



ASEAN Guidelines for Addressing Child and Forced Marriage within the Context of Trafficking in Persons



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Disclaimer: The ASEAN Guidelines for addressing Child and Forced Marriage within the Context of Trafficking in Persons was developed by the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC), supported by the Australian Government through the ASEAN-Australia Counter Trafficking program. The views expressed are those of the author only and are not necessarily the views of the Australian Government.

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Acronyms

ACTIP	ASEAN Convention against Trafficking in Persons, Especially Women and Children
AICHR	ASEAN Intergovernmental Commission on Human Rights (AICHR)
ACWC	ASEAN Commission on the Promotion and Protection of the Rights of Women and Children
AMS	ASEAN Member States
AMMSWD	ASEAN Ministerial Meeting on Social Welfare and Development
ASEAN	Association of Southeast Asian Nations
AACT	ASEAN-Australia Counter-Trafficking
CCM	Children in the Context of Migration
CSE	Comprehensive Sexual Education
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
CSO	Civil Society Organisation
CEDAW	Committee on the Elimination of All Form of Discrimination against Women
COVID	Corona Virus Disease
EU	European Union
EVAC	Elimination of Violence Against Children
EVAW	Elimination of Violence Against Women
FBO	Faith-Based Organisations
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
INGO	International Non-Governmental Organisation
IOM	International Organisation for Migration
ILO	International Labour Organisations
NGO	Non-Governmental Organisation
OPD	Organisation of Persons with Disability
OHCHR	Office of the United Nations High Commissioner for Human Rights
RPA EVAC	ASEAN Regional Plan of Action on the Elimination of Violence against Children
RPA EVAW	ASEAN Regional Plan of Action on the Elimination of Violence against Women

SOMTC	ASEAN Senior Officials Meeting on Transnational Crime
TIP	Trafficking in persons
UN	United Nations
UNICEF	United Nations Children's Fund
UNFPA	United Nations Fund for Population
UNTOC	United Nations Convention against Transnational Organized Crime
SDG	Sustainable Development Goals
SRHR	Sexual and Reproductive Health Rights

Forewords

By H.E. SAN LWIN

Deputy Secretary-General of ASEAN for ASEAN Socio-Cultural Community

For the ASEAN Guidelines for Addressing Child and Forced Marriage within the Context of Trafficking in Persons

Extreme poverty, climate change, disasters, misuse of technology, gender stereotypes and harmful practices heighten the risk of women and children being trafficked, including for the purpose of child and forced marriage. The ASEAN Gender Outlook published in 2022 noted that while child marriage rates in the region are among the lowest in the world, approximately 16% of girls enter into marriage before turning 18. ASEAN recognises that the intersection between child marriage and trafficking in persons needs attention and effective response. There is a critical need to intensify efforts in promoting and safeguarding the rights of children against trafficking in persons, including from the scourge of child and forced marriage, which intersects with trafficking and disproportionately impacts women and children in the region.

These guidelines provide a comprehensive framework for the prevention and response to child and forced marriages facilitated within the context of trafficking in persons. It provides guidance on ensuring access to justice, protection and support when trafficking for child and forced marriage occurs. It also promotes a more coordinated, integrated and responsive protection system and preventive strategies to disrupt further harm to women and children in situation of child and other forced marriages and human trafficking.

I congratulate the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) for successfully developing these regional guidelines. I also express my deepest appreciation to the Australian Government through the ASEAN-Australia Countering Trafficking (ASEAN-ACT) Programme, for their invaluable support to this important initiative under the ACWC Work Plan 2021-2025.

I trust these guidelines will be useful in providing practical guidance to policy makers as well as frontline service providers. The operationalisation of these guidelines contribute to realising ASEAN's zero tolerance policy for all forms of violence against women and children in ASEAN.

SAN LWIN

Deputy Secretary-General of ASEAN for
ASEAN Socio-Cultural Community

Foreword by the Australian Ambassador to ASEAN and the Australian Ambassador to Counter Modern Slavery, People Smuggling and Human Trafficking

Trafficking in persons remains one of the most pressing challenges to the region, and globally. Among its most hidden and harmful forms is where it intersects with child and forced marriage.

The ASEAN Guideline for Addressing Child and Forced Marriage within the Context of Trafficking in Persons is an important resource for ASEAN Member States. It recognises that child and forced marriages are not only harmful practices, but also mechanisms through which trafficking can occur.

The Guideline provides practical, survivor-centred guidance for policy makers and frontline responders to respond to this complex form of trafficking in persons with sensitivity, consistency, and care.

The Guideline acknowledges the intersectional vulnerabilities that increase the risk of trafficking for marriage - such as age, gender, disability, displacement, religion, ethnicity and poverty – and calls for coordinated, rights-based responses that are inclusive and trauma-informed. It also aligns with the implementation of the ASEAN Convention Against Trafficking in Persons, especially Women and Children (ACTIP), and supports the achievement of the Sustainable Development Goals.

Australia is pleased to have supported the development of this Guideline through the ASEAN–Australia Counter Trafficking program (ASEAN-ACT) AUD80 million provided since its inception in 2018. For more than 20 years, we have worked in close partnership with ASEAN to combat trafficking in persons and to uphold the rights and dignity of those most at risk.

We commend the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) for its leadership, and we extend our sincere appreciation to all those who contributed their expertise, insights, and lived experience to this important initiative.

Together, we can work together so that no child is forced into marriage, and that every survivor of trafficking receives the protection, justice, and support they deserve.

H.E. Tiffany McDonald

Australian Ambassador to ASEAN

H.E. Jane Duke

Australian Ambassador to Counter Modern
Slavery, People Smuggling and Human Trafficking

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- **H.E. Dato Paduka Dr. Haji Omar bin Haji Khalid**, Brunei Darussalam's Representative for Children's Rights
- **H.E. Nur Judy binti Abdullah**, Brunei Darussalam's Representative for Women's Rights
- **H.E. Theng Chhorvirith**, Cambodia's Representative for Children's Rights
- **H.E. Nalin Chea**, Cambodia's Representative for Women's Rights
- **H.E. Yanti Kusumawardhani**, Indonesia's Representative for Children's Rights
- **H.E. Prof. Lourdesita Sobrevega-Chan**, Philippines' Representative for Women's Rights
- **H.E. Atty. Elizabeth Aguilung Pangalangan**, The Philippines' Representative for Children's Rights
- **H.E. Dr. Ratchada Jayagupta**, Thailand's Representative for Women's Rights
- **H.E. Wanchai Roujanavong**, Thailand's Representative for Children's Rights

Special appreciation is also extended to **His Excellency Nestor Bautista Sanares**, Undersecretary for Peace and Order, Department of the Interior and Local Government of the Republic of the Philippines, ASEAN Senior Official Meeting on Transnational Crime (SOMTC), Voluntary Lead Shepherd on Trafficking in Person for his steadfast support and contributions to this initiative.

The ACWC also gratefully acknowledges, the meaningful participation of all individuals who took part in the national consultation workshops held in Vientiane, Lao PDR (19–21 June 2024) and Bali, Indonesia (23–24 September 2024), including victim-survivors whose lived experiences, insights, and recommendations were instrumental in shaping the content and direction of these Guidelines.

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The ACWC sincerely appreciates the contributions of all stakeholders and reaffirms its commitment to enhancing regional cooperation to protect women's and children's rights and prevent trafficking. We acknowledge the active participation of the United Nations Children's Fund (UNICEF), the United Nations Population Fund (UNFPA), International Organisation for Migration (IOM), the Freedom Fund, and Plan International in all consultations, including their insights during the 07-08 May Technical Working Group meeting in Bogor, Indonesia, which finalised the guidelines.

In particular, the ACWC recognise and highly values the meaningful contributions of children and young people who participated in the regional virtual consultation held on 25 January 2025, supported by UNICEF and UNFPA. Additionally, the Freedom Fund engaged relevant Civil Society Organisations (CSOs) within the region to gather further inputs.



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1. About The Guidelines

The development of the ASEAN Guidelines for Addressing Child and Forced Marriage within the Context of Trafficking in Persons builds on the challenges identified during a series of regional forums hosted by the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC). These forums were supported by key UN agencies, including the United Nations Children's Fund (UNICEF) and the United Nations Population Fund (UNFPA), as well as Plan International, focusing on Child, Early, and Forced Marriage (CEFM). The first South-East Asia forum in 2019 established a foundation for regional discussions on this critical issue. The second forum, conducted in the aftermath of the COVID-19 pandemic, examined the connections between child and forced marriage and adolescent pregnancy, highlighting the necessity for a comprehensive approach that involves governments, civil society, local leaders, families, and children. The third forum, co-organised by Plan International and ACWC Indonesia, empowered adolescent girls and proposed recommendations for a regional framework to support ASEAN's commitment to ending violence against children, particularly concerning child marriage.

In light of this, ACWC has sought support from the Australian Government through the ASEAN-Australia Counter-Trafficking program (ASEAN-ACT), under the Joint Multi-Year Project led by ACWC Indonesia, launched in June 2021. Among its key objectives, this collaboration aims to develop the ASEAN Guidelines for Preventing and Addressing Child and Forced Marriages within the Context of Trafficking in Persons, providing a vital framework to combat these interconnected issues effectively.

These guidelines are the result of an extensive collaborative process at the regional level. A regional consultation was held in Vientiane, Lao PDR, in June 2024, bringing together over 80 participants from 10 ASEAN Member States and Timor-Leste. Attendees included representatives from the ACWC, relevant ASEAN Sectoral Bodies such as ACW, SOMTC and AICHR, as well as national NGOs, international organisations, and victim-survivors of child and forced marriage. During this consultation, the draft outline of the guidelines was presented and extensively discussed, fostering a rich exchange of insights and perspectives.

Following this, a smaller regional consultation was convened in Sanur, Indonesia, in September 2024 to review the zero draft of the guidelines. This session was attended by 10 ASEAN Member States' representatives to the ACWC, both women and children's rights, along with selected representatives from international organisations (INGOs) and civil society organisations (CSOs). Participants provided invaluable feedback and engaged in comprehensive discussions on each section of the guidelines, ensuring a rigorous and collaborative refinement of the document. The Guidelines are grounded in international human rights instruments, such as the UN Convention on the Rights of the Child and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (commonly known as the Palermo Protocol). Additionally, the Guidelines align with regional instruments such as the ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP), which serves as ASEAN's key legal instrument for preventing and addressing trafficking in persons, which has been ratified by all ASEAN Member States (AMS). The Guidelines support Sustainable Development Goal (SDGs) 5.3, which aims to eliminate harmful practices affecting women and girls, including child marriage. This goal recognises that such practices violate human rights and impede gender equality and women's empowerment. Achieving SDG 5.3 is crucial for creating a society where women and girls can live free from violence and discrimination, reaching their full potential.

Concurrently, ASEAN upholds a robust zero-tolerance policy on violence against women and children and has adopted several regional instruments to achieve the SDGS target 5.3, which aims

to safeguard the rights and welfare of vulnerable groups. The following ASEAN policy documents also serve as references in the development of the guidelines, including:

1. ASEAN Declaration on the Elimination of Violence Against Women and Elimination of Violence Against Children in ASEAN (2013), along with its accompanying regional plan of actions on EVAW (2016-2025) and EVAC (2016-2025)
2. ASEAN Declaration on the Rights of Children in the Context of Migration (2019), along with the accompanying regional plan of action on CCM
3. ASEAN Gender Mainstreaming Strategic Framework (2021)

In both the RPA-EVAC and the RPA-EVAW, ASEAN emphasises the critical need for AMS to intensify their efforts in promoting and safeguarding the rights of women and children, while also preventing and responding to all forms of violence, abuse, and exploitation. This is especially important for those facing heightened vulnerability, including victims of trafficking, forced marriage and children subjected to child marriage. Although terms such as “child marriage” or “early and forced marriage” are not explicitly defined within these RPAs, they are recognised as forms of physical, sexual, and psychological violence under the RPA on EVAC, while child and forced marriage is categorized as a form of violence against women under the RPA on EVAW. The ASEAN Declaration on the Rights of Children in the Context of Migration (2019) and its accompanying regional Plan of Action call on AMS to recognise the unique vulnerabilities faced by children in migration contexts. These children are particularly susceptible to discrimination and various forms of violence, abuse, and exploitation, including forced labour, child marriage, sexual exploitation, gender-based violence, neglect, and domestic servitude. The Declaration calls on AMS to foster cooperation and partnerships with relevant stakeholders to ensure that the best interests of the child are prioritised in all policies and practices related to migration. Furthermore, the ASEAN RPA on CCM identifies key child protection risks in the region, including the plight of stateless children or those at risk of statelessness, children of migrant workers, barriers to accessing basic services, exploitation by smugglers and traffickers, child trafficking, and child marriage. In addition, ASEAN also adopted the ASEAN Gender Mainstreaming Strategic Framework in 2021 to guide AMS in incorporating a gender perspective across all areas of work for relevant ASEAN Sectoral Bodies and Entities.

PURPOSE

The purpose of this guide is to serve as a comprehensive resource for ASEAN Member States (AMS) and relevant ASEAN Sectoral Bodies involved in developing strategies and plans of action to combat trafficking in persons, prevent gender-based violence, child protection and safeguarding, and related policy issues.

It aims to equip frontline responders with a clear understanding of the intersections between child marriages, forced marriages, and trafficking in persons, enabling them to accurately identify and investigate trafficking for child and forced marriages. Additionally, it seeks to strengthen the provision of support services to victims of these forms of exploitation.

The guide offers practical guidance and examples of good practices across eight (8) identified key areas for preventing and addressing child and forced marriages within the trafficking in persons framework.

It seeks to promote cross-sector collaboration, fostering a cohesive and coordinated response to prevent violence and exploitation, while prioritising the rights and needs of affected individuals.

AUDIENCE

These guidelines are specifically tailored for:

- ASEAN frontline responders
- ASEAN policymakers and relevant entities

Frontline responders include law enforcement officials such as police officers, investigators, border patrol agents, immigration officers, social workers, victim protection agencies, medical professionals, lawyers, civil society organisations, shelter managers, and advocates etc.

HOW TO USE IT

These practical guidelines for ASEAN stakeholders complement other ACWC materials, such as the ASEAN Do No Harm Guide and Shelter Practice Police Brief.

It explains the connections between child marriage, forced marriage, and trafficking, and includes good practice examples from within and outside the region.

The guide covers eight key areas of counter-trafficking—prevention, victim identification, legal frameworks, support services, criminal justice, remedies, cross-border cooperation, and data reporting—designed to be used by relevant ASEAN frontline responders according to their roles and responsibilities. There are also interconnections between these key areas that may be considered to ensure a comprehensive and coordinated response.

Content Warning: Stories of Abuse

This publication contains accounts and stories of exploitation in child and forced marriage, including physical, emotional, and sexual abuse. These narratives may be distressing or triggering for some readers, particularly those who have experienced similar forms of violence. We encourage readers to prioritise their mental and emotional well-being. If you find the content distressing, please consider seeking support from a trusted friend, family member, or mental health professional. For immediate assistance, please contact local support services or helplines available in your area.



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2.1. What is child and forced marriage?

The following definitions establish the essential terminology required for the effective application of the ASEAN Guidelines for Preventing and Addressing Child and Forced Marriage within the Context of trafficking in Persons. These definitions aim to provide a clear and comprehensive understanding of the key concepts discussed herein, as outlined below:

A child means every human being below the age of eighteen years, unless under the law applicable to the child, majority is attained earlier. (Article 1 of the CRC).¹

Child Marriage is defined as the marriage or union where at least one party is under 18 years of age,² and refers to both formal marriages and informal unions.³ These marriages are generally considered “harmful practices” under international law. They often take place under customary laws and as a part of traditional practices.⁴

Forced marriage is any marriage which occurs without the full and free consent of one or both of the parties, regardless of age, and/or where one or both of the parties is/are unable to end or leave the marriage, including as a result of duress or intense social or family pressure.⁵

Child marriage is generally considered a form of forced marriage because children are deemed incapable of giving full and free legal consent due to their lack of maturity and understanding of the implications of marriage.⁶ Even in countries where 16- and 17-year-olds can legally marry with parental or judicial consent, such unions are often viewed as “harmful practices” under international law.⁷ Article 16 of the Convention on the Elimination of All Forms of Discrimination against Women obligates States to ensure, on a basis of equality of men and women, inter alia, the same right to freely choose a spouse and to enter into marriage only with their **free and full consent**. Furthermore, the Supplementary Convention on the Abolition of Slavery mandates that States take necessary legislative and other measures to eliminate practices like forced marriage, which includes not only the selling or transferring of women but also the harmful tradition of child

¹ In the ASEAN Regional Plan of Action on the Elimination of Violence against Children (ASEAN RPA on EVAC), the definition of a child is “In accordance with the Convention on the Rights of the Child (CRC), a child means every human being below the age of eighteen years, unless the law applicable to the child, the majority is attained earlier.”

² UN Human Rights Council, *Preventing and eliminating child, early and forced marriage: Report of the Office of the United Nations High Commissioner for Human Rights, A/HRC/26/22*, 2 April 2014, accessed 13 May 2025; Committee on the Elimination of Discrimination against Women and Committee on the Rights of the Child, *Joint General Recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/General comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices*, CEDAW/C/GC/31–CRC/C/GC/18, 14 November 2014, accessed 13 May 2025.

³ United Nations Population Fund (UNFPA), *Child Marriage*, n.d., accessed 13 May 2025; United Nations General Assembly, *Child, early and forced marriage*, Resolutions A/RES/69/156 (18 December 2014), A/RES/71/175 (19 December 2016), and A/RES/73/153 (17 December 2018), accessed 13 May 2025; Committee on the Elimination of Discrimination against Women and Committee on the Rights of the Child, *Joint general recommendation No. 31 / General comment No. 18 on harmful practices*, UN Doc CEDAW/C/GC/31/CRC/C/GC/18, 14 November 2014, accessed 13 May 2025.

⁴ Inter-Parliamentary Union (IPU) and World Health Organisation (WHO), *Child, Early and Forced Marriage Legislation in 37 Asia-Pacific Countries*, 2016, accessed 13 May 2025, <https://www.ipu.org/resources/publications/reports/2016-07/child-early-and-forced-marriage-legislation-in-37-asia-pacific-countries>

⁵ United Nations Human Rights Council, *Preventing and eliminating child, early and forced marriage* (2014).

⁶ International Labour Organization and Walk Free Foundation, *Global Estimates of Modern Slavery: Forced Labour and Forced Marriage*, International Labour Organization, Geneva, 2017, p. 17, accessed 13 May 2025, https://www.ilo.org/global/publications/books/WCMS_575479/lang-en/index.htm.

⁷ United Nations, *General Assembly Resolutions 69/156, 71/175, and 73/153*; Committee on the Elimination of Discrimination against Women and Committee on the Rights of the Child, *Joint General Recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/General comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practice (2017)*.

marriage.⁸ The 1956 Supplementary Slavery Convention identifies that child marriage and forced marriage can, under certain circumstances, amount to **slavery and slavery-like practices** as defined under article 1(c):

- *A woman, without the right to refuse, is promised or given in marriage on payment of a consideration in money or in kind to her parents, guardian, family or any other person or group; or*
- *The husband of a woman, his family, or his clan, has the right to transfer her to another person for value received or otherwise; or*
- *A woman on the death of her husband is liable to be inherited by another person.*

Additionally, Article 1 (d) of the 1956 Supplementary Slavery Convention also defines child servitude as, “practice whereby a child or young person under the age of 18 years is delivered by either or both of his natural parents or by his guardian to another person, whether for reward or not, with a view to the exploitation of the child or young person or of his labour”.

According to the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child:⁹

A Child marriage is considered to be a form of forced marriage, given that one and/or both parties are deemed incapable of giving full and free legal consent

Forced marriage, which can occur at any age, involves a person being married without their free and full consent. This includes situations where an individual did not feel they had a real choice or could not express what they really wanted without negative consequences, with regard to whether they got married, who they married, or when they got married.¹⁰ Forced marriages can happen through various means, including physical force, threats, deception, or psychological and emotional pressure.¹¹

Child and forced marriage are widespread human rights violations, disproportionately affecting girls and violating their fundamental rights. These practices are rooted in harmful social norms that perpetuate gender inequality, often leading to girls dropping out of school and losing opportunities for a better future. They rob girls of their childhood and the chance to learn, play, and develop, and frequently result in early pregnancy with serious health consequences.

Child and forced marriage are often intertwined with other forms of exploitation and abuse, such as

⁸ United Nations, *Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery*, 7 September 1956, Article 1, accessed 13 May 2025, <https://www.ohchr.org/en/instruments-mechanisms/instruments/supplementary-convention-abolition-slavery-slave-trade-and>.

⁹ Committee on the Elimination of Discrimination against Women and Committee on the Rights of the Child, *Joint General Recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/General comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practice (2017)*.

¹⁰ Committee on the Elimination of Discrimination against Women and Committee on the Rights of the Child, *Joint General Recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/General comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practice (2017)*. See Hanna Love, Meredith Dank, Sino Esthappan, and Janine Zweig, “Navigating an Unclear Terrain: Challenges in Recognizing, Naming, and Accessing Services for ‘Forced Marriage’,” *Violence Against Women* 25, no. 9 (2019): 1138–1159, accessed 13 May 2025. <https://journals.sagepub.com/doi/10.1177/1077801218808397>.

¹¹ It's important to note that arranged marriages, where both parties consent to a third party organizing the union, are not considered forced marriages as long as the individuals have the right to accept or reject the arrangement without fear of negative consequences.



Photo: Freepik.

child sexual abuse, domestic violence, and trafficking in persons. In the context of migration, these vulnerabilities are exacerbated by climate change, conflict, and disasters. Child and forced marriages are also considered forms of modern slavery and are prohibited under various international conventions and laws.¹²

Inconsistent laws and plural legal systems in ASEAN, where civil, customary, and religious laws often overlap, create significant challenges in enforcing anti-forced marriage measures. The failure to explicitly criminalise forced marriage and recognise it as a human rights violation in many jurisdictions severely hinders effective intervention. Experts advocate for a comprehensive approach that tackles the underlying causes, including gender inequality and poverty, while empowering girls through education and social support systems.

To combat these harmful practices effectively, strategies must include mandatory birth and marriage registration, explicit inclusion of child and forced marriage in trafficking legislation, and a thorough review of existing laws to ensure they effectively address marriage-related trafficking. Establishing uniform legal frameworks that criminalise child and forced marriages in alignment with international and regional standards is crucial for fostering consistency across ASEAN member states, which currently face significant variations in definitions, age thresholds, and enforcement mechanisms.

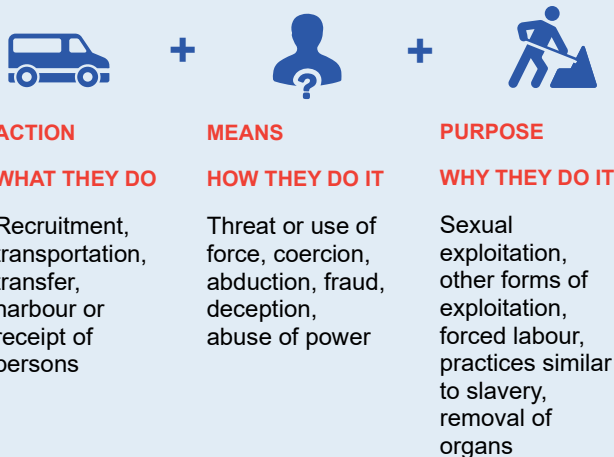
¹² United Nations, [Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery](#) (1956), Art 1.

2.2. Child and forced marriage in the context of trafficking in persons

What is trafficking in persons?

Trafficking in persons in Southeast Asia is a significant and persistent issue driven by factors such as poverty, lack of education, inequality, and economic disparities.

The region is a source, transit and destination for trafficking, with victims exploited for forced labour, sexual exploitation, domestic servitude and forced criminal including into online scam centres.



Trafficking in persons is defined in the United Nations Trafficking in Persons Protocol supplementing the UN Convention against Transnational Organised Crime (UNTOC) and the ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP), as follows:

“Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of

others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

- **The consent of the victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any means set forth in subparagraph (a) have been used;**
- **the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article.**

Trafficking often involves **the abuse of a position of vulnerability**, especially in the context of child and forced marriage. As defined above, abuse of a position of vulnerability is considered one of the elements of means. Vulnerability refers to factors like poverty, inequality, discrimination, and gender-based violence that increase the risk of being trafficked. These conditions create economic hardship and social barriers that limit individual choices, making it easier for traffickers to exploit the individual. For example, children have been

The Abuse of a position of vulnerability

Vulnerability refers to factors like poverty, inequality, discrimination, exclusion, and gender-based violence that increase the risk of being trafficked.

identified as inherently vulnerable to trafficking, with factors such as being unaccompanied when travelling or lacking birth registration being seen as additional factors of vulnerability.¹³

Causes of vulnerability may include age, disability, belonging to indigenous communities or minorities, victimisation, migration and internal displacement, poverty, gender, and deprivation of liberty.¹⁴ The specific definition of vulnerable people may vary depending on the context of each country.

***The link between child and forced marriages with trafficking in persons:
Child and forced marriage are closely linked to trafficking, often serving as
both a form of and a pathway to exploitation.***

The United Nations recognises forced marriage as a form of trafficking in persons under international law because these marriages often involve the three (3) interrelated elements of trafficking as describes above [the Act], such as transportation, transfer, or harbouring of individuals using [the Means] coercion, deception, or abuse of power for the purpose of exploitation. Victims of child and forced marriage frequently experience conditions of exploitation similar to those in sex and labour trafficking, including sexual exploitation, domestic servitude, and other forms of forced labour.¹⁵

International law views child and forced marriage as violations of human rights primarily because they infringe upon several fundamental rights and freedoms. These practices often violate the right to freely choose a spouse and enter into marriage with full consent, as outlined in the Universal Declaration of Human Rights and other international treaties.

Both child and forced marriage are recognised as forms of gender-based violence and international conventions such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of the Child (CRC) explicitly call for measures to eliminate these practices, emphasizing their incompatibility with human dignity and equality.¹⁶

Countries may address the linkages between child and forced marriages and trafficking in persons through several approaches:

- a) including forced or child marriage as explicit examples of exploitation in national trafficking definitions;
- b) categorising these marriages under "practices similar to slavery" in anti-trafficking laws; and/or

¹³ For further discussion of the particular vulnerabilities of children in this context, see International Labour Organization, *Giving Globalization a Human Face: General Survey on the Fundamental Conventions concerning Rights at Work*, Report III (Part 1B), International Labour Conference, 101st Session, Geneva, 2012, paras 590, 594, 605, accessed 13 May 2025. https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@ed_norm/@relconf/documents/meetingdocument/wcms_174846.pdf.

¹⁴ UNODC, Issue Paper -Abuse of a Position of Vulnerability and other 'means' within the definition of trafficking in persons, UN New York, 2013, Accessed 13 May 2025. https://www.unodc.org/documents/human-trafficking/2012/UNODC_2012_Issue_Paper_-_Abuse_of_a_Position_of_Vulnerability.pdf

¹⁵ United Nations Office on Drugs and Crime, *Interlinkages between Trafficking in Persons and Marriage*, UNODC, Vienna, 2020, P.17, accessed 13 May 2025. https://www.unodc.org/documents/human-trafficking/2020/UNODC_Interlinkages_Trafficking_in_Persons_and_Marriage.pdf.

¹⁶ United Nations Office on Drugs and Crime, *Interlinkages between Trafficking in Persons and Marriage (2020)*, P.17.

- c) recognising them as broader violations of human dignity.¹⁷

Furthermore, this trafficking-marriage nexus is deeply gendered, with girls and women disproportionately affected due to structural inequalities and discriminatory social norms. In many settings, girls are valued primarily for their reproductive and domestic roles, which traffickers exploit under the guise of marriage. These gendered expectations—combined with poverty, lack of education, displacement, and limited legal protections—make adolescent girls especially vulnerable to being sold, coerced, or deceived into exploitative marriages. Girls may be trafficked not only for sexual exploitation and forced childbearing but also to perform unpaid domestic labour under the control of their so-called spouse or in-laws. The use of marriage to legitimise exploitation reinforces gender hierarchies, masks criminal behaviour, and often renders victims invisible within legal and protection systems.

The following demonstrates the interconnection between child and forced marriage and trafficking in persons and the various ways in which it may manifest:

Exchange of daughters for the purpose of marriage: Traffickers exploit those living in poverty to ‘sell’ their girl child into marriage to ease financial burdens. The parent and the child are not told of the true conditions of the arrangement (fully or partially deceived), and the girls are often subjected to sexual exploitation and/or labour exploitation.

Example:

A young girl became a victim of trafficking disguised as an arranged marriage. Coerced by relatives, the trafficker provided her with false documents and transported her to China. After two escape attempts, she was rescued. However, she faced stigma in her community due to false accusations spread by the trafficker. This case highlights the complex challenges trafficking survivors face in seeking justice and reintegration, emphasising the need for greater awareness, support systems, and legal protections.



Selling daughters into child marriage in exchange for money, accommodation, land, work opportunities, or other favours, such as forced begging.

Example:

A 17-year-old girl was coerced by her parents into marrying a 47-year-old Canadian foreigner under false pretences. Upon arrival in Canada, her husband immediately began exploiting her through physical abuse, drug coercion, and sexual assault. The girl was expected to work in a commercial sex-trafficking operation disguised as a legitimate business.



Contract or Temporary Marriages: traffickers exploit family members, such as parents and husbands, who sell their child or wife into temporary marriages, fully aware that the child or wife

¹⁷ United Nations Office on Drugs and Crime, [Interlinkages between Trafficking in Persons and Marriage \(2020\)](#), P. X.

will be sexually exploited in exchange for financial benefits.

Example:

Men from the Gulf States travel to particular provinces in Indonesia, where false marriages are organised between young girls, some as young as nine. These "marriages" are intended to allow men to sexually abuse and exploit women and girls under the guise of marital legitimacy, circumventing Islamic law.¹⁸ This case exposes the convergence of trafficking, child marriage, and sexual exploitation, demonstrating how harmful cultural practices can be manipulated to facilitate the trafficking and abuse of children and women.



Taking advantage of vulnerability (persons with disability): Women and girls with intellectual and psychosocial impairments are targeted by traffickers who exploit their limited autonomy, making them especially susceptible to ongoing exploitation.¹⁹

Example:

Tai is a 20-year-old woman from Northern Lao PDR who has a moderate intellectual disability. She met her recruiter while still in junior high school. The recruiter persuaded her to travel to China to marry a Chinese man, without her parents' knowledge. During her time in China, Tai endured abusive and exploitative conditions, which severely affected her mental health. She was confined and mistreated, leading to significant memory loss. Ultimately, her Chinese husband abandoned her along the roadside; she was found and assisted by the local police and subsequently returned to Laos. Upon her return, she was placed in a temporary shelter. As of now, her legal proceedings are pending, as Tai is unable to provide the necessary information for the police to further investigate her case.

Example:

In a small village in China, a young woman with an intellectual disability resides with her family. Due to the economic hardships, a trafficker approaches them with promises of a good marriage. Trusting the trafficker's words, the family agrees. The woman is taken to a distant village and "married." However, the man's family treats her poorly, and living conditions are poor. Unable to cope with the additional responsibilities of caring for her, the husband's family eventually sells her to another man in a neighbouring village.

Exploitation in the pretext of a 'marriage' – Traffickers take advantage of women and girls by promising a better life if they marry.

¹⁸ U.S. Department of State, *2023 Trafficking in Persons Report: Indonesia*, U.S. Department of State, Washington, D.C., 2023, accessed 13 May 2025. <https://www.state.gov/reports/2023-trafficking-in-persons-report/indonesia/>.

¹⁹ ASEAN-Australia Counter Trafficking, Exploring the intersection between disability and trafficking in persons, AACT, April 2024. Accessed 14 May 2025, <https://www.aseanact.org/resources/tip-disability/>

Example:

A 16-year-old girl works at a local bar in Thailand. The owner informs her that she can migrate to Germany to earn more money to support her family, provided she marries a German man. The marriage is arranged as a sham, with the understanding that she can divorce him after three years. She agrees to the arrangement. Upon her arrival in Germany, she is married, but her husband forces her to work as a sex worker in a brothel. She is not allowed to leave and must surrender all her earnings to her husband. Ultimately, she manages to escape.



Example:

In Cox's Bazar, married girls from refugee camps are trafficked for domestic labour, often under the false pretence of travelling to Malaysia for marriage. Instead of entering into a legitimate marital relationship, they are forced into exploitative domestic work. This situation underscores the severe risks and challenges faced by displaced populations in crisis situations.

Deceptive Recruitment and forced marriage (online and offline): Traffickers often exploit the desire for better economic opportunities to lure victims into forced marriages. This is particularly prevalent in cross-border scenarios. Men from neighbouring countries pay large fees to agencies or brokers to secure a bride. These women are frequently coerced, deceived, and even kidnapped into these marriages. Once across the border, these women often find themselves trapped in forced marriages instead of the legitimate work they were promised.

Example:

A girl may be groomed online through social media or messaging apps by someone posing as a romantic partner or a recruiter. The perpetrator may offer promises of marriage, financial security, or migration opportunities. In some cases, online communication between families can lead to arranged marriages between the girl and an older man she has never met in person. These marriages may be formalised through remote religious or customary ceremonies, with little regard for the girl's consent. Once married, the girl may be transported across borders, lose access to her support networks, and face sexual, domestic, or reproductive exploitation.



A woman who was working in a garment factory in Myanmar was contacted online by a recruiter offering a higher-paying restaurant job in northern Myanmar. After a long journey, she realised she had been deceived when she noticed Chinese signage. It became clear the recruiter had sold her to a Chinese man, who threatened violence if she tried to leave. The woman managed to escape and went to the police, who helped her return to the Myanmar border. However, upon returning to her community, she faced stigma and was viewed as a

"Chinese wife" who had left her husband.

Fraudulent Cross-Border Marriage Exploitation of a Young Woman from Indonesia - In April 2019, Mr XX, a relative and middleman for cross-border marriages, offered the victim, a young woman from Indonesia, a marriage proposal to a man in Taiwan via Facebook Messenger. The victim accepted under pressure, believing it would improve her family's prospects. She was engaged and officially married in May 2019 after being coerced to change her religion and domicile. Throughout the process, Mr. XX provided financial support to her family and manipulated her documents, including her birth date. In June, the victim discovered discrepancies in her documents and realised the marriage arrangements were fraudulent. She contacted a priest and sought rescue, staying at a chapel with assistance.

Exploitation within marriage: Once married, individuals (especially women and children) may be subjected to various forms of exploitation that constitute trafficking.

Example:

Reports have documented cases of forced marriages between Vietnamese women and Chinese men, wherein the men utilise marriage as an economic strategy. These women and children are exploited as unpaid labourers to increase the men's income and improve their standard of living. Additionally, women and children are subjected to sexual exploitation, physical violence, and forced domestic labour. In some instances, they are also compelled to act as surrogates for Chinese families.²⁰

Forced childbearing: In ASEAN, the aging population and gender imbalance have led to a disturbing trend in which women and girls are trafficked across borders under the guise of marriage, only to face forced childbearing. These individuals are often lured in by false promises of a better life or stability, making them believe they are entering into a legitimate marital arrangement.

Example:

An 11-year-old girl from Myanmar was trafficked to China in August 2001 for forced marriage and childbearing. After her father's death, she lived with her aunt and was persuaded to go abroad for a job. Instead, she was sold to a Chinese man, who sexually assaulted her, causing her to become pregnant multiple times. She endured years of abuse, confinement, and forced pregnancies, attempting suicide twice. After 18 years, she feigned mental illness to escape. With help from a young Chinese man, she connected with her family via TikTok and WeChat, ultimately returning to Myanmar, where she reunited with her brother.

²⁰ Liang, X., "Marriage Trafficking: Demand, Exploitation, and Conducive Contexts—A Study in China-Vietnam Border Areas," *Violence Against Women* 29, no. 3 (2023): 548–579, accessed 13 May 2025, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9896531/>.

Key Points to Remember:

- **Child Marriage** is defined as the marriage or union where at least one party is under 18 years of age and refers to both formal marriages and informal unions.
- **Forced marriage** is any marriage which occurs without the full and free consent of one or both of the parties and/or where one or both of the parties is/are unable to end or leave the marriage, including as a result of duress or intense social or family pressure
- Both child and forced marriages are generally considered “**harmful practices**” under international law.²¹ **They often take place under customary laws and as a part of traditional practices.**
- **Females and males, including boys**, can experience child and forced marriage; however, current evidence shows that it is a highly gendered issue, with the majority of victims being girls and young women.
- The International legal frameworks and good practices acknowledge the intricate links between child marriage, forced marriage, and trafficking in persons.²² Child and Forced Marriage often intersect with trafficking in persons, particularly when it **leads to exploitation within the marriage.**
- Many instances of child and forced marriages align with the legal criteria for trafficking in persons, particularly when **the three interconnected elements of trafficking** (act, means, and purpose) for adults, and two elements (acts and exploitation) for children, are present.
- This intersection is especially critical in **crisis settings and amidst displacement movements**, where vulnerable populations are at heightened risk of being trafficked and exploited within the confines of marriage
- Some countries may consider forced child marriage and forced marriage as **forms of trafficking within their domestic legal definitions, and/or view them as slavery or practices similar to slavery.** Others may treat child and forced marriage as separate criminal offences.
- Identifying cases of child and forced marriage trafficking requires understanding, among others:
 - **Vulnerability factors** include age, gender, ethnicity, disability, poverty, illness, immigration status, and other intersecting identities.
 - The **presence of exploitation or the intent to exploit** within the marriage is essential to determining whether child and forced marriages constitute trafficking in persons.
 - The 1956 Supplementary Slavery Convention recognises that under certain conditions, **child and forced marriages may constitute slavery or slavery-like practices**, such as when a woman is married without her consent, transferred for value, or inherited after her husband's death.
 - The victim's **consent is irrelevant** if means, such as coercion, deception, or

²¹ United Nations Office on Drugs and Crime, [Interlinkages between Trafficking in Persons and Marriage \(2020\)](#), P. 9.

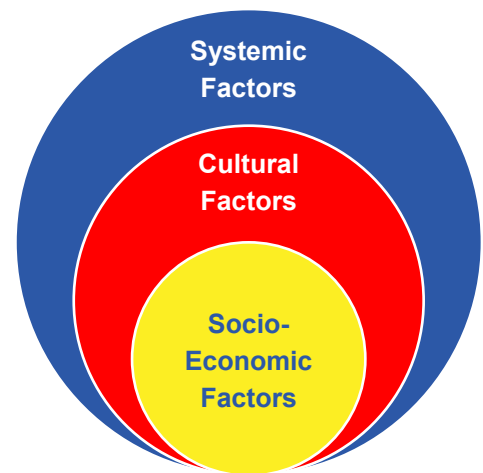
²² United Nations Office on Drugs and Crime, [Interlinkages between Trafficking in Persons and Marriage \(2020\)](#), P. 18-19.

manipulation, have been used to achieve their exploitation.

- **Children under the age of 18 are legally unable to give their consent.** The ACTIP (2015) and the Palermo Protocol (2000) stipulate that the element of means, such as coercion, deception, or manipulation, **does not need to be proven in cases of child trafficking.**
- **Online grooming and recruitment** through social media have become increasingly prevalent methods used to lure victims into trafficking, including for the purpose of child and forced marriages.

2.3. Drivers and Impact of Child and Forced Marriage

Child and forced marriage are complex phenomena rooted in deep-seated gender inequality and discrimination, further compounded by an intricate interplay of **socio-economic, cultural, and systemic factors**. These practices are often driven by societal and familial demands, such as aspirations for a better future, the preservation of family honour, and the enhancement of social status. A comprehensive understanding of these underlying elements is essential in addressing child and forced marriages.



2.3.1. Socio-Economic Factors



Photo: Unsplash.

- **Low Education and Literacy:** Low levels of education and illiteracy often correlate with higher rates of child and forced marriage. Girls with limited or no education are more likely to be married before the age of 18, compared to those who have completed the full basic education.²³
- **Poverty and Rural Households:** Girls living in poorer households are almost twice as likely to marry before the age of 18, compared with girls in higher-income households.²⁴ Daughters are commonly married off as an economic survival strategy for poorer families. In some AMS, higher poverty rates among ethnic minorities, indigenous communities, migrants and forcibly displaced populations put children and women at higher risk of being married off early.²⁵
- **Adolescent pregnancy:** Adolescent pregnancy is both a consequence and a reinforcing driver of child and forced marriage. Early and unwanted pregnancies—often resulting from these unions—can lead to serious health complications, including increased risk of maternal mortality and morbidity. They also limit girls' access to education and economic opportunities, deepening cycles of poverty and gender inequality.²⁶
- **Economic Pressures:** Economic pressures can drive families to view child and early marriage as a means to reduce financial burdens or secure better opportunities for their children.²⁷ Economic pressures have a significant impact on the prevalence of child and forced marriage through the practices of bride price and dowry. Bride price can incentivise poor families to marry off their daughters early for financial gain. During times of economic hardship or natural disasters, bride prices often surge as families seek to capitalise on their daughters' value. Similarly, the COVID-19 pandemic saw an increase in child marriage and trafficking for marriage.²⁸
- **Migration and child protection:** The ASEAN region encompasses countries of origin, transit, destination and combinations of all three, with internal and cross-border migration being significant features. In the context of migration, key child protection risks in the region include unaccompanied and separated children, children who are stateless or at risk of statelessness, and children of migrant workers; discrimination in access to basic services (e.g., health, education, protection etc.); exploitation by smugglers and traffickers; the sale of children, and children in conflict setting.²⁹ Globally, millions of children remain in their origin countries while their parents migrate for work, facing risks of violence, abuse and exploitation. Left-behind children also appear to cope with the added household and caring responsibilities by leaving school earlier. Those from poorer families experienced a more significant drop in their quality of

²³ Plan International Australia, "What is Child Marriage?", accessed 13 May 2025. <https://www.plan.org.au/news/girls-rights/what-is-child-marriage/>.

²⁴ World Bank Group, *Preventing Child Marriage: Lessons from World Bank Group Gender Impact Evaluations*, Accessed on 13 May 2025. <https://documents.worldbank.org/en/publication/documents-reports/documentdetail/224441468147543361/preventing-child-marriage-lessons-from-world-bank-group-gender-impact-evaluations>

²⁵ UN Women Viet Nam, *Figures on Ethnic Minority Women and Men in Viet Nam 2015–2019*, UN Women, Ha Noi, 2021. Accessed 13 May 2025. <https://asiapacific.unwomen.org/en/digital-library/publications/2021/08/the-report-figures-on-ethnic-minority-women>

²⁶ World Health Organisation, *Adolescent Pregnancy*, WHO, Geneva, 2024. Accessed 13 May 2025. <https://www.who.int/news-room/fact-sheets/detail/adolescent-pregnancy>

²⁷ Plan International Laos, UNICEF and UNFPA. *Child, Early and Forced Marriage in Paktha District, Bokeo Province, Lao PDR*. Unpublished report, 2021.

²⁸ Daniel H. Pope, Heather McMullen, Angela Baschieri, Anandita Philipose, Chiagozie Udeh, Julie Diallo, and David McCoy, "What is the current evidence for the relationship between the climate and environmental crises and child marriage? A scoping review, *Global Public Health*, vol. 18, no. 1, 2023, pp. 1–17. Accessed 13 May 2025. <https://doi.org/10.1080/17441692.2022.2095655>

²⁹ ASEAN, *Regional Plan of Action on Implementation of the ASEAN Declaration on the Rights of Children in the Context of Migration*, ASEAN 2021. Accessed on 14 May 2025, https://asean.org/wp-content/uploads/2021/11/5.-ASEAN-RPA-on-CCM_Final.pdf

life and falling grades upon their mother's migration. As one of the negative coping mechanisms to alleviate their situation, anecdotal cases across the region have indicated the prevalence of child and forced marriage among children, mostly daughters, who are left in the countries of origin by their migrating parents.³⁰

- **Digital Technology:** Since the COVID-19 pandemic, digital technologies have become essential for education, information and outreach. These technologies now permeate nearly every aspect of life and have transformed daily living. However, research highlights risks such as sexual exploitation, cyberbullying, fraud, and Internet addiction, especially for girls and young women online.³¹ Additionally, traffickers increasingly use digital platforms to groom and entrap girls and young women into marriages with foreign nationals, often facilitating transnational migration that can lead to further exploitation, including surrogacy arrangements abroad.
- **Lack of Legal Identity Documents:** Undocumented migrant children or those who lack appropriate documents, such as birth registration, face risks of being denied access to education, increased vulnerability to forced marriage due to their inability to prove their age, and a heightened likelihood of exploitation through trafficking.³²

2.3.2. Gender Norms, Culture and Traditional Practices

- **Gender and social norms:** Child marriage is deeply rooted in a complex web of gender and social norms that perpetuate gender inequality. These norms often dictate the roles, behaviours, and expectations of girls and women, limiting their autonomy and reinforcing their lower status within society. This systemic limitation undermines their autonomy and agency. It also places a high value on girls' chastity or virginity before marriage, with considerable stigma associated with premarital sexual behaviour and pregnancy. This ultimately exacerbates vulnerability to child and forced marriage.³³
- **Culture and Tradition:** Child marriage is often concentrated in rural and remote areas and especially among ethnic minorities in AMS. Some factors contributing to this trend include economic instability, limited access to education, and deeply ingrained cultural practices that view child marriage and forced marriage as a means of securing family honour or mitigating poverty.³⁴ There are indications that the prevalence of underage marriage among certain

³⁰ IOM, Supporting Brighter Futures: Young women and girls and labour migration in South-East Asia and the Pacific, IOM, 2019, p. 16. Accessed 14 May 2025, <https://www.iom.int/news/supporting-brighter-futures-iom-launches-report-young-women-girls-and-labour-migration>

³¹ Plan International, Let's Go Digital!: Using digital technology to end child, early and forced marriage and reduce adolescent pregnancy, Plan International Asia-Pacific Regional hub, April 2021. Accessed on 14 May 2025, <https://plan-international.org/publications/time-to-act-lets-go-digital/>

³² Heaven Crawley, Anita Ghimire, Louis Herns Marcelin, Linda Oucho, and Angharad Smith, *Modern Slavery Risks Among People Lacking Official Documentation: A Global Evidence Review*, The Freedom Fund, New York, April 2024, p. 7. Accessed 13 May 2025. <https://www.freedomfund.org/app/uploads/2024/04/peoplewithoudocumentation-2024-04.pdf>

³³ United Nations Population Fund (UNFPA) Asia-Pacific Regional Office, *Diversity of Types of Child Marriage and Early Union in Asia-Pacific*, UNFPA, Bangkok, 2020. Accessed 13 May 2025. https://asiapacific.unfpa.org/sites/default/files/pub-pdf/asrh_factsheet_1_child_marriage_and_early_union.pdf

³⁴ UN Women, *Gender-Based Violence and Ethnic Minority Women in Viet Nam*, UN Women, Hanoi, October 2020. Accessed 13 May 2025. https://asiapacific.unwomen.org/sites/default/files/Field%20Office%20ESEA/Docs/Publications/2021/03/vn_BC-TH_En_Ngoc_17-3-2021.pdf

ethnic groups may also be influenced by societal taboos surrounding teenage sexuality.³⁵ Many AMS have long-standing traditional practices of parents arranging marriages for their children. At the community level, traditional and customary law and beliefs enable girls and young women to be married off with the consent of their parents and other authorities. Additionally, the fear of pregnancy outside of marriage and the pressure to adhere to rigid social norms have forced many young girls into early unions.³⁶

- **Family and Community Expectations:** Some communities view child marriage as a way to protect family honour or maintain control over children and young women's lives. In cultures, these issues are amplified by deeply ingrained religious beliefs and customs that emphasise the importance of chastity and familial honour; in fact, these beliefs are often used to rationalise child and forced marriage. Family and community expectations have led to disturbing consequences, such as families coercing child victims of sexual violence into marrying their abusers in a misguided attempt to salvage the family's reputation.³⁷

2.3.3. Systemic Factors

The lack of robust social protection systems significantly contributes to the prevalence of forced and child marriage.³⁸ In particular:

- **Birth registration** - Inadequate birth registration makes it difficult to verify ages and enforce marriage laws.
- **Quality education** - Limited access to quality education and comprehensive sexuality education leaves young people uninformed about their rights and options.
- **Lack of digital skills and literacy:** The gender gap in digital literacy remains a significant challenge increasing the vulnerability of women and girls. While some countries have developed active plans and strategies to promote internet access and e-inclusion for women and girls, the implementation of these initiatives is often hindered by the persistent gender disparity in internet access. Additionally, many countries still lack a comprehensive national strategy specifically focused on enhancing digital literacy among students and providing adequate training for teachers.³⁹
- **Sexual and Reproductive Health Education** - Insufficient sexual and reproductive health resources put girls at risk of early pregnancy. Inadequate SRH education, including limited

³⁵ World Bank, *Drivers of Socio-Economic Development Among Ethnic Minority Groups in Vietnam*, World Bank, Hanoi, 2019, p. 67. Accessed 13 May 2025. <http://documents.worldbank.org/curated/en/133521571219588748/Drivers-of-Socio-Economic-Development-Among-Ethnic-Minority-Groups-in-Vietnam>

³⁶ Elisabet le Roux and Selina Palm, *What Lies Beneath? Tackling the Roots of Religious Resistance to Ending Child Marriage*, Girls Not Brides, Stellenbosch University, October 2018. Accessed 13 May 2025. <https://www.girlsnotbrides.org/learning-resources/resource-centre/what-lies-beneath-tackling-the-roots-of-religious-resistance-to-ending-child-marriage-2/>

³⁷ Walk Free, *Understanding Forced and Child Marriage*, Walk Free, 2023. Accessed 13 May 2025. <https://www.walkfree.org/global-slavery-index/findings/spotlights/understanding-forced-and-child-marriage/> See also a comprehensive list of reports at the Office of the United Nations High Commissioner for Human Rights (OHCHR), *Child and Forced Marriage, Including in Humanitarian Settings*, OHCHR, n.d. Accessed 13 May 2025. <https://www.ohchr.org/en/women/child-and-forced-marriage-including-humanitarian-settings>

³⁸ Walk Free, *Understanding Forced and Child Marriage*, Walk Free, 2023. Accessed 13 May 2025. <https://www.walkfree.org/global-slavery-index/findings/spotlights/understanding-forced-and-child-marriage/> See also a comprehensive list of reports at the Office of the United Nations High Commissioner for Human Rights (OHCHR), *Child and Forced Marriage, Including in Humanitarian Settings*, OHCHR, n.d. Accessed 13 May 2025. <https://www.ohchr.org/en/women/child-and-forced-marriage-including-humanitarian-settings>

³⁹ UNFPA, Review of technology-based interventions to address child marriage and female genital mutilation, United Nations Population Fund (UNFPA) and United Nations Children's Fund (UNICEF) 2023. Accessed 14 May 2025, <https://www.unicef.org/documents/review-technology-based-interventions-address-child-marriage-and-female-genital>

access to comprehensive sexuality education, weakens girls' ability to make informed decisions about their bodies and relationships. This systemic gap reinforces gender norms that normalise early marriage and restrict girls' autonomy, increasing their vulnerability to coercion, adolescent pregnancy, and harmful practices.

- **Livelihood options** - A dearth of livelihood options and economic opportunities for young people, especially girls, can lead families to view early marriage as a financial necessity.
- **Gender discrimination** – Deeply ingrained patriarchal norms assign varying values and social status to girls and boys, perpetuating harmful gender stereotypes and unequal power dynamics. As a result, girls are often viewed as burdens or commodities, making them particularly vulnerable to child and forced marriages.
- **Gender-based violence** – Victims of child and forced marriage face higher rates of intimate partner violence. Research shows that they are more likely to be abused, threatened or beaten by their husbands than girls who marry later. Often, child brides are married off to men who are older than they are. This age difference is important as the greater the age gap, the more likely girls are to experience violence.⁴⁰
- **Gender-based discrimination in law** - Legal frameworks in many countries fail to adequately protect women and girls, with some allowing child marriage under certain circumstances or not explicitly criminalising child and forced marriages, or marital rape.⁴¹ These discriminatory laws and practices reinforce the notion that women and girls are of lesser value and can be married without their consent.
- **Legal literacy and enforcement of laws** - The absence of legal literacy initiatives means many families remain unaware of the harms of child and forced marriage or their legal rights. Weak enforcement of existing child and forced marriage laws allows the practice to continue with impunity in many places
- **Voice, agency and empowerment opportunities** - Lack of empowerment, particularly for girls, hinders their ability to develop the voice and agency necessary to resist pressure to marry early and leaves them with little control over decisions affecting their own lives.
- **Vulnerable populations** (persons with disabilities, displaced persons, migrants, refugees, stateless persons): Individuals with physical or mental health impairments face heightened risks of exploitation, including forced marriage. Furthermore, refugees, stateless persons, and migrants are particularly vulnerable due to their often precarious legal, social, and economic circumstances. These groups may encounter barriers in accessing justice, protection, and essential services, increasing their susceptibility to trafficking and other forms of exploitation.
- **Disruptions in service provision**⁴²: Disruptions in service provision due to the COVID-19

⁴⁰ Girls Not Brides, *Child marriage: a form of violence too often ignored*, Girls Not Brides, 2016. Accessed 13 May 2025.

<https://www.girlsnotbrides.org/articles/child-marriage-form-violence-often-ignored/>

⁴¹ Inter-Parliamentary Union, *Child, Early and Forced Marriage Legislation in 37 Asia-Pacific Countries*, 2016. Accessed on 14 May 2025, <https://www.ipu.org/resources/publications/reports/2016-07/child-early-and-forced-marriage-legislation-in-37-asia-pacific-countries>

⁴² Office of the United Nations High Commissioner for Human Rights (OHCHR), *Child and Forced Marriage, Including in Humanitarian Settings*, OHCHR, 2024. Accessed 13 May 2025. <https://www.ohchr.org/en/women/child-and-forced-marriage-including-humanitarian-settings>; World Bank, *Child Marriage: The Unspoken Consequence of COVID-19*, World Bank, 2020. Accessed 13 May 2025. <https://blogs.worldbank.org/en/developmenttalk/child-marriage-unspoken-consequence-covid-19>; United Nations Children's Fund (UNICEF), *Child Marriage in the Context of COVID-19*, UNICEF, 2021. Accessed 13 May 2025. [https://www.unicef.org/mena/media/11956/file/ChildMarriageinthecontextofCOVID-19-MENARegionalAnalysis_HighRes\(1\).pdf](https://www.unicef.org/mena/media/11956/file/ChildMarriageinthecontextofCOVID-19-MENARegionalAnalysis_HighRes(1).pdf)

pandemic, as well as conflict and unrest, and humanitarian disasters—both natural and personmade—significantly impact efforts to combat child and forced marriage. In these settings, access to essential healthcare and education is severely limited, with school closures increasing girls' vulnerability to early marriage. Additionally, many child protection services and empowerment programs are often paused, while economic pressures on families increase, leading to many considering child and forced marriage as a financial solution. The breakdown of law and order in conflict zones further weakens the enforcement of existing child marriage laws, creating substantial setbacks in global initiatives aimed at protecting the vulnerable population, especially women and children.

- **Organised crimes:** Criminal networks exploit community vulnerabilities to facilitate cross-border child and forced marriages, often as part of trafficking operations. Girls and young women are trafficked under false pretences, subjected to sexual exploitation, domestic servitude, or forced childbearing, transforming marriage from a protective institution into a tool of exploitation.
- **Gender imbalance:** The gender imbalance in some countries' population, characterised by a significantly higher proportion of *males*, has contributed to child and forced marriages, particularly in rural areas where the shortage of women is most acute.⁴³ This imbalance has also led to increased demand for brides, prompting families to seek women from neighbouring countries such as Vietnam, Cambodia, and Indonesia. Reports indicate that many women from these countries are trafficked or coerced into marriage in China, where they face considerable vulnerabilities, including exploitation and abuse. Some study highlights that these cross-border marriages often occur without proper consent and are facilitated by intermediaries who profit from the sale of brides.⁴⁴
- **Climate Change, Conflict and Displacement:** Conflict and displacement, including disasters and migration induced by climate change, contribute to vulnerabilities to forced and child marriage in the ASEAN region, as families facing instability often resort to marrying off their daughters prematurely to secure financial stability or protect them from violence. In conflict-affected areas, the risk of child and forced marriage can increase due to economic pressures and a lack of protection.⁴⁵ Additionally, in conflict zones and humanitarian settings, the breakdown of social structures and increased insecurity exacerbate the risk of child and forced marriage, as it can mistakenly be seen as a protective measure against sexual violence.⁴⁶

⁴³ Yanzhe Zhang, Bowen Zou, Huai Zhang, and Jian Zhang, *Empirical Research on Male Preference in China: A Result of Gender Imbalance in the Seventh Population Census*, *International Journal of Environmental Research and Public Health*, vol. 19, no. 11, 2022, 6482. Accessed 13 May 2025. <https://pmc.ncbi.nlm.nih.gov/articles/PMC9180325/>

⁴⁴ Laetitia Lhomme, Siren Zhong and Billie Du, 'Demi Bride Trafficking: A Unique Trend of Human Trafficking from South-East Asia To China', *Journal of International Women's Studies* 22, no 3 (April 2021): article 4, accessed 14 May 2025. <https://vc.bridgew.edu/jiws/vol22/iss3/4/>.

⁴⁵ UNICEF, *25 Years of Children and Armed Conflict: Taking Action to Protect Children in War*, UNICEF, New York, June 2022. Accessed 14 May 2025. <https://www.unicef.org/reports/25-years-children-armed-conflict>.

⁴⁶ United Nations Development Programme, *Why Do Some Men Use Violence Against Women and How Can We Prevent It?*, UNDP Asia-Pacific Regional Bureau for Asia and the Pacific, Bangkok, 10 September 2013. Accessed 14 May 2025. <https://www.undp.org/asia-pacific/publications/why-do-some-men-use-violence-against-women-and-how-can-we-prevent-it?> UNDP

2.4. Impact of Child and Forced Marriage

Child and forced marriage is dehumanising and has profound physical, intellectual, psychological, emotional, educational and health impacts. The impact of child and forced marriage also extends beyond the individual to encompass broader societal implications with far-reaching consequences for families, communities, and society at large. Although men and boys are also affected by child and forced marriage, girls tend to be more vulnerable to its negative consequences. They often face greater health risks, limited educational opportunities, and increased social disadvantages.

The impact of child and forced marriage can be summarised as follows:

- **Disproportionate impact on girls:** Child and forced marriage is a deeply gendered harm that overwhelmingly affects girls, who represent the vast majority of those married before the age of 18. Girls are more likely to be pulled out of school, subjected to early and repeated pregnancies, exposed to intimate partner violence, and denied bodily autonomy. The power imbalance in such marriages often renders girls unable to refuse sex, access contraception, or seek help when abused. These dynamics are further compounded by discriminatory social norms that value girls primarily for their roles as wives and mothers. Girls from marginalised communities—including those from rural areas, minority ethnic groups, or living with disabilities—face even greater risks due to intersecting inequalities. The impact on girls is not only immediate but lifelong, with long-term implications for their health, education, safety, and economic independence.
- **Impact on educational outcomes:** Many victims of child and forced marriage are forced to drop out of school, stunting their intellectual development and career prospects. With limited education and restricted freedom, child brides struggle to gain financial independence, trapping them in a cycle of poverty and disempowerment.⁴⁷
- **Impact on Maternal and Child Health:** Early pregnancy endangers the health of young girls whose bodies may not be ready for childbirth. Forced child marriage is associated with higher maternal and infant mortality, low birth weights, and pregnancy complications such as miscarriages, preterm births, difficult delivery, growth retardation during pregnancy, severe bleeding, fistula and tears, and postnatal complications.⁴⁸ Pregnancy-related deaths are known to be a leading cause of mortality for both married and unmarried girls between the ages of 15 and 19 globally.⁴⁹
- **Impact on boys and young adult men:** Boys share some of the same increased risks as girls. Child marriage places boys in an adult role, accompanied by responsibilities for which they may not be prepared. These roles are often shaped by harmful gender and social norms, including toxic masculinity, which can leave boys and young adult men vulnerable to trafficking and exploitation.⁵⁰ These boys may be deceived and lured into abusive and exploitative

⁴⁷ Rights to Education, *Forced Marriage: A Brutal Barrier to A Child's Education*, Right to Education Initiative 2023. Accessed 14 May 2025, <https://www.right-to-education.org/blog/forced-marriage-brutal-barrier-child-s-education>

⁴⁸ United Nations Population Fund (UNFPA), *A Multi-Sector Approach to Health Risks and Consequences of Child, Early and Forced Marriage*, UNFPA, Turkey, November 2020. Accessed 14 May 2025. <https://turkiye.unfpa.org/en/publications/multi-sector-approach-health-risks-and-consequences-child-early-and-forced-marriage>.

⁴⁹ World Health Organisation, *Adolescent pregnancy*, Fact sheet, WHO, Geneva, 10 April 2024. Accessed 14 May 2025. <https://www.who.int/news-room/fact-sheets/detail/adolescent-pregnancy>.

⁵⁰ Walk Free, *Understanding Forced and Child Marriage (2023)*.



Photo: Freepik.

employment situations, such as scamming, illegal fishing, or irregular cross-border migration in search of work. Such practices not only compromise their safety and well-being but also perpetuate cycles of vulnerability and criminalisation.⁵¹

- **Intergenerational effects:** malnourishment and poor health, which are often passed down to the children of young married girls, who are then at a higher risk of stunting, perform poorly on cognitive tests, and have fewer years of education.
- **Child Development:** Child and forced marriage compromise the development of children and often result in early pregnancy and social isolation, with little education and poor vocational training reinforcing the gendered nature of poverty.⁵² Furthermore, child marriage steals girls' childhood, robbing them of the joy of play, hindering their freedom to explore their interests, and taking away critical years of cognitive development that are essential for their future.
- **Intimate partner violence:** One of the most serious and pervasive consequences of child and forced marriage is the increased risk of intimate partner violence (IPV), particularly in cases of child and forced marriage where individuals, most often girls and women, are placed in relationships without full, free, and informed consent. These marriages often involve stark power imbalances, where control, coercion, and violence become embedded in daily life. Survivors may face physical, sexual, or emotional abuse but feel unable to seek help or leave due to stigma, economic dependence, or family pressure.
- **Impact on wellbeing:** Child and forced marriage significantly impact the mental health of

⁵¹ Jeffrey D Edmeades, Kerry L D MacQuarrie and Kiran Acharya, 'Child Grooms: Understanding the Drivers of Child Marriage for Boys', *Journal of Adolescent Health* 70, no 3 suppl (March 2022): S54–S56. Accessed 14 May 2025.

<https://www.sciencedirect.com/science/article/pii/S1054139X21004316>.

⁵² Ashish Bajracharya and Sajeda Amin, *Poverty, marriage timing, and transitions to adulthood in Nepal: A longitudinal analysis using the Nepal Living Standards Survey*, Poverty, Gender, and Youth Working Paper No 19, Population Council, New York, 2010, accessed 14 May 2025, http://knowledgecommons.popcouncil.org/departments_sbsr-pgy/156/; Godha D, Hotchkiss DR & Gage AJ, *The influence of child marriage on fertility, fertility-control, and maternal health care utilization: a multi-country study from South Asia*, MEASURE Evaluation PRH Project Working Paper No WP-11-124, MEASURE Evaluation, Chapel Hill, 2011. Accessed 14 May 2025.

<https://www.measureevaluation.org/resources/publications/wp-11-124.html>.

married girls, exposing them to traumatic events such as early pregnancy, forced sexual intercourse, domestic violence and social isolation. These experiences increase their risk of developing depression, anxiety, post-traumatic stress disorder (PTSD), and self-harm. Victims often find themselves trapped in a cycle of domestic and sexual subservience, leaving them with little control over their lives and compounding the psychological effects of their circumstances.

- **Impact on sexual health:** Because victims of child and forced marriage often lack the decision-making power to abstain from sex or negotiate condom use, they face heightened risks to their sexual health. This can result in early and unwanted pregnancies, sexually transmitted infections (STIs), and an increased vulnerability to HIV/AIDS. The inability to negotiate safe sexual practices is a direct consequence of their disempowerment within the marriage.
- **Poor labour market outcomes:** Women and men married as children are less likely to work in the formal sector and often earn a lot less than their peers. Victims of forced marriage are also at greater risk of exploitation, with some exploited by forced labour, forced surrogacy, and sexual exploitation.
- **Higher incidence of divorce:** Child marriage is associated with a significantly higher incidence of divorce, as both men and women who marry young are more likely to end their unions. However, girls, in particular, often lack agency in household decisions, further exacerbating their vulnerability. In Asia, the prevalence of child marriage is disproportionately high among girls, highlighting a pressing issue that cannot be overlooked. While some legal systems in the region do recognise child marriage as void or voidable, thereby granting girls the right to dissolve their unions, societal norms frequently trap them in abusive situations, leaving them with limited options to escape.
- **Victim blaming:** Victims, especially girls and women who escape or resist forced marriage, may face social stigma and victim-blaming attitudes from their communities. The fear of blame may prevent many victims from reporting the crime or from returning to their families.
- **Unregistered births** - children born from child and forced marriages often face unregistered births due to their parents' lack of necessary documentation, such as a marriage certificate, or because they are classified as 'irregular migrants' or 'stateless'. This lack of birth registration leaves these children vulnerable, as they may be denied access to essential services, including education, healthcare, and other state-funded resources. Furthermore, without appropriate documentation, they are at an increased risk of exploitation, particularly among refugee populations, where the absence of legal recognition exacerbates their marginalisation and vulnerability.
- **Forced migration:** Children and women who live in a society where child and forced marriage have become a tradition (i.e., kidnapping marriage/runaway marriage), may opt for migrating abroad or outside of their origin areas as a means to escape the likelihood of being forced or kidnapped to marry. This ingrained tradition within certain societies in ASEAN Member State/s may also be taken for granted by perpetrators to lure them into a trafficking situation overseas.⁵³

⁵³ IOM, *The Tradition of Toil: The interplay of social norms and stigma in relation to human trafficking in Indonesia*, IOM Geneva, 2021. Accessed 14 May 2025. <https://publications.iom.int/system/files/pdf/the-tradition-of-toil-indonesia.pdf>

2.5. Prevalence of Child and Forced Marriage

“While men and boys are also forced to marry, women and girls remain disproportionately at-risk and account for 68 per cent of all people forced to marry.”⁵⁴

Forced marriage is a complex and highly gendered practice that predominantly affects women and girls, despite the fact that men and boys can also be married early or against their will. While the experiences of men and boys in forced marriages may allow them to escape with less accountability and harm, the impacts on women and girls are significantly more severe and carry lifelong consequences. This practice occurs in every region of the world and transcends ethnic, cultural, and religious boundaries. For women and girls, the mental health and physical health ramifications are profound, and the social stigma associated with being married and subsequently divorced or abandoned can have a lasting negative impact on their lives. An estimated 640 million girls and women alive today were married in childhood, with nearly half of the child brides living in South Asia (45%), followed by sub-Saharan Africa (20%) and East Asia and the Pacific (15%).⁵⁵



The number of men, women, and children living in forced marriages (including child marriages) has risen globally with an estimated 22 million people living in situations of forced marriage on any given day in 2021.⁵⁶

This is a 6.6 million increase in the number of people living in a forced marriage between 2016 and 2021.⁵⁷

This increase is thought to be, in part, due to the widespread socio-economic instability caused by the COVID-19 pandemic including greater unemployment, debts and poverty.⁵⁸

Nearly two-thirds of all forced marriages, an estimated 14.2 million people, are in Asia and

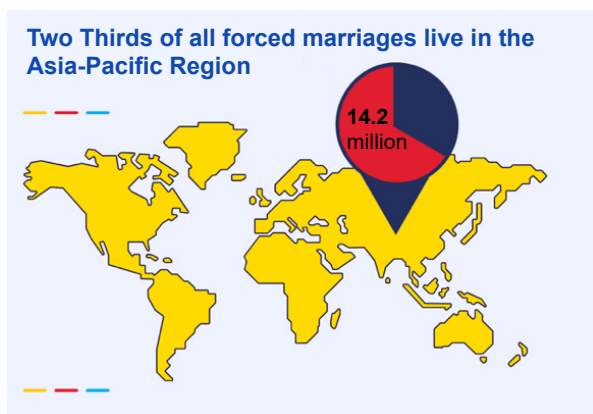
⁵⁴ Walk Free, *Understanding Forced and Child Marriage (2023)*.

⁵⁵ UNICEF, *Is an End to Child Marriage within Reach?*, UNICEF Data, May 2023. Accessed 15 May 2025.
<https://data.unicef.org/resources/is-an-end-to-child-marriage-within-reach/>.

⁵⁶ International Labour Organization and Walk Free Foundation, *Global Estimates of Modern Slavery: Forced Labour and Forced Marriage (2017)*, p. 2.

⁵⁷ International Labour Organization and Walk Free Foundation, *Global Estimates of Modern Slavery: Forced Labour and Forced Marriage (2017)*, p. 5.

⁵⁸ International Labour Organization and Walk Free Foundation, *Global Estimates of Modern Slavery: Forced Labour and Forced Marriage (2017)*, p. 5.



the Pacific which equates to a prevalence of 3.3 per thousand people in the population.⁵⁹

Over two-thirds of those forced to marry are female which equates to an estimated 14.9 million women and girls. While women and girls account for most people living in a forced marriage, men and boys are also subjected to forced marriage.⁶⁰

Family members were responsible for the vast majority of forced marriages. Most persons who reported on the circumstances of forced marriage

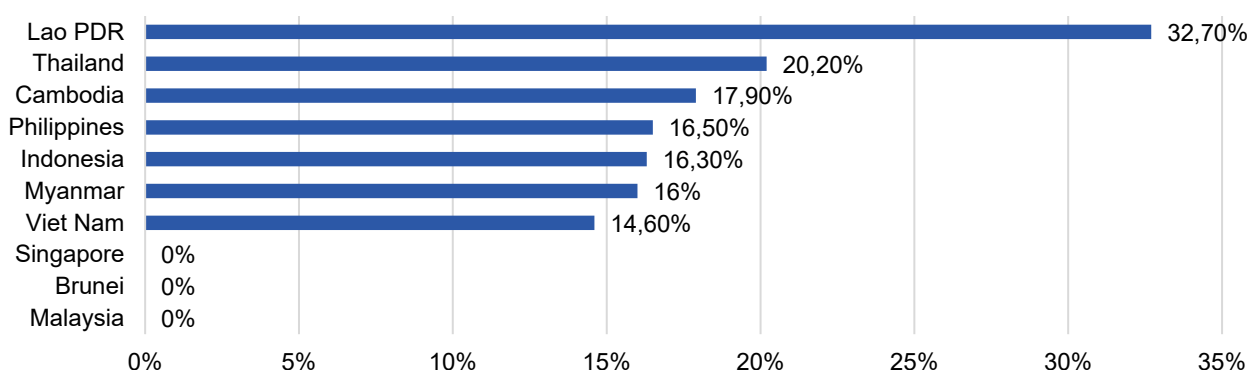
were forced to marry by their parents (73 per cent) or other relatives (16 per cent).⁶¹

Half of those living in forced marriages were coerced using emotional threats or verbal abuse, including the use of emotional blackmail – for example, parents threatening self-harm or asserting that the family’s reputation will be ruined – and threats of estrangement from family members, among other things. Physical or sexual violence and threats of violence were the next most used form of coercion to force a marriage (19 per cent).⁶²

The following table highlights the proportion of women aged 20-24 years who were married or in a union as a child in the ASEAN region.



Table 1. Proportion of women aged 20-24 years who were married or in a union before age 18 (%)⁶³



⁵⁹ International Labour Organization and Walk Free Foundation, [Global Estimates of Modern Slavery: Forced Labour and Forced Marriage \(2017\)](#), p. 5.

⁶⁰ International Labour Organization and Walk Free Foundation, [Global Estimates of Modern Slavery: Forced Labour and Forced Marriage \(2017\)](#), p. 5.

⁶¹ International Labour Organization and Walk Free Foundation, [Global Estimates of Modern Slavery: Forced Labour and Forced Marriage \(2017\)](#), p. 5.

⁶² International Labour Organization and Walk Free Foundation, [Global Estimates of Modern Slavery: Forced Labour and Forced Marriage \(2017\)](#), p. 5.

⁶³ United Nations Children’s Fund (UNICEF), “Proportion of women aged 20 to 24 years who were first married or living in a cohabiting union as if married before age 15 and before age 18,” *SDG 5: Gender Equality* indicator, UNICEF Data, accessed 15 May 2025, <https://data.unicef.org/sdgs/goal-5-gender-equality/#pt f 20-24 mrd>. The prevalence of child marriage is measured retrospectively among women whose risk of marrying in childhood is complete, i.e., those who are at least 18 years old, and the age group of 20 to 24

Key Points to Remember

1. Child and forced marriage stem from **entrenched gender inequality and discrimination**, amplified by socio-economic, cultural, and systemic factors
2. **Common drivers** of child and forced marriages include gender inequality, poverty, lack of education, adolescent pregnancy, economic pressures, migration, and limited legal protections, often exacerbated by cultural norms, discrimination, and crises such as pandemics, disasters, climate change or conflicts.
3. **The impacts** of child and forced marriage include poor educational outcomes, limited economic opportunities, health risks from early pregnancy, higher rates of domestic violence and divorce, psychological trauma and mental health issues and intergenerational effects on children.
4. Traffickers frequently **exploit vulnerable populations**, particularly girls and young women from poor, rural and/or border areas with limited education, living in poverty, with disability, and displaced. It is important to note that boys and young men are also at risk of child and forced marriage and other forms of exploitation.
5. Traffickers frequently **utilise marriage brokers, digital technologies, and online grooming** or relationships to recruit, lure, and manipulate their victims. It is essential to recognise these methods as warning signs of exploitation.
6. Traffickers often engage **victims' families, such as parents and neighbours**, to facilitate their activities. Most persons who reported on the circumstances of forced marriage **were forced to marry by their parents** (73 per cent) or other relatives (16 per cent).
7. Gender inequality and societal pressures can **normalise practices like child and forced marriage**, making it harder to distinguish between arranged and forced marriages.
8. **Key indicators to watch** for include significant age gaps between spouses, rapid marriages to strangers, and signs of control or abuse.
9. Half of those in forced marriages were **coerced through emotional threats**, such as blackmail or family reputation threats, while 19% experienced physical or sexual violence and threats to force marriage.⁶⁴
10. Traffickers frequently involve victims' families, with 73% of forced marriages arranged by parents and 16% by other relatives, making family members responsible for the majority of these cases.⁶⁵

years is used by convention to represent the current prevalence of the practice. The data range is between 2015 and 2022. Please note that Brunei, Malaysia and Singapore did not provide information or data to UNICEF through their country reports and therefore have not been included in UNICEF's data collection.

⁶⁴ International Labour Organization and Walk Free Foundation, [Global Estimates of Modern Slavery: Forced Labour and Forced Marriage \(2017\)](#), p. 5. These estimates of forced marriage were derived from nationally representative household surveys in 75 countries conducted by ILO during the 2017-2021 period. See Table 6 for further details.

⁶⁵ International Labour Organization and Walk Free Foundation, [Global Estimates of Modern Slavery: Forced Labour and Forced Marriage \(2017\)](#), p. 5.

2.6. International Human Rights Treaties

International human rights treaties form an important part of the applicable legal framework aimed at protecting the rights of women and children and preventing their exploitation, particularly by child and forced marriage. The key international human rights treaties that address child and forced marriages, trafficking in persons, and the intersection of these issues, recognising them as human rights violations, are summarised below. Most ASEAN Member States (AMS) have ratified these conventions; for detailed information on ratifications, please see **Annex 2**. Consequently, these states are legally obligated to incorporate the conventions into their national legal frameworks and to implement appropriate measures to uphold and protect the rights outlined in these treaties.

- [The Universal Declaration of Human Rights \(UDHR, 1948\)](#): Article 16 of the UDHR established that men and women of full age have the right to marry and found a family based on free and full consent, without restrictions related to race, nationality, or religion. This emphasises that marriage must be entered into voluntarily, thereby prohibiting child and forced marriages that lack genuine consent and affirms the right to protection for the family as the fundamental social unit. Article 4 affirms that no one shall be held in slavery or servitude and explicitly prohibits slavery and the slave trade in all their forms, thereby reinforcing the fundamental obligation to prevent and eliminate trafficking in persons, including in the form of child and forced marriage.
- [The Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages \(1964\)](#): Sets the international standards for marriage, including that legal marriage requires both parties to give their "full and free consent" and for states parties to set a minimum age for legal marriage. Therefore, states parties must abolish and penalise any practice or custom that contradicts the freedom to choose a spouse. This includes practices such as child marriage and betrothal of young girls before the age of puberty, as well as forced marriage of adults, for example, through the custom of transferring a woman to another male family member upon the death of her spouse.
- [Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery \(1956\)](#): Addresses practices similar to slavery. While it doesn't explicitly mention child and forced marriage, it does aim to eliminate practices that can be seen as forms of exploitation and control over individuals, which could indirectly cover situations like child and forced marriage.
- [The International Covenant on Economic, Social and Cultural Rights \(ICESCR, 1966\)](#): Under Article 10 of the ICESCR, it is recognised that children require special protection and assistance, including measures to prevent their involvement in harmful or exploitative labour. This implies that child marriage, which undermines the health, development, and well-being of minors, is a violation of their rights and should be prohibited by law. It also highlights that marriage must be entered into with the free consent of the intending spouses.
- [International Covenant on Civil and Political Rights \(ICCPR, 1966\)](#): Under Article 23 of the ICCPR, the family is recognised as the fundamental unit of society entitled to protection, and it emphasises that marriage must be entered into only with the free and full consent of both spouses, highlighting the importance of respecting individual autonomy and ensuring equality and protection for children in cases of marriage dissolution. Article 8 of the ICCPR emphasises the absolute prohibition of slavery, the slave trade, and forced or compulsory labour, thereby

underscoring the international commitment to eliminating all forms of trafficking and servitude, and safeguarding individuals from being subjected to exploitation, including in the form of child and forced marriages.

- [The Convention on the Elimination of All Forms of Discrimination against Women \(CEDAW, 1979\)](#): Article 16 of CEDAW emphasises the importance of eliminating discrimination against women in all aspects of marriage and family relations, including ensuring that marriage is entered into freely and with full consent. The article explicitly states that betrothal and marriage of a child shall have no legal effect and mandates that states take legislative measures to establish a minimum age for marriage. This provision directly supports the prohibition of child marriages and forced marriages by recognising that minors cannot give valid consent and that such marriages undermine gender equality and women's rights. Therefore, the article underscores the necessity of legal safeguards to prevent child and forced marriages, promoting the protection of minors' rights and the principles of equality and free consent in marriage. Additionally, Article 6 compels State parties to adopt comprehensive measures, including robust legislation, aimed at eradicating all forms of trafficking of women and the exploitation of prostitution, reinforcing the commitment to safeguard women from all forms of violence and exploitation.
- [The Convention on the Rights of the Child \(CRC, 1989\)](#): While the Convention on the Rights of the Child (CRC) does not specifically mention child marriage, it emphasises the need for appropriate measures to abolish harmful practices to children's health, physical, mental, spiritual, moral and social development (Article 32). The CRC references various children's rights interconnected with child marriage, including the right to education, protection from violence, the right to participate in decisions affecting their lives and the best interests of the child must be a primary consideration in all actions concerning child victims. Article 33 specifically calls on State Parties to implement comprehensive measures—encompassing legislation, administrative actions, social initiatives, and educational programs—to safeguard children and prevent trafficking in persons.
- [Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography \(2000\)](#): The protocols are designed to ensure the protection of children from the sale of children, child prostitution, and child pornography. Believing that the eradication of these practices, including trafficking of children for purposes such as marriage, requires a comprehensive approach. It emphasises addressing underlying factors such as underdevelopment, poverty, economic disparities, inequitable socio-economic structures, dysfunctional families, lack of education, urban-rural migration, gender discrimination, irresponsible adult sexual behaviour, harmful traditional practices, armed conflicts, and other forms of child trafficking.
- [Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children 2000 \(Palermo Protocol\)](#): The Protocol served as a supplement to the United Nations Conventions against Transnational Organised Crime (UNTOC), outlining what constitutes trafficking in persons. It focuses on preventing trafficking, providing special protections, ensuring victim assistance and providing international cooperation. Article 3 of the Palermo Protocol defines “trafficking in persons” as requiring three interrelated elements: an act, conducted using one or more means, for an exploitative purpose. This article does not list forced marriages explicitly as a form of exploitation, instead, it provides that “exploitation shall

include, at the minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs". Accordingly, when a forced marriage involves any of the acts, means, and purposes of exploitation listed in Article 3, it would be considered trafficking under this Protocol. For example, forced marriages that also involved forced labour or services, or slavery or practices similar to slavery, would also be trafficking in persons if the relevant acts and means are present. However, the non-exhaustive list of forms of exploitation in Article 3 allows State Parties to decide to expand the list of forms of exploitation within their domestic definition of trafficking in line with the purpose and scope, anticipating that new forms of trafficking may emerge over time. Importantly, it emphasises that the victim's consent to the intended exploitation is rendered irrelevant when any coercive techniques or manipulative means are employed. This provision underscores the principle that true consent cannot exist in the presence of exploitation when the element of means is used.

- [Convention on the Rights of Persons with Disability \(CRPD, 2006\)](#): States Parties shall take effective measures to eliminate discrimination against persons with disabilities in all matters related to marriage, family, parenthood, and relationships, ensuring that their rights are fully protected. This includes recognising the right of all persons with disabilities of marriageable age to marry and establish a family based on their free and full consent and safeguarding their ability to make autonomous decisions regarding marriage and family planning, thereby preventing child and forced marriages among persons with disabilities.

2.7. ASEAN Regional Instruments and Framework

ASEAN Member States have established legally binding and non-binding regional instruments that reiterate and expand existing international legal principles. These instruments identify and safeguard certain rights that are particularly important in the context of child and forced marriage and trafficking in persons, including:

- [The ASEAN Convention Against Trafficking in Persons, Especially Women and Children \(ACTIP, 2015\)](#): This legally binding instrument aims to combat trafficking in persons and has been ratified by all ten (10) ASEAN Member States. The convention underscores the importance of regional cooperation, victim support, and the criminalization of trafficking activities. In alignment with the Trafficking Protocol (2000), it presents a non-exhaustive list of exploitative practices, allowing for the inclusion of emerging forms of trafficking such as forced criminality and forced marriage, provided that exploitation or the intent to exploit the individual is evident. Furthermore, Article 2(b) explicitly clarifies that consent to intended exploitation is irrelevant when any coercive means are employed or 2(c) if the victim is a child under 18 years of age.
- [Bali Declaration on the Enhancement of The Roles and Participation of the Persons with Disabilities in ASEAN Community \(2011\)](#): The Bali Declaration emphasises the importance of protecting the rights and promoting the inclusion of persons with disabilities across ASEAN. While it highlights their active participation in development, social welfare, and policy formulation, it also implicitly recognises their heightened vulnerability to violence,

discrimination, and neglect. The declaration calls for mainstreaming disability issues into policies addressing poverty, social security, and disaster management, which are critical factors in preventing exploitation, abuse, and violence such as gender-based violence, trafficking, or forced marriages. Although it does not explicitly mention trafficking or child and forced marriage, its focus on safeguarding rights, accessibility, and inclusive development suggests an awareness of the need to protect persons with disabilities from violence and exploitation, including those vulnerable due to intersecting factors like gender and age. In contrast, the **ASEAN Enabling Masterplan 2025: Mainstreaming the Rights of Persons with Disabilities** explicitly addresses issues related to persons with disabilities who can also be victims of trafficking and encourages cooperation between sectoral bodies and organisations of persons with disabilities (OPDs) to effectively address trafficking in persons, including women and children with disabilities.

- [ASEAN Human Rights Declaration \(2012\)](#): The ASEAN Human Rights Declaration, through Article 13, explicitly condemns all forms of servitude, slavery, and trafficking in persons, including trafficking for purposes of marriages and organ removal. This underscores the fundamental right of individuals to be protected from exploitation and highlights the importance of legal and institutional measures to prevent and address trafficking in persons. Meanwhile, Article 19 emphasises the right of individuals to marry freely and with full consent, recognizing marriage as a fundamental human right and a core social institution. This provision implicitly safeguards against coercive and forced marriages, which are often linked to trafficking networks that exploit vulnerable populations, notably children and women. Together, these articles reinforce the ASEAN commitment to safeguarding human dignity by preventing exploitative practices like child and forced marriages, which are frequently the result of trafficking activities
- [The Declaration on the Elimination of Violence Against Women and Elimination of Violence Against Children in ASEAN \(2013\)](#): Related to trafficking in persons, child and forced marriages, the ASEAN Declaration emphasises the critical need to intensify efforts to prevent and address child and forced marriage, trafficking in persons, and various forms of violence and exploitation affecting women and children, particularly those in vulnerable situations. It also calls AMS on the importance of regional cooperation and adherence to human rights principles to protect children and women from harmful practices such as early marriage and trafficking. The declaration reaffirms ASEAN's commitments through multiple regional frameworks and declarations aimed at combating trafficking and promoting the rights and welfare of women and children. This highlights ASEAN's recognition of the complex, interconnected nature of issues like child marriage and trafficking, and the need for a comprehensive, collaborative approach to eradicate these violations and safeguard the rights and dignity of vulnerable populations in the region.
- [ASEAN Declaration on the Rights of Children in the Context of Migration \(ASEAN RPA on CCM 2019\)](#): The declaration emphasises the urgent need to strengthen national systems to better protect children affected by migration, particularly those who are victims of trafficking, child marriage, and various forms of exploitation. It recognises that children in migration are especially vulnerable to violence, abuse, and forced labour, including child marriage and sexual exploitation. By reaffirming commitments to regional and international frameworks, such as the ASEAN Convention Against Trafficking and the SDGs, the declaration calls for increased cooperation among ASEAN Member States to identify, protect, and assist vulnerable

children, preventing their victimisation and ensuring their rights are upheld.

- [Declaration on the Protection of Children from all Forms of Online Exploitation and Abuse in ASEAN \(2019\)](#): The declaration underscores ASEAN's commitment to safeguarding children against emerging digital threats, including online sexual abuse and exploitation. It emphasises the importance of strengthening legal frameworks, enhancing law enforcement, and increasing awareness to prevent online child exploitation. The declaration also highlights the interconnected risks of trafficking, child marriage, and online exploitation, recognising that traffickers often use digital platforms to recruit and exploit children, and that vulnerable children in forced marriages are at heightened risk of abuse and trafficking. By promoting a survivor-centred, multi-sector response, ASEAN aims to create a safer environment for children and address the vulnerabilities that facilitate trafficking, including in the form of marriages and other exploitative practices.
- [ASEAN leaders' Declaration on Combating Trafficking in Persons Caused by the Abuse of Technology \(2023\)](#): This ASEAN declaration underscores the increasing use and abuse of technology in facilitating trafficking, highlighting how online platforms, social media, and digital tools are exploited at every stage of TIP activities—from recruitment and profiling to control, exploitation, and money laundering. Victims are often lured through deceptive online schemes, including false job offers, scams, or even recruitment for forced marriages, making them vulnerable to trafficking. The digital environment provides traffickers with new avenues to target vulnerable populations, including those seeking economic opportunities or personal relationships. The declaration emphasises the need for regional cooperation, enhanced law enforcement capacity, victim identification, and legal frameworks to combat technology-facilitated TIP, as well as awareness-raising efforts to protect potential victims from online exploitation and manipulation.
- [ASEAN Declaration on the Prevention of Child Labour, Including the Elimination of Worst Forms of Child Labour \(2024\)](#): The declaration commits to eradicating forced labour, modern slavery, and trafficking while eliminating child labour, especially in agriculture and informal sectors. It emphasises the need for multi-sectoral collaboration and stakeholder engagement to achieve these goals. Additionally, it promotes inclusive, gender-responsive education and vocational training for vulnerable children, ensuring access to quality education, adequate facilities, and skilled teachers to foster a sustainable future for all children and their families.

Together, these instruments form a robust normative and operational foundation that enhances ASEAN's capacity to protect vulnerable populations and uphold human rights standards in line with regional and international commitments. In addition to the above foundational legal frameworks, ASEAN sectoral bodies have also published a wide array of guidelines to effectively govern and guide member states and relevant stakeholders in their efforts to prevent and address trafficking in persons, child and forced marriages, and related issues. These guidelines provide detailed, practical frameworks for implementation, ensuring a coordinated and consistent approach across the region. Among others, these include:

- [ASEAN Guidelines for Developing National Standard Operating Procedures for a Coordinated Response to Violence against Women and Girls \(2024\)](#): The Guidelines aim to establish coordinated, gender-sensitive SOPs across sectors—health, police, justice, and social services—to ensure a unified, survivor-centred response to VAWG. They serve as a comprehensive resource for policymakers and practitioners, promoting intersectoral

collaboration for effective and cohesive support. By advocating for intersectoral collaboration and alignment, the guidelines ensure that responses to VAWG are unified and focused on the well-being of survivors.

- [ASEAN Regional Guidance on Empowering Women and Children - Delivering Quality Social Work Services for Those at Risk of or Affected by Violence \(2023\)](#): provides recommendations for improving social work services to better support women and children who are at risk of or affected by violence and acknowledges the ASEAN RPA on EVAC which defines early or forced marriage as a form of violence against children.
- [ASEAN Declaration on The Protection of Migrant Workers and Family Members in Crisis Situations \(2023\)](#): The Declaration reflects ASEAN's commitment to equitable social protection access for all, implementing the ASEAN Declaration on Portability of Social Security Benefits for Migrant Workers, the ASEAN Declaration on the Rights of Children in Migration, and the ASEAN Declaration on Strengthening Social Protection. It aims to enhance cross-border coordination among origin, transit, and destination countries to assist and protect migrant workers and their families, preventing undocumented status and trafficking. The Declaration also emphasises the importance of inclusive, rights-based, and gender-responsive crisis response measures for migrant workers.
- [ASEAN Do No Harm Guide for Frontline Responders: Safeguarding the rights of victims of trafficking in persons \(2022\)](#): The guide aims to enhance victim protection. It offers frontline responders a framework for applying victim-centred and gender-sensitive approaches in assisting trafficking victims. The guide focuses on ensuring that the needs and rights of victims are prioritised during all stages of support and assistance.
- [ASEAN Gender Mainstreaming Strategic Framework 2021-2015 \(2021\)](#): The framework outlines a strategic direction for a whole-of-ASEAN gender mainstreaming approach by presenting a set of mutually reinforcing objectives, approaches, and activities that will build ASEAN's commitment, capacity, and culture concerning gender and inclusion. The framework places emphasis on strengthening coordination and collaboration between the three ASEAN communities – political-security, economic, and socio-cultural. The definition of “women's agency” includes a woman's ability “to make decisions over when and whom to marry, how many children to have, and when to leave a marriage; to live free of violence; and to have a voice and influence in society”.
- [ASEAN Regional Guidelines on Violence against Women and Girls Data Collection and Use \(2018\)](#): provides guidelines for collecting and utilising data on violence against women and girls. It acknowledges various forms of violence against women, including child and early and forced marriage, as well as other harmful practices that contribute to or constitute violence against women. The plan recognises child, early, and forced marriages as forms of discrimination against girls and women, noting their association with higher levels of violence experienced by those in such unions. It emphasises the importance of collecting and analysing data on all forms of VAWG, including for these specific target groups.
- [ACWC Gender Sensitive Guideline \(2016\)](#): The Guideline aims to equip practitioners with essential information on how to effectively and respectfully support women victims of trafficking, ensuring their rights are protected and their specific needs are addressed in line with human rights principles and gender sensitivity.

Beyond the aforementioned guidelines, ASEAN has also issued and endorsed numerous relevant plans of action, including those specifically focused on preventing and addressing trafficking in persons, child and forced marriages. These strategic plans of action provide targeted, actionable frameworks that complement the guidelines, fostering a cohesive and comprehensive regional effort to tackle these pressing issues effectively. Given the extensive list of plans of action, we are unable to enumerate all of them here.























2.8. Domestic Legislative and Policy Frameworks in the ASEAN Region

Legal frameworks play a crucial role in preventing and addressing trafficking in persons, child and forced marriage, but their efficacy depends on comprehensive provisions, removal of loopholes, and robust enforcement mechanisms. Some AMS have set a minimum legal age for marriage, often 18 years in line with the UN Convention on the Rights of the Child; however, many still allow exceptions under customary or religious laws, or with parental or judicial consent. These loopholes undermine the protection of vulnerable groups, especially girls.

The varying legal approaches across the AMS underscore the need for continued international cooperation and advocacy to ensure universal recognition of child and forced marriage as a human rights violation, as well as to implement comprehensive measures for its prevention and elimination. It is also important to recognise that child and forced marriages can constitute forms of trafficking in persons. Therefore, domestic laws related to trafficking in persons should be strengthened to effectively address and criminalise these practices, ensuring a coordinated and effective response at both national and regional levels.

The following table provides a comparative table between international standards and the current AMS domestic legislative framework.

Table 2. Domestic Legislative Frameworks

International Best Practice	Brunei	Cambodia	Indonesia	Lao PDR	Malaysia	Myanmar	Philippines	Singapore	Thailand	Vietnam
 There is a National Strategy on Child and/or Forced Marriage?										
 18 is the minimum age to marry with no exceptions	 14 years of age for boys and girls ⁶⁶ 16 years for girls and 18 for boys, for Muslims. ⁶⁷ Must be over 15 for girls, no minimum age	 18 years old for girls and boys. However, if one of the parties has attained the age of majority and the other party is a minor at least 16 years of age, the	 19 years of age for boys & girls, bellow 19 with parental consent & judicial consent. ⁷¹	 18 years of age for girls and boys 15 for girls & boys, for special circumstances ⁷²	 18 years of age, however, girls between 16 and 18 can marry if the chief minister of a particular state, at his discretion, grants solemnization of the	 18 years of age for boys & girls However, child marriage is practised	 18 years of age is the legal age for girls and boys. Parental consent is required for those under 21. Muslim law allows 15 for boys and girls to be married when they	 18 years of age for girls and boys ⁷⁶ , marriages below the minimum age are permitted with the authorisation of the Minister ⁷⁷ Muslim Law	 18 years of age for all persons. ⁷⁹ However, individuals under the age of 20 must obtain parental consent. ⁸⁰ & any marriages	 20 years of age for males, 18 for females However, child marriage is practised

⁶⁶ Brunei Darussalam, *Marriage Act* (Cap 76), s 3(1)(a), B.L.R.O. 4/2013. Accessed 16 May 2025. https://www.agc.gov.bn/AGC%20Images/LAWS/ACT_PDF/cap076.pdf. States that marriages other than those contracted according to Muslims, Hindus, Buddhists, Dayaks or other marriages governed by the laws of Brunei Darussalam to be valid, both parties to the marriage must have reached 14 years of age.

⁶⁷ Brunei Darussalam, *Islamic Family Law Act*, Chapter 217, Section 35, B.L.R.O. 6/2014 (Revised Edition 2014). Accessed 15 May 2025. https://www.agc.gov.bn/agc%20images/laws/act_pdf/cap217.pdf.

⁷¹ Indonesia, *Undang-Undang Nomor 16 Tahun 2019 tentang Perubahan atas Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan*, LN 2019 No 186 (TLN 6401), enacted 29 October 2019. <https://peraturan.bpk.go.id/Details/122740/uu-no-16-tahun-2019>.































⁷² Lao People's Democratic Republic, *Family Law*, No 9/NA, Article 9 (1990), as summarized in: Antislavery Domestic Legislation Database, "Lao People's Democratic Republic (Laos) – Article 9 of the 1990 Family Law," accessed 15 May 2025, [https://antislaverylaw.ac.uk/country/lao-peoples-democratic-republic-\(laos\)/?dataset=adld](https://antislaverylaw.ac.uk/country/lao-peoples-democratic-republic-(laos)/?dataset=adld).

⁷⁶ Republic of Singapore, *Women's Charter* (Cap 353, 1961), s 9.

⁷⁷ Republic of Singapore, *Women's Charter* (Cap 353, 1961), s 21.

⁷⁹ Kingdom of Thailand, *Civil and Commercial Code* (B.E. 2468 (1925) – consolidated edn), Book V (Family), Title I (Marriage), s 1448. Accessed 15 May 2025.

⁸⁰ Kingdom of Thailand, *Civil and Commercial Code* (B.E. 2468 (1925) – consolidated edn), Book V (Family), Title I (Marriage), s 1454. Accessed 15 May 2025.

International Best Practice	Brunei	Cambodia	Indonesia	Lao PDR	Malaysia	Myanmar	Philippines	Singapore	Thailand	Vietnam
	for boys ⁶⁸ Marrying a minor without proper consent is an offence ⁶⁹	parties may marry with the consent of the parental power holders or guardian of the minor. ⁷⁰			marriage ⁷³ Muslims require parental consent for the marriage of persons under 21 ⁷⁴		reach puberty with judicial consent ⁷⁵	Act is also 18 for boys, and below 18 for girls, who have attained puberty ⁷⁸	involving a person below 18 require judicial consent ⁸¹	
 Child Marriage is criminalised										
 Free & Full Consent is an expressed requirement in marriage law? ⁸²										
										

⁶⁸ Brunei Darussalam, *Chinese Marriage Act*, Chapter 126, Section 6, B.L.R.O. 1/2012. Accessed 15 May 2025. https://www.agc.gov.bn/AGC%20Images/LAWS/ACT_PDF/cap126.pdf.
<https://www.girlsnotbrides.org/learning-resources/child-marriage-atlas/regions-and-countries/brunei/>

⁶⁹ Brunei Darussalam, *Marriage Act* (Cap 76), s 3(1)(a), B.L.R.O. 4/2013. Accessed 16 May 2025. https://www.agc.gov.bn/AGC%20Images/LAWS/ACT_PDF/cap076.pdf. States that marriages other than those contracted according to Muslims, Hindus, Buddhists, Dayaks or other marriages governed by the laws of Brunei Darussalam to be valid, both parties to the marriage must have reached 14 years of age.

⁷⁰ Cambodia Civil Code, Article 948

⁷³ Malaysia, *Law Reform (Marriage and Divorce) Act 1976* (Act 164), as consolidated to 1 January 2006, published by the Commissioner of Law Revision, Malaysia, 2006. Accessed 15 May 2025. https://www.commonlii.org/my/legis/consol_act/lrada1976272/.

⁷⁴ Malaysia, *Law Reform (Marriage and Divorce) Act 1976* (Act 164), s 22(3).

⁷⁵ Republic of the Philippines, *Code of Muslim Personal Laws of the Philippines* (Presidential Decree No 1083), art 14, 4 February 1977. Accessed 15 May 2025. https://www.uniset.ca/phil/phil_musl_civ_code.pdf.

⁷⁸ Republic of Singapore, *Administration of Muslim Law Act* (Cap 3, 2020 Rev Ed), s 96. Accessed 16 May 2025. <https://sso.agc.gov.sg/Act/AMLA1966>.

⁸¹ Kingdom of Thailand, *Civil and Commercial Code* (B.E. 2468 (1925) – consolidated edn), Book V (Family), Title I (Marriage), s 1448. Accessed 15 May 2025.

⁸² While many AMS laws require the consent of both parties, including women, some still mandate obtaining consent from parents, guardians, or approval from a judicial court.

International Best Practice	Brunei	Cambodia	Indonesia	Lao PDR	Malaysia	Myanmar	Philippines	Singapore	Thailand	Vietnam
Forced Marriage is criminalised										
 There is no defence to rape, even if perpetrator marries the victim (Forced Marriage).										
 Child and Forced Marriage is specified in Trafficking Laws?										
 Does domestic law provide for the nullification of a child or forced marriage?										

Note:




- Yes  (Fully meets the requirement, without exception)
- Yes  (Partially meets the requirement; further development is needed)
- No  (Does not meet the requirement)



Photo: Unsplash.

3. Key Areas, Good Practices and Guidance for Addressing Child and Forced Marriages in Trafficking Contexts

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The eradication of child and forced marriage in ASEAN requires a comprehensive, long-term approach involving multiple strategies and stakeholders. AMS must adopt a multi-faceted strategy that includes establishing bilateral or multilateral agreements, implementing robust legislative frameworks, fostering interagency cooperation, and launching widespread awareness campaigns.



The following **eight (8) key areas** represent essential components of a comprehensive approach to protecting vulnerable groups, particularly women and children, and to ending trafficking in the form of child and forced marriages. By implementing targeted strategies within these areas, ASEAN Member States can strengthen their commitments to safeguarding the rights of women and children, eradicating harmful practices, including child and forced marriages, and addressing the intersections between trafficking in persons and these harmful practices.

1. Awareness and Prevention
2. Legislative Frameworks
3. Victim Identification
4. Victim Support Services
5. Cross-Border Cooperation
6. Criminal Justice Process
7. Access to Justice and Remedies
8. Data Collection, Monitoring and Reporting

To be effective, AMS needs to take a multi-sectoral approach, tailoring program responses to local contexts based on thorough needs assessments. This involves conducting risk assessments, developing a matrix of appropriate interventions, and monitoring changes over time. Crucially, AMS must collaborate with a diverse range of stakeholders, including both governmental and non-governmental organisations, including faith-based organisations (FBOs), organisations of persons with disability (OPDs), to tackle the underlying risk factors contributing to child and forced marriage.

This section offers guidance on eight key areas aligned with international legal frameworks concerning trafficking in persons, child marriage, and forced marriage, as well as relevant ASEAN legal instruments, including both binding and non-binding agreements and their corresponding

plans of action. These encompass the Plan of Action on the Elimination of Violence Against Children (EVAC) and the Plan of Action on the Elimination of Violence Against Women (EVAW), among others, to promote a cohesive and comprehensive approach to addressing child and forced marriages within the broader context of trafficking in persons.

3.1. Awareness and Prevention

Effectively combating child and forced marriages in the context of trafficking in persons requires a holistic approach that combines raising awareness with proactive prevention. Educating communities about human rights violations and severe consequences, such as early pregnancies, maternal health risks, and lost educational and economic opportunities, is essential. Empowering girls and women, addressing poverty, gender inequality, and harmful norms—including transforming traditional notions of masculinity—are key components of these efforts. Lasting change depends on reshaping societal norms perpetuating these practices and enabling young girls to advocate for their rights and futures.



Prevention strategies must go beyond awareness, actively transforming gender norms, power structures, and community institutions. Engaging men and boys as allies, fostering intergenerational dialogues, and creating safe spaces for girls to voice their concerns are critical. Community-led social norm change, integrated into national and local frameworks, ensures sustainability and respect for human rights.

Efforts must also extend to vulnerable groups and the wider public, including educating parents, faith leaders, and influential adults on the role of technology. Digital platforms can be exploited for harmful purposes like trafficking, but also serve as powerful tools for social change. Educating young people about gender equality and women's empowerment is vital to challenge stereotypes and cultural stigmas.

Addressing the root causes requires gender-transformative, rights-based, multi-sectoral interventions. This includes expanding access to quality education while shifting societal expectations around women and girls' roles and worth. Economic incentives should be complemented by social protections and community engagement to challenge the acceptability of child and forced marriage. Mapping drivers to tailored, evidence-based responses—such as linking poverty reduction to cash transfers or linking adolescent pregnancy to access to Sexual and Reproductive Health Rights (SRHR) and Comprehensive Sexual Education (CSE), —supports holistic, locally adapted strategies aligned with international commitments.

Finally, civil society organisations, alongside governments, NGOS, and UN agencies, play a crucial role in protecting vulnerable groups, especially women and children, from exploitation and trafficking related to marriage. Their coordinated efforts are vital in fostering sustainable, rights-based solutions to end child and forced marriages.

3.1.1. Good Practice in Awareness and Prevention

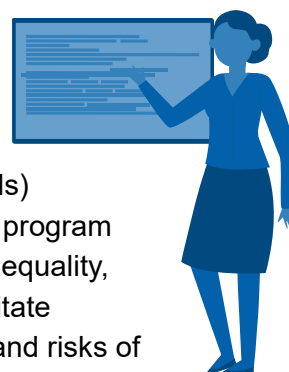
Northern Viet Nam, “Education Scholarship Scheme”

A 2016 Young Lives [study](#)⁸³ shows that being enrolled in school can decrease the likelihood of a young girl from a poor, rural, ethnic minority area getting married by 47%. The study also found that Gender norms play a critical role in child marriage. Girls who have mothers with little decision-making power are more at risk of marrying early. In response, an Education Scholarship Scheme was established in Northern Viet Nam and plays a crucial role in empowering girls to pursue their education amid economic challenges. In 2020, the program successfully awarded 767 scholarships to adolescent girls and 11 to boys, enabling them to continue their studies and combat the pressures of poverty and cultural expectations to marry early. This initiative not only alleviates financial burdens but also fosters a supportive environment that encourages young women to prioritise their education, thereby contributing to long-term societal change. By investing in the education of girls, the program aims to break the cycle of poverty and reduce rates of child marriage, ultimately promoting gender equality and improving community well-being.



Indonesia, Plan International “GEMA CITA: Golden Generation Free from Child Marriage and Teenage Pregnancy”

GEMA CITA, launched by Plan Indonesia in 2021, aims to reduce child marriage and teenage pregnancy in NTB, Jawa Barat, and Nusa Tenggara Timur by 2024. Engaging 5,418 adolescents (60% girls) through peer education, community forums, and policy advocacy, the program works in schools and villages to promote reproductive health, gender equality, and protective policies. It trained 376 youth as peer educators to facilitate discussions on Sexual and Reproductive Health and Rights (SRHR) and risks of early marriage, supporting village reporting mechanisms and innovative court partnerships like the “Court Companions” initiative. Despite challenges from social norms and traditional/religious influences, GEMA CITA successfully increased awareness, shifted attitudes, and strengthened local institutions. Child marriage rates declined: NTB from 17.32% to 14.96%, Jawa Barat from 6.79% to 5.78%, and Nusa Tenggara Timur from 4.97% to 4.70%. Court dispensations also decreased significantly. The program’s integration into district action plans and collaboration with religious leaders demonstrate the importance of multi-sector efforts in advancing children’s rights and gender equality.



⁸³ Young Lives Viet Nam, *Addressing the Risk Factors for Early Marriage in Viet Nam*, Viet Nam Policy Brief 3, Young Lives, Oxford, February 2016. Accessed 15 May 2025. https://www.younglives.org.uk/sites/default/files/migrated/YL-VIETNAM-PB3_Risk%20factors%20for%20early%20marriage.pdf.

Cambodia, “Development of the National Action Plan on Preventing Child Early Marriages and Teenage Pregnancy”

Cambodia’s development of the National Action Plan on Preventing Child Early Marriage and Teenage Pregnancy (2025-2030) exemplifies a good practice. Building on a comprehensive deep study conducted in 2024, led by the Ministry of Women’s Affairs and Plan International Cambodia with support from UNICEF and UNFPA, the plan is grounded in evidence and multi-stakeholder collaboration. It aims to create an enabling environment for girls through legal reforms, community engagement, and access to education and health services. The plan aligns with international commitments, including SDG 5 and CEDAW, and incorporates clear strategies, timelines, and monitoring mechanisms to effectively prevent child marriage and teenage pregnancy, demonstrating Cambodia’s proactive and systemic approach to addressing root causes and promoting gender equality.

UNICEF Indonesia, “Empowering Adolescent Girls to End Child Marriage”

In Indonesia, UNICEF has worked with the government in several provinces to incorporate lessons on child rights, including the right to education and protection from child marriage, into the school curriculum.



The program educates students about their rights under the Convention on the Rights of the Child; the negative impacts of child marriage on health, education, and wellbeing; Indonesia's laws prohibiting marriage before age 19 and how to access support services if at risk of child marriage.

By empowering children with knowledge of their rights, the program aims to prevent child marriage and enable girls to continue their education. Early evaluations have shown increased awareness among students about child rights and the harms of early marriage. Similar rights education programs have also been implemented in other ASEAN countries like Cambodia and the Philippines.⁸⁴

Plan International, Lao PDR “Public Knowledge Campaigns”

Plan International Laos implemented a comprehensive adolescent sexual and reproductive health (ASRH) program in the northern provinces of Bokeo and Oudomxay to empower girls by (1) providing age-appropriate education on sexual and reproductive health and rights (SRHR), (2) equipping girls with critical life skills like decision-making and communication, fostering leadership abilities through mentoring and confidence-building activities, and (3)

⁸⁴ ASEAN Secretariat and UNICEF East Asia and Pacific, *Children in ASEAN: 30 Years of the Convention on the Rights of the Child*, ASEAN Secretariat and UNICEF EAPRO, Bangkok, November 2019. Accessed 15 May 2025.
<https://www.unicef.org/eap/media/4281/file/ChildreninASEAN.pdf>.

promoting gender equality by raising awareness about gender norms and discrimination. Plan International employs a multi-faceted approach that includes school-based interventions to integrate SRHR education into curricula, community outreach to engage parents and local leaders, peer education initiatives where trained adolescents support their peers, and collaboration with local health facilities to ensure youth-friendly health services. These programs have contributed to increased awareness of SRHR among adolescents, improved life skills, enhanced leadership capabilities in girls, and greater community understanding of gender equality.

Brunei Darussalam, “Voice of the Child”

In 2017, Brunei hosted its first biennial national Children's Forum, providing a platform for children to share their ideas and opinions on issues that affect them. The forum represented an important step in Brunei's efforts to promote and protect children's rights, aligning with the country's commitment to implementing recommendations from the Committee of the Convention on the Rights of the Child. By organising this event, Brunei demonstrated its dedication to giving children a voice in matters that concern them and fostering their active participation in national dialogue.

Cambodia, “Support Student’s Mental Well-Being”

The School Health Department (SHD) of the Ministry of Education, Youth, and Sport (MoEYS) in Cambodia has developed a Psychological First Aid in Schools (PFAS) training curriculum for integration into the education system. This curriculum aims to equip teachers and educational staff with the essential skills required to support students' mental well-being. It has been successfully introduced and implemented in several public schools, where teachers have undergone training to effectively apply PFAS principles in their daily interactions with students.



Indonesia, “Collaborative Efforts to Prevent Child and Forced Marriages through Engagement with Religious Leaders and CSOs”

Indonesia's approach to preventing child and forced marriages involves strong collaboration between civil society organisations (CSOs) and religious leaders. CSOs have partnered with pesantren (Islamic boarding schools) to support campaigns against child marriage among left-behind children, exemplifying effective engagement between faith-based institutions and community actors to safeguard children's rights. This best practice is particularly evident in Muslim-majority areas where migration is prevalent, and many parents entrust their children to pesantren, valued for their affordability and holistic approach, which combines formal

education, religious training, shared residence, and collective upbringing, helping children cope with the impacts of parental migration.⁸⁵

IOM Indonesia and Rutgers, “Launched a youth champions program in East Lombok Village”

In West Nusa Tenggara, Indonesia, high rates of migration have increased the incidence of child marriage among left-behind children. To address this, IOM and Rutgers launched a youth champions program in four East Lombok villages (2022-2023), fostering village-level dialogue and development planning focused on child protection. Despite establishing Child Village Forums and Community-Based Child Protection mechanisms, child marriage persisted due to weak existing regulations. In response, Rutgers Lombok facilitated the drafting and implementation of comprehensive village regulations on child protection, including measures to prevent child and forced marriages. These regulations, adopted in Menceh and Jerowaru villages, were officially launched in November 2022, demonstrating a successful, community-driven approach to safeguarding children's rights and reducing child marriage



Cambodia, “Multi-Level Approach “

Cambodia has adopted a comprehensive multi-level approach to address child and forced marriage. At the national level, initiatives include mass media campaigns, legal reforms, the establishment of support hotlines for women and girls, and dedicated budget allocation. Provincial and district efforts focus on building capacity among officials to enforce marriage laws, strengthening child protection mechanisms, improving school retention rates, implementing sex education programs, and providing adolescent-friendly sexual and reproductive health services. At the local and community level, authorities support village leaders, conduct targeted media campaigns, offer sexual and reproductive health outreach, and connect at-risk children with support services. Programs aimed at families, parents, and adolescents emphasise the value of education, develop parenting skills, work to change attitudes towards early marriage, and build knowledge and life skills for young people. This multi-faceted approach demonstrates Cambodia's commitment to tackling the complex issue of child and forced marriage through coordinated efforts at various societal levels, addressing both immediate concerns and long-term cultural shifts.

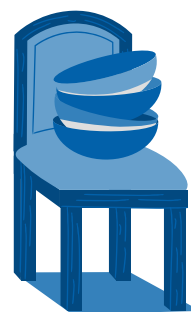
⁸⁵ International Organization for Migration, *Accessibility of Protection Systems for Children in the Context of Migration in South-East Asia*, May 2025, p 26. Accessed 16 May 2025. <https://publications.iom.int/books/accessibility-protection-systems-children-context-migration-south-east-asia>.

PLAN International, “Development of a Vulnerability Index”

As part of the Asia Child Marriage Initiative (ACMI), PLAN International developed an index for measuring environmental factors associated with the acceptability of child marriage. This index, based on research conducted in Pakistan, Bangladesh, and Indonesia, was created to track progress and improve the effectiveness of child marriage programming globally by exploring social attitudes, values, and norms concerning child marriage and identifying structural and environmental factors that influence child marriage practices.⁸⁶

Vietnam, “One Commune One Product”

The One Village One Product (OVOP) movement is an international platform aimed at revitalising rural communities through the specialisation of handmade products. Originating in Japan's Ōita Prefecture in 1979, OVOP has since been adopted by various countries under different names, such as One Commune One Product in Vietnam, One Town One Product in the Philippines, and One Tambon One Product in Thailand.



The concept encourages villages to focus on producing unique, locally made items, fostering economic growth and community pride. This approach has gained traction globally, and Vietnam has adopted it through its national “One Commune One Product” (OCOP) program to promote rural development. The movement holds potential to enhance economic opportunities for women and girls with disabilities, especially when inclusion is integrated into local implementation strategies.

Lao PDR, “Student Clubs Laos”

The Ministry of Education and Sports, in partnership with Plan International Laos, launched student clubs to reduce child marriage. These safe spaces enable young people, especially girls, to discuss girls’ rights, gender equality, sexual and reproductive health, and education. The clubs aim to empower girls with knowledge, helping them make informed choices and stay in school. They also challenge traditional norms around marriage, promote gender equality, and foster peer support. Additionally, the clubs develop life skills like decision-making and leadership, empowering girls to advocate for themselves and pursue futures beyond early marriage. The initiative also seeks to raise community awareness about the harms of child marriage.

Outside ASEAN, “Cash Incentive Programs to keep girls in school”

India and Mexico have successfully implemented cash incentive programs to encourage girls to remain in education and delay marriage. In India, government schemes offer financial

⁸⁶ Plan International Laos, UNICEF and UNFPA, *Child, Early and Forced Marriage*. (Unpublished report).

rewards for families who keep their daughters enrolled in school. Similarly, Mexico's PROGRESA program, launched in the 1990s, aimed to improve educational outcomes for children through conditional cash transfers. These programs require families to meet specific conditions, such as ensuring regular school attendance, which helps reinforce the importance of education. Cash incentive programs have led to increased enrolment and attendance rates among girls, significantly reducing dropout rates, contributed to a cultural shift where parents view investing in their daughters' education as beneficial, leading them to delay marriage, and in India, families have begun perceiving daughters as "less of a burden," reflecting a positive change in attitudes toward female education.

Outside ASEAN, Anti-Slavery Australia's My Blue Sky

My Blue Sky is Australia's national service dedicated to preventing forced marriages and supporting those at risk. The website and helpline offer information in multiple languages; tailored resources for children, teenagers, educators, and medical professionals; free legal advice and referrals; confidential support for victims and those concerned about others. The service allows vulnerable individuals to communicate securely and anonymously, often starting with tentative inquiries that may develop into ongoing conversations. In some cases, dozens of exchanges occur before protective actions are requested. My Blue Sky also assists temporary visa holders reporting violence stemming from forced marriages.



Outside ASEAN: Australian, Family Safety Pack for New Immigrants

Men and women coming to Australia are provided with the "Family Safety Pack" which includes information on Australia's laws regarding domestic and family violence, sexual assault and forced and child marriage, and a woman's right to be safe. The pack provides contact information for help and support, and is translated into 46 languages.

3.1.2. Practical Guidance for Awareness and Prevention

ASEAN Member States should increase awareness and prevention efforts, including addressing the root causes of trafficking in the form of child and forced marriages by:

- ✓ Implementing a comprehensive "Girls' Education and Empowerment Initiative" to increase girls' school retention rates to combat child and forced marriage and exploitation of girls with disability. This should include targeted social protection programs and financial support, such as scholarships and stipends for girls from marginalised backgrounds, and girls with disability, to cover education costs and incentivise families to keep their daughters in school.
- ✓ Develop and implement empowerment activities for women and adolescent girls—particularly at-risk groups—that provide quality education, rights awareness, and confidence-building. These initiatives should enable them to advocate for themselves, resist child and forced

marriages and their intersections with trafficking in persons, and challenge harmful societal norms.

- ✓ Improving school infrastructure to create accessible, girl-friendly environments, training teachers on gender responsive and disability-inclusive practices, and developing curricula that promote gender equality and inclusivity.
- ✓ Implement nationwide social and behaviour change programs aimed at addressing the root causes of child and forced marriages. These initiatives should raise awareness of child rights, gender equality, legal protections, trafficking risks, and reporting mechanisms. The programs will target communities, parents, and local leaders through collaboration with survivors, CSOs, FBOs, OPDs, international agencies, and the private sector to enhance prevention and awareness efforts.
- ✓ Investing in community empowerment initiatives to shift social and cultural norms through education of parents, community leaders, teachers, caregivers, and religious figures on the negative impacts of child marriage.
- ✓ Develop culturally sensitive outreach messages that promote delayed marriage and pregnancy among parents, adolescents, and community leaders, fostering community-led change and safeguarding the rights of vulnerable children and women.
- ✓ Implement nationwide social and behaviour change programs to address the root causes of child and forced marriages, raise awareness of child rights, gender equality, legal protections, trafficking risks, and reporting mechanisms. These initiatives target communities, parents, and local leaders, in collaboration with survivors, CSOs, FBOs, OPDs, international organisations, and the private sector to enhance prevention and awareness efforts.
- ✓ Partnering with digital platforms and social media to reach wider audiences, especially youth, and utilising digital tools for reporting and support.
- ✓ Strengthening and investing in integrated child protection systems and national strategies, based on a multi-agency, multidisciplinary approach, with collaboration across social services, law enforcement, health, education, judicial sectors, and cross-border coordination.
- ✓ Enhance the capacity of frontline responders, including social workers, health workers, to early detect, prevent, and respond to child protection risks, including child and forced marriage and their intersection with trafficking in persons.
- ✓ Focusing support on vulnerable populations, particularly women and children in rural or marginalised communities (i.e. indigenous communities, migrant children, children with disabilities), who are often the most susceptible to child and forced marriages. Including the active participation of children and survivors in national and regional discussions to ensure their perspectives and knowledge are considered in matters that affect them.
- ✓ Educational sessions must prioritise menstrual health education to empower girls, eliminate stigma, and ensure it does not hinder their education or future opportunities. This promotes gender equality and addresses misinformation and embarrassment associated with menstruation. Establish an ASEAN Day against Child and Forced Marriage to coincide with the launch of related guidelines.
- ✓ Develop programs that actively involve victim/survivors, men and boys as allies in preventing

child and forced marriages. These should include campaigns that challenge harmful norms, foster respectful attitudes towards women and girls, and promote gender equality—driving lasting societal change.

- ✓ Prevention programs and initiatives must be accessible to all, including persons with disabilities, children, and other vulnerable groups. Ensure materials are available in appropriate formats and languages that are easily understood by the target audiences.
- ✓ Conducting extensive campaigns using local media, social media, and community outreach to raise awareness about the risks inherent in child and forced marriage and the links to trafficking. These campaigns should target potential victims and also perpetrators.
- ✓ Given the growing evidence of traffickers using online platforms and social media to recruit victims, AMS may conduct digital safety training, particularly for high-risk groups such as women and girls. This includes providing targeted digital safety training, raising awareness of online recruitment tactics, and strengthening whistleblowing channels and platforms for suspicious activities online.
- ✓ Providing free, adolescent and youth-friendly health services including sexual and reproductive health information and services, and sexuality education that promotes positive masculinities and healthy sexuality and relationships.
- ✓ Strengthening protective factors, including birth registration systems and child protection programs.
- ✓ Supporting children who are left behind by their migrating parents, ensuring their development, rearing, education, parental, and mental health needs are met so they do not resort and/or be forced to marry in their early age and face heightened risks of trafficking.

3.2. Legislative Frameworks

Establishing a comprehensive legal framework is essential to effectively combat child and forced marriage, enabling authorities to conduct proactive dialogues, coordinated investigations, and enforce laws against offenders. In the absence of such a framework, child and forced marriage have often remained a sensitive and contested issue, particularly in cases involving familial consent or deeply rooted social norms. Inconsistent laws and plural legal systems, where civil, customary, and religious laws coexist, create confusion and complicate enforcement. Punitive approaches like criminalisation can also backfire, by stigmatising victims, driving the practice underground, or punishing normative behaviours. Instead, experts recommend a holistic framework that addresses root causes like gender inequality and poverty, and empowers girls through education, health services, and social support.

In some countries, child and forced marriage are not recognised as distinct crimes or clear human rights violations, resulting in significant gaps in legal protections. When these practices are not explicitly addressed within legal frameworks, efforts to combat them become more complex and less effective. Moreover, even in jurisdictions with existing laws, enforcement may be inconsistent



or inadequate, allowing these violations to persist unchecked. The absence of proper recognition and enforcement profoundly undermines efforts to safeguard vulnerable individuals and eradicate child and forced marriages, and its intersection with trafficking in persons.

Legal frameworks must be grounded in principles of gender equality and human rights to provide meaningful protection. This entails moving beyond mere criminalisation to address structural discrimination, prevent unintended harm to survivors, and close legal loopholes, such as exceptions permitting marriage below age 18 with parental or judicial consent, that undermine protective norms. Laws should align with international standards, including those outlined by the CRC and CEDAW, ensuring that victims of trafficking or families in poverty are not criminalised. Instead, focus should be placed on deterring perpetrators and strengthening protective services. Special attention is required for plural legal systems, where customary or religious laws may override civil protections, disproportionately endangering girls.

Establishing and enforcing comprehensive legislation that explicitly criminalises child and forced marriages within the context of trafficking is vital. Countries must harmonise their legal frameworks with international and regional standards on child marriage and trafficking. Achieving such harmonisation is essential for creating consistent, effective legal protections across AMS, which currently have varying definitions, age thresholds, and enforcement mechanisms. This unified approach is critical to effectively combat trafficking and protect the rights of all vulnerable populations.

3.2.1. Good Practice in Legal Frameworks

Cambodia, “Review of Domestic Legislative Framework “

The 1989 Law on Marriage and Family’s Article 5 emphasises that marriage may be permitted for a man aged 20 years or older and a woman aged 18 years or older. This provision was later complemented and partially replaced by Cambodia’s Civil Code, enacted in 2007 and effective from 2011, to strengthen protections against child and forced marriages.



Under the Civil Code, Article 948 states that neither men nor women may marry until they have reached the age of 18, underscoring the importance of consent and voluntariness in marriage. It explicitly requires free and full consent from both parties. Additionally, Article 953 grants the court authority to adjudicate cases where consent is absent in marriages involving minors. The Civil Code reaffirms the minimum legal age of marriage as 18 years for both men and women, aligning with international standards.

Furthermore, Article 958a specifies that if a marriage occurs without the genuine intention to marry, due to mistaken identity of the other party, coercion, or other causes, such marriage shall be considered null and void. However, certain exceptions exist, allowing marriage at age 16 with the consent of parental guardians or legal guardians of the minor.

To further reinforce these protections, Cambodia’s Law on Suppression of Human Trafficking and Sexual Exploitation, enacted in 2008, includes penalties for those involved in child and forced marriages. Article 10, titled “Unlawful Removal with Purpose,” states that any person who unlawfully removes another for the purpose of profit, sexual exploitation, production of

pornography, forced marriage, adoption, or any form of exploitation shall face imprisonment ranging from 7 to 15 years.

These legal reforms are part of broader efforts to address gender inequality and promote human rights in Cambodia, reflecting increasing awareness of the negative impacts of early and forced marriages on individuals and society.

Myanmar, the Amended Anti Trafficking in Persons Act criminalised fraudulent marriages

Myanmar's Anti-Trafficking in Persons Act (ATiP Act), enacted in 2005, criminalised sex and labour trafficking, organ removal, fraudulent adoption, and marriage, with penalties ranging from three years to life imprisonment. In June 2022, the law was amended to include additional forms of exploitation such as forced marriage, forced begging, and surrogate pregnancy. The amendment also established community-based committees at the village and ward levels, empowered to identify, report, and investigate trafficking offences in coordination with township authorities and police. Furthermore, the law now mandates the participation of local NGOs and community representatives in these committees, fostering stronger local protection systems and enhancing collaboration with government agencies to address trafficking, forced marriage, and harmful community practices.



Philippine Legislative Framework criminalised child and forced marriages

The Philippines' trafficking legislation includes matchmaking and offering or contracting a marriage for the purpose of exploitation. Specifically, it makes it illegal for anyone to "introduce or match for money, profit, or material, economic or other consideration... any Filipino to a foreign national, for marriage for the purpose of acquiring, buying, offering, selling or trading him/her to engage in prostitution, pornography, sexual exploitation, forced labour, slavery, involuntary servitude or debt bondage". It further makes it illegal to "offer or contract marriage, real or simulated, for the purpose of acquiring, buying, offering, selling, or trading them to engage in prostitution, pornography, sexual exploitation, forced labour or slavery, involuntary servitude or debt bondage".⁸⁷

In 2016, the Philippines enacted Republic Act No. 10906 or the **Anti-Mail Order Spouse Act**, which prohibits businesses and schemes that match Filipinos to foreign nationals for marriage or common-law partnerships for a fee. It aims to address the exploitation of Filipinos through mail-order bride schemes, which can lead to trafficking and forced marriage.

Additionally, the Philippines in 2021 enacted Republic Act No. 11596, an Act Prohibiting the Practices of Child Marriages, which imposes penalties for violations. This law aims to prevent

⁸⁷ Republic of the Philippines. *Expanded Anti-Trafficking in Persons Act of 2012* (Republic Act No 10364), s 4, enacted 3 Jan 2013. Accessed 15 May 2025. https://lawphil.net/statutes/repacts/ra2013/ra_10364_2013.html

and eliminate child marriage nationwide by harmonising civil, customary, and religious laws across the country. It includes stringent penalties for individuals who arrange, facilitate, participate in, or officiate marriages involving persons under 18 years old

Vietnam, “amended Anti Trafficking Law, criminalising child and forced marriages”

Vietnam has taken significant steps to address forced and child marriage within its broader anti-trafficking framework. Article 181 of the Penal Code criminalises forcing someone to marry or obstructing their right to marry or divorce freely, with penalties ranging from community service to imprisonment. Building on this, Vietnam's 2024 Law on Anti-Trafficking in Persons (Law No. 53/2024/QH15) explicitly recognises trafficking for the purpose of forced marriage as a form of trafficking. The law also introduces preventive and protective measures; for example, Article 8 highlights the importance of providing counselling to prevent forced marriages, while Article 10 mandates the monitoring of activities leading to marriages between Vietnamese citizens and foreigners, as well as adoption practices.

Good practices include linking forced marriage to trafficking-related crimes. Notably, Resolution No. 2 of the Supreme People's Court (SPC) Council of Judges clarifies that using marriage brokerage with foreigners for exploitative purposes constitutes human trafficking under Article 150 of the Penal Code. Collectively, these provisions strengthen Vietnam's ability to prevent abuse in cross-border marriages, hold perpetrators accountable, and provide greater protection for vulnerable women and children.

Save The Children Indonesia, “Qualitative study in collaboration with children-youth groups on Child Marriage”

In 2022, Save the Children Indonesia collaborated with children and youth groups to conduct a qualitative study on child early and forced marriage in four districts of Lombok, West Nusa Tenggara. Titled “Marriage is Not a Solution,” the study integrated Gender and Power Analysis (GAP) and prioritised meaningful child and youth participation to inform policy recommendations for the Ministry of Women's Empowerment and Child Protection.

Key findings emphasise the need to strengthen and harmonise provincial regulations, improve complaint and service mechanisms for children and youth, and enhance law enforcement efforts, aligning with best practices in child rights and legal protection. The study's recommendations, presented directly by children and youth, support participatory, rights-based approaches to ending child marriage within Indonesia's legal framework.



Vietnam, Legislative Changes

Vietnam has implemented several legal reforms to combat sexual violence and protect children's rights. These legal reforms demonstrate Vietnam's commitment to combating sexual violence and protecting children's rights through comprehensive legislation:

- The *Law on Domestic Violence Prevention and Control (2022)* recognises coerced marriage—including forced child marriage—as a form of domestic violence under certain circumstances.
- The *Law on Children 2016* explicitly prohibits forced child marriage and outlines children's rights and the responsibilities of various entities in upholding these rights.
- *The Penal Code*, revised in 2015 and 2017, penalises organising underage marriages with fines of 10,000,000 to 30,000,000 VND or up to 2 years of non-custodial reform for repeat offenders. It also expanded the definition of rape to be gender-neutral, ensuring protection against sexual violence regardless of gender or sexual orientation.
- The *Law on Marriage and Family 2014* defines child marriage and prohibits coerced marriages, fraudulent marriages, and marriage obstruction.

Indonesia, “local regulations initiative”

Wajo Regency in South Sulawesi has successfully reduced child marriage through strong collaboration among local government, religious leaders, community figures, and civil society. Key measures include a joint “STOP CHILD MARRIAGE” declaration, where village and sub-district heads commit to drafting regulations with sanctions such as administrative bans on wedding permits, social exclusion from marriage processions, and mandatory reporting by parents who marry off children. Religious leaders also support these efforts by providing education and enforcing social sanctions at the community level.



Outside ASEAN, “Child and forced marriage outlawed under Penal Codes, laws regulating marriage, or specifically qualified in the national trafficking legislation as a form of exploitation”

In some countries, child and forced marriage are outlawed under Penal Codes or laws regulating marriage, specifically under anti trafficking laws as well. For example, in the Anti-Trafficking Act of South Africa, under the element of exploitation, “forced marriage means a marriage concluded without the consent of each of the parties to the marriage”. This specific provision also includes children under 18, as they are unable to consent. In Cambodia, Australia, Namibia and Uganda, forced marriage has been specifically qualified in the national trafficking legislation as a form of exploitation. In other countries, for instance, in Canada, Germany, Norway, Sweden and the United Kingdom, forced marriage has been criminalised

as a separate offence.⁸⁸

Outside ASEAN, United Kingdom Legislative Framework

Child Marriage has been criminalised in the United Kingdom with the Marriage and Civil Partnership (Minimum Age) Act 2022. This Act raised the age of marriage and civil partnership to 18 in England and Wales which means that children will no longer be able to marry or enter a civil partnership under any circumstances, including with parental or judicial consent.



In England and Wales, up until 2023, children were able to legally register their marriages at 16 and 17 with parental consent. An NGO, Karma Nirvana, which supports many victims of child marriage noted that many children whose parents consented to their marriage was because of 'parental and community coercion'. Children were pressured into marriage and in some circumstances normalised marrying under the age of 18, because of conditioned customary expectations. Until the legislative changes in 2022, forced marriage depended on whether parties were deemed to have consented and had the capacity to consent. The test for capacity to consent was defined under the Mental Capacity Act 2015, and as such, a child's age was not a standalone factor in determining the lack of capacity to consent. This oversight in forced marriage legislation meant that children had to explicitly report their forced marriage to get protection from it. This all changed with the introduction of the Marriage and Civil Partnership (Minimum Age) Act 2022 due in part to the advocacy by this NGO.⁸⁹

Furthermore, the United Kingdom legislation provides for the courts to issue protective and preventative orders for children at risk of forced marriage. There are also civil protection orders available for young women (and men) aged over 18 years who are at risk of forced marriage which allows those at risk or their advocates to apply for a protective order, regardless of the age of the person at risk. This protective order prevents the marriage from occurring and serves as a warning to family members of potential criminal repercussions.

Outside ASEAN, Australian Legislative Framework

Forced marriage has been criminalised in Australia since the entry into force of specific offences in the Criminal Code on 8 March 2013. The offences can apply to any person with a role in bringing about the forced marriage, including the groom, family members, friends, wedding planners, or marriage celebrants. The offences apply regardless of the age, gender or sexual orientation of the victim. The offences also criminalise being a party to a forced marriage. The offences can apply to different kinds of marriage and



⁸⁸ United Nations Office on Drugs and Crime, *Interlinkages between Trafficking in Persons and Marriage (2020)*, p. 73.

⁸⁹ Karma Nirvana, *End Child Marriage Campaign*, Karma Nirvana, 2023. Accessed 15 May 2025.
<https://karmanirvana.org.uk/campaigns/past-campaigns/end-child-marriage/>.

marriage like relationships, including registered relationships and those formed by cultural and religious ceremonies. This includes marriages that occur in Australia (including where a person was brought to Australia to get married) as well as when a person is taken from Australia to be married overseas. The maximum penalty for a forced marriage offence in Australia is seven years, or nine years for an aggravated offence (where the victim is under 18 years of age).⁹⁰ Where the victim is under the age of 18 and is taken overseas for the purpose of the forced marriage, the maximum penalty increases to 25 years' imprisonment.⁹¹

3.2.2. Practical Guidance for Legal Frameworks

ASEAN Member States consider the following to improve and enhance legal frameworks to prevent and respond to child and forced marriage in the context of trafficking in persons, by:

- ✓ Aligning national legal frameworks on child and forced marriage with regional and international standards, including:
 - Establish clearer legal definitions and stronger frameworks to address the intersection of child marriage, forced marriage, and trafficking in persons, including recognising child and forced marriages as forms of exploitation within trafficking laws;
 - Setting the minimum legal age of marriage at 18 without exception, including in customary and religious laws;
 - Criminalising child and forced marriage under relevant penal codes and criminal laws, including those governing marriage, child protection, and trafficking in persons;
 - Implement civil protection orders, including parenting orders and injunctions, to shield young women and children from child and forced marriage and cross-border trafficking, ensuring regional validity. Also, implement extradition agreements to support cross-jurisdictional prosecution;
 - Ensuring that sexual violence laws are gender neutral and apply equally to male and female victims, and;
 - Monitoring of marriage applications and heightened scrutiny of cross-border marriages.
- ✓ Explicitly noting child and forced marriage as a form of exploitation in domestic anti trafficking legislation. If forced or child marriage is not or cannot be explicitly listed under exploitation purposes, AMS should ensure such marriages are considered abusive and exploitative practices and a form slavery and slavery-like practices.
- ✓ Harmonisation of laws across AMS to ensure consistency in legal protections and penalties related to child and forced marriages.
- ✓ Implementing comprehensive regulations at both national and regional levels to ensure 'matrimonial matchmaking services' do not facilitate child or forced marriages for traffickers.

⁹⁰ Commonwealth of Australia, *Criminal Code Act 1995* (Cth), s 270.7B.

⁹¹ Commonwealth of Australia, *Criminal Code Act 1995* (Cth), s. 271.4.

- ✓ Promote the establishment of clear implementation strategies and the allocation of adequate resources to ensure effective enforcement of laws against child marriage.

3.3. Victim Identification

A comprehensive approach to victim identification that prioritises the rights and needs of victims of child and forced marriage is critical to safety and well-being, and to ensure victims are afforded their rights, assistance, and protection services. Accurate and timely identification facilitates the rescue and the rapid provision of care for a victim. It disrupts the trafficking process and supports the prosecution of the perpetrators.



There are many ways in which a victim of child or forced marriage may be identified: by the victims themselves, their family and friends, law enforcement agencies such as police and border officials, specialised anti-trafficking groups, labour inspectors, immigration and customs officials, legal aid providers, social services, healthcare professionals, embassy and consular staff, non-governmental organizations (NGOs), or faith-based community leaders and groups. This wide array of potential identifiers highlights the importance of a multi-stakeholder approach in effectively recognising and assisting victims of trafficking.

Many victims of child and forced marriage may not report or willing to participate in the identification process due to shame, fear of retaliation from their traffickers or their family members; they do not want to dishonour their families; they are unaware of their rights and the assistance that would be granted to a victim; they just want to move on with their lives. Some victims may be unaware that they have been trafficked or that they are victims of a crime. In both cases, they may be unaware of the concepts of trafficking in persons, and/or child and forced marriage, and so they do not see themselves as a victim.⁹² This is especially common among people from marginalise and vulnerable, or very conservative and traditional families, who have been groomed by their perpetrators (who may be their parents or relatives) to view their marriage or other abuse and exploitation as normal and part of their duty to their families. Women and girls who are tricked or forced into marriage may believe they have given their consent or that it is 'normal' and therefore do not regard themselves as trafficked victims or victims of forced marriage. They may also be afraid of the identification and investigation process, being questioned by the police and consequences for their family, as they may have been involved in the recruitment. Victims also fear being identified in the media. In circumstances when a victim is highly isolated, their access to communication and freedom of movement may often be denied, which then would lead to their inability to report their situation.

Not being identified as a victim may result in their continued exploitation and abuse. Victims may also face detention, deportation, criminalisation, rights violation, no access to essential services and assistance, re-trafficking, and reprisal from traffickers and family members, including murder.⁹³

⁹² ASEAN Commission for the Promotion and Protection of the Rights of Women and Children (ACWC), *Do-No-Harm Guide for Frontline Responders: Safeguarding the Rights of Victims of Trafficking in Persons*, ACWC, June 2024, p 13. Accessed 15 May 2025. <https://acwc.asean.org/wp-content/uploads/2024/06/ASEAN-Do-No-Harm-Guide-Capacity-Enhancement-of-Frontline-Responders-in-Countering-Trafficking-Using-Victim-Centred-and-Gender-sensitive-Approaches.pdf>.

⁹³ Anti-Slavery International, *Human Traffic, Human Rights: Redefining Victim Protection*, Anti-Slavery International, London, January 2002. Accessed 15 May 2025. <https://www.antislavery.org/reports-and-resources/research-reports/human-trafficking-reports/>.

They also miss the chance to receive necessary immediate physical and psychological health care.

Victim identification should be conducted in a manner that is gender-responsive, trauma-informed, and free from discrimination. Since girls and women often experience covert forms of coercion and control—particularly through arrangements like “marriage”—the process must include collecting specific information related to their gender, disability, and age. Victim Identification Officers should be trained to recognise indicators such as signs of power imbalances, reproductive coercion, social isolation, and other vulnerabilities, while ensuring that the process does not cause further trauma. Additionally, careful attention is needed to ensure that marginalised groups, such as individuals with disabilities, stateless children, indigenous peoples, and migrants, are not overlooked or left unrecognised.

Given the complexity of differentiating between child marriage, forced marriage, and trafficking in persons, it is essential to evaluate each case individually throughout the victim identification process. The following indicators may assist in identifying potential cases of child and forced marriages:

Some Indicators for Identifying Child and Forced Marriages in the Context of Trafficking in Persons Cases

- ? Is there a significant age gap between the bride and the groom
- ? Are there any power gaps between the bride and the groom
- ? Was there an exchange of large sums of money, property, or other benefits in return for the bride that resembles a business arrangement in which a person is sold
- ? Was the victim in a situation of exploitation, such as sexual or labour exploitation, or domestic servitude
- ? Has there been a series of multiple marriages, one after the other
- ? Is the victim ‘vulnerable’, for example, do they have a disability such as a mental health or intellectual impairment; Do they face language barriers such as not speaking the local language?
- ? Are there polygamous marriage arrangements
- ? Was there an alleged violent outset of the marriage such as force, kidnapping or rape
- ? Has the relationship involved physical and/or sexual violence
- ? Is there a lack of legal documents, such as a formal marriage certificate, birth certificate for the victim/their children, immigration status (visa)
- ? Was the victim’s passport and/or identity documents forged, confiscated
- ? Was the victim kept under the control of the perpetrator, such as a broker or husband
- ? Is there a restriction on the movement of the victim? Are they unable to speak freely, and are constantly monitored
- ? Does the victim lack control over money, cell phone, or do not speak the languages
- ? Does the victim exhibit fearful, anxious, or submissive behaviour? Do they seem disoriented, lacking sleep, or malnourished, and exhibit signs of verbal and/or physical abuse?
- ? Does the victim have injuries at different stages of healing, and/or show a lack of medical care;
- ? Do they avoid eye contact and are fearful of authority?

Additional information is available in the [ASEAN Do No Harm Guide for Frontline Responders Safeguarding](#)

the rights of Victims of Trafficking in Persons.

When working with individuals who are at risk of or experiencing child or forced marriage, it is important to communicate using language they are comfortable with and understand. This helps build trust and ensures clear communication. Many individuals may refer to their situation as an "arranged marriage," even if coercion, pressure, manipulation, or other forms of means are involved. Recognising that their terminology might differ from official or legal definitions is crucial. It allows them to better understand their perspective and to identify underlying issues such as a lack of free consent, coercion, or exploitation.

Ask open-ended questions to allow self-identification, such as:

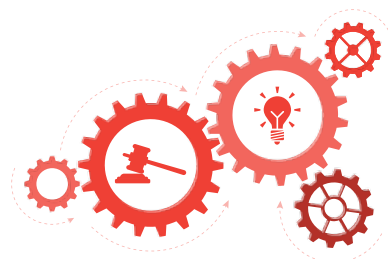
- How has marriage taken place in your family/community in the past?
- How do you feel about that for yourself?
- Are you being pressured to marry someone whom you do not want to marry?
- Do you feel you have a choice in deciding whom, when, and if you will marry?
- Is anyone pressuring your family members to force you into marriage/remain in an unwanted marriage?
- Have you ever resisted decisions made by your family in the past? If so, what has their reaction been?
- What do you think the reaction will be if you refuse to go through with the marriage/leave the marriage you no longer wish to be in? What do you think are the best-case and worst-case scenarios?

During the identification or screening, reassure the individual that they have the right to make their own decision about marriage, including saying no. This may be the first time they hear someone affirm their right to choose

3.3.1. Good Practice in Victim Identification

Thailand, National Referral Mechanism (NRM)

The NRM in Thailand is a government-led framework established in 2022. The NRM promotes strong multi-agency collaboration, involving government agencies, NGOs, and international organisations to provide comprehensive services and share information efficiently. The framework enables local authorities to establish specialised victim identification centres, improving access to safe accommodation and services. It includes a 45 days of reflection and recovery period for victim decision-making, immediate access to shelter, medical care, counselling, and legal aid, as well as protection from prosecution for immigration-related offences.

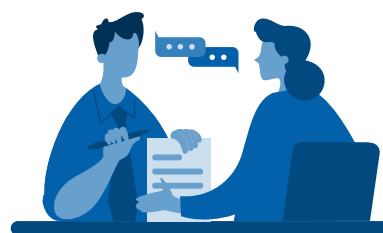


The NRM also features guidelines and standard operating procedures, coordination among agencies in Thailand and consular missions in Thailand, and robust monitoring, which together enhance the effectiveness of victim identification, case management, and prosecution of traffickers.

In 2024, Thailand harmonised the victim screening forms of different agencies into one, with features including screening **questions on disabilities** by adopting [Washington Group Short Set Questions](#)

Lao PDR, Building Trust with the Victim

The Laotian government recognises the challenges in obtaining accurate and timely information from victims of trafficking while ensuring their rights and safety throughout the process. Informing victims of their rights and getting informed consent is an important first step. Some victims do not see themselves as victims of trafficking – some will hide information at first. Victims of sexual exploitation are usually fearful of full disclosure at the beginning. If this happens, frontline responders will either take breaks or postpone the victim screening/ identification to the next day or the earliest opportunity. Focus is placed on building trust with the victims and creating an environment for them to feel safe and comfortable in.



Outside ASEAN - *Barnahus* Model - Iceland

The *Barnahus* model, pioneered in Iceland in 1998, is a child-friendly, multidisciplinary approach to addressing cases of child abuse and violence. *Barnahus* (meaning "Children's House" in Icelandic) brings together various professionals under one roof to provide comprehensive support to child victims and witnesses. The model aims to minimise trauma by conducting forensic interviews, medical examinations, and therapeutic services in a single, child-friendly location. A key feature is the recorded forensic interview, observed by a multidisciplinary team including law enforcement, child protection services, and legal professionals, which can be used as evidence in court proceedings. This approach reduces the need for multiple interviews, preventing re-traumatisation of the child. The Icelandic *Barnahus* model is recognised internationally as a best practice in child protection.

Good Practice Example: My BlueSky Screening Tool

My BlueSky is Australia's national service dedicated to providing information, support, and legal advice to individuals at risk of forced marriages, operated by Anti-Slavery Australia. The screening tool, consisting of a set of indicators or questions to assess risk, is essential for frontline workers and service providers to identify potential cases of child and forced marriage. In 2014, the NSW Department of Family and Community Services developed the Forced

Marriage Screening Tool for use in their *Mandatory Reporter Guide* which examines indicators such as significant age gaps between partners, the exchange of money or benefits for marriage, signs of exploitation or control, lack of consent or understanding from the potential victim, and restrictions on movement or activities.⁹⁴

3.3.2. Practical Guidance for Victim Identification

ASEAN Member States should implement the following to improve the identification of victims of child and forced marriage in the context of trafficking in persons, by:

- ✓ Broaden reporting channels by expanding the definition of authorities to include community leaders, specialist NGOs, and religious/fait leaders to foster a more supportive environment for victims and to encourage greater reporting.
- ✓ Implement a multi-agency and multidisciplinary model, including social workers and NGO staff, for effective victim identification. Standardised procedures, such as SOPs, should be developed or strengthened to prevent re-traumatisation caused by multiple interviews from different agencies. These procedures should also allocate sufficient time, including a reflection period, before engaging in the identification process.
- ✓ Develop or enhance existing screening tools to better identify child and forced marriage victims within trafficking. Given the complexity of distinguishing between marriage and trafficking, victim identification officers should be provided with specific indicators to assess the presence of trafficking elements accurately.
- ✓ Enhance the current UNODC/ILO set of operational indicators covering various aspects of trafficking and forced labour to assist in victim identification efforts in child and forced marriages.
- ✓ Victim Identification Systems should adopt a protective, gender responsive, disability inclusive, victim-sensitive and child-friendly approach that focuses on the victim and applies an individualised approach. The process should aim to build trust with the victim and respect their rights. Consent from the victim and/or affirmative assent from child victims should always be obtained before interviewing or progressing a matter further.
- ✓ Implement a comprehensive training program for victim identification officers to ensure they understand the complexities of child and forced marriage, emphasising that consent is invalidated when obtained through improper means such as fraud, coercion, deception, or abuse of power. In cases involving children, consent is irrelevant to marriage under any circumstances.
- ✓ Each case should be considered individually with sensitivity and thoroughness, looking beyond surface appearances to identify potential indicators of fraud, force or coercion.
- ✓ Adopt and implement the non-punishment principle for any crimes, including migration offences, perpetrated as a result of the marriage. During the victim identification process, victims may fear being punished and criminalised for their involvement in unlawful activities

⁹⁴ Anti-Slavery Australia, University of Technology Sydney, *Frontline Worker Guide: Identifying and Responding to Forced Marriage in Australia*, July 2024. Accessed 15 May 2025. <https://mybluesky.org.au/frontline-worker-guide>.

that are a direct consequence of their exploitation, for example, illegal entry into the country, use of false/fraudulent documents, drug trafficking, prostitution. They should be reassured they will not be criminalised.

- ✓ Ensure all victim identification officers and other relevant law enforcement, judiciary, social workers, healthcare professionals are appropriately trained on interviewing victims, including children, in a trauma-informed, gender responsive, disability inclusive child-focused way to avoid re-traumatisation. When dealing with child survivors, victim identification officer must prioritise the child's best interests and protect their rights, including through the appointment of a legal guardian, guardian or alternative family care, in accordance with the domestic laws. Ongoing assessments of the child's best interests should guide all actions.
- ✓ Ensure privacy, confidentiality, and anonymity by implementing robust protocols that prohibit the publication of victims' names, photographs, or any other identifying information. Additionally, establish comprehensive safety and security procedures to prevent the unintentional disclosure of information during the identification, safeguarding victims from potential harm.
- ✓ Respond to the needs of victims, including those with uncertain or irregular immigration status, by supporting them in obtaining necessary documentation and permits to stay in the country, while they participate in the identification process.
- ✓ Developed comprehensive protocols for first responders, outlining clear guidelines for identifying trafficking indicators and ensuring prompt intervention to effectively protect and support victims. These protocols also emphasise creating a safe and empowering environment for individuals experiencing or escaping forced marriage. When communication occurs via phone, responders must confirm that the individual is in a confidential and private setting prior to proceeding.
- ✓ When working with trafficking victims who need an interpreter, avoid using family or community members to ensure confidentiality and safety. Instead, use a trained, or impartial telephonic interpreter and inform the client that they are not required to share their name. Even if a client requests a trusted individual, it is best practice to rely on a professional interpreter to ensure accuracy and protect everyone's safety.
- ✓ After victim identification, conduct a comprehensive risk assessment before providing follow-up support, particularly for return assistance. Evaluate the feasibility of integration or reintegration plans to ensure a safe and effective outcome.

3.4. Victim Support Services

Victims' support for trafficked persons typically involves four main phases: shelter, recovery and reflection period, return, and reintegration. The primary goal of these services is to help trafficked individuals process their experiences, achieve self-sufficiency, and restore their sense of security and well-being. Recovery is a gradual journey, and reintegration plays a vital role in enabling victims to actively participate in economic and social life. Recognising the diversity of victims and their varying needs, effective support must adopt a holistic and tailored approach. This involves considering intersecting identities such as gender, age, disability, sexual orientation, gender identity, and immigration status to ensure that assistance is personalised and responsive to each individual's unique circumstances.



In the context of victims of child and forced marriage, these individuals often face significant trauma, experiencing emotions such as fear, anxiety, shame, helplessness, confusion, and depression. Many endure prolonged physical and psychological abuse, which can lead to chronic health issues that impede their ability to make informed decisions about their futures. Additionally, these victims frequently experience social isolation, stigma, and a loss of autonomy, making it difficult to seek help or envision a path toward recovery. Addressing their needs requires a sensitive and multi-faceted approach that provides psychological support, health care, legal assistance, and opportunities for education and empowerment, all aimed at restoring their dignity and helping them rebuild their lives.

Among other considerations, it is essential to recognise the specific needs of victims of child and forced marriages, at every stage of support services:

Safe shelters and temporary accommodations support

Shelter and recovery focus on providing trafficked persons with a safe, supportive environment that upholds their rights to freedom of movement and protection from punishment. Please remember that, to the best of your ability, you should never send child and forced marriage victims home against their wishes or if they perceive it as unsafe. When appropriate, explore alternative options such as shelter or staying with a trusted third party. For those unable to return home safely, exploring other options is essential.

If you are working with a minor in need of shelter, special considerations are essential, including their age, gender, and maturity. Accommodations must be lawful, authorised, and aligned with child protection standards, prioritising the child's best interests and, when appropriate, facilitating family reunification and collaboration with child protection agencies. Family reunification is the preferred option for accommodating children if it is safe. If not feasible, alternative placements such as extended family care, foster care, or small group homes should be considered, with shelters as a last resort.

The lack of shelter or alternative safe housing options can pose a significant barrier for victims of child and forced marriages, particularly women and girls seeking assistance. This challenge is

often compounded by the fact that Child Protection Services and courts may not initially consider removing the minor from their home necessary until a pending protective order, case of abuse or neglect, child in need of services, or other legal hearings have taken place. Given these barriers and challenges, we encourage transparency about the limits of our support and emphasise the importance of allowing individuals at risk to lead these conversations. Listen carefully to the needs of the victims, especially minors seeking help, and take their concerns seriously, particularly those involving imminent harm.

Recovery and reflection period support

An essential aspect of victim support is providing a recovery and reflection period, acknowledging that many trafficking victims remain deeply traumatised after their experiences. During this time, victims, especially victims of child and forced marriages, often struggle with feelings of fear, shame, helplessness, and depression, having endured physical and psychological abuse that requires time to heal.

Establishing a dedicated recovery and reflection period enables individuals to process their experiences, rebuild resilience, and lay a solid foundation for their ongoing recovery. Internationally, victim reflection and recovery periods are widely recognised as vital for proper identification and support, with many countries, including the UK, Australia, and numerous EU states, adopting such practices. The Council of Europe, under Article 13 of its Convention on Action against Trafficking, mandates a minimum 30-day recovery period for victims, during which they cannot be subject to expulsion. Evidence from Europe, such as Belgium and the Netherlands, shows that victims granted this time are more likely to take legal action against traffickers. The Bali Process, with its member states including AMS, recommends a reflection period of 30 to 90 days,⁹⁵ while Thailand's National Referral Mechanism (NRM) provides a 15-day screening and a subsequent 30-day shelter recovery period. These practices underscore the importance of allowing victims time to heal and rebuild their lives.

Return and Reintegration support

Voluntary return involves assisting trafficked individuals to safely travel back to their home communities or countries, with the understanding that the decision to return must be entirely voluntary. If returning poses a risk to their safety, alternative options such as residency within the destination city or country, or resettlement in a third country, should be considered, particularly in the case of refugees. When return is the only viable option, efforts should prioritise providing interim support and ensuring coordination with the home community or country to facilitate ongoing care.

Reintegration support aims to enable victims to rebuild their lives as active, contributing members of society by addressing their physical, mental, and socio-economic needs. Successful reintegration reduces the risk of re-victimisation and considers factors beyond economic hardship, such as gender-based violence, discrimination, or health issues. Given the diverse and complex needs of trafficking victims, comprehensive assessments, engaging victims and their families (not involved in the trafficking), are essential for delivering effective, tailored support and promoting long-term recovery.

⁹⁵ Regional Support Office of the Bali Process, [Policy Guide on Protecting Victims of Trafficking: An Introductory Guide for Policy Makers and Practitioners](#), Bangkok, 2015: it recommends that victims of trafficking be provided a reflection period and associated support of 30–90 days.

It is important to recognise that victims of child or forced marriage, or trafficking, often face stigma and rejection from family and community upon their return, especially if they have experienced sexual exploitation, pregnancy, or have children from the marriage.⁹⁶ Such circumstances can lead to feelings of shame and fear of dishonouring their families. Therefore, the process of return and reintegration must be conducted in a manner that is safe, dignified, and voluntary, with strict protection of their privacy.⁹⁷ A thorough risk assessment should be conducted to determine whether returning home is safe and appropriate. If risks are identified, temporary residence permits on social or humanitarian grounds should be granted, without linking them to participation in criminal proceedings, to ensure their protection and well-being.

Return and reintegration must account for gendered risks and power dynamics that influence survivors' experiences. Girls and women returning from forced or exploitative marriages may face increased risks of honour-based violence, community rejection, or forced re-marriage, especially if they have children. Reintegration planning should be survivor-led, with individual risk assessments addressing gender-based violence, social isolation, and stigma.

Reintegration support should encompass not only economic empowerment but also social interventions like peer support, mentorship, and community dialogues to rebuild confidence and foster acceptance. Confidentiality, safety, and informed consent are essential throughout the process. Additionally, reintegration services must avoid reinforcing gender stereotypes or biases. All victims should have access to life skills training, covering literacy, financial literacy, health, family planning, stress management, and IT skills, to promote equal opportunities, regardless of gender.⁹⁸

⁹⁶ Inter-Agency Coordination Group against Trafficking in Persons (ICAT), *Submission to CEDAW's General Recommendation on Trafficking in Women and Girls in the Context of Global Migration*, n.d. Accessed 15 May 2025. <https://www.ohchr.org/sites/default/files/Documents/HRBodies/CEDAW/GRTrafficking/ICAT.pdf>.

⁹⁷ United Nations, *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime*, adopted 12 December 2000, entered into force 25 December 2003, Art 15. Accessed 16 May 2025. <https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-prevent-suppress-and-punish-trafficking-persons>; ASEAN Commission for the Promotion and Protection of the Rights of Women and Children (ACWC), *Practitioners' Model Implementation Toolkit for the ACWC Regional Guidelines and Procedures to Address the Needs of Victims of Trafficking in Persons* (2019).

⁹⁸ UN Women Asia-Pacific, *The Gendered Dynamics of Trafficking in Persons Across Cambodia, Myanmar and Thailand*, UN Women, Bangkok, March 2020. Accessed 15 May 2025. <https://asiapacific.unwomen.org/en/digital-library/publications/2020/02/the-gendered-dynamics-of-trafficking-in-persons>.

In conclusion, support services must be carefully tailored to address the unique needs and experiences of victims, with particular focus on girls and women, who represent the majority of victims of child and forced marriage, as well as trafficking for marriage. These individuals often require specialised psychosocial support to address issues such as adolescent pregnancy, sexual violence, and reproductive coercion. Given the significant stigma they face from families and communities, especially when resisting or exiting marriages, responses must be sensitive, inclusive, and grounded in an understanding of the power dynamics and shame-based control often employed against girl victims, including cases involving family complicity. A comprehensive and nuanced approach is essential to ensure effective support, protection, and long-term recovery for all victims.



Photo: Freepik.

3.4.1. Good Practice in Victim Support Services

Thailand – Multi-Disciplinary Team

Multi-Disciplinary Teams (MDTs) are central to Thailand's anti-trafficking response, operating at both central and provincial levels to provide comprehensive, victim-centred protection and support. MDTs are composed of professionals from various agencies-including law enforcement, prosecutors, social workers, labour and immigration officials, public health staff, and CSOS, who collaborate in all stages of trafficking cases, from victim identification and rescue to legal proceedings, rehabilitation, and reintegration. MDTs play a key role in the National Referral Mechanism (NRM), conducting victim screening and ensuring trauma-informed care, particularly for children, as reflected in the use of child forensic interview guidelines to minimise trauma during investigations. This collaborative, multi-agency approach is recognised as essential for effective victim protection, timely assistance, and improved outcomes in Thailand's counter

Indonesia, Collaboration with Faith-Based Organisation

In 2019, a woman received a marriage proposal promising a better life. She was pressured to convert her religion, change her address, and sign an unofficial agreement with a hefty fine. Upon discovering her prospective husband's profile was falsified, she contacted her priest, who coordinated with his network in Jakarta. This led to her rescue and safe shelter at a chapel in East Jakarta, supported by the congregation and IOM Indonesia. This example highlights effective collaboration with faith-based organisations in safeguarding victims.



Vietnam, Hagar International

Founded in 1994, Hagar is a specialist agency dedicated to trauma-informed care, primarily serving survivors of trauma resulting from trafficking in persons, slavery, and abuse, including victim of child and forced marriage. Since 2009, Hagar Vietnam has been actively addressing the needs of survivors of trafficking in persons, violence, and abuse across the country through community-based services and training programs. The organisation employs a trauma-informed approach in all its services and initiatives to ensure that survivors receive the most appropriate support, effectively minimising harm and preventing re-traumatisation.

Through its strategic goals for 2023-2025, focused on healing survivors, scaling prevention efforts, increasing impact capacity, promoting awareness and influencing systemic change, and empowering and equipping survivors, Hagar Vietnam has reached over 675,000 individuals directly and indirectly

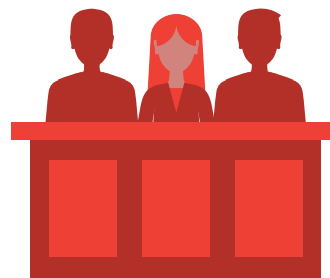
The Philippines, “36-Hour Limit for Inquest Proceedings”⁹⁹

The Philippines has a 36-hour regulatory period for inquest proceedings, which are informal and summary investigations conducted by the public prosecutor in criminal cases. Authorities recognise that the short time period imposes a heavy burden on victims who may not be ready to disclose information. The Department of Justice has mitigated this by allowing electronic inquest or video conferencing under certain circumstances to ensure compliance with time limits and health protocols. Video-in-depth- interview (VIDI) recordings are likewise accepted as evidence during the inquest. This is part of their victim-centred approach. The VIDI may be conducted by a trained law enforcer, in the presence of the social worker.

⁹⁹ ASEAN Commission for the Promotion and Protection of the Rights of Women and Children (ACWC), [ASEAN Do No Harm Guide for Frontline Responders: Safeguarding the rights of victims in trafficking in persons \(2021\)](#).

Indonesia, “Protecting victims from pressure to withdraw their complaint”

In Indonesia, stakeholders have expressed concerns about allowing victims to continue living in their community instead of shelters, as victims are more likely to be persuaded to withdraw their complaints or face threats from the perpetrators or be blamed by their parents and local leaders for what happened. The perpetrators of TIP often try to meet the victims to influence what they say to the police. Some victims remain in touch with their perpetrators or persons who are part of a syndicate via mobile phones, even when they are housed in a shelter. Victims may divulge the location of their shelters, which creates security risks not just for the victims but for shelter staff and other residents. Stakeholders have also reported incidents whereby perpetrators turn up at the shelter or accommodation facility to make trouble for the victims, including intimidating the security guards, breaking the fences, and so on.¹⁰⁰



Philippines, “Protecting victims of child marriage from perpetrators”

In the Philippines, case managers and social workers face numerous challenges in caring for child victims of trafficking residing in shelters. Most perpetrators are related to the victim, and in some cases, family members are complicit in the crime. Depending on each child’s personal circumstances and needs, communication with their family, including physical visits to the shelter, may be allowed under supervision. The case manager and social worker must decide in the best interests of the child whether to allow such visits. An NGO working with children reported that only nine out of the 64 cases they had filed in court were ongoing.¹⁰¹

Philippines, “A dedicated shelter for Child Victims that feels like a home “

Certain shelters for child victims are designed and constructed to feel like a “home “, for instance, the fences are not too high so that the children can see the outside surroundings; there is no external signage on the building indicating it is a shelter; the shelter does not feel like a closed jail; the shelter is staffed with social workers, psychologist and ‘house parents’. The children are also allowed to attend school outside of the shelter. Children who are involved in court processes are informed of their shelter placement and its connection to the legal proceedings. Their views on shelter placement are also considered. Children are given a week to try out at a shelter before deciding if they wish to stay in it.¹⁰²

¹⁰⁰ ASEAN Commission for the Promotion and Protection of the Rights of Women and Children (ACWC), [ASEAN Do No Harm Guide for Frontline Responders: Safeguarding the rights of victims in trafficking in persons \(2021\)](#).

¹⁰¹ ASEAN Commission for the Promotion and Protection of the Rights of Women and Children (ACWC), [ASEAN Do No Harm Guide for Frontline Responders: Safeguarding the rights of victims in trafficking in persons \(2021\)](#).

¹⁰² ASEAN Commission for the Promotion and Protection of the Rights of Women and Children (ACWC), [ASEAN Do No Harm Guide for Frontline Responders: Safeguarding the rights of victims in trafficking in persons \(2021\)](#).

Vietnam, Peace House Shelter Project (PHSP)

The Peace House Shelter Project (PHSP), was established in 2007 as a collaborative effort between the Vietnam Women's Union and the Spanish Agency for International Development Cooperation (AECID). This initiative is managed by the Centre for Women and Development (CWD), a subsidiary of the Vietnam Women's Union, with the primary aim of combating trafficking in persons and supporting survivors. The PHSP offers a range of comprehensive services to women and children who have survived trafficking, including safe accommodation, healthcare, counselling, vocational training, job placement, and legal aid. Since its inception as a pilot project, the shelter has assisted over 250 trafficking survivors from various provinces across Vietnam.

Vietnam's 24-month Monitoring Program

Vietnam has a 24-month monitoring program to continuously assess the safety and well-being of survivors after they return home. Local authorities actively reach out to survivors and visit their residences to determine the support needed. The Peace House Shelter offers an open-door policy for returning survivors facing reintegration challenges. It has provided repeated support to some victims, allowing them to return to the shelter multiple times until they feel ready to successfully reintegrate into their community.¹⁰³



Outside ASEAN: “USA Practice of the Non-punishment Principle”

The USA applies the non-punishment principle to victims of trafficking in persons (TIP), allowing them to remain in the country if they have been trafficked. This principle ensures that victims are not penalised for illegal acts committed as a direct result of being trafficked, such as using false documents. Under the Trafficking Victims Protection Act (TVPA), victims can access protection and support services without fear of legal repercussions, promoting their recovery and integration into society. This approach recognises the complex circumstances of trafficking victims and prioritises their rights and well-being.

Outside ASEAN: “Australian Red Cross’ Support for Trafficked People Program”

The Australian Red Cross delivers the Support for Trafficked People Program (STPP), a federally funded initiative that assists victims and survivors of trafficking in persons, slavery, and slavery-like practices in Australia. The program offers complex case management

¹⁰³ ASEAN Commission for the Promotion and Protection of the Rights of Women and Children (ACWC), [ASEAN Do No Harm Guide for Frontline Responders: Safeguarding the rights of victims in trafficking in persons \(2021\)](#).

support, including help with accommodation, medical treatment, counselling, legal and migration advice, skills development, and social support. In 2023, the program was enhanced, allowing for longer support periods, additional assistance for victims with children, and follow-up support after survivors left the program. In July 2024, the program introduced an additional referral pathway, allowing victims to access support through community service providers without requiring initial engagement with law enforcement, meaning they did not have to be 'formally' identified as a victim of trafficking.¹⁰⁴

3.4.2. Practical Guidance for Victim Support Services

ASEAN Member States should enhance and expand support services for victims of child and forced marriage within the context of trafficking in persons by:

- ✓ Providing Immediate response to safety and protection, among others, by:
 - Immediately refer and place victims of child and forced marriages to appropriate shelters or safe houses that are child-friendly, gender-responsive, inclusive, and compliant with safety standards and child safeguarding policies.
 - In the absence of shelter or safe houses, explore alternative secure environments or community-based support options for victims. Avoid them in criminal justice facilities.
 - Offering protective custody when necessary, with appropriate legal oversight to prevent re-traumatisation.
 - Best interest determination must be immediately undertaken for child victims of trafficking.
 - Address victims' trauma, depression, anxiety, and other relevant mental health issues immediately by referring them to qualified psychologists and mental health professionals.
 - Given limited human, financial, and temporal resources, priority should be given to security and health issues.
- ✓ Providing medical and psychological care, among other services, by:
 - Ensuring access to comprehensive healthcare services, including routine medical check-ups, emergency care, and treatment for chronic conditions.
 - Offering mental health and psychosocial support through counselling, therapy, and trauma-informed care to address emotional and psychological needs.
 - Facilitating referrals to specialised healthcare providers and mental health professionals when necessary.
 - Conducting health education and awareness campaigns to promote preventive care and healthy practices.
 - Providing long-term psychosocial support and facilitating peer support groups to promote recovery and resilience.
- ✓ Implement long-term case management and coordinated support by collaborating with a broad range of stakeholders, including NGOs, INGOs, and the private sector, among others, by:
 - Assigning a caseworker or social worker to oversee recovery and reintegration processes.
 - Develop individualised recovery plans that address the personal, cultural, and safety needs

¹⁰⁴ Australian Red Cross, *Support for Trafficked People*, Australian Red Cross, 2025. Accessed 15 May 2025.
<https://www.redcross.org.au/migration/support-for-trafficked-people/>.

of victims, ensuring that such plans actively involve victims-survivors and their families whenever possible.

- Engage the entire society in the recovery and reintegration efforts by raising awareness, fostering community support, and promoting protective environments to prevent re-trafficking and re-victimisation.
 - Develop Standard Operating Procedures (SOPs) or toolkits for frontline responders to ensure they can effectively provide services and support to victims, prioritise safety and well-being, and uphold the dignity and human rights of all victims.
- ✓ Provide social and educational services through collaboration with all relevant stakeholders to ensure comprehensive support, promote victim empowerment, and facilitate successful reintegration into society. This can be achieved, among other ways, by:
- Providing access to both formal and non-formal education, including remedial programs for children who have missed schooling, recognising that education is vital for making safe and informed decisions.
 - Offering vocational training and skills development programs to foster economic independence and self-sufficiency.
 - Facilitating psycho-social support services to address emotional and mental health needs, promoting resilience and well-being.
 - Creating awareness campaigns and community engagement initiatives to reduce stigma, foster acceptance, and promote supportive environments for the successful victims' reintegration.
 - Supporting family reunification and community reintegration efforts, with culturally sensitive approaches to ensure a smooth transition.
- ✓ Successful return and reintegration support can be achieved effectively by:
- Conduct thorough risk assessments before return and reintegration, focusing on potential threats like honour-based violence, family rejection, or forced re-marriage, especially for girls and women.
 - Facilitating family tracing and ensuring safe reintegration with supportive family members whenever possible, while prioritising the child's best interests.
 - Offering access to quality alternative care options when family reintegration is not feasible or safe, such as foster care or community-based care.
 - Providing positive parenting support to empower caregivers in caring for children and fostering a nurturing environment.
 - Providing ongoing case management and follow-up services to monitor the well-being of the reintegrated individual or family.
 - Engaging community-based support systems to foster acceptance, reduce stigma, and promote social cohesion.
 - Offering life skills training, including financial literacy, health education, and conflict resolution, to facilitate smooth adaptation.
 - Establishing clear referral pathways to essential services such as healthcare, legal aid, and education to address any ongoing needs by working with wider stakeholders, including NGOs, INGOs, FBOs, OPDs and the private sectors.
- ✓ Developing follow-up and monitoring systems to track victims' progress and adjust support services as needed.

- ✓ Incorporate feedback mechanisms, including survivor satisfaction surveys, to ensure services remain gender-responsive, victim-centred, and adaptable to evolving needs.
- ✓ Ensure that full informed consent or affirmative assent (for children) is obtained and documented at all stages of victim support services.
- ✓ In all stages of victim support services, ensure accessible, child-friendly, and disability-inclusive access to information regarding available services and reporting mechanisms, including emergency hotlines and crisis centres.
- ✓ Provide an adequate reflection period for victims to consider their options, during which access to support services shall be ensured.
- ✓ Develop specialised psychosocial support for girls and women subjected to child and forced marriage and trafficking by addressing adolescent pregnancy, sexual violence, reproductive coercion, and shame-based control within service provision protocols —especially when families are complicit.
- ✓ Tailor interventions to recognise the intersecting emotional, relational, and cultural pressures girls face, ensuring safe, survivor-led pathways to recovery.
- ✓ Implementing multiple referral pathways for victims to access support services, including options that do not require initial engagement with law enforcement, recognising that some victims may be reluctant to interact with authorities. Participation in the formal criminal justice process should not be made a condition for the provision of services for victims.
- ✓ Developing specialised support streams tailored to different victim needs and circumstances, such as: Intensive short-term support; longer-term assistance for those participating in criminal justice processes, and temporary support for victims returning to testify in court cases.
- ✓ Provide language assistance, including sign language and interpreter services, to help survivors navigate systems effectively throughout the entire process of support service delivery.
- ✓ Include the active participation of the survivor in all decision-making on treatment and support options available to them and ensure that access to these support services is not contingent on their involvement in the criminal justice process.
- ✓ Providing Consular support to all foreign nationals, including children, who are arrested or detained, except for those seeking asylum from persecution.¹⁰⁵
- ✓ Permit foreign victims of child and forced marriages to remain legally in the country during the provision of support services and to participate in criminal justice processes if they choose. Whenever possible, facilitate opportunities for employment and education to empower survivors
- ✓ Ensuring support is provided on a non-discriminatory basis to both citizen and non-citizen victims.
- ✓ Collaborating with NGOs, community organisations, and other stakeholders to deliver

¹⁰⁵ ASEAN, *Practitioners' Model Implementation Toolkit for the ACWC Regional Guidelines and Procedures to Address the Needs of Victims of Trafficking in Persons*, November 2019.

comprehensive and culturally appropriate victim support services.

- ✓ Provide training to service providers on trauma-informed care and the specific needs of trafficking victims.
- ✓ Integrate gender-responsive and stigma-aware interventions into reintegration plans, including peer support groups, mentorship, and community dialogue to address honour-based violence, restore trust, and support social acceptance, particularly for girls returning with children or from family-complicit marriages.

3.5. Cross-Border Cooperation

Child and forced marriage trafficking is a complex issue that often extends beyond national borders. While such crimes can occur domestically, their transnational nature underscores the critical importance of cross-border cooperation. Effective international collaboration is essential to prevent these crimes, protect victims, and ensure that offenders are held accountable. To achieve this, countries must establish robust legal and institutional frameworks by explicitly recognising child and forced marriages as forms of exploitation within anti-trafficking legislation, and by criminalising these practices through related laws such as marriage laws. This legal clarity is essential to facilitate joint or parallel investigations and prosecutions, as well as to enable effective sharing of intelligence and communication across jurisdictions. Such measures are crucial because traffickers often operate across multiple countries, exploiting legal gaps and inconsistencies to evade justice. Allowing the secure exchange of intelligence and case information across borders significantly accelerates the identification, rescue, and prosecution of victims, while disrupting trafficking networks more effectively. Moreover, strengthening international cooperation enhances accountability, serves as a powerful deterrent against future crimes, and demonstrates a united, committed front in the global fight against these heinous offences.



To strengthen cross-border cooperation, designated points of contact within relevant agencies should utilise existing platforms such as INTERPOL, ASEANAPOL, and the Head of Special Units (HSU) within the SOMTC for ongoing coordination. Regular meetings foster mutual understanding, trust, and shared purpose, enabling the timely sharing of intelligence, good practices, and operational updates. Coordinated investigations, through joint or parallel operations and harmonised techniques, are essential for effectively addressing transnational cases, leveraging collective resources, and building capacity across partner nations. This integrated approach ensures a more efficient, sustained, and effective response to cross-border crimes.

Alongside operational cooperation, ASEAN Member States should work towards aligning their legal and policy frameworks by establishing clear definitions of child and forced marriages and their connection to trafficking in persons. Harmonising laws and policies in accordance with relevant international treaties and non-binding agreements will strengthen regional coherence and effectiveness in addressing these issues. This process includes the development of mutual legal assistance treaties as mandated by the ACTIP, as well as the formulation of shared definitions of key terms to ensure consistency.

Victim protection and support must be prioritised in all cross-border initiatives, with the implementation of referral mechanisms that operate seamlessly across borders to enable victims to access essential services regardless of their location or immigration status. Developing common standards for victim care and protection will promote uniformity in the treatment of survivors. Furthermore, prevention efforts will be significantly enhanced through strengthened international cooperation.

Border control measures are essential in the fight against trafficking. Providing specialised training to border officials on early detection techniques, identifying potential victims and traffickers, and implementing screening procedures for at-risk travellers, particularly unaccompanied minors, can significantly enhance interception efforts. Furthermore, sharing intelligence on known traffickers and their methods strengthens regional cooperation. Establishing clear protocols for the safe repatriation of victims and offering comprehensive reintegration support are vital to prevent re-trafficking and to ensure the long-term safety and well-being of survivors.

Cross-border cooperation mechanisms must be gender-responsive and tailored to address the specific risks and needs of girls and women subjected to trafficking within the context of forced and child marriage. These victims often experience overlapping forms of violence and exploitation, including sexual abuse, domestic servitude, and forced childbearing. Recognising gender-specific vulnerabilities—such as social stigma upon return, barriers to accessing services, and heightened risks of re-trafficking—is essential in designing effective bilateral and multilateral referral protocols, reintegration frameworks, and service coordination mechanisms. Additionally, joint operations and legal agreements should incorporate minimum standards for gender-responsive identification, protection, and support services, in alignment with ASEAN's Gender Mainstreaming Framework and relevant international human rights standards ratified by ASEAN Member States.

Effective cross-border cooperation on trafficking issues requires continuous monitoring and evaluation to ensure progress and adaptability. This can be achieved by developing shared indicators that measure key outcomes, such as the reduction in the prevalence of child and forced marriages. Regular reviews of cooperation mechanisms and open sharing of lessons learned among partner countries are essential to identify challenges, successes, and areas for improvement. Such an approach allows efforts to remain relevant, responsive to evolving trafficking tactics, and aligned with shared goals. Implementing these practices requires sustained commitment from all parties, building trust through ongoing dialogue, and establishing formal agreements that formalise cooperation. Additionally, approaches should be tailored to the specific contexts and relationships of the involved nations to enhance effectiveness and sustainability.

In addition to inter-governmental cooperation among ASEAN Member States in combating the crime, it is essential to establish effective collaboration with civil society organisations (CSOs), including NGOs, faith-based organisations, private sector entities, and others, at both the national and local levels. Developing and supporting a network of CSOs across ASEAN can facilitate efficient and timely referral mechanisms for victim support, particularly in cross-border cases. Moreover, ASEAN Member States should consider formulating a unified strategy and key messaging when engaging with countries outside the region, especially those that serve as primary destinations for child and forced marriages in trafficking contexts. Such coordinated efforts can enhance regional effectiveness and ensure a consistent approach in addressing these complex issues.

3.5.1. Good Practice in Cross-Border Cooperation

Malaysia and Thailand, “Cross-border investigative cooperation”

In 2022, a 13-year-old Thai girl was deceived and trafficked to Malaysia for sexual exploitation. Law enforcement agencies from both countries worked closely together, resulting in the arrest of five suspects in Thailand and Malaysia. The investigation involved rapid information sharing, joint planning, and coordinated raids, ensuring the safe rescue not only of the child victim but also of two other Thai women and two Indonesian women. The swift collaboration, with support from Thailand's Ministry of Foreign Affairs, the Royal Thai Police and the Criminal Investigation Department of the Royal Malaysian Police, enabled the victim's safe repatriation within three days of her family's plea for help. This case demonstrates the effectiveness of cross-border investigative efforts in both rescuing victims and prosecuting international trafficking networks.¹⁰⁶



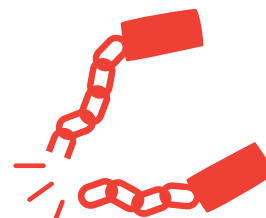
Indonesia, “Cross-Border Victim Assistance for 11 Victims of Trafficking for Forced Marriage”

In 2018, nine Indonesian women and two minors were trafficked for forced marriage abroad. One of the primary challenges faced by the Indonesian government and law enforcement agencies was that the marriages were recognised as legitimate and official by the destination country's authorities. Additionally, during that period, the government of the destination country did not acknowledge any signs of exploitation, which complicated rescue efforts and the protection of the victims.

To address these issues, the Indonesian National Police and the Ministry of Foreign Affairs (MFA) coordinated with INTERPOL and the Indonesian Embassy in the destination country. They submitted investigation reports confirming the victims' status as trafficked individuals. As a result, two perpetrators were sentenced to eight years of imprisonment and fined IDR 200,000,000 (approximately USD 12,000), while another perpetrator received a nine-year prison sentence and a corresponding fine of IDR 200,000,000 (USD 12,000) under the Indonesian TIP Law.

Myanmar, “Successful Cross-Border Rescue through Civil Society and Government Collaboration”

Founded in 1858, YKBWA is a women-led, faith-based, non-profit organisation based in Yangon, with a long history of supporting women facing socio-economic challenges. In 2024, YKBWA collaborated with a Myanmar CSO near the China-Myanmar border to facilitate the safe return of two women trafficked to China for forced marriage.



¹⁰⁶ Isranews Agency, ‘บก.ป.แถลงผลปฏิบัติการ SAVE ฝ่ายขาว ทลายเครือข่ายหลอก ดึง.คำประเวณีที่มั่วเซี่ย’, Isranews, 30 October 2022. Accessed 16 May 2025.
<https://isranews.org/article/isranews-news/113223-Borrtrrtt.html>.

Due to restrictions on NGOs in China, the survivors contacted the Foreign Affairs Liaison Office in Kachin State, which coordinated with the border CSO and YKBWA. Through cross-border cooperation among the Liaison Office, Chinese authorities, and Myanmar's central government, the survivors were repatriated by air to Yangon on 29 July 2024. Post-return, YKBWA provided ongoing support to assist their reintegration into their communities.

Thailand and Myanmar, “Rescued and implemented the Non-Punishment Principles to TIP victims”

In November 2023, Thai authorities, including the Ministry of Foreign Affairs and the Royal Thai Police, coordinated with Myanmar and Chinese officials to rescue 266 Thai nationals trafficked and forced to work in scam centres in Laukkai, Myanmar. This complex operation required close international communication, logistical planning, and negotiation. Upon repatriation, Thai and Myanmar authorities worked together to ensure victims were not prosecuted for illegal entry, and Thai agencies conducted thorough screenings to identify genuine trafficking victims. The investigation extended across borders, resulting in the identification of the criminal K8 Group, issuance of arrest warrants for 11 suspects, and ongoing judicial proceedings in Thailand.

Vietnam Women's Union, “Opportunity Safe Sustainable Satisfied Own (OSSO)”

The Vietnam Women's Union operates OSSO Offices in five provinces, with support from the Korean International Cooperation Agency, with the aim of promoting safe and sustainable reintegration for women returning to Vietnam. The Offices offer comprehensive and free assistance to returning migrant women, addressing a range of issues they may encounter. Services provided include legal advice, psychological support, guidance on education and vocational training, employment assistance, information about loans, as well as healthcare and medical services. Additionally, the OSSOs focus on preventing gender-based violence and supporting family and child welfare. These Offices play a crucial role in connecting domestic and international support networks to assist returning migrant women, including those who were foreign brides.

3.5.2. Practical Guidance for Cross-Border Cooperation

ASEAN Member States should strengthen cross-border cooperation across all stages of victim support—identification, investigation, prosecution, and assistance—for victims of child and forced marriage within trafficking in persons, by:

- ✓ Leverage existing regional and international networks, such as ASEANAPOL, Interpol, the HSU mechanism within SOMTC, the Council of ASEAN Chief of Justice (CACJ), and ASEAN Prosecutor Networks to enhance collaboration and information sharing.
- ✓ Strengthen regional cooperation and coordination on anti-trafficking efforts by establishing MoUs for bilateral and multilateral cooperation to assist with:

- Information and learning sharing
 - Communications protocols and secure channels for sharing intelligence and case information across borders
 - Designate points of contact in relevant agencies of each country to facilitate communication
 - Conduct joint or parallel investigations and operations when cases span multiple countries
 - Share resources and expertise to build capacity in partner countries, enhancing investigative techniques and evidence-gathering capabilities.
- ✓ Established a cross-border referral mechanism for victim support and protection, including recognition of identification results made by competent authorities of one country to another across ASEAN, as mandated by ACTIP.
- The development of the cross-border referral mechanism shall be governed by the principles of "do no harm" and non-punishment of trafficking victims.
 - Develop common standards for victim care and protection
- ✓ Initiate collaboration among relevant national interagency anti-trafficking bodies or councils to strengthen cross-border efforts to prevent and address child and forced marriages and their intersection with trafficking in persons by:
- Conduct collaborative prevention and awareness campaigns in border regions and migration corridors
 - Share data to identify trafficking trends and at-risk populations
 - Coordinate efforts to address root causes in source countries
 - Engage survivors, leaders, adolescent girls, boys and young people in shaping prevention initiatives and implementation to change social norms
- ✓ Established a cross-border referral mechanism for victim support and protection, including recognition of identification results made by competent authorities of one country to another across ASEAN, as mandated by ACTIP.
- Train border officials to identify potential victims and traffickers
 - Implement screening procedures for at-risk travellers, especially unaccompanied children
- ✓ Integrate gender-specific risks and needs into all cross-border cooperation mechanisms—including referral protocols, joint operations, and reintegration frameworks—by embedding minimum standards for gender-sensitive identification, protection, and recovery support. Ensure alignment with ASEAN's Gender Mainstreaming Framework and relevant human rights obligations.
- ✓ In collaboration with relevant sectoral bodies across pillars such as SOMTC and AICHR, develop and conduct joint awareness activities to strengthen responses and to build institutional capacity and partnerships to cross-border investigation, prosecution, and victim support.

3.6. Criminal Justice Process

Victims of child and forced marriage often face significant challenges within the criminal justice system, where their rights and needs should be prioritised but are frequently overshadowed by the focus on prosecuting offenders. The ASEAN Regional Guidelines emphasise the importance of providing victims with protection, support, and awareness of available remedies during legal proceedings. However, victims may be misinformed or pressured into participating in these processes without fully understanding the implications, and they often face privacy violations and intimidation from traffickers. Gender biases and stereotypes further complicate their treatment, potentially leading to the dismissal of their claims. Economic stresses and limited access to compensation exacerbate their difficulties, as involvement in legal proceedings can result in financial burdens and lost income opportunities.



Criminal justice responses must be trauma-informed, gender-responsive, and victim-centred to ensure meaningful access to justice. Girls and women subjected to forced and child marriage often face gender-based discrimination, victim-blaming, or disbelief in courtrooms, especially when the exploitation occurred within the guise of a marriage. Victims may also fear retaliation from their families or communities, particularly in cases involving parental complicity. Legal professionals must be trained to identify and challenge gender bias, understand the unique dynamics of marriage used as a cover for trafficking, and avoid pressuring survivors to participate in proceedings.

Victims' involvement in the investigation and prosecution of their offenders is crucial. Victims should be empowered to make informed decisions by recognising their rights and agency, thereby facilitating their transition from victims to survivors. This can be achieved by offering alternatives such as pre-recorded testimonies, depositions, in-camera hearings, video conferencing, or other similar remote participation to reduce re-traumatisation. Upholding the “do no harm” principle within criminal justice procedures is essential not only to protect victims of child and forced marriages but also to improve the prospects of successful prosecutions and ensure a survivor-centred approach.

3.6.1. Good Practice in Criminal Justice

Malaysia and the Philippines, “Pre-Recorded Testimonies for Children”

In Malaysia, “special hearings” allow for the pre-recording of child testimonies before trial. This approach aims to reduce trauma and stress for child victims and witnesses; enable children to provide evidence in a less intimidating setting; and preserve “fresh memories” for use during the trial. The recorded testimony can be presented as evidence, minimising the need for the child to appear in court.

The Philippines also permits pre-recorded testimonies or videotaped depositions as protective measures to empower child witnesses in cases involving child victims of sexual offences, abuses, and exploitation. The Supreme Court issued a landmark procedural framework – The Rule on Examination of a Child Witness (A.M. No. 00-4-07-SC), which is designed to serve the best interests of the child without compromising the rights of the defendants.

Both countries recognise the importance of protecting child witnesses and victims, striving to

make the legal process less distressing while maintaining judicial integrity.

Thailand, “Child-Friendly Justice Initiative”

Child-friendly Justice Initiative or CJIT was established in May 2021 in the office of the Attorney-General. It forms a group of public prosecutors working with child victims of trafficking, sexual abuse, and other forms of violence to promote justice for child victims, focusing on their best interests and the suppression of trafficking in persons. CJIT plays a significant role in capacity-building for public prosecutors and multidisciplinary teams, having provided training to 1,669 students, 305 public prosecutors, and 306 MDT personnel in 2024. It also advocates for improving child interrogation rooms in public prosecutor offices nationwide to create safe and supportive environments that reduce trauma and revictimisation for children in the justice process. CJIT also collaborates with agencies and CSOs to develop guidelines, conduct public relations campaigns to enhance access to legal assistance, and provide consultations in complex cases, ensuring a victim-centred and trauma-informed approach throughout the judicial process.



Thailand, “Victim-centred Approach:

In 2022, the President of the Supreme Court of Thailand issued Guidelines for the Treatment of the Injured Person in Trafficking in persons Cases in Thailand. The guidelines aim to ensure appropriate treatment of victims during trial and adjudication of trafficking in persons cases, aligning with the Thai Constitution and UN standards. Key aspects include considerations for provisional release, comprehensive damage compensation, protection of victims' safety and privacy, and special provisions for taking evidence. The document emphasises a victim-centred approach, addressing physical, psychological, and financial impacts on the injured persons. It also provides instructions for in-camera trials, video conferencing for vulnerable witnesses, and restrictions on the dissemination of judgments to protect victims' identities.

Indonesia, “Gender-Sensitive Judicial Adjudication for Women in Conflict with the Law”

A best practice derived from the Indonesian Supreme Court Regulation Number 3 of 2017 (PERMA 3/2017) is the adoption of gender-responsive judicial procedures that uphold human dignity, non-discrimination, and gender equality in cases involving women in conflict with the law. Judges are guided to thoroughly consider factors such as social inequality, legal protection disparities, psychological and physical trauma, and power imbalances faced by women victims or witnesses. They are explicitly prohibited from making gender-biased statements, justifying discrimination, or using stereotypes that undermine women's rights. Instead, judges are encouraged to interpret laws and regulations with a gender perspective, explore cultural and societal values, and incorporate international conventions on gender

equality to ensure fair, non-discriminatory justice that respects women's rights and promotes equality before the law.

3.6.2. Practical Guidance for the Criminal Justice Process

ASEAN Member States should strengthen their efforts to ensure prosecution of trafficking offenders, while simultaneously upholding the rights of victims of child and forced marriages, through effective legal enforcement, by:

- ✓ Strengthen cross-border linkages among relevant ASEAN justice agencies, especially the law enforcement agencies, prosecution offices, and the judiciary. As part of this effort, standard operating procedures (SOPs) will be developed, detailing how cross-border linkages will be managed for referrals, outlining the management of criminal cases, as well as processes for providing services, support and repatriation.¹⁰⁷
- ✓ Implement a victim-sensitive approach, such as those outlined in the ASEAN-Australia Counter Trafficking (AACT)'s [Victim Sensitive Courts - A Handbook for ASEAN Member States](#). This handbook is a self-assessment tool that provides guidance on how to implement victim-sensitive courts, including:
 - immediate protection of victims by issuing protection orders and conducting medical examinations and treatment with the victim's consent.
 - protecting victims and their families from media exposure and using pseudonyms/ aliases during investigations, prosecution, and adjudication to maintain their privacy.
 - Informing victims of their rights and the legal processes, seeking their consent, and allowing them to decide their level of participation throughout the legal process.
 - the use of multi-disciplinary teams (social workers, law enforcers, legal practitioners, and support persons) during interviews.
 - establishing child and victim-sensitive court settings¹⁰⁸ that:
 - allow judges to remove their black robes and relax courtroom attire among court officers and legal practitioners to create a supportive and less intimidating court environment for child victims. Allow victims, including children, to have support persons present during proceedings.
 - conduct a closed-door trial or exclude unauthorised persons in the courtroom during child-sensitive questioning and cross-examination to protect the privacy of victims and minimise trauma during testimonies.
 - facilitate the use of an intermediary or a facilitator during presentation of testimonies to communicate with victims and help phrase or rephrase questions in a simple, clear, non-legal jargon or child-friendly manner.
 - use clear, simple, age-appropriate, gender-fair, and sensitive language, behaviour, and demeanour to prevent re-traumatising the victims.
 - utilise video conferencing and other similar alternative modes for child and adult victims,

¹⁰⁷ ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC), *ASEAN Guidelines for Developing National Standard Operating Procedures for a Coordinated Response to Violence against Women and Girls*, ACWC, June 2024. Accessed 15 May 2025. <https://acwc.asean.org/wp-content/uploads/2024/06/ASEAN-Guidelines-for-Developing-National-SOPs-for-a-Coordinated-Response-to-Violence-against-Women-and-Girls.pdf>.

¹⁰⁸ For further information, refer to ASEAN–Australia Counter-Trafficking (ASEAN-ACT), *Victim Sensitive Courts: A Handbook for ASEAN Member States*, ASEAN-ACT, 5 September 2022. Accessed 15 May 2025. <https://www.aseanact.org/resources/vsc-handbook/>.

to enable them to participate from a safe location.

- Allow pre-recorded testimonies for children to reduce the pressure of live testimony.
- ✓ Ensure special considerations and safeguards are implemented for child victims
- ✓ Fully implement the ASEAN Mutual Legal Assistance Treaty, which includes judicial, prosecutorial and law enforcement cooperation in criminal matters.
- ✓ Focus on building capacity in their criminal justice systems, support learning about criminal justice processes across ASEAN, and improve law enforcement capabilities to meet international standards.
- ✓ Ensure criminal justice actors are trained to recognise and respond to gendered dynamics of forced and child marriage used as a cover for trafficking. Training should address victim-blaming, gender bias, parental complicity, and the need for trauma-informed practices, such as enabling remote or pre-recorded testimonies and supporting victims' informed choices throughout proceedings.
- ✓ Address case backlogs and trial delays in trafficking in persons cases.

3.7. Access to Justice and Remedies

Victims of child and forced marriage require a range of critical legal services to support their unique needs. Often stripped of their autonomy and basic rights, the legal services provided to them must be, confidential, comprehensive, trauma-informed, and tailored to address their specific legal needs.

Victims of child and forced marriage require lawyers with expertise in trafficking in persons, immigration law, family law and child protection. These legal professionals should be made available free of charge, recognising the financial constraints and exploitation that victims have endured. Their role is pivotal in helping victims navigate the many legal processes they face, from securing protective orders to applying for special visas and pursuing civil remedies against traffickers and, in some cases, the State itself.

Many victims find themselves in precarious situations due to uncertain immigration status, a vulnerability often exploited by traffickers. Legal support in this area should encompass assistance with applying for legal residency, securing work permits, and seeking asylum when returning to their home country poses a significant risk, regardless of their immigration status. This support not only provides victims with a sense of stability but also removes a powerful tool of control from the hands of their traffickers.

Legal services should extend to preparing victims for court appearances, accompanying them during testimonies, and advocating for witness protection measures. It is crucial that victims are thoroughly informed about their rights within the criminal justice system and supported in making decisions about their participation in prosecutions. This support not only aids in the pursuit of justice but also empowers victims, giving them a voice in the legal process that has long been denied to them.



Victims often require assistance with a range of civil legal matters, including access to birth records and legal identity documents, family law issues such as the annulment of forced marriages, divorce proceedings, and child custody and support matters. Employment law is also relevant, especially when victims need to recover unpaid wages or address workplace exploitation. Additionally, legal services should assist victims in accessing public benefits, seeking compensation and/or restitution, and securing legal identity for children born of forced marriages. By addressing these civil matters, legal services help victims reclaim control over their lives and build a foundation for their future.

The provision of these legal services should not occur in isolation but rather as part of a holistic support system. Legal service providers must recognise that victims' legal needs are often inextricably linked with other support requirements. As such, they should work closely with social services, healthcare providers, and counsellors to ensure comprehensive care. This integrated approach acknowledges the multifaceted nature of recovery from trafficking and forced marriage, addressing not only legal concerns but also physical, emotional, and social needs.

Ensuring access to justice requires more than just the availability of legal services; it necessitates that victims, especially adolescent girls and young women, are aware of their rights, trust the system, and can engage safely and meaningfully. Legal empowerment programs, such as legal literacy workshops, mobile legal clinics, and community paralegal initiatives, should be expanded to reach women and girls in rural, displaced, or marginalised communities. Special attention must also be given to removing financial, linguistic, and cultural barriers that hinder access, particularly for non-citizens, girls with disabilities, and victims from minority groups. Legal systems should be adapted to accommodate the developing capacities of adolescents, ensuring they are neither infantilised nor left unsupported in navigating complex procedures. To uphold the right to remedy, legal aid must be designed not only to address violations but also to actively enable victims to reclaim their agency, challenge injustice, and rebuild their lives on their own terms.

Victims of child and forced marriage frequently lack access to legal support and protection, making it difficult to escape these abusive and coercive marriages. As a result, they are more likely to experience domestic violence, including physical, sexual, and emotional abuse. Thereby, Legal services play a crucial role in breaking the cycle of exploitation, restoring dignity, and paving the way for victims to rebuild their lives. By offering specialised legal representation, immigration assistance, criminal justice support, and civil legal aid, AMS are better able to protect and empower these individuals.

3.7.1. Good Practice in Access to Justice and Remedies

Philippines, “Support to Victims of child and forced Marriages”

The Philippines has several national programs and campaigns to support the implementation of the marriage law aimed at preventing child marriage. A digital civil registration system is in place to verify age using unique identity documents to safeguard children under 18 from child or forced marriage. The Philippine government provides legal advisory services to prevent or nullify child marriages, and social support includes residential support facilities, and women and children protection units in hospitals. Education and vocational training programs are also provided to victims/survivors.

Indonesia, “Scholarships for Indonesian Girls to empower at risk women, including child marriages victims”

The Indonesian government, through the Ministry of Women's Empowerment and Child Protection and the Khouw Kalbe Foundation, launched the BESTARI Program (Scholarships for Indonesian Girls) to empower at-risk women, including child marriage victims, as advocates in education and reproductive health. To date, 236 recipients from two batches have benefited from scholarships and capacity-building training. The program supports the Ministry's priorities to prevent child marriage and promote advocacy, aligning with the National Strategy for Prevention of Child Marriage and the RPJMN, to expand educational opportunities and end child marriage. – Indonesia



Indonesia, “Issuance of Supreme Court Regulation on Procedures for Granting Restitution”

The Indonesian Supreme Court has taken a significant step towards strengthening victims' rights by issuing Supreme Court Regulation (Perma) Number 1 of 2022 concerning Procedures for Settlement of Applications and Granting of Restitution and Compensation. This comprehensive regulation emphasises the entitlement of victims of trafficking to restitution and compensation, addressing longstanding procedural gaps within the criminal justice system. While previous laws and government regulations, such as Government Regulation No. 43 of 2017, No. 7 of 2018, and their amendment No. 35 of 2020, provided technical guidelines, they lacked clear, enforceable procedures for victims to effectively claim these rights. The recent Supreme Court regulation not only establishes a standardised, transparent process for submitting applications for restitution and compensation through the courts but also aligns with efforts by the Witness and Victim Protection Agency (LPSK). This regulation binds all parties involved and offers new hope for victims to receive genuine restitution, addressing previous challenges in executing court rulings and ensuring victims actually benefit from justice. Overall, this development marks a pivotal shift towards a more victim-centred, restorative justice approach in Indonesia, reinforcing victims' rights and enhancing the effectiveness of legal protections against trafficking and other criminal acts.

3.7.2. Practical Guidance for Access to Justice and Remedies

ASEAN Member States should improve access to justice and remedies for victims of child and forced marriage by:

- ✓ Establishing specialised legal services that offer free legal services from lawyers with expertise in trafficking in persons, immigration law, family law, and child protection in accordance with relevant domestic laws.
- ✓ Providing legal assistance in collaboration with paralegal NGOs, pro bono lawyers, university legal clinics, and relevant legal aid organisations

- ✓ Upon identification as presumed victims of trafficking, legal assistance shall be offered to all victims, regardless of their immigration status, whether regular or irregular, to ensure their right to justice and protection is fully upheld.
- ✓ Legal assistance must be specifically tailored to meet the diverse needs of vulnerable groups, including victims with disabilities and others, for example, by utilising accessible languages, formats, and communication methods that victims can easily understand and engage with.
- ✓ Engaging victim witness agencies and social workers to support victims in participating in the criminal justice process.
- ✓ Provides victims of trafficking with comprehensive information about their rights, entitlements, and the procedures to access compensation, restitution, and any available state funds designated for victims of trafficking
- ✓ Ensuring that legal professionals are trauma-informed and adhere to the principle of "do no harm," they have implemented rigorous confidentiality protocols to safeguard the victim's privacy and well-being, thereby fostering a safe and trustworthy environment for victims to seek assistance and share their experiences.
- ✓ Establish a process to assess the duration of court proceedings and the challenges associated with investigating trafficking for child and forced marriage. This will help address delays and improve victims' access to remedies and the prosecution of offenders.
- ✓ Offering a range of critical free legal services tailored to victims' unique needs, including:
 - Family Law assistance (registration of birth, marriages, marriage annulment, divorce, child custody and maintenance, and legal identity documents);
 - Immigration assistance (residency applications, work permits, asylum support);
 - Criminal justice support (court preparation, witness protection, rights education and the implementation of the non-punishment principle, child-friendly, victim-centred and gender responsive approach;
 - Civil Law assistance (employment issues, unpaid wages).
- ✓ Expand legal empowerment initiatives tailored to adolescent girls, including legal literacy workshops, mobile legal clinics, and paralegal support, particularly in rural, displaced, and marginalised communities. Efforts should address financial, linguistic, disability-related, and cultural barriers, ensuring girls can understand and exercise their rights and engage safely with justice systems.

3.8. Data Collection, Monitoring and Reporting

Data collection, monitoring and evaluation are crucial to inform effective prevention and responses to child and forced marriage. Effective data collection on trafficking and related issues must be conducted with sensitivity to avoid re-traumatisation of victims. To mitigate this, it is essential to adopt gender-responsive and victim-centred approaches and obtain informed consent, ensuring all data collection processes respect privacy, data security, and anonymity. Disaggregated data, including by



disability, should be prioritised to better understand diverse victim experiences. Establishing standardised data collection protocols for trafficking in persons, including trafficking for the purpose of marriage, will improve consistency and comparability across sectors.

Continuous training programs are vital to address high staff turnover and maintain data quality and ethical standards. Adequate budget allocations for Data and Monitoring & Evaluation (M&E) are necessary to sustain these efforts. Regional collaboration is also crucial; exploring existing frameworks such as the ASEAN Community Statistical System Committee (ACSSC) and utilising mechanisms like the SOMTC (through NATIP) can facilitate cross-border data sharing and collection. Member states should be encouraged to leverage existing national mechanisms, such as population censuses and data initiatives on child wellbeing and gender, to gather relevant information. Recognising the valuable contributions of CSOs and INGOs in data collection and fostering collaboration can enhance data comprehensiveness while avoiding duplication. Strengthening partnerships between government entities and non-governmental organisations, including OPDs, will promote more inclusive and accurate data collection and sharing, ultimately supporting more effective responses to trafficking issues.

Given that many child marriages remain unregistered at the national civil registry level, conducting periodic surveys through the national statistics agency becomes essential. These surveys can provide a more accurate understanding of the prevalence of child marriage by including questions on the age at first marriage, thereby filling data gaps left by formal registration processes. Integrating such survey data into broader trafficking and child protection data systems will enhance the reliability and comprehensiveness of the information collected, supporting targeted interventions and informed policy development. This approach underscores the importance of leveraging existing national mechanisms and cross-sector collaboration to strengthen data collection efforts, ensuring that vulnerable populations, such as child brides, are adequately represented and protected.

Key aspects of child and forced marriage data in ASEAN Member States indicate:

- Sex-disaggregated data consistently show significantly higher rates of child marriage for girls compared to boys, both globally and in ASEAN.
- Provincial-level data reveals important regional variations in child marriage rates within countries, which is vital for informing targeted policy responses.
- Working with the national statistics agency allows policymakers to observe correlations between child marriage and key health data. For example, correlations can be observed between child marriage rates and key health indicators like stunting, maternal/infant mortality, as well as educational attainment.
- National planning and development agencies can integrate data from various government sources to create comprehensive national dashboards on child and forced marriage.

By analysing this multi-faceted data, policymakers can gain a more complete understanding of child marriage trends and develop evidence-based strategies to address the issue effectively.

In addition to improving data quality and coordination, it is essential that data systems are gender-responsive, ethically collected, and survivor-informed. This means disaggregating all data by age, sex, and other relevant factors such as disability, ethnicity, and migration status, and ensuring that indicators capture the full range of impacts of child and forced marriage, including sexual and

reproductive health, exposure to violence, and social exclusion. Ethical safeguards must be applied to ensure that data collection does not put girls or survivors at risk, especially in contexts where child or forced marriage is criminalised or heavily stigmatised. Where possible, participatory approaches should be used to engage adolescent girls and affected communities in defining what data matters to them and how it should be used.

3.8.1. Good Practices in Data Collection, Monitoring and Reporting

Indonesia, “Child Marriage Data Dashboard”

In 2020, Indonesia's Ministry of National Development Planning (BAPPENAS) began development of a Child Marriage Dashboard to monitor and address the issue of child marriage in the country. This initiative was part of Indonesia's efforts to reduce the prevalence of child marriage, which had decreased from 19.06% in 2018 to 13.45% in 2022.¹⁰⁹ The dashboard aims to provide up-to-date information on child marriage trends, allowing policymakers and stakeholders to track progress and identify areas requiring intervention. By utilising data from various sources, including the National Socioeconomic Survey (*SUSENAS*) and the Intercensal Population Survey (*SUPAS*), the dashboard will provide insights into the socioeconomic factors associated with child marriage, such as education, health, and social protection. The dashboard also supports Indonesia's commitment to decreasing child marriage prevalence to 8.74% by 2024.

Indonesia, “enhancing case reporting and data management”

The Indonesian Ministry of Women's Empowerment and Child Protection has established SAPA 129, a hotline and WhatsApp service launched on March 8, 2021, to report violence against women and children, including child marriage. It provides case reporting, outreach, case management, and victim support. Additionally, the ministry developed SIMFONI PPA, an information system that records and reports violence cases nationwide, accessible to government agencies at all levels. Currently, efforts are underway to integrate SAPA 129 with SIMFONI PPA, enhancing case reporting, data management, and response efficiency across Indonesia. This integration process is an important step to increase the effectiveness of reporting and handling cases of violence against women and children, including in the context of child and forced marriages and trafficking in persons.



Thailand, “Evidence-based policymaking”

¹⁰⁹ Australia–Indonesia Partnership for Justice Phase 2 (AIPJ2), *Supporting the Implementation of the National Strategy for the Prevention of Child Marriage*, unpublished implementation guide, Jakarta, June 2021. Accessed 15 May 2025.
<https://storage.googleapis.com/aipj2-204204.appspot.com/document/pdf/y0GzegaSExEbk2AktlEtdO4twRoHgWQYxbfPXXoM.pdf>

Thailand has collaborated with international organisations, including UNICEF and UNFPA, to strengthen its monitoring systems and to implement and evaluate its development strategies to ensure that they align with global standards and best practices. Thailand's increased efforts to improve data collection and analysis capabilities include enhancing methodologies for census design and translating data into actionable insights, which has resulted in a shift towards evidence-based policymaking in the country.

3.8.2. Practical Guidance on Data Collection, Monitoring and Reporting

ASEAN Member States should strengthen their efforts in collecting, monitoring, and reporting incidents of child and forced marriages to enhance evidence-based responses for prevention and intervention within the context of trafficking by:

- ✓ Identify and collaborate with key agencies (e.g., national statistics agency, civil registry, relevant ministries) to collect, analyse and publish data on child and forced marriage, including:
 - data that distinguishes between “trafficking for child and forced marriage” and “trafficking for sexual exploitation” and “sex trafficking”,
 - sex-disaggregated, disability disaggregated, and age-disaggregated provincial-level data to identify variations.
 - periodic surveys on child marriage prevalence, including age at first marriage.
- ✓ Use the data to inform national and regional policies and to tailor interventions.
- ✓ Have a process to verify the registration status of child and forced marriages.
- ✓ Examine relationships between child marriage rates and health/education indicators.
- ✓ Regularly review methods and ensure ongoing agency collaboration for improvement.
- ✓ Utilised the existing [ACWC M&E Guidebook in Gender Sensitive and Victim-Centred Approaches to Trafficking in Persons](#) to collate TIP data, including trafficking in children and forced marriages
- ✓ Develop a comprehensive toolkit to guide ASEAN practitioners in the collection, monitoring, and reporting of incidents of child and forced marriages within the context of trafficking in persons. This toolkit should include periodic reviews and updates, incorporating feedback from stakeholders and integrating evolving best practices to ensure continuous improvement and relevance of the guidelines
- ✓ Develop shared indicators that include a reduction in the prevalence of child and forced marriages, and to measure progress and impact of joint efforts
- ✓ Conduct joint training or capacity enhancement among AMS on topics related to strengthening data, monitoring and reporting.
- ✓ Strengthen data sharing and collection efforts through the existing SOMTC mechanisms by engaging the NATIP coordinator, CSOs, INGOs, and other relevant stakeholders, including FBOs and OPDs to enhance collaborative data exchange and management.
- ✓ Encourage member states to collect data using the existing national mechanism that exists

e.g. national population census, or other data efforts related to child wellbeing, gender data;
Allocate sufficient resources for data, monitoring and evaluation-related work.

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Annexes

Annex 1: Glossary of Terminology

A Child	A child means every human being below the age of eighteen years, unless under the law applicable to the child, majority is attained earlier. (Article 1 of the CRC) ¹¹⁰
Child Marriage	'Child Marriage' is defined as the marriage or union where at least one party is under 18 years of age, ¹¹¹ and refers to both formal marriages and informal unions. ¹¹² These marriages are generally considered "harmful practices" under international law. They often take place under customary laws and as a part of traditional practices. ¹¹³
Childbearing	Childbearing is the process of giving birth to and raising children. It typically occurs within the context of marriage or partnership, although it can happen outside of it. In many societies, the first instances of childbearing often follow premarital conceptions, meaning that pregnancies may occur before marriage. Globally, childbearing begins at various ages, with a significant number of girls married during childhood; approximately one in five girls around the world are married before the age of 18. Additionally, about one-third of women start childbearing during adolescence, highlighting the importance of addressing early marriage and early pregnancy in efforts to improve health and social outcomes. ¹¹⁴
Do No Harm	For the purpose of these guidelines, 'Do No Harm' is a principle and approach that emphasises the importance of ensuring that interventions, policies, and actions taken to address trafficking in persons do not unintentionally cause additional harm to victims, their families, or communities. It advocates for careful, ethical, and sensitive approaches that prioritise the well-being, dignity, and rights of trafficking victims. ¹¹⁵ It underscores the importance of gender-responsive, victim-centred, respectful, child best interest, inclusive and culturally sensitive approaches in all anti-trafficking initiatives.

¹¹⁰ In the ASEAN Regional Plan of Action on the Elimination of Violence against Children (ASEAN RPA on EVAC), the definition of a child is "In accordance with the Convention on the Rights of the Child (CRC), a child means every human being below the age of eighteen years unless, the law applicable to the child, majority is attained earlier."

¹¹¹ UN HRC, [Preventing and eliminating child, early and forced marriage \(2014\)](#); UN CEDAW/C/GC/31–CRC/C/GC/18.

¹¹² United Nations Population Fund (UNFPA), Child Marriage, UNFPA, accessed 15 May 2025, <https://www.unfpa.org/child-marriage>; UN CEDAW/C/GC/31–CRC/C/GC/18.

¹¹³ IPU & WHO, [Child, early and forced marriage legislation in 37 Asia-Pacific countries \(2019\)](#).

¹¹⁴ UNICEF, Child marriage – Frequently Asked Question, Feb 2025. Accessed on 18 May 2025, <https://www.unfpa.org/child-marriage-frequently-asked-questions#what%20is%20the%20difference%20between%20child%20marriage,%20early%20marriage%20and%20forced%20marriage%20>

¹¹⁵ ASEAN, ASEAN Do No Harm Guide for Frontline Responders: Safeguarding the rights of Victims of Trafficking in Persons, ACWC, 2020. Accessed 18 May 2025, <https://aseanactpartnershiphub.com/resource/asean-do-no-harm-guide/>

Early Marriage	Early marriage is often used interchangeably with child marriage; however, the term child marriage is preferred in the guidelines. This is because child marriage explicitly emphasises that the practice involves individuals under the age of 18 and constitutes a violation of child rights. Additionally, using this term helps avoid downplaying the severity of the issue. In contrast, the term early can imply that marriage occurred prematurely or ahead of an ideal timeline, without adequately highlighting the underlying issues, such as lack of informed consent, power imbalances, and the potential harm inflicted on children subjected to marriage. ¹¹⁶
Exploitation	There is no universal legal definition of exploitation. However, according to the UN Palermo Protocol (2000) and the ACTIP (2015), exploitation includes, at a minimum, the exploitation of others through prostitution or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude, and organ removal. ¹¹⁷ While the Trafficking Protocol does not provide a specific definition of exploitation, it offers a non-exhaustive list of its various forms. ¹¹⁸
Forced Marriage	Forced marriage is any marriage that occurs without the full and free consent of one or both of the parties, regardless of age. Forced marriage can also refer to a union in which one or both parties is/are unable to end or leave the marriage, including as a result of duress or intense social or family pressure. ¹¹⁹
Guardianship	Guardianship means obtaining the legal authority to make decisions for another person. A “guardian” is the person appointed by the court to make decisions on behalf of someone else. The person over whom the guardianship is granted (the child or the adult) is referred to as the “protected person.” ¹²⁰
Harmful Practices	‘Harmful practices’ is an umbrella term for many practices that take place as a result of belief systems. This practices are persistent practices and behaviours that are grounded on discrimination on the

¹¹⁶ Discussed and agreed by delegates attending the technical working group (TWG) meeting of ACWC, Bogor, 07-08 May 2025

¹¹⁷ UN Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, 2000, Art 3(a). Accessed on 18 May 2025; <https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-prevent-suppress-and-punish-trafficking-persons>; ASEAN, *Convention against Trafficking in Persons, Especially Women and Children* (adopted 21 November 2015; in force 4 March 2016), art 2. Accessed 16 May 2025. <https://www.asean.org/wp-content/uploads/2015/12/ACTIP.pdf>.

¹¹⁸ UNODC, *Anti-human trafficking manual for criminal justice practitioners, Module 1: Definitions of Trafficking in Persons and Smuggling of Migrants*, Page 5, UN, New York, 2009. Accessed on 18 May 2025 https://www.unodc.org/documents/human-trafficking/TIP_module1_Ebook.pdf

¹¹⁹ UN HRC, *Preventing and eliminating child, early and forced marriage (2014)*. Or UNFPA, *Child marriage - Frequently Asked Questions*, Feb 2025, Accessed 18 May 2025, <https://www.unfpa.org/child-marriage-frequently-asked-questions#what%20is%20the%20difference%20between%20child%20marriage,%20early%20marriage%20and%20forced%20marriage%20>

¹²⁰ Family Law, Purpose and Types of Guardianship, *What is Guardianship*. Accessed on 18 May 2025 <https://www.familylawselfhelpcenter.org/self-help/guardianship/overview/purpose-and-types-of-a-guardianship>

	<p>basis of sex, gender, age and other grounds as well as multiple and/or intersecting forms of discrimination that often involve violence and cause physical and/or psychological harm or suffering.¹²¹</p> <p>According to UNICEF, harmful cultural practices is discriminatory practices committed regularly over such long periods of time that societies begin to consider them acceptable.¹²² Wherever they occur, harmful practices rob girls of their childhood, deny them the chance to determine their own future, and threaten the well-being of entire societies.</p>
Informed Consent	<p>Informed consent is a fundamental legal principle, ensuring individuals freely agree to healthcare, research, or disclosures after receiving full, accurate information about potential impacts. It upholds the right to make decisions about one's own body and personal information.¹²³</p> <p>For the guidelines, informed consent is essential for all stages of support and protection services, including during victim engagement in identification, investigation, and prosecution of offenders, ensuring the individual, especially women and girls, participates knowingly. While consent can be verbal or written, written is preferred. The process should consider the individual's circumstances, the sensitivity of the information, and the importance of verifying consent.¹²⁴</p> <p>If there are capacity issues, "individuals who have mental or psychological impairment or individuals who are otherwise unable to fully participate in the informed consent procedure require special assistance, often in the form of a legal guardian or legal counsel.¹²⁵</p> <p>Pursuant to Article 12 of the Convention on the Rights of the Child (CRC), in the case of a child victim, their guardian should be consulted on all matters and consent to any action taken. Caution should also be taken in cases where the legal guardian is the accused perpetrator.</p>
Affirmative Assent	<p>Affirmative assent is a process used to involve children in all stage of delivery of support services, protection, or any other form of engagement when they are too young to provide full informed consent but are capable of understanding the general nature of the situation, including its potential risks, benefits, and what their participation entails. Essentially, assent means that the child agrees to be involved, demonstrating a willingness to participate. However, assent alone does not replace the need for informed consent, which must still be</p>

¹²¹ Website of National FGM Centre, *Harmful practices?*. Accessed on 18 May 2025, <https://nationalfgmcentre.org.uk/harmful-practices/>

¹²² UNICEF, *Harmful practices: Child marriage and female genital mutilation are internationally recognised human rights violation*, July 2023. Accessed on 18 May 2025, <https://www.unicef.org/protection/harmful-practices>

¹²³ ClearLegal. Informed consent: Explained, Oct 2024. Accessed on 18 May 2025, <https://clearlegal.com/glossary/informed-consent/>

¹²⁴ UNWOMEN, *Requesting Informed Consent*, Sept 2012. Accessed on 18 May 2025, <https://www.endvawnow.org/en/articles/1415-requesting-informed-consent.html>

¹²⁵ IOM, *The IOM handbook on Direct Assistance for Victims of Trafficking*, IOM Geneva, 2007. Assessed on 18 May 2025, <https://migrantprotection.iom.int/en/resources/manual/iom-handbook-direct-assistance-victims-trafficking>

	<p>obtained from the child's parent or guardian.¹²⁶</p> <p>For the purpose of these guidelines, in summary, affirmative assent is a child's affirmative expression of agreement to participate in support or justice-related processes, reflecting their understanding and willingness, while parental consent provides the legal authorisation for their involvement. For example, children who are old enough to comprehend basic information about their support or engagement in justice procedures are asked for their assent as part of ethical practice.</p>
Marriage Brokers and Syndicates	<p>For these guidelines, marriage brokers and syndicates are entities that facilitate both legitimate and illegitimate marriages, often sham or fake, to exploit individuals within marriage for financial and non-financial gain. Their activities include recruiting women, girls, or other vulnerable populations; arranging fraudulent or false matches; providing counterfeit documents; and assisting with migration processes across country or movement within the country</p>
Modern slavery	<p>Modern slavery is an umbrella term used to collectively refer to trafficking in persons, slavery and slavery-like practices and includes forced marriage. Modern slavery encompasses various forms of severe exploitation where individuals are deprived of their freedom and are unable to refuse or escape due to threats, violence, coercion, or deception. It includes practices such as forced labour, forced or servile marriages, debt bondage, forced commercial sexual exploitation, human trafficking, slavery-like arrangements, and the sale and exploitation of children. At its core, modern slavery involves the systematic removal of a person's autonomy, their right to choose whether to work, change employers, or marry freely, primarily for the benefit or profit of others.¹²⁷</p>
Non-Punishment Principle	<p>For the purpose of the Guidelines, the non-punishment principle refers to the ASEAN-recognised principle in which each ASEAN Member State shall, subject to its domestic laws, rules, regulations and policies, and in appropriate cases, consider not holding victims of trafficking in persons criminally or administratively liable for unlawful acts committed by them, if such acts are directly related to the acts of trafficking.¹²⁸</p>
Puberty	<p>Puberty is the biological process during which a child's body develops into an adult body capable of reproduction. It involves a series of physical, hormonal, and emotional changes that typically occur</p>

¹²⁶ Texas A&M University, KINGSVILLE, Research and Innovation: Research Compliance. Assessed 18 May 2025, <https://www.tamuk.edu/ori/Research-Compliance/IRB/IRB-Consent-and-Assent-Information-and-Templates.html>

¹²⁷ Walk Free, *The Global Slavery Index 2013*, Walk Free Foundation. Accessed on 18 May 2025, <https://cdn.walkfree.org/content/uploads/2013/02/09125326/2013-Global-Slavery-Index.pdf>

¹²⁸ ASEAN, *ASEAN Convention against Trafficking in Persons, Especially Women and Children (ACTIP)*, art 14(7).

	<p>between childhood and adulthood. These changes include the development of secondary sexual characteristics such as breast development and menstruation in girls, and facial hair and deepening of the voice in boys, as well as growth spurts and changes in body composition. Puberty is regulated by hormonal signals from the brain to the gonads (ovaries in girls and testes in boys), leading to the production of sex hormones like estrogen and testosterone. The onset and progression of puberty can vary widely among individuals but generally begin between the ages of 10 and 16.¹²⁹</p>
Reflection and Recovery Period	<p>The recovery and reflection period is a designated timeframe that each country must provide to a person who is a presumed or potential victim of trafficking. Specifically, if there are reasonable reasons to believe that someone has been trafficked, the country must allow that individual at least 30-90 days to recover and make decisions about their situation.¹³⁰</p> <p>During this period, the individual shall be:¹³¹</p> <ul style="list-style-type: none"> • Given access and support to recover physically, emotionally, and psychologically from any trauma or influence exerted by traffickers. • A space and time to make an informed decision whether to cooperate with authorities in investigations and the prosecution of their offenders. • No expulsion or deportation orders can be enforced against them during this time, giving the individual a safe space to stay and consider their options. <p>This period is meant to support the victim's well-being and ensure they are not forced to leave the country before they are ready or before their situation is properly assessed.</p>
Victims	<p>Victims refer to individuals who, alone or collectively, have experienced harm resulting from acts or omissions that violate criminal laws within Member States. This harm may include physical or mental injuries, emotional suffering, economic loss, or significant impairment of their fundamental rights. The term encompasses those affected by crimes such as abuse of power, exploitation, and other unlawful acts, recognising their suffering and the violation of their legal</p>

¹²⁹ UNICEF, *Common questions about Puberty*, UNICEF, April 2024. Accessed 18 May 2025, [https://www.unicef.org/esa/media/14056/file/Puberty%20A5%20final%20\(web-ready\).pdf.pdf](https://www.unicef.org/esa/media/14056/file/Puberty%20A5%20final%20(web-ready).pdf.pdf)

¹³⁰ Regional Support Office (RSO) to the The Bali Process, *Policy Guide on Protecting Victims of Trafficking*, May 2025. Accessed 18 May 2025, <https://rso.baliprocess.net/resources/>

¹³¹ Council of Europe, *Guidance Note on the recovery and reflection period*, Council of Europe, Sept 2024, <https://www.coe.int/en/web/portal/-/council-of-europe-experts-give-guidance-on-applying-the-recovery-and-reflection-period-for-victims-of-trafficking>

	<p>protections.¹³²</p> <p>For these guidelines, we use the terms "victim" and "survivor" interchangeably depending on the context. However, in certain sections, "victim" is used to refer to individuals trafficked, acknowledging its legal connotations within the criminal justice system, where it denotes someone who has suffered harm due to criminal conduct and who is afforded specific rights under the law. Law enforcement agencies also commonly use this term.</p>
Victims of trafficking	<p>For the purpose of these Guidelines, a victim shall mean any natural person who is subject to an act of trafficking in persons as in the ASEAN Convention against Trafficking in Persons, Especially Women and Children.¹³³</p> <p>ASEAN-ACT uses the term 'victim' rather than 'survivor' to refer to individuals who were trafficked. Both terms are important but have different implications when used in the context of law and justice, victim advocacy and service provision.³⁷ The term 'victim' has legal implications in the criminal justice system and refers to an individual who suffered harm as a result of criminal conduct. The laws that give individuals particular rights and legal standing use the term 'victim', and law enforcement agencies use this term in their work.</p> <p>'Survivor' is used widely by service provision organisations to recognise the strength and courage it takes to overcome victimisation.</p>
Presumed or Potential victims of trafficking	<p>For the purpose of these Guidelines, a presumed victim of trafficking or a potential victim of trafficking is a person credibly suspected by a frontline official of having been the object of trafficking in persons who has not been formally identified as such.</p>
Survivors	<p>As explained in the section on "victims," for the purposes of these guidelines, the terms "victim" and "survivor" are used interchangeably, depending on the context, to refer to individuals who have experienced child and/or forced marriage, including cases involving trafficking in persons.</p> <p>While both terms are integral, they carry different connotations in various contexts:</p> <ul style="list-style-type: none"> • Victim: Primarily used in legal, justice, and advocacy settings to recognise the harm and rights of individuals within the framework of law. • Survivor: Widely adopted by service provision organisations to acknowledge the strength, resilience, and agency of individuals

¹³² UNOHCHR, *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*, Nov 1985. Accessed 18 May 2025, <https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-basic-principles-justice-victims-crime-and-abuse>

¹³³ ASEAN, *ASEAN Convention against Trafficking in Persons, Especially Women and Children (ACTIP)*, art 2.

	<p>who have endured such experiences. It emphasises their capacity to recover, rebuild, and move forward, highlighting their resilience rather than solely focusing on the victimisation.</p> <p>Using "survivor" reflects a respectful, trauma-informed approach that recognises the individual's courage and empowerment, promoting a supportive environment conducive to healing and ongoing recovery.¹³⁴</p>
Slavery and slavery-like practices	<p>According to the Slavery Convention (1926) and the Supplementary Slavery Convention (1956), slavery is defined as the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised. This definition encompasses not only traditional slavery but also slavery-like practices such as debt bondage, forced or servile marriage, the sale or exploitation of children (including in armed conflicts), and descent-based slavery.</p>
Trafficking in Persons	<p>Trafficking in persons is defined in the United Nations Trafficking in Persons Protocol supplementing the UNTOC and the ASEAN Convention Against Trafficking in Persons, Especially Women and Children, as follows:</p> <p>(a) "Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.</p>
Victim-centred Approach	<p>A victim-centred approach prioritises the safety, rights, and well-being of trafficking victims by engaging with empathy and respect. It focuses on listening to victims, avoiding re-traumatisation, and supporting their expressed needs and choices. The aim is to empower victims, restore their control, and provide non-judgmental, supportive services that facilitate their recovery and reintegration.¹³⁵</p> <p>In the context of trafficking, a victim-centred approach involves:¹³⁶</p> <ul style="list-style-type: none"> • Providing access to protection, medical care, and psychological support.

¹³⁴ Discussed and agreed by the delegates attending the ACWC Technical Working Group Meeting, Bogor from 7-8 May 2025

¹³⁵ UNHCR, A Victim-Centred Approach, UNHCR, Dec 2020. Accessed 18 May 2025, <https://www.unhcr.org/what-we-do/protect-human-rights/tackling-sexual-exploitation-abuse-and-harassment/victim-centred#:~:text=A%20victim-centred%20approach%20is%20a%20way%20of%20engaging,their%20safety%2C%20rights%2C%20well-being%2C%20expressed%20needs%20and%20choices>.

¹³⁶ IOM, Investigating Human Trafficking Cases Using a Victim-Centred Approach: A Trainer's Manual. IOM Geneva, 2018. Accessed 18 May 2025, <https://www.onlinelibrary.iihl.org/wp-content/uploads/2020/05/2018-11-5.pdf>

	<ul style="list-style-type: none"> • Respecting the rights and choices of victims, including their decisions about cooperation with authorities. • Avoiding re-traumatisation through sensitive and respectful treatment. • Ensuring legal and procedural measures are in place to support victims' recovery and reintegration. • Building trust between victims and authorities to encourage disclosure and cooperation. <p>Overall, it aims to create a supportive environment that empowers victims and helps them rebuild their lives.</p>
<p>Vulnerability</p>	<p>Vulnerability, as defined by the Council of Europe in their Explanatory Report to the Convention on Action Against Trafficking in Human Beings, refers to any state of hardship that compels a person to accept exploitation. This hardship can be physical, psychological, social, or economic in nature.¹³⁷</p> <p>The UNODC further elaborates that vulnerability pertains to the inherent, environmental, or contextual factors that increase an individual or group's susceptibility to trafficking. Such factors may include insecurity or illegality of the victim's administrative status, economic dependence, fragile health, as well as vulnerabilities arising from age, disability, gender, and other intersecting social identities.¹³⁸</p> <p>For these guidelines, vulnerability encompasses any situation of hardship, whether physical, psychological, social, or economic, that impels a person to accept exploitation, thereby increasing their susceptibility to traffickers and other forms of exploitation and abuse, including in marriages.</p>

¹³⁷ Council of Europe, *Explanatory Report to the Council of Europe Convention on Action against Trafficking in Human Beings*, Treaty Series No 197, paragraph 83, 2005. Accessed 18 May 2025, <https://www.coe.int/en/web/anti-human-trafficking/4th-evaluation-round>

¹³⁸ UNODC, *Trafficking in Persons and Smuggling of Migrants, Module 6: Defining the Concept of Trafficking in Persons.*, United Nations, 2019. Accessed 18 May 2025, <https://www.unodc.org/e4j/en/tip-and-som/module-6/key-issues/abuse-of-a-position-of-vulnerability.html>

Annex 2: Table of ASEAN Member States Signatories to International Conventions

The table below delineates the binding legal obligations of ASEAN Member States under key international instruments concerning human trafficking and slavery. These obligations are particularly pertinent to issues related to child marriage and forced marriages within the broader context of trafficking in persons.























	Brunei	Cambodia	Indonesia	Lao PDR	Malaysia	Myanmar	Philippines	Singapore	Thailand	Vietnam
<i>Convention on the Rights of the Child (CRC), 1989</i>	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
<i>Optional Protocol on the Involvement of Children in Armed Conflict, 2000</i>	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
<i>Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, 2000</i>	✓	✓	✓	✓	✓	✓	✓	✗	✓	✓
<i>The Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956</i>	✗	✓	✗	✓	✓	✗	✓	✓	✗	✗
<i>Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1979</i>	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
<i>United Nations Convention against Transnational Organised Crime (UNTOC), 2000</i>	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

	Brunei	Cambodia	Indonesia	Lao PDR	Malaysia	Myanmar	Philippines	Singapore	Thailand	Vietnam
<i>Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime (Palermo Protocol), 2000</i>	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
<i>ASEAN Convention Against Trafficking in Persons, especially Women and Children (ACTIP), 2015</i>	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
<i>International Covenant on Civil and Political Rights (ICCPR), 1966</i>	✗	✓	✓	✓	✗	✗	✓	✗	✓	✓
<i>International Covenant on Economic, Social and Cultural Rights 1966</i>	✗	✓	✓	✓	✗	✓	✓	✗	✓	✓
<i>Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages 1962</i>	✓ ¹³⁹	✗	✗	✗	✗	✗	✓	✗	✗	✗
<i>The Convention on the Rights of Persons with Disabilities (CRPD), 2006</i>	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

✓ Yes ✓ Yes - with reservation or declaration. ✗ Instrument of approval deposited ✗ No

¹³⁹ Brunei became a Party to the Convention on 9 July 1970, when the United Kingdom notified that it was extending its ratification to cover its associated territories—including Brunei—under the territorial application of the Convention.

Annex 3: Table of Current Data Collection on Child & Forced Marriage in the ASEAN Region

	Brunei	Cambodia 140	Indonesia 141	Lao PDR ¹⁴²	Malaysia	Myanmar 143	Philippines 144	Singapore	Thailand 145	Vietnam
<i>Is Civil Registry/Ministry of Religious Affairs data collected and published on the number of marriage registrations disaggregated by age?</i>			 MoRA collect but do not publish. Civil Registry/ MoHA collect but not publish							
<i>Is data on Marriage Dispensation cases collected and published by the Courts?</i>			 Religious & General Courts collect & publish data in the Supreme Court Annual Report.							
<i>Does the Census have a question about the age of first marriage?</i>										
<i>Is there a periodic household survey which asked age of first marriage?</i>			 SUSENAS. Conducted							

¹⁴⁰ Demographic and Health Surveys Program, *Demographic and Health Survey 2021–22* (Measure DHS, ICF International, Rockville, MD, 2022), cited in UNICEF, *Global Child Marriage Database*, UNICEF Data, accessed 15 May 2025, <https://data.unicef.org/resources/dataset/child-marriage/>.











¹⁴¹ Demographic and Health Surveys Program, *Demographic and Health Survey 2012*, cited in UNICEF, *Global Child Marriage Database*.




¹⁴² Multiple Indicator Cluster Surveys (MICS) 2017, cited in UNICEF, *Global Child Marriage Database*, UNICEF Data, accessed 15 May 2025, <https://data.unicef.org/topic/child-protection/child-marriage/>.

¹⁴³ Demographic and Health Surveys Program, *Demographic and Health Survey 2015–16*, cited in UNICEF, *Global Child Marriage Database*.

¹⁴⁴ Demographic and Health Surveys Program, *Demographic and Health Survey 2022*, cited in UNICEF, *Global Child Marriage Database*.

¹⁴⁵ MICS 2022, cited in UNICEF, *Global Child Marriage Database*.

	Brunei	Cambodia 140	Indonesia 141	Lao PDR ¹⁴²	Malaysia	Myanmar 143	Philippines 144	Singapore	Thailand 145	Vietnam
			quarterly by national statistics agency BPS							
<i>Is there data collected on all other forms of forced marriage?</i>		 [Cambodia Demographic and Health Survey (CDHs) 2022. Report Research Study on Child, Early and Forced Marriages and Unions (CEFMU) 2024.] [CB]								

 Yes  Meets some of the requirements but still requires further development  Not Yet

