



ASEAN COMMISSION ON THE PROMOTION AND  
PROTECTION OF THE RIGHTS OF WOMEN AND CHILDREN

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DISCUSSIONS AND RECOMMENDATIONS ON  
**SHELTER PRACTICES IN ASEAN**

Reflections from national consultation workshops

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Cover photo: weaving at Pathum Thani  
Welfare Protection Center for Victims  
of Trafficking in Persons, Thailand  
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The views expressed in this publication do not represent the official position or views of ASEAN and ASEAN Member States, and not necessarily the views of the Australian Government, or any other institution.

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The ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) champions impactful policy and programme initiatives which significantly contribute to the implementation of the ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP), particularly in responding to protection needs of victims of trafficking-in-persons (TIP).

Building on past ACWC initiatives and following the adoption of the “Gender Sensitive Guideline for Handling Women Victims of Trafficking in Persons” and the “Regional Guidelines and Procedures to Address the Needs of Victims of Trafficking in Persons”, the ACWC led the implementation of the “Multi-Year Project on Capacity Enhancement of Frontline Responders in Counter Trafficking Using Victim-Centred and Gender-Sensitive Approaches” (“Project”). The outcomes of this Project include a deeper discussion on the varying shelter practices for trafficked persons in ASEAN leading to the development of this document to improve shelter practices in the region.

The ACWC expresses its deepest appreciation to all the ASEAN Member States for the support provided including convening national consultation workshops in 2021-2022 in Cambodia, Indonesia, Lao PDR, Philippines, Thailand and Vietnam, as well as in reviewing the consolidated discussions and recommendations ensuring it is grounded in the ASEAN context.

The ACWC appreciates the outstanding leadership of H.E. Sri Dantya Anwar, Indonesia’s Representative on Women’s Rights to the ACWC, for shepherding the development and finalisation of the “ACWC Discussions and Recommendations on Shelter Practices in ASEAN”. The analysis presents opportunities, strategies and lessons learned in addressing complex challenges in shelters that have been exacerbated by the impact of the COVID-19 pandemic, as well as improving the situation of trafficked persons being supported in shelters or similar facilities.

The ACWC extends its gratitude for the strengthened partnership with the ASEAN-Australia Counter Trafficking (ASEAN-ACT) Team in this important endeavour particularly the expert support from Ms. Chen Chen, the consultant commissioned by ASEAN-ACT who helped ACWC throughout the process of consultations and in developing the recommendations drawing from the analyses of the discussions of ASEAN Member States. The ACWC looks forward to continued support from ASEAN-ACT and the Australian Government, especially from ASEAN Member States, to implement the recommendations in their respective shelters for trafficked persons.

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# PART 1: INTRODUCTION

The ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) has consistently and affirmatively supported the interpretation and implementation of the ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP) since its inception. It has developed several publications in support of victim protection such as the Gender Sensitive Guideline for Handling Women Victims of Trafficking in Persons[1] and the Regional Guidelines and Procedures to Address the Needs of Victims of Trafficking in Persons.[2]

This ACWC Discussions and Recommendations on Shelter Practices in ASEAN was developed to discuss opportunities, strategies and lessons learned in eliminating closed shelters and improving the situation of trafficked persons during the provision of shelter. It is informed by a series of national consultation workshops conducted in six Southeast Asian countries - Cambodia, Indonesia, Lao PDR, Philippines, Thailand and Vietnam – from December 2021 to March 2022. The workshops were attended by relevant government and non-government practitioners. This paper also draws on the analyses and recommendations provided in a shelter study conducted by the ASEAN-Australia Counter Trafficking (ASEAN-ACT) in 2018.

The 2018 ASEAN-ACT report ‘Freedom of movement for persons identified as victims of human trafficking: An analysis of law, policy and practice in the ASEAN region’ was a research study focused on three ASEAN countries: Malaysia, Philippines and Thailand.[3] In particular, it examined the conditions of closed shelter that limited residents’ freedom of movement in both countries of destination and countries of origin. The report found that conditions of closed shelters were akin to facto detention facilities due to the design of the facilities (e.g. mimicking prison or jail) or the restrictions placed on the mobility of the residents as a condition of their stay. Shelters operated by non-governmental organisations (NGOs) were found to be as restrictive as those run by the State.



1] ASEAN (2016). Gender Sensitive Guideline for Handling Women Victims of Trafficking in Persons. Jakarta: ASEAN Secretariat.  
(<https://asean.org/asean2020/wp-content/uploads/2021/01/Gender-Sensitive-Guidelines-for-Handling-Women-Victims-of-Trafficking-in-Persons-2016.pdf>)

[2] Unavailable online

[3] Marika McAdam (2018). Freedom of movement for persons identified as victims of human trafficking: An analysis of law, policy and practice in the ASEAN Region. ASEAN-Australia Counter Trafficking. ([https://www.aseanact.org/wp-content/uploads/2021/04/Freedom-of-movement\\_with-disclaimer.pdf](https://www.aseanact.org/wp-content/uploads/2021/04/Freedom-of-movement_with-disclaimer.pdf))

# PART 2: RELEVANT POLICY AND LEGAL FRAMEWORKS

## 2.1 International laws relevant to the non-detention of victims

- Right to freedom of movement (Article 12 of the International Convention on Civil and Political Rights (ICCPR)[4]
- Right to personal liberty (Article 9(1) of the ICCPR)
- Right to work (Article 6(1) of the International Covenant on Economic Social and Cultural Rights (ICESCR)[5]
- Prohibition on the detention of children under the Convention on the Rights of the Child (CRC)[6] and its Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography[7]
- Freedom to choose their residence and domicile (Article 15) of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)[8]
- Rights of persons with disabilities to liberty of movement (Article 18) of the Convention on the Rights of Persons with Disabilities (CRPD)[9]

The 2002 Recommended Principles and Guidelines on Human Rights and Human Trafficking of the Office of the United Nations High Commissioner for Human Rights (OHCHR) provides that “trafficked persons shall not be detained, charged or prosecuted.”[10] The Special Rapporteur on trafficking in persons has noted that trafficked persons have been detained in so-called closed shelters in a number of countries, and said that while this is intended as part of an assistance package, no other victims of crime are subjected to such restrictive measures for their own protection.[11]

[4] International Covenant on Civil and Political Rights, open for signature 16 December 1966, 999. U.N.T.S 3, entered into force 3 January 1976.  
(<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>)

[5] International Covenant on Economic, Social and Cultural Rights, open for signature, 16 December 1966, 993 U.N.T.S. 3, entered into force 3 January 1976.  
(<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>)

[6] Convention on the Rights of the Child, adopted by GA Res 44/25 of 20 November 1989, entered into force 2 September 1990.  
(<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>)

[7] Optional Protocol to the Convention on the Rights of the Child on Sale of Children, Child Prostitution and Child Pornography, adopted by GA Res 54/263 of 25 May 2000, entered into force 18 January 2002.  
(<https://www.ohchr.org/en/instruments-mechanisms/instruments/optional-protocol-convention-rights-child-sale-children-child>)

[8] Convention on the Elimination of All Forms of Discrimination Against Women, adopted by GA of 18 December 1979, entered into force 3 September 1981  
(<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>)

[9] Convention on the Rights of Persons with Disabilities, adopted by GA Res 61/106 of 13 December 2006, entered into force 3 May 2008  
(<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities>)

[10] See Recommended Principle 7 of the Recommended Principles and Guidelines on Human Rights and Human Trafficking, Addendum, Report of the High Commissioner for Human Rights to the Economic and Social Council, UN Doc. E/2002/68/Add.1 (20 May 2002).

[11] General Comment No. 5 (2020) on Migrants' Rights to Liberty and Freedom from Arbitrary Detention by Special Rapporteur on Trafficking in Persons, Especially Women and Children, Siobhán Mullally. 16 November 2020  
(<https://www.ohchr.org/en/documents/general-comments-and-recommendations/comments-special-rapporteur-draft-general-comment-no>)



## **2.2 Regional laws and frameworks relevant to the non-detention of victims**

Article 14(8) of the ASEAN Convention against Trafficking in Persons, Especially Women and Children (ACTIP) states that “Each party shall not unreasonably hold persons who have been identified by its competent authorities as victims of trafficking in persons in detention or in prison, prior to, during or after civil, criminal, or administrative proceedings for trafficking in persons.”[12]

Article 16 of the Memorandum of Understanding on Cooperation Against Trafficking in Persons in the Greater Mekong Sub-Region (COMMIT MOU) obliges its six member states to “ensuring that persons identified as victims of trafficking are not held in detention by law enforcement authorities.”[13]

## 2.3 National laws relevant to the non-detention of victims

Almost all of the ASEAN member states have domestic legislation or guidelines that provide for shelter and/or temporary accommodation for victims of trafficking.

Article 33 of Vietnam's Law on the Prevention of and Combat Against Trafficking in Persons states that victims may be provided with temporary shelter. In addition, Vietnam's Decree No. 62/2012/ND-CP, Providing on the Grounds Defining Trafficked Victims and Safety Protection for Victims and their Families mentioned the provision of temporary shelter in Article 7.

Article 19 of Singapore's Prevention of Human Trafficking Act outlines the provision of temporary shelter and counselling services to trafficked victims.

Thailand's Multi-Disciplinary Team Operational Guidelines for the Protection of Victims of Human Trafficking provides for the transfer of potential trafficking victims to shelters. According to Section 33 of the Anti-Human Trafficking Act, the Thai Ministry of Social Development and Human Security is to provide assistance to trafficking victims, including shelter

Section 23 of Philippines Anti-Trafficking in Persons Act outlines mandatory services for trafficked persons which include emergency shelter or appropriate housing.

Articles 42- 47 of Malaysia's Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act mention a place of refuge for trafficked persons.

Article 44-50 of Lao PDR Law on Anti-Trafficking in Persons set out victims' right to access assistance including temporary shelter. In addition, Article 40 of the Lao PDR Law on Protection of the Rights and Interests of Children sets out urgent measures for protection, including return to parents, or a safe shelter if that is not feasible.

Article 46 and 52 of Indonesia Law No 21 of 2007 on the Eradication of the Criminal Act of Trafficking in Persons mandate the central and provincial governments to build shelters and trauma centers to provide medical and social rehabilitation, repatriation assistance and social reintegration. Article 223 of the Government Regulation on The Implementation of Law No. 6/2011 On Immigration (No. 31/2013) provides for accommodation of foreign trafficking victims in Indonesia.

# PART 3:

## DISCUSSIONS

### 3.1 Terminology and the understanding of closed shelter

Across the ASEAN countries that were consulted for this paper, a range of terms was used with regard to the provision of shelter for victims of trafficking, including 'temporary accommodation', 'protection facility', 'protective custody', 'safehouse', 'welfare facility', etc. The use of the terms 'protection facility' and 'protective custody' underscored the prevailing perception that shelters for victims served a strong protection objective – mainly, protection from the traffickers and other threats – an insight that was highlighted in the 2018 report by ASEAN-ACT.

There was a general consensus that victims of trafficking should not be detained, with workshop participants recalling the provisions in Article 14 of ACTIP which calls for states not to detain or imprison victims of trafficking, unreasonably or to punish them for unlawful acts committed by them as a result of being trafficked.[14] Detention was associated with being incarcerated in immigration detention facilities, prisons, jails, etc., where victims were treated as criminals or offenders. As such, most government and non-government stakeholders observed that both the concept and the practice of 'shelter-detention' with regard to victims of trafficking did not exist anymore, due to stricter



compliance with domestic laws and a stronger emphasis on the human rights of victims.

At the same time, there was also confusion about the different terminology used depending on which stakeholder was using it. Shelters were described as ‘open’, ‘semi-closed’ and ‘closed’, without a shared understanding at the national level on what these terms really meant in practice.

The short-term nature of most shelter stays was raised as a counterpoint to the notion of closed shelter. In the Philippines, victims of trafficking are housed in residential care facilities (under the Recovery and Reintegration Program for Trafficked Persons) for a temporary period whereby social workers work with the local social welfare and development officers to notify their families and process their swift return home. Emphasis is placed on supporting the successful reunification of the victims with their families. In Vietnam, victims typically stay at shelters called the Peace House that are managed by the Vietnam Women’s Union for a period of three to six months and Nhan Ai (Compassion House) Shelter supported by Pacific Links, for up

to four years. Peace House serves as a place that provides temporary services such as safe accommodation, psychological counselling, legal assistance, and meals. A Thai stakeholder admitted that most victims in Thailand are housed in closed shelters, and this usually poses no problem if it is a short-term stay. However, the lengthy duration of litigation results in many victims being placed under custody in shelters for a long time.

Obtaining informed consent from victims prior to entry into a shelter was offered as one way to mitigate their limited freedom of movement. In practice, obtaining informed consent appeared to be a norm across many ASEAN countries, whereby victims are provided information on the conditions of stay, rules on the use of mobile phones, when they could leave the premises and under what conditions, and so on. The routine procedure of obtaining consent from victims, however, obscures a deeper discussion on whether some of these victims have genuine alternatives to begin with. This is especially so for foreign nationals who have nowhere else to go and those whose other option involves being incarcerated in an immigration detention centre or prison.



*If in fact the option exists, shelter managers may not explain to the residents that they can leave. Given the trauma and lack of autonomy associated with trafficking, victims will likely be reluctant to risk negative repercussions by speaking up.*

*For foreign victims, the irregularity of their migration situation can mean that immediate release is not possible, even if a right to leave exists in theory. A request to leave the major, government-run Thai shelter, for example, is not granted until the necessary papers are authorized, a process that can take many months or even years.[15]*

Emphasis was also given to consent at the start of their stay, with little mention of whether consent was sought on an ongoing basis. While shelter managers said that victims are free to leave at any time, and some do, there are many practical barriers to overcome.

Similar to the findings from the 2018 ASEAN-ACT report, accompanied excursions and activities outside of the shelter (such as going to the beach, the movies, bowling alleys or shopping malls) and access to employment and vocational training were cited during the 2022 national consultations as examples of freedom of movement. Stakeholders in Lao PDR asserted that the country had no detention shelters, but ‘semi-closed’ shelters. One NGO in Lao PDR said that residents at their safe house had full rights and could make the safe house feel like a home. The safe house provided a range of activities and support for the residents and residents were able to communicate and meet with their families. Reflecting these sentiments, the Lao Women’s Union, which is responsible for providing safe shelters and the physical rehabilitation of (female) victims of trafficking in the country, shared that:

*We have some activities to release [residents] tensions and stresses and heal them through cultural rites. We also take them out to explore, e.g., going to the markets, on a city tour. However, [residents] will be accompanied by our staff as they are still under our responsibility, and we are accountable for their safety.*

The perception of ‘freedom of movement’ from the point of view of victims was raised but not discussed rigorously. This suggests that the perspectives of trafficked victims themselves may not be sufficiently considered and assimilated into shelter-based programming within ASEAN. Yet international good practices have shown that the delivery of high-quality programming and services can only be informed by the knowledge and experiences of those participating in such programs – trafficked persons. A workshop participant cautioned that not using the term ‘shelter detention’ does not mean that it does not take place in practice. If the victim feels ‘detained’ or if they feel that their liberty has been taken away, detention would have taken place, as a matter of fact, and in the mind of the victim, regardless of what the shelter is called by the service providers.



Cambodia has developed a Policy on the Protection of Rights of Victims of Human Trafficking (Prakas No. 852), including Minimum Standards for Protection of the Rights of Victims of Human Trafficking (Prakas No. 857) (2009) that address the provision of services and care for victims in government and NGO shelters. Article 43 of Brunei Anti Trafficking in Persons Order mentions the provision of shelter or temporary accommodation for trafficked persons.

[12] See Article 14(8) of the ASEAN Convention Against Trafficking in Persons, Especially Women and Children, adopted by ASEAN on 21 November 2015. (<https://asean.org/asean-convention-against-trafficking-in-persons-especially-women-and-children/>)

[13] Memorandum of Understanding on Cooperation against Trafficking in Persons in the Greater Mekong Sub- Region, adopted on 29 October 2004. COMMIT Member States are Cambodia, China, Lao PDR, Myanmar, Thailand and Viet Nam.

[14] See also Marika McAdam (2022) Implementation of the Non-Punishment Principle for Victims of Human Trafficking in ASEAN Member States, ASEAN-Australia Counter Trafficking. ([https://www.aseanact.org/wp-content/uploads/2022/04/Non-Punishment\\_print\\_smallsize.pdf](https://www.aseanact.org/wp-content/uploads/2022/04/Non-Punishment_print_smallsize.pdf))

[15] Anne Gallagher and Elaine Pearson (2008), "Detention of Trafficked Persons in Shelters: A legal and policy analysis" ; Anne Gallagher and Elaine Pearson, 'The High Cost of Freedom: A Legal and Policy Analysis of Shelter Detention for Victims of Trafficking', Human Rights Quarterly 32 (2010) 73-114.

[16] Surtees R (2013). After Trafficking: Experiences and Challenges in the (Re)Integration of Trafficked Persons in the Greater Mekong Sub-Region. Bangkok, Thailand: UNIAP/ NEXUS Institute.

[17] See <http://kredtrakarnhome.com/Home-USLeng.html>

[18] The Happy Shelter model is a new initiative by the Thai Ministry of Social Development and Human Security to provide both temporary and long-term shelters for Thai or non-Thai trafficked victims. The Happy Shelter model places an emphasis on reducing the trauma of victims of trafficking. See <https://www.aseanact.org/story/happy-shelters/>

[19] See Marika McAdam (2018). Freedom of movement for persons identified as victims of human trafficking: An analysis of law, policy and practice in the ASEAN Region. ASEAN-Australia Counter Trafficking; Anne Gallagher and Marika McAdam (ND). 'Information Note on Freedom of movement for victims of trafficking'. ASEAN-Australia Counter Trafficking.

### **3.2 Communications with family and external parties**

Depriving victims of trafficking access to a phone to communicate with their family, friends or lawyers is an infringement on their right to liberty. Isolating victims from people outside of the shelter, even if well-intentioned, can appear as punitive and detention-like. It is common for shelter managers to restrict family visits and to monitor the communications of the shelter residents. However, research has shown that not being allowed to have contact with family members can lead to victims' emotional distress as they worry about their family's socio-economic wellbeing while in shelters. [16] Family separation can cause deep anxiety, frustration, and distress for victims.

The national consultation workshops raised several questions about the possession and use of mobile phones by shelter residents, and their ability to communicate with their family members. None of the ASEAN countries surveyed for this paper appears to have a set of national guidelines on this; in addition, the

rules vary from one shelter to another in-country.

In Thailand, state-run shelters have relaxed their rules on using mobile phones, allowing residents to use them almost freely during office hours. Residents can tap into the facility's Wi-Fi and use the Internet to acquire work skills or to follow news in their hometowns or domiciles. In the past, they were only permitted to use their mobile phones two days a week. A women's crisis centre in Indonesia that provides a 14-day stay for women and girls in need, said that during this period, residents are not allowed to possess or use their mobile phones. In some cases, it is because the mobile phones have been used either by the traffickers or by the victims themselves as a means to commit crimes and therefore confiscated as a piece of forensic evidence. In other instances, victims are anxious about text conversations in their mobile phones whereby victims have given "consent" to their perpetrators. Therefore, according to the crisis centre, taking away their phones helps prevent the victims from becoming too stressed over their situations.

ASEAN stakeholders agreed that there were compelling security reasons to confiscate the mobile phones of victims, the foremost being the ability of traffickers to locate the whereabouts of the victims. Victims may inadvertently reveal the location of their shelters to the traffickers, or the traffickers may identify the shelters using tracking apps already installed in the victims' mobile phones. Shelter managers and social workers are wary of victims being contacted by their traffickers or family, especially if the latter has been complicit in the abuse and exploitation of the victim. They are concerned that it will affect the recovery process of the victims as well as their willingness to continue to participate in the criminal justice process. Practitioners underscored the difficulties in balancing the risks to the safety and well-being of victims, and the rights of victims to communicate with their family and close contacts. Indonesian NGOs reported making it a point to explain the rules on using telephones and mobile phones within the shelter facility and the risks of doing so. Victims have to give consent for their mobile phones to be taken away. If necessary, shelter residents will be provided with new mobile phones as a way of mitigating the risks of victims being contacted by their traffickers.

When it comes to children, the principle of the best interests of the child is reported to guide the treatment of child victims in shelters. Service providers emphasized the challenges of implementing this in practice. On one hand, they have to assess if reunification with their family is the best option for the child. This can be a complex process depending on the child's circumstances and the availability of viable alternatives. On the other hand, overly bureaucratic procedures and poor coordination between service providers has created undue stress and confusion for everyone. An Indonesian NGO shared the experience of a child who was transferred from their shelter to the Protection House and Trauma Centre (RPTC). The child's family was prevented from visiting or speaking with the child. The NGO could not do anything as they were obliged to observe safety protocols imposed by the RPTC and as a result, they were blamed by the family for preventing them from communicating with their child.

A representative from Kredtrakarn Protection and Occupational Development Center[17] in Thailand shared that the pandemic has changed the rules in which shelter residents communicate with external parties. Before COVID-19, parents were allowed to visit the Center and talk to their children, so there was no need for the residents to possess a mobile phone. In cases where parents lived far away from the Center, the staff would arrange a date and time for the child to call their parents using the Center's phone facilities. With the establishment of the Happy Shelter model,[18] the Center has adopted the use of LINE application to make long-distance video calls, which allows residents to see their families and this has made them happier and more cooperative. The Center requires a staff member to be present if the telephone user is under 18 years of age. This is to ensure that the staff member could intervene and support the well-being of the child if the parent(s) were communicating badly to the child.



### 3.3 Rationale for restricting the freedom of movement of victims

The 2018 ASEAN-ACT report found that interference with victims' free movement was often rationalized on the basis of three broad arguments: protection, assistance and prosecution.[19]

Across the participating ASEAN countries, the **protection** rationale remains the most popular reason for keeping victims of trafficking in closed or semi-closed shelters. The protection rationale stems from the belief that victims need to be protected from traffickers and others who may have been involved in their trafficking, including brokers or family members. It is based on the assumption that victims who can move freely will be injured, killed or dissuaded from testifying against traffickers. In addition, it is assumed that victims who can move freely will make poor decisions, run away and return to traffickers and/or exploitative forms or conditions of work.

Furthermore, the protection rationale posits that trafficked persons need to stay in shelters to prevent them from harming themselves or others. Many victims suffer from psychological and mental health issues as result of being abused and traumatised. An NGO participant at the national consultation workshops cited the need to keep a close watch on some victims in the past who had been physically violent, inclined to self-harm, or compelled to engage in excessive sexual intercourse (unhealthy sex addiction). The protection rationale is reinforced by recurring incidents of intimidation and threats from traffickers and others towards the victims (as well as shelter staff), especially if they have been involved in organised crime activities.

Social workers and shelter managers voiced their concerns on the practicality of ensuring the safety and well-being of their clients if the victims were not residing in shelters. This need to protect becomes more pronounced when it comes to children and minors, who do not have the same agency as adults and are more vulnerable to deception and abuse. Several stakeholders admitted that the freedom for victims to go in and out of shelter anytime they like was impossible. One Laotian participant opined the need to control the movements of the victims as "we are legally responsible for their lives during their stay with us". This was a view that resonated with many shelter managers across the ASEAN countries. Stakeholders repeatedly highlighted the challenges of balancing multiple needs for the victim's security, safety, and autonomy.

While well-intentioned, an approach that is based on the protection rationale risks undermining victims' self-determination and autonomy. Research on women living in shelters has shown that they tend to be viewed as incapable of exercising their own discretion and deprived of any freedom to make individual choices.[20] There is a risk that such conditions may recreate the coercion and denial of agency enacted by traffickers. It also runs contrary to the trauma-informed models of care that are aimed at restoring autonomy and redressing injustices, which many ASEAN stakeholders have committed to implementing.

Relatedly, the protection rationale has hindered stakeholders from a consistent implementation of a rights-based shelter model. Victims whose rights and interests are not protected or served will continue to run away from shelters. Regardless of whether it is considered 'open', 'closed' or 'semi-closed', a rights-based shelter should not impinge on the freedom of movement or liberty of the victims. They should be able to leave the shelter, if they can do so safely.

*Some of the women are transferred to the residential care facility, which is like a detention centre. Here, the mobility of the residents is restricted. The women are resistant to the idea of staying there because they worry about whether they can leave the facilities or contact their families. Many of them are breadwinners of the families and their families depend on them for basic needs. They start to act aggressively towards the staff because they haven't consented to staying there. They develop a mistrust of the social workers because of the way they have been interviewed or treated by uniformed personnel at the police stations.*

*--- Social Worker and Lead of the Gender and Development Unit of the social services delivery and management division of Pantawid Pamilyang Pilipino program, Philippines, Philippine National Consultation Workshop, 14 December 2021.*



The **assistance** rationale assumes that support and services such as psycho-social care, legal aid, and skills development for trafficked persons are only available and best given within the shelter context. In the view of some service providers, a controlled set up such as shelters can serve as a safe place for victims of trafficking to heal and recover. For those requiring specialised care, shelters are seen as a good place to access such services; services they might not have access to if they are residing outside of shelters. Thailand, however, is challenging the assistance rationale with both state-run and NGO shelters offering support and services to victims even if they do not wish to reside in the shelters. Emphasis is placed on conducting a detailed risk assessment and ensuring victims are safe if they choose not to reside in the shelter.

The **prosecution** rationale finds legitimacy in the fact that the physical presence of victim-witnesses is still a requirement in the criminal justice processes of many ASEAN countries. Trafficked victims are therefore kept within shelters for the entire duration of the legal process so that they can be called upon any time to provide incriminating evidence against their perpetrators. They are also prevented from leaving the shelter because they are less likely to want to continue cooperating with law enforcement and judicial agencies after they have reunited with their families. Stakeholders have named financial difficulties, change in social and personal circumstances, pressure from stigmatisation, and trauma-induced stresses as some of the reasons leading to victims dropping out of the legal processes.

Delays in the criminal justice processes have resulted in many victims remaining in custody, including inside shelters. Adjudication may take years with no guarantee of a tangible positive outcome for the victims and their families. Recognising this, some ASEAN countries have moved towards delinking victim protection from the willingness of victims to engage in prosecution. Both the Philippines and Thailand are good examples of where victims do not need to remain in shelters for prosecution to proceed.

A Thai stakeholder shared that there has been a long held general assumption that victims would flee from investigations and legal proceedings if they could, resulting in a preference among Thai law enforcers for victim-witnesses to be placed inside shelters.

Thailand has since improved its court system to allow bail to be considered and granted to victims of trafficking. In the past, bail request was reportedly difficult to obtain. In the search for sustainable solutions, Thai stakeholders discussed the possibility for the Ministry of Social Development and Human Security (MSDHS), which is the lead agency for assisting and protecting victims of trafficking, to accommodate the possibility of victims fleeing legal and court proceedings. Such an approach would mean that victims are not involuntarily and unreasonably kept inside shelters for a long time, which ultimately reduces their incentive to want to cooperate in prosecuting the offenders in any case.

### 3.4 Towards a more inclusive shelter

The 2018 ASEAN-ACT report found that shelter practices in ASEAN were highly gendered.[21] Prevailing shelter practices echo these findings such as the continued shortage of suitable shelter facilities for persons with disabilities, foreign victims and those of different gender. A few stakeholders reported having to turn away and send home male trafficked victims as they had no capacity to provide them with a sanctuary. In many shelters across ASEAN, female residents continue to be trained in traditionally feminine domestic skills such as handicraft, sewing, cooking instead of in areas that are more aligned with the interests, aptitudes or skills of the individual or with the needs of the labour market. By restricting vocational opportunities to the domestic sphere, these programmes can weaken rather than improve the autonomy and future economic prosperity of trafficked women and girls.

Thailand is taking an inclusive approach when it comes to sheltering victims of trafficking. Recognising that different groups have different needs depending on the gender and age, the MSDHS has created nine shelters – four for women and girls, four for men over 15 years old and one for boys under 15 years of age. The Ministry partners with NGOs to run their own shelters as an alternative to the state-run shelters, and victims are free to choose the one they prefer. The MSDHS also has temporary shelters located at the provincial level that are able to provide temporary accommodation for three to seven days before referring the victims to the more permanent shelters.



Similarly, the Philippine Interagency Council Against Trafficking (IACAT) has launched its Tahanan ng Inyong Pag-Asa or T.I.P. Center in December 2020 – the first IACAT shelter and a one-stop-shop that caters to victims of trafficking. It serves as a temporary shelter for rescued trafficked victims and to date, has supported 24 women, six men, 14 girls and 10 boys.

Malaysia Ministry of Women, Family, and Community Development has established 10 seven facilities specifically to house trafficking victims: eight government-run shelters (five for women, two for children and one for men) and two NGO-run shelters for women and children.

Thailand has been exploring ways to provide better care and protection for victims who identify as LGBTQI (lesbian, gay, bisexual, transgender, queer, intersex). After consultations with the LGBTQI community, the MSDHS had decided not to go ahead with creating a dedicated shelter facility in Chiang Rai province for the LGBTQI victims of trafficking. Instead, existing shelters are encouraged/required to designate a safe and private space for LGBTQI victims. At the same time, all shelter managers will be trained on how to treat LGBTQI victims using the same module developed for the Chiang Rai shelter. A spokesperson from the MSDHS said that these measures were intended to encourage more LGBTQI people to come forward to be identified as victims of trafficking.

Caring for child victims of trafficking is a challenge shared by all ASEAN stakeholders at the national consultation workshops. This challenge is especially acute when it comes to children who have been severely traumatised and require long-term specialised care and treatment, as well as children who are stateless. Shelter providers voiced their frustrations at the lack of qualified staff and financial support in caring for these children. Filipino stakeholders shared that they were conflicted as to whether to delay minors from leaving the shelter for their own protection or to allow them to make their own decisions, i.e. going back to bars and possibly being raped. Based on their experience, women and girls who have been ‘rescued’ from entertainment establishments usually return to their workplace as soon as they leave the shelter. To avoid this, shelter providers and social workers try to dissuade victims, especially children, from leaving the shelter too quickly and informing them of the various options they have and the services they can avail at the shelter.



Photo: Pathum Thani Welfare Protection Center for Victims of Trafficking in Person Thailand (credit, Rawena Russell)

The International Justice Mission and the Philippine Department of Social Welfare and Development (DSWD) are collaborating to develop a foster care model for victims of online sexual abuse and exploitation of children (OSAEC). The Philippines has been identified as a major source country for OSAEC and the COVID-19 pandemic has exacerbated this trend. [22] The foster care model focuses on victims who are very young and siblings of different / mixed genders. It addresses the existing lack of shelter facilities in the Philippines that are able to accommodate mixed gender groups.

Based in Chiang Mai, the Family Connection Foundation[23] runs an orphanage for vulnerable children at Ban Sanrak. The practice of the home is that no more than six children are accommodated in one house, with no

more than three children in each room. Shelter staff organize various activities for the children such as going to the movies. The Foundation focuses on supporting children who have been assessed as true orphans and children who have experienced abandonment, abuse and neglect, and who are unable to return to their families. Childcare training will be provided to the staff working on building bonds with the children in the first 3-6 months of their entry into the home. The Foundation places emphasis on encouraging the children to be respectful towards others and to possess self-esteem; to be a responsible citizen; and to have a positive attitude towards life. A child-centred approach is adopted in the development of each child's individual plan. The children are actively involved in the planning, with older children deciding for themselves what / where they wish to study.

[20] Cordisco Tsai, L., Lim, V., Nhanh, C., & Namy, S. (2022). "They Did Not Pay Attention or Want to Listen When We Spoke": Women's Experiences in a Trafficking-Specific Shelter in Cambodia. *Affilia*, 37(1), 151-168.

[21] Marika McAdam (2018). Freedom of movement for persons identified as victims of human trafficking: An analysis of law, policy and practice in the ASEAN Region. ASEAN-Australia Counter Trafficking

[22] "Study: Philippines a global hotspot for online child abuse". Associated Press. 21 May 2020. See <https://abcnews.go.com/International/wireStory/study-philippines-global-hot-spot-online-child-abuse-70804205>

[23] See <https://fcfthailand.org/live/portfolio/bansanrak/>

[24] This information is accurate as of 1 June 2021.

[25] This information is accurate at the time of the Philippine National Consultation Workshop on 14 December 2021.

[26] Cordisco Tsai, L., Lim, V., Nhanh, C., & Namy, S. (2022). "They Did Not Pay Attention or Want to Listen When We Spoke": Women's Experiences in a Trafficking-Specific Shelter in Cambodia. *Affilia*, 37(1), 151-168.

[27] See ASEAN (2023). ASEAN Do No Harm Guide for Frontline Responders: Safeguarding the Rights of Victims of Trafficking in Persons. Jakarta: ASEAN Secretariat.

### **3.5 Challenges beyond closed shelter and the freedom of movement of victims of trafficking**

The national consultation workshops discussed a range of challenges related to victim care and protection. Earlier, this paper had described the lack of shelter and support services for male victims and other vulnerable groups as a serious gap in the counter-trafficking space and the challenge in managing the sensitive issue of how victims of trafficking should/could communicate with their families. This section outlines other pertinent challenges in shelter practice, including those caused by the ongoing COVID-19 pandemic, that were shared by ASEAN stakeholders.

#### ***3.5.1 Disruptions caused by the coronavirus***

The COVID-19 pandemic had a significant impact on victims' timely access to shelter and other support services. Apart from restrictions placed on mobility and the increased workload associated with complying with new regulations and protocols, shelter managers in ASEAN raised a few specific challenges that affected their ability to deliver quality care and protection to victims of trafficking.

One of the challenges raised was the need for transit centres, which are meant to serve as a holding place for victims to be tested for coronavirus. The lack of financial resources by governments was cited as a reason why the number of transit centres has not kept up with the needs. The question of who pays for COVID-testing including for Rapid Antigen Tests for victims of trafficking was raised at several national consultation workshops. An Indonesian stakeholder shared that the lack of clarity around this issue has led to several victims languishing in transit centres for months.

Measures to reduce congestion within shelter facilities means that the in-house capacity of many shelters is now reduced. A few shelters also cited fundraising challenges posed by the pandemic as governments and donors redirect funding towards public health initiatives. NGO shelters have to therefore rely on more private donations to finance the upkeep of the facilities and services. This has also resulted in additional stresses for service providers.



Another issue concerned the vaccination status of victims of trafficking. Vaccination is not mandatory in most ASEAN countries except for Indonesia, which announced compulsory jabs for all eligible citizens in February 2021.[24] Shelter managers are hard-pressed to find a way to manage residents (old and new) who refuse to be vaccinated against the coronavirus. Even if the law mandates it, shelter managers are in need of guidance on how to convince residents who are resistant to the idea of vaccination, for personal and cultural reasons, to be vaccinated.

In the Philippines, the Tanglaw Buhay Center said that COVID-19 has affected the newly referred children as they must undergo PCR tests to produce a negative result before entering the Center. This requirement has created an additional level of expenses for the Center's operations. The Local Government Units in the Philippines are unable to provide free swabbing for everyone, hence some of the testing requirements have become the responsibility of the shelters. The shift to a new modular, online-based learning for children means that shelter staff have to spend more time and energy coaching children who are not able to adapt quickly and catch up with this new mode of learning. In addition, unstable internet connection has disrupted the way children learn. The Center also reported the slow progress in legal cases involving children as a result of the pandemic - only nine out of 64 cases filed in court were ongoing - consequently delaying the swift recovery of some children.[25]

### **3.5.2 Shelters and service providers are under-resourced**

The general lack of resources and a shortage of trained social workers and psychologists to care for and support victims of trafficking was an overarching frustration for most stakeholders in ASEAN. Service providers may not have basic training on working with persons who have experienced trauma. Ensuring the availability of qualified staff and strengthening the capacity of service providers was a top concern for stakeholders. Knowledge transfer and capacity building for shelter staff, social workers, counsellors, case managers and other service providers is badly needed. However, this has been severely constrained by the lack of budget for relevant agencies and shelters in fulfilling their mandates – a problem that is made worse by the ongoing pandemic crisis.

*We have only two shelters – one in Hanoi and the other in Can Tho. This is not enough. We would like to expand our services to cover all of Vietnam.*

--- Peace House, Vietnam National Consultation Workshop, 1 April 2022.

*We only have one government shelter for all types of victims. it is not easy to operate a shelter with the small budget and resources we have.*

--- Lao Women's Union, Lao PDR National Consultation Workshop, 28 February 2022.

*I am tired of talking about shelters. The budget is only 16 billion Indonesian rupiah per year, which is not enough, and we are receiving more and more TIP cases. We can accommodate them, we can feed them, but we cannot talk about the quality. The budget for food for one child is limited to only two weeks' worth. This is our obstacle.*

--- Integrated Service Center for the Empowerment of Women and Children (P2TP2A), Indonesia National Consultation Workshop, 28 January 2022.

### ***3.5.3 Uneven quality and safety of shelters***

The uneven quality and safety of shelters was a concern raised by some stakeholders. In some shelters, there is an absence of security protocols, the premises is not sufficiently guarded, or the location is not secure enough. Compounding this is the confusion over whose responsibility it is to ensure the safety of shelter residents – the police, the relevant government agency or the shelter manager.

Some stakeholders shared that there had been incidents of sexual harassment and mistreatment of residents inside shelters. Such incidents were not always reported or treated as a problem that needed to be addressed. They expressed the need for this situation to be brought to light, including to the attention of prosecutors and judges so that they felt compelled to help expedite cases involving TIP. Consequently, the duration of victims' stay at shelters need not be prolonged unnecessarily.



#### **3.5.4 Caring for victims with complex needs**

Caring for victims who are severely stressed or with mental disorders is a major challenge for practitioners. Stakeholders reported about “victims who scream all night long” because they were depressed. Some young children experience recurring nightmares and sleepwalking as a result of their traumatic experience. Shelters are therefore under pressure to assign social workers to be on call for 24/7, which is not always possible.

Another challenge relates to the handling of foreign victims of trafficking and those who have no identity documents. Shelter providers are unable to confirm the addresses of these victims and to contact trace their family successfully. Consequently, some of them end up staying at the shelter for a long time, with few prospects for repatriation. Shelter providers also have to negotiate with immigration officers over the deportation or criminalisation of foreign victims who have entered the country illegally.

*Right now, we are assisting a victim from Kalimantan. We are unable to repatriate the victim because we cannot verify her identity. She doesn't have an identity card number because she is still a minor. We can't provide her with educational support because the Yogyakarta education office only provides education assistance for the children of Yogyakarta residents. So, we have to communicate with Social Service in Kalimantan.*

*---Rifka Annisa (NGO), Indonesia National Consultation Workshop, 28 January 2022.*



### **3.5.5 Poor coordination between agencies**

Caring for victims of trafficking is a complex process requiring the involvement of various ministries, agencies and organisations such as law enforcement, social affairs, witness protection agency, women's union, NGOs, and community-based organisations. Poor communication and coordination between the relevant service providers can adversely affect the recovery and rehabilitation of victims. Victims may be re-victimised if they have to be interviewed or asked the same questions several times by different service providers. In addition, unnecessary delays in the referral process may diminish the victims' confidence in the assistance process, or worse hinder their reintegration back into their local community.

*There is a need to improve interagency cooperation between the border guards and the Ministry of Labour, Invalids and Social Affairs (MOLISA). We also need to improve victim rescue and referral between MOLISA and the Peace House. While Vietnam has good multi-agency cooperation, the Vietnam Women's Union is not officially mentioned in the standard operating procedures issued by MOLISA in the rescue and referral of trafficked persons.*

*---Vietnam Women's Union, Vietnam National Consultation Workshop, 1 April 2022.*

*We try to be proactive so that we can provide support in a timely manner for the victims. For example, instead of waiting for official documents to arrive, we contact the relevant authorities at the local or central level and ask for their collaboration.*

*---Peace House, Vietnam National Consultation Workshop, 1 April 2022.*

### **3.6 Beyond closed shelter: Creating a safe and empowering environment for all**

The discourse on the freedom of movement for victims of trafficking will continue to attract a variety of views. Sheltering victims requires a careful balance to be achieved between the rights of victims and the sometimes-competing interests of other stakeholders to both bring traffickers to justice and to effectively manage migration. As the national consultation workshops revealed, ASEAN stakeholders from both government and non-government sectors have different interpretations of freedom of movement for victims of trafficking and what it means in practice. The pandemic crisis has also exposed many constraints faced by shelter providers pre-pandemic, which have worsened in the face of shrinking budgets and tightened resources.

Within ASEAN, there is an emerging consensus to move towards a victim-centred, rights-based approach in the sheltering of victims of trafficking. Practitioners appear to be setting up clear parameters and developing creative initiatives to promote a safe and empowering environment for both shelter residents and staff. Despite the multitude of challenges facing shelter providers and other frontline responders, there is a genuine interest and commitment towards innovating and piloting new approaches in victim care. Below are some good practices that were shared at the national consultation workshops.

#### ***3.6.1 Building trust and confidence***

Building trust with victims of trafficking is an important first step and an objective shared by all the stakeholders. This is especially salient in counter trafficking initiatives, given that human trafficking experiences often originate with manipulation and deep betrayal.[26] Stakeholders who are actively involved in direct victim care stressed that providing clear and accurate information to victims is a crucial component of this confidence-building process. Care should be given to the way victims are treated and spoken to.



*Victims need to know that our shelter is a protective place not a detention, so that they have trust living at our shelter. We cannot guarantee the length of their stay, but we will update victims on the progress of their legal cases so that they are reassured.*

--- MSDHS, Thailand National Consultation Workshop, 13 December 2022.

*We are careful to use warm and informal language when talking to victims to promote a family-like environment for them. Newcomers will receive an orientation and their needs will be discussed to ensure the right support is provided. We respect their decisions.*

--- Village Foundation International (NGO), Lao PDR National Consultation Workshop, 28 February 2022.

*We ask the victims whether they are concerned about staying at the shelter. If we identify that their life and their safety is threatened then, we will have to disclose the information to them, we will present to them the pros and cons of staying at our shelter. But if this is not the case, if they are not threatened but they wish to stay at our shelter, we can still accommodate them.*

--- Rumah Faye (NGO), Indonesia National Consultation Workshop, 28 January 2022.

### **3.6.2 Adopt a case-by-case approach**

Stakeholders at the national consultation workshops recognised the unique circumstances of every victim of trafficking, with service providers exercising a high degree of flexibility when considering the best shelter arrangement for each individual. In Thailand, shelter providers consider a range of factors such as the cultural and religious backgrounds of victims, victims' financial needs especially to support their families, the type of skills and knowledge victims wish to acquire, etc. As such, shelter providers or case managers are obliged to conduct a Development Plan for each individual to understand their specific needs and to craft the most effective assistance plan. Thai victims who do not wish to stay at shelters are allowed to return to their families with service providers supporting them at their homes.

*Thailand's Happy Shelter model allows adult victims to move out and seek employment after a recovery period so that they do not feel trapped inside the shelter. Victims are free to contribute ideas for the menu of the week, cook their hometown food, decide to receive vocational training, and choose when to take a rest. The shelter should feel like home for them. We have to actively listen to the victims. If we think that their decision or desire could cause them harm, we have to explain it to them.*

*---MSDHS, Thailand National Consultation Workshop, 13 December 2022.*

An NGO in Cambodia tries to customise the length of stay and the assistance program at their shelters depending on the needs and circumstances of the individual. It adopts a transitional home model, with a focus on therapeutic relationships and integrating client development into everyday activities. Victims can opt to stay short-term for only one to three weeks or choose to stay longer to receive vocational training or to engage in employment. Employment or vocational training for the long-term residents lasts between three to six months and is always delivered outside of the shelter through the NGO's partnership with employers and training programmes. Recognising that client support and management is a highly skilled task, they employ qualified staff who are responsible for direct victim care. They ensure that these staff are well supervised, both in terms of clinical supervision/debriefing (both internal and external, on an individual and group basis) and in terms of oversight of work so there is good management of the home environment.

Similarly, an NGO in Lao PDR adopts a case-by-case approach when it comes to sheltering and supporting victims of trafficking.

*The length of their stay is not fixed - they can stay with us for very short, medium or long term depending on their circumstances and once their safety back with their families is ensured. Our social workers will keep following up with them to provide support even after they have returned home. Our key policy is to be flexible based on victims' status and their experience of victimization.*

*---Village Focus International (NGO), Lao PDR National Consultation Workshop, 28 February 2022.*

In Malaysia, the Ministry of Women, Family and Community Development (MWFCD) has taken steps towards promoting the freedom of movement of victims of trafficking through a two-pronged approach. Shelters are encouraged to apply for permission to move freely on behalf of its residents as early as during the Interim Protection order. The process to grant such permission has been expedited by the relevant authorities in view of the importance of enhancing victim care and protection in Malaysia. The approval is also subject to a comprehensive risk assessment which comprises security, health and psychological aspects. At the same time, each and every shelter has the discretion to decide on the best way to enable victims to move freely without compromising their safety. Most victims prefer to be accompanied by someone when leaving the shelter as they feel safer this way. This is especially the case for foreign victims who are not familiar with the country or their surroundings.

### **3.6.3 Promote the use of community-based residential care**

The use of community-based residential care outside of formal shelters or institutions is acknowledged as a good practice by many stakeholders. Community-based residential care is seen as a better approach in promoting the long-term recovery and rehabilitation of victims. In addition, stakeholders reported making efforts to reunite victims with their families, if it is safe to do so and if the family is ready to receive and support them. This is especially so when it comes to child victims of trafficking.

*If victims do not want to be in protective custody and stay at centres, we provide them the options. We also get parental capability or family assessments on the ground from the local social welfare officers to check on the readiness and preparedness for victims to reunify with their families. In this case, services will be given to them within a community-based setting.*

*--- DSWD, Philippine National Consultation Workshop, 14 December 2021.*





*We have to shift to a community-based service or family-based care. Initially, victims are cared for at our shelters. We usually contact their families and get them to help us. We don't want victims to be bullied by the local community when they return back to their families. We have to reinforce their motivation, their life, their willingness, so that they are able to move on.*

--- Ministry of Social Affairs, Indonesia  
National Consultation Workshop, 28  
January 2022.

*Wherever appropriate, shelter-based residential care should be short term. Where clients desire to stay longer for vocational training or work placements, we use external partners and consider the possibility of room renting close to the work location to avoid unnecessary stay at shelters.*

--- Ratanak International, Cambodia  
National Consultation Workshop, 3  
December 2021.

### 3.6.4 Focus on recovery and reintegration

The sheltering of victims is not an end in itself, but as part of a continuum of protection and care for victims of trafficking. Stakeholders highlighted the importance of supporting the recovery of victims and preparing for their reintegration back into the society.

*The Recovery and Reintegration Program for Trafficked Persons (RRPTP) is facilitated through an integrated and gender responsive case management, where licensed social workers analyse the issues and needs of the trafficked persons and their families. Our social workers recognise gender biases and utilise trauma-informed care in empowering trafficking survivors. They identify and assess conflicts within the family and help the victims restore good relations with their family and the community. Upon successful reintegration, our hope is for trafficking survivors to move on to the third phase, which is self-sufficiency.*

--- DSWD, Philippine National Consultation Workshop, 14 December 2021.

*Under the Thai Anti-Human Trafficking Act, we have set up an anti-TIP fund which aims to provide restitution to the victims, but can be used to support daily expenses, medical treatment, continuous education or vocational training. For example, if victims want to train to be a barista and make coffee, to be a chef and study at the Culinary Academy, they can request for financial support. Many victims want to learn English in order to be able to work abroad legitimately. This fund can provide them with some seed money for a new life. This money is available to both Thai and non-Thai nationals, and it is not conditional. However, if they cannot access this fund, we can also reach out to our NGOs and other partners to request for support.*

--- MSDHS, Thailand National Consultation Workshop, 13 December 2022.

*Some shelter residents are unable to find external employment, so what we do is to create roles within the shelter for them, such as shelter leader, kitchen helper, laundry coordinator, errand runner, or shadowing another resident for appointments. A token salary is given to them to help alleviate their financial anxieties. Most of the residents are the sole breadwinners and they have many people back home relying on them for income. And more often than not, we hear families, not calling them to ask, “how are you doing”, but asking, “when are you going to transfer money back”.*

--- Presentation by HOME Singapore at the Philippine National Consultation Workshop, 14 December 2021.



### **3.6.5 Promote a multi-disciplinary approach towards victim support**

Taking a multi-disciplinary approach ensures that there is optimal coordination among different agencies and between the national and local level, and more importantly, victims' range of needs are being looked after. Where strong partnerships have been established, the outcomes for both the service providers and the victims tend to be highly positive

*We work as a multi-disciplinary team, not only among VFI, Ministry of Labour and Social Welfare or Ministry of Education and Sports, but we also cooperate with provincial Lao Women's Union on counselling and vocational training. Health and medical organisations are another important partner of ours. We also work closely with lawyers and anti-TIP police on case proceedings, investigations or family tracing.*

*---Village Focus International (NGO), Lao PDR National Consultation Workshop, 28 February 2022.*

*We inform the victims about the NGOs that can potentially help them in the long run, as well as the government agencies that may be able to support them when they return home. We share their case information with the responsible agencies so that these agencies are prepared to support the victims. Some NGOs have expertise in the criminal justice process so they can support the litigation process. It is up to the victims if they wish to participate and to allow the NGOs to work with them.*

*---MSDHS, Thailand National Consultation Workshop, 13 December 2022.*

### **3.6.6 Adapting to crisis and humanitarian situations**

The COVID-19 pandemic compelled both government and non-governmental stakeholders to adapt to the evolving crisis and to innovate in the care and protection of victims. Close cooperation among relevant agencies appeared to be a major factor in the success of some of these initiatives.

*During the pandemic, we worked closely with the Ministry of Social Affairs at the local level to refer clients who wished to return to their communities. This gave clients a choice, even those who live in areas where access was more difficult due to the COVID situation at that time. We also developed highly individualised treatment plan for each client, ensuring that support was given on a smaller scale or on a one-to-one basis. This was important for clients' emotional and mental well-being as their mobility has been restricted due to state-imposed lockdowns and the shutting down of their usual employment or vocational training activities.*

*--- Rattanak International, Cambodia  
National Consultation Workshop, 3  
December 2021.*



*During the COVID-19, the Poipet Transit Centre has good cooperation with local authorities and the state quarantine centres in the province to transfer returned migrants from Thailand to the quarantine centers. No victim identification was conducted at the PTC centre due to COVID-19. Victim identification was made after returned migrants leave the quarantine centers after 14 days and when they arrived at their communities. The victim was identified by local NGOs and provincial & district MOSVY.*

*---Manager of Poipet Transit Centre, Ministry of Social Affairs, Veterans and Youth Rehabilitation, Cambodia National Consultation Workshop, 3 December 2021.*

*During COVID-19 pandemic, we adapted to the situation quickly, and [made] guidance based on health protocols, prioritize online services and only do face-to-face consultation when it's urgent. The shelter design was changed according to health protocol standards and special documents for our services during a pandemic.*

*--- Rifka Annisa (NGO), Indonesia National Consultation Workshop, 28 January 2022.*

*The Social Affairs Ministry prepared the Tanjung Pinang Protection House and Trauma Centre (RPTC), Bambu Apus RPTC, and 41 social rehabilitation centres for repatriating 7,300 problematic Indonesian migrant workers from Malaysia in June-July 2021. In addition to coordinating with the Foreign Affairs Ministry, the Social Affairs Ministry worked with other task forces, including the regional government and the COVID-19 Task Force Team, to develop the plan to repatriate those Indonesian migrant workers through the Tanjung Pinang and Pontianak entry points.*

*--- Ministry of Social Affairs, Indonesia National Consultation Workshop, 28 January 2022.*

*In April 2020, DSWD issued a guidance and note to all our center heads to take preventive measures in DSWD shelters and NGOs so as to ensure that all shelters were ready to respond to any COVID-19 and health concerns.*

*--- DSWD, Philippine National Consultation Workshop, 14 December 2021.*

# PART 4:

## RECOMMENDATIONS

Providing shelter-based services for survivors of human trafficking and sexual exploitation is a complex and difficult undertaking. The national consultation workshops proposed a range of recommendations in response to the discussions on shelter practices in ASEAN. While some of the recommendations tackle the issue of freedom of movement of victims of trafficking directly, others address the broader challenges of victim care and protection that have been described in this paper. The ACWC would like to recommend the following recommendations when it comes to sheltering victims of trafficking. Some of these recommendations were drawn from the 2018 ASEAN-ACT Report.

### ***For practitioners***

1. Apply the Do No Harm approach in providing shelter and assistance to victims of trafficking.[27] This requires service providers to be mindful not to recreate aspects of survivors' previous traumatic experiences, to adopt a trauma-informed practice, and to continually respect the need for emotional safety.
2. Promote a rights-based and victim-centred shelter model which focuses on the needs of the victims and the delivery of care and services in a compassionate and non-judgmental manner. Such an approach supports the victim to be actively involved in the planning and decision-making of their safety, recovery and reintegration. It requires service providers to engage victims comprehensively and honestly, and to develop highly individualised treatment plans.
3. Ensure that shelter and other services are provided on a voluntary and informed consent basis. Victims should fully understand their rights and obligations prior to entering a shelter. Shelter staff should take time to explain the rules of the shelter to the victims, with the help of an interpreter if necessary, and ensure that victims are comfortable with the rules. Informed consent should be obtained on a regular basis and victims should be allowed to leave the shelter if it is safe to do so.



4. Facilitate safe, structured opportunities for victims to connect with their family, with support from staff. Victims should have freedom to meet with family and friends, except when the safety and welfare of victims, other residents or shelter staff may be compromised. Establish clear and honest communications with the victim's family including managing their expectations on when they can meet or talk with the victims. This will help in obtaining the family's understanding when the victim does not feel ready to meet them.

5. Ensure that the façade and interior of a shelter do not resemble that of a jail. Promote a warm and friendly environment inside the shelter. The shelter should preferably be located within the community and not remotely and far from civilisation. The shelter should not have an obvious signage and its location should be kept confidential to protect the safety and privacy of shelter staff and residents.

6. To ensure effective and appropriate assistance, it is crucial to offer individualised support that considers each person's specific needs and concerns, his/her specific strengths and his/her personal resources and aspirations. For example, vocational training should equip victims with the necessary skills to find legal and suitable employment after they leave the shelters. This means that service providers should be flexible and prepared to address different needs and situations, through establishing a broad referral system and maintaining close linkages with other service providers, local government institutions and the private sector.

7. Ensure that all shelters have a code of conduct for staff and residents, that is understood by all shelter staff and residents, that contains specific instructions on what staff should do and who should be notified in the event an actual or potential threat to the security of victims and or staff arises, or when a victim requests or otherwise expresses a wish to leave.

8. Strengthen capacity of shelter staff to effectively inform and empower victims to make decisions about their protection, assistance, recovery and (re)integration, specifically to ensure that staff do not coerce victims to consent to accept services.

9. Establish a mechanism by which victims are kept up-to-date of the progress and status of their case, and have a means by which they can request information about its progress and status at any time.

10. Identify and remove barriers that victims of trafficking face in accessing protection and assistance services outside the shelter system, as a basis for developing more open shelters and community-based protection and assistance models.

### ***For policymakers***

11. Ensure that shelter and protection is delinked from victim's willingness to participate in the criminal justice process. If this is clearly captured in domestic law or policy, ensure that it is made known clearly to the victims, law enforcement and the service providers. It is important not to assume that every practitioner is fully knowledgeable about the laws and policies.

12. Review the legal framework on shelter provision to allow victim-witnesses who are involved in legal proceedings to live outside of state-run shelters. If they are not able to live with their family, alternative living arrangements with their employers or community-based organisations or NGOs, should be made.

13. Promote a case-by-case approach when considering the best shelter and victim care / protection arrangement for each individual. This is a best practice that is already being implemented in several ASEAN member states. It enables policymakers and service providers to develop interventions based on the unique circumstances and best interests of each individual victim, despite limitations in existing policies and laws.

14. Ensure that any interference with freedom of movement or liberty for security reasons is only on the basis of individual risk assessments conducted by police in close collaboration with the individual victim, and that any restrictions imposed are the minimum required to mitigate credible threats to the victim's safety and security.

15. Ensure that for those victims for whom the risk assessment has resulted in closed shelter stay, the risk assessment is conducted on a continuous basis and updated frequently in response to the victim's evolving situation, to review the necessity of ongoing shelter stay.

16. Continue to develop and strengthen options for victims to participate in criminal justice processes without remaining in shelters, including through advance testimony, video testimony, or by repatriated victims returning to testify in court proceedings. Similarly, best efforts should be made to reduce the duration of legal proceedings in trafficking cases, particularly in cases where victims' movement is restricted, including by use of special courts, specially trained judges and prosecutors and by sensitizing judges and prosecutors to the detrimental impact that delays have on trafficked persons.

17. View the provision of shelter not as a means to advance criminal justice objectives but as part of a continuum of recovery, rehabilitation and reintegration support for victims of trafficking. As such, it is important to develop or enhance minimum standards for State and non-State shelters in accordance with international understandings of recovery and (re)integration, as a basis for developing rights-based criteria to monitor shelter facilities including criteria concerning freedom of movement and liberty.

18. Adopt some of the same principles used in handling the impacts of the COVID-19 pandemic for future crises or humanitarian situations that may occur. These principles include: Focus on a victim-centred approach throughout the process; Enhance cross-agency/sector and multi-level collaboration so as to continue to provide critical services and support; Harmonise internal protocols among government agencies and service providers to minimise confusion and disruption to victim support; and Leverage existing facilities or service network to support vulnerable groups that require emergency assistance.



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