



The Asia Foundation

Trafficking in Persons Workshop:
Capturing Lessons Learned, Charting the Way Forward

SEPTEMBER 17 - 19, 2012
YAK AND YETI HOTEL; KATHMANDU, NEPAL

WORKSHOP REPORT

EXECUTIVE SUMMARY

The Asia Foundation (TAF) has been a leader in the fight against human trafficking for more than a decade. During that time, TAF has supported a range of initiatives to combat the problem, working with over 60 local organizations. This has enabled the organization to implement innovative initiatives in nearly a dozen source, transit, and destination countries throughout Asia, including Cambodia, India, Indonesia, Japan, Laos, Mongolia, Nepal, Pakistan, the Philippines, South Korea, Thailand, and Vietnam. Because a thriving trafficking trade indicates a breakdown in the legal, economic, and social fabric of a society, TAF employs a governance approach in its anti-trafficking work, focusing on increasing the ability of law enforcement, justice officials, social service providers, community leaders and policymakers to combat this egregious crime.

The Foundation has led a number of large-scale programs in recent years, building on our early successes while exploring new issues and developing innovative strategies and effective governance responses to human trafficking. While the Foundation continues to be a leader on anti-trafficking in Asia, the field is quickly evolving and practitioners are becoming highly specialized in niche areas of this work. There is also a growing awareness that anti-trafficking initiatives and strategies need to move beyond institutional strengthening and capacity building. To promote change that is locally-legitimate and durable, approaches need to be rooted in the political dynamics and socio-economic realities on the ground. In this context, there are new possibilities for TAF trafficking-in-persons (TIP) programming, including through multi-country initiatives, which will capitalize on TAF's existing partnerships and regional presence, long track record on TIP, and governance-centered, empirically-driven approach.

To take stock of the Foundation's collective learning over its nearly fifteen years of counter-trafficking experience, and to identify critical trends and strategies that will strengthen our approach going forward, the Foundation convened a diverse group of nearly 40 staff, external experts, and donor representatives from across Asia for three days of presentations, discussions, and planning. Twelve TAF field offices, four theme and support units, as well as 11 resource people from leading institutions and donor agencies participated in the workshop.

To set the stage for an engaging discussion, the workshop began with a presentation by The Asia Foundation's Nepal office on a forthcoming paper entitled "[Analysing the Legal and Socio-Political Framework Defining Anti-Trafficking Intervention: An Overview](#)." In the paper, the authors advocate for looking anew at counter-trafficking efforts through a more holistic, gender-sensitive lens in order to better address the underlying causes of TIP. The presenters advocated



for a deeper investigation of the relationship between governance and trafficking, and questioned whether existing anti-trafficking protocols are truly capable of addressing all forms of trafficking. Speakers on the next panel, [Examining Legal Frameworks](#), focused more specifically on using national laws and international conventions and declarations to address human trafficking. It was noted that in countries that have not signed onto the Palermo Protocol, other international legal frameworks like the UN Convention against Transnational Organized Crime (UNTOC) or the Child Rights Conventions that the country is signatory to could be used to address trafficking. Effective implementation of those laws, however, remains a challenge across the region. Panelists noted the lack of investigative skills among police, insufficient government budget dedicated to carrying out the law, and lack of institutionalized training for the judiciary to promote accurate judicial interpretation as significant impediments to realizing potential benefits of existing laws.

While much of TAF's past work on TIP has focused on trafficking of women and children into commercial sexual exploitation, the panel on [Addressing TIP in the Context of Labor Migration](#) explored gender, social, and economic drivers of labor trafficking, and how those dynamics should inform effective responses. Panelists noted that labor trafficking of men into such industries as deep sea fishing in Thailand requires the development of victim services that can better identify and address the unique needs of male victims. It was also noted that there is a web of interconnected actors including recruitment agencies, informal agents, and members of the community that all play significant roles in shaping a potential migrant's decisions and possible experiences of exploitation and trafficking once in transit and at destination. A better understanding of these actors and in some cases, working together with them, is critical.

Discussants on the [Cross-Border Collaboration on Victim Protection: Challenges and Lessons Learned](#) panel underscored the need to create more effective victim support mechanisms among sending, receiving, and transit countries, but noted that finding common objectives to catalyze cooperation is challenging. The focus on the personhood of the individual survivor was also emphasized throughout discussions, which represents a much-needed shift from the current support framework that reinforces an individual's victimhood/survivor status. Speakers on the [Effective Programming in Challenging Political and Social Contexts](#) panel presented both theory and practice on when and how to implement anti-TIP programs in fragile conditions. The International Organization for Migration (IOM)-facilitated repatriation of Bangladeshi migrants during the Libya crisis highlighted how migration related to disasters, whether natural or manmade, is not taken into account within established systems or processes, resulting in heightened vulnerability among migrants. The lack of checks and balances needed to reduce the vulnerability of migrants caught in disaster zones needs to be addressed within the migration discourse. The TAF/Nepal staff presented a framework for assessing programmatic options and gendered vulnerabilities at various stages of conflict, depending on the extent of the violence and degree of state and institutional failure.

The panel on [Informed Programming Based on Empirical Studies: Leading Research Methodologies](#) discussed how research and various methodologies can help to inform evidence-based programming on the ground. The [ICT: Emerging Technologies Impacting TIP](#) panel provided an overview of new technologies that traffickers are using to facilitate their trade, while



also emphasizing practical, low-tech strategies that can be employed to interrupt traffickers using ICT strategies. The final discussion of the day centered on [Donor Perspectives on TIP: Toward an Integrated Approach?](#), featuring a panel of three donor representatives (DFID, USAID, and AusAID) discussing their agencies' background and strategy to address trafficking in persons, as well as existing coordinating mechanisms.

DAY 1

Monday, September 17th

Session 1: A Global View: Presentation of TAF/Nepal Position Paper

What are the gaps in anti-trafficking legal frameworks (both international and national)? How are programs being implemented by different bilateral and multilateral donors, governments, NGOs, and INGOs? What are pragmatic approaches that can address the dynamic environments surrounding domestic labor trafficking, labor migration, and trafficking for the purpose of commercial sexual exploitation?

This panel explored the existing gaps in anti-trafficking legal frameworks, internationally and domestically within Nepal. Until recently, anti-trafficking efforts have mainly focused on sex trafficking and the established “4 P’s” methodology, which includes prevention, protection, prosecution, and partnerships. However, as the trafficking landscape evolves with increasing patterns of unsafe migration and labor exploitation, organizations combating trafficking, including The Asia Foundation, need to address these new dynamics. At the heart of trafficking are complex gender and social inequalities that place certain groups at heightened risk of trafficking. The issue of scarce livelihood options among vulnerable groups should prompt organizations working to combat trafficking to gain a deeper understanding of the economic dynamics within local communities, which drive individuals to migrate for work.

Nandita Baruah, TAF/Nepal Chief of Party, CTIP and Dr. Meena Poudel, a Nepali researcher and Visiting Research Fellow at Newcastle University in the UK, shared preliminary findings from a paper they are jointly writing that discusses opportunities and challenges for addressing domestic labor trafficking, labor migration, and trafficking for the purpose of commercial sexual exploitation in ever-changing, dynamic environments.

Panel Highlights

- **Nandita Baruah (TAF/Nepal)** provided an overview of how the established anti-trafficking framework is centered on the “4P’s”, a methodology she believes is overly focused on sex trafficking to the neglect of other forms of trafficking. She argued that while it is broadly recognized that trafficking stems from multi-faceted issues of gender-based violence, social dynamics of power and politics, and access to and control over economic resources, there are few programs that actually seek to directly address these underlying issues. She suggested taking stock of existing programs in governance and probing the relationship between governance and trafficking. Ms. Baruah also noted the



rise of other forms of trafficking. She described situations in Nepal where village members have been exploited through organ trafficking. Since technically these people were complicit by agreeing to the procedure, it becomes more difficult to define trafficking. She raised the issue of whether existing frameworks, such as the widely accepted Palermo Protocol, are adequate and if they are being effectively used to address all forms of trafficking or whether the Protocol needs to be strengthened with further clarification that more holistically defines trafficking in light of the changing dynamics.

- **Dr. Meena Poudel (Newcastle University, UK)** emphasized that each donor institution working to combat human trafficking has a different response to trafficking based on the prism through which it views the issue. For instance, she argued the European Union tends to view trafficking as a human rights issue; whereas IOM focuses on it from a migration perspective, while USAID has expanded its anti-trafficking framework to also look at the entrenched gender-based violence issues that can be an underlying factor that contributes to increased vulnerability to trafficking. She identified a number of critical issues that need to be addressed in order to tackle the roots of trafficking, including, engendered access to social political and economic resources, migration management, land rights, and women's legal status. She argued that without proper structural reforms, we are only addressing the symptoms of trafficking rather than the underlying vulnerabilities that have contributed to exploitation.
- Dr. Poudel and Ms. Baruah both identified lack of livelihood options as the key driving force behind unsafe migration practices, which often leave individuals vulnerable to exploitation.

Question and Answer

Dr. Poudel was asked how the sexualized nature of trafficking has led to a greater focus on rescue than rehabilitation, and the fundamental constraints to providing effective rehabilitation services. Dr. Poudel answered that one of the primary barriers to providing rehabilitation support that will lead to positive outcomes is that many of the rehabilitation services promote stigmas. She emphasized that social constructions need to be broken down so that both women and men are viewed as homemakers and breadwinners. Otherwise, as it currently stands, there's a persistent and outdated misconception that women are homemakers, which is no longer the case in increasingly modernizing economies, as many women must work to support their families. Thus, paternalistic efforts to restrict economic migration options for women serve only to increase their vulnerability as they are forced to seek higher risk and unregulated paths to employment. Moreover, gendered stereotypes further reinforce women's vulnerabilities, as male victims of trafficking are seen as "failed migrants," whereas female victims are stigmatized as presumptive sex workers.

Session 2: Examining Legal Frameworks

Successful prosecutions are recognized as a critical element in deterrence, as well as fundamental to obtaining justice for victims. Yet significant challenges exist given the nexus of trafficking and organized crime, as well as the complex interrelations among trafficking in persons, human smuggling and irregular migration. National legal systems may be insufficient to address this complexity, and even where the legal code is robust, implementation may be at



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odds with legal principles. What are some successful strategies being employed to close the gaps and bring traffickers to justice and support TIP victims?

The panelists discussed the importance of legal reform and effective jurisprudence, nationally and internationally, in order to create an effective deterrent to trafficking perpetrators. The general consensus was that in many Asian countries where the Palermo Protocol has not been officially ratified, the legal frameworks have already incorporated many aspects of the Protocol. The most significant hurdle across the region is implementation of the law. A common theme that emerged was the need for greater investigative training among law enforcement. Investigative training can enable law enforcement to know what to look for in gathering evidence, which can then be used for prosecuting traffickers in court.

Panel Highlights

- **Dr. Dolores Donovan (University of San Francisco)** analyzed existing legal means for prosecuting trafficking, and highlighted a new avenue of prosecuting trafficking crimes through group liability, which does not require victims to testify in court. However, this approach requires the use of electronic techniques which require a higher degree of investigative and surveillance expertise than is typically available in the region. She suggested regular investigative training as a way to utilize this new law.
- **Sapana Pradhan Malla (Supreme Court of Nepal)** underscored the difficulty of implementation once laws have been ratified. She pointed to weak investigative skills, corruption, and ineffective coordination among law enforcement and legal representatives.
- **Naran Munkhbat (TAF/Mongolia)** delivered an overview of Mongolia's key legislative anti-trafficking achievements, culminating in the country's first comprehensive legislation on anti-trafficking passed on January 19, 2012. She pointed out that the process that led up to the law's passing involved strong advocacy and coordination efforts of a wide range of stakeholders, including The Asia Foundation. Nevertheless, implementation remains a problem due to insufficient funding and human resources. Although the law states that the country should cover victim protection costs, in reality only \$15,000 USD has been allocated to the effort, which is only enough to cover costs for four to six victims. There are still no cases at the court level where the law has been used.

Question and Answer

Professor Donovan was asked, "What specific evidential proof is needed under group liability?" She answered that the two key components are proof of agreement and an act. She listed an example as electronic surveillance that provides evidence that through parallel action, a group of people in different countries were working together towards a concerted act of trafficking. She informed the audience that because most South Asian countries are common law countries, they already have group liability legal provisions.

Another participant asked, "Even if Laos passes a comprehensive anti-trafficking law, what's your experience in Mongolia and Nepal for using the law? If the project is finished and the government doesn't have money and doesn't think it's a priority, what should we do?" In



response, Sapana Malla and Naran Munkhbat highlighted the importance of ratifying instruments as a way to create accountability. They also noted that some articles can be implemented with little to no financial allocation. Professor Donovan underscored that there is available funding from donors such as the UNCTOC that has a fund for developing countries to provide technical expertise for implementing anti-trafficking laws.

Naran Munkhbat added that in Mongolia, many of the migration policies are not gender sensitive. She explained that Mongolia has agreements with countries such as the Czech Republic to send labor migrants, but roughly 90% of the opportunities are reserved for men. With limited opportunities, women start seeking unofficial, risky channels and often end up in situations of exploitation.

Session 3: Addressing TIP in the Context of Labor Migration

What approaches are effective in addressing trafficking for the purposes of labor exploitation specifically? What are the gender dimensions of labor trafficking, and how do those variables influence vulnerabilities, victim identification, and service delivery? This panel explored some of the diverse environments in which labor trafficking occurs, including the deep sea fishing industry.

Panelists discussed the rise of trafficking among Cambodian and Burmese men and boys into the Thai deep sea fishing industry where they often suffer from inhumane treatment and various forms of abuse. Panelists also highlighted that in recent years, there has been growing evidence that Asian domestic workers often face abuse at the hands of their employers.

As anti-trafficking programs have historically focused on women and girls in sex trafficking, panelists discussed the need for services that are tailored to the needs of men and boys. Most shelters and rehabilitation programs are not open to male victims. And even where they are available, male victims are less likely than female victims to seek shelter-based support. In addition to the lack of research on male trafficking, Ms. Lim Siv Hong cited other challenges to addressing male trafficking as malpractices within recruitment agencies, the high cost of regular migration compelling victims to seek cheaper irregular migration routes, and that in some countries such as Malaysia, male victims are treated as illegal immigrants and imprisoned. Through the panel, a theme emerged of the importance of taking a gendered perspective in designing and delivering services to victims. While men and women can be equally vulnerable to trafficking, it varies from sector to sector.

With the emergence of new forms of trafficking, two key points were put forth. First, victim identification and services require robust gender analysis because the needs and modus operandi of the two groups are quite different. Second, there is a web of interconnected actors including recruitment agencies, informal agents, and members of the community that all play significant roles in shaping a potential migrant's decisions and experiences once in transit and at destination. A better understanding of these actors and in some cases, working together with them, is critical.

Panel Highlights



- **Shareen Tuladhar (TAF/Nepal)** presented the preliminary findings of a regional study on labor migration in Nepal, India, and Bangladesh. The sample population covered migrants at various stages, those aspiring to migrate, returning, and those in transit. The key findings included that more than 50% of migrants were under 30 years old. In addition, the presence of family, relatives, or friends abroad were a pull factor in motivating aspiring migrants to seek work abroad. Agents, particularly individuals in the community referred by family, friends, and relatives, play a critical role in migration. Unlike recruitment agencies, these informal agents operate outside the legal framework. In particular, it was found that the presence of organized syndicates of agents in India helped migrants navigate the multiple steps of acquiring visas, passports, travel tickets, and finding jobs. Ms. Tuladhar stressed that the role of organized crime, such as those connected to or directly running these networks of agents, needs to be addressed within regional politics. Although further research is needed, Ms. Tuladhar pointed out the importance of working with the source country diasporas, as they can be credible spokespeople for safe migration. She underscored the importance of working with organized syndicates of agents to strengthen safe migration practices.
- **Dr. Ratchada Jayagupta (Asian Research Center for Migration)** discussed Thailand's anti-human trafficking measures, at the micro and macro levels. She outlined the various approaches that Thailand has employed to address labor exploitation specifically in the Thai context, including media collaboration, civil society advocacy, and awareness campaigns to inform employers of potential harms that may occur on their boats.
- **Lim Siv Hong (TAF/Cambodia)** discussed the gender dimensions of trafficking in persons and the challenges of supporting male trafficking victims. Among the findings of a recent report was that 30% of the participants surveyed were 15-29 years and that roughly half were trafficked or exploited, according to the Palermo Protocol standards. Furthermore, the majority of the Cambodian men trafficked were involved in the deep sea fishing industry. But overall, Ms. Hong highlighted that in comparison to female sex trafficking victims, there is a dearth of information and data on male trafficking victims. This is due, in part, because male victims tend to be less willing to report as being trafficked, couching their experiences in terms of being "cheated" or "unlucky."

Question and Answer

One participant commented that we need to remember not to think of labor trafficking and sexual trafficking as mutually exclusive. While labor migration does not necessarily lead to sexual exploitation, there can be overlap. Several discussants raised the issue of cross-border coordination and the lack thereof. The broad consensus was that there is a need for greater policy coordination across borders regarding the rights of migrants. Another issue raised was how other stakeholders, such as the unlicensed brokers and the private sector, play a role in facilitating labor trafficking. Another participant queried Dr. Ratchada on the involvement of the private sector. Dr. Ratchada stated that sometimes employers are not aware of the trafficking dangers within their supply chains and for many, trafficking is still synonymous with prostitution. However, she noted that in Thailand, public companies are requested to have a corporate social responsibility (CSR) plan and now civil society is advocating for anti-trafficking to be integrated into CSR strategies.



Session 4: Cross-Border Collaboration on Victim Protection: Challenges and Lessons Learned

As a transnational phenomenon, comprehensive efforts to combat trafficking in persons must also span borders. How can we build upon regional opportunities and mechanisms to improve collaboration? Examples of victim protection efforts from South and Southeast Asia were provided.

Trafficking victims in destination countries have limited resources and avenues to seek help. These victims often have no legal protections in destination countries and therefore are less inclined to contact law enforcement. They are even more vulnerable since they are in a country where they often are not familiar with the language, culture, and services available to them.

The panelists delivered presentations covering a wide range of topics, from establishing minimum standards of care to strengthening legal cooperation across countries. The key theme that emerged was the need for strengthened regional and cross-border collaboration for victim protection across Asia. However, this requires political buy-in from local or national governments. AusAID's Asia Regional Trafficking in Persons Project (ARTIP) was able to facilitate this buy-in by setting low standards, which gave countries the confidence to progress. Will Taylor of TAF/Vietnam highlighted the need to find a mutually agreed upon objective in order for countries to continually meet with each other and work together. At every level, by country, authority levels and by sector, there's a need to break down "silos" to foster holistic cross-border, cross-learning, and cross-sectoral approaches to combating human trafficking.

Panel Highlights

- **Dr. Achal Bhagat (Medanta Division of Mental Health and Quality of Life, Medanta Medicity, and Saarthak)** stressed the need for focusing on reinstating the "personhood" of a trafficking survivor. He emphasized that too often victim services perpetuate negative stereotypes that lead to pity, exclusion, and further exploitation. Dr. Achal Bhagat highlighted that survivors ultimately want to evolve beyond victimhood to the point where "survivor of trafficking" is no longer a key aspect of their identities. He argued that there are underlying assumptions of incapacity in the Palermo Protocol, contributing to perceptions among care providers and policy makers that the individual is unable to make decisions for themselves, making it difficult for survivors to achieve the goal of moving beyond their identities as victims. Allowing outsiders to make decisions for survivors of trafficking, no matter how well-intentioned the motives may be, renders survivors more powerless instead of empowering them to make their own choices. He argued that minimum standards of care must encompass elements that will help to reinstate the trafficking survivor's personhood.
- **Bronwyn Wex (AusAID)**'s presentation focused on the role of international legal cooperation to facilitate positive outcomes for victims. She discussed AusAID's Asia Regional Trafficking in Persons Project (ARTIP), the longest running donor-funded program to improve criminal justice responses to trafficking. Ms. Wex identified three key factors to the success of ARTIP. First, she noted the "friendly rivalry" between ASEAN member states, motivating countries to pick up their



The Asia Foundation

performance in relation to their neighbors. She also cited the program's approach that started small and set standards low, allowing countries to reap positive outcomes and leveraging that momentum to increase program capacity. Third, Ms. Wex identified the power of convening people together repeatedly over time, which helps to break down barriers and get stakeholders to start talking to one another.

- **Will Taylor (TAF/Vietnam)** discussed TAF/Vietnam's experiences working across borders. TAF/Vietnam began working on National Minimum Standards with the Cambodia office in 2007-2009 and then brought Vietnamese officials to Cambodia for an exposure visit. TAF/Vietnam, through a USAID-sponsored program, then supported the drafting of National Minimum Standards for Vietnam. Mr. Taylor emphasized that there are many benefits of a cross-border approach, but it is critical to find a strong reason such that party interests are aligned.
- **Naran Munkhbat (TAF/Mongolia)** opened her presentation by discussing TAF/Mongolia's work with local partner, Gender Equality Center (GEC), which spearheaded an anti-trafficking helpline for Mongolians living in the country and abroad. Ms. Munkhbat described Mongolia's cross-border collaboration in the form of two Memorandums of Understanding (MOUs): one between Zamiin Uud (Mongolia) and Erlian (China) established in 2009 and the second, between the Governments of Mongolia and Macau established in 2010. While these are positive steps of collaboration, the cross-border work has yet to translate into legal action due to bureaucratic hurdles. In the case of the Zamiin Uud-Erlian MOU, evidence collected from Erlian is not accepted as evidence because the Ministry of Foreign Affairs (MOFA) must approve the evidence, but the Ministry was not a part of the process in forming the MOU. In the case of Mongolia-Macau, although the MOU would provide services to Mongolian victims and prosecute traffickers in Macau, no victims have been identified since the MOU was established.

Question and Answer

A question was posed to all of the panelists regarding what incentives local governments and police have to cooperate and whether they receive incentives from their national government for reaching targets such as the number of prosecutions. On a more macro level, another participant asked the panelists at what level within national governments the cross-border discussions took place. Panelists cited the importance of bringing stakeholders together and beginning dialogue as a starting point. Participants were curious to hear about the anticipated challenges for ARTIP in its next phase. Ms. Wex stated, "AusAID has been very output based. The next phase will be to see how these outputs are sticking and to do this, we need a much better understanding of the criminal justice systems taking a more tailored and contextualized approach...we will also be looking more closely at the prosecutorial response and how it is linked to protection."

DAY 2

Tuesday, September 18th



Session 5: Effective Programming in Challenging Political and Social Contexts

How can we design effective programs that operate within challenging political dynamics, such as trafficking in persons in conflict-affected areas, or where instability and weak governance limit the power of the state in its protective functions. How can we ensure that our programs meet the needs of marginalized groups (including race/class/gender dynamics)?

The discussion centered on the dynamics of conflict and how those impact anti-trafficking efforts, such as providing support for international migrants given their heightened vulnerabilities in conflict zones. Speakers noted that factors contributing to an environment where human trafficking exists are amplified in conflict settings, and the economic uncertainty makes people willing to take even greater risks. The panelists looked at the added challenges when states, communities, and households dissolve, and how practitioners can respond in practical ways to help the largest number of people.

The discussion also raised the need to be cognizant of vulnerabilities that are amplified in socially and politically challenging contexts, and how this is linked to increased risk of exploitation and trafficking. It was pointed out that where services do exist in these challenging contexts, practitioners need to think carefully about gender barriers as well as barriers based on age, religion, caste that prevent individuals from accessing services they need. Panelists underscored the need for implementing protection measures that can help migrants pursue safer migration. A common theme during the discussion was that preparedness is critical. It is much easier to deal with the problem as soon as there are signs of a brewing conflict. The broad consensus was that there is a major gap in research on the nexus of conflict and trafficking. Discussants stressed the futility of implementing stand-alone anti-trafficking programming in open conflict settings, because the roots of conflict need to be addressed in tandem to anti-trafficking programs. It was suggested that leveraging TAF's anti-trafficking expertise in conflict settings would help to highlight and address vulnerabilities within larger conflict management efforts.

Panel Highlights

- **Rabab Fatima (IOM Bangkok)** framed the discussion looking at the return and reintegration of Bangladeshi migrants from Libya during the Arab Spring. She provided a brief overview of the situation and offered lessons for overall migration from a management perspective. One of the key insights was that many migrants, even when evacuated back to Bangladesh, were afraid to return to their village because of their debts due to high migration costs. In a complete role reversal, these migrants, who were most often the providers of the family, suddenly became dependents. This made them desperate to escape the situation and willing to take any risk to go abroad again. Thus, these migrants were at heightened risk of falling prey to trafficking.
- **Sagar Prasai (TAF/Nepal)** stressed that different types of conflict require different responses. Dr. Prasai underscored that trafficking problems progressively escalate as conflicts become more complex; first the state, then communities, and finally households begin to break down. He emphasized that in these areas, trafficking cannot be solved in isolation, because conflict will inevitably impact the trade in persons. He also noted that



interventions should be focused on working in destination areas rather than the source because when there is state failure, the essential partner in the criminal justice system is non-existent.

- **Srijana Chettri (TAF/Nepal)** built upon Dr. Prasai's presentation, offering a gender perspective to the trafficking problem in conflict areas. Ms. Chettri argued that protectionist measures such as bans and age limits on migration, even if well intentioned, can be counterproductive and violate women's rights. She highlighted the different gendered impacts of the existing-trafficking framework. For instance, she noted that men were more likely to say they were "tricked" or experienced "bad luck" rather than saying they were trafficked. She reiterated that trafficked men and women are not homogenous groups and therefore, anti-trafficking responses and programs need to be engendered. And beyond men and women, practitioners should try to ensure that efforts are person-focused and take into consideration how gender interacts with caste, age, religion and other factors.

Question and Answer

Srijana Chettri was asked to delve further into Nepal's ban of female domestic workers and what efforts have been made to simplify the formal procedures. Ms. Chettri responded that the Government of Nepal has taken steps to make the process quicker. However, she cited one of the biggest critiques is that the process is very centralized; all procedures must be handled in Kathmandu regardless of where the individual resides. She noted that the government efforts should be focused on ensuring safe migration and not on restraining mobility.

Session 6: Informed Programming Based on Empirical Studies: Leading Research Methodologies

Rigorous examination of human trafficking trends and responses is challenging for a myriad of reasons, particularly given the clandestine nature of the crime. At the same time, research methodologies are quickly evolving in an attempt to fill persistent data gaps. Panelists reflected on new research strategies and recently released empirical studies from within academia and among our peers.

The panel explored some of the research methodologies that are evolving in order to attempt to fill persistent data gaps. These data gaps include research on new forms of trafficking, such as deep sea fishing, but it also includes a more nuanced understanding of the needs of women and girls who were trafficked for commercial sexual exploitation as they are reintegrating into society. As moderator Sagar Prasai stated, the purpose of research is to mainstream practical insights so other people working in the anti-trafficking field do not need to reinvent the work. Over the course of the discussion, panelists expressed the importance of the role of TAF in the research field. They cited the Foundation as an organization that both valued research and programming, and therefore a well-suited partner for researchers who want to work with an organization that has on-the-ground implementation data collection experience. Another advantage they cited for working with an organization like TAF was the ability to utilize the research findings and address them through program implementation.



Panel Highlights

- **Dr. Meena Poudel (Newcastle University, UK)** shared preliminary findings from a study she conducted on post-trafficking in Nepal, examining sexuality and citizenship in livelihood strategies. During the course of her research she realized when interviewing trafficked survivors, they wanted to know how the interviews would be used. In response, Dr. Poudel worked together with some of the survivors to implement research projects.
- **Dr. Ratchada Jayagupta (Asian Research Center of Migration)** discussed the results of five years of Thai labor migration studies. Common findings indicated a need for pre-decision training. Although legal migrants needed to attend compulsory training from the Ministry of Labor prior to departure, it occurred just three hours beforehand. Recognizing a need for more robust pre-departure training, the Thai government designed curriculum for “pre-decision” training, covering safe migration issues including the legal recruitment process, work conditions in the destination country, reintegration, and self-defense techniques (as requested by Thai migrant workers).
- **Nandita Baruah (TAF/Nepal)** spoke on influencing programming through empirical research by presenting research done in the TAF/Cambodia office and research currently being conducted by the TAF/Nepal office. Through the Countering Trafficking In Persons (CTIP) Program in Cambodia, the program used three different forms of research and methodologies to enhance anti-TIP work in Cambodia: a literature policy review, case studies, and a case plan management in collaboration with Professor Donovan’s team. In Nepal, TAF wanted to better understand the situation in the adult entertainment industry. TAF/Nepal partnered with a local research institution that interviewed girls working in the industry, as well as financiers, clients, and recruiters. Data showed various levels of complicity within government structures and enforcement. Also, it was found that girls who had been in the industry for a shorter period were significantly more amenable to moving out. For example, a person who has been in this industry for less than six months was more likely to leave the industry. Once a person has spent an extended time in the industry and has been through different levels of sexual exploitation it becomes more difficult for her to leave.

Question and Answer

Dr. Poudel was asked whether her research showed any factors that helped to reduce the stigma associated with trafficked women. Dr. Poudel responded that marriage plays a key role of identity in reducing stigma and gaining livelihood. However, there are a high number of domestic violence cases reported by trafficked women who end up being beaten or raped by their husbands. She concluded, “So marriage both helps to reduce stigma but also can (lead to) more violence.” Dr. Poudel also cited citizenship as a critical preventative factor for unsafe migration practices.

Another participant asked about the benefits of researchers teaming up with an organization like The Asia Foundation, and whether TAF has done this in the past. Dr. Poudel responded that particularly in countries such as Nepal where it is difficult to find resources to conduct research, there is value added to working with organizations that value both research and programming. Dr. Ratchada agreed that working with an organization such as TAF allows findings and



recommendations to be implemented and have an impact on society. Ms. Baruah noted that in Nepal, finding the right research institution to partner with can be challenging. While some institutes are very effective at collecting data, they may fall short of analyzing in a holistic manner. She noted that although there are many research institutes worldwide, cultural, and social issues, as well as more time to coordinate projects were significant barriers.

Session 7: ICT: Emerging Technologies Impacting TIP

Traffickers are proving to be exceedingly nimble in the use of emerging technologies, particularly leveraging web- and mobile phone-based innovations, to facilitate their trade. What ICT strategies have been developed to counter traffickers' quickly evolving tactics? What ICT tools are available, and how can we apply these tools in our work?

While developed countries tend to have more high tech investigatory resources available, both panelists stressed that the focus should not be acquiring the most advanced technologies available, but rather utilizing existing technology and publically-available information in creative ways to identify and investigate trafficking cases.

For example, panelist Dr. Latonero noted two international ICT counter-trafficking efforts utilizing widely-available mobile technology. First, he cited a Filipino government instituted program called "SMS SOS" that provides an SMS short code to workers at pre-departure training so that when they're overseas they can use that short code to alert the Embassy and service NGOs if they find themselves in exploitative situations. He described another initiative, the Mekong Smart Phone Club, which enables a law enforcement officer to present a list of country flags on a mobile phone to a potential trafficking victim who will then be able to hear questions in her/his own language to help facilitate data collection and provision of victim support.

Workshop participants were eager to hear more about specific law enforcement tools that have been used in the context of human rights trafficking. In the future, TAF may want to conduct a review of existing ICT strategies that have been utilized or are currently being implemented in counter-trafficking efforts. As ICT allows for virtual coordination, traffickers will increasingly exploit this to cover their footsteps, forcing law enforcement to continuously monitor these adaptations.

Panel Highlights

- **Dr. Mark Latonero (Annenberg Center for Communication Leadership and Policy, University of Southern California)** presented a range of examples of ICT facilitated trafficking drawn from around the world. He stressed that it's not just illicit websites, but mainstream websites such as YouTube and Facebook that have become channels for sex trafficking. He used the example of www.backpage.com, an American advertising website used to facilitate commercial sex, to show how law enforcement is developing key word searches to identify listings that should be investigated for trafficking of minors for sexual exploitation. Dr. Latonero also discussed how mobile phone and credit card reports can be used to pinpoint an individual's locations and activities, and all of these



largely publically available sources can be powerful evidence when prosecuting trafficking cases.

- **James Larry Kelley (U.S. Department of Justice Criminal Division)** focused his presentation on the real time usage of social media in the enforcement and capture of sex traffickers. He reflected on his time working in law enforcement in the U.S., monitoring social media sites, including Youtube, Facebook and others for indications of “trophying,” when someone alludes to illegal behavior in public posts. He mentioned that the U.S. Department of Justice in Nepal has available funds to work on police-related assistance. Currently, they have a \$500,000 project to assist, train, and mentor a women police cell within the Nepal police that will largely be focused on crimes against women and children. He noted a server project for all 75 districts of Nepal that will help to make critical data and evidence available to law enforcement and select organizations nationwide.

Question and Answer

A participant pointed out that in Laos, internet access is expensive and difficult to access, especially in remote areas. The participant asked, “Some police stations don’t have a computer to use. Do you have more lessons or what can we do in prevention of TIP in these circumstances?” James Larry Kelley responded by citing a situation in Afghanistan where donors funded computers for the Afghan police, however they were not put to use, because 90% of the officers were illiterate. He underscored that it is not just a matter of having the latest technological hardware, but equally important is providing the training so that people operating them have the technological and investigative skills to be effective. Dr. Laterno said, “Even in the US, you’d be shocked how low-tech databases are in the federal government and law enforcement as well. Whatever technological situation you’re in, an ICT perspective is bringing in someone who knows how technology can be used to improve the use of existing resources.”

Session 8: Donor Perspectives on TIP: Toward an Integrated Approach?

What strategies, trends, and innovations are shaping donor priorities? How can we integrate anti-TIP strategies into non-TIP programs (mediation, violence against women, access to justice, economic reform)?

This panel examined the strategies, trends, and innovations shaping donor priorities. Different donors have different priorities which shape their funding trends as well as the perspective through which they view and implement counter-trafficking work. For example, AusAID situates TIP within a regional development narrative in terms of economic growth, regional integration, and governance. Driving ARTIP’s focus on strengthening criminal justice systems to combat trafficking is an underlying theme that rule of law is critical to economic growth in the region. DFID’s global mandate is to fight poverty and transform women and girls’ lives and thus has focused its South Asia funding and programmatic resources in the garment and domestic sectors. USAID has utilized a more whole-of-government approach to leverage various inter-agency expertise linked to development challenges and thus has focused on issues such as rule of law and gender.



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The panel also looked at how the field can work more cross-sectorally and integrate anti-TIP strategies into non-TIP programs such as mediation, violence against women, access to justice, and economic reform. Here again, the donors had different experiences. AusAID's ARTIP program has focused mostly on how to address TIP once it has happened and tackled some low hanging fruit such as National Minimum Standards. However, while AusAID sees criminal justice work as its comparative advantage, the agency is looking to bridge silos among the 4P's and working with ASEAN to incorporate human trafficking into the security and community pillars. DFID's next phase of its South Asian regional counter trafficking project will look to empower women migrant workers, encourage safe migration practices, and look at ways to reduce demand for exploited labor through global value chains.

Panel Highlights

- **Bronwyn Wex (AusAID/Bangkok)** discussed how AusAID views trafficking as a part of a broader regional development narrative, especially in the context of gender and connectivity. In particular, AusAID wants to be focused in criminal justice as the organization views that as their comparative advantage. They're looking to recalibrate TIP discussions within ASEAN to go beyond "security" to "human security." Instead of being contained in the security pillar, the organization is seeking to get trafficking incorporated into all three of ASEAN's pillars: economic integration, social political security, and community and social.
- **Karuna Onta (DFID/Nepal)** gave a brief overview of the organization's five pilot studies in four key areas (voice and participation of victims/migrants; ICT; public-private partnerships in the garment sector; domestic work). The next phase, beginning in January 2013, in partnership with key partner ILO, will aim to prevent an estimated 100,000 women and children from being exploited over the next five years.
- **Maria Barron (USAID/Nepal)** opened her presentation by discussing when USAID became involved in counter-trafficking work and its whole-of-government approach. In response to the 2000 UN Convention Against Transnational Organized Crime, USAID was given funds to identify presidential initiative countries, and six agencies, including USAID, were given directives to work on trafficking. She also stressed that the USAID approach is always looking for public-private partnerships and is focused on improving monitoring and evaluation.

Question and Answer

Bronwyn Wex (AusAID/Bangkok) was asked whether AusAID is considering expanding into South Asia, as currently the ARTIP program is focused solely on Southeast Asia. Ms. Wex replied that AusAID may have discussions on how anti-TIP gets incorporated into some of its bilateral programs in South Asia, but her area of focus is Southeast Asia. Ms. Wex was further queried about how AusAID will judge the success of ARTIP and whether it would be linked to prosecution. She noted that one of the lessons learned is that the monitoring and evaluation framework needed to be more robust. The focus was on laws and policies, but it was difficult to come away with a good idea of how those were being implemented on the ground. Rather than evaluating success based on the number of prosecutions (which can have negative unintended consequences), AusAID will likely look at systems, or how smoothly and efficiently cases are moved from law enforcement up to the judiciary. The moderator highlighted the US



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government's approach to working across multiple agencies and how that approach has attracted criticism for how funding can be stove-piped. Maria Barron (USAID) admitted that driving consensus among multiple agencies has at times been difficult, but has dramatically improved over the past few years. Bronwyn Wex replied that the lack of donor coordination continues to be a significant issue, and, noted that with trafficking there's no formal coordination mechanism like there is for AIDS that brings together all the actors.