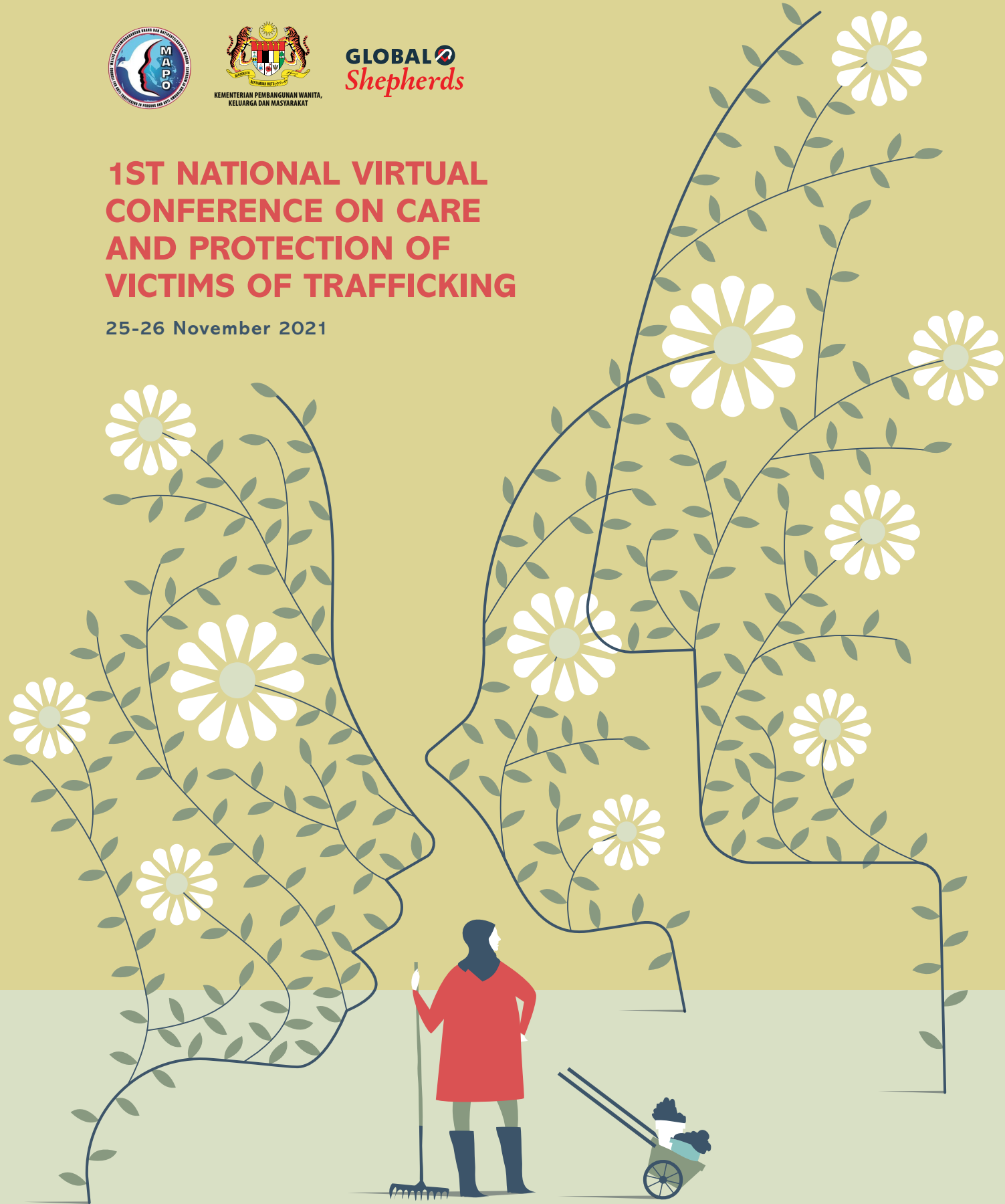




**GLOBAL**  
*Shepherds*

# 1ST NATIONAL VIRTUAL CONFERENCE ON CARE AND PROTECTION OF VICTIMS OF TRAFFICKING

25-26 November 2021



Sponsored By:



## CONFERENCE REPORT





**GLOBAL**  
*Shepherds*

# 1ST NATIONAL VIRTUAL CONFERENCE ON CARE AND PROTECTION OF VICTIMS OF TRAFFICKING

25-26 November 2021

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## CONFERENCE REPORT

Prepared by  
The Global Shepherds Team

Sponsored by



**Spotlight  
Initiative**  
*To eliminate violence  
against women and girls*



# ABOUT THE CONFERENCE

## THE CONFERENCE BACKGROUND

Trafficking in persons (TIP) is a global crime and human rights violation that affects nearly every country in the world. In the fight to eradicate TIP, one of the key strategic pillars of anti-TIP measures is Protection. Article 2(b) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children (TIP Protocol) states that one of the three key purposes of the TIP Protocol is “to protect and assist the victims of such trafficking, with full respect for their human rights”. Section II of the TIP Protocol focuses on the protection of victims of TIP and calls for State Parties to, amongst other things, assist and protect TIP victims giving due consideration of their rights to privacy, relevant information, non-discrimination and compensation for damages suffered. As part of protection, the TIP Protocol calls for measures to “provide for the physical, psychological and social recovery of victims of trafficking in persons”, and to do so with the cooperation of non-governmental organisations and other relevant parties.

In line with the TIP Protocol, the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act (ATIPSOM) provides for the care and protection of trafficked persons under Part V of the Act, which includes the declaration of place of refuge for TIP victims and the appointment of Protection Officers responsible for the care and protection of the victims.

In the latest National Action Plan on Anti-Trafficking in Persons (2021-2025) or also known as NAPTIP 3.0, the Protection pillar of the anti-TIP strategies provides that:

*“TIP victims must be accorded with protection measures which are based on human rights principles and appropriate care and support for rehabilitation, recovery and reintegration. Prioritizing the rights and needs of victims is the cornerstone of a victim-centered approach, which aims to restore victims’ dignity, reduce vulnerabilities, and empower them to build productive lives.”*

One of the nine key strategic goals of the NAPTIP 3.0 relates to “Victim Care and Protection” which aims to “Provide victim-centered protection, assistance and recovery services that conform to international standards in collaboration with NGOs and other organizations”.

Indeed, Protection is one of the main priority areas of the country's anti-trafficking responses, with the Ministry of Women, Family and Community Development (MWFCD) playing the lead role in championing the care and protection of TIP victims through the Department of Women's Development (JPW) and the Department of Social Welfare (JKM) which are responsible for operating eight government shelters for TIP victims across the country. In recognizing that TIP victims experience physical, psychological and emotional health consequences and therefore have complex and varied support needs, MWFCD works collaboratively with government agencies, NGOs, international organizations and other relevant stakeholders in providing care and support services to the TIP victims.

As part of MWFCD's efforts to continually build the capacity of its officers to provide care and protection services in line with international standards, MWFCD has commissioned the development of its proprietary Training Manuals on TIP Victim Care and Protection. Working in collaboration with Global Shepherds Berhad (GSB) and International Justice Mission (IJM) Malaysia, the training manuals was launched on 25th November, 2021 in conjunction with the 16 Days Campaign to End Violence against Women and Girls. The Training Manuals showcase the collective efforts of MWFCD and its NGO partners in working together towards the improvement of care and support services for the best interest of the victims.

## **THE RATIONALE FOR THE CONFERENCE**

MWFCD is committed in enhancing the care and protection services for TIP victims and believes in the sharing of knowledge and best practices amongst local as well as international partners and subject matter experts in the Protection pillar of anti-TIP strategies. In recent years, MWFCD has also made concerted efforts to improve on its care and protection services and to strengthen its collaboration with NGOs to focus on the recovery and healing of the TIP victims through provision of counseling and other support programmes.

## **THE AIM AND EXPECTED OUTCOME OF THE CONFERENCE**

The conference was designed to achieve the following aims:

- Provide a platform for service providers and relevant stakeholders in the area of Protection from different countries (origin and destination countries) to share their experiences and approaches in providing care and protection services to TIP victims;
- Launch the MWFCD Training Manuals of Victim Care and Protection, in conjunction with the 16 Days Campaign and;
- Establish and strengthen networks between government and civil society partners, locally and internationally in the area of Protection.

The expected outcomes from the conference are:

- Increased understanding on best practices, issues and challenges in relation to TIP victim care and protection service delivery.
- Strengthening of networks in the area of Protection among government, CSO and relevant stakeholders, both locally and internationally.
- Increased awareness of MWFCD's proprietary Training Manuals on Victim Care and Protection.
- Increased awareness of the 16 Days Campaign to end violence against women and girls.

## THE CONFERENCE PARTNERS

### The organisers:

The Conference was a government-NGO partnership initiative and was co-organized jointly by the Council for Anti-Trafficking in Persons and Anti-Smuggling of Migrants (MAPO) which is under the Ministry of Home Affairs, Ministry of Women, Family and Community Development (MWFCD) and Global Shepherds Berhad (GSB).

**MWFCD** plays the lead role in championing the care and protection of TIP victims and is responsible for operating eight (8) government shelters for TIP victims across the country and overseeing two (2) shelters for TIP victims operated by non-governmental organisations (NGOs). In recognising that TIP victims experience physical, psychological, and emotional health experiences and therefore have complex and varied support needs, MWFCD works collaboratively with government agencies, NGOs, international organisations, and other relevant stakeholders in providing care and protection services to TIP victims.

**MAPO** is the Council for Anti-Trafficking in Persons and Anti-Smuggling of Migrants whose primary role is to make recommendations, formulate and oversee the implementation of the National Action Plan on Anti-Trafficking in Persons (NAPTIP). One of its five fundamental principles is to establish cooperation and coordination among government ministries, NGOs, private sector, international organisations, and interested parties to address the problems of TIP in the country.

**GSB** is a non-profit organisation which advocates ending violence against women and children. GSB has been actively involved in the care and protection of TIP victims through operating one of the two NGO shelters for TIP victims as well as the provision of therapeutic and recreational programmes for TIP victims in the government's shelters for women TIP victims. GSB is also one of three NGO representatives in MAPO and has collaborated with the government in many projects and initiatives in addressing TIP issues in Malaysia, particularly in the area of Protection.

### The Sponsors:

The Conference is sponsored by UN Women (under Safe and Fair programme) and International Justice Mission Malaysia (IJM). The Safe and Fair programme is part of the multi-year EU-UN Spotlight Initiative to Eliminate Violence Against Women and Girls. Safe and Fair is jointly implemented in all ten ASEAN countries by the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women) and the International Labour Organization (ILO), in collaboration with the United Nations Office on Drugs and Crime (UNODC). IJM is a global organisation that protects people in poverty from violence. IJM Malaysia was set up in 2020 to work alongside local authorities and stakeholders in the country to combat human trafficking and forced labour.

## CONFERENCE PARTICIPANTS

The participants of the Conference comprise of government officials from the various ministries represented on MAPO, civil society organisations (CSOs), members from the academia, representatives from the foreign missions, and representatives from relevant international agencies to contribute their expertise and input. The number of participants who attended the conference was 190.



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## OPENING REMARKS

### MS. WILHELMINA MOWE

Executive Director  
Global Shepherds Berhad

Selamat pagi to all distinguished guests and participants. Good day to all guests, moderators, speakers who have joined us from your different time zones. Welcome all to the First Virtual National Conference on Best Practices of Care and Protection for Victims of Trafficking in Persons. On behalf of the organisers, Ministry of Women, Family and Community Development, MAPO, the Council for Anti-trafficking in person and Anti-Smuggling of Migrants, and Global Shepherds, I am delighted to welcome all guests and participants to this conference. We also acknowledge the support of UN Women Safe and Fair Project and the International Justice Mission.

Malaysia is a destination country for many migrant workers coming from various countries in the region and beyond. Pre-pandemic it was said that we had more than 2.4 million documented migrant workers in the country. There were also similar numbers estimated for undocumented workers who may have been cheated or duped into believing that they had proper work papers to be here. Migrant workers hold a vulnerable position in Malaysia, namely because when they come to work here, they leave their support systems behind in their home country.

Then there are local communities who are also vulnerable to being exploited. So the key word here is "vulnerable" and this is what the traffickers are looking for. And due to their vulnerable situation, many victims when rescued, are placed in a shelter for trafficked persons during the investigations and court process. There are in total 10 shelters in Malaysia set up to ensure the safety of trafficked victims. Two of these are run by NGOs. These shelters are provided for under section 42 in the ATIPSOM. (Anti Trafficking in Person and Smuggling of Migrants Act)

But protection for us is not just a physical structure. Protection includes feeling safe whether inside or outside a shelter. It is also a state of being. For instance, do our shelters prepare trafficked persons to appear in court and be confident? Do the shelters provide them with psychosocial interventions so that they are enabled to speak up for themselves?

The interventions must first create that sense of safety and trust before the trafficked persons are able to move forward in their recovery process. We believe this can be achieved by taking a victim-centred approach that is also trauma-informed.

In the last two years there has been further emphasis on these in the US State Department's TIP report. The TIP Report 2020 had a section called "**Reengineering health care for survivors of human trafficking**". It suggests that a promising practice that can be followed is to "**Provide trauma-informed care** by understanding, respecting, and appropriately responding to how human trafficking and other types of traumas affect a survivor's life, behaviour, and sense of themselves."

**In the 2021 TIP report it is further reiterated under the section: "Unifying trauma-informed practices and voices of survivor leadership"** I quote "Trauma-informed practices build upon understanding the impact of trauma not only on individuals seeking services but **also on all staff members and consultants working within an organization.**

Therefore, in the sessions tomorrow, we will take deep dives into these very topics. We have an experienced cohort of speakers that will walk us through these topics and we hope that with the sharing of their accumulated wisdoms, we all can learn from each other ways to help us shape and improve our services and interventions.

There will be time given for questions and your own feedback from your experiences. We take this time to learn from each other so that the work and mission that we have, will encompass each person who have been trafficked with compassion and that they are returned to dignity. Thank you for responding to this invitation to learn and share.

Once again welcome.

## KEYNOTE ADDRESS

### YBHG. DR. MAZIAH BINTI CHE YUSOFF

Secretary General  
Ministry of Women, Family and  
Community Development

Bismillahir Rahmanir Rahim  
Assalamualaikum Warahmatullahi Wabarakatuh,  
Salam Sejahtera dan Salam Keluarga Malaysia.  
YBhg.Dato' Seri/ Datuk/ Dr./ Tuan/ Puan,  
Dear Conference participants, fellow virtual citizens,

Alhamdulillah, the highest gratitude to Allah S.W.T because in this noble morning, we are able to come together and participate in this 1st National Virtual Conference on 'The Best Practises: Care and Protection of Victims of Human Trafficking.'

The Covid-19 pandemic and the Movement Control Order has deeply affected the social fabric of both the global and local communities. Steps taken to restrict movement has had a huge impact to our country's political, economical and social structures.

The Government of Malaysia is committed to taking steps in implementing various strategies to curb the spread of the virus. The National Recovery Plan is an initiative by the government to identify best solutions for Malaysia to recover from this pandemic which has also affected the administration and management of the human trafficking victims.

Human trafficking is a global crime that cuts across borders. It can happen to anyone and anywhere regardless of nationality including Malaysians. The nature of trafficking includes all kinds of exploitation either for sexual, labour, slavery and even human organ transplantation.

This crime of slavery strips victims of their dignity and human rights. The victims at times experience violence and are treated inhumanly. They suffer from physical injuries and psychologically trauma. The crime not only diminishes the victim but also the victim's families, communities and country.

As of 31st October 2021, 460 human trafficking victims who received interim protection orders were admitted in the government shelters. Of this, 127 received protection orders. The victims consist of women, men, boys and girls. Labor exploitation cases were the highest reported with 285 (62%) out of the total of 460 victims. These victims were given interim protection order. Of the 127 victims who received the protection order, 117 were victims of labor exploitation while the rest are victims of sexual exploitation.

The Anti-Trafficking in Person and Smuggling of Migrant or also known as ATIPSOM (2007) enacted in 2008 under Ministry of Home Affairs and the subsequent establishment of the Council of Anti-Trafficking in Person and Anti-Smuggling of Migrants was put in place to promote collaboration with various ministries, authorize agencies and other non-governmental organization (NGO).

Government also launched the National Action Plan of Anti- Trafficking in Person 2021-2025 (NAPTIP 2021-2025) as a key strategic document that guides the government's plan and effort to eradicate human trafficking in Malaysia within the next 5 years from 2021-2025. One of its main strategy is to align victims' protection service, assistance, and recovery (victim-centered approach) with international standards.

The 12th Malaysian Plan's vision of 'A Prosperous, Inclusive, Sustainable Malaysia' highlights the focus in reinforcing public safety and maintaining peace. As such, the Government will increase efforts in crime prevention, rehabilitation and emergency preparedness, to care for the welfare of individuals which includes implementing initiatives to curb human trafficking crimes in Malaysia. In fulfilling the Government obligation to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol), steps will be taken to ensure fair treatment is given to trafficked victims. In addition, the Government developed the National Guidelines on Human Trafficking Indicators (NGHTI) to identify human trafficking victims to extend protection and provide necessary assistance.

Ministry of Women, Family and Community Development as Chair of the Committee for Care and Protection for Victims of Human Trafficking prioritizes the issue of victims' care and protection which is aligned with the requirement of ATIPSOM Act 2007. The Ministry is also responsible for

standardizing the policies, care and protection programs delivered in the protection shelters under Department of Welfare, Department of Women's Development and Non-Governmental Organization (NGO). Protection shelter provides care and protection services and maintains the welfare of the victims by providing nourishment, medical assistance amenities, learning, practical and skills, counseling, and recreational activities.

Residence at the protection shelter generate income through sales of handcraft products while in the shelter. To date, there are 10 protection shelter that have been declared as a place of refuge for human trafficking victim under ATIPSOM Act 2007. These comprises of 5 women shelters, 1 men shelter, 2 children shelters and 2 shelters under NGO's supervision.

Recognising that human trafficking victims at shelters have various issues related to physical health, psychology and requires support, MWFCD jointly with 2 non-governmental organisation namely the Global Shepherds Bhd and International Justice Mission (IJM) developed a Training Manual based on victim-centered approach and trauma-informed approach as efforts to continuously increase the officers' competency in providing standard of care and protection services that is aligned with international standards.

For your information, today is the start of the 16 Day Campaign to end Violence Against Women. This campaign is celebrated annually for 16 days starting on the 25th November - 10th December. The theme for 2021, "Orange the World: End Violence Against Women Now!". It aims to encourage reporting of any form of violence against women and to ensure victims receive appropriate help and support.

This Ministry through the Department of Women's Development in collaboration with Institut Sosial Malaysia (ISM) launched an initiative on prevention of violence against women by establishing WAJA Squad - a women's anti-crime squad that focuses on delivering knowledge and basic psychology skills to increase self, family and community life balance. The aim of this program is to increase nation-wide awareness on Violence against women (VAW) and to take appropriate action to stop any form of violence against women using 4 basic helping skills known as E.A.R.S (Empathy, Attention, Response, Support). The Ministry has achieved its target of having 100,000 volunteers registered with WAJA Squad this year to prevent violence against women issue. The establishment of WAJA Squad will be the main community support to overcome any form of crime and violence besides being the pillar of MWFCD in empowering the Malaysia Family which is the YAB Prime Minister's aspiration six (6) reflected in 12th Malaysia's Plan.

I take this opportunity to express my deepest gratitude to the conference organizers - Majlis Anti-Pemerdagangan Orang and Anti-Penyeludupan Migran (MAPO) and Global Shepherds Berhad and the conference sponsors, UN Women (Safe and Fair Project) and International Justice Mission. I would also like to thank the participants who have been generous with your time in participating in this Conference.

I hope we can take advantage of this Conference to increase our understanding on the best practice, issues and challenges in regards to the service of care and protection of the human trafficking victims. We also increase our awareness among the government agencies, non-Government agencies and international organizations about the MWFCD's roles in combatting human trafficking.

Combatting human-trafficking crime is a joint responsibility which involves all stakeholders including the government, private sector, non-government organization, responsible parties or public community.

In line with today's theme 'Lets Care, Lets Protect – each one has a role to play in acknowledging and respecting others without discrimination of religion, race and skin colour, to prevent human trafficking crime.

Lastly, with Bismillahirrahmanirrahim, I officially launch the 1st National Virtual Conference: The Best Practice Regarding Care and Protection of Trafficked Victims and launch the MWFCD Training Manual on Care and Protection of Trafficked Victims.

Sekian, wabillahi taufiq wal hidayah wassalamualikum W.B.T. Terima kasih.

# KEY TAKEAWAYS

DAY 1: 25 NOVEMBER 2021

## GOOD PRACTICES ON CARE AND PROTECTION OF VICTIMS OF TRAFFICKING-IN-PERSONS

The sharing of good practices can be an important adjunct to other improvement approaches which focuses on identifying and solving problems. Learning from the past and from others increases the chances of success in the futures. Recognizing the value of shared knowledge and collaboration, this conference achieved its aim of bringing together country representative from across the region to share good practices that has enhanced the care and protection of victims of trafficking-in-persons in their respective countries.

Below are the good practises shared by four countries during the Country Presentation:

### MALAYSIA

Following are some of the practices in protection measure for victims of trafficking in Malaysia that are viewed as best practices:

**Local integration:** This new addition to the protection measures was introduced after the 2015 ATIPSOM review to offer victims an opportunity to continue to earn income while in Malaysia. The introduction of freedom of movement (FOM) and freedom of employment (FOE) allows victims to work in Malaysia through a legal application process.

**Case management activities:** Case Management Committee (CMC) and Victim Assessment and Coordination Meeting (VAC) are organized bi-monthly involving relevant stakeholder to ensure all cases move along the processing stream in an efficient and timely manner and to avoid cases falling through the cracks.

**Family-Centered Shelter:** In efforts to ensure mothers are not separated from their children, mothers with children (below the age of 18) are placed in the Children's Shelter and provided with the relevant support and care required

**Victim Assistance Specialist (VAS):** Introduced as a pilot project in 2019 and is considered an important milestone in victim protection. Using a trauma-informed approach, the core work function of the VAS is to facilitate collaboration with NGOs, protection officers, psychologist and other community resource providers, law enforcement agencies and relevant prosecution to ensure victims are sufficiently supported and cases are brought to court.

**Segregation:** Segregation of victims under Protection Orders from the victims under the Interim Protection Orders was introduced in the shelter homes to ensure that intervention programs in the shelter can be implemented in a more targeted and effective manner.

**Stakeholder collaboration:** Collaborating with NGOs, the government introduced various safe referral and assistance related services using multiple platforms such as chatbot, hotlines, TIP email, safe return and shelter/protection support, programs and activities.

To continuously strengthen the National Referral Mechanism and protection support programs, Malaysia has embarked on several initiatives which are currently in early stages of implementation. Among these are:

1. Pilot project on forced labour non-trafficking in person project: A pilot project spearheaded by MAPO to test alternative referral mechanism for victims of forced labour, not identified as trafficked person under ATIPSOM Act.
2. Burden sharing: Implementation of the national strategic direction as guided by the National Action Plans 3.0 such as sharing the burden with other countries on integration and repatriation of victims as well as sharing responsibilities with various stakeholders to promote a whole nation approach to combat trafficking in persons.

# KEY TAKEAWAYS

DAY 1: 25 NOVEMBER 2021

## AUSTRALIA

The following recommendations taken from the Australian context were suggested as ways to strengthening support for victim of trafficking:

1. There is currently no multi sectorial referral mechanisms as all referrals are made through Australian Federal Police (AFP) which is a widely recognized barrier. There are currently negotiations between the civil organizations and the government to widen the referral pathway to increase identification and making sure support is accessible and provided with a range of support.
2. There is a shortage of appropriate accommodations for victims as while there is a budget for housing allowance, the support system does not offer safe houses. As a result, there is a heavy reliance on accommodations in the community. To further complicate the problem, Australia is currently experiencing a housing crisis especially for social housing and limited spaces in shelter homes.
3. The current Support for Trafficked People Program (STPP) system is rigid and does not allow for long-term support to victims who are unwilling or unable to engage in the criminal justice system.

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## PHILIPPINES

Some of the best practises in the country that has positioned Philippines in tier 1 include:

- a. Multi sectoral response – Inter Agency Council Against Trafficking (IACAT) established through the national law is tasked to coordinate, monitor and oversee the implementation of justice system. It is also tasked to ensure the recovery, rehabilitation and reintegration of the trafficked person into society. The Department of Justice Secretary serves as the chairperson, Department of Social Welfare and Community Development serves as the co-chair, the heads of various department including the government and non-governmental agencies that oversee the work of women, oversea workers and children are members to ensure proper interagency coordination.
- b. Provision of direct support service and comprehensive, gender responsive case management such as counselling and psychosocial support as the human trafficking web is complex and is painful. It is fundamental to recognise the importance of holistic care management and support to the survivors which is a crucial step in empowering the victims in their journey to recovery.
- c. Clear cut framework is critical in successful project implementation as it provides guidance and ensures that everyone is on the same page and acts as a monitoring system. Trauma-informed care provided in the IACAT creates a pro-active approach and reduces the possibilities of re-traumatisation. The anti-trafficking framework adopts a gender-responsive approach, multi-disciplinary strategy and rights-based principal that is integrated into each level of interventions.
- d. Continuous capacity building and policy advocacy work contributed to the successful implementation of Recovery and Reintegration Program for Trafficked Persons (RRPTP). While it is important to provide direct services, it is equally important to effect changes at a policy level towards improvement of service delivery. The women themselves are encouraged to act as advocates, share their personal experience with other potential women workers, women's groups and actively participate in women's support group.

# KEY TAKEAWAYS

DAY 1: 25 NOVEMBER 2021

## THAILAND

Below are best practices in Thailand that has paved the way to a more inclusive and trauma-informed approach to supporting victim of trafficking in person:

1. Introduction of the Victim Statement Process: The testimony of a victim who is not able to be present in court will be regarded as admissible in court. The statement is taken down by a social worker or competent official and shared with the public prosecutors to be used as part of the investigation process and evidence in court. This process minimizing re-traumatization for the victim.
2. Capacity building initiatives designed in consultation with the different stakeholders resulted in the following:
  - a. **Handbooks on return and reintegration** that provides information on notifying victims on their rights and available assistance. Aligned to the handbooks were training organized to support its implementation to strengthen informed decision-making process by the victim.
  - b. **Training of trainers and manual for interpretation services** developed by incorporating guiding principal for victim protection.
  - c. **Trauma-informed care training** for stakeholders which incorporates a checklist for trauma-informed organization reflection that include mindful workforce, careful care process and a healing environment. trauma-informed Care training was also provided for public prosecution officers nationwide with support from IJM in 2020.
  - d. **Trauma-informed care and trust-based relational workshops** were conducted for social work students, health professional and government.
  - e. **Online training and training of trainers** for care responders and government emergency shelter nationwide conducted in 2021.

# KEY RECOMMENDATIONS

DAY 2: 26 NOVEMBER 2021

The following were the key recommendations shared during the conference

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## A. DESIGN, IMPLEMENT AND REVIEW OF NATIONAL KEY STRATEGIC FRAMEWORKS AND PLANNING POOLS

National action plan on anti-trafficking in persons provides a blueprint for governments, multilateral institutions and civil societies to coordinate action and track results. It affirms government commitments to combat trafficking in person and should provide a strategic framework for countries to respond to trafficking-in-persons, ensures clear policy directions as well as used as a strategic planning tool that acts as a mechanism for priority setting, policy decisions and promotes a whole nation approach in responding to the issue of trafficking in persons. A national action plan on anti-trafficking in persons should also incorporate a holistic approach that takes into consideration the country specific needs such as research that strengthens data collection and analysis to build in the evidence-base to support the current strategies to responding to modern slavery.

The national referral mechanisms (NRM) are the national structures and processes that helps countries identify human trafficking and ensures protection for the victims. The design and implementation of a National Referral Mechanism should be rights-based, incorporates a trauma-informed approach and comprehensive continuum of care, is gender responsive, and promotes an inter-disciplinary and multi-disciplinary team approach that plays a fundamental and crucial role in ensuring a whole nation approach to combating trafficking. An effective national response to trafficking in persons requires a quick and accurate preliminary identification of presumed victims, formal identification of confirmed victims as well as the provision of immediate protection and support by governmental and non-governmental agencies. Correct identification of victims is essential to enable them to access to rights to which they are entitled including protection and assistance

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## B. COLLABORATION, PARTNERSHIP AND BEING INCLUSIVE

The nature of the crime is heinous, multi-layer and complex and cannot be resolved by a single entity or body as rightly said by Madam Syuhaida binti Abdul Wahad Zen “it takes a village and requires a whole nation approach to combat trafficking”. A collaborative approach with all stakeholders is the bedrock to countering this form of modern slavery. No one agency or person can resolve this problem. National anti-trafficking responses needs a multi-pronged response that includes an international, regional and domestic strategy and requires an interdisciplinary and multi-disciplinary team with strong commitment from leadership. Constant consultation and collaboration with stakeholders through regular and structured mechanisms are key in combatting trafficking in persons.

Crime of trafficking does not discriminate, and it can happen to anyone. A key factor to a successful victim support programs is in the inclusion of all individuals regardless of age, gender and diversity, a multi-disciplinary approach both locally and internationally and commitment from leadership to work in an integrated manner is required to combat trafficking. Collaboration as paramount to anti-trafficking work was echoed by both the presenter and participants throughout the two days conference.

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## C. PROTECTION MEASURES FOR THE TRAFFICKED VICTIMS

Prioritizing the rights and needs of victims is the cornerstone of a victim centered approach which aims to restore dignity, reduce vulnerabilities and empower them to build productive lives. National programmes should ensure that trafficking-in-persons victim is accorded with protection measures that are based on human rights principals, including appropriate care and support for remedy, rehabilitation, recovery and reintegration.

# KEY RECOMMENDATIONS

DAY 2: 26 NOVEMBER 2021

Effective assistance for trafficking person requires putting in place protection and assistance that facilitates short-term and long-term recovery that focuses on sustainable protection solutions, non-punishment of victim of trafficking, prevent secondary victimization, and ensuring that victim is not re-trafficked by promoting empowerment, addressing trauma and ensuring effective reintegration. Sustainable protection solutions such as basic needs, economic reintegration, medical and psychosocial care, and legal support and assistance should be put in place. Basic needs of the victims include safe accommodations, safety and security also a period for reflecting their experience. Medical and psychosocial support include counselling, social counselling, medical and dental care, and family and community reintegration. Economic reintegration includes education, language training, skills training programs based on labour market situations and also job placement assistance. Legal support and assistance include legal counselling, filing criminal complaints and other legal remedies and non-criminalization.

Economic empowerment is an essential tool to mitigating trafficking. This is reflected in the reasons that compels women to leave their homes and families and, in the desires, expressed by the women to be given opportunities to earn income through better employment options that offer sufficient income to support their families back home.

## D. TRAUMA INFORMED APPROACH AND CAPACITY BUILDING

The 4Rs of trauma-informed approach offers data on the occurrence of trauma, short-term and long-term outcomes for survivors and the frequency of these traumatic experiences through evidence-based signs and symptoms. To provide ideal care and protection to the survivors, care providers will need to be knowledgeable to common behavioural and emotional outcomes and continue to revisit organization's systems of care, therapeutic care, policy and procedures, skills and continue to stay updated. Those providing protection and care need to understand the impact of trauma that the victims have experiences, recognised the signs and symptom and journey with the victim as well as proving a safe space. As a victim of trafficking, power and control is taken away from a victim through coercion, threat and harm. Through the victim-centre care and trauma-informed approach which emphasizes in trust building, power and control is regained by the victim.

Capacity building on trauma-informed approach for those involved in the helping process is an essential part of providing support to the victim. To compliment this, the various processes and tools used should be guided by the trauma-informed and victim-centered approach to support the trafficking victim. The process of helping involves facilitating the shift of power that was lost and taken away by the trafficker, back to the victim. Helping the victim through mindful communication and trauma-informed care to regain power starts from the point of rescue and continues toward the whole helping process which includes protection, recovery, reintegration and prevention.

## E. INCORPORATING VICTIMS ASSISTANCE SERVICES (VAS) IN THE NATIONAL REFERRAL SYSTEMS

The main goal of VAS is to ensure that the victims feel safe and acts as a bridge between law enforcement and service providers. VAS plays a key role in the restoration process of the victims and in helping to ensure legal justice for the victim. The involvement of VAS in supporting the victim of trafficking starts from the point of rescue and includes during interviews with the police officers and when participating in court processes especially where the victims will be required to stay until the completion of case in court. The services of the VAS continue during reintegration into the society and repatriation to home country. VAS should be an essential feature in the national referral mechanism, its role widely promoted to enforcement and prosecution, institutionalised and operationalise as an essential protection service provision and is reviewed for contextualisation into the local settings.

# KEY RECOMMENDATIONS

DAY 2: 26 NOVEMBER 2021

## F. CLEAR DEFINITION ON TRAFFICKING IN PERSONS

'Coercion' and 'exploitation' become problematic because of the lack of understanding of the definitions of 'trafficking'. These terms are explained in the Palermo Protocol, are subject to various interpretation and are highly influenced by culture, religion and social practices and, becomes more complicated with language barriers. Absence of a clear definition on terms such as 'coercion', 'exploitation', 'traffickers', 'victims' and other related terms in the Malaysian Anti-Trafficking in Persons and Smuggling of Migrants Act 2007 has presented challenges in the justice system due to the ambiguity in the interpretation of the said term.

Uncertainty of the trafficking definition have contributed to the conflation between voluntary and trafficked work (particularly in sex trafficking). Trafficking definition becomes a double-edged sword which can convert a non-trafficked victim into a trafficked victim and vice versa. Therefore, there is an apparent gap between the law and trafficking discourse, and the events that are happening on the ground.

For prosecutors, the term coercion in trafficking would require the presence of physical restraint to pursue trafficking charges. However, coercion mostly occur through psychological means. This includes restrictions of freedom, isolation, debt bondage, humiliation, and various forms of threats including threats to report to authorities. For these reasons, victims who are identified as trafficked by the State are usually compelled to give evidence in court. Besides coercion or deception, evidence of exploitation is also required to prove the existence of trafficking. In this context, its recommended that clear guidelines need to be provided on how coercion and exploitation are assessed by state officials, avoid conflation and misidentification of victims and promote and encourage victims to testify in court while respecting their rights.

## G. ROLE OF VICTIM IN THE CRIMINAL JUSTICE SYSTEM

Criminal justice agencies have come to accept that victims are a critical resource in their fight against trafficking. The failure to identify victims will prevent the victims from accessing information, support, available specialised services and compensation. It also compromises the ability of the criminal justice system to bring exploiters to justice. Trafficked persons have a critical role in legal proceedings against their exploiters and a legitimate interest in such proceedings. Therefore, all efforts should be made to ensure for them to participate freely, safely and based on complete information. National criminal justice agencies should be working towards a situation whereby victims of trafficking are provided with the protection and practical support that is required to participate safely in the prosecution of their exploiters.

## H. SPECIAL CONSIDERATION FOR CHILDREN WHO ARE TRAFFICKED

Governments have binding obligations under the children's convention to protect children and children are entitled to special protection measures in recognition of their increased vulnerability, the best interest principle and the lack of legal capacity. It is important to recognize the legal difference between trafficking of children and adults. The 'Act, Means and Purpose' model is a tool to determine whether the situation fits the legal definition of human trafficking. In contrast to adults, children induced into exploitation are considered victims of trafficking regardless of whether force, fraud or coercion is present. Therefore, the means in which they are trafficked is irrelevant.

While child victims of trafficking need additional specific assistance, it is vital that this assistance is incorporated into the child protection system. Adopting a systems approach to anti-trafficking efforts and the provision of assistance to victims does not mean losing sight of trafficking. Rather, it encourages actors to ground responses to trafficking in national systems that are sustainable and non-dependent on donor funding. These national systems can provide assistance to all children who are victims of abuse and exploitation without the need for them to fit in neatly defined circumstances that would then qualify them as being trafficked.



**WE CARE, WE PROTECT**





Day 1 - 25 November 2021

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## Country Sessions

The country sessions looked at trafficking in persons protection related issues from the government and NGO perspectives, and offered an overview of National Referral Mechanism (NRM) of 4 selected countries in the Asia Pacific region namely Malaysia, Australia, Philippines and Thailand. The panel speakers shared their respective country specific mechanisms that are in place to support the victim identification process, provided reflections on recovery periods, the systems in place for those who are not identified as TIP victims, the referral process to victim support services and types of victim support services available. The country representative also spoke on the service delivery model adopted such as shelter concepts practice by the governmental and/or NGOs, community living and others. The current best practices adopted in TIP victim care and protection in the 4 countries were also presented which offered participants a better understanding of each country's victim care and protection systems and the sharing of best practices in service delivery.

# SESSION 1: VICTIM CARE AND PROTECTION UNDER THE NATIONAL REFERRAL MECHANISM (NRM): **THE MALAYSIA PERSPECTIVE**

**1st Speaker**  
**Pn. Ajanis Anak Ba-i**  
Assistant Secretary  
Women and Gender Policy Unit.  
Policy and Strategy Planning Division.  
Ministry of Women, Family and  
Community Development. Malaysia.

**2nd Speaker**  
**Ms. Wilhelmina Mowe**  
Executive Director  
Global Shepherds Berhad

## 1ST SPEAKER PN. AJANIS ANAK BA-I



### KEY TAKEAWAY

The design and implementation of a National Referral Mechanism should be rights-based, incorporates a trauma-informed approach, is gender responsive, and applies a multi-disciplinary team approach that plays a fundamental and crucial role in ensuring a whole nation approach to combating trafficking. A collaborative approach with all stakeholders is key to counter this form of modern slavery.

In this session, Malaysia's National Referral Mechanism (NRM) was introduced using a rights-based approach to highlight the obligations and commitment of the government of Malaysia as the duty bearer in responding to the complex issues of trafficking in the country and protecting the victims of this global crime. The domestic legal and regulatory framework applied in responding to trafficking in persons in Malaysia is governed by the Anti-Trafficking in Person and Anti-Smuggling of Migrant Act 2007 (Act670) or also known as ATIPSOM. This Act underwent amendments in 2012 and 2015.

The 2015 amendment was transformational in strengthening the protection elements of anti-trafficking works in the country as it provided provisions for inclusion of non-governmental organisations to be part of the anti-trafficking initiatives especially in the provision of shelter for TIP victims and expansion of the Protection Officer roles to partners. The amendment took into account the best interest of the victim which included payment of monthly allowance for TIP victims, court order of payment of unpaid wages as well as payment of compensation.

#### >> Side Notes: [About the Anti-Trafficking in Person Council](#)

The national victim identification and protection framework provides guidance on how to respond to trafficking-in-persons reports and ways to support the victims that incorporates the victim centered and rights-based approach which includes:



The current national referral mechanism outlines the roles of the enforcement, legislation and activities related to care and protection of the victim whilst highlighting the essential need for collaboration between agencies to ensure continuous care and protection services for the victims.

In conclusion, Malaysia is committed to continue to work in close collaboration with various stakeholders to put in place measures to strengthen the national protection mechanisms for victims of trafficking. **The key recommendation is to take on a whole nation approach in combatting this form of modern slavery.**



## 2ND SPEAKER MS. WILHELMINA MOWE



### KEY TAKEAWAY

“It is crucial that within the National Referral Mechanism, duty bearers recognize that trafficked victims come from a place of trauma. Trafficking-in-persons victims may have experienced trauma before the exploitation which inevitably increases their vulnerabilities to becoming trafficked. There are various points of triggers within the National Referral Mechanism which may be unpleasant and cause distress to the victims resulting in trauma induced reactions such as fight, flight or freeze.”

NAPTIP 3.0 defines the National Referral Mechanism as “a mechanism for identifying and referring victims of TIP to protection and assistance accorded under the ATIPSOM ACT to ensure that the victims receive the appropriate support” and that this mechanism is enshrined in its guiding principles of being human-rights based and applying a gender-responsive approach. It maps the national strategies for the next 5 years and is based on the 4 pillar of anti-trafficking response which are Prevention, Protection, Prosecution and Partnership.

As reflected in Protection Pillar of the NAPTIP 3.0, it is necessary that trafficking in persons victims are accorded with protection measures that are based on human rights principals, including in ensuring appropriate care and support for remedy, rehabilitation, recovery and reintegration. Prioritizing the rights and needs of victims is the cornerstone of a victim centered approach which aims to restore dignity, reduce vulnerabilities and empower them to build productive lives.

This session offered a victim's perspective on how and what the National Referral Mechanism means from the lens of a rights holder. Trafficking was contextualized using National Action Plan on Trafficking in Person (NAPTIP 3.0) as a reference to mean “trafficking in persons is viewed as a serious crime that denies people their human right, dignity and freedom” and emphasized the obligation of all to work together to combat trafficking”. From a rights-based perspective, the duty bearers are identified as key actors who have obligations to respect, promote and realize human rights and to abstain from human rights violations. While the term duty bearer is most commonly used to refer to State actors, non-State actors can also be considered duty-bearers. Apart from the Government, MAPO and Enforcement, the other duty bearer includes also the Shelter Managers, the Deputy Public Prosecutors, Protectors and Care givers. Throughout the National Referral Mechanism which includes rescue, interim protection order (IPO), the protection order (PO) period and reintegration or repatriation period, the rights and dignity of the trafficking in person victims should be upheld.

To elaborate further, upon rescue, the victim is given an IPO and sent to a ‘safe house’ while investigation takes place. The trafficking in person victims will be required to give statement during the IPO period after which a risk assessment will be conducted to determine the status of whether the individual falls within the category of a trafficked person. If an individual is identified as a victim of trafficking, a 3-months protection order is issued to enable the court statements to be recorded. However, if an individual is not recognized as a trafficked victim, the IPO is revoked and the individual is sent to the Immigration.

It is crucial that within the National Referral Mechanism, duty bearers recognize that trafficked victims come from a place of trauma. Trafficking-in-persons victims may have experienced trauma before the exploitation which inevitably increases their vulnerabilities to becoming trafficked victims. There are various points of triggers within the National Referral Mechanism which may be unpleasant and cause distress to the victims resulting in trauma induced reactions such as fight, flight or freeze. When in a flight mode, the trafficked victim will experience a mental shut down and pretend that all is fine. These individuals will pretend that nothing has happened and put up a brave front. If in a fight mode, the trafficked victim's reaction can be visible such as having a hysteria episode as they are trying to cope with the traumatic experience and those in frozen mode will experience a mental shut down and tend to unconsciously suppress the traumatic

experience. A trafficked person's reaction to trauma may frustrate those who are trying to help particularly the investigating officers and Deputy Public Prosecutors.

Below are some of the points in the National Referral Mechanism which may most likely cause trigger trauma:

TRIGGER POINTS	MITIGATION
During the raid the enforcement officers are in full uniform. This may cause trafficking-in-person victims to be afraid.	Victim assistance services (VAS) is brought in to support the victim from the point when the raid takes place.
While in the safe house, upon obtaining the interim protection order, the subsequent procedures and interviews may cause traumatization.	Understanding the trauma and providing assurance to the victim of their safety is essential in minimizing trauma.
While under protection order (PO), trafficked victims will be required to stay in the safe house for up to 90 days to help with investigation. This extended stay may cause trauma because the trafficked victims may want to return home soon as there may be sick children, ailing family members, loss of family members etc. During this period, trafficked victims will also be brought to court to change their IPO to PO. During the interviews, the trafficked victims will be required to recount their trafficking experience which may result in the trigger of trauma.	A safety plan should be included in case management process and handled by a trained case officer.
Trauma may also be triggered at the point when the PO is revoked, and the trafficked victim allowed to return. As most trafficked victims may not have seen or contacted their family members for a long time, it may be painful for them to face their family members and may feel at a loss.	A comprehensive case management process to support the victim prepare for return through counselling and other related activities.

The failure to respond to the various possible trauma triggers will impact negatively on the outcome of the prosecution of a trafficking-in-persons case. Hence, if protection is not assured for trafficked victims and if the protection support and assistance provided does not apply a victim-centered approach, there will be a lack of engagement by the victim in the court process. This may result in the revocation of the protection order and the victim discharged. The alleged perpetrator will be able to walk free and trafficking will continue to proliferate while traffickers will continue to profit. Justice will not be served and victims not accorded their rights. At the national front, Malaysia continues to be in Tier 3 of the US TIP report.

The key recommendations made is to **fully adopt and operationalize a rights-based approach in the National Referral Mechanism which incorporates a person-centered, trauma-informed, gender sensitive approach and use child appropriate methods in providing care and protection for the victims.**

**END OF SESSION 1**

## SESSION 2: VICTIM CARE AND PROTECTION UNDER THE NATIONAL REFERRAL MECHANISM (NRM): **THE AUSTRALIAN PERSPECTIVE**

Speaker

**Ms. Kyla Raby**

National Program Coordinator

Support for Trafficked People Program,

Lead – Trafficking, Forced Labour and Forced Marriage,

Australia Red Cross

**SPEAKER**  
**MS. KYLA RABY**



### KEY TAKEAWAY

Human trafficking is a complex crime in which the government action is only part of the solution. NGOs play a vital role in working on the ground, identifying, and supporting trafficked people in Australia.

Australia's trafficking-in-person definition is expanded to include forced marriage which is considered a criminal offence in Australia and provides special consideration for specific assistance to victims of minor marriage through the National Referral System.

The country's National Action Plan promotes a holistic approach that takes into consideration the country specific needs such as research that strengthens data collection and analysis to build in the evidence-base to support the current strategies to responding to modern slavery.

The Australia's response to modern slavery is led by the government and promotes a multi-pronged response that includes an international, regional and domestic strategy.

#### At the international front

Australia has ratified the International Convention against Transnational Organisation Crime (UNTOC) and its supplementary Trafficking Protocol and has participated in various mechanism to both address and prevent trafficking

#### At the regional front

Australia and Indonesia co-chairs the Bali Process on people smuggling, trafficking in person and related transnational crimes. International Committee of the Red Cross and International Federation of the Red Cross participate as observers in this process. Australia Aid supports project such as Australia Asia projects to combat trafficking in persons

#### At the domestic front

Australia's National Action Plan to combat slavery 2020-2025 provides a strategic framework for the country's response to modern slavery. The National Action Plan was developed over an 18 month consultation with government and civil society partners. Red Cross was heavily involved in the drafting and finalization of the National Action Plan.

Australia's National Action Plan 2020-2025 carries five key national strategies that has been adapted to the local context. The key strategies include pillars on

- **Prevention,**
- **Disrupt, Investigate and Prosecution**
- **Support and Prevent,**
- **Partnership**
- **Research** (a new addition to the previous pillars and was introduced to strengthens data collection and analysis to built in the evidence base to support the current strategies to responding to modern slavery).

The National Roundtable on Human Trafficking and Slavery was established in 2008 as a consultative mechanism between government and civil society on issues of trafficking. This national body has existed over 13 years and

convenes bi-annually. The consultation process is conducted at 2 levels namely the Ministerial level held with Ministers and the Operational level which is held with civil society. Australia has a strong history of civil society engagement and views these consultative processes as important.

The Support for Trafficked People Programme (STPP) is an initiative under the National Action Plan within the pillar of Support and Care. The programme is funded by the Australian government and delivered by the Australian Red Cross. The STPP is a case management, health and welfare program delivered to victims of trafficking to recover physically and emotionally from the experience, offer time to identify options and make decisions while providing assistance to maximise their ability to participate in the criminal justice process. The type of services provided to those in the program includes healthcare, opportunity to reconnect with family, accommodation, emotional support, employment, financial support, education, training, essential items, connecting to community, access to financial services and social services as well as legal and migration services.

STPP is a highly structured and strictly time bound project. It starts with a first stream that includes an assessment and intensive program that is offered to all victims regardless of victim's willingness to participate in criminal justice and is limited to 45 days. The second stream is the extended intensive program which is offered to children (below 18 years old), those who are deemed vulnerable and individuals who are forced into marriage and is limited to an additional 45 days. Victims who are willing and able to participate in the justice system will receive ongoing support until the case is concluded after which, they will transition to follow-up support services. Victims in a forced marriage will be provided an additional 90 day of support upon completion of the first intensive program. The extended period is given in recognition that the perpetrator of the crime is usually a family member that adds further complexity to the crime as the victim may not want to give evidence against them.

In 2019, a total 426 cases were reported. Of this, 242 were willing and could participate in the criminal justice system while 184 cases were not able to participate for various reasons and were only provided a 45 days time-bound assistance.

The Australian Federal Police (AFP) is the sole agency in Australia that conducts the assessment, determines eligibility and makes referrals to the support structure program. The AFP refers any individuals suspected of being trafficked regardless of age, gender, nationality or visa type. Participation in the program is voluntary and is always with informed consent of the trafficked victim. The Australian Red Cross has been working with the government and civil society organizations over the past 9 months to progress efforts to widen this referral path as it is a well-recognized concern that the sole referring agency is a national policing agency which can act as a significant barrier for some individuals. Red Cross provides an Australian-wide-response of 24 hours a day, 7 days a week and 365 days a year and case workers are on call to respond to the referrals.

[>> Side Notes: Data on trafficking in Australia](#)

[>> Side Notes: The recommendations provided in U.S TIP report 2021](#)

In conclusion, the Australia's National Referral Mechanism presents a model that is government-led but with strong civil society organisations engagement and consultation through a national consultation mechanism. Views from these consultative processes feed into the national plans and policies to enhance and guide the work on anti-trafficking in the country. The National Action Plan promotes a multi-prong and holistic approach that takes into consideration the country specific needs such as need for research that strengthens data collection and analysis that is evidence-based to support the current strategies to responding to modern slavery.

## END OF SESSION 2

# SESSION 3: VICTIM CARE AND PROTECTION UNDER THE NATIONAL REFERRAL MECHANISM (NRM): **THE PHILIPPINES PERSPECTIVE**

**1st Speaker**  
**Hon. Glenda D. Relova**  
Assistant Secretary  
Department of Welfare and Development

**2nd Speaker**  
**Ms. Susan V. Ople**  
President  
Blas F. Ople Policy Centre

## **1ST SPEAKER** **HON. GLENDA D. RELOVA**



### **KEY TAKEAWAY**

The majority of the individuals reported become victims due to economic, social, cultural, political and personal issues. While these elements lead to the survivors-victims' vulnerabilities, the focus of the presentation is on the social and cultural elements which includes gender-bias socialisation, discrimination and power inequality. Discrimination based on power inequality is still a part of the socialisation fabric. Girls and women are still thought of as a weaker part of society. Furthermore, the lack of awareness, access to education and lack of respect for human rights further increases vulnerabilities for girls and women.

Despite the various effort, the government still continues to struggle in its efforts to combat trafficking in the country. Among the factors contributing to this challenge includes the impact of the COVID-19 pandemic which has increased the vulnerabilities of individuals especially women and children to human trafficking. In terms of victim profile, statistics indicates an increase in the number of children who are involved or are at risk of online sexual abuse and exploitation

Philippines's Recovery and Reintegration Programme for Trafficked Persons (RRPTP) is a comprehensive package that ensures adequate reintegration support is provided to the trafficked persons. It utilises a multi sectorial approach to enhance the psychosocial, social and economic needs of the victim and a survivor centred approach that focuses on the needs of the victim-survivor.

The Philippines' model in responding to trafficking and online child exploitation focuses on care, recovery and protection for the survivors. In the last decade, the country has seen substantial movement and improvement of efforts in combating human trafficking. An increasing number of states have enacted legislations to detect trafficking and implemented programs to assist human trafficking victim within their borders and for those returning from abroad. However, despite this significant initiatives, human trafficking continues to be pervasive even during this global pandemic.

The Department of Social Welfare and Community Development is the national agency mandated to provide social welfare services to the poor and vulnerable and to advocate for their rights. The Department also implements statutory programmes directly launched under the Department of Social Welfare and Development and is mandated to implement social welfare and other social services programmes including facilitating the recovery and integration of the trafficking victim. This is a direct result of one of four organisation outcomes identified by the Department i.e. **The rights of poor and vulnerable sectors promoted and protected.**

The other 4 organisational outcomes are:

**Outcome 1** Immediate relief and early recovery of victims/survivors ensured

**Outcome 2** Continuing compliance of social welfare and development agencies to standards of delivery of social welfare services ensured

**Outcome 3** Well-being of poor families improved

**Outcome 4** Delivery of social welfare and development programs by local government units (LGU) through social welfare and development offices improved

As a background, in 2015 the US trafficking in persons report had placed the Philippines in tier 2. The Department of the Social Welfare and Development being the co-chair of the of the Inter-Agency Council of the Anti-Trafficking (IACAT) and lead agency in social protection aimed to contribute to bring the country to tier 1. Thus, the implementation of the Recovery and Reintegration Programme for Trafficking Persons (RRPTP) had be to be scaled up. On 9 December 2015, the Department issued a memorandum providing instructions on the implementation of the RRPTP.

RRPTP is implemented through an integrated and gender-responsive system by a licenced social worker. It recognises the existing gender-biasness in the system hence, the social workers utilise a trauma-informed care approach (TIC) which guides the helping process in which there is recognition that each victim has experienced trauma and the path to recovery is complex. The Department of Social Welfare and Development as a national implementing agency recognises this complexity and acknowledges that the process requires a multi-sectorial approach.

Other components of the RRPTP includes intensive delivery of services such as the case management, capability enhancement for services providers and direct services for trafficking persons, temporary assistance as necessary, technical assistance, regular communication to the local government and grassroots level, provision of national referral system and nation recovery systems and databases, intensive advocacy. While direct services are critical to the recovery of survivors, it is also important to continuously advocate for the victim protection systems to be enhanced and protected. In addition, government also recognises the need to upgrade the current internet protocol version IPV system of the Philippines to facilitate better monitoring of trafficking cases.

>> [Side Notes: Definition of the key concepts in Philippines model](#)

>> [Side Notes: The guiding principals in Philippine's recovery and reintegration programme](#)

>> [Side Notes: Data and types of sexual exploitation in Philippines](#)

In conclusion, the Government of Philippines' commitment to ensure the protection of victims of trafficking cascades from leadership and translates into policies and programmes in support of recovery and reintegration of trafficked victims. As a result, the Government of Philippine has successfully retained its position in Tier 1 in the US Trafficking-in-Person report for the past four consecutive years.

## 2ND SPEAKER MS. SUSAN V. OPLE



### KEY TAKEAWAY

The key contributing factor to the country's success is the constant consultation and collaboration with stakeholders to support the migrant cases through the IACAT where 3 NGOs are given a seat in the Council. These 3 NGOs represent women, children and migrant workers. Implementing policies related to human trafficking, these 3 NGOs will be tasked to consult other grassroots organizations.

It was through partnership with stakeholders that the country attained international recognition against trafficking-in-person as the US Department of State granted Philippine the Tier 1 status once again in 2021 in its Anti-Trafficking in Persons report published in 2021 and was consecutively place in Tier 1 for six years since 2016.

It is fundamental for reintegration projects to include the private sectors as part of the solution as there are limitations within the government sectors to support the victims. Private sector partnership particularly in the livelihoods and mentorship supports the victims to regain their dignity and enables empowerment.

This session provided a Philippines NGO's perspective on the care provided to trafficked persons particularly on the reintegration of overseas workers. The Ople Policy Centre, founded in August, 23 2004 is a key agency that works with Philippine overseas workers who have experienced trafficking.

[>> Side Notes: About the Ople Policy Centre](#)

Reintegration Assistance for Trafficked (RAFT) for OFW is one of Ople Centre's successful projects which covered 596 beneficiaries. The project focused on helping physically abused and trafficked women domestic workers from the Middle East between the ages of 19-58. Funding for this project came from the Global Fund to End Modern Slavery. Ople Centre was able to partner with the biggest conglomerate in the Philippines – the San Miguel Cooperation (SMC) which has over 17, 000 workers. The company has business in the Philippines and abroad including Malaysia and the cooperation was able to accept 278 who were abused domestic workers from the Middle East and some from Malaysia. These women were taught how to sell chicken and other meat products as community retailers. The CEO of the cooperation is involved in the project and has a long-term vision of expanding the business from chicken to other products to enable the trafficked women to earn stable income. He is part of the women's transformational journey in becoming business owners.

Ople Centre in partnership with IACAT developed the integrated cloud-based case management system that records, monitors, tracks and flags cases of trafficking and other relevant cases of severe exploitation involving OFWs. All members of IACAT are given access to enable coordinated support for cases reported. In the event a trafficked person is identified upon arrival at the airport, relevant agencies are notified through the cloud system. The support for victim is activated upon arrival where she is met at the airport by the relevant agency and the case is monitored from the point when investigation takes place until the resolution of her case. To date, 1,703 cases involving exploitation has been logged into the system since its inception in February 2020 with 11 agencies within the IACAT using the system. In 2022 the Ople Centre hopes to expand this system to also include child trafficking.

The pandemic had a huge impact on overseas employment of Filipino workers abroad with some 70% drop in the employment of workers from the Philippines. In terms of repatriation, 795,000 OFW were displaced and 417,000 OFW had returned home as of October 2021. Upon return, the OFWs go through the health protocol of the airport and given free quarantine stay. Once the quarantine period is completed, the OFW are sent back to their respective provinces. The expenses are borne by the government. Those who are trafficked are identified by the Oversea Workers Administrative Centre, IACAT and the DFA as well as the law enforcement agencies and provided with the necessary support

The session concluded with a powerful reminder that “trafficking diminishes us as a society”.

## END OF SESSION 3

## SESSION 4: VICTIM CARE AND PROTECTION UNDER THE NATIONAL REFERRAL MECHANISM (NRM): **THE THAILAND PERSPECTIVE**

1st  
Speaker

**Ms. Sirisopa Teansamruay**  
Director  
Kredtrakarn Welfare Protection Centre  
for Victims of TIP  
Ministry of Social Development  
and Human Security

2nd  
Speaker

**Ms. Pusa Srivilas**  
Director  
Alternative Care Initiatives,  
Step Ahead Foundation



### 1ST SPEAKER MS. SIRISOPA TEANSAMRUAY



#### KEY TAKEAWAY

Crime of trafficking in person does not discriminate, and it can happen to anyone.

A key factor to a successful victim support programme is in the inclusion of all individuals regardless of age, gender and diversity, a multi-disciplinary approach both locally and internationally and commitment from leadership to work in an integrated manner is required to combat trafficking in persons.

Thailand believes that no one agency or person can resolve this problem, but it requires a interdisciplinary and multi-disciplinary team and with strong commitment from leadership.

Thailand's National Referral Mechanism is carried out by the Ministry of Social Development and Human Security and the Ministry continuously engages in discussions with various stakeholder to learn and strengthen its national referral mechanism for trafficking persons.

#### >> Side Notes: [Trafficking pattern in Thailand](#)

The chronology of event that led to the establishment of the country's national referral mechanism:

#### 1999

The domestic Memorandum of Understanding (MoU) related to victim protection was developed as government and non-government organisations' referral guidelines.

#### 2002

Networks were built to ensure safe repatriation and continuous support for the victims in-country and across border.

#### 2008

Key content from the MoUs were institutionalized as Anti-Trafficking Law addressing comprehensive victim support and consent to local proceedings. In the same year, the first victim identification criteria and tool kit were developed and in 2016 this document was revised.

#### 2012-2018

Several handbooks were developed and revised to help support trafficking victims in Thailand and across border.

#### >> Side Notes: [Four main components of The National Referral Mechanism of Thailand](#)

The Government of Thailand strategically uses the media to create awareness and encourage proactive reporting using online platforms such as mobile application and free hotlines numbers. Reporting can be made by the victim or by public if there is suspicion of possible trafficking activities. Thailand has also taken various steps to mitigate and combat trafficking as the government believes that the victims are in need of assistance

hence, the Victim Identification Toolkit was developed in consultation with stakeholders for the use of first respondent to determine possible identification of trafficking victim. This toolkit is currently available in the mobile application format for easy access and use by the frontliners.

There are eight shelters for trafficking victims of which, four are for women and four are for men (with one for boys). The shelters are under the supervision of the Ministry of Social Development and Human Security. When a victim is willing to enter a shelter, they are informed of their rights. This process is called the victim notification process. When in the shelter, victims are provided with self-development opportunities that would empower them to continue to stay strong upon leaving the shelter. Thailand has also introduced the Standard of Care and Development which provides guidelines to social workers who are working with the trafficking-in-persons victim.

>> Side Notes: [The principles in the standard of care and development for social workers](#)

Briefly, the five-protection process applied in the National Referral Mechanism in Thailand includes the intake phase, reception phase, protection phase, return/reintegration phase and lastly monitor and follow up for social integration. The Victim Statement Process was developed in 2018 to strengthen convictions and enable victims to feel safe when giving their account of the trafficking incident.

In conclusion, this session highlighted the need for capacity building on trauma-informed care for those involved in the helping process as an essential part of providing support to the victim. To compliment this, the various processes and tools used should be guided by the trauma-informed and victim-centered approach to support the trafficking victims.

## 2ND SPEAKER MS. PUSA SRIVILAS



### KEY TAKEAWAY

The system of care and protection for survivors of trafficking should promote a survivor focused, rights-based and empowerment through trauma-informed care and mindful intervention.

Empowerment is not a quick fix but a long process of continuum of care. The contributing factors to the empowerment process are culture sensitive, open-minded and trauma-informed workforce that is able to empathize with the victim and lastly, strengthening the victim's ecological system by empowering families and engaging communities to turn them into healing environment.

The process of helping involves facilitating the shift of power that was lost and taken away by the trafficker back to the victim. Helping the victim through mindful communication and trauma-informed care to regain power starts from the point of rescue and continues toward the whole helping process which includes protection, recovery, reintegration and prevention.

In the past several years, while the term victim-centered approach has been generously used as a tool to support the trafficked person, there has also been discussion on how to ensure that the victim is fully engaged as participants in the decision-making process, decision made is truly in the best interest of the trafficked person and that their voices are truly heard. In responding to this, Article 33 of Anti Trafficking Act 1999 states – “the right to receive whether it be prior to, during or after the assistance providing, including the timeframe shall be informed the trafficked person and their opinion is to be sought”. Hence, this enables individualized and customized programs for each trafficked person.

Between 2017-2019, a series of workshops was held for key stakeholders to brainstorm on ways to effectively support survivors in legal and care proceedings and successful reintegration into their community. The outcome of the workshop indicated weakness in the National Referral System. The weakness identified were lack of continuation to support the victims' programmes, constant change of officers in the government, lack of collaboration among stakeholders, the need to include survivor's reflections in the helping process and the high turnover of staff both in the NGO and GO sectors which reduces the quality of the workforce particularly in the area of psychosocial support. To overcome the weakness in the system, capacity building training were provided to those who are supporting the victims to enhance their skills to support the trafficked person, such as the Cognitive Behaviour Therapy, Satir model as well as psychological first aid. As a result of the consultations, various capacity initiatives has been put in place particularly development of handbooks and manuals as well as workshops and online training to ensure individuals supporting the trafficked victims are trauma-informed and able to provide appropriate care and support.

In conclusion, the victim's ecological system should continue to promote a healing environment that supports the recovery process of the victim.

## END OF SESSION 4

## **Day 2 - 26 November 2021**

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### **Breakout Sessions**

# BREAKOUT ROOM SESSION 1, ROOM 1: VICTIM ASSISTANCE SPECIALIST (VAS): SHARING OF BEST PRACTICES

In the area of anti-trafficking in persons (ATIP), the Victim Assistance Specialist (VAS) programme is relatively a new concept in Malaysia which was implemented as a pilot project in March 2019. Countries like the USA have similar programmes providing specialist support services to TIP victims and have seen improvements in victim-care and better cooperation from victims to be credible witnesses in TIP cases. This session aims to provide a better understanding of such victim assistance programme practices in different countries, the importance and advantages as well as challenges in providing victim support services.

1st  
Speaker

**Ms. Shari Konarske**  
Regional Victim Witness Specialist  
(Central Region)  
US Department of Justice. Bureau of  
Alcohol, Tobacco, Firearms and Explosives

2nd  
Speaker

**Pn. Ajanis Anak Ba-i**  
Assistant Secretary  
Women and Gender Policy Unit.  
Policy and Strategy Planning Division.  
Ministry of Women, Family and  
Community Development. Malaysia.

## 1ST SPEAKER MS. SHARI KONARSKA



### >> Side Notes: Brief history of the VAS in the United State

There are three key federal laws that set out the rights and services that victims are entitled to receive and mandates federal employees who have direct contact with victims on their obligations and responsibilities towards the victims. These federal laws along with the Attorney General Guidelines are the framework for the roles and responsibilities of Victim Assistance Specialists working in the federal government which also led to the creation of the Victim Assistance Program within the government.

The first law passed that specifically mandated services to victims was the Victim's Rights and Restitution Act in 1990. The next act of passage that dealt specifically with victims was the Trafficking Victims Protection Act of 2000 and the reauthorization of that Act in 2003. These laws provide additional benefits to victims of human trafficking. The most recent Act is the Crime Victims' Rights Act of 2004 that provides consequences for failure to provide assistance and services to victims.

The following are the three Acts that sets out the roles and responsibilities of Victim Assistance Specialists.

- **The Victims' Rights and Restitution Act:** This Act mandates federal law enforcement agencies to immediately identify the victim when opening an investigation and to ensure that the victims receive immediate assistance to address their needs such as medical, shelter, food, etc. The statute also requires the victims to receive notification on court proceedings and explained their statutory rights. It also requires that victims be protected and are kept safe. They should also receive information on the criminal justice process e.g., what the process means, the roles of the officers and victims during the criminal justice process. Victims should also receive information on counselling and referrals to compensation programs and other relevant programs that can assist them. It specifically addresses that victim are entitled to restitution for their monetary loss.
- **The Trafficking Victims Protection Act and the reauthorization:** This act specifically mentions that victims of human trafficking are vulnerable population due to many factors including language barriers, age since oftentimes the victims are minors, and that the victims may have concerns about their immigration status. To address these concerns, the Act expands its services to include translation and interpretation services, which are mandated for use anytime the victim needs the assistance. The Act also expands immigration benefits for victims of human trafficking.
- **The Crime Victims' Rights Act or the CVRA:** The rights listed in this statute is activated once criminal charges are filed and it is the responsibility of the US Attorney's Office to ensure that these rights are provided to victims of crime. This is the first Act that has consequences for non-compliance of federal employees. Court proceedings can be remanded back to the court to be redone. The Act also created the Ombudsman's office to receive complaints by victims who believe they were not offered their rights and services as set in the law.

In response to these laws and additional responsibilities, Victim Assistance Programs and Victim Assistance Specialist positions were created. Each of the 94 US Attorney's Offices have dedicated Victim Assistance staff and work within federal law enforcement agencies, such as Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), the FBI, Drug Enforcement Administration, the United States Postal Inspection Service and State Department,

Individuals appointed as VAS have a responsibility to understand the victims and be fully aware of the role of a VAS such as their assigned task and responsibilities, the boundaries when working with the victim and be knowledgeable on the process and procedures in criminal justice system as the victim is heavily reliant on the VAS to provide support when the case goes through the criminal justice process. It is also vital to be well informed of the different types of visas and immigration benefits that are available and as to be able to work collaboratively with other agencies.

>> **Side Notes: General consideration and requirement for VAS**

The main goal of VAS is to ensure that the victims feel safe. All federal employees who are working with victims are obligated to comply with the federal statutes to make sure that victims receive sufficient information and in the absence of a VAS, the law enforcement investigator or the prosecutors is responsible to ensure the victim are accorded with their rights and provided with support as the victims need to be safe and supported to be effective witness, to be constantly mindful that victims are the key to successfully investigating and prosecuting human trafficking crime and that they often require social services to rebuild their lives hence law enforcement must ensure that victims receive these services and victim must be notified of their rights.

>> **Side Notes: Process of case management within the U.S system**

Among the challenges faced when supporting victims of trafficking is the absence of a dedicated VAS and when the roles is replaced by others who may not have sufficient knowledge of the above processes. There are also challenges in the VAS hiring process, limited funding and the acceptance of VAS by lawyers, law enforcement and allied professionals. However, these does not overshadow the immense benefits of appointing a VAS to support the victims as well as the law enforcement and prosecutors.

In conclusion, it is paramount for the Law Enforcement Prosecutor, District Attorney, Victim/Witness Service Providers, Community Services and Community Members to work in close collaboration and partnership to ensure the protection and well-being of the victims of trafficking which then will result in various ripple effects which includes families being cared for, victims and communities served, communities' empowered, confidence in the Criminal Justice (CJ) system and LE, cooperative witnesses, cases brought to trial/justice served and not overburdening of one group.

**2ND SPEAKER**  
**PN. AJANIS ANAK BA-I**



The VAS programme in Malaysia started through a consultative and collaborative process among government agencies, NGOs and representatives from the US Department of Justice - Ms Karine Moreno-Taxman who was then the Intermittent Regional Legal Advisor with the US Embassy in Malaysia. Ms Karine provided advisory support resulting in the launch of the VAS pilot project by the Council for Anti-Trafficking in Persons and Anti-Smuggling of Migrants (MAPO) and it's implemented over a period of 12-months beginning 1st March 2019 till 1st March 2020. One government and one NGO representative – namely Pn Ajanis from the Ministry of Women, Family and Community Development and Ms Karen from Global Shepherds Berhad were the first volunteers for the pilot project.

The VAS programme has since been formalised and placed under MAPO to function as part of the comprehensive multidisciplinary team. The VAS unit is part of MAPO Task Force and reports to the Head of MAPO Task Force. The design of VAS standard operating procedures includes the guiding principles, code of ethics and professional conduct, and criteria for the appointment of the VAS.

Prior to being appointed as a VAS, volunteers will need to have served as protection officer for a period of time before their application to be appointed as VAS is approved by MAPO.

>> Side Notes: The objective of the VAS programme

VAS acts as a bridge between law enforcement and service providers.

- **Law enforcement and prosecutors:** VAS provide assistance and support in their interaction with victims, as well as assisting them in taking more victim centred approach during the investigation and prosecution of human trafficking cases. The VAS is also expected to work collaboratively with NGOs, protection officers, psychologists, shelters and other community resource providers.
- **TIP victims:** VAS assist in providing appropriate information to the victims, assisting in finding needed services, and supporting victims as the victims participate in the court system as witnesses. They are also trained to take a victim-centred approach for victims of human trafficking.

The involvement of VAS in supporting the victim of trafficking starts from the point of rescue and continues throughout the investigation process which includes interviews with the police officers and when participating in court processes where the victims will be required to remain in the country until they complete their testimonies in court. The services of the VAS continues during reintegration into the society and repatriation to home country.

The services provided by VAS to victims, law enforcement, as well as DPPs and various other service providers includes:

- Interpreter services – to PDRM for recording of witness statement
- Prepare victims for court – explaining the court process, layout of courtroom, moral support to give them confidence and encouragement to speak the truth
- Accompany victims to court – to provide moral support and encouragement
- De-escalation of tension and victim management – for example, when victims refused to obey the court order to go to the shelter, when victims do not want to cooperate or disclose information
- Provide support to victims, assist the enforcement officers and DPPs in liaising with victims

The 12-month pilot project has proven to be beneficial hence, MAPO has extended the VAS project to another two years and is reviewing possibilities of expanding the VAS project to other states in the country. The long-term vision for the VAS project is to include it as a permanent and mandatory feature in the national referral mechanism for human trafficking cases. MAPO is also studying the feasibility of having a structured model in adopting existing practices for trafficking-in-person cases and victims (e.g. the D11 model of having the Victim Care Officer) and for the VAS programme to fit into the local context.

In conclusion, the session highlights the benefits of adopting the VAS programme into the National Referral Mechanism for Trafficking in Person in Malaysia which is currently still in early stages of implementation where there are opportunities to continue to learn and strengthen the VAS programme.

**END OF BREAKOUT SESSION 1, ROOM 1**

# BREAKOUT ROOM SESSION 1, ROOM 2: PSYCHOLOGICAL COERCION: UNDERSTANDING THE PROCESS AND IMPACT ON TIP VICTIMS

One of the elements of TIP that distinguishes it from other types of crimes is the use of coercion by traffickers to maintain control over victims into providing labor or sexual services. The trafficker often employs multiple forms of coercion to create an environment of fear of serious harm. While physical coercion such as violence and physical restraint are easily recognized indicators of TIP, non-physical or psychological coercion may be harder to prove and tend to be overlooked due to lack of understanding of how psychological means can be used to control or manipulate people. This session will look beyond physical violence to examine more closely on the method and impact of psychological coercion on TIP victims.

**1st Speaker**  
**Ms. Karine Moreno-Taxman**  
Intermittent Regional Legal Advisor  
US Department of Justice

**2nd Speaker**  
**Dr. Haezreena Begum Abdul Hamid**  
Criminologist & Senior Lecturer  
Faculty of Law, University of Malaya

## 1ST SPEAKER MS. KARINE MORENO-TAXMAN



### KEY TAKEAWAY

A Trauma-Informed approach is key in providing the appropriate services to victims of human trafficking. **Without an understanding** that victims of human trafficking are traumatized and with no information or knowledge about trauma, appropriate support and assistance cannot be offered to the victims.

It is important to understand the tools in order to prove the crime. In the crime of trafficking, the tools used by the traffickers are Force, Fraud, and Coercion.

A victim will not be able to be good witness if empathy and support is not provided. Hence it is important to respect a victim's experiences and decisions, talk about confidentiality and privacy, discuss discrepancies in their statements, interview the victim using a trauma-informed lens, and discuss their personal background and prior life events. These practices will help victims have a voice and confidence in the court room.

The concept of **corroboration** is an important element to prove the use of coercion in trafficking and as evidence to prove that someone is trafficked and is another form of evidence that can be used to prove that a victim is telling the truth. Examples of corroborative evidence is taking pictures of the potential evidence.

A unique aspect of human trafficking is the **language of human trafficking**. Individuals working with the victim need to be able to communicate in the language of human trafficking to understand how the trafficking situation happened. Victims will know if one understands the language of human trafficking and will be more willing to open-up as using the language of trafficking is one way to gain the trust of the victims. Making avail of professional interpreters who can interpret the meaning of what is said by the victim is essential.

To prove someone has been trafficked, prosecutors normally must prove that there was a **long-term relationship** with the trafficker for example, how their relationship started, what led them into being trafficked, and **specific instances of force, fraud, or coercion** such as threat that families will be harmed. Victims may be comfortable sharing their experience with service providers whom they meet regularly compared to the prosecutors or law enforcement. Service providers are encouraged to take note of relevant information which could be shared with the prosecutor and law enforcement officers. In particular, information about the victim's **fear and their vulnerabilities** can be used as evidence of coercion. The service providers can also help with **identifying the corroborating evidence** from the victims and feeding the information to the law enforcements officers and prosecutors.

>> Side Notes: [Examples of force in human trafficking](#)

Coercion is an act done onto another person to make them feel compelled to be exploited. The characteristic of coercion, which is unique to this form of crime becomes difficult to prove. Using a chart on coercion framework, to determine coercion, we first need a vulnerable victim, second, we need a circumstance that makes an individual vulnerable such as tight for cash or facing challenges to care for a child who is sick. The third element is threat where human traffickers are constantly threatening the victim such as threat to be hurt or threatened to have victims arrested, etc. When these three elements are in place it creates a circumstance, individual feels compelled to be trafficked. In this context, it is also important to look at the **relevance of proving cultural norms and or special vulnerabilities.**

>> **Side Notes: Examples of threat in human trafficking**

**Psychological bondage** is created in victims using coercion which results in the victims feeling helpless and not able to leave their traffickers. Victims are led to believe that what's out there is worse than what they are experiencing. An abused person is more likely to harbor the impulse to remain with their abusers because they are overwhelmed by fear. It is not easy for victims to reveal to the law enforcements or prosecutors the type of threats and coercive practices that traffickers use on victims however, they may feel safe to share the details with service providers who have a longer, trustful relationship with them. Hence, it fundamental to have a multi-disciplinary teamwork to successfully convict a trafficker.

As every human trafficking situation starts with fraud, the victims are normally embarrassed and ashamed to talk about the fraud. Initial consent of victim to engage in human trafficking is not a legal defense because human trafficking is a violation of civil rights. Victims stays in the trafficking situation because of the climate of fear created based on their vulnerabilities. By learning the victims' vulnerabilities, service providers can understand the circumstances that enable traffickers to lure victims into trafficking.

>> **Side Notes: Examples of evidence in the context of human trafficking**

**In conclusion**, it is fundamental to use **multi-disciplinary teamwork** to effectively address human trafficking.

**2ND SPEAKER**  
**DR. HAEZREENA BEGUM**  
**BINTI ABDUL HAMID**



**KEY TAKEAWAY**

The following are the key take ways and recommendations offered in this session:

- Amend the definition of trafficking to clarify any ambiguities and uncertainty in the meaning of trafficking. At present the element of 'coercion' and 'exploitation' is subject to individual interpretation. There do not seem to be clear guidelines on how coercion and exploitation are assessed by state officials. This has given the police and immigration wide discretionary powers to identify trafficked victims.
- Clear guidelines provided on how coercion and exploitation are assessed by state officials.
- Avoid conflation of voluntary work and trafficked work. Such conflation not only victimizes trafficked or non-trafficked individual but may also affect the prosecution's case in court because misidentification of victims may harm victims and they may be reluctant to testify in court.
- Promote and encourage victims to testify in court while respecting their rights for example by giving them incentives or granting them the right to work and live in Malaysia.

The difference between the definitions of trafficking in persons taken from the Palermo Protocol and the Malaysian Anti-Trafficking in Persons Act are

Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the Nations Convention against Transnational Organized Crime states that

“Human trafficking is the act of recruitment, transportation, transfer, harboring or receipt of people through force, coercion, fraud, or deception, with the aim of exploiting them for profit”

Anti-Trafficking in Person and Smuggling in Persons Act (ATIPSOM) states that

“Trafficking in persons would mean all actions involved in acquiring or maintaining the labour or services of a person through coercion, and includes the act of recruiting, conveying, transferring, harboring, providing or receiving a person for the purposes of this Act.”

By using the phrase “through coercion, and”, the ATIPSOM definition makes it mandatory to prove coercion in courts in Malaysia.

The similarities found in the definition of “coercion” in both the UNDOC and the Malaysian Anti Trafficking and Smuggling in Persons Acts (ATIPSOM) is that

- a the element of threat of serious harm or physical restraint is present;
- b involves any scheme, plan, or pattern intended to cause serious harm to or physical restraint
- c shows abuse or threatened abuse of the legal process.

Coercion is also further explained as “the use of threat of serious harm or physical restraint or abuse of authority against any person through physical, legal, or psychological means” (UNODC, 2009).

The definition of “psychological” remains problematic in courts. Accordingly, it means a person is not free to leave his or her work because of threats to harm the person’s family or fear of being reported to the authorities (Dando, Walsh, & Brierley, 2016); the deprivation of psychological needs (e.g., no medical care; restricted food and water; limited sleep), or the denial of privacy (e.g., overcrowded living and working conditions) all of which physically humiliate and degrade victims, and induce physical exhaustion (Dando et al., 2016).

#### >> Side Notes: Understanding coercion in the context of confinement

‘Coercion’ and ‘exploitation’ becomes problematic because of the lack of understanding of the definitions of ‘trafficking’. Although these terms are explained in the Palermo Protocol, they are rather vague and are subject to various interpretation. Therefore, these terms (‘coercion’ and ‘exploitation’) are highly influenced by culture, religion and social practices, becomes more complicated with language barriers. Absence of a clear definition on terms such as ‘coercion’, ‘exploitation’, ‘traffickers’, ‘victims’ and other related terms in the Malaysian Anti-Trafficking in Persons and Smuggling of Migrants Act 2007.

As a result, the interpretation of trafficking becomes blurry and indefinite. Uncertainty of the trafficking definition have contributed to the conflation between voluntary and trafficked work (particularly in sex work). Trafficking definition becomes a double-edged sword which can convert a non-trafficked victim into a trafficked victim and vice versa. Therefore, there is an apparent gap between the law and trafficking discourse, and the events that are happening on the ground.

Article 3(b) of the Palermo Protocol states that the consent of a victim of trafficking in persons to the intended exploitation shall be irrelevant when any of the (above) ‘means’ (threat, force, other forms of coercion, abduction, fraud, deception, abuse of power, abuse of a position of vulnerability) have been used.

“Means” include the use of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. As a result of the “blurry” definition as discussed earlier, the state (law enforcers, judiciary, government authorities) has the unfettered right (state's discretion) to decide if any element of coercion or exploitation exists. So sometimes law enforcers make their own meaning of the word.

>> Side Notes: [Scholars definition of coercion](#)

For prosecutors, the term coercion in trafficking would require the presence of physical restraint to pursue trafficking charges. However, coercion mostly occur through psychological means. This includes restrictions of freedom, isolation, debt bondage, humiliation, and threats to report to authorities.

In practice, States often used victims' testimonies to implicate traffickers (Cusveller & Kleemans, 2018; UNODC, 2017). Furthermore, expert medical opinions may only attest the existence of bruises or injuries on the victim's body, but psychological coercion such as restrictions of freedom, isolation, humiliation, and threats to report to authorities can only be witnessed through victim's testimony (UNODC, 2017). Therefore, victim's testimony is not only a necessity but a legal requirement in most states (Farrell, Owens, & McDevitt, 2014).

For these reasons, women who are identified by the State as trafficked victims are usually compelled to give evidence in court. Besides coercion or deception, evidence of exploitation is also required to prove the existence of trafficking.

>> Side Notes: [Coercion in children](#)

In concluding the session, the presentation left behind a reminder to LISTEN to what the victim is saying.

**END OF BREAKOUT SESSION 1, ROOM 2**

## BREAKOUT ROOM SESSION 2, ROOM 1: UNDERSTANDING THE SUPPORT NEEDS OF TIP VICTIMS AND HOW BEST TO MEET THEM

The physical and psychological aftermath experienced by TIP victims can be enduring and multi-faceted – they often suffer severe physical, psychological and/or emotional health consequences as they are subjected to a range of abuses e.g. violence, sexual assault, emotional abuse, mental torture etc. To appropriately support TIP victims in their healing and recovery process, it is essential first and foremost to understand the support needs of the TIP victim and to incorporate survivor input in the development and implementation of victim support programme to address those needs more effectively. This session brings the voice of the victims to the forefront, gain better understanding of the realities on the ground from the perspective of service providers and best practices from subject matter experts.

1st  
Speaker

**Ms. Harbans Kaur**  
Shelter Manager  
Global Shepherds  
Shelter Home

2nd  
Speaker

**YM. Dr. Raja  
Kamariah binti Raja  
Mohd. Khalid**  
Director  
Psychological Development  
Division. Department of  
Women's Development.

3rd  
Speaker

**Dr. Sylwia Gawronska**  
Regional Programme  
Advisor  
Human Trafficking and  
Migrant Smuggling. UNDOC  
ROSEAP in support of the  
Safe and Fair Programme

### 1ST SPEAKER MS. HARBANS KAUR



This session brought the voices of the trafficked victims to the forefront through a video compilation of stories from women who had experienced trafficking. The first story was of a victim who despite receiving adequate services at a shelter for trafficked women, was restless and depressed due to the long wait to complete her case and was highly anxious in wanting to return to her family. The second is of a victim from Bangladesh who is constantly pressured to return home as soon as possible as her family financially depends on her. She however, has been held back due to delays in her case process. Further, as she is a sex trafficking victim who may not receive any compensation, the victim feels cheated and guilty for going home empty handed despite providing full cooperation in the investigation of her case.

Against this background, the main purpose of the shelter for trafficked persons is to provide emotional and psychological support to the victims of trafficking and to help them regain their dignity and empower them to reach their full potential. The shelter provides a safe space for victims to prepare themselves to participate in the justice system. This purpose can be achieved by building the capacity of staff at the shelter to use the victim-centered and trauma-informed approach to assist victims in their journey towards recovery.

>> [Side Notes: About victim-centered approach and trauma-informed approach](#)

Apart from ensuring the application of TIA to support victim, the basic physical and emotional needs of victims in the shelter should be provided to ensure that the victims feel safe at all times.

>> [Side Notes: Services in place at the Global Shepherds Shelter Home](#)

The session concluded by highlighting that economic empowerment is an essential tool in mitigating trafficking. This is reflected in the reasons that compels women to leave their homes and families and, in the desires expressed by the women to be given opportunities to earn income through better employment options that offer sufficient income to support their family back home.

**2ND SPEAKER**  
**YM. DR. RAJA KAMARIAH**  
**BT RAJA MOHD. KHALID**



The Department of Women's Development or also known as JPW is the agency responsible for the management of five government shelter homes for trafficked women and has the capacity to support some 240 residences. While a comparison of cases between 2020 and 2021 indicating a reduction in the number of referrals to the shelters may seem positive, the program continues to remain vigilant and is constantly aware of the larger number of cases that may have gone unreported.

In efforts to continue enhancing the services provided to the trafficked victims in the government managed shelter homes, JPW undertook a research on the needs of trafficked persons during the period when they are under protection. The research was conducted by the Psychological Development Division of the JPW between December 2020 until March 2021 and was carried out with a twofold aim of:

- a. Determining the benefits of separating care arrangement and shelter provision for those with a protection order vs an interim protection order.
- b. Identify ways to improve the current delivery of protection services to victims of trafficking.

This research applied a qualitative design, purposive sampling, and collection of data using focus group interview and the use of thematic analysis to analyze the data. The findings of the research indicated the following:

1. Separate the care arrangement for individuals holding protection orders and interim protection order to enable targeted assistance and support based on the respective status.
2. Continue to collaboration with NGOs to offer efficient services to the victims
3. Fair management approach to support the needs of the victims in the shelter

The outcome of the research indicates that the practices in the women's shelters are aligned to the needs of the victims in the shelter as they are given equal treatment and access to various support services. There is regular and constant collaboration and consultations with NGOs to conduct programmes for the victims in the shelter homes. These programmes are planned based on input from the victims and tailored accordingly to promote recovery. The shelter homes prioritizes a conducive environment which focuses on safety, facility and staff support.

The research provided useful insight to JPW on ways to fully engage with the victims to identify their needs within the shelter and to meet their expectation of protection service delivery. In moving forward and responding to the outcome of the research, improved programmes were implemented to help the victims to adapt to their new environment with support from the shelter staff and the women were encouraged to participate in programmes and activities planned for them. The research indicated that victims also wanted to experience positive change and self-improvement through skills enhancement and stabilization of emotions which was put in place with support from NGOs. As for the shelter environment in term of safety and recovery (therapy), JPW took immediate action by renovating one of the shelter homes. JPW also took initiative to improve the protection service delivery by enhancing skills of the shelter staff to promote better emotional and psychosocial support to the victims in the shelter. This includes conducting programmes for staff on listening skills, and other relevant skills to support the victims.

In brief, the three key focus of change in the JPW managed shelters includes:

- a. Helping the victims to adapt to their new environment through psychosocial programmes such as counselling, spiritual classes and also emotional management workshops such art therapy.
- b. Encourage positive change through skills development such as language class especially English, skills training and education.
- c. Create a conducive environment with an emphasis on wellbeing and health such as daily sports and gardening activity.

The conclusion of this session strongly advocated for enhanced and continuous government and NGO collaboration to ensure support for the victims of trafficking and to better promote the recovery process. Note of appreciation was recorded for the collaboration offered by Global Shepherds Bhd, Persatuan Kebajikan Suara Kanak-Kanak Malaysia (SUKA Society) and also Soroptimist International Club Iskandar Puteri for aerobic exercises.



**3RD SPEAKER**  
**DR. SYLWIA GAWRONSKA**



**KEY TAKEAWAY**

Non-punishment of victim of trafficking is the core of effective assistance. In this context, it is important to protect the victim from being detained, charged and prosecuted for illegal entry to the country. The principle of the non-punishment should be put in place from the onset during the stage of victim identification and ensure that victims are brought to the shelter instead of being detained.

Best practises approach for the victim assistance should include incorporating a human rights-approach and ensuring that its gender sensitive and victim-centred. Within the context of human right approach, compassion should be applied when responding to the victim as well as ensuring respect and protection for the victim's dignity and to recognize the human rights of victims. Gender sensitive consideration should be given to the particular needs of an individual victims arising from their sex, gender and sexual orientation. In applying the victim-centred approach, the needs and priorities of victims or the survivors of trafficking should be at the forefront of any response.

Special consideration should be given to vulnerable victims such as unaccompanied and separated children, asylum seekers and refugees. Ensure that special considerations and measures are put in place including psycho-social protection for child victims and witnesses of trafficking if they participate in criminal justice process.

Providing victims of trafficking with legal aid and assistance is an essential response component of an effective criminal justice system. Criminal justice system response should focus on preventing victimization and supporting victim in recovery.

This is embedded in United Nations Convention against Transnational Organized Crime & the Protocol against Trafficking in Persons (Art. 6) which outlines the "Assistance to and Protection of Victims of Trafficking in Persons". Assistance includes information on court proceedings, provision for physical, psychological and social recovery, access to compensation, etc. Protection includes privacy and identity of victims are kept confidential and the special needs of children. Details on Art 6 can be found in the link to the side notes below. There is also Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power.

[>> Side Notes: Article 6. Assistance to and protection of victims of trafficking in persons](#)

[>> Side Notes: Trafficking indicators](#)

It is difficult to provide assistance to the victims because of the trauma which may result in resistance to support and reluctance to receive protection due to a lack of trust and confidence in State institutions, lack of understanding of the situation and exploitation such as victims not knowing their rights and may prefer to remain within the control of their traffickers which is the consequence of trauma from their trafficking experience and emotional bond which is developed between the trafficker and the victim. In addition, the first responder's knowledge & capacity of service provider also affect the level of assistance provided to the victim.

Effective assistance for trafficking person requires putting in place protection and assistance that facilitates short-term and long-term recovery that focuses on sustainable protection solutions, non-punishment of victim of trafficking, prevent secondary victimization, and ensuring that victims are not re-trafficked by promoting empowerment, addressing trauma and ensuring effective reintegration.

Service providers such as immigration, social services (NGO), medical and legal aid should put in place support plan that has elements such safety plans (safe from traffickers), informed consent, non-conditionality, confidentiality and right to privacy, individualised treatment and care, best interest of victims, non-discrimination and also self-determination and participation.

Sustainable protection solutions such as basic needs, economic reintegration, medical and psycho social care, and legal support and assistance should be put in place. Basic needs of the victims include safe accommodations, safety and security as well as reflection period. Medical and psychosocial support include counselling, social counselling, medical and dental care, and family and community reintegration. Economic reintegration includes education, language training, skills training programs based on labour market situations and also job placement assistance. Legal support and assistance include legal counselling, filing criminal complaints & other legal remedies and non-criminalization.

>> Side Notes: Stages of protection and assistance

UNODC work in delivering expertise by helping countries to draft laws, policies and national plans for trafficking victims as well as reviewing documents, investing, sharing of useful tools that can be used for training, research and policy making.

This session concluded with a powerful quote that it takes whole village to combat trafficking and to support the victims hence collaboration among key agencies such as government and non-government agencies is key in successful implementation of assistance.

**END OF BREAKOUT SESSION 2, ROOM 1**

# BREAKOUT ROOM SESSION 2, ROOM 2: A RIGHTS-BASED, GENDERED PERSPECTIVE IN TIP VICTIM CARE AND PROTECTION

Trafficking in person can happen to men, women, girls and boys in practically every country across the globe and in various sectors, particularly those which are labor intensive. Over the years, the trend continues with women and girls being the majority of those trafficked. In UNOCD's Global Report on Trafficking in Person 2020, it was reported that for every 10 victims detected globally in 2018, 5 were adult women and 2 were girls. Women and girls are the more disadvantaged in most context e.g. type of employment, salary, ownership and control of income/property, political participation, education etc. The presentations in the next session will provide a view of the issues of TIP from a rights-based and gender-responsive perspective which recognizes the similarities and differences in the experience of trafficked persons, especially women and children, that are rooted in the unequal social status which render them vulnerable to trafficking, and to address the special needs of victims through strategic gender-responsive interventions and prevention efforts.

1st  
Speaker

**Dr. Sharon Bong**  
Associate Professor of  
Gender Studies  
School of Arts and Social  
Science. Monash University  
Malaysia

2nd  
Speaker

**Ms. Alexandra  
Håkansson Schmidt**  
Programme Analyst-  
Governance, Peace and  
Security  
UN Women ROAP

3rd  
Speaker

**Ms. Omna Sreeni-Ong**  
Founder  
Engender Consultancy

## 1ST SPEAKER DR. SHARON BONG



### KEY TAKEAWAY

There is a limit to only using a secular or a rights-based approach hence, a potential solution would be a merging of the two approaches which are the rights-based approach, as well as a faith-based approach. The approach is exemplified by Talitha Kum Southeast Asia, a faith-based, rights-based organization comprising religious sisters within the Catholic tradition.

We need to operate from a rights-based approach, but that should not be the be all and the end all. Therefore, it is fundamental to also engage with cultures and religions because gender binaries and patriarchal systems filter are embedded in cultures and religions. It is important no matter how messy or how problematic they may be, because that is a tried and tested global research which shows in terms of best practices, a way in which we can more meaningfully and more effectively bring the conventions home.

The work of feminist, like house work, is never done. It just seems to be so much to do especially in times of the COVID pandemic, that has amplified, gender-based discrimination and gender-based violence. Even when the pandemic is now going into endemic stage, sexual and gender-based violence and discrimination continued to be with us and in fact, has become worse.

As feminist, women's rights are seen as human rights. And so fundamentally, human rights or a rights framework is not just secular but has 3 tenets which are Universal, Inalienable and Indivisible.

>> Side Notes: [Meaning of the 3 tenets](#)

>> Side Notes: [About key conventions](#)

There are four basic approaches that are applied in prevention and care in trafficking-in-persons when we are tackling gender-based discrimination and violence.

#### 1. Moral Imperialism & Universalism

Morally privilege imperialism and universalism share something in common. If they had to choose, then a Universalist and immoral imperialist would usually privilege human rights or women's human rights as universal values over and above cultures and religions. The difference between a moral imperialist and a Universalist is that a

morally imperialist as the term imperialist suggests would be more dogmatic about human rights. Therefore, those of us who engage with UN conventions, need to be culturally sensitive.

## 2. Cultural Relativism & Moral Relativism

A cultural relativist and a moral relativist would share something in common and that is the opposite means privileging cultures and religions or traditions if they had to choose over and above universal values. So, they will be holding on to female circumcision, child marriage or early marriage, for instance, and so on. The difference between a cultural relativist and moral relativist would be that a moral relativist would be more fundamentalist and more dogmatic about holding on for dear life to cultures and religions, regardless of the harm principle, certain cultures, and certain religious interpretations may be brought to bear on communities, and especially vulnerable communities.

## Beijing Platform for Action: Fundamentalism

### 3. Religious Fundamentalism (cultural relativist to moral relativist)

“Religion, thought, conscience and belief may, and can, contribute to fulfilling women’s and men’s moral, ethical and spiritual needs and to realizing their full potential in society. However, it is acknowledged that any form of extremism may have a negative impact on women and can lead to violence and discrimination” (para 24). This exemplifies a position of cultural relativist, that could potentially shift into a moral relativist position. The quotation basically means that if there is a conflict advancing women’s rights in local contexts, where there are harmful cultural or religious traditions, then the UN conventions call to privilege, women’s human rights. So embedded in the UN conventions is already a Universalist and it could spill over to a moral in privileged position.

### 4. Political Fundamentalism (Universalist)

“The full realization of all human rights and fundamental freedoms of all women is essential for the empowerment of women. While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms” (para 9)

#### >> Side Notes: Critical Relativism

In conclusion, a faith-based perspective is the notion of dignity as human persons. We can draw that from religious resources, regardless of what faith we are religiously identified or affiliated with. So, the paradox is that we need to engage with cultures and religions in order to better advance women’s human rights.

## 2ND SPEAKER MS. ALEXANDRA HÅKANSSON



### KEY TAKEAWAY

The dynamics of human trafficking is highly conflict dependent therefore, the experiences and strategies to combat trafficking not only differ between countries but also within countries, and between different provinces, villages and cities. There cannot be one single analytical framework or approach to working on human trafficking. Significant effort needs to be aimed at understanding the various complexity of this issue.

Globally, it is estimated that women and girls represent 72% of trafficking victims, and 77% of the affected female victims are trafficked for the purpose of sexual exploitation. However, due to the nature of trafficking in persons and other transnational crime, it is difficult to detect, measure and adequately assess the extent of the activities.

#### >> Side Notes: Key recommendations from the survey conducted by ODI/SEGRl

### Research Report

A research report was conducted by ODI/SEGRI in Myanmar and LSCW in Cambodia which was jointly conducted with the UN and published in 2020. The aim of the research was to study the prevention and mitigation impact of trafficking and transnational crime on women.

The following respondents participated in an interview for the research.

- 37 survivors of trafficking
- 7 family members of trafficked persons
- 27 key informants including policy makers, practitioners and trafficking experts

Below is a summary of the Gendered Push and Pull Factors identified as the risk factors to trafficking of women and children:

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- 1. Gender and Age: Younger persons tend to be at higher risk of being trafficked for sex.** In South East Asia, there is evidence of demand for trafficking of children especially due to lower cost of employing child workers and the demand for child brides.

*“Men trafficked into the fishing industry are in their twenties, women trafficked into prostitution are younger than 20, at times even 15”.*

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- 2. Gender and Education: Low level of education heightened the risk of trafficking.** Trafficked persons often come from economically disadvantaged circumstances and have little to no formal education. They, therefore may have limited opportunities to get well paid jobs and attain economic independence. In this circumstance, work opportunities and labour abundance at other locations may become particularly attractive.

All survivors of trafficking who were interviewed for this research have a disadvantaged family background which led them out of school from a very early age. Gender bias could also be observed, as women and girls are more likely to be pulled out of school early when family having limited funds to spare for education. Priority for education is given to the boys in the family.

*“Neither me nor any of my five sisters went to school. My mother told me and my sisters that we do not need to go to school as we would only take care of the housework. My mother preferred my two brothers to go to school as both would be the master of the family when they are married”.*

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- 3. Gender-based Violence: Intimate partner violence notably domestic violence and abuse is the key driver of women’s migration.** Respondents know that many wished to escape double victimisation, of firstly, the abuse by the perpetrator and secondly of the subsequent discrimination that they may face in their community if their experiences or abuse was brought to court and made public.

*“Some groups of women are vulnerable to trafficking, such as the survivors of domestic violence, rape and abuse. This group of women want to escape from violent situations in the families and the discrimination by the community as they survived rape or abuse”.*

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- 4. Gender, Poverty and Debt: There is a strong link between gender and debt and its influence on migration.** Recent study in Cambodia highlighted that female migrant from Cambodia to Thailand were more prone to be in debt with 38% of men and 43% of women being in debt at the time when they migrated.

*“The whole family solely relied on the income from farm, plantation and logging but it was insufficient for the family and when faced with food shortage my mother borrowed money from other villagers to buy more food for the family and would return it back to them with high interest when we managed to sell crops. It was the usual strategy that my mother used for the survival of the whole family”.*

Family debts can drastically increase, especially when the women have to stop working for child bearing and to take care of her baby in the absence of adequate social protection or if she is left as the sole breadwinner of the family.

A recurring issue seen in this research is the issue of debt bondage, where extreme poverty has led families in Cambodia and Myanmar being manipulated by traffickers including being convinced to give their children to recruiters. These children are often girls, left with the creditors as debt bondage, until they pay off the family's debt.

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5. **Gender and Ethnicity: Girls from particular ethnic groups have a higher risk of being trafficked.** This was a particularly relevant factor in Myanmar, as ethnic groups such as Rohingya, Rakhine, Chin and Kachin communities have an increased risk of being trafficked due to being disproportionately impacted by conflict and human rights including gender-based violence and rape, war displacement, restricted freedom of movement and limited access to documentation, services to livelihood. Women living closer to the border of Thailand who are Muslims from Myanmar, do not have access to citizenship in Myanmar because of their religion, and because they have no citizenship, they could only find income through irregular migration to Thailand, putting them at high risk of trafficking.

*“Karen women can be found in shopping mall stores, fuel stations or restaurants, Rakhine women are in garment factories. The factory mostly hires women. They don't want to hire men due to drug issues, fighting with each other, and because they might go on strike”.*

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6. **Gender and Household Decision-Making structures. Women tend to have less decision-making power than men.** Decision-making processes in households is another gender dynamic that increases the risk for women. Young men often take the decision to migrate on their own and do not take permission from their families while young women more often make the decisions with their families or had the decision made on their behalf by their families.

*“I made a decision myself and no one made a decision for me. When I heard about a job in Thailand, I contacted the broker by myself then I made the decision on my own”.*

*“I was only nine years old when I went to Thailand for the first time for babysitting. My father is the one who decided I would go. If a father wants his daughter to go there, she has to go. Right?”*

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7. **Climate Change and Natural Disasters.** The research also gave some evidence of linkages between trafficking and climate change and natural disasters. However, this relationship is still relatively unexplored and requires more research but generally it is argued that natural disasters such as drought and floods and frequent climate change destroys harvest in livelihood, which are all important income sources.

*“There was a flood in our village due to a dam breaking which affected the whole village including our family. My father left the family and had a second marriage. Only my mom was doing business for the family, she became the breadwinner of my family. After the flood, some people in the village were working in Thailand. They went there the informal way”.*

This gives an indication that natural disaster may affect migration and ultimately increase the vulnerability to trafficking.

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8. **Migrant Worker Status. Risk of trafficking increases vulnerability to irregular migration.** There is a distinct difference between migration and trafficking although both are closely linked as the risk of being exposed to trafficking increase irregular migration. Undocumented migrants in particular may lack knowledge about their rights, fear deportation and seeking support, face language and have limited access to authorities. This contributes to compounded risks of being trafficked.

One reason for illegal migrations is the lack of documentation or official citizenship status and necessary travel documents. Women may have a more difficult time accessing documentation than men. People who live in conflict affected areas often also have difficulty in accessing citizenship documentation as displacement and conflict may make it difficult for them to obtain information about their family's citizenship status.

The research showed that survivor's employers recruited them on the pretext of providing them legal documentation but in the end, this never became a reality.



**3RD SPEAKER**  
**MS. OMNA SREENI-ONG**



**KEY TAKEAWAY**

Human rights are interrelated, interdependent and indivisible hence, human rights of trafficked persons, smuggled migrants and the persons convicted of these crimes are relevant for a comprehensive human rights and gender responsive based approach.

A human rights-based approach requires human rights obligations and principles to be integrated into all aspects of work, including by ensuring participation and inclusion of disadvantaged groups; strengthening human rights accountability of States, and promoting non-discrimination and equality, including gender equality.

Gender equality implies that the interests, needs and priorities of both women and men are taken into consideration, recognizing the diversity of different groups of women and men. Gender equality is considered in the context of internationally recognized principles of equality and non-discrimination, participation and inclusion, accountability and the rule of law.

Human rights violations contribute to gender inequality and gender inequality contributes to human rights violations. Accordingly, human rights-based approaches can serve to redress this imbalance and achieve gender equality, by ensuring that the human rights of all people are respected, protected and fulfilled, irrespective of the gender of rights holders.

The Government of Malaysia, as duty bearer, takes a human rights-based approach to ensure its national anti-trafficking in persons response and measures to adhere with international human rights standards and are operationally directed to promoting and protecting human rights, especially those of the victims. This includes the principle of non-discrimination, where all victims are treated equally before the law without any discrimination on any grounds such as race, gender, religion, nationality, age, disability, immigration and other status, culture and language, and integrates a gender perspective, where due considerations are made with regards to vulnerabilities and existing inequalities driven by gender differences. In all actions concerning children, the best interests of the child should be given primary consideration in full compliance with relevant national law and international standards, ensuring the protection of the child.

>> **Side Notes: International normative standards**

There are many individuals who are engaging with victim of trafficking from point of victim identification, shelter management or case management. Conversations takes place with the victim at different levels of experiences, learning and exposure, therefore, it's so crucial that individuals working with a victim is gender sensitive and be well aware of human rights principles.

>> **Side Notes: Principles of gender-mainstreaming**

Equal access in terms of care and protection and equal access to utilization of the services should be ensured to the victims. Consideration must be given to who uses the services, who are the client, who are the target groups, do women and men have difference needs, are the different circumstances of women and men taken into account, when services are designed have all target groups access to the same sources of information, who benefits most, is there an imbalance, which group would suffer most if they did not use the services, and whether or not women and men are

equally involved with the decision making, whether as planners or those who are in the operational and also other voices of the victims been being hurt.

The process of empowerment happens when we take an individual from victim to survivor. Gender responsive, trauma-informed and victim-centered approach are becoming the norm in achieving empowerment. In practise, an empowerment of an individual process takes on the following values:

- Take an intersectional approach recognize interrelated identify factors and vulnerability
- Be informed by gender perspectives that are essential to ensure that protection and assistance services are tailored to the individual.
- Needs and well-being of the victims
- Consent of the victim
- Compassionate, non-discriminatory and non-judgmental
- Minimises harm or re-victimisation
- Provide victim support and assistance
- Empower the victims
- Integrates trauma knowledge into policies, procedures and practices
- Consideration that the victim may have experienced trauma
- Aware of the prevalence and impact of trauma

>> Side Notes: Survey outcome

The key principle of NAPTIP 3.0 is that each person is entitled to their freedom, dignity and human rights. However, it is a collective obligation of a nation to prevent it to ensure the dignity and basic human rights is upheld. The NAPTIP 3.0 was developed to set a clear direction towards preventing and protecting and restoring the rights of victims. It is a roadmap co-created with the governments, civil society, international organizations can actually come together and formulate this action plan and it can shift the needle in actually operationalizing this to see a great deal of difference. One of the areas in NAPTIP within the four pillars that require attention is in the monitoring. Below are some thoughts on strengthening monitoring and evaluation of the implementation of NAPTIP 3.0:

- i. Agreed process and criteria for participant selection to support strengthening of existing policies, strategies and national action plans in accordance with human rights-based and gender-sensitive approaches. Training program developed in partnership with relevant local counterpart institution to tailor human rights and gender-sensitive approach to country context and capacity.
- ii. Number of National initiatives to strengthen/implement criminal justice strategy in accordance with human rights and gender equality obligations
- iii. Training curriculum identifies and addresses potential national/local barriers to implementation of human rights, gender sensitive and child-friendly process.
- iv. Human rights, gender-sensitive and child-sensitive tools used to inform development of prevention plans
- v. Are TIP strategies, policies and action plans developed or existing ones revised to explicitly incorporate human rights and gender components. Number of strategies, policies and action plans developed that reduce opportunities for traffickers and smugglers.
- vi. Interagency task forces/coordination bodies on TIP and SOM include stakeholders specialised in human rights and gender issues
- vii. Crime prevention plans explicitly include human rights and gender considerations.

>> Side Notes: Reflections and Recommendations to strengthen trafficking-in-persons response

**END OF BREAKOUT SESSION 2, ROOM 2**

# BREAKOUT ROOM SESSION 3, ROOM 1: TRAUMA-INFORMED PRACTICE: RECOMMENDATION FOR PROVIDERS SUPPORTING TIP VICTIMS

Shifting from a mindset of asking “what is the problem with you?” to one that asks, “what has happened to you?” is the foundational goal of the trauma-informed approach (TIA) when working with a trauma survivor. TIP victims often go through and endure a degree of trauma from their trafficking experience, which may have continued and prolonged psychological and physical impact post-rescue. Without the understanding of the impact of trauma on TIP victims, service providers and those who engage with the victims may misinterpret symptoms and behavioral manifestations of trauma in responding to victims, which may inadvertently cause them further re-traumatization. This session helps participants to put on a trauma-informed lens when engaging with TIP victims and have a better understanding of the impact of trauma on victims.

**1st Speaker**  
**Ms. Deneen Kelly**  
Aftercare Consultant  
International Justice  
Mission. Thailand

**2nd Speaker**  
**Ms. Karen Tai**  
Senior Manager  
Research and Advocacy.  
Global Shepherds Berhad

## 1ST SPEAKER MS. DENEEN KELLY



### KEY TAKEAWAY

Trauma-informed care is not a therapeutic method used by psychologist and social workers doing healing care but is a larger umbrella concept that should inform the policies and procedures, be built into the organizational culture and guide in the practice of services. Trauma-informed care principles are very useful in a variety of service areas such as legal systems, medical care, and advocacy programs.

To provide ideal care and protection to the survivors, care providers will need to be knowledgeable on common behavioural and emotional outcomes and continue to revisit organization’s systems of care, therapeutic care, policy and procedures, skills and continue to stay updated.

It is also important to learn from survivors’ experiences, adopting new strategies, policies, and techniques to prevent further harm as it is the survivors’ wisdom and experience that have guided and confirmed what makes a good Trauma-Informed Approach.

Trauma-Informed Care (TIC) is a relatively new service model that has the following four guiding principles or 4Rs of Trauma-Informed Program, Professionals, or Systems:

- Realise** that trauma is prevalent, and the impact of trauma is real.
- Recognise** the signs and symptoms to ascertain someone is a survivor of trauma.
- Respond** by integrating knowledge into the policies, procedures, and practices.
- Resist** re-traumatization by understanding potential ways that the services may cause harm and further traumatize the individuals and learning how to respond differently to actively resist the possibility of re-traumatizing the survivors.

One of the pioneers of the concept of trauma, Bessel Van Der Kolk defined trauma as “an experience that overwhelms our capacity to cope”. He and his research team looked into developing the concept of trauma in the 1970s where they noticed a cluster of symptoms in war veterans who experienced the Vietnam war. They later noticed that these experiences overwhelmed people’s capacity to cope. The definition tells us that no two people are the same, people have different personalities, values, worldviews, coping strategies hence, what might overwhelm a person may be different to what overwhelms another person. For example, age factor, experiencing trafficking as a child impacts the child differently compared to a similar trafficking situation for an older person as children have limited resources to cope compared to adults.

The 2 main factors that influences the extend of a traumatic experience on an individual are:

**Actual experience** where an individual experiences loss of control, the potential for injury or death to themselves or others and the presence of an experience that challenges personal beliefs or concepts.

**Capacity to cope** which involves personality trait, social support, coping skills, baseline anxiety and access to resources.

Other factors that contribute to the severity of the impact of a traumatic and its effects on an individual's capacity to move towards recovery includes:



As these factors may be unknown during the first meeting with a survivor, it becomes even more important that as entire programs and systems use the 4Rs and is responding in a way that is sensitive, compassionate and that provides survivors opportunity to build trust and safety, to be active collaborators and have their voice be heard and informed of next steps in what happens to them.

The 4Rs of Trauma-Informed Approach offers data on the occurrence of trauma, short-term and long-term outcomes for survivors and the frequency of these traumatic experiences through evidence-based signs and symptoms. To provide ideal care and protection to the survivors, care providers will need to be knowledgeable to common behavioural and emotional outcomes and continue to revisit organization's systems of care, therapeutic care, policy and procedures, skills and continue to stay updated.

It is also important to learn from survivors' experiences, adopting new strategies, policies, and techniques to prevent further harm as it is the survivors' wisdom and experience that have guided and confirmed what makes a good Trauma-Informed Approach.

Over the past decade, two of the most highlighted conversations in the anti-trafficking movement have centred on the need to incorporate trauma-informed practices into anti-trafficking work and to invite survivors into leadership positions within organization.

Some recommendations proposed to further strengthen the support for victim of trafficking includes, hiring survivors and ensuring trauma-informed work environment, empowering survivors in the workplace and establishing administrative processes for a trauma-informed workplace.

>> [Side Notes: Theoretical foundation of trauma-informed approach](#)

## 2ND SPEAKER MS. KAREN TAI



Karen Tai shared her personal journey and experience in implementing trauma-informed practices in Global Shepherds. Karen started as a counselor at the Teenage Centre managed by the Good Shepherd Welfare Centre. It was observed that the teenagers who were from challenging backgrounds shared similar experiences about the care and dynamics of their relationship within the centre.

The girls were emotionally reactive, exhibited behavioural issues and did not feel emotionally safe. The staff too shared they were being reactive, had conflicts with each other and with the residents. There came a realization that there needs to be better way to provide services. She was later referred to a programme in Good Shepherd Services in New York who were certified in practicing the Trauma-Informed Approach (TIA) in a model called the Sanctuary Model.

This model was designed by Sandra Bloom based on her own experience in providing services, especially those in residential care. The model further explains that the health of an organisation, staff and clients are aligned in what is known as the Parallel Process which recognises that if an organization is unsafe, the staff will feel unsafe, and clients too will be experiencing the same things. There are many resources available related to TIA and later when there was an opportunity to go to New York, Karen was able to see first-hand on how it was practiced.

### Trauma organised vs Trauma Informed Organisation

In her book “Restoring Sanctuary” Sandra Bloom, further elaborated that a “trauma organized” organization, organizes themselves around trauma and hence, there is lack of clear and consistent model on delivering services. There is lack of safety and trust, communication failure, staff conflict, loss of emotional management, inability to address trauma-based problems, injustice, failure to act, hierarchical management structures. The staff’s own histories of experiences may also collide with clients’ issues, which causes physical or psychological injuries and staff feels demoralized, burnout and due to this there will be more counter aggressive responses to client’s aggression. This will result in a punitive environment that focuses on obedience and that produces more conflict between staff and residents. In simple terms everything will be focused on managing the behavioural issues than looking at the root causes of real problem. An important question that was asked in the book was that organisations are challenged to ask of themselves whether the organisation was “creating sanctuary or destroying sanctuary”.

### TIA in residential setting

Thereafter, when the shelter for women was set up, the organisation also looked into how TIA can be applied in a shelter for victims of trafficking or any other kinds of crimes. Can the residents be made to feel safe if sanctuary is created or will we destroy their safety?

Hence, the organisation decided to change their approach of providing care that is not re-traumatizing and facilitates healing, empowerment and recovery to survivors by using Trauma-Informed Care.

As explain in the earlier session, the 4Rs of TIA programme outlines the path from being trauma-aware to trauma sensitive to trauma responsive and trauma-informed.

4Rs – Realise > Recognise > Respond > Resist (re-traumatisation)

In terms of Trauma-Informed Care, it refers to how services are shaped so that it is trauma-informed, grounded on the understanding and awareness of trauma. It uses a strength-based approach where strengths are recognized, validated, and built on, emphasizing physical, psychological, and emotional safety to avoid retraumatizing the clients and staff.

### Implementing TIA

One of the key initiatives to be undertaken by the organisation at the beginning is to identify Trauma-Informed champions, and they may be from any of the programmes within the organisation

Next is to create awareness and generate “buy-in”, the TIA champions are trained so that the organisation can proceed to take the foundational steps towards becoming a Trauma-Informed organization. Receiving the buy-in from the top management is a critical first step to sustaining the long-term commitment of being Trauma-Informed.

Based on the organisation's experience, the first step in implementation is the Foundational Foundational Readiness Phase, where the organisation recognized and become aware of trauma and the impact of trauma.

Next after getting the buy in from the top management and staff the TIA champion introduces the Trauma-Informed Approach to the organizations by checking on the readiness to adopt Trauma-Informed Approach. This will be followed by formulating policies on TIA policies and reviewing SOPs to lay the foundation.

For the Implementation Phase, the organisation gathered more responses through an organization-wide assessment survey. From a range of Trauma-informed principles all staff were asked to prioritise their preferences and from the results of the survey, the organisation identified six key principles to be adopted for its own use.

Global Shepherds TIC Core Principles are Safety, Trustworthiness & Transparency, Empowerment & Choice, Collaboration & Mutuality, Inter-Connectedness and Cultural Competence & Historical Gender Issues.

Once the principles were identified, the organisation proceed to plan for capacity building, TIA roll out, implementation and monitoring. The implementation of TIA is an ongoing and repetitive process and requires revisiting at intervals.

To explain Trauma-Informed Care (TIC) for TIP victims in a residential setting, the metaphor of a fish bowl was used. The residents being the fish and the staff being caregivers in an environment where the residents are dependent on the staff for their safety and well-being.

The priority of this duty of care encompasses physical safety and emotional/ psychological safety. Creating safety for the victims or rescued person is the priority as it is the most fundamental human need.

In the TIA, creating and maintaining a feedback channel is one of the most fundamental practices so that we know how survivors are experiencing our care and the service delivery. It is important to have openness, effective communication, regular meetings / debriefing sessions, provide emotional safety, to be able to express opinions/ feelings, not be penalized for presenting views and feelings. It requires honesty and humility to be able to receive feedback and there needs to be open mindedness to improve on services.

### **Ongoing Capacity Building**

Capacity building of the staff is one of the key requirements of becoming Trauma-Informed. This is the reason for the training manual that was developed in collaboration with MWFC, IJM and Global Shepherds. The manual focuses on the guiding principles which includes Trauma-Informed Approach, Rights Based Approach, Gender Responsive Approach and Victim Centered Approach. Whereas, the second manual looks at the interventions programs on empowerment and equipping the survivor with life skills.

It was emphasized that TIA is about changing the mindsets, and a conviction to find a better way of offering services. There will be resistance at the beginning but like the Good Shepherd Services in New York, the organisation, staff, volunteers and programme participants experienced the benefit once TIA was put into practice.

In the past 10 years Malaysia's Victim care and Protection has changed so much that even in the NAPTIP 3.0, the language used became more Trauma-Informed, Victim Centered and Rights Based.

It is important to be aware that everyone has a story, behind the behavior there is always a purpose, hence, not to look at the behavior or the person as a problem but to look at what has happened to this person that has

caused them to behave in a certain way. TIA requires us to be curious about the person sitting in front of us, to empathize with what has happened to them and appreciate their resilience.

Global Shepherds' vision statement states clearly that "one person is of more value than the whole world" and by living this we say that each person we meet matters.

Another key element in TIA is self-care, and the need to take care of the carers. If carers are demoralized and burnout, they will not be able to provide a conducive environment or services to the residents. Hence, self-care is important and management needs to understand the importance of self-care for the staff. For instance, provide extra support like counseling if there is a need.

### **Becoming TIA**

The benefits of Trauma-Informed Approach are many of which it increases safety, improves relationships, improves quality of services, reduces negativity, creates a community of hope, wellness and recovery and the "Parallel Process" promotes wellness of client, staff and organizations.

The challenges in implementing TIA can be outlined as obtaining the "buy in" and commitment from the leadership and organization. The journey to becoming trauma-informed takes time, effort, and money, need dedicated trauma-informed champions and sometimes, these are not always available. Process that is on-going and continuous due to constant staff turnover and present versus future. A decision needs to be made on investing now for a better future or do we focus on the present problems due to insufficient time. In providing the ideal care and protection for the survivors, just getting the job done now is not enough if we are not getting the job done right.

The benefits of implementing a Trauma-Informed Approach outweighs its challenges. Trauma-Informed Approach is not only another buzz word. It is a minimum standard of care when working with people who have experiences of trauma, it reduces likelihood of re-traumatization in the care and protection system and increasing safety to caregivers.

Becoming trauma-informed is a long-term journey that is worth taking. It is something that we hope to keep working on and keep advocating for, especially for the those who have been sent to us for victim care and protection service; so that there will come a day we can say we are truly trauma-informed.

**END OF BREAKOUT SESSION 3, ROOM 1**

# BREAKOUT ROOM SESSION 3, ROOM 2: VICARIOUS TRAUMA AND BURNOUT: PROVIDING SUPPORT FOR THE SUPPORT PROVIDERS

Trauma is contagious (Judith Herman, 1992), and there is a cost of caring. Working closely with trauma survivors and continually hearing their experiences will undoubtedly have an impact on support providers and others who interact with the survivors e.g. social workers, enforcement and prosecution. Over time, support providers may experience changes in their own psychological, physical and spiritual well-being and exhaustion as they care for trauma survivors and feel committed or responsible to them. This session provides an understanding of the cost of caring, and how to ensure self-care.

**1st Speaker**  
**Ms. Madeleine Yong**  
Co-Founder  
Power of Play

**2nd Speaker**  
**Dr. Yeo Pei Li**  
Counselor  
Counselling Educator  
& Clinical Supervisor.  
Soroptimist International  
Club of Bangsar & The  
Empowerment Group

**3rd Speaker**  
**Mr. Fajar Santoadi**  
Counselor and Program  
Manager  
Tenaganita

## 1ST SPEAKER MS. MADELEINE YONG



### KEY TAKEAWAY

Trauma is not bad or shameful. It could be a sudden incident in your life that you did not expect followed by a negative reaction to the sudden incident

Vicarious means an experience in the imagination through the feelings and actions of other people. There is a positive effect from vicarious memory. However, in vicarious trauma we will constantly hear about the physical abuse, sexual violence, shattered dreams, and constantly exposed to the negative stories. After a prolonged period of taking in the experience into our bodies we develop vicarious trauma, compassion fatigue and burnout.

Prior to understanding the consequences of working with trauma survivors, we should identify those who are at risk. In this context, organisations are encouraged to constantly check on their staff by asking employees the following questions:

***“What are your biggest emotions  
and  
How you cope with it?”***

#### >> Side Notes: [About vicarious trauma](#)

Burnout happens rapidly to an individual who does not have good coping strategies. Most often, it happens to new employees who experience intensity of the job. These individuals would need a lot of support to process the stories of trauma that speak of the desperation and hopelessness of the victims.

#### >> Side Notes: [The cost of caring](#)

Self-care is about knowing one's self and managing the nervous system. The body releases signals to tell us whether we like or dislike a situation hence, it is important to connect and listen to the body and be aware of the signals. The reptilian brain of the nervous system alerts the body of a danger or stressful situation. Feelings of insecurity and anxiety comes from our reptilian brain which then triggers the Flee, Fight or Freeze mode.

If the reptilian brain is under threat and signals a message to say “I cannot escape”, the natural instinct will be to run (Flight). If the reptilian brain ignores the threat, the Fight mode will be activated. However, if both Flight or Fight is not activated, then the Freeze mode will be activated. Taking the Covid-19 pandemic as an example, many people experience being forced to stay at home (to work) and thus may fall into the “Freeze” mode which causes stress and possible collapse if the stress becomes too overwhelming.

The session ended by emphasising the importance of finding ways to self-regulate for our own well-being. Some suggested ways to cope with the situation is to get in touch with our senses, thinking of the most wonderful meal, the nicest smell or practicing birthday cake breathing.

**2ND SPEAKER  
DR. YEO PEI LI**



**KEY TAKEAWAY**

Humans are the greatest asset in an organization and vicarious trauma is part of the job hazard for those working with trauma survivors. Vicarious trauma is also known as post-traumatic stress disorder (PTSD), indirect trauma, secondary traumatic stress, compassion fatigue or burnout. Vicarious trauma does not occur over night but cumulative over a long period. Individuals may experience burnout due to several factors such as feeling despair, hopeless, cynical, exhaustion, etc. These risk factors however, are preventable, sensitive to their specific needs.

Research have found the risk factors of various trauma may appear in both the professional and personal aspects of life:

**Professional aspect:**

- Little experience
- Worker/organization mismatch
- Inadequate orientation & training for role
- Lack of quality supervision
- High percentage of trauma survivor in caseload

**Personal aspect:**

- Trauma history
- Pre-existing psychological disorder
- Young age
- Isolation and inadequate support system
- Loss in last 12 month
- Re-traumatization by understanding potential ways that the services may cause hurt and further traumatize the individuals and learning how to respond differently to actively resist the possibility of re-traumatizing the survivors.

The impact of vicarious trauma on individuals at the workplace can be observed in the following four areas:

- Morale** – Decrease in confidence, decrease in interest, negative attitude, apathy
- Behavioral** – Absent/tardiness, overwork, exhaustion, irresponsibility, poor follow-through
- Interpersonal** – Detached/withdrawn from co-workers, poor communication, conflict, impatience
- Performance** – Decrease in quality/quantity of workload, low motivation, task avoidance or obsession with detail, working too hard

>> Side Notes: [5 pillars of healthy, vicarious informed organisation](#)

The benefits of placing due importance on employee health and benefits in organisations includes:

- Raise employees' awareness of professional and personal self-care strategies for addressing vicarious trauma
- Encourage practice of self-care during and after work
- Coverage of mental health services in employee health benefits
- Identify experienced, trained, accessible and approachable manager to provide employees with confidential support and referrals to helpful services
- Need someone in the organization staff can go to - trust - confidentiality

The following are suggestions to mitigate vicarious trauma in the organization:

- Assess the negative impact of vicarious trauma includes having informal discussion with staff, debriefing sessions.
- Use assessment tools and conducting exit interview which provides an opportunity for management to seek for recommendations to improve the organization's response to vicarious trauma.
- Conduct self-check for vicarious trauma signs which includes thinking the worst in every situation, reacting disproportionately, never taking a vacation, forgetting why you do your job and decreased performance.
- Human resource of an organisation plays an important role in addressing vicarious trauma which include providing framework to become a vicarious trauma-informed organization in four areas which includes policies, procedures, practices and programs.
- The organisation needs to ensure supportive, respectful and effective supervision which includes an open discussion on vicarious trauma, strategies for addressing the trauma and compliance with relevant strategies.
- Opening up safe space to encourage constructive feedback to staff and promoting open door policy which consists of accessible communication between frontline employees and upper management are steps in the right direction to mitigating vicarious trauma and stress at work place.
- Organisations are encouraged to look into the hiring policies to minimize potential staff burnout. Some suggestion includes to educate applicants about vicarious trauma so they are aware of the potential risks associated with working with victims of trauma, incorporate questions that assess vicarious trauma knowledge, awareness and coping strategies during interviews and assess level of education, training and preparation of their assigned role of staff members.
- Offering variation of job responsibilities as it can create opportunities and procedures for employees to vary their duties and alleviate heavy caseloads, rotating frontline and coverage responsibilities.
- Organisations are encouraged to create and build employee empowerment and work environment which will have a positive impact.

>> [Side Notes: Methods of evaluations](#)

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**3RD SPEAKER**  
**MR. FAJAR SANTOADI**



**KEY TAKEAWAY**



The impact of vicarious trauma in an organisation can erode productivity and decrease organizational health hence it is important for organisations to recognize the negative impact and look out for vicarious trauma signs among staff.

This presentation shares the findings of a research conducted on the experience of vicarious trauma and burnout among staff in Tenaganita

Pandemic and movement control orders contributed to high numbers of cases in 2020 that were referred to Tenaganita for case management with 213 cases assisted. The high volume of cases coupled with a lack of human resources contributed to staff burnout. According to the research conducted on 23 Tenaganita staff and volunteers, slightly more than half the staff force were experiencing medium level burnout.

>> [Side Notes: Contribution factors of burnout](#)

Sharing by individuals on their personal coping mechanism include:

- Leisure, entertainment & hobbies: Listen to music, watch movies, play online games, reading, singing, enjoying art, etc.
- Maintaining social connection: Being with people and absorbing positive energies, talking to friends, loved ones, parents, mentors, superior, colleagues – to build a genuine bond beyond the scope of work
- Practice personal coping skills: Positive self-talk, being patient, validate emotions, clearer mind to work smarter, face and address issues, balance relationship with work
- Seeking Therapy
- Mindfulness: meditation, breathing exercise, calming techniques
- Spiritual practice – pray, spending time to do reflection
- Voluntary work outside work – do good for the poor and needy
- Quality ME Time – taking time off, time to be alone, outing in nature, away from work place, spending time with pets
- Physical Activities – going for a walk to change mood, zumba, outing, evening walk

>> Side Notes: [Staff feedback on vicarious trauma](#)

Outcome of the research highlighted the challenges that contributed to burnout were:

- The size of organization (small)
- Limited personnel and resources vs high load of jobs
- (case management, research, outreach, training, advocacy, etc)
- Constraints in providing mental health services for staff/volunteers
- Limited financial resource
- Funding allocation focus on beneficiaries & core project activities

The recommendation and expectations shared by the staff during the research includes:

- Increase number of personnel - to enable staff to do their job
- Create safe space – supportive and welcoming feedback and hearing concern raised without fear of being judged and facilitate satisfying action.
- Mental health benefits, providing support or subsidized therapy
- Programmatic Approach - planned programs as part of organizational development and sustainability
- Support Groups that allow sharing, learning and resonate with each other, reduced feeling of isolation and frustrations and burnout.
- Job Review - to understand the program
- Facilitate team building - spending good times with each other in non-work-related gathering, picnic and group entertainment monthly to create bonding to improve team work, arrange swimming class or a gym for women to release tension
- Ensure and support open communication - encourage constructive criticism and take time to relax and bond as a family, discourage gossiping.

The research concluded that the burnout experienced by the staff at Tenaganita which ranged from mild to moderate was mainly due to the high volume of cases, the complex nature of cases (TIP and others) and external challenges that hampered the success of survivor's redress.

**END OF BREAKOUT SESSION 3, ROOM 2**

# BREAKOUT ROOM SESSION 4, ROOM 1: IT TAKES A VILLAGE: A COLLABORATIVE APPROACH TO VICTIM CARE AND PROTECTION

Due to the unique impact of trafficking experienced by individual victims and the multi-faceted and complex needs of victims, no one agency or organization can respond and meet all the needs of the victims effectively. In Malaysia's National Action Plan on Anti-Trafficking in Person 2021-2025 (NAPTIP 3.0), the Government recognizes that working in partnership and collaboration amongst multi-stakeholders such as a government, civil society, and the international organizations at the national, regional and international levels are essential in ensuring sustainable anti TIP efforts, including victim care and protection. During the session, participants get to hear the experiences of representatives from government, international organisation and regional NGO on working in collaboration on anti-TIP efforts particularly in the area of Protection.

1st  
Speaker

**Mdm. Syuhaida binti Abdul Wahab Zen**

Undersecretary  
National Strategic Office.  
Council for Anti-Trafficking  
in Persons and Anti-  
Smuggling of Migrants.  
(NSO MAPO). Malaysia

2nd  
Speaker

**Ms. Sidan Sin**  
Specialist Survivor  
Services

International Justice  
Mission. Cambodia

3rd  
Speaker

**Mr. Willem Pretorius**  
Law Enforcement Advisor  
UNODC ROSEAP

## 1ST SPEAKER MDM. SYUHaida BINTI ABDUL WAHAB ZEN



### KEY TAKEAWAY



In working together, it is important to have a common goal as collaborators to bring positive change to the life of victims of TIP.

In this session the personal journey of a government official in Malaysia was shared.

The journey, in three phases, showcases a collaborative effort that was “spearheaded” by specific National Action Plans on Anti Trafficking in Persons (ATIP). In 2007 the government successfully promulgated ATIP Act, which was enforced in 2008. The ATIP Act had mandated an interagency mechanism known as MAPO, which is the Council against trafficking in persons. This council includes civil society organisations (CSOs) and NGOs with expertise on TIP issues, especially in the protection of TIP victims which is emphasised in the Act. In March 2010 the government developed and launched the first National Action Plans on Anti Trafficking In Persons (NAPTIP). MAPO worked closely with other government agencies, NGOs and other organisations in this effort.

The first amendment to ATIP Act was in 2010 and the second was in 2015 where more partners were included into the council, NGOs as well as including the Department of Labour into the Enforcement team. The second amendment in 2015 was also renamed Anti Trafficking in Persons and Smuggling of Migrants (ATIPSOM) with inclusion of smuggling offences. Following the amendment in 2015 the second NAPTIP was developed using the same formula and mechanism of inclusion of several parties and stakeholders. In 21 March 2021, the NAPTIP 3.0 was developed and launched by Minister of Home Affairs. This NAPTIP 3.0 was developed with the inclusion of more partners; CSOs, government agencies, International NGO, in the gathering of inputs and launch and documentation of NAPTIP 3.0 also serves as part of Malaysia's effort and commitment to protect TIP victims and to investigate and prosecute the perpetrators as well as to inculcate awareness in the public space on TIP.

### Significant achievement of the partnerships.

#### Phase 1: 2008-2015

- Development of First National Action Plan
- State level awareness program in 13 states
- Participated in international seminars/workshops/working groups
- Set up policy to allow victims of TIP to work upon completion of PO, especially victims of labour exploitation.

### Phase 2: 2016 -2020

- Development of second NAPTIP
- MAPO hotline
- First Special ATIP Session Court
- Permission to move freely and to work, Payment of allowance to TIP victims
- Appointment of 12 NGO POs & Declaration of 3 NGO shelters
- First National Conference on TIP, co-organised with NGOs under JHAMS and supported by UNICEF
- Appointment of 2 VAS & implementation of TVET program
- Development of National Guidelines on Human Trafficking Indicators (NGHTI)
- Knowledge sharing sessions and specific Working Committees of NAPTIP 3.0

### Phase 3: 2021 – 2025

- Development of National Action Plan TIP 3.0
- Development of Chatbot for TIP
- 1st National Conference on Protection co-organised with MWFC and Global Shepherds
- Appointment of additional VAS
- Capacity Building Programmes
- Training program with Third-Party Audits Compliance and Certification Bodies
- Forced Labour non TIP Pilot Programme

### Where are we heading

As the government embark on moving forward with a “whole of nation” approach to tackle this crime, cooperation is key in sharing and implementing best practices and lessons learned. The development of NAPTIP 3.0 is a significant effort where the government can be proud of its inclusiveness and collaborative process to solicit feedback and responses from stakeholders. Stakeholders included UN Office for Drugs & Crime, ASEAN-ACT and the US Embassy in KL.

The NAPTIP 3.0 provide the framework to explore opportunities to tackle the TIP problem comprehensively as well as to provide support and care to the TIP victims. For example the NAPTIP 3.0 provides avenue to explore alternate support to legal service to ensure rights are accorded to TIP victims. It also encourages public - private partnerships in eliminating forced labour or trafficking in persons in the supply chain of businesses. Malaysia will continue to strengthen and improve on the law, rules and policies to combat, prevent and suppress TIP. All of us are called to strengthen cooperation in fighting TIP. We can do better if we stay united.

*It is not only one person's work, it's really a partnership and collaboration during all these years. - Christo*

[>> Side Notes: 3 phases of the partnership journey](#)

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## 2ND SPEAKER MS. SIDAN SIN



Violence is an everyday threat to people in poverty and it includes crime like slavery, trafficking into forced labour and sexual exploitation, violence against women and children and police abuse of power. This violence devastates the poorest of communities in developing countries.

In the face of this abuse, IJM's team has spent more than 20 years on the frontlines. They are a global team of lawyers, social workers, community activists and other professionals in 33 offices across 23 countries who share in the mission of protecting people in poverty from violence.

IJM's mission and focus is primarily to collaborate with local governments and NGO stakeholders for the sake of victims of violence. IJM gives high value to collaboration efforts, and it becomes part of IJM's global strategies.

Cambodia as an example, for. For over 20 years Cambodia has been a destination country for people who are seeking to sexually exploit children. IJM has worked over 12 years to combat child sexual exploitation. More than any country in the world, Cambodia has experienced an all-out, full-scale effort with tens of millions of dollars, thousands of people, hundreds of civil society organizations, dozens of strong government leaders, and a handful

of international governments, and several vital coalitions – that deeply and substantially invested to counter sex trafficking over the past 20 years. It takes a Village to protect the vulnerable people from violence; no one agency can work alone. IJM have seen the impact of this colossal effort in Cambodia, and the massive drop in numbers of child sexual exploitation in the last decade.

>> [Side Notes: Collaboration between CSOs and Government](#)

>> [Side Notes: Key Factors to successful collaboration](#)

### Impact on crime rates for Commercial Sexual Exploitation of Children (CSEC) in Cambodia and Phillipines:

#### CSEC prevalence/impact study in Cambodia.

The prevalence of sexually exploited minors (children at 16 and under) in the 3 big tourist cities (Phnom Penh, Siem Reap, and Sihanoukville) was decreased dramatically:

In the early 2000s it was estimated that 15-30% of those in commercial sex establishments in Cambodian cities were minors. In 2015, after more than a decade of strong NGO–Govt collaboration to enforce the anti-TIP law, an external study showed that had declined to 2.2% with less than 0.1% of young girl under 16 in the sex establishments.

#### CSEC prevalence/impact study in the Philippines

When IJM first started working in the Philippines in 2000, brothels and bars in cities like Cebu were crowded with children being trafficked for sex. The criminals were confident; they had no fear of being held accountable for their crimes.

Over 15 years of IJM collaboration with local authorities and partners in Cebu to rescue survivors, hold the criminals accountable, improve justice system. Cebu is now a safer place for children. An external evaluator found that the prevalence of children exploited in bars and brothels plummeted by 79%.



### 3RD SPEAKER MR. WILLEM PRETORIUS



#### KEY TAKEAWAY

Given the complexity of TIP, a collaborative approach is both desirable and essential, if progress is to be made to end TIP. Promoting cooperation is one of the core purposes of the TIP protocol, in addition to prevention and protection. Cooperation and collaboration begins at the national level, but is equally important at the bilateral, regional and international levels. At the national level, institutional structures such as national referral mechanisms, national rapporteurs and national coordinators or coordinating structures has facilitated concerted action against TIP. Strong collaborative partnerships are key to Malaysia's current response to TIP.

Significant progress has been made to prevent, combat and suppress trafficking in persons due to collaborative efforts at the regional level and between ASEAN member states. All this was possible with collaboration with government agencies, international organisations, UN agencies, NGOs, civil society organisations and other governments

This session focused on collaboration at the regional, multilateral and bilateral levels in developing laws, guidelines and standards regulating victim identification, protection and support; and enhancing transnational investigating cooperation and prosecution of TIP.

In 2007, the Senior Officials Meeting on Transnational Crime (SOMTC) developed seven key elements for an effective criminal justice response to TIP in collaboration with other stakeholders. In the meeting, support at the regional and national levels was given to develop and implement laws, policies, guidelines, procedures and training programmes to achieve the seven key elements (see picture below).

## Seven Key Elements for an Effective Criminal Justice Response to Trafficking in Persons – SOMTC



SOMTC published two reports in 2011 and 2018, capturing the progress made, lessons learned, good practices, challenges and recommendations for the future.

Three of the key elements are discussed below:

### 1. Quick and accurate identification of victims and provision of immediate protection and support

An effective national response to TIP requires a quick and accurate preliminary identification of presumed victims, formal identification of confirmed victims as well as the provision of immediate protection and support by governmental and non-governmental agencies. Correct identification of victims is essential to enable them to access to rights to which they are entitled including protection and assistance. Without victim identification ASEAN member states including Malaysia will never achieve the prevention, protection and prosecution objectives set up in the TIP protocol or the ASEAN TIP convention. Investigations and prosecutions rarely proceed without victim cooperation, which is a reason to prioritise quick and accurate victim identification.

Criminal justice agencies have come to accept that victims are a critical resource in their fight against trafficking. The failure to identify victims will prevent the victims from accessing information, support, available specialised services and compensation. It also compromises the ability of the criminal justice system to bring exploiters to justice

[>> Side Notes: Anti-trafficking initiatives](#)

A victim of trafficking has a right to be treated with humanity and dignity. This right imposes certain obligations on states regarding how they deal with trafficked persons. It is important as it is usually only those individuals who have been formally identified as victims of trafficking who can exercise their rights and entitlements accorded to this category of persons.

[>> Side Notes: List of regional documents related to TIP](#)

### 2. Victims of trafficking are fully supported as witnesses

Trafficked persons have a critical role in legal proceedings against their exploiters and a legitimate interest in such proceedings. Therefore, all efforts should be made to ensure that they are able to participate freely, safely and based on complete information. Experience in the ASEAN region and elsewhere also points to another reason to support the involvement of trafficked person. Investigations and prosecutions are always difficult and sometimes impossible without the cooperation and testimony of the victims. Accordingly, national criminal justice agencies should be working towards a situation whereby victims of trafficking are provided with the protection and

practical support that is required to participate safely in the prosecution of their exploiters.

>> Side Notes: Victim-witness protection

Trafficking victim-witnesses will often be foreign nationals. Many of these persons naturally wish to return home as quickly as possible or stay in exploitative work in the destination country. Currently, within ASEAN only Malaysia and Thailand have taken legislative steps to regulate legal status of victims of trafficking who are foreign nationals. In practice, failure to regulate the legal status of foreign victims can mean they are placed in shelters or other facilities for the duration of any proceedings in which they are involved.

**3. Establishing systems to enable effective international investigative and judicial cooperation on trafficking cases**

The importance of international cooperation has been recognised at the international level and the regional level. For example, in the preamble to the ACTIP, ASEAN member states affirmed their commitment to a stronger and more effective regional and international cooperation against TIP. Recognising that cooperation is imperative to the successful investigation, prosecution and elimination of safe havens for perpetrators and their accomplices. And the effective protection of and assistance to TIP victims.

Experience has shown that international cooperation can facilitate many aspects of trafficking investigation and prosecutions. For example, in the ASEAN region, informal police to police cooperation has been used to identify and rescue victims, and to apprehend suspects. Mutual legal assistance has been used to secure vital evidence that has made it possible to strengthen prosecutions. The tools of extradition have also been employed to ensure that suspects are returned to appropriate the jurisdiction to stand trial for trafficking related offences.

SOMTC also developed the ASEAN Training Program on International Legal Cooperation in Trafficking in Persons Cases (2018) and also developed the ASEAN Transnational Investigative Cooperation Training Program on Trafficking in Persons (2016). These programmes can equip specialist investigators and prosecutors with requisite skills and knowledge to conduct transnational trafficking cases more effectively. The training programme was piloted in Malaysia in January 2016. Specialist investigators and prosecutors from Malaysia and the Philippines participated in the training.

Informal cooperation between ASEAN law enforcement agencies at operational level is showing substantial progress. Law enforcement agencies in the region have engaged in multilateral and bilateral meetings to share intelligence on TIP cases, rescue victims and arrest & prosecute traffickers. An example is the Philippines National police and Royal Malaysian police who have entered a period of focused cooperation over the past few years. During that time intelligences was entered into standard intelligence reports and intelligence sharing was accurately recorded. New leads are now routinely shared between the two countries leading to closer working and understanding of the TIP crimes affecting both states. Cooperation led to rescue of TIP victim, and the arrest and prosecution of traffickers.

>> Side Notes: Regional capacity building

In conclusion, through active collaboration ASEAN member state have made significant progress in strengthening the criminal justice response to TIP. However, the challenge remains to implement the laws, policies, guidelines and good practices effectively. Therefore, the need for collaboration continues to be a high priority and UNODC stands ready to support.

## BREAKOUT ROOM SESSION 4, ROOM 2: CHILD TIP VICTIMS: SPECIAL CONSIDERATIONS IN CARE AND PROTECTION

In the Universal Declaration of Human Rights (UDHR), the United Nations recognises that children require and deserve special consideration in terms of care and assistance. The UN Convention on the Rights of the Child (CRC) requires State Parties to protect children from trafficking and all forms of sexual exploitation and abuses as well as economic exploitation and hazardous work. The CRC also obligates State parties to promote the physical and psychosocial recovery and social reintegration child victims, including those who have been trafficked. In this session, participants will learn from expert subject matter on the rights and protection of child victims, as well as gain insights from the experience of services providers and protection officers who work with child TIP victims.

1st  
Speaker

**Ms. Rasika Jayasuriya**  
Policy and Program  
Specialist  
UNICEF Global Migration  
and Displacement Team

2nd  
Speaker

**En. Mohd Azahari  
bin Mohd Daut**  
Senior Principal  
Assistant Secretary  
Department of Social  
Welfare

3rd  
Speaker

**Ms. Tharini Cecil  
James Arunasalam**  
Project Coordinator  
SUKA Society

### 1ST SPEAKER MS. RASIKA JAYASURIYA



#### KEY TAKEAWAY

Governments have binding obligations under the children's convention to protect children and children are entitled to special protection measures in recognition of their increased vulnerability, the best interest principle and the lack of legal capacity.

It is important to recognize the legal difference between trafficking of children and adults. The 'Action Purpose Means' model is a tool to determine whether the situation fits the legal definition of human trafficking. In contrast to adults, children induced into exploitation are considered victims of trafficking regardless of whether force fraud or coercion is present.

The lack of a consistent legal definition of child trafficking shared by all countries is an obstacle to effectively addressing the phenomenon. Trafficking cases are not always recognized as such, and even when children are brought to court they may be tried under other legislation, such as laws on sexual exploitation or abuse, migration, asylum, labour, and labour regulations. When trafficking cases are not tried under the appropriate legislation, these cases are not reflected in criminal statistics on trafficking, and victims' risk of being denied legal protection and the systems to which they are entitled under international standards.

Palermo protocol was adopted in 2000. It's the **first legally binding** instrument with an internationally recognized definition of human trafficking, and it makes a critical distinction between adult and child trafficking. The protocol states that the recruitment, transportation, transfer, harboring and receipt of a child for the purpose of exploitation shall be considered trafficking in persons even if it does not involve force, coercion or fraud.

The Convention on the Rights of the Child provides the framework for obligations along with other tools such as UNICEF guidelines and Reference Guide. Child exploitation differs based on their gender. Majority of girls are trafficked to sexual abuse and exploited and the boys are trafficked for forced labour. It is important to consider this when discussing and developing prevention and protection measures to address the different vulnerabilities and needs accordingly.

>> [Side Notes: Children who are vulnerable to being trafficked](#)

>> [Side Notes: Data on trafficking of children](#)

The guidelines set by UNICEF in 2003 on the protection of the child victims are good practice in providing protection and assistance to traffic children, useful in developing national cross border and regional policies to better identify, protect and reintegrate trafficked children. In 2006, UNICEF issued its reference guide on protecting the rights of child victims of trafficking in Europe to serve as an implementation book for the guidelines. The guide gives information about steps and procedures in protecting and assisting child victims of trafficking, and the prevention of child trafficking and also a practical tool for policymakers and practitioners. These key principles in the guideline includes (i) best interests of the child, (ii) the principle of non-discrimination, (iii) children's right to have their views taken into account in all matters that affect them and (iv) a child's right to privacy.

While child victims of trafficking need additional specific assistance, it is vital that this assistance is incorporated into the child protection system. Adopting a systems approach to anti trafficking efforts and the provision of assistance to victims does not mean losing sight of trafficking. Rather, it encourages actors to ground responses to trafficking in national systems that are sustainable and non-dependent on donor funding. These national systems can provide assistance to all children who are victims of abuse and exploitation without the need for them to fit in neatly defined circumstances that would then qualify them as being trafficked.

>> Side Notes: [UNICEF guidelines concerning trafficking of children](#)

>> Side Notes: [Access to justice](#)

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## 2ND SPEAKER EN. MOHD AZAHARI BIN MOHD DAUT



The Department of Social Welfare and the Department of Women's Development are agencies under the Ministry of Women, Family and Community Development. The Department of Social Welfare manages three shelter homes namely, one shelter for girls, one for boys and one for men. The Department of Women's Development manages five shelters for women. Currently, there are 2 NGO managed shelters that have been declared as shelter for trafficked victims namely RP Global Shepherds and RP Tenaganita.

The shelter home for children was built under the provision of Section 42 of Anti-Trafficking in Persons Act 2007 (amended in 2015). The shelter accommodates children below 18 years old who are trafficked victims. The function and objective of the children's shelter is to provide care, protection and rehabilitation as stated in Part V Anti-Trafficking Act 2007. The admission of a child to the shelter is based on a court order upon rescue by the enforcement agencies. There are two types of orders

- a. **Interim Protection Order (IPO)** under Section 44, subsection 2 which is issued for the period of 21 days for the purpose of conducting investigation. During this period, an assigned protection officer will prepare the social report for the courts.
- b. **Protection Order (PO)** will be granted when the court finds the child to be a victim of trafficking under Section 51 subsection 3. PO is issued for a period of three months which can be extended upon court orders.

The following programmes are offer to the children residing in the RP:

- Informal education
- Counselling and Psychological Support
- Health and medical treatment
- Monthly allowance
- Welfare and well-being of the victims
- Case Management
- Daily necessities
- vocational & skills training
- sport & recreational activities,
- spiritual & religious activities,
- psychosocial & therapy activities
- festival celebration & cultural activities

In conclusion, Social Welfare Department and the shelter home work together and collaborate with government agencies, enforcement agencies, foreign embassies and local & international NGOs for a holistic recovery and development of the children.

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**3RD SPEAKER**  
**MS. THARINI CECIL**  
**JAMES ARUNASALAM**



SUKA's Anti Trafficking in Persons (ATIP) project is developed to help survivors cope with their trauma through therapeutic programs that are based on "Victim-Centred Approach". This has benefited over 1000 survivors to date. SUKA programmes started with only one shelter in 2010 and today, it reaches out to the men, women and children shelter at different states in Malaysia.

**>> Side Notes: [About SUKA Society](#)**

Upon rescue, the victims are physically and emotionally affected because of the exploitation they have experienced. They also suffer from anxiety as they struggle to tell their family members that they have been exploited, taken advantage and trafficked. They fear that members of their local village may even look down upon them. This adds to their stress of being uncertain about their future after their liberation. Often, survivors are traumatized by their experiences and angry at what they have been made to endure.

SUKA works behind the scenes, helping to conduct interviews with children who are suspected of being trafficked by syndicates. If a child is unaccompanied or separated from their parents, SUKA helps to determine the best interest of the child. The organisation also conducts training and programs for government officers at the protection shelters to work with the child victim in a more sensitive and appropriate manner.

Program and activities conducted in shelter helps with recovery and integration back into their society and to ensure a solution-based programming, monitoring and evaluation tool is used to progress toward goals and as feedback tool.

These outcomes are measured using a questionnaire that is administered through focus groups. The first part of the questionnaire aims to determine the effectiveness of the various activities and the factors that contribute to the response towards the activities and the second part is to determine the impact of the activities on the residents of the shelters. These questions are aimed to draw out more personal sharing about the victims' well-being in the shelter.

**>> Side Notes: [Activities for TIP children conducted by SUKA](#)**

**END OF BREAKOUT SESSION 4, ROOM 2**

## CLOSING REMARKS

### MR. TIMO GOOSMANN

Counsellor

Head of Section – Political Affairs,  
Press and Information

Delegation of the European Union  
to Malaysia

Representatives from the ministries and departments of the Government of Malaysia, Colleagues from the United Nations and civil society organisations YBhg. Tan Sri/ Dato' Seri/ Dato' Sri/ Dato' Indera/ Datuk/ Dato'/ Dr./ Tuan/ Puan, Distinguished guests.

Let me begin by congratulating the Malaysian Ministry of women, Family and Community Development, the Ministry of Home Affairs and Global Shepherds for successfully hosting this first virtual national conference on Best Practices on Protection and Assistance for Victims of Trafficking.

The COVID-19 has cast a long shadow over many parts of our lives.

International borders were closed. Restrictions on travel and economic activities were imposed. There was an overall increased presence in law enforcement personnel at borders as well as within the country.

Under normal circumstances, this should dissuade crime. Yet, during the pandemic, crime, including trafficking in persons, has only been driven further underground. The pandemic has caused increased unemployment and loss in income, especially among those who are employed in low-wage and informal sectors. While their situations were precarious already before, many are now exposed to even greater risks of violence and other severe forms of abuse and exploitation, such as trafficking

Due to multiple intersecting forms of discrimination, such as gender, language, migrant status and lack of access to information, women migrant workers, in particular, are among the most affected, at all stages of the migration cycle.

Before departure, many women migrant workers have been pushed towards irregular channels of migration and often lean on to unsafe and unfair recruitment practices during transit. Lack of legal documentation and fear of deportation in turn, have increased women migrants' risks of trafficking, making them even more vulnerable to violence, abuse and exploitation.

Reports of violence and exploitation have increased and helplines responding to incidents of violence have received a larger number of calls. Yet, due to social distancing and quarantine measures, access to support services has become more challenging. State authorities and CSOs have struggled to provide essential services for those in need and law enforcement has focused on ensuring compliance to lockdown regulations, impacting investigations into trafficking cases. Justice services in turn, have been disrupted or delayed, impacting remediation for victims.

As we now slowly emerge from the shadow of the COVID-19 pandemic, this conference, with its focus on best practices for care and protection to trafficked persons, has come at a crucial juncture.

Quality and coordinated service provision is essential for ensuring that survivors have the space to recover from their experiences of violence and exploitation and hold equal access to justice, through participation in criminal proceedings, if they wish, and to receive compensation.

Service provision should be influenced by the individuality of a survivor. It should consider their specific needs, bearing in mind their diverse experiences and the type of violence, abuse and exploitation they were subjected to. Crucially, service providers should always recognize the multiple intersecting forms of discrimination when managing cases of survivors of trafficking.

It is clear that Malaysia is committed to addressing the crime of trafficking in person and to supporting survivors through provision of quality and coordinated services.

The deliberations over the last two days have also provided us with new knowledge on how to refocus our priorities and to strengthen and improve on our delivery of services to survivors, including through gender sensitive approaches.

## CLOSING REMARKS

Through our support to programmes such as the ‘Safe and Fair: Realizing women migrant workers’ rights and opportunities in the ASEAN region’ programme, part of the EU-UN global Spotlight Initiative to end violence against women and girls, the European Union is ready to stand alongside Malaysia in its efforts to combat violence, exploitation and trafficking in persons, including in the implementation of the country’s third National Action Plan on Anti-Trafficking in Persons (NAPTIP 3.0).

This conference is an important milestone to reach this goal and the European union is looking forward to continue working closely with UN Women, ILO, UNODC and all of you on this.

Thank you.

## CLOSING SPEECH

### MS. OOI JI LIEN

Country Director

International Justice Mission Malaysia

Distinguished participants,  
Ladies and gentlemen,

We have reached the end of the first national virtual conference on Best Practices on Protection and Assistance for Victims of Trafficking in Persons. It is an honor for the International Justice Mission Malaysia to be entrusted with such an undertaking with the concluding session, at a gathering of such eminent people from different parts of the world, in the fields of government, international organizations, non-governmental organizations, civil societies, and academia. As with all such events — and this conference has been an outstanding example — There is, indeed, plenty to reflect upon and, if this in any way enhances our individual and collective contributions to meeting the victim protection challenges, then this conference can truly be considered a success.

Allow me to convey thanks and appreciation to the hosts, organizers and sponsors of the conference, they are the Ministry of Women, Family and community Development, the National Strategic office to the Malaysia Council for Anti-Trafficking in Persons and Anti- Smuggling of Migrants, the Global Shepherds Berhad, Safe and Fair Programme, part of the spotlight initiatives and the International Justice Mission Malaysia. Also, our gratitude to all the resource persons, speakers, panelists and moderators from various local and international government bodies, international organizations, and NGOs for sharing important knowledge and experiences in providing care and protection services to the victims of trafficking.

Most importantly, a big thank you to all the participants. Your vigorous participation in the discussions that have taken place in these 2 days is a reflection of your commitment and desire to develop and belong to a sustainable network. Do accept my congratulations for the excellent results of this meeting, your dedication and active engagement in the learning experience.

Let me briefly share 3 protection considerations out of this conference. First on protection obligations: Protection is a vital component of a comprehensive response to human trafficking. Unless victims of trafficking are protected, they may continue to be exploited, never recover from their exploitation, or fall into a cycle of re-trafficking. States are obligated to protect victims, regardless of whether they agree to contribute to criminal justice processes. Making sure that victims are effectively protected increases the possibility that they will be able to contribute to law enforcement efforts to bring traffickers to justice. To be effective, protection services should be victim-centred, trauma-informed, taking into consideration the needs and interests of each victim, it should be based on the essential considerations of safety, confidentiality and non-discrimination, irrespective of whether the victim participates in the criminal justice process.

As human trafficking is often a cross-border crime, it is important to ensure that: a) victim protection supports apply to both national and foreign victims; and b) international cooperation is formed to ensure that border and jurisdictional issues do not hinder the ability of the State to fulfil its obligation to protect victims.

Second, on sustainable protection solutions: Sustainable protection solutions start from initial contact when the needs of identified victims are assessed by addressing immediate needs. While 'protection solutions' involve removing the victim from the trafficker and mitigating immediate risks, 'sustainable protection solutions' are comprehensive, going beyond addressing immediate needs to support victims to regain their independence and empower them to integrate or reintegrate into society. It may include measures that ensure victims have access to long-term opportunities to overcome the situations that initially made them vulnerable to trafficking. The ultimate objective of any victim protection program is to ensure that victims of trafficking are able to come to terms with what they have experienced, to achieve self-sufficiency and to participate fully in economic and social life.

Sustainable protection solutions require the cooperation of various service providers and stakeholders. Referrals and feedback are important to ensuring

that services are appropriate and given in a timely and coordinated manner and are available in origin and destination countries. The cooperation and contribution of victims is crucial to this. Not only should victims understand their roles and responsibilities in carrying out protection plans, but their contributions in determining what type of assistance and support is critical to ensuring the success of any longer term plan.

Third is multi stakeholder approach: Coordination is a key component of comprehensive protection. The obligation to protect victims of trafficking mainly lies with States, but other actors may play a significant role in supporting this function. Civil society actors are best placed to build trust between victims and authorities, and have particular expertise that is necessary to provide effective protection services to them. The Trafficking in Persons Protocol acknowledges the necessity of multi-stakeholder coordination in assistance and protection measures, by requiring States to consider implementing measures to provide for the physical, psychological and social recovery of trafficking victims “in cooperation with non-governmental organizations, other relevant organizations and other elements of civil society”.

Given that several stakeholders may be involved in ensuring that victims of trafficking are protected, it is vital that coordination mechanisms are put in place to allow for the different services to complement each other in providing appropriate assistance. Coordination mechanisms also allow for the exchange of best practice on multi-stakeholder protection. They can support bilateral, regional and international cooperation on protection, by enabling actors from one jurisdiction to effectively engage with anti-trafficking actors in other jurisdictions.

In conclusion, Partnership and cooperation, the subject that has been discussed at length during this conference, are important pillars, they are like the wheels that drive the vehicle of anti-trafficking response. The partnership and cooperation are essential to make progress from protection to punishment, prevention, recovery and reintegration.

This conference provided a platform for us to reflect on the lessons learned from practitioners and offers considerations to build momentum through coordinated anti-trafficking strategies. As you may have known now that we will never be able to understand the full scope of what is needed without the expertise of those affected by systemic inequality. Therefore, fostering an inclusive environment that allows for representation and diversity of experience, thought and collaborations at all levels do matter. Thank you all once again for your participation. I hope the networking among us has increased as a result of this conference and I hope it will serve each of us well in our respective areas of responsibility.

My team and I from International Justice Mission are keen and look forward to partner and serve with you all on this endeavour.

Thank you.



### DAY 1 SESSION 1: Country Sessions: The Malaysia Perspective

#### ABOUT THE ANTI-TRAFFICKING IN PERSON COUNCIL

The Anti-Trafficking in Person Council or also locally known as MAPO (Majlis Anti Permerdagangan Orang dan Anti Penyeludupan Migran) established in response to the ATIPSOM requirements is a multi-disciplinary team represented by 22 ministries and 5 NGO representatives plays a fundamental role in ensuring a whole nation approach to combating trafficking. The collaborative efforts through MAPO to align and coordinate anti-trafficking initiatives resulted in several positive outcomes which includes:

- the development of standard operating procedures for the enforcement and prosecution.
- the national guideline for human trafficking indicators (NGHTI) was developed to strengthen the victim identification processes.
- the launch and implementation of three National Action Plans in the past years with each action plan building-on from previous success.
- the recent National Action Plan 2021-2025 (NAPTIP 3.0) is a significant document as it reflects the Government's commitment to combat trafficking – The NAPTIP 3.0 provides 5 guiding principles, 9 goals, 34 objectives, 78 outputs and 201 activities that outlines Malaysia's anti-TIP efforts and its obligations at the regional and national level to combat trafficking in person.

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### DAY 1 SESSION 2: Country Sessions: The Australian Perspective

#### DATA ON TRAFFICKING IN AUSTRALIA

The Australian Institute of Criminology estimates the number of human trafficking and human slavery victims identifies in Australia between 2015-2019 as between 1,300 – 1,900 cases. The estimated ratio of undetected victim is 1 for every 4 cases that goes undetected. While the reported number of cases may seem low when compared to other countries, the figures are significant as it reflects the attitude of the Australians who believe that it is a crime that only happens in other countries. There are discrepancies between the number of people who reported trafficking and have received assistance versus those who are experiencing human trafficking which is believed to be higher due to under reporting and identification of cases, stakeholder capacity and awareness of the issue.

In general, a shift has been observed in the past several years in the type of referrals made to the support program. In 2009, 80% of cases were sexual exploitation cases as this was the primary understanding of what human trafficking looks like. However 6 years down, with the increase understanding referral were made from other sectors such as the agriculture, hospitality and domestic. Recent patterns indicate 71% of cases referred are exploitation in connection of family or intimate partner and then forced marriage.

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#### THE RECOMMENDATIONS PROVIDED IN U.S TIP REPORT 2021

The U.S Trafficking in Person's report released in 2021 provided several recommendations to enhance support for trafficking victims in Australia. This includes to significantly strengthen efforts to proactively identify trafficking victims among vulnerable groups such as undocumented migrants, agricultural and hospitality industry workers and domestic workers and refer the victims to appropriate services. The report also recommended that national response mechanism separate the provision of services from participation in criminal justice services and increase the services for victims who are unwilling or unable to participate in criminal justice services. Highlighting the risk and barriers to having only one agency solely responsible for responding to reports and making referrals which creates a barrier, the US report recommended that initial screen interviews with potential victims is conducted in a safe and neutral location and in the presence of social service professional.

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### DEFINITION OF THE KEY CONCEPTS IN PHILIPPINES MODEL

#### Recovery and Reintegration Programme

- **Recovery** is a process where a victim is stabilised and the individual wellbeing is restored physically, psychosocial and socially. It focuses on the recovery of the physical and mental which will eliminate the physical and psychological consequence of the trauma and stabilise their conditions. Recovery serves as a foundation for subsequent reintegration.
- **Reintegration** is a process of reconnecting the victim with their family and community or where this is not possible, to reintegrate into a new community. Reintegration implies a package of measure towards the restoring of victim's rights, social status and health and to help them gain vital capacity for activities that were restricted previously while providing measure to restore and build relationship. This may include to gain full employment or becoming a full member of society again, feeling of self-respect or other ethical personal inter-relationship.

**Survivor centred approach** is a systematic approach in responding to the victim's needs that provides sensitive, compassionate services in a non-judgemental manner. Victim centred approach seeks to reduce re-traumatization associated with the criminal justice process by providing the support of victim advocates and service providers, empowering the survivor as engaged participants in the social justice system and providing an opportunity to the victim-survivors in playing a role in seeing the traffickers brought to justice. It also considers the victim first and the best interest of the victim in a particular situation. It promotes victim self-agency, collaborate and coordinate in the victim's best interest, places importance on the victim safety and seeks for just system and holds self and others accountable. When we place victim in the centre of our interventions and collaborate with them, we can get more information from them and better and accurate and more specific treatment and supervision plan and better cooperation.

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### THE GUIDING PRINCIPALS IN PHILIPPINE'S RECOVERY AND REINTEGRATION PROGRAMME

The 5 guiding principles that set the foundation for the Philippine's recovery and reintegration programme.

#### **Individual treatment and care.**

This assistance must be appropriate based on the individual needs and circumstances of the survivor based on the assessment conducted by the referring or receiving agency. Consideration must be made for children – based on the level of needs. Trafficked victim should be considered as a distinguished individual and therefore provided individualised case management. Initial assessment of the social worker or case worker is crucial in establishing a helping relationship and as the start of the healing process

#### **Comprehensive continuum of care.**

A wholistic approach is necessary to assist in the recovery and reintegration of the victim. As such, a comprehensive continuum of care in accordance to the physical, psychological and economic needs of the victim should be made available in collaboration with other agencies and departments to ensure the provision of support. No single agency can do this alone. A multi-sectorial approach is essential during the stages of the helping processes. Trafficking victims must be treated as victim-survivors and not offenders.

#### **Gender sensitive.**

The ability to recognise the victim's perception and ability is different. The provision of the gender sensitive approach includes a rights-based approach.

#### **Participation and self-determination.**

This is where the survivors expresses his/her view and participation in the decision-making process should be provided by the case manager or social worker. A women's consent is essential before any action is taken on her behalf

## SIDE NOTES



### **Confidentiality and right to privacy.**

Only keep information that is necessary and it should be gathered by the social worker or case manager. The release of any information should be with consent of the survivor or guardian of a child

The provision of services in RRPTP is guided by the following principles:



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### **DATA AND TYPES OF SEXUAL EXPLOITATION IN PHILIPPINES**

Since the implementation of the RRPTP, a total of 11286 victim has received services and a majority were females comprising 74% of the total cases. The current cases of sexual exploitation include

- Online Spakol – victims are sold online like commodities. Booking of services are made online for massage services and additional sexual services. Transactions are done online usually through social media applications. Victims are brought to the customer's house after selection is made via online upon viewing of photos of the women.
- Cyber Sex – similar to online spakol, victims are sold online and all related transaction is done online and victims are forced to perform sexual acts in front of the camera.
- Online Sexual Abuse and Exploitation of Children-customers are mainly foreigners, children are groomed and forced to engage in sexual acts. This form of crime is a major concern in the country. Most of the alleged perpetrators are parents, sibling, relatives or close friends. This is increasingly prevalent due to the believe of the parents that “no touch, no harm” . In some instance, the parent and guardians are involved in the trafficking of their children and it becomes a challenge when the parents have the mindset that they own their children which give them the right to use them for profit.

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### **ABOUT THE OPLE POLICY CENTRE**

The Ople Policy Centre's anti-slavery activities focuses particularly on working with Overseas Filipino Workers (OFW) who have been trafficked or exploited to access comprehensive reintegration package which includes access to the justice systems and reintegration for the victim and families while providing individualized care and support for the victims.

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## SIDE NOTES



### DAY 1 SESSION 4: Country Sessions: The Thailand Perspective

#### TRAFFICKING PATTERN IN THAILAND

It's observed that women are mostly trapped into sexual exploitation both nationally and internationally while men are economically exploited through forced labour overseas especially in the fishing industry. Children are sexually exploited by individuals known to them via social media. There is an increase in the number of boys who are trafficked for sex, forced labour and begging. Within the LGBTI-Q+ community, the adults and children who are sexually exploited face discrimination and stigma.

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#### FOUR MAIN COMPONENTS OF THE NATIONAL REFERRAL MECHANISM OF THAILAND

The National Referral Mechanism of Thailand has four main components which includes:

<b>Focal Coordination Agency</b>	Thailand works at the following levels and involves the following agencies: <b>International</b> – Protection of the Thai National Division, Department of Consular Affairs, MFA <b>National</b> – DATIP, Ministry of Social Development and Home Security <b>Regional</b> – Provincial Social Development and Human Security Office.
<b>Case Manager</b>	Key individual assigned to help trafficking persons in country and outside where the services are needed. The social worker or a competent official who acts as the case manager is assigned to conduct assessment, compile data, coordinate and refer cases, locate service providers and resources and oversee and follow-up on return and reintegration.
<b>Multi-disciplinary team</b>	The multi-disciplinary team is a group of professional individuals who are knowledgeable and skilled in different fields such as social work and medical, legal and social.
<b>Service provider</b>	Involves interdisciplinary team which includes agencies that are not directly relevant but can and are involved in providing aftercare services to support reintegration.

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#### THE PRINCIPLES IN THE STANDARD OF CARE AND DEVELOPMENT FOR SOCIAL WORKERS

The Standard of Care and Development has nine guiding principles that promotes holistic care and enables the healing process. The principles include:



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## SIDE NOTES



### DAY 2 SESSION 1: ROOM 1

#### – Victim Assistance Specialist (VAS): Sharing of Best Practices

#### BRIEF HISTORY OF THE VAS IN THE UNITED STATE

In 1982, President Reagan created a task force to review the treatment of victims of crimes. This task force was asked to present recommendations to improve support and assistance offered to victims. The work of the task force led to the enactment of the Crime Victim's Rights Act of 1984. As part of that legislation, the Office for Victims of Crimes was created within the US Department of Justice. This office is responsible for promoting victim assistance and victim assistance programs. The Crime Victim's Right Act 1984 also created the crime victim fund. Money for the fund comes from fines and surcharges received as a result of criminal and civil penalties. The Crime Victim Compensation Programs was created in all 50 states, the District of Columbia and US territories. Since 1984, the number of Victim Assistance Programs has grown from barely 2000 programmes to over 6000 programmes today, both within the federal government and in the NGOs.

As a result of the work of the task force, the Attorney General Guidelines for Victim Witness Assistance was created in 1982, and was the first document of its kind that set out as a best practices to assist crime victims. These guidelines are updated periodically as new laws are enacted. The purpose of the guidelines is to enhance services, to protect victims and witnesses, and to ensure that victims and witnesses are receiving assistance. It specifically explains meaning of the various federal statutes and who is responsible for ensuring that victims and witnesses receive their rights and services. The most recent addition specifically provides guidelines for assisting victims of human trafficking and guidance on the use of the trafficking in persons law.

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#### GENERAL CONSIDERATION AND REQUIREMENT FOR VAS

The following are the general consideration when appointing a VAS:

- Trained in trauma-informed care
- Experienced in working with victims of crime
- Knowledgeable about the criminal justice system
- Knowledge of types of VISAs available
- Work collaboratively with other agencies

The qualification required to be appointed as a VAS is both a combination of education and experience to perform the following:

- Provides information on victims' legal rights and protections
- Provides emotional support to victims
- Provides referrals for other services for victims: medical, counselling, housing etc.
- Explains the judicial process to victims
- Accompanies victims to court/assists with logistics
- Provides a safe place away from defendant while waiting to testify
- Helps victims with safety planning
- Informs victims of compensation options (restitution, etc.)
- Serves as liaison between victim and prosecutor/courts
- Encourage victims to provide Victim Impact Statements to courts

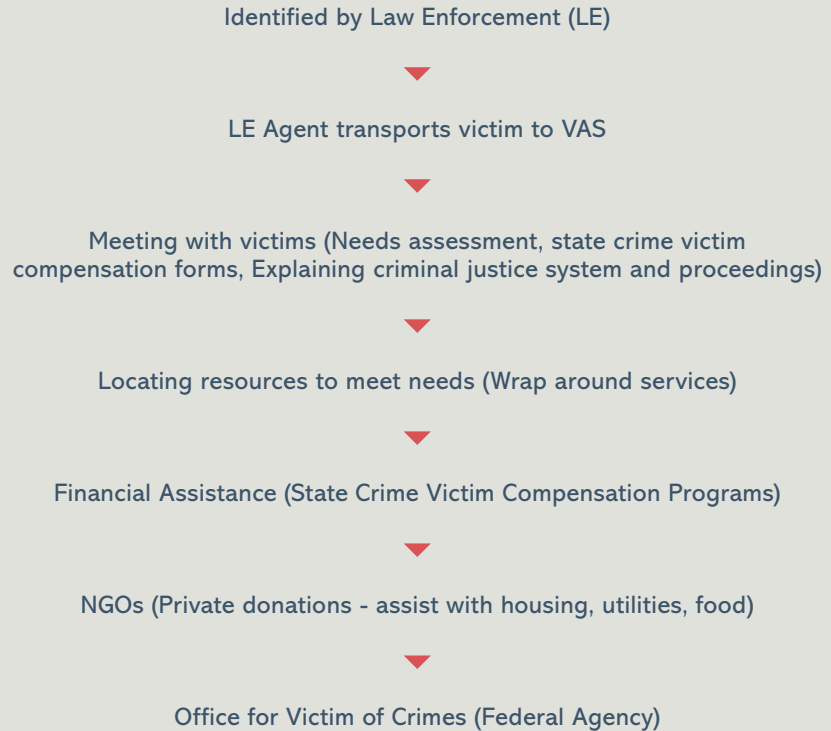
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## SIDE NOTES



### PROCESS OF CASE MANAGEMENT WITHIN THE U.S SYSTEM



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### THE OBJECTIVE OF THE VAS PROGRAMME

The objective of the VAS programme are:

- To improve on victim support services by helping victims cope better with the stress and trauma, and assisting them through the procedures of the criminal justice system
- To improve on the current Trafficking-In-Persons (TIP) process from point of rescue of potential victims, Interim Protection Order (IPO) period, Protection Order period (PO), to the repatriation of victims (and reintegration, where possible)
- To increase and strengthen the collaboration amongst various government agencies, relevant NGOs, and other interested parties involved in the TIP process

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### DAY 2 SESSION 1: ROOM 2

– Psychological Coercion: Understanding the Process and Impact on TIP Victims

### EXAMPLES OF FORCE IN HUMAN TRAFFICKING

The following are some concrete examples of force in relation to human trafficking. Force in human trafficking is rarely physical and obvious:

- Threats to harm the victims or others
- Kidnapping/ recapturing of an escaped victim
- Beating, burning, torture
- Physical and sexual violence
- Forced pregnancy/abortion
- Confinement/kept under guard/surveillance
- Use of restraints – more about psychological restraints
- Denial of food /water /medical care/contraceptives/condoms
- Removal of children or other family members
- Isolation from friends and family
- Drug dependency

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## SIDE NOTES



### EXAMPLES OF THREAT IN HUMAN TRAFFICKING

Below are examples of different forms of threat commonly used by traffickers:

- “You can’t never leave as you owe me money” (may be debt bondage)
- “No one else will want you”
- “Serious harm will come to you/your friends/ family”
- “No one will find you” (Withholding documents/cellphones)
- “Look at what happens if you leave” (punishing others to instill fear)
- “Police won’t believe you”
- Verbal or psychological abuse

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### EXAMPLES OF EVIDENCE IN THE CONTEXT OF HUMAN TRAFFICKING:

Some examples of evidence shared during the session includes:

- Collection of facts
  - pictures (service providers are encouraged to take pictures of scar and show it to the police and prosecutor to be used as evidence)
  - testimony of medical treatment
- Traditional & non-traditional evidence
  - document evidence, photographs
  - statements

Other forms of evidence that can be used to prove the crime includes showing that victims were demeaned or demoralized, endured terrible living conditions, denied food, drug addiction, exhaustion, deceived about consequences through manipulation, domination and control, sexual abuse, violence, rules and punishments.

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### UNDERSTANDING COERCION IN THE CONTEXT OF CONFINEMENT

In 1957, sociologist Albert Biderman first described a framework for understanding psychological coercion in the context of confinement (Biderman, 1957). Studying interrogation techniques used to elicit false confessions from American soldiers held as prisoners during the Korean War, Biderman examined how interrogators could manipulate the behavior of prisoners without the use of physical force. He outlined eight methods of coercion used to establish compliance: isolation, monopolization of perception, induced debility or exhaustion, threats, occasional indulgences, demonstration of omnipotence, degradation, and enforcing trivial demands. With each method of coercion, the interrogators taught the prisoners how to comply without making their demands explicit or inflicting physical violence. Although Biderman’s framework was established more than 50 years ago, medical and public health analyses of human rights abuse rarely cite it.

Two prominent exceptions are Amnesty International’s 1975 Report on Torture and T. K. Logan’s 2007 study on human trafficking in Kentucky (Amnesty International, 1975; Logan, 2007). In Amnesty International’s Report on Torture, a chapter on medical and psychological aspects of torture describes the ways in which the eight methods of coercion outlined by Biderman are used to weaken the resistance of torture victims through stress and behavioral manipulation. Citing the Amnesty Report, Logan notes the debilitating nature of chronic stress and duress that trafficked persons often endure, both during the trafficking experience as well as long after leaving a trafficking situation.

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Examples of coercion may include passport confiscation, unable to leave the workplace until debt repaid, romantic relationships, fictive family, only allowed to leave if victims can recruit others, blackmail, enforcing trivial demands - by focusing on petty concerns, traffickers developed habits of compliance among their victims and kept them entrenched in the situation, isolation - unable to contact family and friends

Other examples include monopolization of perception, i.e., always checking up on the person, induced debility, and exhaustion

## SIDE NOTES



Traffickers employ a variety of dehumanizing techniques, including deprivation of basic human needs such as food, sleep, and health care, denied access to medical care when sick or injured, threats, occasional indulgence by occasionally demonstrating compassion or kindness, traffickers countered their own abusive behavior and provided their victims positive motivation for compliance.

Unable to know when these indulgences would be made available to them, the women lived perpetually in fear of making mistakes and with hope of pleasing their traffickers to receive an emotional or material reward, degradation which is a powerful psychological tactic that traffickers use to control trafficked person's behavior.

Victims will be insulted and humiliated, denied privacy and dignity, and reduced to animal level concerns without power or control over their lives. For example, "It was very painful, because he was treating me like a dog, saying the words you say to a dog . Always there was someone in the house insulting me, like I'm not a human being. She scolded or reprimanded me (Baldwin, S. B., Fehrenbacher, A. E., & Eisenman, D. P. (2015).

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### SCHOLARS DEFINITION OF COERCION

Doezema (2002) and Campana & Varese (2016) insist that the use of force or coercion needs to be present as it has been included as an essential element of trafficking in the Palermo Protocol.

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### COERCION IN CHILDREN:

Coercion in children: While Section 13 of the ATIPSOM Act states that means (coercion) is not needed for cases involving children in practice, means need to be present by virtue of section 2 of the ATIPSOM Act which states that "trafficked person" means any person who is the victim or object of an act of trafficking in persons;

Section 2 of ATIPSOM Act states that "trafficking in persons" means all actions involved in acquiring or maintaining the labour or services of a person through coercion, and includes the act of recruiting, conveying, transferring, harbouring, providing or receiving a person for the purposes of this Act.

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### DAY 2 SESSION 2: ROOM 1

– Understanding the support needs of TIP Victims and how best to meet them

### ABOUT VICTIM-CENTERED APPROACH AND TRAUMA-INFORMED APPROACH

Briefly, the principals that are entrenched in the victim-centered approach includes non-judgement, focusing on the recovery of the victim, regain control and restoring the dignity of the victim and to function normally as part of the larger society. The Trauma-Informed Approach (TIA) centers in the application of the 3Rs which are

- a. Realizing the prevalence of trauma
- b. Recognizing how trauma affects individual
- c. Responding by putting knowledge into practice.

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## SIDE NOTES



### SERVICES IN PLACE AT THE GLOBAL SHEPHERDS SHELTER HOME

Some of the services put in place at the Global Shepherds Shelter Home includes:

- a. Ensuring basic care needs for all are met so that the victims feel safe and comfortable. This includes medical, healthcare, food, proper clothings, toiletries and personal supplies.
- b. Regular communication with the client and ensuring the presence of translator or interpreter at the point of admission so the victims can be reassured, minimize the feeling of isolation and would be able express their needs.
- c. Individualized case management which begins at the point of admission and continues until the victim is discharged. The aim is to ensure that victims are provided with sufficient information to enable informed decisions by the victims and to enable them to be a fully engaged participant of their case process.
- d. Assignment of a Case Officer to monitor the progress of cases which includes communication with authorities, investigation officer and to update the victims of the status.
- e. Reconnect with families back home. Ensure that victims are able to communicate with their families back home on a weekly basis. To enable this, staff at the shelter work closely with the authorities and Embassies in home country to help trace contact details such as phone number.
- f. Safe repatriation which includes connecting the women with organizations in home country for aftercare support such as providing cash assistance to enable safe land travel to reach home, ensuring support upon arrival at the airport – e.g. meet at the airport and assisted with return home.
- g. Psychosocial support offered to the women in shelter which includes counseling & therapy, recreational activities, personal development and social awareness to help manage their stress.
- h. Skills training that will provide a form of livelihood in home country.

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### ARTICLE 6. ASSISTANCE TO AND PROTECTION OF VICTIMS OF TRAFFICKING IN PERSONS

1. In appropriate cases and to the extent possible under its domestic law, each State Party shall protect the privacy and identity of victims of trafficking in persons, including, inter alia, by making legal proceedings relating to such trafficking confidential.
2. Each State Party shall ensure that its domestic legal or administrative system contains measures that provide to victims of trafficking in persons, in appropriate cases:
  - a. Information on relevant court and administrative proceedings;
  - b. Assistance to enable their views and concerns to be presented and considered at appropriate stages of criminal proceedings against offenders, in a manner not prejudicial to the rights of the defence.
3. Each State Party shall consider implementing measures to provide for the physical, psychological and social recovery of victims of trafficking in persons, including, in appropriate cases, in cooperation with non-governmental organizations, other relevant organizations and other elements of civil society, and, in particular, the provision of:
  - a. Appropriate housing;
  - b. Counselling and information, in particular as regards their legal rights, in a language that the victims of trafficking in persons can understand;
  - c. Medical, psychological and material assistance; and
  - d. Employment, educational and training opportunities.
4. Each State Party shall take into account, in applying the provisions of this article, the age, gender and special needs of victims of trafficking in persons, in particular the special needs of children, including appropriate housing, education and care.

## SIDE NOTES



5. Each State Party shall endeavour to provide for the physical safety of victims of trafficking in persons while they are within its territory.
6. Each State Party shall ensure that its domestic legal system contains measures that offer victims of trafficking in persons the possibility of obtaining compensation for damage suffered.

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### TRAFFICKING INDICATORS:

Victims of trafficking can be identify using the three main trafficking indicators which are:

Acts in the context of trafficking means victims are recruited, transported and harboured. The means includes coercion, threat, deception, abuse of power for the purpose of exploitation and more. This crime takes an enormous physical, financial, and emotional toll on victims and also cause severe psychological and/or emotional health consequences.

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### STAGES OF PROTECTION AND ASSISTANCE

There are three stages for protection and assistance as follows:

- a. Initial basic needs - physical safety, shelter and food are provided. If the situation is safe, communication with family is allowed. In this stage also, legal assistance is given if needed and also a reflection period for the victim.
- b. 2nd stage is the criminal justice process which includes pre-trial, during the trial and also post-trial which also requires the needs & risk assessments.
- c. Long-term stage where the access to justice and effective remedies and voluntary return and reintegration is offered.

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### DAY 2 SESSION 2: ROOM 2

– A Rights-Based, Gendered Perspective in TIP Victim Care and Protection

### MEANING OF THE 3 TENETS

1. Universal, which means universally applied to all people at all times in all places, but there are many who are deprived of rights, and rights should be inalienable, this should also apply to women's rights and sexuality rights.
2. Inalienable means that they are part of the human conditions. Qualifier to rights is human, rights accorded to a human person by virtue of being a human person. So, its inalienable, its inseparable from our humanness as a human person.
3. Indivisible refers to the equal emphasis on civil and political rights as well as economic, social and cultural rights. In developed countries, civil and political liberties are usually shelved, whereas social, economic and cultural rights are given more emphasis.

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## SIDE NOTES



### ABOUT KEY CONVENTIONS

The key Conventions that speak on women's rights presented below in chronological order:

1948 - Universal Declaration of Human Rights, following World War II

1979 - CEDAW

1993 - Women's Rights as Human Rights

1994 - Vienna Declaration and Programme of Action on human rights

1995 - Beijing Platform for Action

We see the Feminism movements as the first waves, second waves and third waves. First wave feminisms tend to refer to the women's suffrage movement. This is women agitating for equal rights to vote as men. Women are oppressed on account of being women. The second wave drives the point that not all women are discriminated against or oppressed in the same way. Marxist and Socialist feminism are brought into the equation of class distinctions means women are also oppressed on account of class differences. In the Asia Pacific region, race is another component in the equation (race or ethnicity or religious affiliation or caste as in South Asia). It means that when we look at prevention and care for trafficking victims in this context, we should also be culturally sensitive, and to consider the various ways in which our bodies are sexualities, our lived experiences are impacted by at least these three axes of oppression (gender, class, caste).

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### CRITICAL RELATIVISM

Critical Relativism (Intersectionality) is the fifth sustainable development goal on gender equality. This is not only about gender equality, but the SDGs show us a very important takeaway message. There are 17 goals in the SDGs and these goals are all integrated and mutually constitutive.

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### KEY RECOMMENDATIONS FROM THE SURVEY CONDUCTED BY ODI/SEGRI

The survey conducted by ODI/SEGRI in Myanmar and LSCW in Cambodia offered the following recommendations to mitigate and combat trafficking

- Invest in systematic data collection on the prevalence and characteristics of labour migration and trafficking with data disaggregated by location, gender, age and ethnicity.
- Identify and tackle root causes such as gendered inequalities in education, labour markets and access to social protection.
- Enhance access to legal migration pathways. There is a need to have affordable access to passports and other documentations. This also needs to be done in an efficient manner to avoid people having to go through middle person to speed up or simply to have access to job contract or job permits.
- Support women economic empowerment programmes in non-traditional sectors.
- Ensure training/awareness-raising initiatives are gender-responsive and can easily be accessed by women and at convenient times to fit in both paid and unpaid care.
- Strengthen psycho-social services and legal support for survivors, sensitive to their specific needs.

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## SIDE NOTES



### INTERNATIONAL NORMATIVE STANDARDS

Below are the international normative standards that guides Malaysia's roadmap, which shows the government's commitments to international normative status.

Fulfilling Commitments to International Normative Standard

- UN Convention against Transnational Organized Crime (UNTOC)
- Protocol to prevent, suppress and punish trafficking in persons, especially Women and children, supplementing the UN Convention against Transnational Organized Crime (TIP Protocol)
- Sustainable Development Goals (SDGs)
- Convention on the Elimination of Discrimination against Women (CEDAW)
- Convention on the Rights of the Child (CRC)
- Optional Protocol to the CRC on the Sale of children, Child Prostitution and Child Pornography
- International Labour Organization (ILO) Convention 29 on Forced Labour (1930), Forced Labour Protocol and ILO Convention 182 on the Worst Forms of Child Labour (1999)
- ASEAN Convention Against Trafficking in Persons, especially Women and Children (ACTIP)
- ASEAN Declaration on the Protection and Promotion on the Rights of Migrants Workers
- ASEAN Roadmap for the Elimination of the Worst Forms of Child Labour
- ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC)
- ASEAN Intergovernmental Commission on Human Rights (AICHR)
- Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime (Bali Process)

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### PRINCIPLES OF GENDER-MAINSTREAMING

- Gender-sensitive Language
- Gender-specific data collection and analysis
- Equal access to and utilisation of services
- Women and men are equally involved in decision-making
- Equal treatment is integrated into steering/operational process

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### SURVEY OUTCOME

Below the results of a survey conducted by Engender with eight organizations on practise of gender responsiveness in supporting trafficked victim:

- women are not accorded their rights
- communication is an issue
- language issue, understanding
- lack of understanding of tradition and culture
- gender perspectives among women, girls and children in specific needs may not be addressed
- lack of cooperation and understanding enforcement officers
- limited knowledge and lack of awareness on being gender sensitive
- among officials and enforcement agencies - from the process of identification of TIP to closing the case
- trust issues from both sides - victim and officials
- preconceived notions and judgement

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## SIDE NOTES



### REFLECTIONS AND RECOMMENDATIONS TO STRENGTHEN TRAFFICKING-IN-PERSONS RESPONSE

#### Identification

- How is the NGHTI (National Guidelines of Human Trafficking Indicators) being used? How many trainings have been conducted nationwide? Who attended the training? What monitoring is being conducted to measure its efficacy?
- The need to increase the representation of women in the police.

#### Capacity Building

- Are there sufficient protection officers and victim assistance specialists? Does their training have a standalone module on human rights and gender responsive approach?
- What capacity building plan is there across all areas for all MAPO Committees and agency stakeholders?
- Is there a registry of trainers across all areas including human rights and gender?
- Build the capacity of men and women in criminal justice agencies to better respond to the needs of trafficking victims?

#### Indicators

- Incorporate human rights and gender specific language into the indicators?

#### Budgets

- Allocate adequate resources for the effective and sustainable implementation of existing services and assistance offered to victims of trafficking, and remove all bureaucratic barriers to guarantee in practice their right to freedom of movement and the right to work; (CEDAW)
- How will the RM10 Million in Budget 2022 allocated for special women's shelters be utilized?

#### Shelters

- Are the shelters being modelled by the existing Shelter Standards and Guidelines developed by government and CSOs?
- What is the monitoring and evaluation framework for the Shelters?

#### CEDAW

- Have CEDAW Committee's 2018 concluding observations been considered and incorporated into the NAPTIP.

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#### DAY 2 SESSION 3: ROOM 1

– Trauma-Informed Practice: Recommendation for Providers supporting TIP Victims

### THEORETICAL FOUNDATION OF TRAUMA-INFORMED APPROACH

The following are some of the main bodies of research that serves as a theoretical foundation of Trauma-Informed Approach by contributing to its principles.

1. **Post-Traumatic Stress Disorder (PTSD)** by Bessel Van Der Kolk and his team who began their research with war veterans during 1980s when people were more broadly diagnosed with PTSD, that expanded the research of understanding the body of symptoms of what would be comorbid with Trauma.
2. **Neurobiology** where, as the technology has advanced, and as we are able to see and understand how the brain functions, we gain knowledge on how trauma impacts someone in a very physical way in our brain, for example there are technology to determine which part of our brain are activated when we experience different emotions. This has helped professionals to be able to accurately identify behaviors correctly, for example, instead of labelling behaviors, professionals can now apply trauma-informed lens and wonder if they have experienced traumatic experiences.

## SIDE NOTES



3. **Human Development** where, when a child's environment is traumatic, it can impact their development, it can impact the trajectory of their developmental growth and advancing in different areas of their development. They might continue to progress in their physical development appropriately, but may not be developing very well emotionally. Even if the experience happened when they were in their early teens, they may not have caught up with all those developmental skills even though they are in their twenties. Research in this area gives us more insight on how to provide services and explanations to someone who is 20 years old by keeping in mind that their previous traumatic experiences might have stunted their cognitive and emotional development.
4. **Adverse Childhood Experiences**, conducted by a few medical doctors in weight loss center when they noticed high correlation between their clients' medical issues and their life stories that included difficult childhood experiences like domestic violence at home, experiencing physical punishments, sexual abuse etc. The finding of the research showed profound confirmation that there is indeed injury physically to our bodies and wellbeing as a result of difficult childhood experiences. Resulting from this, other related studies followed to study in detail these findings, e.g., how it impacts the adrenal gland, why immune systems impacted by it, digestive systems, and trauma, etc. It also helps in preventative measures as well by providing research foundations to why we need more supportive preventative services in childhood.
5. **Attachment Theory**, in which the initial relationship of the caregiver in the first year of an infant's life is very important. Whether the caregiver was nurturing and calming or the caregiver was struggling and not able to meet the physical and emotional needs of the infant. The first relationship sets off a massive trigger effect for how a person manages relationship throughout the life and lays the foundation for the neurobiology for example whether our brain is wired for a safe and nurturing environment or is it wired for danger in which, both the brain operates differently. Attachment theory have provided some foundations to understand human interactions and relationships, e.g., why some people might be more vulnerable to exploitations while others able to speak for themselves. Most of these skills goes back to the initial attachment history and the skills set developed in the first years of life. Deneen concluded the 5 main theoretical foundations of Trauma-Informed Approach by sharing that, a combination of all these things continues to inform the Trauma-informed Approach and they serve like the universal precautions to service providers serving the trauma survivors.

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### DAY 2 SESSION 3: ROOM 2

– **Vicarious Trauma and Burnout: Providing Support for the Support Providers**

#### ABOUT VICARIOUS TRAUMA

Individuals at risk of vicarious includes:

- Someone who has been abused previously
- Someone who has childhood trauma
- Someone who has no support
- Someone who avoids feeling, ignores the signs of stress, withdraws, or assigns blame to others in stressful situation
- Someone who has difficulty expressing feelings and is not acknowledging own feelings.
- Someone who lacks preparation, orientation, training and supervision in their jobs (pertaining to the people who are working in NGO with the intention of wanting to help others, but unknowingly fall into the risk of getting vicarious trauma.

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## SIDE NOTES



### THE COST OF CARING

The cost of caring include:

- Difficulty managing emotions
- Emotionally numb or shut down
- Fatigue, sleepiness, or difficulty falling asleep
- Physical problems or complaints, aches, pain and decrease resistance to illness
- Physical symptoms - putting on weight with the coping mechanism by nonstop eating
- Easily distracted, become forgetful, and this increases one's risk of accidents
- Loss a sense of meaning in life and/or feeling hopeless about the future
- Relationship problems such as withdrawing from friends and family, increased interpersonal conflicts, avoiding intimacy, etc.

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### 5 PILLARS OF HEALTHY, VICARIOUS INFORMED ORGANISATION



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### METHODS OF EVALUATIONS

The methods of evaluation to assess the negative impact of vicarious trauma in an organisation includes:

- Informal discussions with staff
- Debriefing sessions
- Using assessment tools
- Professional Quality of Life Scale (ProQOL)
- Secondary Traumatic Stress Scale (STS)
- Effectiveness of Interventions among personnel
- Implement survey to elicit feedback and level of satisfaction with the organization
- Administer employee performance evaluation regularly
- Questions on vicarious trauma
- Employees' perceptions on the effectiveness of organization efforts to reduce the impact of vicarious
- Conduct exit interviews
- Ask for recommendations for improving the organization's response to vicarious trauma and its impact on employee wellbeing, turnover and other aspects of the work

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### CONTRIBUTION FACTORS OF BURNOUT

Contributing factor of burnout at Tenaganita include:

- a. Internal factors:
  - Complex workload which resulted in physically and emotional exhaustion
  - Conflict in human relations, lack of social cohesion and bureaucracy in work place.
  - Unmet job expectation.

## SIDE NOTES



- b External factors:
  - Stress of dealing with laws, regulation and enforcement - police, immigration, labour department that made protection and redress of Human Trafficking survivors difficult, no guarantee of success
  - Lack of cooperation and support from state authority and sometimes faced with hostility
  - The abuse of immigration regulations that victimize labour workers and trafficked survivors frustrate the effort of helping survivors to obtain redress.

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### STAFF FEEDBACK ON VICARIOUS TRAUMA

When enquired if Tenaganita provide support to staff to overcome vicarious trauma, 10 of 23 staff members perceived that the organisation had no programs dedicated to overcome burnout. On the other hand, half of Tenaganita's team members responded that although there is no structured effort dedicated to overcome burn out among staff, Tenaganita's organisational practice and culture does assist the staff in managing burnout. This includes:

- Annual sharing as part of evaluation and planning
- Internal capacity building
- Flexibility of time and place of conducting work (adjustable)
- Supportive family organisational culture. Such as: allowed time off when needed in time of grief; balanced focus on human relation and task; less rigid KPI
- Tenaganita's organisational culture: flat and with daily human interaction; less bureaucratic
- Replacement leave and annual leave
- Organizing lunch and celebrations - staff & volunteers, birthdays, religious festivities
- Believing that the organisation is capable of overcoming the problem and offering genuine support.
- Organizing more workers to reduce capacity case load

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#### DAY 2 SESSION 4: ROOM 1

– **It Takes a Village: A collaborative Approach to Victim Care and Protection**

### 3 PHASES OF THE PARTNERSHIP JOURNEY

#### Phase 1: 2008-2015

The focus was on setting up a working Council and to identify credible partners to work with. The council was grateful to have NGOs such as NCWO, CAMSA, MKKM and organisations such as SUHAKAM. One of its main success was to raise public awareness on TIP. There was a steep learning curve for everyone involved. There were also opportunities to learn from other countries and International Organisations like IOM.

#### Phase 2: 2016 -2020

In the second Phase, the priority was to improve the protection services for TIP victims and to expand collaboration with NGOs in line with ATIPSOM Act amendments in 2015. NGO Protection Officers were identified and 12 were selected to work with NSO MAPO and the shelters. Three NGO shelters were set up. The government also reached out to corporates and was successful in partnering with Marriot Hotel to provide jobs for 9 TIP victims.

In order to expedite TIP cases in the court, a special ATIP session court was launched in 2018. This was to ensure that TIP victims can testify in court and will be able to return speedily if they wish to do so, upon completion of their statements and release from the Protection Orders.

Another important milestone during this period was the Victim Assistance Specialist (VAS) programme piloted in 2019. Pioneering this programme were the partnership of Pn. Ajanis of MWFC and Ms. Karen Tai of Global Shepherds. Together with other government agencies including the enforcement agencies and the assistance of Ms. Karin Moreno-Taxman from the USA, the successful pilot project is now a programme under NSO MAPO.

## SIDE NOTES



The VAS programme provides extended service through the VAS who provide emotional support to the victims of trafficking. The feedback from enforcement and prosecutors have been good. The victims are enabled to be more willing to testify in court and to be more open to share their stories. Victims are also supported when they return to country of origin, post repatriation.

The plan is to institutionalise the programme so that Victims of trafficking receive the support during court process. The VAS team has grown with the recent appointment of two more VAS from NGOs, and another two will be included from the police force.

The inaugural TIP conference in 2019 was also a collaboration between the government and nine NGOs under the network known as JHAMS (Joining Hands against Modern Slavery) and supported by UNICEF. The conference has elevated cooperation between government, NGOs, academicians, international organisations and businesses, combatting trafficking in persons.

The conference was followed by a series of consultations, collection of inputs, analysis sessions and collation of feedback/information and these contributed to the development of two key documents, i.e. the National Guidelines on Human Trafficking (NGHTI) and the National Action Plan on Trafficking In Persons 3.0. The latter was launched in March 2021.

### **Phase 3: 2021 – 2025**

In the third phase, the focus was extended to the enhancement of partnerships and collaboration with multi stakeholders in the overall national effort to combat TIP and to improve Malaysia's position globally.

To intensify efforts on enforcement, prosecution and protection, series of capacity building programmes was organised virtually due to the Covid19 pandemic. Thanks to organisation like Global Shepherds, Tenaganita, Engender and other NGOs who worked tirelessly in planning and executing these activities together with the government agencies as outlined in the NAPTIP3.0.

Another important document that served as a testimony of partnership was the National Guidelines on Human Trafficking Indicators (NGHTI). The NGHTI is a dynamic document which MAPO and its NGO partners will continue to monitor and evaluate regularly; and update when necessary, to reflect new or current trends in TIP.

The challenge in implementing the NGHTI is the limitation in the ATIPSOM on the definition of "coercion". Despite all other means being present in a case as identified in the ATIPSOM, the justice system requires the element of "coercion" to be proven in court. MAPO has since drafted an amendment to the ATIPSOM act which has been tabled at Parliament, to broaden the definition of trafficking in accordance to the definitions in the TIP Protocol (Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children) and the ASEAN Convention on Trafficking in Person, especially Women and Children (ACTIP). It is hoped with the proposed amendments, the identification of victims will improve and more cases can be investigated and taken to court.

Apart from that, in the spirit of partnerships, the government has also welcomed collaborations with the academia and associations to provide opportunity for students, lecturers, businesses to the community, to raise awareness to prevent TIP in their respective organisations. There is still a lot to be done in both the public and private sectors. In order to promote more understanding on the situation and challenges of combatting TIP in Malaysia, meetings and discussions including visits to TIP shelters have also been arranged for dignitaries and organisations alike, to appreciate the efforts undertaken by both the government in protecting TIP victims.

This conference also is another testament of a collaborative effort in the protection aspect of the national effort to protect TIP victims. Let us learn from each other; let us Care and let us Protect

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## SIDE NOTES



### COLLABORATION BETWEEN CSOS AND GOVERNMENT

1. Primary role belongs to the government. In order for victims to be protected, laws must be enforced in specific cases. This is the role of government.
2. NGOs can add value. Collaboration between NGO and Govt can improve victim outcomes and prosecution outcomes, thus reducing crime rates reduce/victimization significantly. Working together can be challenging but it is worth it.
3. Important for business/economic growth. Reductions in forced labour and human trafficking particularly are important for global business in the Sustainable Development Goals era – global brands want to invest in countries that are working to eliminate forced labour and sex trafficking.

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### KEY FACTORS TO SUCCESSFUL COLLABORATION

#### Building Trust

- Find the common ground to work together
- Instead of being critical provide constructive criticism
- Building trust through practical collaboration on cases
- Staying within the boundaries, work within the legal framework

In building trust, it is always important to be transparent and be accountable with the information that is being shared by and with all parties involved in the collaboration.

#### Closing Gaps, as Trust Develops

- NGOs have grassroots experiences and have time and capacity to analyze gaps and needs and share them with the government counterpart.
- Government has authority, funding and resources to fill the gaps.

#### Areas of Collaboration in providing Victim Care and Protection

- Collaboration with Law Enforcement
- Supporting survivors through Source & Destination Country Legal Process
- Support for Victim Repatriation
- Support for Reintegration Services and Restoration Plans

#### Collaboration in strengthening Systems of Care

- Capacity building in TIC approaches to targeted stakeholders in Public Justice Systems and networks of care
- Improving holistic and outcomes-based case management capacities
- Strengthening coordination & referral networks of services for Cross-border Labor trafficking survivors
- IJM seeks to strengthen systems of care, so that survivors of violence and trafficking can be protected and live in safety and stability.

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### ANTI-TRAFFICKING INITIATIVES

In December 2019, through a consultative process led by MAPO, with government agencies CSOs, international organisation, the National Guideline on Human Trafficking Indicators was developed to provide a standard set of definitions and indicators. This is in line with article 14 of the ASEAN Convention against Trafficking in Persons (ACTIP) which Malaysia ratified in 2017. These guidelines forms part of the enforcement agencies standard operating procedures and will assist them in their victim identifications efforts. It will also provide more clarity for NGOs working on TIP issues and the general public in helping to identify and report suspected TIP activities.

At regional level, ASEAN has been active in developing standards and procedures around identifying victims of trafficking. The ASEAN TIP convention sets in Article 14 (1) and (2) specific obligation to establish victim identification guidelines and procedures for the proper identification of victims of TIP and to recognise the victim identification positions of other member states.

## SIDE NOTES



The ASEAN Commission on the Promotion and the Protection of the Rights of Women and Children (ACWC) developed a set of gender sensitive Guidelines for Handling Women Victims of TIP in 2015. This critical instrument affirms several key standards including the presumption of victim status. Importantly, through this instrument ACWC has called on each ASEAN member state to designate a focal point system for victim identification and referral, and to develop a standard ASEAN procedure for effective referral of victims and information sharing that protects victims' rights and supports integration into their communities.

In 2015, ASEAN and Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT), joined forces to develop a set of regional & applicable identification guidelines. This instrument is operationally directed toward criminal justice officials including police, border officials and consular staff who are often on the frontline of victim identification. In most ASEAN members states victim identification and the referral procedure are based on procedure and guidelines to ensure those in the frontlines can recognise victims of trafficking and provide an adequate first response.

In Laos PDR, Thailand, Malaysia and Singapore, relevant government agencies have developed tools such as checklists, guidelines and awareness material that are aimed at helping frontline officials identify persons who may have been trafficked. Some ASEAN member states including Indonesia have developed identification tools tailored to specific sectors such as the fisheries.

At the regional level, legal and policy level the most critical development has been the adoption of the ACTIP and its plan of action. ASEAN members states have made significant progress in developing and implementing laws and policies on victim protection and support over last few years. Malaysia's TIP laws have detailed provision for victims' care and protection including establishing places of refuge, and medical examinations and treatment.

It is relevant to note that victims under the care of the state in shelters are entitled to a wide range of assistance and measures. The SOMTC Working Group on TIP has developed the generic ASEAN planning programme on TIP for frontline law enforcement officials in collaboration with other stakeholders. It was tailored to the context of most of the ASEAN members states and delivered in eight of the ASEAN member states including Malaysia. Identification of the TIP victim and protection of the victim is an integral part of the programme. The programme is included in the training institutions in most ASEAN member states and delivered to frontline law enforcement officials over the past 10 years.

SOMTC WG on TIP also developed ASEAN Practitioner Guidelines on Criminal Justice Responses to TIP (2007) which was revised in 2018. Part 2 of the practitioner guidelines provide detailed guidance in victim identification, protection and support.

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### LIST OF REGIONAL DOCUMENTS RELATED TO TIP

- ASEAN Trafficking Convention (2015), entered into force on 8 March 2017
- Gender Sensitive Guideline for Handling Women Victims of TIP (ACWC) – (2015)
- ASEAN-COMMIT Trafficking Indicators (2015)
- ASEAN Training Program on TIP for Frontline Law Enforcement Officials (2009)
- National level guidelines developed on victim identification, protection and support
- ASEAN Practitioner Guidelines on Criminal Justice Responses to TIP (2007), revised in 2018

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## SIDE NOTES



### VICTIM-WITNESS PROTECTION

Some ASEAN member states provide general protection of privacy to victims of trafficking in recognition of their vulnerability and needs. Others ASEAN member states have supplemented a general privacy provision with additional protections for victims in the criminal justice process. It is relatively uncommon now for victims of trafficking to be publicly identified through the media or government. Protection or privacy does however, remain a challenge.

The laws in several ASEAN members states specifically provides that victim-witnesses have a legal right to information and advice. Several ASEAN member states cooperate with external partners to produce information material for victims to ensure they understand their rights and the legal proceedings in which they are already involved. The laws in most but not all ASEAN member states provide victim-witnesses and their families with the right to protection from threats to their physical safety due to retaliation or intimidation.

As for protecting victim privacy, the right may not be provided under Anti TIP law but in other relevant laws. Along with regulating a victim's legal status the use of pre-trial depositions can also facilitate the effective participation of foreign victim-witnesses in criminal proceedings.

The laws, policies and procedures in most, but not all ASEAN member states make special provisions for in-court protection for children to testify in private in court. It is crucial that given children's stage of development affects their political comprehend and court proceeding and their sensitivity to the experiences may make them vulnerable to re-traumatisation.

There have been several positive developments throughout the ASEAN region regarding using practical measures to assist victim-witnesses in giving evidence. In the Philippines, structures are in place for social workers to be available to escort victims to and from the court, and assist and support the victims throughout the trial. There is a pilot scheme whereby Victim-witness Coordinators are appointed to assist the trafficked persons with all aspects of their participation in the prosecution process.

The length of criminal justice process in which victims are expected to be involved is significant in the ASEAN member states. Practitioners across the region noted that the longer the trial, the less the victims are willing to maintain their involvement, including the family pressures and the possibility of intimidation or enticement from the side of the alleged perpetrator. The longer processes also make it more challenging to secure convictions. The Philippines is experimenting with expedited trial procedures. Thailand has established a special division within the criminal court to handle TIP cases. It is expected to make the trial process to be more efficient and thereby reduce the burden on the victims.

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### REGIONAL CAPACITY BUILDING

ASEAN has taken some important steps to promote regional capacity development in international cooperation. In 2010, SOMTC launched the ASEAN Handbook on International Legal Cooperation in Trafficking in Persons Cases (2010). A tool developed in close collaboration with practitioners from ASEAN member states and other stakeholders. It was updated and revised in 2018. The handbook provides criminal justice practitioners with an introduction to the key tools in international cooperation, specifically in mutual legal assistance and extradition. It offers guidance on how these tools might be relevant to investigations and prosecution of TIP cases, and the protection of victims. UNODC in collaboration with ASEAN-ACT are developing an ASEAN compendium on international legal cooperation on TIP cases to supplement the ASEAN handbook.

ASEAN member states that have invested in placing liaison officers in neighbouring states have seen substantial returns. All ASEAN members states have identified operational focal points serving in the anti-trafficking

## SIDE NOTES



unit of the national police. The focal points can take referrals, exchange information and, offer support and advice to their international colleagues on trafficking cases. There is also significant development related to mutual legal assistance in the ASEAN region especially in terms of law and policies. All 10 ASEAN members are state parties to the Treaty on Mutual Legal Assistance in Criminal Matters (MLAT). This means the MLAT is a multilateral treaty allowing for mutual assistance in criminal matters including TIP between the ASEAN member states. Many ASEAN members states have bilateral MLA treaties with other countries outside the region. Some have national MLA laws regulating MLA matters. ASEAN developed a Model Extradition Treaty (2019) that member states can use to create bilateral extradition treaties between states.

To further strengthen collaboration on TIP ASEAN finalise the Bohol Trafficking in Persons (TIP) Work Plan 2017-2020. The first cross sectoral and cross-pillar action plan developed by ASEAN to address trafficking in persons in the region. The Bohol TIP Work Plan highlights harmonized regional activities to combat Trafficking in Persons in the four areas of prevention of trafficking in persons, protection of victims, investigations and prosecution of crimes of trafficking in persons, and regional and international coordination. The Work Plan further includes expected outputs of each activity and its implementation status as reference in monitoring and evaluating the Work Plan. The Work Plan has been endorsed by nine sectoral bodies representing the three pillars of the ASEAN Community, namely, the political-security, economic and socio-cultural. The Bohol TIP Work Plan implements the 2015 ASEAN Convention Against Trafficking in Persons Especially Women and Children (ACTIP).

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### DAY 2 SESSION 4: ROOM 2

– Child TIP Victims: Special Considerations in Care and Protection

#### CHILDREN WHO ARE VULNERABLE TO BEING TRAFFICKED

Children from these group are vulnerable to being trafficked:

- Children from poor or socially vulnerable groups (minorities, below poverty line, unemployed)
- Children from dysfunctional families (domestic violence and abuse, lacking a supportive and protective family environment)
- Children without parental care (who grow up in residential care, homeless children, unaccompanied minors)

These vulnerable children are not just vulnerable to trafficking, but through a range of other forms of abuse, exploitation and neglect. Therefore, targeting children to make them more aware of the risks of being trafficked may not be effective, if the key vulnerabilities and the life situations that render them vulnerable in the first place are not also being addressed.

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#### DATA ON TRAFFICKING OF CHILDREN

In 40% of countries, there are 10 cases per year, and in 15% of countries there are no cases. A major reason for this is that victims fear coming forward to law enforcement, migrant victims live in fear of deportation and retaliation. There is a lack of protection and often the right to stay in safety is conditional upon cooperation with law enforcement. Victims of trafficking are treated like other irregular migrants. In over 100 countries, children are held in immigration detention with huge consequences for their physical and mental wellbeing. So for migrant children, the barriers to accessing help are really compounded.

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## SIDE NOTES



### UNICEF GUIDELINES CONCERNING TRAFFICKING OF CHILDREN

UNICEF guidelines cover specific aspects concerning trafficked children:

- I. First is the identification of trafficked children and measures for doing so should be identified according to the local situation.
- II. Then there is the appointment of a guardian. As soon as a child victim is identified, a guardian shall be appointed by a competent authority to accompany the child throughout the entire process, until the durable solution that is in the child's best interest has been identified and implemented.
- III. Next is the initial questioning, initial action and interviewing, which should be done in accordance with the best interests of the child. For instance, child victims should be questioned in a manner that respects their dignity, their capacity and safeguards.
- IV. Then there is referral and coordination where child victims should be referred immediately to the appropriate services. Everyone involved in the referral and assistance to child victims should adopt policies and procedures that favor information sharing and networking between those agencies and individuals working with child victims to ensure an effective continuum of care and protection for the child.
- V. Interim care protection and accommodation in a safe place for the child. Child victims have the right to receive immediate care and protection, which includes security, food, safe accommodation, access to social and health services, psychosocial support, legal assistance and education.
- VI. Have regularization of status. States should adopt legislative or other appropriate measures that permit victims of trafficking who are not nationals or residents of the country to remain in their territory temporarily or permanently. It is critical that no deportation is carried out during this period.
- VII. Each trafficked child is also entitled to have his or her case individually assessed on the basis of his or her best interests to determine the appropriate and durable solution.
- VIII. And in terms of implementing a durable solution, three options are possible which are local integration, voluntary repatriation and reintegration to the country of place or place of origin, or resettlement and integration into a third country.
- IX. On access to justice, child victims and witnesses of trafficking require special protection assistance and support in order to prevent additional hardship resulting from their participation in the criminal justice process, and to ensure that their best interests and dignity are respected.
- X. Lastly, victim and witness security and protection of child victims who agreed to testify should be accorded special protection measures. This is to ensure their safety and their family members safety in the country of origin, transit and destination.

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### ACCESS TO JUSTICE

Access to Justice is the ability to speak and obtain an equitable and timely remedy for the violation of rights which includes the right to be recognized before the law and to a fair trial including equal access to courts and equality before the law. UNICEF just launched its 'Reimagine Justice for Children Agenda' (2021) at the world Congress on Justice for Children. The agenda has six interconnected policy which are

- I. Every child knows and can claim their rights;
- II. Every child can access free legal aid, representation and services;
- III. Every child in conflict with the law can be diverted;
- IV. Every child is protected from detention;
- V. Every child survivor of sexual violence, abuse or exploitation receives justice;
- VI. Every child can access alternative dispute resolution mechanisms and child-friendly courts.

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## SIDE NOTES



### ABOUT SUKA SOCIETY

SUKA Society is an NGO set up to protect and to preserve the best interests of children.

- Advocate for the survival, protection, participation, and development of all children.
- Provide therapeutic, welfare and community development programmes for children who are at risk and for their families.
- Promote the best interests of a child by conducting training programmes for children and people who come into contact with children.
- Produce research and publications on issues related to children.
- Empower young people to do good by encouraging self-initiated projects that protect and preserve those in need.

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### ACTIVITIES FOR TIP CHILDREN CONDUCTED BY SUKA

The current practices in responding to TIP children includes:

- I. Health and emotional wellness (therapeutic programs, physical exercises and medical related programs, example art therapy, emotional freedom techniques, process painting, yoga, zumba and sport activities)
- II. Residents relations programs (celebrations of our festivals in Malaysia, national celebrations such as Hari Sukan Negara, National Day, Hari Malaysia and International Children's Day and World Day Against Human Trafficking)
- III. Empowerment and advocacy program (activities such as the awareness on human trafficking, a day with a survivor, child to express and talk about their own traditions and culture practiced in their respective countries, orientation and onboarding programs)
- IV. Skills development program (sewing, paper quilling, wilting flower arrangements, beading, knitting, cooking, baking, art and crafts sessions)
- V. Education and enrichment program (English, Science and Maths)
- VI. Training for Government Protection Shelter Staff (training program touches on stress and conflict management, anger management, helping skills, team building trauma-informed care, self-care, effective communications, and interviewing skills)
- VII. Case management (assistance for investigation to various enforcement agencies, provide a safe passage to victims through partnership with NGOs in the destination countries, provide assistance in preparing social reports, interpretation services to various government agencies, assist the child victims in court)

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