



ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC)

Regional Review on the Laws, Policies, and Practices within ASEAN relating to the Identification, Management, and Treatment of Victims of Trafficking, especially Women and Children

KEY FINDINGS

on Assisting Victims of Trafficking

TYPES OF ASSISTANCE



PROTECTION FROM HARM



APPROPRIATE SHELTER



MEDICAL OR PSYCHOLOGICAL CARE



LEGAL AID & INTERPRETER



EDUCATION, TRAINING & EMPLOYMENT



SAFE RETURN & REINTEGRATION

FUNDAMENTAL PRINCIPLES

- ✓ Immediate protection from harm for victims
- ✓ Immediate, unconditional provision of practical support to victims (shelter, medical aid, etc.)
- ✓ No coercion in provision of protection or support
- ✓ Special needs of vulnerable victims (including children, disabled) should be recognized and met
- ✓ Voluntary return and availability of reintegration assistance for victims
- ✓ Alternatives to return available for victims who cannot be safely repatriated

IN LAW

Most but not all ASEAN Member States (AMS) provide legal recognition of certain rights for victims including to protection, support and assisted return/reintegration. In some Member States, provisions in other laws (such as witness/child protection laws) can be applied to victims of trafficking.

IN POLICIES

Most AMS (including those that do not have specific legislative provisions in this area) have adopted policies and procedures for victim protection and assistance. Some bilateral agreements between Member States also detail agreed policies with regard to victim assistance and protection. AMS policies on victim assistance often recognize the special needs of children but rarely other vulnerable groups, such as disabled persons or those who may be discriminated against on the basis of sexual orientation.

IN PRACTICE

Identified victims are not always informed of their assistance rights or referred to appropriate service providers. Most protection and assistance options primarily target women and children, and are less commonly available to men. Lack of autonomy and inability to work while having their case processed can factor into a victim's decision not to seek out official assistance. Some victims, both foreign and national, have reported positive and experiences in receiving protection and support from both public and private assistance agencies.

GOOD PRACTICES

National guidelines for protecting and supporting victims based on fundamental principles

Mutual agreement, between Member States, on provision of protection and support, including safe return and reintegration

Growing recognition of the importance of supporting victims' right to work and to freedom of movement

Provision of in-country assistance to foreign victims through their national diplomatic missions

COMMON CHALLENGES

Low levels of victim identification mean that few receive the protection and assistance they are entitled to

Identified victims not always informed of their rights to assistance and support and appropriately referred

Resource constraints restrict capacity of AMS and civil society to provide adequate protection and support

Low levels of operational cooperation between AMS prevent coordination of assistance and supporting, including in return and reintegration

Additional Resources: UN Principles and Guidelines on Human Rights and Human Trafficking; ACWC Guidelines on Victim Protection and Support; ACWC Gender Sensitive Guidelines for Handling of Women Victims of Trafficking in Persons; UNICEF Guidelines on Reintegration of Child Victims



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