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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*

Summary Report

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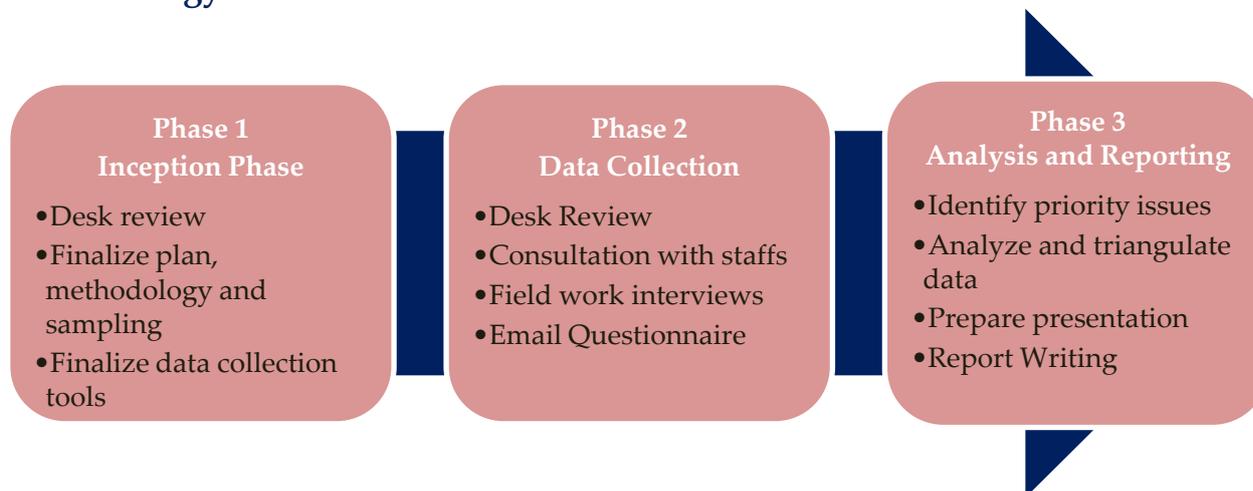
EXECUTIVE SUMMARY

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)

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 (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).
TIP	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%).
Linkage of Migration & TIP	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
International Organization for Migration (IOM)	<ul style="list-style-type: none"> • 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 	<ul style="list-style-type: none"> • 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.
The United Nations Office on Drugs and Crime (UNODC)	<ul style="list-style-type: none"> • Assist Member States in struggle against illicit drugs, crime, and terrorism, as well as to increase efforts to fight transnational crime. 	<ul style="list-style-type: none"> • Created and upholds the UN Convention on Transnational Organized Crime, as well as its 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 Smuggling of Migrants Knowledge Portal” is an initiative run by UNODC to disseminate information on UN Convention on Transnational Organized Crime. • “Voluntary Trust Fund for Victims of Human Trafficking” provides humanitarian, financial, and legal support to victims of TIP. • “Toolkit to Combat Smuggling of Migrants” was created to assist countries in implementing Smuggling of Migrants Protocol

<p>The United Nations Entity for Gender Equality and the Empowerment of Women (UNWOMEN)</p>	<ul style="list-style-type: none"> • Dedicated to gender equality and the empowerment of women. 	<ul style="list-style-type: none"> • 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. • increases the capacity of UNWOMEN officials to support the needs of women victims of TIP. • supports the creation of gender-responsive migration laws
<p>The International Criminal Police Organization (INTERPOL)</p>	<ul style="list-style-type: none"> • 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"> • Supports police to respond to human trafficking by providing support in training, capabilities, global operations, partnerships, events and conferences, specialists groups, and resources. • “Smuggling Training Operation Programme” which helps enhance the capabilities of frontline officers in member countries.
<p>The office of the United Nations High Commissioner for Refugees (UNCHR)</p>	<ul style="list-style-type: none"> • To assist and help refugees worldwide 	<ul style="list-style-type: none"> • A global organization dedicated to saving lives, protecting rights and building a better future for refugees. • 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

Migration and Human Trafficking in Asia¹

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.

¹ The Data sources can be found in the main body part.

- 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.
- 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>	UN Convention against Transnational Organized Crime	Protocol to Prevent, Suppress and Punish Trafficking in Persons,	Trafficking Ranking by U.S
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	<i>(Enter into Force 29 Sep 2003)</i>		Especially Women and Children <i>(Enter into Force 25 Dec 2003)</i>		Department of State <i>(June 2019)</i>
	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.