

PROTECTING THE RIGHTS
AND DIGNITY OF THE
TRAFFICKED CHILD
IN SOUTH EAST ASIA

Asia ACTs Against Child Trafficking

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to all the children who have suffered immensely and yet have come forward with their stories, who helped us understand this phenomenon better and to move forward...

to all the people who have given part of their lives to serve these children and have stayed with them until their recovery to finally experience the true meaning of a good life

In Memory of Dr. Walter Skrobanek and Mr. Pirom Klaichinda

PREFACE

Protecting the Rights and Dignity of the Trafficked Child in South East

Asia is composed of three main documents: Part One is on the Proposed Guidelines for the Protection of the Rights of Trafficked Children in South East Asia which was drafted in March 2006 together with the campaign partners and other networks in the region; and Part Two focuses on the proposed changes made by the Senior Officials for Social Welfare and Development of the ASEAN, which are highlighted.

These comments deal with the Definition of Terms, General Principles – on the right to non-discrimination and right to information; and on the Specific Guidelines, specifically on child-sensitive interview; regional mechanisms, legalization of status and implementation of long-lasting solutions.

Part Three is a comparative analysis evaluating the two documents with explanatory notes. The comparative analysis also includes some related experiences and examples in relation to specific provisions gathered from different sources.



FOREWORD

This publication on *Protecting the Rights and Dignity of the Trafficked Child in South East Asia* is a milestone in the global campaign against child trafficking.

Human trafficking is a serious human rights violation affecting many children. Existing efforts to fight child trafficking in South East Asia still lack the human rights perspective and the child rights approach. Trafficked children are victims of human rights violations and should not be treated as offenders. Survivors of child trafficking have special needs and should be given special protection due to the nature of the crime. The setting of the Guidelines for the Protection of the Rights of Trafficked Children in South East Asia will ensure that the child's rights will be protected from the time of rescue and identification until the period of recovery and reintegration.

This book also presents a comparative analysis of the draft South East Asian Guidelines formulated by Asia ACTs campaign partners in relation to the ASEAN Draft Guidelines. The comparison can guide us to identify possible lobby points for higher standards to protect the rights of child survivors of trafficking. The book also includes additional explanation of selected sections to guide the lobbyists, trainers and social service providers.

Once more, Asia ACTs succeeds in contributing significantly to the development of effective policies and practices that safeguard the rights of trafficked boys and girls in South East Asia.

Frans Van Dijk

Regional Coordinator for South East Asia
Terre des Hommes-Netherlands

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Protecting the Rights and Dignity of a Trafficked Child in South East Asia

is a result of a three-year effort to come up with minimum standards to protect the rights of children victims of trafficking. We are thankful for the contribution of organizations and individuals in terms of ideas and actual experiences in drafting and finalizing the guidelines. We are grateful to those who were involved in lobbying for its adoption and implementation.

We express our gratitude to

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Atty. Anjanette Saguisag and Atty. Robert Larga whose legal expertise guided us in drafting and finalizing the document;

(Ret.) Undersecretary of the Department of Social Welfare and Development Lourdes Balanon, Director Finard Cabilao and Undersecretary Alicia Bala for lobbying this worthwhile cause in the ASEAN;

Our friends and colleagues in the Asia ACTs Network: Burma ACTs, Cambodia ACTs, Indonesia ACTs, Child Trafficking Watch-Thailand, Philippines Against Child Trafficking, Ho Chi Minh City Child Welfare Foundation and Village Focus International, who continuously encourage us, share their rich experiences and tirelessly promote the guidelines in their own countries;

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Frans Van Dijk and Ruth Eveline who continue to encourage and commend us in our efforts.

Our efforts will surely make a whole world of difference for the children.

Asia ACTs Secretariat



PROPOSED GUIDELINES FOR THE PROTECTION OF THE RIGHTS OF TRAFFICKED CHILDREN IN SOUTH EAST ASIA



INTRODUCTION

The present document sets out proposed principles and guidelines to promote the human rights of trafficked children in South East Asia. This document has been developed on the basis of relevant international human and child rights instruments including the *Convention on the Rights of the Child,* the *Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography,* the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children,* supplementing the *United Nations Convention against Transnational Organized Crime,* the *United Nations High Commissioner for Human Rights Recommended Guidelines on Human Rights and Human Trafficking,* the *Guidelines for Protection of the Rights of Children Victims of Trafficking in Southeastern Europe* and the *Proposed Guidelines for the Protection of the Rights of Trafficked Children (Bohol Document, August 2004).*



1. DEFINITION OF TERMS

1.1 Child

1.1.1 A child is any person under eighteen (18) years of age.

1.2 Child trafficking

- 1.2.1 Child trafficking is the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation, within or outside a country, which shall include but not be limited to child prostitution, child pornography and other forms of sexual exploitation, child labour, forced labour or services, slavery or practices similar to slavery, servitude, removal and sale of organs, use in illicit/illegal activities and participation in armed conflict. For the purposes of these guidelines, the recruitment, transportation, transfer, harbouring or receipt of a child by means of adoption or marriage for the purpose of exploitation shall likewise be considered child trafficking.
- **1.2.2** The consent of the child or the person exercising custody over the child to trafficking or any of its elements is irrelevant and does not exempt the offender from or lessen his/her liability for committing acts that constitute or promote child trafficking.
- **1.2.3** The employment 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 the child is irrelevant and does not constitute an essential element in the crime of child trafficking.

1.3 Trafficked child

1.3.1 A trafficked child is a child who has been recruited, transported, transferred, harboured or received for the purpose of exploitation, within or outside a country.

1.4 Social welfare service provider

1.4.1 A social welfare service provider shall include all those persons involved in providing direct services to trafficked children, whether from government or non-government organizations.



2. GENERAL PRINCIPLES

The following principles should be considered at all stages of care and protection of trafficked children.

2.1 Rights of the Child

- **2.1.1** Trafficked children have the right to the full respect and exercise of their survival, development, protection and participation rights as recognized under the Convention on the Rights of the Child.
- **2.1.2** Trafficked children have special needs and therefore have the right to special protection measures.

2.2 Best Interests of the Child

2.2.1 In all actions concerning trafficked children, whether undertaken by public or private social welfare institutions, police, courts of law, administrative authorities or legislative bodies, the best interests of the child should be the primary consideration.

2.3 Right to Non-discrimination

2.3.1 All trafficked children have the right to the same protection and rights in the country/place of origin, transit or destination regardless of their status, nationality, race, color, sex, language, faith, religion, political or other opinion, ethnic or social origin, property, disability, birth or other status.

2.3.2 Whenever applicable, these guidelines should also apply to children who are conceived and subsequently born of trafficked persons.

2.4 Respect for the Views of the Child

- **2.4.1** A trafficked child who is capable of forming his or her views has the right to express those views freely in all matters affecting him or her, including in relation to the legal process, interim care and protection and the identification and implementation of a durable solution.
- **2.4.2** The views of the trafficked child should be given due weight in accordance with his or her age, maturity, evolving capacities and best interests.

2.5 Right to Information

- **2.5.1** Trafficked children should be provided access to information about all matters affecting them including entitlements, services available and the family reunification and/or repatriation process.
- **2.5.2** Information should be provided in a language which the trafficked child is able to understand. Suitable interpreters/translators should be provided whenever necessary.

2.6 Right to Confidentiality

2.6.1 Information about a trafficked child that could endanger the trafficked child or his/her family members should not be disclosed except as required by law.

- **2.6.2** All necessary measures should be taken to protect the privacy and identity of trafficked children. The name, address or other information that could lead to the identification of the trafficked child or his/her family members, should not be revealed to the public or media.
- **2.6.3** The permission of the trafficked child should be sought in an age appropriate manner before sensitive information is disclosed.

2.7 Respect for the Child's Ethnic, Cultural, Faith and Religious Identity

- **2.7.1** The trafficked child's ethnic, cultural, faith and religious identity should at all times be respected.
- **2.7.2** Where applicable, assistance should be provided to the trafficked child in order to enable him/her to exercise or practice his/her ethnic, cultural, faith or religious practices.

2.8 Responsibility of the State

- **2.8.1** The State should take positive action to combat child trafficking and to protect and assist trafficked children.
- **2.8.2** The State should take all appropriate legislative, judicial, administrative and other measures to protect and assist trafficked children.

2.8.3 The State is responsible for taking pro-active measures to protect persons who provide care and assistance to trafficked children from reprisals from traffickers. These measures should extend to persons working in non-government organizations, civil society, faith-based and religious groups.



3. SPECIFIC GUIDELINES

3.1 Detection and Identification of Child

3.1.1 Presumption of Age

3.1.1.1 Aside from birth documents/family books of the trafficked person, his/her identification cards, school records, physical appearance, psychological maturity, statement, consensual medical or dental examinations can be considered in determining the age of the trafficked person.

Legally recognized documents attesting to the birth or age of the trafficked person from persons who have personal knowledge about these facts can likewise be considered. Documents recording cultural or religious practices which indicate age may also be considered.

- **3.1.1.2** Where the age of the trafficked person is uncertain and there are indicators to believe that the person is a child, the presumption should be that the person is a child.
- **3.1.1.3** Pending a reasonable time for the verification of the trafficked person's age, he/she should be treated as a child and should be accorded all special protection measures stipulated in these guidelines.

3.1.2 Pro-active identification measures

- 3.1.2.1 The State should develop and adopt effective procedures for the rapid identification of trafficked children. These may include the strengthening of birth registration procedures, the listing and recording of missing and exploited children and the creation of a checklist of warning signs that may indicate that a child is a victim of trafficking.
- 3.1.2.2 The State should train all persons having or most likely to have direct contact with trafficked children (i.e. seaport and airport personnel, immigration officers, border patrols, law enforcement officers, social welfare and health care providers, etc.) on rapid identification procedures. This may include training on the use of a checklist of warning signs that may indicate that a child is a victim of trafficking and on how to distinguish trafficked children from illegal migrants.
- 3.1.2.3 The State and non-government organizations should conduct intensive efforts to provide information to families and communities about the issue of child trafficking. Procedures for reporting and referring suspected and actual child trafficking cases should be established.
- **3.1.2.4** Measures to coordinate information sharing between government agencies, including law enforcement authorities, social welfare agencies and non-government

organizations should be adopted to facilitate rapid identification of trafficked children.

3.2 Initial Contact

3.2.1 Initial Action

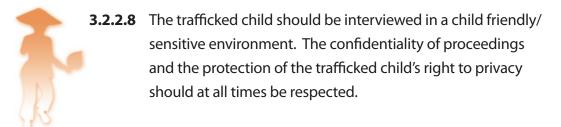
- 3.2.1.1 Upon identification of a trafficked child or suspected trafficked child, the investigator/officer should immediately contact a social welfare service provider and, where possible, the parents/guardian of the trafficked child. In the case of cross border trafficking, the responsible authority of the country of origin, as represented in the country of destination or transit (eg: embassy/consulate) should also be contacted.
- **3.2.1.2** The investigator/officer should protect the trafficked child's right to privacy and prohibit media exposure and interviews.
- **3.2.1.3** The initial interview of the investigator should only be for the purpose of collecting biographical data like the name, age, name of parents/guardians and last known address and contact numbers, country/place of origin and/or nationality.
- **3.2.1.4** The investigator/officer should assist the trafficked child in retrieving his/her personal belongings.

- 3.2.1.5 The trafficked child or suspected trafficked child should be removed from the place s/he is found and immediately brought to a safe location and environment, preferably with a social welfare service provider. The trafficked child should not be kept at police stations or detention centers. Trafficked children who are siblings should remain together wherever possible. In cases where siblings are not able to stay together, efforts should be made to ensure that the siblings have regular contact with each other.
- **3.2.1.6** At no time should the trafficked child be placed in the same room or in direct contact with the suspected trafficker/s.
- **3.2.1.7** For the safety and security of the trafficked child and the social welfare service providers, the trafficked child's whereabouts should be kept confidential.

3.2.2 Child-sensitive interview

- **3.2.2.1** The State should design a standard interview guide and mechanism that will gather all the information that may be needed by all agencies involved in the case.
- **3.2.2.2** Law enforcement authorities should respect the trafficked child's right to privacy. The express consent of the trafficked child and his/her parent/guardian or social welfare service provider should be acquired prior to the conduct of the interview.

- **3.2.2.3** The trafficked child should be allowed some time to rest and stabilize before s/he is interviewed.
- **3.2.2.4** As much as possible, the investigator/officer and interpreter/translator, should be of the same gender as the trafficked child, dressed in civilian clothes, trained in administering child friendly/sensitive interview methods and knowledgeable about the issue of child trafficking.
- **3.2.2.5** Prior to the interview with the trafficked child, the investigator/officer should inquire whether prior interviews have already been conducted by any person or agency, and if so, s/he should acquire the results from such prior interview.
- 3.2.2.6 The interview should be conducted in a language understood by the trafficked child. Where this is not possible, a qualified translator/interpreter should be provided.
- **3.2.2.7** The trafficked child should be interviewed in the presence of a social welfare service provider, parent/guardian or trusted adult of his/her choice.



3.2.2.9 The consent of the trafficked child and his/her parent/ guardian, social welfare service provider or trusted adult of his/her choice must be secured before using any recording equipment including video cameras or tape recorders.

3.2.3 Legal protection for child

- **3.2.3.1** Trafficked children are victims of human rights violations. They should not be treated as offenders or subjected to or threatened with criminal sanctions for any offense related to their situation as trafficked children.
- **3.2.3.2** Access to basic social welfare and support services should not be dependent on the trafficked child's willingness to cooperate with law enforcement authorities.

3.3 System of Referral, Coordination and Cooperation

3.3.1 Regional Mechanisms

- **3.3.1.1** States should endeavor to enter into a regional agreement to define a system of referral and specific areas for coordination and cooperation.
- **3.3.1.2** States should endeavor to establish referral, coordination and cooperation mechanisms with international nongovernment organizations, networks and coalitions actively working on the issue of trafficking in the region.

3.3.1.3 Each State should designate their own liaison officer/office who shall be responsible for cross-border linkage and referral to the appropriate office for immediate response to cases of cross-border trafficking.

3.3.2 National Mechanisms

- **3.3.2.1** States should develop a national arrangement that will define the roles and functions of each government agency in relation to child trafficking and a system of referral and areas for coordination and cooperation.
- **3.3.2.2** Each State should establish a national body for coordinating referrals for both internal and cross-border trafficking.
- **3.3.2.3** Each State should develop a database that will centralize all information about national efforts to combat child trafficking and data and statistics in relation to incidents of child trafficking occurring within the country or affecting nationals of the country. The development of such a database should take into due consideration the rights to privacy and confidentiality of trafficked children.
- **3.3.2.4** States should endeavor to establish referral, coordination and cooperation mechanisms with non-government organizations, networks and coalitions actively working on the issue of child trafficking in the country.

3.3.2.5 States should be responsible for training all relevant agencies about the referral system so as to ensure prompt, effective and appropriate responses to cases of child trafficking.

3.4 Interim Care and Protection

3.4.1 Safe places for children

- **3.4.1.1** Safe, secure and child-friendly shelters, homes and crisis centers should be provided for trafficked children. Existing facilities should be improved to accommodate the needs of trafficked children.
- 3.4.1.2 Shelters, homes and crisis centers should be run by a sufficient number of well-trained and competent staff, such as, but not limited to, social workers trained in the case management of trafficked children. The gender of the staff should be appropriate for the needs of the trafficked children.
- **3.4.1.3** States should set up monitoring mechanisms to oversee, regulate and evaluate shelters and services.
- **3.4.1.4** Trafficked children should not be placed in detention centers, police cells, prisons or other detention facilities for children and/or adults or be in the private custody of law enforcement authorities. Nor shall children be sheltered

within military bases or at other inappropriate locations.

3.4.2 Support Services

- **3.4.2.1** States should allocate the necessary annual budget to ensure trafficked children's security from threat and reprisals from traffickers, food and accommodation, access to healthcare and psychosocial support.
- 3.4.2.2 The primary objective of interim care is the healing and recovery of the trafficked child. Immediate counseling, psychosocial services, legal aid, education, vocational skills training and other support services should be made available to the trafficked child and his/her family as necessary and appropriate.

3.4.3 Legalization of status

- **3.4.3.1** States should establish laws, policies and procedures to ensure that trafficked children who are not nationals/ residents of the country/place in which they are found are not treated as illegal migrants.
- **3.4.3.2** For trafficked children without legal documentation, the State in which they are found should assist them to immediately secure legal status such as, but not limited to, the granting of a temporary visa.

3.4.3.3 States should ensure that trafficked children are exempt from all government fees and charges normally imposed in the process of legalizing status.

3.5 Social Case Management of Trafficked Children

3.5.1 Individual Case Assessment

- 3.5.1.1 Each trafficked child is entitled to have his/her case individually assessed to determine the appropriate handling of his/her case, with his/her best interests being the primary consideration. This assessment should be conducted by a social worker or allied professional who has background/intensive training in child protection. A social case management intervention plan should then be developed for the child.
- **3.5.1.2** The social case management intervention plan should consider the preservation and integrity of the trafficked child's ethnic, cultural, faith and religious identity.
- 3.5.1.3 Where it is considered to be in the trafficked child's best interests to do so, the social welfare service provider, in coordination with its counterparts in the country/place of origin and destination, should take steps to locate the trafficked child's family in order to reunite him/her with his/her family.

3.5.1.4 The implementation of the social case management intervention plan should be done through a multidisciplinary team approach.

3.5.2 Identification of a Durable Solution

- **3.5.2.1** Authorities in both the country/place of origin and destination, in partnership with non-government organizations, have the responsibility to identify the most appropriate long term solution for the trafficked child.
- 3.5.2.2 In the process of identification of a durable solution, the nationality and citizenship of the trafficked child, family background, environment and other circumstances, risk of reprisal from traffickers and security capability of the country/place of origin and destination should be taken into consideration.
- and assist the trafficked child during the process of identifying a durable solution and the implementation of this solution. The guardian should represent the trafficked child for as long as it is considered necessary to protect the interests of the trafficked child. Any expenses incurred by the guardian in the conduct of his/her duties should be reimbursed by the State. The guardian should be given appropriate protection while performing his/her tasks.



- **3.5.2.4** A trafficked child should not be returned to the country/ place of origin unless suitable care arrangements have been established. The parents/guardian, relatives, social welfare service providers and the State must accept responsibility for the care and protection of the trafficked child in the country/ place of origin.
- 3.5.2.5 The views of the trafficked child should be taken into consideration when considering whether s/he should be returned to the country/place of origin and/or reunited with his/her family, with due consideration given to his/her age, maturity and evolving capacities.
- **3.5.2.6** All decisions made on the issue of the return of a trafficked child to the country/place of origin and/or reunification with his/her family should be subject to independent review.

3.5.3 Implementation of a Durable Solution

- 3.5.3.1 In cases where it is in the best interests of the child to be returned to the country/place of origin, the authorities in the country/place of origin should immediately provide travel documents and coordinate with the country/place of destination for the safe return of the trafficked child.
- **3.5.3.2** In cases where a trafficked child is to be repatriated to the country/place of origin, the country/place of origin should

cover the costs of repatriation. In the event that the country/place of origin does not have the financial capacity to cover such costs, the country/place of destination or transit should provide assistance. Where none of the country/place of origin, transit or destination have the financial capacity to cover the costs of repatriation, assistance should be sought from international organizations such as the United Nations or the International Organization for Migration.

- **3.5.3.3** In cases where the return of the trafficked child to the country/place of origin is not in his/her best interests, alternative family care should be arranged in the country/place of destination.
- **3.5.3.4** In cases where it is not in the best interests of the trafficked child to settle in the country of origin or destination, the countries of origin and destination should explore the possibility of having the child resettled in a third country.
- **3.5.3.5** Long-term care arrangements should, as much as possible, favor family and community-based arrangements rather than residential/institutional care.
- **3.5.3.6** Long-term care arrangements should include protection for the trafficked child and his/her family against reprisals from traffickers, access to health-care, psychosocial support, social services, education and livelihood assistance.

3.5.4 Monitoring of Implementation of Durable Solution

- **3.5.4.1** Both the country/place of origin and destination should establish mechanisms for monitoring trafficked children to avoid them being trafficked again.
- **3.5.4.2** The country/place of origin should establish systems/ mechanisms to monitor the implementation of the durable solution.

3.6 Access to Justice

3.6.1 Victim / Witness Security and Protection

- **3.6.1.1** A trafficked child should be given time to recover before deciding whether or not to cooperate as a witness in any legal case.
- **3.6.1.2** Before a trafficked child makes a decision about whether to cooperate as a witness in a legal case, a professional assessment should be conducted to determine whether the trafficked child is ready and able to make such a decision.
- **3.6.1.3** A trafficked child who agrees to testify as a witness should be provided with special protection measures to ensure his/her safety and, if necessary, the safety of his/her family or of other persons significant to him/her.

- 3.6.1.4 The State should adopt special court procedures that are sensitive to the needs of trafficked children. These may include, but not be limited to, the taking of depositions, admission of video-taped interviews, the giving of testimony through closed circuit television and other practical schemes to minimize the need for the child's physical presence in the court room and/or confrontation with the trafficker/s during trial.
- **3.6.1.5** Wherever possible, the State should establish a special court for children which has facilities for child friendly court proceedings such as video conferencing facilities and the availability of qualified translators/interpreters.
- **3.6.1.6** At all stages of the investigation, prosecution and hearing of any criminal or civil action, the right to privacy of the trafficked child should be protected. The confidentiality of the action should be ensured by the law enforcement, prosecution and judicial authorities and service providers.
- **3.6.1.7** The media should respect trafficked children's rights to privacy and confidentiality in all proceedings.

3.6.2 Criminal Proceedings

3.6.2.1 A trafficked child must be fully informed, in a language understood by him/her, of the advantages, risks and security issues that are associated with criminal



- proceedings prior to deciding whether or not to cooperate in such proceedings.
- **3.6.2.2** At all stages of criminal proceedings trafficked children should be provided with free and competent legal representation.
- **3.6.2.3** Wherever possible, the taking of a statement by any law enforcement authority, lawyer, prosecutor or any other authorized officer should not prevent or delay a trafficked child's return or reunification with his/her family.
- **3.6.2.4** Wherever possible, and whenever it is in the best interests of a trafficked child, his/her testimony should be given and/or his/her statement should be taken at the earliest possible time.
- 3.6.2.5 The State should consider providing measures to allow the confiscation, freezing and forfeiture of the assets of the trafficker/s so that the proceeds of the sale of such property may be used for the payment of compensation or outstanding liabilities to the trafficked child.

3.6.3 Civil Proceedings

3.6.3.1 A trafficked child and his/her parents/guardian should be informed of possibilities to claim compensation for the

- damage caused to him/her as a result of him/her being trafficked.
- **3.6.3.2** The State should consider providing measures to allow civil actions to be considered as impliedly and simultaneously instituted in the criminal case. In such a case, the prosecutor should serve as legal counsel for the trafficked child.
- 3.6.3.3 A trafficked child should also have the option of filing a separate claim for compensation, according to the procedures acceptable to the State. The State should provide free and competent legal representation in such a case.

3.7 Care and Protection for Social Welfare Service Providers

3.7.1 Compensation

3.7.1.1 The State should endeavor to develop a mechanism for providing compensation to social welfare service providers who suffer harm or injury as a result of providing assistance to trafficked children, especially those resulting from or likely to be the result of reprisal from traffickers.

3.7.2 Legal Assistance

3.7.2.1 In a case where a suit is filed by a trafficker/s against a social welfare service provider for an act done in the performance

of his/her duties to provide assistance to a trafficked child the State should provide legal protection and/or free legal assistance. Legal assistance may include, but not be limited to, legal counseling, preparation of pleadings, filing of action in courts and legal representations in criminal, administrative and civil proceedings.

3.7.3 Support System

3.7.3.1 The State should establish a support system for social welfare service providers and provide venues for the sharing of insights and experiences.

3.8 Capacity building

3.8.1 Communities

3.8.1.1 Community awareness seminars, activities and trainings should be conducted to children, families and communities to enable them to actively participate in the protection of children from child trafficking.

3.8.2 Persons working with trafficked children

3.8.2.1 Training programs for persons working with trafficked children should be developed. Such programs should be based on the identified needs of the people who will be participating in the programs. A system for monitoring and

evaluating the effectiveness of such programs should also be established.

- 3.8.2.2 All persons working with trafficked children should have access to education and training programs which will deepen their understanding and knowledge of the issues related to child trafficking. Such training could include topics on human rights, children's rights, gender and development, reproductive health, child labor, migration issues and international and national legal frameworks.
- 3.8.2.3 All persons working with trafficked children should have access to education and training which will give them practical skills to assist them in their work with trafficked children. Such training could include topics on psychological and legal counseling, social case management, documentation, data collection, child friendly interview methods, personal security and protection for social welfare service providers, investigative techniques and stress management.
- **3.8.2.4** All persons working with trafficked children should be trained in the use of these guidelines.
- **3.8.2.5** States should allocate the necessary funds to conduct capacity building activities to address all of the training needs mentioned in these guidelines.

PROPOSED
ASEAN GUIDELINES
FOR THE PROTECTION
OF THE RIGHTS OF TRAFFICKED
CHILDREN IN SOUTH EAST ASIA



INTRODUCTION

The present document sets out proposed principles and guidelines to promote the human rights of trafficked children in Southeast Asia. This document has been developed on the basis of the *Convention on the Rights of the Child*, where all ASEAN member countries are signatories and have ratified and other relevant human and children rights instruments such as the *Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography*, the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, supplementing the *United Nations Convention against Transnational Organized Crime*, the *United Nations High Commissioner for Human Rights Recommended Guidelines on Human Rights and Human Trafficking*, the *Guidelines for Protection of the Rights of Children Victims of Trafficking in Southeastern Europe* and the *Proposed Guidelines for the Protection of the Rights of Trafficked Children (Bohol Document, August 2004)*.



1. **DEFINITION OF TERMS**

1.1 Child

1.1.1 A child is any person under eighteen (18) years of age.

1.2 Child trafficking

- 1.2.1 Child trafficking is the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation, within or outside a country, which shall include but not be limited to child prostitution, child pornography and other forms of sexual exploitation, child labour, forced labour or services, slavery or practices similar to slavery, servitude, removal and sale of organs, use in illicit/illegal activities and participation in armed conflict. For the purposes of these guidelines, the recruitment, transportation, transfer, harbouring or receipt of a child by means of adoption or marriage for the purpose of exploitation shall be likewise considered child trafficking.
- **1.2.2** The consent of the child or the person exercising custody over the child to trafficking or any of its elements is irrelevant and does not exempt the offender from or lessen his/her liability for committing acts that constitute or promote child trafficking.
- **1.2.3** The employment 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 the child is irrelevant and does not constitute an essential element in the crime of child trafficking.

1.3 Trafficked child

1.3.1 A child who has been recruited, transported, transferred, harboured or received for the purpose of exploitation, within or outside a country.

1.4 Social welfare service provider

1.4.1 A social welfare service provider shall include all those persons involved in providing direct services to trafficked children, whether from government or non government organizations.



2. GENERAL PRINCIPLES

The following principles should be considered at all stages of care and protection of trafficked children.

2.1 Rights of the Child

- **2.1.1** Trafficked children are entitled to the full respect and exercise of their survival, development, protection and participation rights as recognized under the Convention on the Rights of the Child.
- **2.1.2** Trafficked children have special needs and are therefore entitled to special protection measures.

2.2 Best Interests of the Child

2.2.1 In all actions concerning trafficked children, whether undertaken by public or private social welfare institutions, police, courts of law, administrative authorities or legislative bodies, the best interests of the child should be the primary consideration.

2.3 Right to Non-discrimination

2.3.1 All trafficked children should be entitled to the same protection and rights in the country/place of origin, transit or destination regardless of their status, nationality, race, color, sex, language, faith, religion, political or other opinion, ethnic or social origin, property, disability, birth or other status. Likewise it is the

responsibility of the country of origin, transit and destination to make the trafficked child free from any stigma brought about by trafficking.

2.3.2 Whenever applicable, these guidelines should also apply to children who are conceived and subsequently born of trafficked persons.

2.4 Respect for the Views of the Child

- **2.4.1** A trafficked child who is capable of forming his or her views should enjoy the right to express those views freely in all matters affecting him or her, including in relation to the legal process, interim care and protection and the identification and implementation of a durable solution.
- **2.4.2** The views of the trafficked child should be given due weight in accordance with his or her age, maturity, evolving capacities and best interests.

2.5 Right to Information

2.5.1 Trafficked children should be provided access to information about all matters affecting them including entitlements, services available and the family reunification and/or repatriation process.

2.5.2 Information should be provided in a language, which the trafficked child is able to understand. Suitable interpreters/translators should be provided whenever necessary.

2.6 Right to Confidentiality

- **2.6.1** Information about a trafficked that could endanger the trafficked child or his/her family members should not be disclosed except as required by law.
- **2.6.2** All necessary measures should be taken to protect the privacy and identity of trafficked children. The name, address or other information that could lead to the identification of the trafficked child or his/her family members, should not be revealed to the public or media.
- **2.6.3** The permission of the trafficked child should be sought in an age appropriate manner before sensitive information is disclosed.

2.7 Respect for the Child's Ethnic, Cultural, Faith and Religious Identity

- **2.7.1** The trafficked child's ethnic, cultural, religious and faith identity should at all times be respected.
- **2.7.2** Where applicable, assistance should be provided to the trafficked child in order to enable him/her to exercise or practice his/her ethnic, cultural, faith or religious practices.

2.8 Responsibility of the State

- **2.8.1** The State should take positive action to combat child trafficking and to protect and assist trafficked children.
- **2.8.2** The State should take all appropriate legislative, judicial, administrative and other measures to protect and assist trafficked children.
- **2.8.3** The State is responsible for taking pro-active measures to protect persons who provide care and assistance to trafficked children from reprisals from traffickers. These measures should extend to persons working in non-government organizations, civil society, faith-based and religious groups.

3. SPECIFIC GUIDELINES

3.1 Detection and Identification of Child

3.1.1 Presumption of Age

3.1.1.1 Aside from birth documents/family books of the trafficked person, his/her identification cards, school records, physical appearance, psychological maturity, statement, consensual medical or dental examinations can be considered in determining the age of the trafficked person.

Legally recognized documents attesting to the birth or age of the child from persons who have personal knowledge about these facts can likewise be considered. Documents recording cultural or religious practices which indicate age may also be considered.

- **3.1.1.2** Where the age of the trafficked person is uncertain and there are indicators to believe that the person is a child, the presumption should be that the person is a child.
- **3.1.1.3** Pending a reasonable time for the verification of the trafficked person's age, he/she should be treated as a child and should be accorded all special protection measures stipulated in these guidelines.

3.1.2 Pro-active identification measures

- **3.1.2.1** The State should develop and adopt effective procedures for the rapid identification of trafficked children. These may include the strengthening of birth registration procedures, the listing and recording of missing and exploited children and the creation of a checklist of warning signs that may indicate that a child is a victim of trafficking.
- 3.1.2.2 The State should train all persons having or most likely to have direct contact with trafficked children (i.e. seaport and airport personnel, immigration officers, border patrols, law enforcement officers, social welfare and health care providers, etc.) on rapid identification procedures. This may include training on the use of a checklist of warning signs that may indicate that a child is a victim of trafficking and on how to distinguish trafficked children from illegal migrants.
- 3.1.2.3 The State and non government organizations should conduct intensive efforts to provide information to families and communities about the issue of child trafficking. Procedures for reporting and referring suspected and actual child trafficking cases should be established.
- **3.1.2.4** Measures to coordinate information sharing between government agencies, including law enforcement authorities, and social welfare agencies and non-

government organizations should be adopted to facilitate rapid identification of trafficked children.

3.2 Initial Contact

3.2.1 Initial Action

- 3.2.1.1 Upon identification of a trafficked child or suspected trafficked child, the investigator/officer should immediately contact a social welfare service provider and, where possible, the parents/guardian of the trafficked child. In the case of cross border trafficking, the responsible authority of the country of origin, as represented in the country of destination or transit (eg: embassy/consulate) should also be contacted.
- **3.2.1.2** The investigator/officer should protect the trafficked child's right to privacy and prohibit media exposure and interviews.
- **3.2.1.3** The initial interview of the investigator should only be for the purpose of collecting biographical data like the name, age, name of parents/guardians and last known address and contact numbers, country/place of origin and/or nationality.
- **3.2.1.4** The investigator/officer should assist the trafficked child in retrieving his/her personal belongings.

- **3.2.1.5** The trafficked child or suspected trafficked child should be removed from the place s/he is found and immediately brought to a safe location and environment, preferably with a social welfare service provider. The trafficked child should not be kept at police stations or detention centers.
- **3.2.1.6** At no time should the trafficked child be placed in the same room or in direct contact with the suspected trafficker/s.
- **3.2.1.7** For the safety and security of the trafficked child and the social welfare service providers, the trafficked child's whereabouts should be kept confidential.

3.2.2 Child-sensitive interview

- **3.2.2.1** The State should design a standard interview guide and mechanism that will gather all the information that may be needed by all agencies involved in the case.
- 3.2.2.2 A multi-disciplinary team trained to conduct a child sensitive interview shall undertake such interview to gather all the information necessary as basis for the provision of appropriate intervention/services to the trafficked child as well as for the filing of charges and eventual prosecution of the perpetrator/s.
- **3.2.2.3** Law enforcement authorities should respect the trafficked child's right to privacy. The express consent of the trafficked

child and his/her parent/guardian or social welfare service provider shall be acquired prior to the conduct of the interview.

- **3.2.2.4** The trafficked child should be allowed some time to rest and stabilize before s/he is interviewed.
- 3.2.2.5 As much as possible, the investigator/officer and interpreter/translator, should be of the same gender as the trafficked child, dressed in civilian clothes, trained in administering child friendly/sensitive interview methods and knowledgeable about the issue of child trafficking.
- **3.2.2.6** Prior to the interview with the trafficked child, the investigator/officer should inquire whether prior interviews have already been conducted by any person or agency, and if so, s/he should acquire the results from such prior interview.
- **3.2.2.7** The interview should be conducted in a language known to the trafficked child. Where this is not possible, a qualified translator/interpreter should be provided.
- **3.2.2.8** The trafficked child should be interviewed in the presence of a representative of the social welfare service provider, parent/guardian or trusted adult of his/her choice.

- **3.2.2.9** The trafficked child should be interviewed in a child-friendly/sensitive environment. The confidentiality of proceedings and the protection of the trafficked child's right to privacy should at all times be respected.
- **3.2.2.10** The consent of the trafficked child and his/her parent/ guardian, social welfare service provider or trusted adult of his/her choice must be secured before using any recording equipment including video cameras or tape recorders.

3.2.3 Legal protection for child

- **3.2.3.1** Trafficked children are victims of human rights violations. They should not be treated as offenders or subjected to or threatened with criminal sanctions for any offense related to their situation as trafficked children.
- **3.2.3.2** Access to basic social welfare and support services should not be dependent on the trafficked child's willingness to cooperate with law enforcement authorities.

3.3 System of Referral, Coordination, Collaboration and Cooperation

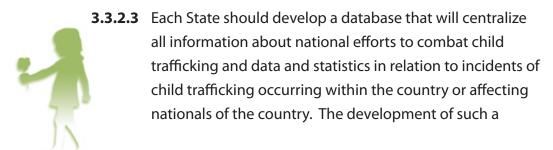
3.3.1 Regional Mechanism

3.3.1.1 States should endeavor to enter into a regional agreement to define a system of referral and specific areas for coordination, collaboration and cooperation.

- **3.3.1.2** States should endeavor to establish referral, coordination, collaboration and cooperation mechanisms with international non-government organizations, networks and coalitions actively working on the issue of trafficking in the region.
- 3.3.1.3 Each State should designate their own liaison officer/
 office who shall be responsible for cross-border linkage
 and referral to the appropriate office for immediate
 response to cases of cross-border trafficking.

3.3.2 National Mechanism

- **3.3.2.1** States should develop a national arrangement that will define the roles and functions of each government agency in relation to child trafficking and a system of referral and areas for coordination and cooperation.
- **3.3.2.2** Each State should establish a national body for coordinating referrals for both internal and cross-border trafficking.



- database should take into due consideration the rights to privacy and confidentiality of trafficked children.
- **3.3.2.4** States should endeavor to establish referral, coordination and cooperation mechanisms with non-government organizations, networks and coalitions actively working on the issue of child trafficking in the country.
- **3.3.2.5** States should be responsible for training all relevant agencies about the referral system so as to ensure prompt, effective and appropriate responses to cases of child trafficking.

3.4 Interim Care and Protection

3.4.1 Safe places for children

- **3.4.1.1** Safe, secure and child-friendly shelters, homes and crisis centers should be provided for trafficked children. Existing facilities should be improved to accommodate the needs of trafficked children.
- 3.4.1.2 Shelters, homes and crisis centers should be run by a sufficient number of well-trained and competent staff, such as but not limited to, social workers trained in the case management of trafficked children. The gender of the staff should be appropriate for the needs of the trafficked children.

- **3.4.1.3** States should set up monitoring mechanisms to oversee, regulate and evaluate shelters and services.
- **3.4.1.4** Trafficked children should not be detained in detention centers, police cells, prisons or other detention facilities for children and/or adults or be in the private custody of law enforcement authorities. Nor shall children be sheltered within military bases or at other inappropriate locations.

3.4.2 Support Services

- **3.4.2.1** States should allocate the necessary annual budget to ensure trafficked children's security from threat and reprisals from traffickers, food and accommodation, access to health-care and psychosocial support.
- **3.4.2.2** The primary objective of interim care is the healing and recovery of the child. Immediate counseling, psychosocial services, legal aid, education, vocational skills training and other support services should be made available to the trafficked child and his/her family as necessary and appropriate.

3.4.3 Legalization of stay

3.4.3.1 States should establish laws, policies and procedures to ensure that trafficked children, who are not nationals/

- residents of the country/place of **destination or transit** are not treated as illegal migrants.
- **3.4.3.2** For trafficked children without legal documentation, the transit or destination country should assist them to immediately **legalize their stay** such as, but not limited to, the granting of a temporary visa.
- **3.4.3.3** States should ensure that trafficked children are exempt from all government fees and charges normally imposed in the process of legalizing **their stay in the country of destination or transit.**

3.5 Social Case Management of Trafficked Children

3.5.1 Individual Case Assessment

3.5.1.1 Each trafficked child is entitled to have his/her case individually assessed to determine the appropriate handling of his/her case, with his/her best interests being the primary consideration. This assessment should be conducted by a social worker or allied professional who has background/intensive training in child protection. A social case management intervention plan should then be developed for the child.



- **3.5.1.2** The social case management intervention plan should consider the preservation and integrity of the trafficked child's ethnic, cultural, faith and religious identity.
- 3.5.1.3 Where it is considered to be in the trafficked child's best interests to do so, the social welfare service provider, in coordination with its counterparts in the country/place of origin and destination should take steps to locate the trafficked child's family in order to reunite him/her with his/her family.
- **3.5.1.4** The implementation of the social case management intervention plan should be done through a multidisciplinary team approach.

3.5.2 Identification of a Durable Solution

- **3.5.2.1** Authorities in both the country/place of origin and destination, in partnership with non government organizations, have the responsibility to identify the most appropriate long term solution for the trafficked child.
- 3.5.2.2 In the process of identification of a durable solution, the nationality and citizenship of the trafficked child, family background, environment and other circumstances, risk of reprisal from traffickers and security capability of the country/place of origin and destination should be taken into consideration.

- and assist the trafficked child during the process of identifying a durable solution and the implementation of this solution. The guardian should represent the trafficked child for as long as it is considered necessary to protect the interests of the trafficked child. Any expenses incurred by the guardian in the conduct of his/her duties should be reimbursed by the State. The guardian should be given appropriate protection while performing his/her tasks
- **3.5.2.4** A trafficked child should not be returned to the country/ place of origin unless suitable care arrangements have been established. The parents/guardian, relatives, social welfare service providers and the State must accept responsibility for the care and protection of the trafficked child in the country/place of origin.
- 3.5.2.5 The views of the trafficked child shall be taken into consideration when considering whether s/he should be returned to the country/place of origin and/or reunited with his/her family, with due consideration given to his/her age, maturity and evolving capacities.
- **3.5.2.6** All decisions made on the issue of the return of a trafficked child to the country/place of origin and/or reunification with his/her family must be subject to independent review.

3.5.3 Implementation of a Durable Solution

- 3.5.3.1 In cases where it is in the best interests of the child to be returned to the country/place of origin, the authorities in the country/place of origin should expeditiously provide travel documents and coordinate with the country/place of destination for the safe return of the trafficked child.
- 3.5.3.2 In cases where a trafficked child is to be repatriated to the country/place of origin, the country/place of origin should cover the costs of repatriation. In the event that the country/place of origin does not have the financial capacity to cover such costs, the country/place of destination or transit should provide assistance. Where none of the country/place of origin, transit or destination have the financial capacity to cover the costs of repatriation, assistance should be sought from international organizations such as the United Nations or the International Organization for Migration.
- 3.5.3.3 In cases where the return of the trafficked child to the country/place of origin is not in his/her best interests, authorities from the country of origin should work in collaboration with the country of destination or transit to make arrangements for the provision of alternative care. Where families in the country of destination or transit are willing to provide alternative family care, this is an option to consider.

- **3.5.3.4** In cases where it is not in the best interests of the trafficked child to settle in the country of origin or destination, the countries of origin and destination should explore the possibility of having the child resettled in a third country.
- **3.5.3.5** Long-term care arrangements should, as much as possible, favor family and community-based arrangements rather than residential/institutional care.
- **3.5.3.6** Long term care arrangements should include protection for the trafficked child and his/her family against reprisals from traffickers, access to health-care, psychosocial support, social services, education and livelihood assistance.

3.5.4 Monitoring of Implementation of Durable Solution

- **3.5.4.1** Both the country/place of origin and destination should establish mechanisms for monitoring trafficked children to avoid them being trafficked again.
- **3.5.4.2** The country/place of origin should establish systems/ mechanisms to monitor the implementation of the durable solution.



3.6 Access to Justice

3.6.1 Victim / Witness Security and Protection

- **3.6.1.1** A trafficked child should be given time to recover before deciding whether or not to cooperate as a witness in any legal case.
- 3.6.1.2 Before a trafficked child makes a decision about whether to cooperate as a witness in a legal case, a professional assessment should be conducted to determine whether the trafficked child is ready and able to make such a decision.
- **3.6.1.3** A trafficked child who agrees to testify as witness should be provided with special protection measures to ensure his/her safety and, if necessary, the safety of his/her family or of other persons significant him/her.
- 3.6.1.4 The State should adopt special court procedures that are sensitive to the needs of trafficked children. These may include, but not be limited to, the taking of depositions, admission of video-taped interviews, the giving of testimony through closed circuit television and other practical schemes to minimize the need for the child's physical presence in the court room and/or confrontation with the trafficker/s during trial.

- **3.6.1.5** Wherever possible, the State should establish a special court for children which has facilities for child friendly court proceedings such as video conferencing facilities and the availability of qualified translators/interpreters.
- **3.6.1.6** At all stages of the investigation, prosecution and hearing of any criminal or civil action, the right to privacy of the trafficked child should be protected. The confidentiality of the action should be ensured by the law enforcement, prosecution and judicial authorities and service providers.
- **3.6.1.7** The media should respect trafficked children's rights to privacy and confidentiality in all proceedings.

3.6.2 Criminal Proceedings

- **3.6.2.1** A trafficked child must be fully informed, in a language understood by him/her, of the risks and security issues that are associated with criminal proceedings prior to deciding whether or not to cooperate in such proceedings.
- **3.6.2.2** At all stages of criminal proceedings trafficked children should be provided with free and competent legal representation.
- **3.6.2.3** Wherever possible, the taking of a statement by any law enforcement authority, lawyer, prosecutor or any other

- authorized officer should not prevent or delay a trafficked child's return or reunification with his/her family.
- **3.6.2.4** Wherever possible, and whenever it is in the best interests of a trafficked child, his/her testimony should be given and/or his/her statement should be taken at the earliest possible time.
- 3.6.2.5 The State should consider providing measures to allow the confiscation, freezing and forfeiture of the assets of the trafficker/s so that the proceeds of the sale of such property may be used for the payment of compensation or outstanding liabilities to the trafficked child.

3.6.3 Civil Proceedings

- **3.6.3.1** Wherever applicable. a trafficked child and his/her parents/ guardian should be informed that the child has a right to claim compensation for the damage caused to him/her as a result of him/her being trafficked.
- **3.6.3.2** The State should consider providing measures to allow civil actions to be considered as impliedly and simultaneously instituted in the criminal case. In such a case, the prosecutor should serve as legal counsel for the trafficked child.

3.6.3.3 A trafficked child should also have the option of filing a separate claim for compensation, according to the procedures acceptable to the State. The State should provide free and competent legal representation in such a case.

3.7 Care and Protection for Social Welfare Service Providers

3.7.1 Compensation

3.7.1.1 The State should endeavor to develop a mechanism for providing compensation to social welfare service providers. who suffer harm or injury as a result of providing assistance to trafficked children, especially those resulting from or likely to be the result of reprisal from traffickers.

3.7.2 Legal Assistance

3.7.2.1 In a case where a suit is filed by a trafficker against a social welfare service provider for an act done in good faith as part of his/her function to provide assistance to a trafficked child the State should provide legal protection and/or free legal assistance. Legal assistance may include, but not be limited to, legal counseling, preparation of pleadings, filing of action in courts and legal representations in criminal, administrative and civil proceedings.



3.7.3 Support System

3.7.3.1 The State should establish a support system for social welfare service providers and provide venues for the sharing of learning and experiences.

3.8 Capacity building

3.8.1 Communities

3.8.1.1 Community awareness seminars, activities and trainings should be conducted to children, families and communities so that they can actively fight in order for them to be able to actively participate in addressing the problem of child trafficking.

3.8.2 Multi-disciplinary team working with trafficked children

- 3.8.2.1 Training programs for the members of the multidisciplinary team working with trafficked children should be developed. Such programs should be based on the identified needs of the people who will be participating in the programs. A system for monitoring and evaluating the effectiveness of such programs should also be established.
- **3.8.2.2** The multi-disciplinary team working with trafficked children should have access to education and training

programs which deepen their understanding and knowledge of the issues related to child trafficking. Such training could include topics on human rights, children's rights, gender and development, reproductive health, child labor, migration issues and international legal frameworks.

- 3.8.2.3 The multi-disciplinary team working with trafficked children should have access to education and training which gives them practical skills to assist them in their work with trafficked children. Such training could include topics on psychological and legal counseling, social case management, documentation, data collection, child friendly interview methods, investigative techniques and stress management.
- **3.8.2.4** The multi-disciplinary team working with trafficked children should be trained in the use of these guidelines.
- **3.8.2.5** States should allocate the necessary funds to conduct capacity building activities to address all of the training needs mentioned in these guidelines.



COMPARATIVE ANALYSIS AND EXPLANATORY NOTES

by (Ret.)Undersecretary Lourdes Balanon with Technical/Legal Assistance from Atty. Robert Larga

BACKGROUND

Asia ACTs in line with its objective of urging the respective authorities to immediately implement the human rights standards (HRS) for trafficked children, held a seminar on HRS in August 2004. The resulting document has become the main working paper for the partners to initiate country level discussion on protecting the rights of children victims of trafficking, primarily in the Philippines, Thailand, Vietnam and Indonesia.

It was in March 2006, when the campaign partners together with experts and other networks in the region and organizations based in Japan, Bangladesh and Nepal drafted the South East Asian Guidelines. It served as a main reference document for the drafting of the Cambodian, Indonesia and the Philippine Guidelines. Salient provisions of the regional guidelines were likewise quoted by the Global Guidelines drafted by UNICEF.

In November 2006, these draft regional guidelines were discussed during the Fourth ASEAN Senior Officials Meeting on Social Welfare and Development (SOMSWD) in Myanmar where some changes were proposed. Hopefully, the ASEAN Ministerial Meeting in 2007 will finally adopt it.

The lobbying for adoption, implementation and popularization of this guidelines will be a major campaign concern of Asia ACTs for the next three years. To quote the late Terre des Hommes-Germany Regional Coordinator for Southeast Asia, Dr. Walter Skrobanek: "According to my knowledge, no other NGO network in South East Asia, perhaps even beyond, has made Human Rights Standards for Trafficked Children, a major campaign issue."

It became imperative then, for Asia ACTs to conduct a comparative analysis of the draft regional documents vis-à-vis the proposed amendments from the ASEAN Senior Officials to identify possible lobby points for higher standards to protect the rights of children victims of trafficking and also to include an additional articulation of selected sections to guide the lobbyists, trainers and social service providers. This document is translated into Thai, Bahasa, Khmer, Lao and Vietnamese.

It is suggested that the reader refers to the copy of the both documents to appreciate better the context of the analysis and the discussion.

The flow of the analysis is based on the outline of the guidelines:

Introduction

1. Definition of Terms

- **1.1** Child
- **1.2** Child Trafficking
- **1.3** Trafficked Child
- **1.4** Social Welfare Service Providers

2. General Principles

- **2.1** Rights of the Child
- **2.2** Best Interests of the Child
- **2.3** Right to Non-Discrimination
- **2.4** Respect for the Views of the Child
- **2.5** Right to Information
- **2.6** Right to Confidentiality



- **2.7** Respect for the Child's Ethnic, Cultural, Faith and Religious Identity
- 2.8 Responsibility of the State

3. Specific Guidelines

- **3.1** Detection and identification of Child
 - **3.1.1** Presumption of Age
 - **3.1.2** Pro-active Identification Measures
- **3.2** Initial Contact
 - **3.2.1** Initial Action
 - **3.2.2** Child Sensitive Interview
 - 3.2.3 Legal Protection for Child
- **3.3** System of referral, coordination and cooperation
 - **3.3.1** Regional Mechanisms
 - **3.3.2** National Mechanisms
- **3.4** Interim care and protection
 - **3.4.1** Safe places for children
 - **3.4.2** Support services
 - **3.4.3** Legalization of Status
- **3.5** Social case management of trafficked children
 - **3.5.1** Individual case assessment
 - **3.5.2** Identification of a durable solution
 - **3.5.3** Implementation of a durable solution
 - **3.5.4** Monitoring of implementation of durable solution
- **3.6** Access to Justice
 - **3.6.1** Victim/witness security and protection
 - **3.6.2** Criminal proceedings
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- **3.7** Care and protection for Social Welfare Service Providers
 - **3.7.1** Compensation
 - **3.7.2** Legal Assistance
 - **3.7.3** Support System
- 3.8 Capacity Building
 - **3.8.1** Communities
 - **3.8.2** Persons working with trafficked children

For the purpose of differentiation and clarity, the Draft Southeast Asian Guidelines is referred to in the following document as the Bangkok Document, while the proposed amendments from the ASEAN Senior Official Meeting in Myanmar is referred to as the ASEAN draft Guidelines or ASEAN draft.



INTRODUCTION OF THE GUIDELINES

The Introduction gives the policy framework for the Guidelines on the Protection of the Rights of Trafficked Children; namely the international instruments (United Nations Conventions and their Protocols); the guidelines in Southeastern Europe as well as the draft guidelines in Southeast Asia, hereto referred to as the Bohol document.

In August 2004, Asia Against Child Trafficking (Asia ACTs) convened a meeting among representatives from South East Asian countries (Burma, Cambodia, Indonesia, Lao PDR, Philippines, Thailand and Vietnam) to draft a similar guideline as that of Southeastern Europe as part of its advocacy campaign against trafficking. The document adopted is known as the Bohol document. Bohol is a province in the Philippines where the meeting took place.

The Bohol document was the working document used in the seminar-workshop on the South East Asian Guidelines for the Protection of the Rights of Trafficked Children Victims of Trafficking held on March 20-24, 2006 in Bangkok. The final document adopted is known as the Bangkok document.

The ASEAN draft Guidelines is based on the Bohol document which was earlier introduced during the ASEAN Senior Officials Meeting (SOM) on Social Welfare and Development held in Kuala Lumpur, Malaysia in October 2005. The enriched Bohol document now known as the Bangkok document was discussed again the following year by the SOM in Myanmar and the document

for final review and endorsement to the ASEAN Ministerial Meeting on Social Welfare & Development is hereto known as the ASEAN draft Guidelines.

The ten Association of South East Asian Nations (ASEAN) member countries (Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, Philippines, Singapore, Thailand and Vietnam) have signed and ratified the above-mentioned international instruments, a statement of which was included in the Introduction of the ASEAN draft Guidelines. As such, they have emphasized their commitment to their obligations as State Parties to these international instruments.

The Guidelines reiterates the principles and standards in these international instruments to ensure protection of the rights of trafficked children in their own countries and within the region of South East Asia.



1. **DEFINITION OF TERMS**

1.1 Child

A child is any person under eighteen (18) years of age.

This definition is in accordance with the Convention on the Rights of the Child (CRC). As State Parties to the CRC, the ASEAN countries have adopted this definition.

1.2 Child trafficking

The definition of child trafficking in both documents are based on the general definition of trafficking in persons in the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons also known as the Palermo Protocol. Both emphasize the elements of trafficking – act, means and exploitative purpose.

The definition also enumerates a number of exploitative conditions but the enumeration is not conclusive or exclusive. It affords flexibility to include other exploitative purposes not enumerated therein or those that may later on, based on international or national norms and standards, be considered as such. The enumeration of exploitative purposes in the current definition include child prostitution, child pornography and other forms of sexual exploitation, child labour, forced labour or services, slavery, servitude, removal and sale of organs.

The definition has expanded the list of exploitative purposes of child trafficking from the enumeration under the Palermo Protocol to also include the use of children in illicit or illegal activities and participation in armed conflict, which are included in the provisions of the United Nations Convention on the Rights of a Child (UNCRC) and its optional protocols.

Trafficking through adoption or early marriage of a child for purposes of exploitation was likewise included in both definitions. Here, adoption and marriage are mere means to acquire the child for exploitative purposes, and not as the intended result of child trafficking. This definition, therefore, may not capture a situation where the child is abducted for the purpose of selling the child under the guise of adoption by childless couples/families which are prevalent in the region. Thus, to strengthen the protection of children trafficked for adoption, countries should consider including trafficking for illegal adoption in their national legislation within each country's contexts.

In view of the diversity in the region, there is a need to explicitly define these conditions within each country's socio-cultural, economic, political and policy environment using the definitions and standards provided by the UN and other relevant documents.

In accordance with the 1954 Declaration on the Rights of the Child, 'the child by reason of his/her physical and mental immaturity needs special safeguards and care including legal protection, before as well as after birth. The child's or that of his/her custodian's consent to the trafficking situation is irrelevant and is not a factor to be considered at all, especially in the investigation or prosecution of the offender in child trafficking.

In child trafficking, it is not necessary or required to prove the means employed in the recruitment, transfer, etc. of the child for exploitation. It is not an essential or relevant element in child trafficking. Unlike in cases of trafficking involving persons 18 years and above, the means employed is an essential element.

The Anti-Trafficking Bill (of Indonesia) does not contain any special provisions that deal with the trafficking of children. The Bill defines trafficking as "illegal acts of recruitment, transportation, transfer of persons, from physical, sexual as well as labour exploitation purposes which will produce both material and immaterial benefits". This fails to criminalize other acts, which are integral part of trafficking such as harbouring and receiving persons.

Source: Anti-Child Trafficking Legislation In Asia: A Six-Country Review,
R. Coomaraswamy and A. Satkunanathan, International Labour Office, Bangkok,
2006. p. 49

1.3 Trafficked Child

Both definition of a trafficked child follow the definition of the Palermo Protocol. The definition however may not necessarily cover the expanded definition of child trafficking as defined in both guidelines that included trafficking through illegal adoption or early marriage.

1.4 Social Welfare Service Provider

A social welfare service provider shall include all those persons involved in providing direct services to trafficked children, whether from government or non-government organizations. This is a general coverage for all service providers or those who work with trafficked children particularly those providing direct services who are from government or non-governmental organizations — whether paid or volunteer. A social welfare service provider may be a social worker/social welfare/social development worker, a medical practitioner, a legal representative, a counselor, a caregiver or houseparent and others.



2. GENERAL PRINCIPLES

2.1 Rights of the Child

In the ASEAN Draft Guidelines, "Trafficked children have the right to the full respect and exercise of their survival, development, protection and participation rights as recognized under the Convention on the Rights of the Child (SEA Guidelines). Trafficked children are entitled to the full respect and exercise of their survival, development, protection and participation rights as recognized under the Convention on the Rights of the Child."

Whereas in the Bangkok Document, trafficked children have the right to the full respect and exercise of their survival, development, protection and participation rights as recognized under the Convention on the Rights of the Child.

There is a difference between the two documents regarding the exercise of rights. The Bangkok document is straightforward as it uses the phrase "trafficked children have the right", while the ASEAN draft guidelines provides that "trafficked children are entitled to" the full respect....Both documents may not have intended differently and may mean the same thing. However, the difference in the language in both documents may give rise to varied interpretations depending on the country's legal orientation.

Within the human rights framework, child rights are those inherent to the human dignity and harmonious development of every child. When rights are inherent, they are not bought, earned or inherited; they belong to people, or children in this case, simply because they are humans. When one is "entitled"

to a right, on the other hand, it may sound that one has been granted a right or has earned a right and he/she has to manifest his willingness to be able to exercise such right.

Trafficked children have special needs and are therefore entitled to special protection measures.

This is in recognition of the special circumstances of trafficked children, their vulnerabilities and the experiences they have undergone which have impact in their growth and development and relationships with others.

Special protection measures may include, but not limited to, protective custody, medical, educational and other psycho-social interventions, legal assistance and alternative care for the child, as needed, such as emergency shelter.

2.2 Best Interests of the Child

In all actions concerning trafficked children, whether undertaken by public or private social welfare institutions, police, courts of law, administrative authorities or legislative bodies, the best interests of the child should be the primary consideration.

This principle is an exact reproduction of the CRC. In all actions about the child's care, custody and other concerns, his/her best interest should be the primary consideration by institutions, authorities and bodies mandated to make decisions.

Best Interest Determination

The best interest determination (BID) is the formal individual process, whereby a decision maker is required to weigh and balance all the relevant factors of a particular case, giving appropriate weight to the rights and obligations recognized in the CRC and other human rights instruments so a comprehensive decision that best protects the children's rights can be taken.

Source: Draft UNICEF Guidelines on the Protection of Child Victims of Trafficking, Mar.2006, p.20

2.3 Right to Non-discrimination

The Bangkok Document states, that "All trafficked children have the right to the same protection and rights in the country/place of origin, transit or destination regardless of their status, nationality, race, color, sex, language, faith, religion, political or other opinion, ethnic or social origin, property, disability, birth or other status" whereas the ASEAN draft proposed that "All trafficked children should be entitled to the same protection and rights in the country/place of origin, transit or destination regardless of their status, nationality, race, color, sex, language, faith, religion, political or other opinion, ethnic or social origin, property, disability, birth or other status. Likewise, it the responsibility of the country of origin, transit and destination to make the trafficked child free from any stigma brought about by trafficking."

The principle of non-discrimination is contained in the CRC. In the context of the CRC, non-discrimination is a guiding principle in the application of the rights. In both guidelines, non-discrimination is used in the context of a right. This guideline stresses that the child, consistent with the CRC, should not be discriminated against, for reasons mentioned in this guideline. They should

have the same rights and protection enjoyed by all children wherever they are found, be it in the country of origin, transit or destination.

While there is an apparent difference between the two documents in the use of words: the Bangkok Document is straightforward, while the ASEAN draft uses entitlement, the intention remains the same.

The ASEAN draft has, however, included a statement imposing responsibility to the country of origin, transit or destination to make the trafficked child free from any stigma brought about by trafficking.

As earlier stated in the Declaration on the Rights of the Child, special protection measures must be provided 'before and after the birth of a child' thus these guidelines should cover children who are conceived and born of trafficked persons. The child may have been conceived even before the trafficking situation or as a result of sexual exploitation of the mother. When and where the child is conceived and born is irrelevant as long as the mother is a trafficked victim-survivor.

2.4 Respect for the Views of the Child

The Bangkok Document states that "A trafficked child who is capable of forming his or her views has the right to express those views freely in all matters affecting him or her, including matters in relation to the legal process, interim care and protection and the identification and implementation of a durable solution." Whereas, the ASEAN Draft states that "A trafficked child who is capable of forming his or her views should enjoy the right to express those views freely in all matters affecting him or her, including in relation to the legal

process, interim care and protection and the identification and implementation of a durable solution."

There is again a difference in the use of words between the two drafts. The more important aspect of this guidelines, however, is to assure that the child who is capable of forming his/her views has the right to express those views freely in all matters affecting him/her.

The child's right to express his/her views in all matters affecting him/her is in accordance with Art. 12 of the CRC. As such, the trafficked child should be consulted regarding actions to be taken against the traffickers; his/her preference on the type of interim care arrangements and other measures for his/her protection. He/she should also participate in identifying, planning and implementation of a permanent/durable solution such as repatriation, reunification with family or other alternative care/independent living..

Corollary to the expression of the child's views, it is necessary that due weight shall be given to his/her views based on the child's age, maturity, evolving capacities and best interests. An assessment on the child's cognitive, physical, social and emotional development is important in this regard.

2.5 Right to Information

The child's access to information on all matters affecting him/her relating to the trafficking situation is necessary to enable the child to have a meaningful participation in planning and decision-making about his/her life. The information must include the entitlements and services available, various options/plans he/she can choose from such as return to his/her family and/or repatriation and the processes involved.

Such information and participation also hastens the healing process as he/she is aware of the measures being undertaken and the progress thereto, and somehow, he/she gains a sense of control about his/her life and enhances his/her self-confidence.

There maybe instances when the trafficked child speaks a different language or dialect and therefore there is a need to have someone who is able to communicate with him/her in the same language/dialect to ensure that the child understands the given information.

A trained service provider is preferred to act as translator/interpreter as he/she has the skills in interviewing children.

2.6 Right to Confidentiality

Confidentiality of information is imperative to protect the privacy of the trafficked child and ensure his/her safety and that of his/her family unless required by law.

Measures to keep records/ files confidential must be undertaken by authorities such as use of case numbers or coded names rather than their 'real' names, etc. Case records are to be kept under lock and key or in any secure place and not open to public scrutiny.

Information on the identity of child and family, their whereabouts, the testimony of child against the alleged traffickers and measures to protect

the child as well as other relevant information is to be known only to those directly involved in working with the child.

Only selected authorities and service providers should have access to certain information of which they are concerned with.

The child's privacy is necessary to be protected not only for his/her safety and security but also to prevent stigmatization and discrimination. The public and the media may be informed about the trafficking situation (which can also be used to warn or educate the public about trafficking) in a factual/objective manner and not focus on the child victim and his/her family. Sensationalizing the case may lead to stigma and discrimination against the child and his/her family.

Guidelines in handling child trafficking cases by media practitioners need to be developed for their guidance and implementation. If it is inevitable that sensitive information is to be disclosed to the public or to any specific entity, and it is deemed for the child's best interest, the child's consent should be sought. This must be done in a manner he/she understands, particularly the situation and implications of such action, considering the child's age, maturity and evolving capacities.

2.7 Respect for the Child's Ethnic, Cultural, Faith and Religious Identity

The information on the child's identity and background — ethnic, cultural, faith and religious — must be taken at initial contact/intake. Service providers must be sensitive to these factors. Measures to prevent discrimination must be undertaken.

Public/private institutions/authorities must provide opportunities for the child to exercise or practice his/her ethnic, cultural, faith or religious practices while the child is under their care and custody. This may include type and preparation of food, manner of dressing and religious rituals.

Appropriate assistance should be given to the child to facilitate such practices such as providing space/room for prayer or bringing child to the mosque/church/temple.

2.8 Responsibility of the State

As part of the obligation of the State or governments, policies and other measures to combat child trafficking should be enforced and that the protection and services for trafficked children should be provided.

The protection and assistance to trafficked children including their families, if appropriate, should be provided by the government at the village, municipal, provincial and national levels in terms of legislative, judicial, administrative and other relevant measures. This should also include regional/inter-country and international cooperation as necessary to ensure the recovery and reintegration of trafficked children.

The protection of service providers from government, non-government organizations, civil society, faith-based and religious groups must be provided by the government. Measures must be in place for their safety. Security from reprisals from traffickers including necessary legal advice or assistance.

3. SPECIFIC GUIDELINES

3.1 Detection and Identification of a Child

3.1.1 Presumption of Age

It is important that at an early stage, preferably at initial contact, the age of the trafficked person is determined in order that appropriate interventions may be identified and provided, especially if the person is a child.

The age of the child is one of the basis in the assessment of his/her needs, developmental tasks, emotional maturity and evolving capacities as well as services and interventions appropriate to his/her age.

Sources of information maybe taken from:

- child's birth document/family books, identification cards
- child's school records
- child's physical appearance and statements
- child's psychological evaluation/maturity
- consensual medical and dental examinations
- affidavits or other legally recognized documents from individuals having personal knowledge about the child
- documents/recordings on cultural or religious practices indicating age of child

In instances where the child's documents are not available and no medical, dental and psychological examinations can be done, the physical appearance and statements of child during interviews as well as observations on his/her

behavior and other visible indicators maybe used to determine the age of the child. As such, based on physical, social, mental and behavioral observations, the trafficked person is presumed to be a child.

With the presumption that the trafficked person is a child, pending verification of the age of the trafficked person within a reasonable time, he/she should be treated as a child and all special protection measures under these Guidelines are to be accorded to him/her.

3.1.2 Pro-active identification measures

It is imperative that trafficked children be identified at the shortest possible time. The concerned government authorities should put into place policies and procedures for the rapid identification of trafficked children. A comprehensive system of birth registration and data banking of reported missing and exploited children will facilitate such identification. Further, a checklist of warning signs and indicators on child trafficking would be useful to identify a trafficked child.

Some Indicators of a Trafficking Situation for Overseas

- child is dressed properly assuming him/herself as a tourist and usually travels on tourist visa
- he/she may have an authentic passport but uses other names/ documents in securing the passport
- destination is an ASEAN country due to non-visa requirement and uses such country as transit
- is trained and oriented well about the country of transit/destination

The training of persons having direct contacts with trafficked children on the rapid identification procedures including that of the use of the checklist of warning signs indicating child trafficking, should be a priority of government authorities. In cases of cross-border trafficking, a trafficked child should be differentiated from that of an illegal migrant.

Government and non-government organizations should institutionalize an intensive community education program directed to children, families and communities on the issue of child trafficking and measures to prevent child trafficking. A system of reporting and referral for trafficked children such as hotlines/helpline, directory of agencies and crisis centers and quick response teams will ensure immediate response. Reports and a data base on suspected traffickers will further protect children and the community from unscrupulous individuals preying on innocent individuals.

A coordinated system of sharing information between and among government agencies and non-government organizations should be adopted to facilitate identification of trafficked children. Such information may include listing of children missing, children under care and progress of their cases, directory of agencies assisting children, etc. as well as listing of suspected or convicted traffickers, their modus operandi, areas of operation and others.

3.2 Initial Contact

3.2.1 Initial Action

Upon identification of a trafficked child or a suspected trafficked child, the investigator/officer should immediately contact the following:

- a social welfare service provider;
- parents/guardian of trafficked child; and the
- consular/embassy of the child's country of origin, where possible.

The trafficked child's right to privacy should be protected by the investigator or officer. He should prohibit the media from interviewing the child and other public exposures such as taking photos of the child and his/her family.

During the initial interview, the investigator shall only gather the following information:

- identifying data of the child: name, age/date and place of birth, sex, nationality/country of origin,
- name of parents/guardians and last known address and contact numbers.

In cases where the child needs to retrieve his/her personal belongings from the trafficker or where the trafficking took place, the investigator should assist the child to ensure his/her safety and security. Personal belongings may include the child's passport/travel document, money, clothing and other personal belongings.

A trafficked child/suspected trafficked child should immediately be rescued from the trafficking situation and brought to a safe place, preferably with a social welfare service provider. The child should not be placed in a police station or detention facility.

The ASEAN draft Guidelines does not include the provision on trafficked children who are siblings. Although, the general principle in child welfare is

the non-separation of siblings. If they are separated, efforts must be made to have regular contacts with one another. A statement to this effect is important to reiterate this principle. A statement on this principle is explicitly expressed in the Bangkok document.

The trafficked child should not be in the same room/place nor be in direct contact with the suspected trafficker/s. Being face-to-face with the trafficker is a traumatic experience for a child bringing about fear, anxiety or anger/hostility against the trafficker.

Part of the confidential information is the whereabouts of the trafficked child to ensure his/her safety and security as well as that of the social welfare service provider.

3.2.2 Child sensitive interview

A standard interview guide and a mechanism to gather all the needed information should be developed and used by all agencies involved in child trafficking cases. Basic information to be gathered during the interview should be identified by concerned agencies in order to have uniform data base. This will also prevent multiple interviews of the child. However, specific information relevant to each of the agencies' functions may be gathered through interview or other related documents.

A multi-disciplinary team trained to conduct a child sensitive interview shall undertake such interview to gather all the information necessary as basis for the provision of appropriate

intervention/services to the trafficked child as well as for the filing of charges and eventual prosecution of the perpetrator/s (ASEAN Draft Guidelines)

This is an additional guideline in the ASEAN draft Guidelines providing for the training of a multi-disciplinary team to undertake a child-sensitive interview preferably using the standard interview guide. The information gathered serves as the basis for appropriate services and interventions as well as the filing of charges and prosecution of the traffickers.

A multi-disciplinary team is generally composed of a police officer/investigator, medical doctor, social worker and a prosecutor/legal practitioner and other persons needed in the management of the case.

Initiating Multi-Disciplinary Team Operations

- 1. Create the team- essentially, these should be composed of legal professionals, health professionals, social work professionals and community leaders
- 2. Set procedures that must be elaborated and commonly understood in order to ensure that victims receive the best assistance possible.
- 3. Develop agreements on how to work together. Such agreements should revolve around the issues such as a code of conduct, roles and responsibilities and steps and processes.

Source: Rehabilitation of the Victims of Child Trafficking: A Multi-Disciplinary Approach, Center for the Protection of Children's Rights Foundation, International Labour Organization, 2006, Bangkok, p.22.

The child's privacy should be respected at all times by the law enforcement authorities. The child's consent and his/her parents/guardian or social welfare service provider should be secured prior to an interview.

Before conducting an interview with the trafficked child, he/she should be allowed to rest in a safe and quiet place and initially recover from the rescue operation or trafficking situation. Once a child is rested and emotionally stable, he/she can give more accurate information about the trafficking experience and the healing process may begin.

The investigator/officer and interpreter/ translator, as much as possible must be:

- of the same gender as that of the trafficked child
- dressed in civilian clothes
- trained in child-friendly/sensitive interview methods
- knowledgeable about issues on child trafficking

To prevent multiple interviews to gather the same information, the investigator/ officer must acquire previous records of interviews and other documents and review these to ensure that available information need not be asked again.

The child is able to express him/herself better when interviewed in his/her own language or dialect. He/she is able to describe his/her feelings and experiences in the trafficking situation in his/her own language/dialect. A translator/interpreter should be provided by concerned authorities.

When the trafficked child is interviewed, this should be conducted in the presence of a:

- representative of the social welfare service provider
- parents/guardian of child or
- trusted adult of his/her choice

The presence of at least one of the above will ensure that no pressure is exerted on the child and the child is able to freely express or relate his/her experience with the support of persons whom he/she trust

The interview of a trafficked child should:

- be conducted in a child-friendly/ sensitive environment
- confidentiality of proceedings be observed
- child's right to privacy be respected

With the above, the child shall be made comfortable to give information needed by authorities.

In cases where there is a need to use any recording equipment including video cameras or tape recorders, the consent of the following should be secured:

- trafficked child
- parents/guardian
- social welfare service provider
- trusted adult of child

It is important that before consent is given, the specific purpose of such audiovisual recording be made clear particularly to the child. The safe-keeping of such recordings should also be ensured.



Avoid	Use				
long sentences	Short sentences				
Complicated sentences	Simple sentences				
The passive voice (What was done by him?)	The active voice (What did he do?)				
Negative sentences (Didn't you tell her?)	Positive sentences (Did you tell her?)				
Questions with more than one meaning	Questions with only one meaning				
Double negatives	Single negatives				
(Didn't your mother tell you not to go out?)	(Did your mother tell you not to go out?)				
Hypothetical questions (If you are tired, tell me.) Direct approach (Are you tired?)					
Appropriate way to speak to children during interviews					
Source: Combating the Trafficking in Children for Sexual Purposes: A Training Guide,					
ECPAT International, Bangkok, 2006, p. 104					

3.2.3 Legal Protection for Child

Trafficked children should be treated as victims and not as offenders or criminals. Further, they should not be threatened with criminal sanctions for any offense related to the trafficking situation.

Basic social welfare and support services should be available at all times to the trafficked children. There should be no conditions imposed such as cooperation with law enforcement authorities.

Currently there is no law (in Lao PDR) that exclusively addresses the issue of trafficking in women and children. The Penal Code specify various degrees of punishment for offenses relating to trafficking activities, but nowhere does the Code actually defines "trafficking".

Source: Lao PDR: Preliminary Assessment of Illegal Labour Migration and Trafficking in Children and Women for Labor Exploitation, ILO Mekong Sub-regional Project to Combat Trafficking in Children and Women, 2003, Bangkok p.12

3.3 System of Referral, Coordination, and Cooperation

3.3.1 Regional Mechanism

ASEAN member countries must develop a system of referral and specific areas of coordination and cooperation using these Guidelines as the policy framework as well as other ASEAN Declarations/ Agreements such as the Declaration Against Trafficking in Persons Particularly Women and Children (Vientiane, 2004). This would facilitate action on child trafficking cases and ensure that his/her rights be protected.

Aside from the regional network, governments must establish linkages with international non-government organizations, networks and coalitions on the issue of child trafficking. The areas of collaboration and international cooperation maybe in areas of referral, technical assistance, data management, capacity building and research. There are a number of UN and international agencies present in the region such as UNICEF, ILO, Terre des Homes, Save the Children Alliance, International Organization on Migration, etc.

To facilitate action on cases of cross-border trafficking, each country should designate a focal point/ office or officer to handle referrals for immediate response by appropriate agencies.

ASEAN countries have ASEAN focal persons at the Ministry/Department of Foreign Affairs and Senior Officials on specific areas of concern, e.g. health, social welfare and development, women, etc. The existing structure may be used or a specific focal point be identified particularly for child trafficking.

There is a trend toward increased dialogue between countries of origin, countries of transit and countries of destination. Improved communication and shared responses between countries will lead to complementary and consistent programmes promoting the safety and dignity of trafficking victims, and preventing retribution from offenders and avoiding stigmatization or re-victimization. A number of anti-trafficking initiatives have been established at the regional level. Some of these groups are fairly advanced in dealing with trafficking—with countries such as Vietnam and China together having made good progress in bringing the perpetrators of trafficking crimes to justice, while Thailand and Laos have upgraded their joint services to victims. A number of NGOs also have developed regional networks to promote policies and models.

Source: Reed, B., Regional Initiatives against Trafficking: Victims Assistance, Capacity Building and Current Trends, Statement, International Organization for Migration, June 2007.

3.3.2 National Mechanism

At the national level, each country should establish a coordinative mechanism where each government agency involved in child trafficking has defined roles and responsibilities and clear areas of coordination and collaboration.

A national coordinating body to attend to both internal and cross-border trafficking should be established to ensure that immediate action is undertaken on referrals received within and outside the country.

In countries where they have laws on trafficking in persons, a national policy-making and coordinating body is established to address all issues and concerns on trafficking.

A database on trafficking in persons is imperative as basis for policy-making, planning and program development. A central information and data management system should be established under the national coordinating body on trafficking. It is important that the data be disaggregated to ensure that data on child trafficking is separate from that of adults. Data on trafficked children should include names, ages including date and place of birth, country of origin, names and address of parents, nature of trafficking situation and modus operandi used, services/interventions provided to trafficked child and family; names and areas of operation of traffickers, status of cases filed, if any.

Confidentiality of information and protection of child's privacy should be considered.

The following information, among others, are to be included in the database:

- statistics on the incidence of child trafficking within/outside country
- profile of trafficked children
- directory of agencies and programs and services
- list of suspected/convicted traffickers including modus operandi
- focal points of concerned government agencies for local, national, regional and international coordination
- laws, policies and procedures in cases of child trafficking at the local, national, regional levels

It is important that government establish a satisfactory working relationship with non-government organizations, networks and coalitions in terms of referral, coordination and cooperation. Areas for possible collaboration are:

- advocacy efforts against child trafficking and child's rights
- delivery of programs and services
- information and data management
- capacity-building/training of service providers
- research and documentation

The conduct of capacity-building/training of service providers on the referral system and other mechanisms should be a priority among relevant agencies to ensure prompt, effective and appropriate responses to child trafficking cases.

3.4 Interim Care and Protection

3.4.1 Safe places for children

The two documents differ in the use of words. The Bangkok Document states that "trafficked children should not be **placed** in detention centers...", while the ASEAN document says "trafficked children should not be **detained**...." Detention connotes imprisonment, incarceration, locking up or confinement and therefore presupposes a situation where the person is subject of a criminal proceeding. The use of the word "detained" to refer to the facilities as mentioned may also be redundant. The intention behind this provision is that trafficked children should in no case be detained or be placed in these facilities or even to facilities that resemble jails and detention facilities while awaiting proper disposition of his/her case or intervention. Thus, it may be recommended in national policies that trafficked children shall, in no case, be detained or placed in facilities that resemble jails or detention centers.

To further stress the point, the stay of the child in a detention facility or jail-like environment may not help in his/her early recovery, or may further aggravate his/her situation.

Shelters/children's homes/institutions/ child-caring agencies and crisis centers receiving and providing care and custody for trafficked children should be safe, secure and child-friendly. Their programs/ services are geared to meet the specific needs of trafficked children.

The concerned government agency should establish standards for residential facilities for trafficked children to ensure quality care for these children. Standards should include

- child appropriate, safe and secure physical facilities;
- competent staff duly trained in working with children;
- quality programs/services responsive to the needs of trafficked children; and,
- adequate budgets for the care of the children and maintenance of the facilities.

Shelters/children's homes/institutions/ child-caring agencies and crisis centers should be run by well-trained, competent staff which include, among others:

- social workers trained in case management of trafficked children,
- caregivers/house parents,
- administrative staff,
- educators, psychologists or psychiatrists and medical staff.

Standard qualifications in terms of educational attainment, experience and personality characteristics, etc. should be established to guide administrators of these centers in the recruitment and training of their staff.

Training programs should include:

- CRC, regional and national laws, policies on children,
- issues/concerns on child trafficking,
- developmental stages of children and their needs and behaviour,
- dynamics of trafficked children,
- roles and responsibilities of staff,
- team-building/multi-disciplinary team approach,
- laws, policies, programs/services,
- coordinative mechanisms among agencies addressing child trafficking e.g. referral system.

Apart from setting standards, the concerned government authorities should create monitoring mechanisms to oversee, regulate and evaluate shelters/homes/institutions/centers and their programs/services. Examples are:

- periodic reports,
- monitoring visits to agencies,
- dialogues with administrators, staff and the children themselves,
- evaluative research,
- case review/ conferences,
- documentation of good practices, and
- investigation of complaints reports.



Some countries have installed a system of licensing and accreditation of shelters/ children's homes/ institutions/centers which include monitoring and evaluation of these residential facilities.

3.4.2 Support Services

It is the obligation of governments to allocate funds/budget necessary for the implementation of the programs/services/ interventions, for the safety, care, recovery and reintegration of the trafficked child to cover, among others:

- security measures for child,
- food and accommodation,
- health/medical/dental care,
- psychosocial interventions, and
- educational assistance and vocational training.

The healing and recovery of the trafficked child after a traumatic experience is the primary objective of the interim care. The following services should be available to the child and his/her family as necessary:

- individual/group counseling;
- psychosocial services;
- educational assistance;
- vocational skills training;
- legal assistance/advice;
- medical, nutritional and dental care;
- livelihood assistance; and
- other support services, as appropriate.



3.4.3 Legalization of Status

Legalization of Status (Bangkok Document) vis-à-vis Legalization of Stay (ASEAN Draft Guidelines)

While it may be argued that "status" is more permanent than "stay", such difference may not seem apparent in language of the succeeding provisions of both documents. It may be gathered that both documents contemplate a situation where the trafficked child is without legal documentation. In such a situation, the child should not be considered as illegal migrant and that the child should immediately be granted an immigration status, whether such would be a temporary visa or other form of visa arrangements. The Palermo Protocol requires states to consider adopting legislation or other appropriate measures that permit the victim to remain in the territory where he/she is found, whether permanently or temporary. While the Protocol does require direct action from the State Parties, except to consider appropriate measures for the victim to be permitted to remain in territory where he/she is found, the States Parties are given discretion whether such measures are temporary or permanent. The Protocol suggests that if the domestic law does not provide for such measures, then it should be clearly defined in the national law.

The "stay" or "status" referred to in the guidelines, whether temporary or permanent, should not be conflated with allowing permanent, or more or less permanent residency, should repatriation or reintegration not be possible in the country of origin. In certain countries, temporary or permanent residency is given as an option for trafficked persons as a durable or long-term solution when reintegration or return to country of origin is not feasible.

The ASEAN Draft is more specific by mentioning "transit or destination countries" rather than "country/place in which they are found" as worded in the Bangkok Document. The more important aspect, however, of this guideline is for transit or destination countries not to treat trafficked children as illegal migrants. They should be treated as victims instead.

More than the issue of "status" or "stay", it is important that the child is given a legal or regular status or stay, whether permanent or temporary, to guarantee the child that his/her stay is safe and secure, that he/she is given time to recover and reflect, or that he/she is given time to decide whether or not to cooperate with law enforcement authorities. While a permanent status sounds good, it may not necessarily be for the best interests of the child, especially when family reunification is possible and that the family's security is not compromised. Therefore, national legislation or policies providing permanent or temporary status to a trafficked child, should include appropriate standards to promote the trafficked child's best interests. It should be understood that trafficked children may not have money to pay the fees and charges imposed to secure appropriate immigration status, whether permanent or temporary. Thus, concomitant with providing an immigration status, whether permanent or temporary, to the trafficked child, should be waiving all fees attendant thereto.

3.5 Social Case Management of Trafficked Children

3.5.1 Individual Case Assessment

Each trafficked child should be treated as an individual and not as part of a group. The assessment of an individual child should be conducted by a social

worker or in his/her absence, by an allied professional (psychologist, teacher, doctor, etc.) who has background/intensive training in child protection.

The assessment is the basis for an intervention plan where the best interest of the child is the primary consideration.

The assessment shall consider, but not limited to, the following:

- child's personal circumstances including his/her needs, emotional status and behaviour during and after the trafficking experience
- family background and relationship with child including their role in the trafficking situation, if any;
- circumstances leading to the trafficking situation and what actions were done by authorities and how child was able to cope;
- services/interventions provided to child and family, if appropriate; and,
- resources and plans of the child and family to rebuild their lives.

The intervention plan should be arrived at as much as possible, with the participation of the child and his/her family based on the assessment done by the social worker and other members of a multi-disciplinary team. As such, it should have considered the ethnic, cultural, faith and religious background/identity of the child.

The objective of the intervention plan is for child's continuing care and support to enable him/her to recover from the experience and work towards his/her reintegration with family and community. Child's reintegration with his/her family may need further study if his/her family and relatives were involved in the trafficking situation. Alternative care for the child maybe sought if found to be in his/her best interest.

In cases of cross-border trafficking, the social welfare service provider should coordinate with his/her counterpart in the country/place of origin and transit or destination and both should exert efforts to locate the child's family or relatives. If found to be in child's best interest, measures to reunite him/her with his/her family should be undertaken.

Care providers must:

- consider what the child wants to do, such as return home to her/his family or community or attend school or a training course or obtain a job
- prior to integration, give practical information regarding housing, employment, further education, savings and other financial management, etc.
- establish an open channel of communication with the child so that she/he can contact the care provider whenever she/he needs to

Source: ILO, 2006, Child-friendly Standards and Guidelines for the Recovery and Integration of Trafficked Children, Bangkok, pp. 29 to 30.

In general, the social worker of the child is the case manager but the intervention plan is a product of a multi-disciplinary assessment. The multi-disciplinary team should monitor and periodically evaluate plan implementation.

3.5.2 Identification of a Durable Solution

It is the responsibility of the government authorities of the country/place of origin and transit or destination, in partnership with non-government organizations at the local, regional and international levels to identify the most appropriate long-term solution for the trafficked child. There should be open lines of communication and sharing of information between and among agencies involved in the case.

The following, but not limited to, factors should be considered in arriving at a durable solution for the trafficked child:

- child's nationality and citizenship;
- family background, environment and other circumstances;
- risk of reprisal from traffickers;
- security capability of the country/ place of origin and transit or destination.

The concerned government authorities should appoint a qualified guardian to represent and assist the trafficked child during the process of identifying and implementing the durable solution. As much as possible, the guardian should be a responsible individual in the community and not one of the service providers responsible for the child's case. He/she should serve as long as necessary and expenses incurred in the performance of his/her duties should be reimbursed by concerned authorities. Further, he/she should be given appropriate protection from reprisals of the traffickers, etc. while performing his/her tasks.

The child's return to his/her country/place of origin as a durable solution should only be pursued if:

- there are already suitable care arrangements for the child;
- parents/guardians are found responsible and adequate to resume their roles as parents/guardians to the child;
- social welfare service providers and other concerned government authorities takes full responsibility for the care and protection of the trafficked child.

The child's participation in matters affecting his/her life is imperative particularly in decisions whether he/she goes back to his/her country/ place

of origin and/or be reunited with his/her family. The child's age, maturity and evolving capacities should be considered in determining the extent and level of his/her participation.

The government authorities may subject for independent review, all the decisions made in relation to the return of a trafficked child to his/her country/place of origin and/or reunification with his/her family.

3.5.3 Implementation of a Durable Solution

In cases where it is in the best interests of the trafficked child to be returned to the country/place of origin, the authorities of the child's country/place of origin should expeditiously process the child's passport/travel document as well as coordinate with their counterpart in the country/place of transit or destination for the safe return of the trafficked child.

The child should also be prepared for his/her return to the country/ place of origin by the social welfare service provider. Further, the parents/guardian and authorities of the country/place of origin must also be prepared to receive the trafficked child such as child care arrangements, etc.

The costs for repatriation of the trafficked child to his/her country/place of origin shall be borne by the following, in the order of responsibility:

- child's country/place of origin,
- country/place of transit or transit to provide assistance to the country/ place of origin,
- International organizations such as the UN or the IOM when both countries/places are not financially capable.

In cases when it is not in the child's best interest to be repatriated, the country/place of origin should coordinate with the authorities of the country of transit of destination for provisions of alternative care of the trafficked child. Preferred alternative care arrangement is care of the child in a family such as foster care, guardianship and adoption.

The ASEAN draft emphasizes the need to collaborate with concerned authorities in the country of transit of destination for the alternative care of the trafficked child and that the preferential option is care for the child in a family rather than institutional/residential care.

The resettlement of the trafficked child in a third country should be explored in cases where, in the child's best interest, return to his/her country/place of origin nor stay in the country of transit or destination is not feasible.

As a principle and in consonance with the child's right to a family, residential or institutional care should be the last recourse. Family and community care arrangements should be the best option for the child such as foster, guardianship and adoption.

Long-term care arrangements for the trafficked child, whether in the country/place of origin or country of transit or destination should include, but not limited to, the following:

- safety and security for the child and his/her family against reprisals from traffickers,
- access to health-care, psychosocial support, social services, education and livelihood assistance.
- other services needed for the recovery and reintegration of the child in his/her family and community or alternative care.

In Cambodia, two of the NGOs...formerly involved with rescue and rehabilitation of trafficked girls and women, have modified their strategy to one of prevention, through a new focus on community organizing, income generation, food security and non-formal education to assist at risk children.

Relevant new skills have been acquired by village development communities and by other members of the community in the management of the village bank, rice bank, cow bank, small loans, group loans, revolving funds and self-help groups. This has the effect of building confidence and competence in local affairs, thus contributing to combating trafficking.

Source: Business enterprise can be any size (Micro-finance services and business development to combat trafficking), ILO Mekong Sub-regional project to Combat Trafficking in Children and Women, Sharing Experience and Lessons Learned (SELL) series, p. 5.

3.5.4 Monitoring of Implementation of Durable Solution

The authorities concerned in the country/ place of origin and the country of transit or destination should install a system or mechanisms particularly at the community level to monitor children who have been trafficked to ensure that they will not be trafficked again. A community-based monitoring system on the status of children at the village will be helpful.

Concerned authorities in the country/place of origin of the trafficked child should institutionalize mechanisms to monitor the implementation of the durable solution to ensure that children are fully reintegrated with their families and communities. They should also ensure that the system of surveillance, investigation and prosecution of traffickers are in place.

3.6 Access to Justice

Protection of the right to access justice in Cambodia, as in many countries, is still very much undertaken by the NGO sector. Obtaining justice depends on the "luck" of making contact with a specialized NGO that can accompany the victim throughout the process and advocate for their interests.

...even where a case is successful, it is extremely rare for a victim to receive compensation for the harm suffered. There is a need to reinforce and create State-managed mechanisms for confiscation and freezing of assets.

Source: Bilbatua, N., "Cambodia: Thida's Case", Alliance News, Issue 26, Dec., 2006, Global Alliance Against Traffic in Women, pp.39-40.

3.6.1 Victim/Witness Security and Protection

For crimes caught in the act, the police and the prosecutor must accomplish the filing and inquest of case within 36 hours. If the case is not filed within that prescribed time, the suspect must be released from detention. After 36 hours has lapsed, then the case must go through the regular preliminary investigation where the police must secure and serve a warrant of arrest from the judge to the suspect. However, this is very demoralizing for most policemen considering that the suspect is someone who has already been arrested, has been let go of and may already be in hiding, but must be pursued again. For a preliminary investigation to prosper, a complaint affidavit from the child victim must also be secured and submitted to the prosecutor. There are cases wherein without the victim's complaint, there is no probable cause. Further, the child may say that he or she has not yet recovered from the trafficking incident or can even retract his/her statements, making it more difficult to pursue the case. These are just some of the problems encountered by law enforcers concerning the handling of child trafficking cases.

Source: Notes on the Philippine Guidelines on Protecting the Rights of Children Victims of Trafficking

The decision of the child whether or not to cooperate as a witness in any legal case should only be arrived at after the trafficked child would have fully rested and emotionally stabilized and is in a safe and secure place. There should be no pressure put on him/her by authorities.

A professional assessment of the child's readiness and ability to make a decision whether to cooperate as a witness in a legal case should be undertaken. Such an assessment include, but not limited to:

- child's physical and psychological situation/stability;
- child's understanding of the trafficking situation and implications to whatever legal action he/she has to take;
- child's access to services including his/her safety and security as well as his/her family, if appropriate;
- availability of continuing legal support to follow through any legal action, if indicated.

Once a trafficked child agrees to be a witness, he/she should be provided services/interventions to protect him/her and his/her family and other significant persons related to him/her. Their safety and security from reprisals from traffickers is of utmost importance including continuing legal support. He/she should be duly informed regularly regarding the progress of the case and what is expected of him/her.

It is important that trafficked children are able to speak or to testify intelligently and freely. They are so young and vulnerable that it may be difficult for them to testify in court especially in the presence of their traffickers. Thus, court procedures should allow ways for the child to be able to testify in a child-sensitive and child-friendly manner, without having to confront his/her

traffickers face to face, while also affording the defense to cross examine the trafficked child.

In addition to special court procedures, a special court with child-friendly environment and facilities should be established wherever possible. It should be noted that trafficked children may be found in an environment different from where he/she came from. Thus, courts should have qualified translators or interpreters to allow the child to speak in vernacular or his/her mother tongue. Courts where cases of trafficking are tried should also be presided by judges who are trained in handling cases involving children.

The public disclosure of the name of the trafficked child and any other information tending to establish his/her identity unduly puts him/her to danger or risks of retaliation including his/her family. The protection should include the confidentiality of the civil or criminal action or proceedings and such should be ensured by law enforcement, prosecution and judicial authorities.

The protection of the right of the trafficked child to privacy and the confidentiality of criminal and civil action or proceedings should likewise be respected by the media. The media should not cause undue publicity of the case of a trafficked child.

There are many demands for victims of trafficking to be put into witness protection programmes. However, it must be determined whether there is a practical solution in every case. Ideally, protocols of agreements should be set up between the police and support organizations that regulate all possible problems. An example can be mentioned of an agreement that first sets out a basic understanding between the law enforcement and the counseling service:

- Trafficking offenders will be efficiently prosecuted and testifying victims have a key role to play in this process.
- All parties must acknowledge the trauma caused by the crime and the penal proceedings.
- Victims must be treated with dignity.
- A cooperating victim is always at risk.
- The better the care and counseling of the victim, the better their evidence will be
- All measures taken under the witness protection programmes must be carried out by mutual consent.
- There is a clear separation between investigation and care. The respective roles must be clear to the victim.

Source: Combating Human Trafficking in Asia: A Resource Guide to International and Regional Legal Instruments, Political Commitments and Recommended Practices, United Nations, New York, 2003, p.49

3.6.2 Criminal Proceedings

Law enforcement authorities and/or prosecutors should inform the trafficked child about the risks and security issues that are associated with criminal proceedings before getting the child's approval to cooperate in such proceedings. It may be critical in this process to inform the child regarding the assistance and support that will be given to the child during the entire criminal proceedings. It is not enough that he/she is informed of the risks and security issues but also the assistance that can be offered to him/her.

The right to legal representation should always be available for the trafficked child. Even if found in his/her country of origin or not, a child may not be familiar with legal system and therefore the availability of legal representation

should be guaranteed to inform him/her of his rights and other information necessary regarding the criminal proceedings. Such representation should not only be made available but should also be free and competent. In the absence of any government mechanism that provides free and competent legal representation, it may be necessary to enter into an agreement with existing private law groups or associations that provide such services.

The right of the child to return or reunify with his family is guaranteed under international human rights instruments including the CRC. Thus, appropriate measures should be put in place to ensure that any statement taken by any law enforcement authority, lawyer, prosecutor or any other authorized officer does not prevent or delay a trafficked child's return or reunification with his/her family.

Arrangements should be made that the child's statement is taken expeditiously without sacrificing the content of such statement. If not possible, other modes allowed in the country's legal procedures of securing his/her statement should be explored.

The expediency of taking the child's statement should not in any case compromise the child's readiness and willingness to give the statement. Thus, this particular guideline should take into consideration the earlier relevant guidelines.

This guideline is consistent with the provisions of the UN Convention Against Transnational Organized Crime. Countries should include in their legal regimes the confiscation, freezing and forfeiture of assets of the traffickers where the payment for compensation to the trafficked child may be derived.

3.6.2 Civil Proceedings

The trafficked child and his/her parents should be informed about the possibility of claiming compensation for the damage caused as a result of trafficking. There may be two ways that a trafficked child may recover compensation. One is through a state's victim compensation fund, and the other by way of court action for recovery of damages, either through a criminal action or a separate civil action for recovery of damages. More often than not, state compensation package is lower than court adjudicated award for compensation.

It may be a lot easier to recover damages if the same is simultaneously instituted in a criminal action rather than by way of a separate or independent civil action which may take time. In that case also, the prosecutor serves as his/her counsel in the civil aspect of the cases without need of getting a private lawyer to prosecute the civil action. If not yet allowed under existing legal regimes, the State should consider providing for such measures.

Appropriate procedures should also be adopted allowing the recovery of compensation independent from the criminal action. In such cases, provision for free and competent legal counsel must be ensured.

3.7 Care and Protection for Social Welfare Service Providers

3.7.1 Compensation

The concerned government authorities should develop a mechanism to ensure that social welfare service providers are given compensation, medical benefits or health insurance and other assistance, when they are injured or contract diseases in the performance of their duties to trafficked children as well as those resulting to reprisals from traffickers.

3.7.2 Legal Assistance

More often, social welfare service providers are threatened with, or are subjects of, a law suit in the performance of his/her functions. In this regard, the State should provide legal protection and/or legal assistance. The ASEAN draft however provides a qualification that the act done which is subject of a suit should be done in good faith. The Bangkok document does not provide for such qualification. Thus, countries should consider this consistent with existing national legal framework.

3.7.3 Support System

Concerned government authorities should establish a support system for social welfare service providers such as membership with professional associations and networks where common experiences and insights can be shared in handling child trafficking cases. The academic community may be tapped in the training, documentation and research on the roles of social welfare service providers to enhance knowledge and skills. Incentives, awards and recognition of excellent work performance will inspire others, too, to meet challenges of their work with trafficked children.



3.8 Capacity building

3.8.1 Communities

Increasing the awareness at the community or village level is the first line of defense in combating child trafficking. Community education on the issues of trafficking, effects on children and preventive measures should be directed to the children, families and the community as a whole.

3.8.2 Persons working with trafficked children

The ASEAN draft emphasizes the training of the multi-disciplinary team working with trafficked children. Under 3.3.6.4 on the assessment of a trafficked child, multi-disciplinary team approach was already mentioned.

The training design for the members of the team should include, but not limited to:

- assessment of training needs,
- substantive content based on the training needs assessment,
- monitoring and evaluation of training program.

The team members should have access to education and training programs on child trafficking offered by government, non-government organizations and international agencies. Topics included:

- human rights and child's rights,
- gender and development,
- reproductive health,
- child labor and its worst forms,

- migration issues,
- international instruments, regional and national laws/policies.

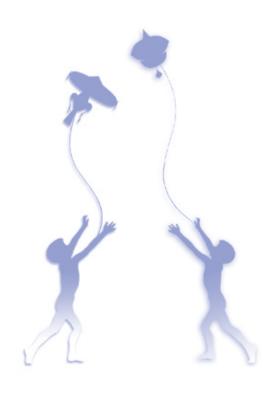
Aside from gaining knowledge in training programs, the team members should also gain practical skills in working with trafficked children which shall include:

- psychological counseling individual and group,
- legal counseling,
- social case management,
- documentation,
- data collection and management,
- child-friendly interview methods,
- investigative techniques, and
- stress management.

A main part of the team's training is on the use of these Guidelines which should be the basis for the formulation of national guidelines. As much as possible, these Guidelines should be translated into the language of the country and popularized or written in a more child-friendly manner for children and the communities.

ASEAN should conduct a training program on these Guidelines for the focal points/officers and other concerned authorities from each of the ten member countries to ensure coordination, cooperation and collaboration in addressing the child trafficking problem in the region.

Government authorities should annually allocate funds for continuing capacity building of the members of the multi-disciplinary team to address their training needs. Technical assistance may also be sought by governments from regional, international agencies in this area.



Asia ACTs is the regional campaign to fight child trafficking in Southeast Asia. It joins the outrage of people's movements, children, private sector and governments in the region against the existing of child trafficking as one of the most blatant violations of children's rights. It urges respective authorities to immediately implement human rights standards for trafficked children

Asia ACTs works by complementing the efforts of other child rights organizations and agencies and seeks to forge alliances with groups dedicated to protect children.

Asia ACTs also believes that the participation of children and young people in their own protection and development is important for the success of the campaign against child trafficking.

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PROTECTING THE RIGHTS AND DIGNITY OF THE TRAFFICKED CHILD IN SOUTH EAST ASIA

mainly deals about the Proposed Guidelines for the Protection of the Rights of Trafficked Children in South East Asia, and the comments and suggestions from the Senior Officials of the Association of South East Asian Nations (ASEAN).

A comparative analysis was done in anticipation of the eventual implementation of the guidelines by the respective governments, especially in Burma, Cambodia, Indonesia, Thailand, Philippines, Vietnam and Lao PDR. The comparative analysis would help determine possible lobby points, networking and coordination efforts all geared towards extending the best possible protection to all trafficked children.





