

# **THE ASIA FOUNDATION**

## **East Asia Pacific Women's Initiative on Trafficking and Violence Against Women**

### **Semi-Annual Progress Report (January 1, 2004 – June 30, 2003)**

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# Summary

## A. Overview

The Asia Foundation is pleased to submit a semi-annual report on the reporting period January – June 2004 of its “East Asia Pacific (EAP) Women’s Initiative on Trafficking and Violence Against Women” (Cooperative Agreement No. 442-A-00-02-00137-00). The goal of the program is to reduce trafficking and violence against women, and ensure the rights of victims. The program has three objectives:

- To prevent trafficking and violence against women;
- To protect the rights of victims; and
- To increase prosecution of abusers and traffickers.

This program directly supports the U.S. commitment to address gender-based human rights abuses, including trafficking in persons.

The EAP Women’s Initiative currently operates in eight countries: Cambodia, Fiji, Laos, Mongolia, Papua New Guinea, the Philippines, Thailand, and Vietnam. The program in Solomon Islands ended during the last reporting period and therefore is not included in this report. In-country programs are complemented by regional activities that facilitate sharing of models, strategies, and lessons learned to advance bilateral and regional cooperation.

## B. Program Strategy and Results

Increasing women’s political participation is a key strategy to achieve the program’s objectives. Violence against women and trafficking are complex, deeply-rooted problems that need to be addressed on many fronts simultaneously. The program works on both the immediate and long-term strategic needs of women facing violence and/or trafficking. The Foundation supports strategic initiatives to reform legal structures and challenge attitudes and practices that exacerbate these abuses. The program also builds advocacy and leadership capacity at all levels and fosters grassroots support that is essential to combating trafficking in persons and violence against women. With partners and contacts spanning five decades, the Foundation is effective at strengthening networks, promoting cooperation, and stimulating joint initiatives across borders, which are essential to deterring these problems.

To date, through a combination of technical assistance and other support, the three-year program has achieved important results and established strategic partnerships with government and non-governmental organizations and regional networks that will increase the impact of the program over the next two years. Asia Foundation-supported projects have achieved the following key results during this reporting period:

To combat trafficking:

- The Lao Women's Union completed the first draft of anti-trafficking and domestic violence legislation in **Laos**. Subsequently, key legislators, policymakers, legal experts, professionals, and concerned international organizations advocated for the passage of the draft legislation and worked collectively to resolve trafficking of Laotians.
- The Lao Women's Union launched the first-ever multi-disciplinary, inter-agency coordinating team in **Laos** that provides services and legal protection to victims of violence and trafficking.
- In **Cambodia**, legal aid to trafficked victims led to court rulings ordered compensation for trafficking victims and convictions of perpetrators of trafficking and complicity in trafficking for prostitution, debauchery, and pimping. This is significant in Cambodia, where it is hard to get a trafficking case through the courts and exceedingly rare for courts to rule in favor of the victim or convict traffickers.
- The **Philippine** Inter-Agency Council Against Trafficking, a government agency, has developed a national strategic plan of action against trafficking and a standard orientation module for its staff. This addresses concerns identified in the Trafficking in Persons report issued by the U.S. Department of State.
- In the **Philippines**, *Bantay-Bugaw*, a new community-based anti-trafficking network, is improving local government prevention and protection efforts. It is comprised of local governments, representatives of NGOs, and community leaders in Calbayog, Samar and Zamboanga City, Mindanao.
- Pioneering multi-sectoral anti-trafficking networks were established in the **Philippines** ports of Manila and Davao City. These networks are composed of representatives of anti-trafficking NGOs, shipping companies, and government. They provide a replicable model for implementation in other ports, including Batangas City and Matnog, Sorsogon province.
- In **Thailand**, government commitment to address trafficking and violence is increasing. Government agencies have signed key memoranda of understanding with NGOs at the national and northern regional levels. These agreements provide for the multi-disciplinary approach to protection and prosecution promoted by the Asia Foundation and its partners.
- In **Thailand**, five new multi-disciplinary anti-trafficking coordination teams are now responding to reports of trafficking and assisting victims in Korat, Lamphun, Lamphun, Tak, and Chiang Rai provinces.
- Use of the Anti-Money Laundry Law to bring additional charges against alleged brothel owners in Chiang Mai, **Thailand** sets an important precedent. This is the first time the

law has been used in a trafficking prosecution and allows the state to seize the assets of traffickers, thus reducing the profit motive for trafficking.

- As a result of a child rights and education program in areas of **Thailand** with high rates of trafficking, nearly 80 percent of the at-risk children and youth are now pursuing a high school education—well beyond the national norm. They are also organizing themselves into “Agent of Change” groups and conducting child trafficking prevention activities in their communities and schools.
- Community support groups in Quang Ninh and An Giang provinces of **Vietnam** are preventing trafficking and reintegrating victims into their communities. For example:
  - Participating communities have reported no new trafficking cases or missing women and children since the program was launched November 2003;
  - The group in Dam Ha district in Quang Ninh successfully placed vulnerable women in jobs and raised funds to keep at-risk children in school and to assist victims trafficked to China for forced marriage to begin new lives; and
  - In An Phu district, An Giang province, the group prevented known traffickers from approaching vulnerable girls and worked with local government to deport them out of the area.

To reduce violence against women:

- In Phnom Penh, **Cambodia**, higher awareness about domestic violence among men and youth in Samroun Kroun commune resulted in behavior change and concrete grassroots actions to stop violence against women. Examples include:
  - Cessation of physical and emotional abuse by men;
  - Cessation of physical violence by former youth gang members;
  - Arrests for rape and sexual harassment;
  - Mediation between married couples, pairs of youth, neighbors, and families to resolve conflict without violence.
- The **Mongolian** Parliament adopted the first Domestic Violence Law in Mongolia’s history in May 2004. This is the culmination of 10 years of strategic support by the Asia Foundation for advocacy, legislative drafting, and other activities by the National Center Against Violence, the Mongolian Women Lawyers Association, and other local partners.
- The Lao Women’s Union completed the first-ever national survey on violence against women in **Laos**.

Foundation interventions recognize that strategic program investments at the local, national, and regional levels are critical to expanding the network of women (and men) who are able to use sophisticated political skills and strategies to combat violence and trafficking. Women also need to be linked within and across regions to leverage their collective influence to generate international pressure for government accountability. **Regional** results during this reporting period include:

- Thai and Cambodian delegates committed to developing more concrete implementation guidelines for the cross-border memorandum of understanding between the two countries.
- Mekong regional representatives developed concrete recommendations for improving protection and repatriation services across the Thailand, Cambodia, and Laos borders.

## **Success Stories**

In accordance with its cooperative agreement, the Foundation is pleased to provide project success stories. For this report, the Foundation has selected success stories from its programs to combat violence against women in Mongolia and trafficking in Vietnam.

### **A Decade of Support for Women's Rights Culminates in the first ever Domestic Violence law in Mongolia**

On May 13, 2004 Mongolia's Parliament unanimously passed a Domestic Violence law. The Asia Foundation has long supported Mongolia's efforts to combat domestic violence, a problem that is estimated to affect up to one-third of its female citizens. The Foundation's support goes back to 1994, when it brought an international expert on domestic violence law to help draft legislation that includes restraining orders and compensation for victims, and defined the roles and responsibilities of law enforcement and health professionals in addressing the problem. In 1999, the Foundation supported the National Center Against Violence (NCAV) to update a survey on domestic violence that was used to complement the legal justification for the legislation. Under this grant from the US Department of State, the Foundation made a grant in 2002 to the NCAV and the Mongolian Women Lawyers Association (MWLA) to advocate for and finalize the draft of the domestic violence bill in coordination with the parliamentary domestic violence legislative task force. The Asia Foundation and the US Department of State can take pride in their role in providing strategic support that led to this significant achievement.

### **Stopping Trafficking at the Source through Community Monitoring and Support in Vietnam**

Communities must take responsibility for preventing trafficking in persons to have a meaningful impact on reducing the problem. In two provinces in Vietnam prone to trafficking to China for forced marriage and to Cambodia for sexual exploitation, An Giang and Quang Ninh, the Foundation is supporting innovative and sustainable community monitoring and support groups to prevent trafficking. Since the project was launched in November 2003, there have been no new trafficking cases or reports of missing women and children in the communities with active community monitoring and support groups.

These groups include local authorities, representatives of mass-based organizations, village leaders, and other influential citizens and act as local watchdog groups to monitor and intervene in potential trafficking situations. They also provide advice and support to individuals facing family or financial problems who may be particularly vulnerable to being trafficked. In one target commune in An Giang province, the community formed a women's network specifically to prevent and combat trafficking, including ensuring that children receive education and health care, and at-risk women and children receive the counseling and advice they need.

In Quang Ninh province, these community monitoring and support groups have successfully helped place vulnerable women in jobs, raised funds from fellow community members to support children in difficult family situations to remain in school, and provided seed funds to help victims who had been trafficked to China for forced marriage begin rebuilding their lives. In An Giang province, one community support group intervened to prevent two known traffickers from approaching at-risk girls and worked with local government to deport them out of their area.

# Cambodia

## Overview

Working with local partners, the Foundation's Cambodia office continued its programs to support the formation of men's anti-violence community groups to deter violence against women, provide legal aid for survivors of trafficking, and train survivors of violence and trafficking transitioning out of shelters in marketable vocational skills. Legislative advocacy activities were slowed or temporarily suspended due to the political deadlock that left Cambodia without a new government from the July 2003 elections until July 2004. It is anticipated that the newly formed coalition government, marked by the seating of the National Assembly on July 15, 2004, will enable organizations to restart the legislative advocacy agenda.

Results this period include:

- Continued progress in raising awareness about domestic violence among men and youth in Samroun Kroun commune, resulting in:
  - Community reports that 25 men stopped being physically and emotionally abusive and that 13 former youth gang members completely stopped using physical violence;
  - The arrest of one rapist of two girls and one perpetrator of sexual harassment;
  - Mediation between 16 married couples, ten pairs of youth, six sets of neighbors, and six families to resolve conflict without violence;
- Convictions of six perpetrators of trafficking and of those complicit in trafficking for prostitution, debauchery, and pimping through the CAT's legal aid to victims project; and
- 18 survivors of trafficking trained in computers and English employed full-time in well-paying, skilled jobs at Digital Divide Data.

## Strategic Objective 1: Victimization Prevented

### IR 1.2 More nongovernmental interventions to prevent trafficking/violence against women

Men Stop Violence Community Network: The Foundation is supporting the Project Against Domestic Violence (PADV) to establish men's community anti-violence groups in Srey Chass and Srey Speing in the Dangkeou district of Phnom Penh. PADV facilitates men's discussion groups and trains community leaders to form anti-violence committees to effectively intervene to combat violence in their communities. Community members in the project sites report that the anti-violence groups have been successful in gradually reducing violence against women at the local level.

During this reporting period, PADV conducted monthly interviews in the villages to determine how the project is reducing physical and verbal violence between men and women, changing male youth behavior, reducing alcohol consumption, improving family and community relationships, and using positive male role models to influence male behavior. PADV educated

1,216 community members (307 men, 80 youth and 829 women) on women's rights and domestic violence through its discussion groups this reporting period. Communities report that 25 men have stopped resorting to physical violence and emotional abuse and 13 youth gang members have stopped using physical violence as a result of their participation in the discussion groups. The anti-violence committees continued to intervene as necessary by providing education and information, helping with trial separations, assisting in filing complaints for rape, and facilitating individual and couple negotiations and counseling.

*Discussion Groups:* PADV conducted 40 monthly discussion groups in which 307 men participated that addressed such issues as the roles and responsibilities of men and women in a family, the impact of domestic violence on the family, domestic violence as something a son learns and imitates from his father, and anger management tools and skills for curbing domestic violence. An additional ten youth discussion groups reached 80 participants. After home visits, PADV reported that 25 men had stopped being physically and verbally abusive to their partners and families and 13 youths had stopped using physical violence toward women.

Female discussion groups also generated significant interest. More than 800 women attended 66 discussions in 11 villages in Samrong Krom Commune to review tactics for intervening in situations of domestic violence of neighbors and educating relatives on violence, gambling, and women's rights. Following the discussion groups, 65 percent of participants reported increased confidence in their ability to resolve conflict with their husbands peacefully and about their value and role in the household.

*Youth Public Forum:* Two Youth Public Forums were conducted in March and May 2004 with 244 youths (84 female), Anti-Violence Committee members, and commune chiefs in 11 villages. The forums provided opportunities for participants to learn about the causes of domestic violence and the Men Stop Violence activities for youth.

*Raising Awareness:* During this reporting period, PADV's public education campaign to raise awareness about domestic violence expanded beyond the project site to reach a nationwide audience. PADV developed two posters with public education messages, such as how families that do not use violence to solve their problems are happier than those that do and how men can take pride in combating violence in their communities. In March 2004, PADV distributed 974 posters to NGOs, markets, restaurants, schools, in the target communities. The posters were also distributed to communities and provinces beyond the project area through other partners and through the Foundation-supported Community Information Centers (CICs) in every provincial town. Four anti-violence committee members and two project assistants (PADV staff) were interviewed in four one hour "radio talkbacks" on two radio stations: FM 95 and FM 99.5. These programs were broadcast in ten provinces (Kandal, Kampong Speu, Takeo, Kampot, Prey Veng, Kampong Cham, Kampong Chhnang, Siem Reap, Battambang, and Banteay Meanchey) and Phnom Penh.

*Anti-Violence Committee:* The 17 Anti-Violence Committee members conducted 108 educational outreach activities including formal presentations or discussions at village meetings and informal awareness raising with people they encountered in their daily lives. These activities reached nearly 600 villagers, about 45% of them women. The Anti-Violence Committee also worked in

the 11 target villages to further raise awareness about women's rights, the effect of domestic violence and emotional abuse on families and communities, alcohol consumption and its relationship to violence, and the impact of gambling on the family.

The Anti-Violence Committee also successfully intervened in 40 cases of domestic violence, including cases between husbands and wives, between youth, and between neighbors. The intervention approaches taken by the committee include reconciliation, mediation, and education within and among the family, neighbors, and youths. In serious cases such as rape and sexual harassment, committee members intervened along with the police and commune and district authorities. As a result of these efforts, a rapist was arrested and sent to Prey Sar jail after the victim's mother filed a complaint with the district police office. The district police office investigated and arrested one perpetrator of sexual harassment after the Anti-Violence Committee notified them of a complaint letter received by the committee from the parent of the victim. These are significant achievements in a country known for its culture of impunity, where victims rarely go to the police for justice and where violence against women is often not viewed as a serious crime by those charged with enforcing the law.

## **Strategic Objective 2: Victims Protected**

### **IR 2.1 Legal framework established to protect victim's rights**

Legislative Advocacy on Domestic Violence Law: The Cambodian Committee of Women (CAMBOW) is a coalition of 33 NGOs working to end violence against women advocating for the passage of the Domestic Violence Draft Law. However, advocacy efforts were halted during the run up to the July 2003 national election, and the delay continued until the end of this reporting period (January 1, 2004 through June 30, 2004). A new government was recently formed in July 15, 2004. CWCC and its members will convene a meeting in July to identify potential project activities and strategies for effective advocacy on the draft domestic violence law when it comes to full session debate at the National Assembly.

### **IR 2.3 More and better services for trafficking victims**

Vocational Training Programs in Shelters for Survivors: In the last reporting period, CWCC faced internal constraints and requested a delay launching this project until Year-3 (July 1, 2004 through June 30, 2005), due to the fact that CWCC's Executive Director, Ms. Oung Chanthol, had just returned from a year-long study leave in Hong Kong. Based on findings from research that CWCC performed last year in Siem Reap, they have identified a number of new careers that would respond to current market needs in Siem Reap. CWCC will include those skills in their current vocational training scheme in the next reporting period. The program will provide vocational, micro-enterprise, and other transferable skills training to survivors of violence, thereby reducing their vulnerability to further abuse.

Case Management Database: Over the past two years, with technical support from Prefer Software and The Asia Foundation, a new data management system was established to help CWCC track their cases; share information with other shelters, human rights, and counter-trafficking organizations; and gather more accurate data on domestic violence, rape, and

trafficking in Cambodia. Once all the data has been entered and CWCC institutionalizes a system for maintaining electronic records for its clients, CWCC will have reliable statistics about the nature and scope of trafficking and violence against women. It can use this information to effectively raise the profile of violence against women and trafficking and make persuasive arguments to policymakers.

Most of CWCC's past Phnom Penh shelter client records were entered into the database during the last reporting period. CWCC no longer uses a paper-based system because all data is entered into the database, even during interviews with their clients. CWCC can now information on cases they are pursuing faster than before. Constraints and further areas for improvement have been identified, and therefore CWCC and Prefer Software will adjust and sharpen the goals of their database system. Areas that need improvement include increasing the quality and scope of data collection and entry, selecting a new network administrator, and providing more training for staff on data collection, entry, and extraction. CWCC will work to make the system function more efficiently and effectively.

Developing Economic Alternatives for Survivors: By the end of the reporting period, Digital Divide Data (DDD) Developing Economic Alternatives for Survivors program had trained and mainstreamed 18 victims of trafficking and violence into jobs at DDD. During this reporting period, DDD held graduation ceremonies for members of the first and second training groups who were already approaching the productivity levels of more senior DDD employees. DDD also expanded its network from only two partners (CWCC and Social Service of Cambodia) during the last period, to four other organizations – Hagar, Friends/Mith Samlanh, Cambodian Center for the Protection of Children's Rights (CCPCR), and Cambodian Women's Development Association (CWDA) to get assistance in selecting new participants. By improving its trainee selection criteria and expanding the trainee pool to other organizations, DDD was able to accelerate the training program from six months to three. The second group of nine participants was recruited from this network and is now undergoing a three month on-the-job training program. Upon completion, they will then be moved into DDD's mainstream workforce.

### **Strategic Objective 3: System for Effective Prosecution and Enforcement Institutionalized**

#### **IR 3.1 More violators appropriately charged and convicted**

Legal Representation for Trafficking Survivors: During this reporting period, The Cambodian Defenders Project (CDP) Center Against Trafficking (CAT) worked on 42 cases, representing 175 female and five male victims of trafficking and abuse. Twenty-two were minors. Twenty-eight of these cases were carried over from the previous reporting period. Fourteen cases were closed. Of the fourteen cases, four cases went to trial, where two defendants in two cases were acquitted and six defendants were convicted for crimes ranging from trafficking and complicity in trafficking for prostitution, to debauchery, and pimping. Prison sentences ranged from three to 20 years (one defendant received a 20 year sentence, one 11 years, one ten years, one three years, and two for two years). The monetary damages awarded to victims ranged from \$500 to \$2,250.

CDP/CAT has noted two particular obstacles in handling trafficking cases. First, it is difficult to bring perpetrators living outside Cambodian jurisdiction to justice. Unless there is strong coordination between officials and NGOs in the country of origin and the country of destination, prosecution of the perpetrators is not possible. Second, though awarded by the courts, compensation rarely reaches the victims, because under Cambodian law, as long as appeals continue the judgment can not be enforced. By the time appeals have ended, victims have been waiting for years and have lost interest in pursuing the case and the perpetrators have depleted or transferred their assets.

In legal services to victims of trafficking, CAT will take a more strategic approach than in previous years. The main objectives of CAT's legal services will be to advocate before law enforcement officials, prosecutors, and judges to help ensure effective law enforcement and timely and just results for trafficking victims. At the same time, CAT will raise awareness in order to strengthen and protect fundamental human rights of those at risk of falling victim to or who are victims of trafficking, and help coordinate and join forces to combat trafficking with other organizations and institutions.

Rather than emphasize the high number of cases it represents, CAT will emphasize the quality of representation and choose cases on the basis of their potential to either raise awareness of the issue or the push for legal or judicial reform. CAT will liaise with other human rights NGOs to seek cases that it deems suitable for representation on the basis of their merits or potential to have a broader impact (in the past CAT handled all cases referred to it). CAT will also advise human rights NGOs and authorities on legal procedures, investigation, gathering evidence, and other legal matters. It will provide legal consultations to victims about their rights and legal options before filing a complaint rather than waiting until cases are referred from the courts. CAT has and will continue to advise clients of legal procedures, rights to compensation and the consequences of any course of action. CAT will also bring media attention in high profile trafficking cases, such as those involving police or high-ranking officials in order to hold courts in Cambodia accountable.

This period, CDP/CAT lawyers also organized a training session for staff of human rights organizations, including LICADHO, CWCC, and ADHOC. The training focused on the definition of human trafficking, crimes inherent in the crime of human trafficking and sexual exploitation, such as human abduction for sale and prostitution, pimping, and debauchery. Training also emphasized the collection of evidence necessary to support the conviction of the perpetrators.



# Laos

## Overview

Foundation support to the Lao Women's Union (LWU) in the first two years of this project have helped to put violence and trafficking issues firmly on the national agenda. This has been demonstrated through recent government commitments, including establishing an Anti-Trafficking Unit; enhancing the effectiveness of the criminal justice process, particularly the protection of children and victims of trafficking; advocating for the passage of the women's bill and anti-trafficking bilateral agreements; and donating land to the LWU to build the first-ever comprehensive services shelter in Laos for victims of violence and trafficking.

During this reporting period, technical and financial assistance by The Asia Foundation in Laos achieved the following results:

- The LWU completed the draft of the first anti-trafficking and domestic violence legislation and the first-ever national survey on violence against women, which triggered key legislators, policymakers, legal experts, professionals, and concerned international organizations to advocate for the passage of the draft legislation and to work collectively to stop trafficking in Laos; and
- The first multi-disciplinary, inter-agency coordinating team in Laos was launched by the LWU to provide services and legal protection to victims of violence and trafficking.

## Strategic Objective 1: Victimization Prevented

### IR 1.2 More nongovernmental interventions to prevent trafficking and violence against women

Community Action against Trafficking (CAAT): Village Focus International (VFI) requested a six-month extension of its grant agreement, originally scheduled to end December 2003. During the extension period, VFI renewed its MOU with the government to continue its CAAT project for another year. The project provides life skills education for at-risk children in and out of school to prevent trafficking and it mobilizes women's participation to stop trafficking and violence at the community level through public education in seven villages of Salavane province, an area in southern Laos prone to trafficking. During this reporting period, VFI helped establish Village Project Committees to monitor trafficking and implement awareness-raising programs in the villages of Donlai, Nonsamlan, Kaengsaphangthong, Naphosy, Pakkonkaen, Thaphantai and Laknonpheng. Committee members include LYU and LWU representatives, the village chief, and a number of volunteers. VFI provided training in economic development, trafficking, human and women's rights, and the roles of the committees to 27 members of these village committees.

VFI conducted Participatory Rapid Appraisal Surveys in the seven villages; 349 villagers, including 210 women, participated. The information collected will establish baseline data on the number of people who have left their village for job opportunities, primarily in Thailand, who may have been trafficked. The data will be presented to the public when analysis is completed. VFI and the LWU used the occasions of International Women's Day and International Labor day to educate approximately 650 villagers in Salavane province on trafficking and the Lao Embassy's services in destination countries. Campaign materials and information on human trafficking were exhibited through board exhibitions, a painting contest, and games. VFI trained 400 school children and villagers to perform street theatre to raise the awareness of villagers and youth on safe migration and the negative consequences of human trafficking.

VFI staff have noted that while vocational skills training are thought to be critical for trafficking prevention, there is little evidence to support this in Salavane province. Trainees are rarely able to earn sufficient income in Salavane and continue to see out-migration as their only viable economic option. In reality, market limitations and insufficient job openings make it difficult to secure employment after training or employers deem their skill levels to be lacking.

## **Strategic Objective 2: Victims Protected**

### **IR 2.1 Legal framework established and enforced to protect victim's rights**

Survey Research on Violence against Women: The Lao Women's Union completed the first-ever national survey research on violence against women and has drawn on the survey results to secure commitments from key legislators and concerned authorities to address the problems highlighted by the survey. The survey establishes critical baseline data shows the need for reform of the legal environment and recommends services needed to protect victims of violence. The survey report includes six sections: background of the problem; review of existing literature on violence against women in Laos; survey methodology and techniques; findings of the survey; case studies of women affected by violence; and interpretation of the results and recommendations for reducing violence against women.

The LWU drew on several methods of data collection for the survey, including individual questionnaires; statistics on violence collected by village authorities, police, and the courts; and in-depth interviews with victims of violence. They used stratified random and proportionate sampling to accurately represent the Lao population by sex, ethnicity, and geographical distribution. The sample included 600 female and 569 male respondents in six provinces, 18 districts, and 54 villages. Each of the six provinces in the study reflect geographical and demographical characteristic typical of different Lao areas. While the data collected through questionnaires is being analyzed (using SPSS), the data compiled from village authorities, the police, and the courts are complete and have proved useful in public hearings and advocacy activities supporting passage of the draft bill "Development and Protection of Women."

Preliminary findings of the violence against women survey include:

- Village authorities surveyed indicate that the number of spousal conflict cases (from heated arguments to physical assault) moved from third place in 2002 to second place in 2003, displacing gambling and continuing to follow drugs. (See Table 1 in the appendix)
- Villagers tend to believe drinking alcohol is the main factor leading to spousal conflict, followed by economic difficulties, jealousy and infidelity. (See Table 2 in the appendix)
- Family violence occurs a ratio of 9:1 in the home vs. outside the home.
- Spousal conflict is most often manifested by heated arguments, followed by physical assaults, verbal abuse, and throwing objects. (See Table 3 in the appendix)
- In spousal conflicts, the wife is physically hurt eight times more frequently than the husband.
- Spousal conflicts are rarely resolved at the village level, as demonstrated by increased referrals to the district administration and the courts. (See Table 4 in the appendix)
- The number of widows and divorced and abandoned women is almost four times higher than males in the same categories.

The LWU presented these key findings at a series of legislative advocacy hearings to encourage legislators, policymakers, concerned government agencies, and representatives from mass organizations to support the comprehensive bill on women. The existing local mediation and conciliation mechanisms are no longer capable of handling the increasing number of family violence cases and the courts are ill-equipped to properly handle family violence. The findings have revealed to Lao society that violence against women continues growing and contributes to other problems, especially trafficking in women and children.

Although the survey was not designed to provide sophisticated data related to labor migration and trafficking, it provides basic information on the number of women engaged in sex services, missing persons, in-and-out migration, and returned labor migrants. The survey indicates that from 2002-2003, Laos prosecuted seven cases related to smuggling and the trafficking of humans. Preliminary results of other surveys carried out by UNICEF, the ILO and the Lao Women's Union indicate there is a very high incidence of out-migration from the border provinces of Vientiane, Suvannakhet, Sayabouly, Khammoune, Champasak, and from the more isolated province of Salavane. Between 2001 and 2003, 222 trafficked women and girls were repatriated from Thailand, and 40 girls are currently being repatriated. According to the LWU survey, 74 percent of those who returned were under seventeen years of age. These numbers have been used to raise awareness of the general public and policymakers that Laos requires some speedy decisions and pragmatic management to deal with the problems that lead to illegal migration and trafficking.

Drafting Anti-Trafficking and VAW Legislation: The LWU's legislative drafting working group completed the first draft of a comprehensive bill entitled "Development and Protection of Women," which includes components on women's rights and interests, trafficking, and domestic violence. The LWU introduced the bill and sought public feedback through a series of five legislative hearings held between February and May 2004. These were among the first-ever public hearings on a draft bill in Laos. Over 400 concerned citizens, including legal experts, policymakers, the media, and members of people's organizations provided their recommendations. After each workshop, legal experts helped the LWU's legislative drafting working group refine the draft based on participant comments. The core supporters of this draft

are the Ministry of Labor and Social Welfare, the Ministry of Justice, and the Legal Department of the National Assembly.

In general, the draft bill has received strong support from many sectors participants. While healthy public-policy debate about the bill is continuing, the draft contains many positive provisions, including:

- The rights of trafficked victims and mandatory protective services are clearly stated, including protection of victim confidentiality;
- Trafficked persons are recognized as victims that should not be penalized for crimes directly related to the acts of trafficking;
- Promoting or facilitating trafficking is unlawful; and
- Trafficking committed by a syndicate or a group should be considered a serious crime with heavy penalties.

However, one of the major points of contention is that the bill has too many components, each of which could/should stand on its own, especially the anti-trafficking component. Other outstanding issues include:

- The anti-Trafficking component refers only to women and children as victims of trafficking, with no reference to men and boys. It should be a separate law, because it deals with serious crimes and criminal syndicates, and because Laos has ratified the United Nations Convention on Transnational Organized Crime (UNTOC).
- Measures or mechanisms to immediately stop violence, such as protection orders, are not clearly spelled out in the domestic violence component. Rehabilitation to change the behavior of perpetrators is missing and the draft does not require mandatory counseling. The draft relies too much on the role of mediation and conciliation units at the village level, but women activists argue that these traditional mediators are ineffective, therefore they proposed that LWU branch offices should play a principal role in protecting women caught in family conflicts.
- Some legal experts believe the rights and interests of women component merely restates the State obligations and legal provisions contained in existing laws; many women activists, however, support the idea of having legal provisions concerning women in a single collection in order to strengthen law enforcement. Women activists are advocating for a budget allocation for women's development activities and a quota system for political positions, but some male legal experts fail to see the value of these measures.

The LWU plans to seek more input on the draft legislation from local and international law experts through September 2004, when it will be introduced to the National Assembly for consideration. A series of hearings will be organized in Vientiane and in several clusters of provinces to seek recommendations. The LWU also will organize one academic workshop to solicit comments from experts from the Philippines, Indonesia, Thailand and other expatriates working on trafficking.

Legislative advocacy study tour: The legislative hearing workshops revealed that Lao society has limited knowledge and experience to address domestic violence. With assistance from the Foundation, the LWU's legislative drafting working group decided to embark on two observation programs: one to Thailand to examine how to operate a shelter (see details below), and one to Singapore to examine their legal framework, as well as Singapore's measures and mechanisms for handling family violence. Singapore is well-known within the region for having the longest history of domestic violence legislation (since 1961); for its strong anti-domestic violence agencies, including the Family Service Center and the Family Services Unit of the Subordinate Court; and for its adoption of a multi-disciplinary, inter-agency approach. The Asia Foundation scheduled the visit of the legislative drafting group to Singapore for July 2004.

### **IR 2.3 More and better services for trafficking victims**

The Center for the Protection of Women's Rights: The EAP/USAID grant to support the Center for the Protection of Women's Rights and strengthen the LWU's counseling unit ended this reporting period. However, services and shelters for women and children who have escaped from violence or trafficking continue to be among the greatest needs in Laos. In response, the Foundation continued its collaboration with UNIFEM and UNICEF to provide comprehensive assistance to victims. The Asia Foundation sought and secured private funds through Give2Asia to help the Lao government, the Japanese Embassy, and UNICEF establish the first-ever shelter in Laos.



# Mongolia

## Overview

The Asia Foundation program to address violence against women and trafficking in Mongolia, in partnership with local organizations, has achieved the following results in this reporting period:

- Parliament adopted the first-ever Domestic Violence Law in Mongolia's history in May 2004 after intensive efforts by National Center Against Violence (NCAV) and its partners supported by the Foundation over several years;
- A research report on the incidence and nature of trafficking in Mongolia that identifies key problems in addressing trafficking in Mongolia and a includes a series of recommendations for government action was finalized; and
- The Center for Human Rights Development (CHRD) drafted and submitted an explanation of the crime of trafficking within the Criminal Code to the Supreme Court to begin improving the legal framework for addressing trafficking.

## Strategic Objective 1: Victimization prevented

### IR 1.2 More nongovernmental interventions to prevent trafficking and violence against women

Research and Baseline Gathering on Trafficking: Editing of a research report on the incidence and nature of trafficking in Mongolia was completed this period. Mongolian and English versions will be printed and distributed in September. A summary of the report findings is attached as an appendix.

Training on trafficking for officials and vulnerable groups: Following its National Workshop on Trafficking Issues held in October 2003, CHRD prepared two training programs and materials: one to educate those charged with protecting victims about the crime of trafficking and one to educate at-risk groups about the risks of trafficking. This period, CHRD trained approximately 63 legal officials at three separate workshops, including a workshop for prosecutors, judges, and advocates to understand the crime of trafficking; laws that can be used to prosecute traffickers; and measures that can be taken to protect victims. Future training workshops will be held in targeted at-risk provinces and along the borders for a multi-disciplinary audience with the expectation that this will contribute to public debates and a better understanding of the complexity of the issue and complementary roles of the various professions.

The second training program provided vulnerable groups with information on trafficking, including how traffickers lure victims and strategies to avoid becoming a victim. Two training workshops reached 43 vulnerable girls involved in prostitution and living in poor *ger* (traditional felt tent) slums of Ulaanbaatar city.

## **IR 1.2 More nongovernmental interventions to prevent trafficking and violence against women.**

Public Education Campaign: In order to raise public awareness of the existence of trafficking crimes in Mongolia, which is currently very low, CHRD organized several press events and developed education materials as part of its public education campaign. CHRD held a press conference and discussion with representatives from more than 20 public newspapers, national TV and other TV channels, and Mongolian radio. CHRD provided information on trafficking in Mongolia, the challenges in the legal environment for prosecuting traffickers and protecting victims, and the importance of public education and media coverage to prevent trafficking. In February CHRD invited four journalists for an in-depth discussion on the role of media in combating trafficking in persons. Finally, CHRD prepared a leaflet providing information for the general public regarding the dangers of trafficking, which will be distributed at border points, airports, and train stations in August 2004. Radio and TV discussions as part of the public education campaign are scheduled to take place in August or September—after the general election campaign in May and June.

As a result of the press conference and other media events, many newspapers covered this issue and published CHRD's preliminary research data on trafficking. Approximately ten articles on CHRD's research and the issue of trafficking were published in various newspapers with wide circulation and eight interviews with CHRD about its trafficking research were broadcast or published. National TV, which broadcasts throughout the country, covered the press conference and discussed trafficking in its Sunday program "Important Events of the Week" in February.

### **Strategic Objective 2: Victims protected**

#### **IR 2.1 Legal framework established to protect victim's rights; and**

#### **IR 2.2 Greater government commitment to victim protection**

Improving the legal environment to combat trafficking<sup>1</sup>: A CHRD project coordinator on advocacy has conducted a series of individual meetings and group discussions in order to explore the efficacy of existing legal provisions in the Criminal Code related to trafficking.

Approximately 100 individuals were involved in the interviews, including 26 prosecutors, 23 advocates, 25 judges, and 29 representatives of law enforcement. The discussion agenda included an introduction to the crime of trafficking, national legal analysis on real cases, and comparisons with international standards. Most importantly, the discussion initiated an exchange of ideas on the difficulties with terminology, lack of common understanding, and the shortcoming of existing legal provisions to address trafficking. The discussions concluded with the recommendation that issuance of a Supreme Court (SC) explanation of the crime of trafficking is needed immediately to enable legal officials to differentiate trafficking from similar crimes, such as smuggling, and to improve the legal response to stop trafficking.

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<sup>1</sup> This project was previously entitled "Drafting anti-trafficking legislation". The project name has been changed to reflect the immediate opportunities available in the Mongolian context.

Consultations with the Ministry of Justice and Internal Affairs, the Supreme Court, the General Prosecutor's Office, Law School of the National University, General Police Office, City Court Judges, City Prosecutor's Office were conducted to help the project team identify experts who could work on drafting legal amendments and recommendations for Supreme Court interpretations. The consultations yielded the following observations and suggestions:

- Victims only apply to the police for protection if they have no other way to apply to an Embassy or consulate in foreign countries;
- Current laws are inadequate to combat the crime and the legal environment needs to be reformed;
- Investigators and judges who deal with the crime of trafficking need specialized skills and female judges might be more accessible to female victims;
- Investigation tactics need to be improved, because of the difficulty in proving the crime and because victims often withdraw complaints during the investigation process due to threats from their traffickers; and
- There is need to establish bilateral agreements in order to reduce cross-border trafficking.

Based on the comments and recommendations of the legal officials, CHRD drafted and submitted an explanation defining trafficking to the Supreme Court for consideration.

Advocacy on the Domestic Violence Law: On May 15, 2004 Mongolia's Parliament unanimously passed the first-ever Domestic Violence law in its history. It will come into effect in January 2005, and NCAV and its partners will begin advocating for effective implementing regulations for the new law. The Asia Foundation's support for drafting and advocacy on the law goes back to 1994 and the Foundation made a grant using EAP/USAID funds in 2002 to the NCAV and the Mongolian Women Lawyers Association (MWLA) to advocate for and finalize the draft of the domestic violence bill in coordination with the parliamentary domestic violence legislative task force.

The success of NCAV and MWLA's advocacy campaign can be attributed to the following:

- NCAV and MWLA created strategic working groups, such as an advocacy group and a law-drafting group, that consisted of representatives from both governmental and non-governmental organizations;
- The drafting working group did an excellent job of responding to members' comments to early drafts of the law, and crafting a bill that could meet the Parliament's standards while maintaining high standards on the law's impact; and
- NCAV and MWLA submitted the draft through the general membership of Parliament in order to identify sympathetic members, who would be willing to take up the draft as their own legal initiative. This was an important strategy to move the law along—in the end, 21 members (almost 25%) of the Parliament supported the draft, who advocated with other members for ratification.

Activities in the last reporting period that led up to this stunning victory included many milestones and challenges. The first discussion on the draft DV law held in January 2004 in the Parliament, but the initial draft was not strongly supported by members. Parliamentarians made comments and recommendations to strengthen the draft before it could be resubmitted. The NCAV organized a working group, per the Parliament's request, within the Standing Legal

Committee of the Parliament to discuss the draft and make necessary changes. NCAV also organized four extra-governmental working groups to advocate for changes in the draft, and held a two-day workshop to create an edited version of the law. This version was submitted to the next Parliament session through the Standing Legal Committee working group.

In addition, NCAV utilized its shelter to promote effective victim protection by inviting Parliament members to visit the facility. Those who came to the shelter learned why provisions of the draft law emphasizing the separation of victims of DV from their violent spouses is so important—originally, this provision was a major point of contention within the Parliament. Encouraging visits by MPs also garnered sympathy for victims as they witnessed first-hand the difficulties of their situations.

NCAV also utilized the media effectively to raise awareness of the public about the need for a DV law to protect victims and prevent DV. They organized TV talk shows and held public discussions through daily newspapers. Finally, NCAV organized a training workshop with women-headed NGOs to discuss the draft law and encourage them to advocate for the law.

Counseling and Compensation: In April, CHRD established a special room and provided counseling services adjacent to the police station in Ulaanbaatar to counsel victims of trafficking and domestic violence on psychological, legal, and economic issues. All district police and prosecutors' office representatives as well as the media were invited for the opening. It is important to maintain this room for the confidentiality of victims, because they are at risk of retribution for seeking legal help if they were victimized by criminal organizations, and may also be deterred from seeking help or may withdraw their complaints if they feel their safety is at risk. This room also provides a secure, safe space for victims to meet with police and other officials to talk about their experiences, as opposed to being interrogated in public rooms. The Foundation will continue to support this important new service and also support CHRD to create procedures to measure "pain and suffering" of victims of trafficking to determine appropriate levels of compensation. This will be based on the level of trauma to the victim and the cost of medical treatment and/or therapy.

# Pacific Islands: Fiji, Papua New Guinea, and Solomon Islands

## Fiji and Regional Pacific Islands

### Overview

The Foundation's support for the Fiji Women's Crisis Center (FWCC) ended June 2004. Results this reporting period include:

- Completion of a gender and human rights manual that will be printed and launched in November 2004 for use by grassroots trainers throughout the Pacific Islands; and
- FWCC's regional training to organizations in Papua New Guinea and Vanuatu led to successful conflict management in the highlands of Papua New Guinea and the development of a Vanuatu rural violence against women network.

### Strategic Objective 1: Victimization Prevented

#### **IR 1.2 More nongovernmental interventions to prevent trafficking and violence against women**

Support for Training and Capacity Building for Programs to Eliminate Violence Against Women: Foundation support enabled FWCC to conduct its third semi-annual four-week regional training program for staff of domestic violence shelters, rape crisis centers and hotlines, and other service providers. Foundation funding to FWCC sponsored four participants—one from Tonga, one from the Solomon Islands and two from PNG. This comprehensive training aims to improve services for victims of violence and ensure a more strategic response to the pervasive problem of violence against women in the Pacific. In addition to the intensive training on raising awareness of violence against women and gender issues, the participants were able to gain management, proposal writing, and planning skills by working side by side with members of the FWCC.

Publication of materials on violence against women to support community education and advocacy in Fiji and the Pacific Region: The comprehensive Gender and Human Rights Manual developed in year one by FWCC has been completed and will be printed. FWCC's four existing booklets covering domestic violence, rape, child sexual abuse, and sexual harassment have been revised to reflect relevant changes in policy and legislation. FWCC is currently awaiting the confirmation regarding legislation changes to ensure all information is accurate. Ten thousand copies of each booklet will be reprinted and distributed throughout Fiji and the Pacific region by October 2004.

Regional Initiative Development in Rural Areas: The Foundation has been supporting FWCC to develop a Pacific Islands initiative on violence against women in rural areas across the region.

FWCC supported the Kup Women for Peace for their anti-violence campaign in the highlands of Papua New Guinea and to the Committees Against Violence Against Women in Vanuatu. For the 16 Days of Activism campaign 2003, the Kup Women for Peace planned a series of awareness raising programs in the rural areas of the Simbu Highlands in PNG. An important tool for the awareness raising was provision of a hand-held amplifier for addressing large crowds.

Kup Women for Peace reported that tribal fights were occurring on the borders of Western Highland Province and Simbu. The tribal fights began when the women were out in the field in December and carried on for several weeks. As a result, the women spent much of their time (including Christmas) in the mountains trying to make peace between the communities. The amplifier, which has a siren function, was useful to draw the attention of the crowd. Fortunately, they had already worked with some of the young people in the tribes and they were able to utilize them in the peace making process. In addition, the Kup Women for Peace members provided counseling and support to 458 clients while in the highlands on issues ranging from domestic violence and sexual assault to HIV/ AIDS.

The Committees Against Violence Against Women (CAVAWs) in Vanuatu are working in rural communities and islands in Vanuatu. With Foundation support, FWCC assisted in the training programs in Port Vila for the Vanuatu Women's Centre. The CAVAW members were trained in understanding violence against women, basic counseling skills, and legal processes. The CAVAW members also identified their own local network which they would continue to work with in terms of addressing the issue of violence against women in the rural areas.

## **Papua New Guinea**

### **Overview**

The Asia Foundation's program in Papua New Guinea (PNG) continues to contribute to improving services for victims of violence. The Foundation provides financial support to the operations of the Bougainville Women's Resource Center and the Family Violence Action Committee (FVAC). With this support, FVAC has achieved the following result this reporting period:

- The standard format for data collection for a national database on family and sexual violence was finalized; and
- Staff of the newly established Port Moresby General Hospital Family Support Centre gained the skills necessary to provide appropriate care to victims of violence and abuse.

### **Strategic Objective 1: Victimization Prevented**

#### **IR 1.2 More nongovernmental interventions to prevent violence against women:**

Establishment of the Bougainville Women's Resource Center for the Prevention of Violence Against Women: Asia Foundation support helped establish the Bougainville Women's Resource Center to provide education and support to women in Bougainville province. The fully

operational center conducts training, women's forums, and meetings concerning violence against women. It has been challenging to transfer funds to the Resource Center and to communicate with them regularly, as they are very isolated. However, steps are being taken to address this problem.

Operational Support to the Family and Sexual Violence Action Committee (FSVAC): FSVAC is the only national-level organization in Papua New Guinea focused solely on preventing family violence, especially violence against women. In year two (year one of this grant to FSVAC), the Foundation provided funds to FSVAC for operational expenses, including the purchase of office equipment, travel expenses for FSVAC members to attend workshops and conferences, technical assistance to establish a standard format of data collection for a national database on family and sexual violence, and development of a training program for researchers in use of the standard format. The database and stronger information gathering capability will allow FVAC to speak with greater authority on the extent of domestic violence in Papua New Guinea.

This reporting period, FVSAC helped establish the Port Moresby General Hospital Family Support Centre May 2004. USAID/EAP funds from the Foundation were used to train the hospital social workers and volunteers in providing immediate and appropriate care to victims of family and sexual violence who report to the accident and emergency unit of the Port Moresby General Hospital. The Support Centre provides counseling and legal advice to victims, provides referral services to safe houses, can report cases to the police sexual offences squad, and collects data to help with case follow up.

In year three, the Foundation will support FSVAC to pilot-test and refine the data format in Port Moresby for three months with the Community Peace and Good Order Committee, Correctional Institutional Services officers, health workers, researchers, welfare officers, court officials, youth and women leaders, church groups, and law enforcement. In this way, the project will also strengthen interagency and multidisciplinary cooperation between the government and NGOs while increasing systematic data collection on reports of domestic violence. FSVAC will also acquire data collection software from the National Statistics Office and train staff in its use.



# Philippines

## Overview

During this reporting period, The Asia Foundation program in the Philippines achieved the following results:

- Support to the newly created Inter-Agency Council Against Trafficking (IACAT) through the Department of Justice enabled this national government-level task force to develop a standard orientation module and primer on the Anti-Trafficking in Persons law;
- Responding to problems identified in the Trafficking in Persons report issued by the U.S. Department of State, the Asia Foundation helped the government of the Philippines address weaknesses in implementation of the anti-trafficking law and make progress in law enforcement by building the capacity of government agencies implementing the law, including the IACAT. The Foundation's support to the IACAT through the Department of Justice enabled the IACAT to formulate a national strategic plan of action to combat trafficking in persons.
- Launch of *Bantay-Bugaw*, a community-based anti-trafficking program, owned and supported by local governments, representatives of NGOs, and community leaders in Calbayog, Samar and Zamboanga City, Mindanao; and
- Establishment of multi-sectoral networks against trafficking in persons (MSNATP) in the ports of Manila and Davao City with representatives of anti-trafficking NGOs, shipping companies, and government that provide a replicable model for other ports, including Batangas City and Matnog, Sorsogon province.

## Strategic Objective 1: Victimization Prevented

### IR 1.2 More nongovernmental interventions to prevent trafficking and violence against women:

Community-Based Program to Prevent and Address Trafficking: In the second year of the project, the Foundation supported the Conspectus Foundation to pilot *Bantay Bugaw*, a community-based trafficking prevention program in the cities of Calbayog, Samar, and Zamboanga City, Mindanao, areas which are highly vulnerable to trafficking. Conspectus Foundation is facilitating cooperation among pertinent government agencies, community members, NGOs, and local government officials to improve local government responses and policies to prevent trafficking in at-risk areas.

During this reporting period, Foundation support enabled the Conspectus Foundation to train representatives of local governments and nongovernmental organizations in Zamboanga City on trafficking and to launch its *Bantay Bugaw* mechanism in Zamboanga on March 2-7, 2004. At the end of the workshop, a memorandum of agreement (MOA) was signed among representatives of the local governments, NGOs, barangay officials, and community leaders of

barangays Santa Catalina and Tetuan to formalize the partnership to reduce trafficking and implement *Bantay Bugaw* in Zamboanga City. The Conspectus Foundation and its local partners in Zamboanga City will monitor implementation to determine if increased awareness of the issue has led to an increase in reports by communities about trafficking cases, including on whether government agencies and the Zamboanga local governments have mobilized resources for skills training and job placement programs to prevent vulnerable groups from being trafficked and on whether there is increased local media coverage on the issue of trafficking.

As part of this effort to enhance the policy environment for addressing trafficking at the local level, the Conspectus Foundation is also providing technical assistance to the barangay and municipal council to be able to draft ordinances and policies that will address trafficking.

To expand the impact of the Bantay Bugaw project beyond the two project cities, the Conspectus Foundation also produced 2,500 primers on the trafficking situation and the anti-trafficking law in other languages, (Tagalog, Bicol, Chavacano, and Cebuano) and distributed these to communities in Bicol, Zamboanga, and in Tagalog- and Cebuano-speaking provinces throughout the Philippines.

Since Bantay Bugaw was launched in Samar July 2003, Conspectus Foundation noted that illegal recruiters have become wary of going to Calbayog City to recruit young girls for prostitution and no recruitment activities have been reported in Barangay Tinambacan Sur in the last year. In Barangay Tinambacan Sur, the local government officials have become more active in conducting information campaigns, holding five “purok” assemblies since November 2003 to raise awareness of trafficking with community members. Barangay Tinambacan Sur has also increased the number of its *tanods* (civilian volunteers deputized by the barangay captain to provide assistance in monitoring activities of the community, particularly movements of illegal recruiters, etc.) In addition, the Barangay council in Barangay Tinambacan Sur also held meetings with videoke bar owners to warn them about the consequences of hiring minors, as well as in using the video bars as fronts for prostitution or sex trafficking. Barangay Tinambacan Sur has plans to enact a local ordinance that would prevent trafficking of workers (both male and female) into bars and similar establishments.

In Barangay Carmen, since the launch of the Bantay Bugaw program, the barangay had received two reports of trafficking incidences, which were quickly dealt with by the barangay officials. The first case involved an illegal recruiter who was recruiting her neighbors to work in Manila and Laoag. A barangay *tanod*, who had attended the Bantay Bugaw training, confronted the illegal recruiter, who has since stopped recruiting in the area. The second case involved a non-resident of Barangay Carmen who recruited two sisters, aged 13 and 15, allegedly for domestic work. Barangay Chair Amelia Cabral initiated an investigation, which resulted in their rescue and return to their mother.

Anti-Sexual Harassment Trainings in Public and Private Workplaces: During this period, the Civil Service Commission (CSC) finalized the Anti-Sexual Harassment Training Module. It will be pilot tested among members of the Committee of Decorum and Investigation (CODI) at the Department of Education—the department with the highest number of sexual harassment cases according to the CODI. An MOA between the CSC and the Department of Education was signed

on May 2004 to begin pilot-testing the anti-sexual harassment training. In preparation for the testing, the CSC has ordered its Regional Offices to negotiate with Department of Education regional counterparts for assistance in conducting the training. Also, a Manual on Fighting Sexual Harassment is being printed as part of the Department of Education-CODI Members Training Kit and will be distributed to participants during the training.

## **Strategic Objective 2: Victims Protected**

### **IR 2.3 More and better services for trafficking victims**

Establishment of halfway houses in the ports of Manila and Davao: Foundation support for Visayan Forum Foundation to operate the halfway houses in Manila and Davao has continued to provide integrated, holistic and gender responsive services for victims of trafficking, while facilitating inter-agency collaboration to intervene in trafficking cases. During this reporting period, the halfway houses in Manila North Harbor and Davao Sasa Port assisted a total of 872 women and children, as outlined in the table below.

*No. of Women and Children Assisted*

<b>Intervention</b>	<b>Manila</b>	<b>Davao</b>	<b>Total</b>
Women and children provided with center-based services such as temporary shelter, counseling and other psychosocial interventions	111	391	502
Reached during transit and provided with preventive counseling and information assistance	79	291	370
<b>Total No. of Women and Children assisted</b>	<b>190</b>	<b>682</b>	<b>872</b>

Please refer to the table below for a summary of actions taken in response to rescued women and children who are victims of trafficking.

*Action taken to rescued trafficked women and children*

<b>Intervention</b>	<b>Manila</b>	<b>Davao</b>	<b>Total</b>
Referred to other agencies for longer custody and further case management	22	3	19
Turned over to relatives	25	40	59
Repatriated	22	57	72
<b>Total</b>	<b>69</b>	<b>100</b>	<b>169</b>

The Visayan Forum Foundation recognized the need to develop long-term programs to prevent revictimization and prepare survivors for reintegration. The halfway house can only provide temporary shelter and immediate psychosocial interventions. As the Foundation's grant ends

October 2004, Visayan Forum Foundation is currently trying to secure funds to support their long-term programs, which include replication of the halfway houses in other Philippine ports.

Legal Empowerment of Victims of Trafficking: WomenLEAD, one of the Foundation's key partner institutions in providing legal assistance to victims of trafficking, continues to educate victims on their legal rights and the information needed to pursue legal remedies. This project complements efforts to increase effective prosecution of traffickers and perpetrators of violence by training of judges and prosecutors as described below (IR 3.3). Currently, WomenLEAD is awaiting a decision from the Philippine Overseas Employment Administration (POEA) on one case in which they assisted four women to file a trafficking complaint against a recruitment agency.

Providing legal counseling by phone or in face-to-face consultations is an on-going activity under the legal empowerment project. During this period, approximately 176 women received legal counseling services, not including on-line and live inquiries during media appearances by WomenLEAD. Approximately 20 of these cases fall under the trafficking law with about 156 cases related to instances of violence against women. Service providers, such as the Women's Crisis Center, Likhaan, University of the Philippines-Philippine General Hospital (UP-PGH) Child Protection Unit, Visayan Forum Foundation, Bukal, Third World Movement Against the Exploitation of Women, Center for the Prevention and Treatment of Child Sexual Abuse, and Create Responsive Infants By Sharing (CRIBS), refer women and girl victims to WomenLEAD for legal counseling. Likewise, WomenLEAD refers their legal clients to these NGOs when they need direct services, such as temporary shelter or psycho-social counseling.

As WomenLEAD is based in Manila, in order to sustain the project, increase prevention efforts, and reach women outside of Manila with safe migration information, WomenLEAD is selecting partner organizations (community-based advocates, service providers, from the NGOs and local government) in Northern Luzon—an underserved area prone to trafficking. WomenLEAD will build the capacity of these NGOs to educate potential migrants in vulnerable communities in their legal rights, including how to identify legal contracts and the importance of retaining a copy one's passport as a protective measure. The training for NGOs providing services to potential migrants and those vulnerable to trafficking in Northern Luzon will be held in September 2004.

### **Strategic Objective 3: System for Effective Prosecution and Enforcement Institutionalized**

#### **IR 3.3 More competency in the judicial system and among advocates**

Training for Judges and Prosecutors on Trafficking in Persons: In line with its multidisciplinary approach to increase effective prosecutions and convictions in trafficking-related cases, WomenLEAD, in partnership with the Department of Justice, (lead agency in the implementation of the new anti-trafficking law) and the College of Law-Silliman University, organized a training workshop in Dumaguete City for 30 judges, social workers, and prosecutors from the Visayas and Mindanao in June 2004. The participants were selected on the basis of their strategic position in addressing the problems of trafficking and migration in the Philippines.

WomenLEAD has also raised public awareness of the problem, by appearing on several television and radio programs, where it has provided both general information on trafficking as well as legal advice to call-in audience members. WomenLEAD's expertise has been recognized and requested in developing the Philippine Judicial Academy's on-line module for trafficking and serving as resource people at the National Commission on the Role of Filipino Women (NCRFW) project to educate prosecutors to implement the anti-trafficking law.

Public Education on the Anti-Trafficking In Persons Act: According to the Trafficking in Persons report issued by the U.S. Department of State, the Philippines is weak in implementation of the anti-trafficking law and progress in the law enforcement and has been placed on the Tier 2 Watch List. To help the government address this issue, the Foundation has taken initial steps to build the capacity of government agencies involved in the implementation of the anti-trafficking law, including the IACAT.

*Formulation of a National Strategic Plan of Action Against Trafficking in Persons.* The Foundation's support to the IACAT through the Department of Justice enabled the IACAT to formulate a national strategic plan of action to combat trafficking in persons. The consolidated action plan, with inputs from the different members of IACAT and concerned non-governmental organizations, was presented at the regular IACAT meeting at the end of June 2004.

The IACAT has also developed a standard orientation module for to be used by IACAT members to conduct training, seminars and orientations for their members and clients to ensure that members are clear on the definition of trafficking in persons and understand the provisions in the new law. A Technical Working Group was organized to come up with an annotated module and agree on its core content. The content of the annotated module was reviewed subsequently during a Workshop held in Baguio City during May 12-15, 2004. Workshop participants included members of the IACAT and representatives from non-governmental organizations. The group agreed on the outline and content of the module, which will consists of lectures on basic principles of trafficking, salient features of the anti-trafficking law, and case studies on trafficking. Case studies were also written to form part of the Case Analysis segment of the module. The cases will be used to illustrate basic concepts and principles of trafficking.

*Development and publication of a Primer on the Anti-Trafficking in Persons Law..* The Technical Working Group has also developed a Primer (a brief Q&A pamphlet about trafficking and the new law) on the Anti-Trafficking in Persons, which will be presented at the IACAT meeting in the last week of July. The Primer on Anti-Trafficking in Persons Act will be published as soon as it is approved by the IACAT.,

*Interagency Task Force Against Trafficking.* The creation of an Interagency Task Force Against Trafficking was another plan of action that was generated at the IACAT meetings. The task force will be organized to facilitate the responses of government agencies to trafficking issues and cases. The Technical Working Group also is in the process of developing guidelines for the proposed interagency task force. The draft guidelines will be submitted by end of June 2004 for initial review by the IACAT members.



# Thailand

## Overview

The Asia Foundation's program in Thailand continues to improve the quality and effectiveness of victim service mechanisms and coordination among anti-trafficking non-governmental organizations and government agencies, particularly bolstering the legal and judicial capacity to successfully prosecute traffickers. Achievements during this reporting period include:

- Five new multi-disciplinary anti-trafficking coordination teams have been established in five provinces and are now responding to reports of trafficking and assisting victims in Korat, Lampang, Lamphun, Tak, and Chiang Rai;
- Government agencies and NGOs signed memoranda of understanding (MOU) at the national and northern regional levels that utilize the multi-disciplinary approach advocated by the Foundation and its partners;
- TRAFCORD initiated use of the Anti-Money Laundry Law as additional charges against two alleged brothel owners in Chiang Mai. This is the first time the law has been used in a trafficking case and allows the state to seize the assets of traffickers, an important deterrent penalizing traffickers; and
- Street theater and television programs as part of the Asia Foundation-supported public education campaign reached 3,800 migrant laborers and 100,000 public viewers;
- Asia Foundation partner, Gabfai's large child trafficking prevention campaign has resulted in increased enrollment of at-risk youth in high school in trafficking prone areas of Chiang Mai.

The Asia Foundation plans to expand programming in southern and northeastern Thailand where the issues of trafficking and domestic violence are not being adequately addressed, in spite of growing evidence of the severity of these problems in these regions. The Foundation will raise awareness of safe migration strategies in source areas prone to trafficking and continue to support replication of the multi-disciplinary team model.

## Strategic Objective 1: Victimization Prevented

### IR 1.2 More nongovernmental interventions to prevent trafficking and VAW:

Television Programs: The Hotline Foundation produced four, 30-minute television programs for the country's only weekly call-in talk show, "Social Window". Its last two programs will be broadcast in July and August 2004. During this period, the Hotline Foundation highlighted programs of several of the Foundation's partners, simultaneously raising public awareness of the problems and offering solutions and services available in Thailand.

- On the February 10, 2004 program, the Mirror Art Group (MAG) introduced its Missing Persons Center and encouraged viewers to visit its website [www.backtohome.org](http://www.backtohome.org),

supported by The Asia Foundation. The website is filling an unmet need as demonstrated by calls coming in during the program requesting assistance in finding missing relatives, and expressing concerns about infants and young children exploited on the streets by gangs of older beggars;

- The Gabfai Community Theater explained its community work and performed samples of its street theater. Many teachers called in to the show to invite Gabfai to perform at their school;
- The newly established Center for the Protection of Children and Women, a unit of the Royal Thai Police, introduced its new “1192” hotline and explained its mandate to combat human trafficking; and
- The Director of the Center for the Protection of Children’s Rights (CPCR) introduced key elements of the new “Child Protection Law”, which went into effect on March 30, 2004.

The program is also increasing awareness within the media about women’s rights issues, as demonstrated by key national newspapers and magazines running more stories about trafficking and violence against women.

Street Theater Project: The Community Theater Project, “Gabfai” to reduce trafficking and violence against women has begun to exhibit solid impact, as measured by:

- Nearly 80 percent of the 142 children and youth (44 male and 98 female) in Gabfai’s at-risk target areas of Mae Ai and Fang districts in Chiang Mai are pursuing a high school education—well beyond the national norm. The other 20 percent will migrate out of their village in order to assist their families economically, but unlike their predecessors, they now have the knowledge and skills needed to avoid exploitation;
- Gabfai’s child beneficiaries formed themselves into several “Agent of Change” groups and launched child trafficking prevention activities in their communities and schools, such as performing songs to educate their peers about the dangers of trafficking, producing anti-trafficking posters and banners, and using the community radio network to broadcast anti-trafficking messages;
- Parents, teachers, local leaders, local councilors, and children and youth trained by Gabfai in the three communities developed a strategic plan to protect youth from becoming vulnerable to trafficking;
- More than 3,800 migrant laborers, students, and others in eight provinces learned about trafficking through Gabfai’s street theatre production of its anti-trafficking skit, “Barcode”. In addition, more than 100,000 viewers of “Social Window” were reached with Gabfai’s performances; and
- Prior to each show during its eight provinces tour, Gabfai organized training workshops on trafficking and VAW for a total of 380 students, teachers, concerned government officials, NGO workers and migrant labor leaders.

Protecting Women and Children at Risk: With Asia Foundation support, the Bangkok-based Women Lawyer’s Association of Thailand (WLAT) completed six training workshops on children’s rights and legal literacy for approximately 1,406 students in six secondary schools. After the completion of each workshop, teachers assigned to teach basic rights and law requested

that WLAT provide them with a training of trainers workshop so that they could improve their teaching skills in these areas. WLAT produced 5,000 booklets to explain the substance of laws protecting the rights of children, mechanisms to protect their rights, as well as the judicial process for children. These booklets were used to supplement the training workshops.

WLAT's legal counseling and legal aid program for children at risk and child offenders assisted 14 girls and 21 boys during the past six months. WLAT's lawyers reported that during the court's investigations, child offenders were often encouraged (manipulated) to confess even if they were innocent. The children were led to believe that their confession would help smooth the trial process and result in a shorter prison term.

Support for Shelters (prevention): During this reporting period, the Foundation continued support to the Chiang Mai Buddha Kasetra Foundation (BKF) and the Volunteer Group for Children Development (VGCD). BKF continued to provide shelter and occupational and educational opportunities to 47 girls at risk of trafficking. From 2002-2003, the program enabled 42 of these girls to continue their higher education; five decided to seek factory employment. An internal evaluation indicated that although BKF is strong in occupational and literacy education, it remains weak in human rights training and organizational management, areas in which the Foundation will provide technical assistance in the next reporting period.

VGCD provided life skills education, including information on safe sex and the forms and dangers of trafficking and sexual abuse to more than 100 Chiang Mai street children (76 boys and 34 girls), an increase of 60 children since the end of December 2003. It is also providing shelter and educational opportunities at its rural safe house to 24 boys and five girls. At its emergency home in the city of Chiang Mai, over 100 children have sought medical and social care from VGCD. After participating in a variety of VGCD activities, a number of the children decided to form teams to educate their peers in life skills and protecting themselves from sexual exploitation. VGCD's poster "Stop Using Children for Sex" and flyers in English (targeting foreign sex tourists) outlining Thai criminal laws against child sexual exploitation have been posted in Chiang Mai bars and distributed in other public areas.

In a self assessment exercise, VGCD identified its strengths as: 1) having the trust of the children, demonstrated by the increase in the number of clients; 2) child beneficiaries demonstrating increased self awareness and understanding of how to react if approached to provide sexual services; 3) child beneficiaries behaving better, as measured by fewer arguments, demonstrations of team work, and increases in school test scores; and 4) staff capacity to help train other agencies assisting disadvantaged children. They identified their weaknesses as 1) an inability to handle conflicts or find appropriate services for older children and those with extreme cultural differences; and 2) inadequate staff shelter management skills and the manager of the rural shelter must often be absent for long periods. Solutions to these issues will be explored in the next period.

Citizenship Registration: The Inter Mountain Peoples Education and Culture in Thailand Association (IMPECT) reports that in spite of activities to raise the awareness of tribal groups about the dangers of trafficking and the availability of assistance to eligible tribal people to obtain Thai citizen documents, the issues of poverty, government negligence in addressing their

needs, and the inability to access public services continue to be critical factors pushing tribal people out of their communities into vulnerable situations in nearby towns. Over the past two years, IMPECT cooperated with the Forum-Asia Foundation and the Law Society of Thailand, to focus public attention on the need to review the citizenship rights of children, including the right to obtain a birth certificate regardless of their parent's legal status. With support from the National Human Rights Commission of Thailand, the Ministry of Social Development and Human Security, and the Department of Rights and Liberty Protection in the Ministry of Justice, the three groups are advocating for the government to issue a Ministerial Order making birth registration an entitlement for every baby born within the nation's boundaries.

Safe Migration Education for At-risk Groups: In order to design effective safe migration intervention programs, the Foundation subcontracted a team of six field researchers to conduct a rapid appraisal survey to assess the nature and magnitude of trafficking, as well as existing services and intervention programs in the upper and lower Northeast and in four provinces in the Southern region of Thailand (Yala, Songkhla, Pattani and Narathiwat). In the Northeast, initial data indicates forms of trafficking mingled with legitimate out-migration, particularly marriage to foreigners, legal and illegal labor recruitment agencies, and deception into sexual and labor exploitation abroad by close relatives or friends who sometimes are unaware that their persuasive acts are unlawful or even classified as trafficking. Women who voluntarily migrated for work in Japan and Eastern Europe (mostly in the sex industry) were generally unaware that they would be exploited. It is difficult to raise awareness of the risk of being trafficked, because those returnees who had a successful experience appear to have more influence over their friends than those who experienced exploitation. In addition, many victims remain silent fearing threats and social stigmatization. False marriage or illegal travel arrangements by criminal agents are common and viewed as a channel for advancing their lives. The survey also indicated that men are being lured into slave-like forms of labor exploitation, especially in the fishing industry.

The situation of unrest in the southern provinces has curtailed on-going survey work in this region, but it is anticipated the survey will be completed by the end of mid September. Once completed, the Foundation will identify potential partner organizations to develop strategic safe migration interventions.

## **Strategic Objective 2: Victims Protected**

### **IR 2.1 Legal framework established and enforced to protect victims' rights**

Legislative Drafting, Advocacy and Networking for Women's Rights: The Asia Foundation provided technical and financial assistance to the Women and the Constitution Network (WCN) to coordinate public hearings to gather citizen input into an alternative Domestic Violence Act. The hearings were attended by 311 women and 30 men in four provinces. During the last set of hearings, the WCN focused on groups that have remained relatively voiceless in public policy debate, including the disabled, slum dwellers, students, Muslim women, and women laborers. A final hearing will be held with eminent persons in the criminal justice system—judges, prosecutors, lawyers, concerned MPs, police officers, medical practitioners, and representatives from the probation and correction departments.

There are three other drafts of the Domestic Violence Act that were prepared by the National Commission on Women's Affairs, the Thai Rak Thai Party, and the Democratic Party. The WCN's citizen draft includes a variety of contentious issues that it hopes will generate some constructive debate in parliament, including that:

- Marital rape, economic abuse, and infidelity should be regarded as acts of domestic violence;
- Domestic helpers, other dependants, and intimate (including same-sex) partners not related by blood or marriage should be defined as family members in order that they may receive the protections afforded by the law;
- The victim's decisions and participation must be the principal governing any procedures throughout the judicial process;
- Domestic violence should be the concern and responsibility of a powerful national mechanism, rather than left for government officials at the lower level to handle on an ad hoc basis;
- Resolution of domestic violence requires restorative justice<sup>2</sup>, trusting the roles of multi-disciplinary professionals, civil society, and local government, rather than simply the judgment of judges; and
- Sufficient funds must be allocated by the government to effectively implement the law.

During the next six months, the WCN will focus on research and an education program for key decisionmakers to advocate for various aspects of the draft legislation.

### **IR 2.3 More and better services for trafficking victims**

Support for Shelters (protection): Currently, the Foundation supports five organizations that are providing comprehensive services to victims of VAW and trafficking. Two old partners are DEPDC's Mekong Regional Indigenous Child Rights Home (MRICRH) in Chiang Rai and the New Life Foundation (NLF) in Chiang Mai. Three new partners are the Harbor House Foundation (HHF) in Chiang Rai, The Pavena Foundation for Children and Women, and the Rehab Ministries, both in Bangkok.

During this reporting period, the ChildLine of DEPDC's Mekong Regional Indigenous Child Rights Home (MRICRH) in Chiang Rai received 36 requests for assistance through its 24-hour telephone helpline. The majority of requests came from Burmese migrant workers and undocumented minorities, related to labor exploitation, sexual violence, trafficking, and reproductive health issues. The Half Way Home provided comprehensive services to 17 female and three male victims. Their reintegration scheme, which provides legal, psycho-social and economic aid to victims, has assisted 12 female and one male victim. The MRICRH has an MOU with the government that enables it to serve victims who are unable to access the government's existing services due to their citizenship status, including undocumented tribal minorities and illegal migrant workers. DEPDC's newest initiative is to bring former victims

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<sup>2</sup> While traditional justice approaches tend to see crime as a violation of the state and seek punishment of the wrongdoer, a restorative justice approach sees crime as a violation of people and relationships and justice as repairing the harm done. Restorative justice attempts to involve the victim, wrongdoer, and community in the search for solutions which promote repair, reconciliation, and reassurance.

back from China, Laos and Myanmar to be trained as peer educators to assist new victims of trafficking as they are repatriated.

The New Life Foundation (NLF) in Chiang Mai continues its extensive cooperation with TRAFCORD and other partners in assisting victims of trafficking, particularly during the prosecution and recovery stages. Over the past six months, eight trafficked girls and 116 at-risk girls were under the care of the NLF. In order to prevent re-trafficking, the NLF has proposed that the Foundation support monitoring victims after repatriation, as governments in the Mekong Sub-region are failing to implement the commitments made in several regional meetings to create safe repatriation procedures and provide substantial assistance to victims that have returned. This request stemmed from the gloomy news that a girl who was formerly in the care of the NLF, and who was infected with HIV/AIDS during her stay in a Chiang Mai brothel, has returned to work as a prostitute in Tha Khilek, a border town in Myanmar. Her friend told the NLF that she had given up hope for a good life and that her family was unwilling to take care of her anymore.

HHF, the Pavena Foundation for Children and Women, and the Rahab Ministries signed grant agreements with the Foundation in May 2004. They have begun to use grant funds to improve their shelters and basic care activities for trafficking and VAW victims. The first client of the Rahab Ministries was a young woman who had been trafficked across the border at Hat Yai, through Malaysia to Singapore. HHF has 23 girls in its shelter, including one victim of trafficking and nine victims of sexual abuse. HHF also plans to strengthen its legal aid assistance.

Missing Persons Website: The website [www.backtohome.org](http://www.backtohome.org) created by the Mirror Art Group and operated by the Missing Persons Center with Asia Foundation support, is currently receiving approximately 5,800 visitors a month. On March 11, 2004 the website was visited by 727 viewers, the highest in a single-day. From May 2003 through May 2004, the Center posted 250 cases on the web site, and 95 of these missing persons were reported found and returned home. Site visits increased significantly after a story about the website appeared in newspapers and television programs. An average of 10-13 articles about missing persons and the web site appear each month. As it is difficult for the Missing Persons Center staff and volunteers to trace the large number of missing people reported, they now refer and collaborate with government agencies, especially the Child Protection Unit of the police, and public and private shelters. During the next six months, the Center will launch a campaign to combat the exploitation of children in the street begging business through its slogan "Stop Making Merit in the Sin Business." The typical Thai makes donations to beggars in order to make merit within the Buddhist philosophical context. This campaign seeks to make Thais aware that their attempt to gain merit, however, actually promotes the suffering of individuals forced to beg by traffickers. This campaign is raising awareness that giving to beggars that may have been trafficked helps perpetuate this abuse and is therefore a sin rather than an act of merit-making.

### **Strategic Objective 3: System for Effective Prosecution and Enforcement Institutionalized**

#### **IR 3.3 More competency in the judicial system and among advocates**

Expanding the Pool of Lawyers with Trafficking Expertise: The Foundation has been working to enhance the capacity and expertise of lawyers on trafficking through training on “Legal Instruments and Preventive Measures to Combat Trafficking in Women and Children.” Based on recommendations from these previous training workshops, the Foundation will partner with the Law Society of Thailand (LST) to launch a project entitled “Gender Equality in the Criminal Justice System” during July 2004. The project will provide intensive training for lawyers to represent the best interests of victims of violence and trafficking, present lessons learned from critical cases to advocate for legal and policy change and provide advocate lawyers for victims in the courts.

Replicating the Chiang Mai Model, Protecting Victims of Sexual Abuse and Trafficking, and Bring Perpetrators to Justice: The Asia Foundation has played a pivotal role in promoting a comprehensive strategy to combat trafficking in persons. Known as the “Chiang Mai Model,” this multi-disciplinary approach first began as a one-stop service center offered through the coordination of investigators, social workers, medical professionals, and staff of non-governmental organizations. In recognition of the success of this model, government agencies and NGOs signed memoranda of understanding (MOU) at the national and northern regional levels that promote use of the multi-disciplinary approach advocated by the Foundation and its partners. This official policy support has facilitated the Foundation and its partners to replicate the model in five strategic provinces (Korat, Lampang, Lamphun, Tak, and Chiang Rai) and to organize 13 training workshops to promote use of the multi-disciplinary approach around the country. The workshops have further improved team coordination, with a view towards improved protection of victim’s rights and the prosecution of traffickers. The workshop curriculum is designed to address the unique problems and methods of trafficking prevalent in each area.

The Asia Foundation currently supports five organizations working to protect the victims of sexual and physical abuse, forced labor, and trafficking: TRAFCORD, the Coordination and Protection of Child Rights in Chiang Mai (CPCRC), the Center for the Protection of Children’s Rights (CPCR) in Bangkok, the Coordination Group for the Development of Lampang Youth and Women (WAY Lampang), and the Promotion of Women’s Status Club (PWSC) based in Korat. These organizations provide comprehensive support services including legal and psycho-social counseling, interpretation, medical care, shelter, and repatriation assistance. In providing their services, these organizations have adopted the rights-based, multi-disciplinary team approach characteristic of the Chiang Mai model.

TRAFCORD continues to provide comprehensive assistance to victims of trafficking, coordinating with law enforcement for the successful prosecution of traffickers and strengthening the northern network to combat trafficking. During January – June, 2004, TRAFCORD strengthened the anti-trafficking coordination bodies in four provinces where the Chiang Mai model is being replicated: Lampang, Lamphun, Maesot (a border district of Tak province) and Chiang Rai. TRAFCORD has helped these newly formed multi-professional teams organize a workshop in each province. The multi-disciplinary approach training workshops developed by the Foundation and its partners have been used to train professionals involved in protecting victims and prosecuting traffickers, as well as interpreters.

One of the new approaches adopted by TRAFCORD has been to file charges against traffickers under the Anti-Money Laundering Act (ALA). Although there may be insufficient evidence to prosecute a trafficker under civil and criminal laws, the ALA requires a defendant to document the source of questionable income. Thus, rather than the prosecutor providing the court with evidence to demonstrate beyond a reasonable doubt that income or assets were derived from trafficking (or other crimes such as corruption or narcotics) the defendant must prove beyond a reasonable doubt that income or assets were derived through legal activities. In this manner, although the court may fail to convict an individual for trafficking, the court may order the state to seize illegal gains, thereby eliminating the profit motive for traffickers.

TRAFCORD received and responded to only seven reports during this reporting period: three concerned trafficking, three were related to child abuse, and was for forced child labor. The reduction in the number of cases reported is the result of two factors. First, as a result of trafficking suppression efforts, victims of trafficking are being frequently moved from one venue to another, while many more now seem to be camouflaged in entertainment venues such as karaoke or restaurants, making it more difficult to locate the victims. Second, new provincial teams have been launched, such as in Lampang (see Way Lampang), thus eliminating the need for TRAFCORD to respond to reports from nearby provinces.

Similar to TRAFCORD, CPCRC in Bangkok assisted newly formed organizations, both in Thailand and around the region, to enable them to efficiently operate child protection programs. In this reporting period, CPCRC assisted 54 children, mostly girls. Forty-two girls and one boy were victims of sexual abuse. No victims of trafficking sought assistance from CPCRC during this reporting period as a result of the new services now being provided by other organizations, particularly government agencies in the provinces. Both CPCRC and TRAFCORD note that new forms of child exploitation are constantly evolving making it more difficult to define and locate victims. Partner organizations therefore need to review their strategies in order to more effectively combat trafficking as traffickers adopt new methods.

During this period, CPCRC hosted meetings with concerned agencies to raise awareness and design action plans for implementing the new “Child Protection Act B.E.2546” that came into effect at the end of March 2004. The Act mandates that society, parents, and government service agencies assume greater responsibility for preventing children from being harmed and ensuring they receive appropriate welfare benefits and protection. According to the Act, each province must establish a provincial committee to oversee and implement the Act. The committee is to be composed of multi-professional members representing various agencies and organizations. CPCRC also provided services to 20 children of whom 13 were girls suffering from sexual abuse.

Beginning in May, 2004, PWSC in Korat province joined the network of organizations replicating the Chiang Mai model and immediately began to receive reports of victims in need of assistance. PWSC began to prepare the ground work toward the establishment the first-ever provincial coordinating mechanism in Korat—the gateway to the northeastern region of Thailand. PWSC is currently providing legal assistance to 11 sexually abused girls. PWSC organized an anti-trafficking seminar in March 2004 to inform its network and volunteers about

the complexity of trafficking, identify forms of trafficking prevalent in Korat and neighboring provinces, introduce relevant legal instruments, and inform its network about the role of the criminal justice system in combating trafficking. As a result of this seminar, the Coordination for the Protection of Victims of Violence, a team of multi-disciplinary professionals that includes physicians and members of civil society organizations was launched. Its office is located within a government shelter assigned to take care of victims of trafficking and VAW from 19 northeastern provinces.

The Coordination Group for the Development of Lampang Youth and Women (WAY Lampang) is a new partner in The Asia Foundation's network. WAY Lampang emerged in 1997 as part of the women's rights movement and has been active in promoting women to run for local office and advocating for passage of the Domestic Violence Act. Under this grant, the Foundation is supporting WAY Lampang to coordinate the multi-professional anti-trafficking team in Lampang. With technical assistance from TRAFCORD and The Asia Foundation, WAY Lampang organized two anti-trafficking training workshops for 76 participants representing social workers, nurses, physicians, lawyers, and NGO volunteers from 13 districts of Lampang. Only three days after the completion of the second workshop, the newly formed team rescued 14 women and girls from two karaoke bars, seven out of these were trafficking victims, including two Thai and five Lao minors.



# Vietnam

## Overview

This reporting period, The Asia Foundation, the Vietnam Women's Union (VWU), and the Center for Education Promotion and Empowerment of Women (CEPEW) continued to conduct prevention education for community members in target areas, strengthening capacity for community support groups<sup>3</sup> to prevent and address trafficking, and provide technical and new skills training for women in at-risk groups. With the modification received in May 2004, the Foundation will expand its prevention program to one Can Tho province in the Mekong Delta and establish complementary and strategic programs in reintegration and legal aid to augment its current initiatives to combat trafficking of women and children in Vietnam. Initial results show that community support groups have proven to be effective in mobilizing action to combat trafficking.

During this reporting period:

- Community support groups in Quang Ninh and An Giang provinces are proving effective in preventing trafficking and reintegrate victims in their communities:
  - Communities with support groups have reported no new trafficking cases or missing women and children since the program was launched November 2003;
  - The community support group in Dam Ha district in Quang Ninh successfully placed 11 vulnerable women in jobs, raised funds keep three at-risk children in school, and raised funds to assist three victims trafficked to China for forced marriage as they begin a new life;
  - In An Phu district, An Giang province, the community support group prevented two known traffickers from approaching vulnerable girls and worked with local government to deport them out of the area; and
- Credit and loan groups have been established and loan funds in the amount of 488,000,000 VND (\$15,500 USD) have been disbursed to 384 vulnerable women and their families in Quang Ninh and An Giang provinces.

## Strategic Objective 1: Victimization Prevented

The Foundation is supporting the VWU and CEPEW to implement two trafficking prevention models – establishing community monitoring groups and increasing economic opportunities – in two at-risk provinces. The models are being tested alone and in combination. In Quang Ninh province, Hoanh Bo district has awareness raising and monitoring programs (IR.1.2); Dam Ha

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<sup>3</sup> These groups were originally called community monitoring groups (or watchdog groups), but local project management boards recommended changing the name to the more positive-sounding “community support groups” with the same functions and responsibilities.

district has an economic empowerment program (IR.1.3); and Hai Ha has both. In An Giang province, Chau Doc district has awareness raising and monitoring programs (IR.1.2); Chau Phu district has an economic empowerment program (IR.1.3); and An Phu has both. Baseline community-based studies were completed last period to enable monitoring and evaluation of the comparative success of these interventions.

The Foundation has selected Can Tho as the third province for replication, because Can Tho province is experiencing a growing trafficking problem with increasing numbers of women and young girls being trafficked to Cambodia for prostitution and to Taiwan for forced marriages. Operating in a total of three provinces will provide the Foundation and the VWU with a better basis for comparison on the effectiveness of interventions and combinations of interventions that will lead to refinements of existing programs and enable replication of successful models to increase impact. A community-based study will be conducted in August 2004 to gather baseline data on the trafficking situation in Can Tho. It will include information on gender roles, social structures, economic problems that increase vulnerability, perceived costs and benefits of migrating for work, community awareness of trafficking, and community attitudes and practices related to reintegration of trafficked persons.

## **IR 1.2 More community interventions to prevent trafficking/violence against women**

Development and Publication of Training Materials: CEPEW completed and produced its community prevention education training materials, which include 700 copies of a trainer's guide, 5,000 booklets, and 500 posters. The trainer's guide includes participatory training methodologies, the definition of trafficking, laws related to trafficking, women's and children's legal rights, information on the dangers and consequences of trafficking, and responsibilities of families and communities in preventing trafficking. The booklets and posters complement the trainer's guide on related topics and incorporate feedback from local trainers and community members solicited at pilot training of trainer's (TOT) courses organized by CEPEW in target areas in December 2003 and January 2004. The VWU trainers began community-level awareness raising activities for targeted communities in both An Giang and Quang Ninh in May and June 2004. The training materials will be widely used by local Women's Union branches to conduct prevention education not only in the target provinces of An Giang, Quang Ninh, and Can Tho but also in additional high risk provinces in the Mekong Delta region of Vietnam.

Prevention Education, Community Monitoring Support: Using the training materials developed by CEPEW, The VWU organized two TOT courses for 52 local trainers in An Giang and Quang Ninh from May 12-15 and June 25-30 respectively. Local trainers trained by CEPEW from the pilot training courses have since trained 1,432 women in their legal rights. Hoanh Bo district in Quang Ninh province organized training for 240 members of community monitoring groups on laws related to trafficking. The VWU has also published 1,000 brochures on "Women Legal Rights as Stipulated in Vietnamese Laws" in an effort to raise women's awareness of their legal rights. These public education activities not only increase knowledge of trafficking and the need to prevent it, but stress the critical role of communities in mobilizing to prevent trafficking.

The VWU helped establish project management boards and monitoring and support groups at the local level in Dam Ha (15 members) and Hoanh Bo (12 members) districts in Quang Ninh

province and Chau Doc (19 members) and An Phu (14 members) in An Giang province. These groups became operational in November 2003. To develop surveillance mechanisms, and establish referrals to other sources, these groups have divided into sub-groups for the various villages in each commune, which include 4 members each. These sub-groups are also responsible for conducting prevention education, monitoring the trafficking situation in their designated area, identifying and counseling vulnerable women and children as well as victims.

In Can Tho, prevention education will be provided to women, girls, and parents as well as staff of local Women's Union branches, People's Committees, Departments of Justice, border guards, and others responsible for preventing trafficking at various points along the trafficking chain. Community support groups will also be established to monitor and intervene in potential trafficking situations, helping to mobilize communities to take substantive actions to deter trafficking at the source.

### **IR 1.3 More women acting to prevent victimization**

Economic Empowerment Programs: The Women's Union and CEPEW established revolving loan programs in Quang Ninh and An Giang this period. There are 280 borrowers in 14 credit groups in An Giang and 104 borrowers in nine credit groups in Quang Ninh. The VWU disbursed loans in March after training An Giang beneficiaries on loan use and loan management and training local credit group managers in bookkeeping skills in February. After the training workshops, all 280 An Giang participants were able to develop simple business plans which they used to apply for their loans. The VWU organized vocational training courses on animal husbandry and aquaculture for 110 project beneficiaries in An Giang in May.

To build the capacity of the VWU branch in An Giang to effectively manage the project, the first training-of-trainers (ToT) course on managing micro-credit and micro-enterprise programs was held in February 2004. The course focused on managing and planning project activities, developing training skills to build the capacity of project beneficiaries, and understanding basic financial management. The local branch of the VWU then trained 27 local trainers in An Giang in May 2004 in micro-enterprise and business skills. Those local trainers went on to organize two training courses on business development for 150 beneficiaries in June and plans three in July 2004.

CEPEW and the VWU in Quang Ninh continue to monitor loan use of participants, provide guidance and support for their monthly group meeting, and will continue to provide training for new participants in the next year. Provision of loans and small business training is intended to provide economic alternatives to women and children at risk of being trafficked to reduce their vulnerability.

In Can Tho, economic empowerment activities will be launched to lessen poor rural women's vulnerability to trafficking by promoting their self-sufficiency and empowerment through increasing their access to economic resources through training, information sharing, micro-enterprise loans, and savings mobilization.

### **IR 1.4: Increased Regional/Cross Border Collaboration in Trafficking Prevention**

Cross-border Workshops in Quang Ninh and An Giang: In-depth interviews and group discussions with provincial leaders for the community-based studies carried out in the past year have revealed some priority bilateral issues between Vietnam and Cambodia, and between Vietnam and China, that require significant legal expertise and greater networking among official agencies responsible for combating trafficking. For these reasons, cross-border activities to address trafficking and improve protection of trafficked persons will shift from the VWU to the National Legal Aid Agency (NLAA). The VWU will remain a critical partner in these activities. A stronger legal emphasis will also enable the project to enhance the protection of trafficked victims, in addition to the project's original focus on the prevention of trafficking in these selected localities. As the result, the cross-border workshop with Cambodia will be delayed until September 2004. Details of the cross-border workshop are reported in the regional program section of the report.

## **Strategic Objective 2: Victims Protected**

Planned Activities: The Foundation will establish complementary and strategic programs in reintegration and legal aid to augment its current initiatives to prevent trafficking of women and children in Vietnam drawing on FY 2003 EAP funds received through a modification in May 2004. This legal assistance component aims to strengthen Vietnam's capacity to respond to the trafficking problem and the needs of victims by: (1) providing better legal aid services to trafficked victims through the NLAA's structure at the district level; (2) building the capacity of an inter-agency network to increase in-country coordination among government agencies and mass organizations tasked with victim protection and integration, and investigation; and (3) fostering cross-border collaboration between Vietnam and China, and between Vietnam and Cambodia, in order to facilitate better coordination and cooperation between governments, between governments and NGOs, and among NGOs working on the problem of trafficking. A two-year MOU was signed between the Foundation and the NLAA and these projects are expected to begin in the next reporting period.

## Regional Program

### Overview

The regional component of the EAP Women's Initiative fosters bilateral and regional coordination, cooperation, capacity building of women's organizations, and sharing of lessons learned to accelerate progress in combating violence against women including trafficking. Inter-regional linkages are essential to promoting the collaboration that is required to address violence and trafficking.

The Foundation's regional program organizes and supports workshops and exchanges to build a regional network that can advocate with governments to take action and that can coordinate bilateral and regional initiatives to combat trafficking and violence. Due to the wide geographic span of the program (ranging from Mongolia to the Pacific Islands), the program encompasses several sub-regional and cross-border projects as well as one overarching ongoing regional program that builds skills and capacity of partner organizations from all participating countries in the East Asia Pacific region to combat trafficking and violence against women.

Sub-regional projects include:

- Support to the Mekong Region Law Center to organize regional workshops and cross-border exchanges to combat trafficking in the Mekong region;
- Planned cross-border workshops in An Giang province in Vietnam to facilitate bilateral collaboration between Vietnam and Cambodia to prevent trafficking; and
- Support to the Fiji Women's Crisis Centre to train and build the capacity of organizations and programs to eliminate violence against women in the Pacific Islands and to support campaigns against violence against women in rural areas of the region (see the Pacific Islands section of the report).

During this reporting period:

- One of the outcomes of the Foundation-supported Mekong regional workshop is that Thai and Cambodian delegates committed to developing more concrete implementation guidelines for the cross-border MOU between the two countries; and
- A Mekong region cross-border exchange program resulted in concrete recommendations for improving protection and repatriation services among Thailand, Cambodia, and Laos.

**Cutting across Strategic Objectives 1 (victimization prevented), 2 (victims protected) and 3 (system for effective prosecution institutionalized):**

*Promoting cooperation in the Mekong region*

**IR 1.4 Increased regional/cross border collaboration in trafficking prevention**

Mekong Regional Workshop on Laws, Policies and Practices Related to Prevention and Suppression of Trafficking in Persons and Support to Victims: This period, the Foundation collaborated with the Asia Regional Cooperation to Prevent People Trafficking (ARCPPT) project to support the Mekong Region Law Center's (MRLC) workshop to improve bilateral and regional cooperation in the Mekong region. The workshop, entitled "Laws, Policies and Practices Related to Prevention and Suppression of Trafficking in Persons, especially Women and Children," was conducted in Bangkok in February 2004. The workshop helped build capacity for cross border cooperation to combat trafficking in the Mekong region through a process of dialogue and exchange of experiences among 30 governmental and non-governmental representatives from five countries of the region.

The Foundation supported 29 participants to the workshop, representing both government and non-governmental organizations from Cambodia, Laos, Thailand, and Vietnam. Representatives from Myanmar and law enforcement were supported by ARCPPT. The high-level workshop included such key figures as Dr. Saisuree Chutikul, Mr. Wallop Ploythaptim, Director General of the Social Development and Welfare Department of Thailand, and Madame You Ay, the Secretary of State, Ministry of Women and Veterans' Affairs of Cambodia. Serving as resource persons were Professor Vitit Muntarbhorn, Paul Homes, John Rennie and Anne Gallagner from ARCPPT, and Ruengrawee Pichaikul Ketphol from The Asia Foundation.

Participants learned to differentiate between trafficking and smuggling, how to identify trafficked victims, and strategies for practical cooperation between law enforcement and NGOs when dealing with trafficked victims/witnesses. They also emphasized making use of domestic MOU (Memorandum of Understanding) to manage cooperation between law enforcement and other professions, including social workers, medical practitioners, and NGOs. The workshop covered all humanitarian and human rights principles surrounding trafficking as well as the gender perspectives needed to avoid re-traumatizing trafficked victims. Participants also focused strategies for establishing comprehensive assistance and witness protection during the judicial process. The workshop gave participants the tools to analyze the trafficking situation and response in their country and compare that response to internationally-accepted human rights principles and standards. This enabled them to critically analyze the strengths and weaknesses of their criminal justice system along with possible solutions.

Participants were enthusiastic about the prospects for cross-border and regional cooperation, including creating and implementing regional or additional bilateral MOUs, following the success of the Thailand-Cambodia bilateral MOU. The heads of delegations assessed the progress to date of the Thailand-Cambodia MOU and determined that to improve implementation of the MOU, Thai and Cambodian delegates would schedule a date and venue in April or May 2004 to develop more concrete implementation guidelines for the MOU.

Cross-border exchange programs: With Foundation support, the Cambodian and Vietnamese delegations stayed on in Thailand after the workshop to participate in a bilateral exposure visit organized by the MRLC focusing on the comprehensive services available to victims of trafficking in Thailand, including through shelters, child friendly investigation rooms and procedures, and effective cooperation between government and non-government actors.

The group visited government shelters outside of Bangkok and in Chiang Mai, NGO coordinated services and drop-in shelters available in Chiang Mai, and the Thai-Cambodia border immigration checkpoint in Sakaew province where hundreds of Cambodians are trafficked to Thailand each year. The exchange generated a commitment that Thailand would host Cambodian authorities for a three to six month mentoring program with Thai immigration and shelters to learn in-depth about practical solutions for preventing trafficking, protecting victims, and effectively reintegrating trafficked persons. After the exchange, participants pledged to advocate that their governments allocate additional funds to construct and improve drop-in and transit centers to more effectively receive the large number of deported and trafficked persons and to improve compliance with the signed MOU. Participants also concluded that the establishment of a focal unit in each country was an immediate need to improve management of prevention, protection and repatriation activities under the MOU.

Cross-border Workshops in An Giang: The Asia Foundation's Hanoi office and its Vietnamese partners are designing a cross-border workshops in An Giang province to improve the legal framework and cross-border communication between Vietnam and Cambodia. The planned workshop will facilitate better coordination and cooperation on both sides of the border between governments, among nongovernmental organizations (NGOs) working on the problem, and between government and NGOs.

During this reporting period, the Foundation, the Vietnam Women's Union (VWU), and the National Legal Aid Agency (NLAA) under the Ministry of Justice in Vietnam conducted in-depth interviews and group discussions with provincial leaders that revealed that priority bilateral issues between Vietnam and Cambodia require significant legal expertise and greater networking among official agencies responsible for combating trafficking. For these reasons, cross-border activities to address trafficking and improve protection of trafficked persons will shift from the VWU to the National Legal Aid Agency (NLAA). The VWU will remain a critical partner in these activities. A stronger legal emphasis will also enable the project to enhance the protection of trafficked victims, in addition to the project's original focus on the prevention of trafficking in these selected localities. The cross-border workshop with Cambodia will be held September 2004.

This workshop will focus on ways Vietnam and Cambodia can work together to:

- Strengthen the bilateral legal framework for collaboration to fight trafficking (including a bilateral MOU and domestic laws in each country);
- Develop recommendations for mechanisms to strengthen the enforcement of laws on both sides of the border; and
- Improve cross-border communication in order to improve identification, repatriation, and services that protect trafficking victims.

Expected outputs from the workshop include:

- A list of recommendations for an MOU between Cambodia and Vietnam;
- A list of recommendations for improving laws to combat trafficking in Cambodia and Vietnam;

- An action plan for establishing mechanisms to strengthen the enforcement of laws to combat trafficking; and
- An action plan for coordinating among service providers in both countries to improve repatriation and services to victims.

*Building capacity to combat violence and trafficking in the East Asia Pacific region*

**IR 2.1 Legal framework established to protect victim's rights**

East and South East Asia Regional Workshop on Domestic Violence Legislation: Moving Towards Regional Networking and Strategies: The Asia Foundation, in cooperation with UNIFEM, the Ministry of Social Development and Human Security of Thailand, and the Asian Forum for Human Rights and Development (Forum Asia), supported a regional workshop on domestic violence legislation in Bangkok in December 2003. The three-day workshop strengthened the regional network for collaboration among advocates and government representatives in the region, provided linkages and tools for civil society and women's groups to hold their governments accountable for addressing violence through joint efforts, and advocated with governments to place violence against women on the national policy agenda. The workshop concluded with new commitments to strengthen networking in the struggle against domestic violence and pledges by government and NGO participants to step up efforts to pass domestic violence legislation in their countries and to ensure such legislation is enforced. Since the workshop, Mongolia successfully passed its first-ever domestic violence legislation. A final report of the workshop is attached as an appendix.

Legislation and Advocacy to Protect Victims, Prosecute Traffickers, and Prevent Trafficking workshop: The Foundation will hold its second EAP region-wide workshop to combat trafficking in August 2004 in Manila, Philippines. The workshop will bring together policymakers, NGO leaders, legal experts, and advocates from ten countries to strengthen capacity inside and outside government to analyze and advocate for effective laws, amendments, and implementing guidelines (or other mechanisms) to prosecute traffickers and protect victims and to build the capacity and skills of practitioners in East and Southeast Asia to promote coordinated efforts within their countries and across the region that reduce trafficking across borders. The workshop will address:

- the content of laws relevant to prevention of trafficking, prosecution of traffickers and protection of victims/witnesses;
- legislative and political analysis skills and processes; and
- advocacy strategies (coalition-building, mass media, constituency mobilization, and negotiating).

The objectives are:

- To familiarize government officials and civil society groups with effective legal instruments and advocacy strategies for passing, amending, and implementing laws;
- To familiarize government officials and civil society groups with the content of legal instruments for effective protection of victims and prosecution of traffickers;

- To strengthen links between civil society groups, parliamentarians and governments to coordinate and collaborate on anti-trafficking efforts within countries and regionally; and
- To formulate legislative advocacy plans at the national and regional levels.

Expected results of the workshop include:

- Clearer understanding of trafficking and available trafficking-related legal instruments and implementation provisions to protect the rights of trafficked persons and prosecute traffickers;
- Concrete strategies and action plans identified for advocating for legal reform within the country/provincial/regional context; and
- Strengthened commitment among anti-trafficking practitioners to coordinate within and across borders for the protection of the rights of trafficked persons and prosecution of traffickers.

## **IR 2.5 Increased regional/cross border collaboration in protection services for victims**

Regional Web Portal: The website Trafficking in Person in Asia ( [www.TIPinAsia.info](http://www.TIPinAsia.info) ) was created and developed by program staff of The Asia Foundation in Thailand with the assistance of the Information Technology Institute for Education. The Foundation's goal in supporting this project is to reduce trafficking and violence against women, and secure the rights of victims. Specifically, the Foundation's objective is to promote more and better services for trafficking victims. The Foundation believes this can be achieved if existing information could be consolidated and shared among anti-trafficking counterparts in the region by utilizing internet technology.

The eight pages planned for this website will include (in multiple languages) anti-trafficking news, a directory of organizations working on trafficking in person with contact addresses, a law page with simplified versions of relevant laws, a case study page that will allow discussions and the exchange of best practices to combat trafficking, an activity calendar page for users to circulate messages, events and activities, a document page for information dissemination, a definition page to help clarify the various interpretations of trafficking and a link to the Missing Persons Website.

The Foundation plans to launch [www.TIPinAsia.info](http://www.TIPinAsia.info) at the end of August 2004. Although Foundation staff are managing the website during this initial phase, once properly operating, it will be turned over to one of the government agencies in the region responsible for anti-trafficking efforts.

# Evaluation and Reporting: EAP Results Framework

## Evaluation and Reporting

Program planning in the field of violence against women requires accurate base-line information against which to measure effectiveness of interventions and analyze trends. This is particularly true of trafficking, where there is a dearth of accurate, reliable information on the scope of the problem and effective strategies to prevent it. The Foundation has designed a results framework to be used in tracking progress of the East Asia Pacific Women's Initiative on Trafficking and Violence in three key areas: prevention of victimization, protection of victims, and institutionalizing a system for effectively prosecuting the offenders. During the first year, each country field office and partners gathered the baseline data against which progress of the program can be measured. The program monitoring plans for the Vietnam and the Pacific Islands programs, which began three months after the other country programs, are included as an appendix to this report and will be updated annually to measure progress against the baseline.

### EAP Women's Initiative Results Framework

#### **Goals: Reduce trafficking and violence against women**

#### **Ensure the rights of victims of trafficking and violence against women**

##### *Strategic Objective 1: Victimization prevented*

- IR 1.1 Greater government commitment to prevention
- IR 1.2 More nongovernmental interventions to prevent trafficking/VAW
- IR 1.3 More women acting to prevent victimization
- IR 1.4 Increased regional/cross border collaboration in trafficking prevention

##### *Strategic Objective 2: Victims protected*

- IR 2.1 Legal framework established to protect victim's rights
- IR 2.2 Greater government commitment to victim protection
- IR 2.3 More and better services for trafficking victims
- IR 2.4 More and better services for VAW victims
- IR 2.5 Increased regional/cross border collaboration in protection services for victims

##### *Strategic Objective 3: System for effective prosecution and enforcement institutionalized*

- IR 3.1 More violators appropriately charged and convicted
- IR 3.2 Greater government commitment to prosecution and enforcement
- IR 3.3 More competency in the judicial system and among advocates
- IR 3.4 Increased regional/cross border collaboration in trafficking prosecution

## **Appendix A: Performance Monitoring Plans**

(see attached Excel spreadsheet)

## PERFORMANCE MONITORING PLAN-VIETNAM

### Combating Trafficking of Women and Children and Violence Against Women

The Foundation will track project performance using the Performance Monitoring Plan below. Project management will periodically review performance data, adjusting strategic interventions as needed. Some target indicators may be adjusted based on baseline analysis and subgrantee research.

Intermediate Results	Baseline Data			Performance Indicator (Units of measurement)	Year 1 (July 2003)	Year 2 (July 2004)	Year 3 (Final year of the project) (July 2005)	Data collection methods and sources	Frequency
	Indicator	Value	Year (and time frame)						
<b>Goals: Reduce trafficking and violence against women Ensure the rights of victims of trafficking and violence against women</b>									
<i>SO 1: Victimization prevented</i>									
	# of women trafficked/abused	60	1998-2001	% reduction in # of women trafficked/abused OR % reduction in reported cases of trafficking/abuse				Data collected from the community-based survey. This include both Quang Ninh and An Giang	
	Reported cases of trafficking/abuse	40	1998-2001						
IR 1.1 Greater government commitment to prevention	# of existing legislation ensuring women's rights			# of new or revised legislation ensuring women's rights					
	# of existing legislation ensuring children's rights			# of new or revised legislation ensuring children's rights					
	# of existing legislation ensuring minority rights			# of new or revised legislation ensuring minority rights					
	Current (FY02) prevention service budget (in local currency and USD)			% increase in prevention service budget					
	# of existing government prevention services			# of new government prevention services					
IR 1.2 More nongovernmental interventions to prevent trafficking/VAW				# of advocacy initiatives that stimulate more government prevention initiatives					

	# of watchdog/monitoring groups intervening to prevent trafficking/VAW	n/a		% increase in # of watchdog/monitoring groups intervening to prevent trafficking/VAW					
	# of stories on trafficking/VAW	30,000 leaflets and 240 handbook were distributed	1999-2002	% increase in press coverage of trafficking/VAW		500 posters, 5000 booklets, 700 trainers guide, 1000 booklet on labor rights, 80 training manual on labor rights, 1000 leaflets on women's legal rights, 9500 leaflets to raise people's awareness on trafficking distributed in the project area; monthly articles on local newspaper in An Giang		# reported in the "baseline data" was supported through IOM communication programs, # increased was supported through USAID and other TAF funded projects	Unable to collect # of stories and programs on TV
	# of programs for women and girls at risk	8		% increase in # of programs for women and girls at risk				Three in An Giang and five in Quang Ninh	
	# of programs providing alternatives to potential victims	3		% increase in # of programs providing alternatives to potential victims					
	# of existing legal advisory services for potential victims	n/a		% increase in legal advisory services for potential victims					
	# of schools conducting prevention programs	n/a		% increase in # of schools conducting prevention programs					
				# of new models tested and ready for replication/adaptation					
IR 1.3 More women acting to prevent	# of false marriages	n/a		% reduction in false marriages					

victimization	# of women who reported having avoided potential victimization	n/a		% increase in # of women who report having avoided potential victimization		4 girls in An Giang			
	# of women who demand and retain necessary documentation	n/a		% increase of women who demand and retain necessary documentation					
IR 1.4 Increased regional/cross border collaboration in trafficking prevention	# of regional/cross border prevention programs			% increase in # of regional/cross border prevention programs					
				# of new information resources supporting regional/cross border prevention programs					
<i>SO 2: Victims protected</i>									
	# of victims receiving protection			% increase in # of victims receiving protection		14 returnees in An Giang received psychology counseling, health checks, vocational training, loan, ect. To start a new life			in An Giang
IR 2.1 Legal framework established to protect victim's rights				# of new or revised legislation ensuring victim's rights					
	# of trafficking victims penalized for immigration violations			% decrease in # of trafficking victims penalized for immigration violations					
IR 2.2 Greater government commitment to victim protection	Existing protection services budget			% increase in protection services budget					
	Current spending on anti-trafficking training for public officials			% increase in spending on anti-trafficking training for public officials					

	# of cases managed by government officials (police, prosecutors, forensic officers) that protect victims' rights			% increase in case management by government officials (police, prosecutors, forensic officers) that protects victims' rights					
IR 2.3 More and better services for trafficking victims	# of programs/organizations serving trafficking victims in country of origin			% increase in # of programs/organizations serving trafficking victims in country of origin					
	# of programs/organizations serving trafficking victims in country of destination (within EAP programming countries)			% increase in # of programs/organizations serving trafficking victims in country of destination (within EAP programming countries)					
				# of programs/organizations with expanded outreach services					
	# of victims receiving competent, appropriate services			% increase in # of victims receiving competent, appropriate services					
	# of programs/organizations providing interdisciplinary services			% increase in # of programs/organizations providing interdisciplinary services					
	# of victims receiving repatriation services that protects their rights			% increase in # of victims receiving repatriation services that protects their rights					
	# of victims receiving reintegration services that protect their rights			% increase in # of victims receiving reintegration services that protect their rights		14			
	# of victims benefiting from economic services			% increase in # of victims benefiting from economic services					

	# of victims returning to school			% increase in # of victims returning to school					
	# of victims receiving legal counsel			% increase in # of victims receiving legal counsel					
	# of public-private task forces developing or monitoring victim services			% increase in # of public-private task forces developing or monitoring victim services					
				# of new coordinated service mechanisms (private or public-private)					
IR 2.4 More and better services for VAW victims	# of programs/organizations serving VAW victims			% increase in # of programs/organizations serving VAW victims					
				# of programs/organizations with expanded outreach services					
	# of programs/organizations providing interdisciplinary services			% increase in # of programs/organizations providing interdisciplinary services					
	# of programs/organizations providing multisectoral counseling			% increase in # of programs/organizations providing multisectoral counseling					
	# of VAW victims receiving services			% increase in # of VAW victims receiving services					
	# of VAW victims receiving legal counsel			% increase in # of VAW victims receiving legal counsel					
	# of public-private task forces developing or monitoring victim services			increase in # of public-private task forces developing or monitoring victim services					

				# of new coordinated service mechanisms (private or public-private)					
IR 2.5 Increased regional/cross border collaboration in protection services for victims	# of regional/cross border programs			% increase in # of regional/cross border programs					
				# of new coordinated response teams					
				# of new information resources supporting regional/cross border programs					
<i>SO 3: System for effective prosecution and enforcement institutionalized</i>									
	# of countries with effective prosecution systems for VAW and trafficking violations			# of countries with effective prosecution systems for VAW and trafficking violations					
IR 3.1 More violators appropriately charged and convicted with appropriate penalties	# of prosecutions brought to trial			% increase in # of prosecutions brought to trial					
	# of convictions with appropriate penalties			% increase in # of convictions with appropriate penalties					
	# of victims awarded damages			% increase in # of victims awarded damages					
IR 3.2 Greater government commitment to prosecution and enforcement	Current prosecution budget			% increase in prosecution budget					
	Current enforcement budget			% increase in enforcement budget					
				# of new mechanisms that support enforcement					

				# of new mechanisms that disseminate timely case information					
IR 3.3 More competency in the judicial system and among advocates	Current # of prosecution and enforcement that protects victims rights			% increase in prosecution and enforcement that protects victims rights					
	# of cases appealed			% decrease in cases appealed					
	# of cases upheld on appeal			% decrease in cases upheld on appeal					
	# of cases brought to trial as a result of NGO advocacy			% increase in # of cases brought to trial as a result of NGO advocacy					
IR 3.4 Increased regional/cross border collaboration in trafficking prosecution	# of regional/cross border programs			% increase in # of regional/cross border programs					
				# of new information resources supporting regional/cross border prosecution programs					



## Appendix B: Survey Research on Violence Against Women in Laos Tables

Table 1: Types of cases before village authorities in targeted communities

Types of problem	2002		2003		Total
	Number	%	Number	%	Number
1) drug related	121	20.90%	125	18.83%	246
2) gambling	101	17.44%	109	16.42%	210
3) spousal conflict	94	16.23%	115	17.32%	209
4) theft	62	10.71%	65	9.79%	127
5) drunk & disorderly	55	9.50%	61	9.19%	116
6) lured to work as illegal labor	23	3.97%	41	6.17%	64
7) divorce	36	6.22%	46	6.93%	82
8) economic problems	23	3.97%	24	3.61%	47
9) adultery	13	2.25%	15	2.26%	28
10) quarrel in family (relatives)	10	1.73%	19	2.86%	29
11) rape and sexual violence	4	0.69%	5	0.75%	9
12) others	37	6.39%	39	5.87%	76
Total	579	100.00%	664	100.00%	1243

Table 2: Causal factors that lead to spousal violence

Causative factors	2002	2003	Total
1 Drinking alcohol	33	51	84
2 Economic problems	26	30	56
3 Jealousy	20	32	52
4 Infidelity	8	17	25
5 Gambling	4	6	10
6 Forced sexual intercourse	3	0	3
7 Having minor wives	3	8	11
8 Interference by relatives	1	3	4
9 Friends	3	1	4
10 Difference in social status	1	2	3
11 Sexual incompetence	2	1	3
12 Mental health	2	2	4
13 Illness	3	2	5
14 Coercion/Intimidation	1	3	4
15 Molestation	0	1	1
16 Old (age) wife	0	1	1
Total	110	160	270

Table 3: Forms/characteristics of Spousal Violence

Forms	2002	2003	Total
1) Heated arguments	130	136	266
2) Physical assault	40	39	79
3) Attacked with weapon	8	9	17
4) Destroying objects	29	20	49

5) Verbal abuse (scold, etc)	58	43	101
6) Run away	15	6	21
7) Cultural Breach	0	6	6
8) Disobedience	0	8	8
	<u>280</u>	<u>267</u>	<u>547</u>

Table 4: Problem resolution in the targeted villages

	2002	2003	Total
1) Resolved successfully in the village	183	182	365
2) Referred case to district	26	44	70
3) Court trial	18	13	31
4) Case not accepted at the village level	20	17	37
	<u>247</u>	<u>256</u>	<u>503</u>

## **Appendix C: Mongolia Trafficking Research Report Summary**

### **Summary of Key Problems and Recommendations**

Mongolia has undergone dramatic social, economic, and political changes since the early 1990s. In 1992, a new Constitution was adopted establishing a series of new rights that have since been incorporated into domestic laws. These rights include the right to travel abroad which, combined with the social and economic dislocation many Mongolians have experienced, have resulted in a dramatic increase in Mongolians' mobility. Over the past ten years, the number of Mongolian's studying or working abroad has grown from negligible numbers to an estimated 100,000 people. There has similarly been an increase in domestic migration from rural to urban areas. While more open borders and greater freedom to travel have opened up new opportunities to the citizenry, these changes have also made it easier for traffickers to prey on Mongolian's looking for a better life through employment abroad—particularly young women.

Although there needs to be more research to establish the full scope and patterns of trafficking of Mongolians, this research report—one of the first studies of the problem in Mongolia-- documents cases of trafficking and highlights key issues that must be addressed to prevent trafficking in persons, protect victims, and bring traffickers to justice. Based on its research, CHRDR has outlined concrete steps that the Mongolian government can take to prevent trafficking from becoming an even bigger problem than it is already.

CHRDR makes the following recommendations based on the results of its detailed examination of documented trafficking cases in Mongolia, research regarding traffickers' recruitment tactics and attitudes among potential trafficking victims, analysis of the current legal framework for combating trafficking in Mongolia, and numerous interviews and group discussions with experts in this field.

### **Laws and policies**

#### PROBLEM

- The legal framework for combating trafficking is inadequate; anti-trafficking provisions in Mongolia's Criminal Code do not give a clear definition of trafficking and provide for only light penalties that do not reflect the gravity of the crime.

#### RECOMMENDATIONS:

- (1)The Criminal Code should be amended to adequately define human trafficking and its elements: the recruitment, transport, and transfer of persons for the purpose of coercive labor and other forms of exploitation.
- (2) The Supreme Court needs to immediately issue an official interpretation of the Criminal Code's trafficking-related provisions until the Code can be amended.
- (4) New legislation is needed to protect victims of trafficking and witnesses in trafficking cases.

- (5) All incidents of trafficking should be considered felony or “lese majeste” crimes, with penalties commensurate with the gravity of the offense.
- (6) There needs to be a long statute of limitations on cases of trafficking and procedures put in place that facilitate investigations and prosecutions.
- (7) Trafficking for the purpose of forced labor or servitude (in addition to the “buying and selling” of human beings) should be considered a felony under Article 113.2.
- (8) Repeated incidences of trafficking or severe harm to victims should be classified as the most serious crime—“lese majeste”—in addition to trafficking cases linked to an organized group.
- (9) The Civil Law should be amended to provide for compensation to victims for psychological and emotional damage resulting from trafficking.
- (10) Ratify the UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Specially Women and Children, supplementing the UN Convention on Transnational Crime.

## **Monitoring and Enforcement**

### PROBLEM

- There are many suspicious recruitment advertisements for women in the Mongolian press including ads for virgins and specifications about women’s physical appearance. Although recruiters (called mediators) for overseas employment are required to obtain a license from the Ministry of Social Welfare, in fact, there is no mechanism for monitoring or enforcing this regulation. The result is that there is no deterrent of recruitment by traffickers.

### RECOMMENDATION

- (1) Advertisements offering to mediate overseas employment and marriages should be monitored and suspicious advertisements investigated; those operating without government permission should be punished under the Law on Mediating International Employment.

### PROBLEM

- There is little awareness of the problem of trafficking in Mongolia; government officials who have responsibility for protecting the rights of victims and bringing traffickers to justice have little or no knowledge of the problem of trafficking, laws pertaining to trafficking, or their responsibilities under the law. Efforts to combat trafficking need to be coordinated across a wide range of actors including government and NGOs, both nationally and internationally.

### RECOMMENDATIONS

- (1) Government officials, including the police, border and customs officials, consular officials, prosecutors, and judges, need to be trained to recognize incidents of trafficking, treat it as a serious crime, and view trafficked persons as victims whose privacy and rights need to be respected, not as offenders.

- (2) An integrated information database that connects all relevant law enforcement agencies needs to be established to facilitate coordination and cooperation across agencies.
- (3) The government needs to take concrete measures to coordinate with other governments on combating trafficking, such as establishing a consulate in Macao and other common destination countries, and sign extradition and other agreements that will facilitate cooperation to stop trafficking.

## **Prevention**

### PROBLEM

- Most trafficking victims are recruited from major urban centers, including Ulaanbaatar, Darkhan, Erdenet, and Er-lian having migrated from rural areas in search of work. Traffickers lure them with promises of high paying jobs, training, education, and/or assistance in marrying a foreigner. Most are required to sign contracts, but the women are not told about the debts they will “owe,” nor are they aware of the dangers they may face.

### RECOMMENDATIONS

- (1) Raise public awareness in rural and urban areas about the crime of trafficking and the tactics traffickers use through public education campaigns and accurate, informative media coverage; particular efforts should be made to reach young, single unemployed women, students, and/or women involved in prostitution, especially in Ulaanbaatar and other urban centers.
- (2) Support safe migration programs that include information on avenues for legal migration and provide legal international employment mediators and contact information on how to reach Mongolian consular officials and organizations providing help to victims in destination countries.
- (3) Address the economic dislocation, income disparities, and lack of adequate domestic employment opportunities that make people desperate for overseas employment and thus vulnerable to being trafficked.

## **Protection**

### PROBLEM

- Victims of trafficking who return to Mongolia often suffer from depression, and emotional and/or health problems; currently, there are almost no services to help victims reintegrate into society, and there is no legal provision to allow victims to seek compensation for psychological and emotional damage. In destination countries they can be treated as criminals due to inadequate policies for protecting the rights of trafficking victims.

### RECOMMENDATIONS

- Establish a “Victim Support Fund” from fines imposed on traffickers and from other sources to provide victims of trafficking services they need, such as shelters, physical and mental health services, and legal counseling.

- Train police, border guards, judges, and consular officers in destination countries to protect the rights and privacy of victims.
- The Mongolian government needs to establish support networks in destination countries including training consular staff in destination countries and coordinating with governments in those countries to ensure victims rights are protected.

## **Documentation**

### PROBLEM

- There is a critical need for additional research to more fully understand the patterns and dimensions of trafficking activities in Mongolia, particularly for at-risk groups such as female students, women working in the entertainment industry, and street children. More information is needed about traffickers' use of personal networks in their recruitment efforts.

### RECOMMENDATION

- Support research in Mongolia as well as in known destination countries, including Macao and other destination countries focusing on at-risk groups.

**Appendix D: East & Southeast Asia Regional Workshop on  
Domestic Violence Legislation: Moving towards Regional  
Networking and Strategies**

[A hard copy of the workshop report is enclosed.]