

# **MID-TERM EVALUATION OF THE UNITED NATIONS – ACTION FOR COOPERATION AGAINST TRAFFICKING IN PERSONS (UN-ACT) PROJECT (2014-2018)**

Mike Dottridge: finalized for UN-ACT, 15 March 2017  
(mikedottridge@btopenworld.com)

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## Acronyms

ACTIP	ASEAN Convention Against Trafficking in Persons, Especially Women and Children
AAPTIP	Australia–Asia Program to Combat Trafficking in Persons
ASEAN	Association of Southeast Asian Nations
COMMIT	Coordinated Mekong Ministerial Initiative against Trafficking
CSO	Civil Society Organization
GDP	Gross Domestic Product
GMS	Greater Mekong Sub-region
ICAT	Inter-Agency Coordination Group against Trafficking in Persons
ILO	International Labour Organization
IOM	International Organization for Migration
IMM	Inter-Ministerial Meeting (of COMMIT)
MoU	Memorandum of Understanding
M&E	Monitoring and Evaluation
NOK	Norwegian Krone
PDR	People’s Democratic Republic (Lao)
RSO	Regional Support Office
SEACAT	Southeast Asia Coordination Group against Trafficking
SOM	Senior Officials Meeting (of COMMIT or ASEAN)
SOP	Standard Operating Procedures
SPA	Sub-regional Plan of Action
UK	United Kingdom
UN-ACT	United Nations – Action for Cooperation against Trafficking in Persons
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNIAP	United Nations Inter-Agency Project on Human Trafficking
UNODC	United Nations Office for Drugs and Crime
US	United States of America

## SUMMARY OF KEY FINDINGS AND RECOMMENDATIONS

### a) Key Findings

This mid-term evaluation concerns a UN project, the United Nations – Action for Cooperation against Trafficking in Persons (UN-ACT), which has served as the secretariat of the COMMIT Process since April 2014. The evaluation was carried out between October 2016 and January 2017.

The key findings are presented at the beginning of each chapter of the main evaluation report.

#### **KEY FINDING 1 on the overall relevance of UN-ACT, its aims and objectives:**

The special value of UN-ACT lies in the process benefits it delivers—by developing and maintaining relationships of trust with a range of actors and practitioners in the counter-trafficking sector in six countries (belonging to COMMIT) and beyond. Sometimes these relationships enabled UN-ACT to deliver its own results as planned, while at other times it has facilitated action by others and enabled them to achieve results, while UN-ACT itself kept a low profile. Numerous people interviewed during the evaluation remarked that they (and the wider cause of counter-trafficking) would suffer significantly if UN-ACT did not exist, for there is no equivalent institution to introduce one person to another, or to facilitate relationships or meetings, in the counter-trafficking sector in the six GMS countries or elsewhere in Southeast Asia.

#### **KEY FINDING 2 on UN-ACT's 'added value' to other national and regional counter-trafficking initiatives:**

The UN-ACT has delivered numerous benefits which would not have been delivered by other regional counter-trafficking initiatives, either those initiated by ASEAN or bilateral ones, such as AAPTIP and various USAID-financed counter-trafficking initiatives. Some of the benefits were due to UN-ACT's relationships with officials in China, which is not a member of ASEAN. They would not have been achieved by initiatives involving ASEAN.

#### **KEY FINDING 3 on Output 1 (supporting COMMIT States to become self-sufficient and to meet the objectives they set themselves):**

UN-ACT provided effective and efficient support to the COMMIT Process, although its own financial constraints meant that it could not finance substantial activities by National COMMIT Task Forces. UN-ACT has re-established confidence in its performance among officials in COMMIT States in the aftermath of the ending of UNIAP, when officials in several States had ceased to have an appropriate level of confidence. UN-ACT provided an appropriate level of technical support for the development of a new Sub-regional Plan of Action (SPA). It provided leadership and technical expertise in developing a set of indicators and guidelines for all COMMIT states on the identification and referral of victims of trafficking. Nevertheless, some COMMIT States have been frustrated by the lack of financial support available from UN-ACT to pay for activities by their National Task Forces (under the terms of the SPA). This has reduced their interest in UN-ACT and the COMMIT Process, causing them to look elsewhere for finance for their counter-trafficking activities. UN-ACT has encouraged the use by COMMIT States of research tools to monitor the effectiveness of anti-trafficking work, but some officials in COMMIT National Task Forces still have a poor understanding of the benefits of monitoring and evaluation and identify 'monitoring' with criticisms made of their policies (notably in an annual publication by the US Department of State). This means that UN-ACT must give continual attention to convincing government and law enforcement officials in COMMIT States that monitoring and evaluation deliver substantial benefits, and that they have a responsibility to ensure that these benefits are delivered.

**KEY FINDING 4 on Output 2 (cooperation with other states in South East Asia and elsewhere, and with regional actors)**

Of its four outputs, this one used least resources. While there was progress in developing relations with other regional actors and some States outside Southeast Asia, there was comparatively little progress in terms of formalizing relations between COMMIT and other ASEAN states, largely because success was out of the control of UN-ACT or even the States involved in the COMMIT Process. UN-ACT has developed links between the COMMIT Process and other States in ASEAN on the topic of protection of victims of human trafficking (i.e., those identified in other States). UN-ACT served as a resource for representatives of some States situated outside Asia altogether when these were seeking to establish or strengthen relations about preventing human trafficking to their countries or arranging returns of trafficking victims. Despite repeated efforts, no substantial progress has been made by UN-ACT in response to the aspiration of some COMMIT States to establish a more formal relationship with Malaysia concerning nationals of COMMIT States who are trafficked in Malaysia.

**KEY FINDING 5 on Output 3 (research)**

UN-ACT commissioned a relatively small number of research exercises in the period 2014-2016, reflecting its limited resources (in comparison to the more substantial resources available for research to UNIAP). The research was high quality: its accuracy was not questioned (as the accuracy of earlier UNIAP publications had been) and it did not appear to antagonize officials in COMMIT States in the ways that publications by UNIAP had done latterly. However, along with the rest of UN-ACT's public information programme, the research findings were not publicized or seen by as wide an audience as would have been desirable. One piece of research was particularly influential, while other publications containing important findings appeared to go relatively unnoticed in the counter-trafficking community in Southeast Asia. In view of continuing misapprehensions by government and law enforcement officials in COMMIT States about the functions and possible benefits of independent research and of monitoring and evaluation, UN-ACT should focus attention on the development and use of methods to monitor the implementation of the Common Guidelines adopted by COMMIT in November 2016 (on victim identification and referral mechanisms).

**KEY FINDING 6 on Output 4 (civil society)**

UN-ACT plays a crucial role in connecting civil society and civil society organizations (CSOs) to government officials in the GMS countries and since 2014 has indeed enabled CSOs to contribute more effectively to the anti-trafficking efforts of COMMIT governments. Despite its reduced capacity and resources (in comparison to its predecessor, UNIAP), UN-ACT has provided useful financial support to a small number of CSOs that provide direct assistance to trafficked victims. It has provided services to other CSOs, without spending money, by providing opportunities for CSOs to lobby or otherwise influence government or law enforcement officials. UN-ACT has been effective in achieving two of the three expected results with respect to civil society. It has been least effective in increasing the engagement of the private sector. However, in some GMS countries this engagement has increased anyway, not under UN-ACT influence, but for other reasons.

**KEY FINDING 7 on UN-ACT's governance**

UN-ACT has not experienced the sorts of governance and management problems which bedevilled UNIAP in its final years, in part due to the governance structures that it has adopted. However, its current management structure does not allow pro-active responses to difficulties or crises other than by the project's regional manager in conjunction with UNDP line managers. UNDP itself has provided useful oversight, but is nevertheless perceived by others (in the UN system and outside) to be a poor

‘parent’ for UN-ACT. The current governance has not promoted UN-ACT’s role as a coordinator of counter-trafficking activities within the UN system.

**KEY FINDING 8 on resource mobilization and fund-raising:**

UN-ACT has been under-funded since it was created. It now needs a higher public profile (in particular by developing and implementing a communications strategy) to convince existing and potential donors of its usefulness. In itself, this requires a new investment or diverting existing income from its intended purpose, which means convincing UN-ACT’s existing donors of the need to make this investment. UN-ACT could approach some specific potential private sector donors but should be aware that these may be a mirage.

**KEY FINDING 9 on cross-cutting issues (gender and human rights):**

UN-ACT gave an appropriate level of attention to gender issues linked to human trafficking, both in terms of its focus on the predicament of trafficked women who were not benefitting from the attention of other UN agencies and the predicament of men who have been trafficked into forced labour, but whose needs have tended to be neglected by counter-trafficking organizations because of the implication in international and regional instruments that it is “especially women and children” who are trafficked. UN-ACT supported initiatives concerning children’s participation at COMMIT meetings, but more action is required to ensure experiential learning (by listening to the views of children who have been trafficked or affected by human trafficking or by responses to human trafficking) to influence counter-trafficking policies. UN-ACT could also do more to remind States of the existing legal obligations to protect trafficked children and take pro-active measures to promote their recovery. UN-ACT continued to draw on the corpus of knowledge and experience about human rights and human trafficking in an entirely appropriate way.

**b) Summary of Recommendations contained in the report (numbered according to the chapter in which they are presented)**

RECOMMENDATION 3.1: Donors should continue supporting UN-ACT with its structure of a regional office and national staff who are well placed to gain the confidence of counter-trafficking actors at national level.

RECOMMENDATION 3.2: UN-ACT should edit or update the two COMMIT Capacity Assessment reports (Report I: A Capacity Assessment of the COMMIT Process: Six Country Profiles; Report II: Capacity Development Strategies for the COMMIT Process) so that they can be made available to donors and other counter-trafficking actors in South East Asia.

RECOMMENDATION 4.1: Donors should continue supporting UN-ACT as long as there is evidence that it delivers ‘added value’ in comparison to other counter-trafficking initiatives in Southeast Asia and that it involves (and has some impact in) China.

RECOMMENDATION 5.1: UN-ACT should recommend to the six governments participating in the COMMIT Process that they consider developing the responsibilities of the rotating chair (of COMMIT meetings occurring in the year when a State exercises the chairmanship) further in the following ways:

- The chair would take on the responsibility of proposing any resolutions or decisions (and defending the terms of proposals submitted to a meeting for decision, rather than relying on UN-ACT to do so). This could apply to meetings of the COMMIT Regional Task Force, Senior Officials Meeting (SOM) and Inter-Ministerial Meeting (IMM). In this way, before or after a draft decision is proposed, negotiations would occur between relevant officials of the six governments (rather than proposed amendments being addressed to UN-ACT).



- This would imply that the UN-ACT would consult the chair in advance and agree both the agenda and the contents and wording of any proposed resolution or decision.
- In the longer-term, the State that will chair COMMIT could be nominated sufficiently far in advance to allow the 'chair-in-waiting' and the 'chair for the previous year' to form, together with the country that has the chairmanship, a small presidium with responsibility for preparing and following up each COMMIT meeting, even if the principle that all six States should agree all decisions continues to be respected.

RECOMMENDATION 5.2 (Bilateral MoUs): UN-ACT national staff should continue to provide detailed advice to government officials in the country in which they are based about possible provisions in MoUs and would benefit from (1) further technical training on the implementation mechanisms mentioned by Carl De Faria (e.g., on the Standard Operating Procedures developed in other countries to guide assisted voluntary returns), so that they can recommend the inclusion of these to the government officials they work with, and (2) being able to make a visit themselves to the country with which an MoU is about to be signed or reviewed, prior to any formal visit that they make with officials of their government, in order to be briefed on the specific predicament of trafficking victims which needed addressing and which a bilateral MoU should address.

RECOMMENDATION 5.3: UN-ACT should continue to attach high priority to developing the quality and output of M&E systems in all six States participating in COMMIT during 2017-18. UN-ACT should arrange a further discussion about the benefits (and disadvantages) of research in general and monitoring and evaluation (M&E) in particular with relevant COMMIT State officials (e.g., in a forum such as the Project Management Board or a Regional COMMIT Task Force meeting), in order to promote better understanding among officials of the purposes of both research and M&E and how and when their results should be made public. While UN-ACT should refer to the importance of research and the systematic collection of data about human trafficking, the emphasis should continue to be on collecting data about counter-trafficking responses by government agencies and on data that demonstrates whether States are meeting commitments made in SPA IV or other COMMIT decisions.

RECOMMENDATION 5.4: UN-ACT should take advantage of the Common Guidelines for the Greater Mekong Sub-region on victim identification and referral mechanisms to explain the benefits of M&E and of accountability among the six States and develop M&E methods specifically to monitor the implementation of the Common Guidelines.

RECOMMENDATION 6.1: UN-ACT should continue to take advantage of any opportunities for strengthening ties between COMMIT States and Malaysia.

RECOMMENDATION 6.2: UN-ACT should provide information to Filipino government officials about the COMMIT Process, so that cooperation and exchanges of expertise can be organized when the COMMIT agenda includes topics on which Filipino government officials are known to have substantial expertise or experience (such as the protection of migrant workers).

RECOMMENDATION 7.1: UN-ACT should invite the Chinese authorities to monitor the extent to which new methods for protecting and assisting Cambodian women in China are applied and support them in doing so during the coming year. Once UN-ACT is satisfied that lessons about the effectiveness of particular methods have been learnt, it should consider proposing its services for further research in China and neighbouring States concerning marriage migration and possible trafficking involving women from other countries.

RECOMMENDATION 7.2: UN-ACT should develop a communications strategy in early 2017 and use an opportunity in 2017 to relaunch the UN-ACT 'brand'.

RECOMMENDATION 8.1 Once the agenda of COMMIT meetings is agreed with COMMIT States, UN-ACT should share the agenda of upcoming meetings in advance with CSOs that are known to have an interest in influencing the anti-trafficking policies or activities of the COMMIT Process or States participating in the process, or which have supported child or youth representatives in attending COMMIT meetings in the past (that is to say, sufficiently far in advance to allow CSOs to consult with others as appropriate and to develop their own views on the policies or activities under consideration). Such CSOs and NGOs should be urged to give priority to consulting children, young adults or other adults who have personal experience that is relevant to upcoming COMMIT decisions and using appropriate methods to present the views of such people during COMMIT meetings. While it is not essential to consult children on every issue, special efforts should be made to consult adolescents or young adults who have relevant experience (e.g., of being trafficked or exploited while they were children) whenever COMMIT considers questions affecting children.

RECOMMENDATION 8.2: To facilitate CSO engagement with the COMMIT process and as part of a wider revised communications strategy, UN-ACT should provide relevant CSOs with more ample information about both the specific agenda of upcoming COMMIT meetings and the longer-term agenda of what issues are under discussion by COMMIT, along with the various opportunities to influence decisions on these issues, both at national level and at COMMIT national and regional meetings.

RECOMMENDATION 8.3: If UN-ACT has sufficient income to make small grants available to CSOs again in the future, both the availability of income to CSOs from other sources and the impact a grant from the United Nations might have on the CSO's ability to cooperate with government or law enforcement agencies or officials in the country where it is based should be added to the criteria for allocating grants.

RECOMMENDATION 9.1: If consideration is given to prolonging UN-ACT beyond 2018 (as it should be), UN-ACT's Project Management Board and the UNDP itself should consider whether the UNDP is the most suitable organization within the UN system to host UN-ACT or any other UN structure would provide a more appropriate alternative. However, following the major changes in 2013/2014, the evaluator notes that it would be preferable for UN-ACT to remain in its new place, attached to UNDP, rather than to make further changes. In the meantime, UN-ACT should seek more pro-active support from UN Resident Coordinators, for example in China and Thailand, in promoting its profile and in negotiating access for COMMIT in neighbouring States such as Malaysia. Similarly, if the project is prolonged beyond 2018, a project advisory structure should be established to give UN-ACT advice in between annual PMB meetings.

RECOMMENDATION 9.2: UN-ACT's Regional Project Manager should seek a higher profile in 2017 and 2018, both within the region and at international level.

RECOMMENDATION 9.3: UN-ACT explore the possibility of playing a more substantial coordination role within the UN and international system if and when Alliance 8.7 is developed to coordinate international efforts to achieve Sustainable Development Target 8.7.

RECOMMENDATION 10.1 UN-ACT should seek a higher public profile to convince existing and potential donors of its usefulness. This will require UN-ACT to develop a new communications strategy to convince existing and potential donors that the UN-ACT plays a useful role and does not exist simply to support a bureaucratic process. Both a communications strategy and a fund-raising strategy should emphasise UN-ACT's value added and the activities it organizes. In itself, this will require a new

investment or diverting existing income from its intended purpose, which means convincing UN-ACT's existing donors of the need to make this investment.

RECOMMENDATION 10.2: UN-ACT should approach potential donors in Japan, Canada and Switzerland to request financial support and to provide them with information about its activities and the results of this evaluation. UN-ACT should consider approaching such donors with proposals for limited funding for specific activities.

RECOMMENDATION 10.3: UN-ACT should advise its existing donors and potential new international donors that it is considered ill-advisable to try and make the COMMIT Process and the UN-ACT financially self-sufficient, on the grounds that this would be divisive (among the six COMMIT States) and almost certainly result in less cooperation among the six. In contrast, external finance (from donors outside the six COMMIT States) is vital to facilitate inter-state cooperation, precisely because the finance is perceived to be neutral.

RECOMMENDATION 10.4: UN-ACT must also develop a new fund-raising strategy which puts more emphasis on pro-active approaches to state-run donor agencies (rather than waiting for them to decide on their priorities and to issue a call for applications), emphasizing the benefits of multilateral responses to human trafficking (and approaching donors who are known to be committed to supporting multilateral counter-trafficking initiatives, rather than purely bilateral or non-governmental ones). UN-ACT should continue to urge COMMIT States to finance as large a proportion of the activities they are committed to organizing under SPA IV as possible, while bearing in minds the risks of asking any of the COMMIT States to finance a much larger proportion of UN-ACT's budget.

RECOMMENDATION 11.1: UN-ACT should promote further research about trafficking for forced marriage (and about forced and early marriage in general) in all the COMMIT States, with UN-ACT itself giving special attention to cases involving women or girls who are victims of transnational trafficking or otherwise subjected to forced marriage in a country other than their own.

RECOMMENDATION 11.2: In the context of reviewing how the COMMIT *Guidelines on victim identification and referral mechanisms* are implemented, UN-ACT should provide COMMIT States with information about both their existing legal obligations concerning the protection of children who have been trafficked and about good practice developed by UNICEF and others concerning the protection of trafficked children and the assistance they require.

## **1 INTRODUCTION**

This mid-term evaluation concerns the UN project that has served as the secretariat of the COMMIT Process since April 2014, the United Nations – Action for Cooperation against Trafficking in Persons (UN-ACT). The present phase of the project is scheduled to continue until 2018. It was set up to replace a previous inter-agency project, the United Nations Inter-Agency Project on Human Trafficking in the Greater Mekong Sub-Region (UNIAP), which was established in 2000 and came to an end in 2014.

The issue of trafficking in persons has attracted interest in many parts of the world, notably in the context of increased mixed migration flows, involving people moving from one country to another to work, for marriage or to escape political oppression (and seek asylum), some of whom end up being badly exploited or badly treated by the authorities in countries other than their own. In regions of the world such as Southeast Asia, where successive governments have decided not to ratify international instruments on refugees or migrant workers' rights, discussions between States about trafficking in persons are particularly important, because they also allow some consideration of issues that relate to migration in general, as well as to the specific circumstances in which certain migrants are entitled

to protection and assistance (such as those reckoned to have been trafficked). The Greater Mekong sub-region is one such region, where six States agreed at the beginning of this century to engage in a process to combat trafficking in persons (formalized with the signing of a Memorandum of Understand, MoU, in 2004), the Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT) Process.

## 1.1 Purpose of the Evaluation

The objectives set for this UN-ACT Mid-Term Evaluation were to:

- Conduct a mid-term evaluation of the UN-ACT project based on its goal and output areas, its management and organizational set-up within the UN;
- Assess the role of UN and the position of UN-ACT within the UN-system to counter-trafficking in persons and the internal UN coordination regarding trafficking in persons;
- Assess the position of UN-ACT and the COMMIT process in relation to other regional initiatives to counter trafficking in persons in Asia; e.g., the Bali process and the recently adopted ASEAN Convention against Trafficking in Persons in the region;
- Review the funding situation of UN-ACT and analyze the fundraising reality and the strategy used to attract new sources of funding, and present possible reasons behind the challenges in attracting new funds to sustain the project;
- Provide recommendations on how UN-ACT can address the challenging funding situation;
- Provide forward-looking recommendations for UN-ACT in improving its approaches to supporting the counter-trafficking sector, and UN counter-trafficking coordination in the region.

The full terms of reference for the mid-term evaluation are reproduced in Annex 1.

## 1.2 Aims of UN-ACT

UN-ACT was established in April 2014 to achieve the following long-term outcome:

**Key anti-trafficking stakeholders in the region are working in a more cooperative and mutually supportive manner to effectively combat trafficking in persons.**

To achieve this outcome, the following four outputs were agreed for UN-ACT to achieve by 2018:

- Output 1: The Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT) Process is strengthened to become sustainable and self-reliant;
- Output 2: COMMIT countries increase their cooperation with other countries and regional actors to effectively counter human trafficking;
- Output 3: Policy makers, academia, non-governmental actors and the public have increased access to evidence-based research and knowledge on human trafficking;
- Output 4: Civil society and other non-governmental actors are able to contribute more effectively to anti-trafficking efforts.

In effect, these outputs were intended to be the ‘immediate outcomes’ of a series of UN-ACT activities. The specific results that were expected to contribute to achieving each output were:

<b>Output 1</b>	The Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT) Process is strengthened to become sustainable and self-reliant	
	Activity Result 1.1	COMMIT accountability and transparency enhanced
	Activity Result 1.2	Sufficient technical and functional capacities developed by governments

	Activity Result 1.3	Effective implementation of SPA (Sub-regional Plan of Action) IV
<b>Output 2</b>	COMMIT countries increase their cooperation with other countries and regional actors to effectively counter human trafficking	
	Activity Result 2.1	Joint anti-trafficking efforts of COMMIT countries with key destination countries elsewhere increased
	Activity result 2.2	Institutionalized engagement between COMMIT and ASEAN
	Activity Result 2.3	Coordination and cooperation among relevant regional actors for anti-trafficking increased
<b>Output 3</b>	Policy makers, academia, non-governmental actors and the public have increased access to evidence-based research and knowledge on human trafficking;	
	Activity Result 3.1	Evidence-base for anti-trafficking interventions enhanced and accessible
	Activity Result 3.2	Strategic dissemination and advocacy on research findings to influence policy and programming strengthened
<b>Output 4</b>	Civil society and other non-governmental actors are able to contribute more effectively to anti-trafficking efforts	
	Activity Result 4.1	Increased engagement between government and civil society
	Activity Result 4.2	Civil society has increased and sustained capacity to support victims of trafficking
	Activity Result 4.3	Increased engagement by private sector

As can be seen, numerous expected results relate to COMMIT and could not be delivered by UN-ACT alone without the agreement and support of the six COMMIT States or (in the case of Output 2) other states. Nevertheless, the evaluator has focused on evaluating UN-ACT and the efforts it has made, rather than commenting on COMMIT's outputs (for COMMIT has been the subject of a separate evaluation and distinct efforts to enhance the capacity of those involved in the process).

UN-ACT has described itself as "the only United Nations project in the sub-region dealing comprehensively with human trafficking. It is positioned at the strategic intersection of governance, policy, research, coordination and direct interventions" (UN-ACT Annual Report, 2015). UN-ACT's general strategy is summarized the Figure 1 below.

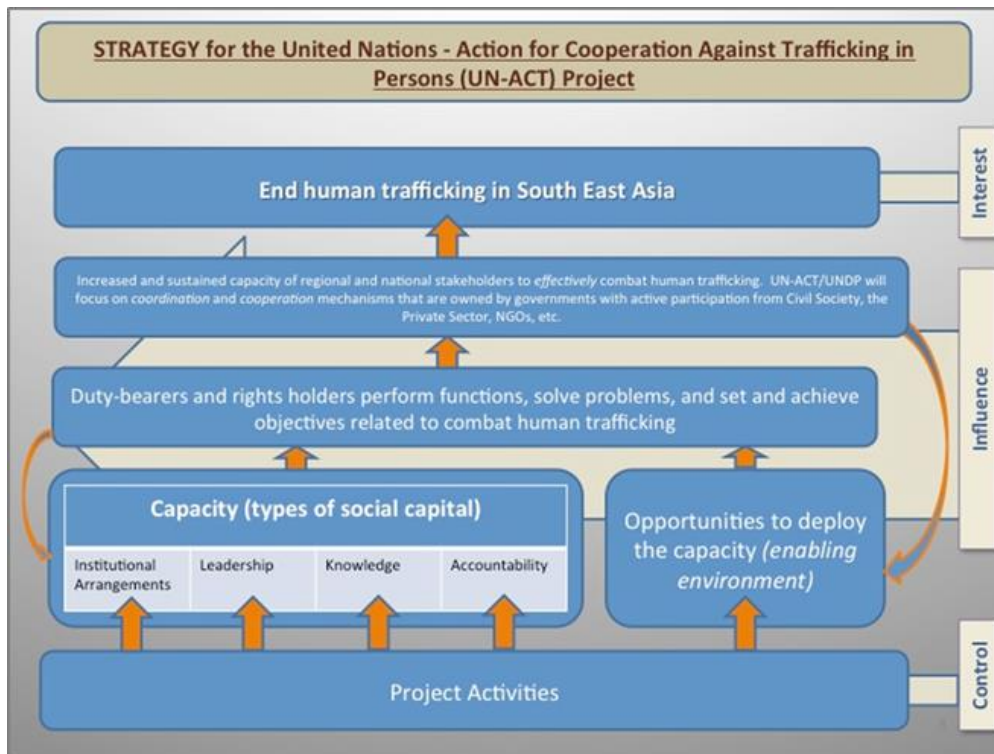


Figure 1 UN-ACT's 'strategy': a summary of its theory of change

More formally, UN-ACT adopted the following Theory of Change:

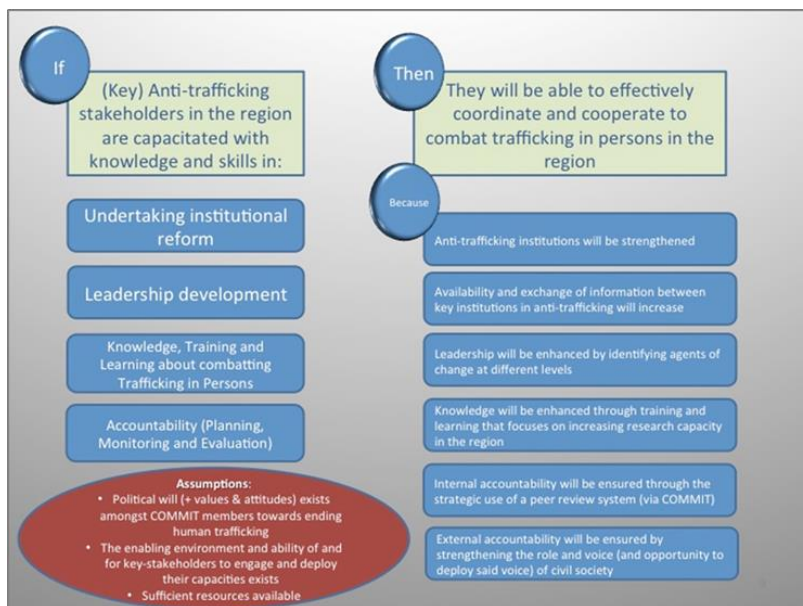


Figure 2 UN-ACT's theory of change

### 1.3 Aims of COMMIT

The objectives of the COMMIT Process (COMMIT 4th Sub-Regional Plan of Action [COMMIT SPA IV] 2015 – 2018) are:

- “To promote and strengthen systems and arrangements of inter-country and regional cooperation against human trafficking;



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

SPA IV nominally focuses on "Systems building and sustainability".

## 2 EVALUATION METHODS

The evaluation was conducted by one individual over a period of two-and-a-half months, during which he spent almost four weeks in GMS countries.

### 2.1 Data collection methods

The terms of reference provided by the UNDP suggested two methods for collecting data:

- A review of relevant project materials;
- Conducting data collection through interviews with project staff, stakeholders and partners in three of the six countries (Cambodia, China and Thailand) between 1 and 24 November 2016, supplemented as necessary with interviews by Skype with relevant individuals elsewhere.

The choice for the evaluator of visiting Cambodia and China was made by UN-ACT staff (and the evaluator agreed with the choice). As he was scheduled still to be in the region at the time when meetings of COMMIT Task Forces and the COMMIT Senior Officials Meeting were scheduled to take place in Vientiane (Lao PDR) on 23 and 24 November 2016, he attended the first day of these meetings, as well as part of a preceding day, when he observed the preparations of the COMMIT Youth Forum. In the end, therefore, he had spent at least a little time in four of the six GMS countries. He had previously visited Viet Nam on two separate occasions for evaluations of regional counter-trafficking projects, but had not visited Myanmar.

After initially reading project materials provided by UN-ACT staff, the evaluator prepared a list of Research questions (see Annex 2) which were more specific than the terms of reference prepared by UN-ACT. The list contained seven main research questions, supplemented by nine supplementary questions. This was possibly too many in view of the resources available for the evaluation, but was intended to provide the evaluator and UN-ACT's stakeholders with an 'all round' view of UN-ACT's progress. In effect, this was a relatively slim evaluation, involving only one consultant (in comparison to the first evaluation of UNIAP in 2002, which involved three consultants and a technical advisor) working for 40 days (while the previous evaluation of UNIAP in 2011-12 involved one consultant employed for twice as long, though this was mainly because she encountered unexpected problems that merited in-depth review).

The evaluator obtained and read additional materials to those produced by UN-ACT, notably about other counter-trafficking programmes and projects in Southeast Asia. The most significant materials are listed in Annex 4.

The evaluator met people in four countries (Annex 3 lists the evaluator's timetable, meetings and interviews). In addition to meetings in the four countries, the evaluator also had Skype or telephone conversations with others who had worked with UN-ACT in various capacities or been affected by its activities. Some were in Bangkok at the same time as the evaluator was there, but it was simpler or quicker to talk on Skype. Others were in places that included Argentina, Hong-Kong, Jordan, Myanmar, the United Kingdom and Viet Nam.

## 2.2 Reporting and acknowledgements

This evaluation focuses on the achievements and value of UN-ACT, a UNDP project, from April 2014 until the end of November 2016. However, UN-ACT was not an entirely new project in 2014: it was developed out of (and built on the achievements of) a previous project, the United Nations Inter-Agency Project on Human Trafficking in the Greater Mekong Subregion (UNIAP). While the two projects have different structures and are not directly comparable,<sup>1</sup> the evaluator found it appropriate and useful to compare some characteristics of the two. While this evaluation is not a comparison of the two, this mid-term evaluation does include numerous references to challenges that UN-ACT has had to overcome as a result of the legacy of UNIAP, as well as comments on the ways in which UN-ACT has been able to build on the UNIAP's achievements. Many of the people consulted by the evaluator were familiar with the UNIAP and commented on the similarities and differences, and the evaluator concluded that it was appropriate to report some of these comments.

Approximately half way through the evaluation, while in China, the evaluator was asked to share some provisional conclusions with those attending a UN-ACT donors' meeting in Bangkok, which had been planned beforehand. While the evaluation had not advanced enough at this stage to reach definitive conclusions or make any recommendations, this was a useful interaction with the project's main donors (from Norway and Sweden) and an opportunity to hear what subjects they were particularly keen to hear about.

Most of the chapters in this report begin with a box summarizing the evaluator's key finding. They end with one or more recommendation, **which is highlighted in different coloured text. The recommendations are repeated in the final chapter (12.2).**

The evaluator is grateful to everyone who contributed information to this evaluation, particularly to those UN-ACT staff who invested their time in finding some relatively obscure minutes or reports for him. The conclusions and recommendations are evidently his responsibility and not that of any others who were consulted. He was particularly grateful to the UN-ACT staff who made practical arrangements and accompanied him on some visits. In some cases (notably in Cambodia and China, but occasionally in Thailand), he depended on UN-ACT staff to act as interpreters. In only one or two cases did the evaluator judge that his interlocutors would feel freer to make critical comments if no colleagues from UN-ACT were present and in such cases the interview was exclusively in English and UN-ACT staff were not present.

The evaluator decided at an early stage that this evaluation would not be enhanced by his interviewing people who had been trafficked or had otherwise been the beneficiaries of efforts to prevent human trafficking in which UN-ACT was involved. As it turned out, during one visit, the UN-ACT office and the staff of a CSO it was supporting financially planned for the evaluator to have one such interview, but practical circumstances prevented it from taking place. While this meant that all the feedback to the evaluator from trafficking victims was second-hand, he did not consider that this reduced the accuracy of his assessments about the extent to which UN-ACT was achieving its expected results. However, he was fully aware of the importance in general that must be attributed to collecting information first-hand from people who have been trafficked about the specific effects on them of measures to prevent human trafficking, to protect them, as victims, and to prosecute traffickers, including enhanced collaboration between governments.

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<sup>1</sup> The UNIAP was formally an inter-agency project (initially involving international non-governmental organizations, NGOs, as well as other UN agencies). Its Project Management Board was chaired by the UN Resident Coordinator in Thailand. It was not based in a specific UN agency.



### 3 PREPARATORY STEPS TO SET UP UN-ACT AND OBSERVATIONS ON THE OVERALL RELEVANCE OF UN-ACT, ITS AIMS AND OBJECTIVES

#### KEY FINDING

The special value of UN-ACT lies in the process benefits it delivers—by developing and maintaining relationships of trust with a range of actors and practitioners in the counter-trafficking sector in six countries (belonging to COMMIT) and beyond. Sometimes these relationships enabled UN-ACT to deliver its own results as planned, while at other times it has facilitated action by others and enabled them to achieve results, while UN-ACT itself kept a low profile. Numerous people interviewed during the evaluation remarked that they (and the wider cause of counter-trafficking) would suffer significantly if UN-ACT did not exist, for there is no equivalent institution to introduce one person to another, or to facilitate relationships or meetings, in the counter-trafficking sector in the six GMS countries or elsewhere in Southeast Asia.

The evaluator's terms of reference asked him specifically to:

- Assess the role of [the] UN and the position of UN-ACT within the UN-system of counter-trafficking in persons and the internal UN coordination regarding trafficking in persons.

#### 3.1 Setting up UN-ACT: an intense process seeking legitimacy for a new project to replace a previous one

A fairly exhaustive process was followed to decide on what the shape, functions and priorities of UN-ACT should be, as well as specifically how the COMMIT Process should develop.

In 2013 a set of consultations in each of the COMMIT States ('strategic visioning' meetings) were carried out to decide what sort of project would be appropriate to strengthen counter-trafficking responses in the region and support the COMMIT Process, to follow up UNIAP. Reports on all six consultations were published, effectively acting as 'needs assessments' which could be consulted by donors or others interested in hearing what institutional and other needs were considered by anti-trafficking actors to deserve prioritizing in each country.<sup>2</sup> The findings were supplemented by a regional meeting and report.<sup>3</sup> This contained five 'vision statements', representing consensus on priorities considered appropriate for a new project. These focused on:

1. Victim ID [identification], Protection and (Re)integration
2. Political Will
3. Region Cooperation
4. Migration Management
5. Research and Evidence Based Anti-Trafficking Work

Following on from a critical evaluation of UNIAP at the end of 2011,<sup>4</sup> a report on the final phase of UNIAP was prepared and published.<sup>5</sup> At the same time, two independent consultants carried out an

<sup>2</sup> E.g., see Report on the Consultation Workshop on Strategic Visioning for Post-2013 Coordinated Anti-trafficking Efforts in Viet Nam. April 2-3, 2013, Halong Bay, Viet Nam, accessed at <http://un-act.org/publication/view/report-consultation-workshop-strategic-visioning-post-2013-coordinated-efforts-anti-trafficking-Viet-Nam>.

<sup>3</sup> UNIAP and COMMIT. Report for the Regional Consultation Workshop on Strategic Visioning of Anti-Trafficking Efforts Post-2013, accessed at <http://un-act.org/publication/view/report-regional-consultation-workshop-strategic-visioning-post-2013-coordinated-efforts-anti-trafficking/>.

<sup>4</sup> Asmita Naik (2012). Independent Evaluation of United Nations Inter-Agency Project on Human Trafficking in the Greater Mekong Subregion (UNIAP) Phase III (2007-2013). 14 March 2012.

<sup>5</sup> UNIAP (2014). Final Report Phase III: 2007 – 2014. Bangkok: UNIAP.

evaluation of the COMMIT Process, which identified a series of weaknesses.<sup>6</sup> This was not published. However, once UN-ACT was set up and functioning, a consultant was commissioned by the UNDP to recommend the steps that should be taken to strengthen COMMIT's capacity (both at regional level and in each of the six States). This consultant spent several months in 2015 visiting each of the COMMIT countries, assessing the capacity of those involved in COMMIT national task forces. In early 2016 he finalized two reports containing the capacity assessment and a series of detailed recommendations, both for the COMMIT Process as a whole and for each of the six countries.<sup>7</sup> Taken together, these two reports act as an update from late 2015 on the 2013 evaluation of COMMIT, for assessing COMMIT's needs meant understanding what it was achieving, what its participants wanted to achieve and what they felt UN-ACT was contributing. The information contained in these reports supplemented the information on the views of COMMIT participants about UN-ACT that the evaluator heard during visits to Cambodia and China in November 2016 (see #5.2 below, 'Previous comments about the strengths and weaknesses of the COMMIT Process'). The two capacity assessment reports have not yet been published but would be a useful resource for potential donors and other anti-trafficking actors in the region, as they contain a great deal of relevant information.

The process of preparing UN-ACT in 2013, overseen by a new regional project manager, was therefore relatively intense and involved a high level of consultation with anti-trafficking stakeholders in each of the six countries participating in the COMMIT Process and where UNIAP had played a role. Some stakeholders reportedly expressed an interest in involving other countries (notably Malaysia and Indonesia), but these did not result in either State becoming associated with COMMIT formally or informally.<sup>8</sup>

Any evaluation of UN-ACT is bound to take into consideration the process by which the new project has emerged from the shadow of UNIAP, requiring UN-ACT not only to pursue its own goal and objectives, but to do so in a way that avoids offending precisely the counter-trafficking actors who had been so irritated by UNIAP by 2011/12 (both other international organizations and some governments). Further, as a new organization, UN-ACT spent much of 2014 establishing itself (recruiting staff or re-recruiting former UNIAP staff). By 2016 UNIAP's poor relations with others were largely a thing of the past, demonstrating that the new project's staff had trodden diplomatically and dexterously. Sometimes this has been done at the cost of achieving visible results in the short-term. This is regarded as a weakness by some counter-trafficking actors and donors, who want to see results in the short-term, such as traffickers in prison and patterns of exploitation stopped or at least denounced publicly. Such an approach contradicts many of the realities of development, for it ignores the importance of involving States in systems change (and maintaining the good will of government officials to change systems, even if this is perceived by some as promoting bureaucracy) and of maintaining a consensus with other organizations in the UN system, rather than provoking competition and bad feeling.

### **3.2 Relevance of UN-ACT's planned goal and expected results**

UN-ACT's goal focuses entirely on securing the adoption of "more cooperative and mutually supportive" methods among anti-trafficking stakeholders in the GMS region. While the goal is an excellent intention, it was an optimistic goal to set in view of the obstacles met by its predecessor,

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<sup>6</sup> Simon Baker and Amy Jersild, Independent Evaluation of the Coordinated Mekong Ministerial Initiative Against Human Trafficking (COMMIT) Process (summary). 10 September 2013.

<sup>7</sup> Carl De Faria (2016). Report I: A Capacity Assessment of the COMMIT Process: Six Country Profiles, February 2016. Report II: Capacity Development Strategies for the COMMIT Process.

<sup>8</sup> The UN Resident Coordinator in Malaysia reportedly approached the Malaysian authorities to see if they would agree to a UN-ACT Liaison Officer being based in Resident Coordinator's office in Malaysia.

UNIAP, when it had tried to coordinate the anti-trafficking activities of UN agencies. Further, unlike UNIAP, UN-ACT had no explicit mandate from other UN agencies to promote inter-agency cooperation.

Nevertheless, UN-ACT has been effective at facilitating exchanges of information on trafficking-related issues at regional level and at national level in the GMS States.

UN-ACT's expected results (its four Outputs) were and are still relevant, both those related specifically to the COMMIT Process and Output 3 involving research and knowledge and Output 4 promoting contributions by civil society. These planned Outputs are:

- Output 1: The Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT) Process is strengthened to become sustainable and self-reliant;
- Output 2: COMMIT countries increase their cooperation with other countries and regional actors to effectively counter human trafficking;
- Output 3: Policy makers, academia, non-governmental actors and the public have increased access to evidence-based research and knowledge on human trafficking;
- Output 4: Civil society and other non-governmental actors are able to contribute more effectively to anti-trafficking efforts.

UN-ACT's project plan and planned results did not emphasize the importance of relationships or the capital investment they represented (over the previous 14 years of UNIAP's existence), possibly because some of the relationships had gone sour and did not seem appropriate to highlight at the time that the UN-ACT project was being planned, but also because the importance of these relationships was not emphasized during the visioning and planning meetings held in 2013. Nevertheless, the relationships represented a common good which the international community had invested in acquiring by 2014 and which deserve nurturing and developing. The evaluator considers them to be vitally important and to represent UN-ACT's greatest strength and capital investment. Because relationships exist primarily between people, rather than institutions, this perception of the capital value of UN-ACT necessarily emphasizes the importance of its human resources (represented by its staff) and of the continuity of their relationships with others, particularly in government institutions.

### **3.3 The benefits of a multilateral response to trafficking in persons in the Greater Mekong sub-region**

Recent investments by major international donors in counter-trafficking initiatives in Southeast Asia have given priority to bilateral projects and programmes, and to support for initiatives by non-governmental organizations (NGOs) to prevent human trafficking or assist trafficking victims, rather than to multilateral initiatives such as the COMMIT Process or UN-ACT. This represents a change in direction in comparison to the period 2000 to 2010, when donors provided support to UNIAP and to an ILO counter-trafficking project in the Greater Mekong sub-region, the TICW (Trafficking in children and women) project. Donors have not been explicit about the reasons for the change in direction: it might be because they feel governments, whether individually or working collectively in groupings such as COMMIT, have not delivered the results that were anticipated, or that multi-country programmes did not prove effective; or it may be for other political reasons.

Nevertheless, there are solid reasons to consider that enabling government officials in different countries that are part of common mixed migration flows and between which some people are

trafficked delivers benefits to trafficking victims and to efforts to enforce anti-trafficking laws. In 2012 a report for Sweden's Ministry of Foreign Affairs commented:

"The visit to Bangkok shows that coordination between the agencies in the form of a joint project (UNIAP) has proven very effective in working directly with the governments in the region for policy development and capacity building. UNIAP has played an important role in assisting and facilitating coordination amongst countries in the region, which has been a precondition for fighting trafficking and assisting victims. Apart from this one project with external funding, the agencies run their own regional projects. UNIAP has been less successful in coordination between the agencies, and there seems to be a limit to how far an external project can achieve such an objective".<sup>9</sup>

Two years earlier, the UN Special Rapporteur on trafficking in persons, especially women and children, Joy Ezeilo, had noted the importance of multi-country counter-trafficking coordination mechanisms. She convened the first consultation on such mechanisms at international level, involving technical experts from nine regional mechanisms (on five continents). Prior to the consultation, the Special Rapporteur had already expressed her conviction that regional and sub-regional mechanisms "play a key role in providing a response that is both multilateral and sufficiently close to countries' realities and the specificities within a certain region".<sup>10</sup> Her report on the consultation noted that the participants agreed, inter alia, that:

- "In the area of cooperation and partnerships, the participants stressed that a prerequisite to effective and wider cooperation was effective coordination at the national and regional levels through structures such as focal points, rapporteurs or coordinators".
- [I]t was noted that regional mechanisms needed to coordinate among themselves and with other actors, both to ensure the optimal use of limited resources and avoid overlapping and contradictory messages that could lead to 'monitoring fatigue' or 'standard-shopping' among States";
- "Cooperation and coordination of actions to end human trafficking across, but particularly within, the regions is essential and requires deepened coordination between mechanisms, especially subregional ones belonging to the same region".<sup>11</sup>

At a subsequent consultation on multi-country coordination mechanisms (in 2014), "The importance of bilateral cooperation agreements between national rapporteurs and equivalent mechanisms, in addition to the regional framework, was also mentioned by participants, who noted that such cooperation constituted good practice. It allowed the authorities to really tailor anti-trafficking measures to the specific issues in both countries".<sup>12</sup>

Regional mechanisms have the advantage that they can potentially develop systems that are compatible in several States for protecting and assisting trafficking victims (including organizing their assisted voluntary return) or for sharing intelligence and evidence about the activities of traffickers. They can potentially share information about methods deemed to be effective or good practice and

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<sup>9</sup> Kim Forss, Working against Trafficking through the Multilateral System – A Study of Coordination between UN Agencies at Global, Regional and National Levels. 25 October 2012. Andante-tools for thinking AB. Commissioned by Swedish Ministry for Foreign Affairs.

<sup>10</sup> Report of the Special Rapporteur on trafficking in persons, especially women and children, Joy Ngozi Ezeilo. Addendum. Consultation on the role of regional and subregional mechanisms in international efforts to counter trafficking in persons, especially in women and children. UN document A/HRC/17/35/Add.5 of 21 March 2011.

<sup>11</sup> *Ibid.*

<sup>12</sup> Report of the Special Rapporteur on trafficking in persons, especially women and children, Maria Grazia Giammarinaro. Addendum. Second consultative meeting on strengthening partnerships with national rapporteurs on trafficking in persons and equivalent mechanisms, UN Document A/HRC/29/38/Add. 2 of 2 April 2015.

encourage each other to adopt good practice, notably if the number of States involved is small enough for the officials concerned to know and respect each other (which is the case with COMMIT), and to be sensitive to peer pressure to modify particular policies or practices in their country as a result. Multilaterally funded programmes to support intergovernmental initiatives (such as UN-ACT) also have the particular advantage that their publications and other intellectual products are likely to be a common good, rather than being owned by a private implementing organization (in which case they may not be shared systematically with others).

Despite these advantages, multilateral funding has not often been forthcoming to support dedicated groupings of neighbouring states to work together to stop human trafficking, i.e., groups of States that do not already belong to a particular intergovernmental organization or other structure that works together on regional issues. COMMIT, which involves the five northern Member States of ASEAN and one other State, China, has been an exception to this rule, along with both UNIAP and UN-ACT.

### **3.4 The role of UN-ACT within the UN counter-trafficking system persons and UN's internal coordination regarding trafficking in persons**

Despite the intention of UN agencies to coordinate their counter-trafficking work via the UNIAP when it was first established, by 2011 the UNIAP was not highly regarded by several other UN agencies (according to the UNIAP's evaluator who consulted other UN organizations that year) and was not seen to be contributing to effective coordination.

The 2012 report for Sweden's Ministry of Foreign Affairs concluded that:

“[T]he overall picture of the multilateral response to trafficking is weak and fragmented due to competing or different mandates. The financial and human resources are scarce and none of the agencies devote any significant share of core resources to anti-trafficking...There is no overall strategic coordination and the existing strategies are partly overlapping and do not articulate any expectation of synergetic effects of working together”.<sup>13</sup>

By 2016 the bones of contention between UN-ACT and other UN organizations involved in counter-trafficking work seemed to the evaluator to have gone. He was told by several UN agencies that relations with UN-ACT were much better than they had been with UNIAP. However, this did not signify that there was better formal coordination of counter-trafficking issues within the UN system in the GMS or ASEAN States or enhanced cooperation, although steps were being taken in 2016 to improve coordination. Rather, the UN's system appeared to function moderately well without much formal coordination<sup>14</sup> (and without UN-ACT being acknowledged by others as having authority to tell them what to do), based on a division of labour arising out of the mandates of each organization, e.g., with ILO focusing on improving protection for migrant workers and IOM organizing the repatriation of trafficked victims. However, this balance can potentially be overturned whenever one of the organizations concerned receives particularly substantial contributions for counter-trafficking work from a donor State, allowing the organization concerned to assert itself as the 'leader' or best funded organization within the UN counter-trafficking system in the region.

UN-ACT played a useful role in organizing routine regional meetings in Bangkok to allow international organizations and other regional anti-trafficking actors to share information on their actions and plans.

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<sup>13</sup> *Ibid.*

<sup>14</sup> The evaluator was aware that various coordination mechanisms exist among UN agencies, supplementing UN-ACT's Project Management Board, on which two UN agencies are represented (see below). In 2016, a new coordination group on human trafficking was being set up, SEACAT (Southeast Asia Coordination Group against Trafficking). The UN also has a Technical Working Group on Sustainable Societies, coordinating on issues including migration and counter-trafficking.

As States in the region have not ratified core international instruments relating to refugees (the 1951 Refugee Convention, ratified by 145 States, and its 1967 Protocol), regional meetings of this sort were regarded by one international organization as a useful opportunity for information about issues concerning migration and refugees to be shared, as well as details of counter-trafficking initiatives. These regional meetings are the subject of comments in the chapter below on Output 4 (#8.2 concerning civil society), in part because the regional meetings were as much for NGOs operating at regional level as for UN organizations. One participant criticized the way the meetings were organized outside the UN building in Bangkok, feeling that UN-ACT was not using the prestige and authority of the UN to convene and coordinate meetings in as influential a way as he felt was possible. However, it was evident that many participants reckoned it was more convenient to attend such meetings if they were not held in the UN headquarters in Bangkok.

In 2016, the first steps were taken to set up a new UN counter-trafficking coordination mechanism, SEACAT (Southeast Asia Coordination Group against Trafficking). This involved ILO, IOM, UNDP, UNHCR and UNODC, with UN-ACT participating as part of UNDP. The coordination group agreed provisionally to conduct a mapping of the anti-trafficking work in the region (Southeast Asia) of the organizations involved and to develop an M&E framework to assess counter-trafficking interventions (reflecting ongoing efforts at global level to develop a common assessment framework, by ICAT, the Inter-Agency Coordination Group against Trafficking in Persons). By the end of 2016 it was too soon to assess the usefulness of SEACAT or UN-ACT's role in it: it appeared to the evaluator that UN-ACT had a vital role to play in terms of ensuring that the other agencies were well informed about counter-trafficking strategies and their impacts over the past 15 years. The initial composition of SEACAT appeared to reflect the relative lack of interest being expressed in 2016 in human trafficking issues in Southeast Asia by three other UN agencies, OHCHR, UNICEF and UN Women.

The evaluator talked to a representative of only one of these other agencies, UNICEF, and understood that the agency was giving priority to developing national child protection systems and consequently did not find that attending the quarterly coordination meetings convened in Bangkok by UN-ACT particularly useful in terms of UNICEF's priorities. The evaluator sought to make contact with one of the other agencies, to ask how UN-ACT's work on the topic of forced marriage fitted into its own programs for women's rights, but did not receive a response.

### 3.5 Recommendations

RECOMMENDATION 3.1: Donors should continue supporting UN-ACT with its structure of a regional office and national staff who are well placed to gain the confidence of counter-trafficking actors at national level.

RECOMMENDATION 3.2: UN-ACT should edit or update the two COMMIT Capacity Assessment reports (Report I: A Capacity Assessment of the COMMIT Process: Six Country Profiles; Report II: Capacity Development Strategies for the COMMIT Process) so that they can be made available to donors and other counter-trafficking actors in South East Asia.

## EVALUATION FINDINGS WITH RESPECT TO EACH RESEARCH QUESTION

### 4 FINDINGS ON QUESTION 1: HAS UN-ACT DELIVERED 'ADDED VALUE' TO NATIONAL AND REGIONAL COUNTER-TRAFFICKING INITIATIVES?

The research question was: *Has UN-ACT has delivered 'added value' to national and regional counter-trafficking initiatives within the Greater Mekong sub-region (i.e., the COMMIT States, including China) and the wider ASEAN region?* Supplementary research questions were:



- *What has been UN-ACT's added value (both in terms of the expected results and other, unplanned or less planned results), notably during the lead-up to the adoption of the ASEAN Convention in 2015 and its follow-up?*
- *Is this 'added value' sufficient to justify the costs or would alternative models of action have achieved better results?*

The evaluator's terms of reference asked him specifically to:

- Assess the position of UN-ACT and the COMMIT process in relation to other regional initiatives to counter trafficking in persons in Asia; e.g., the Bali process and the recently adopted ASEAN Convention against Trafficking in Persons in the region.

#### KEY FINDING

The UN-ACT has delivered numerous benefits which would not have been delivered by other regional counter-trafficking initiatives, either those initiated by ASEAN or bilateral ones, such as AAPTIP and various USAID-financed counter-trafficking initiatives. Some of the benefits were due to UN-ACT's relationships with officials in China, which is not a member of ASEAN. They would not have been achieved by initiatives involving ASEAN.

#### 4.1 UN-ACT's added value with respect to ASEAN

Five out of the six States that participate in the COMMIT Process are also Member States of the Association of Southeast Asian Nations (ASEAN): the exception is China. As ASEAN adopted an ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP) in November 2015 and had previously adopted other standards and procedures concerning human trafficking, this raises the question of whether ASEAN is a more appropriate forum through which to channel all intergovernmental discussions and initiatives about trafficking in persons in Southeast Asia.

The discussions about the provisions of the ACTIP reportedly excluded inputs from many counter-trafficking actors in the region. As far as the evaluator could find out, neither UN-ACT or the COMMIT Regional Task Force was consulted or invited to contribute comments on its provisions (although UN-ACT staff were reportedly shown a draft informally, without being invited to comment). Nevertheless, individual COMMIT governments were consulted in their capacity as ASEAN Member States and some of the government officials attending COMMIT meetings were evidently privy to preparatory discussions about the provisions of ACTIP (though others did not belong to the ministry in their country that was involved in preparing the convention). The process followed was nevertheless not one that encouraged coordination or cooperation.

ACTIP requires ratification by six States to come into effect. By the end of 2016, four ASEAN States had ratified the Convention (Cambodia and Singapore in January 2016, Thailand in July 2016 and Viet Nam in December 2016), signifying that three COMMIT members had ratified ACTIP out of the five which could do so.<sup>15</sup> It was due to come into force in March 2017.

In principle ASEAN could provide a forum to develop and implement common strategies and collective action on human trafficking. At the same time as they adopted the ACTIP, ASEAN Member States adopted an ASEAN Plan of Action Against Trafficking in Persons, Especially Women and Children. Like the Convention, the Plan of Action reckons to address the need for "Regional and international cooperation and coordination" and identifies a common challenge as "The need to enhance direct

<sup>15</sup> Myanmar ratified ACTIP in January 2017 and the Philippines in February 2017, meaning that the Convention would come into force on 8 March 2017.

communication and coordination between and among competent authorities of ASEAN Member States". The ten ASEAN Member States also committed themselves to "Utilise existing regional guidelines as well as develop or strengthen national guidelines for the identification of victims of trafficking in persons, including applying appropriate and non-discriminatory measures that help to identify victims of trafficking in persons among groups who are more susceptible to trafficking". The section on Regional Cooperation lists 12 commitments, including the establishment of joint investigation teams (i.e. joint investigations by law enforcement officials in two or more States), the appointment of "focal points to facilitate communication, data sharing and exchange of information on trafficking in persons", and the further "development of regional guidelines, in light of national and bilateral guidelines, to combat trafficking in persons".<sup>16</sup>

However, like the UN Trafficking Protocol,<sup>17</sup> ACTIP does not have a treaty-monitoring body checking how individual States implement the convention's provisions, and it is not yet clear if and how implementation of the Plan of Action will be monitored. At present, as before the adoption of ACTIP, the most significant ASEAN body that determines levels of intergovernmental cooperation is ASEAN's Senior Officials Meeting on Transnational Crime (SOMTC). At the same time, various other ASEAN bodies have a role with respect to human trafficking (such as the ASEAN Commission on Women and Children and the ASEAN Intergovernmental Commission on Human Rights, AICHR), although there is no formal coordination mechanism. For the foreseeable future, UN-ACT will need to continue liaising with ASEAN's secretariat and with participants in ASEAN's SOMTC (which is reported to be currently preparing a new work plan), to ensure an effective division of labour.

UN-ACT made a significant contribution to the design and preparation of common COMMIT-ASEAN indicators of trafficking (see #5.8 below). UN-ACT provided technical and financial, convening, facilitation, and organizational support to developing these, including the workshop that brought COMMIT and other ASEAN States together to develop the indicators. Further, an ASEAN website asserts that "The Convention is victim-centered, which ensures that the rights of the victims are protected. It also allows national and regional cooperation and collaboration to combat trafficking in persons with the involvement of various stakeholders".<sup>18</sup> However, it appears that ASEAN has not yet formally adopted the indicators. Whether the Convention's provisions will be implemented in a way that respects the human rights of trafficking victims (i.e., takes a "victim-centred approach") remains to be seen.

#### **4.1.1 ASEAN as a framework for mutual accountability**

A 2007 report by the United States Government Accountability Office (GAO) noted that the COMMIT Process offered a framework for meaningful mutual accountability because it involved relatively few States (six), while larger intergovernmental organizations were unable to strengthen cooperation and accountability to the same extent.<sup>19</sup> The US officials who had been consulted reportedly commented that having a larger geographic scope made it more difficult for the governments of all the States involved in a larger organization (such as the Bali Process) to hold each other accountable for implementing specific commitments, such as a regional action plan.

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<sup>16</sup>ASEAN Plan of Action Against Trafficking in Persons, Especially Women and Children, November 2015, accessed on 13 December 2016 at <http://www.asean.org/wp-content/uploads/2015/12/APA-FINAL.pdf>.

<sup>17</sup> The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000), supplementing the UN Convention against Transnational Organized Crime (2000).

<sup>18</sup> See <http://asean.org/thailand-deposits-instrument-of-ratification-for-the-asean-convention-against-trafficking-in-persons/>, accessed on 13 December 2016.

<sup>19</sup> United States Government Accountability Office (GAO). Report to Congressional Requesters. July 2007. Human Trafficking. Monitoring and Evaluation of International Projects Are Limited, but Experts Suggest Improvements.



In principle, ASEAN, with ten Member States, is almost as well placed to ensure mutual accountability as the slightly smaller number in the COMMIT Process. Once the ACTIP Convention comes into force, it may promote better regional cooperation, but how it will do so remains to be seen, for the convention contains no provision for a treaty-monitoring body which would monitor States' progress in implementing the ACTIP Convention and give feedback to them, or identify good practice and encourage States to apply such good practice. Being composed of a smaller group of States, COMMIT appeared to the evaluator to be able to make compromises and decisions more quickly than ASEAN, as well as to put them into practice relatively rapidly. Finally, however rapidly and efficiently the ACTIP is implemented, it will not include China or benefit nationals of ASEAN States who are trafficked in China.

Representatives of COMMIT States are reported to have discussed whether COMMIT could or would be made redundant as ASEAN's anti-trafficking institutions developed, and to have concluded at the Regional Task Force Meeting in Vientiane in November 2016 that ASEAN should not replace COMMIT, and that COMMIT should not be absorbed by ASEAN to become an ASEAN institution.

For the moment, COMMIT has the advantage of a specialist (on human trafficking issues) secretariat, in the form of UN-ACT, while the ASEAN general secretariat does not have a dedicated team of this sort.

## **4.2 Actual and potential benefits of China's membership of COMMIT**

One of the reasons that the COMMIT Process was set up to involve all six States through which the Mekong runs was a perception that substantial numbers of people were being trafficked across the common borders of the six, including into China. Although the number of cross-border trafficking cases identified by law enforcement officials has remained relatively low, the perception that substantial numbers of girls and women are trafficked into China, and particularly that there is a need to involve China in a joint approach to identification and protection of such trafficking victims, continues to be held in States bordering China, such as Myanmar and Viet Nam. Indeed, whereas there was an understanding in the first decade of the century that it was mainly from Myanmar and Viet Nam that young women were trafficked to China for forced marriages, in the last few years there has also been evidence that significant numbers have been trafficked from Cambodia and Lao PDR for the same purpose.<sup>20</sup>

Evidence that some Cambodian women were being trafficked, rather than voluntarily marrying Chinese men and only subsequently claiming to have been coerced into marriage, was obtained as a result of research commissioned by UN-ACT in Cambodia and China in 2014-15. The provision of neutral information to officials in both countries helped prepare the way for the signing of a bilateral Memorandum of Understanding (MoU) in October 2016, establishing (among other provisions) procedures for the smooth return of Cambodian women from China. In both countries, UN-ACT staff played a role in briefing relevant government officials, in bringing their points of view closer together and in smoothing over possible obstacles to the signing of the MoU. Both the research and the support that UN-ACT staff gave to officials of two COMMIT States members are evidence of the usefulness of their joint membership of COMMIT and of the services provided by UN-ACT.

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<sup>20</sup> UN-ACT. (2016). Human Trafficking Vulnerabilities in Asia: A Study on Forced Marriage between Cambodia and China. Bangkok: UNDP.

### 4.3 The role of UN-ACT and the COMMIT Process in relation to other regional initiatives to counter trafficking in persons (the Bali process)

There are several other overlapping processes and programmes that UN-ACT could potentially be duplicating unnecessarily. These include:

- The Bali Process
- The AAPTIP project
- The ILO's Triangle Project

#### 4.3.1 *The Bali Process*

The Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime is described as a forum for policy dialogue, information sharing and practical cooperation to help the region address challenges involving people smuggling, trafficking in persons and related transnational crime.<sup>21</sup> The first Bali Regional Ministerial Conference was held in 2002 and the most recent (the sixth) in March 2016. By 2011 its ministerial conference was attended by 32 States, i.e., a substantial number – too many to act as a peer group exercising any sort of mutual accountability. The Bali Process is considered to be “the principal mechanism for Australia’s regional cooperation”.<sup>22</sup>

The Bali Process’ Regional Support Office (RSO) in Bangkok sees itself as a multilateral capacity building resource, able to organize training for counter-trafficking specialists from more than 30 States. This useful role overlaps only slightly with the role of UN-ACT and does not seek to influence operational-level policies in the way that COMMIT and UN-ACT do.

#### 4.3.2 *The AAPTIP project*

The Australia – Asia Program to Combat Trafficking in Persons (AAPTIP) started in 2013 and replaced a previous Australia-financed programme, Asia Regional Trafficking in Persons Project (ARTIP), which had closed two years earlier. Both have been dedicated to strengthening counter-trafficking efforts by law enforcement officials. Whereas ARTIP focused mainly on countries in the Great-Mekong Sub-region (but excluding China), both AAPTIP and the later stages of ARTIP endeavoured to address human trafficking issues across the wider ASEAN region, and AAPTIP was operational in Cambodia, Indonesia, Laos, Myanmar, Philippines, Thailand and Viet Nam (i.e., including two countries which are not involved in COMMIT). The focus throughout has been on improving the responses to trafficking of law enforcement officials (frontline police, specialist police anti-trafficking investigation units, prosecutors and courts), rather than addressing other aspects of counter-trafficking work. Hence, AAPTIP provided a framework for enhancing cooperation between specialist police investigators of trafficking cases and other law enforcement officials, but not for improving cooperation involving state agencies at other levels.

ARTIP had a research programme and issued a series of publications. AAPTIP does not appear to have done so (or at least no research findings have been made public and the evaluator was not told by AAPTIP’s representative of any such publications), so there is no overlap with UN-ACT’s research programme (Output 3) and AAPTIP, nor between UN-ACT’s civil society programme (Output 4) and AAPTIP. Once again, AAPTIP does not cover China.

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<sup>21</sup> ‘About the Bali Process’, accessed 13 December 2016 at <http://www.baliprocess.net/>.

<sup>22</sup> Australian Government, Amplifying Our Impact: Australia’s International Strategy to Combat Human Trafficking and Slavery, accessed at <http://dfat.gov.au/about-us/publications/Documents/amplifying-our-impact-australias-international-strategy-to-combat-human-trafficking-and-slavery.pdf>.

### 4.3.3 The ILO's Triangle Project

The first phase of the Australia-financed project entitled Tripartite Action to Protect Migrant Workers within and from the Greater Mekong Sub-region from Labour Exploitation (GMS TRIANGLE Project) operated from 2010 to 2015, before and after UN-ACT was set up. This phase involved five of the States involved in COMMIT (initially including China, but leaving out Myanmar, while China dropped out and Myanmar was added while the project was being implemented) and also Malaysia. A second phase, known as TRIANGLE II (Tripartite Action to Enhance the Contribution of Labour Migration to Growth and Development in ASEAN), again financed by Australia, started in late 2015 and is due to continue for a decade. This omits China, but involves Myanmar and the same four other countries involved in COMMIT (Cambodia, Lao PDR, Thailand and Viet Nam) and, once again, Malaysia. The first of these projects, with its reference to “labour exploitation”, addressed the predicament of fishing industry workers and others trafficked in the region for forced labour. The second moves the focus from the abuse and exploitation of migrant workers to the positive actions required to promote their economic contribution, as well as to protect them from abuse (i.e., to prevent them being trafficked).

Triangle I reported having substantial outputs,<sup>23</sup> including the establishment of Migrants Workers' Resource Centres in 23 locations by the end of 2013. The involvement of Malaysia in the two phases of the Triangle project gives a clear added value. However, though scheduled to last until 2025 (so not just a temporary project), as an ILO initiative the current Triangle project is scheduled to work principally with government ministries of labour and the ILO's conventional social partners (workers' and employers' organizations), rather than with a wider spectrum of anti-trafficking actors.

### 4.3.4 Overlaps and duplication?

The evaluator concluded that each of these initiatives had a distinct role and that UN-ACT was not duplicating their contribution.

## 4.4 Recommendation

RECOMMENDATION 4.1: Donors should continue supporting UN-ACT as long as there continues to be evidence that it delivers ‘added value’ in comparison to other counter-trafficking initiatives in Southeast Asia and that it involves (and has some impact in) China.

**FINDINGS ON QUESTION 2 (FOUR SEPARATE SECTIONS): HAS THE UN-ACT MADE SUFFICIENT PROGRESS TOWARDS ACHIEVING THE FOUR OUTPUTS THAT ITS PROJECT DOCUMENT STATES SHOULD BE ACHIEVED BY 2018 (I.E., JUST OVER HALF WAY THROUGH THE PROJECT PERIOD, BUT WITH LESS RESOURCES THAN PLANNED)?**

<sup>23</sup> E.g. (according to ILO GMS Triangle, ‘Key project documents’, accessed on 13 December 2016 at [http://www.ilo.org/asia/WCMS\\_304803/lang-en/index.htm](http://www.ilo.org/asia/WCMS_304803/lang-en/index.htm)):

- “2,259 government officers have received training at national level.
- 41% of those trained at national level are women.
- 9,020 public officials from the local level have received training.
- 32% of those trained at local levels are women.
- In 2014, 20 civil society organizations have been supported in providing services to migrant workers and building capacity”.

## **5 FINDINGS CONCERNING OUTPUT 1: SUPPORTING COMMIT STATES TO BECOME SELF-SUFFICIENT AND TO MEET THE OBJECTIVES THEY SET THEMSELVES**

The research questions concerning this Output were:

- Has UN-ACT been effective and efficient (within its resource constraints) in supporting COMMIT, encouraging COMMIT States to develop their own secretariat and supporting COMMIT States in developing SPA IV and seeking to achieve the objectives set out in SPA IV?
- In what ways has the COMMIT Process been strengthened and what are the obstacles to it being strengthened further?

### **KEY FINDINGS**

UN-ACT provided effective and efficient support to the COMMIT Process, although its own financial constraints (described in chapter 10) meant that it could not finance substantial activities by National COMMIT Task Forces. UN-ACT has re-established confidence in its performance among officials in COMMIT States in the aftermath of the ending of UNIAP, when officials in several States had ceased to have an appropriate level of confidence. UN-ACT provided an appropriate level of technical support for the development of a new Sub-regional Plan of Action (SPA). It provided leadership and technical expertise in developing a set of indicators and guidelines for all COMMIT states on the identification and referral of victims of trafficking. Nevertheless, some COMMIT States have been frustrated by the lack of financial support available from UN-ACT to pay for activities by their National Task Forces (under the terms of the SPA). This has reduced their interest in UN-ACT and the COMMIT Process, causing them to look elsewhere for finance for their counter-trafficking activities. UN-ACT has encouraged the use by COMMIT States of research tools to monitor the effectiveness of anti-trafficking work, but some officials in COMMIT National Task Forces still have a poor understanding of the benefits of monitoring and evaluation and identify ‘monitoring’ with criticisms made of their policies (notably in an annual publication by the US Department of State). This means that UN-ACT must give continual attention to convincing government and law enforcement officials in COMMIT States that monitoring and evaluation deliver substantial benefits, and that they have a responsibility to ensure that these benefits are delivered.

### **5.1 Background concerning the COMMIT Process**

In 2004 the six Governments of the Greater Mekong Sub-region (Cambodia, China, Lao PDR, Myanmar, Thailand, and Viet Nam) signed an MoU against Trafficking in Persons. This MoU, signed at the Ministerial level, committed the governments to a response to human trafficking that would meet international human rights standards, highlighting the need for multi-lateral, bilateral, and government-NGO cooperation to fight human trafficking (“Improving regional cooperation against trafficking, in particular through bilateral and multilateral agreements” was one of the 34 commitments made in the MoU).

COMMIT’s main characteristics were and are:

- COMMIT’s work is guided by multi-year Sub-Regional Plans of Action (SPAs). So far there have been four such plans of action, the last of which was developed after UN-ACT was established:
  1. COMMIT SPA I (2005-2007)
  2. SPA II (2008-2010)
  3. SPA III (2011-2013)

#### 4. and SPA IV (2014 – 2018)

- Each participating country has a National Task Force;
- There are meetings of a Regional Task Force every six months;
- There is an annual Senior Officials Meetings (SOMs);
- There is an Inter-Ministerial Meeting (IMM) every three years.

The National Task Forces are not, however, chaired by the same ministries in each State. In some, for example, the main ministry involved deals with public security and law enforcement, while in others (such as Thailand) the lead ministry is responsible for social welfare. In one country, Cambodia, the diversity is recognized explicitly, with two separate parts of the Government leading the national counter-trafficking efforts, one representing law enforcement and the other women's affairs. This heterogeneity is perceived as an obstacle by some counter-trafficking actors, including some donors, although it is widely recognized that responses to trafficking in persons need to be multidisciplinary and to coordinate the contributions of different ministries and agencies, as well as of civil society.

## 5.2 Key developments in COMMIT, April 2014 to December 2016

Regional COMMIT Task Force Meetings were held in May and October 2014, both in Bangkok (Thailand). During 2014, UN-ACT gave technical support to the COMMIT Task Forces in the six participating countries to develop COMMIT's 4th Sub-regional Plan of Action (SPA IV). This was finalized in early 2015 (to cover the period 2015-2018) and formally adopted in April 2015 in Phnom Penh, Cambodia, at COMMIT's 10th Senior Officials Meeting (SOM10) and its 4th Inter Ministerial Meeting (IMM4). The Inter Ministerial Meeting issued the Third COMMIT Joint Declaration to reaffirm dedication and commitment in combating trafficking in persons. In contrast to previous high-level meetings, when UNIAP or UN-ACT staff were responsible for the practical organization of the meetings, in 2015 "The Cambodian government took on full responsibility for organizing and implementing a SOM/IMM meeting, allowing UN-ACT to focus mainly on providing technical and coordination support, the first time a government has done so".<sup>24</sup> The Lao authorities played a similar role, financing and organizing COMMIT meetings in November 2016.

The Third COMMIT Joint Declaration illustrated the ongoing heterogeneity of the COMMIT Process, which involves ministries with different types of responsibility in each State (some focusing on public security and others on social affairs).<sup>25</sup>

In 2016, the first of the Regional COMMIT Task Force meetings was held in Bangkok in February and the second in Vientiane in November, when it was followed by a SOM meeting, which adopted common ASEAN-COMMIT indicators of human trafficking and related forms of exploitation, and a set of "Common Guidelines for the Greater Mekong Sub-region" on "Victim Identification and Referral Mechanisms".<sup>26</sup> The guidelines had been informed by a number of preparatory discussions, at which UN-ACT played a leading role in bringing the attention of COMMIT participants to good practice on victim identification and support practices in other countries, both in ASEAN and elsewhere. The SOM

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<sup>24</sup> UN-ACT, Annual Report, 2015.

<sup>25</sup> Signatories of the Third Declaration included the following:

Cambodia: Minister of Women's Affairs, Vice Chair of the National Committee on Counter Trafficking in Persons;

China: Assistant Minister of Public Security;

Lao PDR: Vice Minister of Public Security;

Myanmar: Deputy Minister Ministry of Home Affairs;

Thailand: Permanent Secretary, Ministry of Social Development and Human Security;

Viet Nam: Vice Minister of Public Security.

<sup>26</sup> COMMIT. Victim Identification and Referral Mechanisms. Common Guidelines for the Greater Mekong Sub-region. November 2016.

meeting also set the agenda for 2017 by agreeing to make strengthening labour migration systems in the GMS a priority for COMMIT's attention in 2017.

### 5.3 Previous comments about ways of strengthening the COMMIT Process and UN-ACT's role

The assessment of COMMIT's capacity in 2015 summarized its strengths and weaknesses:

"The COMMIT Process has had reasonably good success in the establishment of new laws, policies and agreements and in raising awareness about human trafficking in the GMS. There has been progress made in the area of investigations and prosecutions but the capacity in these areas still need to be strengthened and solidified. Cross-border cooperation, case management mechanisms and joint meetings have improved, resulting in improved repatriation processes. Good examples of such mechanisms are those implemented under the MOUs and bilateral agreements with Thailand. There are still major gaps in the area of inter-agency cooperation mechanisms and there is lack of capacity and/or knowledge of implementation mechanisms for laws and regulations. Monitoring and Evaluation was found to be the weakest area common to all COMMIT member countries, with M & E systems found to be either inexistent and/or ineffective in most countries".<sup>27</sup>

The review of COMMIT's capacity nevertheless noted what it described as "a mismatch of expectations and a misunderstanding as to the ownership of the COMMIT Process", noting that,

"Although the COMMIT Process is a government-led Process, established by a MOU signed by the 6 countries, expectations are that leadership in developing and implementing policies and mechanisms to ensure its effectiveness should be exercised by UN-ACT instead of the COMMIT Taskforces".<sup>28</sup>

The capacity assessment in 2015 identified a series of issues that merited particular attention in the course of efforts to augment COMMIT's capacity and potential impact. These were:

- Victim of Trafficking Identification
- Coordination & Communication (including referral mechanisms)
- Human Resources & Training Strategies
- Monitoring & Evaluation

Concerning the role of UNIAP as secretariat of the COMMIT Process, the evaluators in 2013 observed that,

"Given the significant involvement of UN and non-government agencies working in cooperation with the six COMMIT governments in the region, and the vast areas of expertise they bring, the importance of the secretariat to coordinate with a high degree of neutrality and to not duplicate areas of expertise is paramount. Problems with accountability among the secretariat and animosity with other UN agencies and non-government stakeholders did not contribute toward increased effectiveness and efficiency in support of the six governments in meeting its targets. Rather it detracted and confused the process. Further, its function of fund

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<sup>27</sup> Carl De Faria. Capacity Assessment Report. Main Findings: Cross-Cutting Opportunities, Gaps & Challenges. February 2016. Footnotes omitted.

<sup>28</sup> *Ibid.*



raising for COMMIT and providing funds to each of the six governments did not support an increased sense of ownership over COMMIT; but detracted from it.”<sup>29</sup>

The recommendation of the evaluators was to,

“Ensure the secretariat function is neutral, with clear separation of any engagement in anti-trafficking activities and the role of secretariat to the COMMIT Process. In coordinating a large number of stakeholders, the secretariat should be strictly neutral and provide support to non-government stakeholders in partnership with the six Governments.”

The present evaluator notes that the COMMIT secretariat function has indeed been exercised since 2014 in a neutral way. He is concerned, however, that the shortfalls in UN-ACT’s income may result in one or two COMMIT States agreeing to make substantially greater contributions, with the possible result that this neutrality is compromised as, even if the contributions were not earmarked and UN-ACT itself retained complete control for deciding how the income should be used, other COMMIT States would become suspicious that the secretariat was biased towards the interests of the COMMIT States financing UN-ACT (see #10.2 below).

#### **5.4 Perceptions of UN-ACT by officials in the States participating in COMMIT**

The evaluator interviewed officials in Cambodia, China and Thailand to hear their assessments of how well UN-ACT performed as COMMIT’s secretariat. He also noted the comments made the previous year during the capacity assessment of COMMIT, when officials in all six countries had commented on the role of UN-ACT.<sup>30</sup> At a general level, the assessment concluded that,

“[T]he UN-ACT role in the COMMIT Process continues to be highly relevant. The COMMIT Process is based on inter-governmental cooperation and therefore regional coordination and support is crucial to its existence at least until COMMIT member countries decide to establish and fund a permanent regional secretariat body. Countries such as China strongly advocate

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<sup>29</sup> S. Baker and A. Jersild, Independent Evaluation of the Coordinated Mekong Ministerial Initiative Against Human Trafficking (COMMIT) Process (SUMMARY). 10 September 2013.

<sup>30</sup> At national level, the capacity assessment (Carl De Faria, 2016. Report II: Capacity Development Strategies for the COMMIT Process) reported the following comments (in 2015) on UN-ACT’s role:

“UN-ACT is key to the success of the COMMIT Process”. “It has contributed to better coordination of development partners: UN-ACT coordinates the Inter-Agency Working Group and the Stakeholders’ Group Meetings” (Cambodia).

“UN-ACT is very important to ensure effective participation in the COMMIT Process by the countries with smaller economies. The UN participation is important to China” (China).

“UN-ACT and development partners work well together and coordinate their interventions”. But “One area of concerns raised involved the low level of funding support the COMMIT Taskforce receives for COMMIT related activities from the Government as well as from UN-ACT” (Lao PDR).

“UNIAP/UN-ACT has built good reputation and trust with the Government. Also UN-ACT has established an entry point with the Government (especially with the Police) for national CSOs and for NGOs and DPs. It served as a bridge for them to gain the trust of the Government. Human Trafficking Working Group gained approval and trust of the Government because of UNIAP advocacy” (Myanmar).

Thailand’s officials were reportedly the least satisfied, pointing out “that the COMMIT Process faces challenges including on how to make use of the COMMIT framework more effectively:

- “The COMMIT Process needs to have another layer to the body that would follow up on implementation of specific actions agreed upon by the COMMIT Taskforce Chairs
- “The COMMIT Process should focus on identifying common elements in the six countries and developing synergies amongst them, enhancing network among officers at the practical level
- “UN-ACT should provide high-level research products and studies; publish and provide regular updates on trends and patterns of human trafficking and data specific to the GMS COMMIT countries. These studies should also provide recommendations on the ‘way forward’ and not simply provide statistics and facts.”

“UN-ACT provides good coordination for the NGOs and DPs through the Working Group on Human Trafficking that it helped establish” (Viet Nam). Again, “One area of concern raised was the inadequacy of funding support for COMMIT related activities from the Government as well as from UN-ACT”.

the continuation of UN-ACT involvement in the COMMIT Process. Most COMMIT countries agree.”

At that time, officials from five out of the six countries participating in COMMIT had reported a “good” level of satisfaction with how UN-ACT was performing. The exception was Thailand, where “Some Thailand officials and development partners reported reasonably good satisfaction level with the impact of the COMMIT Process”.<sup>31</sup> While talking to government and security officials in three countries in November 2016, the evaluator was given the same impression—that officials in Thailand were the least satisfied with the framework offered by COMMIT for coordinating their counter-trafficking activities with other States and the most inclined to expect the framework offered by the new ASEAN ACTIP Convention eventually to supersede COMMIT.

#### **5.4.1 Comments on UN-ACT in Cambodia**

During the evaluator’s interviews in Cambodia, he was told by government officials that:

- UN-ACT is a “good example” of successful coordination and its role coordinating different branches of government in Cambodia is still vital; the coordination it provides in general is its highest priority function in Cambodia;
- UN-ACT plays a useful role facilitating communication between the two distinct branches of Cambodia’s Government with counter-trafficking responsibilities, the National Committee on Counter-Trafficking (NCCT), organized by the Ministry of Interior, and the COMMIT National Task Force, led by the Secretary of State for Women’s Affairs;
- UN-ACT’s coordination role is greatly aided by the perception that its staff in Cambodia are neutral in any discussions or differences of opinion involving several government departments;
- UN-ACT’s value is increased by the fact that it represents continuity with UNIAP (some staff have not changed and this is considered helpful), guaranteeing expertise and institutional memory;
- UN-ACT’s staff in Cambodia (and also those in China) played a key role during the run-up to the signing of an MoU with China in October 2016. They also helped coordinate a visit to Cambodia by a Chinese delegation to prepare the MoU;
- They also contributed to policy development in Cambodia, notably with respect to the development of new victim identification procedures;
- UN-ACT’s support is still required when reviewing bilateral MoUs that were concluded in the past, e.g., with Thailand, as this helps avoid disagreements;
- Nevertheless, there have been cuts in the number of UN-ACT staff and a reduction in UN-ACT’s activities in Cambodia, notably in support for training (which governmental officials wanted to be resumed). The change from UNIAP to UN-ACT was perceived to have restricted the amount of money that could be spent by COMMIT, in part due to shortage of income, but in part due to UNDP’s procurement rules, which were felt to be more cumbersome than UNIAP’s.<sup>32</sup> As a result, Cambodian officials felt they had to look for funds (to finance COMMIT national task force activities) elsewhere. They realized that contributions by COMMIT States (to pay for COMMIT activities) were increasing, and were worried that this would reduce international contributions.

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<sup>31</sup> *Ibid.*

<sup>32</sup> The procurement rules in fact stayed the same, although UN staff may have applied them in a slightly different way.



#### **5.4.2 Comments in China**

During the evaluator's interviews in China, he was told by government officials that:

- UN-ACT enables officials in the Ministry of Public Security (MPS) to work more closely with officials in other GMS countries than would otherwise be the case, facilitating productive communication;
- It has been helpful that UN-ACT staff in each of the participating States are usually nationals of the country concerned who understand the language and culture. UN-ACT's national staff help MPS officials by interpreting for them (English/Chinese) at meetings outside China. They are familiar with China's interests and what the officials want to achieve when the officials start negotiations with others, so are more effective at communicating this to officials of other governments than ordinary interpreters would be;
- UN-ACT has helped front-line law enforcement officials overcome language difficulties (when trying to communicate with foreigners in China who may have been trafficked and who only speak poor Chinese or none at all) by developing a SMART phone 'App';<sup>33</sup>
- UN-ACT facilitated negotiations with Cambodian officials in an efficient and effective way and made it possible to agree and finalize a bilateral MoU. This is a specific example of the key ongoing role of UN-ACT in facilitating effective communication between officials of different States, in a much more efficient way than if all communications had to be written down (and sent via the relevant Ministries of Foreign Affairs);
- COMMIT regional training workshops have been a useful way to improve international coordination of anti-trafficking efforts, both in China and the other GMS States; the generosity of international donors and the work of UN-ACT have made this possible;
- UN-ACT has promoted awareness of appropriate methods for victim identification and assistance, a useful step towards standardizing procedures in all six GMS States;
- China intends to continue funding the COMMIT Process and UN-ACT, but realizes that larger contributions will be needed from other donors, if any activities are to be scaled up;

#### **5.4.3 Comments in Thailand**

During the evaluator's interviews in Thailand, he was told by government officials that:

- They were happy to see UNIAP developed as the secretariat of the COMMIT Process while it supported governments and enabled them to resolve issues related to cross-border trafficking, e.g., with Myanmar at a time when Myanmar officials had no procedures or capacity to cope with returnees, for Myanmar put some institutions and procedures into place with the support of UNIAP;
- Later the situation changed and UNIAP ceased to be an effective coordinator;
- Since it was established, UN-ACT has not had adequate income to support the COMMIT States in the way that UNIAP previously did, notably to finance activities to achieve objectives set in SPA IV;
- Both COMMIT and UN-ACT have continued to give priority to actions needed in destination countries (such as Thailand, e.g., victim identification), without giving enough attention to countries of origin (in terms of both prevention of trafficking and effective reintegration in their own countries of trafficking victims who are returned, for Thai social workers are aware

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<sup>33</sup> The App starts by identifying a foreigner's country of origin and own language by showing a national flag and generates a series of questions, in both printed and oral forms. This enables a front-line law enforcement official to find out basic information from a person who might be a trafficking victim.

that reintegration and rehabilitation procedures in some other countries are inadequate). COMMIT and UN-ACT should, they felt, give greater attention to countries of origin;

- At the same time, it is a priority for Thailand to establish effective relations with neighbouring Malaysia (regarding trafficking cases);
- UN-ACT has continued to assist Thai officials in contacting and communicating with officials of other GMS States, such as Viet Nam, and is expected to play this role in the near future as Thailand develops a new MoU with China;
- The ASEAN Convention (ACTIP) has a stronger legal base than COMMIT (which is based on an MoU), so may eventually take over as the main framework for decisions on counter-trafficking activities with other ASEAN States, including those in the GMS. Although the ACTIP has not yet come into effect, Thailand has already started implementing parts of ASEAN's Plan of Action Against Trafficking in Persons, Especially Women and Children, though there is no formal framework for reporting to others on what is done;
- Several agencies in Thailand are dissatisfied with SPA IV and would prefer to have a menu of possible activities from which they could choose to implement just some. Thailand is investing its own resources in implementing some aspects of SPA IV, but officials do not think it will merit evaluation (whereas if UN-ACT were able to provide resources to pay for activities required under SPA IV, it would be reasonable to require an evaluation).

## **5.5 UN-ACT's support to COMMIT in developing its own secretariat and becoming self-sustaining**

The UN-ACT's Output 1 refers to the COMMIT Process being strengthened to become sustainable and self-reliant, but without providing a time-frame. The evaluator noted numerous advantages that the COMMIT Process was benefitting from precisely because its secretariat was not self-reliant, but rather part of the United Nations (e.g., perceptions by participating States that the secretariat was neutral; technical expertise available from the experience of a variety of other UN counter-trafficking initiatives, many of them based on human rights principles which UN-ACT, as a UN organization, is bound to take into account). He noted some progress towards this expected result, but concluded that the process should not be hastened—and was concerned to learn that some donors expect the COMMIT Process to become self-sustaining (i.e., no longer financially dependent on external donors) within a few years. The evaluator not only thought this was unrealistic: he also concluded that transferring financial responsibility in its entirety to the COMMIT States would almost certainly have the opposite effect to the one intended. In the present circumstances, it would undermine the process (see #10.3 below).

## **5.6 UN-ACT's support for the development and finalization of bilateral agreements between COMMIT States**

Starting in 2003 with an MoU between Cambodia and Thailand,<sup>34</sup> GMS States aimed to develop bilateral MoUs between each pair of COMMIT States, notably to guide procedures involving the repatriation of people identified as 'trafficked'. Prior to the establishment of UN-ACT, numerous bilateral MoUs had already been agreed, some limited to general principles and others entering into operational issues.<sup>35</sup> The need for operational detail, rather than vague commitments, was stressed

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<sup>34</sup> Memorandum of Understanding between Thailand and Cambodia on Bilateral Cooperation for Eliminating Trafficking in Children and Women and Assisting Victims of Trafficking, 2003.

<sup>35</sup> Such as the agreement between Thailand and Viet Nam in March 2013, which included a set of Standard Operating Procedures (SOP) for the Identification and Return of Victims of Human Trafficking between Thailand and Viet Nam, which identifies a focal point in each Government to be contacted in cases of potential return of trafficking victims, and specifies in some detail what the process for preparing returns should be, as well as procedures for return and reception.

by the author of the 2015 report assessing COMMIT's capacity needs, who recommended that effective implementation mechanisms should be developed as part of all bilateral agreements, and that such mechanisms should include multi-disciplinary case management mechanisms.<sup>36</sup>

When bilateral agreements were being negotiated for the first time, UN-ACT sometimes played a key role, whereas once two governments had agreed an MoU, updating it or developing an implementation plan did not require the same level of involvement of UN-ACT staff. In 2014 Cambodia and Thailand agreed a new MoU, 10 pages long this time.<sup>37</sup> This was considerably more detailed than the 2003 MoU, but did not contain the same level of detail as Thailand's 2013 MoU with Viet Nam, even though the number of Cambodians migrating to Thailand was vastly greater than the number of Vietnamese in Thailand or Thais in Viet Nam, and the number of Cambodians who have been trafficked in Thailand is also reported to be considerably larger, underlining the need for agreement on procedures concerning returns and other aspects of victim protection and assistance.

In 2016 Cambodia and China agreed an MoU on the issue of trafficking in persons for the first time.<sup>38</sup> UN-ACT staff based in the two countries are reported to have been involved in each stage of the negotiations and to have made a significant contribution to the process. Further, research commissioned by UN-ACT in Cambodia and China influenced the process, confirming that some Cambodian women who were getting married in China had been trafficked and were therefore entitled to be treated as victims of trafficking (see references to research in Chapter 7 below). The President of China visited Cambodia in October 2016 when the two States signed the MoU. A follow-up meeting is planned for Beijing in February 2017. The visit and signing was preceded by visits by a Cambodian delegation to China (Beijing) and a Chinese delegation to Cambodia (Siem Reap). Both visits enabled officials to become better informed about the experience of Cambodian women who were getting married in China and subsequently fleeing their marriages and returning in various circumstances to Cambodia. UN-ACT staff based in Cambodia and China were involved at all stages and reportedly facilitated detailed discussions and helped avoid set-backs during the negotiations, which were complicated by the fact that texts were agreed in three separate languages (Chinese, English and Khmer). They also facilitated the involvement of CSO activists based in Cambodia who were well informed about the experiences of Cambodian women in China.

While UN-ACT support for the process was the subject of positive comments to the evaluator by both parties, it is nevertheless noticeable that this MoU does not have hallmarks that the 2015 capacity assessment of COMMIT wanted to encourage (e.g., including details on SOPs or repatriation procedures), reflecting China's apparent preference for keeping the terms of bilateral MoUs general and somewhat vague. Further, on the issue of returns, it contains the unusual provision that "[T]he Requested Party may refuse to provide assistance to the Requesting Party if the Requested Party considers that the assistance requested by the other Party may bring about any negative impact to

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<sup>36</sup> The report noted an appropriate model in Thailand, which reportedly involved "establishing multi-disciplinary case management team (Police; social worker; Attorney-General; NGOs) and organizing regular team meetings with their counterparts from other border countries" (Carl De Faria, 2016. Report I: A Capacity Assessment of the COMMIT Process: Six Country Profiles). The report also suggested that MoUs should explicitly mention "mechanisms designed to facilitate the implementation of bilateral agreements and MOUs, including: SOP [standard operating procedures] on the implementation of the agreement; development of an implementation plan of action; joint meetings of border police; a systematic case referral mechanism; establishment of meetings of high-level officials in the criminal justice system of the two countries; establishment of an attaché at embassies in each other countries".

<sup>37</sup> Memorandum of Understanding Between The Government of the Kingdom of Cambodia and The Government of the Kingdom of Thailand on Bilateral Cooperation for Eliminating Trafficking in Persons and Protecting Victims of Trafficking (2014)

<sup>38</sup> Agreement between the Government of the Kingdom of Cambodia and the Government of the People's Republic of China on Strengthening Cooperation in Counter Trafficking in Persons, 2016.

the sovereignty, security, social orders, basic interests of legal principles of the Requested Party...” (Article 8). This may reflect the fact that Thailand has already signed numerous MoUs with other GMS States and is familiar with the benefits of including operational-level details, while China has signed less such MoUs and is consequently less familiar with these benefits or with the principles that all the States participating in COMMIT have agreed to respect when it comes to victim protection and repatriation.<sup>39</sup>

The evaluator was told of worries by some counter-trafficking actors in Cambodia that the MoU with China did not contain sufficient details (such as SOPs) on victim protection or details on repatriation procedures that would make a substantial difference for Cambodian victims of trafficking who were identified in China. Similarly, he heard that Cambodia’s bilateral MoU with Viet Nam had recently been reviewed, but still did not contain strong enough provisions on the protection of Cambodian children who were being trafficked to beg in Viet Nam (mainly in Ho Chi Minh City). Concern was expressed to the evaluator that UN-ACT staff in Cambodia could have done more to persuade the Cambodian authorities that more substantial provisions needed to be introduced into the MoU with Viet Nam, to improve protection for Cambodian children in Viet Nam and to put an end to mass round-ups of children found begging and their subsequent detention and summary deportation via Viet Nam’s land border with Cambodia (near to which a Cambodian NGO supported by UN-ACT operates a shelter for the repatriated children).

While these concerns are reasonable and appropriate, they do not diminish the important contribution made by UN-ACT staff to the MoUs concerned. This contribution was a good example of what could be achieved precisely because UN-ACT staff had good working relationships with government officials. In both countries these relationships dated back to the time of UNIAP, indicating the benefits of ensuring continuity in staffing when UNIAP closed and UN-ACT started up.

## **5.7 UN-ACT’s support to COMMIT to monitor and evaluate sub-regional plans of action (SPA), national plans and their own performance in reducing the number of people who are trafficked**

The final report on the implementation of SPA III reported that “Areas of challenge included the implementation and monitoring of policies and other interventions related to ‘Prosecution’, ‘Protection’ and ‘Prevention’, especially at the regional level”.<sup>40</sup> SPA IV covers the period 2015-2018 and was formally adopted in April 2015. One of the five parts of SPA IV focuses on monitoring and evaluation (M&E - Goal 8 is that “Procedures for monitoring and evaluating progress towards goals from SPA IV [are] in place”) and the two planned outcomes are entirely appropriate (#8.1 “Internal standardised reporting based on an established M&E Framework” to achieve Output 8.8.1 “Standardized SPA IV reporting framework developed and implemented”; and #8.2 “Relevant stakeholders engaged in implementation of SPA IV” to achieve Output 8.8.2 “All sectors of society engaged in the implementation of SPA IV”).

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<sup>39</sup> E.g., under the terms of the COMMIT MoU (2004), all six States agreed to adopt appropriate guidelines and to provide “training for relevant officials to permit the rapid and accurate identification of trafficked persons and to improve the investigation, prosecution and judicial process” (article 8) and to ensure “cross-border cooperation in the safe return of trafficked persons, including support to ensure their well-being” (article 20). Additionally, the Third Joint COMMIT Declaration in 2015 reiterated “the importance of placing trafficked persons at the centre of all anti-trafficking interventions including the recognition of their potential to contribute, on a strictly voluntary basis, to the development, implementation and evaluation of anti-trafficking interventions, and respecting the human rights of trafficked persons in all anti-trafficking interventions”.

<sup>40</sup> COMMIT. Final Report on the Implementation of the COMMIT Sub-Regional Plan of Action III. Accessed at [http://un-act.org/wp-content/uploads/2015/05/SPA-III\\_Final\\_Report.pdf](http://un-act.org/wp-content/uploads/2015/05/SPA-III_Final_Report.pdf)

During meetings to plan and prepare UN-ACT, participants repeatedly stressed the need for the new secretariat of the COMMIT Process to enable States to monitor and evaluate their responses to human trafficking (in terms of the appropriateness of the laws and policies in place and their implementation). In specifying what was going to be done to achieve its Output 3, the UN-ACT Project document says that “Capacity building activities will be implemented with research institutions from both within and outside the region, to enable key actors including governments...to develop and use harmonized research tools with common indicators to monitor the effectiveness of anti-trafficking work and ensure high quality.” Under Output 1, the Project document also refers to “Developing monitoring and evaluation indicators for counter-trafficking work”.<sup>41</sup>

The urgent need for the States participating in the COMMIT Process to develop and implement monitoring and evaluation (M&E) methods was stressed by the two independent evaluators of COMMIT in 2013, who noted that,

“After ten years of operation, the lack of a system in place to monitor outcomes of COMMIT activities is of grave concern. The 24 SPA III targets are not contextualized within a larger M&E system that enables understanding around a common definition of the problem, clear objectives that are S.M.A.R.T., desired outputs and outcomes, indicators, and a plan for sourcing data to monitor progress in achieving outcomes...Without an M&E system in place, anti-trafficking stakeholders are unable to effectively understand the nature of the problem itself, what works and what does not, and how to effectively resource for future programming”.<sup>42</sup>

Two years later, the consultant assessing the capacity of the COMMIT Process and the individual States participating in the Process noted little change and again stressed the need for M&E methods to be strengthened:

“COMMIT member countries reported very low to non-existing M&E frameworks and plans. This is a barrier to research-based decision-making by government institutions. If there are no monitoring systems, governments cannot evaluate the progress in the implementation of their programmes and activities and therefore cannot innovate and reform”.<sup>43</sup>

UN-ACT’s role is not to monitor or evaluate itself, but rather to provide appropriate advice to COMMIT States on what they should be doing and appropriate support to enable them to carry out meaningful M&E. The evaluator concluded that UN-ACT had indeed put appropriate emphasis on this issue, though it still faced some institutional resistance from officials in certain COMMIT States. The evaluator (who was evaluating whether UN-ACT was doing enough to promote M&E by COMMIT States, rather than evaluating the effectiveness or efficiency of M&E systems used by COMMIT States with respect to SPA IV or their other counter-trafficking activities) noted that government officials in several of the countries he visited appeared still to have a poor understanding of the benefits of either

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<sup>41</sup> The indicative activities involved that are mentioned in the Project document are:

- “Conduct desk review of relevant research, policy and other documents related to TIP in the region
- Establish reference group to discuss indicators virtually and in face-to-face meetings
- Get indicators approved by COMMIT governments
- Use indicators to monitor and report on the progress of anti-trafficking work in the region”

<sup>42</sup> Simon Baker and Amy Jersild. Independent Evaluation of the Coordinated Mekong Ministerial Initiative Against Human Trafficking (COMMIT) Process. 10 September 2013. One of the nine recommendations made by the evaluators for action by COMMIT States consequently focused on M&E: “Develop a strong M&E Framework. The development of an M&E framework for COMMIT should effectively link the regional SPA with the National Programs of Action and provide detail on problem identification, clear objectives, desired outputs and outcomes, indicators and targets, and a plan for implementation”.

<sup>43</sup> Carl de Faria. Report II. Capacity Development Strategies for the COMMIT Process. 30 September 2015.

M&E or independent research about human trafficking, so UN-ACT needs to continue to draw the attention of relevant government officials and counter-trafficking agencies to the benefits for their work, as well as for people who are trafficked or at risk of being trafficked in their territory, and to repeat the message that monitoring is not merely a method that allows foreign governments to use data generated by governments' M&E systems or research to criticize them. The suspicions that some officials have about M&E are not surprising, given the politicized use of some monitoring data at the regional and international level.

When it was developed in 2014, SPA IV contained indicators which government representatives had themselves selected for monitoring purposes.<sup>44</sup> These are reported to provide baseline and milestone data to measure progress. All six COMMIT national task forces made specific commitments to report on their implementation of SPA IV, using indicators that they themselves have chosen. It is too soon to confirm whether the data concerned has indeed been collected, so monitoring this remains a key task for UN-ACT.

UN-ACT initially employed a specialist M&E officer who provided training to individuals in COMMIT States who were identified as national-level M&E focal points for COMMIT activities. She reportedly developed reporting tools and guidelines for monitoring purposes at national level. For example, in November 2014, some 50 officials attended a training session in Viet Nam about M&E, covering topics including indicators (in this case, indicators of the progress towards achieving a plan, rather than the tell-tell signs of a trafficking case), data collection, data analysis and reporting, including the roles of different government agencies and departments.

There is a continuing need to persuade officials in other COMMIT States to match the professionalism of their peers and to generate appropriate monitoring data. The evaluator does not regard this as an obstacle to the progress of the COMMIT Process, but nevertheless [recommends that UN-ACT should continue to attach high priority to developing the quality and output of M&E systems in all six States participating in COMMIT during 2017-18](#). Following the adoption by COMMIT in November 2016 of a set of Common Guidelines for the Greater Mekong Sub-region on Victim Identification and Referral Mechanisms, there is an obvious opportunity for UN-ACT to support the COMMIT States in implementing these Guidelines and also in monitoring the extent to which the Guidelines are observed, as well as any unintended side effects, notably by using implementation indicators for COMMIT Victim Identification and Referral Mechanisms that have been drafted. [The evaluator recommends using this as an opportunity to explain \(again\) the benefits of M&E and to point out the benefits of accountability among the six States \(in terms of transparency about what is and is not achieved during the first year following the adoption of the Guidelines\)](#). For baseline information on five of the six States participating in the COMMIT Process, references could be made to relevant reports already published by ASEAN.<sup>45</sup> However, the most important thing that UN-ACT should set out to achieve would be to convince officials in all six States that M&E delivers benefits (whatever the topic being monitored) and is not part of a foreign system designed to undermine them, however much many of them dislike the annual 'TIP ranking' process conducted by the US Department of State in its annual Trafficking in Persons (TIP) report.

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<sup>44</sup> Government officials reportedly selected SPA IV indicators to report on annually at SOM sessions. The six States adopted differing approaches, with some deciding to monitor and report as many indicators as 30 and one selecting only two. The totals were: Cambodia: 22 indicators; China: 2 indicators; Lao PDR: 3 indicators; Myanmar: 15 indicators; Thailand: 5 indicators; and Viet Nam: 30 indicators.

<sup>45</sup> E.g., see: ASEAN (2011). Progress Report on Criminal Justice Responses to Trafficking in Persons in the ASEAN Region. (Chapters 5 and 6, on 'Quick and Accurate Identification of Victims, Provision of Immediate Protection and Support' and 'Special Support to Victim-Witnesses'); and ASEAN (2016). Regional Review on Laws, Policies and Practices within ASEAN relating to the Identification, Management and Treatment of Victims of Trafficking, especially Women and Children.

## 5.8 UN-ACT's support to COMMIT in adopting common indicators and procedures for identifying trafficking victims and referring them for appropriate services

In 2016, the first Regional COMMIT Task Force meeting was held in Bangkok in February and the second in Vientiane in November, when it was followed by a SOM meeting, which adopted a set of “Common Guidelines for the Greater Mekong Sub-region” on “Victim Identification and Referral Mechanisms”.<sup>46</sup> This was a significant success for both COMMIT and UN-ACT. A two-day preparatory meeting (*COMMIT Victim Identification and Referral Mechanisms: Developing Common Guidelines*) was attended by stakeholders from all six COMMIT States, in Bangkok in October 2016.<sup>47</sup>

The technical support provided by UN-ACT to this process was appreciated by representatives of most of the COMMIT States, though this did not prevent some from raising objections at the last minute to provisions which colleagues from the same States had apparently already agreed (suggesting that there was a lack of internal coordination on policy issues in some States, or simply a lack of understanding by some relatively senior officials about the meaning and significance of certain provisions).

The test as to whether UN-ACT's investment in preparing these guidelines was worthwhile will be in the implementation of the guidelines at national level—an additional reason why they should now be the subject of a special M&E focus.

## 5.9 Recommendations

RECOMMENDATION 5.1 (UN-ACT as secretariat for COMMIT): UN-ACT should recommend to the six governments participating in the COMMIT Process that they consider developing the responsibilities of the rotating chair (of COMMIT meetings occurring in the year when a State exercises the chairmanship) further in the following ways:

- The chair would take on the responsibility of proposing any resolutions or decisions (and defending the terms of proposals submitted to a meeting for decision), rather than relying on UN-ACT to do so. This could apply to meetings of the COMMIT Regional Task Force, Senior Officials Meeting (SOM) and Inter-Ministerial Meeting (IMM). In this way, before or after a draft decision is proposed, negotiations would occur between relevant officials of the six governments (rather than proposed amendments being addressed to UN-ACT).
- This would imply that the UN-ACT would consult the chair in advance and agree both the agenda and the contents and wording of any proposed resolution or decision.
- In the longer-term, the State that will chair COMMIT could be nominated sufficiently far in advance to allow the ‘chair-in-waiting’ and the ‘chair for the previous year’ to form, together with the country that has the chairmanship, a small presidium with responsibility for preparing and following up each COMMIT meeting, even if the principle that all six States should agree all decisions continues to be respected.

RECOMMENDATION 5.2 (Bilateral MoUs): UN-ACT national staff should continue to provide detailed advice to government officials in the country in which they are based about possible provisions in MoUs and would benefit from (1) further technical training on the implementation mechanisms mentioned by Carl De Faria (e.g., on the Standard Operating Procedures developed in other countries to guide assisted voluntary returns), so that they can recommend the inclusion of these to the

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<sup>46</sup> COMMIT. Victim Identification and Referral Mechanisms. Common Guidelines for the Greater Mekong Sub-region. November 2016.

<sup>47</sup> The workshop on 25 and 26 October 2016 was entitled COMMIT Victim Identification and Referral Mechanisms: Developing Common Guidelines.



government officials they work with, and (2) being able to make a visit themselves to the country with which an MoU is about to be signed or reviewed, prior to any formal visit that they make with officials of their government, in order to be briefed on the specific predicament of trafficking victims which needed addressing and which a bilateral MoU should address.

RECOMMENDATION 5.3: UN-ACT should continue to attach high priority to developing the quality and output of M&E systems in all six States participating in COMMIT during 2017-18. UN-ACT should arrange a further discussion about the benefits (and disadvantages) of research in general and monitoring and evaluation (M&E) in particular with relevant COMMIT State officials (e.g., in a forum such as the Project Management Board or a Regional COMMIT Task Force meeting), in order to promote better understanding among officials of the purposes of both research and M&E and how and when their results should be made public. While UN-ACT should refer to the importance of research and the systematic collection of data about human trafficking, the emphasis should continue to be on collecting data about counter-trafficking responses by government agencies and on data that demonstrates whether States are meeting commitments made in SPA IV or other COMMIT decisions.

RECOMMENDATION 5.4: UN-ACT should take advantage of the Common Guidelines for the Greater Mekong Sub-region on victim identification and referral mechanisms to explain (again) the benefits of M&E and of accountability among the six States and develop M&E methods specifically to monitor the implementation of the Common Guidelines.

## 6 FINDINGS CONCERNING OUTPUT 2: COOPERATION WITH OTHER STATES (IN SOUTH EAST ASIA AND ELSEWHERE) AND REGIONAL ACTORS

The research questions concerning this Output were:

- Has UN-ACT used its resources effectively and efficiently to encourage COMMIT States to increase their cooperation with other States and counter-trafficking actors in Southeast Asia, Eastern Asia or other regions to effectively counter human trafficking?
- If so, in what ways?

### KEY FINDING

Of its four outputs, this one used least resources. While there was progress in developing relations with other regional actors (see #4.3) and some States outside Southeast Asia, there was comparatively little progress in terms of formalizing relations between COMMIT and other ASEAN states, largely because success was out of the control of UN-ACT or even the States involved in the COMMIT Process. UN-ACT has developed links between the COMMIT Process and other States in ASEAN on the topic of protection of victims of human trafficking (i.e., those identified in other States). UN-ACT served as a resource for representatives of some States situated outside Asia altogether when these were seeking to establish or strengthen relations about preventing human trafficking to their countries or arranging returns of trafficking victims. Despite repeated efforts, no substantial progress has been made by UN-ACT in response to the aspiration of some COMMIT States to establish a more formal relationship with Malaysia concerning nationals of COMMIT States who are trafficked in Malaysia.

### 6.1 Evidence on efforts to increase cooperation with ASEAN States that are not part of COMMIT

#### 6.1.1 *The need for increased cooperation with Malaysia*

Several COMMIT States whose nationals migrate to Malaysia (notably Cambodia, Myanmar and Thailand), some of whom are trafficked, expressed a wish to establish a formal relationship between



the COMMIT Process and Malaysia. The evaluator did not come across evidence that the Government of Malaysia shares this wish (but he did not visit Malaysia or raise this question with Malaysian officials). He understood that Malaysia had been represented at the COMMIT SOM and IMM meetings in Cambodia in April 2015 and the SOM meeting in Lao PDR in November 2016. Malaysia also hosted a COMMIT-ASEAN workshop to develop common indicators of human trafficking and related forms of exploitation, also in 2015. UN-ACT had raised the possibility of deploying a Liaison Officer in Malaysia to liaise with the Malaysian authorities, but no response was received to this proposal. The evaluator concluded that UN-ACT has done as much as was appropriate and was not responsible for any failure to include Malaysia more formally in the COMMIT Process.

In February 2015 the UN Special Rapporteur on Trafficking in Persons, especially women and children, visited Malaysia. She subsequently called on the Government of Malaysia to “strengthen its regional and international engagement in cooperating with countries of origin to address the root causes of trafficking and create more opportunities for safe migration”.<sup>48</sup> In effect, she urged the Government of Malaysia to follow a path which COMMIT States were already seeking, in terms of stronger engagement with Malaysia. She also urged the Malaysian authorities to,

“Establish, with countries of origin, transit and of destination, bilateral and multilateral agreements for the exchange of information, mutual legal assistance and safe returns in order to jointly tackle the root causes of trafficking in persons in the region and implement existing agreements focusing on the human rights of trafficked victims”.<sup>49</sup>

It is not apparent that Malaysia has yet responded positively to these recommendations.

In December 2015 COMMIT States, supported by UN-ACT, hosted a joint workshop with ASEAN, which developed a set of commonly recognized ‘indicators’ of human trafficking and trafficked persons, i.e., the tell-tale signs that, once understood by law enforcement and other front-line officials, are intended to allow trafficking offences and victims of this category of crime to be detected and identified.<sup>50</sup> The joint exercise represented an important step towards greater institutional cooperation between COMMIT and ASEAN, occurring only shortly after ASEAN had adopted its new ACTIP Convention. The exercise was also a first step towards the formal adoption by COMMIT’s SOM in November 2016 of a set of “Common Guidelines for the Greater Mekong Sub-region” on “Victim Identification and Referral Mechanisms”,<sup>51</sup> together with the common ASEAN-COMMIT indicators of human trafficking and related forms of exploitation. However, as COMMIT States were concerned in particular to improve protection for their nationals in Malaysia (and, to a lesser extent, Indonesia), improving victim identification and referral mechanisms in the COMMIT States alone, without concomitant improvements in the other ASEAN States, was still not going to lead to the improvement in protection for their nationals that they wished to secure. Improvements could come about if and when ASEAN itself endorses the common indicators of human trafficking agreed in December 2015.

### **6.1.2 Indonesia**

During 2014, 2015 and 2016 hundreds of nationals of COMMIT States who were stranded in Indonesia after being trafficked on Thai fishing vessels or by other methods sought repatriation. The main international organization which eventually organized the return of these trafficking victims was the

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<sup>48</sup> Report of the Special Rapporteur on trafficking in persons, especially women and children, Maria Grazia Giammarinaro. Addendum. Mission to Malaysia. UN document A/HRC/29/38/Add.1 of 15 June 2015.

<sup>49</sup> Ibid.

<sup>50</sup> Outcome Document of the ASEAN And COMMIT Workshop on Identifying Victims of Trafficking and Associated Forms of Exploitation: Developing Common Indicators For Practitioners, Kuala Lumpur, Malaysia, 15-16 December 2015.

<sup>51</sup> See 5.2 above.

IOM. However, UN-ACT made a vital contribution early on by providing support to an NGO based in Thailand, the Labour Rights Promotion Network Foundation (LPN), to enable it to visit several locations in Indonesia in 2014 and 2015 where trafficked workers were stranded (see #8.5 below for details). UN-ACT also intended to facilitate visits by government officials from Cambodia and Myanmar to Indonesia. Once the predicament of the stranded workers received substantial media attention and repatriations started, UN-ACT played an ongoing role by coordinating some assistance efforts after victims were returned to their countries. The extraordinary predicament that fishing workers from Cambodia, Myanmar and Thailand found themselves in was also an appropriate opportunity for UN-ACT to learn lessons and to share these with both COMMIT States and others, and UN-ACT intended to do this. Unfortunately, a shortage of resources in 2016 was reported to have prevented a research project planned by UN-ACT on this topic from going ahead.

### **6.1.3 Philippines**

COMMIT States have expressed interest in involving other States in the COMMIT Process, or strengthening cooperation with them, on a pragmatic basis, where there is a migration flow with the other countries (whether the migration is regular or irregular). Consequently they do not appear to have considered strengthening cooperation with anti-trafficking actors in Philippines, which is neither a country of origin for migrants in COMMIT States, nor a destination receiving migrants from COMMIT States. However, like several COMMIT States, Philippines is a country from which many migrants go to Malaysia and many are trafficked. Officials and NGOs in Philippines also have substantial experience of counter-trafficking work which, if suitable channels and mechanisms existed, they might be willing to share with COMMIT States. The evaluator consequently recommends that UN-ACT provides appropriate information to Filipino government officials about the COMMIT Process, so that cooperation and exchanges of expertise can be organized when topics are on the COMMIT agenda about which Filipino government officials are known to have substantial experience (such as the protection of migrant workers).

## **6.2 Evidence of increased cooperation with States outside Asia: the role of UN-ACT in facilitating bilateral contacts**

Several States outside Asia made contact with UN-ACT as a first step towards establishing direct relations with the counter-trafficking officials in a COMMIT State. This was the case when the United Kingdom's Independent Anti-Slavery Commissioner first established contacts in Viet Nam in 2014 and 2015. The UK opted to finance projects involving UN-ACT that targeted the trafficking of young Vietnamese to the UK.

Although distinct from the operational cooperation surrounding cases of individuals who have been trafficked, UN-ACT also provided assistance and advice to a Rapporteur from the European Parliament who visited Southeast Asia.

### **6.3 Recommendations**

**RECOMMENDATION 6.1:** UN-ACT should continue to take advantage of any opportunities for strengthening ties between COMMIT States and Malaysia.

**RECOMMENDATION 6.2:** UN-ACT should provide information to Filipino government officials about the COMMIT Process, so that cooperation and exchanges of expertise can be organized when the COMMIT agenda includes topics on which Filipino government officials are known to have substantial expertise or experience (such as the protection of migrant workers).

## 7 FINDINGS CONCERNING OUTPUT 3: RESEARCH

The research questions concerning this Output were:

- Did UN-ACT invest its resources in commissioning the most appropriate research?
- Were the (research) findings of appropriate high quality and dependability?
- Did UN-ACT use effective ways of communicating the findings and other new knowledge to other policy makers, other international organizations, relevant donors, academia and non-governmental actors and the public?<sup>52</sup>

### KEY FINDINGS

UN-ACT commissioned a relatively small number of research exercises in the period 2014-2016, reflecting its limited resources (in comparison to the more substantial resources available for research to UNIAP). The research was high quality: its accuracy was not questioned (as the accuracy of earlier UNIAP publications had been) and it did not appear to antagonize officials in COMMIT States in the ways that publications by UNIAP had done latterly. However, along with the rest of UN-ACT's public information programme, the research findings were not publicized or seen by as wide an audience as would have been desirable. One piece of research was particularly influential, while other publications containing important findings appeared to go relatively unnoticed in the counter-trafficking community in Southeast Asia. In view of continuing misapprehensions by government and law enforcement officials in COMMIT States about the functions and possible benefits of independent research and of monitoring and evaluation, UN-ACT should focus attention on the development and use of methods to monitor the implementation of the Common Guidelines adopted by COMMIT in November 2016 (on victim identification and referral mechanisms).

#### 7.1 Plans in UN-ACT's Project Document and policy documents

UN-ACT planned to generate research for two distinct purposes. First, to generate "evidence-based research and knowledge on human trafficking" to influence a range of audiences ("policy makers, academia, non-governmental actors and the public"<sup>53</sup>) and thereby improve the effectiveness of anti-trafficking policy and programming. Secondly, "to enable key actors including governments to take the lead in effectively monitoring the trafficking situation in their countries", i.e., to monitor both what cases of human trafficking were occurring and what each State's anti-trafficking responses were in practice (i.e., monitoring both laws and policies and also their implementation) and what their effects (and effectiveness) were.

UN-ACT's Project Document 2014-2018 noted that, during the visioning exercise which preceded the preparation of the project document, "[A]most all participants indicated a lack of research and M&E as a major hindrance to the development of a more effective regional trafficking response. This gap was also confirmed by the COMMIT evaluation<sup>54</sup> that identified M&E as a key shortcoming in the COMMIT Process".

More than a year after UN-ACT was created, the project issued its research strategy (Research Strategy. Vulnerabilities, Trends and Impact. October 2015). This listed focus areas for research, including,

<sup>52</sup> NB A reference to "Other international organizations and relevant donors" has been added here.

<sup>53</sup> Both quotes from UN-ACT's planned Output 3.

<sup>54</sup> I.e., S. Baker and A. Jersild, Independent Evaluation of the Coordinated Mekong Ministerial Initiative Against Human Trafficking (COMMIT) Process (summary). 10 September 2013.

- The importance of recruiters and transporters (i.e., brokers) and the ways they operate;
- The structures and actors underpinning various forms of exploitation;
- Sectors featuring significant levels of exploitation and human trafficking in the GMS, including labour-intensive industries (e.g., fisheries, manufacturing, construction, agriculture and mining), and domestic work, marriage and commercial sex.

The research strategy anticipated that UN-ACT would issue three distinct research series:

- Human Trafficking Trends in Asia,
- Human Trafficking Vulnerabilities in Asia,
- and Counter-Trafficking Impact in Asia (focusing on M&E and evaluation-related research).

UN-ACT planned to disseminate research findings via the media, at inter-agency working group meetings hosted or co-hosted by UN-ACT, and by bringing them to the attention of COMMIT States.<sup>55</sup>

## 7.2 Performance of UN-ACT's research programme

UN-ACT commissioned independent professional researchers to carry out research and continued a research relationship with a researcher of the NEXUS Institute (focusing on methods for re/integrating adults who had been trafficked). It supported an NGO based in Thailand which carried out critically needed research (see #8.5 below). Relationships continued to be developed with researchers and students in a university in Thailand (as foreseen by the research strategy). Some research work was undertaken by UN-ACT staff. Some of UN-ACT's research represented a continuity with research by UNIAP. However, new needs for research were also identified. The limited resources available meant that some research that was identified as needed could not be commissioned or carried out, undermining perceptions among counter-trafficking actors in the region that UN-ACT was a relevant and effective player in the field.

### 7.2.1 Continuity – Research among deportees at borders

A Sentinel Surveillance publication in 2015 (based on research among Cambodians returning to their country after working in Thailand) provided valuable insights about migrants' changing experiences, as it was effectively an update on the findings of previous research at Poipet (on the border between Cambodia and Thailand) – research findings which had antagonized government officials in Thailand and been regarded as exaggerations by some observers, but also as innovative on account of the research methods used. The new research corrected some apparently incorrect interpretations of data in an earlier UNIAP report. Many insights of the 2015 findings had major implications for the intervention methods which should be used to reduce rates of trafficking or to prevent migrants from being exploited, both in COMMIT States and beyond. While noting that, in general, "Based on the respondents' self-reports, there was a marked improvement in the working conditions of the Cambodian migrant workers in Thailand...", the UN-ACT publication observed:<sup>56</sup>

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<sup>55</sup> "Research will...be disseminated to relevant stakeholders through dedicated launch events, press releases and other forms of media engagement, as well as in inter-agency working group meetings as (co-)hosted by UN-ACT. The project's Secretariat function in the COMMIT framework will be utilized both to advocate for research to be commissioned as well as to introduce research findings for policy considerations. The starting point in this context are the national and/or regional COMMIT Task Forces depending on the nature of the research, possibly followed by further advocacy efforts with specific institutions therein" (UN-ACT. UN-ACT Research Strategy. Vulnerabilities, Trends and Impact. October 2015).

<sup>56</sup> UN-ACT. (2015). Migration experiences of Cambodian workers deported from Thailand in 2009, 2010 & 2012. Bangkok: UNDP.

- “Knowledge about human trafficking did not provide protection to the respondents. Those knowledgeable about trafficking were just as likely to be trafficked, exploited, cheated and/or deceived as those without knowledge”;
- “A substantial proportion, but a declining one, indicated that they never received their wages. In 2009, 30 per cent of the respondents indicated that they were never paid for the work they undertook in Thailand...In 2010, this proportion declined slightly to 28 per cent. However, by 2012 it had declined to just over 10 per cent, making the change over time statistically significant...”.
- “[B]rokers are not always knowingly involved in the end exploitation of a trafficked person, which is an important consideration when designing responses to their role in human trafficking cases. In addition, some brokers made positive contributions to the migration experiences of respondents, as suggested for example by the higher income levels of those using brokers to get to their place of employment in the 2009 and 2012 samples”.

All these and other findings had a bearing on the nature of measures taken in both Cambodia and Thailand to prevent people being trafficked, for they suggested that conventional ‘awareness raising’ about the topic of human trafficking was not having the expected effects, while other measures in Thailand were indeed being effective at reducing levels of illegal exploitation.

A second Sentinel Surveillance publication in 2015 reported on the experience of Lao citizens returning from Thailand<sup>57</sup> in 2013, so the publication represented the continuity between UNIAP and UN-ACT: the data was collected under UNIAP and the research findings were issued by UN-ACT.

On a different topic that had resulted in a UNIAP publication in 2013,<sup>58</sup> the re/integration of people who had been trafficked and assisted, in 2016 UN-ACT prepared to co-publish a guidebook for the GMS Region.<sup>59</sup> Though this had not yet been issued by the end of the evaluation, it appeared directly relevant to advise States on the measures appropriate during the final stages of assistance and protection for victims of trafficking (that are the subject of the Common Guidelines adopted by COMMIT in November 2016).

### **7.2.2 Novel research**

A quite different topic, forced marriage and trafficking for the purpose of forced marriage, was the focus of a UN-ACT publication in 2016, reviewing the evidence concerning the experience of Cambodian women in China,<sup>60</sup> where a pattern of marriage migration was reported to have started in about 2012, involving an estimated 7,000 women by mid-2016. The process of collecting data, requiring authorization from the Chinese authorities to conduct research in China (involving a Chinese researcher in two provinces of China), as well as among Cambodian women who had returned to Cambodia, was significant, for UN-ACT evidently wished the Chinese authorities to recognize the legitimacy of the research findings, rather than to end up publishing information that would upset the authorities and potentially damage relations. It was apparent to the evaluator that other institutions,

<sup>57</sup> S. Baker, Migration experiences of Lao workers deported from Thailand in 2013. Wang Tao, Lao PDR. UN-ACT, 2015.

<sup>58</sup> Rebecca Surtees, After Trafficking: Experiences and Challenges in the (Re)integration of Trafficked Persons in the Greater Mekong Sub-region. Bangkok: UNIAP/NEXUS Institute, 2013.

<sup>59</sup> Rebecca Surtees, Supporting the reintegration of trafficked persons. A guidebook for the Greater Mekong Sub-Region. NEXUS Institute, UN-ACT, World Vision of Australia, Australian Government (DFAT).

<sup>60</sup> UN-ACT. (2016). Human Trafficking Vulnerabilities in Asia: A Study on Forced Marriage between Cambodia and China. Bangkok: UNDP.

such as academic researchers or journalists, would not have been authorized to carry out this research.

The number of Cambodian women who had been married in China and who were interviewed (some in China and some after returning to Cambodia) was limited (n=62) and no attempt was made to assess what proportion of all Cambodian women married in China were victims of traffickers and forced marriage (for this would have required using different, quantitative research methods). However, the findings were clear—that there was a pattern of trafficking and that existing preventive and protective measures in both countries were inadequate. After discussions with Chinese officials responsible for COMMIT, the report was published in mid-2016, but only in English: the authorities in China read an unofficial translation in Chinese, but did not want this to be published in China. However, the message that new preventive and protective measures were needed in China (and not only in Cambodia) was evidently understood, and the authorities supported the subsequent introduction of a Smart ‘phone App to enable frontline law enforcement officials to communicate with foreign women. A Khmer translation of the report was due to be published in 2017.

Patterns of trafficking for forced marriage in China of women or girls from Myanmar and Viet Nam have been reported for many years. The protection and assistance needs in China of the women concerned appear to be broadly similar, although they are not reported to be found in the same provinces of China. The evaluator recommends that UN-ACT monitors the responses of the Chinese authorities (in terms of the introduction of new protection and assistance methods, including the implementation of the MoU signed between China and Cambodia in October 2016) during the coming year and then propose its services for further research concerning marriage migration and possible trafficking involving women from one or both of these other countries.

### **7.2.3 New research relationships**

UN-ACT is developing working relationships with at least one academic institution in Thailand (Mahidol University), which has led to the involvement of research students in the collection of trafficking-related data and is scheduled to result in an international seminar about definitions of human trafficking and exploitation in 2017. Other donors interested in supporting counter-trafficking work have tended to focus on academic institutions in Western countries, so it is a welcome change to see a focus on developing locally-based partners and in influencing them to investigate patterns of exploitation occurring close to where they are based (for this potentially enables them to use research findings for advocacy purposes).

UN-ACT staff were also reported to have provided useful technical support to research related to human trafficking in places in the region but situated outside the GMS countries, e.g., concerning domestic workers in Hong Kong.

## **7.3 Dissemination of UN-ACT’s publications and communications strategy**

UN-ACT developed a new website (<http://un-act.org/>) and did not maintain the UNIAP website ([www.no-trafficking.org](http://www.no-trafficking.org)), meaning that a relatively well-known source of information closed to counter-trafficking practitioners. Readers did not necessarily transfer from one to the other.

UN-ACT issued a newsletter and publications, but all in a relatively low-key way, as if it was concerned about irritating either government officials (in the six COIMMIT States) or other UN agencies and thereby provoking similar problems to those that had beset UNIAP from 2010 onwards. The result was that in 2016 UN-ACT still had a relatively low public profile, with the result that some of those who ought to have been receiving its information products and consulting its website were unaware of

what UN-ACT was doing. One experienced practitioner commented critically that there had been “No outreach whatsoever from UN-ACT”.

### **7.3.1 Policy issues and politics**

The low profile was not an accident. UNIAP had indeed provoked the anger of others and it was apparent in 2011-2012 that UNDP wished to avoid further controversy. A Reporting and Information Sharing Protocol that was developed in the final years of UNIAP continued to be used by UN-ACT to guide policy on disclosure and publications.<sup>61</sup> The protocol is suitable for its main purpose (specifying “the process for all UN-ACT reporting and information-sharing, including a vetting and approval mechanism for internal documentation, updates to the UN-ACT and UNDP websites, external publications and donor reports”<sup>62</sup>). However, its provisions on internal procedures within the UN are clearer than procedures for coping with potential opposition to publication from government officials, so the Regional Project Manager must use her discretion when deciding how to proceed in such cases—and both the post-holders have done so successfully. To head off potential difficulties if officials in a COMMIT State disagree with research findings or do not want particular findings published (even if their accuracy is not disputed), the Protocol specifies that “Any UN-ACT publications relevant to UN-ACT’s research findings, data and information analysis regarding any of the COMMIT governments must first be shared with the COMMIT government(s) in question, before any further dissemination”. This procedure has been followed in the cases checked by the evaluator, so, even when one State (China) had reservations about a report being disseminated in Chinese in China itself, it did not object to the report’s publication in English and its dissemination elsewhere.

### **7.3.2 The need to tread a fine line**

The potential contradictions between acting as the secretariat of an inter-governmental process to combat human trafficking, on the one hand, and publicizing weakness in anti-trafficking policies or practices by one or more governments involved in the inter-governmental process, on the other, were highlighted by an evaluator of the UNIAP in 2011. Her recommendation was clear: that a “firewall” should be put in place to separate the two.<sup>63</sup>

Both the present evaluator and many other counter-trafficking practitioners are aware that objective research is vital, both to identify who is being trafficked (and to bring the need to address such cases to the attention of relevant law enforcement or government officials) and to assess whether a State’s anti-trafficking responses are fit for purpose. The process of identifying weaknesses in anti-trafficking programmes and systems, usually through a process of monitoring and evaluation, is consequently vital for the improvement of such systems, allowing suitable remedial measures to be identified and implemented. While governments, government officials and law enforcement officials prefer not to be criticized, some degree of criticism is essential so that weaknesses can be remedied; avoiding

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<sup>61</sup> UN-ACT. Reporting and Information Sharing Protocol. Draft. July 2014.

<sup>62</sup> *Ibid.*

<sup>63</sup> The evaluator in 2011 noted: “The project has embarked on two conflicting strategies: the first and key strategy from the point of view of the project document is to combat trafficking by fostering inter-governmental cooperation (objective 1); the second strategy developed by UNIAP itself and executed through objectives 3 and 4, is to combat trafficking through a human rights investigation and public advocacy approach. Both strategies are a valid response to human trafficking but it is questionable if UNIAP as secretariat to COMMIT, can take on the latter and still be impartial enough vis-a-vis different Governments to maintain the sense of parity and equanimity needed to keep inter-governmental dialogue flowing” (Asmita Naik, Independent Evaluation of United Nations Inter-Agency Project on Human Trafficking in the Greater Mekong Subregion (UNIAP) Phase III (2007-2013). 2012, page 8). The same evaluator recommended that “A firewall needs to exist between these two project objectives\* with a clear demarcation of staff, budgets, and activities” (\*i.e. “Services to COMMIT/Governments” versus “Services to the broader counter-trafficking community”, including research).



criticizing institutional weaknesses altogether (and ensuring that no-one ever loses face) would consequently be an extremely ineffective way for UN-ACT to work. The question facing both UN-ACT and the COMMIT States is whether criticism can be kept relatively non-controversial, or whether doing so inherently weakens the effects of the criticism so much that it ceases to be effective at bringing about the remedial measures that are needed. The evaluator concluded, on the basis of comments made by a range of counter-trafficking practitioners in Southeast Asia, that UN-ACT (and UNDP) have been sensibly cautious, but that avoiding being seen to be contentious (and not provoking governments) is interpreted by some donors and others as a weakness, and carries with it the risk that UN-ACT is now perceived not to publish interesting new information, even though it does. At the same time, the evaluator was impressed that, in the context of potentially controversial research findings about Cambodian women trafficked to China, UN-ACT had negotiated its way through a series of challenges, both influencing policy responses in China in a positive way and being able to publish its findings.

Officials in one country visited by the evaluator felt that an appropriate criterion for UN-ACT (and others) to use when considering what to publish was that publications should not appear to be seeking publicity for UN-ACT for its own sake (e.g., to enhance UN-ACT's reputation in the eyes of donors or others who still consider that 'naming and shaming' is an effective method). While this sounds sensible in theory, the problem in practice is that any government that is unhappy with criticism can potentially claim that UN-ACT has engaged in 'self publicity' by issuing a publication.

This evaluator considers that a 'firewall' is not desirable, but that policy questions about research in general and monitoring and evaluation (M&E) in particular should be discussed with COMMIT States (e.g., in a forum such as the Project Management Board) in order to promote better understanding among officials in COMMIT States of the purposes of research and M&E, and how and when their results should be made public. There is some potential for this to become the 'Achilles Heel' of the entire COMMIT Process, if governments reject the principle that progress requires critical thinking and benefits from independent research, but that point has certainly not been reached yet.

### **7.3.3 *Publication formats and dissemination strategy***

Since it was launched in early 2014, UN-ACT's publications have not become a well recognized brand among counter-trafficking practitioners, even though its publications have adopted a standard format. It does not appear yet to be regarded as a key 'brand' containing crucial information about human trafficking-related developments in the GMS. This is not a criticism of the publications, but rather a comment on the visual impression they make and about the absence of a pro-active UN-ACT communications strategy.

UN-ACT's research reports have all had a similar format, but this has not yet emerged as a strong brand and does not highlight UN-ACT's role sufficiently (tending to hide the UN-ACT icon among the others who contributed or helped finance a report).

A month after its launch UN-ACT began publishing a newsletter (initially monthly but changed to quarterly in 2016), which by 2016 was reportedly being sent to 1,700 recipients and to several hundred other interested parties. The first edition explained that “Our goal is to provide regional updates on

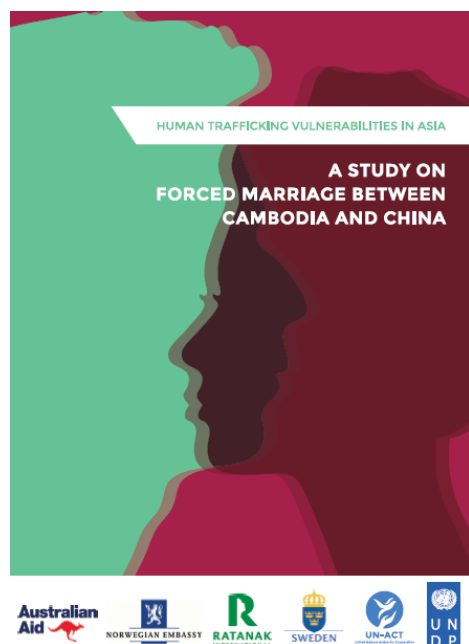


Figure 3 UN-ACT report published in August 2016

trafficking in persons in the GMS, including new trends and developments, upcoming workshops, conferences and activities, news updates, as well as keeping readers informed about our latest work in the field”.

In the evaluator’s view, the newsletter was not distributed widely enough and its format was not visually stimulating. Although UN-ACT evidently wished to avoid looking the same (or behaving in the same way) as UNIAP, the pendulum swung too far the other way. The result is that, by 2016, UN-ACT was not perceived by other counter-trafficking actors in the region to be a key player. This perception could be changed by developing a communications strategy in early 2017 and using an opportunity in 2017 to relaunch the UN-ACT ‘brand’.

A previous relaunch of this sort occurred in 2007, when the UNIAP started publishing a new series of short reports entitled “SIREN” (an acronym standing for “Strategic Information Response Network”). The series came to an end when UNIAP closed and UN-ACT has not restarted it or

issued anything similar (i.e., more substantial than a newsletter item, but significantly shorter than a full report and consequently quicker to read and more likely to be read by policy-makers). There remains a need for longer UN-ACT reports or other research findings to be summarized by UN-ACT in a short, bulletin format of three to six pages. It would not be appropriate to use the same title, SIREN, but an alternative standard title that conveyed that the information is part of an ongoing series of briefings or longer publications by UN-ACT, such as ‘South East Asia Human Trafficking Briefing’ or SEATIP Briefing. This would also be easier and more affordable to translate into the national languages of some or all COMMIT States than long reports, for there is a continuing need to issue reports in other languages, rather than only in English, if they are to get the attention they deserve in the countries involved.

### 7.3.4 Mentioning research findings published by others on the UN-ACT website

A lot of research reports produced by other organizations are listed on UN-ACT’s website. While it is appropriate for the website to inform counter-trafficking practitioners of such reports, the website does not distinguish clearly enough which are UN-ACT products (for which UN-ACT should claim responsibility and credit) and which are not. UN-ACT’s 2015 annual report mentions that UN-ACT staff provided ‘technical support’ for research reports published by other organizations in 2015 (e.g., peer reviewing texts scheduled for publication), but without indicating the nature of such support—again meaning that it was unclear whether UN-ACT was a major or minor stakeholder. This could be risky if or when such a report annoys particular government officials.<sup>64</sup>

<sup>64</sup> The reports mentioned were:

- Reintegration of Cambodian Trafficked Men, by Hagar International;
- Inaccurate numbers, inadequate policies: enhancing data to evaluate the prevalence of human trafficking in ASEAN, by Jessie Brunner;

There is a substantial benefit in listing publications by others, for being seen by others to have a useful on-line library is now important (whereas in the last decade there were countless on-line archives containing publications about human trafficking; most of these have closed). There would be a special benefit if UN-ACT's website was to be seen as a key 'knowledge hub' by counter-trafficking practitioners, particularly on issues that are relatively poorly documented elsewhere, such as human trafficking related to marriage and the impact (or results) of initiatives in COMMIT States and the wider Southeast Asia region to prevent human trafficking (for prevention initiatives have been systematically marred by an absence of adequate evidence about their effects).

#### 7.4 Recommendations

**RECOMMENDATION 7.1:** UN-ACT should invite the Chinese authorities to monitor the extent to which new methods for protecting and assisting Cambodian women in China are applied and support them in doing so during the coming year. Once UN-ACT is satisfied that lessons about the effectiveness of particular methods have been learnt, it should consider proposing its services for further research in China and neighbouring States concerning marriage migration and possible trafficking involving women from other countries.

**RECOMMENDATION 7.2:** UN-ACT should develop a communications strategy in early 2017 and use an opportunity in 2017 to relaunch the UN-ACT 'brand'.

### 8 FINDINGS CONCERNING OUTPUT 4 ON CIVIL SOCIETY

The research questions concerning this Output was:

"Do civil society and other non-governmental actors now feel able to contribute more effectively to anti-trafficking efforts (in general) or to ones coordinated by COMMIT or the governments of COMMIT States"?

#### KEY FINDING

The UN-ACT plays a crucial role in connecting civil society and civil society organizations (CSOs) to government officials in the GMS countries and since 2014 has indeed enabled CSOs to contribute more effectively to the anti-trafficking efforts of COMMIT governments. Despite its reduced capacity and resources (in comparison to its predecessor, UNIAP), UN-ACT has provided useful financial support to a small number of CSOs that provide direct assistance to trafficked victims. It has provided services to other CSOs, without spending money, by providing opportunities for CSOs to lobby or otherwise influence government or law enforcement officials. UN-ACT has been effective in achieving two of the three expected results with respect to civil society. It has been least effective in increasing the engagement of the private sector. However, in some GMS countries this engagement has increased anyway, not under UN-ACT influence, but for other reasons.

- Vulnerabilities of street children to sexual exploitation in Thailand, by Love146;
- The Dynamics of Migration: Re-Displacement of Migrant Workers in Lower Northern Thailand; Will Myanmar Migrant Workers in Samut Sakorn Return Home?; and Human Trafficking in the Hospitality Industry, all conducted by Naresuan University in Thailand;
- Coming Clean: The prevalence of forced labour and human trafficking for the purpose of forced labour amongst migrant domestic workers in Hong Kong, by the Hong Kong Justice Center;
- Lessons learned from human trafficking cases in the agricultural sector, conducted by LPN, Social Responsibility Law Office (SR Law) and provincial authorities in Thailand;
- Desk review on human trafficking cases related to irregular migration in Thailand, by the Human Rights and Development Foundation.

## 8.1 UN-ACT's intentions and the key contributions of CSOs

UN-ACT set out to enable civil society actors to contribute more effectively to anti-trafficking efforts by achieving three separate results:

- Activity Result 4.1: Increased engagement between government and civil society
- Activity Result 4.2: Civil society has increased and sustained capacity to support victims of trafficking
- Activity Result 4.3: Increased engagement by private sector

The key contributions of civil society were summarized almost half a century ago by one of the individuals who drafted the Universal Declaration of Human Rights:

“First, they have provided a link between, on the one hand, human beings – ordinary men and women, all members of the world community – and on the other, official bodies, national and international...[I]t is the non-governmental organizations who bring to the notice of members of official bodies, national and international, numerous facts, abuses, gaps and violations of human rights already known or, more commonly, hidden...Second, and in consequence of their first function, the non-governmental organizations play an important part in education for citizenship...The last but not least of the three functions of non-governmental organizations is that of stirring officials bodies to action. It is impossible to say how many problems involving human rights would never have got on the agendas of these bodies but for the initiative or indirect action of non-governmental organizations.”<sup>65</sup>

These remarks remain pertinent in 2016 in considering how civil society and other non-governmental actors were able to contribute to anti-trafficking efforts in the Greater-Mekong Sub-region. CSOs provide services to trafficking victims in all six of the GMS countries and consequently possess valuable information about the effects of anti-trafficking laws and policies at local level, which can help inform and improve government anti-trafficking responses, if attention is paid to this information. However, the degree to which they are supported or consulted by the governments of the six States varies considerably. The assessment of COMMIT's capacity in 2015 noted:

“The study found that, in most COMMIT countries, the engagement by government officials with community advocacy groups was almost non-existent. This is so even in Cambodia which has many CSOs working in counter-human trafficking<sup>66</sup>.”<sup>67</sup>

The extent to which CSOs of different size and influence are consulted by government officials evidently varies a great deal from country to country, with larger ones wielding significantly more influence. UN-ACT has promoted good practice by organizing information-sharing meetings at regional and national level, by supporting a select number of CSOs and by promoting the voice of CSOs at COMMIT meetings. It has also promoted the voice of young people at such meetings.

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<sup>65</sup> René Cassin, French diplomat and one of the original drafters of the Universal Declaration of Human Rights. Comment made in 1968 to the International NGO Conference held in Paris as part of the International Year for Human Rights. Quoted in XXX anniversary, The United Nations and Human Rights, UN, 1978.

<sup>66</sup> (Footnote in Capacity Assessment Report) See Counter-Trafficking Training Needs Assessment, 2009, Paul Cunningham and Lily Phan, UNIAP (Phase III) at p.14: “Compared to the other GMS countries, Cambodia has one of the largest concentrations of NGOs working in the field of counter trafficking. There are at least 100 NGOs that are involved in this field. Some of them have been providing trainings since the early 2000s.”

<sup>67</sup> Carl De Faria. Report 1. Capacity Assessment Report. Main Findings: Cross-Cutting Opportunities, Gaps & Challenges. February 2016.

## 8.2 UN-ACT's contribution in organizing information-sharing meetings at national and regional level (Result 4.1)

UN-ACT organized and hosted meetings to share information about recent and planned counter-trafficking initiatives at both regional level (in Bangkok) and national level in the six countries where it operates.

Regional Network Meetings<sup>68</sup> were held every three months or so in Bangkok and attended by representatives of other international organizations, regional or international NGOs which are involved in counter-trafficking work in at least two GMS countries and individual researchers and specialists. The regional meetings are co-chaired by UN-ACT and one other (rotating) international organization. Although there are no formal terms of reference for such sessions or formal criteria for attending, they were reported to follow a standard format and were said to be useful by most of the participants who talked to the evaluator. Each participating organization prepares a flip chart to report on what they have done in the previous three months and what plans they have for the coming three months. Once the display is ready, participants walk around, absorb the information as they want and use sticky notes to register any questions or comments on a particular display. The focus is evidently on activities rather than results or impact, but following the display, the regional meeting includes a session with a thematic focus (in October 2016 on communication to bring about behavioural change). Donors are not invited to attend the Regional Network Meetings, on the grounds that their presence might inhibit participants from sharing programming information or be regarded by other participants as an opportunity to show off to their donors or potential donors and thus to distort the accuracy of information that is shared.

Meetings of stakeholders at national level followed a different structure, summarized by the capacity assessment in 2015 as follows:

“UN-ACT Country Offices in all countries have established and coordinate an *Inter-Agency Working Group on Human Trafficking* which was found to be effective in coordination, networking and information sharing among NGOs and DPs [development partners]. However, some of them have also established a network which is broader i.e. one that also includes COMMIT Government Officials, local CSOs and community groups – A ‘Stakeholders’ Group Meeting’ structure. It provides a good platform to network with Government officials and to bring local CSOs and community groups into the process”.<sup>69</sup>

The different structures emphasize that UN-ACT is doing more than simply facilitating the sharing of information. In countries where, as the assessment of COMMIT's capacity in 2015 noted, the engagement by government officials with community advocacy groups is “almost non-existent”, it facilitates one type of forum to enable implementing organizations to share information without the formal participation of government agencies (again on the grounds that their presence would inhibit some participants from talking openly). However, the evaluator was also told repeatedly that UN-ACT and its staff act as an effective channel for conveying CSO concerns and recommendations to government and law enforcement officials and for informing CSOs about government plans.

During one country visit, the evaluator was told that the annual meeting for counter-trafficking stakeholders could be better organized by UN-ACT than in the recent past, notably by making the

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<sup>68</sup> See <http://un-act.org/regional-network-meeting/>

<sup>69</sup> Carl De Faria. Report I: A Capacity Assessment of the COMMIT Process: Six Country Profiles, February 2016.

agenda more systematic (e.g., going through a series of standard agenda topics, such as data coordination and sharing).

### **8.3 UN-ACT as facilitator of civil society communication to government officials**

Civil society actors reported that they regard UN-ACT as a crucial channel for communicating to government officials their knowledge about human trafficking patterns and the impact (or lack of impact) of government anti-trafficking policies on people who have been trafficked and others who are at disproportionately high risk of being trafficked. They similarly reported that, in most of the GMS countries, UN-ACT provides a unique channel for CSOs to convey their advocacy messages to government officials responsible for counter-trafficking policies and practice. This contribution of UN-ACT is difficult to measure in terms of results, but widely regarded by civil society actors as more important than the specific results mentioned under Output 4.

### **8.4 Support for CSOs at COMMIT meetings**

Recent COMMIT SOM meetings have been accompanied by a COMMIT Youth Forum (previously known as the Mekong Youth Forum) and a Civil Society Platform.

#### **8.4.1 CSO Reticence about speaking out at COMMIT meetings**

While the COMMIT Process offers some openings to civil society organizations to make their views known to government officials and no baseline information is available to allow objective measurement of changes that occurred between early 2014 and late 2016, the CSOs consulted by the evaluator did not regard their direct access to COMMIT Process meetings (Regional Task Force, SOM or IMM meetings) as adequate in itself to communicate their views. Some noted that they are inhibited about expressing their views forcefully (or at all) at such meetings, fearing that it will provoke resentment in official circles. They consequently placed a high value on the role played by UN-ACT in relaying their views to relevant government officials, sometimes by arranging the opportunities at which they could express such views, but also by acting as an intermediary who ensures that these views (and pertinent information collected by the CSOs) are brought to the attention of relevant government officials.

The evaluator noted that the main NGOs attending the COMMIT meetings in Vientiane in November 2016 were ones that focus on children, who had a particular interest in attending because they could promote child or youth participation at the meetings. The downside of this is that many specialist anti-trafficking NGOs in the GMS countries evidently do not consider COMMIT meetings to be sufficiently significant to invest time and money in attending. This suggests that the interaction with such NGOs may not be managed appropriately, i.e., that more ample information about both the specific agenda of an upcoming meeting and the longer-term agenda of what issues are under discussion by COMMIT and the various opportunities to influence decisions on these issues, both at national level and at COMMIT meetings, needs to be shared by UN-ACT more methodically with relevant CSOs, probably by means of a more substantial communication strategy.

#### **8.4.2 The COMMIT Youth Forum**

A Mekong Children's Forum was first organized in Bangkok in 2004 by an ILO project working in conjunction with an international NGO (Save the Children). It was preceded by national meetings of children in each of five countries. The first Forum was organized as an advocacy initiative, to try and influence decisions which were scheduled to be taken by government representatives at a COMMIT meeting in October 2004. Because government officials were at that time so unused to listening to adolescents or even young adults, let alone accounting to them for their actions and decisions, there

was relatively little consistency in the criteria used for selecting children. A few had been exploited, most knew something about trafficking and exploitation, but the priority was to convene a group of young people for government officials to meet, rather than to ensure that the contributions made by young people represented the views of children or young adults who had been trafficked or who came from social groups which were categorized as especially vulnerable to being trafficked and which had therefore been targeted by prevention efforts.

The Forum evolved over subsequent years and at the COMMIT Regional Task Force meeting at the end of November 2016 the evaluator was able to watch a group of young adults (mostly aged 18 or older) present some general comments to the Task Force meeting and then split into national groups to converse with officials from their own countries. He had also watched part of a preceding day's preparatory meeting for the young people (organized and run by IOM-X, Save the Children and Terre des Hommes Netherlands, with the support of World Vision and the Lao Youth Union) in which they had been briefed about human trafficking by an IOM staff member and had prepared their presentation for officials.

It was reassuring to see that the principle of youth participation had been maintained at annual COMMIT meetings and impressive to see that COMMIT officials dedicated time in their meetings to interact with young people. At the same time the evaluator wondered if these interactions could not be made significantly more effective by a number of relatively small changes—mainly ones that UN-ACT could bring about in conjunction with the main international organizations that support the youth participation exercises at COMMIT meetings (IOM-X, Save the Children, Terre des Hommes and World Vision), without requiring substantial consideration by government officials.

The youth participation exercises in November 2016 were not as strong as they could have been because:

- a) The young people involved were not ones who had direct experience of the exploitation that was being discussed, so were not able to react to proposals for changes in procedures, for example, on the basis of their own experience.
- b) Most were young adults who could be expected to make comments on the basis of their experience as children (before reaching 18 years) or as young adults, but it was not clear that their experiences were particularly relevant to the agenda.
- c) The young people did not appear to have been briefed in advance about the precise issues on the COMMIT agenda and their advocacy was consequently not focused tightly on influencing decisions being taken either at the COMMIT meeting they were attending or at the next ones.
- d) Little attention was given (at the preparatory meeting before the Regional Task Force meeting) to forms of trafficking that specifically affect under-18s in GMS countries, such as child begging (though a facilitator explained during the preparatory session that people trafficked for sexual exploitation were not the majority of trafficking victims).
- e) The nature of the interaction between the young people and COMMIT officials meant that it ranked relatively low on the 'ladder of participation'.<sup>70</sup> This is a reference to a measurement suggested in publications by Roger Hart, which describe eight rungs of child participation (see figure 4), moving from Rung 1, where children do not participate in a meaningful way ('children are manipulated') or Rung 3 ('Tokenism'), to full participation at Rungs 7 and 8 (Rung 7 "Young people lead and initiate action" and Rung 8 "Young people and adults share decision-making").

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<sup>70</sup> Reproduced from Roger Hart (1992) *Children's Participation: From Tokenism to Citizenship*. Innocenti Essays No. 4, UNICEF Innocenti Research Centre.



There are various ways in which these shortcomings could be addressed. The evaluator suggests that the organizations that participate in arranging the COMMIT Youth Forum consider the following options:

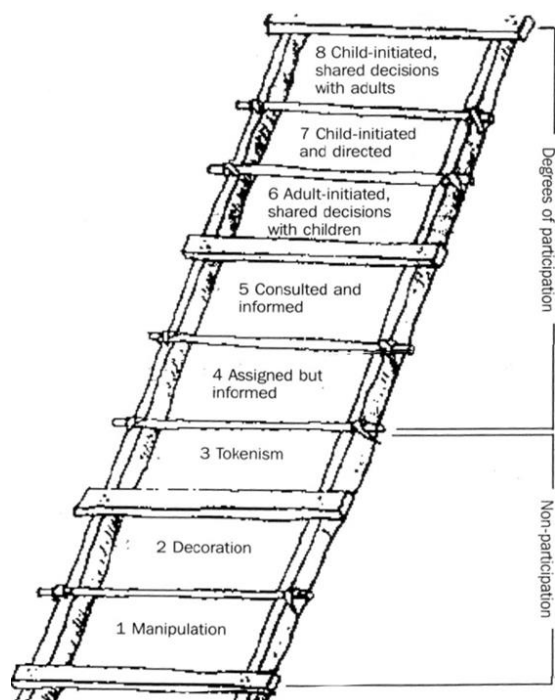


Figure 4 Roger Hart's Ladder of Participation



other adults who have personal experience that is relevant. The consultations could be at national or local level.

- Share the COMMIT agenda in advance with CSOs that support youth representatives (as well as with all CSOs which might attend a COMMIT meeting or be interested in its deliberations), i.e., providing details about what topics will be under discussion, so that youth representatives can be selected and can brief themselves in advance on relevant specialist subjects, such as victim protection and assistance, or pre-departure migration-related training.

- Whenever the agenda touches on topics in which the personal experience of either trafficked children or children affected by initiatives to prevent trafficking is relevant (which covers most human trafficking topics), relevant NGOs and child protection organizations should be informed in advance and urged to organize consultations with children, young adults or

It is by no means essential for the purpose of 'child participation' or 'youth participation' for people who can contribute on the basis of personal experience to appear in person at a COMMIT meeting: videos and other recordings can be used to record their discussions and views, so that these can be viewed by COMMIT officials and taken into account by decision-makers, as required by Article 12.1 of the UN Convention on the Rights of the Child.<sup>71</sup> In the case of the November 2016 COMMIT discussion of guidelines on victim protection, the discussions would have benefited from comments by children or adults with relevant experience, along the lines of the contribution to the *Philippine Guidelines for the Protection of Trafficked Children*, which were approved by the country's Inter-Agency Council Against Trafficking (IACAT) in 2008. A consultation with children who had been trafficked was held in the Philippines in 2008 about the provisions of a draft set of guidelines (based in turn on a set of *Guidelines for the Protection of the Rights of Trafficked Children in South East Asia*, adopted by ASEAN Ministers for Social Welfare and Development at a meeting in Viet Nam in 2007<sup>72</sup>). The comments

<sup>71</sup> This states that, "States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child".

<sup>72</sup> See Asia ACTS against Child Trafficking. Protecting the Rights and Dignity of the Trafficked Child in South East Asia. 2007; and Abueva, Amihan and Saguisag, Anjanette. UNICEF guidelines on the protection of child victims of trafficking: Adaptation to a regional context. Accessed on 29 July 2008 at [http://www.unicef-irc.org/research/resource\\_pages/worldcongress3/saguisag1\\_ppt.pdf](http://www.unicef-irc.org/research/resource_pages/worldcongress3/saguisag1_ppt.pdf)

made by children made it clear that some provisions in the draft guidelines ought to be amended to meet the realities they had experienced.<sup>73</sup> The changes were duly made and accepted by the IACAT.

#### **8.5 Promotion of CSOs by providing small grants to a limited number of CSOs (Result 4.2)**

In support of its objective of strengthening the capacity of civil society in the GMS region and to develop referral networks for the provision of direct support to trafficked persons, UN-ACT awarded four CSOs in four COMMIT countries with technical and financial support as part of a small-grants programme, at a total cost of approximately US\$120,000. The evaluator met representatives of two of the four: the Labour Rights Promotion Network Foundation (LPN) in Thailand and the Cambodian Center for the Protection of Children's Rights (CCPCR) in Cambodia. Other grantees were Village Focus International (VFI) in Lao PDR and the Viet Nam Justice Support Association for the Poor (VIJUSAP). Each of the four received approximately US\$30,000 to carry out the following activities:

- LPN: to provide direct assistance (both shelter and legal assistance) to exploited migrant workers (many of them fishermen), notably trafficking victims who would not otherwise have access to a government-run shelter;
- CCPCR: to provide assistance to trafficked people via social care and vocational training and to improve coordination between government and CSOs involved in the protection and assistance of people who have been trafficked;
- VFI: to train government officials and others to identify children who have been trafficked and children vulnerable to being trafficked in southern Lao PDR;
- VIJUSAP: to provide legal assistance to trafficking survivors.

In the case of the two of these CSOs whose representatives talked to the evaluator, it was clear that the assistance provided was relevant, needed by the individuals who were assisted and that the results reported by the CSOs were more substantial than those planned in their grant agreements. The application process appeared objective (listing 19 criteria under four headings for the UNDP panel selecting grantees with which to score the applications). The grants concerned provided substantial benefits to trafficking victims and enabled four CSOs to continue effective work—which they might well have been able to do without UN-ACT's support, for all were in receipt of other grants for similar purposes (and numerous alternative donors were interested in supporting NGO or CSO counter-trafficking activities in Cambodia and Thailand in 2015, albeit less so in Lao PDR and Viet Nam).

#### **Case Study – UN-ACT grant to an NGO/CSO in Thailand**

In the case of the Thailand-based organization, LPN, the grant contributed to enabling the NGO to send staff to Indonesia on three separate occasions during 2014 (in August, September and November 2014) to investigate the situation of migrant workers who had formerly been working on Thai fishing vessels (some trafficked or subjected to forced labour) but who had been abandoned in relatively isolated parts of Indonesia (notably Ambon, Benjina and Tual islands, where approximately 1,000 migrants were reportedly stranded). The visits were precipitated by a call to LPN from one of the stranded workers. LPN's visits in 2014 were crucial both in terms of bringing a pattern of gross abuse of fishing workers to an end and starting the process of protecting and assisting them.

LPN representatives interviewed stranded migrants from Cambodia, Myanmar and Thailand on the Indonesian islands in 2014 and provided initial assistance (to 231 stranded workers to return to their

<sup>73</sup> See Survivors Speak. Recommendations to the Philippine Guidelines for the Protection of the Rights of Trafficked Children. National Consultation with Children and Young People: Proposed Philippine Guidelines for the Protection of the Rights of Trafficked Children. Tagaytay City, Philippines. 18-20 September 2007. Unpublished.

country of origin<sup>74</sup> during the 12 months following its first visit). LPN staff also identified 111 unnamed graves on one of the islands, in which stranded workers were believed to be buried.

After a representative of the Thai Overseas Fisheries Association (TOFA) challenged the accuracy of the information collected by LPN and disseminated to relevant anti-trafficking stakeholders in Thailand, the NGO reported publicly on what it had learned in Indonesia at a seminar at Chulalongkorn University in September 2014, attended by various research and human rights organizations. Representative from TOFA were invited and attended. In March 2015 LPN and another organization associated with LPN, the Seafarers Action Center, wrote an open letter to Thailand's Prime Minister,<sup>75</sup> informing him that in early March there were still "still significant numbers of stranded Thai nationals...in need of urgent assistance" and urging him to take action. Later the same month, Associated Press publicized the situation of the stranded workers. Governmental authorities reacted and a further 68 Thai fishermen were swiftly repatriated from Ambon and Benjina by air.

LPN received financial support from various other sources, but the grant and support from UN-ACT was crucial in enabling the NGO to get first-hand testimony from grossly exploited and abused workers stranded in Indonesia and to start a programme of assistance. Eventually, IOM took on responsibility for repatriations.

The evaluator noted that the grants provided a service to UN-ACT itself, enabling its staff to remain well informed about the realities of both trafficking victims and counter-trafficking CSOs in the four countries. In the case of Thailand, where the return of fishermen from Indonesia received a high level of publicity from March 2015 onwards, it was particularly important for UN-ACT to be well informed via a CSO of the experiences of such returnees, both to help determine UN-ACT's research programme and to inform its wider work concerning victim identification and assistance. The grant provided to CCPCR in Cambodia provided a complementary role, for CCPCR was also involved in providing assistance to fishing workers who had been stranded in Indonesia and subsequently repatriated to Cambodia.

Without grants of this sort, there is a danger (or even a likelihood) that an inter-governmental counter-trafficking secretariat would be poorly informed or entirely uninformed about the experiences of trafficking victims and consequently poorly placed to advise governments on suitable procedures for victim identification, protection, assistance and re/integration. Thus, the US\$120,000 allocated in small grants achieved much more than just the provision of assistance to victims: the money contributed to providing a relevant evidence base and to involving four CSOs in advocacy to influence government policy via UN-ACT.

In countries where NGOs are given less latitude of action by government authorities, a grant from a UN body potentially enables a CSO to carry out activities that it would not otherwise be able to do, notably in conjunction with government or law enforcement officials who would not otherwise be willing (or even authorized) to cooperate with NGOs. The evaluator recommends that this be added to the criteria to be taken into account in any future selection of grantees.

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<sup>74</sup> Most (189) were repatriated to Thailand, but 34 to Myanmar and smaller numbers to Cambodia and Lao PDR. See Patima Tangprachyukul, The Special Report on Operations saving workers in fishing boats from Indonesia. Seafarers Action Center (SAC) and Labor Rights Promotion Network Foundation (LPN), Samut Sakhon, October 2015, accessed at <https://lpnthailand.files.wordpress.com/2015/08/the-special-report-on-operations-saving-workers-in-fishing-boats-from-indonesia.pdf>.

<sup>75</sup> Open Letter to the Prime Minister of Thailand, Prayuth Chan-o-cha: Requesting Official Assistance to Protect Marooned Fishermen Suffering Distress & Victims of Human Trafficking on Fishing Boats in Ambon Island, Indonesia, 18 March 2015, English translation accessed at <http://oknation.nationtv.tv/blog/print.php?id=952026>.

## 8.6 Details on UN-ACT's support for civil society in general and civil society organizations

Beyond the financial support provided by its small grant programme, UN-ACT supported CSOs in a variety of other circumstances, enabling their voices to be heard by government officials. This was especially notable in the context of UN-ACT's work concerning forced marriages of Cambodian women in China. In a quite different context, UN-ACT supported a workshop in Thailand about debt bondage, not by financing the workshop, but by contributing ideas and putting people into contact with each other (taking advantage of UN-ACT's relationships with various counter-trafficking practitioners). This resulted in the publication of a book about a specific case by the Thailand Institute of Justice and SR Law (Social Responsibility Law) and has also influenced a change in the law (in Thailand) to take debt bondage into account as a form of exploitation that is an outcome of human trafficking.

## 8.7 Links to business organizations (Result 4.3)

UN-ACT's predecessor, UNIAP, started the process of engaging with private sector actors interested in the issue of human trafficking. Several UNIAP staff who left in 2012 and 2013 continued working closely in new organizations with businesses (and were thereby able to secure business funding for some of the activities of their new organizations). However, the rapid increase in private sector funding for anti-trafficking initiatives linked to Thailand's fishing sector has encouraged the creation of NGOs dedicated to working with business (investigating labour conditions in their supply chains), making the benefits for a business or for business organizations of working with a UN organization such as UN-ACT less obvious. Further, many such businesses appear reluctant to recognize that UN organizations were publishing plenty of information (about workers being trafficked into Thailand's fishing industry), to which businesses should have paid attention, long before the issue provoked media attention in 2015.

UN-ACT staff have spoken at meetings hosted by business organizations and have pursued other connections with the private sector. A particular focus was put on information technology: Microsoft co-organized a regional conference with UN-ACT on the role of Information and Communication Technology in combating human trafficking.

The evaluator nevertheless concluded that UN-ACT had been less successful in building these links than with other parts of civil society. He felt that there was nothing wrong with this, as the principle international organization mandated to work with business organizations and workers' organizations (such as trade unions) is the International Labour Organization (ILO). He does not recommend that UN-ACT should intensify its efforts to achieve Result 4.3 by 2018.

## 8.8 Recommendations

**RECOMMENDATION 8.1 (Participation, including child participation):** Once the agenda of COMMIT meetings is agreed with COMMIT States, UN-ACT should share the agenda of upcoming meetings in advance with CSOs that are known to have an interest in influencing the anti-trafficking policies or activities of the COMMIT Process or States participating in the process, or which have supported child or youth representatives in attending COMMIT meetings in the past (that is to say, sufficiently far in advance to allow CSOs to consult with others as appropriate and to develop their own views on the policies or activities under consideration). Such CSOs and NGOs should be urged to give priority to consulting children, young adults or other adults who have personal experience that is relevant to upcoming COMMIT decisions and using appropriate methods to present the views of such people during COMMIT meetings. While it is not essential to consult children on every issue, special efforts should be made to consult adolescents or young adults who have relevant experience (e.g., of being

trafficked or exploited while they were children) whenever COMMIT considers questions affecting children.

**RECOMMENDATION 8.2 (Civil Society):** To facilitate CSO engagement with the COMMIT process and as part of a wider revised communications strategy, UN-ACT should provide relevant CSOs with more ample information about both the specific agenda of upcoming COMMIT meetings and the longer-term agenda of what issues are under discussion by COMMIT, along with the various opportunities to influence decisions on these issues, both at national level and at COMMIT national and regional meetings.

**RECOMMENDATION 8.3 (Grants to CSOs):** If UN-ACT has sufficient income to make small grants available to CSOs again in the future, both the availability of income to CSOs from other sources and the impact a grant from the United Nations might have on the CSO's ability to cooperate with government or law enforcement agencies or officials in the country where it is based should be added to the criteria for allocating grants.

## **9 FINDINGS ON QUESTION 3: HAS THE GOVERNANCE OF UN-ACT ENSURED ITS ABILITY TO FUNCTION EFFECTIVELY AND EFFICIENTLY?**

The supplementary questions were:

- Has the governance of UN-ACT enabled it to play an effective coordination role within the UN counter-trafficking system?
- Has the governance of UN-ACT enabled it to interact effectively with other regional counter-trafficking initiatives, notably those organized by ASEAN, the Bali Process, and those supported bilaterally such as AAPTIP?

### **KEY FINDING**

UN-ACT has not experienced the sorts of governance and management problems which bedevilled UNIAP in its final years, in part due to the governance structures that it has adopted. However, its current management structure does not allow pro-active responses to difficulties or crises other than by the project's regional manager in conjunction with UNDP line managers. UNDP itself has provided useful oversight, but is nevertheless perceived by others (in the UN system and outside) to be a poor 'parent' for UN-ACT. The current governance has not promoted UN-ACT's role as a coordinator of counter-trafficking activities within the UN system.

At the time that UN-ACT was being planned as a UNDP project, questions relating to its governance were crucial to get right. In large part this was because the management and governance structures of UN-ACT's predecessor, UNIAP, had been described as "dysfunctional" by an evaluator at the beginning of 2012.<sup>76</sup>

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<sup>76</sup> Asmita Naik, Independent Evaluation of United Nations Inter-Agency Project on Human Trafficking in the Greater Mekong Subregion (UNIAP) Phase III (2007-2013). Final Report. 14 March 2012. This said: "The project's management and governance structures are dysfunctional, unable to provide the adequate control and guidance needed to keep the project on track, and in dire need of reform...The project was set up with one intention in 1998/1999, UN inter-agency cooperation, this was superseded when COMMIT came on the scene in 2004, and that has now become the central priority. The design has never kept up with these developments. Recurring problems over concurrent phases and recommendations for resolving them in various management reviews and evaluations have not been taken up".

## 9.1 Comments on overall governance

UN-ACT has a Project Management Board (PMB) which only meets once a year. The evaluator was initially surprised that the PMB met so seldom and that it had no other management or advisory structure in between PMB sessions, other than the UNDP's line management of UN-ACT as a UNDP project. He observed that the PMB had a similar role to an organization's annual general meeting (AGM), at which all major stakeholders were entitled to be present (notably representatives of all six COMMIT States), rather than the management structure of an organization or project. The periodicity of the PMBs has meant, for example, that by the end of 2016 a regional manager appointed in mid-2015 had not yet had an opportunity to attend a PMB session.

After discussing this issue with others, the evaluator realized that it was necessary for UN-ACT to have a management structure that was transparent to the six States involved—and that it would not be appropriate to have a narrower management structure in which only one or two States were represented, such as an inner management group that met every quarter or six months. With all six States scheduled to attend every PMB, he also accepted that it would not be appropriate to convene more than one PMB per year.

In principle the same considerations apply to UN agencies engaged in counter-trafficking activities in Southeast Asia, i.e., involving all of them in the PMB would ensure that all had an opportunity to comment on the UN-ACT's recent and proposed activities. However, the governance provides for two regional UN agencies to be represented on the PMB (as nominated by the UN Advisory Group). One regional NGO is also a PMB member. The PMB's terms of reference do not mention the participation of donors, but the evaluator noted that the UN-ACT's two main donors had been present and able to ask questions at both PMB sessions (in early 2015 and early 2016). He considered this to be entirely appropriate at an 'AGM', but not necessarily appropriate at a session focused on short-or medium-term management or crisis-related issues.

In conclusion, the evaluator was concerned that the UN-ACT's PMB structure gave it a structure similar to an AGM without also setting up a management structure capable of reacting pro-actively during the intervening 11 months, for example to the crisis caused in early 2016 by the shortfall in income. This lack of pro-active management or advice from the PMB or others outside UN-ACT itself might not have mattered if UNDP was able to provide all the oversight necessary, but the evaluator was not convinced this was the case. He understood that the PMB's terms of reference envisage the presence of "recognised anti-trafficking sector experts" if substantive aspects of UN-ACT's work are to be discussed at a PMB meeting. He understood this scenario had not occurred and that other fora have been found to review substantive issues with relevant experts.

## 9.2 Comments on UN-ACT's relationship with UNDP

When the UNDP took over the management of UN-ACT, it did so largely by default, not because it had a track record on the issue of human trafficking or wider migration issues, or of managing inter-governmental processes, such as the COMMIT Process. Nevertheless, in many respects it has provided effective and neutral oversight as a result (i.e., it has not sought to adapt UN-ACT to its predesigned expectations of what a counter-trafficking organization should be). The UNDP's relevance as the host organization for UN-ACT has been enhanced by the UNDP's own reorientation and decision to establish a migration and displacement programme (which seems so far to have involved UNDP benefitting from UN-ACT's knowledge and staff, rather than the other way around).

In various respects the UNDP has a set of procedures and priorities in place which are not helpful when it comes to running an organization such as UN-ACT that has sporadic income or cash flow problems



(although it is unlikely that other UN organizations have procedures that are better adapted). At the UN-ACT's regional office in Bangkok, the UNDP's procurement procedures appeared to be a millstone, for only one of the two regional UN-ACT advisors was on a professional grade contract. Shortage of income meant that the second was on repeated short-term contracts. This appeared to be an inefficient arrangement, requiring the post to be advertised and re-recruited when the contract was renewed. This appeared to be a poor use of the scarce resources available to UN-ACT.

### **9.3 Comments on UN-ACT's coordination role within the UN counter-trafficking system**

Section 3.4 above summarized the evaluator's comments. At present UN-ACT has a somewhat minor role, being regarded by other UN system organizations as appropriate to convene meetings for the purpose of sharing public information, but not for coordinating or managing overall responses to human trafficking in the region or for mediating between competing UN organizations (despite the steady escalation of funds available from major donors to finance counter-trafficking activities in Southeast Asia). Although UN-ACT's mandate is specific to counter-trafficking, so it should not be playing a major or coordinating role with respect to mixed migration flows, it clearly does have a role to play whenever individuals are being trafficked (and when cases of irregular migration are first identified it is usually unclear whether they involve trafficking victims or not, implying that UN-ACT should be informed and involved when substantial numbers of such cases are reported, as during the Andaman Sea crisis<sup>77</sup>).

UN-ACT has the regional contacts and role to play a more substantial role and should explore the possibility of doing so if and when Alliance 8.7 is developed to coordinate international efforts to achieve Sustainable Development Target 8.7 (which refers to taking "[I]mmediate and effective measures to eradicate forced labour, end modern slavery and human trafficking", along with measures to stop the use of child labour).

### **9.4 Comments on Leadership**

Ms Annette Lyth was appointed Regional Project Manager of UNIAP at the beginning of 2013 and remained as Manager of UN-ACT when it was formed in early 2014. She played a key role in managing the transition from UNIAP to UN-ACT, including a substantial level of consultation in the countries belonging to COMMIT about the aims and priorities of the new project. She stayed in this job until July 2015, i.e., a total of just over two-and-a-half years. She was replaced as Regional Project Manager of UN-ACT by Ms Kaori Kawarabayashi in mid-2015. Ms Kawarabayashi was on maternity leave in early 2016, leaving the project's day-to-day management in the capable hands of colleagues.

When they were appointed, neither of the two Regional Project Managers had a track record as a specialist on human trafficking issues. However, it was appropriate to give priority to appointing managers who had the process skills necessary to develop and lead UN-ACT and to manage relations with other UN organizations and with government officials from the six States (and one of those appointed had prior experience of managing an intergovernmental process with some similar characteristics to COMMIT). Further, when UN-ACT was new, it was probably better for the project and its leader not to have the same sort of high profile leadership that UNIAP had enjoyed in the years

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<sup>77</sup> Such situations were addressed in the September 2016 New York Declaration (UN doc. A.71/L/1), para. 35: "We recognize that refugees and migrants in large movements are at greater risk of being trafficked and of being subjected to forced labour. We will, with full respect for our obligations under international law, vigorously combat human trafficking and migrant smuggling with a view to their elimination, including through targeted measures to identify victims of human trafficking or those at risk of trafficking. We will provide support for the victims of human trafficking. We will work to prevent human trafficking among those affected by displacement".



leading up to its closure, so that a difference in style was noted by those government officials and staff in other UN organizations who had disliked UNIAP's activities or the way the it performed its role.

However, the low profile of UN-ACT and its leadership has not helped it become well known in the world or to acquire a reputation as a regional leader in counter-trafficking activities. This has probably hampered its efforts to impress potential new donors and to acquire extra funding. The evaluator recommends that the Regional Project Manager should seek a higher personal profile in 2017 and 2018, supported and supporting the two regional project advisors as appropriate in implementing a new UN-ACT communications strategy to present UN-ACT as an organization with expertise and established relationships that are vital for successful counter-trafficking work in the GMS States and in ASEAN.

## 9.5 Recommendations

RECOMMENDATION 9.1: If consideration is given to prolonging UN-ACT beyond 2018 (as it should be), UN-ACT's Project Management Board and the UNDP itself should consider whether the UNDP is the most suitable organization within the UN system to host UN-ACT or any other UN structure would provide a more appropriate alternative. However, following the major changes in 2013/2014, the evaluator notes that it would be preferable for UN-ACT to remain in its new place, attached to UNDP, rather than to make further changes. In the meantime, UN-ACT should seek more pro-active support from UN Resident Coordinators, for example in China and Thailand, in promoting its profile and in negotiating access for COMMIT in neighbouring States such as Malaysia. Similarly, if the project is prolonged beyond 2018, a project advisory structure should be established to give UN-ACT advice in between annual PMB meetings.

RECOMMENDATION 9.2: UN-ACT's Regional Project Manager should seek a higher profile in 2017 and 2018, both within the region and at international level.

RECOMMENDATION 9.3: UN-ACT should explore the possibility of playing a more substantial coordination role within the UN and international system, if and when Alliance 8.7 is developed to coordinate international efforts to achieve Sustainable Development Target 8.7.

## 10 FINDINGS ON QUESTION 4: DID UN-ACT DEVELOP AND IMPLEMENT AN EFFECTIVE FUND-RAISING STRATEGY?

The supplementary questions were:

- What have been the obstacles to the project securing the funding it proposed?
- What can be done to strengthen or supplement its fund-raising strategy?

### KEY FINDING

UN-ACT has been under-funded since it was created. It now needs a higher public profile (in particular by developing and implementing a communications strategy) to convince existing and potential donors of its usefulness. In itself, this requires a new investment or diverting existing income from its intended purpose, which means convincing UN-ACT's existing donors of the need to make this investment. UN-ACT could approach some specific potential private sector donors but should be aware that these may be a mirage.

### ***Preface: A note on UNIAP's income prior to 2013***

“The seven UNIAP offices had a combined staff of approximately 30 throughout the course of Phase III and a 2007-2014 budget of US\$17.9 million, or just under US\$3 million per year throughout most of its final phase”.<sup>78</sup>

UNIAP maintained a relatively high profile by publishing a series entitled SIREN (see chapter 7 above). In its final report (2013), UNIAP noted that it had ten donors, of which only two opted to become donors of UN-ACT.<sup>79</sup>

#### **10.1 Planned costs of UN-ACT**

The UN-ACT Project Document initially anticipated expenditure over five years totalling US\$18,479,433 (i.e., averaging more than US\$3.6 million per year, slightly more than UNIAP).

By early 2014, UN-ACT'S planned costs had been reduced to a more modest expected budget of US\$6,681,414 during its first three operating years (April 2014 to March 2017), i.e., only one third of the initial estimate (according to its grant agreement with Norway), i.e., an average of US\$2.2 million per year.

Since 2014 the project's core income has come from two donors, Norway and Sweden, while some additional activities in Viet Nam have been funded by the United Kingdom. The UK has made contributions specifically to support activities in Viet Nam (on account of the relatively high number of Vietnamese identified in the UK as victims of trafficking).<sup>80</sup> In addition, in 2016 UN-ACT received US\$74,850 from the Ministry of Public Security of the People's Republic of China.

In practice income for the project has lagged far behind even the more modest level of expenditure planned in early 2014 and has amounted to approximately 40 per cent of planned expenditure (averaging about US\$1.5 million each year, or less than half the UNIAP's yearly income):

	2014	2015	2016
Planned expenditure (USD)	\$3,531,000	\$3,877,734	\$3,916,266
Received from Norway & Sweden (USD)	\$1,428,864	\$1,713,286	\$1,674,909
Shortfall (USD)	\$2,102,136	\$2,164,448	\$2,241,357
Proportion of planned expenditure covered by income	40%	44%	43%

<sup>78</sup> UNIAP. (2014). United Nations Inter-Agency Project on Human Trafficking (UNIAP) Final Report Phase III: 2007 – 2014. Bangkok: UNIAP.

<sup>79</sup> The UNIAP donors (listed in the UNIAP Final Report Phase III 2007-2014) were:

- ANESVAD
- Asian Development Bank (ADB)
- Australian Agency for International Development (AusAID)
- Canadian International Development Agency (CIDA)
- German Embassy Bangkok
- New Zealand Aid Programme (NZAID)
- Norwegian Embassy Bangkok
- Swedish International Development Cooperation Agency (SIDA)
- U.S. Department of State
- U.S. Agency for International Development (USAID)

<sup>80</sup> The UK donated US\$60,732 for 2015 to 2016 to support the project “Human-rights based Behaviour Change Communication campaign to prevent human trafficking between Viet Nam and Thailand” and a second grant of US\$97,250 for 2016 to 2018 to support the project “Defending the human rights of victims and potential victims of human trafficking in Viet Nam”.

In April 2016 Norway confirmed a reduction of its donation in 2016-17 to UN-ACT, to less than half the planned NOK 6 million (a reduction of NOK 3,388,410). This was reportedly due to developments in Norway and not due to any concerns about UN-ACT's performance. In late 2016, Norway's contribution was increased again by NOK 3,056,000 (approximately US\$350,000 in December 2016). Prior to this UN-ACT's expected income was going to allow it to operate only until April 2017. However, the additional funds will enable UN-ACT to operate until about August 2017. On this basis, it again seems unlikely that income received in 2017 or 2018 will amount to more than 40 per cent of the planned expenditure levels of US\$3,625,278 and \$3,529,155.

In late 2016 the UNDP itself committed US\$140,000 to UN-ACT's budget—the first such financial contribution provided from within the UN system, representing significant support from the UNDP to its project.

The effects of not having the expected levels of income have prejudiced UN-ACT's relationships with officials in some of the six COMMIT countries, particularly the ones with lower GDP that reckoned to depend on income from UN-ACT to implement activities related to SPA III or SPA IV. The COMMIT Capacity Assessment report noted,<sup>81</sup>

“Most countries [participating in COMMIT] fail to provide for COMMIT-specific budget for the COMMIT Process in their country and some of them continue to look to UN-ACT to come up for funding to support some of their activities<sup>82</sup>. When UN-ACT fails to come up with what is considered to be worthwhile funding, some countries decreased their level of cooperation with UN-ACT, without realizing that UN-ACT needs to be seen by donors to be in a ‘special partnership’ with the six COMMIT countries if it is to be successful in its fundraising strategy.”

## **10.2 Fund-raising environment in Southeast Asia for counter-trafficking initiatives, 2014-17**

### **10.2.1 *The general donor environment concerning trafficking in persons, modern-day slavery and related exploitation, 2014-2016***

The most substantial donors of counter-trafficking projects and programmes in the GMS States since 2010 have been Australia and the US, which are reviewed below. In both cases they have on the whole preferred to support discrete counter-trafficking initiatives, rather than intergovernmental processes such as COMMIT.

It is clear that the demise of UNIAP left some donors disillusioned, both concerning the benefits of supporting an apparently endless intergovernmental process (COMMIT) and as far as the direct contributions of the UNIAP secretariat was concerned. This created a shadow over the new project (UN-ACT), from which it should now emerge, two years later, if it can convince old and new donors of its added-value. It is also noticeable that various international donors were more highly motivated to support a UN secretariat (UNIAP/UN-ACT) when it was led by someone who was a national of their country.

Since 2013, the amounts provided for what are termed ‘anti-slavery’ initiatives by private philanthropists have increased substantially around the world, notably from Australian millionaire Andrew Forrest and Humanity United. However, they have provided relatively less money for counter-trafficking initiatives in the GMS States than in some other regions. In 2014 Andrew Forrest proposed

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<sup>81</sup> Carl De Faria. Capacity Assessment Report. Main Findings: Cross-Cutting Opportunities, Gaps & Challenges. February 2016.

<sup>82</sup> “Countries such as Lao PDR, Myanmar, Cambodia and Viet Nam are in this group” (original footnote in the Capacity Assessment Report).

to invest US\$200 million in a private-public partnership to eradicate slavery (known as the Global Fund to End Slavery). However, this was conditional on States matching private contributions and had not taken off by the end of 2016. Other philanthropists demonstrated a marked preference for supporting counter-trafficking or anti-slavery initiatives which produced a short-term effect (such as increased prosecutions). In contrast they showed much less interest in supporting intergovernmental cooperation or anything labelled a 'process'. This seemed to reflect a view that 'processes' and initiatives to increase the capacity of government institutions simply generated more bureaucracy, without having a direct impact on the lives of people who are trafficked or who are disproportionately more likely to be trafficked than others. As noted above (chapter 3), the evaluator does not agree with this view.

### **10.2.2 Australia's anti-trafficking strategy and associated funding**

Since 2003, Australia has invested more than AU\$80 million (approximately US\$59 million) in programmes that aim to combat human trafficking in Southeast Asia.<sup>83</sup> In March 2016 the Government of Australia adopted an international strategy to combat human trafficking and slavery.<sup>84</sup> This states that "Southeast Asia will be the principal focus of Australia's engagement". In this region, the strategy says, Australia will work with its partners "to build national and regional responses to human trafficking and slavery, including in the areas of international legal assistance, law enforcement cooperation and immigration capacity building and technical assistance"

The strategy spells out what trafficking-related issues will receive priority funding in Southeast Asia: "Australia will also work at the bilateral level to implement our regional anti-trafficking and safe migrations programs. This includes our flagship anti-trafficking program, the Australia-Asia Program to Combat Trafficking in Persons (AAPTIP, AU\$50 million 2013-18 [approximately US\$36,765,000 in December 2016]) – Southeast Asia's largest single dedicated anti-trafficking investment. And we will work to reduce the vulnerability of migrant workers to trafficking in Southeast Asia through our collaboration with the ILO on the TRIANGLE II program (AU\$20 million, 2015-2025 [US\$14.7 million])".

The priority for strengthening law enforcement activities had been apparent for a decade before the start of the AAPTIP initiative, albeit with a pause in funding between 2011 and 2013. The Australian Government also supported World Vision's Ending Trafficking in Persons (ETIP) programme through the Australian NGO Cooperation Program. ETIP ended in 2016.

### **10.2.3 United States' counter-trafficking strategy and associated funding**

Several US government agencies fund counter-trafficking initiatives, notably the US Agency for International Development (USAID) and the US Department of State's Office to Combat Trafficking in Human Beings (J-TIP). J-TIP has awarded approximately US\$20 million worth of grants towards the end of each calendar year, of which a substantial proportion has been allocated to UN organizations.

In 2016 USAID reported on US efforts to address trafficking in persons and irregular migration in East Asia and the Pacific in the following terms:

"[T]he State Department's Office to Monitor and Combat Trafficking in Persons has 20 open projects in 15 countries in this region totaling more than \$10 million...Thailand, Malaysia,

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<sup>83</sup> Hext et al. Australia-Asia Program to Combat Trafficking in Persons (AAPTIP) Independent Mid-Term Review. Final Report. Agulhas, October 2016.

<sup>84</sup> Australian Government, Amplifying Our Impact: Australia's International Strategy to Combat Human Trafficking and Slavery, accessed at <http://dfat.gov.au/about-us/publications/Documents/amplifying-our-impact-australias-international-strategy-to-combat-human-trafficking-and-slavery.pdf>.

Burma, and Laos stand out as priority countries that have received significant programmatic assistance, with each currently benefitting from more than \$900,000 in dedicated programs from the TIP Office. One program in Thailand provides direct support to victims of trafficking in the fishing industry, including shelters, legal aid, and witness-protection assistance. A project in Malaysia is improving shelters by training local organizations and authorities on best practices and how to screen for victims. In Burma, a grantee is improving victim-centered investigations and prosecutions through training and support to police, judges, prosecutors, and case managers. In Laos, the TIP Office is supporting the establishment of a shelter for trafficking survivors”.<sup>85</sup>

In 2016 USAID’s Regional Development Mission for Asia (RDMA) announced a call for applications potentially amounting to a very substantial amount – US\$125 million over five years (December 2016 to December 2021, i.e., US\$25 million per year) – to provide services and support to counter trafficking in Asia. This grant was described by the donor as intended to advance

“[R]egional coordination in Asia and strategically supports USAID CTIP [counter trafficking in persons] programs throughout the region by strengthening USAID’s understanding of human trafficking, CTIP interventions, and their collective interaction in the region; reinforcing the CTIP evidence base, including improving the quality and usage of empirical data associated with human trafficking; facilitating practical cross-border cooperation between source, transit and destination countries; and developing opportunities for increased leadership by the private sector, among other stakeholders”.<sup>86</sup>

The call asked applications “to present innovative strategies, approaches and activities for best achieving the goal of Asia CTIP, identifying and detailing their approaches to leverage the expertise of existing regional, national and local initiatives that build local ownership and solutions”. The wording suggested that USAID wanted to receive applications proposing novel methods, rather than to resume funding for existing regional or coordination initiatives (USAID previously provided funding for UNIAP).

UN-ACT was mentioned as a proposed participant in three of the consortium applications submitted in response to this call. However, in January 2017 USAID announced the successful application was one submitted by Winrock International, of which UN-ACT was not part.<sup>87</sup> Although awarding the tender to a consortium that did not include UN-ACT could be interpreted as evidence that the US authorities no longer rated UN-ACT as a significant counter-trafficking actor in Southeast Asia, no evidence was available to the evaluator to conclude that this was a consideration taken into account by USAID in making the award, and it remains possible that Winrock will decide to support some UN-ACT activities in the future.

#### **10.2.4 The European Union’s European Commission**

While the European Union (EU) had a tremendous impact on the issues of human trafficking and forced labour in Thailand in 2015, as a result of the ‘Yellow Card’ issued in relation to Illegal,

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<sup>85</sup> USAID, ‘U.S. efforts to address trafficking in persons and irregular migration in East Asia and the Pacific’, accessed at <https://www.usaid.gov/asia-regional/fact-sheets/us-efforts-address-trafficking-persons-and-irregular-migration-east> (updated 8 September 2016).

<sup>86</sup> USAID. Notice of Funding Opportunity SOL-486-16-000022, 16 August 2016.

<sup>87</sup> See ‘Winrock To Implement Landmark Asia Counter Trafficking Effort. USAID Announces \$21.5 million Asia Counter Trafficking In Persons Project’, 11 January 2017, accessed at <https://www.winrock.org/usaidd-announces-news-project-to-counter-trafficking-in-persons-in-asia/>.

Unreported and Unregulated (IUU) fishing by Thai fishing vessels,<sup>88</sup> the European Commission's budget lines on human trafficking have not proved particularly useful for intergovernmental counter-trafficking processes or for UN projects or secretariats supporting them. Nor are they reported to be framed in a way that could support activities implemented partly in ASEAN Member States and partly in non-ASEAN States such as China.

### **10.2.5 Others**

Other potential donors have been identified by UN-ACT, such as government donors in Japan, Canada and Switzerland. For example, the Swiss Agency for Development and Cooperation (SDC) is currently supporting a four-year regional programme implemented by the IOM, focusing on "Poverty Reduction through Safe Migration, Skills Development and Enhanced Job Placement in Cambodia, Lao People's Democratic Republic, Myanmar, Thailand and Viet Nam" (known as the PROMISE programme). The promotion of safe migration is commonly regarded as one way of preventing migrants from being trafficked.

Donors in all three countries should be provided by UN-ACT with information about its activities and the results of this evaluation. Many donors prefer to support discrete initiatives, rather than contributing core funds to an ongoing programme which they do not feel they 'own'. For this reason, UN-ACT should consider approaching such donors with proposals for limited funding for specific activities.

### **10.3 Financial Contributions by COMMIT participating States**

The financial contributions by the six States have varied but been relatively small to date. Consequently one potential funding strategy would be to urge the wealthiest of the six States, China, to increase its contributions substantially. Similarly, the middle-income States among the six (Thailand and Viet Nam) could be urged to contribute to UN-ACT's core budget, as well as to finance all their own activities to implement SPA IV (China, Thailand and Viet Nam are reported to already fund most of the activities they implement in their own countries under the terms of SPA IV).

However, there would be risks attached to any of the six States increasing their financial support for UN-ACT substantially, for it is likely (so the evaluator was told) that some of the other States would be deeply unhappy and suspect that the State concerned was seeking to buy influence and to wield more direct control over the activities of both UN-ACT and COMMIT than others. According to this scenario, external finance (from donors outside the six COMMIT States) is vital to facilitate inter-state cooperation, precisely because the finance is perceived to be neutral. Even if all funds from COMMIT participating States were channelled to UN-ACT and it was left to decide in an entirely independent way how to allocate these funds, without any intervention by the State donating the funds, it is apparent that suspicions would be raised.

### **10.4 What UN-ACT did to raise funds**

UN-ACT's fund-raising strategy has been, broadly, to ask everyone who seemed interested in funding counter-trafficking initiatives in Southeast Asia to consider supporting them or to include them in a larger grant to support a range of counter-trafficking initiatives.

A proposed fund-raising strategy prepared for UN-ACT in 2015 reviewed three relevant questions:

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<sup>88</sup> European Commission. EU acts on illegal fishing: Yellow card issued to Thailand while South Korea & Philippines are cleared. Brussels, 21 April 2015; and 'Why was Thailand pre-listed?' in European Commission Fact Sheet, 'Question and Answers on the EU's fight against illegal, unreported and unregulated fishing', 21 April 2016, accessed at [http://europa.eu/rapid/press-release\\_MEMO-16-1460\\_en.htm](http://europa.eu/rapid/press-release_MEMO-16-1460_en.htm).

- Which implementing partners are working within the UN-ACT project domain areas?
- Which traditional or non-traditional donors are active on human trafficking concerning GMS countries as either origin or transit countries?
- Which Private sector or Foundation sources are potential for additional funding sources?<sup>89</sup>

The review identified 63 relevant project or research activities involved with human trafficking or human smuggling activities within the GMS. The analysis noted that during the period 2010-14 the Bill and Melinda Gates Foundation granted a total of almost US\$43 million to UNDP. Over the same period the Open Society Institute granted a total of US\$8.6 million for UNDP activities, supplemented by US\$925,156 from the Soros Foundation. The implication of the review was that UN-ACT might be able to identify similar philanthropists to support its activities. This seems unlikely to the evaluator, who notes that most philanthropists prefer to invest money in initiatives that generate material or specific results, rather than in processes that last many years and appear to be indefinite.

UN-ACT staff submitted numerous requests for funding to donor agencies of various governments and reckoned to take advantage of the various calls for applications that donors issued. However, this was a relatively passive fund-raising strategy, for the project did not have dedicated specialist staff with expertise in either communications or fund-raising. It is the first (lack of a communications strategy) which lowered UN-ACT's profile with donors, which has probably hampered fund-raising success as much as the particular fund-raising strategy persuaded by UN-ACT. One result was that the fund-raising strategy was not combined with a communications strategy in ways which were likely to impress potential donors (private or governmental) and so the project did not attract new core donors.

Further, while it was entirely appropriate for UN-ACT to respond to calls for applications issued by donors, this meant that it was required to describe itself in terms of donors' own priorities, rather than being able to draw attention to its own strengths as a multilaterally-funded international organization (rather than merely a temporary project) with valuable relationships already well established in six States.

#### **10.4.1 Case study: Seeking financial support for UN-ACT activities in China**

China's Deputy Minister from the Ministry of Public Security attended COMMIT's Inter-Ministerial Meeting (IMM) in April 2015 and was reportedly impressed by the COMMIT Process and decided it would be appropriate to provide UN-ACT with income. The income provided to UN-ACT in 2016 was half a million Yuan (US\$72,000). While this was certainly helpful, as a proportion of both UN-ACT's overall budget and of the Overseas Development Assistance funds available in China, this was a relatively small amount.

However, as a result of funding cuts in 2016, the two UN-ACT staff in China (based in Beijing) were unable to continue renting office space and by November 2016 were working from home. They succeeded in securing some resources from various sources to finance some ongoing UN-ACT activities, but, in the evaluator's opinion, appeared to need more in order to maintain the relationships they had developed with key anti-trafficking stakeholders in Beijing, such as the Ministry of Public Security's specialist Anti-Trafficking Unit, the All China Women's Federation, and the main shelter on the outskirts of Beijing (run by Civil Affairs) that has provided temporary accommodation to women from Cambodia and Viet Nam who have fled from abusive marriages elsewhere in China (many of whom appear to have been trafficked).

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<sup>89</sup> Farrah Rao-Hansen. Strategic Fundraising Analysis UN-ACT 2015. August/September 2015.



Some key funding to support activities in China (beyond the core funding available for staff salaries and related costs) was made available in 2016 by two international NGOs (World Vision and Save the Children) to support UN-ACT's activities in China. The funding from World Vision was US\$69,000 and Save the Children provided US\$31,000 from the start of 2015 until November 2016 (a total of US\$100,000 from the two NGOs). The ways in which this was to be used were agreed at planning meetings held at the beginning of each calendar year, involving not only the two NGOs and UN-ACT, but also agencies of the Government of China. The income was earmarked for specific activities such as the development of SMART phone Apps, research about China-Cambodia marriage migration and human trafficking, COMMIT meetings, research concerning a referral system (for trafficking victims in China), CSO meetings, a familiarization visit to Cambodia for Chinese officials and Chinese NGOs, and two meetings which had the combined objective of training and enabling relevant officials from different Chinese government agencies to develop a joint understanding of the predicament of foreign women in forced or abusive marriages in China. The IOM contributed approximately US\$5,900 to the costs of one of the two workshops organized in 2016 (in September) in Jiangxi province, the province where the highest numbers of Cambodian women in abusive marriages were reportedly located, where local police and officials were introduced to a SMART phone App that could enable them to ask women from other countries about the difficulties they were facing, who could not answer questions in Chinese.

There is little potential for UN-ACT to raise extra funds for its activities in China from UN-ACT's existing main donors (Norway and Sweden), so it was clearly appropriate to look elsewhere. However, it seems surprising that a UN project should have to depend on international NGOs to finance the bulk of its activities in China, a country with the second largest economy in the world. This is particularly the case because there have been few signs that the number of foreign women coming to China to marry or being trafficked in China for the purpose of forced marriage is decreasing, so it would be more than appropriate for international donors to support efforts to address the pattern of human trafficking associated with such marriages, as well as for China itself to invest more funds in improving protection for such women. UN-ACT's own research (see chapter 5 above) indicates that the gender disparity in China will continue to generate demand for marriageable women for many years to come, making it likely that women will continue to be trafficked, however effective China's prevention and protection policies are and whatever is done in the women's countries of origin to discourage such migration.

### **10.5 Potential for private sector investment**

One of UN-ACT's principle donors, Norway, expressed particular interest in finding out whether UN-ACT had fully explored all the possibilities to attract donations from business and foundations, both those based in GMS States and elsewhere.

It is true that the last few years have seen a rapid increase in funding by private philanthropists for certain activities to stop human trafficking or to assist people who have been trafficked. However, like government donor agencies, they tend to want to cherry pick and not to donate money to ongoing programmes that sound somewhat bureaucratic (such as 'coordinating UN organizations' or 'supporting an intergovernmental process'). A number of analysts have criticized the priorities adopted by so-called 'philanthrocapitalists' and the knock-on effects of these priorities for the organizations and issues they support financially.<sup>90</sup>

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<sup>90</sup> Janie A. Chuang. Exploitation Creep and the Unmaking of Human Trafficking Law. *The American Journal of International Law*, Vol. 108, No. 4 (October 2014), pp. 609-649.

The ANESVAD Foundation, based in Spain, used to support UNIAP (contributing more than US\$1.5 million) with a focus on the right to health (a programme on Human Rights, Women and Health). However, it decided to reorient its support almost entirely to Sub-Saharan Africa, closing off the possibility of further funding for UN-ACT.

As noted in chapter 8, UNIAP started engaging with private sector actors that were concerned about human trafficking. Several former UNIAP staff now work closely in new organizations with businesses and have been able to secure business funding for their organization's activities. However, this has not increased UN-ACT's ability to attract private sector funding. Indeed, the recent increase in private sector funding for anti-trafficking initiatives linked to Thailand's fishing sector seems to the evaluator to make it less likely that businesses or private foundations will be inclined to offer financial support to an intergovernmental process or a UN project—even if, with hindsight, it is reasonable to conclude, for example, that UNIAP played a crucial role in developing Myanmar's capacity to respond to human trafficking and to cooperate with the Thai authorities with respect to the substantial numbers of fishing sector workers in Thailand who came from Myanmar.

UN-ACT has maintained contact with some business organizations in South East Asia, but is not currently well-positioned to secure funding from them. In order to obtain support from any private funders, UN-ACT would have to

- a) develop a portfolio of activities delivering specific benefits in terms of prevention or protection, which could be offered to private donors to support (rather than seeking core funding);
- b) prepare suitable publicity materials demonstrating the benefits of the COMMIT Process and the contributions of both UNIAP and UN-ACT (i.e., not limiting it to the short period that UN-ACT has been active); and
- c) identify suitable private sector donors and invite them to visit particular countries to find out more about UN-ACT's contribution.

This appears to the evaluator to be a resource intensive and relatively risky course of action, insofar as there is every likelihood that no donation will be forthcoming, or a donor will identify a specific organization or activity during a visit, which they agree to fund, but without necessarily channelling their support through UN-ACT.

## **10.6 Funding climate in 2017**

In September 2015 the UN General Assembly adopted a set of Sustainable Development Goals, with the intention that the international community should achieve them by 2030. Each goal is sub-divided into a number of targets. Goal 8 (with 12 distinct targets) aims to “Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all”. Target 8.7 says: “Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms”.

Various international organizations have taken on the role of initiating and coordinating an ‘alliance’ to support the implementation of specific targets. In September 2016, the ILO held a meeting in New York to launch Alliance 8.7, after organizing some regional preparatory consultations, including one in Southeast Asia.<sup>91</sup> A further planning meeting was held in the UK in February 2016 to discuss ways in which organizations could work together to achieve Target 8.7.

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<sup>91</sup> Details about the aims of Alliance 8.7 and the various meetings (including the one concerning Southeast Asia) were accessed at <http://www.alliance87.org/>

Although the way Alliance 8.7 will function has yet to be decided, an intergovernmental process such as COMMIT and a UN secretariat such as UN-ACT appear to have many of the characteristics likely to be required by any regional structures that could facilitate collective action aimed at achieving Target 8.7 (or those parts of the target concerned with forced labour, human trafficking and modern slavery, including when children are involved).

#### **10.6.1 Potential for former donors of UNIAP to resume funding for UN-ACT**

Eight of the ten organizations identified at the beginning of this chapter as UNIAP donors did not allocate funds to UN-ACT. The evaluator has concluded that the two of these mentioned explicitly in #10.2, Australia and USAID, are unlikely to change their priorities and start supporting UN-ACT. The one private foundation among the donors, ANESVAD, has adopted a different regional priority that prevents it from supporting UN-ACT. Among the three remaining countries (Canada, Germany and New Zealand), two have adopted new priorities: New Zealand has reoriented away from support for human rights and human trafficking, so seems unlikely to support UN-ACT; Canada, on the other hand, after dissolving CIDA in 2013, has resumed funding for human rights initiatives. Germany also remains an important donor of counter-trafficking initiatives. Finally, while USAID's new CTIP funding is not scheduled to include UN-ACT as a major actor, it would be reasonable to seek financial support from both the CTIP project and the US Department of State JTIP for a range of UN-ACT and COMMIT activities.

### **10.7 Responses to the research questions (What have been the obstacles to the project securing the funding it proposed? And What can be done to strengthen or supplement its fund-raising strategy?) and Recommendations**

#### **10.7.1 Obstacles**

Sections 10.2 to 10.6 have summarized these obstacles.

#### **10.7.2 Ways of supplementing UN-ACT's current fund-raising strategy**

While the UNIAP in its last two years (2012 and 2013) and the UN-ACT over the past two-and-a-half years (April 2014 to December 2016) have kept a relatively low profile, new donors are only likely to be attracted to support the project if it increases its public profile significantly.

This means developing a communications strategy (and probably employing a communications specialist to do so) to convince existing and potential donors that the UN-ACT plays a useful role and does not exist simply to support a bureaucratic process.

The leading agency in terms of public information about human trafficking in the Greater Mekong Sub-region (and probably in the whole of ASEAN) is IOM X, the IOM's specialist campaign. Such public information programs are based on strategy, i.e., identifying the strategic purpose of public information and implementing a series of steps to achieve that purpose. In a counter-trafficking context, this is often to influence the general public and to bring about behaviour change, sometimes by the general public, but usually by a specific target audience, such as frontline police or employers or men who pay for sex. However, information can be packaged for a series of alternative purposes, such as promoting improved cooperation and coordination with other agencies involved in counter-trafficking (by giving them clear, succinct information) or persuading potential donors to provide support.

Development projects have conventionally produced information for accountability purposes (e.g., for donors), but are less used to marketing themselves effectively to secure financial support. UNIAP

learnt to do so, as did other programs run in the past by various parts of the UN system based in Bangkok. For example, the ILO's Trafficking in Children and Women (TICW) programme (2000 to 2010) had its own press officer.

### **10.7.3 Messages which might convince potential donors**

Both a communications strategy and a fund-raising strategy should emphasize UN-ACT's value added and the activities it performs, which cannot be achieved by ASEAN or projects and programmes that operate exclusively in ASEAN Member States. The important developments in 2016 concerning Cambodian women married in China would be one example to highlight.

UN-ACT should also approach donors who are known to be committed to supporting multilateral counter-trafficking initiatives, rather than purely bilateral or non-governmental ones.

### **10.7.4 UN-ACT's message to the six States participating in the COMMIT Process**

UN-ACT should continue to urge COMMIT Member States to finance as large a proportion of the activities they are committed to organizing under SPA IV as possible.

In urging State to contribute directly to UN-ACT's budget (both for supporting activities by UN-ACT and for financing the activities of National COMMIT Task Forces in other States), UN-ACT could point out that it will be helpful to recognize the different levels of GDP of the six countries, i.e., that they fall clearly into three categories (high, medium and low GDP), i.e.,

- High – China
- Medium – Thailand and Viet Nam
- Low – Cambodia, Lao PDR and Myanmar

All six States could be urged to make contributions to support UN-ACT accordingly, i.e., with China, Thailand and Viet Nam being net donors and Cambodia, Lao PDR and Myanmar remaining net recipients in the immediate future. All six (and other governmental donors) should be asked to bear in mind that any substantial increase in direct contributions to UN-ACT's budget by one of the six States may not be appreciated by the others, particularly any of the five others that is concerned that a State increasing its funding for COMMIT and/or UN-ACT is acting like 'Big Brother' and aspires to have greater influence (or control) than others over the funds it donates. At present, by acting as a clearing house for donations, both for COMMIT activities and the UN-ACT's own activities, UN-ACT guarantees a neutral space for decisions about the allocation of resources and ensures transparency. Meetings of annual Project Management Board should continue to check that this is the case.

## **10.8 Recommendations**

**RECOMMENDATION 10.1** UN-ACT should seek a higher public profile to convince existing and potential donors of its usefulness. This will require UN-ACT to develop a new communications strategy to convince existing and potential donors that the UN-ACT plays a useful role and does not exist simply to support a bureaucratic process. Both a communications strategy and a fund-raising strategy should emphasize UN-ACT's value added and the activities it organizes. In itself, this will require a new investment or diverting existing income from its intended purpose, which means convincing UN-ACT's existing donors of the need to make this investment.

**RECOMMENDATION 10.2:** UN-ACT should approach potential donors in Canada, Japan and Switzerland to request financial support and to provide them with information about its activities and the results of this evaluation. UN-ACT should consider approaching such donors with proposals for limited funding for specific activities.

RECOMMENDATION 10.3: UN-ACT should advise its existing donors and potential new international donors that it is considered ill-advisable to try and make the COMMIT Process and the UN-ACT financially self-sufficient, on the grounds that this would be divisive (among the six COMMIT States) and almost certainly result in less cooperation among the six. In contrast, external finance (from donors outside the six COMMIT States) is vital to facilitate inter-state cooperation, precisely because the finance is perceived to be neutral.

#### RECOMMENDATION 10.4:

UN-ACT must also develop a new fund-raising strategy which puts more emphasis on pro-active approaches to state-run donor agencies (rather than waiting for them to decide on their priorities and to issue a call for applications), emphasizing the benefits of multilateral responses to human trafficking (and approaching donors who are known to be committed to supporting multilateral counter-trafficking initiatives, rather than purely bilateral or non-governmental ones). UN-ACT should continue to urge COMMIT States to finance as large a proportion of the activities they are committed to organizing under SPA IV as possible, while bearing in minds the risks of asking any of the COMMIT States to finance a much larger proportion of UN-ACT's budget.

## 11 FINDINGS ABOUT CROSSCUTTING ISSUES: GENDER, HUMAN RIGHTS AND CHILDREN/YOUTH

The two research questions were:

- Did UN-ACT pay appropriate attention to gender issues?
- Did UN-ACT ensure that human rights considerations were mainstreamed into its activities (including child rights considerations), including those involving COMMIT States? If so, how and with what results?

### KEY FINDING

UN-ACT gave an appropriate level of attention to gender issues linked to human trafficking, both in terms of its focus on the predicament of trafficked women who were not benefitting from the attention of other UN agencies and the predicament of men who have been trafficked into forced labour, but whose needs have tended to be neglected by counter-trafficking organizations because of the implication in international and regional instruments that it is “especially women and children” who are trafficked. UN-ACT supported initiatives concerning children's participation at COMMIT meetings, but more action is required to ensure experiential learning (by listening to the views of children who have been trafficked or affected by human trafficking or by responses to human trafficking) to influence counter-trafficking policies. UN-ACT could also do more to remind States of the existing legal obligations to protect trafficked children and take pro-active measures to promote their recovery. UN-ACT continued to draw on the corpus of knowledge and experience about human rights and human trafficking in an entirely appropriate way.

#### 11.1 Gender

UNDP's regional gender advisor contributed comments to the UN-ACT project document that was finalized at the beginning of 2014. This contains an explicit section on 'Gender Equality', as well as numerous references to the particular vulnerabilities (to being trafficked or exploited) that are due to gender. Starting with the observation that, “Women, men, boys and girls are vulnerable to different forms of trafficking and exploitation, and are affected in different ways” and “experience distinct

challenges based on existing legal and policy frameworks and encounter distinct barriers to accessing justice”, this goes on to note that “Gender specific vulnerabilities are often not understood well enough to be able to adequately target capacity development, prevention, protection and response initiatives”, and points to the problems caused by inaccurate assumptions, such as that ‘only women and children are trafficked’, and no provisions in terms of assistance or reintegration are required for men that are trafficked. The project document ends by stating that “Coordination with institutions working to ensure that the varied gender dimensions of trafficking are adequately tackled (CSO’s, government bodies, including ASEAN, academia and UN) will be implemented throughout the project”.

#### **11.1.1 Project performance on gender**

The evaluator noted the significant focus that UN-ACT’s research programme put on the predicament of Cambodian women in China. He was aware that women from Myanmar and Viet Nam were reported over many years to have experienced similar abuse in China, and that this had received comparatively little attention from UNIAP. He did not come across a similar level of interest or engagement in other UN organizations (and was surprised by this) and concluded that the focus was entirely appropriate and should be maintained. While UN-ACT’s mandate is to focus on cases of trafficking and counter-trafficking policies, it is frequently difficult to distinguish trafficking cases from other ‘facilitated’ marriage migration cases, so the evaluator was encouraged to understand that that this had not been an obstacle to UN-ACT’s engagement on this issue. He concluded that further research was needed, not only concerning trafficking for forced marriage in China, but concerning cases of forced and early marriage in all the COMMIT States, with UN-ACT needing to give special attention to cases involving women or girls (but also men or boys) who move from one country to another to get married and the methods that are most appropriate for protecting and assisting them while they remain in a country other than their own.

### **11.2 Human rights**

The UNIAP ran into trouble with one COMMIT State when its publications were seen to be particularly critical of weaknesses in anti-trafficking responses in that country. The 2012 evaluation of UNIAP commented, “While a human rights strategy based on public exposure has an important place in combating human rights abuses, it has to be asked whether UNIAP, in its role as COMMIT secretariat, can take on such a role”. The evaluator noted that UN-ACT appeared to have avoided the inherent contradictions that had been noted previously, possibly because it had not sought a high profile for findings that were critical of particular States. So, while the 2012 evaluation noted an inherent contradiction between the UNIAP’s strategy of combatting trafficking by fostering inter-governmental cooperation and its second strategy of combatting trafficking through a human rights investigation and public advocacy approach, the experience of UN-ACT indicates that the two can, if managed appropriately, co-exist.

#### **11.2.1 Project performance on human rights in general**

The evaluator noted that the advice provided by UN-ACT staff during discussions leading up to the November 2016 adoption of *Guidelines on victim identification and referral mechanisms* contained appropriate references to human rights and to human rights-based approaches to human trafficking. He also noted that their efforts were sometimes thwarted by the representatives of States who appeared worried by the phrase ‘human rights’ or to references to human rights instruments, even though they did not have substantial concerns about the measures being proposed. The evaluator concluded that it remained vital for the secretariat of the COMMIT Process to be based in an UN



organization (and consequently obliged to base its work on UN principles, including human rights, rather than to reduce the attention given to human rights).

### 11.3 Child rights

Apart from its support for youth participation at COMMIT meetings, UN-ACT's work since 2014 has not been marked by a high level of attention to children or to child rights. The UN-ACT Project document reflects views expressed in various fora by UNICEF and other child rights defenders that "efforts concerning the re/integration of children who have been trafficked must link in with national child protection systems and be mindful not to create parallel or conflicting systems".

#### 11.3.1 Project performance specifically on child rights

UNICEF and international NGOs active in the fields of child protection and the defence of children's rights have become notably less vocal about specific forms of child exploitation (child trafficking, sexual exploitation of children and child labour) this decade and have instead put more emphasis on child protection in general and the development of national child protection systems. This has tended to result in a reduction in the attention given to cases of children trafficked from one country to another and the child-specific forms of protection and assistance to which they are entitled.

When COMMIT States adopted a set of *Guidelines on victim identification and referral mechanisms* in November 2016, this contained a suitable general reference to child victims of trafficking and the obligation to make their best interests a primary consideration, though it suggested they "should be the primary consideration"<sup>92</sup> rather than they **shall** be a primary consideration (that is to be taken into consideration on an equal footing with other primary considerations). However, subsequent provisions do not give as much explicit attention as might have been expected to measures that UNICEF and ASEAN have previously suggested should be different for children aged under 18,<sup>93</sup> e.g., the Guidelines suggest "a recovery and reflection period of 30 days for presumed victims of trafficking implemented in all cases prior to formal identification", without pointing out that this may need to be longer for children, and without any explicit provisions being mentioned concerning the appointment of temporary guardians or other guardianship provisions for children. The Guidelines contain another general reference at the end, saying that "Specialised services and assistance should be made for child victims of trafficking, including monitoring of referral services", but this is surprisingly nonexplicit and could result in States misunderstanding the level of protection and assistance that they already have legal obligations to provide to trafficked children<sup>94</sup>.

### 11.4 Recommendations

**RECOMMENDATION 11.1:** UN-ACT should promote further research about trafficking for forced marriage (and about forced and early marriage in general) in all the COMMIT States, with UN-ACT itself giving special attention to cases involving women or girls who are victims of transnational trafficking or otherwise subjected to forced marriage in a country other than their own.

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<sup>92</sup> #5 of the Guidelines says, "Special attention should be given to child victims of trafficking; their best interests should be the primary consideration in all policies and procedures related to them. There should be a presumption that a victim who may be a child is treated as a child unless or until another determination is made".

<sup>93</sup> See UNICEF, *Guidelines on the Protection of Child Victims of Trafficking*. UNICEF Technical Notes. New York. 2006, accessed at [https://www.unicef.org/ceecis/0610-Unicef\\_Victims\\_Guidelines\\_en.pdf](https://www.unicef.org/ceecis/0610-Unicef_Victims_Guidelines_en.pdf); and, *Guidelines for the Protection of the Rights of Trafficked Children in South East Asia*, developed by Asia ACTS and adopted by ASEAN Ministers for Social Welfare and Development at a meeting in Viet Nam in 2007.

<sup>94</sup> E.g., the UN Convention on the Rights of the Child (1989), ratified by all six COMMIT States, requires States Parties to "take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse..." (article 39).



RECOMMENDATION 11.2: In the context of reviewing how the *COMMIT Guidelines on victim identification and referral mechanisms* are implemented, UN-ACT should provide COMMIT States with information about both their existing legal obligations concerning the protection of children who have been trafficked and about good practice developed by UNICEF and others concerning the protection of trafficked children and the assistance they require.

## 12 CONCLUSIONS

The project has made progress towards its expected outcome (“Key anti-trafficking stakeholders in the region are working in a more cooperative and mutually supportive manner to effectively combat trafficking in persons”). However, numerous other anti-trafficking stakeholders in the region appear to be resistant to moving towards this goal, so the evaluator has noted significantly more progress in achieving the project’s four specific outputs than in reaching its goal. This is not a failure, for UN-ACT has succeeded in overcoming the mutual suspicion and distrust that marked the final phase of UNIAP and this is in itself a considerable success. However, it has been achieved at the expense of maintaining a high profile in the region and this, in turn, has undermined the project in various ways, notably in securing an appropriate level of income.

The evaluator was asked what UN-ACT should do to improve its approaches to supporting the counter-trafficking sector, and to UN counter-trafficking coordination in the region, and also to provide forward-looking recommendations for UN-ACT in improving its approaches to supporting the counter-trafficking sector, and UN counter-trafficking coordination in the region. The recommendations made at the end of each chapter (and repeated in #12.2 below) suggest a number of ways forward, without tackling the core question of how UN-ACT should promote greater cooperation and mutual support among the six GMS States, among UN organizations and potentially among donors and other key actors in the counter-trafficking sector.

Effective cooperation requires the parties who are cooperating to enjoy a considerable level of confidence in each other, or to agree to cooperate on some specific matters, while remaining mutually suspicious on other matters. For neighbouring States, whether in ASEAN or the GMS countries, confidence is bound to remain difficult to achieve and maintain for countless reasons linked to history and the current political, social and political developments in the different States, as well as due to discrepancies in terms of Gross Domestic Product (GDP) and population size. UN-ACT’s objective should in this case be to maintain a reasonable level of confidence among officials from the six GMS States—enough to ensure cooperation on victim protection (including satisfactory procedures surrounding the assisted voluntary repatriation of victims) and mutual legal cooperation.

When it comes to cooperation and coordination within the UN system, both to stop human trafficking and to achieve wider objectives (whether slightly wider ones, such as Sustainable Development Target 8.7, or the Sustainable Development Goals in general), cooperation is bound to be limited if separate organizations perceive each other to be rivals or competitors for resources from state donor agencies or other donors—as they are bound to do in the current donor environment. In this context, the clearer that the field of action and responsibilities of each UN organization are, the better. However, the period between 2001 and 2016 saw a great deal of overlap and competition on counter-trafficking issues between some UN organizations, as well as changes in the status (within the UN) and scale of activities of the IOM. While matters now seem clearer than a decade ago, there is still enough overlap and risk of duplication that UN-ACT has an important role to play as a clearing house for all information on actions and plans by UN and other international and regional organizations.

Further, UN-ACT should keep itself informed on developments related to Alliance 8.7, to assess whether it should be playing a wider coordination role linked to this alliance. It has already been participating in a global working group reviewing data about human trafficking and forced labour, so it could logically be playing a more substantial role in advising States participating in the COMMIT Process about the data they collect and publish concerning both patterns of human trafficking (and related exploitation) occurring in their jurisdictions and each government's responses. However, the US TIP Report is widely viewed to be playing this role at the moment, albeit viewed with suspicion and distrust by most States in the region. UN-ACT should keep this under review, notably in case political changes in the US result in significant changes in the US approach to monitoring trafficking responses in other parts of the world. In such a scenario, UN-ACT should aim to play a more substantial role.

## **ANNEXES**

### **ANNEX 1. EVALUATOR'S TERMS OF REFERENCE**

#### **UN-ACT Mid-Term Evaluation August 2016**

##### **Draft Terms of Reference**

###### **Background**

The United Nations Action for Cooperation against Trafficking in Persons (UN-ACT) is a regional, UNDP-managed project on human trafficking in Southeast Asia, supporting a more coordinated response to trafficking in persons and prioritizing capacity building amongst key stakeholders. It builds on its predecessor, the United Nations Inter-Agency Project on Human Trafficking (UNIAP), and will run for 5-years, from 2014 until 2018.

A key role of UN-ACT is to support the Coordinated Mekong Ministerial Initiative Against Trafficking (the COMMIT Process), taking on this role from UNIAP. Established in 2004, COMMIT brings together the six Greater Mekong Sub-region (GMS) countries, i.e. Cambodia, China, Lao PDR, Myanmar, Thailand and Vietnam, in a concerted effort to combat human trafficking in the sub-region.

The project has been established to achieve the following long-term project outcome:

- Key anti-trafficking stakeholders in the region are working in a more cooperative and mutually supportive manner to effectively combat trafficking in persons.

To achieve this outcome, the following four outputs have been agreed:

- Output 1: The COMMIT Process is strengthened to become sustainable and self-reliant

UN-ACT functions as the COMMIT Secretariat supporting implementation of the COMMIT Sub-regional Plan of Action. The project also seeks to ensure that governments take increasing responsibility for the COMMIT Process, with a view to promoting sustainability and self-reliance. Parallel to the process of handing over responsibility to national and (sub-)regional entities, support will be provided to the implementation of regional and national anti-trafficking work plans.

- Output 2: COMMIT countries increase their cooperation with other countries and regional actors to effectively counter human trafficking

The project engages with a broader geographical area in order to strengthen anti-trafficking work in COMMIT countries, in recognition of the human trafficking flows and linkages that exist between COMMIT countries and many other countries in the broader region. There is engagement with regional institutional bodies such as ASEAN to bolster cooperation with other countries and promote cross-learning and stronger linkages.

- Output 3: Policy makers, academia, non-governmental actors and the public have increased access to evidence-based research and knowledge on human trafficking

Capacity building activities is promoted with research institutions from both within and outside the region, to enable key actors including governments to take the lead in effectively monitoring the trafficking situation in their countries; and to develop and use harmonized research tools with common indicators to monitor the effectiveness of anti-trafficking work and ensure high quality.

- Output 4: Civil society and other non-governmental actors are able to contribute more effectively to anti-trafficking efforts

In addition to the support for government-led processes, UN-ACT seeks to engage with non-governmental actors such as civil society, academic institutions, media and the private sector. These activities are aligned with (sub-)regional priorities with a focus on transfer of knowledge and skills through a combination of funding and mentoring. A special civil society small grants fund will be established to build the capacity of civil society. The small grants facility will also serve as a means for UN-ACT to gather information and real evidence to feed into the project's policy support activities.

### Scope of Evaluation

After more than two years of implementation, the project seeks to evaluate its progress, learn what has worked and where adjustments should be made, in order to set the course for its further work in the second half of the project's term.

One of the major challenges for the UN-ACT project is the reliance of funding from only two donors; Sweden and Norway. This year Norway was unexpectedly forced to reduce its committed funds substantially, creating a very challenging funding situation for project. UN-ACT's funding situation has been vulnerable from the start, and the project has faced challenges in attracting funding from new donors to secure the project for the future. Funding is critical for the survival of the UN-ACT project. The evaluation is expected to review UN-ACT's funding strategy, and analyze possible reasons behind the difficulties in attracting funds and come up with recommendations on how the funding situation can be addressed.

The Evaluation is expected to use the OECD/DAC framework of: Relevance, Effectiveness, Efficiency, Impact and Sustainability<sup>95</sup>. If for any reason aspects of this framework cannot be assessed, this will be detailed in the evaluation planning and reporting. The evaluation is expected to cover the results framework of the project, its management and administration, as well as the partnerships and interventions.

The evaluation will consult with a range of stakeholders and work closely with the project to access all relevant materials.

### Objectives

As the project is at the halfway point of implementation, the objectives of the UN-ACT Mid-Term Evaluation are to:

- Conduct a mid-term evaluation of the UN-ACT project based on its goal and output areas, its management and organizational set-up within the UN
- Assess the role of UN and the position of UN-ACT within the UN-system to counter-trafficking in persons and the internal UN coordination regarding trafficking in persons
- Assess the position of UN-ACT and the COMMIT process in relation to other regional initiatives to counter trafficking in persons in Asia; e.g., the Bali process and the recently adopted ASEAN Convention against Trafficking in Persons in the region
- Review the funding situation of UN-ACT and analyze the fundraising reality and the strategy used to attract new sources of funding, and present possible reasons behind the challenges in attracting new funds to sustain the project
- Provide recommendations on how UN-ACT can address the challenging funding situation
- Provide forward-looking recommendations for UN-ACT in improving its approaches to supporting the counter-trafficking sector, and UN counter-trafficking coordination in the region

### Activities

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<sup>95</sup> <https://www.oecd.org/development/evaluation/dcdndep/47069197.pdf>

- Review of relevant project materials and develop evaluation strategy to be agreed with project and stakeholders, and data collection plan.
- Arrangement of data collection schedule in collaboration with UN-ACT regional and country offices.
- Conduct data collection through interviews with project staff, stakeholders and partners in three of the six countries, determined in discussion with project and donors.
- Review the funding situation, the fundraising strategy and map out the financial landscape for trafficking in persons in Asia and identify where funding could be available, interview potentially interested donors to find out their interest to support UN-ACT in the future.
- Analysis of data and drafting evaluation report
- Review of draft evaluation report by project and donors, and collating feedback
- Finalisation of evaluation report

### Timeframe

The evaluation is expected to take approximately two months. It is proposed that this activity will be completed by October 2016, to allow sufficient time for the consideration of findings by the project and donors before the current funding for the project is scheduled to an end.

### Deliverables

- Evaluation strategy, data collection plan and schedule
- Draft Mid-Term Evaluation Report
- Final Mid-Term Evaluation Report with recommendations

### Schedule

Activity	Days	Schedule by week							
		1	2	3	4	5	6	7	8
Review materials and develop/agree evaluation strategy and draft data collection plan	5								
Conduct data collection with interviews with partners in 3 of the 6 countries	20								
Data analysis and drafting report	10								
Finalise report	5								

### Evaluation Ethics

Evaluations in the UN will be conducted in accordance with the principles outlined in both Norms and Standards for Evaluation in the UN System by the United Nations Evaluation Group (UNEG) and by the UNEG 'Ethical Guidelines for Evaluation'. These documents will be attached to the contract. Evaluators are required to read the Norms and Standards and the guidelines and ensure a strict adherence to it,

including establishing protocols to safeguard confidentiality of information obtained during the evaluation.

## **ANNEX 2. EVALUATOR'S RESEARCH QUESTIONS**

### **A. Questions related to UN-ACT's Goals and Immediate Outcomes<sup>96</sup>**

1. Has the UN-ACT delivered 'added value' to national and regional counter-trafficking initiatives within the Greater Mekong sub-region (i.e., the COMMIT States, including China) and the wider ASEAN region?<sup>97</sup>

#### **Supplementary questions (sub-questions)**

- 1.1. What has been UN-ACT's added value (both in terms of the expected results and other, unplanned or less planned results), notably during the lead-up to the adoption of the ASEAN Convention in 2015 and its follow-up?
- 1.2. Is this 'added value' sufficient to justify the costs or would alternative models of action have achieved better results?<sup>98</sup>
2. Has the UN-ACT made sufficient progress towards achieving the four Outputs that its Project document states should be achieved by 2018 (i.e., just over half way through the project period, but with less resources than planned)?

#### **Supplementary questions (sub-questions)**

- 2.1 (Output 1): Has UN-ACT been effective and efficient (within its resource constraints) in supporting COMMIT, encouraging COMMIT States to develop their own secretariat and supporting COMMIT States in developing SPA IV and seeking to achieve the objectives set out in SPA IV? In what ways has the COMMIT Process been strengthened and what are the obstacles to it being strengthened further?
- 2.2 (Output 2): Has UN-ACT use its resources effectively and efficiently to encourage COMMIT States to increase their cooperation with other States and counter-trafficking actors in Southeast Asia, Eastern Asia or other regions to effectively counter human trafficking? If so, in what ways?
- 2.3 (Output 3): Did UN-ACT invest its resources in commissioning the most appropriate research, were the (research) findings of appropriate high quality and dependability and did UN-ACT use effective ways of communicating the findings and other new knowledge to other policy makers, other international organizations, relevant donors, academia and non-governmental actors and the public?
- 2.4 (Output 4): Do civil society and other non-governmental actors now feel able to contribute more effectively to anti-trafficking efforts (in general) or to ones coordinated by COMMIT or the governments of COMMIT States?

### **B. Questions related to UN-ACT's management and organizational set-up within the UN**

3. Has the governance of UN-ACT ensured its ability to function effectively and efficiently?

#### **Supplementary questions (sub-questions)**

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<sup>96</sup> The short-term or immediate outcomes of UN-ACT are referred to in its Project Document 2014-2018 as 'outputs'.

<sup>97</sup> This question addresses the UN-ACT's relevance, impact and sustainability.

<sup>98</sup> I.e., a cost-benefit analysis.

- 3.1 Has the governance of UN-ACT enabled it to play an effective coordination role within the UN counter-trafficking system?
- 3.2 Has the governance of UN-ACT enabled it to interact effectively with other regional counter-trafficking initiatives, notably those organized by ASEAN, the Bali Process, and those supported bilaterally such as AAPTIP?

#### **C. Questions about UN-ACT's fundraising strategy**

4. Did UN-ACT develop and implement an effective fund-raising strategy?

#### **Supplementary questions (sub-questions)**

- 4.1 What have been the obstacles to the project securing the funding it proposed and what can be done to strengthen or supplement its fund-raising strategy?

#### **D. Questions about crosscutting issues: gender, human rights and children/youth**

5. Did UN-ACT pay appropriate attention to gender issues?
6. Did UN-ACT ensure that human rights considerations were mainstreamed into its activities (including child rights considerations), including those involving COMMIT States? If so, how and with what results?

#### **E. Conclusions**

7. What forward-looking recommendations can be made to UN-ACT to improve its approaches to supporting the counter-trafficking sector, and to UN counter-trafficking coordination in the region?

### **ANNEX 3. EVALUATOR'S TIMETABLE, MEETINGS AND INTERVIEWS**

#### **TUESDAY NOVEMBER 1<sup>st</sup>**

UN-ACT RMO Office (Bangkok)

#### **WEDNESDAY NOVEMBER 2<sup>nd</sup>**

Ms. Anna Olsen, Senior Project Officer, Triangle Project, ILO

Mr. Benjamin Smith, Regional Programme Coordinator Human Trafficking/Smuggling of Migrants, UNODC

Mr. Alistair Boulton, Deputy Regional Representative, UNHCR Regional Office

Ms Patima Tungpuchayakul, The Labour Rights Promotion Network (LPN)

#### **THURSDAY NOVEMBER 3<sup>rd</sup>**

Ms. Tara Dermott, Program Leader, IOM-X

Ms Kaori Kawarabayashi, Regional Project Manager, UN-ACT

Skype, Mr Stefan Stoyanov, Technical Expert, Trafficking and Migration, Terre des Hommes

#### **FRIDAY NOVEMBER 4<sup>th</sup>**

Mr. Vegard Holmelid, Minister Counsellor/Deputy Head of Mission, Norwegian Embassy Thailand

Mr. Matt Townsend, Partnerships and Advocacy Manager, AAPTIP, with Ms. Helen Cheney, Counsellor for Development Coordination, Australian Embassy

#### **SUNDAY NOVEMBER 6<sup>TH</sup>**

Flew to Phnom Penh (CAMBODIA)



**MONDAY NOVEMBER 7<sup>th</sup>**

Deputy Minister of Interior (H.E. Chou Bun Eng), Chair of the General Secretariat / Permanent vice-chair of the National Committee on Counter-Trafficking (NCCT)

COMMIT National Task Force, chaired by the Secretary of State for Women's Affairs, H.E. San Arun

Manager and Shelter manager of the CCPCR (Cambodian Center for the Protection of Children's Rights)

Skype call to Rebecca Surtees, NEXUS Institute, author of UN-ACT publication on Re/integration of people who have been trafficked.

**TUESDAY NOVEMBER 8<sup>th</sup>**

National Director of the International Justice Mission (IJM)

IOM Country Director

Winrock Counter-Trafficking project (Sarah Piazzano, Project manager + staff member Chum Phrilly)

Chabdai (Executive Director)

Ministry of Social Affairs, Veterans and Youth Rehabilitation (MoSVY), Director of the Department of Anti-Human Trafficking

**WEDNESDAY NOVEMBER 11<sup>TH</sup>**

Ministry of Foreign Affairs (MoFAIC) Deputy Director of the Legal Department

Joint meeting with Agode International Mission (AIM) (Joyce Ting) and Cambodian ACTS (Seng Eav Eang)

Flew from Phnom Penh to Bangkok

**THURSDAY NOVEMBER 10<sup>th</sup>**

Mr. Dan Rono, Regional Child Protection Specialist, UNICEF

Mrs. Suwaree Jaihar, Director & Mrs. Rattana Nontapattamadul, Director, Group of Protection and Advocacy for Trafficked Persons, Ministry of Social Development and Human Security (MSDHS), Department of Anti-Trafficking in Persons

Skype call to Claus Meyer, Lecturer and Program Director, Social Sciences Division, Mahidol University

Skype, Mr. Geoff Manthey

**FRIDAY NOVEMBER 11<sup>th</sup>**

EU Delegation, Kakkanang Gyte, Political Officer

Ms. Charlotta Bredberg, Senior Program Manager, Development Cooperation Section, Swedish Embassy, Thailand

**SATURDAY NOVEMBER 12<sup>th</sup>**

(Cambodia) Skype to Lisa Cheong, former staff of Ratanak International (NGO)

**SUNDAY NOVEMBER 13<sup>TH</sup>**

Flew to Beijing (China)

**MONDAY NOVEMBER 14<sup>th</sup>**

Meetings at the Ministry of Public Security: Mr Chen Jianfeng, Director of Anti-trafficking Office and

Mr. Chen Shiqu, Deputy Director of Criminal Investigation Department

Discussions with UN-ACT staff member

Skype, NGO in Viet Nam

**TUESDAY NOVEMBER 15<sup>th</sup>**

Meeting with All China Women's Federation (ACWF), Ms. Guo Ye, Division Chief, Legal Affairs Department, and Ms. Zhang Ying, Division Chief, International Department, ACWF

Skype call with Save the Children in China (Ms He Ye, Program Manager Anti-trafficking/Child Protection Programme)

**WEDSDAY NOVEMBER 16<sup>th</sup>**

Visit to Fengtai shelter (run by the Civil Affairs Bureau of the Beijing government) to meet Mr. Kang Wei, director of the shelter

Skype with World Vision in China (Ms Yan Mei, Assistant Advocacy Officer)

**THURSDAY NOVEMBER 17<sup>th</sup>**

US Embassy staff member, Beijing

**FRIDAY NOVEMBER 18<sup>TH</sup>**

Mr. Papop Siamhan, Project Coordinator, Anti-Labour Trafficking Project, Human Rights Development Fund

Mr. Nawng Hkio, Anti-HumanTrafficking Protection Manager, World Vision Foundation of Thailand

**SUNDAY NOVEMBER 20<sup>th</sup>**

Dr Simon Baker, researcher and COMMIT evaluator in 2013

**MONDAY NOVEMBER 21<sup>st</sup>**

8:00, Skype, Ms. Archana Kotecha, Head of Legal, Liberty Asia

Skype, Mr. Vipon Kititnasorchai, Expert Public Prosecutor, Department of Anti-Human Trafficking,

**TUESDAY NOVEMBER 22<sup>nd</sup>**

Flew to Vientiane and observed parts of COMMIT Youth Forum, Vientiane, Lao PDR. Conversations with representatives of CSOs accompanying Youth Forum participants.

**WEDNESDAY NOVEMBER 23<sup>rd</sup>**

Observed COMMIT Regional Task Force meeting, Vientiane, Lao PDR. Short conversations with UN-ACT national staff who had not previously met the evaluator.

**THURSDAY NOVEMBER 24<sup>th</sup>**

Skype, Jade Anderson, Anti Human Trafficking Coordinator, Justice Center Hong Kong

Bali Process RSO Office, Ms. Lisa Crawford, Co-Manager (Australia), RSO Bali Process

**FRIDAY NOVEMBER 25<sup>TH</sup>**

Flight from Bangkok to London

**THURSDAY DECEMBER 15<sup>th</sup>**

Call to Erin Nickerson, US Embassy, Bangkok

**FRIDAY DECEMBER 16<sup>th</sup>**

Skype, Carl De Faria (consultant for COMMIT Capacity assessment, 2015)

**MONDAY DECEMBER 19<sup>th</sup>**

Skype, Phil Matsheza (UNDP line manager for UN-ACT)

**WEDNESDAY DECEMBER 21<sup>ST</sup>**

Telephone Call, Brent Rapson (First Secretary – Development), New Zealand Embassy Bangkok

**TUESDAY DECEMBER 27<sup>th</sup>**

Skype, Phil Robertson, Human Rights Watch

**FRIDAY JANUARY 6<sup>TH</sup>**

Skype, Khine Myat Chit (formerly at ASEAN Secretariat)

Skype, Jonathan Martens (IOM Asia and Pacific)

#### ANNEX 4. KEY DOCUMENTS READ OR CONSULTED

Agreement between the Government of the Kingdom of Cambodia and the Government of the People's Republic of China on Strengthening Cooperation in Counter Trafficking in Persons, 2016.

Anderson, Jade (2016). Coming Clean. The prevalence of forced labour and human trafficking for the purpose of forced labour amongst migrant domestic workers in Hong Kong. March 2016. Accessed at <http://www.justicecentre.org.hk/framework/uploads/2016/03/Coming-Clean-The-prevalence-of-forced-labour-and-human-trafficking-for-the-purpose-of-forced-labour-amongst-migrant-domestic-workers-in-Hong-Kong.pdf>

ASEAN (2011). Progress Report on Criminal Justice Responses to Trafficking in Persons in the ASEAN Region.

ASEAN (2015). ASEAN Plan of Action Against Trafficking in Persons, Especially Women and Children, November 2015, accessed on 13 December 2016 at <http://www.asean.org/wp-content/uploads/2015/12/APA-FINAL.pdf>

ASEAN (2016). Regional Review on Laws, Policies and Practices within ASEAN relating to the Identification, Management and Treatment of Victims of Trafficking, especially Women and Children. Accessed on 6 December 2016 at <http://asean.org/storage/2016/09/ACWC-Regional-Review.pdf>

Asia ACTS against Child Trafficking (2007). Protecting the Rights and Dignity of the Trafficked Child in South East Asia. 2007; and Abueva, Amihan and Saguisag, Anjanette. UNICEF guidelines on the protection of child victims of trafficking: Adaptation to a regional context. Accessed on 29 July 2008 at [http://www.unicef-irc.org/research/resource\\_pages/worldcongress3/saguisag1\\_ppt.pdf](http://www.unicef-irc.org/research/resource_pages/worldcongress3/saguisag1_ppt.pdf)

Australian Government (2016). Amplifying Our Impact: Australia's International Strategy to Combat Human Trafficking and Slavery, accessed at <http://dfat.gov.au/about-us/publications/Documents/amplifying-our-impact-australias-international-strategy-to-combat-human-trafficking-and-slavery.pdf>

Background Paper for the ASEAN / COMMIT Workshop: "Identifying Victims of Trafficking in Persons and Associated Forms of Exploitation: Developing Common Indicators for Practitioners" (October 2016). Identification of victims of trafficking in persons. Introduction to the issues and to relevant international and regional standards.

Baker, Simon and Amy Jersild (2013). Independent Evaluation of the Coordinated Mekong Ministerial Initiative Against Human Trafficking (COMMIT) Process (SUMMARY). 10 September 2013.

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