consult and work with NLCF's staffs on a regular basis, including the Royal Thai police, and the Royal Thai government's department of Social Development and Human Security. Staff periodically join networking conferences, whether regional, national or international.<sup>147</sup>

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<sup>144</sup> UNCHR. 2018 Trafficking in Persons Report – Thailand. <https://www.refworld.org/docid/5b3e0a604.html>. June 28, 2018

<sup>145</sup> Thailand's Country Report on Anti-Human Trafficking Response 2016, p. 19.

<sup>146</sup> New Life Center Foundation website, available at <http://www.newlifecenterfoundation.org/#>

<sup>147</sup> Email Questionnaire Responded, received on 11 June 2019.

### 6.12.5 Engagement from the Church

Religious institutions can take part in countering human trafficking by teaching topics of human trafficking in preaching session and bible study. Churches can be a driving force to raise the awareness of local people regarding the issue of human trafficking in their community. So far, Church of Christ in Thailand (CCT) has been networking with other churches to help people in need through providing love, and helping the poor, homeless and victims of human trafficking. Besides that, New Life Canter Foundation (NLCF) has been providing a number of services to help victims of human trafficking, such as legal support, comprehensive residential services, therapeutic rehabilitative activities and education. These services are vital for the effective restoration and rehabilitation of the survivors of trafficking. NLCF is part of a broader anti-human trafficking network in Thailand. This should be a good practice which can be used as a model for other Churches and NGOs intending to fight against human trafficking.

How can faith-based organizations, churches, temples, mosque and pagoda contribute more to combat human trafficking and migration issue?

- *Concern more on human trafficking issue (priority issue)*
- *Include the topic of HT in preach or study bible study*
- *Working together with other churches and NGOs*

**Rev Rungtiwa Mamo, Ecumenical Relation Officer of CCT**

## 6.13 Socialist Republic of Vietnam

### 6.13.1 Situation

The socialist Republic of Vietnam has a total population of 95,540,395. GDP per Capita stands at 2,563 USD.<sup>148</sup> Vietnam has over 50 ethnic groups residing in the country which makes it one of the most diverse counties in Asia. According to the WB, over the last 30 years, Vietnam has achieved remarkable development both economically and politically. The effort of the government has transformed Vietnam from the poorest country to a lower middle-income country in Asia.<sup>149</sup> However, based on a report from the ADB, 5.8% of the total population is below the poverty line.<sup>150</sup>

- Official Name: *The Socialist Republic of Vietnam*
- Population: *96 million (WB, 2018)*
- Government System: *Communist State*
- Main Ethnicities: *Viet*
- National/Main Religion: *Buddhist, Christian (5%)*
- GDP Per Capita: *2,563USD (WB,2018)*
- U.S Trafficking Report Ranking: *Tier 2*

Vietnamese migrate to other countries to work independently or through state-owned and private companies. Some recruitments agencies are illegal and unresponsive when workers seek assistance in the situation of exploitation.<sup>151</sup> Vietnamese women and children fall into

<sup>148</sup> Vietnam Total population: World Bank Organization (2018): retrieved from:

<https://data.worldbank.org/indicator/SP.POP.TOTL?locations=VN>

<sup>149</sup> The world Bank in Vietnam (2019) available at: <https://www.worldbank.org/en/country/vietnam/overview>

<sup>150</sup> Poverty in Vietnam (2016) retrieved from: <https://www.adb.org/countries/viet-nam/poverty>

<sup>151</sup> U.S state Department report (2019) p501 <https://www.state.gov/wp-content/uploads/2019/06/2019-Trafficking-in-Persons-Report.pdf>

the sex industry due to fraudulent labor opportunities and they have been sold to brothels in neighboring countries like Cambodia and Lao PDR. Some victims have been referred to third destination countries, including Malaysia and Thailand.<sup>152</sup> In Vietnam, human traffickers exploit Vietnamese men, women and children, including homeless children in forced labor in the garment sector and construction, while Sex Traffickers target many children from impoverished remote areas and ethnic minority communities.<sup>153</sup>

### **6.13.2 Prevention: Legal and Policy Framework**

The Vietnamese government has made an amendment and supplemental legal documents which create a legal basis to deal with all forms of sexual abuse, infringement upon the rights of women and children, and the criminalization of trafficking in women and children and smuggling of migrants, especially as it continues to implement the 2016-2020 National Anti-Trafficking Action Plan(NAP).<sup>154</sup>

#### ***Key National Law***

- National Plan of Action III (NPA) 2016-2020
- Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT) Task Force with UN-Act as secretariat
- National Steering Committee on Counter Human Trafficking
- The social Evils Department of the ministry of Labor, Invalids and Social Affairs (MOLISA)
- The Criminal Police Department of the Ministry of Public Security
- The Penal Code (1999)

#### ***Key International Instruments***

- The UN Convention against Transnational Organized Crime (2000), accessioned 2012
- Protocol to Prevent, Suppress, and Punish Trafficking In Persons, Especially Women and Children (Palermo) supplementing the UN convention Against Transnational Organized Crime, accessioned 2012
- Convention on Elimination of Forms of Discrimination Against Women (1979), ratified on 17 Feb 1982
- Convention on the Rights of the Child (1989), ratified in 1990
- Optional Protocol to the Convention on the Rights of the Child on the Sale of Children child prostitution and child pornography (CRC-OP-SC), ratified in 2001

#### ***Key Regional, Sub-Regional, and Bilateral Instruments***

- Standard Operation Procedures for the Identification and Return of Victims of Human Trafficking Between Thailand and Vietnam (2013)
- The Agreement Principles on the Cooperation in Prevention and Suppression of Crime of the Human Trafficking, Especially Women and Children, Crossing-Cambodia Vietnam border (2007)

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<sup>152</sup> The trafficking situation in Vietnam <http://un-act.org/vietnam/>

<sup>153</sup> U.S state Department report (2019) p501 <https://www.state.gov/wp-content/uploads/2019/06/2019-Trafficking-in-Persons-Report.pdf>

<sup>154</sup> Trafficking in Person Report: Vietnam (2019) available at <https://www.state.gov/reports/2019-trafficking-in-persons-report-2/vietnam/>

- The Agreement of Cooperation between the RGC and Government of Socialist Republic of Vietnam on Standard Operational Procedures for Identification and Repatriation of Victims of the Trafficking (2009)

### 6.13.3 Protection: Key Responses Mechanism

The Vietnamese government maintains its efforts to prevent human trafficking. The government continues to implement the third phase of 2016-2020 National Anti-Trafficking Action Plan (NAP). The government is also working on a five-year assessment of the NAP implementation. The Ministry of Information and Communication and the Vietnam Women's Union organized public awareness campaigns specifically focused on high-risk people, including female migrants, female agricultural workers, and construction workers. More than 700 documentaries and new stories related to human trafficking have been distributed to people by the Ministry of Information.<sup>155</sup>

### 6.13.4 Partnership: Faith-Based/NGO Response

Caritas is the one of the world Catholic organizations founded in South Vietnam in 1965.<sup>156</sup> Caritas works on many areas including conflicts and disasters, development, health and HIV, and especially migration and human trafficking. In terms of human trafficking, this organization works to protest and inform all migrants, including men, women and children, to prevent them from being trafficked and abused by traffickers. Caritas also offers shelter, legal support, and job training for migrants. It functions across borders as a network between countries people leave and where they arrive in. Caritas makes sure that migrants are well aware of the risks before they leave from their home country.<sup>157</sup> Caritas realizes the bravery and intention of migrants who wish for a better life for themselves and their families, however, this organization wants migrants to be well informed about the risks and to have their property protected.

## 7 DISCUSSION AND ANALYSIS

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### 7.1 Awareness about unsafe migration/TIP

**Limited awareness about migration and TIP amongst faith-based organizations or churches:** Overall, this assessment found out that faith-based organizations or churches are not actively engaging in TIP related efforts. Those tasks are mostly driven by the state authority and CSOs. Some faith-based organizations or churches may have been active in types of work related to TIP, however, information that is accessible by the public is scarce, and web-sites of faith-based organizations or churches do not include much information about TIP as a part of their faith-based activities. Due to this fact, 14 faith-based organizations or churches who were contacted by the consultant team declined to participate in the assessment. Some faith-based organizations or churches explicitly noted that they did not work on TIP, or they did not know much about migration or TIP in their own location. Those were mostly blind to TIP even though TIP may have affected the community people that they

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<sup>155</sup> Trafficking in Persons Report (2019) p 500

<sup>156</sup> Caritas Vietnam, retrieve from <https://www.caritas.org/where-caritas-work/asia/vietnam/>, assess date: 2019

<sup>157</sup> Caritas, how caritas works in migration and human trafficking: available at <https://www.caritas.org/what-we-do/migration/how-caritas-works-in-migration/>

are empowering. Out of 6 faith-based organizations who participated in this assessment, 5 had some specific activities related to TIP. This was largely due to the fact that many faith-based organizations or churches were not well aware about unsafe migration or TIP due to no outsider or CSOs providing information to them. Thereby they have missed important opportunities to empower community people to be able to prevent them from falling into the trap of TIP.

**Limited information sharing about migration and TIP amongst faith-based organizations or churches:** Despite some strong willingness to know more about unsafe migration and its impact and the negative consequences from TIP by faith-based organizations or churches, they lack appropriate information in their local languages that directly links to their faiths/religious doctrines. Commonly, stakeholders met in the study obtained information about migration and TIP from social media, TV/newspaper and word-of-mouth information sharing with locals and their peers. Information about unsafe migration and TIP are not shared systematically with faith-based organizations or churches, most probably due to lack of effective communication channels between them and the state authority that is accountable to spread information about TIP. If there are some information sheets (such as Fact sheet or Leaflets) with contact numbers and links to CSOs that are working on migration and TIP, faith-based organizations or churches can access more information that can be also shared with its community people. Sharing important and reliable information to raise awareness amongst people at faith-based organizations or churches and its members is of crucial importance to tackle unsafe migration and TIP.

## 7.2 Prevention

**Awareness raising amongst potential migrants is key to prevention of TIP:** Prevention is key to eliminating TIP, and this can be effectively done by informing the community people about unsafe migration and its risks. However, lack of proper information sharing with faith-based organizations or churches about TIP by state authority or CSOs, as noted above, may have considerably limited the important roles that they can play in TIP prevention. A promising practice was found with the CSOs Chab Dai (Cambodia) which has put great efforts in to raising awareness of unsafe migration and TPI among people in communities and with local authority (including police), as a prevention mechanism. Although Chab Dai does not utilize churches to conduct awareness raising, people are learning about TIP at community events, seminars and school events. Such sensitization targeting to the people can be easily and more effectively done at the churches if regular mass can include some messages about unsafe migrating and TIP. A church in Malaysia has provided sensitization on TIP to its people in communities, and other churches can also follow such a pathway.

## 7.3 Protection

**Shelter-based care by faith-based organizations or churches:** When prevention fails, or if it is not efficient, TIP may occur and victims are produced by traffickers. It is inevitable to provide support and care for victims of TIP, which includes immediate safety protection (such as shelter), health care, or mental care services to recover from trauma, but all those needs depend on the individual needs of the victims. The most important support was identified as mental care support and assistance for victims to become economically independent. If victims want to stay in a safe house, away from home, it is essential that such a shelter is available for them until they feel safe and confident to start their own life. In Japan, the

women's shelter House in Emergency of Love and Peace (HELP) has been run by the Foundation Japan Christian Women (Kyofukukai) since 1986.<sup>158</sup> Regardless of the nationalities of victims, HELP provides a temporarily shelter with 3 meals per day and some commodities, such as free clothes, and confidentiality and security is strictly maintained. Such a shelter is rarely found, and this assessment did not encounter any or did not even hear of any such a shelter for victims of TIP. As the most important support to victims is mental care, or counseling, spiritual places such as churches can provide a perfect space and opportunity for them to recover from trauma.

**Repatriation support for victims in foreign land:** If a victim is rescued in a foreign land, it is necessary to provide transportation services and legal documents (such as a passport) for them to be safely returned to their home country. A church in Malaysia, named Lutheran Church of Malaysia, has been providing such a support and in Cambodia, CHAB DAI, and Winrock Internarial Cambodia also provides such support, although most likely not all victims are assisted by those organizations.

**Recovery support (education and vocational training):** For long term recovery, basic education such as literacy and mathematics are essential, as many victims lack basic education. Also, for economic independence, it is essential that victims have access to vocational training or small investment funds to start a new life. As most churches have set up youth groups or women's groups, those can take important roles in empowering victims for long term recovery by integrating them into the churches' regular programs such as literacy courses or bible reading classes, which can directly link to the mental care support.

#### 7.4 Partnership, Cooperation and Networking

**Partnership with multi-dimensional stakeholders:** Combatting TIP requires a collective effort amongst the key stakeholders, within the country and also across countries, as most countries examined in this study faced cross-border trafficking, which involves multiple countries. Prevention can occur at the grass-roots level, but protection can occur at the international level by engaging police officers for investigation in both the foreign land and at the local level to prosecute traffickers, and support rehabilitation of and recovery of victims, either domestically or in the local communities where victims are from. Provided the nature of TIP that requires multi-dimensional support and care, partnership between faith-based organizations/churches with state authority (especially the national police force) or other CSOs is of crucial important. However, such partnership has not been active in most of the countries that were examined in this assessment. Partnership with the UN or donor agencies has been limited, and there has been limited partnership with community people, including women or youth groups, to combat TIP.

**Engagement in the national dialogue:** To combat and to respond to TIP, a collective approach is essential, especially for the protection process. Presence of faith-based organizations or churches at the national committee or commission to address TIP in each country is very limited, except Cambodia, where CHAB DAI is a strong advocate and support to the National Committee. Provided there is the ability of religious actors to provide support to the state authority, more proactive measures need to be taken by faith-based organizations or churches

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<sup>158</sup> <http://kyofukai.jp/aboutus/inst/help>

**Networking and partnership amongst faith-based organizations or churches:** Additionally, information sharing amongst faith-based organizations or churches is very limited across the countries assessed in this study. Each church has its own network but information about migration or TIP is not shared amongst them.

## 7.5 Prosecution

**Prosecution remains as a challenge:** Laws are the basis of any prosecution process and prosecutors will have great difficulty prosecuting traffickers and securing appropriate penalties if legal frameworks are incomplete, unclear or inadequate.<sup>159</sup> Notably, this study documented that most countries examined have set up a strong legal framework to prosecute trafficker. Despite such a strong framework, prosecution remains as a challenge in most countries, and tracking the number of prosecutions imposes multiple difficulties.<sup>160</sup>

**Victim identification is difficult as many do not speak out:** Some of the challenges in prosecution are identifying victims of human trafficking, the investigation process, and prosecution by the prosecutors.<sup>161</sup> Obstacles in identifying victims are inherent to human trafficking cases, such as victims' blaming themselves that they were the ones who were careless of being trapped into the cycle of trafficking, or under some Buddhism contexts, the notion of 'karma' could impede them from accepting the criminal natures of the human trafficking.<sup>162</sup> Another challenge is the victim's inability or unwillingness to seek help from the state authority (such as the police) or their fear of reporting the crimes.<sup>163</sup>

**Spiritual support to victims can enhance the prosecution process:** There are large spaces for faith-based organizations or churches in encouraging victims to speak out about their sufferings from human trafficking, and also to assist prosecution to effectively occur. Identification also lagged due to limited capacities on how to recognize victims amongst police forces or other officers/front-line individuals to whom victims may access. Faith-based organizations or churches can fully utilize spiritual supports they can provide to victims in the process, so that they are not re-traumatized or re-victimized in the process of accessing justice and assisting law enforcement officers to effectively prosecute traffickers as a part of important prevention measures.

**International cooperation amongst faith-based organizations and churches can improve prosecution involving cross-border trafficking:** Additionally, where trafficking patterns occur internationally, limited international cooperation in criminal justice has hampered the

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<sup>159</sup> Fiona David, Prosecuting trafficking in persons: known issues, emerging responses, June 2018

<https://aic.gov.au/publications/tandi/tandi358>

<sup>160</sup> For example, US TIP report specifies, in the case of Cambodia (2019), "The Anti-Human Trafficking Juvenile Police (AHTJP) attempted to monitor and record information on the cases it investigated, but the government did not collect comprehensive data on overall law enforcement efforts, particularly among provincial courts."

<sup>161</sup> NIJ (2016), *Improving the Investigation and Prosecution of State and Local Human Trafficking Cases*, at: <https://www.nij.gov/topics/crime/human-trafficking/Pages/improving-investigation-and-prosecution-of-human-trafficking-cases.aspx>

<sup>162</sup> For example, under the Cambodian context, many victims blame themselves that they were born with "bad karma", meaning, that they had done something bad in the previous lives, and they have to receive harms or unfortunate life in the present life. This can result in the silence of the crimes by victims themselves. <http://unact.org/publication/view/measuring-the-extent-of-sex-trafficking-in-cambodia-2008-uniap-trafficking-estimates-competition/>

<sup>163</sup> UNODC (2018), Targeting the link between corruption & human trafficking, at:

<https://www.unodc.org/southeastasiaandpacific/en/laopdr/2018/04/corruption-human-trafficking/story.html>

prosecution of traffickers, particularly amongst those involved in trafficking onto fishing boats.<sup>164</sup> If LWD can facilitate international networks across those countries which participated in this study to have an effective communication flow, such a platform can also greatly assist the international prosecution process by ensuring the victims' mental support based on religious belief.

## 7.6 Promotion

**Promotion of human rights-based approach with spiritual support:** A human rights-based approach to human trafficking is essential in the process to address the issue, and it is particularly important that the fundamental rights of victims of human trafficking to an effective remedy is established in the entire process to address human trafficking. For this, state authority needs to shift their focus away from criminal investigation to giving priority to the human rights of the individual victims in their approach to human trafficking.<sup>165</sup>

**Promotion of more evidence-based research on human trafficking by faith-based organization and churches:** To ensure human-rights based approaches are mainstreamed in the efforts to combat trafficking, it is necessary to establish strong evidence of the gaps in the current mechanisms, identify the promising practices, and improve the process of prevention, protection and prosecution responses.

**Promotion of safety of victims:** The faith-based organizations and churches have a great advantage in assisting victims of human trafficking in raising their voices in a safe environment and safe space, with spiritual support, to ensure that their rights are protected. Evidence based research can be carried out in collaboration with research institutions, academics or state institutions to bring voices of victims of human trafficking with supports from faith-based organizations or churches as they can provide warm and supportive care.

**Advocacy by faith-based organizations and churches:** With evidence-based research results, advocacy is also essential so that victims' voices are reflected and integrated to improve the current mechanisms for tackling human trafficking.

## 7.7 Good Practice

One of the well-known faith-based organizations in Cambodia, which also participated in the study, is "Chab Dai"; a coalition of Christian NGOs (and a member of NCCT).<sup>166</sup> Chab Dai has successfully established a strong partnership with RGC to combat sexual abuse (especially child sex abuse), prevention of unsafe migration, and prevention and protection of cross-border TIP. Chab Dai address and approach TIP with a holistic and comprehensive manner; prevention, prosecution, promotion and protection. One project of the protection program called "*Justice and Client Care/Case Management Support*" demonstrates a promising

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<sup>164</sup> UN-Act, Cambodia, at: <http://un-act.org/cambodia/>

<sup>165</sup> OHCHR (2011), Human trafficking: a rights-based approach, at:

<https://www.ohchr.org/EN/NewsEvents/Pages/HumanTrafficking.aspx>

<sup>166</sup> Details about Chab Dai can be obtained at their web-site at: <https://chabdai.org>

model/practice for other faith-based organization, churches and NGO to follow: The good practices from Chab Dai include following:

**Table 2: Justice and Client Care/CMSP by Chab Dai**

<p><i>Successfully formulated International Platform/network for repatriation services</i></p>	<p>Chab Dai greatly contributed to creating an international platform by linking authorities in Cambodia and in foreign countries (such as Cambodian Embassies) to enable survivors of human trafficking to return to Cambodia. Technical and financial support provided by Chab Dai to setting up such a referral system was highly appreciated by state authority, which evidently enabled many survivors to repatriate to Cambodia. Once the victim is identified or rescued in foreign land, Cambodian Embassy staff and relevant state authority in that foreign land cooperate to support victims by providing safe space, basic needs such as foods and clothes and also to support the repatriation by providing air-ticket. Ministry of Foreign Affairs, police force and Ministry of Social Affairs in Cambodia also cooperate with Chab Dai to ensure the safe repatriation of victims to Cambodia.</p>
<p><i>Empowered MOSVY to facilitate the referral system for survivors to return to their community or to NGOs</i></p>	<p>Greatly owing to Chab Dai technical and financial support, MOSVY was empowered to become a main agency for referrals in recent years. Chab Dai greatly contributed to supporting MoSVY staff members for improving their capacities in referrals and counseling service provision, to ensure that survivors can receive necessary services from relevant service providers by responding the needs of the clients. In near future, it is expected that MOSVY can fully fulfill its role as a referral agency.</p>
<p><i>Legal service enables survivors to access to justice when they wish to pursue justice</i></p>	<p>Legal support such as filling a complaint to the police, lodge a complaint to the police, and lawyers provided by Chab Dai and NGO partners has been highly evaluated by the project partners, especially senior management of the Anti-human trafficking police of MOI as well as related ministry, both MOI and MoSVY.</p>
<p><i>Provide counseling service to survivors</i></p>	<p>Chab Dai staff members provided counseling to survivor upon their return, as a part of routine screening process (sometimes before the police force interviews them). After the survivor ends with official procedure with the state authority, Chab Dai may continue to provide counseling services, if they so wish. Mostly victims want to go back to their home quickly, but some survivors need some time without their family members to recover from trauma, and counseling service can be providing and also Chab Dai helps victims to be accommodated to the safe home/shelter on a temporary basis.</p>

<p><i>Excellent collaboration between Chab Dai and public officials was created owing to CHAB DAI:</i></p>	<p>Chab Dai staff members, led by the National Director of Chab Dai, Mr. Rous Yeng, successfully created both national and international networks to assist victims who are trafficked to foreign countries to repatriate to Cambodia. This platform was the direct attribution from the Chab Dai as identified by the stakeholders. The strong cooperation mechanism between law enforcement officers and Chab Dai's projects (legal support service/own lawyer that started in August 2017), some cases managed to successfully arrest perpetrators to be brought to justice and even some were punished. In total, 37 brokers were arrested (18 in 2016, 20 in 2017, and 9 in 2018).</p>
<p><i>Increased cooperation among CSOs/NGOs partners owing to the Chab Dai networking:</i></p>	<p>Chab Dai also contributed to creating a network and strengthening cooperation with relevant CSO/NGOs for an effective referral of victims through repatriation and reintegration process, by contributing the capacity building of MoSVY to play a central role in referrals. This was also for smooth referral of survivors of and for reintegration, and enabled MoSVY to take a lead in this process at the time of this evaluation study. Chab Dai was also trying to increase more work cooperation through building new relation with other partnership as well which is very successful.</p>

## 7.8 Gaps and Challenges

Based on findings from the assessment (both the desk review and the field work interviews/survey), analysis/discussion was made in regard to prevention, protection and partnership as in the above section. This part highlights some main gaps in faith-based organizations and churches to tackle unsafe migration and TIP across the 13 countries that were assessed in this study.

**Limited awareness about migration and TIP in faith-based institutions and churches:** Faith-based institutions have very limited understanding about unsafe migration and TIP. Due to limited awareness on these issues, they paid limited attention in their religious services for prevention of TIP.

**Limited messages delivery by the faith-based institutions and churches to its community people/members:** Commonly, Faith-based institutions and churches have a variety of events and occasions such as seminars to deliver important spiritual messages to the people to live in peace and in happiness. By adding some systematic messages for safe migration, risk of unsafe migration, prevention or TIP, they would help its community people to learn about the issues and also be prepared for the incidents that they may encounter in the future. But no systematic intervention has been done by Faith-based institutions and churches that were assessed in this study.

**Limited international cooperation amongst the faith-based institutions:** Some good efforts were found in this study that tried to respond to TIP within the community that faith-based organizations and churches have provided support to. However, in regard to TIP that involves cross-border international issues, engagement of faith-based organizations and

churches is considerably limited and intervention or support are spontaneous and no systematic mechanism has been set up to bring collective efforts. For protection of victims, the role that faith-based organizations and churches can play has huge potential because victims desperately need mental support for their recovery. Thus, more efforts could be put into this for protection.

**Faith-based institutions/churches have very limited partnership mechanisms for protection of victims (both domestic and international) with state authority and CSOs:** Protection of victims from TIP requires a holistic approach, engaging multi-dimensional stakeholders. Within such a collective effort, faith-based institutions and churches can play a very important role in providing spiritual support for the victims to move on to recovery process from all the traumatic experiences that they had when they were trafficked. To provide support in the protection, faith-based institutions and churches need more close cooperation and partnership with state authority (police force, ministry of foreign affairs, or other relevant ministries). This also links to the problem that not much information is available online regarding how faith-based institutions provide services related to migration and human trafficking. More information sharing is essential to have an effective response mechanism.

**Faith-based institutions in each country has limited cooperation to have a collective voice to combat TIP:** The majority of countries that were assessed in this study did not attempt to bring all faith-based institutions and churches/pagodas/mosques to raise their voices together to combat unsafe migration or TIP. As in the UN definition, TIP is an inhuman act and a violation of fundamental rights of humans, and faith-based institutions and churches can play greater roles in combatting such criminal offences that impact its community people.

**Religious school have not taught about TIP issues in a systematic manner:** Education at religious schools focus on bibles or religious teachings/doctrines and therefore social issues and human rights issues such as TIP have not been mainstreamed into their curriculums. This is a missed opportunity for the future generation who will be living in a more globalized society where people may migrate from one country to another in a more frequent manner.

## 8 RECOMMENDATIONS

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Based on the discussion/analysis and gaps identified through this study, a set of recommendations were made as below, divided into two groups: short-term (to be completed by 2020) and long-term (to be completed by 2030).

### 8.1 Short-term (to be completed by the end of 2020)

- Urgently develop a small leaflet directly linking the religious teachings/doctrines and TIP, and ELCA/LWD mobilize resources to conduct small training sessions about TIP situation for religious institutions.
- Set up a network based on the participants to this study and set up an online platform to share information. Such a platform can include a monitoring mechanism about the above recommended dissemination of leaflets and training activities, as well as how the faith-based institutions have included TIP issues into its activities.
- Urgently encourage faith-based organization to appoint one focal person on TIP who can coordinate and arrange the above 2 recommendations as a lead in each faith-based

institution. ELCA/LWD can help to prepare a Term of Reference for them and invite them to join the training sessions for 3-5 days about their roles and responsibilities.

- Some faith-based institutions have taken active measures to provide protection services for victims of TIP (such as shelter services) and those promising practices can be shared by a wider-range of faith-based institutions that participated in this study. On-going efforts can be monitored and supported in the platform recommended above.
- ELCA/LWD can support creating a local network by mapping out all faith-based institutions and CSOs and make a directory (contact name and number of each institution) and create an enabling environment for faith-based institutions to more proactively join in the collective efforts to combat unsafe migration and human trafficking, by also strengthening the response mechanism.
- This research collected some information about faith-based institutions (churches) taking concrete actions to assist victims of human trafficking (such as providing medical services or to buy an air-ticket for them to return back to their own home country). However, documentations are not in-depth, and the information gathered is very limited. Therefore, it is highly recommended that ELCA/LWD conduct an in-depth survey with faith-based organizations to identify promising practices to share with all the partners so they can also utilize promising practices into their own actions.

## 8.2 Long-term (by 2030, in line with SDG timeframe)

- Organize a national conference amongst leaders from different religions, by engaging state authority, and make a strong statement about the commitment of faith-based institutions to prevent TIP and to protect victims of TIP.
- Approach schools of faith-based institutions that produce future religious leaders and provide leaflets that are produced by ELCA/LWD to be taught on a regular basis. Such training should also focus on how to effectively disseminate information about safe migration, and the contact number of faith-based institutions of destination countries should be shared.

## 9 WAY MOVING FORWARD

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This study collected rich information from faith-based organizations and churches across 13 countries in Asia who generously shared their experiences and knowledge on human trafficking. Many participants were open, eager to have further cooperation, and committed to help people with solidarity as guided by God. As John 3:16 says, “For God so loved the world that he gave his one and only Son, that whoever believes in him shall not perish but have eternal life” (NIV). It starts with love, and that’s where efforts to combat human trafficking need to start.

Recommendations created by the study in a collective effort with the participants to the study need to be seriously taken into consideration for further actions to materialize the joint commitment by the faith-based organizations and churches. A small leaflet directly linking the religious teachings/doctrines and TIP and ELCA/LWD can be urgently made and utilized in their religious activities, and a network such as an online platform to share information can be set up with assistance for LWD. To facilitate an effective functioning of the platform, faith-

based organization may appoint one focal person on TIP and obtain trainings from ELCA/LWD to learn about their roles and functions.

Fostering national and international cooperation amongst faith-based organizations and churches for the prevention of human trafficking can be facilitated by ELCA/LWD by sharing challenges they may have encountered and how collectively they can collaborate to contribute to the reduction of unsafe migration. The protection mechanisms are strong in many countries that participated in this study and faith-based organizations and churches can provide spiritual support to victims so that they may try to cooperate for prosecution, and religious doctrines can provide victims more safe spaces and peace of mind for a better recovery pathway from the trauma.

For future actions to take, a national conference or an international conference inviting different religious leaders to raise their voices in a united manner can be a strong message to the people in the community, in the country, in the region and in the globalized world to be spiritually encouraged to pay more attention to the issues of unsafe migration and human trafficking as a fundamental human rights issues.

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## APPENDICES

### Appendix 1: List of Participants/Institutions to the Study

No	Name of Respondent	Name of Institution	Type of Institution	Contact Address	Method
<b>Cambodia</b>					
1	H.E. Chou Bun Eng	NCCT	Government	<a href="mailto:cbeng1155@gmail.com">cbeng1155@gmail.com</a> 012 872 639	KII
2	Mr. Nop Rithear	CNCC)	Government	023 213 004	KII
3	Mr. Phon Puth Borey	MoWA	Government	012 990 519	KII
4	Mr. Ouk Ravuth	(MoLVT	Government	023 884 375	KII
5	Rev. Danial Orn	LCC	Church	<a href="mailto:orndaniel@gmail.com">orndaniel@gmail.com</a> 010 900 290/077 900 235	Email
6	Mr. Rous Yeng	Chab Dai Coalition	Faith-based	<a href="mailto:ros.yeng@chabdai.org">ros.yeng@chabdai.org</a> 012 499 202	KII
7	Mr. Sim Sambath	Mission Alliance	Faith-based	<a href="mailto:sambath@nmakh.org">sambath@nmakh.org</a> 012 836 650/086 670 616	KII
8	Mr. Chhum Phally	Winrock International	NGO	<a href="mailto:chumphally@gmail.com">chumphally@gmail.com</a> 015 57 7708	KII
9	Mr. Lim Tith	UN-Women	UN Agency	<a href="mailto:tith.lim@unwomen.org">tith.lim@unwomen.org</a> 012 945 952	KII
<b>Thailand</b>					
10	Rev. Rungtiwa Mamo	CCT	Church	<a href="mailto:rungtiwasmamo@gmail.com">rungtiwasmamo@gmail.com</a>	KII
11	Ms. Tiemchan Kamonklapachon	NLCF	Faith-based	<a href="mailto:newlife@pobox.com">newlife@pobox.com</a>	Email
<b>Myanmar</b>					
12	Mr. David H. Mueller	LWF-Myanmar	Faith-based	+95 09 506 9417	Email
13	Rev. Martin Lalthangliana	LCM	Church	<a href="mailto:lcmyanmar@gmail.com">lcmyanmar@gmail.com</a>	Email
<b>Philippine</b>					
14	Rev. Daniel Pondevida	LCP	Church	<a href="mailto:danielpondevida@rocketmail.com">danielpondevida@rocketmail.com</a>	Email
<b>Indonesia</b>					
15	Mr. Kepler Silaban	CDRM	Faith-based	<a href="mailto:kepler@cdrmcads.org">kepler@cdrmcads.org</a> +62 8227-7041-999	KII
16	Rev. Basa Hutabarat	KNLWF	Church	<a href="mailto:basahutabarat@gmail.com">basahutabarat@gmail.com</a>	KII
17	Mr. Fernando Sihotang	KNLWF	Church	<a href="mailto:fernando.sihotang@gmail.com">fernando.sihotang@gmail.com</a>	KII
18	Melki Naibaho	KNLWF	Church	<a href="mailto:melkinaibaho@gmail.com">melkinaibaho@gmail.com</a>	KII
<b>Nepal</b>					

19	Dr. Prabin Manandhar	LWF	Faith-based	cd.nep@lwfdws.org +977 1-4720217	Email
20	Rev. Joseph SOREN, president	NELC	Church	<a href="mailto:josephsoren@hotmail.com">josephsoren@hotmail.com</a>	Email
<b>Bangladesh</b>					
21	Dd. Khairul Islam	RDRS	Faith-based	<a href="mailto:bctip.rdrs@gmail.com">bctip.rdrs@gmail.com</a> 01777-741699	Email
<b>Malaysia</b>					
22	Bp. Aaron Yap	LCM/CFM	Church	bishop@lcm.org.my	Email
23	Tan Kong Beng	LCM/CFM	Church	N/A	Email

## Appendix 2: Study's Schedule

Date	Delivery	Estimate days	Remarks
By 10 May 2019	Initial meeting with the LWD and ELCA management team to discuss about the proposal and logistical arrangement for the study schedule	0.5 day	LWD office, Phnom Penh
20 May 2019	Finalize and Submission of Inception Report to LWD and ELCA, including the revised schedule for the study	1.0 day	LWD office, Phnom Penh
22 May 2019	Meeting with LWD management team to finalize the Inception report	0.5 day	LWD office, Phnom Penh
25 May - 10 June	- Desk review - Preparation of data collecting process (schedule, contacting target group)	4 days	Phnom Penh
By 10 June 2019	Testing the tools to finalize	1 day	Phnom Penh
11 June -10 July 2019	- Data collection (Interviews with Key Stakeholders)	7 days	Target areas via phone and Phnom Penh (face-to-face interview)
11-19 July 2019	- Data entry - Analysis and Draft Report writing - Preparing for presentation of preliminary findings from the field work	6 days	Phnom Penh
30 July (10 am) 2019	Presentation of preliminary findings and draft report from the field work to LWD and ELCA at a workshop organized by the project (only in English)	0.5 day	LWD office, Phnom Penh
By 9 August 2019	- Finalize the English report - Preparation for the International meeting in Phnom Penh	7 days	Phnom Penh

	- Agree on the presentation and session flow for the international conference		
21 August 2019	- Present the findings from the consultancy at the international workshop organized by LWD (slide presentation consists of Khmer and English language)	1 day	Phnom Penh
By 30 August 2019	- Submit the Khmer report	1.5 day	LWD office, Phnom Penh
<b>Total of Working Days</b>		<b>30</b>	<b>Days</b>

### Appendix 3: Interview Guides/Questionnaires

#### For Government

##### Section 1: General Situation of Migration and Human Trafficking

1. How is the general situation of migration (both positive and negative)? How about Cambodian migrant workers to foreign countries? What are the new trends? Are there any gender dimensions of migrant workers? What about migrants from other countries to Cambodia?
2. How is general situation of human trafficking? How about the case human trafficking of Cambodian people in foreign countries? Are there any gender and/or religion dimensions, children, people with disability, and minority people, of human trafficking? Which countries are main, transit and destinations? (if there are in-coming trafficking) where victims are from?
3. To your view, what are the root causes of human trafficking and migration issues?

##### Section 2: Responses Mechanism

4. What are your ministry's role and responsibility in preventing/responding to human trafficking? Is it linked to migration?
5. What are projects/programs/networks of your ministry/institution for preventing, provision, promotion, prosecution, partnership of human trafficking and migration issue or protection of migrants' rights? What are they? (target areas, main activities?)
6. Have you/your ministry assisted any survivor who was trafficked? If yes, what kind of help/services do you provide to person who was trafficked? Do you think these kinds of services for victims are essential? Why?
7. What about budget allocation for human trafficking in your ministry?

##### Section 3: Cooperation and Networking

8. Does your ministry have any national and international cooperation /partnership/program initiative/fellowship to combat and respond to human trafficking?

9. Do you work in cooperation with (both national and international) other key stakeholders, especially faith-based organization and church, pagoda in combating/responding to human trafficking? Who are they (list down the kind or name)? And how you work in cooperation with them?
10. How do you see those key stakeholders, faith-based organization and church, pagoda, work in responding to human trafficking/migration issue? (Identify services provided- are they satisfied, needed more service?)

#### **Section 4: Engagement, Progress and Good Practice**

11. What have been main engagement, intervention, and progress in combating/responding to human trafficking and migration issue of your ministry/institution?

#### **Section 5: Gaps and Challenges**

12. What have been main challenges of engagement and intervention of your ministry/institution in combating/responding to human trafficking? (human recourse, financial resource)

#### **Section 6: Suggestion/Recommendation**

13. Are there any specific recommendation for action to combat human trafficking and migration issue?
14. How can faith-based organizations churches, temples, mosque and pagoda contribute more to combat human trafficking and migration issue?
15. If LWD Cambodia, ELCA or other network/Alliance/Ecumenical Agency starts a new project on human trafficking in the region, what do you recommend to effectively engage faith-based institutions/churches? (But it does not mean LWD respond to your needs)

### **For Churches**

#### **Section 1: Church and Community**

1. How does your church engage in community/diaconal/development work?
2. How many people (local and international) are members of your church (Do you have a migrant community or individuals in your congregations?)

#### **Section 2: General Situation of Migration and Human Trafficking**

3. How is the general situation of migration (both positive and negative) in your area/country? What is the main nationality of migrant workers who are coming to this area/going to foreign countries? Are there any gender and/or religion dimensions, children, people with disability, and minority people of migrant workers?
4. How is general situation of human trafficking in your area/countries? What is the main nationality of victim? Are there any gender dimensions of human trafficking?
5. What is your understanding of the root-causes of Human Trafficking and Migration issue?

#### **Section 3: Responses Mechanism**

6. Generally, in what ways can a church engage in anti-human trafficking efforts?

7. What are projects/programs/networks/advocacy of your church for preventing, provision, promotion, prosecution, partnership to human trafficking and migration issue? What are they? (Target areas, main activities?)
8. Have you/your church ever assisted any survivor who was trafficked? If yes, what kind of help/services do you provide to person who was trafficked? Do you think these kinds of services for victims are essential? Why?
9. Is your church able to assist victim of human trafficking/migration if they seek help? If so, in what way?
10. Has your church ever preached about or talked about human trafficking in retreats, Bible Studies, gatherings/regular church services?
11. Are there any specific Biblical texts that you can think of to relate to Migration and human trafficking?
12. What is your view about other churches?

#### **Section 4: Cooperation and Networking**

13. (In general) Do you/your church belong to any network to assist human trafficking victims of foreign countries?
14. Do you cooperate with state authority to combat or respond to human trafficking/migration issue? How do you see the state authorities cooperate with church, faith-based or NGOs in your country?
15. Does your church have any national and international cooperation /partnership/program initiative/fellowship to combat and respond to human trafficking/migration issue?
16. How do you see those key stakeholders (faith-based, NGOs, church, and pagoda), work in responding to human trafficking/migration issue? (Identify services provided- are they satisfied, needed more service?)

#### **Section 5: Engagement, Progress and Good Practice**

17. If there was any case before, what have been main engagement and intervention in combating/responding to human trafficking and migration issue of your church/institution/organization?

#### **Section 6: Gaps and Challenges**

18. What have been main challenges of your engagement, intervention and cooperating/partnership with those relevant key stakeholders (faith-based organizations, churches, temples, mosque and pagoda)?

#### **Section 7: Suggestion/Recommendation**

19. Are there any specific recommendation for action to combat human trafficking and migration issue?
20. How can faith-based organizations, churches, temples, mosque and pagoda contribute more to combat human trafficking and migration issue?

21. If LWD Cambodia, ELCA or other network/Alliance/Ecumenical Agency starts a new project on human trafficking in the region, what do you recommend to effectively engage faith-based institutions/churches? (But it does not mean LWD respond to your needs)

## **For Faith-Based Organization and NGOs**

### **Section 1: General Situation of Migration and Human Trafficking**

1. How is the general situation of migration (both positive and negative) in your area/country? Are there any gender dimensions of migrant workers?
2. How is general situation of human trafficking in your area/countries? What is the main nationality of victim? Are there any gender and/or religion dimensions, children, people with disability, and minority people, of human trafficking? Which countries are main, transit and destinations?
3. To your view, what are the root-causes of human trafficking and migration issues?
4. (Not for Cambodia) Are there cases of Cambodian women or men who are trafficked to this area/country? If so what types, who help them (legal assistance/social assistance/health care) or return back to Cambodia?

### **Section 2: Responses Mechanism**

5. What are projects/programs/networks/advocacy of your institution for preventing, provision, promotion, prosecution, partnership of human trafficking and migration issue? What are they? (Target areas, main activities?)
6. Have you/your institution ever assisted any survivor who was trafficked? If yes, what kind of help/services do you provide to person who was trafficked? Do you think these kinds of services for victims are essential? Why?

### **Section 3: Cooperation and Networking**

7. (In general) Does your institution have any national and international cooperation/partnership/program initiative/fellowship to combat and to respond to human trafficking? How do you work cooperation with them?
8. How do you see those key stakeholders (especially church, and pagoda), work in responding to human trafficking/migration issue? (Identify services provided- are they satisfied, needed more service?)
9. In general, how the state authorities cooperate with churches, other faith-based institutions such as pagoda or NGOs in your country?

### **Section 4: Engagement, Progress, and Good Practice**

10. (If there was a case before) What have been main engagement and intervention in combating/responding to human trafficking and migration issue of your institution?

### **Section 5: Gaps and Challenges**

11. What have been main challenges of your engagement, intervention and cooperating/partnership with those relevant key stakeholders (faith-based organizations, churches, temples, mosque and pagoda)?

## **Section 6: Suggestion/Recommendation**

12. Are there any specific recommendation for action to combat human trafficking and migration issue?
13. How can faith-based organizations, churches, temples, mosque and pagoda contribute more to combat human trafficking and migration issue?
14. If LWD Cambodia, ELCA or other network/Alliance/Ecumenical Agency starts a new project on human trafficking in the region, what do you recommend to effectively engage faith-based institutions/churches? (But it does not mean LWD respond to your needs)

## **For UN Agency**

### **Section 1: General Trafficking Situation**

1. How is the general situation of global migration (both positive and negative)? What about in Asia and Southeast Asia? And Cambodian migrant workers to foreign countries? What are the new trends? Are there any gender dimensions of migrant workers?
2. How is general situation of global human trafficking? What about human trafficking issue in Asia and Southeast Asia? And Cambodian people in foreign countries? Are there any gender and/or religion dimensions, children, people with disability, and minority people, of human trafficking? Which countries are main destinations?
3. To your view, what are the root-causes of human trafficking and migration issues?

### **Section 2: Responses Mechanism**

4. In general, what are the UN's main roles in combating human trafficking? Do you have a regional approach?
5. How does your institution specially work in combating/responding to human trafficking? (such as supporting the government and NGOs, or conducting the research)
6. What are projects/programs/networks//advocacy of your institution for preventing, provision, promotion, prosecution, partnership of human trafficking and migration issue? What are they? (Target areas, main activities?)
7. Have you/your institution ever assisted any survivor who was trafficked? If yes, what kind of help/services do you provide to person who was trafficked? Do you think these kinds of services for victims are essential? Why?

### **Section 3: Cooperation and Networking**

8. How do you see key stakeholders (especially faith-based organization, church, and pagoda), work in responding to human trafficking/migration issue? (Identify services provided- are they satisfied, needed more service?)
9. How does your institution work to support the key stakeholders (especially, faith-based organization, church, and pagoda), work in responding to human trafficking/migration issue?

### **Section 4: Engagement, Progress, and Good Practice**

10. What have been main engagement and intervention in combating/responding to human trafficking and migration issue of your institution or network?

**Section 5: Gaps and Challenges**

11. What have been main challenges of your engagement, intervention and cooperating/partnership with those relevant key stakeholders (faith-based organizations, churches, temples, mosque and pagoda)?

12. Section 6: Suggestion/Recommendation

13. Are there any specific recommendation for action to combat human trafficking and migration issue?

14. How can faith-based organizations, churches, temples, mosque and pagoda contribute more to combat human trafficking and migration issue?

15. If LWD Cambodia, ELCA or other network/Alliance/Ecumenical Agency starts a new project on human trafficking in the region, what do you recommend to effectively engage faith-based institutions/churches? (But it does not mean LWD respond to your needs)