



Trafficking Victim Protection Frameworks in Cambodia, Indonesia, Lao PDR, Thailand, and Viet Nam: A Resource for Practitioners

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Acronyms and abbreviations

ACT	Children's Advocacy Center Thailand
ACTIP	ASEAN Convention against Trafficking in Persons
ACWC	ASEAN Commission on the Promotion and Protection of the Rights of Women and Children
APBN	Anggaran Pendapatan dan Belanja Negara/national state budget
ASEAN	Association of Southeast Asian Nations
ATD	Anti-Trafficking Division
ATHD	Anti-Human Trafficking Division
ATIP	Anti-Trafficking in Persons
BAP	Berita Acara Pemeriksaan/Police Investigation Report
BP2MI	Badan Pelindungan Pekerja Migran Indonesia/Agency for the Protection of Indonesian Migrant Workers
CMP	Coordinating and Monitoring on Anti-Trafficking in Persons Performance Committee
CNCC	Cambodian National Council for Children
COMMIT	Coordinated Mekong Ministerial Initiative against Human Trafficking
CSD	Crime Suppression Division
CSO	civil society organization
DATIP	Division of Anti-Trafficking in Persons, Ministry of Social Development and Human Security
DIPA	Daftar Isian Pelaksanaan Anggaran/Ministry of Social Budget Implementation List
DOLISA	Department/Division of Labor, Invalids and Social Affairs
DPA	Department of Prevention and Anti-Human Trafficking
DSI	Department of Special Investigations
IMW	Indonesian Migrant Workers
IO	international organization
JAMKESMAS	Jaminan Kesehatan Masyarakat/public health insurance
JICA	Japan International Cooperation Agency
KTP	Kartu Tanda Penduduk/national identity card
LK3	Lembaga Konsultasi Kesejahteraan Keluarga/Family Welfare Consultation Agency
LPSK	Lembaga Perlindungan Saksi dan Korban/Institution for Witness and Victim Protection Agency
LWU	Lao Women Union
LYU	Lao Youth Union
M/PCCT	Municipal/Provincial Committees for Counter Trafficking in Persons
M&E	monitoring and evaluation
MDT	multi-disciplinary team
MLSW	Ministry of Labour and Social Welfare
MOD	Ministry of Defense
MOES	Ministry of Education and Sports
MOFA	Ministry of Foreign Affairs
MOFAIC	Ministry of Foreign Affairs and International Cooperation
MOH	Ministry of Health
MOI	Ministry of Interior
MOJ	Ministry of Justice
MOL	Ministry of Labour
MOLISA	Ministry of Labor, Invalids and Social Affairs
MOMP	Ministry of Manpower
MOSA	Ministry of Social Affairs
MOSVY	Ministry of Social Affairs, Veterans and Youth Rehabilitation
MOWECP	Ministry of Women's Empowerment and Child Protection

MOU	Memorandum of Understanding
MOWA	Ministry of Women's Affairs
MPS	Ministry of Public Security
MRC	Migrant Resource Centre
MSDHS	Ministry of Social Development and Human Security
NCAHT	National Committee on Anti-Human Trafficking
NCATIP	National Committee on Anti-Trafficking in Persons
NCCT	National Committee for Counter Trafficking in Persons
NGO	non-governmental organization
NCPC	National Child Protection Committee
NSC	National Steering Committee
P2TP2A	Pusat Pelayanan Terpadu Pemberdayaan Perempuan dan Anak/Integrated Service Center for Women and Children Empowerment
PCPC	Provincial Child Protection Committees
PIPO	Port-in Port-out
PKT	Pusat Krisis Terpadu/Integrated Crisis Centers
PPT	Pusat Pelayanan Terpadu/Integrated Service Centers
PODC	Protection and Occupational Development Center
PSC	Provincial Steering Committee
Puskesmas	Pusat Kesehatan Masyarakat/community health centers
RPK	Ruang Pelayanan Khusus/special services room
RPSA	Rumah Perlindungan Sosial Anak/Social Protection Home for Children
RPSW	Rumah Perlindungan Sosial Wanita/Social Protection Home for Women
RPTC	Rumah Perlindungan dan Trauma Center/ House of Protection and Trauma Center
RS	Rumah Sakit/police hospitals
RSUD	Rumah Sakit Umum Daerah/regional public hospitals
RTP	Royal Thai Police
SOP	standard operating procedure
SPM	Standar Pelayanan Minimal/Minimum Standards
STSLs	Working Group to Lead the Suppression of Human Trafficking, Smuggling, Labour, and Sexual Exploitation of Women and Children
TATIP	Thailand Anti-Trafficking in Persons Task Force
TICAC	Thailand Internet Crimes against Children Task Force
TIP	trafficking in persons
TOEA	Thailand Overseas Employment Agency
TWG	technical working groups
UEP	Usaha Ekonomi Produktif/Productive Economic Business Assistance
UPPA	Unit Pelayanan Perempuan dan Anak/Women and Children Services Unit
UN-ACT	United Nations Action for Cooperation Against Trafficking in Persons
UNIAP	United Nations Inter-Agency Project on Human Trafficking
UNTOC	United Nations Convention against Transnational Organized Crime
VTC	Vientiane Transit Center

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1. Introduction

Victim protection – the identification, referral, assistance, and reintegration of trafficking victims – is a core component of a comprehensive response to trafficking in persons. Protection offers critical interventions to end trafficking exploitation as well as to support and assist victims to recover after their experiences, and to reintegrate into their families, communities, and wider society. Victim protection also serves as a critical means of preventing further exploitation and victimization, including the risk of re-trafficking. It is also intimately tied to a trafficking victim’s access to justice, as well as to perpetrators being brought to justice. Without sufficient protection, victims are unlikely to cooperate in criminal justice procedures against traffickers.

While international obligations to protect victims of human trafficking are the same for all countries, the way these obligations are pursued and fulfilled differs widely. Most countries outline their protection frameworks in a series of laws and policy documents, supplemented by standard operating procedures (SOPs) and other mechanisms to give them effect. Locating the various components of protection frameworks, and understanding how they fit together, can be a daunting and time-consuming task. This publication has undertaken that task toward offering an overview of the protection frameworks that exist in Cambodia, Indonesia, Lao PDR, Thailand, and Viet Nam.

1.1 What this publication is

This publication provides an overview of the legal and policy framework in place for the protection of trafficking victims in five countries in Southeast Asia (Cambodia, Indonesia, Lao PDR, Thailand, and Viet Nam), outlining the various instruments, procedures and materials that exist in each country. It offers practitioners step-by-step guidance on the process of victim identification, referral, and assistance in each country, including the various agencies and institutions responsible for this work. Each country section outlines and explains the following critical elements in a country’s protection response for trafficking victims:

1. Laws and policies on victim protection;
2. Procedures and guidance on victim identification and referral;
3. Assistance available to trafficking victims; and
4. Special considerations in identifying and assisting trafficked children.

1.2 Who this publication is for

This publication is offered to anti-trafficking practitioners who are working to understand, implement, or improve instruments and procedures for identification, referral, and assistance of trafficking victims. It may serve as a road map of what protection opportunities are provided for in law, policy, and procedures in Cambodia, Indonesia, Lao PDR, Thailand, and Viet Nam, as well as materials that support their implementation. The publication is primarily intended as a practical resource for anti-trafficking practitioners working to leverage existing rights and entitlements to identify, refer, and assist trafficking victims. It is also intended as a reference for policymakers in identifying gaps that may exist in a country’s protection framework, including to support the development or modification of a country’s national referral mechanism or transnational referral mechanism. The publication may also be a useful starting point for researchers who are investigating specific aspects of victim protection or for those evaluating the effective implementation of this protection framework.

1.3 How the publication was developed

This publication is based on a desk review of publicly available laws, policies, and resources on victim protection. It is also based on country level surveys completed by National Project Coordinators for United Nations Action for Cooperation Against Trafficking in Persons (UN-

ACT) in Cambodia, Lao PDR, Thailand, and Viet Nam and information shared by national level state and non-state practitioners from eight Association of Southeast Asian Nations (ASEAN) Member States at the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) Practitioners Workshop in Bangkok in February 2020. The publication was then reviewed and validated by UN-ACT National Project Coordinators in Cambodia, Lao PDR, Thailand, and Viet Nam as well as an independent trafficking in persons (TIP) expert in Indonesia.

1.4 What this publication does not include

The overview focuses on the national level frameworks and instruments in each country, with only brief consideration given to policies and procedures in place at the sub-national level (for example, provincial, district or village levels). In practice, the protection landscape at local levels may offer additional support that practitioners can leverage in the identification, referral, and assistance of trafficking victims. However, it was beyond the scope of this review to consider frameworks and instruments at the provincial, district, and community levels.

Furthermore, assistance and protection frameworks that exist outside of the trafficking context may also be relevant in the protection of trafficked persons. These may include laws and policies relating to child protection, labor protections, protections for migrants, protection of victims of violence, and social protection for vulnerable persons. Some protections and assistance will also be available to individuals in a country by virtue of their citizenship or residence there. While these have been flagged in relevant sections where possible, they are not discussed in detail. However, practitioners are advised to consider whether these other protections and assistance may come into play to address victims' needs, and importantly, to ensure that the application of the victim protection framework is not at the cost of other protection channels.

1.5 What's next?

It is beyond the scope of this review to assess the extent to which protection frameworks are implemented in practice and to what effect (for example, the quality and availability of the interventions and services foreseen in the legal and policy frameworks in place, as well as the positive and potentially negative effects of these protection frameworks). Around the world, there is often a substantial gap between what trafficking victims are granted in laws and policies and what they receive in practice. The fact that many benefits and services codified in law are not available to trafficking victims is something that must be remedied as a matter of urgent priority.

The implementation of legal and policy frameworks on victim protection is significantly dependent on the decisions made, the resources allocated, and the actions taken by governments at national and local levels. Thus, an essential next step in considering the legal and policy frameworks on victim protection in these countries is to assess their effective and efficient implementation, including both positive and negative outcomes. This reference and resource publication should be supplemented by research and learning on how these laws, policies, procedures, and resources do function in practice, and to what effect. This requires understanding not only how protection frameworks function from the perspective of policymakers and practitioners but, as importantly, from the perspective and lived experiences of trafficking victims whom these protection frameworks are intended to assist. It is hoped that this publication can inspire and support further work in that direction.

2. Framing the discussion: Terms and concepts

2.1 What is trafficking in persons (TIP)?

According to the United Nations *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking Protocol)*, **trafficking in persons (TIP)** is:

the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation; exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.¹

The accepted international legal definition of trafficking in persons has been incorporated without modification into the ASEAN *Convention against Trafficking in Persons (ACTIP)*.² A **victim of trafficking** is a person who has experienced and/or is experiencing conduct set out in Article 3 of the *Trafficking Protocol*, Article 2(e) of ACTIP, or relevant domestic legislation. A **presumed** (or **potential**) **trafficking victim** is a person who has been screened and positively identified as a victim of trafficking but not formally identified as such.

2.2. What is victim protection?

Addressing trafficking in persons is generally framed around the 3P paradigm – prevention of trafficking, the protection of trafficking victims, and the prosecution of perpetrators of trafficking.³ **Protection**, then, is at the heart of any country’s anti-trafficking response. To “protect and assist” trafficking victims is one of the stated purposes of the *Trafficking Protocol* (Article 2): “To protect and assist the victims of such trafficking, with full respect for their human rights”.⁴ Although protection is not defined in the UN *Convention Against Transnational Organized Crime (UNTOC)*⁵ or the related *Trafficking Protocol*, the preamble to the *Trafficking Protocol* (and indeed, its Article 14 Saving Clause) emphasizes that such protection includes “protecting their internationally recognized human rights”.⁶

The mandatory requirements that States Parties to the *Trafficking Protocol* must fulfill in pursuit of the stated purposes are set out in subsequent provisions. These are:

- Protecting privacy and identity of trafficking victims (Article 6(1));
- Ensuring victims receive information on court proceedings and have an opportunity to present their views (Article 6(2));
- Considering implementing measures to provide for physical, psychological, and social recovery of trafficking victims (Article 6(3));

¹ “Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children” (“UN Trafficking Protocol”), opened for signature November 15, 2000, <https://bit.ly/2YUPuAm>.

² “Convention Against Trafficking in Persons, Especially Women and Children” (ACTIP), opened for signature November 21, 2015, *ASEAN Statement and Communiqués*, <https://bit.ly/2SXIMH7>.

³ The 3P Paradigm is a framework used by governments around the world to combat human trafficking and is outlined in the United States *Trafficking Victims Protection Act (TVPA)* and in the UN Trafficking Protocol.

⁴ UN Trafficking Protocol, Art. 2.

⁵ “United Nations Convention Against Transnational Organized Crime” (UNTOC), opened for signature November 15, 2000, <https://bit.ly/3fPI4UR>.

⁶ UN Trafficking Protocol, preamble and Art. 14.

- Endeavoring to provide for the physical safety of victims in their territory (Article 6(5)); and
- Ensuring that measures allow victims to seek compensation for damages (Article 6(6)).

The ACTIP, which entered into force in 2015, does not define **protection**, although the preamble sets out that ASEAN Member States, regardless of whether they are countries of origin, transit, or destination, have shared responsibility and a common goal to “protect and assist victims of trafficking in persons, with full respect for their human rights”.⁷ Chapter IV of ACTIP addresses “Protection of Victims of Trafficking in Persons” and outlines some components of what is envisaged, including some provisions that are also included in the *Trafficking Protocol*. These include:

- Legislative or other measures to allow victims to stay temporarily or permanently, giving consideration to humanitarian and compassionate factors (mirroring the *Trafficking Protocol*) (Article 14(4));
- Physical safety of victims (Article 14(5));
- Protecting privacy and identity of victims including through confidential proceedings (Article 14(6)); and
- Communication of information about protection and assistance (Article 14(9)).

The ACTIP also includes some protection provisions that are not included in the *Trafficking Protocol* (although these have arguably been introduced in international soft law,⁸ including the UNOHCHR *Recommended Principles and Guidelines on Human Rights and Human Trafficking*).⁹ Provisions included in ACTIP, but not the *Trafficking Protocol*, are:

- Establishment of national guidelines or procedures for identification (Article 14(1)-(3));
- Considering not to hold victims liable for unlawful acts directly related to their trafficking (Article 14(7)) (a provision which exceeds the standards set out in the *Trafficking Protocol*); and
- Not holding victims who have been identified as such by competent authorities in detention or prison (Article 14(8)) (also exceeding the standards set out in the *Trafficking Protocol*, which do not explicitly prohibit detention).

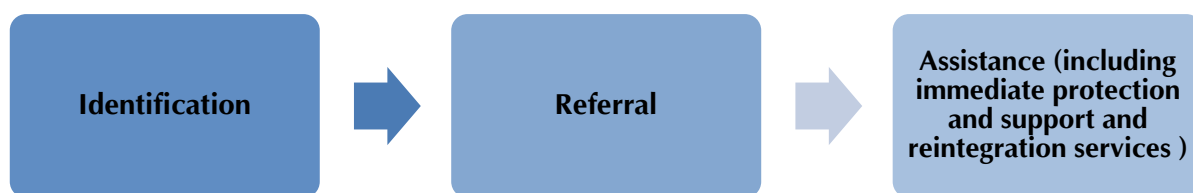
In broad brush strokes, the **victim protection framework** is comprised of identification, referral, and assistance (both immediate protection and support as well as reintegration services).

Figure #1. Overview of trafficking victim protection framework

⁷ ACTIP, preamble.

⁸ “Soft law” refers to agreements, principles and declarations that are not legally binding. Soft law instruments are predominantly found in the international sphere (for example UN General Assembly resolutions).

⁹ OHCHR, *Recommended Principles and Guidelines on Human Rights and Human Trafficking* (Geneva: Office of the UN High Commissioner for Human Rights, 2002).



Identification is the process by which an individual is identified as a trafficking victim or a presumed trafficking victim. **Formal identification** is the process or decision that results in an official state determination that a person is a victim of trafficking in persons, while **informal identification** is the process or decision that results in a person being considered to be a victim of trafficking outside the formal identification process of a state. **Referral** is the act of referring a trafficking victim (or presumed trafficking victim) for further screening and/or further action, including assistance and reintegration or legal remedies. The ACTIP calls on States Parties to establish national guidelines or procedures for the proper identification of victims of trafficking. In addition, Article 14(2) of ACTIP notes that the identification by one country will be respected by others: “In a case where the trafficking takes place in more than one country, each Party shall respect and recognize the identification of victims of trafficking in persons made by the competent authorities of the receiving Party”.

Assistance refers to voluntary measures, programs, and services aimed at the recovery of trafficked persons, provided by the state, non-governmental organizations (NGOs), and international organizations (IOs), in countries of destination, transit, and origin. Assistance may be trafficking-specific or more general forms of assistance offered as part of general state services, such as child protection systems or services for the socially vulnerable. Assistance that is not-trafficking specific may be an important avenue in accessing for services for victims of trafficking, as part of or in addition to the assistance they receive as trafficked persons.¹⁰

Article 6(3) of the *Trafficking Protocol* sets out measures to provide for the physical, psychological, and social recovery of trafficking victims, including through:

- (a) appropriate housing;
- (b) counseling and information in a language they can understand;
- (c) medical, psychological, and material assistance; and
- (d) employment, education, and training opportunities.

Article 14(10) of ACTIP mirrors these measures in setting out “care and support”; Article 14(14) of ACTIP speaks to the establishment of a victim fund for the “care and support” of trafficking victims. However, none of these features is further defined or elaborated.








Some assistance may be aimed at immediate protection and support, such as that provided in destination countries in the immediate aftermath of trafficking in persons. Other assistance constitutes reintegration services, which are aimed at supporting the recovery and reintegration of trafficking victims in the longer-term. **Reintegration** is the process of recovery and social and economic inclusion following a trafficking experience. It includes settlement in a safe and secure environment; access to a reasonable standard of living; mental and physical well-being; opportunities for personal, social, and economic development; and access to social and emotional support. Reintegration may involve return to the victim’s family and/or community of origin, integration in a new community, or integration in a new country depending on the individual’s specific needs and interests. Reintegration takes place at different levels: at an individual level, in the family environment, within the wider community, and within formal

¹⁰ R. Surtees, *Supporting the Reintegration of Trafficked Persons. A Guidebook for the Greater Mekong Sub-Region* (Washington, D.C.: NEXUS Institute and Bangkok: UN-ACT and World Vision, 2017).

society.¹¹ Article 14(11) of ACTIP states that “each Party shall make its best effort to assist in the reintegration of victims of trafficking in persons into the society of the sending Party”.





Commonly agreed **forms of assistance** to be made available to trafficking victims for immediate protection and support as well as recovery and reintegration are outlined in Table #1.

Table #1. Assistance to support the immediate protection, recovery, and reintegration of trafficking victims in ASEAN

Forms of assistance for trafficking victims¹²	
 Housing, care, and accomodation	The provision of safe, satisfactory, and affordable accommodation and care options (for example, shelter, with family, alternative placement).
 Medical assistance	Appropriate, adequate, and sensitive medical assistance and care.
 Psychological support and counseling	Appropriate, adequate, and sensitive psychological support and counseling.
 Education, training, and life skills	Formal and non-formal education opportunities including schooling, school reinsertion support, vocational training, professional training, life skills training, and tutoring.
 Economic empowerment opportunities	Economic empowerment opportunities including job placement, internships, income generation activities, and business development.
 Administrative assistance and support	Administrative assistance and support (for example, obtaining identity, residency, and other official documents and the appointment of a legal guardian in the case of children).
 Legal assistance and support	Assisting and supporting trafficking victims/witnesses in legal proceedings including criminal justice, civil and labor proceedings.

¹¹ R. Surtees, *Re/integration of trafficked persons: how can our work be more effective?* (Washington, D.C.: NEXUS Institute and Brussels: King Baudouin Foundation, 2008), 11; see also: R. Surtees et al., *Going Home: Reintegration of Trafficking Victims in Indonesia* (Washington, D.C.: NEXUS Institute, 2016).

¹² R. Surtees, *Supporting the Reintegration of Trafficked Persons. A Guidebook for the Greater Mekong Sub-Region* (Washington, D.C.: NEXUS Institute and Bangkok: UN-ACT and World Vision, 2017); R. Surtees et al., *Going Home: Reintegration of Trafficking Victims in Indonesia* (Washington, D.C.: NEXUS Institute, 2016).

 <p>Safety and security measures</p>	<p>Conducting safety and security assessments to ensure the physical safety of trafficking victims at different stages following trafficking.</p>
 <p>Assistance to the victim's family members</p>	<p>Fostering and supporting a healthy family environment through various forms of assistance to a victim's family members.</p>
 <p>Case management</p>	<p>Designing and implementing an individual assistance and reintegration plan, in collaboration with the trafficking victim, including providing services or coordinating referral to services.</p>
 <p>Return assistance</p>	<p>Support to voluntarily return trafficking victims to their place of origin or residence, including providing transportation and document processing.</p>

3. Trafficking victim protection in Cambodia

3.1 Laws and policies on victim protection in Cambodia

Cambodia’s 2008 *Law on Suppression of Human Trafficking and Sexual Exploitation* sets out in Article 1 the objective of protecting the rights and dignity of human beings, and improving the health and welfare of citizens, but does not explicitly address victim identification, referral, or assistance, nor how rights and dignity are to be protected.¹³ Because this law states that its objective is to implement the *Trafficking Protocol* (and other international instruments or agreements regarding trafficking in persons ratified or signed by the Government of Cambodia), it can be inferred that Cambodia’s approach to victim protection aligns with international law.¹⁴

The Cambodian approach to victim protection is also informed by a collection of royal decrees, sub-decrees, *Prakas* (guidelines/regulations), decisions, policies, guidelines, minimum standards, and other instruments. Those with relevance to the identification, referral, and assistance of trafficking victims are myriad and are partially outlined in Table #2 below. How these instruments interrelate, and which take precedence when they conflict, is not always clear from the instruments themselves, although some include a provision stating that “any provisions contradictory to this *Prakas* shall be void”.

Table #2. Legal and policy instruments relevant to the identification, referral, and assistance of trafficking victims in Cambodia

Instrument	Description
<p><i>Guidelines on Forms and Procedures for Identification of Victims of Human Trafficking for Appropriate Service Provision</i> (2015)</p> <p><i>(Identification Guidelines)</i></p>	<p>The <i>Identification Guidelines</i> drafted by the Ministry of Social Affairs, Veterans and Youth Rehabilitation (MOSVY) and adopted by the National Committee for Counter Trafficking in Persons (NCCT), provide: criteria for the identification of human trafficking and sexual exploitation; forms and procedures for preliminary victim identification (persons responsible, stages, guiding measures, procedures, methodology, and forms); and procedures for referral (flow chart, referral and identification procedures, and key measures after identification).</p> <p>Article 3 establishes that the General Secretariat of the National Committee for Counter Trafficking in Persons (NCCT), the Inter-Ministerial Working Groups, victim support institutions/agencies, MOSVY, the National Police Commissariat, the Ministry of Interior, the Ministry of Foreign Affairs and International Cooperation, the Ministry of Women Affairs, the Secretariats of Municipal/Provincial Committees for Counter Trafficking in Persons (M/PCCT), and other pertinent ministries, institutions, departments, and units are obliged to implement the guidelines and provide urgent, necessary, and appropriate assistance for trafficking victims before commencement of investigation or provision of other services. Article 2 states: “Any provisions contradictory to this <i>Prakas</i> shall be void”.</p>
<p><i>Minimum Standards on Residential Care for Victims</i></p>	<p><i>Minimum Standards on Residential Care for Victims of Human Trafficking and Sexual Exploitation</i> were developed by MOSVY and</p>

¹³ *Law on Suppression of Human Trafficking and Sexual Exploitation*, Royal Kram No. NS/RK/0208/005 (2008).

¹⁴ The Ministry of Justice has published explanatory notes for each of the articles in this law, outlining the elements and circumstances of each offense in relation to human trafficking, sexual exploitation and the protection of the victim’s identity. NCCT, *Guidelines on Forms and Procedures for Identification of Victims of Human Trafficking for Appropriate Service Provision* (Phnom Penh: National Committee for Counter Trafficking in Persons, 2015), 2.

Trafficking victim protection in Indonesia

<p><i>of Human Trafficking and Sexual Exploitation</i> (2014)</p>	<p>apply to government and non-governmental rehabilitation/residential centers. They set out criteria for residential care including size of building, location of center, environment, rehabilitation activities, and vocational trainings.</p>
<p><i>Standard operating procedures on the support of reintegration of men who are victims of human trafficking</i> (2012)</p>	<p>These standard operating procedures (SOPs) from the General Department of Techniques, MOSVY determine common principles and procedures for the repatriation of and support in the reintegration of men trafficked abroad. The procedures include but are not limited to: searching for family members and assessment of family situations in Cambodia; repatriation and receipt; provision of urgently needed assistance on arrival; assessment of needs and skills; integration plan and referral to services; and monitoring of the process of integrating male victims.</p>
<p><i>Standard operating procedures for the units specializing in suppression of human trafficking</i> (2010)</p>	<p>These SOPs from the General Commissariat of the National Police were officially published as training material for law enforcement officials. They set out techniques to be used by law enforcement officials in evaluation, interviewing, and decision-making, as well as special procedures for the handling of child trafficking victims.</p>
<p><i>Policy on the Protection of Rights of Victims of Human Trafficking</i> (Prakas No. 852), including <i>Minimum Standards for Protection of the Rights of Victims of Human Trafficking</i> (Prakas No. 857) (2009)</p> <p>(<i>Protection Policy</i> and <i>Mimimum Standards</i>)</p>	<p>The <i>Protection Policy</i> from MOSVY addresses services and places that protect the rights of victims and provide care in government shelters, NGO shelters, and communities. The <i>Protection Policy</i> details the concept of protection and the rights of victims (during identification, in the short-term, in the long-term, and in the community), as well as the model of protection (case management, victim identification, crisis intervention, referral, reception, case planning, assessment, recovery, reintegration, follow-up, and case closure). This includes: reception of repatriated victims from abroad; sending victims to their countries of origin; reception of victims from municipal/provincial MOSVY; and reintegration of victims into their families and communities. The <i>Protection Policy</i> also establishes: responsibilities of competent ministries and institutions of the Government of Cambodia; the commitment of officials and agents protecting the rights of victims, government ministries, and NGOs; and cooperation with neighbouring countries and NGOs. The principles of protection outline eleven rights of the victim: 1. safety and protection; 2. individual identity; 3. privacy and confidentiality; 4. dignity; 5. information; 6. services; 7. justice; 8. normality; 9. participation; 10. decision-making; and 11. freedom of movement.</p> <p>The <i>Minimum Standards for Protection of the Rights of Victims of Human Trafficking</i> are included in the <i>Protection Policy</i> and set out minimum standards for victim protection, using a victim-centered and rights-based approach, focusing on the victim's needs throughout the support process. Chapter I covers: general provisions (purpose, focus, situation of protection of the rights of victims; definitions; and includes a directive for NGOs to sign a Memorandum of Understanding). Chapter II covers rights and minimum standards for the protection of trafficking victims including the same eleven rights outlined in the <i>Protection Policy</i> (above). Chapter II also includes standards for case management and self-care for service providers. Chapter III addresses case management including: the process of reintegration; roles and tasks of officials/staff in charge of protecting the rights of victims; documentation; and media. Chapter IV covers monitoring the protection of the rights of victims of human trafficking. Chapter V includes final provisions (nullification, applicability, directive to implement).</p>

Trafficking victim protection in Indonesia

<p><i>Guidelines on the Enforcement of the Law on Suppression of Human Trafficking and Sexual Exploitation</i> (2008)</p>	<p>These <i>Guidelines</i> from the Working Group to Lead the Suppression of Human Trafficking, Smuggling, Labour, and Sexual Exploitation of Women and Children (STSLs) guide the implementation of operations to rescue trafficking victims and/or sexual exploitation at the locations assigned by the General Commissariat of the National Police and to refer trafficking victims to their residences or the Department of Social Affairs, Veterans and Youth Rehabilitation.</p>
<p><i>Agreement on guidelines and cooperation between the relevant government institutions and supporting victim agencies in the proceedings in relation to human trafficking</i> (2007)</p>	<p>This <i>Agreement</i> between five ministries and 24 NGOs establishes guidelines and cooperation between government institutions and victim support agencies related to human trafficking. It outlines urgent measures to be taken by the individual/institution that first meets a trafficking victim, the referral of trafficking victims to protection services, and the determination of evidence and testimony of witnesses.</p>
<p><i>Decision on Guidelines for the Protection of the Rights of Trafficked Children of the Kingdom of Cambodia</i>, Decision No. 107 (2007)</p> <p>(<i>Decision No. 107</i>)</p>	<p>This <i>Decision</i> from the Cambodian National Council for Children (CNCC) establishes guidelines on principles in the protection of the rights of child trafficking victims. The principles include: upholding the “best interests of the child”; the right to non-discrimination; respect for the views of the child; right to information; right to confidentiality; and proactive identification measures.</p> <p>The <i>Decision</i> also specifies: the definition of a child trafficking victim; rights of affected children; methodology of assumption of their ages; measures for identification of affected children; methodology of the interview with the trafficked child; protecting confidential information; measures to refer children to relevant services; interim care and protection for children; social case management; children’s access to justice; and care and protection for trafficked children (compensation, legal assistance, and support).</p>
<p><i>Guiding Circular No. 009</i> (MOSVY) (2007)</p>	<p>This <i>Guiding Circular</i> addresses integration and monitoring of victims living at state and NGO shelters. It details formalities, roles, and duties of officials of MOSVY at the central, capital-provincial, and district-Khan levels and of employees of NGOs working with victims before and after integration. It addresses information and data management and includes nine forms to be completed by all units under supervision of MOSVY and NGOs.</p>
<p><i>Directive on the implementation of the principles of the national and the international laws in force in relation to the protection of victims of a crime</i> (2005)</p>	<p>This <i>Directive</i> from the Ministry of Justice (MOJ) addresses the implementation of the law in relation to the protection of victims of crime. It provides a general definition of the term “victim” and determines general and specific principles for protection, from the victim interview stage until the completion of processes of officials (including the Judicial Police, prosecutors, investigating judges, and trial judges).</p>

The implementation of the instruments included in Table #2 above is the responsibility of various government ministries, under the guidance of the inter-ministerial National Committee for Counter Trafficking (NCCT). The NCCT was created in 2009 (following the 2008 enactment of the *Law on Suppression of Human Trafficking and Sexual Exploitation*).¹⁵ The NCCT is a national mechanism for coordinating and gathering information about the efforts of ministers, institutions, national and international NGOs, private sector actors, and other stakeholders to

¹⁵ The NCCT was previously called the National Committee to Lead the Suppression of Human Trafficking, Smuggling, Labour and Sexual Exploitation of Women and Children.

combat human trafficking. In November 2014, the NCCT *Decision No. 094/14 on the Establishment of Inter-ministerial Technical Working Group for Counter Trafficking in Persons*, established six technical working groups (TWG) under the NCCT: 1) prevention working group, 2) protection working group, 3) law enforcement working group, 4) justice working group, 5) migration working group, and 6) international cooperation working group.

In addition to the NCCT, other key government actors with responsibilities related to protecting and assisting trafficking victims include those outlined in Table #3 below.

*Table #3. Roles and responsibilities in the identification, referral, and assistance of trafficking victims in Cambodia*¹⁶

Responsible Actor(s)	Role/Responsibilities
Department of Legal Protection, including the Office of Prevention of Trafficking in Women and Children, Ministry of Women's Affairs (MOWA)	The Ministry of Women's Affairs (MOWA) is mandated to upgrade the status of women throughout Cambodia. The Department of Legal Protection, including the Office of Prevention of Trafficking in Women and Children, is responsible for creating laws, policies, and strategies for the punishment of trafficking of women and children. It can also seek support for the effective implementation of these laws and promote public awareness about trafficking and support for trafficking victims.
Department of Anti-Human Trafficking and Juvenile Protection, Ministry of Interior (MOI)	The Department of Anti-Human Trafficking and Juvenile Protection at the MOI is mandated to identify trafficking victims. It has established a hotline number for victims of trafficking and persons wishing to report cases of trafficking and related suspicious activities.
Office of Anti-Human Trafficking and Section on Anti-Human Trafficking, National Royal Gendarmerie	The Office of Anti-Human Trafficking and Section on Anti-Human Trafficking of the National Royal Gendarmerie is responsible for carrying out trafficking victim identification.
Department of Anti-Human Trafficking and Reintegration of Victims (Ministry of Social Affairs, Veterans and Youth Rehabilitation (MOSVY)	The Department of Anti-Human Trafficking and Reintegration of Victims at MOSVY is mandated to identify trafficking victims and has offices and social worker staff at the provincial and district levels who are assigned to assist with reintegration and repatriation of victims of human trafficking and exploitation, including case management. MOSVY is responsible for the provision of services to trafficking victims, including counseling, health, legal, rehabilitation, job skills, life skills, employment, other support and reintegration services as well as family tracing in the case of child victims. MOSVY will refer to NGOs when unable to provide services.
Ministry of Foreign Affairs and International Cooperation (MOFAIC)	MOFAIC is responsible for repatriation, hand-over, receipt, and reintegration when the trafficking victim is a Cambodian national trafficked abroad and is eligible to carry out victim identification.
Judicial Police	The Judicial Police rescue any potential victims who need to be rescued, identify crimes and procedures, investigate and arrest suspects, and document trafficking cases and forward them to the court.

¹⁶ See F. David (Ed.), *ASEAN and Trafficking in Persons: Using Data as a Tool to Combat Trafficking in Persons* (Geneva: International Organization for Migration, 2007), 24; MOSVY and Chab Dai, *Referral Directory: Services for Returned Migrants and Survivors of Trafficking* (Phnom Penh: Ministry of Social Affairs, Veterans and Youth Rehabilitation and Chab Dai, 2012).

These government agencies implement their work at national and provincial levels as well as local communities. In addition, there are many NGOs and civil society organizations located throughout Cambodia that are involved in identifying, assisting, and reintegrating trafficking victims at the provincial, district, and commune levels. Some organizations are trafficking specific while others assist trafficking victims alongside other vulnerable persons.¹⁷




¹⁷ For an overview of organizations providing assistance and reintegration services throughout Cambodia, please see MOSVY and Chab Dai, *Referral Directory*.

3.2 Procedures and guidance on victim identification and referral in Cambodia

Identification and referral are both steps in the Cambodian case management process outlined in the *Minimum Standards*.¹⁸ Steps include victim identification, crisis intervention, referral, reception, case planning, assessment, recovery, reintegration, follow-up, and case closure (Article 7). The overarching rights of the trafficking victim are set out in Article 6 of the *Minimum Standards* (as noted in Table #2 above) and are to be upheld through all of these steps. At present, the Ministry of Interior (MOI) and the Ministry of Social Affairs, Veteran and Youth Rehabilitation (MOSVY) are mandated to identify trafficking victims.¹⁹

Victim identification and referral are guided by the *Identification Guidelines*, which set out three stages of identification: 1) Initial stage; 2) Commencement of interview; and 3) Formal interview, as outlined in Figure #1 below.

Figure #1. Stages of trafficking victim identification, as outlined in the *Identification Guidelines*²⁰

 <p>Initial Stage</p>	<p><i>Purpose:</i> To consider potential victims as victims who may be in need of support and protection.</p> <p>Those responsible for conducting preliminary victim identification should observe age, attitude, behavior, communication methods, facial expressions or feelings of potential victims to assess their situation (as well as information provided by third parties). Those responsible for identifying victims are to remove them from the situation they were found in and bring them to a safe place or refer them to victim support institutions or organizations. If it cannot be “proven” that a person is a trafficking victim, he or she should be provisionally considered a victim for the purpose of further identification and to provide that person with more information about their rights and services. During identification, foreigners are not to be detained or charged with illegal immigration and/or prostitution but shall be provided with shelter and protection while awaiting repatriation.</p>
 <p>Commencement of Interview</p>	<p><i>Purpose:</i> To find key points that can lead to an assumption that a person is a victim of human trafficking and estimate the scope of victimization.</p> <p>Those responsible for conducting the interview should arrange an appropriate and safe interview location that does not adversely impact on the feelings of interviewees. Interpreters are to be provided if needed, and interviewers should use interviewing techniques that are clear and appropriate to interviewees.</p>
	<p><i>Purpose:</i> To formally identify victims of trafficking in compliance with Annex 1 of the <i>Identification Guidelines</i>, “Ethics for Victim Interview”.²¹</p>

¹⁸ MOSVY, *Policy on the Protection of the Rights of Victims of Human Trafficking* (“Protection Policy”), Prakas No. 852, including *Minimum Standards for the Protection of the Rights of Victims of Human Trafficking*, Prakas No. 857 (2009).

¹⁹ A national referral mechanism is currently being developed in Cambodia, which implies potential changes to this system.

²⁰ NCCT, *Guidelines on Forms and Procedures*, 11-12 and 24-28.

²¹ Annex 1 sets out the following principles for interviewing trafficking victims: 1) avoiding a harmful situation such as exposing victims to danger, social discrimination or embarrassment; 2) assurance of safety, security and comfort; 3) assurance of privacy; 4) confidentiality; 5) obtaining informed consent; 6) simple and professional questioning; 7) active listening and responses; 8) unbiased behavior; 9) conducting the interview with humanity, understanding, respect and equality; 10) building self-confidence in the respondent; 11) explanation of the right to request forensic and technical or scientific

Formal Interview	
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The *Identification Guidelines* also ascribe specific roles to those eligible to carry out victim identification: the Judicial Police, Social Affairs officials, and service providers, as illustrated in Table #4 below.

Table #4. Roles and procedures for preliminary victim identification, as outlined in the *Identification Guidelines*²²

Responsible Actor(s)	Procedures for preliminary victim identification
Those eligible to carry out victim identification ²³	<ul style="list-style-type: none"> • Conduct preliminary identification on the basis of indicators of human trafficking.²⁴ • Complete and submit <i>Forms and Procedures to Judicial Police</i>, either the “short” or “detailed” interview form.
Judicial Police	<ul style="list-style-type: none"> • Rescue any potential trafficking victims who need to be rescued. • Identify crimes and procedures. • Investigate and arrest suspects. • Document the case and forward it to the court. • Complete and submit <i>Forms and Procedures to Social Affairs Officials</i>.
Social Affairs Officials	<ul style="list-style-type: none"> • Seek services for the trafficking victim. • Provide counseling where appropriate. • Reintegrate the trafficking victim including case management and follow up. • Complete and submit <i>Forms and Procedures to Service Providing Places or Service Providers</i>.
Service providing places or service providers	<ul style="list-style-type: none"> • Provide appropriate services to the trafficking victim: health, legal, rehabilitation, job skills, life skills, employment, other support.

Criteria for the identification of a trafficking victim are set out in Section 1.B of the *Identification Guidelines* and include various harms (physical, sexual health, mental health, financial) that a victim may face, framing these as a list of indicators of trafficking in persons. Specific scenarios are also set out as a basis for identifying trafficking victims.²⁵ No further details are provided as to how the list of indicators is to be used in practice.

examinations; 12) using interpretation if needed; 13) pausing the interview when needed; 14) preparation for victim referral; and 15) managing the respondent’s expectations.

²² NCCT, *Guidelines on Forms and Procedures*, 10-17.

²³ Those eligible to carry out trafficking victim identification include: local authorities at the commune, district, town province/municipality level; judicial police; social affairs officials; officials in charge of women and children; staff of civil society organizations working on victim protection; anti-trafficking officials of the Royal Gendarmerie; diplomatic missions; and victim support agencies abroad.

²⁴ Indicators are specified acts, means and exploitative purposes. If the victim is suspected of being involved in trafficking for sexual exploitation, those eligible to carry out victim identification shall immediately report the case to competent authorities so that they can take action in accordance with the laws.

²⁵ The list of indicators includes: absence of necessary travelling documents at airports, bus or taxi stations, checkpoints at borders and so on; looking nervous and unable to mention any specific destination details; no knowledge of the local language and in need of help; minor aged in procurement and prostitution, and pornography and harassment; vulnerable people in a suspicious situation of threat,

Following preliminary victim identification by those eligible to carry out victim identification and counseling (and the provision of any urgent assistance), trafficking victims should be referred to:

- The Judicial Police (Police Commissariat, human trafficking police or Royal Gendarmerie) for investigation of the crime and forwarding to the court;²⁶
- Social Affairs Officials for temporary services, and services toward recovery and reintegration (as well as family tracing and assessment in the case of child victims). When Social Affairs Officials cannot provide assistance, the trafficking victim should be referred to other service providers such as NGOs, IOs, or shelters for services including health care, legal assistance, rehabilitation, vocational skills training, sheltering, employment, education, counseling, food, etc.;²⁷
- Relevant diplomatic missions in Cambodia, where victims are foreign nationals in Cambodia, to arrange for the victim to receive protection, support and permission for temporary stay while awaiting repatriation or participation in court processes;²⁸ and/or
- The Ministry of Foreign Affairs and International Cooperation (MOFAIC), the Ministry of Interior (MOI) and MOSVY where the victim is a Cambodian national abroad, for repatriation, hand-over, receipt and reintegration.²⁹

Victim information is conveyed via a completed Referral Form, which is to accompany a completed Identification Form, being either the short (Annex 2) or the detailed (Annex 3) interview form set out in the *Identification Guidelines*.

*Figure #2. Overview of the referral system for trafficking victims in Cambodia, as outlined in the Identification Guidelines*³⁰

coercion, confinement, or abduction; and so on. NCCT, *Guidelines on Forms and Procedures*, 9.

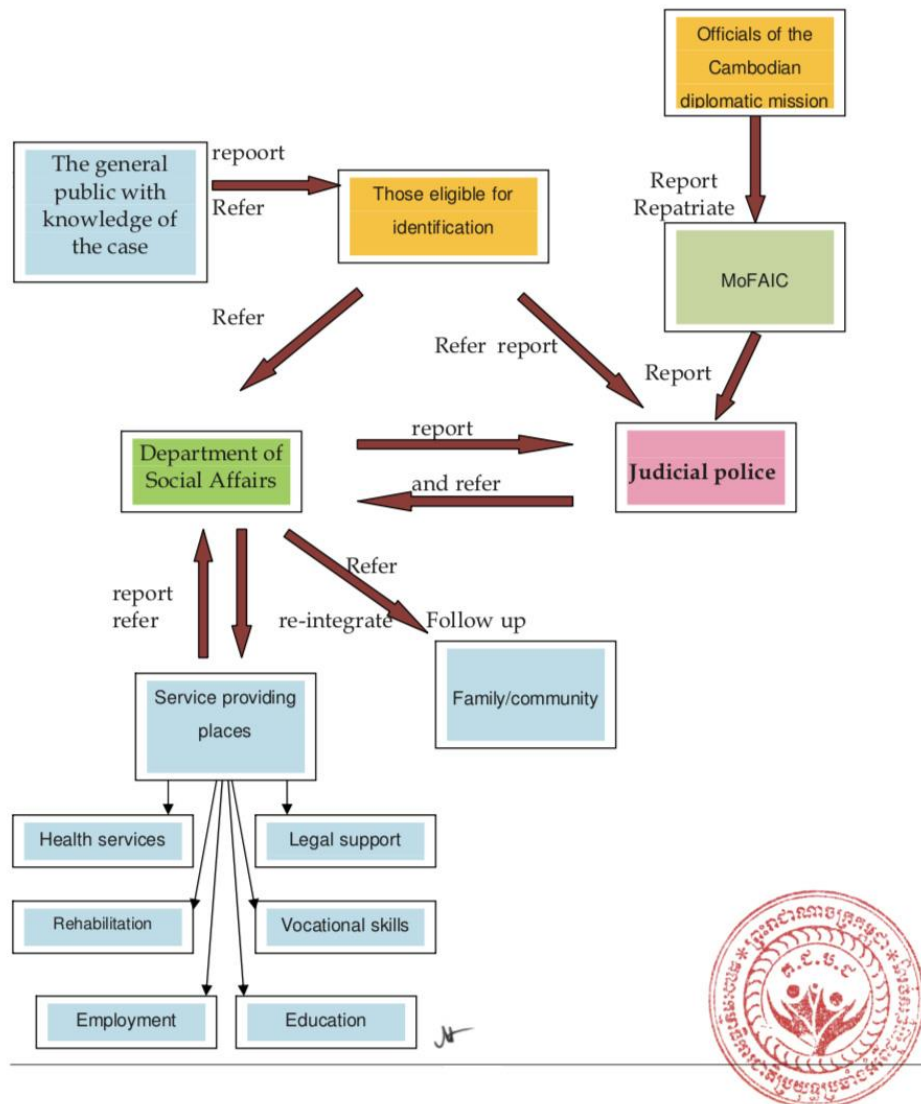
²⁶ The trafficking victim should be sent along with relevant documents to the Police Commissariat or to the anti-human trafficking police or Royal Gendarmerie so that they can identify them as having been trafficked, the offences committed, and the suspected offender(s) in order to seek legal services for the victim in the court process. If the victim refuses to provide information to the anti-trafficking police facilitated by those responsible for preliminary victim identification, the agency that has conducted preliminary victim identification shall provide the police with information.

²⁷ NCCT, *Guidelines on Forms and Procedures*, 16-18.

²⁸ NCCT, *Guidelines on Forms and Procedures*, 12.

²⁹ If the individual is a Cambodian national identified abroad, the Cambodian diplomatic mission in that country shall take immediate action with the authorities in the country to: rescue, identify and support repatriation of that trafficking victim (in accordance with Section 3.B, "Referral for Services"); report the case to the MOFAIC, MOI, and MOSVY to facilitate immigration processes for repatriation and reintegration; provide services and temporary accommodation in accordance with laws, policies and agreements in place with the destination country; and facilitate assistance with victim support agencies before, during and after repatriation.

³⁰ NCCT, *Guidelines on Forms and Procedures*, 18.



If the trafficking victim wishes to file a complaint, their information should be sent to the police so that they can report to the Office of Anti-Human Trafficking and Juvenile Protection or the provincial/municipal police commissariat.³¹ If the trafficking victim does *not* wish to file a complaint, victim identification information should be sent to the Department of Social Affairs, Veterans and Youth Rehabilitation.

The *Identification Guidelines* uphold good practice principles of assuming that a person is a trafficking victim for the purpose of receiving assistance and assuming that someone suspected of being a minor is a minor when their real age cannot be determined. They also go some way in upholding the principle of non-punishment, by confirming that formally identified foreign victims are not to be detained or charged with illegal immigration and/or prostitution.³²

³¹ Referrals to Judicial Police shall follow guidelines on rescue operation. NCCT, *Guidelines on Forms and Procedures*, 20.


³² NCCT, *Guidelines on Forms and Procedures*, 1, 9, and 12.

3.3 Assistance available to trafficking victims in Cambodia

The *Minimum Standards* require in Articles 2 and 3 that service providers take a “victim-centered and rights-based approach” across all phases of assistance (in short-term transit centers, in long-term shelter and in the community, addressing both immediate protection and support, as well as recovery and reintegration). National and international NGOs working to protect the rights of trafficking victims are required to sign an MOU with MOSVY (Article 5). Article 6 of the *Minimum Standards* also sets out eleven specific rights, as noted in Table #2.³³ These rights must be ensured in the provision of the various forms of assistance provided to trafficking victims, which are detailed in Table #5 below. In addition, some assistance is provided for in bilateral agreements between Cambodia and other countries, although this varies from country to country.³⁴

Various forms of assistance outside of the trafficking-specific context may also be available to trafficking victims, for example, as socially vulnerable individuals or Cambodian citizens generally.³⁵ Some such assistance is noted in the table below; however, the comprehensive treatment of non-trafficking assistance is beyond the scope of this review.





Table #5. Legal and policy instruments in the provision of assistance to trafficking victims in Cambodia

Form of assistance	Legal and policy instrument(s)
 <p>Housing, care, and accomodation</p>	<p>The <i>Minimum Standards</i> outline the provision of shelter and accomodation at different stages as follows:</p> <ul style="list-style-type: none"> • In the identification stage: At police stations, immigration officers or in shelters, with cooperation between police including the Anti-Human Trafficking and Juvenile Protection Unit, border police and Social Affairs officials. • After identification: In a short-term transit centre for intensive care and support, identifying immediate needs and linking to outside services. The provision of accommodation at this stage should involve Social Affairs workers, counselors, and caregivers, as well as healthcare workers. • If family cannot be traced or the victim cannot return to the family for safety reasons: In a long-term shelter, a victim shall have access to health services, legal protection, education in schools, vocational skills training, counseling and life skills as appropriate. The provision of accommodation at this stage should involve social workers, counselors, and caregivers, as well as healthcare workers. • When a victim chooses to return to his/her community instead of receiving care in a shelter or is ready to return to the community: Victims should be informed about how to access medical, psychological, and financial services by Social Affairs workers,

³³ MOSVY, *Minimum Standards*, Art. 6.

³⁴ For example, the Thailand-Cambodia MOU requires Thailand to provide safe shelter, health care and access to legal assistance to trafficking victims who are women and children and their immediate families. ASEAN, *Regional Review on Law, Policies and Practices within ASEAN relating to Identification, Management and Treatment of Victims of Trafficking, especially Women and Girls* (Jakarta: Association of Southeast Asian Nations, 2016). See Annex #1: Bilateral agreements related to the protection of trafficking victims in Cambodia, Indonesia, Lao PDR, Thailand and Viet Nam.

³⁵ These include instruments such as *Law on the Protection and Promotion of the Rights of People with Disabilities* (2009) and the *National Policy for the Elderly* (2003). They also may include social assistance programs including health equity funds and health insurance schemes (including employment injury insurance), although these are primarily only accessible to workers in specific formal sectors, which trafficked persons may not be. OECD, *Social Protection System Review of Cambodia* (Paris: OECD Publishing, 2017) 74-84.



	<p>NGO social workers who conduct follow up visits or, if the victim agrees, the Commune/Sangkat Chief and Commune Council Women and Council Focal Point.³⁶</p> <p>Whether victims enjoy the right to freedom of movement (as established in Article 6.11 of the 2009 <i>Minimum Standards</i>) depends on the victim's age. Adult victims facing no criminal charges have the right to leave law enforcement institutions or service providers after informing the competent authorities or institutions. However, children can be held against their will in order to ensure their safety and best interests. Given that the freedom of movement is explained as referring to the right of the victim to live and move with freedom "within their country of citizenship and to be repatriated if outside their country of citizenship" non-citizen victims may not enjoy the same freedom to move from shelters as citizens do.³⁷</p>
 <p>Medical assistance</p>	<p>The <i>Minimum Standards</i> (Article 6.6 "Right to Services") establish that state institutions, civil society organizations, and NGOs shall cooperate to help trafficking victims access services including medical services at any stage of the assistance process, in consultation with the victim throughout the case management process.</p> <p>Public hospitals are available to socially vulnerable persons, including trafficking victims. Depending on a trafficking victim's employment circumstance, they may have health insurance under the national health insurance scheme.³⁸</p>
 <p>Psychological support and counseling</p>	<p>The <i>Minimum Standards</i> (Article 6.6 "Right to Services") establish that state institutions, civil society organizations, and NGOs shall cooperate to help victims access services including psychological services any stage of the victim assistance process, in consultation with the victim throughout the case management process.</p>
 <p>Education, training and life skills</p>	<p>The <i>Minimum Standards</i> (Article 6.6 "Right to Services") establish that state institutions, civil society organizations, and NGOs shall cooperate to help trafficking victims access services including vocational training at any stage of the assistance process, in consultation with the victim throughout the case management process. Further, Article 7.8 concerning reintegration states that "vocational skills training designed for use in the community where the victim will be reintegrated shall be provided."</p> <p>Formal education in Cambodia is free for nine years. Technical vocational education and training programs may be available to some trafficking victims who have not already completed formal education. Completion of such programs leads to eligibility to apply for microcredit funds.³⁹</p>
 <p>Economic empowerment opportunities</p>	<p>The <i>Minimum Standards</i> (Article 6.6 "Right to Services") establish that state institutions, civil society organizations and NGOs shall cooperate to help trafficking victims access services including socio-economic services at any stage of the assistance process, in consultation with the victim through case management. Further, Article 6.8 sets out the "right to normality" that refers to empowering the victim to effectively reintegrate into society and family through the provision of necessary services and</p>

³⁶ MOSVY, *Protection Policy*, 10.

³⁷ NCCT, *Guidelines on Forms and Procedures*, 15.

³⁸ OECD, *Social Protection System Review of Cambodia*, 74-84.


³⁹ OECD, *Social Protection System Review of Cambodia*, 86-87.

	<p>care during the recovery process, which may capture economic empowerment programs.</p> <p>The National Employment Agency includes a registry where citizens can register and request information about and support in finding a job. Trafficking victims who work in the private sector may also have access to public social health insurance, depending on their circumstances and the circumstances of their employment.⁴⁰</p>
 <p>Administrative assistance and support</p>	<p>The government requires the repatriation of foreign trafficking victims except in exceptional circumstances. There are no legal provisions for residency, work permits or other immigration status for those who wish to remain in the country to participate in legal proceedings.</p> <p>Article 6.7. of the <i>Minimum Standards</i> specifies that child trafficking victims shall have a child advocate appointed to be present during all legal proceedings to ensure decisions are made in their best interests.</p>
 <p>Legal assistance and support</p>	<p>The law in Cambodia provides that all victims of trafficking shall have access to legal services and to all information that pertains to them.⁴¹</p> <p>The <i>Minimum Standards</i> (Article 6.6 “Right to Services”) set out that state institutions, civil society organizations, and NGOs shall cooperate to help trafficking victims access services including legal services at any stage of the assistance process. Further, Article 6.7 “Right to Justice” specifies that legal procedures should be explained to victims in an easily understood manner and that victims should be provided with free legal assistance if required, empowered to make an informed choice on whether they want to be involved in the judicial process, have the opportunity to be present at all legal proceedings, and to make a decision on whether or not to file an appeal. In addition, there is free legal aid available for poor persons in the country, which should be accessible to many trafficking victims.</p> <p>The 2007 <i>Cambodian Agreement on Guidelines for Practices and Cooperation between the Relevant Government Institutions and Victim Support Agencies in Cases of Human Trafficking</i> provides courts with a degree of flexibility regarding how and when victim-witnesses give evidence. The agreement allows the victim-witness to give testimony by appropriate alternative means, including video link or video recording, or testify in advance of the trial and have that statement read out by someone else during the trial.</p> <p>Victims of trafficking in persons and forced labor can make complaints to the Department of Anti-Human Trafficking and Juvenile Protection at the Ministry of Interior or through the judicial system.⁴² The <i>Law on Suppression of Human Trafficking and Sexual Exploitation</i> establishes that trafficking victims are to be paid compensation and restitution but does not provide a detailed framework for this process. Article 46 states that any person who has benefited from a trafficking-related act is liable to make restitution for “unjust enrichment.” This provision does not make the right of trafficking victims to access remedies explicit, but it is inferred through the obligation of traffickers to provide restitution. An aggrieved person may also claim damages and is to be given preference for any</p>




⁴⁰ OECD, *Social Protection System Review of Cambodia*, 85-86.

⁴¹ Victims who do not speak or read Khmer are to be provided with a translator so they can understand all written and verbal information.

⁴² ILO, *Assessment of the complaints mechanisms for Cambodian migrant workers* (Geneva: International Labour Organization, 2016), 16.

	<p>compensation/restitution claims, including in relation to any property confiscated by the State (Article 47). There is no SOP to determine how restitution or compensation is to be calculated.</p> <p>Given that the government requires the repatriation of foreign trafficking victims except in exceptional circumstances and there is no legal provision for residency, work permits, or other immigration status, it is unclear how the relevant policies and guidelines would be interpreted in the case of a foreign victim who wishes to stay in Cambodia to testify. The <i>Protection Policy</i> sets out in Objective VI.b that “[t]he case manager for foreign victims shall ensure that victims of human trafficking receive the necessary rights and services afforded to Cambodian victims, without any discrimination, from the beginning of the process of case management until closing the case.” However, the <i>Identification Guidelines</i> that mention support of Cambodian trafficking victims to remain abroad to participate in criminal proceedings, make no mention of support to foreign trafficking victims to remain in Cambodia for that purpose.⁴³</p>
 <p>Safety and security measures</p>	<p>The <i>Protection Policy</i> specifies the right to safety and protection in Article 6.1. That right requires that service providers ensure: that traffickers do not have access to trafficking victims; that law enforcers and organizations working with them take necessary steps to protect them; and that visitors to organizations providing services are comprehensively screened. Assessments are prescribed in this article, including:</p> <ul style="list-style-type: none"> • Regular assessments of the victim’s physical, mental and emotional state to ensure their psychological and physical well-being and safety; • Comprehensive risk and security assessments, in cooperation with families, communities and other relevant parties before reintegration; • An annual general risk assessment of shelter premises; and • Assessment of the suitability of individuals in recruitment processes, including a criminal record check for all staff who will be interacting with victims of human trafficking. <p>Additionally, Article 7.8 concerning reintegration requires proper assessments to be completed of the particular “nature of each victim and their reintegration location” before reintegration begins. Furthermore, reintegration is to begin on a trial basis and service providers are to continue to regularly assess the safety of the living place and well-being of trafficking victims.</p> <p>Article 49 of the <i>Law on Suppression of Human Trafficking and Sexual Exploitation</i> and Article 6.3 of the <i>Minimum Standards</i> both require that government institutions and service providers protect trafficking victims’ right to privacy and confidentiality. Article 21 of the <i>Minimum Standards</i> requests government institutions and service providers (including NGOs) to protect victims’ right to privacy and confidentiality. Further, Article 8 of the <i>Guidelines for Practices and Cooperation between the Relevant Government Institutions and Victim Support Agencies in Cases of Human Trafficking</i> also specify the protection of trafficking victims’ identity throughout the prosecution process.</p>

⁴³ NCCT, *Guidelines on Forms and Procedures*, 21.

 <p>Assistance to the victim's family members</p>	<p>Article 7.8 of the <i>Minimum Standards</i> states that “where and when reintegration will occur will depend on the victim’s decision. Reintegration may be with their original family and community or with a new family and community”. That provision also states that “assistance to the victim’s family in the form of counseling, training in parenting and livelihood projects shall be offered after risk and basic needs assessments are completed.”</p>
 <p>Case management</p>	<p>The <i>Minimum Standards</i> outline steps in the case management process: victim identification, crisis intervention, referral, reception, case planning, assessment, recovery, reintegration, follow-up, and case closure (Article 7). The overarching rights of trafficking victims as established in Article 6 are to be upheld across all of these steps. Victims are to be empowered to be actively involved in all aspects of planning related to the assistance they receive and fully informed and consulted (Article 6.9). They have a “right to decision-making” (Article 6.10), including a reasonable reflection period before making the decision. Decisions are only to be made on their behalf when they are unable to make decisions themselves due to physical or mental/intellectual capacity. Their families and friends shall be consulted if necessary.</p> <p>The <i>Protection Policy</i> sets out in Objective VI.b that “[t]he case manager for foreign victims shall ensure that victims of human trafficking receive the necessary rights and services afforded to Cambodian victims, without any discrimination, from the beginning of the process of case management until closing the case.”</p>
 <p>Return assistance</p>	<p>Return and repatriation are not explicitly addressed in Cambodian legislation, but agreements with other states regulate aspects of the trafficking response, including return and repatriation.⁴⁴</p> <p>The <i>Protection Policy</i> sets out the protection objectives in the return of victims of trafficking, including through reception of repatriated victims, sending victims to their countries of origin, reception of victims from municipal/provincial Departments of Social Affairs, Veterans and Youth, rehabilitation and reintegration of victims into families, communities and NGOs. The <i>Protection Policy</i> does not specify which government and NGO officials, government agencies, and ministries are responsible for undertaking these activities.</p>

3.4 Special considerations for trafficked children in Cambodia

3.4.1 Laws and policies on the protection of trafficked children in Cambodia

The legal and policy instruments outlined above (*Section 3.1: Laws and policies on victim protection in Cambodia*) also apply to child trafficking victims. In addition, some policies specifically address trafficked children. Notably, *Decision No. 107* of the Cambodian National Council for Children (CNCC) explicitly addresses the principles of protecting child trafficking victims.⁴⁵ Legal and policy instruments specifically addressing the identification, referral, and assistance of child trafficking victims in Cambodia are outlined in Table #6 below.⁴⁶

Article 48 of the *Constitution* of Cambodia confirms the government’s commitment to protect children’s rights as set out in the *Convention on the Rights of the Child*, including the right to

⁴⁴ Please see Annex #1: Bilateral agreements related to the protection of trafficking victims in Cambodia, Indonesia, Lao PDR, Thailand and Viet Nam.

⁴⁵ *Decision on Guidelines for the Protection of the Rights of Trafficked Children of the Kingdom of Cambodia*, Cambodia National Council for Children (CNCC) Decision No. 107 (2007).

⁴⁶ Additionally, the 2016 *Law on Juvenile Justice* may have some relevance in protecting children who have been forced to commit crimes while trafficked.

protection from economic or sexual exploitation. The *Constitution* also sets out that the state is to protect children from acts that are injurious to their educational opportunities, health, and welfare. MOSVY is responsible for child protection frameworks across Cambodia, but, in practice, child protection services are very often provided informally through NGOs.

Table #6. Legal and policy instruments relevant to the identification, referral, and assistance of child trafficking victims in Cambodia

Instrument	Description
<p><i>Decision on Guidelines for the Protection of the Rights of Trafficked Children of the Kingdom of Cambodia</i>, Decision No. 107 (2007)</p> <p>Updated by the <i>Decision on Guidelines for Protection of Rights of Trafficked Children</i> (2017)</p>	<p><i>Decision No. 107</i> from the CNCC on the principles of protection of the rights of children who are victims of human trafficking upholds: the principles of the “best interests of the child”; the right to non-discrimination; respect for the views of the child; right to information; right to confidentiality; proactive identification measures. <i>Decision No. 107</i> specifies: the definition of a child trafficking victim; rights of the affected children; methodology of assumption of their ages and measures for identification of affected children; methodology of interview; confidential information and measures to refer the children to relevant services. <i>Decision No. 107</i> also provides for: interim care and protection; social case management; access to justice; care and protection (compensation, legal assistance, support).</p>
<p><i>Standard operating procedures for the units specializing in suppression of human trafficking</i> (2010)</p>	<p>These SOPs from the General Commissariat of the National Police were officially published as training material for law enforcement officials. They set out techniques to be used by law enforcement officials in evaluation and decision-making, as well as special procedures for the handling of child trafficking victims.</p>
<p><i>Policy on the Protection of Rights of Victims of Human Trafficking</i> (Prakas No. 852), including <i>Minimum Standards for Protection of the Rights of Victims of Human Trafficking</i> (Prakas No. 857) (2009)</p> <p>(<i>Protection Policy and Mimimum Standards</i>)</p>	<p>The <i>Protection Policy</i> from MOSVY addresses services and places that protect the rights of victims and provide care in government shelters, NGO shelters, and communities.</p> <p>The <i>Minimum Standards for Protection of the Rights of Victims of Human Trafficking</i> are included in the <i>Protection Policy</i> and set out minimum standards for victim protection, using a victim-centered and rights-based approach, focusing on the victim’s needs throughout the support process.</p> <p>In terms of special measures to protect trafficked children, the <i>Protection Policy</i> points to <i>Prakas No. 198 on Minimum Standards on Alternative Care for Children in the Community</i> (2008) and <i>Prakas No. 616 on Minimum Standards on Residential Care for Children</i> (2006) (discussed below).</p>
<p><i>Minimum Standards on Alternative Care for Children</i> (2008)</p>	<p>The <i>Minimum Standards on Alternative Care for Children</i> consist of <i>Prakas No. 198 on Minimum Standards on Alternative Care for Children in the Community</i> (2008) and <i>Prakas No. 616 on Minimum Standards on Residential Care for Children</i> (2006) detail conditions and minimum standards for the establishment of residential care facilities for children, community alternative care programs and settings, caregiver’s requirements and responsibilities, as well as complaint procedures and legal protection in case of abuse.</p> <p><i>Prakas No. 616</i> sets out: standards for residential care for children, including on health, hygiene, clothing and food; social and cultural development; education; participation; and discipline (Article 3). Article 4 establishes standards for the premises and building; Article</p>

	<p>5 covers the management of the facilities; Article 6 establishes requirements for caregivers employed at such facilities; Article 7 outlines complaints and legal protection; Articles 8 and 9 regard record keeping; and Article 10 sets out facility monitoring and evaluation.</p> <p><i>Prakas No. 198</i> sets out minimum standards and the policy on alternative care for children including non-residential care (foster care, kinship care, adoption, pagoda (<i>wat</i>) and other faith-based care, children headed household, group-home based care) and residential care (recovery or child protection centers and orphanages). This applies to exploited children, which includes trafficked children.</p>
<i>Prakas on the Use of Court Screen and Courtroom TV-Linked Testimony from Child/Vulnerable Victims or Witnesses</i> (2008)	<p>Issued by the Ministry of Justice, this <i>Prakas</i> allows courts to use courtroom TV-linked testimonies for children and vulnerable victims testifying in criminal cases.</p>
<i>Prakas No. 128 S.V.Y</i> (2007)	<p><i>Prakas No. 128</i> is referred to in the 2009 <i>Protection Policy</i> and establishes the Poipet Transit Center to accept and reintegrate victims of human trafficking and other vulnerable children repatriated from Thailand and Viet Nam to return to live with their families and communities.</p>

3.4.2 Procedures and guidance on the identification and referral of trafficked children in Cambodia

Trafficked children, by virtue of their age, maturity, and trafficking experience, require a tailored and specialized approach to identification, referral, and assistance. Section 2 of the *Identification Guidelines* acknowledges this in the methodology for “preliminary identification of victims”:

If the victim is a minor, a child-friendly methodology shall be used with the presence of his/her parent (s) or guardian(s) or legally authorized officials or adult (s) trusted by the child so that they can witness and create a comfortable environment; however, the presence of the person(s) suspected of involving in the offence (s) shall not be allowed.⁴⁷

Article 4(2.1) of the 2007 CNCC *Decision on the Guideline for the Protection of the Rights of Trafficked Children of the Kingdom of Cambodia* specifies that identification of a trafficked child is the responsibility of the prosecutor or investigating judge but that initial identification is the responsibility of police or agencies who have first found the child, who are to immediately refer the child to a social welfare service provider or the child’s family, parents/guardian.⁴⁸ In the case of cross-border trafficking, the prosecutor should, through its embassy or consulate, inform immigration officials in the destination country to provide temporary shelter for the child. Article 4 also specifies children removed from trafficking situations should not be kept at police stations for more than 48 hours and are not to be sent to detention centers, nor at any time placed in the same room with suspected traffickers. Child-friendly interview considerations are set out in Section 2.2 and Section 3 emphasizes the need to strengthen

⁴⁷ The Guidelines do not provide further information about what is meant by a child-friendly methodology, although an example is given of judicial police or competent law enforcement officials avoiding wearing uniforms to minimize intimidating and fear of the victim. NCCT, *Guidelines on Forms and Procedures*, 17.

⁴⁸ Decision No. 107, Art. 4(2.1).

national mechanisms for referring child trafficking victims.

Furthmore, Article 7 of the *Minimum Standards* establishes that:

A victim whose age is uncertain but could potentially be a child shall be treated as a child and victim identification and interviewing processes shall be consistent with the principles in the *Convention on the Rights of the Child*. Victim identification needs to be expedited and prioritized to determine age so as to ensure that the services offered to the victim are appropriate and rights are not infringed upon.⁴⁹

The presumption that a person is a child may have a rights-deleterious effect on that individual, given that children may be kept in shelters against their will, while adults cannot, according to the freedom of movement provision of the *Minimum Standards*.

In referring child trafficking victims, the police or agencies who have identified a potential victim should immediately contact social service agencies to trace the child’s parents or guardians or relatives and assess their family situation to provide appropriate support services. Referral of victims who are minors should be done through MOSVY in accordance with the following: *Decision No. 107* of the CNCC; *Guideline 001 on the implementation of the Law on the Suppression of Human Trafficking and Sexual Exploitation* of the High Level Working Group; and *Direction No. 009 on the implementation of the operation to rescue victims of human trafficking and/or sexual exploitation at the location determined by the National Police*.⁵⁰

3.4.3 Assistance available for trafficked children in Cambodia

Not only does the identification process itself differ when victims are children, but so too do referral requirements, given the often specific and specialized assistance needs of children. In the recovery of victims, Article 7 of the *Minimum Standards* concerning case management, establishes that victims, especially children, shall be provided with age-appropriate activities to aid recovery.⁵¹ Some of the eleven rights that are set forth in Article 6 of the *Minimum Standards* make specific reference to children, as outlined in Table #7 below.

Table #7. Child specific considerations in the rights set out in the *Minimum Standards*

Specific right	Specific considerations relevant to children
Right to information	While trafficking victims have the right to information about their rights throughout assistance, for child victims, service providers should make decisions regarding the amount of information to share with the child and the appropriate manner in which to share this information and be guided by what is in the best interests of the child considering the age of the child and degree to which the child has been victimized.
Right to justice	Child victims shall have a child advocate appointed to be present during all legal proceedings to ensure decisions are made in the best interests of the child.
Right to participation	Child victims shall have the right to participate in the process of planning their future and express their opinions, which will be incorporated as far as their opinions are achievable, appropriate and compliant with international conventions and agreements signed and ratified by the Government of Cambodia.

⁴⁹ MOSVY, *Minimum Standards*, 28.

⁵⁰ NCCT, *Guidelines on Forms and Procedures*, 19-20.



⁵¹ MOSVY, *Minimum Standards*, 31.

Right to decision-making	Child victims shall have the right to participate in decision-making and have their decisions carried out as far as their security, safety and well-being allow.
Freedom of movement	A shelter may keep a child victim against his/her will in order to ensure safety and best interests of the child. However, particularly with child victims, steps should be taken to quickly identify the child's family and integrate the child safely and expediently. When it is ambiguous whether a victim is a child or an adult it is to be assumed that the victim is a child and freedom of movement can be restricted in line with the above standard. In brief, the right to freedom of movement is dependent on defining the age of victim making age determination a priority.







In addition to the assistance available to all trafficking victims discussed above in Section 3.3 (*Assistance available to trafficking victims in Cambodia*), some instruments offer child-specific provisions, as outlined below in Table #8.

Other forms of assistance may be available to trafficked and otherwise vulnerable children, for example, in the framework of child protection generally. Some relevant instruments have been flagged below; however, comprehensive treatment of non-trafficking assistance is beyond the scope of this review.

Table #8. Legal and policy instruments in the provision of assistance to child trafficking victims in Cambodia

Form of assistance	Legal and policy instrument(s)
 <p>Housing, care, and accomodation</p>	<p>Article 6.11 of the <i>Minimum Standards</i> establishes that enjoyment of right to freedom of movement depends on the age of the victim. While adult victims shall not be held against their will, children can be held against their will in order to ensure their safety and best interests. However, particularly with child victims, steps shall be taken to identify family quickly and integrate the child in the family if safe to do so. When it is ambiguous whether a victim is a child or an adult, it is to be assumed that the victim is a child and freedom of movement can be restricted in line with the above standard.</p> <p>Article 4(2.1e) of <i>Decision No. 107</i> specifies that children are not to be kept at police stations for more than 48 hours. Article 4(4.1) requires the provision of "safe, secure and child-friendly shelters" for trafficked children, run by "well-trained and competent staff", the gender of whom should be appropriate to the children's needs.</p> <p>Cambodia's <i>Alternative Care Policy</i> prioritizes community-based and home-based care over residential care.⁵²</p>
 <p>Medical assistance</p>	<p>While <i>Decision No. 107</i> does not include anything specific on "medical assistance", Article 4(4.2) states that relevant ministries and institutions should allocate the necessary annual budget to ensure children have access to health care (although Article 4(4.2) does not specify which actors are specifically referred to here). Article 4(5.3) concerning durable solutions establishes that when a child is repatriated, the child's family and social welfare service providers are responsible for any health care, psychological support, social services, education and other assistance.</p>




⁵² OECD, *Social Protection System Review of Cambodia*, 77.

 <p>Psychological support and counseling</p>	<p>Article 4(6.1) of <i>Decision No. 107</i> states that where a psychologist assesses the mental health of a child to be affected, a competent authority should allow a psychological counselor or child support worker to be present during information and evidence gathering from a child. Article 4(4.2) states that relevant ministries or institutions should allocate necessary annual budget to ensure child access to psychological support. Article 4(5.3) concerning durable solutions, states that when a child is repatriated, the child’s family and social welfare service providers are responsible for any health care, psychological support, social services, education and other assistance.</p>
 <p>Education, training and life skills</p>	<p>Article 7.8 of the <i>Minimum Standards</i> states that steps shall be taken by service providers to ensure that the returned victims who are minors continue schooling based on their level.</p> <p>Formal education in Cambodia is free for the first nine years of schooling. School scholarship and educational programs offered through Cambodia’s social assistance programming may only be available in certain regions and for certain grades.⁵³</p>
 <p>Economic empowerment opportunities</p>	<p>Article 4(5.2) of <i>Decision No. 107</i> mentions “durable solutions” for children, but does not explicitly address economic empowerment.</p>
 <p>Administrative assistance and support</p>	<p>In relation to foreign child trafficking victims, Section 4.3 of <i>Decision No. 107</i>, concerning the principles of protection of the rights of children who are victims of human trafficking sets out that laws, policies and procedures should be put in place to ensure that trafficked children are not treated as illegal migrants and that action should be taken to immediately legalize their stay. Article 4(4.3) concerns the legalization of stay of children through granting of temporary visas.</p>
 <p>Legal assistance and support</p>	<p>Article 4(2.1d) of <i>Decision No. 107</i> states that trafficked children should receive civil compensation from perpetrators through the court system.⁵⁴ Article 2.3 sets out legal protections for children, upholding their non-punishment, and confirming that access to basic social welfare and support services should not be dependent on their willingness to participate with law enforcement authorities.</p> <p>Article 6.7 “Right to Justice” of the <i>Minimum Standards</i> also specify that child trafficking victims shall have a child advocate appointed to be present during all legal proceedings to ensure decisions are made in their best interests.</p>
 <p>Safety and security measures</p>	<p>Article 4(2.1b, f and g) of <i>Decision No. 107</i> sets out that the security of the child should be protected, including: by protecting confidentiality, through prohibitions on the use of recording equipment or publishing data on the child; by ensuring that trafficking victims are not placed in the same room as perpetrators; and by keeping the child’s whereabouts confidential. Section 6 concerning access to justice sets out victim/witness security and protection in civil and criminal procedures.</p>

⁵³ OECD, *Social Protection System Review of Cambodia*, 74-75.

⁵⁴ In practice there are limitations given the legal requirement that compensation only be paid following the completion of the offender’s jail term. ASEAN, *Regional Review*, 101.

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 <p>Assistance to the victim's family members</p>	<p>Article 7.8 of the <i>Minimum Standards</i> states: "if needed, especially in cases involving child trafficking victims, assistance to the victim's family in the form of counseling, training in parenting, and livelihood projects shall be offered after risk and basic needs assessments are completed".</p>
 <p>Case management</p>	<p>As outlined above in Table #6, the case study management approach sets out that a trafficking victim who could be a child or potentially be a child should be treated as such and in accordance with the principles set out in the <i>Convention on the Rights of the Child</i>.⁵⁵</p>
 <p>Return assistance</p>	<p>Section 5.3 of <i>Decision No. 107</i> states that support from NGOs or IOs should be sought if relevant ministries or institutions cannot afford to pay for return of foreign child trafficking victims.</p>

⁵⁵ MOSVY, *Minimum Standards*, 28.

4. Trafficking victim protection in Indonesia

4.1 Laws and policies on victim protection in Indonesia

The *Law on the Eradication of the Criminal Act of Trafficking in Persons* (No. 21/2007) addresses trafficking victim protection in Indonesia.⁵⁶ Specifically, *Law 21/2007* establishes the framework for trafficking victim protection in Article 51, including that trafficking victims are entitled to receive medical and social rehabilitation, return assistance, and social reintegration from the government. Trafficking victims or their family members, colleagues or those assisting the victim can claim these entitlements. To ensure that trafficking victims receive the services to which they are entitled and to protect witnesses and/or victims of trafficking, Article 46 mandates the establishment of Integrated Service Centers (*Pusat Pelayanan Terpadu* or PPT) in each district/city. Article 53 requires the minister or provincial agency in charge of medical and social issues to provide initial assistance for victims who suffer trauma or disease resulting from trafficking crimes. Article 54 requires the government to protect Indonesian trafficking victims in other countries to assist with their return and to provide protection to and assist foreign trafficking victims in Indonesia with repatriation.

Additional legal and policy instruments with relevance to the identification, referral, and assistance of trafficking victims in Indonesia are outlined in Table #9 below.

Table #9. Legal and policy instruments relevant to the identification, referral, and assistance of trafficking victims in Indonesia

Instrument	Description
<i>Law on Immigration</i> (No. 6/2011) (2011)	<p>Section IV of <i>Law 6/2011</i> establishes the framework for the handling of victims of trafficking in persons. Article 86 establishes that trafficking victims are excluded from certain immigration administration sanctions (including: being placed on prohibited persons lists; restrictions; change or cancellation of stay permits; prohibitions on movement within Indonesia; certain fees; and deportation).</p> <p>Article 87 provides that trafficking victims who are placed in the Immigration Detention House (<i>Rumah Detensi Imigrasi/Rudenim</i>) or in other specified places should receive special treatment (different from detainees in general).</p> <p>Article 88 provides that foreign trafficking victims will be immediately returned to their home countries and provided with travel documents if they do not have them.</p>
<p><i>Law on Witness and Victim Protection</i> (No. 13/2006) (2006)</p> <p><i>Amendment to the Law on Witness and Victim Protection</i> (No. 31/2014) (2014)</p>	<p>Article 5 of <i>Law 13/2006</i> establishes the rights of witnesses and victims of criminal offenses in certain cases. The criminal offenses included in <i>Law 13/2006</i> are defined by a Decree of the Institution for Witness and Victim Protection Agency (<i>Lembaga Perlindungan Saksi dan Korban</i> or LPSK) and include the criminal offense of trafficking in persons. These include the right: a) to obtain protection for personal, family, and property security, and be free from threats relating to testimony that will be, is, or has been given; b) to participate in the process of selecting and determining forms of protection and security support; c) to give information without pressure; d) to have a translator; e) to be free of entrapment questions; f) to receive information about the development of the case; g) to receive information about court decisions; h) to receive information in case</p>

⁵⁶ *Law on the Eradication of the Criminal Act of Trafficking in Persons, Law (Undang-Undang) No. 21/2007 (2007).*

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	<p>the convict is released; i) to have one's identity protected; j) to receive a new identity; k) to receive a temporary residence; l) to receive a new residence; m) obtain reimbursement of transportation costs as needed; n) to receive legal advice; o) to obtain temporary living costs until the end of the protection period; and/or p) to receive assistance.</p> <p>Article 6 provides that trafficking victims are also entitled to receive medical, psychosocial, and psychological rehabilitation assistance.</p>
<p><i>Government Regulation on the Provision of Compensation, Restitution, And Assistance to the Witnesses and Victims</i> (No. 7/2018) (2018)</p>	<p><i>Regulation 7/2018</i> provides that victims of criminal offenses are entitled to receive restitution in the form of compensation, damages incurred and/or reimbursement of medical and/or psychological care costs. This entitlement can be obtained by submitting an application in writing to the Institution for Witness and Victim Protection Agency (LPSK) by a victim, their family member, or proxies. <i>Regulation 7/2018</i> establishes what must be included in the application and that the LPSK may request further information from the victim, family, or their attorney, and the perpetrators of criminal acts for the purpose of checking the application.</p> <p>The LPSK has the authority to determine the feasibility, duration, and amount of costs needed for assistance based on the description of doctors, psychiatrists, psychologists, hospitals, and/or health/rehabilitation centers. The LPSK also has the authority to extend or stop providing assistance based on the statement of doctors, psychiatrists, or psychologists, and can terminate assistance at the request of witnesses and/or victims.</p>
<p><i>Government Regulation on the Implementation of Law No. 6/2011 on Immigration</i> (No. 31/2013) (2013)</p>	<p><i>Regulation 31/2013</i> implements the <i>Law on Immigration</i>. Article 223 further establishes that trafficking victims who are placed in the Immigration Detention House (<i>Rumah Detensi Imigrasi/Rudenim</i>) or other designated places are to receive special treatment (different from detainees in general).</p>
<p><i>Government Regulation on Procedures and Mechanisms of Integrated Services For Witnesses and/or Victims of Trafficking</i> (No. 9/2008) (2008)</p>	<p>Regulation No. 9/2008 regulates Integrated Service Centers (PPT) for witnesses and/or victims of trafficking, including what is to be included in integrated services. PPTs operate as a single location where trafficking victims can receive health rehabilitation, social rehabilitation (including counseling), repatriation, social reintegration and legal assistance. PPT are to: a) provide services as soon as possible to the witnesses and/or victims; b) provide services that are convenient, comfortable, safe, and free of charge; c) maintain the confidentiality of witnesses and/or victims; and d) guarantee justice and legal certainty for witnesses and/or victim.</p> <p>Government Regulation No. 9/2008 mandates that "to further ensure the quality of integrated services, the Minister [shall] prepare and set minimum service standards and standard operating procedures" to be used as guidelines in the implementation of integrated services.</p>

<p><i>Chief of Indonesian National Police Regulation on Establishment of a Special Service Room and Procedure For Examination of Witnesses and/or Victims of Criminal Action (No. 3/2008) (2008)</i></p>	<p><i>Regulation 3/2008</i> establishes a special services room (<i>Ruang Pelayanan Khusus</i> or RPK) and procedures for examination of the witness and/or victim of trafficking, as mandated in <i>Law 21/2007</i>, in order to protect of women and children who are victims of trafficking (as well as other criminal acts). <i>Regulation 3/2008</i> requires all officers who carry out case handling, among others, to: a) uphold human rights; b) provide safety guarantees for witnesses and/or victims who provide information; c) maintain the confidentiality of witnesses and/or victims; d) request verbal approval of the witness and/or victim's willingness to provide information; e) ask questions in a wise manner; f) not judge witnesses and/or victims; g) provide translators, if needed; h) listen to victims' statements actively and with full understanding; i) provide information about the progress of the case; j) maintain professionalism to ensure the realization of justice and legal certainty; k) treat witnesses and/or victims with empathy.</p>
<p><i>Guidelines for the Establishment and Development of Integrated Service Centers (PPT) (No. 5/2010) (2010)</i></p>	<p>These guidelines from the MOWECP note that PPT is a generic term that can be used by various institutions that provide services for victims of violence. These include: Integrated Service Center for Women and Children Empowerment (<i>Pusat Pelayanan Terpadu Pemberdayaan Perempuan dan Anak</i> or P2TP2A); Safe House, Social Protection Home for Children (RPSA); House of Protection and Trauma Center (RPTC); and Social Protection Home for Women (RPSW). When there is no PPT in the immediate vicinity, identification, referral, and assistance may be undertaken by representatives of these state authorities as well as state social workers, including RPTC, RPSW and Family Welfare Consultation Agency (<i>Lembaga Konsultasi Kesejahteraan Keluarga</i> or LK3) staff, police officers, members of Gugus Tugas (<i>Gugus Tugas Pencegahan dan Penanganan Tindak Pidana Perdagangan Orang</i> or Anti-Trafficking Task Force), and medical staff.</p>
<p><i>Standard Operating Procedure (SOP) of Integrated Services for Witnesses and/or Victims of Crime of Human Trafficking (No. 22/2010) (2010)</i></p>	<p>This SOP from the MOWECP establishes that victim identification, referral, and assistance should occur via the Integrated Service Center (PPT) and provides guidance for Integrated Service Centers (PPT) in providing integrated services and handling witnesses and/or victims of trafficking in and outside the country. According to this SOP, there are two types of PPT that provide services to victims: a) one-stop/one-roof PPT, a single work unit that provides services needed; and b) networked PPT, a process of referral for services required by witnesses and/or victims to available hospitals or trauma centers. The SOP covers: a) reporting/identification services, b) health rehabilitation services, c) social rehabilitation services, d) legal assistance, e) return (repatriation), and f) social reintegration services. Officers of the PPT are civil servants from different government institutions, including health workers, psychologists, psychiatrists, social workers, and legal aid workers</p> <p>This SOP also outlines the steps in reporting/identification services which are: 1) arrival of witness and/or victim to a PPT (including through a) outreach, b) the victim's own initiative, or c) referral); 2) interviews and observations; 3) assessment of witness and/or victim's needs; 4) recommendations for further services; 5) coordination and referral to further services and related parties; and 6) administration of the identification process. The result from the reporting/identification process will determine the services provided to the victim. These include:</p>

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	<p>a) if injured, medical rehabilitation services (including non-critical care, semi-critical care, critical care, and medicolegal services in accordance with the victim's condition);</p> <p>b) if no physical injuries, but in need of psychological recovery, social rehabilitation (including social services, preliminary counseling, extended counseling, guidance, mental and spiritual, mentoring, referral, and home visit);</p> <p>c) if needed, legal assistance for the protection of witnesses and/or victims during the process of examination for the police investigation report (<i>Berita Acara Pemeriksaan</i> or BAP), inquiry and investigation by the police, the prosecution process by the public attorney office, through the examination process in court, including in order to obtain restitution;</p> <p>d) if needed, repatriation from overseas to the province or within the country to the area of origin (or to family or surrogate family) or from Indonesia to the country of origin for foreign citizen victims;</p> <p>e) social reintegration, in which the victim will be reunited with the family or a replacement family (including economic and social empowerment, skills training, education for victims who are still in school, and further monitoring/guidance, including home visits to monitor the condition of the victim after unification with family).</p>
<p><i>Minimum Service Standards (Standar Pelayanan Minimal or SPM) of Integrated Services for Witnesses and/or Human Trafficking Victims in Regent/City (No. 1/2009) (2009)</i></p>	<p>These Minimum Service Standards (<i>Standar Pelayanan Minimal</i> or SPM) issued by the Ministry of Women's Empowerment and Child Protection (MOWECP) provide guidance for Integrated Service Centers (PPT) in the provision of protection and rehabilitation and social reintegration services to witnesses and/or victims of trafficking. They provide the minimum standard of services to witnesses/victims of trafficking in the PPT, including handling public complaints; health rehabilitation services; legal protection services; social rehabilitation services; repatriation services; and social reintegration services. Integrated services for witnesses and/or victims of trafficking are to be based on the following principles: a) respect for the rights of witnesses and/or victims; b) non-discrimination; and c) accountability.</p>

<p><i>Law on Social Welfare</i> (No. 11/2009) (2009)</p>	<p>The <i>Law on Social Welfare</i> has several articles that provide for services for socially vulnerable persons, including trafficking victims. Article 6 mandates the provision of 1) social rehabilitation, 2) social empowerment, 3) social protection, and 4) social security.</p> <p>Social rehabilitation is defined in Article 7 to include: motivation and psychosocial diagnosis; treatment and care; vocational training and entrepreneurship coaching; mental and spiritual guidance; physical guidance; social guidance and psychosocial counseling; accessibility of services; assistance and social assistance; re-socialization guidance; further guidance; and/or referral.</p> <p>Social empowerment services and programs are defined in Article 12 to include: “diagnosis and motivation; skills training; mentoring; giving stimulant capital, business equipment and a place of business; increasing market access results of operations; supervision and social advocacy; strengthening social harmony; environmental regulation; and/or further guidance”.</p> <p>Article 14 establishes that social protection is intended to prevent and [address] the risks and social vulnerability of a person, family, group and/or communities and includes social assistance, social advocacy and/or legal assistance. Article 9 sets out that social security is provided in the form of insurance, social welfare, and direct assistance.</p>
<p><i>Ministry of Social Affairs Regulation on Establishment and Management of Services in House of Protection and Trauma Center/Rumah Perlindungan dan Trauma Center (RPTC)</i> (No. 102/Huk/2007) (2007)</p>	<p>Ministry of Social Affairs (MOSA) Regulation 102/2007 establishes the management of the RPTC as an institution that provides early protection and psychosocial rehabilitation services to victims of violence, including trafficking victims. Under this regulation, different units and specialized professionals in the fields of social work, psychology, medicine, law, and other professional staff in accordance with the needs of each unit are assigned to provide services to the victims.</p>

The *Law on the Eradication of the Criminal Act of Trafficking in Persons (Law 21/2007)* obligates provincial and local governments to formulate policies, programs, actions, and to allocate budgets to address trafficking in persons. At the provincial level, West Java’s *Regulation on Prevention and Handling of Victims of Trafficking in West Java* (No. 3/2008) requires district governments to assist and protect trafficking victims from West Java Province, coordinating between provincial and district governments.⁵⁷ Policies also exist at the district level. The district of Sukabumi (in West Java), for example, has a special regulation on human trafficking, which establishes a task force involving specific stakeholders in the handling of victims and provides a budget allocation for services for trafficking victims.⁵⁸ In Jakarta, the *Governor’s Regulation of Jakarta Province regarding the Task Force for Prevention and Handling Trafficking Crimes* (No. 218/2010) requires, in Article 4, task force members to implement, monitor, and evaluate the rehabilitation, repatriation, and social reintegration of

⁵⁷ *Regulation on Prevention and Handling of Victims of Trafficking in West Java* (Peraturan Daerah) No. 3/2008 (2008).

⁵⁸ R. Surtees et al., *Going Home: Reintegration of Trafficking Victims in Indonesia* (Washington, D.C.: NEXUS Institute, 2016).

trafficking victims and, in Article 26, requires budget allocations for the implementation of the taskforce.⁵⁹

The implementation of the instruments included in Table #9 is the responsibility of various government agencies. With regard to identification and assistance of trafficking victims in Indonesia, *Presidential Regulation Concerning Task Force of Prevention and Handling of Trafficking in Persons* (No. 69/2008) established the National Anti-Trafficking Task Force, which is the coordinating agency mandated to coordinate efforts of prevention and handling trafficking in persons at the national level.⁶⁰ The Chairperson of the National Anti-Trafficking Task Force is the Coordinating Minister of Human Development and Culture, and the Daily Chairperson is the Minister of Women's Empowerment and Child Protection.⁶¹ As the Daily Chairperson under *Presidential Regulation 69/2008* the MOWECP is responsible for:

- coordination and monitoring and evaluation of efforts to prevent and handle trafficking at the national and regional levels;
- establishing national level Sub-Task Forces;
- allocating a budget for the implementation of the duties of the national Integrated Service Center (PPT);
- guiding and deciding on the National, Provincial and District/Municipality Task Forces;
- directing and regulating the movement of the national Task Force Secretariat; and
- submitting progress reports to the Chairperson.

The National Anti-Trafficking Task Force, the Provincial Task Forces, and the District/City Task Forces coordinate and have direct relations with related institutions to formulate policies, programs, and activities in the form of the National Action Plan and Regional Action Plan. The National Anti-Trafficking Task Force is tasked with:

- coordinating efforts to prevent and handle the problem of trafficking in persons;
- carrying out advocacy, outreach, training, and cooperation both nationally and internationally;
- monitoring the progress of the implementation of victim protection, including rehabilitation, repatriation and social reintegration; and
- monitoring the progress and practices of law enforcement in trafficking cases.

The other key government actors with responsibilities related to protecting and assisting trafficking victims in Indonesia are described in Table #9 below.

Table #10. Roles and responsibilities in the identification, referral, and assistance of trafficking victims in Indonesia

Responsible Actor(s)	Role/Responsibilities
Ministry of Social Affairs (MOSA)	The Ministry of Social Affairs is responsible for the entire implementation of social rehabilitation, repatriation, and

⁵⁹ *Governor's Regulation of Jakarta Province regarding the Task Force for Prevention and Handling Trafficking Crimes* (Peraturan Gubernur) (No. 218/2010) (2010).

⁶⁰ *Presidential Regulation Concerning Task Force of Prevention and Handling of Trafficking in Persons*, Regulation (Peraturan Presiden) No. 69/2008 (2008).

⁶¹ The members of the National Anti-Trafficking Task Force include the Minister of Home Affairs, Minister of Foreign Affairs, Minister of Finance, Minister of Religion, Minister of Law and Human Rights, Minister of Transportation, Minister of Manpower, Minister of Social Affairs, Minister of Health, Minister of Education and Culture, Minister of Tourism, Minister of Communication and Information, Minister of Development Planning, State Minister of Youth and Sports, Head of State Police of the Republic of Indonesia, General Attorney of Republic of Indonesia, Head of National Agency for Placement and Protection of Migrant Workers, Head of State Intelligence Agency, and Head of National Statistic Agency.

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	<p>reintegration of trafficking victims. Social rehabilitation is carried out through Protection Houses (RPSW, RPSA, and RPTC). Social reintegration involves assistance in the recovery process, including through coordination with local authorities and taking into account the social environment. Tasks related to social reintegration include collecting data about the social and economic conditions of trafficking victims (through interviews with victims), communication with victims' families, collaborating with the local government regarding family readiness to receive victims, and coordinating with the local government of victim's area of origin.</p>
<p>Ministry of Women's Empowerment and Child Protection (MOWECP)</p>	<p>The MOWECP Deputy Assistant for the Protection of Women's Rights from Trafficking (<i>Perlindungan Hak Perempuan dari Tindak Pidana Perdagangan Orang</i> or PHP dari TPPO) is responsible for preparing, coordinating, and implementing policies to prevent and handle trafficking in persons, including the formulation of standards and procedures.</p> <p>MOWECP <i>Decree No. 25/2016</i> established a Task Force for Handling Problems of Women and Children to support MOWECP Community Complaint Sections, which receive reports from women and children who wish to report trafficking cases and coordinate with the P2TP2A to provide follow-up services. According to <i>Decree No. 25/2016</i>, the functions of the Task Force are: a) outreach to women and children who experience violence, including trafficking in persons; b) identification of the conditions and services needed by women and children who experience violence, including trafficking in persons; c) protection of women and children; and d) referral of women and children who experience problems, including trafficking in persons, to the P2TP2A or other institution for services. The MOWECP also facilitates the P2TP2A to offer services to women and child victims of violence, including trafficking in persons.</p>
<p>Agency for the Protection of Indonesian Migrant Workers (BP2MI)⁶²</p>	<p>The Agency for the Protection of Indonesian Migrant Workers (<i>Badan Pelindungan Pekerja Migran Indonesia</i> or BP2MI) is responsible for the protection of Indonesian Migrant Workers (IMWs) who are victims of trafficking. This protection is provided through coordination between agencies/institutions that are members of the National Anti-Trafficking Task Force. During the process of handling trafficking victims, BP2MI is responsible for recording IMW victims and the preparation of shelters, as well as facilitating repatriation of IMW victims to their area of origin. If needed, BP2MI can also provide expert witnesses. BP2MI has a Crisis Center to assist trafficking victims in handling cases and to assist with legal and administrative issues (for example, claiming of salaries, insurance benefits, etc.). In addition, BP2MI also provides economic empowerment programs and entrepreneurial assistance to former IMWs who have been victims of trafficking.</p>
<p>Indonesian police</p>	<p>The Indonesian police are responsible for examining witnesses and/or victims of trafficking, investigation trafficking cases, and providing protection for witnesses and/or victims. In carrying out these tasks, a special services room (RPK) has been established at provincial and district/city police stations, under the Women and</p>

⁶² After the passage of *Law No 18/2017 on the Protection of Indonesian Migrant Workers*, BNP2TKI (*Badan Nasional Penempatan dan Perlindungan Tenaga Kerja Indonesia* or National Agency for Placement and Protection of Indonesian Migrant Workers) was changed to BP2MI.

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	<p>Children Protection Unit (<i>Unit Pelayanan Perempuan dan Anak</i> or UPPA).</p> <p>The police are also required to coordinate with relevant agencies when conducting examination and investigations of trafficking cases, including:</p> <ul style="list-style-type: none"> • In the case of witnesses and/or victims who need special services (medical, psychological, social, counseling, advocacy, and/or legal aid), the personnel in charge of the RPK must carry out coordination and cooperation with the local PPT. • In the case of witnesses and/or victims who are abroad, the UPPA coordinates and cooperates with representatives of the Government of Indonesia abroad. • In the case of witnesses and/or victims who are foreign nationals residing in Indonesia, the UPPA coordinates and cooperates with representatives of the relevant countries. <p>The Indonesian police have also established a special task force at the National Police Headquarters (TPPO Task Force) to address trafficking in persons.</p>
<p>Integrated Service Center for Women and Children Empowerment (P2TP2A)</p>	<p>P2TP2A is the Integrated Service Center for Women and Children Empowerment, implemented by the Women Empowerment and Child Protection Bureau at the provincial and district/city levels. It is responsible for providing information, complaint and reporting services, case management, legal assistance, advocacy, psychological services, medical services, medicolegal services, shelter, and referral for rehabilitation and social reintegration to women and children, including trafficking victims. In the provision of protection and assistance to trafficking victims, the P2TP2A coordinates and cooperates with practitioners, experts, and staff experts in the field of protection of women and children, as well as with related government and private institutions.</p>
<p>Witness and Victim Protection Agency (LPSK)</p>	<p>LPSK provides protection services for witnesses and/or victims of trafficking in the form of:</p> <ul style="list-style-type: none"> • services to fulfill procedural rights (assisting victims during examination at each stage of the criminal justice process); • physical protection (protection in safe houses and security and escort of witnesses and victims by the LPSK Guard Security Task Force, which is comprised of police members assigned to LPSK); • medical assistance (facilitation of medical costs in hospitals referred by LPSK); • psychological assistance (facilitation costs for psychological counseling conducted by psychologists referred by LPSK); • psychosocial rehabilitation (provided through LPSK partnership with related agencies); and • facilitation of restitution (calculating the value of restitution and submission of restitution claims to the Public Prosecutor.
<p>Ministry of Foreign Affairs (MOFA) and Indonesian embassies and consulates</p>	<p>The Ministry of Foreign Affairs is responsible for assisting Indonesian citizens abroad who are victims of trafficking, including screening and identifying them at Indonesian embassies</p>

abroad	or while in detention in a foreign country. MOFA is also responsible for assisting Indonesian trafficking victims in the return process including providing identity documents, travel documents, and transportation to return to Indonesia.
Ministry of Health (MOH)	The Ministry of Health is responsible for the implementation of health rehabilitation for trafficking victims, including: providing health services for victims who experience physical, emotional, and sexual violence at designated community health centers (<i>Pusat Kesehatan Masyarakat</i> or <i>Puskesmas</i>) and referral hospitals; developing referral hospitals designated as Integrated Service Centers (PPT) to organize health services; and coordinating with related programs and sectors at the national and regional level through partnerships such as P2TP2A.

These government agencies work also at a subnational level (at the provincial, district, sub-district and village levels) to protect trafficking victims. In addition and in partnership with the government (at national and local levels), NGOs and civil society organizations identify, refer, and assist Indonesian trafficking victims including with long-term reintegration services.⁶³

4.2 Procedures and guidance on victim identification and referral in Indonesia

While the *Law on the Eradication of the Criminal Act of Trafficking in Persons* (No. 21/2007) addresses the protection of trafficking victims, it does not specify who is responsible for formal victim identification. However, the *Standard Operating Procedure (SOP) of Integrated Services for Witnesses and/or Victims of Human Trafficking* (No. 22/2010) establishes that victim identification should be done by the Integrated Service Center (PPT) where the potential trafficking victim is referred for assistance (or that directly identified the individual through outreach work).⁶⁴ The steps in the identification and assistance process are outlined in Figure #3 below.

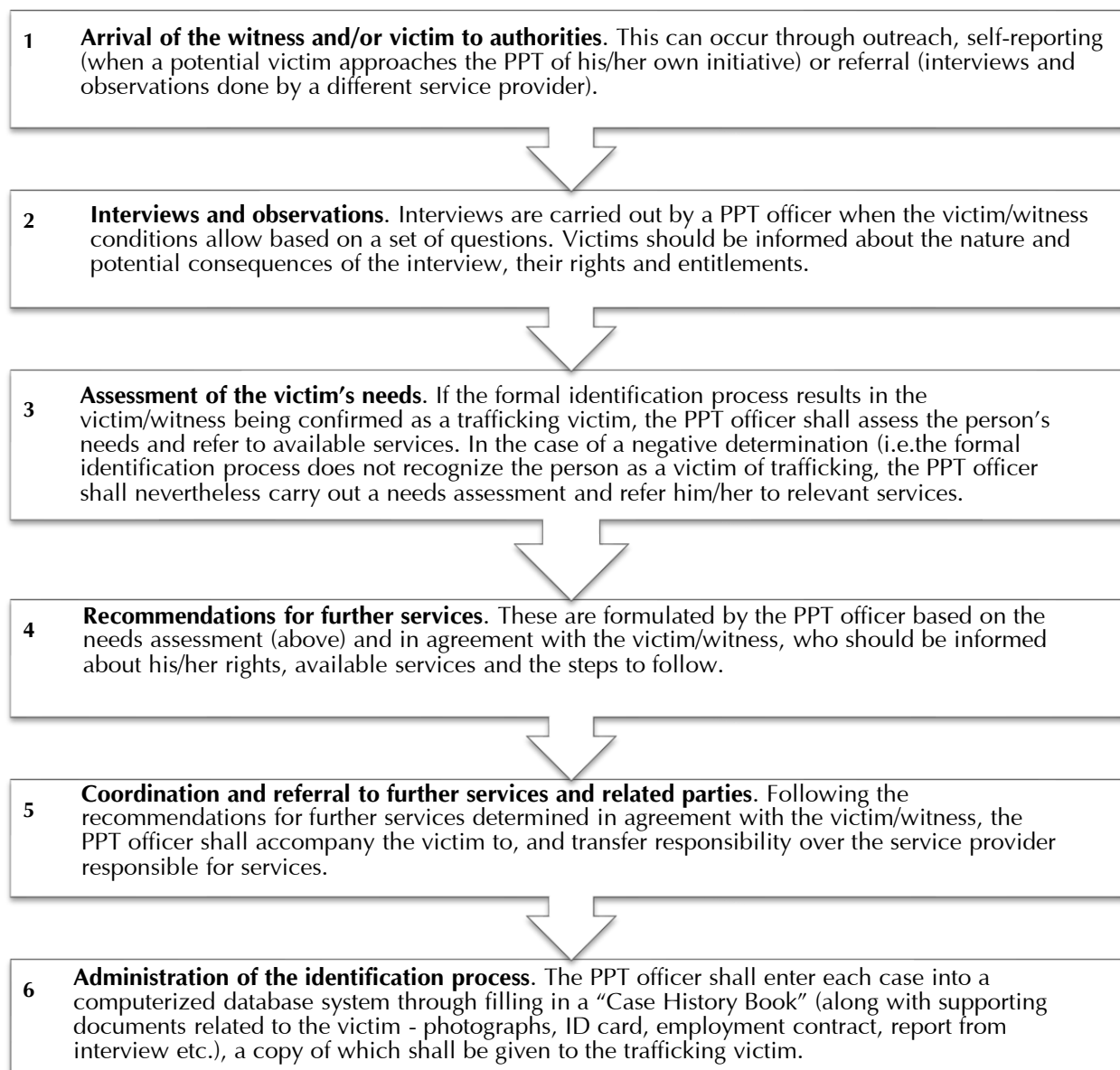
Figure #3. Steps in the process of identification and referral of trafficking victims in Indonesia⁶⁵

⁶³ For an overview of organizations providing assistance and reintegration services in West Java and Jakarta, see NEXUS Institute, *2018 Directory of Services for Indonesian Trafficking Victims and Victim/Witnesses: West Java and Jakarta* (Washington, D.C.: NEXUS Institute, 2018); NEXUS Institute, *2016 Directory of Services for Indonesian Trafficking Victims and Exploited Migrant Workers: Jakarta and West Java* (Washington, D.C.: NEXUS Institute, 2016).

⁶⁴ MOWECP *Standard Operating Procedure (SOP) of Integrated Services for Witnesses and/or Victims of Crime of Human Trafficking*, Regulation (Peraturan Menteri) No. 22/2010 (2010).

⁶⁵ NEXUS Institute, *Identification and Referral of Trafficking Victims in Indonesia: Guidelines for frontline responders and multi-disciplinary teams (MDTs) at the village level* (Washington, D.C.: NEXUS Institute, 2018), 33-34.

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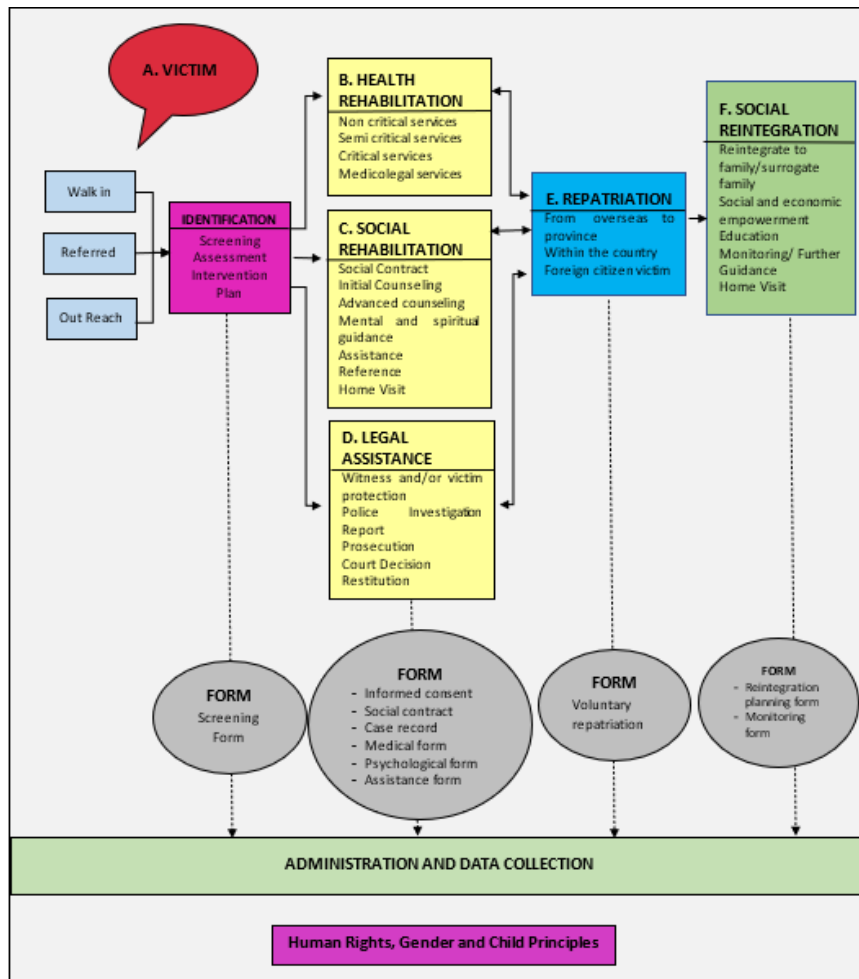


During formal identification, the relevant authority will conduct the interview according to standardized identification forms. Prepared by the MOWECP, the identification forms are screening and intake forms that document the person's experience to assess if that individual is a trafficking victim and to assist with referral for services.⁶⁶

Figure #4. Overview of the referral system for trafficking victims in Indonesia, as outlined in the SOP of Integrated Services for Witnesses and/or Victims of Human Trafficking⁶⁷

⁶⁶ NEXUS Institute, *Guidelines for frontline responders and multi-disciplinary teams (MDTs)*, 33-34.

⁶⁷ MOWECP, *SOP* No. 22/2010.



When there are indications that an individual is a trafficking victim, they should be considered a “presumed trafficking victim” and referred for assistance and protection as outlined in the anti-trafficking law and related regulations.⁶⁸ This is detailed in the *Standard Operating Procedure (SOP) of Integrated Services for Witnesses and/or Victims of Human Trafficking* (No. 22/2010), which sets forth that “if the identification result confirms that the witness and/or victim falls into the category of witness and/or victim of the crime of human trafficking, the officer shall start an assessment of further service requirements by identifying the physical and psychological conditions as well as other conditions as may be relevant”.⁶⁹

⁶⁸ Under the *Standard Operating Procedures (SOP) for Integrated Services for Witnesses and/or Victims of Human Trafficking*, if the assessment of the witness and/or victim’s needs reveals that the individual is not, in fact, a trafficking victim, the officer is still obliged to refer the individual for services. If that person is assessed to be a victim of another crime or violation (for example, rape, physical or sexual assault, kidnapping), they should be referred to the relevant institutions working to protect victim of those crimes.



⁶⁹ NEXUS Institute, *Guidelines for frontline responders and multi-disciplinary teams (MDTs)*, 22.

4.3 Assistance available to trafficking victims in Indonesia

In Indonesia, there are two main laws that stipulate assistance for victims of trafficking, namely the *Law on the Eradication of the Criminal Act of Trafficking in Persons* (No. 21/2007) and the *Law on Witness and Victim Protection* (No. 13/2006) (as amended in 2014). *Law 21/2007* mandates the government (the minister or agency in charge of medical and social issues in the respective region) to provide health rehabilitation, social rehabilitation, repatriation, and social reintegration for victims of trafficking who suffer physical and/or psychological suffering. Some of these forms of assistance are for immediate protection and support while others address longer-term needs in victims' recovery and reintegration. The forms of assistance covered in Indonesia's laws and policy are detailed in Table #11 below. Bilateral agreements between Indonesia and other countries may also provide additional forms of assistance, although these will depend on the country and context.⁷⁰

The Indonesian Anti-trafficking Law states: "In addition to the rights as provided in this Law, a witness to and/or victim of the criminal act of trafficking in persons is entitled to the rights and protection as provided in other laws."⁷¹ Thus, Indonesian trafficking victims should be able to access assistance via the general rights and entitlements established in Indonesia's laws and regulations. Further laws, regulations and guidelines provide various forms of assistance (e.g. medical assistance, education, legal assistance and support, economic opportunities, and housing options) to trafficking victims as returned migrants, socially vulnerable individuals, or as Indonesian citizens generally.⁷² The *Law on Social Welfare* (No. 11/2009), for example, provides support to socially vulnerable persons. Access to some such services may require being certified as socially or economically vulnerable. Administrative requirements and procedures vary. Comprehensive detailing of these more general forms of assistance is beyond the scope of this review, but some are noted in the table below.



Table #11. Legal and policy instruments in the provision of assistance to trafficking victims in Indonesia

Form of assistance	Legal and policy instrument(s)
 <p>Housing, care, and accomodation</p>	<p>Article 46 and 52 of <i>Law 21/2007</i> mandate the central and provincial governments to build shelters and trauma centers to provide medical and social rehabilitation, repatriation assistance and social reintegration. Communities and social organizations may also establish shelters and/or trauma centers.</p> <p>Article 223 of the <i>Government Regulation On The Implementation of Law No. 6/2011 On Immigration</i> (No. 31/2013) provides for accommodation of foreign trafficking victims in Indonesia.</p> <p>Article 8 of <i>MOSA Regulation 102/2007</i> mandates the protection unit of RPTC (House of Protection and Trauma Center) to provide temporary shelter services to victims for a limited period, in accordance with their needs.</p>
 <p>Medical assistance</p>	<p>Articles 51-53 of <i>Law 21/2007</i> mandate the government (the minister or agency in charge of medical and social issues in the respective region) to provide health rehabilitation for victims of trafficking who suffer physical and psychological suffering. Article 51 defines "medical rehabilitation" as rehabilitation to normal of both physical and psychological conditions.</p> <p>The <i>MOWECP SOP No. 22/2010</i> mandates the service institution to provide funding sources for handling trafficking witnesses and/or victims, including</p>





⁷⁰ Please see Annex #1: Bilateral agreements related to the protection of trafficking victims in Cambodia, Indonesia, Lao PDR, Thailand and Viet Nam.



⁷¹ Law 21/2007, Article 55.


⁷² R. Surtees et al., *Going Home*, 49.

	<p>for health rehabilitation services. Trafficking victims can also access funding from JAMKESMAS (<i>Jaminan Kesehatan Masyarakat</i>/public health insurance) sourced from the APBN (<i>Anggaran Pendapatan dan Belanja Negara</i>/national state budget).</p> <p>Articles 37-45 of <i>Government Regulation on the Provision of Compensation, Restitution, And Assistance to the Witnesses and Victims</i> (No. 7/2018) require the Institution for Witness and Victim Protection Agency (LPSK) to provide medical assistance and/or refer the person concerned to receive care and treatment from the hospital or health care center using the LPSK budget in accordance with statutory provisions.</p> <p>The <i>Law on Health</i> (No. 36/2009) established the government's responsibility to provide health care to all citizens, with special recognition and protection of the health of mothers, infants, children, adolescents, elderly and the disabled.</p>
 <p>Psychological support and counseling</p>	<p>Articles 51-53 of <i>Law 21/2007</i> mandate the government (the minister or agency in charge of medical and social issues in the respective region) to provide social rehabilitation for trafficking victims who suffer physical and psychological suffering. Article 51 defines “social rehabilitation” as “the rehabilitation of mental/social disorder and the restoration of social ability in order for the victim to be able to resume his/her role in the family and society”.</p> <p>According to <i>SOP No. 22/2010</i>, the Ministry of Social Affairs is responsible for social rehabilitation, as its main task and function within the Anti-Trafficking Task Force. If social rehabilitation is carried out directly in a Protection House such as RPTC, RPSW, or RPSA, both at central and regional levels, then the source of funding comes from the APBN (national state budget) which is listed in the Ministry of Social Budget Implementation List (<i>Daftar Isian Pelaksanaan Anggaran</i> or DIPA). But if social rehabilitation is carried out by a non-governmental organization in a regency/city, the source of funding can be obtained from the APBN (national state budget) or APBD (<i>Anggaran Pendapatan dan Belanja Daerah</i>/regional government budget) by coordinating with the local Social Bureau.</p> <p>Articles 37-45 of <i>Regulation No. 7/2018</i> require LPSK to provide psychosocial and psychological rehabilitation assistance and/or refer the person concerned to receive care and treatment from health/rehabilitation center using the LPSK budget in accordance with statutory provisions.</p>
 <p>Education, training and life skills</p>	<p>Articles 51-53 of <i>Law 21/2007</i> mandate the government (the minister or agency in charge of medical and social issues in the respective region) with the social reintegration of trafficking victims who have physical and psychological assistance needs.</p> <p>According to <i>SOP No. 22/2010</i>, education, training, and life skills are carried out in coordination with regency/city government to village government and include: a) formal, non-formal and informal education, especially for child witnesses and/or victims; and b) training, guidance, physical/mental/social and skills according to interests and the witness and/or victim’s talents. If such services are not easy for the witness and/or victim to reach due to location, funds, and so on, the PPT can provide the service in the nearest location of the witness and/or victim’s residence through government agencies and community organizations or nongovernmental organizations.</p>

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	<p>The <i>National Education System Law</i> (No. 20/2003) implements compulsory, free of charge basic education for all Indonesian citizens from ages seven to fifteen years. The law provides for nine years of compulsory education (six years of elementary and three years of secondary school).</p>
 <p>Economic empowerment opportunities</p>	<p>According to <i>SOP No. 22/2010</i> (Section 8.1), economic empowerment opportunities are to be carried out in coordination with regency/city government to village government and include: a) access to internships and jobs according to the skills of victims; and b) entrepreneurship capital assistance and development.</p> <p>Article 12 of the <i>Law on Social Welfare</i> (No. 11/2009) provides for social empowerment services and programs including: diagnosis and motivation; skills training; mentoring; giving stimulant capital, business equipment and a place of business; increasing market access results of operations; supervision and social advocacy; strengthening social harmony; environmental regulation; and/or further guidance.</p>
 <p>Administrative assistance and support</p>	<p>According to <i>SOP No. 22/2010</i> (Section 8.1), administrative assistance and support includes the right to information on the status of victims, as well assistance with obtaining required documents (for example, national identity card), if the victim loses their official personal documents. This function in general is carried out by Integrated Service Centers (PPT) organized by the national government and regional governments.</p>
 <p>Legal assistance and support</p>	<p>Article 35 of <i>Law 21/2007</i> stipulates that during the process of investigation, prosecution, and examination in court, witnesses and/or or victims are entitled to be accompanied by advocates and/or other assistants needed.</p> <p>Article 5 of the <i>Law on Witness and Victim Protection</i> (No. 13/2006), as amended by the <i>Amendment to the Law on Witness and Victim Protection</i> (No. 31/2014) stipulates that witnesses and/or victims of trafficking have the right to receive legal advice and/or assistance.</p> <p>According to the <i>Government Regulation on the Provision of Compensation, Restitution, And Assistance to the Witnesses and Victims</i> (No. 7/2018), Integrated Service Centers (PPT) operate as a single location where victims of trafficking can receive legal assistance as well as health rehabilitation, social rehabilitation (including counseling), repatriation and social reintegration.</p> <p><i>SOP No. 22/2010</i> provides for legal assistance as part of victim assistance and includes: the protection of witnesses and/or victims; assistance during the process of examination for the police investigation report (BAP); inquiry and investigation by the police; and assistance during the prosecution process by the public attorney office through the examination process in court. Additionally, legal assistance is to be provided for victims to obtain restitution processed by police, including for material and non-material losses suffered by the victim.</p> <p><i>Government Regulation 83/2008</i> and the <i>Law on Legal Aid</i> (Number 16, Year 2011) make provision of free legal aid compulsory to provide to people without economic resources.</p>
 <p>Safety and security measures</p>	<p>Article 44 of <i>Law 21/2007</i> stipulates that witnesses and/or victims of trafficking (as well as their families) are entitled to confidentiality and the protection of their identity. Article 47 establishes that the Indonesian National Police must provide protection, before, during and after the case</p>

	<p>investigation, if witnesses and/or victims of trafficking and their families receive threats (against themselves or their property).</p> <p>In addition, Article 5 of the <i>Law on Witness and Victim Protection</i> (No. 13/2006), as amended by the <i>Amendment to the Law on Witness and Victim Protection</i> (No. 31/2014) sets forth the rights of witnesses and/or victims of trafficking that pertain to safety and security, including to: obtain protection for personal, family, and property security, and be free from threats relating to testimony that will be, is, or has been given; participate in the process of selecting and determining forms of protection and security support; give information without pressure; have one's identity withheld; receive a new identity; receive a temporary residence; and receive a new residence.</p>
 <p>Assistance to victim's family members</p>	<p>According to <i>SOP No. 22/2010</i>, the PPT provides family tracing for unification after trafficking, family assessments, and mediation services for victims to be reintegrated with their families.</p> <p>The Ministry of Social Affairs (MOSA) provides assistance to victims and their family members in the form of stimulant capital assistance to build small businesses (business embryos) through the Purposive Social Assistance (<i>Bantuan Bertujuan or Bantu</i>) program and Productive Economic Business Assistance (<i>Usaha Ekonomi Productif or UEP</i>).</p> <p>Additionally, the migrant worker's community empowerment program from the Ministry of Manpower (MOMP) <i>Regulation No 2/2019</i> includes assistance that can be accessed by families of migrant workers, including victims of trafficking, in villages implementing the <i>Desmigratif</i> (Productive Migrant Villages) program. These include: debriefing entrepreneurship; business facility assistance; business incubation; marketing of entrepreneurial results/products; family guidance and counseling; family financial management guidance; the establishment and development of cooperatives and/or village-owned enterprises; entrepreneurial assistance; and financial literacy education.</p> <p>The <i>Law on Social Welfare</i> has several articles that provide for services for socially vulnerable persons. Under Article 14, social protection is intended to address the risks and social vulnerability of a person, family, group and/or communities and includes social assistance, social advocacy and/or legal assistance. In Article 9 (2), social security is provided in the form of social welfare insurance and sustainable direct assistance</p> <p>Family counseling and support is available through LK3, which are technical units under the Ministry of Social Affairs). LK3 provides a range of services including counseling, consultation, administration and information dissemination, outreach, protection and empowerment of families.</p>
 <p>Case management</p>	<p>According to <i>SOP No. 22/2010</i>, case management is carried out at the PPT before the implementation of reintegration and includes: a) an assessment or exploration of the reintegration needs of witnesses and/or victims, including: assessment of economic potential, education, health, and social environment, in the repatriation area; b) the reintegration decision made by the Provincial/District/City PPT based on the reintegration needs assessment; and c) the design and implementation of intervention plans that reflect human rights principles, gender, age, ethnicity, culture, the religious identity and beliefs of witnesses and/or victims, and experiences of exploitation and sexual violence.</p>

 <p>Return assistance</p>	<p><i>SOP No. 22/2010</i> (Chapter 8) provides for return assistance for trafficking victims. The sources of funding for returning victims are referred to among the main tasks and functions of institutions in the Anti-Trafficking Task Force and types of repatriation are regulated as follows: 1) repatriation of victims from overseas to debarkation points is financed by the Ministry of Foreign Affairs; 2) repatriation of victims from debarkation areas (provinces) to regencies/cities (subsequently to replacement families/families) is financed by the Ministry of Social Affairs; 3) repatriation of victims from regency/city to family/surrogate family is funded by various sources in the regency/city (for example from agencies or social agencies, NGOs or other funding sources).</p> <p>In addition, the <i>Regulation of the Minister of Social Affairs of the Republic of Indonesia on the Repatriation of Indonesian Citizens Migrant Victims of Trafficking from Malaysia (WNIM-KPO) to their area of origin</i> (No. 30/2017) regulates return assistance for Indonesian victims of trafficking from Malaysia to the region of origin. <i>Regulation 30/2017</i> provides for: 1) social assistance (clothing and food); 2) living costs (as temporary provisions for repatriation to the area of origin); and 3) transportation costs (sea transportation, air transportation, and/or land transportation).</p>
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Some assistance is regulated at the provincial and local levels where governments have formulated policies, programs, and actions and allocated budgets to address trafficking in persons. For example, West Java's *Regulation on Prevention and Handling of Victims of Trafficking in West Java* requires district governments to provide assistance and protection to trafficking victims who originate from West Java Province, coordinating between provincial and district governments.⁷³

⁷³ *Regulation No. 3/2008* (2008), Arts. 8-9. For an overview of organizations providing assistance and protection to trafficking victims in West Java and Jakarta, see NEXUS Institute, *2018 Directory of Services*; NEXUS Institute, *2016 Directory of Services*.

4.4 Special considerations for trafficked children in Indonesia

4.4.1 Laws and policies on the protection of trafficked children in Indonesia

Special considerations for trafficked children are included in two main operational policies for the identification, referral, and assistance of trafficking victims: the *Government Regulation on Procedures and Mechanisms of Integrated Services For Witnesses and/or Victims of Trafficking* (No. 9/2008)⁷⁴ and the *Standard Operating Procedure (SOP) of Integrated Services for Witnesses and/or Victims of Crime of Human Trafficking (Regulation of the Minister of Women and Child Protection of the Republic of Indonesia)* (No. 22/2010).⁷⁵ Article 4(3) of *Government Regulation 9/2008* states that in the case of child trafficking victims, assistance must be provided in accordance with the best interests of the child. Article 5 of *SOP 22/2010* states that in the case of child witnesses and/or victims, the SOP must be carried out with due regard to the fulfillment of children's rights and the best interests of the child. Furthermore, regarding the fulfillment of children's rights, *SOP 22/2010* sets forth that services provided to children should ensure that children: have the right to express their views freely; have the right to be fully respected in receiving assistance to meet their needs; receive special protection for development and participation; and receive temporary care, identification, and implementation of long-term solutions according to the best interests of the child.

Attention to the specific situation and needs of trafficked children is found in various instruments beyond the anti-trafficking framework. The *Law on Child Protection* (No. 22/2003) affords special protections to trafficked children in Article 64(3). The 2014 *Amendment to the Law on Child Protection* also stipulates that trafficked children are entitled to special protection.⁷⁶ Article 59 mandates the national government, regional governments, local governments, and other state agencies to provide special protection to child victims of kidnapping and/or trafficking and Article 68 establishes five special protection measures in handling victims of child trafficking: 1) monitoring to ensure that handling of victims is in accordance with the principle of the best interests of the child; 2) protection to ensure the safety and security of child victims; 3) preventive measures so that children are not harmed or re-trafficked; 4) ensuring that care and assistance services are provided in line with the best interests of the child; and 5) ensuring that rehabilitation services are carried out according to the best interests of the child.

4.4.2 Procedures and guidance on the identification and referral of trafficked children in Indonesia

While there is no specific policy or guideline related to the handling of child victims of trafficking in Indonesia, some special attention to trafficked children is included in *SOP 22/2010* at each of the stages from identification through referral. According to *SOP 22/2010*, if the witness and/or victim is a child or indicated as such, a support person (parent/guardian or officer) should promptly be sought to support the child through the next processes, and the presumed child witness and/or victim of trafficking should be accompanied by a parent/guardian or officer as a temporary guardian during the interview process. *SOP 22/2010* also regulates that during the interview process, the interviewing officer shall take into consideration any sensitive issues and use an interview method that is comfortable for the child according to the age and sex of the child, in a language that is understood, and is carried out in a child-friendly environment. In relation to the observation process, *SOP 22/2010* also regulates that in addition to the data available on any existing documents, the determination of the witness and/or victim's age shall be based on their physical appearance, psychological maturity, and statement. In case the witness and/or victim's age is unclear, but there is a trustworthy indicator that the witness and/or victim is under age 18, they are to be treated as a

⁷⁴ *Government Regulation on Procedures and Mechanisms of Integrated Services For Witnesses and/or Victims of Trafficking*, Regulation (Peraturan Pemerintah) No. 9/2008 (2008).

⁷⁵ MOWECP, *SOP* No. 22/2010.

⁷⁶ *Amendment to the Law on Child Protection*, Law (Undang-Undang) No. 35/2014 (2014).

child until their age is established.


In addition, the MOWECP *Guidelines for Handling Child Victims of Violence* (No. 2/2011) are to be applied by the central government, regional governments, community organizations, and service institutions that handle child victims of violence.⁷⁷ Article 1 stipulates that handling child victims of violence must be carried out to ensure the best interests of the child. The MOWECP guidelines specify that handling child victims of violence should include a) identification service; b) health rehabilitation; c) social rehabilitation; d) repatriation; e) legal assistance; and f) social reintegration.

Like adult victims, child trafficking victims are to be assisted through an Integrated Service Center (PPT), which can be in the form of a shelter/safe house, RPTC, RPSA, P2TP2A, RPSW, as well as in existing PPT in a hospital, for example, in police hospitals/*Bhayangkara Hospitals*, or regional public hospitals (*Rumah Sakit Umum Daerah* or RSUD). According to *SOP 22/2010*, if there is suspicion that a child may be trafficked, the child’s parents (or another primary caregiver) should be immediately involved.

4.4.3 Assistance available for trafficked children in Indonesia


SOP 22/2010 establishes that child trafficking victims should receive social rehabilitation, legal assistance, return service, and social reintegration service. All the services must take into account the best interests of the child and ensure that the child trafficking victim has a parent, primary caregiver, or guardian present during the delivery of assistance. *SOP 22/2010* requires special attention be given to child victims, especially at the stages of pre-social reintegration and the implementation of social reintegration. At the pre-social reintegration stage, witnesses and/or victims will be asked for approval to obtain reintegration services. For child witnesses and/or victims, consent is to be given by parents/guardians/assistants with consideration of the best interests of the child and the child's views. Reintegration is prioritized to repatriate or reunite a child victim with their family, other siblings, surrogate family, and/or the community. During the reintegration phase, *SOP 22/2010* mandates, *inter alia*, that a reassessment be carried out to prepare child witnesses and/or victims to be reintegrated and to strengthen family or surrogate family readiness and environment in accepting victims. Reintegration into social institutions (or *Panti*) is only conducted as the last resort. The forms of assistance specific to child trafficking victims in Indonesia are outlined in Table #12 below. Additional assistance and protection may be available to children through the child protection system and as victims of violence, abuse, or exploitation. While some examples are included in the table below, a comprehensive treatment of these other forms of assistance and protection was beyond the scope of this review.

Table #12. Legal and policy instruments in the provision of assistance to child trafficking victims in Indonesia




Form of assistance	Legal and policy instrument(s)
 Housing, care, and accomodation	<i>SOP 22/2010</i> establishes that child witnesses and/or victims of trafficking accommodated in shelters or a safe house are entitled to basic rights, including the right to education and access to their parents, taking into account the best interests of the child. <i>SOP 22/2010</i> also mandates different placement facilities and accommodations for child victims who do not have a parent or guardian. For those who do have a parent or guardian, arrangements



⁷⁷ MOWECP *Guidelines for Handling Child Victims of Violence*, Regulation (Peraturan Menteri) No. 2/2011 (2011).

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	should be made for them to be able to live together.
 <p>Medical assistance</p>	<p>Article 59 of the 2014 <i>Amendment to the Law on Child Protection</i> stipulates that trafficked children are entitled to special treatment, including physical treatment and/or rehabilitation, as well as prevention of disease and other forms of medical assistance.</p> <p>Additionally, the Ministry of Health <i>Regulation concerning Guidelines for the Management of Integrated Services for Victims of Violence against Women and Children in Hospitals (PPT)</i> (No. 1226/Menkes/SK/XIII/2009) establishes that children are entitled to medical assistance including medicolegal support, emergency services, outpatient services, specialist doctors, and other support services.</p> <p>The MOWECP <i>Regulation on the Guidelines for Handling Child Victims of Violence</i> (No. 2/2011) stipulates that assistance, including medical assistance, must be carried out specifically according to the best interests of the child. <i>Regulation 2/2011</i> also states that comprehensive health services for child victims includes preventative, curative, and rehabilitative healthcare, should be provided through basic health services at public health centers (<i>Pusat Kesehatan Masyarakat</i> or <i>Puskesmas</i>) capable of managing child victim cases, as well as through referral to services at hospitals that have Integrated Service Centers (PPT) or Integrated Crisis Centers (<i>Pusat Krisis Terpadu</i> or PKT) or police hospitals (<i>Bhayangkara Hospitals</i>, also referred to as <i>Rumah Sakit POLRI</i>).</p>
 <p>Psychological support and counseling</p>	<p>Article 59 of the 2014 <i>Amendment to the Law on Child Protection</i> stipulates that trafficked children are entitled to special treatment, including social and psychosocial assistance from treatment to recovery.</p> <p>MOWECP <i>Regulation 2/2011</i> stipulates that assistance, including social rehabilitation, must be carried out specifically according to the best interests of the child. <i>Regulation 2/2011</i> establishes that psychological support and counseling are part of social rehabilitation and should be provided by psychosocial rehabilitation officers consisting of social workers, counselors, and psychologists who have received training.</p>
 <p>Education, training and life skills</p>	<p><i>SOP 22/2010</i> establishes that education, training, and life skills for child witnesses and/or victims of trafficking are part of the assistance to be carried out in coordination with regency/city government to village government. This includes formal, non-formal, and informal education. If a child victim is not easily able to access such services (due to location, funds, etc.) the Integrated Service Center (PPT) can access the service in the nearest location of the witness and/or victim's residence area through government agencies and community organizations/non-governmental organizations.</p> <p>MOWECP <i>Regulation 2/2011</i> stipulates that assistance, including social rehabilitation, must be carried out specifically according to the best interests of the child. <i>Regulation 2/2011</i> establishes that social rehabilitation includes: a) skills training (life skills) according to the child's interests; and b) formal or non-formal education. <i>Regulation 2/2011</i> further states that fulfillment of education is one of the basic rights of children, especially if there has been an interrupted education process. According to this regulation, the service of educational, training and life skills is carried out by provincial, regency/city education offices and the main responsible actor of social reintegration services at the central government is the Indonesian Ministry of Social Affairs.</p>



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 <p>Economic empowerment opportunities</p>	<p>Article 59 of the 2014 <i>Amendment to the Law on Child Protection</i> stipulates that trafficked children are entitled to special treatment, including efforts to provide social aid for children who come from poor families.</p> <p>MOWECP <i>Regulation 2/2011</i> stipulates that assistance, including social reintegration, must be carried out specifically according to the best interests of the child. <i>Regulation 2/2011</i> establishes that social reintegration includes economic and social empowerment as well as providing skills.</p>
 <p>Administrative assistance and support</p>	<p>MOWECP <i>Regulation 2/2011</i> does not specify provisions regarding administrative assistance, but states that one of the objectives of victim identification is to determine the individual's status, ownership of documents, and identity.</p> <p><i>SOP 22/2010</i> establishes that administrative assistance and support should include the provision of information on the status of witnesses and/or victims, as well as required documents (for example, a National Identity Card (<i>Kartu Tanda Penduduk</i> or KTP), if the victim does not have their official personal documents.</p>
 <p>Legal assistance and support</p>	<p>Articles 38-40 of <i>Law 21/2007</i> regulate specific provision regarding child witnesses and/or victims of trafficking during legal proceedings, which include: 1) the investigation, prosecution, and court examination, taking into account the best interests of the child, are to be conducted without officials wearing uniforms; 2) the court examination for child witness and/or victim of trafficking is to be conducted in a closed court, without the presence of the defendant and the child must be accompanied by parents, guardians, foster parents, advocates, or other companions; and 3) court examination of child witnesses and/or victims, with the judge's approval, can be carried out outside the court hearing by recording.</p> <p>Article 59 of the 2014 <i>Amendment to the Law on Child Protection</i> stipulates that trafficked children are entitled to special treatment, including protection and assistance in every court process.</p> <p>MOWECP <i>Regulation 2/2011</i> stipulates that assistance, including legal assistance, must be carried out specifically in the best interests of the child. <i>Regulation 2/2011</i> establishes that legal assistance is carried out through a series of activities related to the handling and protection of child victims of violence in the field of law, starting from the level of investigation by the police, through prosecution in the prosecutor's office, the examination process at the court hearing, until the stage of legal certainty. Legal services are to be provided by lawyers, paralegals or legal assistants, police, prosecutors, judges, and other legal service providers. Activities to ensure the best interests of the child include placing children and witnesses/reporters in special service rooms to provide a sense of security and comfort and ascertaining whether the child is accompanied by a parent, social worker, NGO, or lawyer.</p> <p><i>SOP 22/2010</i> establishes that if the witness and/or victim is a child, in all stages of the legal aid process the child must be accompanied by a parent or guardian. Further, <i>SOP 22/2010</i> requires all legal assistance to child witnesses and/or victims to ensure respect for and uphold the rights of the child to survive, develop, protect and participate, as well as the need for special protection in the best interests of the child.</p> <p>For children who are witnesses and/or victims of trafficking who go through the judicial process, the <i>Law on the Juvenile Criminal Justice System Law</i> (No. 11/2012) regulates that the best interests of the child must be considered by</p>

	<p>all parties that handling child cases.⁷⁸ <i>Law 11/2012</i> also requires that cases involving child victims must be registered specifically by the agency that handles the cases of children (Article 25) and at each level of examination the children must be provided legal assistance and accompanied by community guides, social workers, social welfare workers, parents and/or persons trusted by victim (Article 23). This law also stipulates that in examining the cases involving children as victims and/or witnesses, the investigators, public prosecutors, judges, community guides, advocates or other legal aid providers, and other officers may not use <i>toga</i> (judge's robes) or official uniforms (Article 22). This law also stipulates that in reporting in printed or electronic media, the identity of child witnesses and/or victims must be kept confidential (Article 19).</p> <p>Article 18 of the <i>Law on Child Protection</i> (No 23/ 2002) and Article 64 of <i>Amendment to the Law on Child Protection</i> No 35/2014) establish the right of legal assistance for children who become victims or who are in conflict with the law.</p>
 <p>Safety and security measures</p>	<p>Articles 39-40 of <i>Law 21/2007</i> regulates specific provision regarding child witness and/or victim of trafficking during court examination concerning the protection of the child's safety and security, which are: 1) court examination conducted in a closed court, without the presence of the defendant; and 2) court examination, with the judge's approval, can be carried out outside the court hearing by recording.</p> <p>In addition, Article 5 of the <i>Law on Witness and Victim Protection</i> (No. 13/2006), as amended by the <i>Amendment to the Law on Witness and Victim Protection</i> (No. 31/2014), sets forth rights of witnesses and/or victims of trafficking that pertain to safety and security, including to: obtain protection for personal, family, and property security, and be free from threats relating to testimony that will be, is, or has been given; participate in the process of selecting and determining forms of protection and security support; give information without pressure; have one's identity withheld; receive a new identity; receive a temporary residence; and receive a new residence.</p> <p><i>SOP 22/2010</i> establishes that during the reintegration phase, a re-assessment is to be conducted in order to prepare witnesses and/or victims to be reintegrated and to strengthen the family or surrogate family readiness and environment in accepting victims. This process must also ensure that the chosen surrogate family meets the criteria regulated by the <i>Minimum Service Standards</i> (No. 1/2009), namely family that can, among other requirements, provide security and protection for child witnesses and/or victims.</p>
 <p>Assistance to victim's family members</p>	<p><i>MOWECP Regulation 2/2011</i> stipulates that assistance, including social reintegration, must be carried out specifically in the best interests of the child. <i>Regulation 2/2011</i> establishes that social reintegration services include: 1) tracking family members; 2) the process of preparing child victims and their family members for reintegration; 3) uniting children with family, a substitute family, or community/institution; 4) family support in the form of stimulant or psychosocial assistance; 5) monitoring and evaluation.</p> <p><i>SOP 22/2010</i> establishes that a re-assessment should be carried out to prepare witnesses and/or victims to be reintegrated and to strengthen the family or surrogate family readiness and environment in accepting victims.</p>

⁷⁸ Specifically, this includes community guides, professional social workers, social welfare workers, investigators, public prosecutors, judges and advocates, and other legal aid providers. *Law on the Juvenile Criminal Justice System Law*, Law (Undang-Undang) No. 11/2012 (2012).

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	<p>Furthermore, the MOWECP <i>Minimum Service Standards of Integrated Services for Witnesses and/or Human Trafficking Victims in Regent/City</i> (No. 1/2009) stipulate that the decision to determine a family or surrogate family for child witness and/or victim of trafficking is to be made by taking into account the best interests of the child and ensuring that the child's opinion is taken into account in accordance with the level of age and maturity set by the institution that carries out social reintegration.</p>
 Case management	<p>MOWECP <i>Regulation 2/2011</i> stipulates that assistance, including social rehabilitation, must be carried out specifically in the best interests of the child. <i>Regulation 2/2011</i> establishes that social rehabilitation includes case management.</p>
 Return assistance	<p><i>SOP 22/2010</i> establishes that children must be accompanied during the repatriation process. Furthermore, it regulates that in situations where the safe return of children to their families is not possible, or if repatriation is not in the child's best interest, an adequate treatment plan must be created that respects the rights and dignity of trafficked children. In this situation, it ensures that a child who is able to form their own views enjoys the right to express these views freely in all circumstances that affect them, especially regarding decisions about returning to the family, and that the views of the child are given consideration appropriate to their age and maturity.</p> <p>Special considerations for trafficked children are also needed during the repatriation process. Before the repatriation process is carried out, service provider institutions are encouraged to carry out family tracing, especially if the victim is a child, to determine whether any security risks exist and to assess the level of acceptance of the family of child witnesses and/or victims. A companion must accompany child victims until they are safe at home or with their families.</p> <p>MOWECP <i>Regulation 2/2011</i> stipulates that repatriation must be carried out specifically in the best interests of the child. <i>Regulation 2/2011</i> establishes that efforts to return a child victim to their family (reunification) must ensure that the child is accompanied by a social worker or police officer and transportation for victims to return to the family or the substitute family is to be provided.</p>

5. Trafficking victim protection in Lao PDR

5.1 Laws and policies on victim protection in Lao PDR

In Lao PDR, the anti-trafficking framework is set out in the 2015 *Law on Anti-Trafficking in Persons* that supplements laws primarily relating to women and children.⁷⁹ The *Law on Anti-Trafficking in Persons* defines “protection of victims” in Article 4(6) to mean: “the rescue, referral, maintenance of the safety and confidentiality of the victim of trafficking in persons” and “victim assistance” in Article 4(7) as: “the provision of a temporary safe shelter and necessary items for daily use, medical treatment, legal assistance, education, and vocational training, economic support and reintegration services”. The *Law on Anti-Trafficking in Persons* further defines victim protection and assistance in Article 6 and establishes the principles of “respecting the rights, legitimate interest of the victim of trafficking in persons without discrimination” and “protecting the confidentiality of victims of trafficking in persons and informants”. For implementation of the *Law on Anti-Trafficking in Persons*, the Ministry of Public Security has issued *Victim Identification Guidelines*, discussed in Section 5.3 (*Procedures and guidance for the identification and referral of trafficking victims in Lao PDR*) below. The government of Lao PDR has also established a *National Referral Mechanism* to guide identification, referral, and assistance in the country.⁸⁰

Aside from the *Law on Anti-Trafficking in Persons* and the *National Referral Mechanism*, there are no legal or policy instruments in Lao PDR that are directly for the identification, referral, or assistance of trafficking victims. Instead, other instruments are used to provide some forms of assistance and protection to trafficked persons based on other vulnerabilities (including women and children who are victims of violence, injured workers, and witnesses during trials). These are outlined in Table #13 below, although a comprehensive treatment of non-trafficking assistance is beyond the scope of this review.

Table #13. Legal and policy instruments relevant to the identification, referral, and assistance of trafficking victims in Lao PDR⁸¹

Instrument	Description
<i>National Referral Mechanism</i> ⁸²	Outlines the process for the identification, referral, and assistance of trafficking victims in Lao PDR.
<i>Law on Preventing and Combating Violence against Women and Children</i> (2014)	Trafficking in persons is not specifically mentioned in this law. However, female and child victims of trafficking would fall within the protection and assistance framework in place for female and child victims of violence set out in the <i>Law on Preventing and Combating Violence against Women and Children</i> . The law defines “protection” as “the use of methods, measures to stop, provide assistance and solve the problem based on reality, law and regulations when there is violence against women and children” (Article 4).

⁷⁹ *Law on Anti-Trafficking in Persons*, Law No. 73/NA (2015).

⁸⁰ Guidance for the National Referral Mechanism in Lao PDR is not currently available in English.

⁸¹ Additional instruments that may be of indirect relevance to anti-trafficking include: the *Decree No. 031/PMO on Immigration of Lao People’s Democratic Republic for Lao and Foreign Nationals* (revised 2009); *Decree No. 2842/MLSW of the Minister for Forbidden Occupations and Regions to Export Lao Labourers Working Abroad*; *Decree No. 68/2002 on Export of Lao Workers Working Abroad* (and its Guideline on Implementation); *Decree No. 207 on Society Security System for Enterprise Employees*; *Decree No. 5418 on Importing of Foreign Workers into Lao PDR*; *Trade Union Act*; and the *Family Law* (1990).

⁸² The National Referral Mechanism will be supported by a manual on victim protection, assistance, and referral forthcoming in 2020.

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	<p>Part V of the law concerns protection and assistance, calls for interventions to stop violence and establishes referrals to ensure necessary protection and assistance (Article 30), which may include social welfare, counseling, safe and temporary shelter, assistance with care of children, medical assistance, legal assistance, economic assistance, educational and vocational training assistance, and assistance with reintegration into family and society (Article 32), all of which are detailed in separate articles.</p> <p>In addition to criminalizing acts of violence against women and children, and prescribing penalties for offences, the law also penalizes those who are in a position to assist victims but fail to do so (Article 80).</p>
<i>Labour Law</i> (2006)	The <i>Labour Law</i> gives the Ministry of Labour and Social Welfare responsibility for labor issues at the capital, provincial, district, and municipal level. Article 73 prescribes a labor inspection system by the “labour inspection organization”, including of work conditions, labor welfare and society security, as well as the use of child and women labor (Article 72). Some assistance provisions relate to occupation injury or disease (Articles 55-57).
<i>Law on the Protection and Development of Women</i> (2004)	Part IV of the <i>Law on the Protection and Development of Women</i> concerns the protection of trafficked women and children but does not apply to trafficked men. It sets out the rights of women and children to: ask for assistance from any individual nearby; notify the police; testify and present evidence; request compensation; be rehabilitated and reintegrated; receive protection and care to ensure personal safety; not to be prosecuted and detained on any charge of trafficking, prostitution or illegal migration; not to be photographed or appear in videos or broadcast; and receive suitable assistance (shelter, food, clothes, medical services, vocational training, repatriation) (Article 25). Part IV also sets out duties of society to report trafficking cases to police and other authorities (Article 26).
<i>Promulgation of the Amended Law on Criminal Procedure</i> (2004)	This law establishes that witnesses have the right to give testimony and receive protection from any threats that result from it.

The Anti-Trafficking in Persons Committee is responsible for the combatting trafficking in persons in Lao PDR. It is comprised of the National Committee on Anti-Trafficking in Persons (NCATIP) and the Committees on Anti-Trafficking in Persons in provinces, as well as the capital (and district, municipal, and city-level committees, which are established as necessary). Committees are government agencies with non-standing bodies appointed by provincial governors or the Vientiane Capital mayor, with the role of implementing strategic plans, policies, projects, and activities on anti-trafficking and served by a division under the Public Security Office as secretariat. The National Committee on Anti-Trafficking in Persons (NCATIP) is a state body with non-standing functions appointed by the Prime Minister. It serves as the Secretariat to the government, and is responsible for all strategies, policies, laws, as well as coordination, collaboration, and support of all programs and activities in relation to anti-trafficking. A department under the General Police Department, Ministry of Public Security, serves as the NCATIP Secretariat.

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The other key government actors with responsibilities related to protecting and assisting trafficking victims in Lao PDR are described in Table #14 below.

Table #14. Roles and responsibilities in the identification, referral, and assistance of trafficking victims in Lao PDR

Responsible Actor(s)	Role/Responsibilities
Ministry of Public Security (MPS)	<p>Heads the National Steering Committee on Human Trafficking (NSC), an inter-agency body that brings together all state anti-trafficking actors. The Deputy Director of the MPS Police Department heads the NSC Secretariat. The Secretariat to the National Committee on Anti-Human Trafficking (NCAHT) of the MPS is the focal point for return and repatriation of Laotian victims from abroad. Provincial Steering Committees (PSC) established in all 17 provinces support the NSC and Anti-Trafficking Divisions (ATDs) of the MPS operate at the provincial level.</p> <p>The MPS established the Department of Prevention and Anti-Human Trafficking (DPA) that includes six divisions: 1) intelligence; 2) investigation; 3) awareness and training; 4) secretariat; 5) cases; and 6) the cabinet.</p> <p>The role of the Public Security sector is set out in Articles 62 and 75 of the <i>Law on Anti-Trafficking in Persons</i>. Article 68 of the <i>Law on Preventing and Combating Violence against Women and Children</i> also sets out the rights and duties of the MPS in protecting women and child victims of violence, including to “assist and rescue the victims and coordinate with other relevant sectors.”</p>
Ministry of Justice (MOJ)/Justice Sector	<p>The Justice Sector is “responsible for: coordinating and collaborating with the Ministry of Public Security and other relevant sectors in studying, researching, developing, amending and organizing, guiding the campaign and dissemination of relevant laws and regulations relating to anti-trafficking in persons issues; directing, considering and registering the adoption of Lao children by foreigners; providing advice and legal assistance; supervising and enforcing the court’s decisions in complete, correct, speedy and fair manners” (Article 67, <i>Law on Anti-Trafficking in Persons</i>).</p> <p>Article 69 of the <i>Law on Preventing and Combating Violence against Women and Children</i> establishes the role of the Ministry of Justice in providing legal assistance to women and child victims of violence.</p>
Ministry of Labour and Social Welfare (MLSW)/Social Welfare Sector	<p>The responsibilities of the Labour and Social Welfare Sector are set out in Article 63 of the <i>Law on Anti-Trafficking in Persons</i>, which establishes responsibility “for long-term vocational trainings, development of the labour skills, and provision of employment opportunity for victims of the trafficking in persons, including provision of social welfare to the victims such as safe shelters, rehabilitation, care, counseling, reintegration into family and society within its responsibilities”. The Vientiane Transit Centre (VTC) run by MLSW is used for repatriation purposes.</p> <p>The <i>Law on Preventing and Combating Violence against Women and Children</i> sets out the rights and duties of the MLSW including to set up coordination mechanisms and systems to provide timely assistance to child victims and to provide vocational training, enhance labor skills and seek employment for victims (Article 64).</p>

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Anti-Trafficking in Persons (ATIP) Police	Police forces specialized in anti-human trafficking operations have authority to identify victims of trafficking. Anti-Trafficking in Persons Officers are police officers appointed to implement strategic plans, understand risks and tricks used by traffickers, in order to take measures to prevent trafficking in persons, rescue victims and initiate criminal proceedings against traffickers (Article 59, <i>Law on Anti-Trafficking in Persons</i>).
Lao Women Union (LWU)	<p>According to Article 64 of the <i>Law on Anti-Trafficking in Persons</i>, the LWU is responsible for “the provision of temporary safe shelters, physical rehabilitation, basic care services, short-term vocational trainings, counseling, legal advice, protection of legitimate rights and benefits of victims of trafficking in persons, preparing the victims for legal proceedings, acting on behalf of trafficking victims in legal proceedings, and reintegration services within its responsibilities.”</p> <p>The LWU receives referrals of trafficking victims from police and provides support to them. The LWU and the Lao Youth Union (LYU) maintain a presence across the country including at the village level, providing linkages within institutions at the community and capital level and to other anti-trafficking stakeholders.</p> <p>The <i>Law on Preventing and Combating Violence against Women and Children</i> further sets out rights and duties of the LWU in relation to preventing and combating violence against women and children including providing “assistance on counseling, safe temporary shelters, legal assistance, education, vocational training and re-integration into the community for victims, [and] representing victims during judicial proceedings free of charge” (Article 62).</p>
Lao Youth Union (LYU)	Maintains a presence across the country, providing linkages between the village and capital level and to other anti-trafficking stakeholders. The LYU is responsible for raising awareness and providing opportunities for prevention (Article 70, <i>Law on Anti-Trafficking in Persons</i>)
Ministry of Health (MOH)/Public Health Sector	<p>The Public Health Sector is responsible for “the provision of temporary safe shelters, physical rehabilitation, basic care services, short-term vocational trainings, counseling, legal advice, protection of legitimate rights and benefits of victims of trafficking in persons, preparing the victims for legal proceedings, acting on behalf of victims in legal proceedings, and reintegration services within its responsibilities” (Article 65, <i>Law on Anti-Trafficking in Persons</i>).</p> <p>Article 64 of the <i>Law on Preventing and Combating Violence against Women and Children</i> sets out the rights and duties of the Ministry of Health, including: to supervise and manage the health care services, [and] primary health care education as necessary for families, organizations, in particular for the victims of physical, psychological and sexual violence; to create favorable conditions for women and children to access health care services; and to establish and manage medical services systems to provide assistance to victims and accompanied children at the same place.</p>
Ministry of Education and Sports (MOES)/Education and Sport Sector	The Education and Sport Sector is primarily charged with a preventative role, being responsible for: “creating conditions which enable Lao citizens, notably women and children living remote areas, to have access to basic general education; directing,

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	administering, guiding, supervising and monitoring educational institutions, in particular, schools in order to prevent the school boys and girls, students including the Lao students studying abroad from becoming the victims of trafficking in persons; incorporating the activities on anti-trafficking in persons into educational curriculums; creating favorable conditions for the victims to continue their education in different levels free of charge” (Article 68, <i>Law on Anti-Trafficking in Persons</i>).
Foreign Affairs Sector/Lao PDR embassies and consulates	<p>The <i>Law on Anti-Trafficking in Persons</i> states that “the foreign affairs sector is responsible for: coordinating and cooperating with relevant national and international organizations in the verification of the nationality of victims, facilitating issuance of travel documents, providing necessary assistance, participating in conducting interviews and collecting primary information on the Lao citizens, foreigners, and stateless persons with permanent residence in Lao PDR who become the trafficking victims in foreign countries; coordinating with foreign countries to exchange information for the purpose of criminal proceedings; handing over and repatriating trafficking victims to their home countries, including supervising international organizations and non-governmental organizations whose activities are related with anti-trafficking in persons” (Article 66).</p> <p>The <i>Law on Development and Protection of Women</i> (2004) provides that the Lao embassy or consulate shall provide protection and necessary urgent assistance to women and child victims abroad who are Lao citizens.</p>

Government agencies also work at the provincial and community level to identify, refer, and assist victims. There are also some NGOs and civil society organizations in Lao PDR that work with the government to identify, refer, and assist trafficking victims in the country. The roles and responsibilities of various stakeholders are outlined in the National Referral Mechanism.

5.2 Procedures and guidance on victim identification and referral in Lao PDR

Victim identification is defined in the *Law on Anti-Trafficking in Persons* as “the act of verification of the victim of trafficking in persons by anti-trafficking in persons officers” (Article 37). Section 3 of the *Law on Anti-Trafficking in Persons* sets out proceedings for trafficking in persons cases, that touch on the identification and referral of victims of trafficking.

Table #15. Procedures for preliminary victim identification in Lao PDR, as established in Section 3 of the Law on Anti-Trafficking in Persons

Step 1. Case reporting (Article 32)	<p><i>Actor:</i> Victims of trafficking in persons, family members of TIP victims, close relatives, neighbors, other persons, domestic and international organizations that know, see, or receive information on trafficking in persons.</p> <p><i>Action:</i> Report in oral or written form</p>
Step 2. Receiving case reporting (Article 33)	<p><i>Actor:</i> Police officers (being persons who have authority to receive reports). In the case of necessity and urgency, individuals, legal entities, or other organizations can receive the reports and submit to the police immediately.</p> <p><i>Action:</i> Receives report; rescues and assists victims of trafficking; and initiates criminal proceedings</p>

<p>Step 3. Documentation of case reporting (Article 34)</p>	<p><i>Actor:</i> Police officer that receives a case report.</p> <p><i>Action:</i> Prepares a record containing the following key information:</p> <ol style="list-style-type: none"> 1. Place, date, time, name and surname, and position of the person receiving the case report; 2. Name and surname, age, occupation, place of residence or workplace of the victim, victim’s parents and the reporter; 3. Name and surname, age, occupation, place of residence or workplace of the accused person; 4. Description of the incidence as reported by reporter.
<p>Step 4. Proceeding against offenders (Article 35)</p>	<p><i>Actor:</i> Relevant officers who receive a case report.</p> <p><i>Action:</i> Inspect, verify information, take statements from the victims or the reporter, including witnesses, and apply investigation-interrogation methods and measures in accordance with the law on criminal procedures, while maintaining confidentiality and safety of those who are involved.</p>
<p>Step 5. Request for civil compensation (Article 36)</p>	<p><i>Actor:</i> Victim or civil plaintiff. Relevant organizations.</p> <p><i>Action:</i> The victim or civil plaintiff has the right to claim civil compensation during criminal proceedings. Relevant organizations shall provide necessary protection and assistance to the victim as provided for in Article 44 of this law and in accordance with the court decision.</p>

Victim rescue is set out in Article 40 and requires that police officers, border officials, diplomatic or consular officers who receive information about a trafficking victim or group, “take ownership to collaborate with the relevant sectors to take the measures and apply the methods and to rescue those victims together with information and data, necessary evidence for further criminal proceedings.” When victims are injured, their life or health endangered, or their rights, freedoms, dignity, and property are infringed, they must be protected and receive “appropriate assistance” promptly by the officials. Victim referral is then to “a temporary safe shelter in order to provide necessary assistance services” (Article 41).⁸³

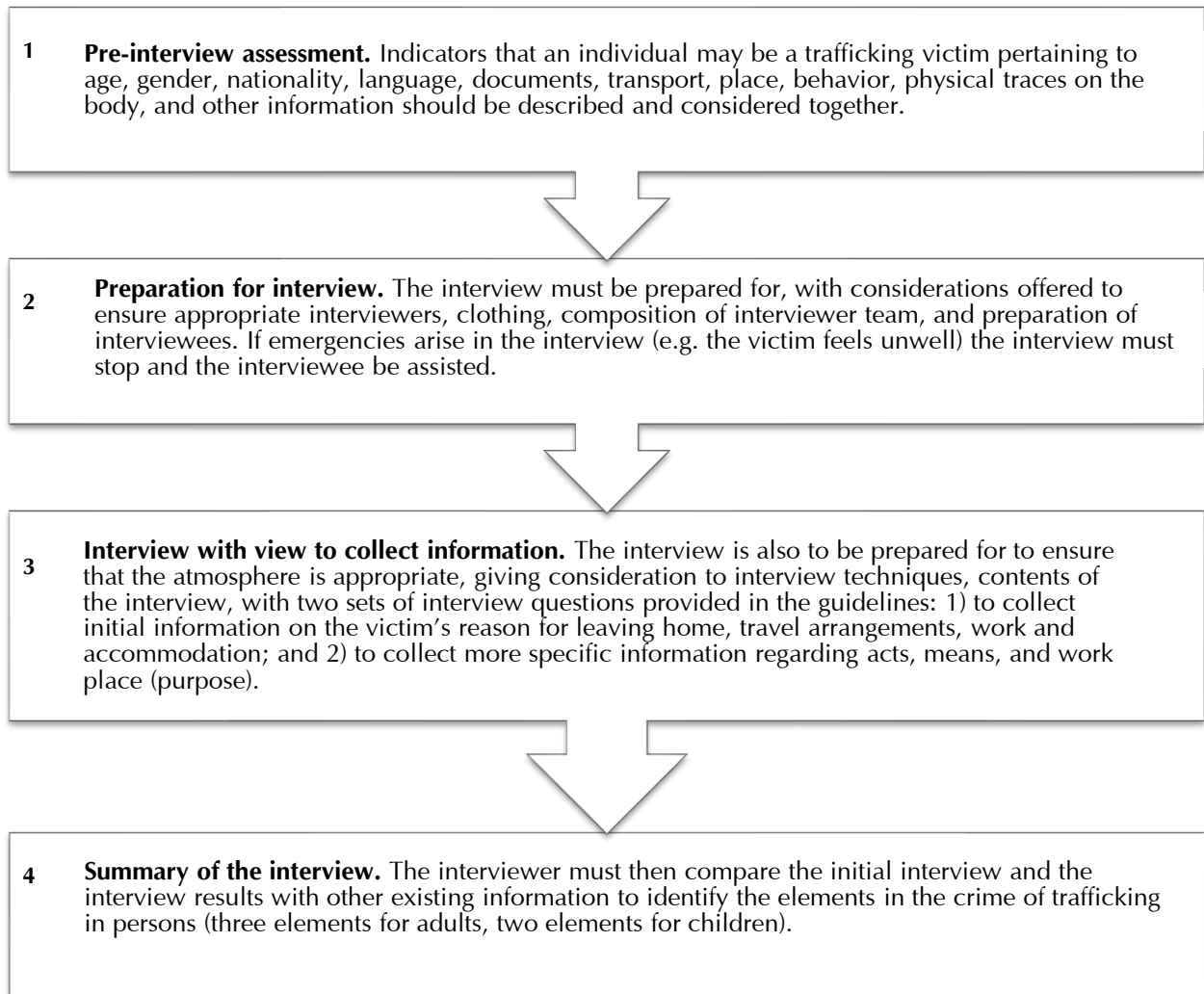
In 2016, the Ministry of Public Security (MPS) published *Victim Identification Guidelines*, which set out the steps in victim identification in Lao PDR and provide interview questions to be used in the identification of trafficking victims. The *Victim Identification Guidelines* also establish basic principles for victim identification, including humanitarian, voluntariness, confidential, non-discriminatory, done by trained personnel in the appropriate language, in the “paramount” interest of victims, and coordinated between competent authorities.⁸⁴ The basic approach to victim identification prescribed therein is that after receiving the trafficking victim, police place victims in a “detection” facility where they await screening procedures by anti-trafficking police, who have authority to identify whether a person is a victim of trafficking, with the cooperation of social workers and the Lao Women’s Union (LWU). After they have been screened and identified as a victim of trafficking, the victim will be referred to the social worker and LWU for shelter and further assistance. The police, social workers and LWU will further interview the trafficking victim to determine how to assist them and to trace the person’s community of origin.

⁸³ *Law on Anti-Trafficking in Persons*, Arts. 40-41.

⁸⁴ MPS, *Trafficking in Person Victim Identification Guideline* (Vientiane: Ministry of Public Security, 2016); 4-5.

The *Victim Identification Guidelines* detail four specific steps for the victim identification interview, as outlined in Figure #5 below. Unlike the steps outlined in the *Law on Anti-Trafficking in Persons* that concern management of the entire case against the trafficker, the steps provided in the *Victim Identification Guidelines* are specific to the screening interview itself.

Figure #5. Steps in the process of identification and referral of trafficking victims in Lao PDR, as outlined in the *Victim Identification Guidelines*⁸⁵



Based on the steps in Figure #5 above, if the individual is determined to be a victim of trafficking, information is to be provided to anti-trafficking police to verify and to confirm that the individual is a victim of trafficking. Following a positive determination, there must be immediate coordination with concerned organizations to provide support and protection, and to prosecute perpetrators. If the individual is not determined to be a victim of trafficking, legal procedures and concerned laws and regulations must be followed. In cases of doubt, concerned organizations must provide information to police to check according with laws, regulations, and legislations.

The *Victim Identification Guidelines* further offer principles that are to underpin all victim identification interview procedures, as set out in Table #16.

⁸⁵ MPS, *Victim Identification Guidelines*.

Table #16. Principles for victim identification in Lao PDR, as outlined in the Victim Identification Guidelines

Humanitarian	The concerned organizations must consider humanitarian rights of victims as key for TIP victim identification. They must be ethical with good conduct and the identification must be holistic, complete, objective, and timely.
Voluntary	TIP victim identification must be voluntarily attended by presumed victims, and victims must be well aware of benefits that they are entitled to, how long the interview process is, any complications, risks, and other related factors that may arise during the interview.
Confidential	To ensure the safety of victims, the officers and authorities conducting interviews of TIP victims must keep information confidential and not disclose the status of victims. Keeping information about victims and parties involved confidential is important to ensure the safety of trafficking victims.
Non-discriminatory	All trafficking victims have an equal right to protection from concerned parties in accordance with domestic and international laws regardless of their political, economic, or social status, race, nationality, religious beliefs, language, gender, or age.
Principles for interviewers and language	The interviewer must introduce themselves and must be trained in victim identification. The interviewer must be aware of important points of the interview, technical terms, use of language, use of equipment, and appropriate venue for the interview. The interview must be in the Lao language, but in cases where victims do not speak Lao, they can use their own language or other language through interpreters.
Paramount interest of victims	In victim interviews, all concerned officers must consider the interests of victims as paramount and interviews must protect the rights of the victims.
Coordination	Competent authorities dealing with victim identification must coordinate and collaborate with concerned domestic and international parties.

5.3 Assistance available to trafficking victims in Lao PDR

Until the passage of the *Law on Anti-Trafficking in Persons* in 2015, the framework for assisting victims of trafficking in Lao PDR primarily served women and children as its beneficiaries, through the *Law on Development and Protection of Women* (2004) and the *Law on Preventing and Combating Violence against Women and Children* (2014).⁸⁶

As of 2015, the *Law on Anti-Trafficking in Persons* guides victim protection in Lao PDR. It categorizes victims of trafficking (in Article 38) into three categories:

1. Lao citizens, aliens, stateless persons, and foreigners who live in Lao PDR and become victims of trafficking in Lao PDR;
2. Lao citizens, aliens, stateless persons, and foreigners who live in Lao PDR and, at the same time, become victims of trafficking in a foreign country; and
3. Foreigners living in a foreign country who become victims of trafficking in Lao PDR.

However, the law does not explain the implications, if any, that the different categories have on protection and assistance entitlements.

Article 39 of the 2015 *Anti-Trafficking Law* sets out the rights of all victims of trafficking in persons, including:




- 1) to request assistance from individuals, legal entities or organizations;
- 2) to report to the relevant authorities;
- 3) to testify in the case;
- 4) to present evidences;
- 5) to submit complaints;
- 6) to be compensated;
- 7) to be exempted from the criminal liability and not detained for prostitution offences and/or illegal immigration;
- 8) to be protected and assisted to ensure their safety and security;
- 9) to be protected from photography or video recording for the purpose of publication that could be harmful to the dignity and reputation of the victim;
- 10) to receive assistance such as safe shelter, legal aid, medical treatment, education and vocational training, economic support, reintegration;
- 11) to access documents in their case file, including the right to make copies and take note of important contents of documents after completion of the investigation;
- 12) to participate in court hearings;
- 13) to object to the officers who will undertake criminal proceedings;
- 14) to complain, appeal against the court's decision or request to cancel the actions or the order of anti-trafficking in persons officers, chief of the prosecutor's office, prosecutors, and presiding judge or judges, if the victim finds that something is not accurate;
- 15) to request an interpreter, lawyer or other guardians to defend the case; and
- 16) to have other rights as provided for in the laws and regulations.

These rights must be ensured across the various forms of assistance provided to trafficking victims, which are detailed in Table #17 below. Other forms of assistance may also be available to trafficking victims in Lao (as citizens or socially vulnerable individuals) but a comprehensive treatment of all assistance is beyond the scope of this review. In addition, some assistance is provided for in bilateral agreements between Lao PDR and other countries, although this will vary depending on the agreement.⁸⁷





⁸⁶ *Law on Development and Protection of Women*, Law No. 70/PO (2004); *Law on Preventing and Combating Violence against Women and Children*, Law No. 56/NA (2014).


⁸⁷ See Annex #1: Bilateral agreements related to the protection of trafficking victims in Cambodia, Indonesia, Lao PDR, Thailand and Viet Nam.



Table #17. Legal and policy instruments in the provision of assistance to trafficking victims in Lao PDR


Form of assistance	Legal and policy instrument(s)
 <p>Housing, care, and accomodation</p>	<p>Article 39(10) of the <i>Law on Anti-Trafficking in Persons</i> gives trafficking victims the right to safe shelter. Article 45 states that “temporary shelter service” is to include shelter, food, clothes, medicines, and necessary items for daily use by victims.</p> <p>The Lao Women Union (LWU) and the Social Welfare Sector are responsible for providing assistance to victims referred to them. Article 35 of the <i>Law on Preventing and Combating Violence against Women and Children</i> requires the LWU and the Social Welfare Sector (with assistance from other agencies) to provide victims and accompanied children temporary safe shelter.</p> <p>Lao trafficking victims returning from abroad are reportedly kept in shelters for seven days in order for health checks to be performed and assistance to be provided.⁸⁸</p> <p>Article 6 of the MOU between Lao PDR and Thailand commits both parties to providing shelter and appropriate protection to trafficking victims awaiting repatriation. Similar provisions exist in other bilateral agreements.</p>
 <p>Medical assistance</p>	<p>Article 39(10) of the <i>Law on Anti-Trafficking in Persons</i> gives trafficking victims the right to receive medical treatment. That medical treatment is to include medical counseling, psychological and mental treatment services, medical checkup and treatment, health, and age certificates (Article 47). Article 47 also requires physicians to report persons they suspect of being trafficked to ATIP police officers or refer them to medical units responsible for caring for victims of trafficking.</p> <p>Article 35 of the <i>Law on Preventing and Combating Violence against Women and Children</i> sets out that women and children victims of violence should receive medical examination, treatment, certification, psychological and psychiatric treatment, and therapy. The provision also states that female victims are to be examined by female doctors, or in the presence of a female social worker or nurse and specifies that a victim’s consent must be provided for any forensic medical examination. Medical records are to be kept confidential except for provision to authorized state authorities (Article 37).</p> <p>In the MOU between Lao PDR and Thailand, the two governments commit to continued medical care to trafficking victims awaiting repatriation (Article 17(2)). In addition, public hospitals are available to socially vulnerable persons, including trafficking victims.</p> <p>If a trafficking victim is personally insured through the national social security fund, medical care may be available through their health care entitlements under the <i>Law on Social Security</i> (2013) (Article 11).</p>
	<p>Article 47 of the <i>Law on Anti-Trafficking in Persons</i> establishes that medical treatment assistance includes medical counseling, psychological and mental health treatment.</p>

⁸⁸ ASEAN, *Regional Review*, 114.

<p>Psychological support and counseling</p>	<p>Article 34 of the <i>Law on Preventing and Combating Violence against Women and Children</i> requires psychological and health counseling to be provided at any time for women and children victims of violence.</p> <p>In the MOU between Lao PDR and Thailand, the two governments commit to continued psychological care (Article 17(2)).</p>
<p> Education, training and life skills</p>	<p>Article 39(10) of the <i>Law on Anti-Trafficking in Persons</i> gives trafficking victims the right to education and vocational training.</p> <p>The <i>Law on Preventing and Combating Violence against Women and Children</i> states that “child victims, women victims who are still in education or children accompanying the victim shall receive opportunities to continue their education in schools or in educational institutes where the victim is studying or in safe schools or educational institutes, which the Education and Sport sector and other concerned organizations shall facilitate and provide assistance according to the actual situation”. The law further states that victims who do not have the opportunity to continue their education, have the right to receive vocational training in order that they can get a job, earn an income, and be able to improve their living conditions. The Labour and Social Welfare Sector is required to coordinate with other relevant sectors and organizations to provide such opportunities.</p> <p>Article 12 of the <i>Law on Development and Protection of Women</i> refers to vocational training and work skills development, towards women having the same employment opportunities as men.</p> <p>In addition, free education is available for all citizens from primary school to high school (twelve years).</p>
<p> Economic empowerment opportunities</p>	<p>Article 39(10) of the <i>Law on Anti-Trafficking in Persons</i> gives trafficking victims the right to economic support and reintegration. Article 49 states that financial support is to be provided to “any victim of trafficking in persons who is poor or economically disadvantaged” by relevant organizations, sectors, and local authorities. Such assistance is to be initial financial assistance, access to funds or assistance to find any employment or work to support the victim to gain income and be economically self-reliant.</p> <p>For women and children, the <i>Law on Preventing and Combating Violence against Women and Children</i> provides that “a victim who is poor and has no economic opportunities shall receive economic assistance from concerned sectors and concerned local community, such as primary financial assistance, access to financial resources or any type of work in order that the victim is able to generate an income and be economically self-sufficient” (Article 39).</p>
<p> Administrative assistance and support</p>	<p>Article 39(11) of the <i>Law on Anti-Trafficking in Persons</i> gives victims the right to access to documents in their case files, make copies and take note of important contents of documents in the case file after completion of the investigation.</p> <p>Some components of “legal assistance” (below) provided for in Article 46 of the <i>Law on Anti-Trafficking in Persons</i> also amount to administrative support, including verification of nationality, application for identity card, family registration, travel documents, and claims for civil compensation.</p>
<p></p>	<p>The <i>Law on Anti-Trafficking in Persons</i> provides trafficking victims with the right to information and legal assistance, and the right to seek compensation. Article 39(11) gives trafficking victims the right to “request for an interpreter, lawyer or other guardians to defend the case”. The</p>

<p>Legal assistance and support</p>	<p>wording of this provision does not make the provision of an interpreter, lawyer, and guardians automatic but subject to the victim’s request.</p> <p>Article 46 of the <i>Law on Anti-Trafficking in Persons</i> states that legal assistance includes “legal counseling, legal advices, verification of nationality, application for identity card, family registration, travel documents, the claim for civil compensation, participation in the legal proceedings, assignment of lawyer or other guardians to represent the victims in legal proceedings for free of charge in order to protect their rights and legitimate benefits [and] help the victims to prepare for hearings in the court. Where the victim cannot speak Lao language, an interpreter must be provided, and all necessary documents must also be translated”.</p> <p>Further, Article 25(4) of the <i>Law on Development and Protection of Women</i> allows female victims to request compensation and requires offenders to compensate victims for certain costs (Article 27).</p> <p>Article 34 of the <i>Law on Preventing and Combating Violence against Women and Children</i> requires legal advice to be provided at any time for women and children victims of violence. Article 38 sets out that victims are to: receive legal assistance, such as counseling and advice; have a lawyer or other legal protector protect their rights and act as victim’s representatives to defend the case in court; and receive an interpreter if needed. The provision further states that “victims from poor families shall receive legal assistance free of charge.” What constitutes “poor” is not defined in the law.</p> <p>Article 71(4) of the <i>Criminal Procedure Law</i> (as amended in 2012) provides a lawyer or protector to be issued to certain vulnerable people (including children). Compensation may be sought in criminal cases (Article 16).</p> <p>Compensation may alternatively be sought under the <i>Labour Law</i>. Article 56 refers to compensation for occupation injury or disease and Article 74 prescribes payment of compensation as a form of penalty for violation. For women and children, the <i>Law on the Development and Protection of Women</i> gives the right to seek compensation for being trafficked (Article 25(4)). Article 52 indicates that compensation is provided for as a penalty for the perpetrator.</p> <p>The MOU between Lao PDR and Thailand commits both parties to providing “justice and legal protection” to trafficking victims awaiting repatriation (Article 6) and to cooperate with other organizations in doing so (Article 8). The 2010 <i>Lao-Viet Nam Agreement on Cooperation in Preventing and Combating Trafficking in Persons and Protection of Victims of Trafficking</i> enables Vietnamese victims in Lao PDR to participate in legal proceedings, with the same protections that Lao citizens are entitled to.</p> <p>Victims of trafficking are protected from prosecution and detention through the <i>Law on Anti-Trafficking in Persons</i> (and for female victims, through the <i>Law on Development and Protection of Women</i>), by which they are protected from criminal or administrative liability for immigration offences.</p>
<p> Safety and security measures</p>	<p>Article 39(8) of the <i>Law on Anti-Trafficking in Persons</i> gives trafficking victims the right to be protected and assisted to ensure safety and security. Article 42 of that law further offers detail about the safety of trafficking victims and their close relatives who are to: be protected at places of residence, work, study, places they come and go, courts where hearings take place; have their activities and communications managed; be provided temporary safe shelter; or be provided with a new residence/workplace if they cannot return to families because of safety reasons.</p>

	<p>Article 42 of the <i>Law on Preventing and Combating Violence against Women and Children</i> sets out protection measures ranging from “prohibiting the perpetrator from continuing violence” and “asking the perpetrator of violence to stop any behaviour that threatens, intimidates the victim or family members of the victim”. Article 42 also provides for financial assistance for the victim and for legal proceedings to be taken against the perpetrator, and their custody, arrest, or detention. Victims or their representatives may also make proposals for or request the police for protection measures, which the Peoples’ Court must consider and decide upon within three days (Article 43). Urgent protection measures are also specified in Article 44.</p> <p>Article 27 of the <i>Law on Development and Protection of Women</i> states that police shall maintain the safety of (women) victims and witnesses during investigations and prosecutions of criminal justice cases. The <i>Criminal Procedure Code</i> gives witnesses the right to give testimony and receive protection from any threats that result from it.</p> <p>Privacy and confidentiality of all victims of trafficking is protected by the <i>Law on Anti-Trafficking in Persons</i>, as well as for women and children in the <i>Law on Development and Protection of Women</i>, which states that women and child victims have the right not to be photographed, videoed or broadcast on television where this will “affect their personal honour”.</p> <p>The <i>Criminal Procedure Law</i> (as amended in 2012) also requires that investigative and prosecutorial information be kept confidential (Article 101) and requires protectors allocated to victims/witnesses to maintain confidentiality (Article 71). The same law also provides for the right of witnesses to receive protection “from any threat to life, health, or property because of giving testimony” (Article 70).</p>
 <p>Assistance to victim’s family members</p>	<p>The <i>Law on Anti-Trafficking in Persons</i> grants trafficking victims a range of assistance rights including to reintegrate into the family and society.</p> <p>Article 41 of the <i>Law on Preventing and Combating Violence Against Women and Children</i> concerning the reintegration of victims must be done based on an assessment of the victim’s family situation and environment. It does not detail specific assistance that families are to be given to equip them to receive victims. That law also sets out measures for re-education, compromise, and mediation for violence where violence does not cause harm (Articles 48-56).</p>
 <p>Case management</p>	<p>Some components of Article 41 of the <i>Law on Preventing and Combating Violence Against Women and Children</i> imply that a plan for reintegration is required, in collaboration with the victim, though a case management plan is not specifically mentioned. That provision states, “Victims shall receive assistance to reintegrate into family and society, for which the social welfare staff or social worker or other concerned authorities must assess the victim’s situation, family situation, organization and environment in which the victim resides in. If the victim is ready to re-integrate into the family, organization and environment, the social welfare staff or social worker or other concerned authorities must coordinate with the concerned authorities or concerned organizations for reintegration into the community and conduct regular periodic monitoring”. Article 41 further provides that the concerned authority/organization must seek an alternative safe and appropriate place for victims who cannot be reintegrated into the community or do not want to return to their family or community.</p>

 <p>Return assistance</p>	<p>The <i>Law on Anti-Trafficking in Persons</i> provides for safe return and reintegration support for victims of trafficking. Article 50 sets out reintegration steps, specifying actions that the National Committee on Anti-Trafficking in Persons must take before transferring the victim back to their family and the society, being to:</p> <ol style="list-style-type: none"> 1. Coordinate and cooperate with the local authorities where the victim lives to find out the family, parents, relatives and assess conditions and preparedness to receive the victim, including preparedness of the victim themselves to return to their family and the society; 2. Encourage the victim’s family, parents, or relatives, village administration or relevant agencies to continue to monitor and provide further assistance. <p>Article 50 further states that where the trafficking victim cannot return to their family, the Secretariat of the National Committee on Anti-Trafficking in Persons shall collaborate with relevant sectors to find other options for assistance.</p> <p>Article 28 of the <i>Law on the Protection and Development of Women</i> refers to the urgent assistance and return of Lao citizens trafficked abroad, and cooperation with authorities to repatriate foreign victims from Lao. That law ensures the right of women victims to receive repatriation assistance, specifying that: for Lao citizens abroad, the relevant Lao embassy or consulate is to provide necessary protection and assistance, including in relation to safety and welfare, and for foreign victims in Lao PDR, national authorities are required to coordinate their repatriation with the embassy or consulate of the victim’s country.</p> <p>In the MOU between Lao PDR and Thailand, the two governments commit to cooperating in the return of victims of trafficking, returning them in respect of their safety and dignity (Article 16). With regard to reintegration, consideration is to be given to not subjecting victims to further victimization, stigmatization or social branding upon their return.</p> <p>There is no law and policy in place in relation to trafficking victims remaining temporarily or permanently in Lao PDR as an alternative to repatriation.</p>
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5.4 Special considerations for trafficked children in Lao PDR

5.4.1 Laws and policies on the protection of trafficked children in Lao PDR

Aside from the *Law on Anti-Trafficking in Persons* and the *National Referral Mechanism*, there are no legal or policy instruments in Lao PDR that are specifically for the identification, referral, or assistance of child victims of trafficking.

5.4.2 Procedures and guidance on the identification and referral of trafficked children in Lao PDR


While there are no specific legal or policy instruments directly for the identification, referral, or assistance of child trafficking victims, the *Law on Protection of the Rights and Interests of Children* can be used to offer some forms of protection and assistance to child victims of trafficking.⁸⁹ This law defines a child as a person below the age of 18 (Article 2(1)) and includes victims of human trafficking as “children in need of special protection” (Article 2(2)). This law also sets out special protection and privileges in legal proceedings for children, including the right to have their privacy protected, emergency measures, education, and medical and vocational assistance for reintegration. Article 4 confirms that the child’s best interests are to be the deciding factor in all decisions taken in relation to children.

Child victims of trafficking also fall within the protection and assistance framework in place for female and child victims of violence under the *Law on Preventing and Combating Violence Against Women and Children*.

5.4.3 Assistance available for trafficked children in Lao PDR







In addition to all of the protection and assistance entitlements that children enjoy in the *Law on Anti-Trafficking in Persons* (described above), some child specific protections are set out in other legislation. Specifically, Article 41 of the *Law on Protection of the Rights and Interests of Children* establishes the procedures for protection and assistance to be followed by the Committee on the Protection and Assistance of Children, including: to place the child in a shelter; to provide counseling, health care, education, vocational training, and other necessary support to the child; to assist in the child’s physical and moral recovery and social reintegration; to identify the parents or guardians and return [the child] to them; to provide assistance and counseling to the child’s parents or guardians to enable [them] to perform their obligations to provide care and education to their children; to help in income-generation and to provide financial and other necessary support; and to monitor and pay regular home visits to inspect the quality of care to the child by parents or guardians. These are further detailed in Table #18 below. However, a comprehensive review of all child-specific assistance is outside the scope of this review.





Table #18. Legal and policy instruments in the provision of assistance to child trafficking victims in Lao PDR

Form of assistance	Legal and policy instrument(s)
 <p>Housing, care, and accomodation</p>	<p>Article 40 of the <i>Law on Protection of the Rights and Interests of Children</i> sets out urgent measures for protection, including return to parents, or a safe shelter if that is not feasible.</p> <p>Article 41 establishes procedures for protection and assistance of children, including placement of the child in a shelter.</p> <p>Article 42 sets out that alternative methods of care may be considered and should be based on the best interests of the child, preferring a guardian from</p>

⁸⁹ *Law on Protection of the Rights and Interests of Children*, Law No. 04/PO (2007).

Trafficking victim protection in Lao PDR

	<p>among relatives, the need to “preserve the culture, language, religion and racial background of the child”, consideration for the views of the child, and ensuring that children with HIV/AIDs are not isolated from other children. The provision also states that placement of a child in a residential care institution (orphanage, boarding school, or other institutional establishment) should be a measure of last resort. Article 25(8) of the <i>Law on Development and Protection of Women</i> gives the right to trafficked children to receive suitable assistance in the form of a shelter.</p> <p>If the parents of a trafficked child are insured through the national social security fund, medical care may be available to them as part of their health care entitlements under Article 11 of the <i>Law on Social Security</i>.</p>
 Medical assistance	<p>Article 28 of the <i>Law on the Protection and Development of Women</i> obliges officers to give special treatment to restore women’s physical and mental health and to provide assistance in accordance with their specific needs and to ensure they have guardians to help them return to family and society.</p> <p>Article 41 of <i>Law on Protection of the Rights and Interests of Children</i> refers to the provision of necessary support to the child’s physical recovery.</p>
 Psychological support and counseling	<p>Article 28 of the <i>Law on the Protection and Development of Women</i> obliges officers to give special treatment to restore their physical and mental health and to provide assistance in accordance with their specific needs and to ensure they have guardians to help them return to family and society.</p> <p>Article 41 of <i>Law on Protection of the Rights and Interests of Children</i> refers to counseling and support for ‘moral recovery’</p>
 Education, training and life skills	<p>Article 48 of the <i>Law on Anti-Trafficking in Persons</i> explains that education and vocational training assistance includes the right of school age child trafficking victims or children accompanying victims to continue learning in schools, and professional or vocational training to others to have access to employment, income and improve living conditions.</p> <p>Additionally, Article 41 of <i>Law on Protection of the Rights and Interests of Children</i> education and vocational training to assist in the child’s social reintegration. In the MOU between Thailand and Lao, the two governments commit to ensuring that school-age children shall be provided with education (Article 17(2)).</p>
 Economic empowerment opportunities	<p>Article 41 of the <i>Law on Protection of the Rights and Interests of Children</i> provides for financial and other necessary support to be provided to the child’s parents or guardian.</p>
 Administrative assistance and support	<p>See Table #17 (above) on assistance to trafficking victims in Lao PDR.</p>
 	<p>Article 71(4) of the <i>Law on Criminal Procedure</i> (as amended in 2012) provides for a lawyer or protector to be issued to certain vulnerable people (including children). The same law also allows for some cases, including those relating to offences involving children, to be conducted in closed-door</p>

<p>Legal assistance and support</p>	<p>hearings (Article 21). Where evidence is taken from children, the participation of a protector, teacher, parent, guardian, or some other representative is required (Article 117).</p> <p>The <i>Law on Protection of Rights and Interests of Children</i> states that child victims and witnesses in criminal proceedings have the right to have their privacy protected (Article 44), that sensitive and friendly methods are to be used in interviewing them (Article 45), and that any person who reveals the identity of a child victim, suspect, defendant or convicted person may be punished (Article 85). Article 51 also protects the rights of children to have a lawyer or legal protector.</p> <p>Further, the <i>Law on Juvenile Criminal Procedure</i> gives children rights: to express their opinions in all stages of the proceedings; to receive assistance from their parents, a guardian or legal protector in all stages of proceedings in order to protect the rights and legitimate interest of the child; and to protect the child's privacy and child victims.</p>
<p> Safety and security measures</p>	<p>Article 35 of the <i>Law on Preventing and Combating Violence against Women and Children</i> states that “child victims of violence committed by their parents or guardians shall receive assistance from the Social Welfare Sector with collaboration from other agencies, if there is a risk that violence will continue and extended family/relatives do not have the capacity/conditions for taking care of the children”.</p> <p>The <i>Law on Protection of the Rights and Interests of Children</i> also contains privacy protections. Police are required to maintain privacy and confidentiality of victims and witnesses in cases of women and child trafficking victims, with penalties applying for any disclosure (Articles 44, 51(6), 85).</p>
<p> Assistance to victim's family members</p>	<p>Article 41 of <i>Law on Protection of the Rights and Interests of Children</i> sets out that the Committee on the Protection and Assistance of Children is to “provide assistance and counseling to the child's parents or guardians to enable them to perform their obligations to give good care and education to their children, help in income-generation, and provide financial or other necessary support”. The Committee is also to monitor and pay regular home visits to inspect the quality of care provided by parents or guardians.</p>
<p> Case management</p>	<p>For children in need of special assistance, Chapter 2 of the <i>Law on Protection of the Rights and Interests of Children</i> applies to victims of trafficking. The Committee for the Protection and Assistance to Children is to consider a plan and determine necessary types and methods of assistance, “based on the opinion of the child, and its age and level of discernment” (Article 39).</p>
<p> Return assistance</p>	<p>See Table #17 (above) on assistance to trafficking victims in Lao PDR.</p>

6. Trafficking victim protection in Thailand

6.1 Laws and policies on victim protection in Thailand

In Thailand, the anti-trafficking framework is set out in the *Anti-Human Trafficking Act* B.E. 2551, which came into force in 2008, and was amended in 2015, 2017, and 2019.⁹⁰ The *Anti-Human Trafficking Act* covers protection issues (that is, identification, referral, and assistance).⁹¹ The *Thai Penal Code* B.E. 2499 (1956) and its amendments prohibit child trafficking (Sections 282 and 283) and forced labor (Section 312).

The *Anti-Human Trafficking Act* (Section 33) establishes that the Ministry of Social Development and Human Security (MSDHS) shall consider providing assistance as appropriate to a victim of trafficking, including food, shelter, medical treatment, physical and mental rehabilitation, education, training, legal aid, return to the country of origin or domicile, and assistance with legal proceedings to claim compensation. In determining what is appropriate, consideration is to be given to the person's human dignity, gender, age, nationality, race, and culture. The opinion of the trafficked person is also to be sought. The law also refers to the victim's right to receive protection that is to be communicated to the person at each stage of assistance

To supplement this legislative framework, the Government of Thailand has also put in place several policies and operational instruments relevant to victim protection to offer guidance on all aspects of engagement with victims or potential victims, from incident reporting, to screening and referral, to return and repatriation. These are outlined in Table #19 below.

Table #19. Legal and policy instruments relevant to the identification, referral, and assistance of trafficking victims in Thailand⁹²

⁹⁰ *Anti-Human Trafficking Act*, B.E. 2551 (2008); *Anti-Human Trafficking Act* (No.2), BE 2558 (2015); *Anti-Human Trafficking Act* (No.3), BE 2560 (2017); *Emergency Decree Amending the Anti-Trafficking, BE 2551*, BE 2562 (2019). Amendments to the Anti-Trafficking Act drafted in 2018 and promulgated in 2019 resulted in the definition of human trafficking also including forced labor and services. Section 7 of the *Emergency Decree Amending the Anti-Trafficking*, BE 2562 notes: "For the purpose of suppressing and preventing human trafficking, forced labour or services and protection of victims, the word 'human trafficking' in Chapter III and Chapter IV shall include 'forced labour or services'. The law on procedures for human trafficking cases shall apply to the procedures for forced labour or services cases mutatis mutandis." See also Government of Thailand, *Royal Thai Government's Progress Report on Anti-Human Trafficking Efforts (1 January-31 March 2020)* (Bangkok, Government of Thailand, 2020); Government of Thailand, *Royal Thai Government's Progress Report on Anti-Human Trafficking Efforts (1 January-31 December 2018)* (Bangkok, Government of Thailand, 2018), 54.

⁹¹ Additionally, in 2018, Thailand ratified the 2014 Protocol to the Forced Labour Convention (1930). Forced labor is "all work or service which is exacted from any person under the threat of a penalty and for which the person has not offered himself or herself voluntarily". "Forced Labour Convention," opened for signature June 10, 1930, *Information System on International Labour Standards*, CO29, <https://bit.ly/35QCSvn>. The 2014 *Forced Labour Protocol* to the 1930 *Forced Labour Convention* emphasizes the link between forced labor and trafficking and construes the definition of forced labor to entail human trafficking for the purpose of forced labor.

⁹² Additional instruments that may be of indirect relevance to anti-trafficking include: *Labour Protection Act* (No. 2), B.E. 2551 (2008); *Labour Protection Act*, B.E. 2541 (1998); *Royal Ordinance on Fisheries*, B.E. 2558 (2015); *Ministerial Regulation Concerning Labour Protection in Sea Fishery Work*, B.E. 2557 (2014); *Criminal Procedures in Cases Related to the Ministerial Regulations on the Protection of Labour in Sea Fisheries* (No. 2), B.E. 2561 (2018); *Child Protection Act*, B.E. 2546 (2003); *Witness Protection*

Trafficking victim protection in Thailand

Instrument	Description
<i>Guidelines on Claims for Compensation</i> (2018)	Distributed by the Ministry of Social Development and Human Security (MSDHS) in 2018 to relevant agencies with the objective of standardizing compensation claim practices in human trafficking cases.
<i>Guideline to Enhance Efficiency of Human Trafficking Victim Identification</i> (2016)	Developed in consultation with public sector and civil society to provide direction to resolve challenges in screening, victim identification, referral, and addressing deficiencies that impact the effectiveness of victim identification.
<i>Royal Ordinance Concerning Rules on Bringing Migrant Workers to Work with the Employers in the Kingdom</i> B.E. 2559 (2016)	This ordinance regarding Thailand's management of recruitment agencies prevents migrant workers from being exploited and becoming victims of forced labor or debt bondage.
<i>MDT Operational Guidelines for the Protection of Victims of Human Trafficking</i> (2013)	Developed by the Bureau of Anti-Trafficking in Women and Children and the Japan International Cooperation Agency (JICA), the <i>MDT Operational Guidelines for the Protection of Victims of Human Trafficking</i> is comprised of three sections: <ul style="list-style-type: none"> • The first section concerns foreign trafficking victims in Thailand, including relevant checklists for incident reporting, rescue operations, informing victims of their rights, and transfer of potential trafficking victims to shelters (this includes the "Preliminary Interview for Screening Victim of Trafficking" Form); • The second section concerns "Assistance to Thai and foreign nationals having permanent residence in Thailand who were victims of trafficking in foreign countries and have returned to Thailand"; and • The third section concerns information on procedures in applying for the Anti-TIP Fund and an application form.
<i>Standard Operating Procedures to implement the identification and referral process</i> (2008)	Developed in accordance with the <i>Anti-Human Trafficking Act</i> .

There are several government agencies responsible for Thailand's anti-trafficking response, with the lead agency being the MSDHS. The Government of Thailand has also created a range of taskforces, committees, and sub-committees to oversee anti-trafficking work including victim protection. These include:

- Thailand Anti-Trafficking in Persons Task Force (TATIP);
- MSDHS Center to Solve Human Trafficking Problems for Women and Children;
- Special Sub-committee on Enhancing Cooperation with NGOs and Civil Society;
- National Committee on Coordinating and Supervising the Prevention and Suppression of Human Trafficking, chaired by the Deputy Prime Minister.⁹³ There are five sub-committees as follows:

Act, B.E. 2546 (2003); *Anti-Money Laundering Act* (No. 2), B.E. 2551 (2008) amended by B.E. 2558 (2015); Emergency Decree on Managing the Work of Aliens, B.E. 2561 (2018).

⁹³ Each province also has a Prevention and Suppression of Human Trafficking Committee/ATIP Committee, chaired by the Provincial Governor with the Provincial Social Development and Human Security (PSDHS) as the secretariat.

- Sub-committee on Suppression of Human Trafficking, chaired by the Minister of Interior
- Sub-committee on Women, chaired by the Minister of MSDHS
- Sub-committee on Child Labour, Forced Labour, and Migrant Workers, chaired by the Minister of Labour
- Sub-committee on Illegal, Unreported, and Unregulated (IUU) Fishing, chaired by the Minister of Agriculture and Cooperatives
- Sub-committee on Public Relations and Legal Affairs, chaired by the Deputy Minister of Foreign Affairs
- Ad Hoc Sub-committee on Increasing Effectiveness of Human Trafficking Prosecution, chaired by a senior public prosecutor.

Other key government actors with responsibilities related to protecting and assisting trafficking victims in Thailand are described in Table #20 below.

Table #20. Roles and responsibilities in the identification, referral, and assistance of trafficking victims in Thailand

Responsible Actor(s)	Role/Responsibilities
Ministry of Social Development and Human Security (MSDHS) Division of Anti-Trafficking in Persons, Ministry of Social Development and Human Security (DATIP) Provincial level MSDHS Multidisciplinary Teams (MDTs)	MSDHS is the lead agency for Thailand’s anti-trafficking response, including victim identification, referral, and assistance. It receives referrals when there is suspicion that a person is a victim of trafficking. According to Section 33 of the <i>Anti-Human Trafficking Act</i> , the MSDHS is to provide assistance to trafficking victims, including food, shelter, medical treatment, physical and mental rehabilitation, education, training, as well as legal aid to return to their country of origin and claim compensation. At the provincial level, MSDHS is responsible for sending social workers to victim screenings and identification processes. Within each province, multi-disciplinary teams (MDTs) have existed since 2014 within the MSDHS and include government officials from various ministries (including the Royal Thai Police, Immigration Bureau, and a provincial level MSDHS representative, usually a social worker). MDTs are responsible for screening trafficking victims in provinces (including during boat inspection patrols) and remain responsible for victim protection from first contact through criminal justice proceedings. The MSDHS also operates a hotline for trafficking in persons and child labor, with interpreters available in other languages.
Royal Thai Police (RTP) Anti-Human Trafficking Division (ATHD) and Crime Suppression Division (CSD)	The RTP is the main authority for investigating cases of trafficking in persons (as well as forced labor and commercial sexual exploitation of women and children) referred to them and receives complaints through its hotline. The RTP is responsible for making the final determination following victim identification screening by the MDT and for referring identified victims to MSDHS for protection and assistance. ⁹⁴

⁹⁴ While the RTP are responsible for making the final victim determination, there may be instances in which other MDT members do not agree with this determination. To document when a discrepancy occurs, the new (2020) victim identification screening form includes a section to indicate if there are differences in determinations by MDT members, and if so, provides space to explain the disagreement. This addition came out of consultation with MDTs who raised the discrepancy in identification determinations as an issue in timely and accurate identification.

Trafficking victim protection in Thailand

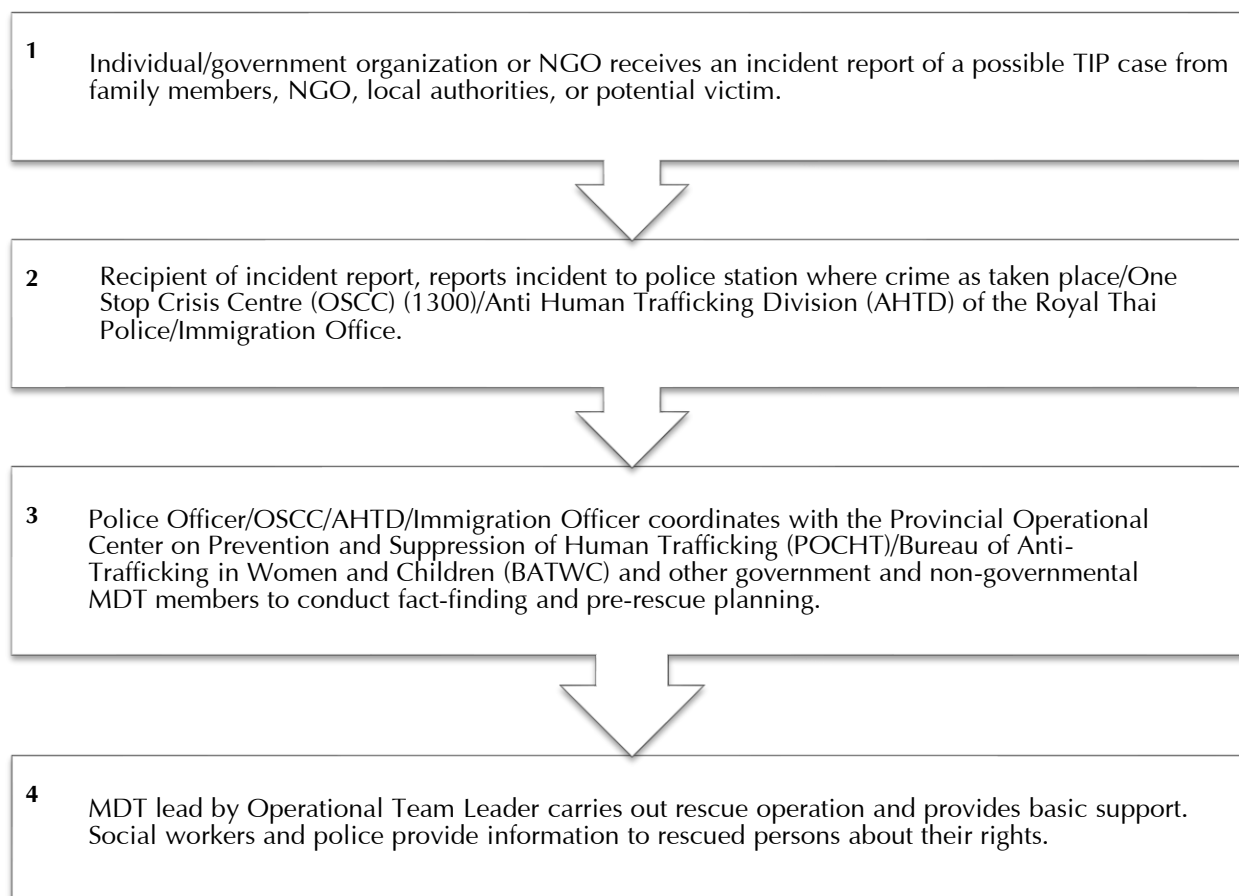
<p>Anti-Human Trafficking Centre within the Department of Special Investigation (DSI) of the Ministry of Justice</p>	<p>DSI has been mandated since 2011 to conduct investigations of cases of a complex or complicated nature, including those related to government officials' complicity and transnational or organized crime. An MOU between the RTP and DSI states that an NGO or social worker can choose which entity will investigate and that this entity must work on the case from start to finish.</p>
<p>Ministry of Labour</p>	<p>The Ministry of Labour is involved in protecting migrants overseas, including through the Thailand Overseas Employment Administration (TOEA) Offices. It conducts pre-departure and post-arrival trainings, to migrants entering Thailand under the MOU process monitors migrant worker recruitment agencies and promotes the recruitment of migrant workers through bilateral processes. The Ministry of Labour also hosts hotline 1506 for reporting labor violations.</p> <p>The Ministry of Labour is also involved in carrying out screenings of presumed trafficking victims in the context of labor inspections at workplaces (in partnership with other relevant agencies), as well as at Port-In-Port-Out (PIPO) locations with a view to screening for trafficking in the fishing industry. The Department of Labour Protection and Welfare Regulations addresses identification of forced labor and victim identification.</p>

In cooperation with the government agencies noted above, NGOs and civil society organizations identify, refer, and assist trafficking victims in Thailand. This support is available to trafficked Thai nationals as well as foreign nationals trafficked in Thailand. This occurs at the national, provincial, district, sub-district, and village levels.

6.2 Procedures and guidance on victim identification and referral in Thailand

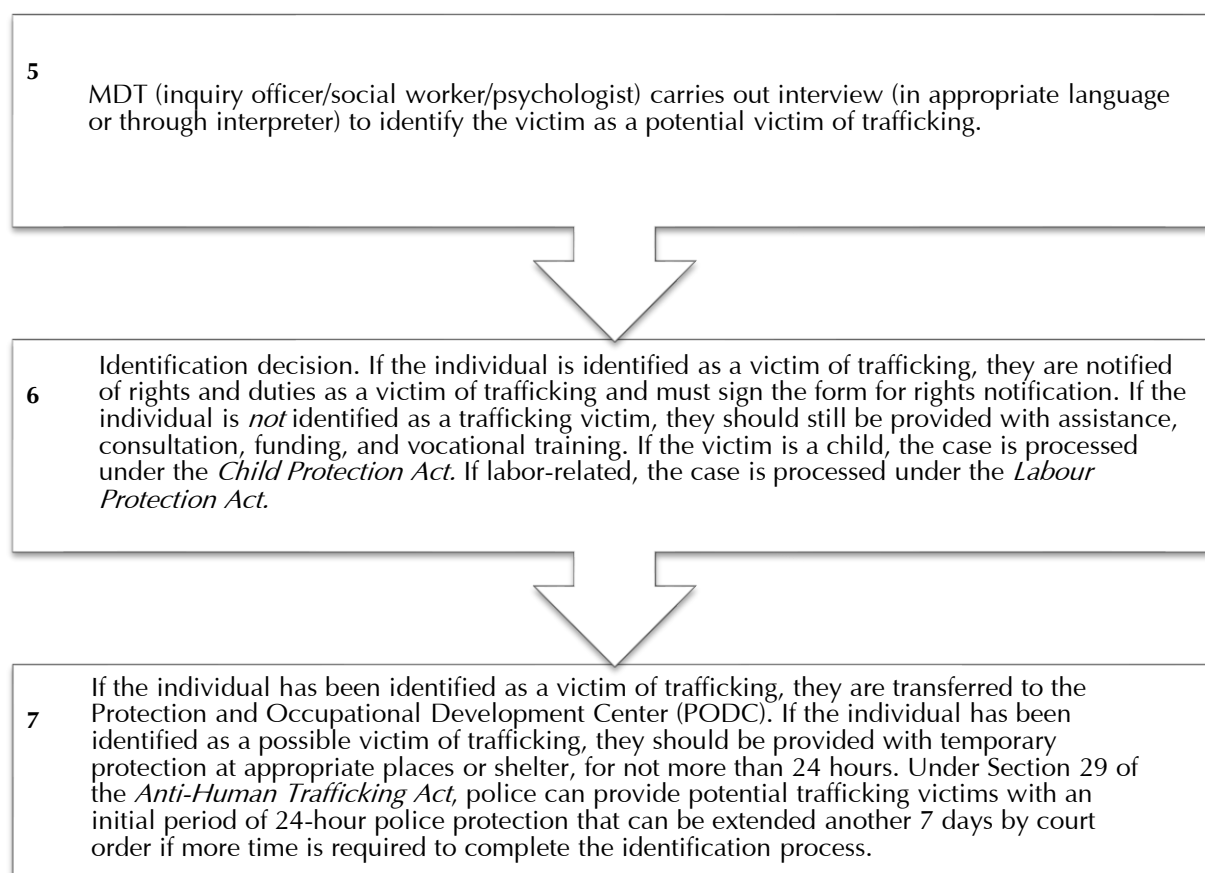
Responsibility for identifying trafficking victims in Thailand sits with government offices within MSDHS, the Ministry of Labour (MOL), and Ministry of the Interior (MOI), including the Royal Thai Police (RTP). MDTs are headed by the police, and are responsible for formally identifying trafficked persons and informing them of their legal rights to protection and assistance. MDTs are not full-time units but generally are called on to conduct screenings when needed.⁹⁵ The *MDT Operational Guidelines for the Protection of Victims of Human Trafficking* set out the steps involved in the identification and referral of trafficking victims.

Figure #6. Steps in the process of identification of trafficking victims in Thailand, as outlined in the *MDT Operational Guidelines*⁹⁶



⁹⁵ M. Taylor, J. Robinson and C. Vanaspong, *Rapid Assessment Report: Trafficking in Persons Situation in Thailand* (Arlington: Social Impact, Inc, 2017), 25. MDTs are also responsible for domestic violence and child abuse cases and follow similar guidelines and operating procedures in such cases.

⁹⁶ MSDHS and JICA, *MDT Operational Guidelines for the Protection of Victims of Human Trafficking* (Bangkok: Ministry of Social Development and Human Security and Tokyo: Japan International Cooperation Agency, 2013), 8-10.



There are specific forms to be used at each of the stages in Figure #6 above. At Step 1 and 2, the person/organization receiving the incident report uses Form F1A: *Check-list of receiving an incident report* to collect necessary information from informants. The incident reporting form contains checklists for identification according to acts, means, and purpose of exploitation. At Step 3, the case manager or Operational Team Manager uses Form F1B *Check-list of pre-rescue operation (F1B)* to plan for rescue. At Step 4, social workers/NGO workers use Checklist F1C to provide rescued person with information about their rights.

At Step 5, victim identification carried out by the MDT requires use of a screening form (which has been updated several times), which was endorsed by the Coordinating and Monitoring on Anti-Trafficking in Persons Performance Committee (CMP) in 2015. The screening form is to be used by all MDTs, whether labor inspectors, social workers, police or others, including non-state actors, and offers a range of text boxes to be used in interviewing a potential victim of trafficking, based on the legal understanding of trafficking in persons set out in Thai legislation. Based on the above information, the screening form then gives the interviewer(s) the choice of the following decisions:

- The interviewee is not a trafficking victim;
- The interviewee may be a trafficking victim (temporary protection to be provided or wait for re-screening);
- The interviewee is a trafficking victim;
- The interviewee is a victim of forced labor;⁹⁷

⁹⁷ This option is included in the most recent version of the form, developed in 2020. Indicators include fear of danger to one's life, body, reputation or property; intimidation and threats; physical force or violence; seizure of identity and/or other important personal documents; debt bondage; and other similar indicators of forced labor.

- Once an individual is assessed to be a presumed trafficking victim, the competent official that is providing assistance under Section 33 of the *Anti-Human Trafficking Act* may place the trafficking victim in the care of a shelter, whether an MSDHS shelter or an NGO shelter registered according to law.

In 2016, state and non-state actors developed guidelines entitled *Referral system for victims of trafficking: New guidelines for victim identification by multi-disciplinary teams*, which sought to address deficiencies in identification processes.⁹⁸ The guidelines offer instructions for preparing to conduct interviews (including by informing relevant actors and having a preliminary meeting to discuss roles and responsibilities). The guidelines also provide suggestions on how an MDT member is to conduct interviews (for example, using appropriate language, beginning with those who are most vulnerable if there are many people to be screened). Finally, the guidelines outline actions to be taken following the interview for protection and assistance, if a person is identified as a victim of trafficking (Section 33 of the *Anti-Human Trafficking Act* applies), if a person is potentially a victim of trafficking (Section 29), if a person still needs to be identified as a victim of trafficking (Section 54), and if a person is not a victim of trafficking, but is a witness (Section 54). One of the key changes made by the guidelines was the removal of a 24-hour deadline for making a decision on a person's victim status. The guidelines recognize the need for a recovery and reflection period and provide that appropriate accommodation should be arranged for victims while further investigation is conducted in the event of conflicting opinions (within 24 hours with possible extension of 7 days), essentially amounting to an eight-day screening window.⁹⁹

⁹⁸ MSDHS, RTP and MOL, *Referral system for victims of trafficking: New guidelines for victim identification by multi-disciplinary teams* (Bangkok: Ministry of Social Development and Human Security, Royal Thai Police and Ministry of Labor, 2016).

⁹⁹ Liberty Asia, *Legal Analysis of Human Trafficking Thailand* (Hong Kong: Liberty Asia, 2017), 16.

6.3 Assistance available to trafficking victims in Thailand


The *MDT Operational Guidelines* (Form F1G) divide victim rights and entitlements into two parts: those that derive from the *Anti-Human Trafficking Act* and those that derive from other laws. This section focuses primarily on the former category. Individuals formally identified as being trafficking victims are entitled to benefits under the *Anti-Human Trafficking Act*, according to which victims are to be provided with shelter and other necessities including physical, psycho-social, legal, educational, and healthcare assistance.

According to the *MDT Operational Guidelines* (F1C Checklist), foreign victims receive as many public services and the same legal rights as Thais, and are entitled to interpreters.¹⁰⁰ However, the reintegration assistance services that a trafficking victim receives may differ depending on their nationality. For non-Thai trafficking victims in Thailand, Section 37 of the *Anti-Human Trafficking Act* requires authorities to consider assisting trafficking victims to return to their country of origin or domicile and cooperate to facilitate repatriation without delay, unless a work permit has been issued. Once a person has been returned, Thai authorities are to coordinate with their counterparts in the other country to provide continuous protection.

Section 33 of the *Anti-Human Trafficking Act* sets out that MSDHS shall consider providing other assistance, including food, shelter, medical treatment, physical and mental rehabilitation, education, training, legal aid, return to the country of origin or domicile, and assistance with legal proceedings to claim compensation. The legislative framework does not require trafficking victims to cooperate with authorities as a prerequisite for receiving such services.¹⁰¹ The various forms of protection and assistance available to trafficking victims in Thailand are detailed in Table #21 below. Other forms of assistance and support may be available outside of the anti-trafficking assistance framework outlined below. For example, trafficking victims may have some recourse under the *Social Welfare Promotion Act*, B.E. 2456 (2003) which includes “social service, education, health, accommodation, occupational training, occupation, leisure and justice, etc.” in its definition of social welfare (Section 3) for recipients, including persons suffering hardship conditions or in need of help. However, it is not clear how such persons apply to receive support under this Act. And while some forms of general social assistance are noted in Table #21, a comprehensive treatment of assistance for all vulnerable persons was beyond the scope of this review.

Finally, bilateral agreements between Thailand and other countries may also provide additional forms of assistance depending on the country, agreement, and context.¹⁰²

Table #21. Legal and policy instruments in the provision of assistance to trafficking victims in Thailand)






Form of assistance	Legal and policy instrument(s)
 <p>Housing, care, and accomodation</p>	<p>Article 33 of the <i>Anti-Human Trafficking Act</i> establishes that trafficking victims are entitled to appropriate assistance, including shelter. Trafficking victims have the right to decide whether to be protected in MSDHS or NGO-run shelters, return to their families if environments are deemed safe, or to be entered into the witness protection scheme provided by DSI, RTP or the Rights and Liabilities Protection Department under the Ministry of Justice. Government shelters are run by MSDHS, which operates 76 short-stay shelters and nine long-term regional shelters for trafficking victims across Thailand that provide a range of services to victims accommodated within them.</p>

¹⁰⁰ MSDHS and JICA, *MDT Operational Guidelines*, 18.

¹⁰¹ While legislative and policy frameworks do not differentiate between citizen and non-citizens, in practice, non-citizens are more likely to be accommodated in shelters.

¹⁰² Please see Annex #1: Bilateral agreements related to the protection of trafficking victims in Cambodia, Indonesia, Lao PDR, Thailand and Viet Nam.

Trafficking victim protection in Thailand




	<p>NGO shelters can be established in accordance with the 2017 <i>Regulation Permitting NGOs to Establish Shelters to Assist Victims of Trafficking</i> B.E. 2560. This regulation also allows qualified NGOs to apply for MSDHS funds to provide shelter services in accordance with MSDHS SOPs,¹⁰³ with a view to ensuring that trafficking victims receive equal rights in NGO-run shelters as they would in government shelters.</p>
 Medical assistance	<p>Article 33 of the <i>Anti-Human Trafficking Act</i> sets forth that trafficking victims are entitled to appropriate assistance, including medical treatment.</p> <p>Public hospitals are available to socially vulnerable people, including trafficking victims. Thai victims of trafficking may benefit from Thailand's universal healthcare coverage scheme.</p>
 Psychological support and counseling	<p>Article 33 of the <i>Anti-Human Trafficking Act</i> sets forth that trafficking victims are entitled to appropriate assistance, including physical and mental rehabilitation.</p>
 Education, training and life skills	<p>Article 33 of the <i>Anti-Human Trafficking Act</i> sets forth that trafficking victims are entitled to appropriate assistance such as education and training (including free education for six years) and vocational training programs. The MSDHS <i>Return and Social Reintegration Handbook for Thai Victims of Trafficking in Persons</i> outlines the services available to returned Thai nationals or domestic Thai victims including education and vocational training services. The right to education is not restricted to nationals of Thailand, meaning that foreign victims in the country are also entitled to receive education.</p> <p>Thailand provides free education for six years. Vocational training programs are available to socially vulnerable persons.</p>
 Economic empowerment opportunities	<p>Victims have the right to be granted a temporary residence and temporary work permit prescribed by Article 37 of the <i>Anti-Human Trafficking Act</i>. A Cabinet Decision (13 December 2016) permits migrant victims and witnesses to remain in Thailand for up to two years after witness examination has concluded and specifies 10 days for processing work permits. The Cabinet Decision also allows victims and witnesses to work in all sectors (rather than only labor-intensive sectors, including domestic work). After the two-year period, if trafficking victims' behavior is consistent with "public order, moral decency and national security", their work permits are renewable for one year thereafter.</p> <p>Social security is available for registered migrant workers.</p>
 Administrative assistance and support	<p>Section 37 of the <i>Anti-Human Trafficking Act</i> establishes that where trafficking victims are non-citizens, they may be granted temporary residence cards with the right to work outside the shelter for the duration of the legal proceedings they are involved in. Those who stay in MSDHS shelters who do not wish to work are provided with basic vocational skills training, or work inside the shelters, for which they are paid a small daily stipend. There is no specific information about administrative assistance specific to Thai nationals (including obtaining access to identity documents</p>

¹⁰³ D. Rosseau, *Review of Models of Care for Trafficking Survivors in Thailand* (Bangkok: Winrock International, 2019), 2 and 13.

	<p>and other services), although nor are general entitlements explicitly limited to only foreign victims of trafficking.</p>
<p> Legal assistance and support</p>	<p>Article 33 of the <i>Anti-Human Trafficking Act</i> sets forth that trafficking victims are entitled to appropriate legal assistance. The government has established a Legal Assistance Section under DATIP as the focal point for providing legal assistance to trafficking victims, including providing legal assistance, filing claims for compensation, extending the duration of stay for foreign trafficking victims, and coordination on prosecutions for confiscating property of traffickers to provide compensation to trafficking victims.</p> <p>Established in 2008 by MSDHS in accordance with Section 42 of the <i>Anti-Human Trafficking Act</i>, the Anti-Trafficking in Persons Fund covers medical costs, repatriation, legal fees, and a living allowance among other expenses.¹⁰⁴</p> <p>The <i>Lawyers Act</i>, B.E. 2528 (1985) provides for legal aid (Chapter IX) and establishes a fund for that purpose (Section 77) which people in poverty and “suffering from unfairness” are entitled to access (Section 78).</p> <p>Recent amendments to the legislative framework ensure that trafficking victims have access to appropriate and effective remedies, including compensation. Section 3 of the <i>Anti-Human Trafficking Act</i> obliges the inquiry official or public prosecutor to inform the trafficking victim at the first available opportunity of their right to compensation for damages and the right to seek legal aid, as does Article 12 of the <i>Order of MSDHS No. 513/255</i>.</p> <p>The right to receive compensation is protected under Article 35 of the <i>Anti-Human Trafficking Act</i>. The procedures for claiming compensation are set out in Form F2D of the <i>MDT Operational Guidelines</i>. Under criminal law, compensation of victims is only allowed following a successful conviction. The public prosecutor may make a claim with the statement of criminal accusation or at any time during the trial in the Court of First Instance as prescribed under Section 35 of the <i>Anti-Human Trafficking Act</i> and Section 13 of the <i>Procedures for Human Trafficking Cases Act, B.E. 2559 (2016)</i>.¹⁰⁵</p>
<p> Safety and security measures</p>	<p>The MSDHS provides protection to witnesses who are trafficking victims. Victims have the right to receive protection prior to, during and after prosecution. The <i>Anti-Human Trafficking Act</i> provides in Article 36 that the witness is to be protected according to <i>Witness Protection Act, B.E. 2546</i>. The <i>Witness Protection Act</i> establishes that where a person who commits to being a witness loses their security (including, for example, security in life, body, health or liberty), appropriate measures will be put in place, including a safe house, 24-hour security protection, funds for meals and living expenses, and change of name, domicile or other identifying information.</p> <p>If a person returns to their country of origin, the <i>Anti-Human Trafficking Act</i> requires the competent official to coordinate with the agency in that country, whether government or private, and through embassy or consular office, with a view to providing safety and protection for the trafficking victim and their family members.</p> <p>According to the <i>Criminal Procedure Code</i> (1999), pre-trial depositions can be taken from witnesses when there is a reasonable ground to believe that a witness will leave Thailand, has no fixed residence, lives far from court, or</p>

¹⁰⁴ MSDHS and JICA, *MDT Operational Guidelines*, 83-100.

¹⁰⁵ The *Anti-Human Trafficking Act* also makes provision in Section 37 for foreign victims to remain and work in Thailand where they are claiming compensation.

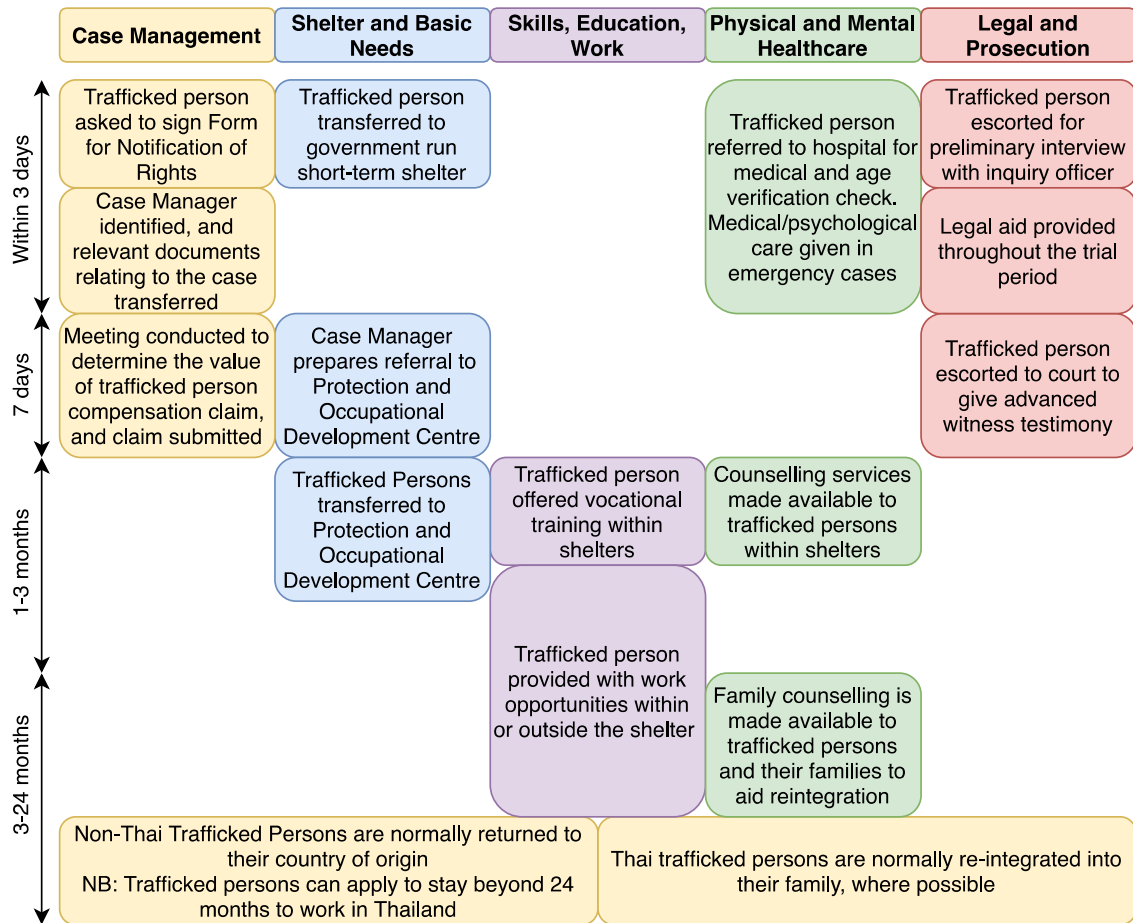
	<p>may be directly or indirectly jeopardized. The <i>Anti-Trafficking Act</i> also allows for depositions to be taken based on prosecutorial discretion, or the victim's request. Privacy provisions in the <i>Anti-Trafficking Act</i> protect the privacy of victim-witnesses not only during trial but also in the pre- and post-trial periods.</p> <p>Section 9 of the <i>Procedures for Human Trafficking Cases Act</i>, B.E. 2559 (2016) allows witnesses of trafficking in persons crimes to testify via a video conference before or during the trial.</p>
 <p>Assistance to the victim's family members</p>	<p>While assistance to an adult trafficking victim's family members is not covered in the existing legal and policy instruments, see Table #22 (below) on assistance to a child trafficking victim's family members in Thailand.</p>
 <p>Case management</p>	<p>The process of case management in Thailand, as established in the <i>MDT Operational Guidelines</i>, is included in Figure #7 below.</p>
 <p>Return assistance</p>	<p>Article 33 of the <i>Anti-Human Trafficking Act</i> sets forth that trafficking victims are entitled to appropriate assistance for their safe return to their country of origin.</p> <p>For Thai trafficking victims, Section 39 of the <i>Anti-Human Trafficking Act</i> requires MSDHS to undertake efforts to prove Thai citizenship of trafficking victims abroad, and repatriate them back to Thailand safely and without delay.</p> <p>The MSDHS <i>Return and Social Reintegration Handbook for Thai Victims of Trafficking in Persons</i> specifies that the return process following any preliminary assistance and protection is to include an individual care plan, assistance for self-adjustment and social reintegration, legal assistance, and return assistance.</p>

In Thailand, once a victim of trafficking has been identified, MSDHS should notify them of their rights and conditions of service. Those who accept assistance at a shelter are prepared for reintegration in their home country based on a risk assessment, needs assessment and resource assessment, resulting in a social reintegration assistance plan. Those who do not accept assistance in at shelters must seek assistance under other laws, outside the *Anti-Human Trafficking Act*. This process is outlined in Figure #7 below.

Figure #7. Case management and support services available to trafficked persons in Thailand (as outlined in the MDT Operational Guidelines)¹⁰⁶

¹⁰⁶ MSDHS and JICA, *MDT Operational Guidelines*.

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6.4 Special considerations for trafficked children in Thailand

6.4.1 Laws and policies on the protection of trafficked children in Thailand

In addition to the rights that children have as victims under the *Anti-Human Trafficking Act*, child trafficking victims also are protected under the *Child Protection Act*.¹⁰⁷ Certain provisions under other instruments may also be relevant to child trafficking victims. For instance, the *Criminal Procedure Code* requires police to provide protection to children when a child is willing to testify as a witness and allows the court to use video link or recording and questioning through a psychologist or social welfare worker (Section 172). In certain situations, support persons must accompany children.

There is no specific policy instrument in place offering guidance on the protection of child trafficking victims. However, general anti-trafficking policies touch on the protection of trafficked children. For instance, one of the working principles of return and social reintegration of the *Return and Social Reintegration Handbook for Thai Victims of Trafficking in Persons* is “being sensitive to children’s unique needs.”¹⁰⁸ No further information is offered in the *Handbook* as to how this is to be achieved.

Several Thai government agencies are responsible for child protection, including in the case of trafficking in persons. These include: Children’s Advocacy Center Thailand (ACT); National Child and Youth Development Promotion Commission; National Child Protection Committee (NCPC); Provincial Child Protection Committees (PCPC); and the Thailand Internet Crimes against Children Task Force (TICAC) established in 2015.

6.4.2 Procedures and guidance on the identification and referral of trafficked children in Thailand

The identification and referral process that is set out above for trafficking victims also applies to child victims. However, there is some specificity included in that framework. For instance, the *MDT Operational Guidelines* (Form F1F), on “*Recommended skills in interviewing victims of trafficking applying victim-centered approach and gender-based practices*” include a specific section on interviewing child trafficking victims, stating that:

- In case of interviewing child trafficking victims, ensure privacy and the child’s best interests;
- Before interviewing child trafficking victims, consent should be obtained from the child, his/her family, or the guardian; and
- Interviews should be conducted in the presence of the child trafficking victim’s family or guardian.¹⁰⁹

Under the *Child Protection Act*, the state has a duty to protect children in their jurisdiction. Once state officials have been notified of the possibility that a child has been tortured (which includes deprivation of liberty and therefore potentially includes trafficking in persons), they have powers to inspect premises and remove children from them in order to protect them.¹¹⁰

In cases of trafficking for forced begging, the *Control of Begging Act*, B.E. 2559 (2016) also may be applicable, as it provides authority to screen persons with special needs, including children, and to coordinate with relevant agencies to provide assistance and protection to them.¹¹¹

¹⁰⁷ *Child Protection Act*, B.E. 2546 (2003).

¹⁰⁸ MSDHS and JICA, *Return and Social Reintegration Handbook for Thai Victims of Trafficking in Persons* (Bangkok: Ministry of Social Development and Human Security and Tokyo: Japan International Cooperation Agency, 2019).

¹⁰⁹ MSDHS and JICA, *MDT Operational Guidelines*, 24.





¹¹⁰ Liberty Asia, *Legal Analysis of Human Trafficking Thailand* (Hong Kong: Liberty Asia, 2017), 20-26.

¹¹¹ *Control of Begging Act* B.E. 2559 (2016)

6.4.3 Assistance available for trafficked children in Thailand

In addition to the assistance available to all trafficking victims discussed above, some policy instruments offer child-specific provisions. While assistance and protection available to children through other, non-trafficking instruments is beyond the scope of this review, mention must be made of the *Child Protection Act* B.E. 2546 (2003) under which children have some specific rights including to: receive protection and welfare services from competent officials; stay in the Shelter for Children and Family or in the Protection and Occupational Development Center; be hosted by a foster family; and receive education or vocational training or to receive treatment or rehabilitation in the Protection and Occupational Development Center (PODC).








Table #22. Relevant legal and policy instruments in the provision of assistance to child trafficking victims in Thailand

Form of assistance	Source of assistance/responsible actor according
 <p>Housing and accomodation</p>	<p>Under the <i>Child Protection Act</i> B.E. 2546 (2003), children can request to stay in the Shelter for Children and Family or in the Protection and Occupational Development Center (PODC) or be hosted by a foster family.¹¹² In the case of short-term shelter for children, where there is doubt about a person’s age, a request can be filed for transfer to the hospital for age identification. When a person is under 18 and in need of protection at the shelter for more than 7 days, the child protection competent official must develop a child welfare protection plan.¹¹³</p>
 <p>Medical assistance</p>	<p>Section 30 of the <i>Child Protection Act</i> requires competent authorities to provide medical care to any child in custody. Section 35 states that if a child who is being assisted under the Act is found to be sick, in need of health examination or disabled, a physical and mental health examination should be provided without delay.</p>
 <p>Psychological support and counseling</p>	<p>Section 35 of the <i>Child Protection Act</i> states that if a child who is being assisted under the Act is found to be sick, in need of health examination or disabled, a physical and mental health examination should be provided without delay. The <i>Child Protection Act</i> does not specifically mention psychological support or counseling. The Act also requires, in Section 29, that psychologists and other medical professionals who encounter children suspected of being ‘tortured or sick due to illegal care’ report to competent officials within 24 hours.</p>
 <p>Education, training and life skills</p>	<p>Under the <i>Child Protection Act</i>, children can request to receive education or vocational training or to receive treatment or rehabilitation in the PODC (Section 33(7)) and curators of welfare protection units have power and duty to provide education, training and vocational training to children who live in a welfare protection unit (section 59).¹¹⁴</p> <p>Thailand provides free education for six years. Vocational training programs are available to socially vulnerable persons.</p>

¹¹² MSDHS and JICA, *MDT Operational Guidelines*, 28 and 67.

¹¹³ MSDHS and JICA, *MDT Operational Guidelines*, 32, 70 and 84.

¹¹⁴ MSDHS and JICA, *MDT Operational Guidelines*, 28 and 67. A welfare protection unit is defined by Section 4 of the Child Protection Act as “a place providing education, training or vocational training to a child whose welfare has to be protected so as to correct his or her behavior or to heal, cure and rehabilitate his or her physical and mental conditions”

 <p>Economic empowerment</p>	<p>The <i>Child Protection Act</i> provides for a child protection fund to be used for “providing assistance, welfare protection and proper behavior promotion of a child, including family and foster family of a child” (Section 68). The Fund Management Committee established under the Act has the power to consider providing funds to the child’s family or foster family (Section 73).</p>
 <p>Administrative assistance and support</p>	<p>The government approved two regulations to provide legal residency to non-Thai children born in Thailand and to grant citizenship to stateless or abandoned children.¹¹⁵</p>
 <p>Legal assistance and support</p>	<p>See Table #21 (above) on assistance to trafficking victims in Thailand.</p>
 <p>Safety and security</p>	<p>Under the <i>Witness Protection Act</i>, a letter of consent is needed when children serve as witnesses. Child witnesses are kept in a separate room and may have an accompanying person (social workers, psychologist, or person who the child has requested) with them.</p> <p>Section 27 of the <i>Child Protection Act</i> sets out that “No person shall advertise or disseminate through the mass media or any informative media on information related to a child or guardian with an intention to cause damage to mental, reputation, prestige or any interest of a child or to acquire illegally commercial benefit for his or her own or for other persons.”</p>
 <p>Assistance to victim’s family members</p>	<p>Several provisions of the <i>Child Protection Act</i> empower competent officials to gather information or evidence related to the living condition, family relationships and raising of a child. Competent officials are also required to provide assistance including to a child and family or person who takes care of the child “so as to strengthen the capacity of such person in taking care of a child” (Section 33).</p> <p>The <i>Child Protection Act</i> also provides for a Child Protection Fund to be used for “providing assistance, welfare protection and proper behavior promotion of a child, including family and foster family of a child” (Section 68). The Fund Management Committee established under the Act has power to consider providing funds to the child’s family or foster family (Section 73).</p>
 <p>Case management</p>	<p>Documents provided in the <i>MDT Operational Guidelines for the Protection of Victims of Human Trafficking</i> are expected to support MDT case management of children referred to PODCs.¹¹⁶</p>
 <p>Return assistance (supporting voluntarily return to place of origin or</p>	<p>See Table #21 (above) on assistance to trafficking victims in Thailand</p>

¹¹⁵ Liberty Asia, *Legal Analysis*, 20.

¹¹⁶ MSDHS and JICA, *MDT Operational Guidelines for the Protection of Victims of Human Trafficking* (Bangkok: Ministry of Social Development and Human Security and Tokyo: Japan International Cooperation Agency, 2013), 9, 46.

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residence, including transportation and document processing)	
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7. Trafficking victim protection in Viet Nam

7.1 Laws and policies on victim protection in Viet Nam

In Viet Nam, the anti-trafficking framework is set out in the 2011 *Law on Human Trafficking Prevention and Combat* (“*Law on Human Trafficking*”, which establishes that a trafficking victim is a person subject to trafficking in persons as defined in the *Criminal Code* (Articles 150 and 151).¹¹⁷ In 2015, amendments to the *Criminal Code* strengthened and clarified the articles related to trafficking in persons.¹¹⁸ Article 150 of the *Criminal Code* (as amended in 2015) establishes crimes of trafficking in adults.¹¹⁹ Article 151 establishes crimes of trafficking of children, however some child victims of trafficking aged over 16 do not fall within article 151 of the *Criminal Code* and are reportedly treated as adults.¹²⁰ Article 297 establishes the crime of forced labor.¹²¹

Article 6 of the *Law on Human Trafficking* sets out the rights and obligations of victims as follows: 1) to request competent agencies, organizations or persons to take measures to protect them or their relatives when they have or are threatened to have their life, health, honor, dignity or property infringed upon; 2) to receive support and protection under the law; 3) to be compensated for damage under the law; 4) to provide information relating to violations of the law to competent agencies, organizations and persons; and 5) to comply with requests made by competent authorities concerning trafficking in persons cases. Article 32 establishes support for trafficking victims who are Vietnamese or stateless, including support to meet essential needs and travel expenses, medical support, psychological support, legal aid, support in general education and vocational training, initial difficulty allowance and support in loan borrowing. Foreign trafficking victims may receive support to meet essential needs for travel, medical support, psychological support, and legal aid.

Formal procedures for identifying, referring, and assisting victims of trafficking are set out in a range of interrelated and overlapping legal instruments. Relevant protection-related provisions of these instruments are outlined in Table #23 below.

¹¹⁷ *Law on the Prevention of and Combat against Human Trafficking*, Law No. 66/2011/QH12 (2011). Prior to 2015 amendments, Articles 150 and 151 of the *Criminal Code* were articles 119 and 120 respectively.

¹¹⁸ U.S. Department of State, *2017 Trafficking in Persons Report* (Washington, D.C.: United States Department of State, 2017), 426.

¹¹⁹ Article 150 of the *Criminal Code* defines trafficking in persons as a) transfer or receipt of person in exchange for money, property or other material gain; b) transfer or receipt of person for sexual exploitation, forced labor, body organ removal or other inhuman purposes; and c) recruitment, transportation and harboring of persons for the purposes set out in point b. There are inconsistencies between the Vietnamese definitions of trafficking in persons and the international definition of trafficking in persons as stated in the UN *Trafficking Protocol*.

¹²⁰ The *Criminal Code* is also referred to as the *Penal Code* in some documentation. Implementing guidelines for the *Criminal Code* provisions on trafficking reportedly took effect in March 2019.

¹²¹ *Criminal Code*, Law No. 100/2015/QH13 (2015).

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Table #23. Legal and policy instruments relevant to the identification, referral, and assistance of trafficking victims in Viet Nam

Instrument	Description
<p><i>Circular 01 Joint Circular on Instructions and Procedure for and Cooperation in Identification, Receipt and Repatriation of Victims of Human Trafficking</i> (2014)</p> <p>(also referred to as <i>Inter-Agency Circular 01</i>)</p>	<p><i>Inter-Agency Circular 01</i> sets out SOPs for the identification and referral of victims.</p>
<p><i>Circular 35, No. 35/2013/TT-BLDTBXH, Guidelines for some articles of the Government's Decree No. 09/2013/ND-CP Dated January 11, 2013, detailing the Law on Prevention of Human Trafficking</i> (2013)</p>	<p>These guidelines provide guidance on the conditions for the establishment of victim support establishments and organizations including: room sizes and personnel (Article 3); license application processes, extensions and revocations (Articles 4-6); inspections of victim assistance centers by the Service of Labour, War Invalids and Social Affairs (Article 7); procedures for shutting down centers (Article 8); the functions and tasks of victim service centers: to provide shelter; fulfill essential needs; provide healthcare and counseling that suit the gender and wishes of the trafficking victim, and the capacity of the center; provide career counseling and training in social skills; assess the victim's ability to integrate into the community; provide information about policies, benefits, and trafficking victim assistance services in the community; provide necessary information for regulatory bodies; cooperate with agencies in sending trafficking victims to home countries; and cooperate with police in identifying trafficking victims (Article 9).</p> <p>Victim assistance services are set out in more detail in Articles 11-16 (Article 11 on victim assistance services at social protection centers and victim assistance center, Article 12 on assisting trafficking victims in community integration, Article 13 on initial assistance, Article 14 on assistance in recovery, preparation of conditions for victims to integrate into the community, Article 15 on assistance in community reintegration, and Article 16 on financial support for education and training for integration). Further articles concern the organizational structure of victim assistance centers (Article 10), as well as oversight of and standards for assessing the quality of victim assistance (Articles 17-20).</p>
<p><i>Circular 84, No. 84/2019/TT-BTC Provisions on Contents and Levels for the Assistance of Victims and the Content and Levels of Support for Victims Provided in the Government's Decree No. 09/2013/ND-CP which provides Guidelines for the Law on Preventing Human Trafficking</i> (2019)</p>	<p><i>Circular 84</i> replaced <i>Circular 134, Purposes and Levels of Expenditures on Victims Assistance Mentioned in the Decree No. 09/2013/ND-CP, which provides Guidelines for the Law on Preventing Human Trafficking</i> (2013) and applies to organizations and individuals that spend government funding on victim assistance and establishes the cost of victim assistance, according to government budget estimates. <i>Circular 84</i> covers how the annual budget is to be estimated, provided, and declared and determines that funding from donors in Viet Nam or overseas are to be regulated by the Ministry of Finance and the donor. The source of funding is determined to be the central government budget for direct assistance and the local government budget for fulfilling victims' essential needs and</p>

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	cover costs of traveling, healthcare, and psychological counseling (Article 2). <i>Circular 84</i> also sets out purposes and levels of expenditure on victim assistance (Article 3), direct benefit for victims (Article 4), and victim assistance while they are awaiting repatriation (Article 5).
<i>Decree No. 09/2013/ND-CP, Stipulating in detail a number of articles of the anti-human trafficking law (2013)</i> ¹²²	Decree 09 addresses the licencing of victim support establishments and organizations, their operation, and procedures for victim support. Decree 09 sets out conditions for the establishment of support organizations (Article 4), the process of licencing such organizations (Articles 5-13), their organization and operation (Articles 14-18), support for essential needs and travel expenses (Article 19), medical support (Article 20), psychological support (Article 21), legal assistance (Article 22), basic job learning and initial-difficulty support (Article 23), and loan support (Article 24), responsibilities of MOLISA (Article 25), other ministries (Article 26), and provincial-level People's Committees (Article 27).
<i>Decree No. 62/2012/ND-CP, Providing on the Grounds Defining Trafficked Victims and Safety Protection for Victims and their Families (2012)</i>	Decree No. 62 establishes assistance for victims and their relatives and covers the agencies, organizations and individuals involved in the identification of victims, safety protection for victims and their relatives, and rights and obligations of victims of trafficking in relation to protection measures. Decree No. 62 further sets out grounds for identification and evidence of victimization (Article 5). Article 6 states that "protected persons" include victims and their relatives, including "wives, husbands, fathers, mothers, adoptive fathers, adoptive mothers, stepfathers, stepmothers, children, adopted children, parents in law, siblings, paternal grandfathers, paternal grandmothers, maternal grandfathers, maternal grandmothers, paternal grandchildren and maternal grandchildren of victims".

The responsibilities of government ministries, sectors, and localities relevant to the identification, referral, and assistance of trafficking victims are detailed in Articles 41-53 of the *Law on Human Trafficking*. In brief, the Ministry of Labour, Invalids and Social Affairs (MOLISA) is primarily responsible for supporting victims of trafficking, while the Ministry of Foreign Affairs (MFA) is responsible for the protection of Vietnamese trafficking victims abroad.

Table #24. Roles and responsibilities in the identification, referral, and assistance of trafficking victims in Viet Nam

Responsible Actor(s)	Role/Responsibilities
Ministry/Department/Division of Labor, Invalids, and Social Affairs (MOLISA/DOLISA)	Mandated to provide support to victims of trafficking. DOLISA operates at national, provincial and district levels. Article 25 of Decree 09 (No. 09/2013/ND-CP) <i>Stipulating in detail a number of articles of the anti-human trafficking law</i> sets out the responsibilities of MOLISA for the protection of trafficking victims, including developing and promulgating law, implementation of the law, overseeing the licensing of victim support organizations, and the training of victim support officers to strengthen international cooperation on victim support.

¹²² Decree No. 09/2013/ND-CP is currently being revised.

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	<p>The functional units of MOLISA include Safety Works, Labor Inspection, Child Protection and Care, Social Vices Prevention Units. As part of its anti-trafficking work, DOLISA:</p> <ul style="list-style-type: none"> • carries out labor inspections that can lead to identification of victims of trafficking; • operates a 24-hour hotline for victims of trafficking; • operates 400 social protection centers through local authorities to provide services including to trafficking victims; • provides two rooms at a shelter for trafficking victims in Ho Chi Minh City; and • operates Migrant Resource Centres (MRCs) at Employment Counseling Centers.
Ministry of Foreign Affairs (MFA)	Receives trafficking victims and returns them to Viet Nam and supports the Ministry of Public Security (MPS), and the Ministry of Defence (MOD) to identify victims. Labor representatives at diplomatic missions abroad provide basic assistance to Vietnamese migrant workers abroad, including those who have been trafficked.
Ministry of Public Security (MPS)	Tasked with formally identifying victims of trafficking. In 2019, MPS was restructured to merge its Staff Department responsible for anti-trafficking policies and procedures, with the Criminal Investigation Police Department responsible for trafficking operations.
Ministry of Defense (MOD)	Border guards under the Ministry of Defense are tasked with formally identifying victims of trafficking in border areas and providing initial support to trafficking victims.
People's Committee (and other actors at provincial level)	<p>Receives reports from trafficking victims or others, then reports to DOLISA to receive victims of trafficking.</p> <p>Article 27 of Decree 09 (No. 09/2013/ND-CP) <i>Stipulating in detail a number of articles of the anti-human trafficking law</i> sets out the victim protection responsibilities of the provincial-level People's Committee, including: its management; guidance at district and commune-level; directing victim support work in localities in accordance with law; allocating funds for victim support work; licencing and oversight of victim support establishments; victim support policy implementation in localities; and reporting to MOLISA.</p>

In addition to (and in cooperation with) government agencies in Table #24 above, the *Law on Human Trafficking* lists the Ministry of Health, the Ministry of Justice, the Ministry of Culture, Sports and Tourism, the Ministry of Education and Training, the Ministry of Information and Communications and other ministries and ministerial-level agencies as responsible for coordinating with the MPS to implement the law. Provincial and community level government agencies, in particular DOLISA, are directly involved in identification, referral, and assistance, including reintegration support. Other stakeholders, according to the *Law on Human Trafficking*, include the Viet Nam Fatherland Front and its member organizations, who are to participate in activities to support the integration of victims of trafficking (Article 17) and the Women's Union, which is tasked with prevention activities (Article 18). The Women's Union is also involved in operating shelters, including for victims of trafficking, with support from development partners and the government. NGOs and other civil society actors also provide support and services to trafficking victims.

7.2 Procedures and guidance on victim identification and referral in Viet Nam

The Vietnamese government’s approach to victim identification is determined by the common victim identification criteria of the Coordinated Mekong Ministerial Initiative against Human Trafficking (COMMIT), as well as a formal identification procedure. The 2014 *Joint Circular on Instructions and Procedure for and Cooperation in Identification, Receipt and Repatriation of Victims of Human Trafficking* (also referred to as *Inter-Agency Circular 01*) sets out the formal procedures for identification, receipt, referral, and repatriation, according to Article 24, Article 25 and Article 26 of the *Law on Human Trafficking*.¹²³ The principles set out in Article 2 call for identification, receipt and repatriation to be: “[t]imely, accurate, and safe; able to protect the life, health, dignity, lawful rights and interests of victims” as well as “[a]ble to protect the confidentiality of information about victims their families.”

Inter-Agency Circular 01 sets out procedures for three different categories of victim, depending on the how they come to the attention of authorities, as outlined below.

- *Vietnamese victims trafficked abroad (Articles 4-5)*: The Ministry of Foreign Affairs (MFA) and the Ministry of Public Security (MPS) will identify trafficking victims in order for them to be returned home. MPS or the Ministry of Defense (MOD) will then receive trafficking victims or refer to DOLISA for initial support.
- *Vietnamese victims trafficked domestically (Articles 6-7)*: Trafficking victims or their relatives can report to local authorities, who then report to the Department/Division of Labour, Invalids and Social Affairs (DOLISA) for initial support.
- *Foreign trafficking victims in Viet Nam (Articles 8-9)*: Trafficking victims will be received and identified by police, border guards, or coastal police and referred to DOLISA for initial support.

According to Article 5 of *Decree No. 62/2012/ND-CP, Providing on the Grounds Defining Trafficked Victims and Safety Protection for Victims and their Families*, the information, statements, and documents on which identification decisions are to be based include those provided by criminal justice agencies, victim-rescuing agencies, overseas Vietnamese missions, competent overseas agencies or organizations, victims, perpetrators, other persons aware of the matter, and other lawful information and documents.¹²⁴ When it cannot be proven that a person is a trafficking victim, other grounds can be considered including that the person was identified with victims and was treated like them, as well as physical and mental manifestations.

When an individual is determined to be a trafficking victim, Article 28 of the *Law on Human Trafficking* lists documents to be issued, including a “Victim Certificate” issued by the district-level People’s Police or the rescuing agency, or written documents issued by the investigating agency, the People’s Procuracy, the People’s Court, or a foreign agency and legalized by a Vietnamese Diplomatic Mission or Ministry of Foreign Affairs. Further details on the identification, receipt and repatriation procedures set out in *Inter-Agency Circular 01* are set out in Table #25 below.

Table #25. Roles and responsibilities related to the identification, receipt, and repatriation of victims in Viet Nam, as outlined in Inter-Agency Circular 01

Responsible Actor(s)	Role/Responsibilities
Representative body overseas (diplomatic)	When an actor receives information and documents about a victim:

¹²³ MPS et al., *Joint Circular on the Procedure for and Cooperation in Identification, Receipt, and Repatriation of Victims of Human Trafficking* (Hanoi: Ministry of Public Security, Ministry of National Defense, Ministry of Labor, War Invalids and Social Affairs and Ministry of Foreign Affairs, 2014).

¹²⁴ *Decree No. 62/2012/ND-CP, Providing on the Grounds Defining Trafficked Victims and Safety Protection for Victims and their Families* (2012).

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<p>mission, consular agency, or an agency authorized to perform consular tasks overseas)</p>	<ul style="list-style-type: none"> • If the trafficking victim has not been rescued, notify competent authority to arrange rescue. • If the trafficking victim has been rescued or self-identifies, verify the information, collect documents and papers on Vietnamese nationality and travel documents; instruct the victim to fill out a “Statement for Return”. If the victim is a child, officials should help the child write his/her statements. • If evidence of Vietnamese nationality and victimization is substantial, provide protection, cooperate with the regulatory body in providing for the victim’s essential needs, issue <i>laissez-passer</i> to repatriate if needed. • If evidence of Vietnamese nationality and victimization is insufficient: within three days of receipt of information/documents, send documents /dossier to the Immigration Administration (MPS) and Consular Administration (MFA). • Within three days of receiving a response from the Immigration Administration, issue a <i>laissez-passer</i> to the trafficking victim, if needed. • Follow the necessary procedures (provide vehicles, issue visa) and cooperate with the regulatory body or international organization repatriating victims who have valid travel documents; send written notification to the Immigration Administration at least five days before the trafficking victim’s entry to organize receipt.
<p>Immigration Administration</p>	<p>After written request for identification from the regulatory body overseas, the Immigration Administration shall:</p> <ul style="list-style-type: none"> • Organize victim identification or instruct the provincial immigration authority of provincial police department to carry out victim identification and send documents to the central police in charge of crimes against social order (MPS) for cooperation, if necessary. • Provincial immigration authority shall report the result to the Immigration Administration within ten days. • Immigration Administration to respond within three days to representative body overseas and send the documents to the Consular Administration for cooperation. <p>Procedures for repatriation are set out in subsequent sub-sections of Article 4.</p>
<p>Border guard/Coast guard</p>	<p>When a trafficking victim returns home to Viet Nam from abroad on their own, and reports at a border station or is otherwise found by the border guard or coast guard, the border guard or coast guard shall:</p> <ul style="list-style-type: none"> • Provide temporary shelter and fulfill essential needs of the presumed victim. • Take a statement from the presumed trafficking victim, check papers related to identity, nationality, other information and documents to help identify the victim. • Collect information and documents about the traffickers from the victim to support investigation and prevention. • Send the victim to the Peoples’ Committee of nearest commune.
<p>People’s Committee of the commune, district DOLISA and police department</p>	<p>When a trafficking victim returns from abroad on their own and reports at a police department or the local authority, then the receipt, identification, and provision of assistance for the trafficking victim shall be carried out as if that person is a victim of intra-country trafficking according to Article 6.</p>
Receipt and Identification of Domestically Trafficked Victims	
<p>People’s Committee or the police department of the commune</p>	<p>When a trafficking victim self-identifies, the People’s Committee or police department of commune should:</p> <ul style="list-style-type: none"> • Instruct the victim to complete a statement of intra-country trafficking.

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	<ul style="list-style-type: none"> • Fulfill the essential needs of the person claiming to be a trafficking victim. • Request DOLISA to follow the procedure. (If the informer is a child or cannot complete the statement him/herself, the official shall write the person's statement).
Department/Division of Labor, Invalids, and Social Affairs (DOLISA)	<p>Within three days of notification from the People's Committee or police department of commune, DOLISA of the district shall:</p> <ul style="list-style-type: none"> • Send the trafficking victim home or to a social protection or victim assistance establishment (if the victim's identity documents are available). • Send a written request for victim identification to police of the district where the victim resides, or the trafficking occurs (according to the victim's statement) if the victim's identity documents are not available. • Fulfill the essential needs of the person pending identification (and provide assistance to persons confirmed by police as trafficking victims).
The police department of the district where the victim resides or where human trafficking occurs (according to his/her statement)	<p>The police department is to:</p> <ul style="list-style-type: none"> • Identify the trafficking victim and respond within 20 days from receipt of the request for the identification of the victim from the district DOLISA. • Issue a victim certificate and send the identification result and certificate to DOLISA to provide assistance. • If the case is complicated and involves identification in multiple administrative divisions, the district police shall send a report to the provincial police department to request instructions on identification. The identification must be finished within 60 days from the day on which the report made by the police department of the district is received. <p>If evidence of victimization is substantial, the identifying body shall issue a certification of victim of trafficking and request the district police to send the identification result to DOLISA to provide assistance.</p>
The police, border guard or coast guard (the rescuing body)	<p>If evidence for victimization is substantial, the rescuing body shall:</p> <ul style="list-style-type: none"> • Fulfill the victim's essential needs. • Issue certification as a victim of trafficking. • Send the trafficking victim to DOLISA of district where rescue takes place. <p>If evidence of victimization is insufficient, the rescuing body shall request the local DOLISA to send a person to a social protection or victim protection establishment or a victim assistance establishment after their essential needs are fulfilled.</p>
DOLISA of district where the rescue takes place, and police department of district where person is rescued	<p>DOLISA of the district where the rescue takes place shall:</p> <ul style="list-style-type: none"> • Fulfill essential needs if the individual has been issued with the certification of victim of trafficking. • Request police department of district where person is rescued to identify person. <p>The police department of the district where the person is rescued shall identify the person and notify the result to the DOLISA.</p> <p>If the person is <i>not</i> identified as a victim of trafficking, the Director of DOLISA shall cooperate with the director of a social protection establishment or a victim assistance establishment to discharge the person.</p>
Receipt, Identification and Repatriation of Trafficked Foreigners in Viet Nam	

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International organization, domestic organization, or an informer (the information-receiving body)	After receiving information about a trafficking victim (if the victim has not been rescued) the information receiving body shall immediately request the provincial police department in charge of crimes against social order of the province, to carry out victim identification, investigation and rescue.
Police authority, the border guard, the coastguard where the victim is rescued or police department where the victim reports	<p>If the trafficking victim has been rescued or self-reports to the police, the rescuing body shall fulfill essential needs if necessary, and immediately send him/her to the district DOLISA.</p> <p>If evidence of the rescued person's victimization is substantial, issue a certification of victim of trafficking before sending him/her to the district DOLISA.</p>
Department/Division of Labor, Invalids, and Social Affairs (DOLISA)	<p>Immediately after receiving the victim, DOLISA shall:</p> <ul style="list-style-type: none"> • Send the victim to a social protection or victim assistance establishment. • Send a report to the Service of Labour, War Invalids and Social Affairs to request instructions on assistance pending identification. • Notify the provincial Service of Foreign Affairs. • Request provincial immigration authority to perform its role (below).
Provincial immigration authority	<p>Within three days of receipt of information about the trafficking victim, the provincial immigration authority shall cooperate with the Service of Foreign Affairs in contacting the victim, and:</p> <ul style="list-style-type: none"> • Check the victim's identity papers, entry, exist and residence in Viet Nam. • Take a preliminary statement (with translator if needed). • Take six pictures. • Instruct the victim to complete the full statement for domestically trafficked victims (if a child or does not speak Vietnamese, the translator shall help fill in the statement). • Send the report to the Immigration Administration with the statement, five pictures, certification of trafficking victim status (if any), preliminary statement and any other documents. • Request the provincial police in charge of crimes against social order of the province to carry out victim identification if evidence for victimization is insufficient.
Provincial police department in charge of crimes against social order	Within 20 days from the receipt of request for victim identification, the provincial police department in charge of crimes against social order shall notify the result to the provincial immigration authority, who shall send a report to the Immigration Administration.
Immigration Administration	<p>Within three days from receipt of report, the Immigration Administration shall:</p> <ul style="list-style-type: none"> • Verify the information related to entry, exit and residence of the trafficking victim. • Send a written notification to the Consular Authority together with the statement for domestically trafficked victims, three pictures, certification of victimization and other relevant documents.
Consular Administration	Within three days of receipt of notification from the Immigration Administration, the Consular Administration shall send a diplomatic note (with the dossier on the trafficking victim and two pictures) to the diplomatic mission of the country where the trafficking victim resides or holds nationality, to request protection, identification and receipt of the victim.

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	<p>When receiving a note from the diplomatic mission of the country where the trafficking victim is a citizen and a valid travel document for the victim, the Consular Administration must:</p> <ul style="list-style-type: none"> • Reach an agreement on the time, border checkpoint and vehicle for repatriating the trafficking victim. • Request support from an international organization in Viet Nam if the foreign authority cannot provide a vehicle. • Send a notification and the trafficking victim's travel document to the Immigration Administration.
Immigration Administration	<p>Within five days of the notification result being received, the Immigration Administration must:</p> <ul style="list-style-type: none"> • Issue a temporary residence and exit visa to the trafficking victim (matching deadline for repatriation; the victim is exempt from fees). • Notify relevant authorities (the provincial immigration authority, the provincial Service of Labour, War Invalids and Social Affairs, the police at the international airport or border guard at departure checkpoint, the international organization, if relevant) of the repatriation plan. • Send travel and other documents to the provincial immigration authority in order to complete the repatriation procedure.
Department/Division of Labor, Invalids, and Social Affairs (DOLISA)	<p>DOLISA shall request the social protection or victim assistance establishment to take the trafficking victim to the border checkpoint and cooperate with relevant bodies in repatriating the victim.</p>
Provincial immigration authority	<p>At the checkpoint, the provincial immigration authority shall cooperate with the police department (e.g. at the international airport or land border) to complete the repatriation procedure.</p>

7.3 Assistance available to trafficking victims in Viet Nam

Minimum standards of care for victims of trafficking are set out in the *Law on Human Trafficking*, as well as *Decree 09*, *Circular 35* and *Circular 84*, detailed above in Table #23. Notably, *Circular 35* establishes service quality standards for: receiving and interviewing victims (Article 19), including ensuring a safe and amiable environment; officials appointed suitable for the victims' genders and ages; non-discrimination of victims on the grounds of nationality, ethnic group, religion, social class, physical condition or gender; and victims informed of location, rules and regulations and other information.¹²⁵




Circular 35 also establishes recovery services and assistance in community reintegration (Article 20), including: the provision of sufficient information about assistance services including legal assistance, and the right to select assistance; psychological counseling by qualified counselors; and formulation and implementation of assistance and community integration plans according to the ability, needs, strengths of victims and accessible resources, regularly reviewed and involving participating of the victim. Victim assistance service providers are responsible for ensuring these standards are implemented, with oversight from MOLISA (Article 18 of *Circular 35*).

¹²⁵ *Circular 35*, No. 35/2013/TT-BLDTBXH, *Guidelines for some articles of the Government's Decree No. 09/2013/ND-CP Dated January 11, 2013, detailing the Law on Prevention of Human Trafficking* (2013), Art. 19.





In the initial stages of contact with trafficking victims, support to meet basic needs and travel expenses is provided for in Article 33 of the *Law on Human Trafficking* setting out that “victims may be provided with temporary shelter, clothes, food and other essential personal articles based on practical conditions and the age, gender and health status of victims. Victims who wish to return to their places of residence but cannot afford travel and food expenses may receive support for these expenses.” Article 39(1) further states that Commune-level People's Committees that receive victims, and police offices, border guard and marine police that rescue them shall provide support to meet essential needs of victims. Further detail of what is entailed by essential needs is outlined in Article 19 of Decree 09 *Stipulating in detail a number of articles of the anti-human trafficking law*.¹²⁶





The *Law on Human Trafficking* further sets out a range of support services that victims of trafficking are to receive and the stakeholder responsible for providing that service. These are detailed in Table #26 below. Other forms of assistance may be available to trafficking victims as returned migrants, socially vulnerable individuals, or citizens generally and have been added in some parts of the table. However, comprehensive treatment of non-trafficking assistance is beyond the scope of this review.

Table #26. Legal and policy instruments in the provision of assistance to trafficking victims in Viet Nam

Form of assistance	Legal and policy instrument
 Housing, care, and accomodation	<p>Article 40(1)(a) of the <i>Law on Human Trafficking</i> requires public social security and victim support establishments to provide lodging for trafficking victims.</p>
 Medical assistance	<p>Article 34 of the <i>Law on Human Trafficking</i> concerns medical support, stating that: “During their stay at social security or victim support establishments, victims who need healthcare for recovery may be considered for receiving support for healthcare expenses.”</p> <p>Article 39(3) states that social security and victim support establishments shall provide medical support to trafficking victims. Further, Article 39(5) states that provincial-level Labor, War Invalids and Social Affairs Departments shall coordinate with provincial-level Health Departments and Education and Training Departments in providing medical support.</p> <p>Article 40(1)(b) of the <i>Law on Human Trafficking</i> requires public social security and victim support establishments to provide medical and psychological support to trafficking victims, suitable to their age, gender and expectations, and the capacity of the establishment.</p> <p>Article 20 of Decree 09 (No. 09/2013/ND-CP) <i>Stipulating in detail a number of articles of the anti-human trafficking law</i> adds further detail to the provision of medical support during stay in social protection or victim support establishments.</p> <p>Free medical insurance is provided by the government to poor households.</p>
 	<p>Article 35 of the <i>Law on Human Trafficking</i> concerns psychological support, stating that “victims may receive support for psychological stabilization during their stay at social security or victim support</p>

¹²⁶ Decree No. 09/2013/ND-CP, *Stipulating in detail a number of articles of the anti-human trafficking law* (2013).

<p>Psychological support and counseling</p>	<p>establishments.” Article 39(3) states that social security and victim support establishments shall provide psychological support to trafficking victims.</p> <p>Article 21 of Decree 09 (No. 09/2013/ND-CP) <i>Stipulating in detail a number of articles of the anti-human trafficking law</i> adds further detail to the provision of “psychological support” during stay in social protection or victims support establishments.</p>
<p> Education, training and life skills</p>	<p>Article 37 of the <i>Law on Human Trafficking</i> concerns “Support in general education and vocational training” and states: 1) victims who are minors of poor households and continue their schooling may be provided with school fees and expenses for textbooks and learning aids in the first school year; and 2) victims returning to their localities who are members of poor families may be considered for vocational training support.</p> <p>Article 39(5) states that provincial-level Labor, War Invalids and Social Affairs Departments shall provide initial difficulty allowances for trafficking victims and coordinate with provincial-level Health Departments and Education and Training Departments in providing general education and vocational training support for victims.</p> <p>Article 40(1)(c) of the <i>Law on Human Trafficking</i> requires public social security and victim support establishments to provide training in living skills and vocational orientation to trafficking victims.</p> <p>Article 23 of Decree 09 (No. 09/2013/ND-CP) <i>Stipulating in detail a number of articles of the anti-human trafficking law</i> details entitlements to “basic knowledge and job learning initial-difficulty supports” as well as exemptions, allowances and the processes for applying for them.</p> <p>Viet Nam provides free school tuition for the duration of primary school.</p>
<p> Economic empowerment opportunities</p>	<p>Article 38 of the <i>Law on Human Trafficking</i> concerns “Initial difficulty allowance and loan borrowing support” stating that: 1) victims who are members of poor households returning to their localities may receive a lump-sum initial difficulty allowance; and 2) victims who wish to take loans for production and business may be considered and created conditions for taking loans under law.</p> <p>Article 24 of Decree 09 (No. 09/2013/ND-CP) <i>Stipulating in detail a number of articles of the anti-human trafficking law</i> states that loans for productions and business activities from the Social Lending Bank are to comply with conditions and regulations of the National Employment Fund.</p>
<p> Administrative assistance and support</p>	<p>Some administrative support is offered in the context of legal assistance and support (see below).</p>
<p> Legal assistance and support</p>	<p>Article 36 of the <i>Law on Human Trafficking</i> concerns legal aid and states: 1) victims may receive legal counseling to avoid being trafficked again and legal aid to register residence and civil status, receive support, claim compensation, participate in judicial proceedings and carry out other legal procedures related to human trafficking cases; and 2) the order and procedures for legal aid comply with the law on legal aid.</p>

	<p>Article 39(4) establishes that “State legal aid centers and organizations engaged in legal aid shall provide legal aid for victims.”</p> <p>Article 22 of Decree 09 (No. 09/2013/ND-CP) <i>Stipulating in detail a number of articles of the anti-human trafficking law</i> further explains that legal assistance is provided to Vietnamese and non-Vietnamese trafficking victims, and covers: legal counseling for preventing victims from being trafficked again; assistance in carrying out procedures for household membership and civil status registration, for receiving support or claiming compensations, participating in proceedings, and other legal procedures related to human trafficking cases.</p> <p>The <i>Law on Legal Aid</i> (Law No. 11/2017/QH14) confirms that legal aid beneficiaries include victims of trafficking in persons experiencing financial difficulty (Article 7(7)(g)). There is nothing in the law to suggest that this entitlement is limited only to Vietnamese citizens, given legal aid is understood to be a part of guaranteeing “humans’ and citizens’ right of access to justice and equality before the law” (Article 2).</p> <p><i>Circular 46</i> codifying a victim’s right to an attorney went into effect in 2019.</p>
 <p>Safety and security measures</p>	<p>Decree No. 62/2012/ND-CP, <i>Providing on the Grounds Defining Trafficked Victims and Safety Protection for Victims and their Families</i> sets out the rights and responsibilities of victims in need of protection measures. Article 3 sets out the rights of victims and their relatives to request protection with their lives, health, honor, dignity or property are threatened and to refuse protection measures, as well as their obligations to abide by requirements of competent agencies while being protected or be responsible for their own safety if they refuse protection measures.</p> <p>According to Article 7, depending on the circumstances, protection measures can include keeping secret a person’s documents and evidence, protection of privacy, security forces posted at necessary places, restrictions to traveling and communication, temporary shelters, new places of residence, work or study, measures to stop acts that threaten lives, health, honor, dignity or property, and closed-door trials. Competent authorities include People’s Public Security, People’s Army, border guard, Marine Police Force, People’s and Military Procuracies, People’s and Military Courts, People’s Committees, Overseas Missions, among others (Article 8). Article 10 sets out the procedures for requesting protection measures.</p>
 <p>Assistance to the victim’s family members</p>	<p>While assistance to an adult trafficking victim’s family members is not covered in the existing legal and policy instruments, see Table #27 (below) on assistance to a child trafficking victim’s family members in Viet Nam.</p>
 <p>Case management</p>	<p>While case management for adult trafficking victim is not covered in the existing legal and policy instruments, see Table #27 (below) on case management for child trafficking victims in Viet Nam.</p>
 <p>Return assistance</p>	<p>Article 33 of the <i>Law on Human Trafficking</i> states that “Victims who wish to return to their places of residence but cannot afford travel and food expenses may receive support for these expenses.” Article 39(2) states that</p>

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	<p>District-level DOLISA shall support travel expenses for trafficking victims who return home by themselves.</p> <p>Article 40(1)(f) of the <i>Law on Human Trafficking</i> requires social security and victim support establishments to assess a trafficking victim's ability to integrate into the community, providing information on support policies, regimes and services for victims in the community and to coordinate with concerned agencies in sending trafficking victims to their places of residence.</p>
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7.4 Special considerations for trafficked children in Viet Nam

7.4.1 Laws and policies on the protection of trafficked children in Viet Nam

Article 151 of the *Criminal Code* (1999, as amended in 2015 and 2017) addresses trafficking in persons of victims under the age of 16. Those over 18 are captured by Article 150 on trafficking in persons. The 2016 *Children Law* (Law No. 102) that came into effect in June of 2017, defines a child as a person below the age of 16. Accordingly, there is a gap for victims aged over 16 who do not fall within either article and are reportedly treated as adults.

7.4.2 Procedures and guidance on the identification of trafficked children in Viet Nam







There are no policy instruments specifically addressing the identification, referral, and assistance of child trafficking victims in Viet Nam. Existing policy documents (including the Decrees and Circulars detailed above) do not offer child specific guidance, besides requesting that officials or interpreters complete statements for children who are unable to do so themselves. Further, Article 19 of *Circular 35*, concerning receiving and interviewing victims, states that victims that resemble children must be treated as children when their real ages are not determined, and be interviewed and identified in accordance with their best interests. That same article also requires that officials appointed to receive and interview victims should be “suitable” for the gender and age of the victim.

The 2016 *Children Law* (Law No. 102) classifies child trafficking victims as disadvantaged (Article 10) and, accordingly, places them in a group for whom appropriate support policies are to be promulgated. The many rights set out in the *Children Law* (including a right to be protected from trafficking in persons) are comprehensively stated, as are the protection levels that are set out in the child protection section of that law. There is also nothing explicitly in that law to suggest that the protection provided therein are limited only to Vietnamese children, with the exception of the provision on social security (Article 32). However, the protection provisions set out in the *Children Law* are not specifically referred to in any of the legal or policy instruments enacted on trafficking in persons, meaning that it is unclear the extent to which these are brought into play in assisting child victims of trafficking, or are perhaps applied *in lieu* of the trafficking framework.




7.4.3 Assistance available for trafficked children in Viet Nam

As there are no policy instruments specifically addressing the assistance of child victims of trafficking in Viet Nam, there is a lack of child-specific assistance. However, the 2016 *Children Law* (Law No. 102) sets out a range of rights and protections and government commitments to their achievement. Specifically, Chapter IV addresses child protection setting out three levels – prevention, support, and intervention – and calls for effective cooperation between competent authorities across all three levels and compliance with laws, processes, and standards promulgated to give effect to them. The intervention level (Article 50) is the most relevant in terms of the protection of children who have been trafficked. Child protection services providers responsible for implementing protection measures are also regulated by the law (Articles 55 to 59).



Table #27. Legal and policy instruments in the provision of assistance to child trafficking victims in Viet Nam

Form of assistance	Legal and policy instrument(s)
 <p>Housing and accomodation</p>	<p>According to <i>Circular 35</i>, children who are assisted at social protection establishments or victim assistance centers must be appointed a guardian, or an organization may be apointed to act as a guardian (Article 11(1)(b)). 20 days before the expiration of a child’s residence period, the Director of the establishment must request that the child’s family (parent or guardian) take the child home or appoint an official to do so, unless the child is an orphan or homeless (Article 11(3)(c), <i>Circular 35</i>).</p> <p>The 2016 <i>Children Law</i> (Law No. 102) guarantees the care of children through implementation of support and assistance policies, and promulation of standards and regulations on their care including for disadvantaged children (Article 42). Article 50 sets out “intervention” protection measures including: a “safe temporary residence for children”; separation from the environment or the individuals that make threats, perpetrate violence or child exploitation (Article 50(2)(c)); and to arrange temporary or long-term surrogate care for children. Surrogate care can be with the child’s relatives, through fostering or adoption, or at social support establishments, as set out in Articles 60-69.</p>
 <p>Medical assistance</p>	<p>The <i>Children Law</i> establishes that children have: the right to healthcare services; are prioritized to access and use medical prevention, examination and treatment services (Article 14); and have the right to be cared for and nurtured to develop comprehensively (Article 15). A more detailed guarantee of children’s healthcare is set out in Articles 43 and 50(2)(a), which ensure healthcare services are provided, including to disadvantaged children. The government also will pay or assist children to pay health insurance premiums as regulated by the law (Article 43(5).)</p>
 <p>Psychological support and counseling</p>	<p>Article 50(2)(a) of the <i>Children Law</i> sets out child protection measures including psychological treatment, physical and mental health rehabilitation to abused and disadvantaged children.</p>
 <p>Education, training and life skills</p>	<p>Article 16 and 98 of the <i>Children Law</i> set out the right to education, study and development of talent, “so that [children] can have a comprehensive development and promote their ability in the best way”. That article grants children “equal opportunity for study and education, and developing their talent, creation and invention”. Disabled children are also entitled to special assistance, caring and education for rehabilitation (Article 35). Article 44 further guarantees education, with the government committing to formulating policies so that all children can go to school, including through policies to support disadvantaged children. The government also commits to implement policies to universalize preschool education for children at five years old (Article 44(5)).</p>
 <p>Economic empowerment</p>	<p>Article 32 of the <i>Children Law</i> protects the right to social security for children who are Vietnamese citizens, which is the right to have their social security benefits ensured as regulated by the law and in conformity with socio-economic conditions of regions where they are living.</p>
	<p>Articles 33 and 46 of the <i>Children Law</i> protect the right of children to receive information in a sufficient, timely, and appropriate manner. These articles also establish that children have a right to retrieve information as regulated by law. Additionally, children have the right to state opinions and attend</p>

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<p>Administrative assistance and support</p>	<p>meetings and have their opinions and legitimate expectations received, considered, and responded to by agencies, organizations, educational establishments, families and individuals (Article 34). Children’s participation in family issues in specific contexts is further detailed in Articles 74-78.</p>
<p> Legal assistance and support</p>	<p>The <i>Law on Legal Aid</i> (Law No. 11/2017/QH14) confirms that legal aid is available to children (Article 7(3)), including those between the ages of 16 and 18 (Article 7(7)(dd)) where they fall into financial difficulty, as well victims human trafficking who are in financial difficulty (Article 7(7)(g)).</p> <p>In specific relation to children who may be involved in criminal justice proceedings against traffickers, the Supreme Peoples’ Court issued a circular in September 2018 (<i>Joint Circular 06/2018</i>), regarding trial procedures in cases involving child victims, with a view to making court proceedings more child-friendly.</p> <p>Article 30 of the <i>Children Law</i> sets out that: “Children have the right to be protected during proceedings and the taking of actions against administrative violations. They are entitled to defend themselves or be defended and have their lawful rights and interests protected. They are also entitled to legal aid, state their opinions and be protected from illegal deprivation of the right to freedom. In addition, they are protected from torture, extortion of deposition, corporal punishment, defamation of the honor and dignity, acts violating their body, psychological pressure and other violations”. Article 50(2)(e) includes, as a protection measure, the giving of advice and providing knowledge of legislation and legal assistance to parents, caregivers, and disadvantaged children.</p> <p>Section 4, Articles 70-72 set out requirements for protecting children in the course of legal proceedings. This includes: the involvement of representatives in court proceedings, child friendly language and approaches, and protection of privacy (Article 70); protection for children who are testifying (Article 71); and roles of child protection actors at the communal level in the course of legal proceedings (Article 72).</p>
<p> Safety and security</p>	<p>Article 21(3) of Decree 09 (No. 09/2013/ND-CP) <i>Stipulating in detail a number of articles of the anti-human trafficking law</i>: For juvenile victims, social protection establishments or victim support establishments shall, before bringing them home, contact localities and assess the degree of safety for the victims when they return to their families or places of residence.</p> <p>The <i>Children Law</i> protects the child’s right to be protected from sexual abuse (Article 25), labour exploitation (Article 26), violence, neglect, or abandonment (Article 27), as well as their right to be protected from trafficking, kidnapping, swap and appropriation (Article 28) among other things. No further information is provided about how such protection is to be achieved. Article 21 protects the child’s right to privacy.</p>
<p> Assistance to victim’s family members</p>	<p>Article 22 and Article 96 of the <i>Children Law</i> protect the child’s “right to live with their parent(s)” unless the best interest of the child determine that they should be separated from them. In the event of separation from their parents, the law also sets out that children must be assisted to stay in touch with parents. They also have the right to be reunited with parents (Article 23). Article 50(2) provides for: assisting children in family reunion and social integration; giving advice and providing knowledge to parents, caregivers, and family members of disadvantaged children on duties and skills of protecting, taking care of and practising inclusive education; and giving advice and providing knowledge of legislation and legal assistance to parents, caregivers, and disadvantaged children. Article 53 reiterates the</p>

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	responsibility to give advice to parents and family members of children, about child protection, social support, health, education, and legal assistance services.
 Case management	Article 52 of the <i>Children Law</i> sets out that a “support and intervention” plan is to be put in place, with peoples’ committees of communes where children reside taking primary responsibility and coordinating with stakeholders responsible for child protection to establish, approve, and implement support and intervention plans, as well as arranging resources and organizations/individuals to implement them. The law also provides for risk assessments to be carried out (Article 54)
 Return assistance	Article 23 of the <i>Children Law</i> addresses reunification of children with their parents, which may take place transnationally. This provision sets out that children are to have their immigration facilitated to be united with their parent(s), and, in this same context, protects them from “illegal transport to outside of the territory of Vietnam”.

8. Conclusion

Victim protection – the identification, referral, assistance and reintegration of trafficking victims – is integral to any country’s comprehensive anti-trafficking response. This review provides an overview of the legal and policy framework in place for the protection of trafficking victims in Cambodia, Indonesia, Lao PDR, Thailand, and Viet Nam as well as the procedures and instruments designed to operationalize this overarching framework. A thorough and detailed understanding of the various victim protection laws, policies, and instruments is essential for those working to identify and assist trafficking victims in and from these countries. This information is vital in leveraging and advocating for these rights and entitlements. And yet, it is complicated for anti-trafficking practitioners to disentangle and make sense of this complex legal and regulatory web.

Countries in Southeast Asia take different approaches to trafficking victim protection, both in terms of how they understand victim protection, and how they achieve it in law, policy, and procedures. The procedures that are set out in law and policy offer varying levels of detail as well as an often complex picture of intersections and overlaps. A trafficking victim’s needs may be addressed in one instrument but not another, depending on the individual’s profile, with certain gaps in protection evident for some types of trafficking victims. For example, adult male trafficking victims may be overlooked in some instruments and foreign trafficking victims may be absent in others. At the same time, the specificity of some protections in place (for instance, for foreign victims of certain types of trafficking) may be at the cost of ensuring that citizens who have fallen victim to domestic trafficking have access to the full spectrum of rights to which they are entitled. Gaps in protection, then, can appear even in well-considered and detailed legal and policy frameworks.

Accordingly, the implementation of these laws and practices is the true test of their utility. What may, at first glance, appear to be a comprehensive and multi-agency protection policy, may translate in practice into an administratively cumbersome procedure that is rarely achieved by practitioners tasked with applying it. Implementation challenges may not necessarily be addressed by replacing long and complex frameworks with comparatively short ones; even apparently simple protection procedures, with clearly defined roles and responsibilities for specified agencies do not necessarily achieve their stated goals. Too often, what exists on paper in terms of trafficking victim protection is not implemented in practice.

These important questions of how and to what extent these trafficking victim protection frameworks are implemented in practice require further research and analysis. An important next step, then, is to assess the effective and efficient implementation of the victim protection frameworks in these countries, to identify both positive and negative outcomes for victims and their families, and canvas best practices and lessons learnt from the experience of translating policy into practice. This analysis should not take place only based on the perspectives of policymakers and practitioners but should also include the experiences and assessments of the trafficking victims who are the intended beneficiaries of these protection laws, policies and practices.

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Annex #1. Bilateral agreements related to the protection of trafficking victims in Cambodia, Indonesia, Lao PDR, Thailand and Viet Nam

Different countries have entered into various bilateral and regional instruments that are relevant to protection and assistance of trafficking victims. These are listed in the table below. Beyond trafficking-specific arrangements, countries also have bilateral labor migration arrangements in place that may have some impact on protections available to victims of trafficking in persons but are beyond the scope of this review.

<p>Cambodia</p>	<ul style="list-style-type: none"> • Memorandum of Understanding Between the Government of the Kingdom of Cambodia and the Government of the Kingdom of Thailand on Bilateral Cooperation for Eliminating Trafficking in Persons and Protecting Victims of Trafficking (2014) • Agreement between the Royal Government of Cambodia and the Government of the Socialist Republic of Viet Nam on Bilateral Cooperation for Eliminating Trafficking in Women and Children and Assisting Victims of Trafficking (amended 2012) • Cooperation Agreement Between the Government of the Kingdom of Cambodia and the Government of the Socialist Republic of Vietnam on Standard Operating Procedures (SOPs) for the Identification and Repatriation of Trafficked Victims (2009) • Agreement between the Royal Government of Cambodia and the Government of the Socialist Republic of Vietnam on Bilateral Cooperation Eliminating Trafficking in Women and Children and Assisting Victims of Trafficking (2005) • Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT) Memorandum of Understanding on Cooperation against Trafficking in Persons in the Greater Mekong Sub-region (2004) • Memorandum of Understanding Between the Government of the Kingdom of Thailand and the Government of the Kingdom of Cambodia on Bilateral Cooperation for Eliminating Trafficking in Children and Women and Assisting Victims of Trafficking (2003) (superseded by the 2014 Memorandum of Understanding)
<p>Indonesia</p>	<ul style="list-style-type: none"> • Implementation Framework for Cooperation between the Government of the Republic of Indonesia and the Government of Australia to Combat People Smuggling and Trafficking in Persons (2019) • Memorandum of Understanding Between Indonesia and the United Arab Emirates (UAE) on Prevention of Human Trafficking and Protection of Victims (2015) • Memorandum of Understanding Between the Taipei Economic And Trade Office in Indonesia and the Indonesian Economic And Trade Office to Taipei on Cooperation in Immigration Affairs, Human Trafficking and People Smuggling Prevention (2012) • Arrangement on Cooperation Between the National Police Agency of the Republic of Korea and the Indonesian National Police on Cooperation to Prevent and Suppress Crime, including Human Trafficking (2010) • Memorandum of Understanding Between the Government of the Republic of Indonesia and the Government of the Socialist Republic of Vietnam on Cooperation in Preventing And Combating Crimes, including Trafficking in Persons (2010)

<p>Lao PDR</p>	<ul style="list-style-type: none"> • Memorandum of Understanding between the Government of the Kingdom of Thailand and the Government of the Lao People's Democratic Republic on Cooperation to Combat Trafficking in Persons (2017) • Agreement between the Government of Lao PDR and the Government of China on Cooperation in Preventing and Combating Trafficking in Persons (2014) • Agreement between the Government of the Lao People's Democratic Republic and the Government of the Socialist Republic of Vietnam on Bilateral Cooperation in Preventing and Combating Trafficking in Persons and Protection of Victims of Trafficking (2010) • Memorandum of Understanding Between the Government of the Kingdom of Thailand and the Government of the Lao People's Democratic Republic and Cooperation to Combat Trafficking in Persons, Especially Women and Children (2005) • Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT) Memorandum of Understanding on Cooperation against Trafficking in Persons in the Greater Mekong Sub-region (2004)
<p>Thailand</p>	<ul style="list-style-type: none"> • Bilateral Standard Operating Procedures Between the Government of the Republic of the Union of Myanmar and the Government of the Kingdom of Thailand on Management of Cases and the Re/integration of Victims of Trafficking (2018) • Memorandum of Understanding between the Governments of China and Thailand on Cooperation in Prevention and Suppression of Trafficking in Persons (2018) • Memorandum of Understanding between the Government of the Kingdom of Thailand and the Government of the Lao People's Democratic Republic on Cooperation to Combat Trafficking in Persons (2017) • Standard Operating Procures on Cooperation Between the Government of the Kingdom of Thailand and the Government of the Lao PDR Regarding Receiving, Sending and Rehabilitating the Victims of Trafficking in Persons, Especially Women and Children (2015)¹²⁷ • Memorandum of Understanding Between the Government of the Kingdom of Cambodia and the Government of the Kingdom of Thailand on Bilateral Cooperation for Eliminating Trafficking in Persons and Protecting Victims of Trafficking (2014) • Memorandum of Understanding between the Government of the Kingdom of Thailand and the Government of Malaysia to Share Information to Combat Human Trafficking (2013)¹²⁸ • Standard Operating Procedures for the Identification and Return of Victims of Human Trafficking Between Thailand and Viet Nam (2013) • Memorandum of Understanding Between the Government of the Kingdom of Thailand and the Government of the Union of Myanmar on Cooperation To Combat Trafficking in Persons, Especially Women and Children (2009) • Agreement Between the Government of the Kingdom of Thailand and the Government of the Socialist Republic of Vietnam on Bilateral Cooperation for Eliminating Trafficking in Persons, Especially Women and Children and Assisting Victims of Trafficking (2008)

¹²⁷ The SOP accompanies the MOU and is to be replaced by a revised SOP under preparation. MSDHS and JICA, *Repatriation Flow and Procedures from Thailand to Lao PDR* (Bangkok: Ministry of Social Development and Human Security and Tokyo: Japan International Cooperation Agency, 2019).

¹²⁸ This MoU was finalized in 2013 but it is unclear whether the governments have signed it. Liberty Asia, *Legal Gap Analysis of Anti-Trafficking Legislation in Malaysia* (Hong Kong: Liberty Asia, 2018), 41.

	<ul style="list-style-type: none"> • Memorandum of Understanding Between the Government of the Kingdom of Thailand and the Government of the Lao People's Democratic Republic and Cooperation to Combat Trafficking in Persons, Especially Women and Children (2005) • Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT) Memorandum of Understanding on Cooperation against Trafficking in Persons in the Greater Mekong Sub-region (2004) • Memorandum of Understanding Between the Government of the Kingdom of Thailand and the Government of the Kingdom of Cambodia on Bilateral Cooperation for Eliminating Trafficking in Children and Women and Assisting Victims of Trafficking (2003) (superseded by the 2014 Memorandum of Understanding)
<p>Viet Nam</p>	<ul style="list-style-type: none"> • Standard Operating Procedures for the Identification and Return of Victims of Human Trafficking Between Thailand and Viet Nam (2013) • Agreement between the Royal Government of Cambodia and the Government of the Socialist Republic of Viet Nam on Bilateral Cooperation for Eliminating Trafficking in Women and Children and Assisting Victims of Trafficking (amended 2012) • Agreement between the Government of the Lao People's Democratic Republic and the Government of the Socialist Republic of Vietnam on Bilateral Cooperation in Preventing and Combating Trafficking in Persons and Protection of Victims of Trafficking (2010) • Agreement between the Government of the Socialist Republic of Vietnam and the Government of the People's Republic of China on Strengthening Cooperation on Preventing and Combating Human Trafficking (2010) • Cooperation Agreement Between The Government of the Socialist Republic of Vietnam and the Royal Government of the Kingdom of Cambodia on Standard Operating Procedures (SOPs) for the Identification and Repatriation of Trafficked Victims (2009) • Agreement Between the Government of the Kingdom of Thailand and the Government of the Socialist Republic of Vietnam on Bilateral Cooperation for Eliminating Trafficking in Persons, Especially Women and Children and Assisting Victims of Trafficking (2008) • Agreement Principles on the Cooperation in Prevention and Suppression of Crime of Human Trafficking, especially Women and Children, crossing Cambodia-Vietnam border (2007) • Agreement between The Royal Government of Cambodia and the Government of The Socialist Republic of Vietnam on Bilateral Cooperation Eliminating Trafficking in Women and Children and Assisting Victims of Trafficking (2005) • Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT) Memorandum of Understanding on Cooperation against Trafficking in Persons in the Greater Mekong Sub-region (2004)

Annex #2. Snapshot of protection laws, policies, and procedures in Cambodia, Indonesia, Lao PDR, Thailand and Viet Nam

Snapshot of protection laws, policies, and procedures in Cambodia

<input checked="" type="checkbox"/>	Agreement between the Royal Government of Cambodia and the Government of the Socialist Republic of Viet Nam on Bilateral Cooperation for Eliminating Trafficking in Women and Children and Assisting Victims of Trafficking (2012)
<input checked="" type="checkbox"/>	Agreement between The Royal Government of Cambodia and the Government of The Socialist Republic of Vietnam on Bilateral Cooperation Eliminating Trafficking in Women and Children and Assisting Victims of Trafficking (2005)
<input checked="" type="checkbox"/>	Agreement on guidelines and cooperation between the relevant government institutions and supporting victim agencies in the proceedings in relation to human trafficking (2007)
<input checked="" type="checkbox"/>	Cooperation Agreement Between the Government of the Kingdom of Cambodia and the Government of the Socialist Republic of Vietnam on Standard Operating Procedures (SOPs) for the Identification and Repatriation of Trafficked Victims (2009)
<input checked="" type="checkbox"/>	Decision on Guidelines for the Protection of the Rights of Trafficked Children (2017)
<input checked="" type="checkbox"/>	Decision on Guidelines for the Protection of the Rights of Trafficked Children of the Kingdom of Cambodia (Decision No. 107) (2007)
<input checked="" type="checkbox"/>	Directive on the implementation of the principles of the national and the international laws in force in relation to the protection of victims of a crime (2005)
<input checked="" type="checkbox"/>	Guidelines on Forms and Procedures for Identification of Victims of Human Trafficking for Appropriate Service Provision (2015)
<input checked="" type="checkbox"/>	Guidelines on the enforcement of the Law on Suppression of Human Trafficking and Sexual Exploitation (2008)
<input checked="" type="checkbox"/>	Guiding Circular No. 009 (2007)
<input checked="" type="checkbox"/>	Law on Suppression of Human Trafficking and Sexual Exploitation (No. NS/RK/0208/005) (2008)
<input checked="" type="checkbox"/>	Memorandum of Understanding Between the Government of the Kingdom of Thailand and the Government of the Kingdom of Cambodia on Bilateral Cooperation for Eliminating Trafficking in Children and Women and Assisting Victims of Trafficking (2003)
<input checked="" type="checkbox"/>	Memorandum of Understanding Between The Government of the Kingdom of Cambodia and The Government of the Kingdom of Thailand on Bilateral Cooperation for Eliminating Trafficking in Persons and Protecting Victims of Trafficking (2014)
<input checked="" type="checkbox"/>	Minimum Standards on Alternative Care for Children (Prakas No. 198 and Prakas No. 616) (2008)

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<input checked="" type="checkbox"/>	Minimum Standards on Residential Care for Victims of Human Trafficking and Sexual Exploitation (2014)
<input checked="" type="checkbox"/>	Policy on the Protection of the Rights of Victims of Human Trafficking (Prakas No. 852), including Minimum Standards for the Protection of the Rights of Victims of Human Trafficking (Prakas No. 857) (2009)
<input checked="" type="checkbox"/>	Prakas No. 128 S.V.Y (2007)
<input checked="" type="checkbox"/>	Prakas on the Use of Court Screen and Courtroom TV-Linked Testimony from Child/Vulnerable Victims or Witnesses (2008)
<input checked="" type="checkbox"/>	Standard operating procedures on the support of reintegration of men who are victims of human trafficking (2014)
<input checked="" type="checkbox"/>	Standard operating procedures for the units specializing in suppression of human trafficking (2010)

Snapshot of protection laws, policies, and procedures in Indonesia

<input checked="" type="checkbox"/>	Amendment to the Law on Child Protection, Law (Undang-Undang) No. 35/2014 (2014)
<input checked="" type="checkbox"/>	Amendment to the Law on Witness and Victim Protection, Law (Undang-Undang) No. 31/2014 (2014)
<input checked="" type="checkbox"/>	Arrangement on Cooperation Between the National Police Agency of the Republic of Korea and the Indonesian National Police on Cooperation to Prevent and Suppress Crime, including Human Trafficking (2010)
<input checked="" type="checkbox"/>	Chief of Indonesian National Police. Regulation on Establishment of a Special Service Room and Procedure For Examination of Witnesses and/or Victims of Criminal Action, Regulation (Peraturan Kepala Kepolisian) No. 3/2008 (2008)
<input checked="" type="checkbox"/>	Government Regulation on Procedures and Mechanisms of Integrated Services For Witnesses and/or Victims of Trafficking, Regulation (Peraturan Pemerintah) No. 9/2008 (2008)
<input checked="" type="checkbox"/>	Government Regulation on the Implementation of Law No. 6/2011 on Immigration, Regulation (Peraturan Pemerintah) No. 31/2013 (2013)
<input checked="" type="checkbox"/>	Government Regulation on the Provision of Compensation, Restitution, And Assistance to the Witnesses and Victims, Regulation (Peraturan Pemerintah) No. 7/2018 (2018)
<input checked="" type="checkbox"/>	Government Regulation on Requirements and Procedures for Provision of Free Legal Aid, Regulation (Peraturan Pemerintah) No. 83/2008 (2008)
<input checked="" type="checkbox"/>	Governor's Regulation of Jakarta Province regarding the Task Force for Prevention and Handling Trafficking Crimes, Regulation (Peraturan Daerah Provinsi) No. 218/2010 (2010)
<input checked="" type="checkbox"/>	Guidelines for Handling Child Victims of Violence, Regulation (Peraturan Menteri) No. 2/2011 (2011)
<input checked="" type="checkbox"/>	Guidelines for the Establishment and Development of Integrated Service Centers (PPT), Regulation (Peraturan Menteri) No. 5/2010 (2010)
<input checked="" type="checkbox"/>	Implementation Framework for Cooperation between the Government of the Republic of Indonesia and the Government of Australia to Combat People Smuggling and Trafficking in Persons (2019)
<input checked="" type="checkbox"/>	Law on Child Protection, Law (Undang-Undang) No. 23/ 2002 (2002)
<input checked="" type="checkbox"/>	Law on Health, Law (Undang-Undang) No. 36/2009 (2009)
<input checked="" type="checkbox"/>	Law on Immigration, Law (Undang-Undang) No. 6/2011 (2011)
<input checked="" type="checkbox"/>	Law on Legal Aid, Law (Undang-Undang) No. 16/2011 (2011)
<input checked="" type="checkbox"/>	Law on National Social Assistance Systems, Law (Undang-Undang) No. 40/2004 (2004)
<input checked="" type="checkbox"/>	Law on Social Welfare, Law (Undang-Undang) No. 11/2009 (2009)

Trafficking victim protection in Viet Nam

<input checked="" type="checkbox"/>	Law on the Eradication of the Criminal Act of Trafficking in Persons, Law (Undang-Undang) No. 21/2007 (2007)
<input checked="" type="checkbox"/>	Law on the Juvenile Criminal Justice System Law, Law (Undang-Undang) No. 11/2012 (2012)
<input checked="" type="checkbox"/>	Law on the National Education System, Law (Undang-Undang) No. 20/2003 (2003)
<input checked="" type="checkbox"/>	Law on Social Security Administrative Body (Badan Penyelenggara Jaminan Sosial or BPJS), Law (Undang-Undang) No 24/2011 (2011)
<input checked="" type="checkbox"/>	Law on Witness and Victim Protection, Law (Undang-Undang) No. 13/2006 (2006)
<input checked="" type="checkbox"/>	Minimum Service Standards of Integrated Services for Witnesses and/or Human Trafficking Victims in Regent/City, Regulation (Peraturan Menteri) No. 1/2009 (2009)
<input checked="" type="checkbox"/>	Memorandum of Understanding Between Indonesia and the United Arab Emirates (UAE) on Prevention of Human Trafficking and Protection of Victims (2015)
<input checked="" type="checkbox"/>	Memorandum of Understanding Between the Government of the Republic of Indonesia and the Government of the Socialist Republic of Vietnam on Cooperation in Preventing And Combating Crimes, including Trafficking in Persons (2010)
<input checked="" type="checkbox"/>	Memorandum of Understanding Between the Taipei Economic And Trade Office in Indonesia and the Indonesian Economic And Trade Office to Taipei on Cooperation in Immigration Affairs, Human Trafficking and People Smuggling Prevention (2012)
<input checked="" type="checkbox"/>	Presidential Regulation Concerning Task Force of Prevention and Handling of Trafficking in Persons, Regulation (Peraturan Presiden) No. 69/2008 (2008)
<input checked="" type="checkbox"/>	Regulation Concerning Guidelines for the Management of Integrated Services for Victims of Violence against Women and Children in Hospitals (PPT), Regulation (Peraturan Menteri) No. 1226/Menkes/SK/XIII/2009 (2009)
<input checked="" type="checkbox"/>	Regulation on Empowerment of the Migrant Worker's Community in Productive Migrant Villages (Desmigratif), Regulation (Peraturan Menteri) No 2/2019 (2019)
<input checked="" type="checkbox"/>	Regulation on Establishment and Management of Services in Protection House and Trauma Center/Rumah Perlindungan dan Trauma Center (RPTC), Regulation (Peraturan Menteri) No. 102/Huk/2007 (2007)
<input checked="" type="checkbox"/>	Regulation on Prevention and Handling of Victims of Trafficking in West Java (Peraturan Daerah) No. 3/2008 (2008)
<input checked="" type="checkbox"/>	Regulation on the Repatriation of Indonesian Citizens Migrant Victims of Trafficking from Malaysia (WNIM-KPO) to their area of origin, Regulation (Peraturan Menteri) No. 30/2017 (2017)
<input checked="" type="checkbox"/>	Standard Operating Procedure (SOP) of Integrated Services for Witnesses and/or Victims of Crime of Human Trafficking, Regulation (Peraturan Menteri) No. 22/2010 (2010)

Snapshot of protection laws, policies, and procedures in Lao PDR

<input checked="" type="checkbox"/>	Agreement between the Government of Lao PDR and the Government of China on Cooperation in Preventing and Combating Trafficking in Persons (2014)
<input checked="" type="checkbox"/>	Agreement between the Government of the Lao People's Democratic Republic and the Government of the Socialist Republic of Vietnam on Bilateral Cooperation in Preventing and Combating Trafficking in Persons and Protection of Victims of Trafficking (2010)
<input checked="" type="checkbox"/>	Labour Law (as amended), Law No. 43/NA (2013)
<input checked="" type="checkbox"/>	Labour Law, Law No. 06/NA (2006)
<input checked="" type="checkbox"/>	Law on Anti-Trafficking in Persons, Law No. 73/NA (2015)
<input checked="" type="checkbox"/>	Law on Criminal Procedure (as amended), Law No. 01/NA (2004)
<input checked="" type="checkbox"/>	Law on Development and Protection of Women, Law No. 70/PO (2004)
<input checked="" type="checkbox"/>	Law on Juvenile Criminal Procedure, Law No. 40 (2013)
<input checked="" type="checkbox"/>	Law on Preventing and Combating Violence against Women and Children, Law No. 56/NA (2014)
<input checked="" type="checkbox"/>	Law on Protection of the Rights and Interests of Children, Law No. 04/PO (2007)
<input checked="" type="checkbox"/>	Law on the Protection and Development of Women, Law No. 70/PO (2004)
<input checked="" type="checkbox"/>	Memorandum of Understanding between the Government of the Kingdom of Thailand and the Government of the Lao People's Democratic Republic on Cooperation to Combat Trafficking in Persons (2017)
<input checked="" type="checkbox"/>	Memorandum of Understanding Between the Government of the Kingdom of Thailand and the Government of the Lao People's Democratic Republic and Cooperation to Combat Trafficking in Persons, Especially Women and Children (2005)
<input checked="" type="checkbox"/>	Penal Law, Law No. 03/NA (2001)
<input checked="" type="checkbox"/>	Promulgation of the Amended Law on Criminal Procedure, No. 236/LP (2004)
<input checked="" type="checkbox"/>	Trafficking in Person Victim Identification Guidelines (2016)

Snapshot of protection laws, policies, and procedures in Thailand

<input checked="" type="checkbox"/>	Agreement Between the Government of the Kingdom of Thailand and the Government of the Socialist Republic of Vietnam on Bilateral Cooperation for Eliminating Trafficking in Persons, Especially Women and Children and Assisting Victims of Trafficking (2008)
<input checked="" type="checkbox"/>	Anti-Human Trafficking Act, B.E. 2551 (2008)
<input checked="" type="checkbox"/>	Anti-Human Trafficking Act (No.2), BE 2558 (2015)
<input checked="" type="checkbox"/>	Anti-Human Trafficking Act (No.3), BE 2560 (2017)
<input checked="" type="checkbox"/>	Anti-Money Laundering Act (No. 2), B.E. 2551 (2008)
<input checked="" type="checkbox"/>	Anti-Money Laundering Act (as amended), B.E. 2558 (2015)
<input checked="" type="checkbox"/>	Bilateral Standard Operating Procedures Between the Government of the Republic of the Union of Myanmar and the Government of the Kingdom of Thailand on Management of Cases and the Re/integration of Victims of Trafficking (2018)
<input checked="" type="checkbox"/>	Child Protection Act, B.E. 2546 (2003)
<input checked="" type="checkbox"/>	Control of Begging Act B.E. 2559 (2016)
<input checked="" type="checkbox"/>	Criminal Procedures in Cases Related to the Ministerial Regulations on the Protection of Labour in Sea Fisheries (No. 2), B.E. 2561 (2018)
<input checked="" type="checkbox"/>	Emergency Decree Amending the Anti-Trafficking, BE 2551, BE 2562 (2019)
<input checked="" type="checkbox"/>	Emergency Decree on Managing the Work of Aliens, B.E. 2561 (2018)
<input checked="" type="checkbox"/>	Labour Protection Act, B.E. 2541 (1998)
<input checked="" type="checkbox"/>	Labour Protection Act (No. 2), B.E. 2551 (2008)
<input checked="" type="checkbox"/>	Ministerial Regulation Concerning Labour Protection in Sea Fishery Work, B.E. 2557 (2014)
<input checked="" type="checkbox"/>	Order No. 513/255 (2009)
<input checked="" type="checkbox"/>	<i>Procedures for Human Trafficking Cases Act</i> , B.E. 2559 (2016)
<input checked="" type="checkbox"/>	MDT Operational Guidelines for the Protection of Victims of Human Trafficking (2013)
<input checked="" type="checkbox"/>	Memorandum of Understanding between the Governments of China and Thailand on Cooperation in Prevention and Suppression of Trafficking in Persons (2018)
<input checked="" type="checkbox"/>	Memorandum of Understanding Between the Government of the Kingdom of Cambodia and the Government of the Kingdom of Thailand on Bilateral Cooperation for Eliminating Trafficking in Persons and Protecting Victims of Trafficking (2014)
<input checked="" type="checkbox"/>	Memorandum of Understanding between the Government of the Kingdom of Thailand and the Government of Malaysia to Share Information to Combat Human Trafficking (2013)

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<input checked="" type="checkbox"/>	Memorandum of Understanding Between the Government of the Kingdom of Thailand and the Government of the Kingdom of Cambodia on Bilateral Cooperation for Eliminating Trafficking in Children and Women and Assisting Victims of Trafficking (2003)
<input checked="" type="checkbox"/>	Memorandum of Understanding between the Government of the Kingdom of Thailand and the Government of the Lao People's Democratic Republic on Cooperation to Combat Trafficking in Persons (2017)
<input checked="" type="checkbox"/>	Memorandum of Understanding Between the Government of the Kingdom of Thailand and the Government of the Union of Myanmar on Cooperation To Combat Trafficking in Persons, Especially Women and Children (2009)
<input checked="" type="checkbox"/>	Memorandum of Understanding Between the Government of the Kingdom of Thailand and the Government of the Lao People's Democratic Republic and Cooperation to Combat Trafficking in Persons, Especially Women and Children (2005)
<input checked="" type="checkbox"/>	Return and Social Reintegration Handbook for Thai Victims of Trafficking in Persons (2019)
<input checked="" type="checkbox"/>	Referral system for victims of trafficking: New guidelines for victim identification by multi-disciplinary teams. (2016)
<input checked="" type="checkbox"/>	Royal Ordinance Concerning Rules on Bringing Migrant Workers to Work with the Employers in the Kingdom, B.E. 2559 (2016)
<input checked="" type="checkbox"/>	Royal Ordinance on Fisheries, B.E. 2558 (2015)
<input checked="" type="checkbox"/>	Standard Operating Procures on Cooperation Between the Government of the Kingdom of Thailand and the Government of the Lao PDR Regarding Receiving, Sending and Rehabilitating the Victims of Trafficking in Persons, Especially Women and Children (2015)
<input checked="" type="checkbox"/>	Standard Operating Procedures for the Identification and Return of Victims of Human Trafficking Between Thailand and Viet Nam (2013)
<input checked="" type="checkbox"/>	Witness Protection Act, B.E. 2546 (2003)

Snapshot of protection laws, policies, and procedures in Viet Nam

✓	Agreement Between the Government of the Kingdom of Thailand and the Government of the Socialist Republic of Vietnam on Bilateral Cooperation for Eliminating Trafficking in Persons, Especially Women and Children and Assisting Victims of Trafficking (2008)
✓	Agreement between the Government of the Lao People's Democratic Republic and the Government of the Socialist Republic of Vietnam on Bilateral Cooperation in Preventing and Combating Trafficking in Persons and Protection of Victims of Trafficking (2010)
✓	Agreement between the Government of the Socialist Republic of Vietnam and the Government of the People's Republic of China on Strengthening Cooperation on Preventing and Combating Human Trafficking (2010)
✓	Agreement between the Royal Government of Cambodia and the Government of the Socialist Republic of Viet Nam on Bilateral Cooperation for Eliminating Trafficking in Women and Children and Assisting Victims of Trafficking (2012)
✓	Agreement between The Royal Government of Cambodia and the Government of The Socialist Republic of Vietnam on Bilateral Cooperation Eliminating Trafficking in Women and Children and Assisting Victims of Trafficking (2005)
✓	Agreement Principles on the Cooperation in Prevention and Suppression of Crime of Human Trafficking, especially Women and Children, crossing Cambodia-Vietnam border (2007)
✓	Circular 35, Guidelines for some articles of the Government's Decree No. 09/2013/ND-CP Dated January 11, 2013, detailing the Law on Prevention of Human Trafficking, No. 35/2013/TT-BLDTBXH (2013)
✓	Circular 84, Provisions on Contents and Levels for the Assistance of Victims and the Content and Levels of Support for Victims Provided in the Government's Decree No. 09/2013/ND-CP which provides Guidelines for the Law on Preventing Human Trafficking, No. 84/2019/TT-BTC (2019)
✓	Cooperation Agreement Between The Government of the Socialist Republic of Vietnam and the Royal Government of the Kingdom of Cambodia on Standard Operating Procedures (SOPs) for the Identification and Repatriation of Trafficked Victims (2009)
✓	Criminal Code, Law No. 100/2015/QH13 (2015)
✓	Decree No. 09, Stipulating in detail a number of articles of the anti-human trafficking law, No. 09/2013/ND-CP (2013)
✓	Decree No. 62, Providing on the Grounds Defining Trafficked Victims and Safety Protection for Victims and their Families, No. 62/2012/ND-CP (2012)
✓	Joint Circular on the Procedure for and Cooperation in Identification, Receipt, and Repatriation of Victims of Human Trafficking. Hanoi: Ministry of Public Security, Ministry of National Defense, Ministry of Labor, War Invalids and Social Affairs and Ministry of Foreign Affairs (2014)
✓	Law on Legal Aid, Law No. 11/2017/QH14 (2017)
✓	Law on the Prevention of and Combat against Human Trafficking, Law No. 66/2011/QH12 (2011)
✓	Standard Operating Procedures for the Identification and Return of Victims of Human Trafficking Between Thailand and Viet Nam (2013)