

COMMIT

COORDINATED MEKONG MINISTERIAL INITIATIVE AGAINST TRAFFICKING



COMMIT 3rd Sub-Regional Plan of Action (COMMIT SPA III 2011-2013)

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IN ADVANCE OF THE
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OVERVIEW

**THE COMMIT PROCESS & THIRD COMMIT
SUB-REGIONAL PLAN OF ACTION
(COMMIT SPA III, 2011-2013)**

Background: The COMMIT Process

The Coordinated Mekong Ministerial Initiative against Human Trafficking (COMMIT) represents a Government-led process incorporating the six countries in the Greater Mekong Sub-region (Cambodia, China, Laos, Myanmar, Thailand, and Vietnam) in a formal alliance to combat human trafficking. The COMMIT Process was initiated to create a sustained and effective system of cross-border cooperation and collaboration to combat human trafficking. Anti-trafficking activities implemented in support of COMMIT are designed and implemented through innovative partnerships between numerous GMS government ministries and development partners. The approach is a consultative and collaborative one that involves civil society, victim support agencies, international organisations, and trafficked persons, including children and youth.

The objectives of the COMMIT Process are:

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

COMMIT Memorandum of Understanding

At the first Inter-Ministerial Meeting (IMM 1) in October 2004, the COMMIT Memorandum of Understanding (MOU) was signed by six GMS Ministers (refer to Appendix A). It contains five sections, with 34 articles total. Section V of the COMMIT MOU established the infrastructure and procedures for the COMMIT Process, including:

- **Article 28.** Developing an initial Sub-Regional Plan of Action Against Trafficking in Persons, 2005-2007 and undertaking all necessary efforts to fully implement this plan
- **Article 31.** Reviewing the implementation of the Plan of Action and adopting a new Sub-Regional Plan of Action through a GMS Ministerial meeting in late 2007
- **Article 32.** Creating a national task force to collaborate with the COMMIT Secretariat (United Nations Inter-Agency Project Against Trafficking in the Greater Mekong Sub-Region) and other partners
- **Article 33.** Inviting government funding agencies, as well as relevant United Nations and other inter-governmental and non-governmental organizations and the private sector, to provide financial, material, and technical assistance to support GMS countries in their anti-trafficking efforts, including the implementation of this MOU and the forthcoming Plan of Action.

Other relevant clauses within the opening statements of the COMMIT MOU emphasize the absolute commitment by the six governments to proactively reduce impunity for human traffickers, protect the rights of trafficked persons, and commit government human and financial resources to anti-trafficking efforts:

- **Deeply concerned** over the suffering caused by the trafficking in persons within the Greater Mekong Sub-Region and from the Greater Mekong Sub-Region States to other regions of the world;
- **Asserting** that it is completely unacceptable that human beings are traded, bought, sold, abducted, placed, and maintained in exploitative situations, thus being denied their most fundamental and inalienable rights;
- **Recognizing** the need for a strengthened criminal justice response to trafficking in order to secure justice for victims of trafficking and end impunity for traffickers and others who derive benefits from this crime;
- **Acknowledging** the importance of effective and proportionate penalties for traffickers, including provision for freezing and confiscating their assets, and for the proceeds to be used for the benefit of victims of trafficking;
- **Recognizing** that each Government hereby undertakes to take steps, individually and through international assistance and co-operation, to the maximum of its available resources, with a view to achieving progressively the full realization of the commitments recognized in this MOU by all appropriate means;
- **Intending** fully that this MOU reflects the continuing political will of our Governments to cooperate to combat trafficking in persons; and
- **Calling upon** all countries outside the GMS to join our countries in the fight against human trafficking.

COMMIT First Sub-regional Plan of Action (COMMIT SPA I, 2005-2007)

With the aim of translating the MOU into action, a series of annual Senior Officials Meetings (SOMs) as well as regional and national consultations resulted in the six Governments adopting the first Sub-regional Plan of Action in 2005 (COMMIT SPA I, 2005-2007), comprised of twelve Project Proposal Concepts (PPCs). Modifications to the SPA I made at a Strategic Planning Meeting held in Vientiane, Laos, in August 2006 resulted in ten Project Proposal Concepts comprising the SPA I (2005-2007), illustrated in the table below.

COMMIT Second Sub-regional Plan of Action (COMMIT SPA II, 2008-2010)

Article 31 of the COMMIT MOU stipulated the following:

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

Thus, Article 31 of the COMMIT MOU outlined that the life of the first COMMIT SPA would only extend up to December 2007, requiring a second Sub-regional Plan of Action to continue on the commitments and activities begun by the COMMIT MOU and COMMIT SPA (2005-2007). After a series of government and government-non-government consultations, and with support from the COMMIT Secretariat, the COMMIT SPA II (2008-2010) was drafted in late 2006 and agreed by the Ministers of the six COMMIT Governments at the second Inter-Ministerial Meeting (IMM 2) in December 2007, with the following improvements over the COMMIT SPA I:

- Victim identification activities were separated from other victim protection activities in the SPA I but were merged under a single victim protection heading in the SPA II, in line with the original COMMIT MOU.
- Prosecution and apprehension of perpetrators activities were separate from other criminal justice activities in the SPA I but were merged under a single criminal justice heading in the SPA II, with a title and scope in line with the original COMMIT MOU.
- SPA I's trafficking prevention activities only addressed exploitative brokering; the SPA II was thus expanded to include other trafficking prevention activities, with a title and scope in line with the COMMIT MOU.
- The titles for SPA II's PPC 1 and PPC 3 were updated as appropriate.
- Importantly, a monitoring and evaluation framework was integrated into the COMMIT SPA II, where one was absent in the COMMIT SPA I. Each activity area contained targets and timelines for key goals that were agreed by the six COMMIT Governments, and the COMMIT Secretariat generated annual monitoring reports using this M&E framework.

COMMIT Third Sub-regional Plan of Action (COMMIT SPA III, 2011-2013)

The COMMIT SPA III was drafted, deliberated, and agreed in mid-late 2010, focusing on:

- How the commitments in the original COMMIT MOU have been reflected in the COMMIT SPAs to date, and the identification of gaps to be addressed by the COMMIT SPA III;
- How the commitments in the original COMMIT MOU have been acted upon by the COMMIT Governments to date, and the identification of gaps to be made a higher priority during the course of implementation of COMMIT SPA III;
- Completed versus not completed activities under the COMMIT SPA I and II, and the appropriateness of rolling some of the not completed activities into the COMMIT SPA III;
- Structural changes in the COMMIT SPA III, with activities outlined in a less prescriptive manner in recognition of the flexibility required by each country to approach activities in different ways; and
- Taking into consideration new and emerging anti-human trafficking initiatives building on lessons learned within the Mekong Region, other parts of Asia, and throughout the world.

The COMMIT SPA III (2011-2013) structurally is more in line with the original COMMIT MOU, which consists of five major sections that the COMMIT SPA III matches. The term used to describe activity areas in the COMMIT SPA I and COMMIT SPA II – ‘PPC’, or ‘Project Proposal Concept’ – has been abandoned in favor of ‘Area’ in the COMMIT SPA III. Related to this, the targets and timelines of the COMMIT monitoring and evaluation framework have been given greater prominence, conveying the more aspirational and results-oriented focus of the COMMIT Process. Additionally, the separate training and capacity building activity area has been eliminated, with most training activities instead being incorporated into each of the Areas to highlight the need for more specialist training and capacity building.

In each Area, Activities that are agreed by the Governments to be high priority are denoted with the symbol ‘★’, and all Governments are encouraged to complete these Activities during the course of the COMMIT SPA III. For all other Activities, the COMMIT Governments have agreed to address them as and when appropriate, according to the unique needs, situation, and priorities of each country.

The evolution of the COMMIT Sub-regional Plans of Action are illustrated below in the table *Evolution of the COMMIT Sub-Regional Plans of Action*.

**EVOLUTION OF THE COMMIT SUB-REGIONAL PLANS OF ACTION
(SPA I 2005-2007, SPA II 2008-2010, and SPA III 2011-2013)**

| PPCs of the original COMMIT SPA I (2005) | Revised COMMIT SPA I PPCs following Vientiane Strategic Planning Meeting (2006) | COMMIT SPA II PPCs (2008-2010) | COMMIT SPA III Goals (2011-2013) | Original Sections of the COMMIT MOU (signed 2004) | |
|--|--|---|---|--|---|
| PPC 1 – Regional Training Programme | PPC 1 – Regional Training Programme | PPC 1 – Training and Capacity Building | Area 1. Policy and Cooperation | I. Policy and Cooperation | |
| PPC 2 – Identification of Victims & Apprehension of Perpetrators | PPC 2 – Identification of Victims & Apprehension of Perpetrators | | | | |
| PPC 3 – National Plans of Action | PPC 3 – National Plans of Action | | | | PPC 2 – National Plans of Action |
| PPC 4 – Multi-Sectoral and Bilateral Partnerships | PPC 4 – Multi-Sectoral and Bilateral Partnerships | | | | PPC 3 – Multilateral and Bilateral Partnerships |
| PPC 5 – Legal Frameworks | PPC 5 – Legal Frameworks and Mutual Legal Assistance | PPC 4 – Legal Frameworks, Law Enforcement, and Justice | Area 2. Legal Frameworks, Law Enforcement, and Justice | II. Legal Frameworks, Law Enforcement, and Justice | |
| PPC 6 – Safe and Timely Repatriation | PPC 6 – Safe and Timely Repatriation | PPC 5 – Victim Identification, Protection, Recovery and Reintegration | Area 3. Protection, Recovery, and Reintegration | III. Protection, Recovery, and Reintegration | |
| PPC 7 – Post-Harm Support and Reintegration | PPC 7 – Post-Harm Support, including Economic and Social Support for Victims and Reintegration | | | | |
| PPC 8 – Extradition and Mutual Legal Assistance | PPC 8 – Addressing Exploitative Brokering Practices | PPC 6 – Preventive Measures | Area 4. Preventive Measures and Vulnerability Reduction | IV. Preventive Measures | |
| PPC 9 – Addressing Exploitative Brokering Practices | PPC 9 – Cooperation with the Tourism Sector | PPC 7 – Cooperation with the Tourism Sector | | | |
| PPC 10 – Economic and Social Support for Victims | PPC 10 – Management: Coordination, Monitoring and Evaluation | PPC 8 – Management: Coordination, Monitoring and Evaluation | Area 5. Monitoring, Evaluation, and Anti-Human Trafficking Data Systems | V. Implementation, Monitoring, and Evaluation | |
| PPC 11 – Cooperation with the Tourism Sector | | | | | |
| PPC 12 – Management: Coordination, Monitoring and Evaluation | | | | | |

KEY ROLES AND RELATIONSHIPS IN THE COMMIT PROCESS SUPPORTING COMMIT SUSTAINABILITY

From the beginning, COMMIT, as a process, has linked Government, United Nations, civil society and private sector partners together to capitalize on each organization's strengths and advantages. Below is a summary of how each partner's roles and responsibilities are defined. UNIAP, as Secretariat to the COMMIT Process, provides coordination, monitoring, technical, administrative, and resource mobilization support to the COMMIT Process and its other contributions as a UN entity.

| | COMMIT GOVERNMENTS | COMMIT SECRETARIAT (UNIAP) | NON-GOVERNMENT PARTNERS (NGOs, etc.) | PRIVATE SECTOR |
|---|-----------------------|-------------------------------|---|-------------------|
| FUNDING SUPPORT | | | | |
| RESULTS DISSEMINATION & INFORMATION SHARING | | | | |
| DATA COLLECTION AND ANALYSIS | | | | |
| TECHNICAL SUPPORT | | | | |
| LOGISTICAL SUPPORT | | | | |
| AWARENESS RAISING, COMMUNITY PARTICIPATION, PUBLIC ENGAGEMENT | | | | |
| CODES OF CONDUCT & CORPORATE SOCIAL RESPONSIBILITY | | | | |
| ADVOCACY | | | | |
| COORDINATION OF COMMIT ACTIVITIES | | | | |
| MONITORING AND EVALUATION | | | | |
| RESOURCE MOBILIZATION INTO COMMIT | | | | |

GUIDING PRINCIPLES OF THE COMMIT PROCESS

In June 2010, the COMMIT Governments agreed to a set of guiding principles for the more day-to-day implementation of activities and coordination under the COMMIT Process. These guiding principles are below.

- 1** **Support government ownership and implementation**
- 2** **Be collaborative at all levels – link efforts together**
- 3** **Ensure that all programs and initiatives are empirically based**
- 4** **Ensure that all programs have the technical support needed to meet an international standard**
- 5** **Instill a sense of urgency – move initiatives forward at a pace that allows the initiative to show tangible results**
- 6** **Maintain quality and precision**
- 7** **Demonstrate a measurable impact**
- 8** **Serve those in need – those who are vulnerable, and those who have been trafficked**



COMMIT SPA III (2011-2013)

AREA 1

Policy & Cooperation



Objectives from the COMMIT Memorandum of Understanding

| | |
|-------------------|--|
| Article 2 | Developing national plans of action against trafficking in persons in all its forms |
| Article 3 | Establishing and strengthening a national, multi-sectoral committee on trafficking in persons with a mandate to coordinate the implementation of the National Plan of Action and other trafficking interventions |
| Article 4 | Creating mechanisms to strengthen regional cooperation and information exchange, and designating a national focal point on combating trafficking |
| Article 5 | Improving regional cooperation against trafficking, in particular through bilateral and multilateral agreements |
| Article 6 | Strengthening cooperation between Governments, international organizations and non-governmental organizations in combating trafficking in persons |
| Article 14 | Promoting bilateral or multilateral agreements among the GMS countries to assist each other in the judicial process |



Targets for COMMIT SPA III (2011-2013)

| | |
|-----|--|
| 1.1 | National Plans of Action are enacted to address all forms of human trafficking, with systems in operation to monitor and report regularly on progress and results, and with increasing government budget allotted annually to support anti-trafficking positions, events, mechanisms, meetings, and other costs. Systems may include multi-sectoral committees or task forces at the national and sub-national levels. |
| 1.2 | Comprehensive regional and national training programs are established for government and non-government anti-trafficking responders and policy makers, run by cadres of regional and national trainers. |
| 1.3 | Cross-border agreements are formalized and monitored where trafficking flows indicate that such mechanisms are a priority need. Action plans and standard operating procedures for these cross-border agreements are in place, and implementation plans are reviewed on an annual basis. |
| 1.4 | Anti-human trafficking cooperation with relevant states and multilateral bodies outside of the COMMIT member countries are in effect, as appropriate. |
| 1.5 | Effective cross-border cooperation is supported and underpinned by functioning mechanisms for collaboration between ministries, governments, and with the public. |
| 1.6 | Persons affected by human trafficking, including victims of trafficking, are engaged and consulted with in the monitoring and evaluation of the effectiveness of national anti-trafficking programs. |

Background

Policy developments form the basis of state prosecution and protection efforts as a response to human trafficking, as well as in cross-border cooperation. Under the COMMIT SPA II, policy aspects were addressed through National Plans of Action (PPC 2) and Bilateral and Multilateral Partnerships (PPC 3), with countries across the region developing and implementing NPAs and increasingly sophisticated cross-border agreements.

Significant developments have been made in the policy response across the COMMIT region since the COMMIT MOU came into effect and through COMMIT SPA I and SPA II implementation. National legislation has increasingly moved towards identifying trafficking crimes comprehensively along international standards and setting measures in place for concrete steps in implementing agreements between countries. Policy goals and activities under the COMMIT SPA III seek to consolidate these achievements and ensure the significant policy developments are implemented in full, as intended, to enhance anti-human trafficking efforts. Coordination with other related national plans, such as those addressing commitments to the UN Convention on the Rights of the Child (CRC) or the UN Convention to End Discrimination Against Women (CEDAW), would also help to avoid duplication of government processes.

The capacity of government and non-government anti-trafficking personnel to make informed policy decisions improved significantly during the SPA I and SPA II periods with the introduction and refinement of the Regional Training Programme. The COMMIT SPA III will further refine, consolidate and standardize this training and other specialist trainings at the national and regional level, supported by certified government and non-government trainers.



COMMIT SPA III (2011-2013) Activities

| ACTIVITY | DESCRIPTION |
|---|--|
| <p>★ P&C 1 [Target 1.1]</p> <p>Support to National Plans of Action (NPAs)</p> | <p>Support to NPA development as well as the monitoring, evaluation, and reporting systems for anti-trafficking NPAs, to ensure the timely implementation of NPA activities, and ease of harmonization of national anti-trafficking activities toward NPA objectives and goals.</p> |
| <p>★ P&C 2 [Target 1.2]</p> <p>Training and capacity building for national responders and policy makers</p> | <p>Provision of regional, national, and sub-national generalist and specialist trainings for anti-trafficking responders and policymakers, using the most up-to-date materials and certified trainers.</p> |
| <p>P&C 3 [Target 1.3]</p> <p>Operationalization of cross-border agreements</p> | <p>Support to the operationalization of agreements for cross-border / bilateral cooperation on human trafficking, eventually supported by national budgets and government staff from the most appropriate ministries and departments. In line with domestic laws, this includes support for improved coordination of law enforcement and victim protection networks at the operational level, including victim repatriation, coordination of compensation for victims, and exchange of information and evidence toward prosecutions.</p> |
| <p>P&C 4 [Target 1.4]</p> <p>Support to cooperation beyond the COMMIT region</p> | <p>Support for the enactment of bilateral and multilateral agreements with countries, , and multilateral bodies within and beyond the Mekong region, where they will demonstrably support anti-human trafficking efforts.</p> |
| <p>P&C 5 [Target 1.5]</p> <p>Cross-border information exchange</p> | <p>Exchange of information conducted efficiently and effectively to counter cross-border trafficking networks, assessed locally at borders for responsive action, as well as centrally on a frequent basis.</p> |

P&C 6
[Target 1.6]

**Engagement and
consultation with
persons affected by
human trafficking**

Consultations with persons affected by human trafficking, including victims of trafficking, vulnerable populations, children, and youth to gain their inputs on national actions against human trafficking.



COMMIT SPA III (2011-2013)

AREA 2

Legal Frameworks, Law Enforcement & Justice



Objectives from the COMMIT Memorandum of Understanding

Article 1

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

Article 7

Adopting and enforcing, as quickly as possible, appropriate legislation against trafficking in persons

Article 9

Investigating, arresting, prosecuting, and punishing perpetrators of trafficking in accordance with national law

Article 11

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

Article 12

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

Article 13

Providing the necessary personnel and budgetary support for trafficking response capacities within national law enforcement authorities



AREA 2 | Legal Frameworks, Law Enforcement & Justice

Targets for COMMIT SPA III (2011-2013)

2.1 Comprehensive human trafficking legislation, in accordance with international definitions, are developed, enacted and fully implemented. Other relevant laws are also applied in human trafficking cases, and investigators consider prosecuting for the full range of committed offenses.

2.2 Law enforcement officials are well-trained and functioning in their respective roles, including anti-trafficking specialist units, and general duties police and immigration officers in trafficking hotspot areas. This includes effective victim identification and human trafficking case investigation techniques. There is investigation and punishment of complicity and corruption within law enforcement.

2.3 Investigators and prosecutors involved in the criminal justice response to human trafficking are trained on the relevant technical aspects of the crime, with support to multi-disciplinary collaboration, joint capacity building mechanisms, and networks of law enforcement, prosecutors, and judges.

2.4 The quality of the criminal justice response to human trafficking measurably increases, including (a) better integration with the victim service response, for optimal respect of the rights of victims; (b) international standards of due process and fairness exercised in the investigation and prosecution of trafficking cases; (c) civil law remedies utilized as a complement to criminal justice efforts, offering additional options to victims seeking legal recourse, and (d) judges understand their role as an independent and unbiased arbiter in human trafficking cases, with an emphasis on the introduction of credible evidence in cases and proving charges beyond a reasonable doubt.

Background

The criminal justice response to human trafficking was developed through the COMMIT SPA II period under PPC 4 'Legal frameworks, Law Enforcement and Justice'. The activities undertaken through this period saw significant progress in the implementation of advanced anti-human trafficking efforts, particularly with support from the AusAID-funded Asia Regional Trafficking in Persons (ARTIP) Project. These included activities such as support to the development of specialist national and sub-national anti-human trafficking units, and trainings on anti-human trafficking for those in the criminal justice sector.

Reviews of human trafficking cases that have been processed through the justice system in a number of the COMMIT countries has been undertaken, with the analysis informing the criminal justice response generally and with a view to improving the quality of prosecutions in the sector.

Under COMMIT SPA III, the criminal justice Area aims to build on the foundations laid during COMMIT SPA I and SPA II. Activities are informed by analysis of the developments in the sector over the COMMIT SPA II period, and the international quality standards proposed as a basis for a strong criminal justice response to trafficking in the COMMIT Counter-Trafficking Training Programme:

1. An effective legal framework;
2. Specialist police response;
3. Front-line law enforcement response;
4. Prosecutorial and judicial response;
5. Accurate identification of victims and the provision of protection and support once they have been identified;
6. Support to victims as witnesses;
7. International cooperation; and
8. Coordinating support to the criminal justice response to trafficking.

The capacity of law enforcement and legal personnel to effectively do their jobs has improved during the COMMIT SPA I and SPA II periods with the introduction of a range of specialized training from a variety of different partners. The SPA III will further refine, consolidate and standardize specialized training at the national and regional level, using certified government and non-government national and international trainers, and aim to strengthen networks of investigative, prosecutorial, and judicial actors nationally and regionally.



COMMIT SPA III (2011-2013) Activities

| ACTIVITY | DESCRIPTION |
|---|--|
| <p>★ CJ 1 [Target 2.1]</p> <p>Human trafficking legislation with international definition of human trafficking, and application of other laws against traffickers</p> | <p>Support to the analysis, drafting, enactment, and implementation of legislation on human trafficking that defines the crime in accordance with international definitions; set apart from other crimes; and with provisions for victim support. Associated criminal offenses, including debt bondage and violations of labour, immigration, or anti-money laundering laws also reviewed as needed / appropriate for applicability and considered under an umbrella approach to pursuing offenders.</p> |
| <p>CJ 2 [Target 2.2]</p> <p>Strengthening specialist anti-human trafficking law enforcement units</p> | <p>Support to the establishment and strengthening of specialist anti-human trafficking law enforcement units, functioning with sufficient resources and expertise to respond to human trafficking effectively and proactively in the national context.</p> |
| <p>CJ 3 [Target 2.2]</p> <p>Supporting proactive investigations</p> | <p>Support to investigations of human trafficking cases undertaken and documented, with cases leading to the prosecution of the main beneficiaries of the criminal networks, investigations conducted without overreliance on victims as witnesses.</p> |
| <p>★ CJ 4 [Target 2.3]</p> <p>Strengthening coordination of the criminal justice response with victim protection</p> | <p>Support to criminal justice responders and victim service providers to improve the experience that victims have as informed and willing participants in the criminal justice process as allowed by the legal context of the country, taking into account victim needs and providing for them, and proper victim and witness protection measures during all stages of criminal cases. Overall, establishing and strengthening the legal protection for victims,</p> |

| | | |
|-------------------------------------|--|---|
| | | <p>families, witnesses, and informants, which includes: compensation and restitution measures for trafficked persons; opportunities for victim claims within the criminal justice sector, civil cases, and labour codes; victim and witness protection measures, including child-friendly protection as needed; protection measures imposed only after consultation with and the consent of adult victims; and complementary protection and prosecution strategies offered to ensure safety of victims.</p> |
| <p>CJ 5 [Target 2.3]</p> | <p>Specialist training and networking for criminal justice agencies</p> | <p>Training and networking support to all of those involved in the criminal justice response regarding the appropriate technical aspects of their role in relation to the law, as well as victim protection concerns. Support to networks of key law enforcement officials and prosecutors, focusing on cross-border trafficking cases, with regional and bilateral consultations on case coordination and strategy as needed.</p> |
| <p>CJ 6 [Target 2.4]</p> | <p>Monitoring of human trafficking cases to ensure due diligence and process in prosecutions</p> | <p>Appropriate measures are in place to monitor prosecutions of human trafficking cases to ensure sentences are commensurate with the crime, and sufficient evidence supports verdicts, including through court watch programs, case analyses, and technical consultations.</p> |
| <p>CJ 7 [Target 2.4]</p> | <p>Strengthening victim access to justice and compensation through civil remedies</p> | <p>Civil law mechanisms, specifically compensation and labour rights for human trafficking victims, reviewed in each COMMIT country with a resulting country-specific practitioner's handbook, white paper for the COMMIT Taskforce and related trainings and civil law information dissemination in the private, government and academic realms.</p> |



COMMIT SPA III (2011-2013)

AREA 3

Protection, Recovery & (Re)Integration



Objectives from the COMMIT Memorandum of Understanding

Article 8

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

Article 10

Making available to trafficked persons legal assistance and information in a language they understand

Article 15

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

Article 16

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

Article 17

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

Article 18

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

Article 19

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

Article 20

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

Article 21

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



AREA 3 | Protection, Recovery & (Re)Integration

Targets for COMMIT SPA III (2011-2013)

3.1

Systems and guidelines are operationalized and functioning to ensure that victims of trafficking are identified and offered individualized, gender- and age-appropriate assistance after determining the best interests of the victim. Information is provided to victims in a language they understand, and improvements in victim identification over time measured through evaluation and gaining feedback from trafficked persons.

3.2

Systems and guidelines are operationalized and functioning to ensure that victims of trafficking are not held in detention by law enforcement authorities, or other custodial facilities against the will of victims.

3.3

Systems and guidelines are operationalized and functioning to ensure that victims of trafficking are offered safe and timely options for return and repatriation, with improvements in cross-border cooperation over time as measured through evaluation and gaining feedback from client trafficked persons.

3.4

Systems and guidelines are operationalized and functioning to ensure that victims of trafficking are offered appropriate, individualized (re)integration options, including viable and appropriate livelihood options, with improvements in services over time as measured through evaluation and gaining feedback from client trafficked persons.

3.5

Cadres of victim service providers are well-trained, networked, and functioning in their respective roles at an international standard, with regard to both quality of care and ethical treatment of people affected by human trafficking.

Background

The focus of victim protection activities under the COMMIT SPA II (2008-2010) was support of the establishment of regional and national guidelines for victim identification, repatriation, and quality of care in victim protection services. The COMMIT Governments developed regional guiding principles for trafficking victim protection in 2007, prior to adoption of the COMMIT SPA II, then concentrated on the development of national guidelines and procedures to operationalize victim identification and protection processes in line with the regional guiding principles.

Victim identification guidelines and procedures were a significant focus under the COMMIT SPA II, particularly as there were significant changes to the legal frameworks addressing and defining human trafficking in the Mekong region. Toward the end of the COMMIT SPA II there was increasing focus in operationalization of victim screening procedures, and capacity building for relevant frontline authorities and others likely to interface with trafficked person. This focus is expected to continue into the COMMIT SPA III implementation period, especially since victim identification is often the crucial first step for both victim protection and criminal justice measures to be sparked into action.

The COMMIT SPA II also evaluated of the effectiveness and quality of victim protection and reintegration programs in late 2010, in preparation for the COMMIT SPA III. Lessons learned from this region-wide research initiative, taking into consideration the voices of victims as well as more objective measures of quality of care, aim to support more effective reintegration programming under the COMMIT SPA III.

The capacity of victim protection personnel to effectively do their jobs also improved significantly during the SPA I and SPA II periods, with the introduction of a range of specialized shelter improvement and ethics trainings. The COMMIT SPA III aims to further refine, consolidate and standardize specialized training at the national level, using certified, qualified government and non-government trainers.



AREA 3 | Protection, Recovery & (Re)Integration

COMMIT SPA III (2011-2013) Activities

| ACTIVITY | DESCRIPTION |
|-------------------------|---|
| ★ PRO 1 [Target 3.1] | Victim identification guidelines and Standard Operating Procedures (SOPs) |
| PRO 2 [Target 3.2] | Monitoring and reporting on detention of victims of trafficking |
| ★ PRO 3 [Target 3.3] | Victim return/repatriation and protection guidelines and Standard Operating Procedures (SOPs) |

| | | |
|--|--|---|
| <p>PRO 4 [Target 3.3]</p> | <p>Support to operational guidelines and capacity building for shelter management, alternative care, and referral mechanisms</p> | <p>Development and implementation of guidelines for victim protection, quality of care standards, case management systems, shelter self-assessment tools, and client-centered service referral mechanisms consistent with international standards and responding to all forms of trafficking. These guidelines should be disseminated to and implemented by practitioners and monitored regularly for compliance, with targeted specialist capacity building as needed.</p> |
| <p>★ PRO 5 [Target 3.4]</p> | <p>Effective (re)integration assistance</p> | <p>Provision of longer-term reintegration assistance to victims of trafficking based on their best interests, their rights under the laws of the origin and destination countries, and – for economic and/or vocational support – market research determining economically and socially viable alternative livelihoods in the location of (re)integration. Systems for monitoring effectiveness of (re)integration assistance will be based on client feedback as well as other indicators of psychosocial and economic resilience and empowerment.</p> |
| <p>PRO 6 [Target 3.4]</p> | <p>Monitoring the effectiveness of victim assistance and incidence of re-trafficking or victims becoming brokers / traffickers</p> | <p>Development and implementation of monitoring and evaluation mechanisms that examine the effectiveness of victim assistance, taking into account measures against international standards, as well as feedback from trafficked person clients. Monitoring will also assess incidence of re-trafficking and victims becoming traffickers, and will include information sharing between source, transit, and destination countries.</p> |
| <p>PRO 7 [Target 3.5]</p> | <p>Specialist training and technical support for rights-based, individualized approaches to victim protection and support</p> | <p>Targeted provision of specialist training and technical support to victim service providers, including government and non-government service providers as well as embassies and others involved in cross-border repatriation, to increase the effectiveness of their service provision, adherence to international quality of care guidelines and ethical standards, and strengthening of child-friendly approaches and determination of the best interests of adult and child victims.</p> |



COMMIT SPA III (2011-2013)

AREA 4

Preventive Measures & Vulnerability Reduction



AREA 4 | Preventive Measures & Vulnerability Reduction

Objectives from the COMMIT Memorandum of Understanding

Article 22

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

Article 23

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

Article 24

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

Article 25

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

Article 26

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

Article 27

Increasing cooperation with the private sector, especially the tourism and entertainment industries, to take an active role in the fight against trafficking.



AREA 4 | Preventive Measures & Vulnerability Reduction

Targets for COMMIT SPA III (2011-2013)

-
- 4.1** Regional, national and local measures to identify and reduce human trafficking vulnerability are developed, tested, shared, and replicated where appropriate and cost-effective.
-
- 4.2** Community protection and surveillance networks are developed and strengthened, particularly in empirically-demonstrated hotspot areas in source and destination countries, to identify and address the needs of at-risk populations.
-
- 4.3** Public awareness and advocacy campaigns that address human trafficking, safe migration, and labour rights are developed, tested and replicated, according to assessments of their positive impact in changing behaviour.
-
- 4.4** National labour laws and other relevant policies are in place to protect the rights of all workers based on the principles of non-discrimination and equality, with functioning labour inspection and complaints mechanisms to identify and punish labour exploitation.
-
- 4.5** Cooperation with the private sector is strengthened, to expand their active role in the fight against trafficking. This could include but not be limited to businesses and business associations in the tourism, transport, entertainment, and export-oriented industries, or any sector with a social mandate to engage in anti-trafficking.
-

Background

The overall objective of this component is to improve efforts to prevent human trafficking and exploitation, reduce vulnerability to trafficking, and suppress illegal and/or exploitative brokerage and employment practices. In the past, prevention activities have largely been concentrated on the supply-side; focusing on addressing the vulnerabilities of target communities, through awareness raising campaigns, vocational training, micro credit, or programs to increase access to education for vulnerable children. While these efforts will continue to be relevant, other programs have evolved to acknowledge the reality that people will continue to migrate – often with mutual benefits for sending and receiving economies, as well as for the person him/herself. Thus, awareness-raising campaigns have moved from simply aiming to reduce migration, to a focus on reducing risky migration, including migration driven out of desperation.

Strategies aimed at preventing trafficking need to take into account demand as a cause, and other factors that may increase vulnerability to trafficking including economic and/or social inequality, and all forms of discrimination and prejudice. Trafficking prevention efforts should also recognize the different vulnerabilities of men versus women due to sexual division of labour in different industries, how men and women tend to migrate and make decisions differently (for example tendency to use brokers, and amounts men versus women are willing to pay for migration costs), and other gender-relevant factors. Effective prevention strategies should be based on existing experience and proper locality-specific data on vulnerability whenever possible, and could occur at the source, destination, in transit, and across borders.



AREA 4 | Preventive Measures & Vulnerability Reduction

COMMIT SPA III (2011-2013) Activities

| ACTIVITY | DESCRIPTION |
|--|---|
| ★ PRE 1 [Target 4.1] Vulnerability reduction initiatives | Support to empirically-based initiatives to target and reduce vulnerability to human trafficking, exploitation, and unsafe migration, including: economic empowerment activities to promote viable alternative livelihood options to unsafe migration; targeted awareness raising, including information on safe migration and labour rights; and provision of necessary personal legal documentation, including birth registration. |
| PRE 2 [Target 4.2] Community and border protection and surveillance systems | Support to community and border protection and surveillance systems to target vulnerable communities and at-risk groups at national and local levels, including building the capacity of frontline responders and watchdogs in the surveillance system, and disseminating information about safe migration and relevant services available to those who are trafficked or exploited; linkage of these local systems to relevant government bodies. |
| PRE 3 [Target 4.3] Public awareness | Raising public awareness of human trafficking and safe migration through mass media, press, community meetings, peer-to-peer outreach, concerts, focused lectures, trainings, street dramas, documentaries, soap operas, or other media well-suited to the selected target population. |
| ★ PRE 4 [Target 4.4] Strengthening mechanisms against exploitation in labour and marriage trafficking | Support to stronger enforcement of national laws and policies to protect the rights of workers through better regulation of the labour recruitment process, monitoring of labour inspection practices, and strengthening linkages between labour inspectors and law enforcement agencies. Monitoring of marriage brokers and child adoption agencies, and building the capacity of embassy staff to cooperate with host country authorities, migrant communities, and employers in supporting |

| | | |
|-------------------------------------|---|--|
| | | victims of labour and marriage trafficking. Dissemination of labour rights information in relevant languages, including contact information of local emergency service providers, and support to migrant protection hotlines and services. |
| PRE 5 [Target 4.4] | Strengthening the role and capacity of non-police officials in enforcement of national laws to reduce exploitation | Advocacy, training, and networking support to non-police officials – for example, labour officials – encouraging key stakeholders to target exploitative employers and enforce criminal and labour laws to prevent and reduce exploitation and trafficking. |
| PRE 6 [Target 4.5] | Private sector cooperation and engaging corporate social responsibility | Increasing efforts to engage the private sector in the fight against human trafficking, through advocacy, sensitization, and engagement in public-private partnership initiatives; strengthening engagement of businesses on codes of conduct; and, building corporate social responsibility in sectors with core business and/or a social mandate relating to anti-human trafficking. |



COMMIT SPA III (2011-2013)

AREA 5

Monitoring, Evaluation & Anti-Human Trafficking Data Systems



AREA 5 | Monitoring, Evaluation & Anti-Human Trafficking Data Systems

Objectives from the COMMIT Memorandum of Understanding

Article 29

Collection and analysis of data and information on trafficking cases, ensuring that anti-trafficking strategies are based on accurate and current research, experience and analysis

Article 30

Establishing a monitoring system for the implementation of the Plan of Action to evaluate the status quo and the progress of each country in implementing the commitments covered in this MOU

Targets for COMMIT SPA III (2011-2013)

5.1

Data systems collecting key anti-human trafficking data are developed, functioning, and eventually supported by government mandates and budgets.

5.2

Anti-human trafficking work is strengthened by improved research and analytical work, including empirically-based identification of vulnerability factors, modus operandi of traffickers, and the effectiveness of anti-trafficking laws, policies, and measures.

5.3

Annual monitoring reports are published, as well as a final evaluation of the progress of COMMIT Governments on the agreed targets and goals of the COMMIT SPA III (2011-2013).

5.4

COMMIT SPA III impact assessment measuring the impact of multi-agency prevention, protection, and prosecution efforts across the Mekong region are completed within a year of completion of the COMMIT SPA III.

Background

Several kinds of data are helpful in measuring the impact of anti-trafficking efforts (including policy, prevention, prosecution, and protection); three examples are listed below. To track trafficking trends over time, data such as this could be collected using similar methods in several locations and on a regular schedule. COMMIT SPA III aims to establish functioning data systems that collect and analyze human trafficking data, with the aim of strengthening the empirical basis for anti-trafficking measures.

Example 1. Data on victims and their vulnerability factors: This data is collected from interviews with victims of trafficking. It is best if the stories of victims of trafficking can be compared with the stories of non-victims of trafficking, in order to compare family, community, and labour situations and understand risk factors for being trafficked, and protective factors that help prevent people from being trafficked. Possible data sources include:

- **Hotspot communities in source areas**, to compare the situations of people who have successfully migrated, people who have unsuccessfully migrated (for example, victims of trafficking), and people who chose to never migrate.
- **Hotspot communities in destination areas**, to look at and compare the experiences of non-exploited migrant workers and exploited migrant workers.
- **Hotspot groups in transit**, for example groups of deportees, to compare the experiences of non-exploited vs. exploited migrants, similar to above.

Example 2. Data on criminals and their networks and modus operandi: Such data can be collected from sources such as those listed below, and could be cross-checked between these sources for maximum reliability and validity:

- **Victims of trafficking and migrant workers**, if they consent to disclosing the details of their exploitation and the criminals who cheated and exploited them.
- **Non-government organizations (NGOs)**, who may do human rights work or provide migrant services in hotspot communities.
- **Law enforcement**, who may benefit from both receiving and sharing information between investigative units and with relevant NGOs. Police may not be able to disclose case details that may jeopardize ongoing investigations, and NGOs may not be able to disclose case details for victims who do not consent to their information being shared with the police, but general information sharing between police and NGOs can often be very positive.

Example 3. Data on the effectiveness of laws, policies, and measures: This data is best collected from the intended beneficiaries of these laws and systems, to learn whether improvements in policies and laws, and capacity building for anti-trafficking responders, is really translating into making a positive difference in the lives of people affected by human trafficking and respect for their human rights – thus, from victims of trafficking, or vulnerable populations. In addition, government and non-government metrics examining the efficiency of systems may be helpful – for example, increases in the numbers of victims identified/assisted in hotspot areas after the passing of a new law or policy, or capacity building of relevant personnel in that area.



AREA 5 | Monitoring, Evaluation & Anti-Human Trafficking Data Systems

COMMIT SPA III (2011-2013) Activities

| ACTIVITY | | DESCRIPTION |
|----------------------------|--|---|
| M&E 1 [Target 5.1] | Building anti-trafficking data systems and capacity | Developing the systems and capacity for national, bilateral, and/or regional anti-trafficking data monitoring systems, with a commitment to working toward compatible information-sharing platforms at the national and regional levels. |
| M&E 2 [Target 5.1] | Tracking official statistics | Collection, analysis, and sharing of official statistics on arrests, prosecutions, repatriations, victims assisted, etc. to provide context on the strength and targeting of the anti-trafficking response. |
| M&E 3 [Target 5.2] | Research on trafficking prevalence, routes, patterns, and trends | Development and strengthening of research systems to measure trafficking prevalence and patterns, including interviews with exploited and non-exploited migrants to collect information on victim vulnerability factors, criminal networks, the most exploitative labour industries, and the effectiveness of former labour migration channels, victim identification, victim assistance, and criminal investigation of trafficking cases. |
| M&E 4 [Target 5.3; 5.4] | COMMIT monitoring, evaluation, and reporting | Standardized monitoring, evaluation, and reporting of the activities and key results of COMMIT Governments under the COMMIT SPA III against the COMMIT SPA III targets and goals. This will include monitoring of COMMIT budget allocation to anti-trafficking measures, positions, and activities, to strengthen sustainability and ownership. Impact assessment at the end of COMMIT SPA III will measure impacts of COMMIT activities on the human trafficking situation, and on people and populations affected by human trafficking. |

SUMMARY LIST

COMMIT SPA III Targets & Activities

As noted on Page 6, in each Area, Activities that are agreed by the Governments to be high priority are denoted with the symbol ‘★’, and all Governments are encouraged to complete these Activities during the course of the COMMIT SPA III. For all other Activities, the COMMIT Governments have agreed to address them as and when appropriate, according to the unique needs, situation, and priorities of each country.

| COMMIT SPA III: Activities & Targets | |
|--|--|
| ACTIVITIES | TARGETS |
| Area 1: Policy & Cooperation | |
| <p>★ P&C 1 Support to National Plans of Action (NPAs)</p> <p>★ P&C 2 Training and capacity building for national responders and policy makers</p> <p>P&C 3 Operationalization of cross-border agreements</p> <p>P&C 4 Support to cooperation beyond the COMMIT region</p> <p>P&C 5 Cross-border information exchange</p> <p>P&C 6 Engagement and consultation with persons affected by human trafficking</p> | <p>1.1. National Plans of Action are enacted to address all forms of human trafficking, with systems in operation to monitor and report regularly on progress and results, and with increasing government budget allotted annually to support anti-trafficking positions, events, mechanisms, meetings, and other costs. Systems may include multi-sectoral committees or task forces at the national and sub-national levels.</p> <p>1.2. Comprehensive regional and national training programs are established for government and non-government anti-trafficking responders and policy makers, run by cadres of regional and national trainers.</p> <p>1.3. Cross-border agreements are formalized and monitored where trafficking flows indicate that such mechanisms are a priority need. Action plans and standard operating procedures for these cross-border agreements are in place, and implementation plans are reviewed on an annual basis.</p> <p>1.4. Anti-human trafficking cooperation with relevant states and multilateral bodies outside of the COMMIT member countries are in effect, as appropriate.</p> <p>1.5. Effective cross-border cooperation is supported and underpinned by functioning mechanisms for collaboration between ministries, governments, and with the public.</p> <p>1.6. Persons affected by human trafficking, including victims of trafficking, are engaged and consulted with in the monitoring and evaluation of the effectiveness of national anti-trafficking programs.</p> |

| ACTIVITIES | | TARGETS |
|--|---|---------|
| Area 2: Legal Frameworks, Law Enforcement & Justice | | |
| <p>★ CJ 1 Human trafficking legislation with international definition of human trafficking, and application of other laws against traffickers</p> <p>CJ 2 Strengthened specialist anti-human trafficking law enforcement units</p> <p>CJ 3 Supporting proactive investigations</p> <p>★ CJ 4 Strengthening coordination of the criminal justice response with victim protection</p> <p>CJ 5 Specialist training and networking for criminal justice agencies</p> <p>CJ 6 Monitoring of human trafficking cases to ensure due diligence and process in prosecutions</p> <p>CJ 7 Strengthening victim access to justice and compensation through civil remedies</p> | <p>2.1. Comprehensive human trafficking legislation, in accordance with international definitions, are developed, enacted and fully implemented. Other relevant laws are also applied in human trafficking cases, and investigators consider prosecuting for the full range of committed offenses.</p> <p>2.2. Law enforcement officials are well-trained and functioning in their respective roles, including anti-trafficking specialist units, and general duties police and immigration officers in trafficking hotspot areas. This includes effective victim identification and human trafficking case investigation techniques. There is investigation and punishment of complicity and corruption within law enforcement.</p> <p>2.3. Investigators and prosecutors involved in the criminal justice response to human trafficking are trained on the relevant technical aspects of the crime, with support to multi-disciplinary collaboration, joint capacity building mechanisms, and networks of law enforcement, prosecutors, and judges.</p> <p>2.4. The quality of the criminal justice response to human trafficking measurably increases, including (a) better integration with the victim service response, for optimal respect of the rights of victims; (b) international standards of due process and fairness exercised in the investigation and prosecution of trafficking cases; (c) civil law remedies utilized as a complement to criminal justice efforts, offering additional options to victims seeking legal recourse, and (d) judges understand their role as an independent and unbiased arbiter in human trafficking cases, with an emphasis on the introduction of credible evidence in cases and proving charges beyond a reasonable doubt.</p> | |
| ACTIVITIES | | TARGETS |

Area 3: Protection, Recovery and (Re)Integration

- ★ **PRO 1** **Victim identification guidelines and Standard Operating Procedures (SOPs)**
- PRO 2** **Monitoring and reporting on detention of victims of trafficking**
- ★ **PRO 3** **Victim return/repatriation and protection guidelines and Standard Operating Procedures (SOPs)**
- PRO 4** **Support to operational guidelines and capacity building for shelter management, alternative care, and referral mechanisms**
- ★ **PRO 5** **Effective (re)integration assistance**
- PRO 6** **Monitoring the effectiveness of victim assistance and incidence of re-trafficking or victims becoming brokers / traffickers**
- PRO 7** **Specialist training and technical support for rights-based, individualized approaches to victim protection and support**

- 3.1. Systems and guidelines are operationalized and functioning to ensure that victims of trafficking are identified and offered individualized, gender- and age-appropriate assistance after determining the best interests of the victim. Information is provided to victims in a language they understand, and improvements in victim identification over time measured through evaluation and gaining feedback from trafficked persons.
- 3.2. Systems and guidelines are operationalized and functioning to ensure that victims of trafficking are not held in detention by law enforcement authorities, or other custodial facilities against the will of victims.
- 3.3. Systems and guidelines are operationalized and functioning to ensure that victims of trafficking are offered safe and timely options for return and repatriation, with improvements in cross-border cooperation over time as measured through evaluation and gaining feedback from client trafficked persons.
- 3.4. Systems and guidelines are operationalized and functioning to ensure that victims of trafficking are offered appropriate, individualized (re)integration options, including viable and appropriate livelihood options, with improvements in services over time as measured through evaluation and gaining feedback from client trafficked persons.
- 3.5. Cadres of victim service providers are well-trained, networked, and functioning in their respective roles at an international standard, with regard to both quality of care and ethical treatment of people affected by human trafficking.

ACTIVITIES

TARGETS

Area 4: Preventive Measures & Vulnerability Reduction

| | |
|---|---|
| <p>★ PRE 1 Vulnerability reduction initiatives</p> | |
| <p>PRE 2 Community and border protection and surveillance systems</p> | <p>4.1. Regional, national and local measures to identify and reduce human trafficking vulnerability are developed, tested, shared, and replicated where appropriate and cost-effective.</p> |
| <p>PRE 3 Public awareness</p> | <p>4.2. Community protection and surveillance networks are developed and strengthened, particularly in empirically-demonstrated hotspot areas in source and destination countries, to identify and address the needs of at-risk populations.</p> |
| <p>★ PRE 4 Strengthening mechanisms against exploitation in labour and marriage trafficking</p> | <p>4.3. Public awareness and advocacy campaigns that address human trafficking, safe migration, and labour rights are developed, tested and replicated, according to assessments of their positive impact in changing behaviour.</p> |
| <p>PRE 5 Strengthening the role and capacity of non-police officials in enforcement of national laws to reduce exploitation</p> | <p>4.4. National labour laws and other relevant policies are in place to protect the rights of all workers based on the principles of non-discrimination and equality, with functioning labour inspection and complaints mechanisms to identify and punish labour exploitation.</p> |
| <p>PRE 6 Private sector cooperation and engaging corporate social responsibility</p> | <p>4.5. Cooperation with the private sector is strengthened, to expand their active role in the fight against trafficking. This could include but not be limited to businesses and business associations in the tourism, transport, entertainment, and export-oriented industries, or any sector with a social mandate to engage in anti-trafficking.</p> |

| ACTIVITIES | TARGETS |
|--|--|
| Area 5: Monitoring, Evaluation & Anti-Human Trafficking Data Systems | |
| <p>M&E 1 Building anti-trafficking data systems and capacity</p> <p>M&E 2 Tracking official statistics</p> <p>M&E 3 Research on trafficking prevalence, routes, patterns, and trends</p> <p>M&E 4 COMMIT Monitoring, evaluation, and reporting</p> | <p>5.1. Data systems collecting key anti-human trafficking data are developed, functioning, and eventually supported by government mandates and budgets.</p> <p>5.2. Anti-human trafficking work is strengthened by improved research and analytical work, including empirically-based identification of vulnerability factors, modus operandi of traffickers, and the effectiveness of anti-trafficking laws, policies, and measures.</p> <p>5.3. Annual monitoring reports are published, as well as a final evaluation of the progress of COMMIT Governments on the agreed targets and goals of the COMMIT SPA III (2011-2013).</p> <p>5.4. COMMIT SPA III impact assessment measuring the impact of multi-agency prevention, protection, and prosecution efforts across the Mekong region are completed within a year of completion of the COMMIT SPA III.</p> |

APPENDIX A

**COMMIT Memorandum of
Understanding (2004)**

Memorandum of Understanding on Cooperation against Trafficking in Persons in the Greater Mekong Sub-Region

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

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

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

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

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

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

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

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

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

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

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

Acknowledging the important role played by victim support agencies in the areas of prevention, protection, prosecution, rescue, repatriation, recovery and reintegration, as well as in supporting a strengthened criminal justice response;

Recognizing that each Government hereby undertakes to take steps, individually and through international assistance and co-operation, to the maximum of its available resources, with a view to achieving progressively the full realization of the commitments recognized in this MOU by all appropriate means;

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

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

- United Nations Convention Against Transnational Organised Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children;
- United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW);
- United Nations Convention on the Rights of the Child (CRC), and its Optional Protocols on the Sale of Children, Child Prostitution and Child Pornography, and on the Involvement of Children in Armed Conflict;
- ILO Forced Labour Conventions (29 & 105);
- ILO Convention (182) Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour;

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

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

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

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

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

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

Calling upon all countries outside the GMS to join our countries in the fight against human trafficking;

Hereby solemnly commit to the following actions:

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

1. **Encouraging** the use of the definition of trafficking contained in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing the United Nations Convention on Transnational Organised Crime;
2. **Developing** national plans of action against trafficking in persons in all its forms;
3. **Working towards** establishing and strengthening a national, multi-sectoral committee on trafficking in persons with a mandate to coordinate the implementation of the National Plan of Action and other anti-trafficking interventions;
4. **Creating** mechanisms to strengthen regional cooperation and information exchange, and designating a national focal point on combating trafficking;
5. **Improving** regional cooperation against trafficking, in particular through bilateral and multilateral agreements; and
6. **Strengthening** cooperation between Governments, international organizations and non-governmental organizations in combating trafficking in persons.

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

7. **Adopting and enforcing**, as quickly as possible, appropriate legislation against trafficking in persons;
8. **Adopting** appropriate guidelines and providing training for relevant officials to permit the rapid and accurate identification of trafficked persons and to improve the investigation, prosecution and judicial process;
9. **Investigating**, arresting, prosecuting, and punishing perpetrators of trafficking in accordance with national law;
10. **Making** available to trafficked persons legal assistance and information in a language they understand;
11. **Developing** realistic and effective cooperation in the criminal justice system to remove impunity for traffickers and provide justice for victims;
12. **Strengthening** cross-border cooperation in law enforcement among the six GMS countries to combat trafficking through criminal justice process;
13. **Providing** the necessary personnel and budgetary support for trafficking response capacities within national law enforcement authorities; and

14. **Promoting** bilateral or multilateral agreements among the GMS countries to assist each other in the judicial process.

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

15. **Promoting** greater gender and child sensitivity in all areas of work dealing with victims of trafficking;
16. **Ensuring** that persons identified as victims of trafficking are not held in detention by law enforcement authorities;
17. **Providing** all victims of trafficking with shelter, and appropriate physical, psycho-social, legal, educational, and health-care assistance;
18. **Adopting** policies and mechanisms to protect and support those who have been victims of trafficking;
19. **Strengthening** the capacity of the embassies and consulates to ensure that they can more effectively assist trafficked persons;
20. **Ensuring** cross-border cooperation in the safe return of trafficked persons, including support to ensure their well-being; and
21. **Working together** to facilitate the successful recovery and reintegration of trafficked persons and to prevent them from being re-trafficked.

IV. In the area of Preventive Measures:

22. **Adopting** measures to reduce vulnerability including: supporting poverty reduction programs; increasing economic opportunities; ensuring access to quality education and skill training; and providing necessary personal legal documentation, including birth registration;
23. **Supporting** the development of community protection and surveillance networks for early identification and intervention for those at risk;
24. **Raising** public awareness at all levels, including through public information campaigns and advocacy, both of the dangers and negative impacts of trafficking, and of assistance available to victims;
25. **Applying** national labour laws to protect the rights of all workers based on the principles of non-discrimination and equality;
26. **Encouraging** destination countries, including those from outside the Greater Mekong Sub-Region, to effectively enforce relevant national laws in order to reduce acceptance of exploitation of persons that fuels the continuing demand for the labour of trafficked persons, and to suppress the crime of trafficking in women and children through mutual cooperation; and
27. **Increasing** cooperation with the private sector, especially the tourism and entertainment industries, to take an active role in the fight against trafficking

V. In the area of Mechanisms for Implementation, Monitoring and Evaluation of this Memorandum of Understanding:

28. **Developing** an initial Sub-Regional Plan of Action against Trafficking in Persons, 2005-2007 and undertaking all necessary efforts to fully implement this Plan;
29. **Developing** procedures for the collection and analysis of data and information on trafficking cases and ensuring that anti-trafficking strategies are based on accurate and current research, experience and analysis;
30. **Establishing** a monitoring system for the implementation of the Plan of Action to evaluate the status quo and the progress of each country in implementing the commitments covered in this MOU including, at the minimum, annual senior officials meetings;
31. **Reviewing** the implementation of the Plan of Action and adopting a new Sub-Regional Plan of Action through a GMS Ministerial meeting in late 2007;
32. **Creating** a national task force to collaborate with the COMMIT Secretariat (United Nations Inter-Agency Project against Trafficking in the Greater Mekong Sub-Region) and other partners;
33. **Inviting** government funding agencies, as well as relevant United Nations and other inter-governmental and non-governmental organizations and the private sector, to provide financial, material and technical assistance to support GMS countries in their anti-trafficking efforts, including the implementation of this MOU and the forthcoming Plan of Action; and
34. **Recognizing** that amendments to this MOU may be desirable in the future, the Governments set out the following process for amending this MOU: (1) if four of the six undersigned Governments believe that the MOU should be changed, and inform the Secretariat in writing, a procedure for consultation shall be undertaken by the Secretariat in a mutually convenient manner; (2) the purpose of such a procedure shall be to propose changes to the MOU; (3) any changes to the MOU shall be agreed to unanimously by the six Governments, and the approval of each Government shall be communicated to the Secretariat in writing.

Done at Yangon, on this 29th day of October 2004.

**FOR THE GOVERNMENT
OF THE KINGDOM OF CAMBODIA**



**(Ith Sambheng)
Minister of Social Affairs,
Veterans and Youth Rehabilitation**

**FOR THE GOVERNMENT
OF THE PEOPLE'S REPUBLIC OF CHINA**



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

**FOR THE GOVERNMENT
OF THE LAO PEOPLE'S
DEMOCRATIC REPUBLIC**



**(Somphanh Phengkhammy)
Minister of Labour and Social Welfare**

**FOR THE GOVERNMENT
OF THE UNION OF MYANMAR**



**(Colonel Tin Hlaing)
Minister of Home Affairs**

**FOR THE GOVERNMENT
OF THE KINGDOM OF THAILAND**



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

**FOR THE GOVERNMENT
OF THE SOCIALIST REPUBLIC OF VIETNAM**



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

APPENDIX B

COMMIT Joint Declaration (2007)



JOINT DECLARATION OF THE COORDINATED MEKONG MINISTERIAL INITIATIVE AGAINST HUMAN TRAFFICKING (COMMIT DECLARATION)

1. **WE**, the Ministers and representatives of the Governments of the Kingdom of Cambodia, the People's Republic of China, the Lao People's Democratic Republic, the Union of Myanmar, the Kingdom of Thailand, and the Socialist Republic of Vietnam, the founding members of the Coordinated Mekong Ministerial Initiative against Human Trafficking, hereinafter referred to as the COMMIT Process, meeting in Beijing on the third anniversary of the signing of the COMMIT MOU, join together in,
2. **REAFFIRMING** our commitment to the COMMIT Memorandum of Understanding, signed in Yangon, Myanmar on the 29th Day of October 2004, and the COMMIT Sub-regional Plan of Action adopted in principle in Hanoi on the 30th Day of March 2005, which, among other resolutions/decisions, demonstrate our strong political will to cooperate among the Greater Mekong Sub-region (GMS) countries to combating trafficking in persons especially children and women,
3. **REAFFIRMING** our solemn dedication to continue advancing the goal of eradicating any situation where human beings are traded, bought, sold, abducted, placed and maintained in exploitative situations depriving them of their most fundamental and inalienable human rights,
4. **REITERATING** the importance of placing trafficked persons at the centre of all anti-trafficking interventions including the recognition of their potential to contribute, on a strictly voluntary basis, to the development, implementation and evaluation of anti-trafficking interventions, and respecting the human rights of trafficked persons in all anti-trafficking interventions,
5. **RECOGNIZING** the complexity of trafficking in persons as a criminal phenomenon and the need for strong national and regional criminal justice responses that seek to end the current high levels of impunity enjoyed by traffickers and secure justice for victims of trafficking,
6. **REITERATING** the critical importance of an inter-sectoral response to human trafficking, and highly appreciating the efforts of the senior officials of the National COMMIT Task Forces who have carried forward the work of the COMMIT Process,
7. **RECOGNIZING** that while the response to the human trafficking problem in the GMS since the signing of the COMMIT MOU and its implementation through the first Sub-regional Plan of Action (2005 – 2007) has progressed, obstacles to the eradication of trafficking in persons remain,



8. **DEDICATING** ourselves to addressing the constraints and challenges that undermine an effective response to trafficking in persons and the associated abuse and exploitation, including further enhancement and empowerment of those vulnerable, and agreeing that this requires continued urgent action in the spirit of solidarity and cooperation between and among countries in the region, and
9. **ACKNOWLEDGING** the contribution of all other international and regional instruments, initiatives and commitments to combat trafficking in persons,
10. **HEREBY JOINTLY DECLARE**, our firm commitment to further enhance the spirit of COMMIT in unity and solidarity and the continued operation of this vital regional mechanism of cooperation to successfully bring to an end the abuse and exploitation of the vulnerable and marginalized through reaffirmation of the following:
 11. Firm commitment to the fight against slavery in all its forms including sexual exploitation of both children and adults, forced labour, child labour and forced marriage, contained in the Universal Declaration of Human Rights and other international instruments; and recognising the importance of international instruments relevant to trafficking in persons as listed in the COMMIT MOU;
 12. Reaffirming the importance of the UN Recommended Principles and Guidelines on Human Rights and Human Trafficking;
 13. Commitment to further consolidate the significant advances made in the implementation of the COMMIT MOU through the first Sub-regional Plan of Action (2005 – 2007) and the second phase of the Sub-regional Plan of Action (2008-2010);
 14. Commitment to preventing trafficking in persons and associated harms through actions aimed at identifying and protecting trafficked persons at every point in the trafficking cycle; and to ensure that all official actions with respect to trafficked persons protect their safety, dignity and rights.
 15. Firm intention to continue bilateral and multilateral consultations and collaborations between and among countries in the sub-region (both sector specific and general) as well as with regional bodies such as the ASEAN;
 16. Firm determination to further strengthen the capacity of National COMMIT Taskforces and relevant stakeholders to implement coordinated actions entrusted under the COMMIT framework and to ensure they and their work continue to enjoy strong support from the highest levels of government;
 17. Pledge to implement a genuine consultative and collaborative approach that regularly and actively seeks and sustains the involvement of civil society groups, children and youth from areas where trafficking is an ongoing concern; victim support agencies, international organisations, and trafficked persons in the



implementation of anti-trafficking programmes including the design, development, monitoring and evaluation of such programmes;

18. Firm belief in the practical and symbolic value of an approach which places the individual and his or her rights at the centre of any trafficking law, policy or intervention.
19. Resolve to a policy of zero tolerance for any public sector complicity or involvement in the crime of trafficking in persons.
20. We, the Ministers and representatives of the governments of the countries in the Greater Mekong Sub-region, hereby reaffirm our commitment to the pledges made in the COMMIT MOU and solemnly pledge to take steps individually as well as in solidarity and through international assistance and cooperation, to the maximum of available resources, with the view to achieving progressively, the full realisation of the commitments recognised in the COMMIT MOU by all appropriate means. With this in mind, we commend the continuation of the COMMIT Process through the completion of the initial Sub-regional Plan of Action and the development of a second phase of the Sub-regional Plan of Action from 2008 – 2010. We urge the United Nations system, development partners, the private sector, all women and men, girls and boys as well as non-governmental organizations, with full respect for their autonomy, and all sectors of civil society, to cooperate with Governments, to fully commit themselves and contribute to the COMMIT Process.

Beijing, 14 December 2007



Done at Beijing, on this 14th day of December 2007

FOR THE GOVERNMENT
OF THE KINGDOM OF CAMBODIA

(Ing Kantha Phavi)
Minister of Women's Affairs

FOR THE GOVERNMENT
OF THE PEOPLE'S REPUBLIC OF CHINA

(Zhang Xinfeng)
Vice Minister of Public Security

FOR THE GOVERNMENT
OF THE LAO PEOPLE'S
DEMOCRATIC REPUBLIC

(Toula Inthathilath)
Vice Minister of Public Security

FOR THE GOVERNMENT
OF THE UNION OF MYANMAR

(Major General Maung Oo)
Minister of Home Affairs

FOR THE GOVERNMENT
OF THE KINGDOM OF THAILAND

(Poldej Pinprateep)
Vice Minister of Social Development and
Human Security

FOR THE GOVERNMENT OF THE
SOCIALIST REPUBLIC OF VIETNAM

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