The COMMIT Sub-Regional Plan of Action (COMMIT SPA)

Achievements in Combating Human Trafficking in the Greater Mekong Sub-Region, 2005-2007

December 2007

Coordinated Mekong Ministerial Initiative Against Trafficking (COMMIT)

Prepared by United Nations Inter-Agency Project on Human Trafficking in the Greater Mekong Sub-Region (UNIAP), Secretariat to COMMIT
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<th>Description</th>
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<tbody>
<tr>
<td>ACWF</td>
<td>All-China Women’s Foundation</td>
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<td>ADB</td>
<td>Asian Development Bank</td>
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<tr>
<td>AHTJP</td>
<td>Anti-Trafficking and Juvenile Protection Police Unit (Cambodia)</td>
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<tr>
<td>AIPO</td>
<td>ASEAN Inter-Parliamentary Organization</td>
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<td>ARTIP</td>
<td>Asia Regional Trafficking in Persons project</td>
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<tr>
<td>ASEAN</td>
<td>Association of Southeast Asian Nations</td>
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<td>ATD</td>
<td>Anti-Trafficking Division (Lao PDR)</td>
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<td>ATU</td>
<td>Anti-Trafficking Unit (Lao PDR)</td>
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<tr>
<td>BLO</td>
<td>Border Liaison Office</td>
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<tr>
<td>CBTP</td>
<td>Central Body to Combat Trafficking in Persons (Myanmar)</td>
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<tr>
<td>COMMIT</td>
<td>Coordinated Mekong Ministerial Initiative against Trafficking</td>
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<tr>
<td>CSTC</td>
<td>Child Safe Tourism Committee (Cambodia)</td>
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<tr>
<td>GMS</td>
<td>Greater Mekong Sub-region</td>
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<td>HSU</td>
<td>Heads of Specialist Trafficking Units</td>
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<td>ILO</td>
<td>International Labour Organization</td>
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<tr>
<td>IMM</td>
<td>Inter-Ministerial Meeting</td>
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<tr>
<td>IOM</td>
<td>International Organization for Migration</td>
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<tr>
<td>Lao PDR</td>
<td>Lao People’s Democratic Republic</td>
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<tr>
<td>LAPTU</td>
<td>Laos Anti-People Trafficking Unit (now the ATD)</td>
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<tr>
<td>M&amp;E</td>
<td>Monitoring and Evaluation</td>
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<td>MLA</td>
<td>Mutual Legal Assistance</td>
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<td>MLSW</td>
<td>Ministry of Labour and Social Welfare (Lao PDR)</td>
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<td>MOD</td>
<td>Ministry of Defense (Vietnam)</td>
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<td>MOFA</td>
<td>Ministry of Foreign Affairs (China and Vietnam)</td>
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<tr>
<td>MOLISA</td>
<td>Ministry of Labor, Invalids and Social Affairs (Vietnam)</td>
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<td>MoU</td>
<td>Memorandum of Understanding</td>
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<td>MPS</td>
<td>Ministry of Public Security (China and Vietnam)</td>
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<td>MSDHS</td>
<td>Ministry of Social Development and Human Security (Thailand)</td>
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<tr>
<td>NGO</td>
<td>Non-Governmental Organization</td>
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<td>NPA</td>
<td>National Plan of Action</td>
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<td>NWCCW</td>
<td>National Working Committee on Children and Women (China)</td>
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<td>PPC</td>
<td>Project Proposal Concept</td>
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<td>RTG</td>
<td>Royal Thai Government</td>
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<td>SOM</td>
<td>Senior Officials Meeting</td>
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<td>SPA</td>
<td>Sub-regional Plan of Action</td>
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<td>TF</td>
<td>Task Force</td>
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<td>THALACC</td>
<td>Thai-Lao Cross Border Collaboration on Tracing Missing Trafficking Victims in Thailand</td>
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<td>TNA</td>
<td>Training Needs Assessment</td>
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<td>TOC</td>
<td>UN Convention against Transnational Organized Crime</td>
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<td>TOT</td>
<td>Training of Trainers</td>
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<td>TRACE</td>
<td>Trafficking, from Community to Exploitation project (Thai-Lao)</td>
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<td>UN</td>
<td>United Nations</td>
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<tr>
<td>UNIAP</td>
<td>United Nations Inter-Agency Project on Human Trafficking in the Greater Mekong Sub-region</td>
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<tr>
<td>UNICEF</td>
<td>United Nations Children’s Fund</td>
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<td>UNODC</td>
<td>United Nations Office on Drugs and Crime</td>
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1 Introduction

The Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT) has fuelled major progress in counter-human trafficking efforts in the Greater Mekong Sub-region (GMS) since its inception in 2004. This report aims to monitor and document the progress made by each of the countries in the GMS related to the first COMMIT Sub-regional Plan of Action (SPA, 2005-07), and to provide a summary of regional and cross-border initiatives that have been undertaken in support of the goals outlined the COMMIT SPA and MoU. The report also provides important information and recommendations for the development of the second COMMIT Sub-regional Plan of Action (SPA II, 2008-10). SPA II aims to build upon the achievements of the original SPA, expanding the potential for the six GMS countries to collaboratively and effectively combat human trafficking.

This report was prepared and finalized in December 2007 by the United Nations Inter-Agency Project on Human Trafficking in the Greater Mekong Sub-region (UNIAP), as Secretariat to COMMIT, and is based primarily on the activities and progress of the six COMMIT Governments – Cambodia, China, Lao People’s Democratic Republic (Lao PDR), Myanmar, Thailand and Vietnam. This document has been reviewed and approved by the contributing governments in a series of consultation meetings held in each of the six GMS countries.

It should be noted that dozens of other United Nations (UN), international, national, and community-based organizations work in the GMS to implement counter-trafficking activities, and their contributions to improving the counter-trafficking response in the GMS have been substantial. However, as the scope of this report focuses on COMMIT activities, only those efforts that directly support the goals of the COMMIT MoU and SPA will be included, as well as some additional innovative good practices that have been conducted in partnership with Governments.
2 The COMMIT Sub-Regional Plan of Action (SPA)

The Sub-regional Plan of Action transforms the political commitments made under the COMMIT MoU into action. It was not intended to replace or duplicate existing national planning processes, but to complement, build on and, where applicable, support national responses. As a result, the SPA focuses primarily on activities of a regional and cross-border nature, while also providing opportunities for sharing of experiences, successes and lessons learned at national level. The SPA is an ambitious document, and all parties recognized during its formulation that it may not be possible to implement all activities within the three-year timeframe, particularly given the need for countries to balance regional and national priorities.

The SPA was based upon a Framework Document that was the outcome of discussions of the six COMMIT governments at the 2004 2nd Senior Officials Meeting (SOM 2). The SPA was a detailed plan formulated through elaborate consultations between national COMMIT Task Forces (TF), UN and donor agencies and non-governmental organizations (NGOs). The SPA was adopted, in principle, at SOM 3 in Hanoi, Vietnam in March 2005 (with governments subsequently working together to finalize the few outstanding points in the Plan). This SPA consisted of eleven prioritized areas of intervention, called Project Proposal Concepts (PPCs), and one management component outlining UNIAP’s role as Secretariat (see text box above).

Since the adoption of the SPA, the six Governments of the GMS have strived to address the specific PPCs of the SPA to meet both the country and regional objectives for combating human trafficking. The 2006 SOM 4 in Phnom Penh, Cambodia, provided an opportunity for the governments to share their experiences and review their progress on the SPA. Recommendations from SOM 4 led to revisions to the PPCs of the original SPA. The following adjustments were formalized at a Strategic Planning Meeting held in Vientiane, Lao PDR, in August 2006:

- PPC8 (Extradition and Mutual Legal Assistance) was merged with PPC5 (Legal Frameworks) and renamed PPC5 – Legal Frameworks and Mutual Legal Assistance;
- PPC10 (Economic and Social Support for Victims) was merged with PPC7 (Post-harm Support and Reintegration) and renamed PPC7 – Post-harm Support, including Economic and Social Support for Victims and Reintegration;
- PPCs 9, 11 and 12 were hence renumbered PPCs 8, 9, and 10 respectively; and
- The activity concerned with hotlines, previously under PPC4 (Multi-sectoral and Bilateral Partnerships), was moved to PPC2 (Identification of Victims and Apprehension of Perpetrators). The activity ‘Strengthened mechanisms for identifying cases’ was also moved from new PPC8 (old PPC10) on Addressing Exploitative Brokering Practices to PPC2.
The amendments made to the document provided a clearer format to document activities implemented by each of the countries by aligning similar and overlapping concepts (see text box below).

<table>
<thead>
<tr>
<th>Revised COMMIT SPA (2005-07)</th>
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<td><em>(following the Strategic Planning Meeting in Laos, August 2006)</em></td>
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<td>PPC1 – Regional Training Programme</td>
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<td>PPC2 – Identification of Victims and Apprehension of Perpetrators</td>
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<td>PPC3 – National Plans of Action</td>
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<td>PPC5 – Legal Frameworks and Mutual Legal Assistance</td>
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<td>PPC9 – Cooperation with Tourism Sector</td>
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<td>PPC10 – Management: Coordination, Monitoring and Evaluation</td>
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*Senior Officials Meeting 2, Yangon, Myanmar, 2004*
3 Progress on the COMMIT SPA (2005 – 2007)

Monitoring and Evaluation (M&E) is essential to good planning and program implementation. Regular project monitoring provides insights into what is working, what needs to be improved, and what changes have resulted from project investments. Evaluation studies help to provide an understanding of the impact and implications of these changes, both on behaviour change and coverage. This was recognised by governments in the inclusion of M&E as a separate section in the COMMIT MoU.

As part of the SPA, PPC 10 outlines the importance of monitoring and evaluation as a means of tracking the progress of the COMMIT activities at both the regional and country levels. As the secretariat for COMMIT, UNIAP has been tasked with working with the six governments and development partners to put in place a M&E system that would:

- Build indicators of achievement into all project activities;
- Develop indicators and monitoring systems for implementation of national plans, thereby creating better means of measuring progress and ensuring that resources are allocated to the areas in which they can have the greatest impact; and
- Link information from different sources to develop a greater understanding of impact.

To strengthen the M&E process for the future SPA II, it is recognised that baselines need to be established, examining the progress made to date under the first Plan of Action. This report updates and builds on the SOM 4 Implementation Status Report to provide a baseline for SPA II.

The remainder of this chapter provides a summary of COMMIT achievements at the country and regional levels up to December 2007. This will inform the future design of a monitoring and evaluation system for COMMIT and help to identify implementation gaps in preparing the SPA II.

While the report will focus primarily on activities undertaken during the period of the SPA (2005-2007), national efforts and activities that preceded the COMMIT process yet provided the foundation for the achievement of the goals of the SPA, will also be included in this document for additional context.

Achievement Highlights
Before providing a description of the specific achievements made by each country, it is important to emphasize the enormous contribution the COMMIT process has made in the GMS. Key features of this innovative, collaborative partnership include:

- A comprehensive focus on human trafficking which addresses all aspects of the trafficking response: Prevention, Prosecution, Protection, and Policy;
- A strong and sustained focus on the rights of victims;
- High-level political commitment demonstrated by ministerial-level approval of the process and their sustained involvement;
- Strong national ownership, as COMMIT was initiated by concerned governments, based on their identification of the need for a strengthened regional response;
- A multi-sectoral approach, incorporating all key sectors involved in combating trafficking; and
- Clear plans for follow-up, through a detailed Sub-regional Plan of Action (SPA).

The COMMIT process offers a model of regional cooperation not only for Southeast Asia, but for the entire world. In this regard, it has achieved great success.
PPC 1 – Regional Training Programme

COMMIT MoU Area V: Implementation, Monitoring, and Evaluation

Objective: To improve the capacity of anti-trafficking personnel to respond to all aspects of human trafficking.

The core activity of this PPC was the establishment of a dedicated regional training programme on human trafficking, primarily to provide GMS government officials with comprehensive training on human trafficking and counter-trafficking responses. This activity involved the development and implementation of a ten-day training programme in English at the regional level at the Mekong Institute in Khon Kaen, Thailand. Every course includes approximately thirty participants from all six GMS governments. Since October 2005, seven courses have been provided (roughly three per year) with a total of 204 participants.

The success of the regional training programme led governments to request its adaptation to the national level. This first stage of this process often included administering training needs assessments to help tailor the training to the specific needs in each country, and to ensure that the training contributed directly to improving services provided by the anti-trafficking sector. Based on this assessment, training materials were translated into local languages and adapted to the national context as a second stage. The third stage focused on the actual implementation of the country-specific training. This included building a national pool of trainers and then offering national-level training courses.

Activities and progress, at the regional and country levels (as of December 2007):

Regional¹

- Stage 1: Working closely with the COMMIT Task Forces (TFs), UNIAP developed a regional eight-day training programme on human trafficking that included six modules and a trainer’s guidebook. To date, seven trainings have been completed at the Mekong Institute in Khon Kaen (Thailand), providing 166 government officials and other anti-trafficking practitioners with a comprehensive overview of human trafficking in the region. Training support is provided by a pool of regional counter trafficking experts from a range of specialist agencies. This ensures that that training is provided by genuine experts in their specific fields and is truly an inter-agency initiative. To measure the results of this training, UNIAP has developed pre- and post-test evaluations and post-training follow-up. To improve the training and ensure it is in line with emerging issues, UNIAP and partners continue to fine-tune the curriculum and content, as necessary.
- Stage 2: Following the success of this regional training, the curriculum and resource materials (including its participatory methodology) have been translated, adapted and tested for each country (outlined below). This makes the course more widely available, albeit without the benefits of relationship-building between countries. At the same time, the translation of the training ensures that those who do not speak English have access to the information they need to manage counter-trafficking projects.
- Stage 3: Drawing on selected participants from each of the regional courses, UNIAP is working closely with the COMMIT TFs and country offices to transfer the training responsibility to the national level (outlined below).
- A note on results: In their end of course evaluations, participants have repeatedly given high marks to the regional training programme, the highest among the many

¹ ‘Regional’ throughout this document refers to activities and/or countries covering the Greater Mekong Sub-region (GMS) – Cambodia, China, Lao PDR, Myanmar, Thailand and Vietnam.
training programmes run by the Mekong Institute. A consistent theme voiced by the participants was that the training raised awareness on the complexity of the trafficking issue and helped them understand the full scope of the problem. They also felt that because it brought together different government officials from throughout the region, it enabled the creation of personal relationships between those who needed to work together on cross-border issues, where these links did not previously exist.

Cambodia

- **Stage 1:** 32 Cambodian government officials and NGO representatives have attended the regional training programme in Khon Kaen, Thailand.
- **Stage 2:** A technical working group translated and adapted the regional training curriculum into Khmer and into the local context in early 2007.
- **Stage 3:** A national-level training of trainers (TOT) was held in Sihanoukville, Cambodia in May 2007. 25 participants attended the training, some of whom will become trainers in the future.
- Based upon the request of participants of the TOT to learn more about human trafficking related laws, a workshop on *Human Trafficking Laws and Related Issues* was organized on 1-2 November 2007. 80 participants attended the workshop which was intended to improve the knowledge of potential national trainers, government officials and NGOs working on human trafficking.

China

- **Stage 1:** 28 Chinese government officials and 2 NGO representatives have attended the regional training programme in Khon Kaen, Thailand.
- **Stage 2:** To adapt the regional training to the national context, a national TOT workshop was carried out in June 2007, bringing together participants from different ministries and provincial bureaus related to human trafficking, with the support of UNIAP. Following the national TOT training workshop, trainers were identified who then developed training materials according to an agreement between the Ministry of Public Security and the National Working Committee of Women and Children.
- **Stage 3:** A TOT workshop was carried out in June 2007, and a National Training Workshop was held in Lijiang city, Yunnan province in August 2007, to train working level and more senior level government officials from the central and provincial levels.
- In order to raise the standard of media reports on anti-human trafficking, UNIAP and other organizations held “Anti-Human Trafficking Pilot Training Workshops for Media Staff” in Beijing, Yunnan province, and Guangxi province in September and December 2006. Participants included 102 media workers who came from Xinhua, CCTV, China Daily, and People’s Public Security Newspaper. Altogether, 72 central and regional mainstream media participated in the training and discussions.

Lao PDR

- **Stage 1:** 35 Lao government officials and NGO representatives have attended the regional training programme in Khon Kaen, Thailand.
- **Stage 2:** The regional training curriculum is being translated and will be revised by the COMMIT TF in 2008.
- **Stage 3:** The first TOT is planned for early 2008, and the Lao country training will be held mid-2008.
Myanmar

- Stage 1: 35 Myanmar government officials and NGO representatives have attended the regional training programme in Khon Kaen, Thailand.
- Stage 2: The regional training curriculum is currently being translated into national Myanmar language and adapted to the Myanmar context.
- Stage 3: A TOT was conducted in October 2006 to prepare for a national rollout. A selected group of these participants were formed into a team of trainers. The team conducted a TOT for 66 mid-level police officials from 66 districts, covering all states and divisions of Myanmar, in May 2007. In June 2007, another TOT was conducted for 20 instructors from the Central Training Institute of the Myanmar Police Force. In July 2007, 40 instructors from four training depots of the Myanmar Police Force were trained. The purpose of this training session was for the trained officials and instructors to multiply training outcomes in reaching police officials throughout the country.
- The same approach (above) will be adopted in disseminating the adapted regional training curriculum as part of the implementation of the 'capacity building' strategy under the five-year National Plan of Action (see PPC3).

Thailand

- Stage 1: 27 Thai government officials and 1 NGO representative have attended the regional training programme in Khon Kaen, Thailand.
- Stage 2: In December 2006, the Royal Thai Government (RTG) established a working group to review the regional training curriculum and translate and adapt it to the national context. This working group met several times throughout 2007. A comprehensive national curriculum was finalized in September 2007.
- Stage 3: In 2008, training will commence for three levels of government officials – senior, middle, and operational.

Vietnam

- Stage 1: 28 Vietnamese government officials and 5 NGO representatives have attended the regional training programme in Khon Kaen, Thailand.
- Stage 2: The government carried out a training needs assessment (TNA) on human trafficking in 2005 in the North and South of Vietnam. One of the key findings of the TNA process was that many staff responsible for implementing trafficking programs had not received training explaining the concept of trafficking in a comprehensive way. Where training had been conducted, it was sometimes inconsistent, such as in the definition of trafficking. Other international and national agencies have also created different training packages with little coordination, resulting in duplication of efforts in developing training programs. Finally, the TNA found a lack of training and capacity in planning, monitoring and evaluating counter trafficking programs as well as in managing information on trafficking. Among the major recommendations of the TNA Summary Report, therefore, was the need to develop a comprehensive training manual for training of government staff from the wide range of agencies involved in combating trafficking. It was proposed the manual address the issue of human trafficking in a comprehensive manner including concept clarification, best practice in interventions, management and M&E of anti-trafficking programs, as well as information systems and management.
- The regional training curriculum was translated into Vietnamese and adapted to the local context in July and August 2006.
- Stage 3: A Training Management Group and a Technical Working Group were established to develop, review and complete the Draft Training Manual. A TOT was
conducted for potential trainers and to pilot the national adaptation in October 2006. Five modules in the national curriculum were finalized and tested in two pilot training courses in September and October 2007. Training courses are planned to commence for three levels of government officials – senior, middle and operational – beginning in 2008.
PPC 2 – Victim Identification and Apprehension of Perpetrators

COMMIT MoU Area II: Legal Frameworks, Law Enforcement, and Justice

Objective: To create an effective, standardized system for:
1) finding and identifying victims of human trafficking;
2) investigating cases and initiating prosecutions; and
3) exchanging (criminal justice related) information between countries.

COMMIT TF members acknowledged that the combination of these three strands within one objective makes it one of the most ambitious PPCs. But because the MoU expressly recognised the linkages between effective identification and treatment of victims, and effective apprehension and prosecution of traffickers, the governments considered it important to reinforce this point by combining these elements into one PPC. The third strand, which highlights the exchange of information between countries, was also considered essential to meet the overall objective. Illustrative activities under this PPC include:

- The development and testing of strategies for prosecuting human trafficking under existing legal frameworks;
- Strengthened general and specialist law enforcement responses to trafficking;
- Refinements and improvements of national legal frameworks (where necessary) that:
  - Provide for a right of support and protection to all identified victims of trafficking, including a right of access to remedies;
  - Fully supports victims as witnesses;
- Effective multilateral and bilateral cooperation between specialist trafficking units;
- Better informed judicial and prosecutorial response.

Activities and progress, by country and regional initiatives (as of December 2007):

Cambodia

Over the duration of the SPA, 54 cases of domestic trafficking were investigated involving 86 offenders, and 32 cases of cross-border trafficking were investigated involving 58 offenders, according to October 2007 data from the Department of Anti-Human Trafficking and Juvenile Protection within the Ministry of Interior. The number of persons who have been convicted of human trafficking in Cambodia during SPA is not available since the municipal and provincial courts have not yet sent the data to the Ministry of Justice. However, in 2006, in Phnom Penh, the court handled 38 cases and 40 persons were convicted of human trafficking in Cambodia, based on data from the Ministry of Justice.

Due to a new campaign initiated by the Royal Government of Cambodia, between July and September 2007 police across the country conducted 28 operations on human trafficking offences arresting 41 offenders. 38 suspects were sent to courts and 3 foreigners were extradited. 116 victims were rescued, 29 of whom were sent to the Ministry of Social Affairs, Veterans and Youth Rehabilitation; 4 were sent to NGOs; and 83 were returned to their families. Out of the 28 offences, 16 were cases of pimping, trafficking for domestic and cross-border labour exploitation and 12 were cases of debauchery and pornography. Also between July and September 2007, the municipal and provincial courts opened hearings of 12 cases of human trafficking. 4 offenders in 4 cases were charged and given an imprisonment of between 1 to 15 years and 10 people in 8 cases were acquitted.

- In 2002, a specialized Anti-Trafficking and Juvenile Protection Police Unit (AHTJP) was created, the first in Asia. This has provided a model for similar units in other

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2 Information that does not relate specifically to criminal justice matters are addressed under PPC 4.
countries and specialist units are now recognized as a key aspect of criminal justice responses to trafficking.

- In 2006, the number of specialized units increased from 7 to 17 provinces (plus 7 sections).
- Since 2003, thousands of officers have received specialized training on the rescue of victims, development of referral systems, and the preparation of criminal files for prosecution and techniques to arrest offenders.
- Since early 2006, a local police training program has been set up which provided training to 2,280 district and station police officers.
- On-the-job training and technical advice was also provided to the AHTJP department and to police officers working in the field (9 provinces) on new techniques to interview children, collect forensic evidence, and improve mechanisms for criminal case files to be sent to court.
- *Guidelines for Cooperation between Cambodia and Thailand on the Criminal Justice Process of Trafficking-Related Crimes* were finalised in a bilateral meeting held on 20-21 July 2006 in Siem Reap, Cambodia. The Guidelines outline the principles of confidentiality of information and intelligence and procedures for cooperation for prosecution of cross-border cases.
- A specialised unit of prosecutors and judges at the municipal and provincial courts have been assigned by the Ministry of Justice to be responsible for human trafficking cases.

**China**

*Over the duration of the SPA, 2,160 cases of domestic trafficking have been investigated, involving 3,371 offenders, according to 2006 data from the Ministry of Public Security.*

- Legal frameworks exist to support the protection of victims and provide access to remedies, including in the identification of victims, existence of temporary relief station for victims, and assistance in the return and reintegration process, as well as the investigation and prosecution of trafficking crimes.
- Relieving Stations for victims were established in Guangxi Province to more effectively identify victims and prosecute perpetrators in Dongxin City (established in 2003) and Pingxiang City (established in 2007).
- In the city of He Kou, Yunnan province, a local border liaison office (BLO) was established in 2006 to facilitate relations between the China and Vietnam police forces.
- A framework to intensify bilateral cooperation between China and Myanmar was signed in Kunming in November 2006, and the first cross-border meeting and joint cross-border field visit took place in February 2007.
- A local BLO was also opened in Ruili, Yunnan province and Muse, Myanmar on 12 July 2007 to improve ongoing cooperation between the local police of China and Myanmar, both to facilitate the repatriation of trafficking victims and to prosecute traffickers.
- Up to August 2007, 263 police officers have been trained on issues related to anti-trafficking in persons.

**Lao PDR**

*Over the duration of the SPA, 27 cases of cross-border trafficking have been investigated, of which 14 led to convictions. These cases involved 139 victims. There are currently 38 persons suspected of human trafficking, according to data from Ministry of Public Security.*
In 2005, the specialized Laos Anti-People Trafficking Unit (LAPTU) was created and during 2006 six provincial anti-trafficking units were formed. At the beginning of 2007, LAPTU was transformed into a division called the Anti-Trafficking Division (ATD) with provincial Anti-Trafficking Units (ATUs).

A Basic Investigation Skills course, organized by the Asia Regional Trafficking in Persons (ARTIP) project, was conducted in December 2006 for the members of the provincial units.

A Front Line Law Enforcement Training course was conducted with support from ARTIP in September 2007 with the participation of 46 front-line law enforcement officials.

The Ministry of Public Security has undertaken various training activities, including English language training courses on investigation for police officers. The Royal Thai Police Department of Special Investigations also provided a TOT course and a Human Trafficking Investigation Skills Course for Lao criminal justice representatives and officials. Additionally, the Ministry of Public Security and the Ministry of Justice provide training to police and prosecuting officers throughout the country.

Under the ‘Strengthening of the Legal and Law Enforcement Institutions to Prevent and Combat Human Trafficking in the Lao PDR’ (project R76), the Ministry of Justice and United Nations Office on Drugs and Crime (UNODC) have set up a Core Training Group consisting of 25 people selected from various line ministries and government authorities. This group is being trained regularly with the aim to form future trainers who will effectively promote awareness and understanding of human trafficking throughout the Lao PDR.

In 2007, various intensive workshops were carried out for judges, prosecutors, lawyers, law enforcement and ministry officials examining national legislation applicable to the crime of human trafficking and considering the related punishments. These workshops were also carried out under project R76.

Building upon the ‘Trafficking, from Community to Exploitation’ (TRACE) project, the Thai-Lao Cross Border Collaboration on Tracing Missing Trafficked Victims in Thailand (THALACC) project has strengthened linkages between Lao and Thai government officials, as well as between the community level, provincial, and central levels in Lao PDR, to improve identification and tracing of victims. The target community in Lao PDR has expanded from 3 to 4 districts; 169 missing person reports were filed, from which 28 people have been found. An internal evaluation was undertaken in August and September 2007, with both governments agreeing to extend the project activities.

The Law on Development and Protection of Women calls for victims to be provided shelter, medical care and counseling services. When a Lao citizen is identified as a victim of trafficking in another country, the Lao Embassy or Consulate is required to cooperate with authorities in that country to ensure the safety and welfare of the victim, to assist in prosecuting the offenders and to arrange for repatriation. The Law provides many rights to victims of trafficking, including to testify and present evidence relating to the case, to request compensation and rehabilitation for reintegration in society, not to be prosecuted and detained, and not to be photographed or video recorded for public dissemination.

Myanmar

Over the duration of the SPA, 161 cases of trafficking involving 432 offenders were investigated, according to data from the Central Body for the Suppression of Trafficking in Persons (CBTIP). Over the same period, 139 persons were convicted of human trafficking in Myanmar and 293 persons are currently being tried for human trafficking crimes in Myanmar courts, according to data from the Ministry of Home Affairs.
• In June 2004, a national Anti-Trafficking Unit was established, consisting of 40 specially trained police officers.
• In January 2006, local Anti-Trafficking Task Forces staffed by specialist police were formed in nine hot spot areas throughout the country to further strengthen victim identification and perpetrator apprehension. By April 2007, additional Anti-Trafficking Task Forces were established in nine other hot spot areas, for a total of 18 task forces. These are now staffed by 94 officers, all of whom have participated in specialised training conducted by the ARTIP project.
• Myanmar also developed victim identification criteria and procedures for use by law enforcement and front line officers. There are plans for a national consultation to develop shared victim identification criteria and procedures, to be used by all anti-trafficking organizations and agencies.
• A framework intensifying bilateral cooperation between Myanmar and China was signed in Kunming in November 2006, and the first cross-border meeting and joint field visit took place in February 2007. Local border liaison offices were opened in Muse and Ruili on 12 July 2007 to improve ongoing cooperation between local police forces, both to facilitate the repatriation of trafficking victims and to prosecute traffickers. Work is underway to institute similar local cross-border cooperation with Thailand.
• For the purpose of enhancing the victim identification process and victim support services, a front-line law enforcement officials training was conducted for 45 officials from eastern Shan State from 12-14 July 2007 in Tachileik under the ARTIP project.

Thailand

Activities undertaken under the COMMIT SPA:
• The Thai-Lao Cross Border Collaboration on Tracing Missing Trafficked Victims in Thailand (THALACC) was established in both Thailand and Lao PDR to create a bilateral mechanism for identifying missing persons. 169 missing person reports were filed, from which 28 people have been found. The pilot project underwent an internal assessment in August and September 2007. A new longer-term project, building on the lessons from the pilot phase and this assessment, is currently being designed.
• The Royal Thai Government will expand its current border liaison mechanism for counter-drug trafficking to include counter-human trafficking and migrant smuggling activities. Three hot spot areas along the Thai-Myanmar border have been selected for pilot testing (Ranong, Chiang Rai and Tak provinces), with assessments and the development of provincial cooperation mechanisms conducted by the RTG, UNODC and UNIAP in September-November 2007.

Other activities which were initiated by the Royal Thai Government (and/or in cooperation with other agencies) that support the objectives of the SPA:
• The Children, Juvenile and Women Division (a specialist anti-trafficking unit) was established in 2005. Their main role and responsibility is to investigate and prosecute cross-border cases and cases within Thailand that require external intervention.
• The Specialist Anti-Trafficking Unit receives regular and practical trainings to deal with human trafficking cases. In addition, Thailand has adopted a multi-disciplinary approach to victim protection where police actively participate in case management and training activities at provincial and central levels.
• A police checklist for victim identification was developed in 2005. Through cooperation between the Ministry of Social Development and Human Security (MSDHS) and the Immigration Bureau, social workers are available to assist in the identification process.
Vietnam

From 2005 to June 2007, 760 cases were discovered, with 1,350 suspected and related persons, and 1,950 trafficked women and children. Of these, 620 cases were investigated and 1,100 traffickers were arrested. 400 cases have been prosecuted and 650 traffickers were brought to trial.

- In June 2005, a specialised anti-trafficking police unit was established by the Ministry of Public Security (MPS), under the Criminal Department.
- Through the anti-human trafficking project of UNODC, six training courses have been held from 2005 to 2007, with 148 participants from law enforcement agencies. An additional training course for 35 participants from Vietnam, Lao PDR and Thailand was held, with support from the French Embassy.
- In 2006, the Ministry of Labour, Invalids and Social Affairs (MOLISA) held workshops on victim identification among relevant agencies in the North and South of Vietnam.
- In September 2006, regulations on collaboration to prevent and combat human trafficking were jointly agreed and signed by MPS and Ministry of Defence (MOD).
- With support from International Organization for Migration (IOM) and UNIAP, the Immigration Department of the MPS held an Inter-Ministerial Workshop to review and revise the Inter-Ministerial Guidelines on family tracing and victim identification. Representatives from MPS, MOLISA, Ministry of Foreign Affairs (MOFA) and MOD attended. It is planned that these will be adopted and signed among four ministries at the end of October. Training on guidelines implementation will be provided for officers from the relevant agencies nation-wide.

Regional

- The ARTIP project is implementing the Heads of Specialists Units Process (HSU Process), bringing together the heads of specialist anti-trafficking units from participating GMS countries quarterly to exchange trafficking case information and collaborate across borders. They also implement training and capacity building for generalist and specialist law enforcement units, with the aim of standardizing the quality of the specialist anti-trafficking units across countries.
PPC 3 – National Plans of Action (NPAs)

COMMIT MoU Area I: Policy and Cooperation

**Objective:** To improve the quality and implementation of national plans of action against human trafficking.

National Plans of Action (NPAs) provide an overall framework for a country's national response to trafficking. At the formulation of the SPA, national plans on trafficking, within the region and beyond, were not always structured in a way that could be easily implemented, monitored, or assessed. Accountability mechanisms were also often missing. Additionally, several of the Mekong countries did not yet have national plans of action on human trafficking, and in the spirit of COMMIT, aimed to align their national plans with their commitments under COMMIT, and seek information exchange on the development of these plans from their neighbouring countries.

Since the signing of the SPA, great strides have been made by the six countries in putting in place NPAs that specify clear goals, targets and milestones, as well as continuing with the implementation in those countries where NPAs were already in place. This process resulted from collaboration between government ministries and development partners to consolidate the various work plans and implementation frameworks into a single national response.

Activities and progress, by country and regional initiatives (as of December 2007):

**Cambodia**

- The *First National Plan against Trafficking and Sexual Exploitation of Children (2000-2004)* has been developed, implemented, and evaluated.
- In 2006, an inter-ministerial committee finalized Cambodia’s *Second National Plan against Trafficking in Persons and Sexual Exploitation (2006-2010)*. This second NPA awaits approval by the Council of Ministers. Responsibility for this second NPA has recently been transferred to the new Higher Level Working Group, headed by the Deputy Prime Minister, who will supervise its implementation.
- The second NPA provides a holistic strategy to combat human trafficking in Cambodia. Program areas include: Policy and Cooperation; Prevention; Criminal Justice; Protection, Recovery and Reintegration; and Special Programmes. As this Second NPA was written in 2005, it will require updating and revision upon approval, to ensure it is current.

**China**

- In April 2007, a workshop was conducted to review and discuss the draft NPA with relevant government ministries. This was followed by a meeting in May 2007 to review the draft NPA with relevant government ministries and experts.
- The NPA involves 21 different ministries, all of which participated in the review process. These ministries include the MPS, Ministry of Foreign Affairs (MOFA), Ministry of Education, Ministry of Health, National Working Committee of Women and Children, Ministry of Finance, and others.
- The *National Plan of Action to Combat Human Trafficking (2008-2012)* has now been finalised and is currently awaiting review and approval from the State Council.
- The NPA includes five parts: background and challenges; the guiding ideology, objectives and strategies of the plan; organization for implementation and protection measures, including the promotion of relevant laws; specific measures and division of responsibilities, including establishing a good anti-trafficking social environment, establishing a prevention mechanism, combating trafficking and increasing the
provision of assistance to rescued women and children, and increasing international cooperation on combating crimes of trafficking in women and children; and implementation and evaluation of the NPA.

**Lao PDR**

- The *National Plan of Action against Trafficking in Persons of the Lao PDR (2007-2012)* provides a comprehensive framework of action to combat human trafficking in Lao PDR. The areas of intervention are: Policy and Cooperation; Prevention; Law Enforcement; Protection, and Monitoring and Evaluation.
- In May 2007, a national workshop hosted by the Ministry of Labour and Social Welfare was conducted to review the new draft NPA bringing together key stakeholders mainly from provincial level from throughout the country. The two-day workshop was inaugurated by the Deputy Prime Minister and President of the National Steering Committee against Trafficking in Persons and the UN Resident Coordinator in Lao PDR.
- In June 2007, a National Workshop was convened by the Ministry of Labour and Social Welfare to develop a monitoring and evaluation plan for the draft NPA, believed to be the first time in Asia that such a workshop has been held as part of an anti-trafficking NPA formulation.
- In addition to support from UNIAP, the international community, including UN agencies, international NGOs and donors, provided comments and recommendations to the draft NPA.
- The COMMIT TF is currently finalizing the NPA with technical support from UNIAP. The final draft will be submitted to the Ministry of Justice for review before it is sent to the Prime Minister’s Office for approval. The Lao Government will consider allocating funds to support the implementation of the NPA.

**Myanmar**

- A technical working group was formed on 24 October 2006 to draft the first NPA and in March 2007 a NPA workshop was conducted to review the draft with relevant government ministries, UN agencies, local and international NGOs, and other stakeholders.
- The *Myanmar Five Year National Plan of Action against Trafficking in Persons (2007-2011)* and the implementation plan titled ‘Annual Work Plan for 2007-2008’ have been finalised and are currently awaiting review and approval by the Cabinet.
- The NPA will be implemented by relevant government departments and national organizations. Implementation of the NPA will be directed by a National Task Force chaired by the Chief of the Myanmar Police Force. Members of the NPA Task Force will be the same as the members of the Myanmar COMMIT TF.

**Thailand**

*Activities which were initiated by the Royal Thai Government (and/or in cooperation with other agencies) that support the objectives of the SPA:*

- The *National Policy and Plan on Prevention, Suppression and Combating Domestic and Transnational Trafficking in Children and Women [2003-2008]* was already in place during the time of the COMMIT SPA formulation. Implementation of the NPA continues on an ongoing basis.
- The NPA is currently being evaluated by the RTG. The results of this evaluation will be available around 2009.
Vietnam

- The *National Plan of Action to Combat Trafficking in Women and Children 2004-2010* was developed and is currently being implemented and chaired by the Deputy Prime Minister.
- A National Workshop reviewing the first phase of the NPA and launching the second phase of the NPA (2007 – 2010) was conducted in April 2007.
- Technical seminars are being organized to review the implementation of each component under the NPA in order to update and improve future plans of action.
- Instruction No 16/2007/TTG of the NPA was promulgated by the Government in June 2007. Addressed to all Chairman of People Committee of every province and city in Vietnam, it indicates strongly that combating human trafficking is a political task and relates to personal responsibility.

Regional

- A regional workshop on the development of NPAs was hosted by UNIAP in Bangkok in October 2005. This provided the opportunity for all six countries to share information and experiences on the development, implementation and M&E of national plans, as well as the coordination of national efforts.
- When requested by the member countries, UNIAP and other UN and civil society partners have continued to provide expert technical support to the NPA development and refinement process, often using regional project staff and consultants. This has helped to ensure that cross-border considerations are taken into account when developing the plans, and to integrate the experiences of other countries into the planning and implementation process.

**Good practice: Lao PDR’s pioneering M&E component to their NPA**

Good monitoring and evaluation practices are a crucial component of effective implementation, continual improvement and capacity building in all anti-trafficking activities. To ensure a comprehensive NPA, an M&E Workshop was held in Lao PDR over two days in May 2007 and engaged around 40 stakeholders from the Lao Government, UN agencies, and international NGOs.

The workshop focused on:

1. Identifying expected outcomes and indicators for activities in the NPA;
2. Developing mechanisms for measuring the impact of anti-trafficking programs;
3. Finalizing the M&E component of the NPA; and
4. Assessing any important expected outcomes not fully covered by existing NPA activities.

The unique M&E workshop identified a range of monitoring issues in the NPA, as well as strategies for addressing these issues. For example, activity descriptions in the workplan were improved and better linked to measurable performance outcomes. Workshop participants also identified clear, practical, and measurable or observable indicators for most of the activities.

The COMMIT TF is currently finalizing the NPA with technical support from UNIAP. The final draft will be submitted to the Ministry of Justice for review before it will be sent to the Prime Minister's Office for approval.
PPC 4 – Multi-sectoral and Bilateral Partnerships

COMMIT MoU Area I: Policy and Cooperation

Objective: To increase the effectiveness of multilateral and bilateral MoUs and cooperation agreements; and to improve mechanisms for collection and exchange of information within and across borders.

The spirit of this PPC is to use sub-regional experience to develop, refine and implement bilateral cooperation agreements and MoUs to address human trafficking. Once signed, these MoUs provide an effective implementation and monitoring system for bilateral cooperation. This includes setting targets within and between countries that are integrated into government agency mandates and budgets. While MoUs on human trafficking are a central theme of this PPC, this activity also involves looking at other relevant agreements, particularly those promoting safe migration. Activities under this PPC broadly fall under four headings:

- Assisting in the MoU development process between governments;
- Improvement of mechanisms for data collection and information exchange\(^3\);
- Analysis of the establishment and implementation of bilateral and multi-sector approaches (MoUs) to combating trafficking to improve future and existing bilateral/multi-sectoral arrangements; and
- Addressing specific procedural and information gaps with cross-border dimensions.

Activities and progress, by country and regional initiatives (as of December 2007):

Note: While several countries developed new MoUs as part of the COMMIT process, a number of relevant MoUs and international agreements existed prior to the SPA. Since these form an important part of the regional framework to combat trafficking, they are listed here along with those signed within the duration of the SPA.

Cambodia

- Cambodia-Thai MoU on Bilateral Cooperation in Eliminating Trafficking in Children and Women and Assisting Victims of Trafficking, signed on 31 May 2003.
- Cambodia-Thai MoU on Cooperation in the Employment of Workers, signed on 31 May 2003.
- Treaty on Mutual Legal Assistance in Criminal Matters amongst ASEAN countries, signed on 29 November 2004.
- ASEAN Declaration against Trafficking in Persons, Particularly Women and Children, signed on 29 November 2004.
- Cambodia-Vietnam MoU on Bilateral Cooperation for Eliminating Trafficking in Women and Children and Assisting Victims of Trafficking, signed on 10 October 2005.
- ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers, signed on 13 January 2007.
- A bilateral work plan for the implementation of the Cambodia-Vietnam MoU is currently being developed. Bilateral meetings were conducted in January 2007 and July 2007 to discuss and agree upon joint activities for implementation of the MoU.
- A review of the implementation of the Cambodia-Thai MoU on employment was conducted.

\(^3\) Exchange of information in this Section of the SPA excludes cross-border sharing of information and intelligence on trafficking cases and traffickers for law enforcement purposes, which is specifically addressed in PPC 2.
China

- Bilateral agreements have been signed with Vietnam, Lao PDR, Cambodia, Thailand, the Philippines, Myanmar, and Indonesia as follows:
  - **Cambodia**: In August 1997, the Cooperation Agreement between the Ministry of Public Security (MPS) of the People’s Republic of China and the Ministry of the Interior of Cambodia was signed.
  - **Lao PDR**: In November 1997, the Cooperation Agreement between the MPS of the People’s Republic of China and the Ministry of the Interior of the Lao PDR was signed. Delegations from the two countries met in January 2001 and signed joint meeting minutes.
  - **Myanmar**: The Protocol on Border Defence Cooperation between the MPS of the People’s Republic of China and the Ministry of Home Affairs of the Union of Myanmar was signed in December 2001. In January 2005, the Minutes of the First Inter-Ministerial Meeting of the MPS of the People’s Republic of China and the Union of Myanmar on Cooperation in Combating Cross-Border Crimes in the China-Myanmar Border Area were signed.
  - **Thailand**: The Cooperation Agreement between the People’s Republic of China and the Kingdom of Thailand was signed in July 1998.
  - **Philippines**: In October 2001, a Memorandum of Understanding between the Government of the People’s Republic of China and the Government of the Philippines on Cooperation in Combating Cross-Border Crimes was signed.
  - **Indonesia**: In December 2003, a Cooperation Agreement between the Ministry of Public Security of the People’s Republic of China and the Police Headquarters of the Republic of Indonesia was signed.

- In March 2007, an agreement was reached between the Myanmar Deputy Minister of Home Affairs and the Chinese Deputy Minister of Public Security to develop a bilateral MoU for future signing. The MoU will build on the bilateral Framework for Cooperation developed and signed between the Myanmar Ministry of Home Affairs and China MPS in Kunming in November 2006.
- China is also currently developing bilateral counter-trafficking MoUs with Thailand and Vietnam.

Lao PDR

- Treaty on Mutual Legal Assistance on Criminal Matters, signed on 29 November 2004.
- ASEAN Declaration against Trafficking in Persons, Particularly Women and Children, signed on 29 November 2004.
• MOU Between the Government of the Lao People’s Democratic Republic and The Government of the Kingdom of Thailand On Cooperation to Combat Trafficking in Persons, Especially Women and Children, signed on 13 July 2005. A three-year Plan of Action under the MOU was agreed in 2005 and two meetings between Lao PDR and Thailand were held in 2006 to strengthen the bilateral cooperation.

• In September 2007 a Lao-Thai cross-border media workshop involving media staff and officials was held to exchange information and experiences on human trafficking. Both countries agreed to have a follow-up media workshop to further strengthen cooperation in six months in line with priorities outlined in the Plan of Action under the Lao-Thai MOU on human trafficking.

• ASEAN declaration on the Protection and Promotion of the Rights of Migrant Workers, signed on 13 January 2007.

Myanmar

• ASEAN declaration on the Protection and Promotion of the Rights of Migrant Workers, signed 13 January 2007.

• ASEAN Declaration against Trafficking in Persons, Particularly Women and Children, signed 29 November 2004.

• Myanmar is currently developing bilateral MoUs with both Thailand and China.

• A preparatory meeting on the Thailand-Myanmar MOU was held in May 2007. The Myanmar government developed a zero draft of the MoU, which was reviewed by Thailand, and discussed at the first bilateral meeting on 27 November 2007 in Thailand. A second bilateral meeting will be conducted in Myanmar in early 2008 to review the first draft of the MoU and develop the Plan of Action.

• A China-Myanmar joint field visit was conducted in February 2007. Agreement was reached between the Myanmar Deputy Minister of Home Affairs and Chinese Deputy Minister of Public Security in March 2007 to develop a bilateral MoU building on the bilateral Framework for Cooperation, developed and signed between the Myanmar Ministry of Home and China MPS in Kunming, in November 2006.

Thailand

Activities undertaken under the COMMIT SPA:

• The final version of a bilateral agreement to combat trafficking in persons between Thailand and Vietnam was discussed and agreed upon in a bilateral meeting held in Hanoi, June 2007. The signing of the Agreement is expected to be held in 2008.

• In compliance with the MoU Plan of Action between Thailand and Lao PDR, a joint workshop for media practitioners was held in September 2007 to sensitize and exchange the experiences of radio, newspaper and TV journalists on how to disseminate news of human trafficking in an appropriate manner, and to discuss the establishment of a code of conduct for journalists.

• A MOU is being developed between Thailand and Myanmar to combat trafficking in persons. The first bilateral meeting was held in Bangkok on 27 November 2007 to review the zero draft MOU. During this meeting, both governments agreed to a revised First Draft Bilateral MOU and to hold a second bilateral meeting in 2008.

Other activities which were initiated by the Royal Thai Government and other governments that support the objectives of the SPA:

• ASEAN declaration on the Protection and Promotion of the Rights of Migrant Workers, signed on 13 January 2007.

• ASEAN Declaration against Trafficking in Persons, Particularly Women and Children, signed on 29 November 2004.
• MoU between Cambodia and Thailand on Bilateral Cooperation in Eliminating Trafficking in Children and Women and Assisting Victims of Trafficking, signed on 31 May 2003.
• MoU between Cambodia and Thailand on Cooperation in the Employment of Workers, signed on 31 May 2003.
• MoU between Lao PDR and Thailand on Cooperation to Combat Trafficking in Persons, Especially Women and Children, signed on 13 July 2005. A Plan of Action to strengthen Lao-Thai border collaboration was developed in May 2006. Two bilateral meetings were held in 2006 to strengthen the bilateral cooperation.
• MoU between Lao PDR and Thailand on Employment Cooperation signed on 18 October 2002.
• MoU between Myanmar and Thailand on Cooperation in the Employment of Workers signed on 21 June 2003.
• The MSDHS, in cooperation with the Mekong Regional Law Centre and UNICEF, co-organized a Bilateral Meeting on China-Thailand Cooperation for Combating Cross-border Trafficking, in December 2006. This meeting reviewed the framework of cooperation between China and Thailand that was established in 2002.

Vietnam

• ASEAN declaration on the Protection and Promotion of the Rights of Migrant Workers, signed 13 January 2007.
• Treaty on Mutual Legal Assistance on Criminal Matters, signed 29 November 2004.
• ASEAN Declaration against Trafficking in Persons, Particularly Women and Children, signed 29 November 2004.
• ASEAN Inter-Parliamentary Organization (A IPO) workshop organized on legislation cooperation to combat trafficking in persons, especially in women and children in July 2006 with members of parliament from eight country members of A IPO as participants, and 11 countries as well as representatives of UN agencies and international organizations as observers.
• Agreement between Cambodia and Vietnam on cooperation to combat trafficking in women and children, signed 10 October 2005.
• Bilateral workplan for the implementation of the Cambodia-Vietnam MoU is being developed. Bilateral Meetings were conducted in January and July 2007 to discuss and agree on the joint activities of MoU implementation.
• MPS of China and MPS of Vietnam signed a second MoU in May 2007, dealing with the protection of security and social order along the Vietnam-China border. The Criminal Police Departments of both Ministries also signed a MoU on cooperation to combat trafficking in women and children. Annual exchange meetings will continue to be held among law enforcement agencies. Development of a bilateral agreement on trafficking in persons is being considered.
• The final version of the MoU between Vietnam and Thailand was discussed and agreed upon in a bilateral meeting held in June 2007 in Hanoi. The signing of the MoU will take place in 2008. A plan of action under the Framework of Agreement has been developed and is being discussed between two parties.

Regional

• As the six Governments gain momentum in developing bilateral and multilateral partnerships as outlined in PPC4, this MoU development process for existing MoUs is being reviewed regionally to refine and improve methods future MoUs. With this in mind, UNIAP and partners are reviewing existing bilateral agreements and MoUs, outlining how these were developed, the extent of their implementation, and their impact in improving bilateral cooperation and victim protection.
With regard to ASEAN, there is considerable overlap between ASEAN and COMMIT, with five of the six COMMIT countries being formal members. China’s special relationship to ASEAN is recognised in a number of ways, including through its involvement in the ASEAN Plus Three process.

Good Practice: Bilateral collaboration through Thai-Lao Cross Border Collaboration on Tracing Missing Trafficking Victims in Thailand (THALACC)

THALACC project implementation began in early February 2006 as a pilot project to trace and rescue Lao people trafficked to Thailand, and to use this information to facilitate documentation on the dynamics at the community level, during movement and at points of exploitation. The project objectives are to:

1. Establish coordination mechanisms between Thailand and Lao PDR;
2. Establish mechanisms to link Lao villages with the central level in Lao PDR, to effectively report missing persons;
3. Create a more systematic tracing mechanism in Thailand; and
4. Develop a standardized form for reporting information on missing persons and establish a central database that contains all available information on each missing person case.

To date, 168 missing person reports have been filed in Lao PDR, of which 28 people have been successfully traced and found in Thailand.

This pilot project underwent an internal assessment for stakeholders to assess the progress of activities and learn more about each others’ role, successes and challenges in reporting or tracing. Initial findings of the assessment show this project is viewed as an important and innovative initiative – one which highlights and supports the best channels for efficient reporting and tracing and the challenges of working in such a complex cross-border environment.

Both governments agreed to extend the project further and the new long-term project is currently being drafted and donors will be approached for financial support. UNIAP has supported THALACC from the start and works closely with the two governments to ensure the continuation and expansion of the project.

The strong collaboration between the governments of Thailand and Lao PDR is one of the reasons this project has been so successful.
PPC 5 – Legal Frameworks and Mutual Legal Assistance

COMMIT MoU Area II: Legal Frameworks, Law Enforcement, and Justice

Objectives:
1. To develop a strong legal framework across the Sub-region.
2. To ensure there are effective mutual legal assistance (MLA) and extradition mechanisms between GMS countries and that these can be used for cases of human trafficking.
3. To explore the possibility of strengthening and expanding the use of extraterritorial legislation, to complement MLA and extradition mechanisms and to assist in combating child sex tourism.

This PPC has as its core the aim of improving national laws and procedures in line with international legal instruments already adopted by the Governments, and especially those referenced in the COMMIT MoU. In particular, this will involve moving towards full compliance with the Trans-national Organized Crime Convention and its Protocol on Trafficking in Persons, Especially Women and Children. This PPC, once fully implemented, will strengthen criminal justice responses by identifying and addressing any gaps and/or bottlenecks in legal processes within and between countries and expanding accessibility to, and greater documented use of mutual legal assistance in cases of human trafficking. Specific initiatives under this PPC include:

- Refinements and improvements of national legal frameworks (where necessary) that:
  - Criminalize trafficking including component and related offences;
  - Provide for adequate penalties;
  - Provide for a right of support and protection to all identified victims of trafficking, including a right of access to remedies;
  - Fully support victims as witnesses;
  - Address procedural issues which impinge on successful prosecution;
  - Subject trafficking and related crimes to the widest possible jurisdiction.

- Strengthening extradition and mutual legal assistance treaties to incorporate trafficking-related crimes and facilitate effective investigative and judicial cooperation;
- Strengthening the informed judicial and prosecutorial response.

Activities and progress, by country and regional initiatives (as of December 2007):

Cambodia

- Law on Suppression of the Kidnapping and Trafficking of Human Persons and Exploitation of Human Persons, passed in 1996.
- ASEAN Treaty on Mutual Legal Assistance in Criminal Matters, signed on 29 November 2004.
- New draft Law on Suppression of Human Trafficking and Sexual Exploitation (in compliance with the UN Protocol) awaits approval by the National Assembly. It was approved by the Council of Ministers on 24 August 2007.
- Guidelines for Cooperation between Cambodia and Thailand on the Criminal Justice Process of Trafficking-Related Crimes were developed in a bilateral meeting held on 20-21 July 2006 in Siem Reap, Cambodia. The Guidelines outline the principles of confidentiality of information and intelligence and procedures for cooperation for prosecution of cross-border cases (supported by IOM and UNICEF).
- A Planning Meeting on Joint Law Enforcement Cooperation against Human Trafficking between the Inter-Ministerial Delegations of the Kingdom of Cambodia and the Socialist Republic of Vietnam was held from 8-11 July 2007, where it was
agreed that a Police Cooperation Agreement would be drafted and reviewed by each country before signing.

- **A Bilateral Police Cooperation Agreement between the Royal Government of Cambodia and the Socialist Republic of Vietnam** was finalised and signed in a bilateral meeting held in Vietnam on 23-24 October 2007.
- A workshop on *Human Trafficking Laws and Related Issues* was organized on 1-2 November 2007. 80 participants attended the workshop, which aimed to improve the knowledge of potential national trainers, government officials, and NGOs working on human trafficking.

**China**

- The Criminal Law of the People’s Republic of China, last revised in 1997, contains a number of provisions that can be used to prosecute trafficking. These include sections on the rights of the person (Chapter IV, “Crimes of Infringing Upon the Rights of the person and the Democratic Rights of Citizens”, in particular Article 236, 237, 238, 240, 241, 242, 244); on prostitution (Chapter VI, “Crimes of Disrupting Order of Social Administration, Section 8: The Crime of Organizing, Forcing, Seducing, Harboring, or Introducing Prostitution,” in particular Article 358, 359, and 360) ; and on child labor (Article 244 of the Criminal Law, with an amendment passed in December 2002).
- In addition to the penal code, a number of other specific laws are relevant to the prosecution of trafficking cases. These include:
- Bilateral agreements listed under PPC4 on cooperation in cross-border crimes can be applied in cases of cross-border trafficking.

**Lao PDR**

- In 2006, article 92 in the Penal Code was replaced by article 134. This amendment ensured that the Penal Code now includes a provision to not only criminalize trafficking in women and children, but also includes men as victims.
- Law on Protection of the Rights and Benefits of Children passed by the National Assembly in August 2006.
- In early 2005, Lao Women’s Union initiated dissemination of the Law on Development and Protection of Women. Throughout 2006 and 2007 Lao Women’s Union has organized various workshops on the law at district, provincial and central level with the support of UNICEF and UNIAP.
- In March 2005, Lao PDR ratified ILO Convention 182 (Worst Forms of Child Labour) and Convention 138 (Minimum Age for Employment).

**Myanmar**

- The Anti-Trafficking in Persons Law was developed and enacted on 13 September 2005.
Myanmar is currently developing rules and regulations for implementation of the Anti-Trafficking in Persons Law. A drafting committee was formed on 15 May 2007 with the aim of finalising the rules and regulations.

- ASEAN Treaty on Mutual Legal Assistance in Criminal Matters, signed 13 January 2006.
- Convention against Corruption signed on 2 December 2005.

**Thailand**

**Activities undertaken under the COMMIT SPA:**

- An assessment of the implementation of laws and legal procedures relating to victim protection and apprehension of perpetrators is currently underway in 12 hotspot provinces. The assessment report is due to be completed in March 2008.

**Other Acts which were initiated by the Royal Thai Government that support the objectives of the SPA:**

- The Criminal Procedure Code Amendment Act (No. 20) BE 2542 (1999)
- Immigration Act BE 2522 (1979)
- Money Laundering Control Act BE 2542 (1999)
- Labor Protection Act 1998
- Penal Code Amendment Act (No. 14) BE 2540 (1997)
- The Royal Thai Government has been drafting a new law to directly and effectively address human trafficking and include men in the definition of victims of trafficking. This law, called the ‘Act on the Suppression and Prevention of Human Trafficking’ was considered by the National Legislative Assembly in 2007, and passed on 28 November 2007.

**Vietnam**

- An assessment of Vietnam legislation in comparison with the UN Protocol on Trafficking in Persons was launched and completed in 2004, with the Convention on Transnational Organized Crime in 2005, and with the UN Protocol against Smuggling of Migrants in 2006. The assessments provided specific recommendations for the improvement of Vietnamese legislation, including revision of the penal code and enactment of a specific anti-human trafficking law.
- In addition, there are a number of national laws and decrees used to combat trafficking in persons, such as:
  - Gender Equality Law (2006)
  - Protection, Care and Education of Children Law (2005)
  - Vocational Training Law (2006)
  - Decree No. 69 (2007) to amend the previous decree (no. 68) on international child adoption and marriage
- Vietnam is currently in the process of submitting the UN Convention against Transnational Organized Crime (TOC) to the National Assembly for ratification. A
consultation workshop was held in 2007 for members of the National Assembly to advocate for the ratification of the TOC.

- Information on Decree No. 69/2006/NĐ-CP, related to international marriage and child adoption, was disseminated and two training courses were conducted for justice officers nation-wide in December 2006 and July 2007.
- National strategies on child protection for the period from 2007-2020 have been developed and are being implemented.
- A planning meeting on Joint Law Enforcement Cooperation against Human Trafficking between the Inter-Ministerial Delegations of the Kingdom of Cambodia and the Socialist Republic of Viet Nam was held from 8-11 July 2007. It was agreed that a Police Cooperation Agreement would be drafted and reviewed by each country before signing.

Regional

- As discussed under PPC2, ARTIP is implementing the HSU Process to support dialogue and capacity building for heads of specialist anti-trafficking units on law enforcement initiatives and cross-border collaboration, including mutual legal assistance. This HSU Process encourages relationship-building of heads of specialist police units across the region and supports improved cooperation between them.

Good Practice: Cambodian Workshop on Human Trafficking Laws and Related Issues

Based upon the request to learn more about human trafficking and related laws from the participants of the Training of Specialist Trainers in Cambodia, a Workshop on Human Trafficking Laws and Related Issues was organized on 1-2 November 2007. The core objectives of the workshop were to:

- To provide a skills-sharing forum for High-level Policy Makers and legal professionals to learn about international and national law relating to trafficking in persons;
- To conceptualise international standards relating to trafficking and consider how national legislation can uphold these standards;
- To raise awareness amongst High-level Policy Makers and legal professionals about all forms of trafficking and the difficulties faced in prosecuting traffickers;
- To provide a forum for interaction between High-level Policy Makers and legal professionals to consider strategies to prosecute traffickers in Cambodia; and
- To create a set of recommendations to improve the prosecution of traffickers in Cambodia.

The workshop examined many important themes over the two days, such as: What is International Law?; Difficulties in Prosecuting Human Trafficking; What is Justice?; Trafficking for Labour Exploitation; Trafficking for Adoption; Trafficking for Marriage; and, Prosecuting Traffickers with Existing Laws. The 80 high-level policy makers and legal professionals attending the workshop compared international law and national law relating to human trafficking. Participants had rigorous panel discussions about trafficking case studies, and many concrete and compelling recommendations were made by participants to improve prosecution of human traffickers in Cambodia. Follow-up on the recommendations from this workshop will be further discussed by the Cambodian National COMMIT Taskforce.
Challenge: Prosecuting traffickers when trafficking victims are men

As new legislation and bilateral frameworks for anti-trafficking cooperation have been developed and implemented, the protection offered to victims of trafficking continues to improve. However, this progress, for the large part, has provided insufficient or no protection to male victims of trafficking, and so enables the exploiters of male trafficking victims to go unpunished for their crimes. Though international conventions do recognize male victims of trafficking, many of the national legal frameworks within the GMS do not recognize men as possible trafficking victims – only women and children.

Understanding of the scope for adult males to become victims of trafficking has grown over this period, and increased efforts are being made to address this problem. For example, the trafficking of adult males into the fishing industry and into factories has received increasing attention in media, and by organizations involved in providing assistance to trafficking victims. Where the trafficking is cross-border, this ultimately means that male trafficking victims may be treated as undocumented migrants – criminals, essentially – on their return. Despite the conditions that they have endured, not only will there be no support available to them in the country where they are exploited, they will also be unable to access to support services in their home country.

This is a challenge still facing the governments and organizations in their efforts to provide support to all trafficking victims, but the situation for male victims of trafficking is expected to improve in the GMS as advancements are made in the national legal frameworks, and national laws are brought into compliance with international conventions.
PPC 6 – Safe and Timely Repatriation

COMMIT MoU Area III: Protection, Recovery, and Reintegration

Objective: To establish mutually accepted procedures for efficient and transparent repatriation of victims of human trafficking in line with the standards set out by the COMMIT MoU, and the international instruments referenced in that MoU.

Although repatriation is part of a broader process of post-harm support for victims, culminating in reintegration, COMMIT countries have recognized the development of common procedures and guidelines for repatriation as a stand-alone objective, due to the fact that cross-border cooperation is, by definition, essential on this issue. To help achieve this PPC, COMMIT TFs and regional partners have been working together on victim identification, shelter and recovery, repatriation and reintegration. Illustrative activities of this PPC included:

- A regional assessment on repatriation and the reintegration process, with specific sections on each country’s unique national context.
- A regional mapping and situation analysis on existing post-harm support procedures and practices, with specific sections on national context.
- The development of draft common guidelines on protection to be adopted at the regional level.
- A sub-regional technical workshop on protection (August 2007) to review key findings of assessments and modify/improve common guidelines for regional adoption.
- National level preparatory meetings to review assessment findings and draft regional victim protection guiding principles in preparation for adoption at the regional level by all countries at SOM 5 meeting.

Note that because of the overlaps between PPCs 6 and 7, many of the activities in support of these two PPCs have been combined.

Activities and progress, by country (as of December 2007):

Cambodia

In 2005, 292 persons were officially repatriated to Cambodia (183 from Thailand and 109 from Vietnam) and Cambodia officially repatriated 10 persons from Cambodia to Vietnam. In 2006, 426 persons were officially repatriated to Cambodia (245 from Thailand and 181 from Vietnam) and Cambodia officially repatriated 5 persons from Cambodia to Vietnam. From 1 January 2007 to August 2007, 247 persons were officially repatriated to Cambodia (120 from Thailand, 124 from Vietnam, 3 from Malaysia) and Cambodia officially repatriated 8 persons from Cambodia to Vietnam (data from Ministry of Social Affairs, Veterans and Youth Rehabilitation).

- Ministry of Social Affairs, Veterans and Youth Rehabilitation is the focal ministry in the repatriation of victims.
- Official procedures for victim repatriation were developed with the RTG.
- Standard operating procedures have been developed for the repatriation of Vietnamese victims of trafficking from Cambodia to Vietnam, and official repatriation procedures for Cambodians to return from Vietnam are expected to be finalised by the end of 2007.
- Procedures for the repatriation of Cambodian victims from Malaysia are in development.
China

In 2005, 115 people were officially repatriated from China to Vietnam and 46 people to Myanmar. In 2006, 193 people were officially repatriated from China to Vietnam and 16 people to Myanmar. From January to August 2007, 48 people were officially repatriated from China to Vietnam and 18 people to Myanmar.

- The MPS and Ministry of Civil Affairs of China are the focal ministries in the repatriation of victims. In addition, the All China Women Federation is the biggest social organization responsible for victims of trafficking.
- Specific cooperation with neighboring countries to ensure safe and timely repatriation since 2005 includes:
  - A seminar on the repatriation mechanism between China and Vietnam held from 20 to 21 August 2007 in Bangkok. This seminar was part of a broader China-Vietnam cooperation framework, that included working meetings between the criminal investigation departments of the public security from China and Vietnam (held in China in April 2005 and in Vietnam in June 2006); seminars on combating cross-border trafficking (held in May 2006 in China); as well as other joint initiatives and bilateral meetings from 2005 to 2007.
  - Cooperation with Myanmar through the development of a framework for cooperation that includes provisions for safe and timely repatriation, signed in Kunming in October 2006, and local cross-border cooperation including through joint field visits in February 2007.

Lao PDR

In 2005, 245 people were officially repatriated from Thailand to Lao PDR. In 2006, the number was 259. From 1 January 2007 to December 2007, 203 people were officially repatriated from Thailand to Lao PDR.

- The Ministry of Labour and Social Welfare (MLSW) is the focal ministry in the repatriation of victims. MLSW run a Transit Centre in Vientiane to receive and process victims repatriated from Thailand.
- The MOU Between The Government of the Lao People’s Democratic Republic and The Government of the Kingdom of Thailand On Cooperation to Combat Trafficking in Persons, Especially Women and Children, was signed on 13 July, 2005. This MOU formally established bilateral cooperation on victim repatriation. The bilateral three-year Plan of Action to implement the MOU on trafficking further established the bilateral procedures for repatriation. A Thai-Lao Joint Task Force has been established.
- The MLSW is also the co-chair (with IOM) in the Victim Referral Networks Meetings, bringing together key stakeholders working on victim repatriation and reintegration issues. This meeting is convened on a quarterly basis.
- Following the regional Victim Protection workshop, Lao PDR is in the process of developing National Guidelines on Victim Protection involving victim identification, interim care, return/repatriation and reintegration of trafficking victims. This process is supported by various UN agencies and international NGOs, among them UNICEF, UNIAP, IOM, and Village Focus International.

Myanmar

In 2005, 36 people were officially repatriated to Myanmar from China, 28 from Thailand and 38 from Malaysia. In 2006, 73 people were officially repatriated to Myanmar from China and 7 from Thailand. From 1 January 2007 to November 2007, 52 people were officially repatriated to Myanmar from China and 35 people from Thailand. (2007 data subject to change).
The Ministry of Social Welfare, Relief and Resettlement is the focal ministry in the repatriation of victims.

Repatriation information sharing meetings among government departments, international NGOs and UN agencies involved in repatriation and reintegration have been conducted since 2004.

In 2005, over 50 staff from the Department of Social Welfare were trained on the repatriation system and procedures.

In 2006, a study to review the current repatriation and reintegration process was conducted by the Ministry of Social Welfare, Relief and Resettlement in collaboration with international NGOs working on repatriation and reintegration.

In June 2007, a National Workshop on Return and Reintegration was held to develop common guidelines on return and reintegration, identify any gaps in the current system, and propose ways to address them.

Myanmar is in the process of developing National Guidelines on Return/Repatriation and Reintegration of Trafficking Victims, with the aim to adopt them by March 2008.

Thailand

In 2005, 185 people were officially repatriated to Thailand from countries including Malaysia, Japan, Singapore and South Africa, and Thailand officially repatriated 361 victims of human trafficking to countries in the GMS. In 2006, 170 people were officially repatriated to Thailand from countries including Malaysia, South Africa, Italy and Japan, and Thailand officially repatriated 498 victims to countries in the GMS. From 1 January 2007 to October 2007, 179 people were officially repatriated to Thailand and Thailand officially repatriated 398 to countries in the GMS.

Activities undertaken under the COMMIT SPA:

- Quarterly case monitoring meetings were conducted to follow-up and identify solutions to facilitate safe and timely safe repatriation among concerned agencies of Thailand and Myanmar, and Thailand and Lao PDR.
- Informal meetings with the Myanmar government were held to encourage the establishment of focal point agencies and procedures for repatriation and reintegration.
- In June 2004, with support from UNIAP, IOM and Save the Children UK, the MSDHS organized a study visit for Myanmar officials to Thailand to exchange experiences on repatriation and reintegration of victims of trafficking in persons.
- A victim protection national strategy meeting was held on 20 November 2007 as a follow-up activity to the "Enhancing Victim Protection of Trafficked Persons in the Greater Mekong Sub region, a Technical Workshop to Draft Regional Guidelines on Victim Protection", held in Bangkok on 22-24 August 2007.

Activities which were initiated by the Royal Thai Government (and/or in cooperation with other governments or agencies) that support the objectives of the SPA:

- MSDHS, the focal ministry in the repatriation and reintegration of victims, established mechanisms and tools to support systematic, safe and timely return of victims of trafficking in persons as follows:
  - In 2003-2007, through cooperation with UNICEF, Mekong Region Law Centre and Save the Children UK, MSDHS organized meetings to facilitate the establishment of guidelines and procedures on repatriation of Chinese victims to Yunnan, China.
  - In 2004-2005, bilateral case conferences for the repatriation of Chinese victims were supported by IOM and Save the Children UK.
In 2006-2008, in cooperation with the Australian Government and IOM, MSDHS joined the Regional Pilot Project for Returning Victims of Trafficking from Australia to Thailand.

- MSDHS, in collaboration with relevant partner agencies, has established common guidelines and standard operating procedures on repatriation and reintegration of victims of trafficking in persons with countries of origin and a country of destination as follows:
  - Thailand and Cambodia common guidelines were established in 2005.
  - Thailand and Lao PDR common guidelines were established in 2006.
  - Standard Operating Procedures for Protection, Repatriation and Reintegration of Victims of Trafficking in Persons between Thailand and Japan are currently being drafted.

- MSDHS, in cooperation with international agencies and NGOs, has supported study visits and internships for officials and practitioners to learn about recovery, repatriation and reintegration services as follows:
  - In September 2005, MSDHS, supported by Save the Children UK, co-organized an exposure visit to Thailand and Lao PDR for officials from the All-China Women's Federation (ACWF) and concerned agencies in Yunnan, China to learn about establishing a transit centre and the provision of services for victims of human trafficking.
  - In 2005, MSDHS, in cooperation with Mekong Region Law Centre, supported internships for 5 Cambodian officials to learn about recovery services at the Kredtrakarn Protection and Vocational Training Centre (3 month placements).
  - In 2006, MSDHS cooperated with IOM to organize 2 study visits to Vientiane and Savannakhet province for practitioners from MSDHS shelters to learn about the reintegration assistance offered victims in Lao PDR.

- Duplication in roles and services provided in Thailand for victims from the six countries in the GMS was addressed and minimized in a June 2007 workshop on Integrated Cooperation to Identify Strategic Planning on Repatriation and Reintegration in the Greater Mekong Sub-region.

- Thailand and Lao PDR are collaborating bilaterally to draft and review a module for joint training on repatriation and reintegration of victims of trafficking in persons in compliance with activities outlined in the joint plan of action for the bilateral MOU.

**Vietnam**

_In 2005, 440 victims of trafficking were officially repatriated to Vietnam. In 2006, 840 people were officially repatriated to Vietnam and from 1 January 2007 to June 2007, 211 people were officially repatriated to Vietnam, mainly from China and Cambodia, as well as from other countries such as Thailand, Malaysia, Korea and Russia._

- The Ministry of Labor and Social Affairs (MOLISA) is the focal point ministry in the repatriation of victims.
- Inter-Ministerial Guidelines on family tracing and victim identification were developed and being revised by the Immigration Department, MPS, and other involved Ministries – MOLISA, MOFA and MOD.
- In early 2007, an assessment was conducted in 19 northern provinces to review the current situation of trafficking victim repatriation, especially for children. In October and November 2007, a similar exercise was implemented in four central provinces and seven southern provinces by MOLISA with support from IOM and UNIAP and external consultants.
- In June 2007, a workshop was conducted to develop safe repatriation mechanisms for trafficked victims from China with the involvement of relevant agencies, and supported by UNICEF.
• Guidelines on the Regulations of Reception and Reintegration Support of Trafficked Women and Children from abroad and guidelines on policy for trafficking victims to reintegrate into community were disseminated.

Regional

• The International Organization for Migration (IOM) is the key implementing agency working with government and non-government agencies on victim identification, repatriation, and support mechanisms. Their work includes direct assistance to victims and capacity building administered directly to both front-line responders and more senior levels of governments.
• In early 2007, the GMS governments participated in a regional IOM assessment on return and reintegration, convening a group of relevant government ministries to respond to an administered questionnaire.
• As a major contribution to PPC 6 (and 7), IOM, UNICEF, UNIAP, and Save the Children UK co-convened the “Enhancing Victim Protection of Trafficked Persons in the Greater Mekong Sub region, a Technical Workshop to Draft Regional Guidelines on Victim Protection,” on 22-24 August 2007 in Bangkok, Thailand. The workshop provided a venue for honest self reflection among organizations who have been engaged in victim protection in the GMS, particularly in the areas of victim identification, interim care and protection, and return and reintegration. The event encouraged frank discussions among leading government and non-governmental practitioners in social welfare and protection, law enforcement, and prosecution officials working with victims of trafficking. The aim of the workshop was to enhance the regional and national responses to victim protection and highlight best practices and strategies that existed within the GMS. Resulting recommendations and draft guidelines from this workshop contribute to PPCs 2, 6 and 7 of the COMMIT SPA. Key outputs of the technical workshop include:
  o Regional standards for victim identification, repatriation, and support, in the form of guiding principles; and
  o Discussion of concrete, practical issues needing addressing, such as delays in repatriation processes and the impact this is having on victims not being able to return to their home countries as soon as possible.
**PPC 7 – Post-Harm Support, Including Economic and Social Support for Victims and Reintegration**

**COMMIT MoU Area III: Protection, Recovery, and Reintegration**

*Objective:* To raise the level and quality of support and services provided to victims of human trafficking, and to improve economic and social support for victims of trafficking.

This PPC strives to develop a clear consensus among the Governments on post-harm support and services that shall be provided to victims of human trafficking in order to enhance the likelihood of successful recovery and reintegration and reduce the livelihood of re-trafficking. It is recognized that one of the major difficulties with reintegration is that victims often return to an environment similar to that which they left, with accompanying vulnerabilities such as lack of economic security and/or lack of vocational opportunities. In this regard, many of the vulnerability factors relevant to reintegration are also relevant to prevention. COMMIT countries agree that addressing these factors will inevitably require increased resources from the international community. It is clear that new and innovative approaches to both reintegration and prevention are also required.

**Activities and progress, by country and regional initiatives (as of December 2007):**

**Cambodia**

- Agreement on *Guidelines for Practices and Cooperation between the Relevant Government Institutions and Victim Support Agencies in Cases of Human Trafficking*, signed by 5 ministries and 24 victim-support organizations on 6 February 2007. These Guidelines cover: definitions; procedures for rescue and first contact; victim identification and victim protection; best interests of minors; medical issues; shelters for victims; legal counsel and evidence; statements and testimony; and cooperation between all parties.
- The Government is currently working to develop and update case management procedures for reintegration.

**China**

- The Ministry of Civil Affairs is the focal ministry for post-harm support. The key points are life services, spiritual consolation and other temporary assistance.
- The ACWF facilitates the repatriation and provision of post-harm support to trafficked persons.
- The Ministry of Civil Affairs provides post-harm services to trafficked persons. Every victim who comes into contact with relief organisations will receive standardised services: adults will receive assistance according to the Basic Standards for Relief Management Organisations; and minors will be cared for according to the Basic Standards for Migrant Minors Assistance and Protection Organisations.
- The current Law on Exit and Entry Controls relating to assistance for non-Chinese nationals has been revised. However, due to the special circumstances of people who have been trafficked and rescued, as well as the stance of relatively centralised, local governments on optimizing resources and providing good service, relief organisations have opened up to non-Chinese nationals. The Department of Civil Affairs assists with administrative measures, endeavouring to relief organisations improve basic facilities and conditions, train working personnel, and provide more pertinent rescue services.
Lao PDR

- The MLSW is the focal point for family tracing in Lao PDR.
- In January 2006, the Lao Women's Union Counselling and Protection Center for Women and Children was officially opened. The shelter was the first of its kind in Lao PDR.
- In June 2006, following the signing of an MOU with the MLSW, AFESIP opened its center for women and children who have been trafficked or exploited sexually. The center operates in close collaboration with and under the MLSW.
- Following the regional Victim Protection workshop, Lao PDR is in the process of developing National Guidelines on Victim Protection involving victim identification, interim care, return/repatriation, and reintegration of trafficking victims. This process is supported by various UN agencies and international NGOs, amongst them UNICEF, UNIAP, IOM and Village Focus International.

Myanmar

- Post-harm support is provided to trafficked persons through a variety of services at the community level, including vocational training, counselling, micro-credit loans, legal assistance, and health care provided by relevant departments, NGOs, international NGOs and UN agencies.
- In June 2007, a return and reintegration workshop was held to develop common guidelines on return and reintegration, identify any gaps in the current system, and propose ways to address them.

Thailand

**Activities undertaken under the COMMIT SPA:**

- As discussed under PPC6, a victim protection national strategy meeting was held on 20 November 2007 as a follow-up activity to the Enhancing Victim Protection of Trafficked Persons in the Greater Mekong Sub region: A Technical Workshop to Draft Regional Guidelines on Victim Protection.

**Activities which were initiated by the Royal Thai Government (and/or in cooperation with other agencies) that support the objectives of the SPA:**

- In 2003, a Handbook for Recovery for Women and Children Trafficking Victims was developed.
- In September 2005, the RTG approved a regulation on the management and expenditure of a 100 million Thai Baht fund for remedy, rehabilitation, repatriation and reintegration of the victims of trafficking including prevention programs for combating human trafficking. The fund also covers and supports various anti-trafficking-related projects and activities initiated by government agencies, NGOs, civil societies, clubs and groups of individuals.
- In 2005-2006, the RTG, with support from IOM, established the Standardized and Coordinated Case Management System for Thai Trafficking Victims Returning from Abroad among authorities and relevant service providers.
- In November 2006, shelter directors and social workers from Thailand conducted a comparative study of services by analysing a recovery center in Jakarta, Indonesia.
- In March 2007, the Common Guidelines on the Reception of Thai Trafficking Victims at the Airport was drafted. The guidelines were developed as part of the case management manual for concerned agencies to facilitate the return and reintegration of Thai victims of trafficking returning from abroad.
- Between May 2006 and May 2007, Ministries of the RTG, UNICEF and PLAN (Thailand) signed five domestic MoUs on Common Guidelines of Practices for Agencies Concerned with Cases of Human Trafficking, covering 58 provinces in total. The RTG held a meeting among provincial officials and relevant agencies in
November 2007 to draft a sixth MoU, covering an additional 9 provinces. The MoUs address the full cycle of prevention, protection, prosecution, repatriation and reintegration activities.

Vietnam

- In October and November 2007, an assessment was conducted in 11 selected provinces of South and Central Vietnam on repatriation and reintegration of trafficking victims. In addition, MOLISA will hold seminars to assess support services provided to victims from service providers and related agencies in 30 provinces and cities of Vietnam, with support from IOM, UNIAP and external consultants.
- The Vietnam Government has a policy to build supporting centres in some border provinces where a number of victims returned from overseas are received. A sub-committee of such border provinces will consider and propose the possibilities.
- Post-harm support is provided to trafficked persons through a variety of services at the community level, including vocational training, counselling, legal assistance, and health care. Women's Union is very active in this activity and it is strongly supported by other international organizations such as UNICEF, IOM, Save the Children UK, Oxfam Quebec, and the Asia Foundation, among others.

Regional

- As described in the PPC 6 Regional section, a major contribution to both PPC 6 and PPC 7 was the event Enhancing Victim Protection of Trafficked Persons in the Greater Mekong Sub region: A Technical Workshop to Draft Regional Guidelines on Victim Protection, co-sponsored by IOM, UNICEF, UNIAP, and Save the Children in 2007. The aim of the workshop was to enhance the regional and national responses to victim protection and highlight best practices and strategies that existed within the GMS. Resulting recommendations and draft guidelines from this workshop contribute to PPCs 2, 6 and 7 of the COMMIT SPA.
PPC 8 – Addressing Exploitative Brokering Practices

COMMIT MoU Area IV: Preventive Measures

Objective: To improve regional cooperation to prevent and suppress illegal and/or exploitative brokerage practices.

This PPC seeks to address the use of brokering services to trafficked persons, an area which, to date, has received limited attention in the GMS. Three different types of brokering are covered: labour brokering/manpower mobilization, comprising work including (but not limited to) domestic service, plantation and agricultural work, factory work, and off-shore fishing; adoption of infants and children; and brokering for marriage. The emphasis in this section of the SPA is on more formalized agencies that tend to operate through legal or semi-legal means, rather than small-scale job brokers at community level who tend to be beyond the reach of meaningful regulation. Priority activities of this PPC include: research and analysis on brokerage practices that lead to human trafficking; increased engagement of labour inspectors from Ministries of Labour to regulate these practices; and closer cooperation between sending and receiving countries in monitoring of working conditions for migrant labourers.

Activities and progress, by country and regional initiatives (as of December 2007):

Cambodia

- The COMMIT TF launched the first study on exploitative labor brokerage practices in Cambodia on 16 March 2007.
- The Ministry of Labour and Vocational Training conducted a Skills Sharing Workshop on Labour Brokerage Practices which included participants from private registered recruitment agencies and human rights organizations.
- National Guidelines for Private Recruitment Agencies in Cambodia to protect the rights of migrant workers has been drafted.
- A Labour Migration Information System being established in the Ministry of Labour and Vocational Training to track labour migration trends and monitor cases.
- Studies on formal and informal brokers were conducted with the support of ILO-TICW between February and September 2007 in Thailand, Lao PDR, and Cambodia on recruitment practices, experiences, services, motivations for using formal vs. informal brokers, and legal and regulatory frameworks. The first draft of the Cambodia country report was completed and presented in October 2007.
- A Law on Marriage and Family was passed in July 1989.

China

- To protect workers going abroad from being trafficked, the Government of the People’s Republic of China has enacted a number of laws and regulations, including:
  - Notice on Conscientiously Strengthening the Protection of Rights and Interests of Exported Labourers, passed in 1994.
- To prevent fraudulent adoption or adoption for exploitative purposes, the following laws and regulations are in place:
Measures for the Administration of Adoption Registration passed in 1999.
Measures on the Adoption of Children by Foreigners in the People's Republic of China passed in 1999.
The Resolution of the Standing Committee of the National People's Congress on Ratifying the Convention on the Protection of Children and Cooperation in Respect of Inter-Country Adoption passed in 2005.

- To prevent trafficking through forced marriage, the following laws and regulations are in place:

Lao PDR

- A Review Workshop for Journalists was held on 5-6 July 2007 in which one of the topics was legal labour migration and the procedures of recruitment companies.
- Studies on formal and informal brokers were conducted with the support of ILO-TICW between February and September 2007 in Thailand, Lao PDR, and Cambodia on recruitment practices, experiences, services, motivations for using formal vs. informal brokers, and legal and regulatory frameworks. The first draft of the Lao PDR country report was completed and presented in October 2007.

Myanmar

- The Government is currently exploring ways to conduct research on labour recruitment practices to link with research already conducted in other GMS countries.
- The overseas employment law which was enacted in 1999 is used as a means to addressing exploitative brokering services.
- The 1941 Registration of Kittima Adoption Act provides the means to prevent trafficking through adoption.
- The 1954 Buddhist Women in Special Marriage and Succession Act prevents women from being trafficked through marriage.

Thailand

Activities undertaken under the COMMIT SPA:
- In February 2007, studies on formal and informal brokers in Thailand, Lao PDR and Cambodia on recruitment practices, experiences, services and motivations for using formal versus informal brokers, legal and regulatory frameworks began. The first draft of the Thailand national report was completed in November 2007.

Other activities which were initiated by the Royal Thai Government (and/or in cooperation with other agencies) that support the objectives of the SPA:
- Labour information packages in a number of languages have been developed for Lao and Cambodian migrants to Thailand. These information packages which promote safe migration, safe employment and the rights of employees and employers, are currently being tested.
- Implementation of the Cambodia-Thai Employment MoU is currently being reviewed.
Vietnam

- On 4 August 2006, Joint Circular No. 09 was enacted, providing guidance for the prosecution of those who committed crimes related to sending labour overseas.
- On 25 February 2005, the Prime Minister issued Direction No. 03/CT-TTg, strengthening the governance of international child adoption and marriage.
- In 2006, the Law on Vietnamese Working Overseas was enacted, with regulations to ensure the rights of workers as well as to protect migrant workers from labour exploitation and trafficking in various forms.
- Decree No. 144/2007, dated 10 September 2007, provided administrative punishment for violations in sending labour overseas.
- Decree No. 126/2007, dated 1 August 2007, provided guidance for the implementation of the Law on Vietnamese Working Overseas.
- Labour information packages for migrant workers in Vietnamese are being developed and tested in order to facilitate safe migration and recruitment.
- Other legal documents have been issued by MOLISA on the development of training programmes to provide necessary knowledge and information to migrant workers before going abroad.
- Research is being conducted on internal brokering recruitment practices related to human trafficking and migration both formally and informally in order to develop national guidelines for recruitment process.

Regional

- ILO has taken the lead on research into the brokering of migrant labour in Thailand, Lao PDR, and Cambodia, with further work being conducted in Vietnam and China. This has been complemented by research conducted by IOM and UNIAP in Myanmar and Vietnam. ILO and UNIAP convened national roundtable consultations to discuss the research findings and draft guiding principles on recruitment policy and practice that were developed in response to the research. The guiding principles, developed in coordination with ILO, UNIAP, IOM, and UNIFEM, were discussed and honed by a tripartite group of GMS government, employers’ associations, and recruitment agencies at a regional workshop on 26-27 November 2007 in Bangkok. After presentation to and consideration by the COMMIT TFs, the regional guiding principles on labor recruitment policy and practice will be further developed for operationalization at the national level and through bilateral mechanisms.

**Good Practice: How is Exploitative Brokering Being Studied in the GMS?**

As formal brokering mechanisms for employment are in a developing stage in many GMS countries, informal brokering still accounts for a significant proportion of employment recruitment. Informal brokers may sometimes be people who care for the interests of the migrant workers they recruit, or they may be people who see migrant workers only as an exploitable resource.

While the potential for exploitation through unregulated recruitment is arguably greater than through formalized recruiting, the ability of job-seekers to use the formal systems that do exist is often very limited. Instances of human trafficking through formal recruitment channels, even with contracts, also raises the question of how much protection they actually offer workers. Ongoing research into brokering practices compares the formal and informal recruitment practices in specific countries and offers new knowledge of a little understood field. Further understanding of the practices of brokers that knowingly deceive and exploit workers is needed: their relations with employers and law enforcement need to be further understood, and identification and punishment of such exploitative brokers is imperative to the counter-trafficking response.

PPC 9 – Cooperation with the Tourism Sector

COMMIT MoU Area IV: Preventive Measures

Objective: To expand the contribution made by the tourism service sector to combating human trafficking and related problems.

This PPC focuses on the nexus between the tourism sector and human trafficking in the Mekong Region, outlining the importance of working with the tourism sector to create effective public/private partnerships to address the problem. Apart from efforts to increase sanctions for those complicit in activities related to trafficking, this PPC explores expanded use of positive incentives for transport and tourism service operators to effectively combat human trafficking.

There are a variety of reasons why this issue lends itself to a regional approach, including: the increasing promotion of holidays to multiple destinations within the region; the potential for progress in one country in combating child sex tourism, in particular, to lead to displacement to another; and the existence of several successful or promising initiatives in some GMS countries, which could be adapted for use by other countries. It is important to note that tourism in this PPC includes domestic as well as international tourism.

Activities and progress, by country and regional initiatives (as of December 2007):

Cambodia

- The Child Safe Tourism Committee (CSTC) of the Ministry of Tourism was established in 2001 with the mandate of working toward the prevention of possible negative impacts of tourism, especially the sexual abuse of children.
- CSTC has set up 24 child-safe networks across all provinces and municipalities of Cambodia; implemented two essential measures (educational and administrative); and cooperated with relevant local and international organizations to implement all state principles and codes in enhancing child rights.
- Child Safe Tourism Training and Campaigns (billboards, posters, leaflets, stickers, signboards etc.) have been spread across the entire country, particularly in popular tourism destinations.
- Tourism Police were trained on investigative and computer evidence-gathering techniques, to better equip them in identifying child pornographers and chat-room paedophiles.
- New policy documents have just been launched for the Child Safe Tourism Campaign for 2007-2009. These new policy documents (which include a Strategic Plan, Operational Guidelines and a Training Manual) outline a holistic Campaign to promote Child Safe Tourism to prevent trafficking and sexual exploitation in Cambodia for the next three years. An inter-ministerial working group has been set up to oversee the implementation of these policy documents.

China

- A Chinese delegation, including government, UN, NGO and private sector representatives actively participated in the Greater Mekong Sub-Regional Seminar on Protecting Children from Sexual Exploitation and Trafficking in Tourism, held in Bangkok on 5-6 November 2007.
Lao PDR

- From within the Prime Minister’s Office, the Lao National Tourism Administration oversees activities on anti-child sex tourism in Lao PDR. Through this program, the government in partnership with several NGOs hosted a meeting in Luang Prabang in September 2007 and engaged with the tourism sector to increase the sectors understanding of the regulations and measures for addressing incidents of trafficking and child sexual exploitation. Save the Children Australia have also produced supporting information materials such as posters.
- The Lao National Tourism Administration is also involved in several regional activities, including participation in the Child Wise annual Regional Taskforce meetings in Hanoi in 2007, involving high-level ministerial delegates from each ASEAN-member National Tourism Administration.
- The Lao Tourism Police Department also works with the Anti-Trafficking Division to investigate incidents of trafficking and commercial sexual exploitation in the tourism sector. Following the Regional Taskforce meeting in Hanoi in 2007, the Lao Tourism Police Department drafted guidelines for tourism police to ensure consistent enforcement of the trafficking, commercial sexual exploitation and tourism laws. Tourism police working at major tourist destinations in Lao PDR have been trained to use these guidelines. In 2006, five child sex tourism incidents were reported officially to the tourism police.

Myanmar

- A series of trainings to address child sex tourism were conducted for staff from relevant departments and the hotel and tourism sector by the Ministry of Hotels and Tourism in collaboration with Child Wise Tourism since 2004.
- In 2007, traveller’s guides explaining Myanmar’s stance on issues such as sex tourism and the sexual exploitation of children were developed.
- Awareness raising campaigns to arrest sex tourists is being conducted.
- From 2005 to 2007, 2 child sex tourists were prosecuted and 10 were deported and given red notice through the 24/7 Interpol channel.

Thailand

**Activities undertaken under the COMMIT SPA:**

- The Royal Thai Government held a regional seminar in Bangkok 5-6 November 2007 to address the relationship and share experiences of trafficking and child sexual exploitation in the tourism sector. The objectives of the seminar were to engage 80 members of the counter-trafficking community and the private sector and to develop a plan for regional collaboration and, ultimately, national action plans to support this collaboration. Implementation of these plans is due to begin in 2008, with the ongoing support of a technical working group. The outcome of the event was a regional Letter of Intent for collaboration and further action, adopted by six GMS Governments. The regional seminar will be a first step in the ongoing integration of counter-trafficking initiatives with the tourism sector within the GMS.

Vietnam

- Two workshops on awareness raising and addressing child sex tourism were conducted in 2005 and 2006 by ChildWise in cooperation with the General Department of Tourism of Vietnam, with financial support from the Australian Government.
- Posters on the crime of child sex tourism are presented in well-known tourist cities and provinces in Vietnam.
• A Vietnamese delegation, including government, UN, NGO and private sector representatives actively participated in the Greater Mekong Sub-Regional Seminar on Protecting Children from Sexual Exploitation and Trafficking in Tourism, held in Bangkok on 5-6 November 2007.

Regional

• As noted in the Thailand section, the Thai Ministry of Tourism and Sports has collaborated with the MSDHS, UNIAP, ECPAT International, World Vision, ILO, UNESCO and Save the Children UK to review existing work on child sexual exploitation in the tourism sector throughout the region. The RTG organized and hosted a regional workshop to address these issues in November 2007. A regional Letter of Intent for collaboration and further action was adopted by 6 governments.

### Combating Trafficking and Exploitation within Tourism

The Royal Thai Government, as a lead sponsor of PPC9, hosted a two-day regional seminar in November 2007 to discuss protection of children from sexual exploitation and trafficking in tourism. The seminar brought together key government, non-government, UN and private sector representatives from the six GMS countries.

The six country delegations agreed to a Letter of Intent for improved collaboration among governments, the tourism sector and others, and five key areas of future planning and action. These key areas are:

- Regional registry of child sex offenders and data sharing;
- Regional mechanisms to promote and monitor standards, guidelines and certification for the private sector;
- Regional child safe campaign;
- Regional hotline (that harmonises national hotlines); and
- Government focal points on this issue.

![Chinese delegation](image)
**PPC 10 – Management: Coordination, Monitoring & Evaluation**

**COMMIT MoU Area V: Mechanisms for Implementation, Monitoring, and Evaluation of the COMMIT Memorandum of Understanding**

**Objective:** To ensure effective monitoring of the implementation of the Sub-Regional Action Plan, including timely and accurate reporting on activities, and conduct of an overall evaluation.

In addition to developing a monitoring and evaluation system for COMMIT, this PPC also includes a component to facilitate effective communication and cooperation between all the different parties involved in SPA. Analysis and evaluation findings are to be reported to the Governments, donors, and other key stakeholders.

Article 32 of the COMMIT MoU designated the United Nations Inter-Agency Project on Human Trafficking (UNIAP) as Secretariat to COMMIT Process. The Secretariat includes the UNIAP Regional Project Management Office in Bangkok, Thailand, and its respective project offices in the six GMS countries. The Secretariat is responsible for:

- Facilitating communications & planning
- Raising funds to ensure timely intervention of the COMMIT SPA
- Organizing annual SOMs and the Inter-Ministerial Meeting every three years
- Documenting outcomes and decisions reached
- Reporting to development partners as required
- Reporting at annual SOMs on the status of budget utilization
- Disseminate information and press releases on COMMIT
- Providing internal as well as external monitoring and evaluation of COMMIT with support from the national COMMIT Task Forces.

While the abovementioned responsibilities are ongoing services provided by the COMMIT Secretariat as one of UNIAP’s key initiatives, the most important contributions of the COMMIT Secretariat towards the coordination and monitoring of the COMMIT process over the duration of the SPA are related to the following achievements:

**Developing the COMMIT Sub-regional Plan of Action (COMMIT SPA)**

- In November and December 2004, UNIAP collated government suggestions for implementing the COMMIT MoU from SOM 2 into a Sub-Regional Plan of Action Framework Document. At this stage, the Governments had agreed to a set of 18 activities, grouped in seven broad areas.
- In early 2005, UNIAP coordinated seven roundtable discussions based upon the Framework Document with key UN and donor agencies and NGOs in Bangkok, Thailand. Recommendations from those roundtable discussions helped provide the technical basis for the development of a more detailed Plan of Action, in close consultation with the Governments.
- Based on further inputs from the governments, UNIAP drafted the first COMMIT Sub-regional Plan of Action which was reviewed by the governments.
- Leading up to March 2005, UNIAP assisted with coordination, logistics and mobilising funds for SOM3 where the first COMMIT SPA was adopted, in principle, and assigned senior officials to finalize the few outstanding points in the SPA.

**Reviewing the COMMIT SPA**

- Leading up to May 2006, UNIAP assisted with coordination, logistics and mobilising funds for SOM4 which provided the COMMIT Governments an opportunity to review the progress made by the six countries on the implementation of the COMMIT SPA.
• UNIAP produced the first detailed report on the implementation of the SPA, known as the SOM4 Implementation Status Report.
• The Secretariat provided Briefing Notes to assist the governments in preparations of SOM4 and in understanding the regional background of the progress achieved under the SPA.

Strategic Planning Meeting
• UNIAP collated the recommendations for revisions to the COMMIT SPA resulting from SOM4 held in Cambodia in May 2006.
• Responding to the requests made by the COMMIT members during SOM4 for an interim strategic planning meeting, UNIAP assisted with coordination, logistics and mobilising funds for the Strategic Planning Meeting held in Vientiane in August 2006.
• UNIAP collated suggestions made by COMMIT Governments during the Strategic Planning Meeting and from request of the Governments revised the COMMIT SPA accordingly, and disseminated it to COMMIT Taskforces.

Regional Inter-Agency Coordination
• In early 2007, UNIAP facilitated a process to maximise inter-agency cooperation and support for governments across the GMS. Using the COMMIT MoU and SPA as guiding frameworks, the technical staff of UN agencies, international organizations (IOs), and NGOs organisations worked together to hone inter-agency operational coordination, implementation, and strategic planning by developing Joint Targets and Timelines and a Regional Inter-Agency Work plan. This process was carried out at both the regional and country levels. (Please refer to the Joint Targets and Timelines matrix on the next page). With ten major PPC initiatives in six countries, along with unique needs, mandates, and capacities of each government (and in each ministry within each government), achievement of the SPA required rigorous operational coordination at all levels. The regional joint targets and timelines for implementing agencies attempts to foster a sense of collectiveness, solidarity, and achievement to bring about this coordination in support of the COMMIT process. Since most of the key agencies have existing work plans and letters of agreement with the same government ministries as UNIAP, the joint targets and timelines document essentially serves as a compilation of the existing agreed commitments and programs that implementing agencies have with the Governments, with some aspirational but realistic goals for the future.

COMMIT SPA Progress Report
• During the UNIAP Project Steering Committee Meeting held in Bangkok on 28 May 2007, the COMMIT Governments requested UNIAP to draft a COMMIT SPA Achievements Report, detailing SPA implementation to date. This report was drafted by UNIAP and reviewed by Governments in mid-late 2007.

Developing the Joint Declaration & Second Sub-regional Plan of Action (SPA II)
• During the UNIAP Project Steering Committee Meeting held in Bangkok on 28 May 2007, the COMMIT Governments requested UNIAP to prepare a draft Joint Declaration for their review and also to prepare a draft SPA II based on COMMIT Government and Secretariat consultation and review of the SPA Achievements Report. In response, UNIAP drafted a Joint Declaration for review and feedback by the COMMIT Governments and adoption at SOM5 in December 2007.
• Following the review process of the SPA Progress Report and additional consultations with the Governments, UNIAP also drafted the COMMIT SPA II (2008-2010), which was agreed in principle in October 2007, prior to SOM 5 / IMM 2. The Joint Declaration was also agreed in principle in October 2007.
## Regional Inter-agency Joint Targets & Timelines

Note: **Blue** fields indicate COMMIT SPA I targets. **White** fields indicate possible post-SPA, or SPA II, follow-on targets, building on the achievements of the first COMMIT SPA.

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<td><strong>POLICY &amp; COOPERATION</strong></td>
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<td>PPC 3 National Plans of Action</td>
<td>1: All NPAs completed and passed by the governments, with draft implementation plans.</td>
<td>3: All implementation plans for NPAs completed, adopted, and funded.</td>
<td>5: Targets of NPA implementation plans achieved, with bilateral and national coordination mechanisms functioning and integrated into government agency mandates and budgets.</td>
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<td>PPC 4 Multi-sectoral and bilateral partnerships</td>
<td>2: Sub-regional experience in developing and implementing bilateral cooperation agreements on trafficking documented and shared.</td>
<td>4: Bilateral trafficking MoUs signed and mechanism for effective implementation and monitoring in place.</td>
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<td><strong>LEGAL FRAMEWORKS, LE, JUSTICE</strong></td>
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<td>PPC 2 Victim ID and apprehension of perpetrators</td>
<td>4: Strengthened general and specialist LE responses to trafficking.</td>
<td>(4 - Continued) Strengthened general and specialist LE responses to human trafficking.</td>
<td>5: Effective multilateral and bilateral cooperation between specialist trafficking units.</td>
<td>(5 - Continued) Effective multilateral and bilateral cooperation between specialist trafficking units.</td>
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<td>PPC 5 Legal frameworks and MLATs</td>
<td>1: Strategies for prosecuting trafficking under existing legal frameworks developed.</td>
<td>7: There is an informed and appropriate judicial and prosecutorial response.</td>
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<td>PPC 6 Victim ID and safe and timely repatriation</td>
<td>2: Countries have ratified the major international and regional agreements relevant to human trafficking and incorporated key provisions into national law.</td>
<td>3: National legal framework (1) criminalizes trafficking, (2) adequate penalties, (3) protects victims, (4) supports witnesses, and (5) creates widest possible jurisdiction.</td>
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<td>PPC 7 Recovery and reintegration</td>
<td>6: Extradition and MLATs incorporate trafficking-related crimes and facilitate investigative and judicial cooperation.</td>
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<td><strong>PROTECTION, RECOVERY, REINTEGRATION</strong></td>
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<td>PPC 8 Addressing exploitative brokering practices</td>
<td>1: Regional and national guidelines on migrant recruitment practices in the GMS completed.</td>
<td>2: Bilateral and national level policy and procedure changes implemented to address key gaps in capacity building and program infrastructure of recovery and reintegration.</td>
<td>3: National level operationalization of the regional guidelines on protection fully completed.</td>
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<td>PPC 9 Cooperation with the tourism sector</td>
<td>2: Regional strategy on cooperation with the tourism sector developed.</td>
<td>3: Regional training curriculum developed on implementation of the minimum standards and migrant protection from exploitation.</td>
<td>4: Direct measures to reduce vulnerabilities in the migration and recruitment processes, and in workplaces.</td>
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<td><strong>PREVENTIVE MEASURES</strong></td>
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<td>PPC 1 Regional training &amp; capacity building</td>
<td>1: Materials updated, modularized for national training and trainer certification.</td>
<td>3: Targeted operational training provided as necessary, often in conjunction with operational planning. Trainer certification and trainer refresher programs running.</td>
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<td>PPC 10 Coordination and M&amp;E</td>
<td>2: Activity monitoring: multi-sectoral operational coordination launched, with joint targets and timelines.</td>
<td>4: Final monitoring report and evaluation of the COMMIT MoU and its SPAs.</td>
<td>5: Aggregate impact assessments: intervention scale-ups, replications, and phase-outs following IA findings.</td>
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7 Next Steps: Planning for the COMMIT SPA II (2008-2010)

This report outlines the impressive outcomes achieved by the COMMIT SPA over the past two years. It demonstrates progress toward measurable impact that has moved the overall counter trafficking sector forward. It is clear from the results that the COMMIT process is working.

Based on the information provided throughout this report, there are some general recommendations related to the monitoring and evaluation process that can be taken into consideration as guidelines for the SPA II, including:

1. The various SPA documents and reports that were developed and refined over the course of the past two years were successful at outlining the objective of each PPC, along with a listing of proposed activities. However, the overall targets were not always well defined. In the absence of a clearly defined target or endpoint, it is difficult to know the status of a PPC’s implementation or completion. The SPA II should contain clearly defined targets and timelines (by year) that outline the expected outcomes for both regional and country activities. This will help to improve the efficiency and effectiveness of monitoring and evaluation, and of intervention development as well.

2. The section of this report that outlines the progress of the various PPCs demonstrates a lack of consistency in terms of the information reported. To put in place a multi-country monitoring and evaluation system that provides the flexibility to make comparisons between countries, there has to be more consistency in the activities and implementation approaches across countries. While it is clear that some countries are further along than others on particular initiatives, and that country governments prioritize activities differently, this should not prevent improvements in regional standardization. Recognizing this fact, UNIAP will work closely with the COMMIT Task Forces to create work plan formats for the SPA II that offer a more standardized approach to PPC implementation. Further, subject to the acceptance of the COMMIT Task Forces, UNIAP will propose designing a M&E system for the SPA II that is functional, easy to collect data on, dynamic, and strategic. It will address:

   o Quality and progress of activities and achievement of outputs (results and resource framework);
   o Training and capacity building;
   o Quality of technical support;
   o Achievement of targets/milestones; and
   o Any significant changes not captured by existing indicators.

Much of the M&E discussion tends to focus on monitoring COMMIT activities. To complement this function, a workplan and schedule of evaluations also needs to be developed. Independent project evaluations (conducted by UNIAP or other external non-government technical expertise) will provide insights into what is working and what needs to be improved. Evaluation studies also help us to understand changes in behaviour and coverage. A strong, informative M&E system needs to have a combination of both monitoring and evaluation to be effective in providing the feedback needed to move a project forward.
3. The COMMIT MoU lays out a framework for action, with 33 articles to which the six GMS Governments are committed. Both the first and second SPA are implementation roadmaps to ensure that this political will to combat human trafficking translates into action, for all MoU points. Many but not all of the 33 articles of the COMMIT MoU were addressed by the first SPA; and of those that were addressed, some were addressed more comprehensively than others. In order to facilitate planning for SPA II, the following table reviews the COMMIT MoU article points, noting which were addressed by the first SPA and which were not. This table may serve as a useful reference for SPA II planning, in conjunction with updates of country and regional priorities, and progress toward achievement of each of these points by each country (which this SPA Progress Report addresses).
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<td>I.1. Encouraging use of the definition of trafficking from Palermo</td>
<td>PPC 5 – Legal frameworks</td>
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<td>I.2. Developing NPAs addressing trafficking in persons</td>
<td>PPC 3 – National plans of action</td>
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<td>I.3. Establishing national, multi-sectoral committees on trafficking in persons to implement the NPAs and other anti-trafficking interventions</td>
<td>PPC 3 – National plans of action</td>
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<td>I.4. Creating mechanisms to strengthen regional cooperation and information exchange, and designating national focal points on human trafficking</td>
<td>PPC 4 – Multilateral and bilateral partnerships</td>
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<td>I.5. Improving regional cooperation through multi-lateral agreements</td>
<td>PPC 4 – Multilateral and bilateral partnerships</td>
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<td>I.6. Strengthening GO-IO-NGO cooperation in combating trafficking in persons</td>
<td>PPC 4 – Multilateral and bilateral partnerships</td>
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<td>II.7. Adopting and enforcing appropriate legislation against trafficking in persons</td>
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<td>II.8. Adopting appropriate guidelines and providing training for relevant officials to ID victims and improve the investigation and judicial process</td>
<td>PPC 2 – Victim ID and apprehension of perpetrators; PPC 6 – Safe and timely repatriation</td>
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<td>II.9. Investigating, arresting, prosecuting, and punishing perpetrators of trafficking in accordance with national law</td>
<td>PPC 2 – Victim ID and apprehension of perpetrators; PPC 6 – Safe and timely repatriation; PPC 7 – Post-harm support</td>
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<td>II.10. Making available to trafficked persons legal assistance and information in a language they understand</td>
<td>PPC 6 – Safe and timely repatriation; PPC 7 – Post-harm support</td>
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<td>II.11. Developing realistic and effective cooperation in the CJ system to remove impunity for traffickers and provide justice for victims</td>
<td>PPC 2 – Victim ID and apprehension of perpetrators</td>
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<td>II.12. Strengthening cross-border LE cooperation</td>
<td>PPC 2 – Victim ID and apprehension of perpetrators</td>
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<td>II.13. Providing necessary personnel and budgetary support for trafficking response capacities within national LE authorities</td>
<td>PPC 2 – Victim ID and apprehension of perpetrators</td>
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<td>II.14. Promoting bilateral or multilateral agreements among the GMS countries to assist each other in the judicial process</td>
<td>PPC 5 – Legal frameworks</td>
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<td><strong>SECTION III. PROTECTION, RECOVERY, AND REINTEGRATION</strong></td>
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<td>III.15. Promoting greater gender and child sensitivity in victim ID and protection</td>
<td>PPC 6 – Safe and timely repatriation; PPC 7 – Post-harm support</td>
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<td>III.16. Ensuring that persons identified as trafficking victims are not held in detention by LE</td>
<td>PPC 6 – Safe and timely repatriation</td>
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<td>III.17. Providing all trafficking victims with shelter and appropriate physical, psycho-social, legal, educational, and health care assistance</td>
<td>PPC 7 – Post-harm support</td>
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<td>III.18. Adopting policies and mechanisms to protect and support trafficking victims</td>
<td>PPC 5 – Legal frameworks; PPC 7 – Post-harm support</td>
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<tr>
<td>III.19. Strengthening the capacity of Embassies and consulates to provide better victim assistance</td>
<td>Not addressed by SPA</td>
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<td>III.20.</td>
<td>Ensuring cross-border cooperation in safe return of trafficked persons</td>
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<td>III.21.</td>
<td>Working together to facilitate successful recovery and reintegration of trafficked persons and to prevent their re-trafficking</td>
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<td><strong>SECTION IV. PREVENTIVE MEASURES</strong></td>
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<td>IV.22.</td>
<td>Adopting measures to reduce vulnerability (economic, social, legal, etc.)</td>
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<td>IV.23.</td>
<td>Supporting the development of community protection and surveillance networks for early ID and intervention for those at risk</td>
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<td>IV.24.</td>
<td>Raising public awareness at all levels</td>
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<td>IV.25.</td>
<td>Applying national labor laws to protect the rights of all workers</td>
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<td>IV.26.</td>
<td>Encouraging destination countries, include those outside the GMS, to effectively enforce relevant national laws to reduce exploitation and demand and to suppress trafficking</td>
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<td>IV.27.</td>
<td>Increasing cooperation with the private sector, especially tourism, to take an active role in the fight against trafficking</td>
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<tr>
<td><strong>SECTION V. MECHANISMS FOR IMPLEMENTATION, MONITORING, AND EVALUATION</strong></td>
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<td>V.28.</td>
<td>Developing a Sub-regional Plan of Action (SPA) and undertaking all necessary efforts to fully implement this plan</td>
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<td>V.29.</td>
<td>Developing procedures for collection and analysis of data and information on trafficking cases and ensuring that anti-trafficking strategies are based on accurate and current research, experience, and analysis</td>
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<td>V.30.</td>
<td>Establishing a monitoring system for the SPA to evaluate status and progress in each country in implementing the commitments in this MoU</td>
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<td>V.31.</td>
<td>Reviewing the SPA implementation and adopting a new SPA through a GMS Ministerial meeting in late 2007</td>
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<td>V.32.</td>
<td>Creating a national task force to collaborate with the COMMIT Secretariat (UNIAP) and other partners</td>
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<td>V.33.</td>
<td>Inviting donors, implementing agencies, and private sector to provide support for the SPA activities</td>
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ANNEX

A What is COMMIT?

The Coordinated Mekong Ministerial Initiative against Human Trafficking (COMMIT) is a Government process incorporating the six countries in the Greater Mekong Sub-region (Cambodia, China, Lao PDR, Myanmar, Thailand, and Vietnam). The COMMIT process was initiated in an attempt to create a sustained and effective system of cross-border cooperation and collaboration to combat human trafficking.

In broad terms, the objectives of the COMMIT Process are:

1. To promote and strengthen systems and arrangements of inter-country and regional cooperation against human trafficking;
2. To establish a holistic regional response, covering all aspects of the trafficking problem and ensuring that concern for the victim is at the centre of all interventions;
3. To identify and adapt successful models in one country to others as appropriate; and
4. To enhance national capacities to address human trafficking in order to facilitate each country’s engagement at the sub-regional level, building on existing strengths in each country.

COMMIT is unique due to four key reasons. First, through COMMIT, the Governments of the Greater Mekong Sub-region are taking the lead in identifying the problem of human trafficking and setting policies, activities and timelines to address it. Second, COMMIT is a high-level policy dialogue demonstrating the political commitment of the Governments to work together to tackle this cross-border issue. Third, COMMIT focuses specifically on the issue of human trafficking, where there is strong support for common action, and does so in a comprehensive way that is in accordance with all international standards. And fourth, COMMIT is based on a multi-sector, multi-agency approach through the national COMMIT Task Forces which are comprised of senior and technical officials of the Governments and meet on a regular basis to coordinate anti-trafficking policies and interventions. The COMMIT process affirms that an inter-Ministerial approach is the best way to tackle the broad and complex issue of human trafficking that goes beyond the mandate of any one Ministry.

COMMIT is not a stand-alone process. It incorporates, builds upon, and complements other initiatives and commitments to fight human trafficking in the region. This is demonstrated by the COMMIT Task Forces’ active partnerships with counter trafficking agencies and programs in each GMS country. COMMIT is innovative in its approach to combating human trafficking by recognizing the difficulties caused by the transnational nature of the crime, and acknowledging the need to have a strong and effective transnational response to address it.
### Key COMMIT Milestones

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<tr>
<th>Milestone</th>
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<td><strong>SOM 1</strong></td>
<td>Near agreement on COMMIT MoU&lt;br&gt;Bangkok, Thailand – June 2004</td>
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<td><strong>SOM 2</strong></td>
<td>Adoption of framework for Sub-regional Plan of Action&lt;br&gt;Yangon, Myanmar – October 2004</td>
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<td><strong>Inter-Ministerial Meeting</strong></td>
<td>Signing of MoU&lt;br&gt;Yangon, Myanmar – October 2004</td>
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<td><strong>SOM 3</strong></td>
<td>Agreement on Sub-regional Plan of Action (SPA)&lt;br&gt;Hanoi, Vietnam – March 2005</td>
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<td><strong>SOM 4</strong></td>
<td>Review progress of SPA&lt;br&gt;Phnom Penh, Cambodia – May 2006</td>
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<td><strong>Strategic Planning Meeting</strong></td>
<td>Revise PPCs of SPA&lt;br&gt;Vientiane, Laos – August 2006</td>
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<tr>
<td><strong>SOM 5</strong></td>
<td>Review progress and discuss SPA II&lt;br&gt;Beijing, China – December 2007</td>
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<tr>
<td><strong>Inter-Ministerial Meeting 2</strong></td>
<td>Sign SPA II &amp; Joint Declaration&lt;br&gt;Beijing, China – December 2007</td>
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The COMMIT Process began as a series of informal discussions between representatives from several of the Governments of the Greater Mekong Sub-region. The possibility of a sub-regional mechanism was first raised formally by government representatives at UNIAP's Annual Project Steering Committee meeting in Bangkok, Thailand, in November 2003, at which time UNIAP was asked to provide Secretariat support to coordinate further discussions between the Governments. It became clear that there was support for this process from all Governments and inter-agency COMMIT Task Forces were established in each country to take this process forward. These Task Forces are the core decision-making bodies for COMMIT. Based on initial input from these Task Forces, a draft Memorandum of Understanding was prepared prior to the First Senior Officials Meeting (SOM 1) in June 2004. SOM 1 marked the formal opening of the COMMIT Process.

The Second Senior Officials Meeting (SOM 2) was held immediately prior to the First Inter-Ministerial Meeting (IMM 1) that saw the signing of the COMMIT Memorandum of Understanding (MoU) by six GMS Ministers on October 29 2004 in Yangon, Myanmar. With the aim of translating the MoU into action, during SOM 2 the Governments agreed to a set of 18 Activities, grouped within seven broad Areas. These broad Areas comprised the Sub-regional Plan of Action Framework Document (Framework Document). Following SOM 2, seven roundtable discussions based upon the Framework Document were held with key UN and donor agencies and NGOs in early 2005 in Bangkok, Thailand. Recommendations from those roundtable discussions helped develop a more detailed Plan of Action, in close consultation with the Governments. Formal national consultations were then held with COMMIT Task Forces and international agencies in all the six Mekong countries. The Third Senior Officials Meeting (SOM 3) in Hanoi, held from 29 to 31 March 2005, adopted the first Sub-regional Plan of Action [2005-07], in principle, and assigned senior officials to finalize the few outstanding points in the Plan.

The fourth Senior Officials Meeting (SOM 4), held in Phnom Penh from 10 to 12 May 2006, reviewed progress made by the six countries in the implementation of the COMMIT Sub-regional Plan of Action (SPA). SOM 4 provided recommendations for revisions to the SPA and requested an interim Strategic Planning Meeting to be held. The Strategic Planning
Meeting was held in Vientiane, Lao PDR on 10-11 August 2007 and resulted in numerous adjustments to the SPA (see ‘The COMMIT SPA’ section for further details).

In conjunction with the UNIAP Project Steering Committee Meeting held in Bangkok, Thailand, on 28 May 2007, the governments discussed preparations for the Fifth Senior Officials Meeting (SOM 5) and Second Inter-Ministerial Meeting (IMM 2) to be held in Beijing, China in December 2007. The governments asked UNIAP to assist them in the preparation of a regional COMMIT SPA Progress Report (this report), based on UNIAP monitoring and input provided by the governments. Based on the outcomes of the COMMIT SPA Progress Report and on the recommendations of the governments, they also requested UNIAP, as the COMMIT Secretariat, to prepare an initial draft of a second Sub-regional Plan of Action, to be reviewed by governments with a view to be completed at SOM 5 and during preparations for SOM 5, and agreed at the Ministerial level at IMM 2. UNIAP, in its capacity as secretariat to the COMMIT process, would also assist in the preparation of a Joint Declaration which reaffirms government commitment to counter human trafficking in the GMS. The governments agreed that the purpose of SOM 5 would be to formally review the new SPA and Joint Declaration, to present to the Second Inter-Ministerial Meeting directly following SOM 5 for signing by the Ministers.
C COMMIT Memorandum of Understanding (MoU)

The COMMIT Memorandum of Understanding (COMMIT MoU) is regarded globally as a model for regional agreements to combat human trafficking. It is an aspirational document, containing a detailed Preamble followed by 34 specific commitments in the areas of:

1. Policy and Cooperation;
2. Preventive Measures;
3. Legal Frameworks, Law Enforcement and Justice;
4. Protection, Recovery and Reintegration; and

Features of the MoU include:

- A clear definition of trafficking based on the UN Protocol on Trafficking in Persons, which covers women, children and men, and encompasses all forms of trafficking;
- Grounding in international standards including key international Conventions and the UN Recommended Principles and Guidelines on Human Rights and Human Trafficking;
- Emphasis on the importance of multi-sectoral responses
- A comprehensive range of commitments covering ‘demand’ as well as ‘supply’ issues;
- Encapsulation of the importance of a ‘victim-centred’ approach that stems from an understanding of human trafficking as a violation of human rights;
- Acknowledgement that marginalized populations have special vulnerabilities that must be addressed.
- Highlighting of the importance of strengthened guidelines and mechanisms for identification of victims, and the linkages between better identification and treatment of victims and more effective law enforcement;
- Underlining of the role that migration policy (including bilateral migration agreements) can play in combating trafficking; and
- Recognition of the need for increased efforts in application of labour laws, and monitoring of labour recruitment companies.

The COMMIT MoU’s five-section structure is based on the traditional three P’s of trafficking responses – Prevention, Prosecution and Protection, to which two important additions were made. First, recognizing the importance of the overall policy environment and of bringing agencies together within and across national borders, the Governments added a 4th P – Policy and Cooperation. Second, Monitoring and Evaluation of trafficking interventions has generally been somewhat weak. Governments therefore requested that an additional fifth section be added, specifically addressing this topic. Subsequent modifications were made to the section headings to assist in translation to the six national languages, although their meaning remains the same – Prosecution for example is now known as Legal Frameworks, Law Enforcement and Justice.

The COMMIT Memorandum of Understanding is as follows:

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4 Including an increased focus on areas and countries of destination both within and outside the GMS.
Memorandum of Understanding on Cooperation against Trafficking in Persons in the Greater Mekong Sub-Region

We, the representatives of the Governments of the Kingdom of Cambodia, the People’s Republic of China, the Lao People’s Democratic Republic, the Union of Myanmar, the Kingdom of Thailand, and the Socialist Republic of Vietnam:

Deeply Concerned over the suffering caused by the trafficking in persons within the Greater Mekong Sub-Region and from the Greater Mekong Sub-Region States to other regions of the world;

Asserting that it is completely unacceptable that human beings are traded, bought, sold, abducted, placed, and maintained in exploitative situations, thus being denied their most fundamental and inalienable rights;

Recognizing that poverty, lack of access to education, and inequalities, including lack of equal opportunity, make persons vulnerable to trafficking;

Further recognizing the link between trafficking and the growing demand for exploitative labour and exploitative sexual services;

Acknowledging that trafficking is intensified by discriminatory attitudes, practices and policies based on gender, age, nationality, ethnicity, and social grouping;

Emphasizing that children and women who become victims of trafficking are particularly vulnerable, and need special measures to ensure their protection and well being;

Concerned by the involvement of both community members and organised criminal groups in trafficking in persons;

Recognizing the need for a strengthened criminal justice response to trafficking in order to secure justice for victims of trafficking and end impunity for traffickers and others who derive benefits from this crime;

Acknowledging the importance of effective and proportionate penalties for traffickers, including provision for freezing and confiscating their assets, and for the proceeds to be used for the benefit of victims of trafficking;

Recognizing the important contribution that survivors of trafficking can, on a strictly voluntary basis, make to developing, implementing, and evaluating anti-trafficking interventions, and in securing the prosecution of traffickers;

Acknowledging the important role played by victim support agencies in the areas of prevention, protection, prosecution, rescue, repatriation, recovery and reintegration, as well as in supporting a strengthened criminal justice response;
Recognizing that each Government hereby undertakes to take steps, individually and through international assistance and co-operation, to the maximum of its available resources, with a view to achieving progressively the full realization of the commitments recognized in this MOU by all appropriate means;

Recalling the Universal Declaration of Human Rights, particularly Article 4, which states that ‘No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms’;

Commending those Greater Mekong Sub-Region States which have ratified and/or acceded to the key international legal instruments concerning trafficking and related exploitation including the:

- United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW);
- ILO Forced Labour Conventions (29 & 105);
- ILO Convention (182) Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour;

and encourage those States which have not yet done so, to accede to these instruments at the earliest possible time;

Reaffirming the importance of the United Nations Recommended Principles and Guidelines on Human Rights and Human Trafficking contained in the report of the UNHCHR (2002) to the United Nations Economic and Social Council;

Reaffirming existing regional initiatives and commitments to combat trafficking in persons;

Welcoming the pioneering Memorandum of Understanding between Thailand and Cambodia on Bilateral Cooperation for Eliminating Trafficking in Children and Women and Assisting Victims of Trafficking (2003) and efforts to develop similar bilateral anti-trafficking arrangements within the Greater Mekong Sub-Region;

Welcoming the importance of bilateral agreements, such as the Memoranda of Understanding on Cooperation in the Employment of Workers between Thailand and Cambodia, Lao PDR and Myanmar respectively, in promoting safe, orderly, well-regulated migration as this serves to reduce the demand for illegal migration services which provide opportunities for traffickers;

Intending fully that this MOU reflects the continuing political will of our Governments to cooperate to combat trafficking in persons; and

Calling upon all countries outside the GMS to join our countries in the fight against human trafficking;
Hereby solemnly commit to the following actions:

I. *In the area of Policy and Cooperation (national and international):*

1. **Encouraging** the use of the definition of trafficking contained in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing the United Nations Convention on Transnational Organised Crime;

2. **Developing** national plans of action against trafficking in persons in all its forms;

3. **Working towards** establishing and strengthening a national, multi-sectoral committee on trafficking in persons with a mandate to coordinate the implementation of the National Plan of Action and other anti-trafficking interventions;

4. **Creating** mechanisms to strengthen regional cooperation and information exchange, and designating a national focal point on combating trafficking;

5. **Improving** regional cooperation against trafficking, in particular through bilateral and multilateral agreements; and

6. **Strengthening** cooperation between Governments, international organizations and non-governmental organizations in combating trafficking in persons.

II. *In the area of Legal Frameworks, Law Enforcement and Justice:*

7. **Adopting and enforcing**, as quickly as possible, appropriate legislation against trafficking in persons;

8. **Adopting** appropriate guidelines and providing training for relevant officials to permit the rapid and accurate identification of trafficked persons and to improve the investigation, prosecution and judicial process;

9. **Investigating**, arresting, prosecuting, and punishing perpetrators of trafficking in accordance with national law;

10. **Making** available to trafficked persons legal assistance and information in a language they understand;

11. **Developing** realistic and effective cooperation in the criminal justice system to remove impunity for traffickers and provide justice for victims;

12. **Strengthening** cross-border cooperation in law enforcement among the six GMS countries to combat trafficking through criminal justice process;

13. **Providing** the necessary personnel and budgetary support for trafficking response capacities within national law enforcement authorities; and
14. Promoting bilateral or multilateral agreements among the GMS countries to assist each other in the judicial process.

III. In the area of Protection, Recovery, and Reintegration:

15. Promoting greater gender and child sensitivity in all areas of work dealing with victims of trafficking;

16. Ensuring that persons identified as victims of trafficking are not held in detention by law enforcement authorities;

17. Providing all victims of trafficking with shelter, and appropriate physical, psycho-social, legal, educational, and health-care assistance;

18. Adopting policies and mechanisms to protect and support those who have been victims of trafficking;

19. Strengthening the capacity of the embassies and consulates to ensure that they can more effectively assist trafficked persons;

20. Ensuring cross-border cooperation in the safe return of trafficked persons, including support to ensure their well-being; and

21. Working together to facilitate the successful recovery and reintegration of trafficked persons and to prevent them from being re-trafficked.

IV. In the area of Preventive Measures:

22. Adopting measures to reduce vulnerability including: supporting poverty reduction programs; increasing economic opportunities; ensuring access to quality education and skill training; and providing necessary personal legal documentation, including birth registration;

23. Supporting the development of community protection and surveillance networks for early identification and intervention for those at risk;

24. Raising public awareness at all levels, including through public information campaigns and advocacy, both of the dangers and negative impacts of trafficking, and of assistance available to victims;

25. Applying national labour laws to protect the rights of all workers based on the principles of non-discrimination and equality;

26. Encouraging destination countries, including those from outside the Greater Mekong Sub-Region, to effectively enforce relevant national laws in order to reduce acceptance of exploitation of persons that fuels the continuing demand for the labour of trafficked persons, and to suppress the crime of trafficking in women and children through mutual cooperation; and

27. Increasing cooperation with the private sector, especially the tourism and entertainment industries, to take an active role in the fight against trafficking.
V. In the area of Mechanisms for Implementation, Monitoring and Evaluation of this Memorandum of Understanding:

28. Developing an initial Sub-Regional Plan of Action against Trafficking in Persons, 2005-2007 and undertaking all necessary efforts to fully implement this Plan;

29. Developing procedures for the collection and analysis of data and information on trafficking cases and ensuring that anti-trafficking strategies are based on accurate and current research, experience and analysis;

30. Establishing a monitoring system for the implementation of the Plan of Action to evaluate the status quo and the progress of each country in implementing the commitments covered in this MOU including, at the minimum, annual senior officials meetings;

31. Reviewing the implementation of the Plan of Action and adopting a new Sub-Regional Plan of Action through a GMS Ministerial meeting in late 2007;

32. Creating a national task force to collaborate with the COMMIT Secretariat (United Nations Inter-Agency Project against Trafficking in the Greater Mekong Sub-Region) and other partners;

33. Inviting government funding agencies, as well as relevant United Nations and other inter-governmental and non-governmental organizations and the private sector, to provide financial, material and technical assistance to support GMS countries in their anti-trafficking efforts, including the implementation of this MOU and the forthcoming Plan of Action; and

34. Recognizing that amendments to this MOU may be desirable in the future, the Governments set out the following process for amending this MOU: (1) if four of the six undersigned Governments believe that the MOU should be changed, and inform the Secretariat in writing, a procedure for consultation shall be undertaken by the Secretariat in a mutually convenient manner; (2) the purpose of such a procedure shall be to propose changes to the MOU; (3) any changes to the MOU shall be agreed to unanimously by the six Governments, and the approval of each Government shall be communicated to the Secretariat in writing.
Done at Yangon, on this 29th day of October 2004.

FOR THE GOVERNMENT
OF THE KINGDOM OF CAMBODIA

(1th Samheng)
Minister of Social Affairs,
Veterans and Youth Rehabilitation

FOR THE GOVERNMENT
OF THE PEOPLE’S REPUBLIC OF CHINA

(Huang Qingyi)
Vice Chairperson
National Working Committee
for Children & Women under the State Council

FOR THE GOVERNMENT
OF THE LAO PEOPLE’S
DEMOCRATIC REPUBLIC

(Somphah Phengkhammy)
Minister of Labour and Social Welfare

FOR THE GOVERNMENT
OF THE UNION OF MYANMAR

(Colonel Tin Hlaing)
Minister of Home Affairs

FOR THE GOVERNMENT
OF THE KINGDOM OF THAILAND

(Wanlop Phloytabtim)
Permanent Secretary
Ministry of Social Development
and Human Security

FOR THE GOVERNMENT
OF THE SOCIALIST REPUBLIC OF VIETNAM

(Lieutenant-General Le The Tiem)
Vice Minister of Public Security